

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Plan Change 9 – Tūtaekurī, Ahuriri,
Ngaruroro and Karamū Catchments to the Hawke’s
Bay Regional Resource Management Plan

AND

IN THE MATTER of the submissions by Ravensdown Limited
(Submitter No. 135)

STATEMENT OF EVIDENCE OF ANNA MARY WILKES

ON BEHALF OF RAVENSDOWN LIMITED

6 MAY 2021

SUMMARY

- A. Ravensdown Limited (**Ravensdown**) is a farmer-owned co-operative with over 1,250 farmer shareholders based in Hawkes Bay. Ravensdown is a science-focused organisation delivering quality agri-products, technologies and services, and is an integral part of the food creation process, whether the food is grown for livestock or for humans.
- B. Ravensdown supports the adoption of good management practices delivered through robust Farm Environment Plans, or Freshwater Farm Plans, to manage the impacts of farming activities on the environment. Farmers are facing an increasing environmental compliance burden through both national and regional regulatory requirements. In considering regional requirements that extend beyond national direction it is important that costs on the farmer and resourcing the requirements are also considered.
- C. Ravensdown also operates a superphosphate manufacturing site at Awatoto (the **Napier Works**), the largest superphosphate manufacturing plant in New Zealand. The Napier Works is a key contributor to both the local and national economy. It also plays an essential part in providing the key nutrients required for the ongoing development of New Zealand agriculture. In Hawke's Bay Ravensdown also operates bulk fertiliser distribution stores in Napier (Severn St and Napier Port), Wairoa and Waipukurau, although only the Severn Street and Napier Port stores are located within the Tūtaekurī, Ahuriri, Ngaruroro and Karamū (**TANK**) Catchments.
- D. In general, Ravensdown supports the intent of PC9. However, as I have discussed within my evidence, Ravensdown has concerns associated with resourcing the implementation of PC9 in relation to the framework for farming activities, and some more general comments relating to the nitrogen management provisions and stormwater management provisions.
- E. While some of Ravensdown's submissions have been addressed through the section 42A Report's recommendations for amendments to Proposed Plan Change 9 – TANK (**PC9**), a number of matters, as traversed in Ms Taylor's evidence, require further consideration and amendment.

1. INTRODUCTION

- 1.1 My full name is Anna Mary Wilkes
- 1.2 I am employed by Ravensdown Limited (**Ravensdown**) as the Environmental & Policy Manager. I have worked in this role since February 2020 and for three years prior I was the Environmental Policy Specialist.
- 1.3 Prior to joining Ravensdown, I was employed by Golder Associates Limited (and its predecessor Kingett Mitchell Limited) in various environmental consulting roles between 2005 and 2017.
- 1.4 I have a Bachelor of Science in Microbiology (1997) and a Master of Science with Honours in Biochemistry (2000) from the University of Canterbury. I also have a Master of Resource and Environmental Planning with Honours (2018) from Massey University.
- 1.5 I am an Associate Member of the New Zealand Planning Institute and a member of the Resource Management Law Association.
- 1.6 I am presenting evidence as a representative of Ravensdown, and not as an expert witness.

2. SCOPE OF EVIDENCE

- 2.1 The scope of my evidence is to provide contextual background to Ravensdown's interest in Proposed Plan Change 9 – Tūtaekurī, Ahuriri, Ngaruroro and Karamū (**TANK**) catchments (**PC9**) prior to Ms Taylor addressing specific planning matters in her evidence.
- 2.2 In **Section 3** of my evidence, I provide an overview on Ravensdown's general interest in regulatory processes, the significance of the Napier Works superphosphate manufacturing site and bulk fertiliser stores, and Ravensdown shareholders' farming interests. In this context, I also comment on Ravensdown's specific areas of interest in PC9.
- 2.3 In **Section 4** of my evidence, I raise specific matters arising from PC9, namely, concerns with resourcing the implementation of PC9 and some comments relating to the nitrogen management provisions and stormwater management provisions.

3. RAVENSDOWN LIMITED

Ravensdown's Interest in Regulatory Processes

- 3.1 Ravensdown takes an interest in a wide range of resource management matters that relate to rural and industrial activities and participates in planning processes at the national and regional level through preparing submissions on regulatory, policy and plan mechanisms prepared under the Resource Management Act 1991 (**RMA**).
- 3.2 In participating in policy and regulatory development processes, Ravensdown recognises the need for the environmental impacts of farming to be mitigated and is supportive of an effects-based approach. However, given the importance to New Zealand of its farming sector, it is important that farmers' ability to operate is

protected and they retain the opportunity to innovate and to run farm businesses that are productive, sustainable and profitable.

- 3.3 In addition, Ravensdown has its own manufacturing, quarrying and bulk fertiliser store activities to service its customers. Ravensdown supports the need to mitigate the effects of its operations on the environment and is committed to fulfilling its environmental obligations in order for its business activities to continue.
- 3.4 In particular, Ravensdown participates in planning processes to ensure policies and regulations incorporated into plans or other planning mechanisms, seek and find an optimal balance between any necessary amendments to farming activities, as well as its industrial operations, and the use of the products it has developed to assist with sustainability, growth and production in the rural sector, and ultimately the economic and social wellbeing of the rural community and New Zealand.

Ravensdown's Shareholders in Hawke's Bay

- 3.5 Ravensdown has over 1,250 shareholders in the Hawke's Bay region. Almost 80% of these are sheep and/or beef farmers, with the remainder comprising dairy and dairy runoff, mixed or other livestock, horticulture, cropping systems and lifestyle blocks.

Ravensdown's Business

- 3.6 Ravensdown exists to enable smarter farming for a better New Zealand. As a farmer-owned co-operative, Ravensdown's products, expertise and technology help farmers reduce environmental impacts and optimise value from the land.
- 3.7 Ravensdown is an integral part of the food creation process, whether the food is grown for livestock or for humans. Ravensdown tests for, advises about, manufactures, buys, ships, stores, spreads, measures and maps food-creating nutrients and fertiliser for its farmers in an integrated way.
- 3.8 Ravensdown is a science-focused organisation delivering quality agri-products, technologies and services. Ravensdown provides:
- (a) Practical insights, trusted guidance and lab-based diagnostic data on soil and plant samples.
 - (b) Environmental consultancy to assist farmers to mitigate impacts and move beyond compliance.
 - (c) Quality agri-products including agrichemicals, seeds and animal health products.
 - (d) Manufacturing superphosphate at dedicated plants in Christchurch, Dunedin and Napier.
 - (e) Lime quarries producing agricultural lime products.
 - (f) Logistics and storage of bulk fertiliser and other products to ensure they are available when needed.
 - (g) Global sourcing from top tier suppliers.
 - (h) Capability for precision fertiliser application by ground and by air.
 - (i) Map-and-measure technology for better on-farm decision making.

- (j) Innovation and research to ensure advice and solutions are based on sound science.
- 3.9 Ravensdown provides the nutrients that nourish New Zealand's soil which, in turn, feed the plants and animals that deliver the products that can command a premium on the world stage. Smarter farming is all about smarter choices for the environment. Sales are important but as a farmer-owned co-operative, it is not Ravensdown's policy to sell farmers more than they need. Precision agriculture is about the right amount of the right inputs in the right place, applied at the right time. Smarter farming is also about always having the right reason - the focus on the environment, community and kaitiaki (stewardship).
- 3.10 In addition to its three superphosphate manufacturing plants, Ravensdown operates a network of fertiliser bulk stores and quarries throughout New Zealand. In the Hawke's Bay region there is the manufacturing plant at Awatoto (the **Napier Works**) and bulk stores in Napier (Severn Street and Napier Port), Wairoa and Waipukurau. The Napier Works, and the Severn Street and Napier Port stores are located within the TANK Catchments.
- Napier Works**
- 3.11 The Napier Works, located in Awatoto between farmland and local industrial businesses, undertakes the manufacture, storage and sale of fertilisers. It is a key contributor to both the local and national economy and also plays an essential part in providing the key nutrients required for the ongoing development of New Zealand agriculture. Dependant on customer demand, upward of 250,000 tonnes of superphosphate is manufactured on site each year. This supplies Ravensdown customers across the North Island with periodic transfers to the South Island.
- 3.12 The Napier Works employs 57 full time staff, with a further 30 Ravensdown staff in the Customer Centre and other services located in office buildings at the site. In addition, approximately 170 contractors work on-site annually to assist with maintenance and development projects.
- 3.13 The Napier Works supports essential infrastructure in the region. It is also the largest importer of product through the Port of Napier. Direct economic activity, and indirect employment and economic activity associated with the Napier Works is significant.
- 3.14 The Napier Works operates under a number of resource consents issued by Hawke's Bay Regional Council. The regional resource consents are:
- | | | | |
|-----|---------------------------------------|--------|-----------------|
| (a) | Discharge to Air Consent DP050561Ab | Expiry | 21 October 2022 |
| (b) | Discharge to Water Consent DP040143Wa | Expiry | 31 May 2022 |
| (c) | Water Take Consent WP060639Tb | Expiry | 31 May 2027 |
- 3.15 Given the upcoming expiry of the Napier Works' regional resource consents, a resource consent renewal project is currently underway. Project work, in the form of technical assessments, are well advanced in preparation for applying for replacement resource consents for both the discharge to air and discharge to water. Stakeholder consultation is a key component of the current phase of work.

TANK Process

- 3.16 Ravensdown wishes to acknowledge the extensive time and effort put in by Hawkes Bay Regional Council (**Council**) to develop the 'TANK Plan' over the past 8 years. Although not directly involved in the process at a local level, I have found the regular communication from the Council, in the form of newsletters and a website which was kept up to date with the latest technical reports, and the draft proposed plan change documents, very informative in the lead up to the notification of PC9.

Ravensdown's Interest in PC9

- 3.17 On behalf of Ravensdown's farming shareholders, Ravensdown is interested in the planning framework for farming activities that will apply under PC9. It is particularly important to Ravensdown that PC9 provisions can be effectively implemented and that they are consistent with national planning provisions that apply to farming activities, or that have been signalled to apply in the near future.
- 3.18 Other provisions in PC9 which are of particular interest to Ravensdown relate to the Napier Works and the stores. These include the appropriate recognition and provision industrial water uses, stormwater management provisions and the extent of the proposed Napier Source Protection Zone and its associated restriction on other activities. These issues are of particular relevance to Ravensdown given its upcoming application for a replacement resource consent to discharge treated wastewater and stormwater from the site, and the future replacement resource consent to take groundwater for use within the Napier Works.

4. MATTERS ARISING FROM PROPOSED PLAN CHANGE 9

Resourcing

- 4.1 I manage a national team of 20 farm environmental consultants, predominantly Canterbury-based. Two full-time staff service Hawkes Bay where their workload, to date, has been focussed on the delivery of Farm Environmental Management Plans (and associated nutrient budgets) for the Tukituki catchment. When needed, they have the support of three other North Island based staff.
- 4.2 While I acknowledge and support the proposed staged approach to delivery dates for Freshwater Farm Plans (**FFP**) (and associated nitrogen loss rates and nitrogen loss targets) under PC9, as shown in the Schedule 28 (Priority Catchments) and the associated Planning Maps, it is important to flag potential challenges in resourcing the delivery of this considerable volume of work across the TANK catchments.
- 4.3 The Government has signalled that the national requirement for certified FFP will be through staged delivery based on "*priority regions, catchments, farm systems or practices and/or other factors*"¹. It is not known at this point whether the Government's priority catchments will align with the PC9 priority catchments. It is also unclear whether the Government's FFP will require a nutrient budget prepared in Overseer (or some other model/method). The certification requirements for practitioners are also awaiting clarification.

¹ Ministry for Primary Industries <https://www.mpi.govt.nz/funding-rural-support/environment-and-natural-resources/protecting-freshwater-health/> accessed 3 May 2021.

- 4.4 Ravensdown is committed to building capability within its environmental consulting business unit to support its shareholders in meeting the raft of new regional and national regulations. However, this requires a significant investment in staff training. Ravensdown works closely with Council to ensure that resourcing challenges are communicated and anticipate that this need will continue. It is increasingly apparent within the primary sector that resourcing the capability and capacity of the professionals to service the increasing environmental compliance needs of farmers on a national basis will be an ongoing challenge.

Nitrogen Management Provisions

- 4.5 The s42A Reporting Officer has recommended two new definitions, 'Nitrogen Loss Rate' and 'Nitrogen Loss Target' be inserted into the Chapter 9 (Glossary of Terms) of PC9, with these concepts then applying to farming activities in 'high priority catchments' for total nitrogen concentration or nitrogen yield (as identified in Schedule 28 and the associated Planning Maps). Ravensdown is generally supportive of these definitions as discussed by Ms Taylor in her evidence.
- 4.6 Ravensdown supports the use of OverseerFM nutrient budgets as a tool to inform on farm nutrient management decisions and to demonstrate the 'direction of travel' in terms of reducing nitrogen losses (in PC9 this would be comparing to the Nitrogen Loss Target).
- 4.7 Ravensdown also supports the recognition in the Nitrogen Loss Target definition that some properties will already be operating at Good Management Practice (**GMP**), or 'good industry practice' as sometimes expressed in PC9, whilst acknowledging that GMP will itself evolve over time. It is important that this flexibility is provided in regional plans to enable farmers to adopt new innovations and technologies as they evolve, whilst also enabling the regulator to anticipate improved environmental outcomes over the life of the plan.
- 4.8 Ravensdown does not support the use of OverseerFM nutrient budgets as a 'blunt regulatory instrument' determining resource consent compliance or activity status, as it is used in other regions. It is noted that Council has not proposed to use OverseerFM in this manner in PC9.
- 4.9 However, I consider that it is important to recognise that the preparation of OverseerFM nutrient budgets is yet another compliance cost to be borne by farmers. As currently proposed in PC9, the preparation of the Nitrogen Loss Rate would cost approximately \$1,500 to \$2,000 to prepare. The Nitrogen Loss Target would incur a similar cost. An update to the Nitrogen Loss Rate to reflect recent farm operations costs is in the order of \$1,500 (required three yearly in the Tukituki catchment and excluding the Overseer license fee of \$400). I note that from my review of Schedule 30 it is not clear what the frequency of updates for such calculations will be (i.e., is it every five years within the annual report or as part of the audits²?). The above costs are in addition to the cost of preparing a FFP (approximately \$1,500 - \$2,500) and resource consent application (approximately \$1,500 to \$2,000). Any audit costs would be additional (in Canterbury a Farm Plan audit is in the order of \$2,000 with the frequency being determined by the audit grade i.e., higher grade, less frequent audit).

² Schedule 30, from my reading, does not identify the auditing frequency.

- 4.10 Given that the Overseer model functions as a long-term averaging model there is limited value in re-running the model every year if there have been no substantive changes to the way the farm is being operated. An alternative consideration could be to only require an update to the nutrient budget at the time that the FFP is audited (under the national requirement) or updated.

Stormwater Management Provisions

- 4.11 Ravensdown supports the need for reducing stormwater contaminant loads in order to achieve improvements in receiving water environments. As a business we are committed to improvements in stormwater management across our network of operational sites, including at our Severn St bulk store and the Napier Works at Awatoto. Projects are underway at both of these sites to reduce contaminants entering stormwater.
- 4.12 The s42A Report provides a detailed discussion on the approach to applying water quality targets to the TANK catchments and the potential for alignment with the National Policy Statement for Freshwater Management 2020 (**NPS-FM**). Ravensdown supports the Reporting Officer's recommendation in paragraph 1054 seeking better alignment of Schedule 26 with the NPSFM.
- 4.13 Ravensdown's submission sought the deletion of the reference to the percentile limits in the notified POL TANK 30, although as discussed by Ms Taylor in her evidence, the s42A Reporting Officer's recommendation is to retain this provision, albeit by clarifying that it was the ANZECC Guidelines 2018 being referred to. While Ravensdown is not opposed to the need for PC9 to seek improvements in ecosystem health, and the role that the ANZECC Guidelines 2018 may play, if relevant guidelines are not incorporated into Schedule 26, Ms Taylor in her evidence has proposed amendments to POL TANK 28 and 30, that I consider address my concerns.
- 4.14 Ms Taylor discusses some issues pertaining to the need for PC9 to set clear expectations in terms of water quality outcomes sought in relation to the use of guidelines/standards to aid plan users.

5. CONCLUSION

- 5.1 In conclusion, Ravensdown is generally supportive of the need to sustainably manage the land and water resources in the TANK catchments. Ravensdown's interests relate to the nature of farming activities undertaken by its farmer shareholders in the region and its own fertiliser manufacturing and distribution operations.
- 5.2 While some of Ravensdown's submissions have been addressed through the section 42A Report's recommendations, Ms Taylor has addressed other matters which in our opinion warrant further consideration.



Anna Wilkes
6 May 2021

IN THE MATTER of the Resource Management Act 1991

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Ngaruroro and Karamū Catchments to the Hawke’s
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IN THE MATTER of submissions by Ravensdown Limited
(Submitter No. 135)

STATEMENT OF EVIDENCE OF CARMEN WENDY TAYLOR

ON BEHALF OF RAVENSDOWN LIMITED

6 MAY 2021

SUMMARY

- A. Ravensdown Limited (**Ravensdown**) lodged submissions on the Proposed Plan Change 9 – Tūtaekurī, Ahuriri, Ngaruroro and Karamū (**TANK**) Catchments (**PC9**) to the Hawke’s Bay Regional Resource Management Plan (**HBRMP**). I prepared the submission on behalf of Ravensdown.
- B. Ravensdown’s submission expressed support for the framework, as provided in PC9, where farming activities are required to implement specific actions, in accordance with identified timeframes, to meet PC9’s freshwater quality objectives. This includes the adoption of good (management) practices, either as part of an Industry Programme, Catchment Collective or via an individual Farm Environment Plan (**FEP**). Ravensdown also supported the requirement for Industry Programmes, Catchment Collectives and FEPs to be approved and audited.
- C. In the context of Ravensdown’s operations within the TANK catchments, namely its Napier Works and its Severn Street store, Ravensdown supported the fact that PC9’s regulatory framework effectively recognised and provided for resource use activities at these sites. Ravensdown’s submission also supported the requirement for such activities to contribute to the achievement of the freshwater quality objectives and the reduction of water quantity over-allocation.
- D. I too support the PC9 provisions and approaches which Ravensdown supported in its evidence.
- E. However, as stated in **Section 2** of my evidence, there are five key outstanding matters arising from Ravensdown’s submission, and a number of other matters, discussed within my evidence, which in my opinion give rise to the need for amendments to some specific PC9 provisions.
- F. The first outstanding matter relates to the PC9 framework for farming activities as discussed in **Section 3** of my evidence. While I consider that the proposed framework effectively puts in place a new regulatory framework that will ensure that PC9’s objectives will be met, I have expressed concern about lack of consistency with the national instruments. In my opinion, the proposed change of use of production land rules are inconsistent with the agricultural land use intensification rules of the National Environmental Standard for Freshwater (**NES-F**). As PC9 rules cannot be more lenient than the NES-F regulations, I consider that Rule TANK 5 should be deleted and the activity status of Rule TANK 6 amended to discretionary, along with some other minor amendments to improve the clarity of the rule.
- G. As I have also traversed in **Section 3** of my evidence, I agree with the findings of the section 42A Report that in the absence of an Order in Council requiring Freshwater Farm Plans (**FFP**) to be prepared in accordance with Part 9A of the Resource Management Act 1991 (**RMA**), it is not necessary to endeavour to preempt what may or may not be required, even though issues with PC9 provisions may arise in the future should FFP regulations come to apply to the TANK catchments. However, alignment, with Part 9A of the RMA, where appropriate, such as the use of the term FFP, rather than FEP, is appropriate.

- H. In **Section 4** of my evidence, I request amendments to OBJ TANK 10 to 14, consistent with Ravensdown's submission. In my opinion, these objectives should also accommodate industrial and commercial water uses, alongside primary production and associated processing and urban activities. I consider that the recognition of all water uses within these objectives, in the manner proposed, is not inconsistent with Te Mana o te Wai as suggested in the section 42A Report.
- I. POL TANK 28 to 30 and Rule TANK 1, which relate to PC9 stormwater management provisions are discussed in **Section 5** of my evidence.
- J. In my opinion, the 1 January 2025 timeframe for reducing or mitigating adverse effects from stormwater activities effectively in accordance with 'best practicable options' as articulated by Parts (a) to (m) of POL TANK 28 is not likely to be achievable within such a short period of time, particularly as many of the requirements outlined in the policy will need to be considered when resource consents are renewed or through consent reviews. For this reason, I consider that all references to this timeframe should be removed from the policy.
- K. In addition, in relation to the appropriate use of the ANZECC Guidelines, I consider that reference to needing to comply with the 80%ile and 95%ile ANZECC Guidelines 2018 is not appropriate and therefore this requirement should be removed from POL TANK 30. However, I also consider that 'relevant' ANZECC Guidelines, for attributes not included in Schedule 26, should be added to Part (a) of POL TANK 30. In addition, as the Schedule 26 attributes and the ANZECC Guidelines are receiving water standards/guidelines, the policy needs to be amended to make it clear that compliance does not relate to the discharge itself, rather it relates to the state of the receiving water 'after reasonable mixing'.
- L. In relation to other stormwater provisions of PC9, in my opinion, POL TANK 29 should be deleted as it is unnecessary and repetitive of other policies. I also consider that Condition (a)(iv) of controlled activity Rule TANK 21, which relates to the diversion and discharge of stormwater from local authority networks, should be amended so that it restricts hazardous substances from being in the discharge, but does not place a blanket restriction on the presence of land use types that will be present in urban areas, based on the fact that they store, transfer or use hazardous substances (i.e., if best and good practice is adopted at such sites, the stormwater should not contain hazardous substances).
- M. In **Section 6** of my evidence, I traverse two specific issues associated with the groundwater take and use policies that apply to over-allocated water resources. A number of policies, namely POL TANK 36, 37 and 52, use terms such as a 'avoid' or 'prevent', rather than words such as 'restrict' or 'limit', which I have proposed in my evidence. The use of the 'avoid' or 'prevent' has the potential to place an absolute constraint on Hawke's Bay Regional Council (**Council**). In my opinion, such a constraint will mean that Council will be unable to consider consent applications in the context of the activity's potential effects, the mitigation proposed, and the broader planning framework (i.e., PC9, as well as higher order planning documents).
- N. I have also requested the deletion of Part (k) of POL TANK 36 and POL TANK 42, in its entirety, as section 79 of the RMA specifies that plan reviews must be carried

out every 10 years and, in my opinion, such reviews should not be unduly constrained by such policies.

- O. The final key outstanding matter, as discussed in Section 7 of my evidence, related to the proposed inclusion of a provisional Napier Source Protection Zone (**SPZ**), as a planning map, within PC9. This SPZ has not been developed in accordance with the Schedule 35 criteria and therefore does not reflect the actual extent of the zone required to manage the potential risks to the drinking water supply. This approach has the potential to place constraints on resource use activities where there is no risk to water supplies. On this basis, I request that the SPZ is developed in accordance with the Schedule 35 criteria, and the resultant SPZ, is retained on Council's website as a non-planning map.
- P. The other matters, as discussed in **Section 8** of my evidence, relate to: ensuring the consistent use of terminology throughout PC9; minor wording amendments to OBJ TANK 2 and POL TANK 1; the deletion of OBJ TANK 7, consistent with the recommendations of the section 42A Report; and, provision of review conditions, alongside the proposed water allocation common expiry dates in POL TANK 49 and Schedule 33.
- Q. The specific amendments being sought to the section 42A Report recommendations, as discussed within my evidence, are provided in the table contained in **Appendix B** of my evidence.

1. INTRODUCTION

Background - My Role for Ravensdown Limited

- 1.1 My name is Carmen Wendy Taylor. I am a Consultant Planner, and Associate, at Planz Consultants Limited (**Planz**).
- 1.2 Ravensdown Limited (**Ravensdown**) lodged submissions on the Proposed Plan Change Proposed Plan Change 9 – Tūtaekurī, Ahuriri, Ngaruroro and Karamū (**TANK**) Catchments (**PC9**) to the Hawke's Bay Regional Resource Management Plan (**HBRMP**). I prepared the submission on behalf of Ravensdown. Ravensdown did not prepare further submissions on PC9.
- 1.3 An overview of my expert qualifications and experience are set out in **Appendix A** of my evidence.

Code of Conduct

- 1.4 Whilst this is a Council Hearing, I acknowledge that I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court updated Practice Note 2014, and agree to comply with it. I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

2. SCOPE OF EVIDENCE

- 2.1 As background, Ravensdown in its submission on PC9 (dated 14 August 2020), stated that it generally supported PC9 in terms of its intent to sustainably manage water quality and quantity in the TANK catchments.
- 2.2 More specifically, Ravensdown's submission expressed support for the framework, as provided in PC9, where farming activities are required to implement specific actions, in accordance with identified timeframes, to meet PC9's freshwater quality objectives. This included the adoption of good (management) practices, either as part of an Industry Programme, Catchment Collective or via an individual Farm Environment Plan (**FEP**). Ravensdown also supported the requirement for Industry Programmes, Catchment Collectives and FEPs to be approved and audited.
- 2.3 In the context of Ravensdown's operations within the TANK catchments, namely its Napier Works and its Severn Street store, Ravensdown supported the fact that PC9's regulatory framework effectively recognised and provided for resource use activities at these sites. Ravensdown's submission also supported the requirement for such activities to contribute to the achievement of the freshwater quality objectives and the reduction of water quantity over-allocation. In relation to discharges for such activities, Ravensdown's submission supported the requirement to implement good site/industry practices, as well as the need for new resource consent applications for existing water takes to seek an amount of water that reflects the actual and reasonable needs of such sites.
- 2.4 However, while supporting PC9, Ravensdown through its submission sought various amendments to ensure that Ravensdown's operations and the activities of its shareholders and users of its products can continue to use and develop resources in

the TANK catchments. In requesting amendments to PC9 provisions, Ravensdown sought to ensure that resource use activities occur in a manner that continues to provide for the sustainable management of natural and physical resources, including the region's land and water resource, while also ensuring that adverse effects on the environment are avoided, remedied or mitigated.

- 2.5 Having reviewed the section 42A Report¹, Ravensdown has decided to present company and planning evidence traversing outstanding matters arising from Ravensdown's submission points.
- 2.6 Ravensdown's company evidence, which I have read and considered in preparing my evidence, has been prepared by Ms Anna Wilkes, Ravensdown's Environmental and Policy Manager. Ms Wilkes' evidence:
- (a) Outlines Ravensdown's general interest in regulatory processes, and more specifically Ravensdown's specific interest in PC9.
 - (b) Outlines the potential resourcing issue that may arise as a result of the need, under PC9, to calculate 'nitrogen loss rates', 'nitrogen loss targets' and prepare Nutrient Management Plans (**NMP**) and Freshwater Farm Plans (**FFP**), while also recognising the staged approach to implementation of these requirements as outlined in Schedule 28 (Priority Catchments) of PC9.
 - (c) Comments on the new nitrogen management provisions, as recommended in the section 42A Report, including the new 'nitrogen loss rates' and 'nitrogen loss targets' definitions.
- 2.7 Based on my review of the section 42A Report and given the focus of Ravensdown's submission, my evidence addresses the following matters:
- (a) In **Section 3** of my evidence, I discuss '**The Framework for Farming Activities**' contained in PC9, the implications of the 2020 and potential upcoming national farming related level instruments that have, or may have, implications for the PC9 framework for farming activities.
 - (b) In **Section 4** of my evidence, I discuss '**Industrial and Commercial Water Uses**' in the context of Ravensdown's submission on '**OBJ TANK 10 to 14**'.
 - (c) '**Stormwater Management**' provisions, in the context of their implications for Ravensdown's Napier Works and the Severn Street store, are addressed in **Section 5** of my evidence.
 - (d) '**Napier Works' Groundwater Take – Relevant Provisions**' of PC9 are discussed in **Section 6** of my evidence.
 - (e) In **Section 7** of my evidence, I discuss the proposed '**Napier Source Protection Zone**', the fact that the extent of the zone has not been defined through appropriate technical assessment and its potential implications for Ravensdown's Napier Works.

¹ Throughout my evidence, when referring to the 'section 42A Report', I am referring to the document, and associated appendices (Appendices 1 to 12), titled "*Hearing Report on Proposed Plan Change 9 – Tūtaekurī Ahuriri Ngaruroro Karamū Catchment Area*", dated 15 April 2021. The section 42A Report is 'Hawke's Bay Regional Council Publication No. 5550.

- (f) **Section 8** covers five '**Other Matters**' arising from Ravensdown's submissions, namely:
 - (i) The need to **use terminology consistently** throughout PC9;
 - (ii) Requested amendments to **OBJ TANK 1**;
 - (iii) Clarification on whether or not the deletion of **OBJ TANK 7** is recommended in the section 42A Report;
 - (iv) Requested amendments to **POL TANK 1**; and
 - (v) Requested amendments, to provide for **review conditions** in conjunction with the proposed **water allocation common expiry dates**.
- (g) A '**Conclusion**' to my evidence is provided in **Section 9**.

2.8 Where I do not discuss PC9 provisions, in the context of the Ravensdown's submission, in the following sections of my evidence, it is considered that the recommendations of the section 42A Report are appropriate (and thus acceptable to Ravensdown).

2.9 **Appendix B** of my evidence contains the provisions of PC9 which Ravensdown submitted on. Alongside these provisions I have identified, based on matters traversed in my evidence, as well as Ravensdown's evidence, whether their retention (acceptance of the section 42A Report's recommendations) is supported, or further amendments are being sought. On occasion, I have also provided some additional comment or observations in **Appendix B** in relation to some PC9 provisions.

3. THE FRAMEWORK FOR FARMING ACTIVITIES

Background

3.1 As overviewed above in **paragraph 2.2** of my evidence, PC9 aims to implement a range of provisions that will apply to farming activities as a means of managing land use activities, and associated discharges, including nutrient discharges, in order to meet the 'freshwater quality objectives' (as notified) in Schedule 26.

3.2 As a simple overview, PC9, as notified, sought to establish staged timeframes, as outlined in Schedule 28 (Priority Catchments) and based on catchment water quality issues, for farming activities to either be part of a Catchment Collective or Industry Programme, or to prepare a FEP, in accordance with the requirements of Schedule 30 of PC9. Amongst the requirements for these plans, as outlined in Schedule 30, is the need to identify and implement actions to minimise and mitigate the effects of farming activities to enable the Schedule 26 'water quality objectives' to be met, including through the implementation of industry 'good management practices' (**GMP**). All of these plans are to be approved by Hawke's Bay Regional Council (**Council**) and audited.

3.3 PC9 also introduced new rules for the 'use of production land' (Rules TANK 1 and 2 – permitted and controlled activity rules), 'stock access' (Rules TANK 3 and 4 – permitted and restricted discretionary activity rules) and the 'change of use of production land' (Rules TANK 5 and 6 – controlled and restricted discretionary activity rules). Rules TANK 1 and 2 apply to farming activities based on the Schedule 28 timeframes (i.e., over 3, 6 or 9 years, after PC9 becomes operative, depending if a

high, medium and low priority as per the schedule). The change of use rules (Rules TANK 5 and 6) are connected to Schedule 29 which outlines what constitutes land use change.

- 3.4 PC9 also incorporates, in effect, a hierarchy, whereby there is a preference for Industry Programmes and Catchment Collectives over individual FEPs. This hierarchy is reflected in POL TANK 23 to 26.

Ravensdown's Submission

- 3.5 In overviewing Ravensdown's submission, I do not necessarily propose going through each submission point. This is mainly because Ravensdown generally supported PC9's proposed framework for farming activities.

- 3.6 I have provided an overview of PC9 provisions where Ravensdown's submission requested relatively significant amendments and the section 42A Report has recommended the rejection of the specific submission point, or where there are potential issues that may arise in the future given the potential for an Order in Council, in accordance with Part 9A of the Resource Management Act 1991 (**RMA**) to specify the requirement for FFP in the TANK catchments (or region).

- 3.7 Therefore, Ravensdown's submission points, which I consider are still under discussion, are as follows:

- (a) **POL TANK 24 and 25.** Ravensdown's submission points supported the framework outlined in these policies, including the proposed Industry Programmes and Catchment Collectives, and the requirement for landowners who are not part of the Industry Programmes or Catchment Collectives to prepare and implement a FEP. The submission points on these policies also sought some relatively minor wording changes.
- (b) **Rules TANK 1 and 2 – Use of Production Land.** Ravensdown's submissions generally supported these rules but requested amendments, for the purposes of national consistency, whereby the 10ha area over which the rules applied be amended to reflect the farm sizes regulated by the National Environment Standards for Freshwater (**NES-F**) (i.e., as specified in Regulation 8). In addition, Ravensdown requested that the activity status of Rule TANK 2 is amended from controlled to restricted discretionary activity as this would provide Council with the ability to decline a resource consent where a farmer was not willing to modify farming practices.
- (c) **Rules TANK 5 and 6 – Use of Production Land** (i.e., change of land use). Ravensdown's submission on Rule TANK 5 requested its deletion on the basis that controlled activity status was not consistent with the national direction of agricultural land use intensification contained in the NES-F² (i.e., where such intensification is a discretionary activity where the permitted activity regulations are not complied with). Given the regulation contained in the NES-F, Ravensdown's submission on Rule TANK 6 also noted that this rule should align with the NES-F and therefore if the rule was to be retained the activity status should change to discretionary. Other amendments requested were for

² Regional agricultural land use intensification rules may be more stringent than the NES-F rules, but cannot be more lenient (Regulation 6(1) of the NES-F).

the purpose of providing clarity within the rule, that is, that it related to a change of use of the land where the new land use was a more intensive land use.

- (d) **Schedule 28.** Ravensdown supported the identification, and subsequent use of priority catchments, and related timeframes, as a planning tool to be used to trigger a more focussed framework to achieve the objectives of PC9. However, Ravensdown considered that the schedule was confusing, particularly as it did not clearly identify the actual priority catchments in a way that could be understood by resource users. Ravensdown therefore requested amendments to the schedule that clearly identified the priority catchments and associated timeframes (e.g., a table or list).
- (e) **Schedule 30.** Ravensdown, in its submission, generally supported the content of this schedule on the basis that it appropriately outlined the requirements for Industry Programmes, Catchment Collectives and FEP. Besides requesting the use of consistent terminology throughout the schedule, Ravensdown also noted that Part 9A of the RMA relates to FFP, not FEP. While noting this fact, Ravensdown also stated that using the term FFP throughout PC9 was not necessary, as FEP is a term currently used nationally and in the absence of the FFP regulations, it was considered that a FFP could form part of a broader FEP.
- (f) **'Farm Environment Plan'** definition. Ravensdown supported the notified definition and requested its retention.

3.8 Finally, I note that Ravensdown, in its submission, opposed Schedule 29 (Land Use Change) and requested its deletion, principally as there were significant issues with the schedule³. However, I do not discuss this submission point further as I consider that the section 42A Report's recommended amendments to the schedule (as identified in **Appendix B** of my evidence), in the context for PC9's framework for farming activities, adequately addresses the issues raised.

Recommendations of the section 42A Report

3.9 The section 42A Report, in making recommendations on PC9's framework for farming activities, has considered the implications of Part 9A of the RMA⁴. The section 42A Report identifies that the FFP provisions contained in Part 9A of the RMA only apply to areas specified in an Order in Council, on and from the date specified in any such Order. As an Order in Council has not been made in relation to the TANK catchments, and as Council is not aware that such an Order will be made in the near future, the section 42A Report concludes that the PC9 approach (i.e., including the collective management approaches reflected by the proposed Industry Programmes and Catchment Collectives) will continue to apply to farming activities in the TANK catchments. The section 42A Report also states that its recommendations will endeavour to align the terminology and concepts as much as possible, so as to avoid inconsistency between local and national provisions.

³ The 'significant issues' identified in the submission included: the use of absolute numbers that were derived from Overseer and which had to be complied with; the fact that Overseer is continually updated meaning nitrogen loss numbers for a farm system will change even though the farm system itself does not; and, the nitrogen loss rates in the schedule were very low, even for sheep and beef farms.

⁴ Paragraphs 864 to 873 of the section 42A Report.

- 3.10 Given the above context in relation to Part 9A of the RMA and PC9, the section 42A Report's recommendations in relation to Ravensdown's specific submissions points were as follows:
- (a) **POL TANK 24 and 25.** Ravensdown's submission points on these policies are accepted in part (POL TANK 24) and rejected (POL TANK 25), although the rejection of POL TANK 25 seems to relate to some of the minor wording amendments requested. Effectively, the recommended amendments to these policies provide for the use of consistent terminology and provides a degree of alignment, in terms of terminology (i.e., FFP rather than FEP), with Part 9A of the RMA.
 - (b) **Rules TANK 1 and 2.** While the section 42A Report states that Ravensdown's submission points are rejected, the section 42A Report recommends amending the farm areas, and type of farming, to the criteria contained in Regulation 8 of the NES-F. There are various other amendments to the rules to endeavour to align provisions with Part 9A of the RMA and to provide more clarity around the conditions attached to the permitted activity rule (Rule TANK 1). However, the activity status of Rule TANK 2 has been retained as a controlled activity.
 - (c) **Rules TANK 5 and 6.** The section 42A Report, while recommending changes to these rules, including to clarify that the rules apply when the change of use is to a higher leaching level as shown in Schedule 29, has rejected Ravensdown's submission points. The section 42A Report recommends the retention of Rule TANK 5 which in effect applies to land use change provided for within a Catchment Collective Plan, and also recommends the retention of a restricted discretionary activity status for Rule TANK 6.
 - (d) **Schedule 28.** The section 42A Report supports the inclusion of the proposed priority catchment maps as part of PC9 and recommends amendments to the schedule to refer to these maps. In this context, Ravensdown's submission point has been accepted in part.
 - (e) **Schedule 30.** The section 42A Report recommends the acceptance, in part, of Ravensdown's submission points on this schedule. In effect, the section 42A Report retains the concepts and principles contained in the notified schedule, while aligning, as much as possible, some of the concepts contained in Part 9A of the RMA (including using FFP rather than FEP) and recommending other amendments for the purposes of consistency and alignment with other recommended amendments to PC9.
 - (f) **FEP definition.** The section 42A Report recommends the acceptance of Ravensdown's submission (i.e., retention of the definition), while also having recommended the use of FFP, rather than FEP, throughout PC9.
- 3.11 The section 42A Report also recommends the inclusion of two new definitions that are relevant to farming activities that are in a Schedule 28 (and associated maps) 'high priority catchment' for total nitrogen concentration or nitrogen yield. The

information required by these definitions must be included in the FFP, required by Schedule 30, for such farming activities. The definitions are as follows:

***Nitrogen loss rate** means the modelled nitrogen loss rate for a property using Overseer (or similar alternative nutrient budget model approved by the Hawke's Bay Regional Council).*

***Nitrogen loss target** means the modelled nitrogen loss rate using Overseer (or similar alternative nutrient budget model approved by the Hawke's Bay Regional Council) for a property which;*

a) adopts all industry good practice measures for managing nutrient losses and/or

b) adopts additional mitigation measures to meet applicable water quality targets or objectives for dissolved nutrients.

The Nitrogen loss rate and the nitrogen loss target may be the same for any property. (The effects of some nutrient mitigation measures cannot be modelled within Overseer. This provision also reflects that some properties are already adopting good industry practice – but that this may change over time)

Discussion – Outstanding Matters

- 3.12 I agree with the section 42A Report's assessment of the potential future implications associated with Part 9A of the RMA and therefore I also agree that it is not appropriate to endeavour to pre-empt any Order in Council that may or may not apply to the TANK Catchments. I also consider that endeavouring to align the terminology used within Part 9A of the RMA, as much as possible, is appropriate. On this basis, I consider that the section 42A Report's recommended amendments to POL TANK 24 and 25, Rules TANK 1 and 2 and Schedules 28 and 30, as well as the new 'nitrogen loss rate' and 'nitrogen loss target' definitions, are appropriate.
- 3.13 However, in making this statement, I note (as I have done in the section 'summary' below and in **Appendix B** of my evidence), that if an Order in Council triggers the need for the TANK catchments to comply with Part 9A of the RMA, and associated regulations, then the above provisions of PC9 are likely to be inconsistent with the regulations. If any such inconsistency is not resolved through the regulations itself, then Council will need to determine how to resolve this matter in the future.
- 3.14 Therefore, in my opinion, there are only two outstanding matters arising from Ravensdown's submission, namely the two 'change of use' rules (Rules TANK 5 and 6) and the FEP definition. I discuss these matters in the following paragraphs of my evidence.
- 3.15 In relation to Rules TANK 5 and 6, I consider that the issues raised by Ravensdown in its submission, in terms of lack of consistency with the agricultural land use intensification regulations of the NES-F, remains valid. The permitted activity rules in the NES-F generally apply to changes over an area of 10ha or less, and where this condition (along with other conditions) is not complied with, the change in use, under the NES-F, becomes a discretionary activity. Providing for agricultural land use intensification on more than 10ha of land, where it is identified in a Catchment Collective Plan, as a controlled activity, rather than discretionary activity is not consistent with the NES-F. Also, as stated in the NES-F, regional rules on these activities cannot be more lenient than the NES-F. For this reason, I remain of the

opinion that Rule TANK 5 should be deleted and that the activity status of Rule TANK 6 should be changed to discretionary (from restricted discretionary).

- 3.16 I am also of the opinion that some wording changes are still required to Rule TANK 6, to more clearly identify that the rule regulates the change of use of production land where that change of use relates to an activity that is identified in Schedule 29 as having a higher leaching level than the previous land use.
- 3.17 In relation to the FEP definition, the section 42A Report has recommended that the terminology used throughout PC9 reflects that contained in Part 9A of the RMA, namely FFP. I consider that this is a logical approach. However, at present, the recommendation of the section 42A Report is to retain the notified FEP definition (possibly in error). To ensure consistency in terms of terminology throughout PC9, in my opinion, the definition should either be amended to provide a definition for FFP which then links to Schedule 30 (as provided in **Appendix B** of my evidence). Alternatively, the definition for FFP (or FEP) can be deleted given the FFP is defined through the description contained in Part 9A of the RMA.
- 3.18 Finally, as a minor consideration, I have also suggested the deletion of the brackets around the last two sentences of the 'nitrogen loss target' definition. In my opinion, the matters traversed within these brackets are relevant to the concept of the 'nitrogen loss target' and their placement within the brackets infers that they are not of direct relevance to the definition.

Summary

- 3.19 Specific amendments to the farming related provisions of PC9, as discussed above and as contained in **Appendix B** of my evidence, are as follows:

- (a) Delete **Rule TANK 5** in its entirety.
- (b) Amend **Rule TANK 6** as follows:
- (i) Amend the rule title as follows:
- Change of Use of Production Land.**
- (ii) Amend the activity description as follows:
- A change in land use type in the TANK catchments, from one leaching level to a higher leaching level as shown in Table 1 of Schedule 29, pursuant to Section 9(2) RMA and associated non-point source discharges pursuant to Section 15 of the RMA.**
- (iii) Amend the activity status from restricted discretionary to discretionary; and
- (iv) Delete the Matters of Discretion.
- (c) **Either** delete the **Farm Environment Plan** definition, **or** amend the definition as follows:

~~*Freshwater Farm Environment Plan means a plan that has been prepared in accordance with the requirements of Schedule 30BC by a person with the professional qualifications necessary to prepare such a plan which is implemented by a landowner or on behalf of a landowner.*~~

- (d) Amend the **Nitrogen loss target** definition by removing the brackets around the last two sentences of the definition.

3.20 Also, as outlined in **Appendix B** of my evidence, based on the above discussion, I note if an Order of Council comes into effect for the region in accordance with Part 9A of the RMA (i.e., specifying FFP requirements), then the following provisions of PC9 are likely to be inconsistent with:

- (a) **POL TANK 25 and 26.** These policies may be inconsistent with any regulations arising from such as an Order of Council, as any such regulation will specify who must have a FFP in place (i.e., the farming activities outlined section 217D of the RMA).
- (b) **Rules TANK 1 and 2.** These rules may not align with FFP regulations as these regulations will specify who must have a FFP, and potentially the activity status for farming activities that do have a FFP in place in or not.
- (c) **Schedule 28 – Priority Catchments.** This schedule may not align with FFP regulations as these regulations will specify who must have a FFP and the timing for such FFPs.
- (d) **Schedule 30 – Catchment Collective, Industry Programme and Freshwater Farm Plans.** This schedule may not align with any FFP regulations, if introduced in the region, as the regulations will specify who must have a FFP and the content of FFP.

4. **INDUSTRIAL AND COMMERCIAL WATER USES – OBJ TANK 10 TO 14**

Background

- 4.1 The ‘Catchment Objectives’ (OBJ TANK 10 to 15), as notified, aim to ensure that resource use activities are carried out in a manner that will meet the ‘water quality states’ in Schedule 26 and which will provide for a healthy biophysical environment, as well as the social and economic well-being of the community.
- 4.2 This includes, but is not limited to, ‘enabling’ the use of ‘primary production water’, ‘associated processing’ and/or ‘other urban activities’, to enable social and economic well-being⁵. Ravensdown submitted, requesting amendments to this aspect of the OBJ TANK 10 to 14, as outlined below.
- 4.3 These objectives also recognise the need to provide for the need for people and communities to provide for their domestic water needs. This water use, as recognised or provided for within these objectives, are not a matter of contention.

⁵ As stated in Part (e) of OBJ TANK 10, Part (g) of OBJ TANK 11 and OBJ TANK 12, Part (f) of OBJ TANK 13 and Part (b) of OBJ TANK 14.

Ravensdown's Submissions

4.4 Ravensdown, in its submission, while generally supporting the intent and guidance contained in OBJ TANK 10 to 14, requested amendments to the water use aspects of the objectives as follows:

(a) Part (e) of OBJ TANK 10:

~~primary production~~ access to water for community social and economic well-being;

(b) Part (g) of OBJ TANK 11 and OBJ TANK 12, Part (f) of OBJ TANK 13 and Part (b) of OBJ TANK 14:

primary production, industrial and commercial water needs and water required for associated processing and other urban activities to provide for community social and economic well-being;

4.5 In its submission, Ravensdown outlined that water, where it is available in a manner that does not adversely affect the sustainability of freshwater bodies, is used for a range of uses to provide for the communities social and economic well-being. Such water uses include industrial and commercial uses, not just water uses for primary production or urban activities⁶.

4.6 In making this point, Ravensdown also noted that 'associated processing' does not necessarily provide for industrial or commercial activities, as the notified provision directly links 'associated processing' to primary production activities. In addition, not all industrial or commercial activities are located within urban areas (for example, Ravensdown's Napier Works).

Recommendations of the section 42A Report

4.7 The section 42A Report⁷ recommends the rejection of the amendments requested by Ravensdown on the basis that the amendments are not consistent with Te Mana o Te Wai which is the overarching objective for the National Policy Statement for Freshwater Management 2020 (**NPS-FM 2020**).

4.8 More specifically, the section 42A Report states that the notified parts of the objectives align with the hierarchy obligations of Te Mana o te Wai, which are the health and well-being of water, the health needs of people (such as drinking water) and then the ability of people and communities to provide for their social, economic and cultural well-being.

4.9 The section 42A Report also states that the various amendments requested (i.e., not just Ravensdown's) do not align with the values associated with the various waterbodies, as decided by the TANK Group.

⁶ Ravensdown also raised a similar issue in relation POL TANK 51 (Sub. No. 135.48). As stated in **Appendix B**, the section 42A Report has recommended the acceptance, in part, of Ravensdown's submission. In my opinion, the recommended amendments to POL TANK 51 have addressed the issue raised by Ravensdown (i.e., other water uses, besides primary production and associated processing, are now provided for by Part (f) of POL TANK 51).

⁷ As stated in paragraphs 264, 268, 272, 275 and 277 of the section 42A Report.

Discussion

- 4.10 I agree with the section 42A Report that the parts of the objectives, as listed in order, reflect the hierarchy obligations of Te Mana o te Wai, and I think that that is appropriate.
- 4.11 However, I disagree with the section 42A Report's statement that amending the objectives, as requested by Ravensdown, would result in the objectives being inconsistent with Te Mana o Te Wai.
- 4.12 Ravensdown's submission merely seeks the inclusion of all potential water uses, rather than just some specific water uses (i.e., primary production and associated process, plus water uses that occur as part of urban activities), that contribute to an area's social and economic well-being.
- 4.13 In my opinion, the inclusion of industrial and commercial uses in the specific parts of the objectives, as proposed by Ravensdown, will continue to maintain the hierarchy of obligations required by Te Mana o te Wai. That is the health and well-being of waterbodies and freshwater ecosystems, then the health need of people and the ability of people and communities to provide for their social, economic and cultural well-being.

Summary

- 4.14 In summary, OBJ TANK 10 to 14 should recognise all potential water users in the catchment that contribute to social and economic well-being in the area. This includes industrial and commercial users.
- 4.15 Therefore, as provided in **Appendix B** of my evidence, I consider that the amendments to OBJ TANK 10 to 14, as requested by Ravensdown in its submission (refer to paragraph 4.4 above), are necessary to reflect the full spectrum of water uses that will be occurring in each catchment.

5. STORMWATER MANAGEMENT

Background

- 5.1 In support of the PC9 objectives, POL TANK 38 to 32 outline the processes to be used in relation to stormwater management.
- 5.2 As an overview, the policies which Ravensdown have an interest in, as notified, and which I address within this section of my evidence, are as follows:
- (a) **POL TANK 28 – Urban Stormwater Infrastructure.** This policy aims to reduce or mitigate the adverse effects of stormwater quality and quantity, by 1 January 2025, by implementing the various approaches listed in Parts (a) to (m) of the policy.
 - (b) **POL TANK 29 – Source Control.** This policy aims to reduce sources of stormwater contamination, and thus contaminated stormwater, by: specifying requirements for the design and installation of control systems where there is a high risk of contamination; requiring the implementation of good site management practices; and, controlling and/or avoiding activities that will result in the 'water quality standards' not being met.

- (c) **POL TANK 30 – Dealing with Legacy.** This policy aims to improve aquatic ecosystem and community well-being by requiring discharges from stormwater networks to meet the ‘water quality objectives’ in order to achieve at least 80%ile level of protection of aquatic species by 1 January 2025, and 95%ile level of protection by 31 December 2040. Part (b) of this policy then lists solutions that could be included as consent conditions in order to achieve the aim of the policy.
- (d) **POL TANK 32 – Ahuriri Catchment.** This policy identifies that Council will support the development and implementation of an Integrated Catchment Plan for the catchment and will also carry-out investigations to understand how the estuary and connected freshwater bodies work.

5.3 PC9 also introduces new stormwater rules that apply in the TANK catchments (Rule TANK 19 to 23). The rules, as notified, provide for ‘small-scale’ stormwater activities (Rules TANK 19 and 20 – permitted and restricted discretionary activity rules), stormwater from local authority networks (Rule TANK 21 – controlled activity rule), stormwater from industrial and trade premises (Rule TANK 22 – restricted discretionary activity) and Rule TANK 23 (discretionary activity) which provides for stormwater activities not provided for by other rules.

Ravensdown’s Submissions

5.4 Ravensdown’s interest in the stormwater management provisions of PC9 lies in the fact that it operates the Severn Street store and the Napier Works within the area covered by PC9. Ravensdown’s Severn Street store is located in an industrial area within Napier city and therefore this site’s stormwater discharges to the local reticulated stormwater network operated by the Napier City Council. Stormwater at the Napier Works is managed on site by Ravensdown and is discharged, after treatment, to the Tūtaekurī River (Waitangi Estuary) in accordance with the site’s discharge permit⁸ (which authorises the discharge of wastewater and stormwater from the site).

5.5 Given this interest, Ravensdown submitted on a number of PC9’s stormwater management provisions. The submission points which remain of interest to Ravensdown, and which I therefore discuss in this section of my evidence⁹, are as follows:

- (a) **POL TANK 28.** Ravensdown supported the intent of the policy and stated in its submission that it considered that Parts (a) to (k) of the policy generally reflected appropriate best and good practice. In its submission, Ravensdown raised two issues, which are interconnected, that are still outstanding, namely the 1 January 2025 timeframe for achieving the reduction or mitigation of the adverse effects from stormwater. Ravensdown outlined in its submission that being able to ensure that the ‘best practicable option’, as effective proposed

⁸ Before the end of this year, Ravensdown will be lodging an application to renew its Napier Works’ resource consents. This includes the discharge permit (DP040143Wa – expiry of 31 May 2022) to discharge wastewater and stormwater to the estuary.

⁹ There are some aspects of Ravensdown’s submission which I do not traverse in this section of my evidence, either because the section 42A Report has accepted (or accepted in part) Ravensdown’s submission, or because upon further reflection I am comfortable with the recommended wording. Where this is the case, this is noted within **Appendix B** of my evidence.

under this policy, within the next four years is not achievable. There is also the question of how the approaches required by the policy will be implemented or enforced. As an example, the submission outlined that, many of the requirements outlined in the policy will need to be considered when a resource consent is renewed (unless consent reviews are initiated). For these reasons, Ravensdown requested the deletion of the 1 January 2025 timeframe (including in Part (k) of the policy).

- (b) **POL TANK 29.** While Ravensdown was supportive of the aim of the policy, it was considered that the policy was unnecessary as it effectively repeated the guidance provided in POL TANK 28. Ravensdown also expressed concern about Part (c) of the policy in terms of the potential need to avoid some activities (which could infer prohibited activity status), in areas where the 'water quality standards' are not met, when POL TANK 28 provides for a range of approaches to ensure that adverse effects from stormwater discharges are reduced or mitigated. For these reasons, Ravensdown requested the deletion of this policy.
- (c) **POL TANK 30.** Ravensdown supported the intent of the policy, but considered that Part (a) of the policy was confusing as it introduced 'water quality standards' which were in addition to those contained in Schedule 26 without specifying what or where those standards are. Ravensdown therefore requested the deletion of Part (a) of the policy.
- (d) **Rule TANK 21.** This rule relates to the diversion and discharge of stormwater from stormwater networks managed by a local authority. While Ravensdown generally supported the rule, it was considered that there were issues with the manner in which industrial and trade premises are accommodated within the rule. More specifically, Condition (a)(iv) of the rule specifies that the network discharge cannot include a diversion or discharge from a site that stores, uses or transfers hazardous substances. Ravensdown's submission pointed out that areas serviced by reticulated stormwater networks (i.e., developed land areas), will contain a mix of land uses, including industrially zoned land which accommodates a range of industrial activities that will store, use or transfer hazardous substances. In the context for management of reticulated stormwater systems, a blanket restriction on land use types is not appropriate, rather such sites should be managed in a manner that makes sure hazardous substances do not enter stormwater. For this reason, Ravensdown requested that Condition (a)(iv) of this rule be amended as follows:

(iv) contain hazardous substances ~~or, be from a site used for the storage, use or transfer of hazardous substances.~~

Recommendations of the section 42A Report

5.6 The section 42A Report's recommendations in relation to Ravensdown's submission points, which are overviewed above, are as follows:

- (a) **POL TANK 28.** The section 42A Report recommends the rejection of Ravensdown's submission on the basis that the suggested wording changes are

not appropriate for this policy¹⁰. The section 42A Report does not specifically discuss the issue raised by Ravensdown in relation to the 1 January 2025 timeframe.

- (b) **POL TANK 29.** Ravensdown's submission, requesting the deletion of this policy, is rejected (as evident from the retention of the policy in Appendix 1 of the section 42A Report). The issues raised by Ravensdown in its submission is not specifically discussed in the section 42A Report¹¹.
- (c) **POL TANK 30.** The section 42A Report states that it has accepted Ravensdown's submission¹², although it is not clear that this is actually the case seeing as Ravensdown requested the deletion of Part (a), whereas the section 42A Report has relocated this provision (now Part (b)) while clarifying that it is the ANZECC Guidelines 2018 that were being referred to.
- (d) **Rule TANK 21.** The section 42A Report recommends the rejection of Ravensdown's submission which requested the amendment to Condition (a)(iv), along with a number of other submission points from other parties, on the basis that the requests are:

... either impractical to implement or are not necessary to ensure the objectives of the plan are able to be met¹³.

Discussion

- 5.7 The section 42A Report, in rejecting Ravensdown's submission points outlined above, does not seem to have really considered the matters raised by Ravensdown. In my opinion, the amendments sought by Ravensdown in its submission, and the reasons that the amendments were being sought, remain valid.
- 5.8 As an overview, I agree that:
 - (a) In relation to **POL TANK 28**, that it will not necessarily be achievable for all stormwater activities to reduce or mitigate any adverse effects, in accordance with 'best practicable options', by 1 January 2025, particularly as many of the requirements outlined in the policy will need to be considered when a resource consent is renewed or through consent reviews.
 - (b) In my opinion, **POL TANK 29** is unnecessary and repetitive of the other stormwater management related policies and therefore can be deleted.
 - (c) While, as a result of the section 42A Report recommendations, **POL TANK 30** now clarifies that the percentile reductions contained in Part (a) of the notified policy, refers to the ANZECC Guidelines 2018 the recommended amendments give rise to a range of other issues. Based on my understanding, there are two issues from the section 42A Report's recommendations. The first being that the ANZECC Guidelines are not intended to be used as water quality standards, rather where the appropriate guideline is not met in a receiving water environment, then further investigation is required. The second issue, based on my understanding, is that the different percentiles apply to different

¹⁰ Paragraph 2123 of the section 42A Report.

¹¹ Section 16.2 of the section 42A Report.

¹² Paragraph 2145 of the section 42A Report.

¹³ Paragraph 2200 of the section 42A Report.

situations and characteristics of waterbodies and cannot be applied universally in catchments, or even a region. For this reason, I consider that the recommended amended Part (b) of POL TANK 30, which refers to achieving specific ANZECC Guideline percentiles (80%ile and then 95%ile) should be deleted. However, in making this suggestion, I also acknowledge relevant ANZECC Guidelines should play a role in assessing the effects of stormwater discharges, and driving contaminant reductions were appropriate, for contaminants not included in Schedule 26. For this reason, I propose that Part (a) of **POL TANK 28** is amended as follows:

a) *Requiring, through consent conditions, measures to achieve, after reasonable mixing, the target attribute states in Schedule 26, or relevant ANZECC Guidelines 2018 for attributes not included in Schedule 26;*

(d) For the reasons outlined in Ravensdown's submission, as overviewed in paragraph 5.5(d) above, I consider that Condition (a)(iv) of Rule TANK 21 needs to be amended so that it only specifies that stormwater discharges cannot contain hazardous substances. In my opinion, it is inappropriate to apply a blanket restriction on land use types that will be present in urban areas (and thus will contribute to reticulated stormwater systems). Rather, sites that store, use or transfer hazardous substances should be managed in accordance with best and good practice such that hazardous substances from these sites do not enter stormwater.

5.9 I also consider, having reviewed POL TANK 28 and 30 again, that a further amendment is required. As currently worded, both of these policies refer to, or infer, that the stormwater discharges are to meet the Schedule 26 target attribute states and/or the ANZECC Guidelines (given my requested amendment to POL TANK 28 as discussed above). The Schedule 26 target attribute state and ANZECC Guidelines are receiving water standards/guidelines and as such, it is not appropriate that a specific discharge should be required to comply with these states or guidelines. Therefore, to clarify the manner in which such receiving water standards or guidelines should be considered, I recommend that Part (a) of POL TANK 28 (refer to **paragraph 5.8(c)** above) and the beginning of POL TANK 30 are also amended so that they refer to the fact that compliance, 'after reasonable mixing' of the stormwater discharge, is required.

Summary

5.10 For the reasons discussed above, I consider that the following stormwater provisions of PC9 should be amended.

5.11 In showing the requested amendments in tracked changes mode below, I have accepted the recommendations of the section 42A Report. The amendments required are as follows:

(a) Amend **POL TANK 28** as follows:

The adverse effects of stormwater quality and quantity on aquatic ecosystems and community well-being arising from existing and new urban development (including infill development) industrial or trade premises and associated infrastructure, will be reduced or mitigated ~~no~~ ~~later than 1 January 2025~~ by:

a) *Requiring, through consent conditions, measures to achieve, after reasonable mixing, the target attribute states in Schedule 26, or relevant ANZECC Guidelines 2018 for attributes not included in Schedule 26;*

...

j) *amending district plans, standards, codes of practice and bylaws to specify design standards for stormwater reticulation and discharge facilities ~~through consent conditions~~, that will achieve the freshwater objectives set out in this plan;*

...

m) *requiring, through resource consents no later than 1 January 2025, the preparation and implementation of a site management plan and good site management practices on industrial or trade premises with a high risk of stormwater contamination in the TANK catchments and those in the high priority areas: ...*

(b) Delete **POL TANK 29** (Source Control) in its entirety.

(c) Amend **POL TANK 30** as follows:

Aquatic ecosystem health improvements and community wellbeing and reduced stormwater contamination will be achieved by HBRC working with the Napier City and Hastings District Councils requiring discharges from stormwater networks, after reasonable mixing, to meet:

a) *The 2040 target attribute states*

~~b) *for attributes not accounted for in Schedule 26, the ANZECC Guidelines 2018 will be used to achieve, after reasonable mixing:*~~

~~(i) *the 80th percentile level of species protection in receiving waters by 1 January 2025; and*~~

~~(ii) *the 95th percentile level of species protection by 31 December 2040.*~~

(d) Amend Condition (a)(iv) of **Rule TANK 21** as follows:

~~(iv) *contain hazardous substances or, be from a site used for the storage, use or transfer of hazardous substances.*~~

5.12 **Appendix B** of my evidence also identifies the amendments requested above.

6. NAPIER WORKS' GROUNDWATER TAKE – RELEVANT PROVISIONS

Background

6.1 In support of the PC9 objectives, and recognising the over-allocated status of many of the TANK catchment waterbodies, including in what is now referred to as the Heretaunga Plains Groundwater Quantity Area (**Heretaunga Plains GQA**), POL TANK 36 to 42 outline the processes to be used in managing this water resource. In addition, although under the heading 'Surface Water Low Flow Management', POL TANK 52 outlines how over-allocation will be phased out.

- 6.2 As an overview, the policies, as notified, which Ravensdown has an interest in and which I discuss within this section of my evidence, aim to:
- (a) **POL TANK 36.** This policy identifies that Council recognises the actual and potential adverse effects of the groundwater abstraction in the Heretaunga Plains GQA. The policy also identifies, in Parts (a) to (k), that a staged approach to groundwater management will be adopted which includes avoiding further adverse effects, reducing existing levels of water use, mitigating adverse effects on connected water bodies, gathering information, monitoring effectiveness of proposed mitigation schemes and in reviewing the plan to determine the effectiveness of these measures.
 - (b) **POL TANK 37.** This policy outlines the framework, including a range of approaches that will be used, for the allocation and management of the use of groundwater from the Heretaunga Plains GQA.
 - (c) **POL TANK 42.** This policy lists matters to be considered during future plan changes, after water has been re-allocated and consents reviewed in accordance with POL TANK 36 to 38. The policy also identifies that the review is to commence within 10 years of PC9 becoming operative.
 - (d) **POL TANK 52.** As noted in the previous paragraph, this policy identifies how Council will phase out over-allocation. Parts (a) to (h) outlines the various measures that will be used.

Ravensdown's Submissions

- 6.3 Ravensdown's interest in the groundwater take and use provisions of PC9 relates to the Napier Works, which takes groundwater, for use within its site, from the Heretaunga Plains GQA in accordance with a resource consent that expires in May 2027¹⁴.
- 6.4 Given this interest, Ravensdown submitted on a number of the groundwater take and use provisions of PC9. The submission points which remain of interest to Ravensdown, and which I therefore discuss in this section of my evidence¹⁵, are as follows:
- (a) **POL TANK 36.** Ravensdown supported the overall aim of the policy, with the submission also stating that Ravensdown considered that the potential adverse effects of groundwater abstraction are appropriately identified in Parts (a) to (e) of the policy. Ravensdown's submission also stated that with a couple of exceptions, the proposed approaches to managing and monitoring adverse effects, as outlined in Parts (f) to (j) also represent an appropriate resource management approach for an over-allocated water resource. The first exception, related to Part (f) of the policy where Ravensdown considered that the guidance that specifies absolute avoidance, and thus a requirement to not grant resource consents, places an absolute constraint on Council which means they cannot consider the potential effects of an activity and any associated

¹⁴ Water Take Consent WP060639Tb.

¹⁵ Similar to **Section 5** of my evidence, there are some aspects of Ravensdown's submission which I do not traverse in this section of my evidence, either because the section 42A Report has accepted (or accepted in part) Ravensdown's submission, or because upon further reflection I am comfortable with the recommended wording. Where this is the case, this is noted within **Appendix B** of my evidence.

mitigation measures. The second issue raised related to Part (k), which Ravensdown considered was not necessary given that section 79 of the RMA specifies when and how regional plans are to be reviewed. Given these issues, Ravensdown requested the following amendments to Parts (f) and (k) of the policy:

- f) ~~avoiding~~ mitigating further adverse effects by ~~not granting~~ restricting new consents to take and use groundwater;
- k) ~~including plan review directions to assess effectiveness of these measures.~~

- (b) **POL TANK 37.** Ravensdown was generally supportive of the management approach outlined in this policy, including the requirement that when consents are renewed (or reviewed) that an assessment of actual and reasonable use of the amount of water required is undertaken. While supporting the policy, Ravensdown raised concerns about some of the wording used, namely ‘avoid’ in Part (b) and ‘prevent’ in Part (c). Ravensdown outlined in its submission that the use of these words, particularly ‘avoid’, can be problematic as they infer a total prohibition, when in reality, re-allocation (even for a new take) may represent a sustainable use of an available water resource. Therefore, it was considered that amended wording, that provides Council with appropriate discretion, should be used instead. Accordingly, Ravensdown requested that POL TANK 37 was amended as follows:

- b) ~~avoid~~ limit re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body ~~until there has been a review of the relevant allocation limits within this plan~~;
- c) manage the Heretaunga Plains Groundwater Quantity Area as an overallocated management unit and ~~prevent~~ restrict any new allocations of groundwater;

- (c) **POL TANK 42.** Ravensdown opposed this policy and requested its deletion on the basis that it was not needed. Ravensdown acknowledged that while the policy may be of assistance to some resource users, Ravensdown’s submission stated that the requirement to review plans every ten years is stated in section 79 of the RMA. In addition, the submission also stated that the scope of any reviews in the future should not be constrained by existing provisions of plans, which in this case, includes this policy.

- (d) **POL TANK 52.** Ravensdown supported the aim of the policy to phase out over-allocation through the range of approaches outlined in the policy. However, similar to the issues raised above in relation to POL TANK 37, Ravensdown expressed concern about the use of the word ‘prevent’ in Parts (a) and (f) of the policy. Ravensdown stated that this terminology infers an absolute resource management approach, whereas if the term ‘restrict’ was used then this would enable consideration of the effects of an activity (i.e., it may not result in further over-allocation or effects may be de minimus) in the context of the policy framework of PC9. For these reasons, Ravensdown requested the following amendments to POL TANK 52:

a) ~~preventing~~ restricting any new allocation of water (not including any reallocation in respect of permits issued before 2 May 2020, or high flow allocations);

...

f) ~~prevent~~ restrict site to site transfers of allocated but unused water that does not meet the definition of Actual and Reasonable use;

6.5 While Ravensdown's submission requested amendments to the above policies, I note that Ravensdown supported, and requested the retention of, the two rules (Rule TANK 9 and 11) potentially relevant to the future renewal of its groundwater take and use resource consent at the Napier Works.

Recommendations of the section 42A Report

6.6 The section 42A Report's recommendations in relation to Ravensdown's submission points, which are overviewed above, are as follows:

- (a) **POL TANK 36.** The section 42A Report recommends the rejection of Ravensdown's submission on the basis that the suggested wording changes do not give effect to the NPS-FM 2020, or POL LW2B of the regional policy statement¹⁶. The section 42A Report does not specifically discuss the two issues raised by Ravensdown in its submission.
- (b) **POL TANK 37.** Similar to POL TANK 36, the section 42A Report recommends the rejection of Ravensdown's submission on the basis that the suggested wording changes do not give effect to the NPS-FM 2020, or POL LW2B of the regional policy statement¹⁷. The section 42A Report also outlines that any water that does become available within the interim limit proposed by this policy, should be returned to the waterbody to provide for its health and well-being and this approach aligns with the NPS-FM 2020, relevant regional policy statement policies and OBJ TANK 18¹⁸.
- (c) **POL TANK 42.** The section 42A Report recommends the rejection of Ravensdown's submission¹⁹ as the deletion of the policy will not help in achieving OBJ TANK 17 and 18. The section 42A Report, in making this recommendation, also outlines that this policy plays an integral role in Council's long term approach to phasing out over-allocation, while also recognising that PC9 is not a perfect plan, it is part of an iterative process and that further investigations are required to understand the resource and update management strategies.
- (d) **POL TANK 52.** The section 42A Report recommends the rejection of Ravensdown's submission²⁰, but referencing the discussion in another section of the section 42A Report (i.e., Section 15.4.8). From my review of the referenced section of the section 42A Report, it seems that the specific issue raised by Ravensdown has not been considered in the section 42A Report.

¹⁶ Paragraph 1355 of the section 42A Report.

¹⁷ Paragraph 1379 of the section 42A Report.

¹⁸ Paragraph 1364 of the section 42A Report.

¹⁹ Paragraph 1475 and 1480 of the section 42A Report.

²⁰ Paragraph 1681 of the section 42A report.

Discussion

- 6.7 The section 42A Report, in rejecting Ravensdown's submission points outlined above, does not seem to have really considered the matters raised by Ravensdown. In my opinion, the amendments sought by Ravensdown in its submission, and the reasons that the amendments were being sought, remain valid.
- 6.8 As an overview, I agree that:
- (a) In relation to part (f) of the **POL TANK 36**, while I accept that further adverse effects on this over-allocation groundwater resource should be avoided (rather than mitigated), I consider that this part of the policy should be amended, as requested by Ravensdown, by stating that the granting of new consents will be restricted (rather than not granted). In my opinion, this provides Council with the ability to assess a specific proposal in the context of all of the relevant policy guidance contained in PC9 (and higher order documents including the NPS-FM 2020), as well as the potential effects of the activity (including on the allocation status of the activity) and any proposed mitigation measures. Therefore, in my opinion, the words 'not granting' in Part (b) of this policy should be replaced with 'restricting'.
 - (b) In relation to **POL TANK 37** and **52**, I disagree with the recommendations of the section 42A Report in relation to Ravensdown's submission points. Amending the wording as proposed by Ravensdown, does not mean that groundwater can be reallocated in a manner that is consistent with higher order planning documents, nor the policy framework of PC9. Rather it means, as outlined above in **paragraph 6.6(b)** and **6.6(d)** of my evidence, that Council are provided with the opportunity to assess a specific proposal on its merits. For this reason, I consider that the amendments to Parts (b) and (c) of POL TANK 37 and Parts (a) and (f) of POL TANK 52, as requested by Ravensdown in its submissions, should be accepted.
 - (c) In relation to the provisions that discussed future plan review processes, namely Part (k) of **POL TANK 36** and **POL TANK 42**, I remain of the opinion that these provisions are not necessary and therefore they should be deleted. As Ravensdown stated in its submission, section 79 of the RMA specifies that plan reviews must be carried out every 10 years. Such reviews must be carried out in accordance with the purpose and principles of the RMA, and give effect to higher order planning documents that are in effect at the time of the review. In my opinion, there is no need to specify with the PC9 policies the matters that are to be considered when carrying out such a review.

Summary

- 6.9 For the reasons discussed above, I consider that the following groundwater take and use related provisions of PC9 should be amended.

6.10 In showing the requested amendments in tracked changes mode below, I have accepted the recommendations of the section 42A Report. The amendments required are as follows:

(a) Amend **POL TANK 36** as follows:

The Council recognises the actual and potential adverse effects of groundwater abstraction in the Heretaunga Plains Groundwater Quantity Area on:

...

and will adopt a staged approach to groundwater management that includes;

f) *avoiding further adverse effects by ~~not granting~~ restricting new consents to take and use groundwater;*

...

~~k) *including plan review directions to assess effectiveness of these measures.*~~

(b) Amend **POL TANK 37** as follows:

In managing the allocation and use of groundwater in the Heretaunga Plains Groundwater Quantity Area, the Council will;

...

b) ~~*avoid*~~ *limit* *re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body until there has been a review of the relevant allocation limits within this plan;*

c) *manage the Heretaunga Plains Groundwater Quantity Area as an overallocated management unit and ~~prevent~~ restrict any new allocations of groundwater;*

...

(c) Delete **POL TANK 42**, which relates to future plan review processes, in its entirety.

(d) Amend **POL TANK 52** as follows:

The Council will phase out over-allocation by;

a) ~~*preventing*~~ *restricting* *any new allocation of water (not including any reallocation in respect of permits issued before 2 May 2020, or high flow allocations);*

...

f) ~~*prevent*~~ *restrict* *site to site transfers of allocated but unused water that does not meet the definition of Actual and Reasonable use;*

...

6.11 **Appendix B** of my evidence also contains the amendments requested above.

7. NAPIER SOURCE PROTECTION ZONE

Background

- 7.1 PC9, as notified, introduces the concept of Source Protection Zones (**SPZ**) for drinking water supplies. Schedule 35 of PC9 outlines the methodology for determining SPZ, including provisions SPZ for the Hastings and Napier drinking water supplies. The schedule identified that maps showing the extent of SPZ are available on Council's website. These maps were not classified as planning maps.
- 7.2 PC9 provisions, as notified, seek to ensure that the water in identified SPZ are protected by regulating activities that present a risk to the supply of safe drinking water (OBJ TANK 9 and POL TANK 6 to 9).
- 7.3 Rules, as notified, contained in PC9 then seek to manage the potential risk to water in SPZ, by:
- (a) Groundwater takes (Rules TANK 9 and 10). The actual and potential effects of the take on SPZs is a matter for control and/or discretion.
 - (b) Attaching conditions to a number of the permitted and controlled activity regional rules, where an activity occurs within a SPZ or close to a SPZ²¹.

Ravensdown's Submissions

- 7.4 Ravensdown submitted on Schedule 35 and 'Other TANK Maps – Source Protection Zones (Not Planning Maps)'. Ravensdown also submitted on OBJ TANK 9 and POL TANK 6 and requested the retention of these provisions as Ravensdown considered that it is important that potential risks to drinking water supplies are managed in a manner that ensures the water does not become unsuitable for human consumption.
- 7.5 In submitting on these provisions, Ravensdown outlined that it considered that the SPZ associated with such water supplies needed to be appropriately defined and identified (i.e., the area of the SPZ needs to directly relate to the source area and the management of potential risks to the water supply). Ravensdown's submission on the SPZ related provisions of PC9 also stated that if the SPZ extends over areas not directly associated with a water supply, then there is potential for activities to be unnecessarily constrained.
- 7.6 Given the above context, in its submission, Ravensdown advised that its Napier Works were located within the 'Awatoto Water Source Protection Zone', as identified on 'Map 2 – Source Protection Zone' which was not a PC9 planning map. Ravensdown's submissions then outlined that the section 32 Report²² states that the SPZ for Napier's water supply is provisional, and that the modelling work to appropriately define the extent of the zone may be completed in time to enable a technical submission on PC9, or it will be refined as anticipated and provided for by Schedule 35.
- 7.7 On the above basis, Ravensdown's submission requested the retention of Schedule 35 as notified, including the reference to the 'Registered Drinking Water Supply Protection Zone map layers on HBRC website'. The submission also requested that

²¹ These rules include: Rule 1 – Bore drilling; Rule 4 – Decommission of bores; Rule 5 - Feedlots & feedpads; Rule 12 – Stock feed; Rule 13 – Use of compost, biosolids & other soil conditions; Rule 14 – Animal effluent; and, Rule 37 – New sewage systems.

²² P.252 of the section 32 Report.

the Napier SPZ 'map layer' reference in Schedule 35, and all associated references throughout PC9, be amended to clearly identify that the 'map layer' does not constitute a planning map.

- 7.8 Ravensdown also requested that the extent of the Awatoto SPZ is amended to reflect the actual extent to the area required to manage the potential risks to Napier's drinking water supply.

Recommendations of the section 42A Report

- 7.9 The section 42A Report recommends the rejection of Ravensdown's submission points as follows:
- (a) In relation to the request to retain the provisional SPZ as non-planning maps, the section 42A Report has recommended adding the provisions SPZ to PC9 as planning maps²³. This recommendation is in response to another party's submission. The section 42A Report seems to recommend the inclusion of the provisional SPZ planning maps on the basis that it will be helpful for the resource consent process²⁴. This presumably relates to the SPZ information that the territorial authorities must provide when renewing their resource consents for the drinking water supplies for Hastings and Napier.
 - (b) In relation to Ravensdown's request to amend the maps so that they accurately reflect the extent of the Napier SPZ (i.e., including the Awatoto part of the SPZ), the section 42A Report recommends rejecting this submission point on the basis that no further information is available²⁵.

Discussion

- 7.10 In my opinion, the concerns raised by Ravensdown, in relation to Schedule 35 and associated maps identifying the provisions SPZ, remain valid. While I agree that it is important that potential risks to water used for drinking water supplies from activities is managed, such management has to be appropriately targeted. On this basis, the extent of the SPZ, should reflect the area where there is an actual risk to such water supplies from other activities. If circumstances where there is no risk to water supplies, PC9 provisions should not place such constraints on resource use activities.
- 7.11 In addition, I am opposed to including references to provisional SPZ maps as planning maps in PC9, especially as it is acknowledged that the extent of the SPZ has not been developed in accordance with the criteria outlined in Schedule 35. If these provisional SPZ maps are to be retained, then in my opinion, it is best that they are retained as maps which are external to PC9 where it is possible for them to be amended, in accordance with the criteria contained in Schedule 35 of PC9, in a timely manner (i.e., without needing to go through a Schedule 1 process).

Summary

²³ Paragraph 2405 of the section 42A Report.

²⁴ Paragraph 2397 of the section 42A Report.

²⁵ Paragraph 2406 of the section 42A Report.

7.12 Given the matters raised in Ravensdown's submissions on Schedule 35 and the provisional SPZ maps, and as contained in **Appendix B** of my evidence, I consider that the following amendments to the SPZ provisions of PC9 should be made:

(a) **Schedule 35:**

(i) Retain (and amend) the reference to:

... Registered Drinking Water Supply Source Protection Zone map layers on the HBRC website.

(ii) Remove all references and criteria for the identification of provisional 'Source Protection Zones' from the schedule.

(iii) Ensure that 'Source Protection Zone' maps on the website, which are identified as non-planning maps, have been developed in accordance with the criteria specified in this schedule.

(iv) Delete all references to the 'Schedule 35 Planning Maps 1 -2' from the schedule.

(b) **Planning Map – Napier Source Protection Zone.** Delete this map from PC9.

8. OTHER MATTERS

Consistent Use of Terminology

8.1 Throughout its submission Ravensdown requested amendments to provide for consistent use of the terminology used throughout PC9.

8.2 The section 42A Report's recommendations in relation to some PC9 provisions has resulted in corrections to provide for consistent terminology use. However, this has not necessarily occurred throughout PC9 i.e., inconsistency remains.

8.3 Examples of continued inconsistency include, but are not limited to, the following:

(a) The section 42A Report recommends that the term 'Freshwater Farm Plan' be used, to align with Part 9A of the RMA, rather than the notified term of 'Farm Environment Plan' which is used throughout PC9. This amendment is reflected in Schedule 30 where the title to the schedule and most of the content (but not all) has been amended to refer to FFP, rather than FEP. While the use of the term FFP is now proposed, FEP is still evident in many parts of PC9. In fact, a definition for FEP, rather than FFP, is still contained in the 'Glossary of Terms Used'.

(b) Throughout Ravensdown's submission, where a reference to the Schedule 26 'water quality objectives' was included in a provision, Ravensdown requested amendments whereby the provision referred to 'freshwater quality objectives'. This proposed amendment was consistent with the schedule's title. I acknowledge that many of these provisions have now been amended to correctly refer to the 'water quality attribute states' contained in Schedule 26. However, references to 'the water quality objectives in Schedule 26' still remain within PC9 (e.g., POL TANK 35).

- (c) PC9's amendments to Rule 7 (Vegetation clearance and soil disturbance) of the HBRRMP included new TANK catchment specific conditions, including Conditions (f)(i) and (i)(i), which refer to FEPs and Catchment Collectives, but not Industry Programmes. The section 42A Report (paragraph 1197 of the section 42A Report) recommends the retention of the notified Rule 7 provisions. As outlined in **Appendix B**, Ravensdown considers, consistent with its submission, that these conditions still need to be amended to now refer to FFPs, rather than FEPs, and to include reference to the following:

"... or Industry Programmes prepared in accordance with Schedule 30."

- 8.4 Ravensdown continues to request consistent use of terminology throughout PC9. In making this request, it is noted that specific amendments to ensure consistency has not been requested in relation to each specific provision of PC9 within **Appendix B** of my evidence. Rather, as stated in **Appendix B**, I consider that PC9, as a whole, needs to be checked and corrected so that consistent terminology is used throughout PC9.

OBJ TANK 2

- 8.5 OBJ TANK 2 identifies that land and freshwater in the TANK catchments will be managed as an integrated natural resource, with Parts (a) to (f) of the objective then listing the principles and values that are to be upheld, recognised, protected, safeguarded, supported and provided for through the management of TANK catchment land and freshwater resources.
- 8.6 Ravensdown, in its submission, supported the intent of the objective, but raised two issues associated with the notified objective. The requested amendment to Part (b) of the objective, which has not been accepted in the section 42A Report, and which I consider is still necessary, was as follows:

b) ~~A continuous improvement approach to the use and development of natural resources and~~ The protection of indigenous biodiversity is adopted and the collective sustainable management of freshwater is enable;

- 8.7 Ravensdown's submission outlined that the requested amendment to Part (b) of the objective for the following reasons:
- (a) It was considered that striving for continuous improvement in the context of a plan objective, compared to a policy, is not an appropriate resource management approach. Rather, the goal, or aim, when setting objectives, should be the long-term vision and environmental outcomes being sought. In this context, it was considered that Parts (a) to (e) of the objective identify the environmental outcomes being sought.
- (b) In relation to resource use activities, while striving for continuous improvement may be desirable, it is not always achievable or even necessary, particularly where an activity is operating in accordance with good or best practice and the effects of the activity are minor.
- (c) Finally, it was considered that Part (b), as notified, was confusing.

- 8.8 The section 42A Report²⁶ rejects Ravensdown’s requested amendments to Part (b) of the objective on the basis that PC9 is built on a collaborative approach where there is continual improvement to achieve freshwater improvements and outcomes.
- 8.9 I agree with the section 42A Report comment that PC9 seeks to improve the freshwater outcomes within the TANK catchments. However, PC9 articulates this framework through all of the proposed PC9 objectives, policies and methods, not through the insertion of one reference within one objective. For this reason, I consider that the rejection of Ravensdown’s submission point, for the reason outlined in the section 42A Report, is not appropriate and does not reflect the overall framework of PC9.
- 8.10 In my opinion, the reasons for the requested amendment to Part (b) of OBJ TANK 2 remain valid. Therefore, I consider that the following amendment to the section 42A Report’s recommended Part (b) of OBJ TANK 2, as included in **Appendix B** of my evidence, should be applied to the objective:
- b) ~~A continuous improvement approach to the use and development of natural resources and~~ *The protection of indigenous biodiversity and the habitat of trout and salmon is adopted and life-supporting capacity and the aquatic ecosystem processes are safeguarded; ...*

OBJ TANK 7

- 8.11 OBJ TANK 7 identifies that land use activities in the TANK catchments will be carried out in a manner that reduce contaminant and soil losses and consequential sedimentation in waterbodies.
- 8.12 In its submission Ravensdown supported the objective and requested its retention, subject to one minor wording change. The section 42A Report rejects Ravensdown’s submission, although this rejection seems to relate to the minor wording amendment requested.
- 8.13 The section 42A Report, as discussed in paragraphs 611 to 630, recommends that OBJ TANK 7 is deleted as the objective is unnecessary given that other objectives accommodate the same intent. The section 42A Report also states that the management of sediment, with a response that will be required to meet the freshwater objectives, is also reflected in a number of PC9’s policies.
- 8.14 I agree with the section 42A Report’s assessment, and therefore also agree that OBJ TANK 7 could be deleted. However, as noted in **Appendix B**, this objective is not shown as deleted in Appendix 1 of the section 42A Report.
- 8.15 For the purpose of clarity, and in the context of Ravensdown’s submission, as stated in **Appendix B** of my evidence, I am comfortable with either OBJ TANK 2 being retained as notified (as shown in Appendix 1 of the section 42A Report), or with the objective being deleted from PC9.

POL TANK 1

- 8.16 POL TANK 1 relates to the ‘Priority Management Approach’ for surface water and groundwater quality management. As notified, this policy, identified that Council will work with other groups, through both regulatory and non-regulatory methods, to

²⁶ Paragraph 231 of the section 42A Report.

ensure that 'water quality attributes' are maintained, or improved where the 'water quality attributes' are not being met.

- 8.17 Ravensdown supported the aim of this policy, while requesting amendments to ensure consistency of terminology used and to provide clarity around the aim of the policy. Additional amendments to Parts (b) and (e), as well as Part (f) (although this is not discussed further in my evidence), were also requested.
- 8.18 The amendments requested by Ravensdown in its submission to Parts (b) and (e) of POL TANK 1 were as follows:
- b) *sediment management as a key contaminant pathway ~~to also address phosphorus and bacteria losses;~~*
 - e) *the management of urban stormwater networks and the reduction of contaminants in urban stormwater and other stormwater sources;*
- 8.19 Ravensdown's submission outlined that the above amendments were being requested as:
- (a) In relation to Part (b) of the policy, the amendments are proposed as reference to the specific contaminants (i.e., phosphorus and bacterial losses) within the policy was not considered necessary.
 - (b) In relation Part (e) of the policy, the amendments are proposed as PC9 also manages stormwater sources outside of urban stormwater areas and this needs to be recognised within the policy.
- 8.20 From my review of the section 42A Report²⁷, the requested amendments to Parts (b) and (e) of POL TANK 1, as requested in Ravensdown's submission, have not been specifically considered in the section 42A Report. While the section 42A Report has recommended other amendments to POL TANK 1, which as stated in **Appendix B** of my evidence are supported by Ravensdown, the section 42A Report has recommended the retention of the notified versions of Parts (b) and (e) of this policy (i.e., based on Appendix 1 of the section 42A Report).
- 8.21 I acknowledge that there is some discussion in the section 42A Report around the relationship of sediment and phosphorus losses. However, while I understand that sediment can be a contaminant pathway for a range of contaminants, I consider that in the context of the policy's aim to manage land use activities so as to achieve the 2040 target water quality attribute states, specific reference to phosphorus and bacteria losses in Part (b) of the policy remains unnecessary.
- 8.22 The reasons for the amendments to Parts (b) and (e) of POL TANK 1, as outlined in Ravensdown's submission, remain valid. Therefore, in my opinion, the amendments to these two specific parts of the policy, as sought in the submission, should be made to POL TANK 1. The requested amendments have been included in **Appendix B** of my evidence.

²⁷ Rather at paragraph 647, the section 42A Report states that Ravensdown was seeking reference to 'water quality objectives' in its POL TANK 1 submission. In relation to this matter, Ravensdown was actually requesting the consistent application of terminology i.e., in this case 'freshwater quality objectives' as that was title of Schedule 26. Also, in paragraph 719 the section 42A Report identifies that Ravensdown, along with other submitters, were also seeking clarity in relation to where management action lies.

Water Allocation Common Expiry Dates - POL TANK 49 and Schedule 33

- 8.23 POL TANK 49 outlines that Council, when considering applications to take and use water, will set common expiry dates (as provided in Schedule 33 of PC9) to enable consistent and efficient management of the TANK catchment's water resources. The policy outlines that the common expiry dates, which generally provides for 15 year consent terms (with some exceptions), provides an opportunity for periodic reviews of the state of the water resource.
- 8.24 Ravensdown, in its submission, opposed the policy and Schedule 33, on the basis that limiting consent durations, as would be the case through the proposed common expiry dates, can be problematic from a resource user's perspective. While opposing these provisions, the submission also recognised that a co-ordinated review of resource use activities, in the context of the health and well-being of the resource, can be advantageous, particularly for Council.
- 8.25 Specific issues associated with the proposed common expiry dates, as outlined in Ravensdown's submission, include:
- (a) The time spent and the costs associated with gaining a resource consent can be significant. Being required to repeat such processes every 15 years, particularly when the effects of an activity are minor or minimal, can be unreasonable.
 - (b) For larger businesses, such as Ravensdown's Napier Works, which have invested significantly in their sites (including in relation to managing potential environmental effects), security is required so that they can continue to operate. In this context, it is also important that such business have decision making-certainty in relation to their investments and/or the nature of operations. Shorter-term resource consents can affect the certainty and security around the ability to continue to operate or expand at a site or invest in site improvements.
- 8.26 Given the above issues, Ravensdown requested, in its submission, that flexibility should be provided within the common expiry date provisions of PC9 that apply to the take and use of water. The suggested flexibility was the inclusion of a review condition on resource consents, in accordance with section 128 of the RMA, with the potential for the review date to align with the proposed common expiry date. On this basis, Ravensdown requested the following amendments to POL TANK 49 and Schedule 33:

***POL TANK 49** - When making decisions about applications for resource consent to take and use water, the Council will set common expiry dates, or include a review condition, for water permits to take water in each water management zone, that enables consistent and efficient management of the resource and ~~will set durations that provide a ...~~*

...

And the Council;

g) will impose consent durations of 15 years, or impose review conditions reflecting the same timeframe, accordance to the specified water management unit expiry dates. Future dates ...

Schedule 33

Refer to Policy 45 49 and Rules 9 – 11. The Council will consider the following schedule when determining the duration of any permit, or the inclusion of a review condition reflecting the same timeframe, to take and use water.

Where appropriate, the duration of the consent and/or review condition will be consistent with the next common expiry date for the relevant water management as shown in this Schedule. If an application is made up to three years ... may issue the permit for the following expiry date or include a review condition reflecting the same timeframe. ...

- 8.27 Although the section 42A Report does not specifically discuss the potential to use review conditions alongside the proposed common expiry dates, the rejection of Ravensdown’s submission, alongside a number of other submission points, is recommended on the basis that it *“does not improve effectiveness or efficiency”*²⁸.
- 8.28 I disagree with the recommendations of the section 42A Report. The potential use of section 128 review conditions, alongside or in conjunction with the proposed common expiry dates, will provide Council with more flexibility when considering applications to take water from within the TANK catchments. That is, Council will still be able to consider the range of relevant matters, including but not limited, the nature and extent of effects, the investment in the site and/or commitment to site improvements, within the context of the policy framework of PC9, while not necessarily being constrained to the requirement to only grant a consent with a 15 year consent term.
- 8.29 I acknowledge that, to the best of my knowledge, section 128 condition reviews have not been widely used by Councils. This is possibly due to the fact the cost of the process lies with the Council, rather than the consent holder. However, as the RMA does provide for such a process (under section 128(1)(iii)), I consider that it is a tool that can and should be used. As such, I consider that POL TANK 49 and Schedule 33 should not preclude this option. In my opinion, providing for the use of review conditions, alongside the proposed common expiry dates, will support the effectiveness and efficiency of these provisions.
- 8.30 On the above basis, I consider that amendments to POL TANK 49 and Schedule 33, to provide for review conditions alongside the proposed common expiry date, as shown in **Appendix B** of my evidence, are appropriate.

9. CONCLUSION

- 9.1 As stated in **Section 2** of my evidence, I generally support PC9. However, there are five key outstanding matters arising from Ravensdown’s submission, and a number of other matters, discussed within my evidence, which in my opinion give rise to the need for amendments to some specific PC9 provisions.
- 9.2 The outstanding matters, as traversed in **Sections 3 to 7** of my evidence, relate to:
- (a) The framework for farming activities (**Section 3**) and the need to ensure, as far as practicable, consistency with relevant national instruments, including Part 9A of the RMA.

²⁸ At paragraph 1617 of the section 42A Report.

- (b) The need to appropriately recognise, within OBJ TANK 10 to 14, industrial and commercial water uses, alongside primary production and associated processing and urban activities (**Section 4**).
 - (c) The stormwater management provisions, as discussed in **Section 5** of my evidence, where I propose a number of amendments to POL TANK 28 and 30, as well as the deletion of POL TANK 29, as well as the hazardous substances condition attached to the Rule TANK 11 (controlled activity).
 - (d) Specific groundwater take and use policies (**Section 6**) where, in my opinion, unnecessarily restrictive words have been used in policies (POL TANK 36, 37 and 52) and where guidance is provided in relation to plan review processes that section 79 of the RMA provides for (POL TANK 36 and 42).
 - (e) The proposed inclusion of a provisional Napier SPZ, as a planning map, which has not been developed in accordance with the Schedule 35 criteria and therefore does not reflect the actual extent of the zone required to manage the potential risks to the drinking water supply (**Section 7**).
- 9.3 The other matters, as discussed in **Section 8** of my evidence, relate to: ensuring the consistent use of terminology throughout PC9; a number of minor wording amendments to OBJ TANK 2 and POL TANK 1; the deletion of OBJ TANK 7, consistent with the recommendations of the section 42A Report; and, provision of review conditions, alongside the proposed water allocation common expiry dates (POL TANK 49 and Schedule 33).
- 9.4 The specific amendments being sought to the section 42A Report recommendations, as discussed within my evidence, are provided in the table contained in **Appendix B** of my evidence.



Carmen Taylor
6 May 2021

APPENDIX A – CARMEN WENDY TAYLOR – QUALIFICATIONS AND EXPERIENCE

- A1.1 My full name is Carmen Wendy Taylor.
- A1.2 I hold the qualifications of Bachelor of Science (Geography) and Masters of Regional and Resource Planning from the University of Otago. I am a full member of the New Zealand Planning Institute.
- A1.3 I have over 25 years of professional planning and resource management experience in New Zealand. Since September 2017 I have been employed by Planz Consultants Limited (**Planz**), a planning and resource management consultancy. Prior to joining Planz, I was employed by Golder Associates (NZ) Limited, and before that MWH New Zealand Limited and the Electricity Corporation of New Zealand (**ECNZ**).
- A1.4 Throughout my professional experience, I have been involved in complex projects, initially for ECNZ and then for a range of clients, which have required detailed assessments of the implications and interrelationships associated with utilising a range of resources, such as land, water (surface water and groundwater), air and the coastal marine area. These projects have generally involved technical and scientific input, which I have understood and then utilised when assessing the planning implications (both planning policy implications and resource consent requirements), of projects under the Resource Management Act 1991 (**RMA**).
- A1.5 In relation to policy development work since 2006, I have been involved in the following plan development processes: Environment Southland's Variation No. 4 (Water Quality) to the Proposed Fresh Water Plan; Environment Waikato's Proposed Variation No. 6 (Water Allocation); the Proposed One Plan for the Manawatu-Wanganui Region; Central Otago District Council's Proposed Plan Changes 5A to 5W; Proposed Hauraki District Plan; Bay of Plenty's Proposed Regional Policy Statement; Environment Waikato's Proposed Regional Policy Statement; Taupo District Council's Proposed Plan Change 29; the Proposed Auckland Unitary Plan; the Canterbury Air Regional Plan; the Proposed Marlborough Environment Plan; Clutha District Council's Proposed Plan Change 40 (Stirling re-zoning); Selwyn District Council's District Plan Review; and, Timaru District Council's District Plan Review. The nature of my involvement varies but includes preparation of plan provisions and section 32 Reports for Councils, as well as the preparation of submissions, further submissions, review and advice on the recommendations of the section 42A Reports, preparation and presentation of planning evidence, review of decisions and participation in appeal processes.
- A1.6 More recently I have been assisting Ravensdown with policy development processes throughout New Zealand, including but not limited to: Plan Change 1 (Waikato and Waipa River Catchments (Healthy Rivers), and Variation 1 to this plan change, to the Waikato Regional Plan; Proposed Plan Change 13 (Air Quality) to the Regional Natural Resources Plan for the Bay of Plenty Region; Proposed Natural Resources Plan for the Wellington Region; Proposed Regional Plan for Northland; Proposed Southland Water and Land Plan; Proposed Marlborough Environment Plan; Proposed Plan Change 1 (Dryland Farming) to the Hurunui and Waiau River Regional Plan; Proposed Plan

Change 2 (Existing Intensive Farming Land Uses) to the Horizons' One Plan; Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan, and Proposed Plan Change 2 to the Waimakariri River Regional Plan; Proposed Plan Change 6AA to the Regional Plan: Water for Otago; the draft National Policy Statement for Highly Productive Land; Proposed Plan Change 7 – Outstanding Water Bodies to the Hawke's Bay Regional Resource Management Plan; and, Proposed Plan Change 8 (Discharge Management) to the Regional Plan: Water for Otago.

A1.7 Examples of complex projects where I have prepared applications under the RMA and/or other legislation include:

- (a) Consent for the continued operation of the Manapouri Hydro-electric Power Scheme and the approvals required for the construction of the second tailrace at Manapouri.
- (b) Resource consents and designations for Municipal wastewater treatment and disposal facilities at Dunedin, Queenstown and Wanaka.
- (c) Resource consents and designations for Queenstown's sanitary landfill and waste management facilities (landfills and transfer stations) in Invercargill City and Southland District.
- (d) Resource consents for the construction and operation of Trustpower's Mahinerangi Wind Farm in Otago.
- (e) Discharge permits for discharges to air, land and water, as well as various regional and district land use consents, for a number of dairy manufacturing facilities.
- (f) Discharges permits for discharges to air and coastal waters from a fertiliser manufacturing site.
- (g) Marine consent to mine phosphorite on the Chatham Rise for Chatham Rock Phosphate Limited.
- (h) Discharge permits, water permits and land use consents for alluvial gold mining in Central Otago.

APPENDIX B – SUMMARY OF REQUESTED AMENDMENTS

Further amendments, beyond those recommended in the section 42A Report, are identified in the following tables using double underlining for additions, ~~double strikethrough~~ for deletions and **grey shading**. The section 42A Report recommendations are not tracked in the following table, rather they have been ‘accepted’.

PC7 Provision	Comment / Requested Amendments
<p>General – Consistent Use of Terminology</p>	<p>As discussed in paragraphs 8.1 to 8.4 of Ms Taylor’s evidence, throughout its submission Ravensdown requested amendments to provide for consistent use of the terminology used throughout PC9. While the section 42A Report’s recommendations in relation to some PC9 provisions has made corrections to provide for consistent terminology use, this has not necessarily occurred throughout PC9.</p> <p>Ravensdown continues to request consistent use of terminology throughout PC9. Therefore, Ravensdown requests that PC9 as a whole is checked and corrected so that consistent terminology is used throughout PC9.</p>
<p>Section 5.10.1 – TANK Objectives</p>	
<p>General Objectives</p>	
<p>OBJ TANK 1 (Ravensdown Sub. Ref. 1) (Sub. No. 135.3)</p>	<p>Retain the section 42A Report’s recommended amendments to the notified OBJ TANK 1.</p> <p>The rejection of Ravensdown’s submission point is recommended in the section 42A Report. However, as Ravensdown supported the intent of the objective, and only sought one minor change (i.e., in relation to consistent use of terminology), it is considered that Ravensdown’s submission has been ‘accepted in part’.</p> <p>(Refer to Section 12.7.2, paras 211 to 222, of the section 42A Report).</p>
<p>OBJ TANK 2 (Ravensdown Sub. Ref. 2) (Sub. No. 135.4)</p>	<p>Except for Part (b), retain the section 42A Report’s recommended amendments to the notified OBJ TANK 2.</p> <p>As discussed in paragraph 8.5 to 8.10 of Ms Taylor’s evidence, amend the section 42A Report’s recommended amendments to Part (b) of the objective as follows:</p> <p>b) A continuous improvement approach to the use and development of natural resources and <u>The protection of indigenous biodiversity and the habitat of trout and salmon is adopted and life-supporting capacity and the aquatic ecosystem processes are safeguarded; ...</u></p>

PC7 Provision	Comment / Requested Amendments
	The acceptance, in part, of Ravensdown's submission is recommended in the section 42A Report. (Refer to Section 12.7.3, paras 223 to 238, of the section 42A Report).
Water Quality General	
OBJ TANK 4 (Ravensdown Sub. Ref. 3) (Sub. No. 135.5)	Retain the section 42A Report's recommended amendments to the notified OBJ TANK 4. The acceptance, in part, of Ravensdown's submission is recommended in the section 42A Report. (Refer to Section 14.6, paras 938, 943 and 946, of the section 42A Report).
OBJ TANK 6 (Ravensdown Sub. Ref. 4) (Sub. No. 135.6)	Delete OBJ TANK 6 as recommended in the section 42A Report. The acceptance of Ravensdown's submission is recommended in the section 42A report. (Refer to Section 14.6, paras 938, 945 and 947, of the section 42A Report).
OBJ TANK 7 (Ravensdown Sub. Ref. 5) (Sub. No. 135.7)	Either , retain the section 42A Report's recommended retention of notified OBJ TANK 7. Or , delete OBJ TANK 7. Paragraphs 627, 628 and 630 of the section 42A Report seem to infer that this objective could be deleted as it is unnecessary and the intent of the policy is reflected in a number of policies. However, deletion of OBJ TANK 7 is not shown in Appendix 1 of the section 42A Report. For the reasons outlined in the section 42A Report, and as discussed in in paragraphs 8.11 to 8.15 of Ms Taylor's evidence, Ravensdown would also be willing to accept the deletion of this objective. The rejection of Ravensdown's submission point is recommended in the section 42A Report. However, as Ravensdown supported the intent of the objective, and only sought one minor wording change, it is considered that Ravensdown's submission has been 'accepted in part'. (Refer to Section 14.1, paras 611 to 630, of the section 42A Report).
OBJ TANK 9 (Ravensdown Sub. Ref. 6) (Sub. No. 135.8)	Retain the section 42A Report's recommended amendments to the notified OBJ TANK 9. The acceptance of Ravensdown's submission is recommended in the section 42A Report. (Refer to Section 17.1, paras 2223 to 2231, of the section 42A Report).
Catchment Objectives	
OBJ TANK 10 (Ravensdown Sub. Ref. 7) (Sub. No. 135.9)	Except for Part (e), retain the section 42A Report's recommended amendments to the notified OBJ TANK 10.

PC7 Provision	Comment / Requested Amendments
	<p>As discussed in Section 4 of Ms Taylor’s evidence, amend the section 42A Report’s recommended amendments to Part (e) of the objective as follows:</p> <p style="padding-left: 40px;"><i>e) primary production <u>access to</u> water for community, social and economic well-being; ...</i></p> <p>The rejection of Ravensdown’s submission (i.e., to amend part (e) of the objective) is recommended in the section 42A Report, although Ravensdown supported the intent of the objective and requested its retention.</p> <p>(Refer to Section 12.9.1, paras 263 to 265, of the section 42A Report).</p>
<p>OBJ TANK 11 (Ravensdown Sub. Ref. 8) (Sub. No. 135.10)</p>	<p>Except for Part (g), retain the section 42A Report’s recommended retention of the notified OBJ TANK 11.</p> <p>As discussed in Section 4 of Ms Taylor’s evidence, amend the section 42A Report’s recommended amendments to Part (g) of the objective as follows:</p> <p style="padding-left: 40px;"><i>g) primary production, <u>industrial and commercial</u> water needs and water required for associated processing and other urban activities to provide for community, social and economic wellbeing; ...</i></p> <p>The rejection of Ravensdown’s submission (i.e., to amend part (g) of the objective) is recommended in the section 42A Report, although Ravensdown supported the intent of the objective and requested its retention.</p> <p>(Refer to Section 12.9.2, paras 266 to 269, of the section 42A Report).</p>
<p>OBJ TANK 12 (Ravensdown Sub. Ref. 9) (Sub. No. 135.11)</p>	<p>Except for Part (g), retain the section 42A Report’s recommended retention of the notified OBJ TANK 12.</p> <p>As discussed in Section 4 of Ms Taylor’s evidence, amend the section 42A Report’s recommended amendments to Part (g) of the objective as follows:</p> <p style="padding-left: 40px;"><i>g) primary production, <u>industrial and commercial</u> water needs and water required for associated processing and other urban activities to provide for community, social and economic wellbeing; ...</i></p> <p>The rejection of Ravensdown’s submission (i.e., to amend part (g) of the objective) is recommended in the section 42A Report, although Ravensdown supported the intent of the objective and requested its retention.</p>

PC7 Provision	Comment / Requested Amendments
	(Refer to Section 12.9.3, paras 270 to 273, of the section 42A Report).
<p>OBJ TANK 13 (Ravensdown Sub. Ref. 10) (Sub. No. 135.12)</p>	<p>Except for Part (f), retain the section 42A Report’s recommended retention of the notified OBJ TANK 13. As discussed in Section 4 of Ms Taylor’s evidence, amend the section 42A Report’s recommended amendments to Part (f) of the objective as follows:</p> <p style="padding-left: 40px;"><i>f) primary production, <u>industrial and commercial</u> water needs and water required for associated processing and other urban activities to provide for community, social and economic wellbeing; ...</i></p> <p>The rejection of Ravensdown’s submission (i.e., to amend part (f) of the objective) is recommended in the section 42A Report, although Ravensdown supported the intent of the objective and requested its retention.</p> <p>(Refer to Section 12.9.4, paras 274 and 275, of the section 42A Report).</p>
<p>OBJ TANK 14 (Ravensdown Sub. Ref. 11) (Sub. No. 135.13)</p>	<p>Except for Part (b), retain the section 42A Report’s recommended retention of the notified OBJ TANK 14. As discussed in Section 4 of Ms Taylor’s evidence, amend the section 42A Report’s recommended amendments to Part (b) of the objective as follows:</p> <p style="padding-left: 40px;"><i>b) primary production, <u>industrial and commercial</u> water needs and water required for associated processing and other urban activities to provide for community, social and economic wellbeing; ...</i></p> <p>The rejection of Ravensdown’s submission (i.e., to amend part (b) of the objective) is recommended in the section 42A Report, although Ravensdown supported the intent of the objective and requested its retention.</p> <p>(Refer to Section 12.9.5, paras 276 to 278, of the section 42A Report).</p>
<p>OBJ TANK 15 (Ravensdown Sub. Ref. 12) (Sub. No. 135.14)</p>	<p>Retain the section 42A Report’s recommended amendments to the notified OBJ TANK 15. The acceptance of Ravensdown’s submission is recommended in the section 42A Report.</p> <p>(Refer to Section 14.9, paras 1124 to 1147, of the section 42A Report).</p>

PC7 Provision	Comment / Requested Amendments
Water quantity	
OBJ TANK 16 (Ravensdown Sub. Ref. 13) (Sub. No. 135.15)	Retain the section 42A Report’s recommended amendments to the notified OBJ TANK 16. The rejection of Ravensdown’s submission (i.e., to amend part (c) of the objective) is recommended in the section 42A Report, although Ravensdown supported the intent of the objective and requested its retention. (Refer to Section 15.2.2, paras 1269 to 1187, of the section 42A Report).
OBJ TANK 17 (Ravensdown Sub. Ref. 14) (Sub. No. 135.16)	Retain the section 42A Report’s recommended amendments to the notified OBJ TANK 17. The acceptance, in part, of Ravensdown’s submission is recommended in the section 42A Report. (Refer to Section 15.2.3, paras 1288 to 1301, of the section 42A Report).
OBJ TANK 18 (Ravensdown Sub. Ref. 15) (Sub. No. 135.17)	Retain the section 42A Report’s recommended amendments to the notified OBJ TANK 18. The acceptance, in part, of Ravensdown’s submission is recommended in the section 42A Report. (Refer to Section 15.2.4, paras 1302 to 1314, of the section 42A Report).
Section 5.10.2 – Policies: Surface Water and Groundwater Quality Management	
Priority Management Approach	
POL TANK 1 (Ravensdown Sub. Ref. 16) (Sub. No. 135.18)	Except for Parts (b) and (e), retain the section 42A Report’s recommended amendments to the notified POL TANK 1. As discussed in paragraphs 8.16 to 8.22 of Ms Taylor’s evidence, amend the section 42A Report’s recommended amendments to Parts (b) and (e) of the policy as follows: b) <u>sediment management to address as a key contaminant pathways to also address phosphorus and bacteria losses;</u> ... e) <u>the management of urban stormwater networks and the reduction of contaminants in urban stormwater and other stormwater sources;</u> ... The acceptance, in part, of Ravensdown’s submission is recommended in the section 42A Report. (Refer to Section 14.2, paras 631 to 762, of the section 42A Report).

PC7 Provision	Comment / Requested Amendments
POL TANK 4 (Ravensdown Sub. Ref. 17) (Sub. No. 135.19)	Retain the section 42A Report's recommended amendments to the notified POL TANK 4. The acceptance of Ravensdown's submission is recommended in the section 42A Report. (Refer to Section 14.2, paras 631 to 762, of the section 42A Report).
POL TANK 5 (Ravensdown Sub. Ref. 18) (Sub. No. 135.20)	Retain the section 42A Report's recommended amendments to the notified POL TANK 5. The acceptance of Ravensdown's submission is recommended in the section 42A Report. (Refer to Section 14.2, paras 631 to 762, of the section 42A Report).
<i>Protection of Source Water</i>	
POL TANK 6 (Ravensdown Sub. Ref. 19) (Sub. No. 135.21)	Retain the section 42A Report's recommended amendments to the notified POL TANK 6. The acceptance, in part, of Ravensdown's submission is recommended in the section 42A Report. However, while the aim of this policy is supported, as discussed in Section 7 of Ms Taylor's evidence, Ravensdown has concerns about the extent of Napier Source Protection Zone, which has not been defined in accordance with the Schedule 35 approach, as recommended in the section 42A report's recommendation (i.e., 'Schedule 35 – Planning Map - Napier Source Protection Zone'). (Refer to Section 17.2.1, paras 2243 to 2258, of the section 42A Report).
<i>Managing point source discharges</i>	
POL TANK 10 (Ravensdown Sub. Ref. 20) (Sub. No. 135.22)	Retain the section 42A Report's recommended amendments to the notified POL TANK 10. The rejection of Ravensdown's submission (i.e., one minor wording change) is recommended in the section 42A Report, although Ravensdown supported the intent of the policy and requested its retention. (Refer to Section 14.7, paras 1085 to 1098, of the section 42A Report).
Section 5.10.3 – Policies: Managing Adverse Effects from Land Use on Water Quality (Diffuse Discharges)	
<i>Adaptive Approach to Nutrient and Contaminant Management</i>	
POL TANK 17 (Ravensdown Sub. Ref. 21) (Sub. No. 135.23)	Retain the section 42A Report's recommended amendments to the notified POL TANK 17.

PC7 Provision	Comment / Requested Amendments
	<p>The rejection of Ravensdown’s submission (i.e., one minor wording change) is recommended in the section 42A Report, although Ravensdown supported the intent of the policy and requested its retention.</p> <p>(Refer to Section 14.2, paras 631 to 762, of the section 42A Report).</p>
<p>POL TANK 18 (Ravensdown Sub. Ref. 22) (Sub. No. 135.24)</p>	<p>Retain the section 42A Report’s recommended amendments to the notified POL TANK 18.</p> <p>The rejection of Ravensdown’s submission (i.e., amendments to Part (b)) is recommended in the section 42A Report, although Ravensdown supported the intent of the policy and requested its retention.</p> <p>(Refer to Section 14.2, paras 631 to 762, of the section 42A Report).</p>
<p>POL TANK 19 (Ravensdown Sub. Ref. 23) (Sub. No. 135.25)</p>	<p>Delete POL TANK 19 as recommended in the section 42A Report.</p> <p>The acceptance of Ravensdown’s submission is recommended in the section 42A Report.</p> <p>(Refer to Section 14.2, paras 631 to 762, of the section 42A Report).</p>
<i>Sediment Management</i>	
<p>POL TANK 20 (Ravensdown Sub. Ref. 24) (Sub. No. 135.26)</p>	<p>Retain the section 42A Report’s recommended amendments to the notified POL TANK 20.</p> <p>The rejection of Ravensdown’s submission (i.e., minor wording amendments) is recommended in the section 42A Report, although Ravensdown supported the intent of the policy and requested its retention.</p> <p>(Refer to Section 14.2, paras 631 to 762, of the section 42A Report).</p>
<i>Land Use Change and Nutrient Losses</i>	
<p>POL TANK 21 (Ravensdown Sub. Ref. 25) (Sub. No. 135.27)</p>	<p>Retain the section 42A Report’s recommended amendments to the notified POL TANK 21.</p> <p>The acceptance, in part, of Ravensdown’s submission is recommended in the section 42A Report.</p> <p>(Refer to Section 14.3, paras 763 to 825, of the section 42A Report).</p>
<i>Industry Programmes and Catchment Collectives</i>	
<p>POL TANK 23 (Ravensdown Sub. Ref. 26) (Sub. No. 135.28)</p>	<p>Retain the section 42A Report’s recommended amendments to the notified POL TANK 23.</p> <p>The acceptance, in part, of Ravensdown’s submission is recommended in the section 42A Report.</p> <p>(Refer to Section 14.5, paras 837 to 936, of the section 42A Report).</p>

PC7 Provision	Comment / Requested Amendments
<p>POL TANK 24 (Ravensdown Sub. Ref. 27) (Sub. No. 135.29)</p>	<p>Retain the section 42A Report’s recommended amendments to the notified POL TANK 24.</p> <p>The rejection of Ravensdown’s submission (i.e., some wording amendments) is recommended in the section 42A Report, although Ravensdown supported the intent of the policy and requested its retention.</p> <p>(Refer to Section 14.5, paras 837 to 936, of the section 42A Report).</p>
<p>POL TANK 25 (Ravensdown Sub. Ref. 28) (Sub. No. 135.30)</p>	<p>Retain the section 42A Report’s recommended amendments to the notified POL TANK 25.</p> <p>The acceptance, in part, of Ravensdown’s submission is recommended in the section 42A Report.</p> <p>However, while the aim of this policy is supported, as discussed in Section 3 of Ms Taylor’s evidence, Ravensdown considers that if an Order in Council comes into effect for the region in accordance with Part 9A of the RMA, then this regulation will specify who must have Freshwater Farm Plans in place (i.e., the farming activities outlined in section 217D of the RMA).</p> <p>(Refer to Section 14.5, paras 837 to 936, of the section 42A Report).</p>
<i>Management and compliance</i>	
<p>POL TANK 26 (Ravensdown Sub. Ref. 29) (Sub. No. 135.31)</p>	<p>Retain the section 42A Report’s recommended amendments to the notified POL TANK 26.</p> <p>The rejection of Ravensdown’s submission (i.e., some minor wording amendments) is recommended in the section 42A Report, although Ravensdown supported the intent of the policy and requested its retention.</p> <p>However, while the aim of this policy is supported, as noted above in relation POL TANK 25 and discussed in Section 3 of Ms Taylor’s evidence, Ravensdown considers that if an Order in Council comes into effect for the region in accordance with Part 9A of the RMA, then this regulation will specify who must have Freshwater Farm Plans in place (i.e., the farming activities outlined in section 217D of the RMA) and in this context, Part (c) of this policy may not be applicable.</p> <p>(Refer to Section 14.5, paras 837 to 936, of the section 42A Report).</p>
<i>Timeframes: Water and Ecosystem Quality</i>	
<p>POL TANK 27 (Ravensdown Sub. Ref. 30) (Sub. No. 135.32)</p>	<p>Retain the section 42A Report’s recommended amendments to the notified POL TANK 27.</p> <p>The rejection of Ravensdown’s submission is recommended in the section 42A Report.</p>

PC7 Provision	Comment / Requested Amendments
	(Refer to Section 14.5, paras 837 to 936, of the section 42A Report).
Section 5.10.4 – Policies: Stormwater Management	
Stormwater Infrastructure	
<p>POL TANK 28 (Ravensdown Sub. Ref. 31) (Sub. No. 135.33)</p>	<p>As discussed in Section 5 of Ms Taylor’s evidence, amend the section 42A Report’s recommended amendments to POL TANK 28 as follows:</p> <p><i>The adverse effects of stormwater quality and quantity on aquatic ecosystems and community well-being arising from existing and new urban development (including infill development) industrial or trade premises and associated infrastructure, will be reduced or mitigated no later than 1 January 2025, by:</i></p> <p>b) <i>Requiring, through consent conditions, measures to achieve, <u>after reasonable mixing, the target attribute states in Schedule 26, or relevant ANZECC Guidelines 2018 for attributes not included in Schedule 26;</u></i></p> <p>...</p> <p>j) <i>amending district plans, standards, codes of practice and bylaws to specify design standards for stormwater reticulation and discharge facilities through consent conditions, that will achieve the freshwater objectives set out in this plan;</i></p> <p>...</p> <p>m) <i>requiring, <u>through resource consents no later than 1 January 2025</u>, the preparation and implementation of a site management plan and good site management practices on industrial or trade premises with a high risk of stormwater contamination in the TANK catchments and those in the high priority areas: ...</i></p> <p>The rejection of Ravensdown’s submission is recommended in the section 42A Report. (Refer to Section 16.1, paras 2107 to 2123, of the section 42A Report).</p>
Source Control	
<p>POL TANK 29 (Ravensdown Sub. Ref. 32) (Sub. No. 135.34)</p>	<p>As discussed in Section 5 of Ms Taylor’s evidence, delete POL TANK 29, as requested by Ravensdown in its submission, as follows:</p> <p>Sources of stormwater contamination and contaminated stormwater will be reduced by:</p>

PC7 Provision	Comment / Requested Amendments
	<p>a) specifying requirements for the design and installation of stormwater control facilities on sites where there is a high risk of freshwater contamination arising from either the direct discharge of stormwater to freshwater, the discharge of stormwater to land where it might enter water or the discharge to a stormwater or drainage network;</p> <p>b) requiring the implementation of good site management practices on all sites where there is a risk of stormwater contamination arising from the use, or storage of contaminants including the management of solid contaminants and debris to avoid these entering stormwater;</p> <p>c) controlling, and if necessary avoiding, activities that will result in water quality standards not being able to be met.</p> <p>The rejection of Ravensdown’s submission is recommended in the section 42A Report. (Refer to Section 16.2, paras 2124 to 2132, of the section 42A Report).</p>
Dealing with the Legacy	
<p>POL TANK 30 (Ravensdown Sub. Ref. 33) (Sub. No. 135.35)</p>	<p>As discussed in Section 5 of Ms Taylor’s evidence, amend POL TANK 30 as follows:</p> <p><i>Aquatic ecosystem health improvements and community wellbeing and reduced stormwater contamination will be achieved by HBRC working with the Napier City and Hastings District Councils requiring discharges from stormwater networks, <u>after reasonable mixing</u>, to meet:</i></p> <p>c) <i>the 2040 target attribute states in Schedule 26 for freshwater and estuary health through resource consent conditions, including requirements;</i></p> <p><i>(i) to apply the Stream Ecological Valuation methodology to inform further actions;</i></p> <p><i>(ii) to install treatment devices within the drainage network where appropriate,</i></p> <p><i>(iii) to avoid solid contaminants and debris entering stormwater;</i></p> <p><i>(iv) for stream planting/re-alignment for aquatic ecosystem enhancement;</i></p> <p><i>(v) for wetland creation, water sensitive design and other opportunities for increasing stormwater infiltration where appropriate;</i></p> <p><i>(vi) recognise existing and planned investments in stormwater infrastructure.</i></p> <p>d) for attributes not accounted for in Schedule 26, the ANZECC Guidelines 2018 will be used to achieve, after reasonable mixing;</p>

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	<p>(i) the 80th percentile level of species protection in receiving waters by 1 January 2025; and (ii) the 95th percentile level of species protection by 31 December 2040.</p> <p>The acceptance of Ravensdown's submission is recommended in the section 42A Report, although it is not clear, given the wording of the recommended policy, that this was the case (i.e., Ravensdown requested the deletion of the 80th and 95th percentile part of the policy). (Refer to Section 16.3, paras 2133 to 2145, of the section 42A Report).</p>
Ahuriri Catchment	
POL TANK 32 (Ravensdown Sub. Ref. 34) (Sub. No. 135.36)	Retain the section 42A Report's recommended amendments to the notified POL TANK 32. The acceptance, in part, of Ravensdown's submission is recommended in the section 42A Report. (Refer to Section 16.5, paras 2156 to 2162, of the section 42A Report).
Section 5.10.5 – Policies: Monitoring and Review	
POL TANK 33 (Ravensdown Sub. Ref. 35) (Sub. No. 135.37)	Retain the section 42A Report's recommended retention of the notified POL TANK 33. The rejection of Ravensdown's submission (i.e., some minor wording amendments) is recommended in the section 42A Report, although Ravensdown supported the intent of the policy and requested its retention. (Refer to Section 12.5.1, para 171, of the section 42A Report).
POL TANK 35 (Ravensdown Sub. Ref. 36) (Sub. No. 135.38)	Retain the section 42A Report's recommended amendments to the notified POL TANK 35. The acceptance, in part, of Ravensdown's submission is recommended in the section 42A Report. (Refer to Section 12.5.3, paras 175 to 181, of the section 42A Report).
Section 5.10.6 – Policies: Heretaunga Plains Groundwater Levels and Allocation Limits	
Heretaunga Plains Aquifer Management	
POL TANK 36 (Ravensdown Sub. Ref. 37) (Sub. No. 135.39)	As discussed in Section 6 of Ms Taylor's evidence, amend POL TANK 36, as requested by Ravensdown in its submission, as follows:

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	<p><i>The Council recognises the actual and potential adverse effects of groundwater abstraction in the Heretaunga Plains Groundwater Quantity Area on:</i></p> <p>...</p> <p><i>and will adopt a staged approach to groundwater management that includes;</i></p> <p>f) <i>avoiding further adverse effects by not granting <u>restricting</u> new consents to take and use groundwater;</i></p> <p>...</p> <p>k) including plan review directions to assess effectiveness of these measures.</p> <p>The rejection of Ravensdown’s submission is recommended in the section 42A Report, although Ravensdown supported the intent of the policy and requested its retention. (Refer to Section 15.3.3, paras 1346 to 1357, of the section 42A Report).</p>
<p>POL TANK 37 (Ravensdown Sub. Ref. 38) (Sub. No. 135.40)</p>	<p>As discussed in Section 6 of Ms Taylor’s evidence, amend POL TANK 37, as requested by Ravensdown in its submission, as follows:</p> <p><i>In managing the allocation and use of groundwater in the Heretaunga Plains Groundwater Quantity Area, the Council will;</i></p> <p>...</p> <p>b) avoid limit <i>re-allocation of any water that might become available within the interim groundwater allocation limit or within the limit of any connected water body until there has been a review of the relevant allocation limits within this plan;</i></p> <p>c) <i>manage the Heretaunga Plains Groundwater Quantity Area as an overallocated management unit and prevent <u>restrict</u> any new allocations of groundwater;</i></p> <p>...</p> <p>The rejection of Ravensdown’s submission is recommended in the section 42A Report, although Ravensdown supported the intent of the policy and requested its retention. (Refer to Section 15.3.4, paras 1358 to 1385, of the section 42A Report).</p>

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<p>POL TANK 38 (Ravensdown Sub. Ref. 39) (Sub. No. 135.41)</p>	<p>Retain the section 42A Report’s recommended amendments to the notified POL TANK 38. The rejection of Ravensdown’s submission (i.e., to delete the policy) is recommended in the section 42A Report (Refer to Section 15.3.5, paras 1386 to 1405, of the section 42A Report).</p>
<p>Flow maintenance</p>	
<p>POL TANK 39 (Ravensdown Sub. Ref. 40) (Sub. No. 135.42)</p>	<p>Retain the section 42A Report’s recommended new POL TANK 39. The rejection of Ravensdown’s submission (i.e., retention of the policy subject to a minor wording amendment) is recommended in the section 42A Report. (Refer to Section 15.3.7, paras 1424 to 1444, of the section 42A Report).</p>
<p>POL TANK 41 (Ravensdown Sub. Ref. 41) (Sub. No. 135.43)</p>	<p>Retain the section 42A Report’s recommended amendments to the notified POL TANK 41. The acceptance of Ravensdown’s submission is recommended in the section 42A Report. (Refer to Section 15.3.9, paras 1456 to 1470, of the section 42A Report).</p>
<p>Groundwater management review</p>	
<p>POL TANK 42 (Ravensdown Sub. Ref. 42) (Sub. No. 135.44)</p>	<p>As discussed in Section 6 of Ms Taylor’s evidence, deleted POL TANK 42, as requested by Ravensdown in its submission, as follows:</p> <p>After water has been re-allocated and consents reviewed in accordance with POL TANK 36 – 38, the Council will commence a review of these provisions within ten years of <operative date> in accordance with Section 79 of the RMA and will determine:</p> <ul style="list-style-type: none"> a) the amount of water allocated in relation to the interim allocation limit; b) the total annual metered groundwater use for the Heretaunga Plains Groundwater Quantity Area during the ten years prior to the time of review; c) if any changes in the relationship between groundwater abstraction and the flows of rivers and groundwater levels have occurred; <ul style="list-style-type: none"> (i) the extent of any stream flow maintenance, augmentation, or habitat enhancement schemes including in relation to; (ii) the length of stream subject to flow maintenance;

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	<p>(iii) the extent of habitat enhancement including length of riparian margin improvements, and new or improved wetlands;</p> <p>(iv) the magnitude and duration of stream flow maintenance scheme operation;</p> <p>(v) trends oxygen and temperature levels in affected streams.</p> <p>And will;</p> <p>d) In relation to plan objectives and adverse effects listed in POL TANK 36, assess;</p> <p>(i) the effects of the groundwater takes on stream flows;</p> <p>(ii) effectiveness of any stream flow maintenance, augmentation, or habitat enhancement schemes in maintaining water flows, groundwater levels and improving water quality;</p> <p>(iii) effectiveness of habitat enhancement including through improved riparian management and wetland creation in meeting freshwater objectives;</p> <p>e) review the appropriateness of the allocation limit in relation to the freshwater objectives;</p> <p>f) develop a plan change to ensure any over allocation is phased out.</p> <p>The rejection of Ravensdown’s submission is recommended in the section 42A Report (Refer to Section 15.3.10, paras 1481 to 1480, of the section 42A Report).</p>
Section 5.10.7 – Policies: Surface Water Low Flow Management	
Water Use and Allocation - Efficiency	
<p>POL TANK 46 (Ravensdown Sub. Ref. 43) (Sub. No. 135.45)</p>	<p>Retain the section 42A Report’s recommended amendments to the notified POL TANK 46. The acceptance, in part, of Ravensdown’s submission is recommended in the section 42A Report. (Refer to Section 15.4.6, paras 1562 to 1571, of the section 42A Report).</p>
<p>POL TANK 47 (Ravensdown Sub. Ref. 44) (Sub. No. 135.46)</p>	<p>Retain the section 42A Report’s recommended amendments to the notified POL TANK 47. The acceptance, in part, of Ravensdown’s submission is recommended in the section 42A Report. (Refer to Section 15.4.7, paras 1572 to 1587, of the section 42A Report).</p>

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Water Allocation – Permit Duration	
<p>POL TANK 49 (Ravensdown Sub. Ref. 45) (Sub. No. 135.47)</p>	<p>As discussed in paragraphs 8.23 to 8.30 of Ms Taylor’s evidence, amend POL TANK 49, as requested by Ravensdown in its submission, as follows:</p> <p><i>When considering applications to take and use water, the Council will set common expiry dates, <u>or include a review condition</u>, that enable consistent and efficient management of the resource, and will set durations that provide a periodic opportunity to review effects of the cumulative water use and to take into account potential effects of changes in:</i></p> <p>...</p> <p><i>and the Council;</i></p> <p><i>g) will impose consent durations of 15 years, <u>or impose review conditions reflecting the same timeframe</u>, according to specified water quantity area expiry dates. Future dates for expiry or review of consents within that catchment are every 15 years thereafter;</i></p> <p>...</p> <p><i>j) may grant consents granted within three years prior to the relevant common catchment expiry date with a duration to align with the second common expiry date <u>or review condition</u>, except where the application is subject to section 8.2.4 of the RRMP.</i></p> <p>The rejection of Ravensdown’s submission is recommended in the section 42A Report. (Refer to Section 15.4.9, paras 1606 to 1618, of the section 42A Report).</p>
Water Allocation - Priority	
<p>POL TANK 51 (Ravensdown Sub. Ref. 46) (Sub. No. 135.48)</p>	<p>Retain the section 42A Report’s recommended amendments to the notified POL TANK 51. The acceptance, in part, of Ravensdown’s submission is recommended in the section 42A Report. (Refer to Section 15.4.12, paras 1651 to 1663, of the section 42A Report).</p>
Over-Allocation	
<p>POL TANK 52 (Ravensdown Sub. Ref. 47) (Sub. No. 135.49)</p>	<p>As discussed in Section 6 of Ms Taylor’s evidence, amend POL TANK 52, as requested by Ravensdown in its submission, as follows:</p> <p><i>The Council will phase out over-allocation by;</i></p>

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	<p>b) preventing <u>restricting</u> any new allocation of water (not including any reallocation in respect of permits issued before 2 May 2020, or high flow allocations);</p> <p>...</p> <p>f) prevent <u>restrict</u> site to site transfers of allocated but unused water that does not meet the definition of Actual and Reasonable use;</p> <p>...</p> <p>The rejection of Ravensdown’s submission is recommended in the section 42A Report. (Refer to Section 15.4.13, paras 1664 to 1683, of the section 42A Report).</p>
Section 6.10.1 – Use of Production Land	
<p>Rule TANK 1 – Use of Production Land (Permitted Activity) (Ravensdown Sub. Ref. 48) (Sub. No. 135.50)</p>	<p>Retain the section 42A Report’s recommended amendments to the notified Rule TANK 1. The rejection of Ravensdown’s submission is recommended in the section 42A Report. However, as discussed in Section 3 of Ms Taylor’s evidence, Ravensdown considers that if an Order in Council comes into effect for the region in accordance with Part 9A of the RMA, then this regulation will specify who must have Freshwater Farm Plans in place (i.e., the farming activities outlined in section 217D of the RMA) and therefore the provisions of this rule may not align with the new Freshwater Farm Plan regulations. (Refer to Section 14.5, paras 837 to 936, of the section 42A Report).</p>
<p>Rule TANK 2 – Use of Production Land (Controlled Activity) (Ravensdown Sub. Ref. 49) (Sub. No. 135.51)</p>	<p>Retain the section 42A Report’s recommended amendments to the notified Rule TANK 2. The rejection of Ravensdown’s submission is recommended in the section 42A Report. However, as discussed in Section 3 of Ms Taylor’s evidence, Ravensdown considers that if an Order in Council comes into effect for the region in accordance with Part 9A of the RMA, then this regulation will specify who must have Freshwater Farm Plans in place (i.e., the farming activities outlined in section 217D of the RMA) and therefore the provisions of this rule may not align with the new Freshwater Farm Plan regulations. (Refer to Section 14.5, paras 837 to 936, of the section 42A Report).</p>

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<p>Rule TANK 5 – Use of Production Land (Controlled Activity) (Ravensdown Sub. Ref. 50) (Sub. No. 135.52)</p>	<p>As discussed in Section 3 of Ms Taylor’s evidence, delete Rule TANK 5 in its entirety, as requested by Ravensdown in its submission (i.e., on the basis that the rule was inconsistent with relevant National Environmental Standards for Freshwater change of land use regulations).</p> <p>The rejection of Ravensdown’s submission is recommended in the section 42A Report. (Refer to Section 14.3, paras 763 to 825, of the section 42A Report).</p>
<p>Rule TANK 6 – Use of Production Land (Restricted Discretionary Activity) (Ravensdown Sub. Ref. 51) (Sub. No. 135.53)</p>	<p>As discussed in Section 3 of Ms Taylor’s evidence, amend Rule TANK 6, as requested by Ravensdown in its submission (i.e., on the basis that the rule was inconsistent with relevant National Environmental Standards for Freshwater change of land use regulations), as follows:</p> <ul style="list-style-type: none"> • Amend the rule title as follows: <u>Change of Use of Production Land</u> • Amend the activity description as follows: <u>A change in land use type in the TANK catchments, from one leaching level to a higher leaching level as shown in Table 1 of Schedule 29, pursuant to Section 9(2) RMA and associated non-point source discharges pursuant to Section 15 of the RMA.</u> • Amend the activity status from restricted discretionary to discretionary; and • Delete the Matters of Discretion. <p>The rejection of Ravensdown’s submission is recommended in the section 42A Report. (Refer to Section 14.3, paras 763 to 825, of the section 42A Report).</p>
Section 6.10.2 – Water – Take and Use	
<p>Rule TANK 9 – Groundwater Take – Heretaunga Plains (Restricted Discretionary Activity) (Ravensdown Sub. Ref. 52) (Sub. No. 135.54)</p>	<p>Retain the section 42A Report’s recommended amendments to the notified Rule TANK 9. The acceptance, in part, of Ravensdown’s submission is recommended in the section 42A Report. (Refer to Section 15.6.2, paras 1863 to 1894, of the section 42A Report).</p>
<p>Rule TANK 11 – Groundwater and Surface Water Take (low flow) (Discretionary Activity) (Ravensdown Sub. Ref. 53) (Sub. No. 135.55)</p>	<p>Retain the section 42A Report’s recommended amendments to the notified Rule TANK 11. The acceptance, in part, of Ravensdown’s submission is recommended in the section 42A Report. (Refer to Section 15.6.3, paras 1895 to 1912, of the section 42A Report).</p>

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Section 6.10.3 - Stormwater	
<p>Rule TANK 21 – Diversion and discharge from local authority networks (Controlled Activity) (Ravensdown Sub. Ref. 54) (Sub. No. 135.56)</p>	<p>Except for Condition (a)(iv), retain the section 42A Report’s recommended amendments to the notified Rule TANK 21.</p> <p>As discussed in Section 5 of Ms Taylor’s evidence, amend the section 42A Report’s recommended amendments to Condition (a)(iv) of the rule as follows:</p> <p style="text-align: center;">contain hazardous substances or, be from a site used for the storage, use or transfer of hazardous substances</p> <p>The rejection of Ravensdown’s submission (i.e., the amendment of Condition (a)(iv)) is recommended in the section 42A Report, although Ravensdown supported the intent of the rule and requested its retention.</p> <p>(Refer to Section 16.7, paras 2189 to 2200, of the section 42A Report).</p>
<p>Rule TANK 22 – Stormwater discharge from industrial and traded premises (Restricted Discretionary Activity) (Ravensdown Sub. Ref. 55) (Sub. No. 135.57)</p>	<p>Retain the section 42A Report’s recommended amendments to the notified Rule TANK 22.</p> <p>The acceptance, in part, of Ravensdown’s submission is recommended in the section 42A Report.</p> <p>(Refer to Section 16.8, paras 2201 to 2209, of the section 42A Report).</p>
<p>Rule TANK 23 – Stormwater activities (Discretionary Activity) (Ravensdown Sub. Ref. 56) (Sub. No. 135.58)</p>	<p>Retain the section 42A Report’s recommended amendments to the notified Rule TANK 23.</p> <p>The acceptance, in part, of Ravensdown’s submission is recommended in the section 42A Report.</p> <p>(Refer to Section 16.9, paras 2210 to 2215, of the section 42A Report).</p>
Section 6.3.3 – Vegetation Clearance and Soil Disturbance Activities	
<p>Rule 7 – Vegetation clearance and soil disturbance (Permitted Activity) (Ravensdown Sub. Ref. 57) (Sub. No. 135.59)</p>	<p>Except for Conditions (f)(i) and (i)(i), retain the section 42A Report’s recommended amendments to the notified Rule 7 amendments.</p> <p>As discussed in paragraphs 8.1 to 8.4 of Ms Taylor’s evidence, amend the section 42A Report’s recommended amendments to Conditions (f)(i) and (i)(i) of the rule as follows:</p> <p style="text-align: center;">... as specified in the relevant <u>Freshwater Farm Environment or Plan, Catchment Collective or Industry Programme prepared in accordance with Schedule 30; Plan</u> ...</p>

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	<p>The rejection of Ravensdown's submission (i.e., improved clarity in relation to Conditions (f)(i) and (i)(ii)) is recommended in the section 42A Report, although Ravensdown supported the intent of the rule and requested its retention.</p> <p>(Refer to Section 14.13, paras 1186 to 1197, of the section 42A Report).</p>
Schedules	
<p>Schedule 27 – Freshwater Quality Objectives (Ravensdown Sub. Ref. 58) (Sub. No. 135.60)</p>	<p>Given the context of Ravensdown submission on Schedule 27 (i.e., deletion of the schedule as it was not used in PC9), and given that Ravensdown did not submit on Schedule 26 (even though 'outcome long term' for water quality has now been included in Schedule 26), Ravensdown requests the retention of the section 42A Report's recommendation to delete Schedule 27.</p> <p>The rejection of Ravensdown's submission is recommended in the section 42A report, even though the deletion of the schedule is recommended as requested by Ravensdown.</p> <p>(Refer to Section 14.6, paras 937 to 1084, of the section 42A Report).</p>
<p>Schedule 28 – Priority Catchments (Ravensdown Sub. Ref. 59) (Sub. No. 135.61)</p>	<p>Retain the section 42A Report's recommended amendments to Schedule 28, including associated Planning Maps.</p> <p>The acceptance, in part, of Ravensdown's submission is recommended in the section 42A Report.</p> <p>However, as discussed in Section 3 of Ms Taylor's evidence, Ravensdown considers that if an Order in Council comes into effect for the region in accordance with Part 9A of the RMA, then this regulation will specify who must have Freshwater Farm Plans in place (i.e., the farming activities outlined in section 217D of the RMA) and when. Therefore, the provisions of this schedule, in terms of timing, may not align with the new Freshwater Farm Plan regulations.</p> <p>(Refer to Section 14.2, paras 631 to 762, of the section 42A Report).</p>
<p>Schedule 29 – Land Use Change (Ravensdown Sub. Ref. 50) (Sub. No. 135.62)</p>	<p>Retain the section 42A Report's recommended amendments to Schedule 29.</p> <p>The rejection of Ravensdown's submission (i.e., to delete the schedule) is recommended in the section 42A Report.</p> <p>(Refer to Section 14.3, paras 763 to 825, of the section 42A Report).</p>
<p>Schedule 30 – Catchment Collective, Industry Programme and Freshwater Farm Plan</p>	<p>Retain the section 42A Report's recommended amendments to Schedule 30.</p> <p>The acceptance, in part, of Ravensdown's submission is recommended in the section 42A Report.</p>

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(Ravensdown Sub. Ref. 61) (Sub. No. 135.63)	<p>However, as discussed in Section 3 of Ms Taylor’s evidence, Ravensdown considers that if an Order in Council comes into effect for the region in accordance with Part 9A of the RMA, then this regulation will specify who must have Freshwater Farm Plans in place (i.e., the farming activities outlined in section 217D of the RMA) and the content of such plans. Therefore, the provisions of this schedule may not align with the new Freshwater Farm Plan regulations.</p> <p>(Refer to Section 14.5, paras 837 to 936, of the section 42A Report).</p>
<p>Schedule 31 – Flows, Levels and Allocation Limits (Ravensdown Sub. Ref. 62) (Sub. No. 135.64)</p>	<p>Retain the section 42A Report’s recommended amendments to Schedule 31.</p> <p>The acceptance, in part, of Ravensdown’s submission is recommended in the section 42A Report.</p> <p>(Refer to Section 15.4.2, paras 1513 to 1532, of the section 42A Report).</p>
<p>Schedule 33 – Water Permit Expiry Dates (Ravensdown Sub. Ref. 63) (Sub. No. 135.65)</p>	<p>As discussed in paragraphs 8.23 to 8.30 of Ms Taylor’s evidence, amend Schedule 33, as requested by Ravensdown in its submission, as follows:</p> <p><i>Refer to Policy POL TANK 49 and Rules TANK 9 - 11. The Council will consider the following Schedule when determining the duration of any permit, <u>or the inclusion of a review condition reflecting the same timeframe</u>, to take and use water.</i></p> <p><i>Where appropriate, the duration of the consent <u>and/or the review condition</u> will be consistent with the next common expiry date for the relevant water management as shown in this Schedule. If an application is made up to three years before the next due date for the relevant zone, the Council may issue the permit for the following expiry date <u>or include a review condition reflecting the same timeframe</u>.</i></p> <p><i>For applications in an area for which no expiry date is specified, the duration of the consent will be a matter for Council's discretion</i></p> <p>The rejection of Ravensdown’s submission is recommended in the section 42A Report.</p> <p>(Refer to Section 15.4.10, paras 1619 to 1630, of the section 42A Report).</p>
<p>Schedule 34A – Stormwater Management Plan (Ravensdown Sub. Ref. 64) (Sub. No. 135.66)</p>	<p>Retain the section 42A Report’s recommended amendments to Schedule 34A.</p> <p>The acceptance of Ravensdown’s submission is recommended in the section 42A Report.</p> <p>(Refer to 16.11, paras 2219 to 2222, of the section 42A Report).</p>

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<p>Schedule 35 – Source Protection for Drinking Water Supplies (Ravensdown Sub. Ref. 65) (Sub. No. 135.67)</p>	<p>As discussed in Section 7 of Ms Taylor’s evidence, amend Schedule 35, as requested by Ravensdown in its submission, as follows:</p> <ul style="list-style-type: none"> • Retain (and amend) the reference to: ... <i>Registered Drinking Water Supply <u>Source</u> Protection Zone map layers on the HBRC website.</i> • Remove all references and criteria for the identification of provisional ‘Source Protection Zones’ from the schedule. • Ensure that ‘Source Protection Zone’ maps on the website, which are identified as non-planning maps, have been developed in accordance with the criteria specified in this schedule. • Delete all references to the ‘Schedule 35 Planning Maps 1 -2’ from the schedule. <p>The rejection of Ravensdown’s submission is recommended in the section 42A Report. (Refer to Section 17.4, paras 2382 to 2414, of the section 42A Report).</p>
Chapter 9 – Glossary of Terms Used	
<p>Farm Environment Plan (Ravensdown Sub. Ref. 66) (Sub. No. 135.68)</p>	<p>As discussed in Section 3 of Ms Taylor’s evidence, either delete this definition, or amend the definition as follows:</p> <p><i>Freshwater Farm Environment Plan</i> means a plan that has been prepared in accordance with the requirements of Schedule 30BC by a person with the professional qualifications necessary to prepare such a plan which is implemented by a landowner or on behalf of a landowner.</p> <p>The acceptance of Ravensdown’s submission (i.e., to retain the definition) is recommended in the section 42A Report. (Refer to Section 14.5, paras 837 to 1084, of the section 42A Report).</p>
<p>NEW Nitrogen loss rate</p>	<p>Retain the new ‘nitrogen loss rate’ definition as recommended in the section 42A Report. (Refer to Section 14.2, paras 631 to 762, of the section 42A Report).</p>

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<p>NEW Nitrogen loss target</p>	<p>As discussed in paragraphs 3.18 and 3.19(d), retain the new ‘nitrogen loss target’ definition as recommended in the section 42A Report, except for the following minor amendment (i.e., deletion of the brackets):</p> <p>...</p> <p><i>The Nitrogen loss rate and the nitrogen loss target may be the same for any property. ¶The effects of some nutrient mitigation measures cannot be modelled with Overseer. This provision also reflects that some properties are already adopting good industry practice – but that this may change over time¶.</i></p> <p>(Refer to Section 14.2, paras 631 to 762, of the section 42A Report).</p>
<p>Planning Maps – Source Protection Zones</p>	
<p>Schedule 35 – Planning Map – Napier Source Protection Zone (Ravensdown Sub. Ref. 67) (Sub. No. 135.69)</p>	<p>As discussed in Section 7 of Ms Taylor’s evidence, delete the new ‘Planning Map – Napier Source Protection Zone’ from PC9.</p> <p>The rejection of Ravensdown’s submission is recommended in the section 42A Report.</p> <p>(Refer to Section 17.4, paras 2382 to 2414, of the section 42A Report).</p>