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Submission ID# 1

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Belinda Harper

From: kall@xtra.co.nz
Sent: Sunday, 23 February 2020 4:00 PM
To: OWB
Subject: OWB Submission on Proposed Plan Change 7 - Outst
Bay Regional Resource Management Plan.

Importance: High

Submission on Proposed Plan Change 7 - Outstanding Water Bodies. Hawke's Bay Regi
Plan.

Name: (required) Kathryn Bayliss.
Organisation: None
Postal address: (required) 116 Maharakeke Road, R D 1, Waipukurau 4281

I could not gain an advantage in trade competition through this submission.

Do you wish to be heard in support of your submission? No If others make a similar submission, would you consider presenting a joint case with them at a hearing? No

Submission Details

Issue/Topic Description: Proposed Plan Change 7 - Outstanding Water Bodies. Amendments should be made and the Makaroro River added to Schedule 25, Part 2 - Outstanding Water bodies in Hawke's Bay.

Specific provision(s) of Plan Change 7 that my submission relates to are: [eg: objective, policy, water body (reference numbers)]:
Schedule 25 Part 2 - Outstanding Water bodies in Hawke's Bay. Part 1, Table 1. Part 2: ID# 4 and 5, 12, 21, 31,

My submission is:
I support Plan Change 7 with a few amendments and additions.
1. Page 27. In the description of the Makirikiki River it stated that the Porangahau Stream flows into the Tukituki river this is incorrect as the Porangahau Stream flows into the Maharakeke Stream.
2. Page 37. The Tukituki Estuary area is not in Central Hawke's Bay. The River starts and flows through CHB.
3. Page 32. Porangahau River and Estuary is not the only location where Caspian terns and royal spoonbills nest, though it may be the only ares in Hawke's Bay.
4. Page 20. Recreation values should include swimming and walking along riversides and lakes.
5. Page 20. Angling and fishing can mean the same activity.
6. Some lakes have sizes included but some don't. It would be best to have the sizes of all lakes and wetlands and the length of rivers included in Schedule 25.
7. In Schedule 25, page 22 and 23, in the description of outstanding values "Tangata whenua of the region have advised that Kaweka and Ruahine Ranges wetlands have outstanding cultural and spiritual values" have been included twice, in 4. and 5.

8. I would like to add the Makaroro River to Schedule 25, Part 2 - Outstanding Water bodies in Hawkes Bay. HBRC will have plenty of information on the Makaroro that proves it is outstanding. (Including information done for the development of Plan Change 6, the defunct RWSS planning and The Board of Enquiry into the Tukituki Catchment Proposal.) The Central Hawke's Bay District Council has included the Makaroro River as a Significant Amenity Feature and the Makaroro Gorge has been named an Outstanding Natural Feature in the CHBDC Draft District Plan (May 2019).) (Below are extracts from the CHBDC Draft District Plan.)

(1)

The Mākāroro River includes the length of river from the source in the Ruahine Ranges through the gorge to it's the confluence with the Waipawa River.

Outstanding values include:
Cultural and Spiritual: Wahi Tapa, Wahi toanga, kainga, battle site, pa
Ecology: native birds, native fish, native plants, aquatic macroinvertebrates,
Landscape: scenic, natural characteristics Natural character: high naturalness, including hydrological, ecological and geological features.
Recreation: kayaking, fishing, swimming, tramping.
Geology.

The Makaroro River has some of the best water in Hawke's Bay. It is a highly natural river and environment. The RiVAS is nationally significant for natural character.
The Makaroro River has 7 migratory fish species including four at risk or declining native fish. It is a trout spawning river and significant regional trout fishery. The native birds there are locally significant.

I seek the following decision from the Regional Council:

1 The Makaroro River is added to Schedule 25, Part 2 - Outstanding Water bodies in Hawke's Bay, with the Outstanding values to include:
Cultural and Spiritual: Wahi Tapa, Wahi toanga, kainga, battle site, pa
Ecology: native birds, native fish, native plants, aquatic macro-invertebrates,
Landscape: scenic, natural characteristics Natural character: high naturalness, including hydrological, ecological and geological features
Recreation: kayaking, fishing, swimming, tramping.
Geology.

To make amendments:
2 1. Page 27. The Makirikiki River flows into the Porangahau Stream. The Porangahau Stream then flows into the Maharakeke Stream.
3 2. Page 37. The Tukituki River starts and flows through Central Hawke's Bay. The Tukituki river then flows north to reach the Tukituki Estuary and thd coast in the Hastings district.
4 3. Page 32. Porangahau River and Estuary is the only location Hawke's Bay where Caspian terns and royal spoonbills nest.
5 4. Page 20. Recreation values include swimming and walking along riversides and lakes.
6 5. Page 20. Angling is deleted.
7 6 The sizes of all lakes and wetlands and the length of rivers are included in Schedule 25.
8 7. In Schedule 25, ID# 5 "Tangata whenua of the region have advised that Kaweka and Ruahine Ranges wetlands have outstanding cultural and spiritual values" is deleted.

The following has been extracted from the CHBDC Draft District Plan:

The Mākāroro River includes the length of river from the source in the Ruahine Ranges through the gorge to Mākāroro Road bridge (Burnt Bridge) just upstream of the confluence with the Waipawa River.
The combination of distinctive incised landform, and perceived and ecological naturalness due to the presence of remnant and regenerating native forest, historic and cultural associations Mākāroro Gorge One of three Incised River Valleys off the Ruahine Range.
The Mākāroro River Gorge flows from Whakarara downstream for approximately 1.5km (2.5km river length) through a deeply incised gorge generally enclosed by native vegetation.
Contrast with the surrounding areas of pastoral land increases the value of such remnant areas of vegetation and meandering valleys.
Historic and cultural values, with the Mākāroro River forming the walking route for Colenso and Māori travellers passing through Motu o Puka Pa.
Cultural values of the river's Mauri and as a tributary to the Tukituki River and those associated Deed of Settlement responsibilities.

(2)

Very high landscape values contributed to by the remnant and regenerating indigenous vegetation cover in combination with the eroded valley landform pattern.

Landscape-Assessment-Part-C1-Significant-Amenity-Features-WEB-READY.pdf:
Mākāroro River
Identification:
Significant Amenity Feature
Location:
NZ Topo 50 – BL36
Description
Assessment of the Mākāroro River, being downstream of the Mākāroro Gorge which is separately assessed as an ONF.
The area assessed as meeting the standards necessary for a Significant Amenity Feature (SAF) is the length of river from the gorge down to the junction with the Waipawa River. This is a 5km stretch of river (5km direct or 9.5km as the river flows), with the upper end of the gorge being east of the Wakarara Settlement intersection and the lower end of the SAF being Mākāroro Road bridge (Burnt Bridge) just upstream of the confluence with the Waipawa River.
Natural Science Geological/Geomorphological An incised river valley, carrying shattered greywacke from the Ruahine Range and carved into the lowland hills abutting the ranges. Incised into a pumiceous sandstone, sandy mudstone conglomerate, which lies within the Kidnappers Group and forms the Wakarara Range to the north, and gravel alluvial terraces within the river valley. A fault line is recorded as passing across the river at the northern end of the gorge section.
As the river widens below the gorge, the geology changes to include alluvial material that has gathered to form the flatter river terraces characteristic of the plains and lower slopes east of the Wakarara Range. Such terraces are clearly discernible adjacent to the intersection of Mathew and Wakarara Roads, where alluvial flats are divided by hedge rows and the Mākāroro River becomes less incised and takes on wider meanders as it passes through the softer depositional material.
Old oxbow patterns from previous meanders are clearly visible, with an old oxbow wetland remaining in the southern meander just upstream of Burnt Bridge. This incised meandering pattern illustrates the river's erosion into the soft depositional material on the terraces.
Ecological
Mākāroro oxbows. Remnant wetland and pond in old oxbows, illustrating the meandering pattern through soft depositional material on the terraces.
Areas of indigenous forest clothe the sloping riverside escarpments and terraces, particularly on the northern side of the river, where the SAF abuts the southern edge of the Wakarara Range ONF. Pasture extends down some of the escarpments on the southern side and in the lower portions of the incised river channel. Vegetation beech and podocarp forest plus a mix of pasture and less well developed native regeneration. Both types of native vegetation enhance the ecological values and water quality while also creating a habitat for indigenous and exotic birdlife.
Areas of pastoral land are located on the escarpments and in the old meanders of the oxbows, with the lowest southern oxbows still containing remnants of its more saturated history with the presence of ponds and a horseshoe shaped wetland.
The Protected Natural Area Programme (PNAP) undertaken by DoC in 1994 recognised Smedley Bluffs (RAP 25), being bush covered escarpments on the true left bank in the lower part of the SAF opposite Mathew Road, noting the beech and podocarp species and other native vegetation:
"On the higher dry sites black beech is the dominant tree .... Good numbers of totara, kahikatea, matai and rimu are scattered through the northern half of the RAP and a few small pockets of manuka are present."
True left bank of the Mākāroro River SAF recognised by PNA programme as RAP 25 (solid blue area) - Known as Smedley Bluffs.
The area covered by the PNAP is also categorised as a ASNCV (Area of Significant Nature Conservation Value) in the operative District Plan. This classification is likely to be extended during the district plan review to include more of the lower section and the gorge and to be renamed SNA (Significant Natural Area).
Hydrological
The river carries 1.23m3/s mean annual low flow before joining the Waipawa River just below the lower end of the SAF. Water is sourced from rainfall in the Ruahine Ranges where the headwaters start. The site of the consented Ruataniwha water storage dam is at the upper end of the gorge, upstream and separate to the SAF.
Perceptual
Memorability

(3)

The lower portion of the SAF is memorable for its combination of incised channel form, with its widening meanders and remnant oxbows, plus remnant and regenerating native vegetation. The river channel becomes more apparent as its incised form contrasts with the adjacent flats as it weaves through the emerging terraces that widen south of Mathew/ Wakarara Road intersection. The contrasting form of flat terraces with depressed meandering channels highlighted by the presence of large swathes of native vegetation increases the memorability of the river.

Legibility/Expressiveness

An expressive meandering pattern resulting from the river's erosive action through the sandy mudstone conglomerate and alluvial terraces. Clear evidence of the erosion process of the river eating into the surface material and forming depressions and incised patterns.

Old oxbow patterns from previous meanders are clearly visible, with an old oxbow wetland remaining in the southern meander just upstream of Burnt Bridge. The Mākāroro River has almost joined with the meander of the Mangataura Stream to the south, with the narrow remaining terrace that separates the two being the alignment of the Wakarara Road. A little over 50m of the embankment remains between these two rivers channels, graphically expressing the power of the rivers running off the Ruahine Range.

Transient

The river valley has its own microclimates, with the sheltered valley characterised by heat in the summer, cold in the winter, and high waters during heavy rain periods throughout the year. Home for birdlife and song and the sound of flowing water are all characteristics of these sections of the river.

Aesthetic

Areas of indigenous vegetation throughout the valley system has a high degree of coherence and reinforces its vividness both as a feature and in harmony with the natural meanders of the river. The river follows an incised valley that contrasts with the intactness of the terraces it crosses, being clearly expressive of the softness of their underlying alluvial geology.

Naturalness

A high degree of perceived naturalness, more so in the areas with the greatest presence of native vegetation. The density and extent of indigenous vegetation that clothes the incised river valley influences its assessment as a Significant Amenity Feature, reduced from a outstanding rating by the presence of pastoral activity.

Associational

Shared/Recognised

Tributaries and the spiritual and ecological health are valued by Māori for its Mauri. The value of the clean flowing river waters are recognised by all, with its attributes reflecting environmental well being. These rivers are connected with the aquifers, which flow under the Ruataniwha Plains, so have long term values associated with that. The Mākāroro River is a tributary of the Tukituki River, which is recognised as the main river flowing through Central Hawke's Bay and north through Hastings District. The Tukituki River has high associational values for CHB with all other rivers flowing off the Ruahine Range within CHB being tributaries to it.

Historical

In the 1920s, a milling operation was based at Mākāroro River approximately 3km upstream of the gorge. The mill ran for 25 years, cutting podocarp from the local area. The Gardner and Yeoman's Mill was located at the present Mākāroro River carpark. A timber mill also operated from near the end of North Block road from 1930 for 12 years. Gold mining took place in Gold Creek which is a tributary to the Mākāroro River on the edge of the Forest Park, while copper was also mined in the area.

A number of tracks were utilised by the people of Heretaunga Tamatea in times of peace and war to cross from one side of the Ruahine Range to the other. One was known as Te Atua-o-Mahuru. From the western side it ran from Te Awarua and came out on the eastern side at the headwaters of the Mākaroro Stream and followed the stream down to the Ruataniwha Plains.

William Colenso used the river to access this crossing of the Ruahine Ranges. The route he followed is marked on NZ Topographical maps as Colenso Spur and Colenso Spur Track, both of which connect with the upper reaches of the Mākāroro River. A memorial to Colenso is located within the Forest Park on Colenso Spur above the Mākāroro River The Colenso Memorial on spur above Mākāroro River. Route shown to him by Māori to cross the Ruahine Range. Mākāroro River used as the eastern access.

Tangata Whenua

Motu o Puka Pā was located on the north bank of the river channel within the length of the SAF. This pā was under the leadership of chief Tuawāhia whose influence spread right down to Rakautatahi Marae just south of Takapau (on Snee Rd at the junction with SH2).

(4)

Tamakiuru and Amiria lived at Rakautatahi. Amiria was take prisoner at Te Ruru in Manawatū by Ngāti Kahungunu and taken to Wairoa. Karena was born there. Te Rere lived at Motu o Puka (near the headwaters of Waipawa) and at Rakautatahi, as well as at Te Kehou where they had a burial ground. Their chief was Tuawāhia.
Motu-o-Puka was not a defensive pā but was located at the meeting point of two walking routes around the Wakarara Range (alternatively named Ngawhakarara). One was around the western side, which now is generally aligned with Mangleton and Mākāroro Roads, while the other was around the eastern side from Ngaroro.
Walking tracks then headed south, with one possible route being along the foothills of the Ruahine Range following Moorcock Stream, with the other possibly passing through a lookout and pits at Pendle Hill, Te Whiti-o-Tu Pā north of Wakarara Road, an unnamed pā by Springhill Reserve, a bird snaring site near Petit Valley Road and another unnamed pā near Makāretu Road before arriving at Rakautatahi Marae or Te Horehore Pā (or others) near Takapau.
Responsibilities under the Deed of Settlement apply to this area.
Motu o Puka Pā site on the Mākāroro River. Meeting point of western and eastern tracks possibly used by Māori around the Nga Wakarara Range before heading south. Two possible routes.
Key Characteristics
The length of river channel reaches the level of Significant Landscape Feature due to the combination of distinctive incised landform, perceived and ecological naturalness due to the presence of remnant and regenerating native forest, historic and cultural associations. Current pastoral activities within the river channel potentially reduce the ecological naturalness.
- The river system has great significance to iwi, particularly the river itself for the mauri it brings.

Landscape-Assessment-Part-B1-Oustanding-Natural-Features-and-Landscapes-WEB-READY.pdf
Mākāroro Gorge
Identification: Outstanding Natural Feature
Location: NZ Topo 50 – BL36
Description
Mākāroro River Gorge, from Wakarara downstream for approximately 1.5km (2.5km river length) through a deeply incised gorge generally enclosed by native vegetation.
Natural Science Geological/Geomorphological An incised river gorge, carrying shattered greywacke from the Ruahine Ranges and carved into the lowland hills abutting the ranges. Incised into a pumiceous sandstone, sandy mudstone conglomerate, which lies within the Kidnappers Group and forms the Wakarara Range to the north, and gravel alluvial terraces within the river valley. A fault line is recorded as passing across the river at the northern end of the ONF section.
Ecological
Indigenous forest clothes the steeply sloping riverside escarpments and peninsula's within the valley floor, particularly on the northern side of the river, while pasture extends down some of the escarpments on the southern side at the downstream end of the feature. The Mākāroro Gorge ONF is southwest of the Wakarara Range ONF, separated by slopes and hill sides covered in pasture and regenerating native vegetation. Much of the vegetation in the gorge is podocarp and beech forest and some is well developed other broadleaf native regeneration, all of which enhance the ecological values while also creating a habitat for indigenous and exotic birdlife.
Areas of pastoral land are located on the terraces above the gorge, with pasture extending down steep escarpments on the true right bank adjacent to the river at the lower end of the ONF. A small portion of pasture covers the last peninsula in the lower portion of the gorge. While lacking forest cover, the steep landform enclosing the lower right bank of the gorge contribute to its containment and definition as a feature.
A high degree of naturalness that distinguishes it from its immediate more modified surroundings, adding considerably to memorability. The presence of native vegetation reinforces this memorability. The sense of enclosure and intimacy plus a sense of grandeur combine to make this river section highly memorable.
Legibility/Expressiveness
An expressive meandering pattern resulting from the river's erosive action through the sandy mudstone conglomerate and alluvial terraces. Clear evidence of the erosion process of the river eating into the surface material and forming depressions and incised patterns.
Research undertaken for the RWSS found a range of indigenous vegetation types in the upper gorge, including Black Beech Forest, Mountain Beech Forest, Podocarp Broadleaf Forest, Broadleaf Forest, Kowhai-Broadleaf treelands scrub/tussockland and Broadleaf small leaved monocot scrub/cliffland. Aspects of these vegetation types are expected to occur through the gorge. An ecological assessment of the entire gorge length is expected to find it to be a Significant Natural Area that would warrant recognition under RMA s6(c).

(5)

The Protected Natural Area Programme (PNAP) undertaken by DoC in 1994 recognised the Smedley Bluffs (RAP 25), being bush covered escarpments on the northern side of the river just downstream from the gorge, noting the podocarp species and other native vegetation.

Hydrological

The river carries rainfall from the headwaters in the Ruahine Ranges and flows at approximately 1.23m3/ sec MALF. Perceptual Memorability Memorable landscape due to the scale and length of the incised river gorge. The Mākāroro Gorge is memorable for its depth and tall escarpments, with the incised landform with its meandering patterns and remnant oxbows etched into the eroded terrace surface, having The river valley has its own microclimates, with the gorge characterised by heat in the summer, cold in the winter, and high waters during heavy rain periods throughout the year. Home for birdlife and song and the sound of flowing water are all characteristics of this section of the river.

Aesthetic

Extensive indigenous vegetation throughout the valley system has a high degree of coherence and reinforces its vividness both as a feature and in harmony with the natural meanders of the river. The river follows a narrow incised valley that contrasts with the intactness of the terraces it crosses, being clearly expressive of the solidity of the underlying geology.

Naturalness

A high degree of perceived naturalness in the gorge with presence of native vegetation. The density and extent of indigenous vegetation that clothes the incised river valley contributes to its assessment as an Outstanding Natural Feature, coupled with the deep gorge landform being two factors that contribute to the outstanding assessment.

Associational

Shared/Recognised

Tributaries and the spiritual and ecological health are valued by Māori for its Mauri. The source of water was valued for its irrigation potential as part of the RWSS and for the significant investment put in by the Regional Council and community. These rivers feed the aquifers, which flow under the Ruataniwha Plains, so have long term values associated with that.

Historical

In the 1920s, a milling operation was based at Mākāroro River approximately 3km upstream of the ONF area. The mill ran for 25 years, cutting podocarp from the local area. The Gardner and Yeoman's Mill was located at the present Mākāroro River carpark. A timber mill also operated from near the end of North Block road from 1930 for 12 years.

A number of tracks were utilised by the people of Heretaunga Tamatea in times of peace and war to cross from one side of the Ruahine Range to the other. One was known as Te Atua-o-Mahuru. From the western side it ran from Te Awarua and came out on the eastern side at the headwaters of the Mākaroro Stream and followed the stream down to the Ruataniwha Plains.

William Colenso used the river to access this crossing of the Ruahine Ranges. The route he followed is marked on NZ Topographical maps as Colenso Spur and Colenso Spur Track, both of which connect with the upper reaches of the Mākāroro River. A memorial to Colenso is located within the Forest Park on Colenso (Sparrow Hawk) Spur above the Mākāroro River.

The Colenso Memorial on spur above Mākāroro River. Route shown to him by Māori to cross the Ruahines Tangata WhenuaMotu o Puka Pā was located on the north bank of the river channel 2.2km (4.2km as the river flows) downstream of the ONF. This pā was under the leadership of chief Tuawāhia whose influence spread right down to Rakautatahi Marae just south of Takapau (on Snee Rd at the junction with SH2).

Tamakiuru and Amiria lived at Rakautatahi. Amiria was take prisoner at Te Ruru in Manawatū by Ngāti Kahungunu and taken to Wairoa. Karena was born there. Te Rere lived at Motu o Puka (near the headwaters of Waipawa) and at Rakautatahi, as well as at Te Kehou where they had a burial ground. Their chief was Tuawāhia.

Motu o Puka was not a defensive pā but was located at the meeting point of two walking routes around the Wakarara Range (alternatively named Ngawhakarara). One was around the western side, which now is generally aligned with Mangleton and Mākāroro Roads, while the other was around the eastern side from Ngaroro. The western route would traverse along the edge of the Mākāroro ONF to the pā site.

The Heretaunga Tamatea Deed of Settlement identified matters discussed below as associated responsibilities and matters of cultural significance.

Reference to the Tukituki River Catchment Cultural Values and Uses (HBRC report June 2012) clarifies and defines key Māori environmental cultural values and their application within the Tukituki River catchment, as follows: (such values would also apply to the catchments referred to below in the Deed of Settlement).

"Mauri is the life essence of nature itself on this planet" Hodges (1992). When mauri is extinguished within a species, the result is extinction because the natural restorative and regenerative powers are lost. Of absolute importance to Ngāti Kahungunu is the preservation and protection of mauri. Ensuring the preservation and protection of mauri is to provide for conservation of bio- diversity. The outcome will ensure the restoration and regeneration of ecosystems. Mana whenua as kaitiaki seek to sustainably manage all taonga species within the Tukituki River catchment. This is expressed through the cultural value of mauri that seeks to enhance the life force principle included in people, fish, animals, birds, forests, land, seas, rivers, biodiversity and ecosystems.

The Tukituki river flows ki uta ki tai – from the mountains to the sea – from its headwaters in the Ruahine Ranges, downstream through the Ruataniwha Plains and lowland mouth and coastline at Haumoana. From the headwaters of the upper Tukituki tributaries which cross the Ruataniwha Plains are: the Mākāroro, Waipawa, Mangaroa stream, Kahahakuri stream, Mangataura stream, Mangaonuku stream, Tukipo, Maharakeke, Ngahape stream, Pōrangahau Stream, Mangatewai River, Mangapohio stream, and Makāretu River.

All the Tukituki tributaries, rivers and streams will have an influence on the overall ecological health of the catchment. Therefore, these tributaries are considered in terms of their relationship to cultural values, their mauri and the cumulative effects on the whole ecosystems and ecological health state of the Tukituki River catchment.

Reference to the Tukituki River Catchment Cultural Values and Uses (HBRC report June 2012) clarifies and defines key Māori environmental cultural values and their application within the Tukituki River catchment, as follows: (such values would also apply to all the catchments referred to above in the Deed of Settlement and others referred to in this landscape assessment).

This underpinning philosophy is enshrined in the recent Heretaunga Tamatea Deed of Settlement, where the Pōrangahau/Tāurekaitai River, Waipawa River, Tukipo River and Tukituki River and its tributaries were given Statutory Acknowledgement and Crown acknowledged that—

(a) the lakes, rivers, springs, and wetlands of Heretaunga Tamatea, such as Whatuma, Runanga and Poukawa, the Tutaekuri, Ngaruroro, Maraetotara, Tukituki, Waipawa, Makāretu, and Pōrangahau / Taurekaitai Rivers, and the Pekapeka swamplands are mahinga kai that are central to the well-being of the hapū of Heretaunga Tamatea; and

(b) the loss of traditional lands has limited the ability of the hapū of Heretaunga Tamatea to access these waterways, to gather traditional foods, and to provide the manaakitanga that is intrinsic to Heretaunga Tamatea; and

(c) the modification and degradation of the Heretaunga Tamatea environment due largely to the introduction of weeds and pests, farm run-off, industrial pollution, and drainage works has severely damaged traditional food resources and mahinga kai. The Act provides for cultural redress, including: Cultural redress that does not involve the vesting of land, namely,—

(i) a statutory acknowledgement by the Crown of the statements made by Heretaunga Tamatea of their cultural, historical, spiritual, and traditional association with certain statutory areas and the effect of that acknowledgement, together with deeds of recognition for the specified areas; and statutory acknowledgement provides for; The only purposes of the statutory acknowledgement are—

(a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with sections 24 to 26; and

(b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees, in accordance with sections 27 and 28; and

(c) to enable the trustees and any member of Heretaunga Tamatea to cite the statutory acknowledgement as evidence of the association of Heretaunga Tamatea with a statutory area, in accordance with section 29.

Key Characteristics

Very high landscape values contributed to by the remnant and regenerating indigenous vegetation cover in combination with the eroded valley landform pattern. Contrast with the surrounding areas of pastoral land increases the value of such remnant areas of vegetation and meandering valleys. Historic and cultural values, with the Mākāroro River forming the walking route for Colenso and Māori travellers passing through Motu o Puka Pa. Cultural values of the river's Mauri and as a tributary to the Tukituki River and those associated Deed of Settlement responsibilities.

The river system has great significance to iwi, particularly the river itself for the mauri it brings. See details on the Deed of Settlement for associated responsibilities and cultural significance.

(7)

Belinda Harper

From: kall@xtra.co.nz
Sent: Wednesday, 26 February 2020 1:48 PM
To: OWB
Subject: submission

Importance: High

Could I please have the following added to my other submission.

Name: (required) Kathryn Bayliss.
Organisation: None
Postal address: (required) 116 Maharakeke Road, R D 1, Waipukurau 4281

I could not gain an advantage in trade competition through this submission.

Do you wish to be heard in support of your submission? No If others make a similar submission, would you consider presenting a joint case with them at a hearing? No

Submission Details

Issue/Topic Description: Proposed Plan Change 7 - Outstanding Water Bodies. Additional policy.

Specific provision(s) of Plan Change 7 that my submission relates to are: Policies.

My submission is:
I would like a further policy added that dams and diversions are prohibited in outstanding waterbodies.

Dams and diversions can substantially change the waterbodies. They would interrupt the naturalness and mauri. This needs to be made clear so people don't even considered developing them. It should apply to all waterbodies.

I seek the following decision from the Regional Council:
To prohibit dams and diversions in waterbodies.

9

Submission on Proposed Plan Change 7: Hawke's Bay Regional Resource Management Plan

PLEASE NOTE: your submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.

Name: *(required)* Shane Speakman

Organisation: Booster Wine Group

Postal address: *(required)* 150 Ugbrooke Rd, RD4, Awatere Valley, Marlborough

Email address: shane.speakman@boosterwinegroup.nz

Phone number: 021 615154

Contact person and address if different to above: Steve Wilkes, WilkesRM Ltd.

76 High St, Blenheim 7201 steve@wilkesrm.co.nz

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

X I could not gain an advantage in trade competition through this submission; or

~~☐ I could gain an advantage in trade competition through this submission.~~

~~*If you have ticked this box please select one of the following:*~~

~~☐ I am directly affected by an effect of the subject matter of the submission~~

~~☐ I am not directly affected by an effect of the subject matter of the submission.~~

Do you wish to be heard in support of your submission? Yes

If others make a similar submission, would you consider presenting a joint case with them at a hearing? Yes

Signature: Date: 28 February 2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
OWB@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 28 February 2020

No submissions will be accepted after this deadline. The deadline will not be further extended.

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SUBMISSION ID#

2

Date Received:

28/2/20

Database Entry Date:

5/3/20

Database Entry Operator:

ER

HAWKES BAY REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Submission Details

Please attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission. Further information on how to make a submission and the submission process is available on the Regional Council website.

Issue/Topic Description: Schedule 25 and the identification of outstanding values

Specific provision(s) of Plan Change 7 that my submission relates to are: *[eg: objective, policy, water body (reference numbers)]*

see attached

My submission is: *[Clearly indicate whether you support or oppose the specific provisians or wish to have them amended along with reasons]*

see attached

I seek the following decision from the Regional Council: *[Plesae give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process]*

see attached

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON 28 FEBRUARY 2020

1. The Hawkes Bay Regional Resource Management Plan currently contains a number of objectives and policies that relate to the sustainable take and use of fresh water and the use of the highly versatile soils of the greater Heretaunga area. These provisions include:

i. *OBJ LW1 Integrated management of fresh water and land use and development*

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

6. Recognising the significant regional and national value of freshwater use for production and processing of beverages, food and fibre.

ii. *POL LW2 Problem solving approach - Prioritising values*

Subject to achieving Policy LW1.3:

1. Give priority to maintaining, or enhancing where appropriate, the primary values and uses of freshwater bodies shown in Table 2A for the following catchment areas in accordance with Policy LW2.3:

a) Greater Heretaunga / Ahuriri Catchment Area;

b) Mohaka Catchment Area; and

c) Tukituki Catchment Area.

3. When managing the freshwater bodies listed in Policy LW2.1:

a) recognise and provide for the primary values and uses identified in Table 2A; and

b) have particular regard to the secondary values and uses identified in Table 2A.

TABLE 2A:

Catchments Area	*Primary Value (s) & Uses in no priority order*	*Secondary Value(s) & Uses in no priority order*
Greater Heretaunga...	.....	.....
	.....	.....
	freshwater use for beverages, food and fibre production and processing and other land-based primary production.	.....

Anticipated Environmental Results	*Indicator(s)*
Regional economic prosperity is enhanced	*Regional GDP trends and unemployment trends for primary sector and associated manufacturing and processing.*

ii. *ISS UD2 The adverse effects from urban development encroaching on versatile land (particularly in the Heretaunga Plains sub-region where the land supports regionally and nationally significant intensive economic activity), and ultimately the adverse effects of this on the economic wellbeing of the Region's people and communities both now and for future generations.*

Explanation

The Heretaunga Plains sub-region contains areas with a high proportion of very high value versatile land. There are competing demands for this valuable finite resource. The diversity and intensity of horticultural and viticultural production on the Heretaunga Plains, for instance, creates a high demand for land which is in short supply, whilst the same land is highly desirable for urban and rural lifestyle development.

The versatile land of the region, particularly in the Heretaunga Plains sub-region is a regionally, if not nationally, significant resource for primary production and ultimately underpins the economy of the Region (my emphasis). Therefore, pressure from urban development encroaching on this resource is a regionally significant issue.

.....

2. These provisions recognise the value of land based primary production that is reliant upon highly versatile soils that together underpin the region's economy. Land based primary production is in turn heavily reliant upon access to reliable irrigation water. Without irrigation water the regionally and nationally significant primary production is at significant risk.

3. Plan Change 7 includes new provisions that are contrary to these established provisions and that would amongst other matters:

a. identify recreational use of the lower Ngaruroro River for jet boating as an "outstanding" value of that river while only identifying the use of water from the river for "primary production water use" as a "significant" value; and

b. insert policies into the Hawke's Bay Regional Resource Management Plan which both:

   i. require the 'outstanding' recreational value of the lower Ngaruroro River for jet boating to be protected; and

   ii. provide that if there is a conflict between a 'significant' value (i.e. use of water for irrigation) and the 'outstanding' value (of jet boating use), the jet boating use "must be given preference".

4. Plan Change 7 introduces Schedule 25 which features a list of the region's outstanding water bodies, or parts thereof, and their respective value(s).

5. The submitter recognises that Plan Change 7 seeks to protect outstanding and significant values of freshwater bodies as identified in schedule 25 and if there is a conflict between a 'significant' value and the 'outstanding' value, then the outstanding value "must be given preference".

6. The submitter accepts and agrees with the approach that outstanding values would outweigh significant values where there is a conflict.

7. The submitter strongly holds the view that primary production water use from the Ngaruroro River is an 'outstanding' value of the river and not a 'significant' value.

8. The proposed addition to POL LW1 includes the words "and any other values that are determined to be relevant taking into account local and/or regional circumstances". This proposed wording provides scope for the inclusion of the use of water for primary production to support the regionally and nationally significant primary production on the greater Heretaunga Plains.

Decision Sought

9. The submitter opposes Plan Change 7 as notified and seeks the following amendments:
    a. That Schedule 25 be amended to reflect that primary production water use is identified as an 'outstanding value' for the lower Ngaruroro.
    b. That "Table 1 – Overview of categories of outstanding values and their sub-parts" be amended to include primary production water use.
    c. That the table that makes up "Part 2 – Outstanding Water Bodies in Hawkes Bay ..." be amended to include primary production water use as an outstanding value for the Ngaruroro River and Estuary and the Description of the Outstanding Value be expanded to include reference to the abstraction and use of water being of outstanding value in supporting the ongoing existence of the regionally and nationally significant primary production on the Heretaunga Plains.

10. The submitter requests any associated consequential amendments as necessary resulting from the above additions.

11. It is submitted that such amendments will ensure PC7 remains consistent with existing provisions of the Regional Resource Management Plan.

Belinda Harper

From: Wufoo <no-reply@wufoo.com>
Sent: Friday, 28 February 2020 11:45 AM
To: OWB
Subject: HBRC OWB Submission Form [#11]

Categories: Transferred to SharePoint
SharePointLocationUrl: https://herbi.hbrc.govt.nz/site/ResourceMa/planchange/Outstanding Waterbodies PC7

SharePointAbsoluteFileUrl: https://herbi.hbrc.govt.nz/site/ResourceMa/planchange/Outstanding Waterbodies PC7/Submission_Proposed_Plan_Change_7_Brownrigg_Agriculture_Ltd_28-02-2020.msg

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Submission ID# 3

Date Received: 28/2/20

Database Entry Date: 3/3/20

Database Entry Operator: BH

Name *	Bridget Margerison
Organisation	Brownrigg Agriculture Group Limited
Address *	140 Pukekura Settlement Road, RD11 Hastings, Hawkes's Bay 4178 New Zealand
Email	bridget@brownrigg.co.nz
Phone Number	068748672
The specific provision(s) of the proposed Plan Change that my submission relates to are [e.g. objective, policy, water body]: *	As attached
My submission is that [Clearly indicate whether you support or oppose the specific provisions or wish to have them amended along with reasons]: *	As attached

1

Upload additional pages of your submission here:	submission__proposed_plan_change_7_to_the_rrmp__brownrigg_agriculture_28feb.docx 90.55 KB · DOCX
I seek the following decision from the Council [give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process] *	As attached
Do you wish to be heard in support of your submission? *	Yes
If others make a similar submission, would you consider presenting a joint case with them at a hearing? *	Yes

(2)

Brownrigg Agriculture Group Ltd
140 Pukekura Settlement Road
RD11, Hastings, New Zealand
Telephone: (06) 878 7189

BROWNRIGG AGRICULTURE

SUBMISSION – PROPOSED PLAN CHANGE 7 TO THE RRMP
BROWNRIGG AGRICULTURE LIMITED

Company name	Brownrigg Agriculture Group Limited
Contact person	Bridget Margerison
Address	140 Pukekura Settlement Road RD11 Hastings 4178
Region	Hawke's Bay
Phone	027 5710040
Email	bridget@brownrigg.co.nz
Submitter type	Business / Industry

1 INTRODUCTION

Brownrigg Agriculture Group Limited (BA) is a family owned agri-business operating in Hawke's Bay. Its production platform comprises over 9000ha of freehold and leasehold land. Operations include a range of cropping and livestock enterprises and complementary rural property investment. Brownrigg Agriculture is a leading producer in its chosen niche markets of squash, maize grain, onions, prime lamb and Wagyu cattle.

The business is a significant contributor to the local and national economy through its export focused production streams and as an important employer in the Hawkes Bay region.

Brownrigg Agriculture grows, harvests and packs for export 35-40,000MT of Squash and Onions which are shipped to the off-shore markets via the nearby Port of Napier. The business is also a large-scale livestock farmer, finishing around 125,000 lambs and 3,000 head of cattle per annum.

The business has approximately 85 permanent staff and employs approximately 220 employees during peak seasonal periods.

BA supports initiatives to maintain and enhance environmental quality. That is in fact a core aspect of its business model and one that is particularly important for its export markets.

However, BA also considers that any environment policy initiatives, be they national or regional, must be:

- Based on robust evidence; and
- Easily understood and consistently implemented by both decision-makers and plan users.
- Outcomes focused;
- Have clear and identifiable implications for 'on the ground' farming activities;
- Practical and achievable.

Unfortunately, some of the PC7 provisions fall short in that regard. Brownrigg's following submission highlights key aspects that are of particular concern.

2 IDENTIFICATION OF OUTSTANDING FRESHWATER BODIES

Plan Provisions
Table 2 in Schedule 25 of Part 2 of PC7.
Glossary.

Position
Oppose in part.

Reasons for Position
The NPSFM Interpretation section defines "outstanding freshwater bodies" as follows:

> **"Outstanding freshwater bodies"** are those water bodies identified in a regional policy statement or regional plan as having outstanding values, including ecological, landscape, recreational and spiritual values.

The term "outstanding values" is not defined in the NPSFM. Informatively however, the recent Recommendation Report on the WCO application for the Ngaruroro and Clive Rivers, referring to the Environment Court's decision[1] on the Rangitata WCO, stated that for a WCO "outstanding" can be taken to mean "*quite out of the ordinary on a national basis*". Applying this to the PC7 context, "outstanding "could be taken to mean "*quite out of the ordinary on a regional basis*".

In light of that meaning, it is incongruous that the 37 freshwater bodies listed in Schedule 25 Table 2 are "*quite out of the ordinary on a regional basis*" in Hawke's Bay. It appears that in compiling the list of outstanding freshwater bodies Council may have overreached itself and included waterbodies that may not be truly "*quite out of the ordinary*".

BA notes that PC7 includes a Glossary definition of "outstanding freshwater body" that differs from the definition in the NPSFM. This has the potential to cause confusion as the definition in the higher order instrument must take priority as the RRMP must give effect to the NPSFM.[2]

BA also notes that PC7 includes a Glossary definition of "outstanding". That definition uses the subjective terms "eminent" and "remarkable" which can mean different things to different people, but they do at least refer to something arguably "out of the ordinary". However, the definition also uses the word "conspicuous" which in turn means 'visible' or 'obvious'. Any water body will be both visible and obvious and so the use of the word "conspicuous" adds no value.

Relief sought:
a) Delete from Table 2 in Schedule 25 of Part 2 of PC7 any freshwater bodies that are not "*quite out of the ordinary on a regional basis*" in Hawke's Bay.

---

[1] *Rangitata South Irrigation Ltd v New Zealand and Central Couth Island Fish and Game Council* C109/2004.
[2] RMA s67(3)(a).

b) Delete the Chapter 9 (Glossary) definition of "outstanding freshwater body" and cross-refer instead to the definition in the NPSFM Interpretation section.

c) Amend the Chapter 9 (Glossary) definition of "outstanding" by deleting the word "conspicuous".

d) Any consequential amendments required to other parts of PC7 as a result of the above relief.

3 ABSENCE OF SIGNIFICANT VALUES

Plan Provisions
Table 2 in Schedule 25 in Part 2 of PC7.

Position
Oppose in part.

Reasons for Position
For numerous freshwater bodies in Table 2 the columns purporting to list and describe the significant values of the freshwater body are empty. The header on page 21 states:

> "The significant values, and their associated descriptions, for each outstanding water body will be included after a catchment based regional plan change has been made operative for the relevant catchment."

It is incomprehensible how Council can fulfil its obligations under s32 of the RMA and objectively determine and that a freshwater body is "*quite out of the ordinary on a regional basis*" in Hawke's Bay when it does not know what that freshwater body's significant values are.

Similarly, with regard to purported outstanding 'cultural, spiritual' values, the header on page 2 states:

> "The description of the outstanding cultural and spiritual values will be updated in Table 2 as Proposed Plan Change 7 progresses through the plan change process set out in Schedule One of the Resource Management Act, and further information becomes available."

It is equally incomprehensible how Council can objectively determine that a freshwater body is "*quite out of the ordinary on a regional basis*" in Hawke's Bay in terms of its 'spiritual and cultural values' when it does not have an accurate description of those values.

Relief sought:

a) Delete from Table 2 in Schedule 25 in Part 2 of PC7 any freshwater bodies for which there is no identification or description of the water body's significant values.

b) Any consequential amendments required to other parts of PC7 as a result of the above relief.

4 OUTSTANDING AND SIGNIFICANT VALUES

Plan Provisions
PC7 policies that refer to both 'outstanding values' and 'significant values'.

Position
Oppose in part.

Reasons for Position
Objectives A2(a) and B4 of the NPSFM require the protection of the significant values of outstanding freshwater bodies. By including both "outstanding values" and "significant values" in the policy provisions of PC7 Council has gone beyond the
36 requirements of the NPSFM and created a potentially confusing situation for decision-makers and users of the RRMP because some parts of PC7 (eg POL LW2(1)(c)) give priority to "outstanding values" while others do not (eg new Policy LW3A(1)(a) and (b)).

37 This potential confusion is compounded by the highly narrative (or very wordy) nature of many of the "Description of outstanding value(s)" entries in Table 2, making it difficult to objectively discern what the actual "outstanding values" are. See for example the entry for the Karamu River which upon a plain reading would indicate that the 'outstanding values' are karamu trees and freshwater fish.

Importantly, PC7 policies that do not prioritise between "outstanding values" and "significant values" create a 'distinction without a difference' which is highlighted by new Anticipated Environment Result 7 (page 15) which only refers "significant values" and not "outstanding values".

38 **Relief sought**

a) Amend PC7 so that the policies refer only to protecting the "significant values" of identified "outstanding freshwater bodies", consistent with Objectives A2(a) and B4 of the NPSFM.
b) Any consequential amendments required to other parts of PC7 as a result of the above relief.

(6)

5 LAKE POUKAWA

Plan Provisions
Item 6 (Lake Poukawa and Pekapeka Swamp) in Table 2 in Schedule 25 in Part 2 of PC7.

Position
Oppose in part.

Reasons for Position
Lake Poukawa is included as item 6 in Schedule 25 Table 2 in Part 2 of PC7. BA has no issue with the identification of Lake Poukawa as being outstanding or "*quite out of the ordinary on a regional basis*" in Hawke's Bay. In fact, in the first iteration of the HB RRMP promulgated in the mid-1990's Lake Poukawa was identified as one of the most important wetlands in the region due to its peat soil surrounds and its native bird and fish habitat.

However, certain parts of the Table 2 entry for Lake Poukawa are uncertain or incorrect:

a) The last paragraph in the "Description of outstanding value(s)" column refers to Lakes Rotoroa and Lake Rototuna which appears to be a 'cut and paste' error;
b) The fourth line in 'Column 4' simply states "hydrological" which is vague, uncertain and meaningless as a significant value;
c) The fifth line in 'Column 4' states "social and cultural activities" which is also vague and uncertain as a significant value. Lake Poukawa is privately owned as is the land surrounding it. There is no right of public access to the Lake for "social activities". The Lake bed is owned by the Lake Poukawa 13B Trust and the BA understands that the "cultural activities" important to the iwi owners primarily relate to eel fishing;
d) The sixth line in 'Column 4' states "mahinga kai" which appears to duplicate the intent of the fifth line entry.

Relief sought:
In the Schedule 25 Table 2 Item 6 entry for Lake Poukawa in Part 2 of PC7:

39
40
41

a) Delete the last paragraph in the "Description of outstanding value(s)" column;
b) Delete the fourth line in 'Column 4' which currently states "hydrological";
c) Amalgamate and amend the fifth and sixth lines in 'Column 4' to read "Customary cultural activities including tuna (eel) harvesting".
d) Any consequential amendments required to other parts of PC7 as a result of the above relief.

7

6 HEARING

BA wishes to be heard in support of its submission and if others make a similar submission, BA would consider presenting a joint case with them at the hearing.

(8)

CENTRAL HAWKE'S BAY DISTRICT CO

RUATANIWHA STREET, PO BOX 127, WAIPAWA 4240, NEW ZEALAND
TELEPHONE: (06) 857-8060, FAX: (06) 857-7179
EMAIL: info@chbdc.govt.nz
www.chbdc.govt.nz

OFFICE USE ONLY

Submission ID# 4

Date Received: 27/2/20

Database Entry Date: 3/3/20

Database Entry Operator: NN

Ms Belinda Harper
Senior Policy Planner
Hawke's Bay Regional Council
Private Bag 6006
Napier

27 February 2020

Dear Ms Harper,

Thank you for the opportunity to make a formal submission on Plan Change 7; Outstanding Water Bodies. Central Hawke's Bay District Council has appreciated the time spent with you and the wider Regional Council Policy Planning Team to discuss specific provisions of Plan Change 7. In particular, the opportunity to make comments on the pre-consultation draft of Plan Change 7 has been very helpful and provided the focus to consider the implications of Plan Change 7 to our district.

The purpose of this submission is to acknowledge and confirm the amendments that Hawke's Bay Regional Council has made to Plan Change 7 based on the comments made by Central Hawke's Bay District Council in the pre-consultation phase.

Specifically, these comments relate to;

1. The uncertainty for decision-makers and resource consent applicants created by Policy LW3A and Policy C2 when either proposing or assessing activities near an Oustanding Water Body. It was not clear in the draft what activities are included or excluded and whether the policies are applicable to district and city council consenting functions.
   Amendments to the wording of Policies LW3A and C2 have been changed to be more specific about those activities to which it relates, with the policies effect being delayed until 2025. These amendments and the new wording address the concerns of Council for activity status and evaluation matters relating to applications for land use adjacent to an Outstanding Water Body.
2. The clarification that any 'outstanding' assessments undertaken by Central Hawkes Bay District Council are not directly applicable to Plan Change 7 without further refinement because the National Policy Statement for Freshwater Management provisions is the primary driver behind the Plan Change 7 provisions, and the associated 'outstanding' assessments.
   It is now cleary understood that assessments undertaken by city and district councils, which include the identification of 'outstanding' areas within their district have occurred in response to local authority duties through the Resource Management Act 1991.
3. The expansion and provision of more detail in the descriptions of Outstanding Water Bodies included in Schedule 25.

Central Hawke's Bay District looks forward to working with the Regional Council on the catchment-based plans which will expand the provisions of Plan Change 7 further and assisting this process with information relating to the natural environment gathered as part of the Councils current District Plan Review.

Nā mihi

Monique Davidson
Chief Executive

(1)

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Submission ID#
5
Date Received:
28/2/20
Database Entry Date:
9/3/20
Database Entry Operator:
NN

Department of Conservation
Te Papa Atawhai

28 February 2020

Hawkes Bay Regional Council
Private Bag 6006
Napier 4142

Dear Sir/Madam

Proposed Plan Change 7 Outstanding Water Bodies to the Hawkes Bay Regional Resource Management Plan

Please find enclosed the submission on behalf of the Director-General of Conservation (Director-General) in respect of the Proposed Plan Change 7 to the Hawkes Bay Regional Resource Management Plan (Proposed Plan Change 7). This submission of the Director-General's general support of the plan change and identifies amendments which will address outstanding concerns.

In summary, the Director-General generally supports the intent of the proposed policy framework. The opportunity to comment on Proposed Plan Change 7 throughout the process and consideration and incorporation of our draft comments has been appreciated. This submission identifies comments about the Proposed Plan Change 7 and requested amendments in the submission table.

Please contact Maggie Burns (RMA Planner) in the first instance if you wish to discuss any of the matters raised in this submission (email mburns@doc.govt.nz or phone 027 632 2961).

Yours sincerely

Jenny Nelson-Smith
Operations Manager
Hawkes Bay

(1)

Submission on Proposed Plan Change 7 Outstanding Water Bodies to the Hawkes Bay Regional Resource Management Plan

Resource Management Act 1991

Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991 (RMA), I, Jenny Nelson-Smith, Operations Manager, Napier Office, acting upon delegation from the Director-General of Conservation (the Director-General), make the following Submission in respect of the Proposed Plan Change 7 Outstanding Water Bodies to the Hawkes Bay Regional Resource Management Plan (Proposed Plan Change 7).

1. This is a Submission on the Proposed Plan Change 7.

2. I could not gain an advantage in trade competition through this Submission.

3. The specific provisions of the proposal that my Submission relates to are set out in the Table in Attachment A to this Submission ('the Submissions Table').

Director-General's Interest in Proposed Plan Change 7

4. The Director-General is the administrative head of the Department of Conservation (the Department).[1] He has all powers as are reasonably necessary and expedient to enable the Department to perform its functions set out in s 6 of the Conservation Act 1987. Under s 6, the Department's functions include to manage public conservation land and to advocate for the conservation[2] of natural and historic resources generally.

5. Pursuant to s 59 of the RMA, the purpose of regional policy statements is to achieve the purpose of the Act by providing an overview of resource management issues of the region and policies and methods to achieve integrated management if the natural and physical resources of the whole region.

[1] Refer s 52 Conservation Act 1987 (CA)

[2] Conservation means the preservation and protection of natural and historic resources for the purpose of maintaining intrinsic values, providing for their appreciation and recreational enjoyment by the public and safeguarding the options for future generations. Refer s 2 CA

(2)

6. The Director-General is supportive of the intent of Proposed Plan Change 7 to identify outstanding water bodies in the Regional Policy Statement and provide a framework for a high level of protection through provisions which will filter through to regional planning provisions.

7. The Director-General understands that the intent of the proposed framework is to improve the plan's consistency with the National Policy Statement for Freshwater Management (NPSFM), which identifies the direction for how councils should manage freshwater resources in New Zealand, including the protection of outstanding water bodies, specifically Objectives A2 and A4.

8. The management of coastal water and freshwater requires an integrated approach and the identification and management of coastal water as outstanding water bodies is considered consistent with the New Zealand Coastal Policy Statement 2010 (NZCPS).

9. The Department is generally supportive of the identification and protection of outstanding water bodies, however, considers that some amendments are still required to improve coherency and clarification of the proposed provisions to ensure its effectiveness.

10. The Director-General considers that the plan should be amended to ensure that waterbodies that meet the criteria of being 'outstanding water bodies,' being freshwater bodies and estuaries...that have one or more outstanding cultural, spiritual, recreation, landscape, geology, natural character or ecology values, and are not in Schedule 25, can still be considered as outstanding water bodies in any relevant processes. This approach is considered consistent with Objectives A2 and A4 of the NPSFM.

11. The Director-General is concerned about the timing of this Plan Change and the wider policy landscape, particularly, the draft TANK plan change. It is imperative that the Outstanding Water Bodies Plan Change is in place prior, or at the same time as the TANK plan change is completed to ensure robust provisions are in place to protect outstanding water bodies and their outstanding and significant values from any provisional changes that may come from the TANK process.

12. It is suggested that the TANK and OWB hearings are run concurrently to address the above and understand how both plan changes will be implemented within the full policy context to ensure protection, particularly of ecological and cultural values.

13. Section 6 (c) of the RMA requires the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga is given effect to. The NPSFM also requires that freshwater is managed in a way that gives effect to Te Mana o te Wai. Plan Change 7 is an opportunity for Hawkes Bay Regional Council to ensure Maori's cultural connection to water bodies is protected.

14. As a treaty partner, the Department remains invested in the outcome of submissions by iwi around the identification and suitability of provisions for Outstanding Water Bodies. The Department recognises the cultural significance of water bodies in the Hawke's Bay region for tangata whenua and continues to support the inclusion of Māori values to ensure our partner's interests are fully appreciated in this plan change.

15. The Director-General supports the inclusion of additional terms to the glossary which gives further clarification to Proposed Plan Change 7. Including additional glossary definitions for 'outstanding value' and 'significant value'.

16. The Director-General is also supportive of the identification of wetland environments as Outstanding Water Bodies in Proposed Plan Change 7 where they meet the criteria of outstanding.

(4)

I seek the following decision from the consent authority:

11. I seek the following:

    a) Address the concerns identified in Attachment A and grant the requested relief.

    b) Any other consequential amendments or alternative relief necessary to address the concerns raised in this submission.

    c) That Proposed Plan Change 7 and the TANK Plan Change processes are run concurrently.

12. I wish to be heard in support of my submission.

Jenny Nelson-Smith
Operations Manager
Hawkes Bay
Acting pursuant to delegated authority

Date: 28 February 2020

Address for service:
RMA Shared Services
Department of Conservation
Private Bag 3072
Hamilton 3240
Attn: Maggie Burns, 0276322961

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

(5)

Attachment A – Submission Table on Proposed Plan Change 7 Outstanding Water Bodies to the Hawkes Bay Regional Resource Management Plan

The following table sets out further details of the Director-General's submission (with reasons) and the decisions sought with respect to Proposed Plan Change 7 Outstanding Water Bodies to the Hawkes Bay Regional Resource Management Plan.

The specific provision of the Proposed Plan Change:	My submission on this provision is:		I seek the following relief from Hawkes Bay Regional Council
	Support/ Oppose	Reasons for my submission:	
3 General Plan	Oppose	The Director-General considers that Outstanding Water Bodies that are not identified in Schedule 25 but meet the relevant criteria should also be considered as outstanding. Schedule 25 should not be considered an exhaustive list.	Include a framework for criteria for outstanding water bodies so additional water bodies can be considered, outside of those listed in Schedule 2S.
General Plan	Oppose	The Director-General considers that a framework for inclusion of additional outstanding water bodies is required to ensure additional water bodies can be added to the schedule if they meet the criteria for in the future.	Include a framework for identifying additional Outstanding Water Bodies in the plan change.
4 General Plan	Oppose in part	The Director-General is concerned about the timing of this Plan Change and the draft TANK plan change. It is imperative that the Outstanding Water Bodies Plan Change is in place prior, or at the same time as the TANK plan change is completed to ensure robust provisions are in place to protect outstanding water bodies and their outstanding and significant values from any provisional changes that may come from the TANK process.	Run the processes for the Proposed Plan Change 7 and TANK concurrently.
5 Objective LW 1	Support	The Director-General supports the proposed amendments to this objective as consistent with the intent of Proposed Plan Change 7 and the NPSFM.	Retain as notified.

(6)

6	Policy LW1 cC	Oppose	The Director-General considers that amendments to POL LW cC to include 'or outstanding' will ensure the provision is consistent with the intent of Proposed Plan Change 7 and the NPSFM.	Amend the wording as follows: *Assesses the outstanding water bodies identified in Schedule 25 to determine the significant <u>or outstanding</u> values...'*
7	Policy LW3A	Oppose	The Director-General considers that amendments to POL LW cC to include stronger wording will ensure the provision is consistent with the intent of Proposed Plan Change 7 and the NPSFM.	Amend the wording as follows: *'...a consent authority must ~~have regard to:~~* *a) <u>Not grant a consent where there is a more than minor effect on</u> ~~the extent to which the activity would protect~~ the outstanding value(s)....* *b) <u>Not grant a consent where there is a more than minor effect</u> ~~on the extent to which the activity would protect~~ the significant values ...* *<u>Have regard to</u>, whether, in order to protect...'*
8	Policy C1	Oppose	The Director-General considers that amendments to POL LW cC to include 'outstanding values will ensure the provision is consistent with the intent of Proposed Plan Change 7.	Amend the wording as follows: 'identify the *significant <u>or outstanding</u> values of that outstanding waterbody...'*

7

9	Objective 11	Support	The Director-General supports the addition of this objective as consistent with the intent of Proposed Plan Change 7 and the NZCPS.	Retain as notified.
10	Glossary – new definition of Outstanding Water Body	Support in part	The Director-General supports the inclusion of a new definition for 'Outstanding Water Bodies', however, considers that the definition requires amendment to also include wetlands	Amend to include wetlands within the definition.
11	Glossary – new definition of Outstanding	Support	The Director-General supports the inclusion of a new definition for 'Outstanding.'	Retain as notified.
12	New Definition	Oppose	The Director-General considers that a definition of 'outstanding value' would help to improve clarity of the difference between significant and outstanding when considering outstanding and significant values.	Addition of new definition for 'outstanding value.'
13	New Definition	Oppose	The Director-General considers that a definition of 'significant value' would help to improve clarity of the difference between significant and outstanding when considering outstanding and significant values. It is noted that the section 32 report (page 32) says that this amendment was made, however, this is not included in the Proposed Plan Change 7.	Addition of new definition for 'significant value.'
14	Table 2: Outstanding Water Bodies	Clarify	Primary production is mentioned as a significant value in a number of catchments. The Director-General is concerned about the criteria that has been used to identify this as a significant value.	Clarify criteria used to identify primary production as a significant value.
15 ↓ 24	Table 2: Outstanding Water Bodies	Oppose in part	Schedule 25 splits the values into outstanding and significant values. Outstanding values being the values that make that waterbody outstanding. Significant values do not necessarily make the waterbody outstanding but do add to its overall value. Some waterbodies considered to be outstanding for cultural reasons should include additional values in the significant column to ensure that they are protection.	Amend tables to include additional significant values.

		Suggested changes are tabled in Appendix A.	
25 Table 2: Outstanding Water Bodies	Oppose	The Ngaruroro River supports a broad range of endemic and at-risk birds, including the banded dotterel and the black-fronted dotterel. The Director-General therefore considers that the indigenous bird populations supported by the Ngaruroro River are considered an outstanding value. This is based on, amongst other factors, the Special Tribunal Report for the Ngaruroro River Water Conservation Order in regard to findings on outstanding avifauna values and the significant habitat value of the water body.	Move value from significant to outstanding to reflect the values more appropriately.
26 Table 2: Outstanding Water Bodies	Oppose	The Director-General considers that the indigenous bird populations for Lake Poukawa and Pekapeka are outstanding value. This is based on the number of high percentages of the regional populations of some indigenous bird species that utilise the lake and swamp complex, including dabchick, pied stilt, shoveler duck and Australasian bittern.	Move value from significant to outstanding to reflect the values more appropriately.

Appendix A: Additions to significant values for Outstanding Water Bodies

ID #	Name of outstanding water body	Significant value(s)
4	Kaweka and Ruahine Ranges wetlands	Ecological values due to rare habitat type in Hawkes Bay
7	Lake Tūtira (including Aropaoanui River + Papakiri Stream)	Ecological (bird values)
8	Lake Waikareiti	Naturalness
13	Mangahouanga Stream	Natural Character
16	Morere Springs	Geological
20	Opoutama Swamp	Ecology (significant habitat for bittern)
23	Ripia River	Landscape Recreation values
26	Tarawera Hot Springs	Geological
36	Waipawa River	Ecological values (avian)
38	Wairoa River	Ecological Values (fish ranks highest in RiVAS for Native fish in Hawkes Bay)

Submission on Proposed Plan Change 7: Hawke's Bay Regional Resource Management Plan

PLEASE NOTE: your submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.

Name: *(required)* Bryce Donovan

Organisation: Brylee Farms Ltd.

Postal address: *(required)* P.O Box 95
Tuturg 4162

Email address: l.lange@xtrg.co.nz.

Phone number: 06 8397646

Contact person and address if different to above:

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☑ I could not gain an advantage in trade competition through this submission; or

☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☑ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission.

Do you wish to be heard in support of your submission? Yes / (No)

If others make a similar submission, would you consider presenting a joint case with them at a hearing? (Yes) / No

Signature: B Donovan Date: 24.02.2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
OWB@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 28 February 2020

No submissions will be accepted after this deadline. The deadline will not be further extended.

OFFICE USE ONLY

SUBMISSION ID#

6

Date Received:

24/2/20

Database Entry Date:

24/2/20

Database Entry Operator:

BH

(1)

HAWKES BAY REGIONAL COUNCIL

Submission Details

Please attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission. Further information on how to make a submission and the submission process is available on the Regional Council website.

Issue/Topic Description: Lake Tutira

Specific provision(s) of Plan Change 7 that my submission relates to are: *[eg: objective, policy, water body (reference numbers)]*

Out Standing Water Body

My submission is: *[Clearly indicate whether you support or oppose the specific provisions or wish to have them amended along with reasons]*

We would oppose Lake Tutira and Pipariki Stream becoming an outstanding water body.

Reason: We have water take from Pipariki/Sandy Cree which would most likely be stopped if this plan change proceeded.

I seek the following decision from the Regional Council: *[Please give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process]*

1 Do not classify Lake Tutira/Pipakiki Stream as an outstanding water body.

Belinda Harper

From: Wufoo <no-reply@wufoo.com>
Sent: Wednesday, 5 February 2020 11:01 AM
To: OWB
Subject: HBRC OWB Submission Form [#7]

OFFICE USE ONLY
Submission ID# 7
Date Received: 5/2/20
Database Entry Date: 5/3/20
Database Entry Operator: BH

Name * Dan Elderkamp

Address *
387 Maharakeke Road RD1
Waipukurau 4281
New Zealand

Email eldernz@farmside.co.nz

Phone Number 02102359434

I could not gain an advantage in trade competition

The specific provision(s) of the proposed Plan Change that my submission relates to are [e.g. objective, policy, water body]: * Outstanding water body

My submission is that [Clearly indicate whether you support or oppose the specific provisions or wish to have them amended along with reasons]: *

Thank you for the opportunity to make this submission.

In general, I support the specific provisions, but wish to have a Water Body added to those already listed, namely the Makaroro River. From all the supporting literature I do not see this river as even having being considered as an

1

OWB, and fail to understand why not. My reasons for requesting this are as follows:

1. The river has many outstanding values and characteristics, some even more so than some rivers already on the list
2. Some relatively small sections are somewhat degraded, but again, nowhere near as much, or considerably less so, than other rivers already on the list
3. It is a river of excellent quality
4. In my view it more than qualifies if viewed through the lens of the NPSFM definition of an OWB
5. It has outstanding and unique visual, geological, scenic, recreational, ecological and historic values that are not replicated or duplicated by any other river within the Hawke's Bay Region. It may have cultural and spiritual values that I am not aware of, which may be revealed following further investigation.
6. It is a major tributary to the Waipawa River, but still, in my view, more than qualifies in its own right as an OWB

As someone who has spent many hours either in or alongside the Makaroro River, as well as a number of other rivers on the list, I feel that I have sufficient experience to make a considered and objective judgement on this matter, and would be more than happy to escort any Councillors to the River to view some of these characteristics in person, in order for them to consider my request fairly.

I seek the following decision from the Council [give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of	I seek a decision from Council to include/add the Makaroro River on/to the list of Outstanding Water Bodies.

the
submission
and hearing
process] *

Do you wish to be heard in support of your submission? *

No

If others make a similar submission, would you consider presenting a joint case with them at a hearing? *

Yes

3

ERNSLAW ONE LIMITED

SUBMISSION ON THE PROPOSED PLAN 7 HAWKE'S BAY REGIONAL RESOURCE MANAGEMENT PLAN

OFFICE USE ONLY	
Submission ID#	8
Date Received:	26/2/20
Database Entry Date:	3/3/20
Database Entry Operator:	NN

TO:	Hawke's Bay Regional Council
SUBJECT:	Proposed Plan 7 – Outstanding Water Bodies
SUBMITTER NAME:	Ernslaw One Limited (James Sinclair)
ADDRESS:	PO Box 751, Gisborne
CONTACT:	james.sinclair@ernslaw.co.nz
DATE:	24/02/2020

Introduction

1. Ernslaw One Limited (Ernslaw) is a production forestry owner in the Hawke's Bay Region. The Ernslaw forest estate within the Hawke's Bay region consists of freehold land which totals approximately 4,000ha.
2. Ernslaw could not gain a trade advantage through this submission.
3. Ernslaw are concerned with the provisions as set out in the attached chart.
4. Our reasons, concerns and the relief sought are as set out in the attached chart.
5. Ernslaw wish to be heard in support of our submission.
6. If others make a similar submission, Ernslaw will consider making a joint case at the hearing.

Signature of the submitter:

PO Box 2042, Level 3, 74 Grey Street, Gisborne 4040. Ph: 06 867 9179 Fax: 06 863 1011

ERNSLAW ONE LIMITED

Provision	Concerns	Reasons	Relief
1 2 General- the amendments from "freshwater" to "water bodies"	Oppose PC7 has a fundamental flaw in that it proposes to identify both certain coastal waters and freshwater as outstanding water bodies. There is confusion as provisions for the combining of provisions for coastal water are included under headings that clearly relate to freshwater.	While water can include both freshwater and coastal water the RMA powers are different for freshwater management and for management of coastal water. The NES-PF sets out the provisions regulating plantation forestry and maintains the separation of issues concerning freshwater management versus those of coastal water management.	Retain separate provisions as exists in the Regional Resource Management Plan Chapter 3 1 A for Outstanding Freshwater Bodies and Chapter 3. 2 for Outstanding Coastal Waterbodies. There would have to be major changes PC7 to set out separate provisions for freshwater and for coastal water.
4 General-the references throughout PC7 to outstanding and significant values	Oppose The mixing of the different RMA powers has led to the confusing introduction of not only identification of "outstanding values" but also "significant values" for both freshwater and coastal water.	1. This has arisen as the NPSFM definition of "Outstanding freshwater bodies" are those water bodies identified in a regional policy statement or regional plan as having **outstanding values**, including ecological, landscape, recreational and spiritual values 2. Objective A2 of the NPSFM introduces the concept of "**significant values**" by	There would have to be major changes to PC7 to separate out provisions that give effect to the very particular requirements of NZCPS Policies 11,13,15 and 17 with regard to the coastal water.

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(2)

		providing that the overall quality of fresh water within a freshwater management unit is maintained or improved while: a) protecting the **significant values** of outstanding freshwater bodies; b) protecting the significant values of wetlands; and c) improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated. 3. The NZCPS while setting out policies which would allow the protection of coastal waters for the purposes of indigenous biodiversity (Policy 11), natural character (policy 13), outstanding landscape (policy 15) and heritage (policy 17) there is no mention of the concept,	

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			as for freshwater management, of outstanding and significant values. The NZCPS provides a very particular provisions for protections that is different to the management of freshwater.	
6	OBJ LW 1 1.	Oppose The combining of coastal water in what is an objective for freshwater only.	The amended explanation makes it clear that this is giving effect to freshwater powers not ones relating to coastal water.	Delete the amendment to water bodies and retain as freshwater only.
7	POL LW1 1.cC and d, dA)	Oppose This is a policy that should only relate to freshwater	The policy specifically refers to the provisions of the NPSFW which are separate to the provisions of the NZCPS.	Delete the words water bodies and replace with freshwater bodies.
8	POL LW1 cC " ...and any other values that are determined..."	Oppose It is not clear as to the process of how these other values are to be determined.	This amendment creates major uncertainty to the policy.	Delete the amendment.
9	POL LW1 2. bA) (i) (ii)	Support in part	The policy explanation specifically refers to the provisions of the NPSFW which are separate to the provisions of the NZCPS	Amend to only apply to freshwater bodies
10 11	POL LW1 2. bA) (iii)	Oppose	Provisions (i) and (ii) require consideration of how the freshwater will be protected and	Amend to only apply to freshwater Amend to delete (iii)

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		this is more than adequate. A policy requirement to "avoid" does not allow for mitigation provisions to be applicable.	
12 POL LW2	Oppose A priority system is compromised by the introduction of the requirement to protect outstanding freshwater bodies.	Such a system may be appropriate when provisions give effect to the powers of the RMA relating to maintenance or enhancement of the natural environment but not where the provision is giving effect to a requirement to protect the natural environment. This is of further relevance when giving effect to the NZCPS which includes provisions to "avoid" certain effects of activities upon the natural environment. In such cases there can be no prioritisation. The policy conflicts with the amended Policy C2.	Delete the reference to outstanding water bodies and retain the provisions to only relate to freshwater bodies that are not identified in schedule 25
13 Policy LW3A 1.a-c & 2 & 3	Support	The policy sets out an appropriate approach	
14 Policy LW3A 1.d	Oppose	There should be no inconsistency between what is an outstanding value and significant value. Significant values should be just refinements of the outstanding	Delete d.

15

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			values. This would insert major uncertainty into the process as to what value is to be protected.	
16	Chapter 3.2 amendments	Oppose	Policies 11,13,15,& 17 of the NZCPS have very particular provisions as what features are to be identified and then requirements as to avoid effects upon the identified features. PC7 does not give effect to the abovementioned policies. Only 4 estuaries have been identified and they should be protected by properly giving effect to the NZCPS rather than trying to transfer the provisions of the NPSFW to coastal water.	Delete all provisions and introduce a variation to provide policies and objectives that give effect to the identified policies in the NZCPS.
17	Glossary-outstanding water body	Oppose	The definition given the above submissions should apply only to freshwater bodies	Amend to "outstanding water body means a freshwater body or parts thereof, identified..."
18	Schedule 25 - Pōrangahau River	Oppose	Given the high bar that protection provisions of the RMA applies to outstanding freshwater bodies, it is inappropriate to apply the classification to the entire river. There should be more particular	Amend to splitting the Pōrangahau river up as to clear identification as to the various areas of outstanding values.

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		identification of the various areas that are outstanding.	

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SUBMISSION

TELEPHONE 0800 327 646 | **WEBSITE** WWW.FEDFARM.ORG.NZ

OFFICE USE ONLY

Submission ID# 9

Date Received: 28/2/20

Database Entry Date: 6/3/20

Database Entry Operator: BH

To: Hawke's Bay Regional Council
159 Dalton Street
Napier 4110.

Submission on: **Proposed Plan Change 7 – Outstanding Waterbodies**

Date: 28 February 2020

Submission by: **FEDERATED FARMERS OF NEW ZEALAND**

Hawke's Bay Province
Wairoa Branch of Gisborne-Wairoa Province

Address for service: **RHEA DASENT**
Regional Policy Advisor
FEDERATED FARMERS OF NEW ZEALAND
79 Dasent Road, R.D.1 Hastings 4171
P 021 501 817
E rdasent@fedfarm.org.nz

Federated Farmers welcomes this chance to submit on the Plan Change 7 for Outstanding Waterbodies.

We acknowledge any submissions made by individual Federated Farmers members.

What is an outstanding waterbody?

Federated Farmers questions as to what exactly, is an outstanding waterbody? Is the expectation that waterbodies meeting threshold for outstanding are pristine, or have a low level of human use? Is it reasonable to find waterbodies with a lot of human use (municipal, industrial and primary production takes, human land uses surrounding the waterbody) to be outstanding, often only meeting a single criterion?

1 The FAQ sheet describes the term 'outstanding' as *distinguishing something from others based on its*
2 *exceptional qualities and is typically used to describe the 'best of the best.* But this is not reflected by the
3 number of waterbodies, their sometimes highly modified environments, and especially those that only meet one criterion.

We see two either/or ways to improve Plan Change 7:

4

Plan A: the criteria are stricter and the threshold is higher, so only pristine waterbodies with a low level of human use are found to be outstanding;

Plan B if waterbodies that have high human land and water use are found to be outstanding, then additional criteria for human uses are included as a potential outstanding or significant value. This means land and water use for farming will be provided for in the outstanding waterbody regime as being existing and necessary.

We prefer Plan A: that the criteria are more specific and only pristine waterbodies with low human use are classified as outstanding, such as Lakes Rotoroa and Rototuna in the Kaweka Forest Park.

5 The large number of waterbodies (being 38,) the massive size of some of them (the Heretaunga aquifer) and all five of the major Hawkes Bay Rivers being classified, suggests that the criteria are currently too
6 broad and the threshold for "outstandingness" is too low. This undermines the concept of what is outstanding, and undermines a management regime if it applies so broadly.

7 The NPS-FM 2019 defines outstanding waterbodies *as having outstanding values*, which indicates that more than one value is present. Currently Plan Change 7 is inconsistent with this definition because only one criterion is met for a waterbody to be outstanding. Federated Farmers submits that two or more criteria need to be met.

8 The full extent of each of these 38 waterbodies will cast the regulatory net over many square kilometres of the region that already have concentrated human use, dragging all land and water uses into a strict regime.

9 Given that the policies say that a huge range of activities could be discretionary or non-complying when occurring in an outstanding waterbody (any new or changed take, use, damming or diversion of water; any new or changed discharge into water; any new or changed discharge to land; any new structures on the bed; and new or changed disturbance to the bed;) most of the human activity in the food bowl of Hawke's Bay could need resource consent. Federated Farmers would be more accepting of the regime if the waterbodies identified were pristine, or close to pristine, with little human activity around them.

Relief sought:

10 1. Federated Farmers submits that the criteria are stricter and the threshold of outstandingness is higher, so only pristine or low human intervention waterbodies are found to be outstanding,

11 2. Federated Farmers submits that land and water use for farming are recognised as being existing and important.

12 3. Federated Farmers submits that two or more criteria are met before a waterbody is found as outstanding.

All, or part of, the waterbody classified as outstanding?

We also ask if only part of the waterbody needs to meet one criteria in order for the entire extent of that waterbody to be classified? Or are the criteria met throughout the entire waterbody?

13 We prefer that only the section of waterbody that meets two or more criteria is classified as outstanding. We do not support the entire extent of the waterbody (eg the entire length of a river, or the entire spatial extent of an aquifer) being classified, if only a small area meets the criteria.

14 The huge extent of some waterbodies such as the Heretaunga aquifer, and the entire Ngaruroro River, suggests that the criteria aren't currently being applied well.

Relief sought:

15 4. Federated Farmers submits that only the section of the waterbody that meets the criteria, is classified as outstanding.

Terminology

16 Federated Farmers submits that the terms *outstanding* and *significant* need to have distinct meanings and have consistent use throughout the Plan.

The reader should not be under the impression that these terms are interchangeable. There needs to be a clear ranking between the terms *outstanding, significant, regional, significant regional* and *national* values which all appear within OBJ LW1. If the values are to be prioritised in their use, their respective rankings need to be crystal clear.

Relief sought:

17 5. Federated Farmers submits that terminology *outstanding, significant, regional, significant regional* and *national* values have clear ranking and consistent use throughout the Plan, so there is no
18 confusion as to what each term means.

Section 14.3(b) takes and uses

19 Federated Farmers submits that takes and uses for domestic and stock drinking needs under Section 14.3(b) continue to have allowed status, and are built into any catchment water take regime and not affected by low flow limits or have to face restrictions or cessations.

"Allowed" status for Section 14.3(b) takes and uses means they are not regulated in the Regional Plan; they are already regulated under the RMA so long as the taking or use does not, or is not likely to, have an adverse effect on the environment. The Regional Resource Management Plan already gives S.14.3(b) takes allowed status, see footnote 8 in Table 2A of the Plan Change.

Federated Farmers is concerned that takes that are shared between farmers are being incorrectly interpreted by the Regional Council as not meeting Section 14.3(b) status, simply because it is shared between properties. This is a very common situation and the crossing of a property boundary does not cancel out the fact it is still only used for households and stock drinking. An example is a single water take from a well or bore near a boundary, that the farmers on either side use to supply their nearby troughs. Another example is a water take that supplied three houses on a farm, but these houses have since been

20 subdivided off and still use the original supply. Both of these examples meet the Section 14.3(b) criteria and need to be classified as such.

Federated Farmers submits that Section 14.3(b) water takes and uses are not classified as over-allocation. The consequence of including such a necessary take in the over-allocation band will result in limits, cessations, or phasing-out of this water use, unacceptably leaving farmers without water for domestic and stock drinking supply.

Relief sought:

21 6. Federated Farmers submits that Section 14.3(b) takes and uses continue to have allowed status in outstanding waterbodies, and are not regulated by the Regional Resource Management Plan further.

22 7. Federated Farmers submits that any water allocation regime for an outstanding waterbody ensures enough water is allocated to Section 14.3(b) takes and uses, and even at times of low flow there is enough water for stock to drink.

Consultation

It looks like the Regional Council is relying on the general public notification in order to consult with affected landowners. This is not robust enough consultation.

Many of the waterbodies are small or have a well-defined extent, and therefore contacting the directly affected landowners who have these waterbodies on their property should be an achievable task. Waterbodies like lakes, springs, swamps and wetlands all have well-defined boundaries and the number of affected landowners will be low. Waterbodies like rivers or streams that are pristine or near-natural environments will also present an achievable task of identifying and contacting landowners, as these are mostly on crown land, and if there is private property these are likely to be large so again not an issue with trying to identify hundreds of landowners.

The large waterbodies that cover many square kilometres of urban and primary production land, such as aquifers and the five main river catchments of Hawke's Bay (Wairoa River, Mohaka River, Tutaekuri River, Ngaruroro River and Tukituki River) present a challenge, as much of the Hawke's Bay population will be affected by one or another. This demonstrates the need for the outstanding threshold to be high.

Relief sought:

23 8. Federated Farmers submits that direct consultation of affected landowners occurs.

Objectives

PC7 Provision:

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

Reason for submission:

Federated Farmers supports the recognition of animal and human drinking water in Point 5 in OBJ LW1, and we submit that such drinking water is also provided for in outstanding waterbodies. We do not want a situation where the *regional value* status of human and stock drinking water means there won't be enough to drink.

Federated Farmers submits that water use and land use in outstanding waterbodies is recognised and provided for, because many of the outstanding waterbodies occur in areas where farming is present. We are concerned that only use of water (being takes) is recognised in Point 6 of OBJ LW1, and that the land use itself has been left out as an important value.

Relief sought:

24 9. That Objective OBJ LW1 provides enough water for Section 14.3(b) takes and uses in outstanding waterbodies.

25 10. That land use for farming is recognised and provided for in outstanding waterbodies.

Policies

PC7 Provision:

POL LW 1 Problem solving approach – Catchment-based integrated management

1. **Adopt an integrated management approach**

Reason for submission:

Policy LW1.1cC needs to describe that the first step is to assess waterbodies to find out which ones are outstanding, using the criteria in Schedule 25, Part 1 Table 1. Referencing "*any other values that are determined to be relevant*" makes it sound like the assessor can make up criteria on the day.

Federated Farmers supports consistency between Pol LW1.1d) and the NPS for Freshwater Management, in the 2019 draft significant values are to be protected.

26 Federated Farmers asks if the water quality is not an outstanding value in a particular waterbody, whether Pol LW1.1dA) seeking to enhance water quality would still apply? For example if a waterbody's geological values is unaffected by water quality, would quality still be enhanced? Like water quantity, this should apply *where appropriate* rather than *where necessary*.

Federated Farmers is concerned that Pol LW1.1dA) seeking to protect water quantity could mean that there will not be enough water for Section 14.3(b) takes and uses. We are also concerned that this will mean no new water takes for other uses. For a small and discrete waterbody such as Lake Rotoroa in the wilderness it would be understandable to want to avoid depletion via takes, yet for a large waterbody like
27 the Heretaunga Aquifer there would be a reasonable demand for new takes for human uses, such as for farming, which should be enabled instead of avoided.

Relief sought:

28 11. Federated Farmers submits that Policy LW1.1cC refers to using only the criteria in Schedule 25, Part 1 Table 1.

29 12. Federated Farmers submits that Pol LW1.1dA) requires the enhancement of water quality *where appropriate*, similar to how water quantity is protected *where appropriate*.

30 13. Federated Farmers submits that where Pol LW1.1dA) discusses water quantity, enough water for Section 14.3(b) takes and uses are provided for in outstanding waterbodies, and that new water takes for other uses are provided for.

PC7 Provision:

POL LW 1 Problem solving approach – Catchment-based integrated management

2. When preparing regional plans

Reason for submission:

Support is given for identifying what the significant values of each outstanding waterbody are in Pol LW1.2 bA)i) and their spatial/temporal extent. This is useful information and needs to be written into Table 2 to enhance the transparency and improve knowledge. The spatial extent is particularly important, because the outstanding status needs to be limited to where the outstanding values are actually present.

31

Support is given for non-regulatory methods alongside regulatory methods in Pol LW1.2 bA) ii) and that both can be used together.

Support is given to the focus of activities that have an adverse effect that is more than minor in Pol LW1.2 bA) iii). Section 14.3(b) takes and uses need to recognised as having only minor effects on outstanding waterbodies, and given "allowed" status and do not need Regional Plan provisions. Federated Farmers is wary when the word "avoid" is used, as it could mean "prohibit." There is no need to "prohibit" the effects of an activity if it does not impact on the outstanding values identified for that particular waterbody. For example, an activity that does not impact on the geological values need not be avoided.

Relief sought:

32 14. Federated Farmers submits that the spatial and temporal extent of values are important, because the outstanding status of the waterbody needs to be limited to where the values are present.

33 15. Federated Farmers submits in support of non-regulatory methods having equal status with regulatory methods in order to protect an outstanding waterbody.

34 16. Federated Farmers submits that activities that have less than minor effects do not need regional plan provisions, such as Section 14.3(b) takes and uses.

35 17. Federated Farmers submits that adverse effects which do not materially reduce the outstanding values present in a waterbody are provided for and managed, rather than being completely avoided.

PC7 Provision:

POLICY LW2 Problem solving approach – prioritising values

Reason for submission:

Federated Farmers is concerned that Section 14.3(b) takes and uses will miss out when prioritising values, because they are not mentioned in neither Policy LW1.3 nor in Policy LW2. Although *individual domestic needs and stock drinking needs* are included as a value in Table 2A, these will be of lower priority than outstanding values.

Federated Farmers submits that water and land use for farming are primary values in Table 2A. Water use is already recognised when it is *for beverages, food and fibre production and processing*, but the land use aspect isn't.

Relief sought:

36 18. Federated Farmers submits that Section 14.3(b) takes and uses are incorporated into Policy LW2 as having "allowed" status when prioritising values.

37 19. Federated Farmers submits that water and land use for farming are included as primary values in Table 2A.

PC7 Provision:

Policy LW3A Decision Making Criteria – Outstanding water Bodies

Reason for submission:

Federated Farmers is concerned that the requirement for an activity to *protect* outstanding and significant values will mean the activity has to do some sort of active protection work, over and above their obligation to avoid, remedy or mitigate adverse effects on the identified values.

As for the rule regimes discussed in Policy LW3A.2, Federated Farmers considers that the provisions for outstanding waterbodies have to be tailored to each particular waterbody. Given that there is such a difference between a small and discrete waterbody in a pristine natural environment like Lakes Rotoroa and Rototuna, and a large waterbody like the 510km^2 Heretaunga aquifer which has a array of human water and land uses above it, blanket rules will not be practical.

Relief sought:

38 20. Federated Farmers submits activities must avoid, remedy or mitigate their adverse effects on identified outstanding values, rather than to protect them.

39 21. Federated Farmers submits that the rule regimes have to be tailored to each particular outstanding waterbody and its values, rather than blanket rules that apply to all.

PC7 Provision:

OBJ 11 Protection of the outstanding and significant values of those outstanding water bodies within the Coastal Environment listed in Schedule 25.

Reason for submission:

40 Federated Farmers submits that Objective 11 is consistent with the NPS for Freshwater Management.

PC7 Provision:

POLICY C1 Problem solving approach – outstanding waterbodies

Reason for submission:

Support is given for identifying what the significant values of each outstanding waterbody are in Pol C1.1(i) and their spatial/temporal extent. This is useful information and needs to be written into Table 2 to enhance the transparency and improve knowledge. The spatial extent is particularly important, because the outstanding status needs to be limited to where the outstanding values are actually present.

Support is given for non-regulatory methods alongside regulatory methods in Pol C1.1ii) and that both can be used together.

Support is given to the focus of activities that have an adverse effect that is more than minor in Pol C1.1iii). Federated Farmers is wary when the word "avoid" is used, as it could mean "prohibit." There is no need to "prohibit" the effects of an activity if it does not impact on the outstanding values identified for that particular waterbody. For example, an activity that does not impact on the geological values need not be avoided.

Relief sought:

41 22. Federated Farmers submits that the spatial and temporal extent of values are important, because the outstanding status of the waterbody needs to be limited to where the values are present.

42 23. Federated Farmers submits in support of non-regulatory methods having equal status with regulatory methods in order to protect an outstanding waterbody.

43 24. Federated Farmers submits that activities that have less than minor effects do not need regional plan provisions.

44 25. Federated Farmers submits that adverse effects which do not materially reduce the outstanding values present in a waterbody are provided for and managed, rather than being completely avoided.

PC7 Provision:

Policy C2 Decision Making Criteria – Outstanding water Bodies

Reason for submission:

Federated Farmers is concerned that the requirement for an activity to *protect* outstanding and significant values will mean the activity has to do some sort of active protection work, over and above their obligation to avoid, remedy or mitigate adverse effects on the identified values.

As for the rule regimes discussed in Policy C2.2, Federated Farmers considers that the provisions for outstanding waterbodies have to be tailored to each particular waterbody. bBlanket rules will not be practical when each outstanding waterbody is so different.

Relief sought:

45 26. Federated Farmers submits activities must avoid, remedy or mitigate their adverse effects on identified outstanding values, rather than to protect them.

46 27. Federated Farmers submits that the rule regimes have to be tailored to each particular outstanding waterbody and its values, rather than blanket rules that apply to all.

PC7 Provision:

Definition: ***Outstanding water body*** *means freshwater bodies and estuaries, or parts thereof, identified in Schedule 25 that have one or more outstanding cultural, spiritual, recreation, landscape, geology, natural character or ecology value(s).*

Reason for submission:

Federated Farmers submits that more than one criterion is met before a waterbody is classified as outstanding, and that water use and land use for primary production are both included as outstanding values.

Relief sought:

47 28. Federated Farmers submits that more than one criterion is met before a waterbody is classified as outstanding in the definition of *Outstanding Waterbody*.

48 29. Federated Farmers submits that water use and land use for primary production are both included as outstanding values in the definition of *Outstanding Waterbody*.

PC7 Provision:

Definition: ***Outstanding*** *for the purposes of an outstanding water body; outstanding means conspicuous, eminent, and/or remarkable in the context of the Hawke's Bay Region.*

Reason for submission:

Federated Farmers supports this definition of outstanding as being conspicuous, eminent and remarkable, however the word *or* needs to be deleted. The NPS for Freshwater Management does not direct that outstanding waterbodies are outstanding on a regional basis compared to other regional waterbodies.

Relief sought:

49 30. Federated Farmers submits that the definition for *Outstanding* is amended to read:

Outstanding *for the purposes of an outstanding water body; outstanding means conspicuous, eminent, and~~/or~~ remarkable on a national basis.*
~~in the context of the Hawke's Bay Region.~~

PC7 Provision:

Schedule 25 Part 1 - Table 1 outstanding values and sub-values.

Reason for submission:

Federated Farmers submits that the values need to be more specific in order to lift the threshold of "outstandingness." The current criteria look to be too broad, given that so many waterbodies have been classified as outstanding, and some are very large (like the Heretaunga aquifer) and have a high level of human use.

When we think of "outstanding" the threshold should be higher, only selecting waterbodies that are exceptional. We can look to district councils identifying outstanding natural landscapes as an example, where a small number of sites and a smaller extent of the site met the specific criteria. In Hastings District, only 9 landscapes were identified as outstanding, and sometimes only part of the landscape was found outstanding. Landscapes that sound large and extensive, like the Maungahururu Ranges, were not found to be all outstanding, rather only the top 40 metres was mapped and classified. This provides a contrast with Plan Change 7, which found a huge 38 waterbodies to meet criteria and also the entire extent of each.

Given that waterbodies that have a high level of human use are being classified as outstanding, Federated Farmers submits that more use values, such as farming, are included into the table, both as outstanding values and sub-values, so that these are recognised and provided for.

50 Currently, the draft NPS -FM 2019 says that an outstanding waterbody means: *a waterbody identified in a regional policy statement or plan as having outstanding values (such as ecological, landscape, recreational, or spiritual values*). This does not exclude other values like primary production, therefore the Council has the ability to incorporate the value of primary production water and land use as a criteria for determining whether a waterbody is outstanding or not.

Table 1 in Schedule 25 Part 1 is currently not limited to only inherent or environmental values: recreation is recognised as a "use value" in Table 1, and includes fishing, kayaking, rafting and jet boating. If these use values are included, then other use values such as primary production should be recognised too.

Relief sought:

51 31. Federated Farmers submits that two or more criteria need to be met in order for a waterbody to be classified as outstanding.

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52 32. Federated Farmers submits that criteria are more specific so the threshold for "outstandingness" is high.

53 33. Federated Farmers submits that the outstanding classification applies only to the area where the criteria are met, rather than the whole waterbody classified when criteria apply to only a section of the waterbody.

54 34. Federated Farmers submits that water use and land use for primary production are both included as outstanding criteria.

PC7 Provision:

Schedule 25 Part 2 - Outstanding waterbodies in Hawke's Bay and their values.

Outstanding Waterbody in PC7	Federated Farmers submission	Relief sought:
Heretaunga Aquifer	We are concerned about the outstanding status of this 510km^2 aquifer and what this will mean for the existing land and water uses, given that it is a major concentration of human settlement in Hawkes Bay. Paragraph 4 of Appendix 4 acknowledges the importance of the aquifer for domestic, municipal, industrial, horticultural and agricultural use. It appears that Ngāti Kahungunu emphasised the current economic importance (see para 14) so at least this needs to be recognised. We are also unclear how the aquifer met the geological criterion, and is considered outstanding compared to other aquifers. The water and land use of this catchment, particularly farming, is of vital importance to the social and economic wellbeing of people and communities. We are relieved to see the recognition of primary production water use, but given so much primary production occurs here it needs to be an outstanding value, and also needs to be extended to recognise primary production land use.	Federated Farmers submits that outstanding status is deleted from the Heretaunga Aquifer.
Karamu River	The Karamu River only meets a single criterion. More than one criterion should be met before a waterbody is found to be outstanding.	Federated Farmers submits that outstanding status is deleted from the Karamu River, given it only meets a single criterion.

61		We are also concerned as to whether this criterion is met throughout the entire 51,462ha catchment, or just to part of the river. The water and land use of this catchment, particularly farming, is of vital importance to the social and economic wellbeing of people and communities. We are relieved to see the recognition of primary production water use, but given so much primary production occurs here it needs to be an outstanding value, and also needs to be extended to recognise primary production land use.	
62 63	Kaweka and Ruahine Ranges wetlands	Federated Farmers accepts this so long as the wetlands are within Department of Conservation land, and not on private land. If any are on private land then the landowner needs to be directly consulted with. Again we have concerns that only a single criterion has been met, and that these wetlands are unmapped.	Federated Farmers submits that the Kaweka and Ruahine Ranges wetlands meet two or more criteria before being found as outstanding, and that these are mapped. Federated Farmers submits that any private landowners affected are directly notified and consulted.
64	Lake Rotoroa and Lake Rototuna	These lakes are a good example of the outstanding threshold being high, as they have no signs of human modifications, and are located in the Kaweka Forest Park and meet three criteria (cultural and spiritual; ecology; natural character.)	Federated Farmers supports the outstanding status of Lakes Rotoroa and Rototuna.
65 66	Lake Poukawa and Pekapeka Swamp	The Lake Poukawa and Pekapeka Swamp only meet a single criterion. More than one criterion should be met before a waterbody is found to be outstanding. Private landowners will be affected and there is surrounding farming landuse, and Federated Farmers submits that they need to be directly notified and consulted with. Given these are discrete and well-defined waterbodies, identifying landowners will be possible.	Federated Farmers submits that outstanding status is deleted from the Lake Poukawa and Pekapeka Swamp given they only meet a single criterion.
67	Lake Tutira	Lake Tutira only meets a single criterion. More than one criterion should be met before a waterbody is found to be outstanding.	Federated Farmers submits that outstanding status is deleted from Lake Tutira given it only meets a single criterion. This lake should certainly not be

		Given that the Tutira water quality is currently bad (due to a combination of factors) which reduces other values, we hope that the "past or potential" value is not being assessed here. The HBRC FAQ sheet paragraph 6 emphasises that past or potential values don't count.	considered the best-of-the-best compared to other waterbodies in the region.
68	Lake Waikareiti	Lake Waikareiti only meets a single criterion. More than one criterion should be met before a waterbody is found to be outstanding. Given that it only meets one criterion, we question whether this lake is included because of its closeness to another outstanding waterbody: Lake Waikaremoana. Being close to another waterbody is not a criterion.	Federated Farmers submits that outstanding status is deleted from Lake Waikareiti given it only meets a single criterion.
69	Lake Waikaremoana	Federated Farmers supports the outstanding status of Lake Waikaremoana. It meets 6 criteria (cultural and spiritual; ecology; natural character; landscape; geology, recreation) and is a good example of an exceptional waterbody.	Federated Farmers supports the outstanding status of Lake Waikaremoana.
70 71	Whakaki Lake – Te Paeroa Lagoon- Wairau Lagoon and wetlands	Private landowners will be affected and there is surrounding farming landuse, and Federated Farmers submits that they need to be directly notified and consulted with.	Federated Farmers submits that private landowners affected are directly notified and consulted. Federated Farmers submits that water and land use for farming is recognised as an outstanding value.
72 73	Lake Whatuma	Private landowners will be affected and there is surrounding farming landuse, and Federated Farmers submits that they need to be directly notified and consulted with. Given this is a discrete and well-defined waterbody, identifying landowners will be possible.	Federated Farmers submits that private landowners affected are directly notified and consulted. Federated Farmers submits that water and land use for farming is recognised as an outstanding value.
74	Makirikiri River	The Makirikiri River only meets a single criterion. More than one criterion should be met before a waterbody is found to be outstanding. Federated Farmers is unsure where this waterbody is located, what the surrounding landuse is, or if any private landowers are affected. The only stream of this name we were able to find was up in the Ruahine Ranges.	Federated Farmers submits that outstanding status is deleted from the Makirikiri River, given it only meets a single criterion. More information is needed as to the location of this waterbody.

Mangahouanga Stream	Private landowners will be affected and there is surrounding forestry landuse, and Federated Farmers submits that they need to be directly notified and consulted with. The geological criterion sounds like it is exceptional, being the location of New Zealand's most significant dinosaur fossils. This is a good example of a high outstanding threshold being justified.	Federated Farmers submits that private landowners affected are directly notified and consulted.
Maungawhio Lagoon, lower Kopuawhara River, Pukenui Dune wetlands	It appears that private landowners will be affected and there is surrounding farming landuse, and Federated Farmers submits that they need to be directly notified and consulted with. Given these are discrete and well-defined waterbodies, identifying landowners will be possible.	Federated Farmers submits that private landowners affected are directly notified and consulted. Federated Farmers submits that water and land use for farming is recognised as an outstanding value.
Mohaka River	The upper Mohaka (above Willow Flat) is where the criteria are met as shown in the Secondary Assessment Report and the WCO, therefore the outstanding status should be limited only to that upper extent. Private landowners will be affected and there is surrounding farming landuse, and Federated Farmers submits that they need to be directly notified and consulted with.	Federated Farmers submits that only the upper Mohaka, above Willow Flat, where the values present is classified as outstanding, rather than the entire river. Federated Farmers submits that private landowners affected are directly notified and consulted. Federated Farmers submits that water and land use for farming is recognised as an outstanding value.
Morere Springs	Federated Farmers is unsure if this is located on private land. We think it is only on DoC land.	If this is located on private land, that the landowner is directly notified and consulted with.
Ngamatea East Swamp	The landowners need to be directly consulted with by the Regional Council. Given that this swamp is on only one property, there is only one landowner to consult with.	Federated Farmers submits that the outstanding classification is removed from the Ngamatea Swamp, until consultation with the landowner occurs.
Ngaruroro River and Estuary	Given that the proposed Water Conservation Order decision was to find that the lower catchment was not outstanding, finding this entire river outstanding under PC7 is contrary to the evidence. The water and land use of this catchment,	Federated Farmers submits that the outstanding classification is deleted from the Ngaruroro River.

		particularly farming, is of vital importance to the social and economic wellbeing of people and communities.	
86	Nuhaka River	The Nuhaka River only meets a single criterion. More than one criterion should be met before a waterbody is found to be outstanding. Private landowners will be affected and there is surrounding farming landuse, and Federated Farmers submits that they need to be directly notified and consulted with.	Federated Farmers submits that outstanding status is deleted from the Nuhaka River, given it only meets a single criterion.
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88	Opoutama Swamp	Federated Farmers is unsure if this is located on private land.	Federated Farmers submits that any private landowners affected are directly notified and consulted.
89	Porangahau River and Estuary	The water and land use of this catchment, particularly farming, is of vital importance to the social and economic wellbeing of people and communities. Private landowners will be affected and there is surrounding farming landuse, and Federated Farmers submits that they need to be directly notified and consulted with.	Federated Farmers submits that private landowners affected are directly notified and consulted. Federated Farmers submits that water and land use for farming is recognised as an outstanding value.
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91	Putere Lakes	Federated Farmers was unable to find much information on these lakes in the HBRC material, either we are looking in the wrong place, or there isn't much. Paragraph 395 of the Selecting a List of Waterbodies report says that poor water quality means that native plants aren't outstanding, and we were unable to find any information in the Secondary Assessments. The Plan Change text has only brief mention of historic mahinga kai values, but we are reminded of the FAQ which says past or potential values do not count when it comes to assessing "outstandingness." This indicates that the Putere Lakes do not meet any criteria.	Federated Farmers submits that outstanding status is deleted from the Putere Lakes, given they appear to not meet any criteria.
92	Ripia River	The Ripia River only meets a single criterion. More than one criterion should be met before a waterbody is found to be outstanding. The Ripia River appears to be more important as a confluence point with the Mohaka, than as a distinct waterbody with outstanding values in its own right in both the Selecting a List of Waterbodies and Secondary Assessments reports.	Federated Farmers submits that outstanding status is deleted from the Ripia River, given it only meets a single criterion.

Ruakituri River	Federated Farmers supports the outstanding status of the Ruakituri River above the Waitangi falls where it has no human modification in the wilderness zone. It meets 6 criteria (cultural and spiritual; ecology; natural character; landscape; geology, recreation) and is a good example of an exceptional waterbody because of its untouched wilderness. Federated Farmers asks if the outstanding values are found only upstream from the Waitangi Falls, if so we question why the entire river has been classified. Given that farming land use is present in the lower reaches	Federated Farmers supports the outstanding status of the Ruakituri River, upstream from the Waitangi Falls in the wilderness zone. Federated Farmers submits that outstanding status is deleted from the Ruakituri River below the wilderness zone where farming landuses are present.
Ruataniwha Aquifer	The Ruataniwha Aquifer only meets a single criterion. More than one criterion should be met before a waterbody is found to be outstanding. We are concerned to read in paragraph 12 of Ruataniwha Aquifer Secondary Assessment that *no direct customary linkages have been established back to the in the documents reviewed in Table 1, it is recognised that all fresh water bodies have special cultural, spiritual, historical and traditional associations with freshwater*. This broadens the cultural and spiritual value to cover every waterbody in the region, which makes the outstanding threshold very low. The water and land use of this catchment, particularly farming, is of vital importance to the social and economic wellbeing of people and communities and needs to be recognised.	Federated Farmers submits that outstanding status is deleted from the Ruataniwha Aquifer given it only meets a single criterion.
Tarawera Hot springs	The Tarawera Hot springs only meet a single criterion. More than one criterion should be met before a waterbody is found to be outstanding. Trying to find out more of this waterbody, Federated Farmers came across this 2010 photo, which puts the outstanding status in some jeopardy! Anecdotal evidence says that the structures have been removed, but has the site been rehabilitated back to its natural state?	Federated Farmers submits that outstanding status is deleted from the Tarawera Hot springs given it only meets a single criterion.

Taruarau River	Federated Farmers is not sure about the claim that the Taruarau River has outstanding recreational values. The WCO Special Tribunal did find that the upper Ngaruroro catchment has angling, white water kayaking and rafting amenity and recreation values that are outstanding on a national basis, but do these same values apply to the Taruarua River? Private landowners will be affected and there is surrounding farming landuse, and Federated Farmers submits that they need to be directly notified and consulted with.	Federated Farmers submits that private landowners affected are directly notified and consulted Federated Farmers submits that water and land use for farming is recognised as an outstanding value.
Te Hoe River	Federated Farmers supports the outstanding status of the Te Hoe River which is in a highly natural state. However, looking at aerial photos is appears that some land use (either forestry or farming) is occurring. In this case, Private landowners will be affected and there is surrounding farming landuse, and Federated Farmers submits that they need to be directly notified and consulted with.	Federated Farmers submits that private landowners affected are directly notified and consulted.
Te Paerahi River	Te Paerahi River only meets a single criterion. More than one criterion should be met before a waterbody is found to be outstanding. Federated Farmers was unable to find any information on this river in neither the Selecting a List of Outstanding Waterbodies nor in the Secondary Assessments reports.	Federated Farmers submits that outstanding status is deleted from the Te Paerahi River given it only meets a single criterion.
Te Whanganui a Orotu (Ahuriri Estuary)	The water and land use of this catchment is important to the social and economic	Federated Farmers submits that water and land use for farming is

		wellbeing of people and communities.	recognised as an outstanding value.
104 105	Tukituki River and Estuary	The outstanding values seem to be only found in particular areas of the Tukituki River, in that case, only the part of the river which has the outstanding values present should be classified, rather than the entire river. The water and land use of this catchment, particularly farming, is of vital importance to the social and economic wellbeing of people and communities, and needs to be recoginsed.	Federated Farmers submits that only the part of the river which has the values present, should be classified as outstanding, rather than the entire river. Federated Farmers submits that water and land use for farming is recognised as an outstanding value.
106 107	Tutaekuri River	The outstanding values seem to be only found in the upper reaches which is in a near-pristine state, in that case, only the part of the river which has the outstanding values present should be classified, rather than the entire river. The water and land use of this catchment, particularly farming, is of vital importance to the social and economic wellbeing of people and communities. We are relieved to see the recognition of primary production water use, but given so much primary production occurs here it needs to be an outstanding value, and also needs to be extended to recognise primary production land use.	Federated Farmers submits that only the part of the river which has the values present, should be classified as outstanding, rather than the entire river. Federated Farmers submits that water and land use for farming is recognised as an outstanding value.
108 109 110	Waiau River	Paragraph 221 of the Selecting a List report notes that this river is in a near natural state, however it appears that there is some primary production land use looking at aerial photographs. The outstanding values seem to be only found in the upper reaches which is in a near-pristine state, in that case, only the part of the river which has the outstanding values present should be classified, rather than the entire river. Private landowners will be affected and there is surrounding farming landuse, and Federated Farmers submits that they need to be directly notified and consulted with	Federated Farmers submits that only the part of the river which has the values present, should be classified as outstanding, rather than the entire river. Federated Farmers submits that water and land use for farming is recognised as an outstanding value.
111	Waihua River	The Waihua River only meets a single criterion. More than one criterion should be met before a waterbody is found to be outstanding.	Federated Farmers submits that outstanding status is deleted from the Waihua River given it only meets a single criterion.

	Private landowners will be affected and there is surrounding farming landuse, and Federated Farmers submits that they need to be directly notified and consulted with	
Waikaretaheke River	The Waikaretaheke River only meets a single criterion. More than one criterion should be met before a waterbody is found to be outstanding.	Federated Farmers submits that outstanding status is deleted from the Waikaretaheke River given it only meets a single criterion.
Waipawa River	The Waipawa River only meets a single criterion. More than one criterion should be met before a waterbody is found to be outstanding. The water and land use of this catchment, particularly farming, is of vital importance to the social and economic wellbeing of people and communities, and needs to be recognised.	Federated Farmers submits that outstanding status is deleted from the Waipawa River given it only meets a single criterion.
Waipunga River	The Waipunga River is in a near-natural state and meets two criteria, and Federated Farmers supports its classification as outstanding.	Federated Farmers supports the outstanding status of the Waipunga River which is in a near natural state.
Wairoa River	The Wairoa River only meets a single criterion. More than one criterion should be met before a waterbody is found to be outstanding. The water and land use of this catchment, particularly farming, is of vital importance to the social and economic wellbeing of people and communities, and needs to be recognised.	Federated Farmers submits that outstanding status is deleted from the Wairoa River given it only meets a single criterion.

Federated Farmers is a not-for-profit primary sector policy and advocacy organisation that represents the majority of farming businesses in New Zealand. Federated Farmers has a long and proud history of representing the interests of New Zealand's farmers.

The Federation aims to add value to its members' farming businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

- Our members may operate their business in a fair and flexible commercial environment;
- Our members' families and their staff have access to services essential to the needs of the rural community; and
- Our members adopt responsible management and environmental practices.

This submission is representative of member views and reflect the fact that resource management and local government decisions impact on our member's daily lives as farmers and members of local communities.

Federated Farmers thanks the Hawke's Bay Regional Council for considering our submission on Proposed Plan Change 7 for Outstanding Waterbodies.

FEDERATED FARMERS OF NEW ZEALAND

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28 February 2020

Submission on Hawke's Bay Regional Council's
Proposed Outstanding Freshwater Bodies Plan Change 7

Emailed to: OWB@hbrc.govt.nz

From: Forest & Bird
PO Box 631
Wellington 6140
Attn: Tom Kay (Freshwater Advocate)
t.kay@forestandbird.org.nz
022 183 2729

INTRODUCTION

1. The Royal Forest and Bird Protection Society of New Zealand (Forest & Bird) is New Zealand's largest independent conservation organisation. We are independently funded by private subscription, donations, and bequests. Our mission is to protect New Zealand's unique ecological values, flora and fauna, and natural habitat through the sustainable management of indigenous biodiversity, natural landscapes, rivers, lakes, and coastal environments.

2. Forest & Bird has three branches—the Napier, Hastings/Havelock-North, and Central Hawke's Bay branches—and a long history of conservation in the Hawke's Bay region. We have contributed significantly—and continue to contribute significantly—to conservation in the area as an advocate for the environment through national, regional, and local planning processes; as an educator through our Kiwi Conservation Club; and in action through on-the-ground conservation work within our communities and local reserves.

3. Hawke's Bay Regional Council has been tasked with the responsibilities of sustainably managing the natural and physical resources in its region to meet the reasonably foreseeable needs of future generations; safeguarding the life-supporting capacity of air, water, soil, and ecosystems; avoiding, remedying, or mitigating any adverse effects of activities on the environment; and protecting the significant values of outstanding freshwater bodies—among many other responsibilities. We implore Hawke's Bay Regional Council councillors and staff to keep these responsibilities at the front of their minds and reflect on what these mean to them as protectors of the natural environment as they move through this proposed plan change process.

4. Forest & Bird could not gain an advantage in trade competition through this submission.

5. Our submission relates to Plan Change 7 in its entirety.

(1)

6. We are **opposed to sections of the plan change** and are **seeking amendments** before it is made operative.

7. Forest & Bird wish to be heard in support of our submission.

8. If others make a similar submission, we will consider presenting a joint case with them at a hearing.

9. Forest & Bird recognise and appreciate the significant body of work undertaken in preparing this plan change, and we note in particular our support for the expert panel process to identify OWBs.

SUMMARY

10. Forest & Bird are supportive of the plan change in general and in principle, particularly with regard to:

    a) the recognition and protection of the significant values of all outstanding water bodies, not just those that are freshwater bodies
    b) the recognition of these water bodies' values in a regional context (i.e. protecting values of water bodies that are 'regionally outstanding')
    c) the inclusion of a schedule of these water bodies in the plan with associated outstanding and significant values
    d) the completion of this plan change prior to the completion of the TANK plan change (and other catchment-based plan changes)
    e) The inclusion of all OWBs put forward by the Expert Panel[1]
    f) The use of clear and transparent criteria by the expert panel in assessing 'outstanding-ness'. We suggest this be brought through into PC7 itself.

11. However, we have several concerns in relation to the plan change's consistency with the relevant guiding legislation, including the NPS-FM, the RMA, and the NZCPS. There are also some internal inconsistencies with the Regional Plan itself.

12. In particular, we are concerned that:

    a) The plan change does not appear to have any provision for the recognition and protection of the significant values of outstanding water bodies that are not currently listed in schedule 25. This will be an issue where:

[1] https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/1.-Other-supporting-information/Local-Expert-Panel-Report.pdf

(2)

i. existing significant values of a Schedule-25-listed waterbody have not been identified (or listed—even where already identified) and are therefore not protected,
ii. values of a Schedule-25-listed waterbody become apparent in future (e.g. through restoration) but will not be listed and therefore will not be protected,
iii. values exist for a non-listed waterbody now but are not protected as the waterbody is not listed in schedule 25.

b) No criteria for what constitutes an OWB has been included in the plan change.

c) A number of water bodies have been recognised as outstanding in Schedule 25, but not all have their values listed, and there appears to be no intention to list these values until "a catchment based regional plan change has been made operative for the relevant catchment".

This is inconsistent with the NPS-FM requirement "to protect significant values of wetlands and of outstanding freshwater bodies" because, without any listed values, there is nothing that the Regional Council can protect. It is also inconsistent with RMA s6 requirements and NZCPS requirements for protection.

It is inconsistent also with the NPS-FM requirement for "Every regional council... to implement the policy as promptly as is reasonable in the circumstances...". Given that HBRC has already undertaken the task of identifying all outstanding water bodies in its region and of identifying the significant values associated with them[2], there is no reason that it should exclude these already-identified values from Schedule 25. Forest & Bird consider it completely reasonable for HBRC to implement Objectives A2 and B4 of the NPSFM—given the circumstances and body of work undertaken—by including all identified values for waterbodies listed in Schedule 25.

d) The significant values listed in Schedule 25 are in some cases inconsistent with those put forward by the Local Expert Panel[3] (e.g. the Heretaunga Aquifer was noted as having ecology, landscape, and cultural & spiritual values, but these are not noted in Schedule 25—instead Domestic water supply, Municipal water supply, Primary production water use (including for associated processing and other urban activities), and Hydrological values are listed).

e) Some values, such as "Primary production water use (including for associated processing and other urban activities)" are inconsistent with the Expert Panel's consideration "that an 'Outstanding' value had to be found with the water body itself, rather than from any 'out of stream' values and uses derived from water in the water body". The inclusion of these values may result in contradictions and conflicts amongst significant values, such as where the protection of one value may undermine the protection of another. An obvious example of this is that the protection of "Primary production water use" may

[2] https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/1.-Other-supporting-information/Local-Expert-Panel-Report.pdf
[3] Same as reference 1

3

undermine the protection of "Indigenous aquatic populations, particularly patiki, tuna, and whitebait, macroinvertebrate communities".

In this regard, we note that Objectives A2a) and B4 of the NPSFM are concerned with outstanding, natural, recreational, and cultural values rather than extractive values. While the national objectives framework incorporates both in-stream and extractive values (e.g. value for irrigation and hydro-power generation), extractive values are not relevant to assessing whether a waterbody is outstanding.

f) It is unclear how "Outstanding Values", "sub-values", and "significant values" interact within Schedule 25 and how these were developed, particularly with regard to "use" values. Forest & Bird consider the inclusion of these "use" values is generally inappropriate given the overarching direction of the RMA, NZCPS, and NPSFM, as mentioned above.

SUBMISSION

Part	Comment	Position	Amendment sought
OBJ LW 1	We support the inclusion of all water bodies as proposed (rather than just freshwater bodies as the plan was previously worded) and the protection of all significant and outstanding values. However, we are concerned that the provision limits protection only to those water bodies "identified in Schedule 25" and does not provide protection to any water body that may meet the "outstanding" criteria but is not currently listed in Schedule 25. This is inconsistent with the requirement of the NPS-FM. The provision should protect any water body that may now or in future (through restoration efforts or regeneration) meet outstanding criteria, whether listed in the schedule or not. This would be consistent with the NPS-FM objectives on "protecting the significant values of outstanding freshwater bodies".	Support with amendment.	"protecting the outstanding and significant values of outstanding water bodies in Hawke's Bay ~~identified in Schedule 25~~;"
POL LW1 1.cC	As above, we are concerned that this provision limits protection only to those water bodies "identified in Schedule 25" and	Seeking amendment.	"assesses ~~the outstanding~~ water bodies to determine if they are outstanding,

	does not provide for the assessment of values of outstanding water bodies that may later meet (or be recognised as meeting) the "outstanding" criteria but are not currently listed in Schedule 25.		and, where they are outstanding, assess them ~~identified in Schedule 25~~ to determine the significant values of those water bodies. This assessment should be made against the criteria set out in Schedule X and include consideration of the values set out in Appendix 1 of the National Policy statement for Freshwater Management, and any other values that are determined to be relevant taking into account local and/or regional circumstances" (or similar amendments with the above effect). NB: Criteria for what qualifies as outstanding should also be included in the plan change as a Schedule which can be referred to when considering resource consent applications etc. We suggest these be taken directly from the Expert Panel's list of "OWB Assessment Criteria."[4] We have included these as Appendix 1 to this submission for ease of reference.
POL LW1 1.d	As above.	Seeking amendment.	"protects the outstanding and significant values of those outstanding water bodies identified ~~in~~

[4]Page 9 of https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/1.-Other-supporting-information/Local-Expert-Panel-Report.pdf

			~~Schedule 25~~"
POL LW1 1.dA	As above re. protecting water bodies that may not be in schedule 25. In regard to quantity, the NPS-FM direction in Objective B4 re. water quantity is to "protect significant values of wetlands and of outstanding freshwater bodies," therefore it is inappropriate to state that water quantity should only be protected "where appropriate". At the least, this should be qualified with clear direction that "where appropriate" means "where necessary to protect significant values" or similar.	Seeking amendment.	"maintains, and where necessary enhances, the water quality of those outstanding water bodies identified ~~in Schedule 25~~, and ~~where appropriate,~~ protects the water quantity of those outstanding water bodies in order to protect their significant values"
POL LW1 2. bA)	As above re. protecting water bodies that may not be in schedule 25. In order to address this, we suggest the removal of reference to schedule 25 in the early provisions and the insertion of a new sub-clause "iv)" This would retain consistency with the NPS-FM while addressing the current issue of protection being limited only to outstanding water bodies in schedule 25. It also allows for the retention of schedule 25 as a tool for recording known outstanding water bodies. We also suggest the deletion of "by regulatory methods or non-regulatory methods or both" as non-regulatory methods alone will not be sufficient to protect OWBs. This wording also conflicts with POL LW4 of the plan which makes it clear that non-regulatory methods are used "in support of regulatory methods" – the same wording should therefore be used, although we suggest it doesn't need to be referenced at all.	Seeking amendment.	"in relation to any relevant outstanding waterbodies identified ~~in Schedule 25~~: i) identify the significant values of that outstanding waterbody and the spatial and/or temporal extent of those values as relevant; ii) establish how the outstanding and significant values of outstanding water bodies identified ~~in Schedule 25~~ will be protected ~~by regulatory methods or non-regulatory methods or both~~; iii) include regional plan provisions to manage activities in a manner which avoids adverse effects that are more than minor on the outstanding and significant values of an

			outstanding water body ~~identified in Schedule 25.~~ iv) list those water bodies known to be outstanding in Schedule 25 of the plan
8 9 10 Footnotes 4 and 5 (and in relation to other repeats of this footnote)	All significant values must be protected. No prioritisation should occur as the NPS-FM doesn't provide for this. If, for some reason, one value's protection was to conflict with another value's protection, prioritisation should occur as per the NPS direction: "To safeguard: a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water; and b) the health of people and communities, as affected by contact with fresh water; in sustainably managing the use and development of land, and of discharges of contaminants."	Opposed.	Delete.
11 POL LW2 1. c)	We are confused as to how values can be prioritised over one another when the legislative requirement is to "protect significant values". The direction to "protect" ensures that all relevant values should be protected and therefore cannot be prioritised over one another. Note also our comments in the summary re. the potential for "use" values to undermine the protection of other values.	Opposed.	Delete.
12 POL LW3A	Re. 1: This policy is not sufficiently directive and as a result does not implement the legislative requirement to protect OWBs. The requirement to protect the	Opposed.	Re. 1: "In relation to those types of activities identified in Policy LW3A.2, ~~once the relevant catchment based regional plan~~

(7)

	significant values outstanding water bodies should not be delayed until the relevant catchment based plan change is effective. Given the time taken to complete the TANK plan change (c. 10 years) this is ridiculous. As a 'fall back', 2025 is also much too late to ensure values will be protected. Numerous activities may be undertaken that could degrade the significant values before then. This is inconsistent with the NPS-FM and RMA and NZCPS directions to protect these areas. Requirements to protect should take effect immediately – particularly given the values-identification process has been completed (as mentioned elsewhere in this submission) and the NPSFM requirement "to implement the policy as promptly as is reasonable..." Both outstanding and significant values must be protected. "Protection" as a term does not allow for one value to be "preferentially protected" as this inherently implies one value "losing out" to the other. Provision must be provided for values to be identified through the consenting process, not just for water bodies and values listed in schedule 25. Re. 2: Council should not limit their jurisdiction in this way. Re. 3: Council should delete this provision as it is imperative that they retain the ability to recognise additional outstanding water bodies or values through a		~~change is operative or after 31 December 2025, whichever is sooner,~~ a consent authority must have regard to... a. the extent to which the activity would protect the outstanding value(s) described in Schedule 25 or identified through the consenting process of the relevant outstanding waterbody b. the extent to which the activity would protect the significant values ~~(if any)~~ identified in Schedule 25 or identified through the consenting process of the relevant outstanding waterbody c. whether, in order to protect the waterbody's outstanding values and significant values: i. the location of the proposed activity is appropriate ii. time limits, including seasonal or other limits on the activity may be appropriate. d. ~~If there is a conflict between protecting an~~ How outstanding and ~~a~~ significant values of the same water body will be protected~~, protection of the outstanding value must be given preference."~~ Delete Policy LW3A.3

13

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	consenting process (or other appropriate process) – as stated above in relation to other policies.		
14 Table on page 14: Anticipated Environmental Results	Pol LW4 of the plan makes it clear that non-regulatory methods are used "in support of regulatory methods" – therefore the current wording in Table 14 should be removed. As above re. our concern about protection being limited only to water bodies identified in Schedule 25. Provision should be allowed to protect outstanding water bodies that have significant values that may not currently be apparent or listed in Schedule 25.	Opposed.	"...The significant values for each outstanding water body listed identified in Schedule 25 are protected ~~using regulatory methods or non-regulatory methods, or both~~. Provision is given to protect the significant values of outstanding water bodies that are not included in Schedule 25."
15 OBJ 11	As above re. our concern that protection is being limited only to water bodies identified in Schedule 25. This is inconsistent with the NZCPS, NPSFM, and RMA.	Seeking amendment	"Protection of the outstanding and significant values of those outstanding water bodies within the Coastal Environment ~~listed in Schedule 25~~."
16 Explanation and Reasons 3.2.8B	We support the addition of the reference to NZCPS Policy 11 (biodiversity) and Policy 17 (historic heritage), and consequential amendments made to the text describing what these provisions do. We also support the change to "requires the protection".	Support	Retain
17 POL C1 Problem solving approach	As above – concerns re. limiting protection to Schedule 25 water bodies, and concerns re. non-regulatory methods being given high status	Oppose	"1. When preparing regional plans, in relation to any relevant outstanding waterbodies ~~identified in Schedule 25~~: ... ii) establish how the outstanding and significant values of outstanding water bodies identified in Schedule 25 will be protected ~~by regulatory methods or non-regulatory methods or~~

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			~~both;~~
POL C2	Same concerns as above re. POL LW3A: Re. 1: This policy is not sufficiently directive and as a result does not implement the legislative requirement to protect OWBs. The requirement to protect the significant values outstanding water bodies should not be delayed until the relevant catchment based plan change is effective. Given the time taken to complete the TANK plan change (c. 10 years) this is ridiculous. As a fallback, 2025 is also much too late to ensure values will be protected. Numerous activities may be undertaken that could degrade the significant values before then. This is inconsistent with the NPS-FM and RMA and NZCPS directions to protect these areas. Requirements to protect should take effect immediately. Both outstanding and significant values must be protected. "Protection" as a term does not allow for one value to be "preferentially protected" as this inherently implies one value "losing out" to the other. Provision must be provided for values to be identified through the consenting process, not just for water bodies and values listed in schedule 25. Re. 2: Council should not limit their jurisdiction in this way. Re. 3:	Oppose	

19	Council should delete this provision as it is imperative that they retain the ability to recognise additional outstanding water bodies or values through a consenting process (or other appropriate process) – as stated above in relation to other policies.		
20	Glossary – Outstanding water body	The definition for Outstanding water body should be expanded to "any water body", because as written it excludes wetlands, and because this is consistent with the NPSFM and NZCPS. It should also be expanded to include water bodies that may be identified through resource consenting or other processes (using clear criteria that we have suggested be included in PC7), to ensure that HBRC meets its NPSFM requirements to protect outstanding water bodies that may become known following the operative date of the plan. This would not be inconsistent with the NPS definition of "those water bodies identified in a regional policy statement or regional plan as having outstanding values, including ecological, landscape, recreational and spiritual values." as it does not exclude a regional plan from "identifying" using both a schedule of listed sites and a scheduled criteria.	Opposed	"Outstanding water body means any water body ~~freshwater bodies and estuaries~~, or parts thereof, identified in Schedule 25 or through a resource consenting or other appropriate process, that has~~ve~~ one or more outstanding cultural, spiritual, recreation, landscape, geology, natural character or ecology value(s) as determined by the criteria in Schedule X.
21	Glossary – Outstanding	We support this definition given its clear reference to the regional context in which "outstanding" should be considered.	Support	NA
22	Schedule 25: Part 1 and Table 1	We support the notion that the lists of sub-values are not "all inclusive" Re. Natural Character, we question why the terminology "exceptional combination" has been used. We note the NPS does not require there to be an	Support with amendment	Re. Natural Character – "exhibiting ~~an~~ exceptional ~~combination of~~ natural processes, natural patterns, ~~and~~ or natural elements, with low levels of modifications to the

(11)

		"exceptional combination", just that there may be "exceptional... features". We suggest the inclusion of "swimming" in the recreational values list. We support the notion that "To be identified as 'outstanding', the water body must feature at least one outstanding value" and that "the water body may also feature other significant values which must be protected to give effect to the NPSFM." We suggest the inclusion of the Expert Panel criteria to make clear some of these requirements (see Appendix 1 of this submission). It is unclear how "Outstanding Values" and "sub-values" in Table 1 interact with "significant values" in Table 2 and how these were developed, particularly with regard to "use" values. Forest & Bird consider the inclusion of these "use" values is generally inappropriate given the overarching direction of the RMA, NZCPS, and NPSFM and the potential for these "use" values to undermine other values.		river, its ecosystems and/or the surrounding landscape Include "swimming" in the recreational values list. Include the Expert Panel criteria for OWBs in the schedules. Clarify how "Outstanding Values" and "sub-values" in Table 1 interact with "significant values" in Table 2
	Schedule 25: Part 2	A number of water bodies have been recognised as outstanding in Schedule 25, but their values have not been listed, and there appears to be no intention to list their values until "a catchment based regional plan change has been made operative for the relevant catchment". This is inconsistent with the NPS-FM requirement "to protect significant values of wetlands and of outstanding freshwater bodies" because, without any listed values, there is nothing that the Regional Council can protect.	Opposed	Remove inappropriate values from Schedule 25 that are not found with the water body itself, as per the expert panel's recommendations, such as "Primary production water use" Include the known significant values (in particular those identified by the expert panel) for water bodies that are currently covered only by an asterisk (*)

	It is also inconsistent with the NPS-FM requirement for "Every regional council... to implement the policy as promptly as is reasonable in the circumstances, and so it is fully completed by no later than 31 December 2025". Given that HBRC has already undertaken the task of identifying all outstanding water bodies in its region and of identifying the significant values associated with them, there is no reason that it should exclude these values from Schedule 25. Forest & Bird consider it absolutely reasonable for HBRC to implement Objectives A2 and B4 of the NPSFM—given the circumstances and body of work undertaken—by including all identified values for waterbodies listed in Schedule 25. Given the note tha HBRC's expert panel "considered that an 'Outstanding' value had to be found with the water body itself, rather than from any 'out of stream' values and uses derived from water in the water body" we are concerned that some water bodies (such as the Heretaunga Aquifer) have been listed in Schedule 25 with "Primary production water use (including for associated processing and other urban activities)" as a value. The significant values listed in Schedule 25 are in some cases inconsistent with those put forward by the Local Expert Panel (e.g. the Heretaunga Aquifer was noted as having ecology, landscape, and cultural & spiritual values, but these are not noted in Schedule 25—instead Domestic water supply, Municipal water supply, Primary production water		Include the significant values identified by the expert panel that are currently missing for water bodies that do have values listed (e.g. the Heretaunga Aquifer was noted as having ecology, landscape, and cultural & spiritual values, but these are currently not noted in Schedule 25) Reinstate any water bodies removed from Schedule 25 between the "Draft" and "Notified" versions of PC7 if this has occurred, or provide justification for their removal (or an explanation of the inconsistency). Include the Expert Panel criteria for OWBs in the schedules (as seen in Appendix 1 of this submission). Clarify how "Outstanding Values" and "sub-values" in Table 1 interact with "significant values" in Table 2 NB: there may be other/additional ways to address F&B's concerns with Schedule 25.

	use (including for associated processing and other urban activities), and Hydrological values are listed). As above re. Part 1, it is unclear how "Outstanding Values", "sub-values", and "significant values" interact within Schedule 25 and how these were developed, particularly with regard to "use" values. Forest & Bird consider the inclusion of these "use" values is generally inappropriate given the overarching direction of the RMA, NZCPS, and NPSFM and the potential for these "use" values to undermine other values. Finally, we note that the draft version of PC7 had a list of 43 OWBs, while this notified version contains 38. We assume (hope) this is due to the aggregation of nearby waterbodies into a single listing, however seek clarification that this is the case. If not, we seek reinstatement of any water bodies that have been removed.		

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Appendix 1:

TABLE 4: CRITERIA FOR ASSESSING 'OUTSTANDING' VALUES

'OUTSTANDING' VALUE	CRITERIA	INDICATOR
Ecology	Threatened Species	4 or more threatened species
	% of Population	• >2% of a national population of a native species • >15% of a regional population of a native species
	Ecological Distinctiveness	Presence of a unique or distinctive characteristic/ habitat or species at the regional level
	Ecological Function	Presence of a critical or outstanding: • Breeding site • Ecosystem component • Assemblage • Kohanga ika/ nursery • Fish passage/ fish spawning
Landscape	A water body that contains a unique hydrological, geological or culturally significant feature A water body that is widely recognised at the regional level for its scenic values	
Natural Character	A water body that is highly natural with little or no human modification, including to the flow, bed and riparian margins, water quality, flora and fauna, within a largely indigenous landscape	
Amenity/ Recreation	A recreational experience that is exceptional in or on the water An exceptional location for angling or customary food gathering A unique historical or heritage site	
Cultural & Spiritual	Preliminary and high level comments only are provided using the following framework: For understanding and assessing the outstanding values, attributes and uses of water bodies from a cultural and spiritual perspective, the following concepts have been applied:	

	Wairuatanga Mauri Mana Tapu Taonga tuku iho *Rangatiratanga* Mana whenua – mana moana Kaitiakitanga Mahinga kai (as a place, action or practice) *Whakapapa* O te whenua O te wai O te tangata Ki uta ki tai *Matauranga Maori* Tikanga Maori knowledge systems Traditional uses and values Origins of cultural knowledge *Cultural Natural Character* Spiritual condition Mana o te wai Connectivity between ground and surface water Cleansing properties as water passes through the whenua Spring / aquifer sources – water recharge systems SPECIAL NOTE: Tangata whenua will provide locally relevant assessments through separate input to the process (Refer to Appendix 4: Maori cultural and spiritual values, and see Diagram 1).

16

Submission on Proposed Plan Change 7: Hawke's Bay Regional Resource Management Plan

PLEASE NOTE: your submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.

Name: *(required)* Mark Roper

Organisation: Forest Management (NZ) Ltd

Postal address: *(required)* 14 Niven Street, Onekawa
Napier 4110

Email address: mark.roper@fmnz.co.nz

Phone number: 06 843 3770

Contact person and address if different to above:

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and
b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☒ I could not gain an advantage in trade competition through this submission; or

☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☐ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission.

Do you wish to be heard in support of your submission? Yes / (No)

If others make a similar submission, would you consider presenting a joint case with them at a hearing? (Yes) / No

Signature: Mark Roper Date: 27 February 2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
OWB@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 28 February 2020

No submissions will be accepted after this deadline. The deadline will not be further extended.

OFFICE USE ONLY

SUBMISSION ID# 11

Date Received: 27/2/20

Database Entry Date:

Database Entry Operator: EH

HAWKE'S BAY REGIONAL COUNCIL
TE KAUNIHERA Á-ROHE O TE MATAU-A-MĀUI

7

Submission Details

Please attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission. Further information on how to make a submission and the submission process is available on the Regional Council website.

Issue/Topic Description: Schedule 25 - Rivers

Specific provision(s) of Plan Change 7 that my submission relates to are: *[eg: objective, policy, water body (reference numbers)]*

Schedule 25 - Rivers

My submission is: *[Clearly indicate whether you support or oppose the specific provisions or wish to have them amended along with reasons]*

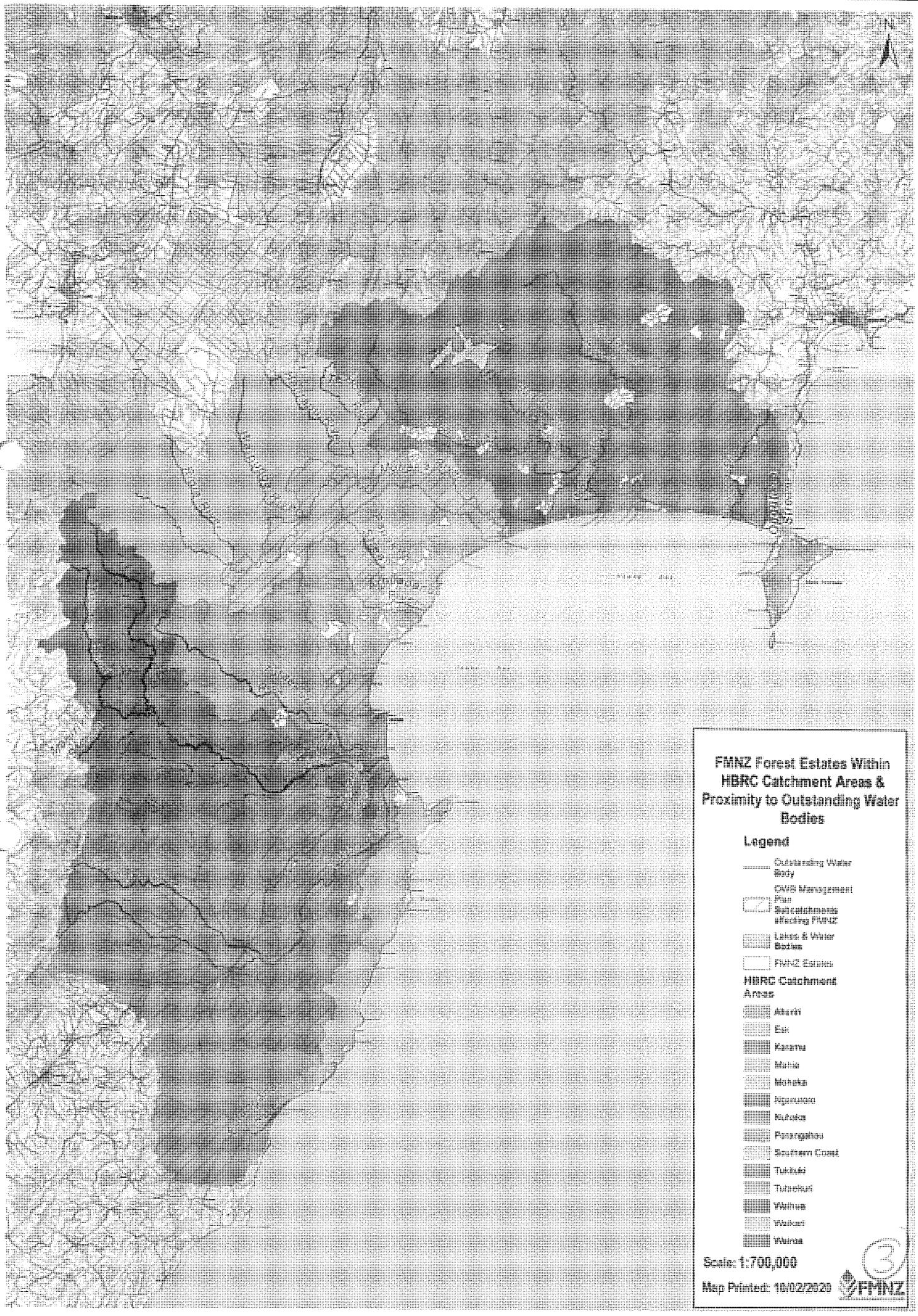
Given the high bar that protection provisions of the RMA apply to outstanding freshwater bodies, it is inappropriate to apply the classification to the entire river. There should be more particular identification of the various areas that are outstanding.

I seek the following decision from the Regional Council: *[Please give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process]*

Amend to splitting the river up as to clear identification as to the various areas of outstanding values.

A map of the sub-catchments within which FMNZ manages forest estates is attached.

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON 28 FEBRUARY 2020


N
FMNZ Forest Estates Within HBRC Catchment Areas & Proximity to Outstanding Water Bodies
Legend
Outstanding Water Body
CWS Management Plan Subcatchments affecting FMNZ
Lakes & Water Bodies
FMNZ Estates
HBRC Catchment Areas
Aburiri
Esk
Karamu
Mahia
Mohaka
Ngaruroro
Nuhaka
Porangahau
Southern Coast
Tukituki
Tutaekuri
Waihua
Waikari
Wairoa
Scale: 1:700,000
Map Printed: 10/02/2020
FMNZ

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Submission ID# 12

Date Received: 28/2/20

Database Entry Date: 3/3/20

Database Entry Operator: BH

Submission by Genesis Energy Limited

Trading as Genesis

ON

Proposed Plan Change 7 – Outstanding Water Bodies to the Hawke's Bay Regional Resource Management Plan

28 February 2020

1

Submission by Genesis Energy Limited

Trading as Genesis

ON

Proposed Plan Change 7 – Outstanding Water Bodies to the Hawke's Bay Regional Resource Management Plan

To:	The Chief Executive Hawke's Bay Regional Council Private Bag 6006 Napier OWB@hbrc.govt.nz
Date:	28 February 2020
Submitter name:	Genesis Energy Limited
Contact:	Alice Lin Environmental Policy & Planning Manager
Address:	Genesis Energy Limited PO Box 17-188 Greenlane Auckland 1051
Phone:	09 951 9334
Email:	Alice.Lin@genesisenergy.co.nz
Address for Service:	As above

(2)

1. Introduction

Genesis Energy Limited (**Genesis**) welcomes the opportunity to provide a submission to the Hawke's Bay Regional Council (the **Council**) on Proposed Plan Change 7 (**PPC7**) to the Hawke's Bay Regional Resource Management Plan (**RRMP**).

Genesis wishes to be heard in support of this submission.

Genesis does not gain an advantage in trade competition through this submission.

Nāku noa, nā

Karen Sky

Group Manager Environment and Community

2. Background

Genesis is an electricity generator and energy retailer with a diverse portfolio of renewable and thermal electricity generation assets including hydro, thermal and wind generation plants spread across New Zealand. Within the Hawke's Bay Region, Genesis owns and operates the Waikaremoana Power Scheme (**WPS**). A map and plan of the WPS is attached as **Appendix 1**.

The WPS has existed for some 90 years, with the three power stations commissioned between 1929 and 1948:

- Tuai commissioned in 1929 with a total capacity of 60MW
- Piripāua commissioned in 1943 with a total capacity of 42MW
- Kaitawa commissioned in 1948 with a total capacity of 36MW

Water is taken from Lake Waikaremoana via tunnels to Kaitawa Power Station, before being discharged into Lake Kaitawa. Water is then passed through Tuai Power Station and discharged into Lake Whakamarino – an artificial lake created for the hydro development. From there, water is carried by tunnel to Piripaua Power Station and is discharged into the Waikaretaheke River. Water levels and hydrology in all lakes and waterways across the power scheme are actively managed as part of the WPS operations including water takes and discharges, and operate under a suite of resource consent conditions.

3

The supply of electricity from the WPS is critical at both national and regional levels. The WPS generates approximately 450,000 MWh annually, which is equivalent to the annual electricity usage by approximately 56,250 households. Strategically, the WPS is critical to ensuring the security of energy supply to the East Cape in the event of disruption to the National Grid. The WPS also provides voltage support for the Gisborne and Tokomaru Bay Transpower transmission circuits and the proximity of the WPS to Gisborne results in lower transmissions losses than would otherwise occur.

Given the national importance of the WPS[1], Genesis has significant interest in any proposal to amend planning documents in the Hawke's Bay Region.

Furthermore, the Government has agreed a framework that drives climate change policy towards low greenhouse gas emissions and climate resilience in New Zealand. This framework supports New Zealand's international commitments under the Paris Agreement, including the target of reducing emissions by 11% below 1990 levels by 2030. By 2050, the aim is to reduce New Zealand's greenhouse gas emissions to net zero. It is widely accepted[2] that renewable electricity generation and electrification will play a crucial role in decarbonising New Zealand's economy.

Renewable sources provided 84% of New Zealand's electricity in 2018, mostly hydro, geothermal and wind[3]. The National Policy Statement for Renewable Electricity Generation 2011 (**NPSREG**) has outlined New Zealand's strategic target that 90% of electricity generated in New Zealand should be derived from renewable energy sources by 2025[4]. In addition, the Government has a further aspirational goal for a 100% renewable system by 2035. The protection of existing renewable electricity generation assets is therefore critical in conjunction with large scale investment in generation capacity (including large long-term storage solutions and/or non-weather dependent generation), to ensure security of supply to meet both a growing demand, and during period of high demand or calm/dry conditions.

The NPSREG requires decision-makers to recognise and provide for the national significance of renewable generation activities. In doing so decision-makers must have particular regard to maintaining existing renewable generation and meeting, or exceeding, the above government targets.

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[1] Including being listed in the draft, for consultation version of the National Policy Statement for Freshwater Management, section 3.22, as one of the 6 "large hydro schemes".
[2] Ministry of Business, Innovation and Employment (December 2019). *Discussion Document – Accelerating renewable energy and energy efficiency*. Part B: Accelerating renewable electricity generation and infrastructure. Page 9. Available at: https://www.mbie.govt.nz/have-your-say/accelerating-renewable-energy-and-energy-efficiency/
[3] Ministry of Business, Innovation and Employment (December 2019). *Discussion Document – Accelerating renewable energy and energy efficiency*. Part B: Accelerating renewable electricity generation and infrastructure. Page 50. Available at: https://www.mbie.govt.nz/have-your-say/accelerating-renewable-energy-and-energy-efficiency/
[4] Based on delivered electricity in an average hydrological year.

4

Further, in preparing a regional plan (including a plan change) Councils must, through objectives, policies and rules, provide for the development, operation, maintenance, and upgrading of existing hydro-generation activities. The NPSREG is supported by the National Policy Statement for Freshwater Management 2014 (updated 2017, **NPSFM**), which directs regional authorities to include freshwater objectives that consider all national values, including the use of freshwater for hydro-electric power generation[5]. In addition, we note the draft National Policy Statement for Freshwater Management (released for consultation in 2019) explicitly identified the WPS, and directs the Council to have regard to the importance of not adversely impacting the generation capacity, storage and operational flexibility of the scheme.

Further to the national direction, on 26 June 2019 the Hawke's Bay Regional Council joined other councils around the country in declaring a "climate emergency". Actions listed by Council in relation to this declaration include climate change being a primary factor for consideration in its decision-making processes and include regional leadership for climate change awareness and action[6]. Genesis considers the Council could use the opportunity provided by this plan change to show regional leadership by protecting the continued operation of existing renewable electricity generation, while ensuring long-term security of supply of electricity in the region.

Genesis also wishes to acknowledge and respect Ngai Tūhoe's position that Te Urewera be excluded from PPC7, as recorded in the proposed plan change supporting report.

3. Submissions and Relief Sought

In June 2019, Genesis provided feedback to the Council on the Draft Plan Change 7 (the **draft plan change**) and raised fundamental concerns regarding the scope and content of the draft plan change with specific reference to the potential effect on the WPS. We appreciate the Council has considered and made changes in PPC7 to address some of our feedback. Genesis is not opposed to the intent of PPC7 to protect outstanding water bodies (**OWB**) in the Hawke's Bay region. However, we remain concerned that PPC7 as currently drafted will significantly affect, and fail to provide for, the continued operation of the WPS, which would be an outcome inconsistent with the RRMP, the NPSFM, and the NPSREG as well as national and regional policy and political directions as to the need to respond to, and address the causes of, climate change.

[5] Hydro-electric power generation is identified as a 'other national value' in the NPSFM Appendix 1: National values and uses for fresh water.

[6] https://www.hbrc.govt.nz/our-council/news/article/717/media-briefs-from-regional-council-meeting

5

Genesis's concerns on PPC7 can be broadly summarised as:

(a) The proposed definitions of 'outstanding' and 'outstanding water body' are inconsistent with the NPSFM.

(b) The assessment of 'outstanding values' as contained in Schedule 25 is incomplete, as it has not included social and economic values identified in Appendix 1 of the NPSFM. The assessment provided in PPC7 is therefore inconsistent with Part 2 of the RMA which defines sustainable management as managing the use, development and protection of natural and physical resources that enables people and communities to provide for their social, economic and cultural wellbeing and the objectives and policies of the NPSFM itself.

(c) The reliance on future catchment-based plan changes to determine 'significant values' and set out a management framework for the OWBs creates a policy vacuum and does not in our opinion reflect the purpose of PPC7, the NPSFM or the RMA. Genesis does not consider it is possible to develop a robust policy framework seeking the protection of significant values in OWB when those significant values are unknown.

(d) The environmental focus of PPC7 does not give effect to the NPSREG, the NPSFM and Part 2 of the RMA. PPC7 as currently drafted has the potential to hinder the long-term operation of the WPS, therefore reduce energy resilience in the region and adversely affect existing objectives and policies in the RRMP relating to the use of water for renewable electricity generation. Any changes required to the future operation of the WPS may also affect the OWBs and their listed outstanding (and significant) values, where these present values include the existing WPS operations which have continued for more than 90 years.

(e) The section 32 assessment fails to robustly consider the identification and justification for OWB and their outstanding and significant values, nor does it robustly assess the costs of PPC7 and therefore fails to comply with the statutory requirements.

Without limiting the above general comments, specific submissions and relief sought by Genesis are detailed in the table below.

Notwithstanding the detailed submission below, Genesis questions the timing of PPC7 when the national freshwater policy is currently undergoing reform with decisions due mid-2020. The national freshwater reform package proposes fundamental changes to national directions, including policy direction on the protection of significant values of outstanding freshwater bodies. Genesis is concerned that progressing PPC7 in the interim is likely to result in subsequent amendments being required within a short period of time in order to give effect to the new NPSFM. In addition to comments made in our detailed submission below, it is our opinion that PPC7 should be put on hold until clarity from the national freshwater reform is available.

Provision	Support / Oppose	Reason for submission	Relief Sought (additions underlined, deletions struck through)
Chapter 3.1A Integrated Land Use and Freshwater Management			
POL LW1.1.cC	Support in part	POL LW1.1.cC proposed: *"Adopt an integrated management approach to fresh water and the effects of land use and development within each catchment area, that:* *assesses the outstanding water bodies identified in Schedule 25 to determine the significant values of those water bodies. This assessment include consideration of the values set out in Appendix 1 of the National Policy Statement for Freshwater Management, and any other values that are determined to be relevant taking into account local and/or regional circumstances."* Genesis supports the approach of using Appendix 1 of NPSFM to assess and identify the outstanding values (noting the NPSFM refers to "significant values" of OWB. However, Genesis notes that Appendix 1 of NPSFM includes national values that have not been assessed by Council, including the national value of social and economic uses such as hydro-electric power generation. Accordingly, Genesis considers PPC7 is incomplete in its assessment of OWB listed in Schedule 25 and is inconsistent with the objectives and policies of the NPSFM and Part 2 of the RMA to promote sustainable management. Further details on Genesis' submission regarding Schedule 25 is provided below including amendments sought to Schedule 25.	Retain POL LW1.1cC as proposed, on the basis that Schedule 25 is amended in respect of the outstanding value of hydro-electric power generation at Lake Waikaremoana and Waikaretaheke River.
Policy LW3A	Oppose	Proposed new Policy LW3A sets out the decision-making criteria to a list of identified activities affecting OWB that are classified as a discretionary or non-complying activity by a rule in a regional plan. The policy will come into force after 31 December 2025, or when a catchment plan change is operative (whichever is sooner). The policy applies when an OWB has an outstanding or significant value(s) stated in Schedule 25. As proposed in PPC7, Schedule 25 currently includes a partial list of outstanding values and no significant values. In addition, there are no set timeframes for the catchment-based plan changes that will be needed once PPC7 becomes operative. Genesis has two key concerns regarding the proposed policy: 1. The incomplete information contained in PPC7, if made operative through this plan change process, creates a policy vacuum for an undetermined period of time. Resource consents sought prior to any catchment-based plan change will be affected, and replacement consents may be required once the catchment-	Place PPC7 on hold and defer processing until catchment-based assessments are completed to give full effect to the requirements of NPSFM. Alternatively, delete proposed Policy LW3A until such time the relevant catchment-based regional plan change(s) are operative.

Provision	Support / Oppose	Reason for submission	Relief Sought (additions underlined, deletions struck through)
		based plan changes are made. This policy vacuum creates uncertainty to development and is an inefficient and ineffective method. 2. The outstanding values currently identified in Schedule 25 are incomplete, and do not accurately reflect the requirements under Appendix 1 of NPSFM, the objectives and policies of the NPSFM or Part 2 of the RMA. In addition, it is not possible to discern the scale and extent of the purported outstanding values listed in Schedule 25 and how they need to be addressed through any resource consent process. As a result, each and every resource consent applicant will be faced with the challenge of having to second guess what level of detail is required when preparing resource consent applications. Genesis considers it is critical that the comprehensive assessment of each OWB is undertaken prior to any plan change process being initiated. This approach is necessary to provide certainty to resource users and certainty that the outstanding values of each OWB will be appropriately protected. The approach of completing the comprehensive assessment upfront is consistent with Option 4 assessed in the section 32 evaluation report for PPC7. Council clearly identified the benefit of Option 4 in providing clarity around which water bodies are outstanding and how the associated values should be protected. Genesis considers that Council's rationale for dismissing Option 4 (based on inefficiencies due to timeframes required through the consultation process) does not meet the section 32(1) requirements as the proposed provision (i.e. Policy LW3A) will be inconsistent with the objective of PPC7 to protect the significant values of OWB. In other words, how does Policy LW3A protect the significant values of OWB when the significant values have not been explicitly identified in Schedule 25? Genesis does not consider it is possible to develop a robust policy framework seeking the protection of significant values in OWB when those significant values are unknown.	
Chapter 9 Glossary			

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Provision	Support / Oppose	Reason for submission	Relief Sought (additions underlined, deletions struck through)
New definition: "Outstanding water body"	Oppose	PPC7 proposed: *"**Outstanding water body** means freshwater bodies and estuaries, or parts thereof, identified in Schedule 25 that have one or more outstanding cultural, spiritual, recreation, landscape, geology, natural character or ecology value(s)."* The definition is inconsistent with the NPSFM and does not reflect the assessment undertaken by Council in identifying the OWB included in Schedule 25 as outlined by POL LW1.1.cC. In particular, POL LW1.1.cC specified the assessment to include consideration of those national values set out in Appendix 1 of NPSFM. As noted, Appendix 1 of NPSFM includes social and economic national values that have incorrectly been excluded for assessment by Council – these national values are fishing, irrigation, cultivation and food production, animal drinking water, wai tapu, water supply, commercial and industrial use, hydro-electric power generation, and transport. Genesis considers all national values must be considered as part of any assessment of the outstanding values of an OWB. Any exclusion of social and economic values is inconsistent with the objectives and policies of the NPSFM and Part 2 of the RMA, which defines sustainable management as managing the use, development and protection of natural and physical resources that enables people and communities to provide for their social, economic and cultural wellbeing. The definition of OWB should therefore be amended to reflect all national values that are assessed to be consistent with Appendix 1 of NPSFM. Furthermore, by not including the outstanding values of hydro-electric power generation the PPC7 will not give effect to the NPSREG, which requires decision makers to recognise and provide for renewable electricity generation activities and to provide for those activities within regional plans.	Amend the definition as follows: **Outstanding water body** means freshwater bodies and estuaries, or parts thereof, identified in Schedule 25 that have one or more outstanding ~~cultural, spiritual, recreation, landscape, geology, natural character or ecology value(s)~~ national value(s) as set out in Appendix 1 of the National Policy Statement for Freshwater Management 2014. These values are: • Ecosystem health • Human health for recreation • Natural form and character • Mahinga kai • Fishing • Irrigation, cultivation and food production • Animal drinking water • Wai tapu • Water supply • Commercial and industrial use • Hydro-electric power generation • Transport and Tauranga waka

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10
11

9

Provision	Support / Oppose	Reason for submission	Relief Sought (additions underlined, deletions struck through)
New definition: "Outstanding"	Oppose	PPC7 proposed: *"**Outstanding**: for the purposes of an outstanding water body; outstanding means conspicuous, eminent, and/or remarkable in the context of the Hawke's Bay Region."* Genesis considers the proposed definition in relation to 'outstanding' being within the context of the Hawke's Bay region is inconsistent with the RMA, does not give effect to the NPSFM (particularly Appendix 1 of NPSFM), and is also inconsistent with the proposed POL LW1.1.cC. In particular, in the context of the RMA, where 'outstanding' has been used in the context of waterbodies under section 199 case law has confirmed that in establishing a water conservation order, the outstanding amenity or intrinsic values being protected must be outstanding on a national comparative basis. Similarly, within PPC7 itself, the reference to Appendix 1 of the NPSFM in proposed POL LW1.1.cC relates to the assessment of national values. Accordingly, Genesis considers that for a value to be 'outstanding', it must be comparable on a national scale, and be the 'best of the best' in the context of New Zealand as a whole. Any definition to the contrary will be inconsistent with the RMA and the supporting case law.	Amend the definition as follows: **Outstanding**: for the purposes of an outstanding water body; outstanding means conspicuous, eminent, and/or remarkable in the context of the Hawke's Bay Region New Zealand.
Schedules			
Schedule 25: Outstanding Water Bodies	Oppose in part	Proposed Schedule 25 includes a list of 38 OWB (with corresponding outstanding values) that have been identified by Council. Of particular interest to Genesis is the identification of Lake Waikaremoana and Waikaretaheke River as OWBs. Whilst Genesis does not dispute that both water bodies have values that may be considered as important to the Hawke's Bay region, Genesis has the following key concerns: • The outstanding values identified in Schedule 25, including those values associated with Lake Waikaremoana and Waikaretaheke River, are incomplete when considered against Appendix 1 of NPSFM. Schedule 25 is therefore inconsistent with Part 2 of the RMA, the NPSFM and proposed POL LW1.1.cC. Appendix 1 of NPSFM includes social and economic national values (consistent with the objectives and policies of the NPSFM and Part 2 of the RMA) that must also be considered in any assessment of outstanding values. The identification of the WPS as a nationally significant infrastructure with national value should	Place PPC7 on hold and defer processing until catchment-based assessments are completed to give full effect to the requirements of NPSFM. Alternatively, if PPC7 is to proceed, the following relief is sought: • Amend "Table 1 Outstanding values and sub values" to be consistent with Appendix 1 National Values under NPSFM. • Include the WPS and the renewable electricity generation facility on Lake

Provision	Support / Oppose	Reason for submission	Relief Sought (additions underlined, deletions struck through)
		result in the WPS being identified in Schedule 25 as an outstanding value to be protected at both Lake Waikaremoana and Waikaretaheke River. • As previously identified, the RMA stipulates the assessment of 'outstanding' must be at a national scale and be the 'best of the best' in the context of New Zealand as a whole. Genesis does not consider robust assessment has been completed by Council that justifies those values in Schedule 25 as being 'the best of the best' at the national scale. This is particularly pertinent for the Waikaretaheke River where the expert panel formed by the Council found that, absent cultural considerations, the Waikaretaheke River does not have outstanding values. • The environmental values of Lake Waikaremoana and the Waikaretaheke River, as they are now, reflect the sustained presence of the WPS over some 90 years. If those water bodies are considered to be outstanding now, the only logical conclusion that can be drawn is that the important values of those water bodies have been protected, notwithstanding the ongoing presence of the WPS. Genesis therefore considers that the existing WPS operation must also be protected in order to protect those values existing at Lake Waikaremoana and Waikaretaheke River as identified in Schedule 25. • Including the protection of the existing outstanding values of hydro-electric power generation in PPC7 is required to give effect to the NPSREG, which requires decision makers to recognise and provide for the national significance of renewable electricity generation activities and provide for renewable generation within the regional plan. • Schedule 25 as included in PPC7 does not include significant values at each identified OWB. It is noted that the significant values, and their associated descriptions, will be included after a catchment based regional plan change has been made operative for the relevant catchment. Genesis does not consider the approach of deferring vital details to future (yet unidentified) plan change processes meets the purpose of PPC7 and the NPSFM (or the RMA), which seeks to protect the significant values of OWB. In particular, Genesis does not consider it is possible to develop a robust policy framework seeking the protection of significant values in OWB when those significant values are unknown.	Waikaremoana as an Outstanding Value of Lake Waikaremoana. • Remove Waikaretaheke River from Schedule 25 as it is not an OWB with outstanding values at the national scale. Alternatively, include the WPS and the renewable electricity generation facility on Waikaretaheke River as an outstanding value of the Waikaretaheke River.

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Submission ID# 13

Date Received: 28/2/20

Database Entry Date: 3/3/20

Database Entry Operator: NN

Belinda Harper

From: Wufoo <no-reply@wufoo.com>
Sent: Friday, 28 February 2020 11:37 AM
To: OWB
Subject: HBRC OWB Submission Form [#10]

Categories: Transferred to SharePoint
SharePointLocationUrl: https://herbi.hbrc.govt.nz/site/ResourceMa/planchange/PC7

SharePointAbsoluteFileUrl: https://herbi.hbrc.govt.nz/site/ResourceMa/planchange/PC7/Submission_Proposed_Plan_Change_7_HB_Fish__G

Name *	Peter Wilson
Organisation	Hawkes Bay Fish and Game Council
Address *	22 Burness Road Greenmeadows Napier, Hawkes Bay 4112 New Zealand
Email	pwilson@fishandgame.org.nz
Phone Number	0211513486
	I could not gain an advantage in trade competition
The specific provision(s) of the proposed Plan Change that my submission relates to are [e.g. objective, policy, water body]: *	As attached
My submission is that [Clearly indicate whether you support or oppose the specific provisions or wish to have them amended along with reasons]: *	As attached
Upload additional pages of your submission here:	outstanding_rivers.pdf 33.54 KB - PDF
I seek the following decision from the Council [give precise details to ensure your views are accurately represented in submission summary documents to be	As attached

(1)

prepared by the council as part of the submission and hearing process] *

Do you wish to be heard in support of your submission? *	Yes
If others make a similar submission, would you consider presenting a joint case with them at a hearing? *	Yes

(2)

1. This is a submission on behalf of the Hawkes Bay Fish and Game Council. The Hawkes Bay Fish and Game Council is the statutory manager of sports fish and gamebirds in the Hawkes Bay fish and game region. This is contiguous with the regional council boundaries.

2. Fish and Game participated in the development of the plan change, including supplying an expert to the panel that recommended the water bodies in Schedule 25.

3. Fish and Game is broadly supportive of the plan change, however, the drafting appears to be inconsistent with the National Policy Statement on Freshwater Management in some places. The NPS-FM make it clear that outstanding water bodies are classified as such because they have "outstanding values", however, this plan appears to confine the totality of classification/protection to "outstanding values" alone.

4. Fish and Game also wish to see the recreational trout fishery present in Lake Tutira to be recognised as a "significant value" in Schedule 25.

Provision	Support/Oppose	Relief sought
OBJ LW1	Support with amendments	Amend to "protect outstanding waterbodies and their significant values" to better implement the NPS-FM, or similar wording that better reflects the NPS-FM. This applies to other provisions of the plan where the NPS-FM may not be clearly reflected.
Schedule 25 – Lake Tutira	Support with amendments	Add on recreation to column three as an outstanding value. Add on trout fishery as a significant value to column 4

5. Fish and Game is not a trade competitor, nor derives any benefit from trade competition on this matter for the purposes of the Resource Management Act 1991

6. Fish and Game requests to be heard on this submission.

Yours faithfully,

Peter Wilson
Senior Environmental Planner
for
Hawkes Bay Fish and Game Council

Hawkes Bay
Forestry Group

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Submission ID#
14
Date Received:
17/2/20
Database Entry Date:
5/3/20
Database Entry Operator:
BH

To: Hawkes Bay Regional Council, Napier

From: Hawkes Bay Forestry Group

Submission on Proposed Plan 7 Hawkes Bay Regional Resource Management Plan

1. This is a submission concerning Proposed Plan 7 amending provisions of the Hawkes Bay Regional Resource Management Plan – Outstanding Water Bodies (OWB).
2. We could not gain a trade advantage through this submission.
3. We are concerned with the provisions, as set out in appendix 1.
4. Our reasons, concerns and the relief sought are also as set out in appendix 1.
5. We wish to be heard in support of our submission.
6. If others make a similar submission, we will consider making a joint case at the hearing.

Signature of submitter: .....

Dated: 13 February 2020

Email: kdolman@novapsi.net.nz

Telephone: +64 22 093 4557

Postal address: 1241 Korokipo Road, RD 3, Napier 4184

Contact person: Keith Dolman, CEO

(1)

Hawkes Bay Forestry Group

Appendix 1 - Submission from Hawkes Bay Forestry Group to HBRC Plan Change 7 OWB

Provision	Concerns	Reasons	Relief
General- the amendments from "freshwater" to "water bodies"	Oppose PC7 has a fundamental flaw in that it proposes to identify both certain coastal waters and freshwater as outstanding water bodies. There is confusion as provisions for the combining of provisions for coastal water are included under headings that clearly relate to freshwater.	While water can include both freshwater and coastal water the RMA powers are different for freshwater management and for management of coastal water. The NES-PF sets out the provisions regulating plantation forestry and maintains the separation of issues concerning freshwater management versus those of coastal water management.	Retain separate provisions as exists in the Regional Resource Management Plan Chapter 3 1 A for Outstanding Freshwater Bodies and Chapter 3. 2 for Outstanding Coastal Waterbodies. There would have to be major changes PC7 to set out separate provisions for freshwater and for coastal water.
General-the references throughout PC7 to outstanding and significant values	Oppose The mixing of the different RMA powers has led to the confusing introduction of not only identification of "outstanding values" but also "significant values" for both freshwater and coastal water.	1. This has arisen as the NPSFM definition of "Outstanding freshwater bodies" are those water bodies identified in a regional policy statement or regional plan as having **outstanding values**, including ecological, landscape, recreational and spiritual values 2. Objective A2 of the NPSFM introduces the concept of "**significant values**" by providing that the overall quality of fresh water within a freshwater management unit is maintained or improved while: a) protecting the **significant values** of outstanding freshwater bodies; b) protecting the significant values of wetlands; and c) improving the quality of fresh water in water	There would have to be major changes to PC7 to separate out provisions that give effect to the very particular requirements of NZCPS Policies 11,13,1S and 17 with regard to the coastal water.

		bodies that have been degraded by human activities to the point of being over-allocated. 3. The NZCPS while setting out policies which would allow the protection of coastal waters for the purposes of indigenous biodiversity (Policy 11), natural character (policy 13), outstanding landscape (policy 15) and heritage (policy 17) there is no mention of the concept, as for freshwater management, of outstanding and significant values. The NZCPS provides a very particular provisions for protections that is different to the management of freshwater.	
OBJ LW 1 1.	Oppose The combining of coastal water in what is an objective for freshwater only.	The amended explanation makes it clear that this is giving effect to freshwater powers not ones relating to coastal water.	Delete the amendment to water bodies and retain as freshwater only.
POL LW1 1.cC and d, dA)	Oppose This is a policy that should only relate to freshwater	The policy specifically refers to the provisions of the NPSFW which are separate to the provisions of the NZCPS.	Delete the words water bodies and replace with freshwater bodies.
POL LW1 cC " ...and any other values that are determined..."	Oppose It is not clear as to the process of how these other values are to be determined.	This amendment creates major uncertainty to the policy.	Delete the amendment.
POL LW1 2. bA) (i) (ii)	Support in part	The policy explanation specifically refers to the provisions of the NPSFW which are separate to the provisions of the NZCPS	Amend to only apply to freshwater bodies

POL LW1 2. bA) (iii)	Oppose	Provisions (i) and (ii) require consideration of how the freshwater will be protected and this is more than adequate. A policy requirement to "avoid" does not allow for mitigation provisions to be applicable.	Amend to only apply to freshwater Amend to delete (iii)
POL LW2	Oppose A priority system is compromised by the introduction of the requirement to protect outstanding freshwater bodies.	Such a system may be appropriate when provisions give effect to the powers of the RMA relating to maintenance or enhancement of the natural environment but not where the provision is giving effect to a requirement to protect the natural environment. This is of further relevance when giving effect to the NZCPS which includes provisions to "avoid" certain effects of activities upon the natural environment. In such cases there can be no prioritisation. The policy conflicts with the amended Policy C2.	Delete the reference to outstanding water bodies and retain the provisions to only relate to freshwater bodies that are not identified in schedule 25
Policy LW3A 1.a-c & 2 & 3	Support	The policy sets out an appropriate approach	
Policy LW3A 1.d	Oppose	There should be no inconsistency between what is an outstanding value and significant value. Significant values should be just refinements of the outstanding values. This would insert major uncertainty into the process as to what value is to be protected.	Delete d.
Chapter 3.2 amendments	oppose	Policies 11,13,15,& 17 of the NZCPS have very particular provisions as	Delete all provisions and introduce a variation to provide policies and objectives

		what features are to be identified and then requirements as to avoid effects upon the identified features. PC7 does not give effect to the abovementioned policies. Only 4 estuaries have been identified and they should be protected by properly giving effect to the NZCPS rather than trying to transfer the provisions of the NPSFW to coastal water.	that give effect to the identified policies in the NZCPS.
Glossary-outstanding water body	Oppose	The definition given the above submissions should apply only to freshwater bodies	Amend to "outstanding water body means a freshwater body or parts thereof, identified..."
Schedule 25-rivers	Oppose, support, support in part	Given the high bar that protection provisions of the RMA apply to outstanding freshwater bodies, it is inappropriate to apply the classification to the entire river. There should be more particular identification of the various areas that are outstanding.	Amend to splitting the river up as to clear identification as to the various areas of outstanding values.

Submission on Proposed Plan Change 7: Hawke's Bay Regional Resource Management Plan

PLEASE NOTE: your submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.

Name: *(required)* C/-Tom Skerman

Organisation: Hawke's Bay Regional Council

Postal address: *(required)* Private Bag 6006

Napier 4110

Email address: Tom@hbrc.govt.nz

Phone number: 06 835 9200

Contact person and address if different to above:

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

√ I could not gain an advantage in trade competition through this submission; or

⊘ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

⊘ I am directly affected by an effect of the subject matter of the submission

√ I am not directly affected by an effect of the subject matter of the Submission

Do you wish to be heard in support of your submission? **No**

If others make a similar submission, would you consider presenting a joint case with them at a hearing? **No**

Signature: Date: 27-02-2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
OWB@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 28 February 2020

No submissions will be accepted after this deadline. The deadline will not be further extended.

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SUBMISSION ID#

15

Date Received:

27/2/20

Database Entry Date:

4/3/20

Database Entry Operator:

NN

HAWKES BAY REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Submission Details

Please attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission. Further information on how to make a submission and the submission process is available on the Regional Council website.

Issue/Topic Description: .....Proposed Plan Change 7 – Outstanding Water Bodies.....

Specific provision(s) of Plan Change 7 that my submission relates to are: *[eg: objective, policy, water body (reference numbers)]*

Refer to attached pages .....

My submission is: *[Clearly indicate whether you support or oppose the specific provisions or wish to have them amended along with reasons]*

Refer to attached pages

I seek the following decision from the Regional Council: *[Plesae give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process]*

Refer to attached pages – decision requested column or any other alternative amendments that may address the intent of the amended outcome

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON 28 FEBRUARY 2020

ID #	Plan Topic/Reference	Explanation/Reasons	Decision Requested	Page No.
OBJ LW1 - Principal reasons and explanation				
1	Objective LW1	Minor correction which could otherwise be accomplished under Schedule 1 Clause 16(2) of RMA.	Amend third paragraph of the principal reasons and explanation for Objective LW1 as follows: • "...Objective LW1.1 is consistent with the NPSFM which expects ~~the~~ regional councils to protect...."	7
POL LW1 Problem solving approach – Catchment based integrated management				
2	Policy LW1.1	The identification of an outstanding water body's significant values is best undertaken when developing regional plans. As such, the direction within Clause cC) of Policy LW1.1 is more appropriately set out in Clause bA)(i) of Policy LW1.2.	Amend Policy LW1.1 as follows: • Delete Clause cC) from Policy LW1.1 and incorporate into Clause bA)(i) of Policy LW1.2.	7
3	Policy LW1.2	The identification of an outstanding water body's significant values is best undertaken when developing regional plans. As such, the direction within Clause cC) of Policy LW1.1 is more appropriately set out in Clause bA)(i) of Policy LW1.2.	Amend Clause bA)(i) of Policy LW1.2 as follows: • bA)(i) Carry out an assessment which identifiesy the significant values of that outstanding waterbody ~~and the spatial and/or temporal extent of those values as relevant.~~ This assessment includes consideration of the values set out in Appendix 1 of the National Policy Statement for Freshwater Management, and any other relevant values taking into account local and/or regional circumstances.	8
4	Policy LW1.2	The reference to 'temporal extent' in Clause bA)(i) of Policy LW1.2 confuses the intent of this clause, which is predominately focused on identifying the spatial extent of outstanding and significant values of outstanding water bodies in Schedule 25.	Add a new Clause bA)(ia) to Policy LW1.2 as follows: • bA)(ia) identify the spatial extent of the outstanding and significant values, as relevant.	8
5	Policy LW1.2	There is a risk that the requirements of Policy LW3A will be omitted from consent decision making if the Policy isn't cross referenced or reiterated in the regional plan section.	Amend Clause bA)(iii) of Policy LW1.2 as follows: • bA)(iii) include regional plan provisions to manage activities in a manner which avoids adverse effects that are more than minor on the outstanding and significant values of an outstanding water body identified in Schedule 2S; and include cross references to Policy LW3A where	9

ID #	Plan Topic/Reference	Explanation/Reasons	Decision Requested	Page No.
			appropriate.	
6	Policy LW1.2	Clause bA)(iii) of Policy LW1.2 as proposed would require regional plan provisions to be included which avoids adverse effects that are more than minor on the outstanding and significant values of an outstanding water body. This differs from Objectives A2 and B5 of the NPSFM which require the protection of the significant values of outstanding water bodies. Consequently, proposed wording of Clause bA)(iii) is more stringent and directive than the NPSFM itself and that was unintended. It is worth noting that the MFE guidance document "*A guide to the Notional Policy Statement for Freshwoter Monagement 2014 (as amended 2017)*", states - "*...once a water body has been identified as outstanding, adverse effects on the significant values of the water body may need to be avaided in some instances to provide for those values*"; and -"*... This objective does not require that every aspect of the water body is fully protected, unless that is necessary to protect the outstanding chorocteristics. For example a water body may be outstanding because it is the habitat for an endemic freshwater fish, but protecting that fish may be possible even if some water takes and discharges are authorised.*"	Amend Clause bA)(iii) of Policy LW1.2 as follows: • bA)(iii) include regional plan provisions to protect the ~~manage activities in a manner which avoids adverse effects that are more than minor on the~~ outstanding and significant values of an outstanding water body identified in Schedule 25.	9
POL LW2 Problem solving approach – Prioritising values				
7	Policy LW2.1	On completion of the relevant catchment based plan change (i.e. Greater Heretaunga / Ahuriri Catchment Area, Mohaka Catchment Area and Tukituki Catchment Area), Table 1 becomes redundant. To avoid confusion amongst plan readers, Policy LW2.1 needs to be amended to reflect this.	Add a new Clause (bA)(i) into Policy LW2.1 as follows: • bA) Policy LW2.1 does not apply: (i) once the relevant catchment based regional plan change is operative.	10

ID #	Plan Topic/Reference	Explanation/Reasons	Decision Requested	Page No.
POL C1 Problem solving approach – outstanding water bodies				
8	Policy C1	The reference to 'temporal extent' in Clause 1(i) of Policy C1 confuses the intent of this clause, which predominately is focused on identifying the spatial extent of outstanding and significant values.	Amend Clause 1(i) of Policy C1 as follows: • 1(i) identify the significant values of that outstanding waterbody and the spatial ~~and/or temporal~~ extent of those values as relevant.	17
9	Policy C1	There is a risk that the requirements of Policy C2 will be omitted from consent decision making if the Policy isn't cross referenced or reiterated in the Hawke's Bay Regional Coastal Environment Plan.	Amend Clause 1(iii) of Policy C1 as follows: • 1(iii) include regional plan provisions to manage activities in a manner which avoids adverse effects that are more than minor on the outstanding and significant values of an outstanding water body identified in Schedule 25; and include cross references to Policy C2, where appropriate.	17
10	Policy C1	For consistency with request set out in above in relation to Policy LW1.2 (bA)(iii).	Amend Clause 1(iii) of Policy C1 as follows: • 1(iii) include regional plan provisions to protect the ~~manage activities in a manner which avoids adverse effects that are more than minor on the~~ outstanding and significant values of an outstanding water body identified in Schedule 25.	17
Schedule 25: Outstanding Water Bodies (Part 1)				
11	Schedule 25 Part 1	Minor correction which could otherwise be accomplished under Schedule 1 Clause 16(2) of RMA.	Amend Table 1, Column 3 heading as follows: "~~S~~sub V~~v~~alues"	20
12	Schedule 25 Part 1	Minor correction which could otherwise be accomplished under Schedule 1 Clause 16(2) of RMA.	Amend Table 1, Column 3, cultural and spiritual sub-values as follows: "....wai ~~T~~tapu..."	20
Schedule 25: Outstanding Water Bodies (Part 2)				
13	Schedule 25 Part 2	Plan Change 9 has not yet been notified. To avoid confusion the single asterisk (*) notation in Schedule 25, Part 2 needs to be amended to reflect this. Essentially, the asterisk notation is an editorial notation advisory for readers of the proposed plan change.	Amend the single asterisk notation in Part 2 – Outstanding Water Bodies in Hawke's Bay and their outstanding and significant values as follows: • *....The significant values for outstanding water bodies within the Tutaekuri, Ahuriri, Ngaruroro, Karamu catchments have been included based on current	21

ID #	Plan Topic/Reference	Explanation/Reasons	Decision Requested	Page No.
			information at time Hawke's Bay Regional Council adopted Plan Change 9 for notification[1].	
14	Schedule 25 Part 2	At the time Proposed Plan Change 7 was publically notified, the Council acknowledged there was a need for further evidence to be obtained to support the outstanding classification of a number of water bodies in Schedule 25; and made a decision to use the Schedule 1 submissions process to fill these information gaps[2]. The double asterisk notation was included in the Proposed Plan Change to ensure interested parties were aware that the descriptions of the outstanding values in Schedule 25 would be updated throughout the hearing process, in response to further information received during the submission period. Essentially the double asterisk notation is an editorial notation advisory to readers of the proposed plan change. Once Proposed Plan Change 7 becomes operative, this notation will no longer be needed.	Delete the double asterisk notation, and associated symbols, in Part 2 – Outstanding Water Bodies in Hawke's Bay and their outstanding and significant values as follows: • ~~** The description of the outstanding cultural and spiritual values will be updated in Table 2 as Proposed Plan Change 7 progresses through the plan change process set out in Schedule One of the Resource Management Act, and further information becomes available.~~	21
15	Schedule 25 Part 2	On 31 August 2019, the Regional Council publically notified Proposed Plan Change 7 with a list of 38 outstanding water bodies (OWB), while acknowledging there were significant information gaps and a need for further evidence to support the outstanding classification for a number of the water bodies set out in proposed Change 7. To address the information gaps and allow interested parties sufficient time to gather further evidence in support of the outstanding status of water bodies in proposed Change 7, the	That the Hearing Panel consider the full set of evidence for each outstanding water body proposed in Schedule 25, making amendments where appropriate, while giving particular consideration to: - any new information and evidence provided during the Change 7 submission period; - any verbal evidence provided by iwi authorities and local marae and hapu groups during the Change 7 hearings; - The Council's obligations with respect to Section 32 of the Resource Management Act.	21 - 43

[1] October 2019
[2] For further information see the Plan Change 7: Section 32 Evaulation.

ID #	Plan Topic/Reference	Explanation/Reasons	Decision Requested	Page No.
		Council extended the submission period beyond the statutory timeframe with a closing date of 28 February 2020. It is not a typical process to propose a plan change with known evidential deficiencies and then use the submission process to fill those known information gaps. However, the Section 32 Evaluation Report sets out the Council's reasons for pursuing this approach[3]. In particular, the Council decided the risks of notifying proposed Change 7 with insufficient information, outweighed not notifying Change 7 at all. Notably, the Section 32 Evaluation Report identifies that there is no right or wrong approach for identifying a list of outstanding water bodies, providing there is a robust evidence base to support their selection. As discussed above, based on a recommendation from the Regional Planning Committee, the Council made a deliberate decision to use the submissions process to fill information gaps and subsequently provide a robust evidence base for each of the OWB in Schedule 25 for full consideration by the Change 7 Hearing Panel. When considering each OWB in Schedule 25, the Change 7 Hearing Panel will have additional information which was not available to the Council at the notification date of proposed Change 7. For example, the Hearing Panel will be able to consider materials presented to it by submitters such as evidence, past literature, new information, and hear directly from submitters, iwi authorities and marae and hapu groups, in relation to the outstanding values associated with each of these water bodies. Further, being able to fully consider both written and verbal evidence will allow the Hearing Panel to robustly		

[3] For further information see Section 32 Evaulation Report: Proposed Plan Change 7.

ID #	Plan Topic/Reference	Explanation/Reasons	Decision Requested	Page No.
		consider each OWB classification, while also addressing concerns raised throughout the Change 7 process that much of the knowledge for cultural and spiritual values for water bodies is held with local marae and hapu groups, and not formally documented. This will also ensure the Council's obligations set out in Section 32 of the Resource Management Act are being met.		
16	Schedule 25.2.3	Minor correction which could otherwise be accomplished under Schedule 1 Clause 16(2) of RMA.	Amend Table 2, Karamu River, Column 4 as follows; "...Indigenous aquatic populations particularly patiki, ~~and~~ whitebait~~,~~ and macroinvertebrate communities."	22
17	Schedule 25.2.5	Minor correction which could otherwise be accomplished under Schedule 1 Clause 16(2) of RMA.	Amend Table 2, Lake Rotoroa and Lake Rototuna (Kaweka Lakes), Column 4, as follows: "~~m~~Mahinga kai"	22
18	Schedule 25.2.6	Minor correction to improve readability which could otherwise be accomplished under Schedule 1 Clause 16(2) of RMA.	Amend Table 2, Lake Poukawa and Pekapeka Swamp, Column 3, Paragraph 2 as follows: "~~The Lake~~ Lake Poukawa has been declared a non-commercial eel fishery, one of only a few lakes in New Zealand to have this designation"	23
19	Schedule 25.2.6	Minor correction which could otherwise be accomplished under Schedule 1 Clause 16(2) of RMA.	Amend Table 2, Lake Poukawa and Pekapeka Swamp, Column 4, as follows: "~~m~~Mahinga kai"	23
20	Schedule 25.2.7	Minor correction which could otherwise be accomplished under Schedule 1 Clause 16(2) of RMA.	Amend Table 2, Lake Tūtira (including Aropaoanui River + Papakiri Stream), Column 3, Paragraph 2 as follows: "significiant"	24
21	Schedule 25.2.14	Minor correction to improve readability which could otherwise be accomplished under Schedule 1 Clause 16(2) of RMA.	Amend Table 2, Maungawhio Lagoon, lower Kopuawhara River, Pukenui Dune Wetlands, Column 3, Paragraph 2 to include translation as follows:	28

ID #	Plan Topic/Reference	Explanation/Reasons	Decision Requested	Page No.
			"Mahia nga mahi mai I Tawhiti" ("To get on with the work that stretches across a great distance")	
22	Schedule 25.2.15	Minor correction to improve readability which could otherwise be accomplished under Schedule 1 Clause 16(2) of RMA.	Amend Table 2, Mohaka River, Column 3, Paragraph 4, as follows; "The Mohaka River is an important taonga ~~and there are~~ with numerous settlements and sites of significance along its length."	29
23	Schedule 25.2.17	Minor correction which could otherwise be accomplished under Schedule 1 Clause 16(2) of RMA.	Amend Table 2, Ngamatea East Swamp, Column 4, as follows; "~~m~~Mahinga kai"	29
24	Schedule 25.2.18	Minor correction which could otherwise be accomplished under Schedule 1 Clause 16(2) of RMA.	Amend Table 2, Ngaruroro River and Estuary, Column 3, Paragraph 8 as follows: "~~P~~pā, ~~K~~āinga, urupā, ~~W~~wāhi ~~T~~tapu, wāhi taonga and wai tapu.	31
Schedule 25 – Column 4, significant values and associated description				
25	Schedule 25, Part 2	The TANK Plan Change is currently being reconsidered by Hawke's Bay Regional Council, meaning the content in Table 2 of Schedule 25 may need to be updated Proposed Plan Change 7 can be amended to accommodate any new/amended Plan Change 9 content until the Proposed Plan Change 7 hearings commence.	Amend Table 2, Column 4, to provide more detail around the significant values associated with the outstanding water bodies in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū (TANK) catchments.	21 - 43
Other consequential amendments				
26	General comment on Change 7	Necessary consequential amendments to the plan change need to be provided for. For example, adding and updating cross-references, removing redundant references, updating numbering, etc.	Make changes to the Regional Resource Management Plan as necessary to accommodate any consequential changes.	

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Submission ID# 16

Date Received: 28/2/20

Database Entry Date:

Database Entry Operator: EH

SUBMISSION

Name: Hawke's Bay Winegrowers' Association Incorporated

Address for service: Hawke's Bay Winegrowers' Association Inc
C/- Xan Harding
2091 Maraekakaho Road
RD 1
Hastings 4171

Phone: (06) 874 9316
Mob: (027) 612 7927
E-mail: xan.harding@xtra.co.nz

This is a submission on the HBRC Plan Change 7 - Outstanding Water Bodies Plan Change

1. **Who we are:**

Hawke's Bay Winegrowers' Association Inc. (HBWG)

HBWG is the industry representative body for grapegrowers and winemakers in Hawke's Bay. All growers and wineries receive automatic membership through payment of industry levies. HBWG is affiliated to and receives most of its funding from New Zealand Winegrowers and has a local membership comprising 138 vineyards, 100 wineries and a number of associate members.

The wine sector is one of the largest intensive land-users in Hawke's Bay, comprising around 5000ha in production, predominantly on the Heretaunga Plains and surrounds. Annual grape production in Hawke's Bay is around 40,000T, the second-largest region after Marlborough.

HBWG carries out a range of services for its members including education, research, wine promotion, media hosting and advocacy and was formed in 2007 from the merger of the members of 2 longstanding local associations - Hawke's Bay Grapegrowers' Association Inc. and Hawke's Bay Winemakers Inc.

2. **The specific areas on which we wish to comment are as follows:**

- impact on consenting process for existing water take/use/damming/diversion and discharge activities requiring a resource consent
- failure to recognise significant values in the Tukituki River and Ruataniwha Aquifer

3. **Impact on Consenting Process**

Proposed policy LW3A appears to require HBRC to make a range of assessments for all water take/use/damming/diversion and discharge activities as to their potential impact (including degree of impact and whether 'more than minor') on outstanding and significant values of identified outstanding waterbodies, commencing the earlier of 31/12/25 or when a relevant catchment-based plan change becomes operative.

HBWG is concerned that the practical effect of this provision will be to require consent applicants to individually make such an assessment as part of the consent application process, including the effect of their activities on a wide range of values and in particular on Maori cultural and spiritual values.

HBWG considers such assessments to be beyond the capability of ordinary consent applicants to conduct in any meaningful way and that such assessments should ordinarily be made at a catchment or sub-catchment level rather than at the individual consent level.

HBWG notes that most water permits have common expiry date, grouped by subcatchment, which naturally leads to the opportunity to efficiently address both individual and cumulative effects on outstanding waterbodies collectively.

HBWG also notes that the wording of LW3.A.2.b appears to capture water transfers as well as new/renewedmost water permits. HBWG considers that transfers of water permits within a subcatchment should be encouraged in the interests of water use efficiency and that applying the outstanding waterbodies effects test for such transfers would be counterproductive.

2

Relief sought is for the Plan Change to be redrafted to ordinarily require Council rather than Applicants to conduct the outstanding waterbodies effects assessments and to exclude transfers within a subcatchment from the requirement for such an assessment.

4. **Failure to recognise significant values in the Tukituki River and Ruataniwha Aquifer**

HBWG notes that a range of significant values, including Primary Production water use, are recorded in the Plan Change in respect of all of the major waterbodies which the community relies upon for economic and social benefit, except for the Tukituki River and the Ruataniwha Aquifer. We presume this is simply an error.

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Relief sought is for Table 2 to be redrafted to recognise a similar range of significant values for the Tukituki and Ruataniwha as are recognised for the Ngaruroro, Tutaekuri, Taruarau, Karamu and the Heretaunga Aquifer.

We wish to be heard in support of this submission.

DATED at Hastings this 28th day of February 2020

Xan Harding
Director, Hawke's Bay Winegrowers' Association Inc.

3

Submission on Proposed Plan Change 7: Hawke's Bay Regional Resource Management Plan

PLEASE NOTE: your submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.

Name: *(required)* Hawke's Bay Airport Limited

Organisation: Hawke's Bay Airport Limited

Postal address: *(required)* c/- Mitchell Daysh Limited, PO Box 149, Napier

Email address: anita.anderson@mitchelldaysh.co.nz

Phone number: 021 924 460

Contact person and address if different to above: Anita Anderson

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☑ I could not gain an advantage in trade competition through this submission; or

☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☐ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission.

Do you wish to be heard in support of your submission? (Yes) / No

If others make a similar submission, would you consider presenting a joint case with them at a hearing? (Yes) / No

Signature: ..... Date: 26 Feb 2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
OWB@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 28 February 2020

No submissions will be accepted after this deadline. The deadline will not be further extended.

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SUBMISSION ID# 17

Date Received: 26/2/20

Database Entry Date: 4/3/20

Database Entry Operator: BH

HAWKES BAY REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Submission Details

Please attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission. Further information on how to make a submission and the submission process is available on the Regional Council website.

Issue/Topic Description: See Attached

Specific provision(s) of Plan Change 7 that my submission relates to are: *[eg: objective, policy, water body (reference numbers)]*

See Attached

My submission is: *[Clearly indicate whether you support or oppose the specific provisions or wish to have them amended along with reasons]*

See Attached

I seek the following decision from the Regional Council: *[Plesae give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process]*

See Attached

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON 28 FEBRUARY 2020

MITCHELL DAYSH

PO Box 149, Napier 4140
New Zealand
+64 6 834 40394

Reference: MDL001074

26 February 2020

Ceri Edmonds
Manager Policy & Planning
Hawke's Bay Regional Council
Private Bag 6006
NAPIER

Via email: OWB@hbrc.govt.nz

Dear Ceri

RE: Submission on Proposed Plan Change 7: Outstanding Water Bodies Plan Change

Please find attached a submission from Hawke's Bay Airport Limited on the above plan change in accordance with Form 5 of the Resource Management (Forms, Fees & Procedure) Regulations 2003.

Yours sincerely,

Anita Anderson
Mitchell Daysh Ltd

anita.anderson@mitchelldaysh.co.nz

FORM 5

SUBMISSION ON NOTIFIED PROPOSAL FOR POLICY STATEMENT OR PLAN, CHANGE OR VARIATION

Clause 6 of Schedule 1, Resource Management Act 1991

To Hawke's Bay Regional Council, Private Bag 6006, Napier 4142

Name Hawke's Bay Airport Limited ('HBAL')

1. This is a submission on the following proposed Plan Change (the proposal):

   - Proposed Plan Change 7: Outstanding Water Bodies Plan Change ('PC7')

2. HBAL could not gain an advantage in trade competition through this submission.

3. The specific provisions of the proposal that our submission relates to are:

   - PC7 as a whole.

4. Our submission is:

   a) Introduction

   HBAL have considered PC7 in regard to the Hawke's Bay Airport's location within the Te Whanganui a Orotū / Ahuriri Estuary catchment. There has been no reference to the Hawke's Bay Airport, the activities on the HBAL land and the importance of this regionally significant asset in any of the supplementary and background information produced as part of PC7.

   b) Absence of significant values

   - Plan Provision - Schedule 25, Part 2, Table 2
   - Position - Oppose in part

   Te Whanganui a Orotū / Ahuriri Estuary is one of the many waterbodies that has been identified as outstanding in PC7, however the significant values that contribute toward it being an outstanding natural waterbody have not been identified. Similarly, the recently proposed TANK Plan Change did not identify the key significant values of Te Whanganui a Orotū / Ahuriri Estuary as this was considered to be part of the Coastal Marine Area, despite the statement above Table 2 stating that:

   > ** The significant values, and their associated descriptions, for each outstanding water body will be included after a catchment based regional plan change has been made operative for the relevant catchment (see Policy LW1 and Policy C1) Note: The significant values for outstanding water bodies within the Tutaekuri, Ahuriri, Ngaruroro, Karamu catchments have been included based on current information at time of notification of Plan Change 9.*

*** The description of the outstanding cultural and spiritual values will be updated in Table 2 as Proposed Plan Change 7 progresses through the plan change process set out in Schedule One of the Resource Management Act, and further information becomes available.*

Therefore, there is no ability to objectively determine that a water body is outstanding and "quite out of the ordinary on a regional basis"[1] in Hawke's Bay when the significant values of that waterbody are not known.

In the absence of significant values being defined, PC7 does not adequately address the evaluation obligations under section 32 of the Resource Management Act 1991 and it is difficult to quantify the costs or benefits of the new provisions in PC7 or the associated social, cultural, economic or environmental effects.

c) Decision making criteria

- Plan Provision - Policies LW3A and C2
- Position - Oppose in part

Polices LW3A and C2 of PC7 set out the decision making criteria to be applied when considering resource consent applications within the catchment of an outstanding water body. As detailed in b) above, the significant values of Te Whanganui a Orotū / Ahuriri Estuary have not been identified. Therefore, it is difficult to determine what the effects of a particular activity will be on the values, even if the nature and scale of those effects on the wider environment are less than minor.

5. HBAL seeks the following decision from the local authority:

a) As a regionally significant asset located immediately adjacent to Te Whanganui a Orotū / Ahuriri Estuary, the Hawke's Bay Airport and its activities should be acknowledged as part of the existing environment of this water body.

b) Delete from Schedule 25, Part 2, Table 2 Te Whanganui a Orotū / Ahuriri Estuary and any other waterway for which there is no identification or description of the water body's significant values.

c) Withdraw Policies LW3A and C2 at least as they apply to the Te Whanganui a Orotū / Ahuriri Estuary, until the significant values of the estuary can be included as part of a subsequent plan change.

d) Any consequential amendments required to other parts of PC7 as a result of the above relief.

[1] As discussed in Rangitata South Irrigation Ltd v New Zealand and Central Couth Island Fish and Game Council C109/2004

6. HBAL wish to be heard in support of its submission.

7. If others make a similar submission, we will consider presenting a joint case with them at a hearing.

Date: 26 February 2020

Signature:

(On behalf of Hawke's Bay Airport Limited by its authorised agent Anita Anderson, Mitchell Daysh Limited).

Address for Service:	Hawke's Bay Airport Limited
	c/- Mitchell Daysh Limited
	PO Box 149
	NAPIER 4140
Contact:	Anita Anderson
Mobile:	021 924 460
Email:	anita.anderson@mitchelldaysh.co.nz

(6)

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Submission ID#

18

Date Received:

28/2/20

Database Entry Date:

11/3/20

Database Entry Operator:

ER

HINEURU
IWI TRUST

28/02/2020

Hawkes Bay Regional Council
Private Bag 6006
NAPIER

owb@hbrc.govt.nz

E nga rangatira o te Kaunihera a Rohe o Te Matau-a-Maui, tena koutou katoa,

Hineuru Iwi Trust Submissions to Proposed Plan Change 7 Outstanding Water Bodies

Introduction

This is the Hineuru Iwi Trust submission to the Hawke's Bay Regional Council Outstanding Water Bodies Plan Change 7.

It is supported by the 'Report on Cultural and Spiritual Values associated with Hautapu, Ripia, Te Hoe Rivers and Tarawera Hot Springs and Mangahouanga Stream' dated 5 February 2020 (Appendix 6).

All waterbodies that are the subject of the report are within the Mohaka catchment.

Ngati Hineuru relationships embrace the Mohaka, Waipunga and Rangitaiki Rivers and their catchments including tributaries and groundwater aquifers within the Ngati Hineuru Area of Interest (Appendix 1).

This submission covers two components:

1. The identification of cultural and spiritual values associated with the Hautapu, Ripia and Te Hoe Rivers and Mangahouanga Stream and Tarawera Hot Springs
2. That Ngati Hineuru relationships with waterbodies in their area of interest also includes relationships with all surface waterbodies and groundwater bodies in the Mohaka River catchment.

While these submissions are not about Proposed Plan Change 8: Mohaka Catchment Plan and Proposed Plan Change 9: TANK (Tutaekuri, Ahuriri, Ngaruroro, Karamu) Catchment Plan they are generally regarded in the holistic views expressed in these submissions to Plan Change 7. Further engagement on matters relating to Proposed Plan Changes 8 and 9 are expected to continue. Hineuru Iwi Trust will make submissions to those plan changes in due course.

About Hineuru Iwi Trust and its Status

Ngati Hineuru achieved settlement of historic grievances with the Crown in 2016. The Hineuru Claims Settlement Act 2016, Deeds of Settlement, Schedules and Protocols achieved through settlement provide a contemporary platform upon which the Hineuru Iwi Trust represents the people of Ngati Hineuru.

Ngati Hineuru established Te Kopere o Hineuru Trust (now Hineuru Iwi Trust) to act as:

- The post settlement governance entity
- The recipient, holder and manager of Hineuru settlement redress
- The mandated entity to represent the interests of Hineuru iwi
- The body committed to furthering the interests of Hineuru whanau and iwi in all aspects including social, cultural, economic and environmental aspirations.

The Trust is guided by six pou that reflect the aspirations Hineuru tipuna held for their mokopuna, including (but not limited to):

1. Restoration and protection of our cultural heritage and history for future generations
2. Restoration of the health and wellbeing of our people
3. Recognition of the mana of Hineuru and restoration of the relativity Hineuru had with other iwi of the region
4. Reassertion of the presence of Hineuru through our rohe
5. Rebuilding an economic base for Hineuru
6. Revitalisation and restoration of our role as kaitiaki of our resources and environment.

Ngati Hineuru Settlement Documents

The Hineuru Claims Settlement Act 2016 contains provisions that:

- Summarises the historical account of grievances, acknowledges historic wrongdoing on the part of the Crown and records the Crown's apology to Ngati Hineuru
- Identifies:
    - Cultural redress properties and outcomes
    - Commericial redress properties and outcomes
    - Kawenata for Conservation Areas
    - Protocols with statutory organisations including the Ministry for the Environment, the Ministry for Culture and Heritage and the Ministry for Primary Industries
    - Records statutory acknowledgements and specific deeds of recognition that briefly describe Ngati Hineuru relationships and, to a limited extent, describes their culture and traditions and identifies ancestral taonga within the area of interest, that are significant to Ngati Hineuru (Appendix 2).

Ngati Hineuru – Kaitiakitanga

Ngati Hineuru adopts an holistic approach to freshwater management, understanding that:

- All freshwater comes from the sky, falls to earth where it gathers, flows, soaks and springs to contribute life-supporting capacity to all things in nature, including people
- Freshwater is a taonga
- All freshwater is connected and is inextricably linked to all other natural and physical resources each of which requires freshwater to survive and thrive
- Freshwater is vital to the good health of all things in the environment including humankind
- All freshwater flows down to the ocean. The ocean is the receiving environment.
- Freshwater is produced in nature and comes in many forms including mist, fog, rain, snow and ice - each of which are weather conditions critical to and indicative of climate

- All freshwater that falls (i.e. rains down), gathers, flows, soaks and springs in upper catchments contributes to the availability and quality of freshwater in lower catchments, coastal margins and the sea
- Where freshwater is taken and used for consumptive purposes, it cannot return to the water cycle
- Where freshwater is harnessed or used for non-consumptive purposes like hydro-electric power generation, volumes consented to be available for that use can restrict water availability to other users
- Maori rights to decision-making and assessment of propositions for the use, access to and occupation of space in freshwater bodies has never ceded to the Crown and remains a matter for engagement between the Crown and Maori, including Ngati Hineuru
- Integrated processes that involve Ngati Hineuru and its people in the sustainable management of freshwater resources necessarily requires ongoing engagement, the development of mutually agreed systemised routines for consents assessment, monitoring and decision-making; and for the development of planning instruments for regulating water quality and water quantity.

Requirement to Recognise and Provide for Ngati Hineuru Relationships, Culture and Traditions with their Ancestral Taonga: Freshwater

Part II the Resource Management Act 1991 obliges Councils to:

- Recognise and provide (as a matter of national importance) for the relationships of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga - Section 6(e)
- Have particular regard to kaitiakitanga - Section 7 (a)
- Take into account the principles of the Treaty of Waitangi - Section 8 (Appendix 3)

Council is also obliged to:

- Prepare and change any regional plan in accordance with the provisions of Part II – section 66(1)(b)
- Deal with the following documents, if they are lodged with the council, in the manner specified, to the extent that their content has a bearing on the resource management issues of the region, the council must take into account any relevant planning document recognised by an iwi authority – section 66((2A)(a) – it should be noted that Ngati Hineuru is preparing its inaugural iwi management plan and intends to lodge this with councils on its completion.

Hineuru Iwi Trust Specific Submissions to Proposed Plan Change 7

Submission Point 1

Only Ngati Hineuru can identify and evidentially substantiate their relationships and that of their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga.

This means that no other party, including archaeologists, ethonologists, anthropologists, historians, planners, consent officers or polititians that are not of or mandated by Ngati Hineuru can identify, assess and evidentially substantiate the relationships of Ngati Hineuru with their ancestral taonga. Only Ngati Hineuru can do this.

In implementing these functions of kaitiakitanga, Ngati Hineuru consistently demonstrates, through its longstanding and ongoing engagement with Council on planning matters and in its assessments of applications for resource consent, its capability in undertaking this role.

2 Ngati Hineuru considers it appropriate and necessary for Council to foster Ngati Hineuru capacity to contribute to Council consent and planning decisions. It therefore wishes to discuss means by which Council can foster this capacity, suggesting that in the consents processes (that will be required to give effect to planning instruments like those proposed in Plan Change 7) Council ensures that Hineuru Iwi Trust is notified of consents and consent applicants are referred to Hineuru Iwi Trust for assessment of cultural impacts of proposed activities that may actually or potentially adversely effect the environment, including the relationships of Ngati Hineuru with their ancestral taonga so their written cultural impacts assessments can be taken into account in consents decision-making. Council is encouraged to advise consent applicants that it is necesssary to engage and commission Ngati Hineuru to provide a cultural impacts assessment in order to inform Council of ways in which any adverse cultural impacts can be remedied, avoided or mitigated to an extent that is no more than minor. In doing so Council will demosntrate that it recognises and provides for s6(e) matters in the Resource Management Act 1991 in its decision-making, and that it also takes full account of the principles of the Treaty of Waitangi and the status and functions of Hineuru Iwi Trust.

Fostering the capacity of Ngati Hineuru to recover costs associated with the preparation of such cultural impacts assessments will:

- Ensure costs are recoverable from the enquirer/developer (i.e. the consent applicant)
- Relieve Ngati Hineuru of responsibility for covering the cost of their assessment of consentable activities
- Provide opportunity for site visits, greater understanding of the parties respective relationship aspirations with the ancestral taonga
- Demonstrate consistency with the undertakings of other iwi throughout New Zealand (e.g. Ngati Awa, Ngati Tuwharetoa, Ngati Rangitihi and many other iwi across the nation).

3 **Submission Point 2**
Ngati Hineuru relationships, kaitiakitanga, matauranga and tino rangatiratanga in respect of outstanding water bodies is for Ngati Hineuru people to identify, determine and convey.The Hineuru Iwi Trust is established to carry out these functions on behalf ot Ngati Hineuru.

Submission Point 3
Hineuru Iwi Trust acknowledges the purposes of Plan Change 7 (Appendix 6) and looks forward to participating in future catchment based planning to determine how their significant values associated with outstanding water bodies will be protected.

* Refer page 6

Submission Point 4
Hineuru Iwi Trust has produced the attached report in which it has identified cultural and spiritual values associated with Hautapu, Ripia, Te Hoe Rivers and Tarawera Hot Springs and Mangahouanga Stream.

4 **Submission Point 5 Table 25**
Hineuru Iwi Trust seeks the inclusion of the following additional cultural and spiritual values criteria into sub-values in Plan Change 7:

Ngati Hineuru Key Values	Description	Explanation and reasons for adding the proposed sub-value:

(4)

Mauri	The mauri (life force and life supporting capacity) and mana of the waterbody and catchment	Mauri is essential to all things. It is life force, energy and life-supporting capacity. Mauri binds, animates and connects all things indicating the health of each thing and of all nature in a space. Mauri is essential to water, including freshwater, its movement, flow, velocity, percolation and stillness. Tangata whenua assess mauri by observing nature and its component parts. Science contributes evidential data to the assessment of mauri.
Contemporary Esteem	The waterbody and catchment has special amenity or educational significance to Ngati Hineuru	Amenity covers those natural or physical qualities and characteristics of an area that contribute to Ngati Hineuru appreciation of the waterbody's and catchment's pleasantness, aesthetic coherence attributes. Educational values can include historic, matauranga or cultural attributes that inform Ngati Hineuru and its people.
Travel or Trade	The waterbody and catchment has been relied upon for travel or trade	While tauranga waka values recognise places at which waka landed and departed, the travel and trade value recognises river and overland travel and the transportation routes of Hineuru people with their possessions and tradeable items on the waterbody and through the landscape in catchments.
Taniwha	Ngati Hineuru have identified taniwha[1] as residing in the water resource	Acknowledges references to taniwha and Ruataniwha[2] in the PC7 documents. It also references the Hineuru Statutory Acknowledgements in which the statement 'every river had its own taniwha, and identity and potential use and it was up to the individual or community to utilise it as appropriate to the particular circumstances' is recorded[3].
Whakawhanaungatanga	The water resource and its catchment are important and symbolic of Hineuru connectivity with whanaunga	Acknowledges that whanaunga connections in respect to waterbodies and the land in freshwater catchments is important to Ngati Hineuru.
Rangatiratanga	Ngati Hineuru exercise rangatiratanga (self-determination) in an area of interest in which the waterbody and its catchment is situated.	Continued recognition of Ngati Hineuru identity, traditions, kaitiakitanga and decision-making in respect to waterbodies and catchments within its area of interest, is important to Ngati Hineuru
Kaitiakitanga	Ngati Hineuru exercise kaitiakitanga over the water resource	Continued recognition of Ngati Hineuru kaitiakitanga and decision-making in respect to waterbodies and catchments within its area of interest, is important. This kaitiaki role is an all-encompassing one, providing for the protection of biodiversity, the use and sustainable management of natural and physical resources for present and future generations, and the restoration and enhancement of damaged eco-systems[4].

Submission Point 6 – Table 25

Hineuru Iwi Trust seeks for the inclusion of the cultural and spiritual values it has identified in column two of the Cultural and Spiritual Values Table in the attached report (Appendix 7) for

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[1] Ngati Hineuru Documents Schedule 2 2 April 2015 Statements of Association Mohaka River and its tributaries within Hineuru area of interest (as shown on Deed Plan OTS-205-24) page 26 paragraph 3 'Every river has its own taniwha, and identity and potential use, and it was peculiar to the individual or community to utilise it as appropriate to the particular circumstances.'

[2] Hawkes Bay Regional Council Outstanding Water Bodies Plan Change Plan Change 7

[3] Item 8.12 Page 68 Statutory Acknwoledgements prepared by the Hawkes Bay Regional Council last updated 1 May 2019

[4] Item 5.14 page 66, Statutory Acknwoledgements prepared by the Hawkes Bay Regional Council last updated 1 May 2019

Hautapu, Ripia, Te Hoe Rivers and Tarawera Hot Springs and Mangahouanga Stream into appropriate columns in Table 25.

Reason
For the reasons outlined in column three above and for the reason that inclusion will recognise and provide for the relationships of Ngati Hineuru with these ancestral water bodies.

Submission Point 7
Hineuru Iwi Trust seeks for the name Ngati Hineuru to be included in reports and tables relevant to Mangahouanga Stream so that Ngati Hineuru can be identified at Council as an iwi with relationships with this important waterbody.

Reason
It appears Ngati Hineuru's name was omitted in error given its statutory acknowledgements were referrred in the Mangahouanga Stream Report, but ommitted from the table in which iwi with relationships with the stream were listed.

Submission Point 8
That any deliberations relating to the validity of the cultural and spiritual values identified by Ngati Hineuru in the Cultural and Spritual Values Table should be a matter for discussion with Hineuru Iwi Trust.

Reasons
Only Ngati Hineuru can identify, assess and evidentially substantiate their relationships and that of their culture and traditions with their ancestral waters and other taonga. The means by which Ngati Hineuru arrives at its assessments involves careful consideration of their historic associations with waterbodies and their catchments. Ngati Hineuru takes into account their historic context and lifestyle, including the seasonal movement from place to place and their experiences of events that wrongfully removed them from their area, as well as their contemporary and evolving relationships today which are largely encompassed by the six key aspirations Ngati Hineuru is pursuing including (but not limited to):

1. Restoration and protection of our cultural heritage and history for future generations
2. Restoration of the health and wellbeing of our people
3. Recognition of the mana of Hineuru and restoration of the relativity Hineuru had with other iwi of the region
4. Reassertion of the presence of Hineuru through our rohe
5. Rebuilding an economic base for Hineuru
6. Revitalisation and restoration of our role as kaitiaki of our resources and environment.

It is important that Council takes account of these important matters which are matters of national importance under Part II of the RMA 1991, and consistent with the Principles of the Treaty of Waitangi.

Concluding Comments
Ngati Hineuru achieved settlement with the Crown relatively recently in 2015. It is growing its capacity to engage in kaitiakitanga and does so by actively participating in planning and consenting processes with the aim of contributing advice and information that aims to achieve sustainable management of natural and physical resources in the environment, while recognising and providing for their relationships with those taonga.

Issues relating to water allocation and water quality are of great concern to Ngati Hineuru whose affiliated private enterprises and whose tribal commercial, customary and conservation redress properties can be adversely effected by regulation that fails to recognise and provide for them.

Peaceful sharing of geographic space and the natural and physical resources that have capacity to sustain humankind within that space, is the aim.

Restoration and enhancement of the warmth in relativity between Ngati Hineuru and other iwi with the region is also important to Ngati Hineuru. It is vital that those regulatory processes in which they will engage together are well crafted to demonstrate they are prepared and tested for their fairness, reasonability, consistency, the certainty they can contribute to all and their enforcibility by the regional council.

Hineuru Iwi Trust cannot gain an advantage in trade competition through this submission.

Hineuru Iwi Trust wishes to be heard in support of our submission.

Any enquiries should be referred to Robyn Rauna, Chief Executive at Hineuru Iwi Trust.

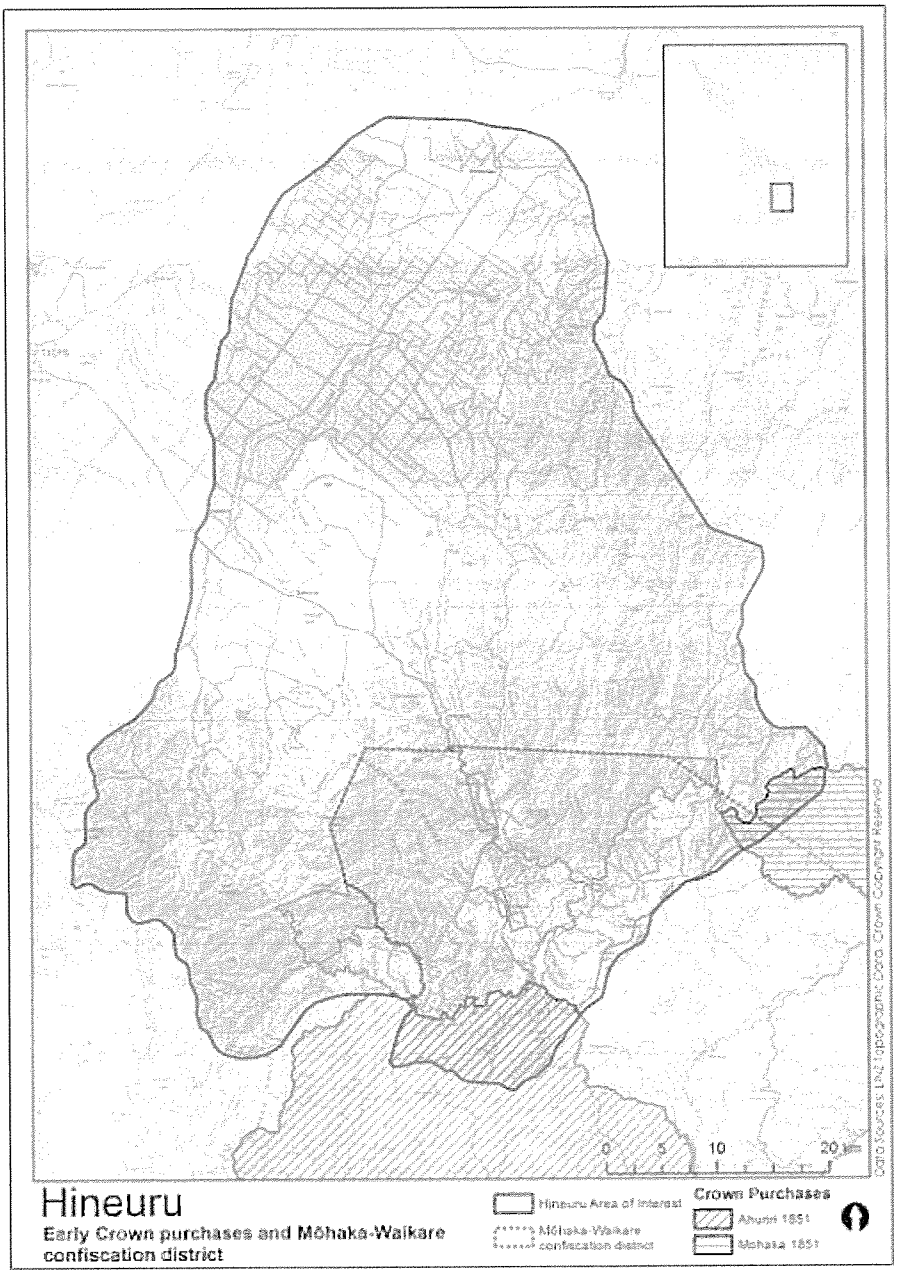
If others make a similar submission, Hineuru Iwi Trust would consider being heard on the same day or would consider presenting a joint case with them at a hearing.

Naku noa, na

Robyn Rauna (Chief Executive)

Renata Bush (Chairman)

APPENDIX 1
NGATI HINEURU AREA OF INTEREST



Hineuru Area of Interest, Early Crown Purchases and Mihaka-Waikare Confiscation district

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APPENDIX 2
NGATI HINEURU AREA OF INTEREST AND STATUTORY ACKNOWLEDGEMENTS

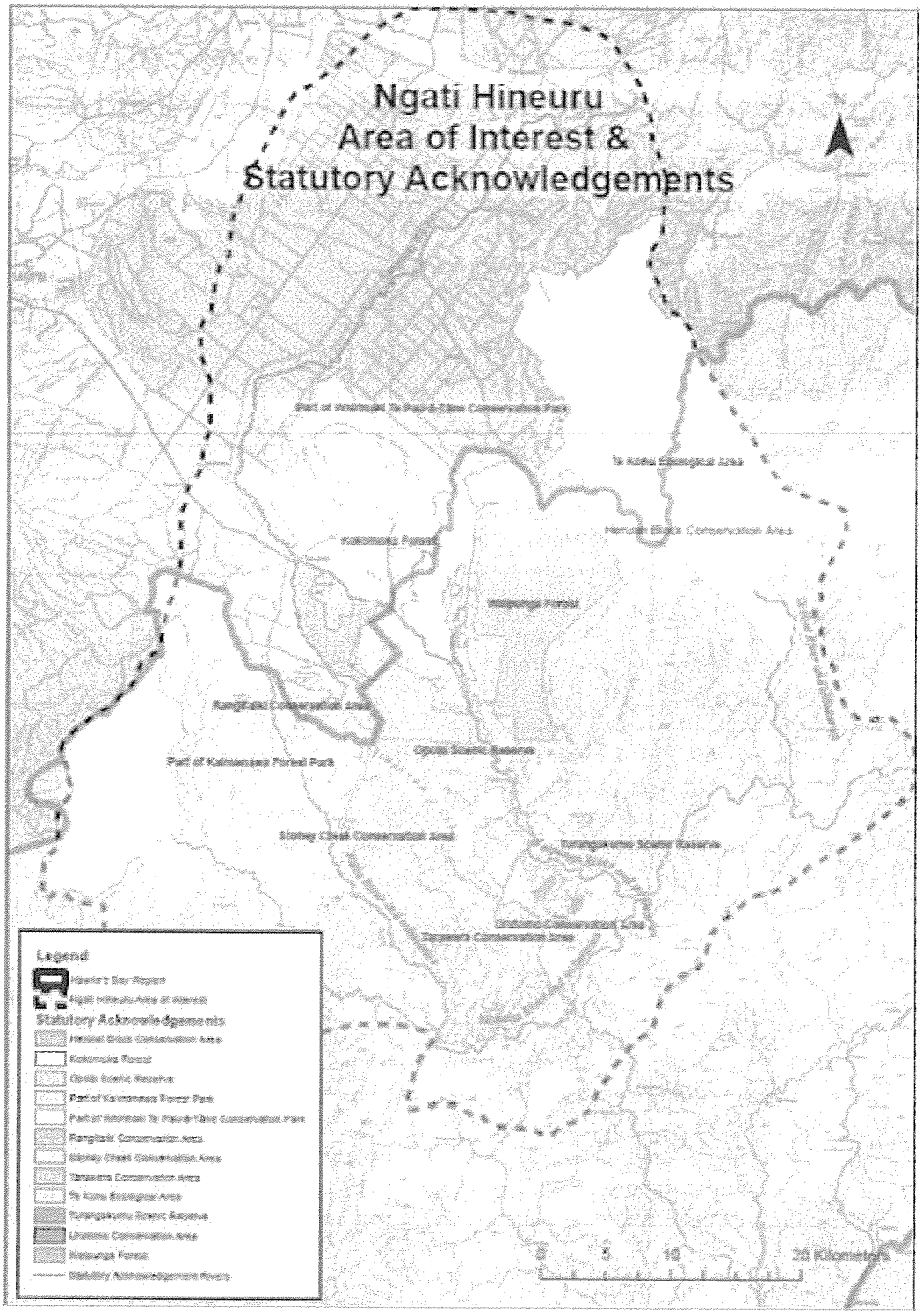

Figure 2 Ngati Hineuru Area of Interests and Statutory Acknowledgements Areas

(9)

APPENDIX 3
PRINCIPLES OF THE TREATY OF WAITANGI – THE WAITANGI TRIBUNAL

The Waitangi Tribunal has identified the following about the Principles of the Treaty of Waitangi:

- **Partnership** – "the Treaty signified a partnership between the races and each partner has to act towards the other 'with the utmost good faith which is the characteristic obligation of partnership'. The obligations of partnership included the duty to consult Maori and to obtain full, free and informed consent of the correct right holders in any transaction for their land'
- **Reciprocity** – 'Above all, the partnership is a reciprocal one, involving fundamental exchanges for mutual advantage and benefits. Māori ceded to the Crown the kawanatanga (governance) of the country in return for a guarantee that their tino rangatiratanga (full authority) over their land, people, and taonga would be protected. Māori also ceded the right of pre-emption over their lands on the basis that this would be exercised in a protective manner and in their own interests, so that the settlement of the country could proceed in a fair and mutually advantageous manner.'
- **Autonomy** – 'As part of the mutual recognition of kawanatanga and tino rangatiratanga, the Crown guaranteed to protect Māori autonomy, which the Turanga Tribunal defined as 'the ability of tribal communities to govern themselves as they had for centuries, to determine their own internal political, economic, and social rights and objectives, and to act collectively in accordance with those determinants'. Inherent in Māori autonomy and tino rangatiratanga is the right to retain their own customary law and institutions and the right to determine their own decision makers and land entitlements'.
- **Active Protection** - The Crown's duty to protect Māori rights and interests arises from the plain meaning of the Treaty, the promises that were made at the time (and since) to secure the Treaty's acceptance, and the principles of partnership and reciprocity. The duty is, in the view of the Court of Appeal, 'not merely passive but extends to active protection of Māori people in the use of their lands and waters to the fullest extent practicable', and the Crown's responsibilities are 'analagous to fiduciary duties'. Active protection requires honourable conduct by, and fair processes from, the Crown, and full consultation with – and, where appropriate, decision-making by – those whose interests are to be protected'.
- **Options** – 'The Treaty envisaged a place in New Zealand for two peoples with their own laws and customs, in which the interface was governed by partnership and mutual respect. Inherent in the Treaty relationship was that Māori, whose laws and autonomy were guaranteed and protected, would have options when settlement and the new society developed. They could choose to continue their tikanga and way of life largely as it was, to assimilate to the new society and economy, or to combine elements of both and walk in two worlds. Their choices were to be free and unconstrained'.
- **Mutual Benefit** – 'When the Treaty was signed, both settlers and Māori were expected to obtain or retain the resources necessary for them to develop and prosper in the new, shared nation state. As we shall see, Lord Normanby's instructions (and those of the New Zealand Company to its agent) stated that the true payment for Māori who parted with land would be the rise in value of what they retained, which would enable them to participate fully in the benefits of settlement. The colonisation of New Zealand was thus to be for the mutual benefit of both Māori and settlers, and the retention of sufficient Māori land and resources was acknowledged as a critical factor in achieving that'.

- **Equity** – 'The obligations arising from kawanatanga, partnership, reciprocity, and active protection required the Crown to act fairly to both settlers and Māori – the interests of settlers could not be prioritised to the disadvantage of Māori. Where Māori have been disadvantaged, the principle of equity – in conjunction with the principles of active protection and redress – requires that active measures be taken to restore the balance'
- **Equal Treatment** – 'The principles of partnership, reciprocity, autonomy, and active protection required the Crown to act fairly as between Māori groups – it could not unfairly advantage one group over another if their circumstances, rights, and interests were broadly the same'.
- **Redress** – 'The Tribunal, in its Report on the Crown's Foreshore and Seabed Policy, found: *'Where the Crown has acted in breach of the principles of the Treay of Waitangi, and Maori have suffered prejudice as a result, we consider that the Crown has a clear duty to set matter right. This is the principle of redress, where the Crown is required to act so as to 'restore the honour and integrity of the Crown and the mana and status of Maori'. Generall, the principle of redress has been considered in connection with historical claims. It is not an 'eye for an eye' approach, but one in which the Crown needs to restore a tribal base and tribal mana, and provide sufficient remedy to resolve the grievance. It will involve compromise on both sides, and, as the Tarawera Forest Tribunal noted, it should not create fresh injustices for others. We note that, where well-founded griecances have been drawn to the Crown's attention in the past, nd it has ackonowledged those grievances and attenpted remedies... we will assess such remedies in light of the principle of redress. In the view of the Privy Council, where the Crown's own actions have contributed to the precarious state of a taonga, there is an even greater obligation for it, the Crown, to provide generous redress as circumstances permit'.*

Source: Waitangi Tribunal webpage search

APPENDIX 4

Principles of the Treaty of Waitangi – Hawkes Bay Regional Resource Management Plan Republished as at 1 January 2012

2 PRINCIPLES OF THE TREATY OF WAITANGI

2.1 Section 8 of the Resource Management Act requires all persons exercising functions and powers under it to take into account the principles of the Treaty of Waitangi. To tangata whenua those principles, based on interpretations by the Courts and the Waitangi Tribunal and as applied in the context of sustainable management of natural and physical resources under the Act, mean as follows:

The Principle of Te Tino Rangatiratanga

2.2 Te tino rangatiratanga (full chiefly authority) over resources including lands, forests, fisheries and other taonga were guaranteed to Maori under Article II of the Treaty. Tino rangatiratanga includes tribal self-regulation of resources in accordance with their own customary preferences. Tino rangatiratanga was not, nor was it ever intended to be, relinquished or given away by Maori to the Crown.

The Principle of Partnership

2.3 The Treaty signified a partnership between Maori tribes and the Crown. The exchange of promises under Articles I and II of the Treaty is seen as an exchange of gifts. The gift of the right to make laws and the promise to do so as to accord the Maori interest in appropriate priority. Utmost good faith, reasonable co-operation and compromise are fundamental to this concept of a partnership.

The Principle of Kawanatanga

2.4 Kawanatanga, as ceded by Maori under Article I of the Treaty, gave the Crown the right to govern and to make laws applying to everyone. The delegation of resource management powers by the Crown to local authorities under the Act means that those authorities can make policies, set objectives and make rules affecting the management of natural and physical resources, subject to the guarantee of tino rangatiratanga to Maori and recognition of the partnership between Maori and the Crown.

The Principle of Active Partnership and Consultation

2.5 The spirit of the Treaty calls for Maori to have a much greater say in the management of the environment. Effective, early and meaningful consultation is an integral and necessary component and forerunner to greater participation by Maori in resource management decision-making.

The Principle of Active Protection

2.6 The guarantee of te tino rangatiratanga given in Article II is consistent with an obligation to actively protect Maori people in the sue of their lands, water and other protected taonga, to the fullest extent practicable. In the context of resource management, the various elements which underlie and are fundamental to a spiritual association with the environment (including mauri, tapu, mana, tikanga and wairua) may all fairly be described as taonga that have been retained by Maori in accordance with Article II of the Treaty. The principle of active protection therefore extends to the spiritual values and beliefs of Maori.

The Principle of Hapu/Iwi Resource Development

2.7 Article III of the Treaty gave to Maori the same rights and duties as other New Zealand citizens. The Treaty guaranteed to Maori retention of their property rights under Article II, and the choice of developing those rights under Article III. To Maori, the efficient use and development of what are in many ways currently under utilised hapu/iwi resources is a very important principle of the Treaty in the context of resource management under the Act. Ngati Kahungunu seek restoration of their tribal resources in accordance with their own needs and aspirations. In pursuing development, Maori may choose to pursue non-traditional uses of their resources instead of or as complementary to, their traditional practices. Recognition of the ability and need for hapu/iwi to develop their resources in a manner which achieve the purposes of the Act is a fundamental principle embodied in the Treaty.

APPENDIX 5 EXTRACT FROM S32 REPORT ON PLAN CHANGE 7

Purpose of Plan Change 7

18.Plan Change 7 makes changes to the RRMP, (particularly the RPS parts of that plan) to include a list of the region's outstanding water bodies, together with a framework which directs a high level of protection for these water bodies in future plan making under the RMA. However, it is not the purpose of Plan Change 7 to enhance characteristics of a water body so that values of that waterbody become outstanding, or to improve them further if they are already outstanding.

19.The HBRC is tasked with ensuring all water bodies within the region are managed wisely. Plan Change 7 is just one in a series of workstreams which are currently being undetaken by HBRC to progressively implement the NPSFM and ensure that water is available for the use and enjoyment of everyone in the region, including tangata whenua, now and for future generations.

Specifically, Plan Change 7 proposes to:

a) Identify a list of outstanding water bodies in Hawke's Bay, being those water bodies (including estuaries) which contain an outstanding cultural, spiritual, recreation, landscape, geological, natural character or ecology value(s).
b) Insert a policy framework which directs a high level of protection for all outstanding water bodies within Hawke's Bay.
c) Provide guidance and direction to future catchment based freshwater planning processes, and respective local community discussions, to ensure future rules for outstanding water bodies are developed in a manner which protects their significant values.
d) Provide flexibility by not specifying exactly how the significant values associated with each OWB should be protected. Future catchment based planning will determine this in consultation with the community.
e) Enable future catchment based planning processes, and respective community discussions, to identify the significant values for each of the outstanding water bodies identified by Plan Change 7.
f) Provide guidance and direction to Hawke's Bay Regional Council when making decisions on future activities near outstanding water bodies
g) Assist with the implementation of the NPSFM which contains certain requirements regarding OWB.
h) Partly assist with the implementation of the NZCPS which seeks to avoid the adverse effects on natural character and outstanding natural features and natural landscapes in the coastal environment.

APPENDIX 6

Report on Cultural and Spiritual Values associated with Hautapu, Ripia, Te Hoe Rivers and Tarawera Hot Springs and Mangahouanga Stream

Prepared for Hineuru Iwi Trust
5 February 2020

By Beverley Nawarihi Hughes
BSocSc (Resource & Enviornmental Planning) 1st Class

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Waipunga Waterfall courtesy of wallpaper13.com

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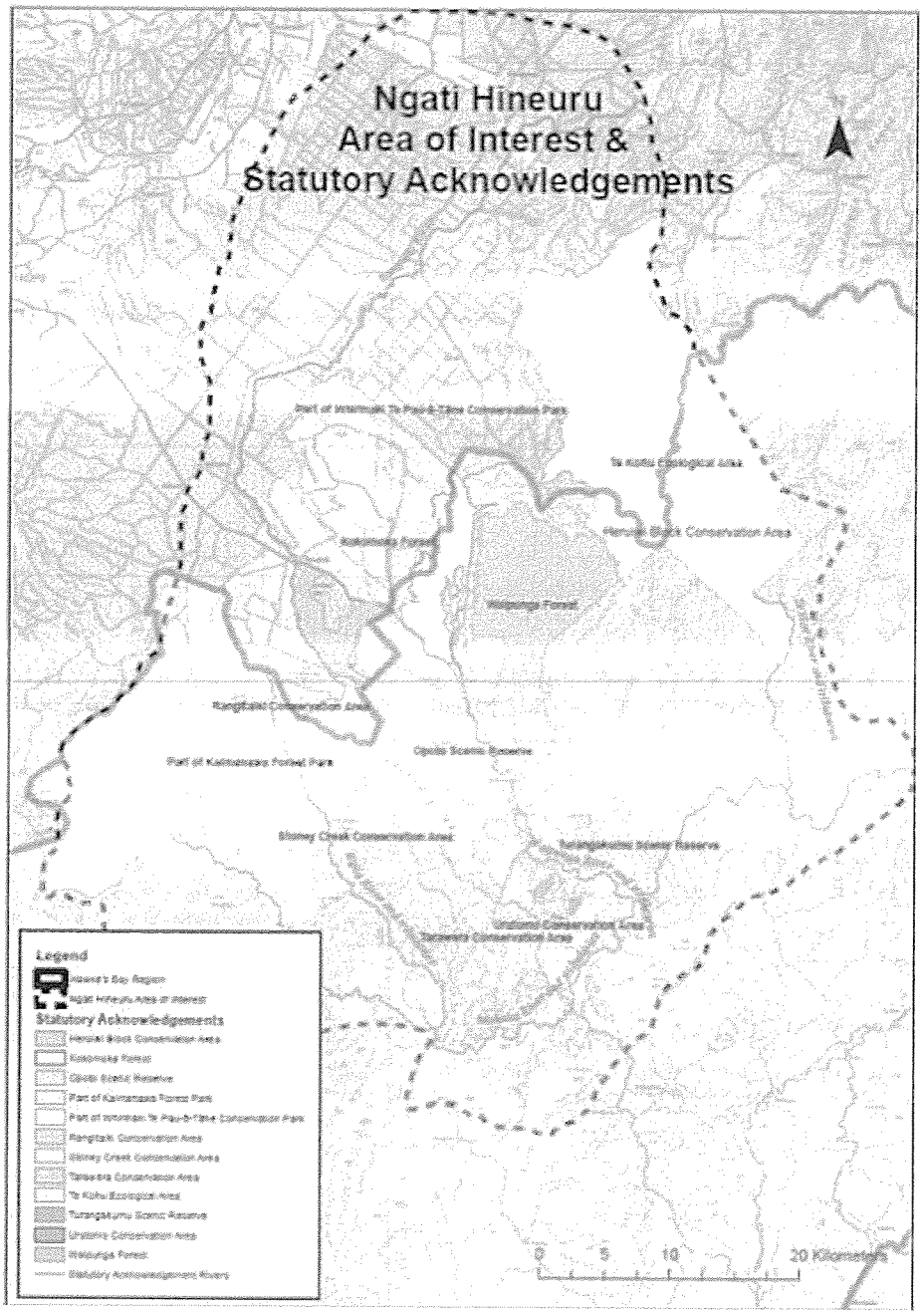

Ko Titiokura te Maunga
Ko Mōhaka te Awa
Ko te Rongopai me Piriwiritua ngā Whare Ko Te Haroto te Marae
Ko Hineuru te Iwi
Ko Te Rangihiroa te Tangata
Ko Mataatua te waka [5]

[5] Pepeha o Ngati Hineuru from the Hineuru Claims Settlement Act 2016 and the Ngati Hineuru Deed of Settlement (page 11)

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Introduction
This report is commissioned by Hineuru Iwi Trust in support of the Trusts submissions to the Hawke's Bay Regional Council's Outstanding Water Bodies Plan Change 7.

It provides evidence and information about the cultural and spiritual values Ngati Hineuru associate with the following waterbodies:

1. Hautapu River
2. Ripia River
3. Tarawera Hot Springs
4. Mangahouanga Stream
5. Te Hoe River

These water bodies lie within the Mohaka River catchment[6].

Information
Information from the following core documents contributed to the identification of cultural and spiritual values Ngati Hineuru associates with water bodies:

- Hineuru Claims Settlement Act 2016
- The Deeds of Settlement, Statutory Acknowledgements, Schedules and Protocols between the Crown and Ngati Hineuru 2016
- Statutory Acknowledgements Prepared by the Hawkes Bay Regional Council last updated 1 May 2019
- Mangahouanga Stream (Dinosaur Stream) Report (Appendix 2)
- https://www.nzgeo.com/stories/the-hunt-for-new-zealands-dinosaurs/
  Extracts from 'The Hunt for NZ Dinosaurs NZ Geographic', written by Vaughan Yarwood, 1993 (Appendix 3)

Appendix 1 identifies further information that was not assessed in development of this report but contributed evidence that culminated in statements of association recorded in the core documents identified above.

Plan Change 7 and the Mohaka Catchment Project Map (Appendix 4) contribute the context in which this report is prepared.

Methodology
Ngati Hineuru provided references to information source documents (Appendix 1) including legislation, deeds of settlement and protocols developed by Ngati Hineuru and the Crown resulting in the identification of the Ngati Hineuru Area of Interest, Ngati Hineuru status as an iwi authority and a post settlement governance entity and statutory acknowledgements that provide brief descriptions of Ngati Hineuru relationships, cultural values and traditions with Haupatu, Ripia and Te Hoe Rivers and Mangahouanga Stream and Tarawera Hot Springs and groundwater resources in the Mohaka catchment.

[6] Plan Change 7 identifies that these water bodies lie within the Mohaka catchment or are tributaries in the Mohaka River.

Cultural and Spiritual Values

This report covers proposed cultural and spiritual sub-values in Plan Change 7 and includes additional values identified by the following Ngati Hineuru representatives at a meeting in Napier on 27 January 2020:

Mr Renata Bush	Chairman, Kaumatua, Hineuru Iwi Trust
Mr Karauna Brown	Deputy Chairman, Kaumatua, Hineuru Iwi Trust
Mrs Ivy Kahukiwa-Smith	Kaitiaki, Rangitaiki River Forum Rep, Hineuru Iwi Trust
Mr Te Rangihau Gilbert	Pou Kaitiaki, Hineuru Iwi Trust

Plan Change 7 Key Values	Desciption
Waahi tapu, waahi taonga	Sites of importance, including of historical events. This also includes where cetain elements or taonga are, such as site of burial, sacriifice and placement of stones
Wai tapu	Sacred water, such as sites for baptism, healing or for preparing the dead for burial; of sites where water is taken for such purposes
Rohe boundary	Water bodies marking territory boundaries
Battle site	Including sites where those killed from elsewhere are placed
Pa, kainga	Kainga/ small family groups, including seasonable settlements and ahi kaa (caretakers)
Tauranga waka	Waka access and anchor sites
Mahinga kai	Food, food catching devices, in situ food holding systems
Acknowledged korero tuturu, pepeha, whakatauaki, including water and rocks	Acknowledging gifts left by Io, the supreme creator of natural and physical resources including water, rocks, mahinga kai sites, fish, birds, trees, and plants etc

Additional Values identified by Hineuru Iwi Trust

Ngati Hineuru Key Values	Description	Explanation
Mauri	The mauri (life force and life supporting capacity) and mana of the waterbody and catchment	Mauri is essential to all things. It is life force, energy and life-supporting capacity. Mauri binds, animates and connects all things indicating the health of each thing and of all nature in a space. Mauri is essential to water, including freshwater, its movement, flow, velocity, percolation and stillness. Tangata whenua assess mauri by observing nature and its component parts. Science contributes evidential data to the assessment of mauri.
Contemporary Esteem	The waterbody and catchment has special amenity or educational significance to Ngati Hineuru	Amendity covers those natural or physical qualities and characteristics of an area that contribute to Ngati Hineuru appreciation of the waterbody's and catchment's pleasantness, aesthetic coherence attributes. Educational values can include historic, matauranga or cultural attributes that inform Ngati Hineuru and its people.
Travel or Trade	The waterbody and catchment has been relied upon for travel or trade	While tauranga waka values recognise places at which waka landed and departed, the travel and trade value recognises river and overland travel and the transportation routes of Hineuru people with their possessions and tradeable items on the waterbody and through the landscape in catchments.

(19)

Taniwha	Ngati Hineuru have identified taniwha[7] as residing in the water resource	Acknowledges references to taniwha and Ruataniwha[8] in the PC7 documents. It also references the Hineuru Statutory Acknwoeldgemetns in which the statement 'every river had its own taniwha, and identity and potential use and it was up to the individual or community to utilise it as appropriate to the particular circumstances' is recorded[9].
Whakawhanaungatanga	The water resource and its catchment are important and symbolic of Hineuru connectivity with whanaunga	Acknowledges that whanaunga connections in respect to waterbodies and the land in freshwater catchments is important to Ngati Hineuru.
Rangatiratanga	Ngati Hineuru exercise rangatiratanga (self-determination) in an area of interest in which the waterbody and its catchment is situated.	Continued recognition of Ngati Hineuru identity, traditions, kaitiakitanga and decision-making in respect to waterbodies and catchments within its area of interest, is important to Ngati Hineuru
Kaitiakitanga	Ngati Hineuru exercise kaitiakitanga over the water resource	Continued recognition of Ngati Hineuru kaitiakitanga and decision-making in respect to waterbodies and catchments within its area of interest, is important. This kaitiaki role is an all-encompassing one, providing for the protection of biodiversity, the use and sustainable management of natural and physical resources for present and future generations, and the restoration and enhancement of damaged eco-systems[10].

The Cultural and Spiritual Values Table identifies the relevant water body, key values associated with each and references and extracted narratives in support of the key values identified.

[7] Ngati Hineuru Documents Schedule 2 2 April 2015 Statements of Association Mohaka River and its tributaries within Hineuru area of interest (as shown on Deed Plan OTS-205-24) page 26 paragraph 3 'Every river has its own taniwha, and identity and potential use, and it was p to the individual or community to utilise it as appropriate to the particular circumstances.'

[8] Hawkes Bay Regional Council Outstanding Water Bodies Plan Change Plan Change 7

[9] Item 8.12 Page 68 Statutory Acknwoledgements prepared by the Hawkes Bay Regional Council last updated 1 May 2019

[10] Item 5.14 page 66, Statutory Acknwoledgements prepared by the Hawkes Bay Regional Council last updated 1 May 2019

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Cultural and Spiritual Values Table

Water Body	Key Values
Hautapu River	Mauri Whakawhanaungatanga Travel and trade Rohe boundary Ngatapa Pa and kainga: • Mahinga kai • Waahi tapu (burial site) Kaitiakitanga Acknowledged in korero tuku iho: Tauparapara

Extract from Ngati Hineuru Statutory Acknowledgements[11] in evidence of Key Values

15.1 The awa that are located within the Hineuru rohe have great spiritual importance, they are important in their own right, and in their connections to one another. Just as every element of the natural world has its own mauri, each awa in the Hineuru rohe has its own mauri and wairua which is unique to that awa. The wai that flows through the awa symbolises the link between the past and the present and acts as a force of connection: nga awa are the ribs of our tipuna, which flow from the Maunga carrying the lifeblood of Papatuanuku and the tears of Ranginui. The wai in nga awa therefore create a unifying connection for the iwi with the awa, the spiritual world, and the Maunga itself. Our awa are a significant taonga, they are life-giving and provide both physical and spiritual sustenance.

15.2. The tangible linkages between the awa provided the iwi with a system of nga ara, or pathways throughout the rohe, and allowing iwi access the inland. River travel was important to Hineuru for both economic and social reasons.

15.3. The Hautapu River flows into the Te Hoe River, which is located in the far eastern reaches of the Hineuru rohe. Both rivers act as a natural boundary to other iwi and hapu. The Te Hoe flows along the eastern boundary of Heruiwi 4, Pohokura 1 and Tatarakina.

15.4. The significance of Te Hoe stems from its importance as a traditional boundary marker, and a mahinga kai resource. Where it meets the Mohaka River, there is a concentration of sites of significance.

15.5. Located in this area was, Pahiakai; a site known as one of 'Te Kooti's lookouts'. According to traditional history Pahiakai was an important wahi tapu site. There were caves within the hill in which many dead were interred.

15.6. Ngatapa was an important Hineuru pa located on the junction of the Te Hoe and Hautapu Rivers. It was settled permanently by the descendants of Whakaekenga, the grandson of Hineuru and Kiripakeke. According to traditional sources, Ngatapa was also the site of cultivations and wahi tapu site where dead are buried. Kaumatua recall that, during the 1950s, there were still extensive cultivations. Potato, kumara, corn, maize, pumpkin, marrow, logan berries, gooseberries, strawberries, cabbages, leeks and turnips were all grown at Ngatapa.

15.7. Hineuru whakapapa defines our connection to this land, and our responsibility as kaitiaki; that is why the sites located along the Te Hoe river are important to Hineuru.

[11] Statutory Acknwoledgements prepared by the Hawkes Bay Regional Council last updated 1 May 2019

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15.8. Urupa were located to the south at the confluence of the Te Hoe and Mohaka Rivers. This was significant to Hineuru, as a wahi tapu.

Tauparapara
Ka tū au ki tōku maunga, ki a Titiōkura
te wāhi i kapo i ngā titi e rere ana
i ngā au whakakake o Ngāi Tāwhiri
E tū rangatira nei hei tuarā mō taku whare kōrero Ka eke ki te tihi, ki Ahu-o-te-Atua, a, ki a Tarapōnui, ka titiro rā ki ngā wāhi tapu o te whenua,

ki ngā whanaunga tata o ngā hapū o Maungaharuru
Ka heke ki te heru a Tureia, ka eke ki te awa o Mōhaka, Ka kauria te awa ki Te Hoe

Ka rere taku titiro, ki te whenua e rite nei ki ngā kina o te moana, ki ngā maunga kōrero o Tatarakina, ki te whenua o Waitara
Kia tū te ringa, kia whakapono ki te atua,
mō te whenua kua riro, mō te kōti o te whenua

Ka hoki i ngā wai karekare o Te Hoe,
kia eke ki te ngutu awa o Hautapu
He awa kōrero, he awa honohono ki ngā iwi whakarua,
ka tau ki Te Pukahunui, Matakuhia, Mangapapa, ki Waipunga Ko Te Kohu, ko Whirinaki
Hei whakawhirinaki ki Ngāi Tuhoe,
Ngāti Manawa, Ngāti Whare

Ka whakatere i te toto o te whenua ki ngā kainga maha o te rohe
Ngā whare kōrero o Hineuru Haruru ai te wairere ki Waipunga

Whakahokia mai rā ki runga o Rangitaiki Ka piki ake i ngā hau kerikeri
Titiro whakararo ko Pohokura
Hei kura mō te iwi

Nō te Waipunga, ka tai rere ngā wai o Okoeke o Tunamaro kia eke ki Ripia, ki ngā awaawa o te uru E hono nei ki te Mōhaka
E karanga mai nā e nga hapū o Tauhara
He taura herenga tangata nō mua

		Te takapau o te ora e Ka nuku te whenua ki te tonga, ki Kaweka Ngā maunga whakahī mō te whare kōrero Ngā whakahekenga o Kahungunu O Mōkai Pātea Kia whakahokia ki ngā maunga karangaranga o Te Waka o Ngarangikataka Kei runga ko Pirinoa pā Kei raro te tohu mō te iwi Te Pari o Mateawha Ka eke ki runga i te hā o te roto, E tū mai ana hei Karauna mō te takiwā Te Haroto, kāinga tapu o ngā tīpuna Te whare o te Rongopai Whare oranga ko Piriwiritua Hononga tangata, hononga whenua Whakapono Ka tau te mauri ki te whenua Ka hora te marino ki te tangata Hineuru tū tangata whenua nei e!
Te Hoe River	Waahi tapu, waahi taonga Acknowledged in korero tuku iho: see Tauparapara Mahinga kai: • Maara kai (cultivations) • Fish, birds and vegetation food • Food processing • Drinking water • Springs for washing purposes Pa, kainga: • Ngatapa Pa and kainga • Rohe boundary Wai tapu: • Cleansing • Healing • Spiritual cleansing of tupapaku, ta moko Taniwha	As above, and; Mahinga kai 15.10. The Te Hoe River and tributaries were abundant with fish species resources, including tuna, trout and the freshwater koura. Hangi stones were also an important resource which were gathered and used to heat dwellings as well as to cook food. 15.11. The gathering and processing of tuna, trout and koura was a customary practice that strengthened cultural systems and whanaunga The river provided the people with drinking water, the importance of which should not be underestimated. It was a source of wairua, and the river was felt to have healing properties. For example, it was thought to aid with the healing of women after they had given birth. Rivers also provided spiritual cleansing, and the waters were used for the washing of tupapaku and were also an important part of the process of ta moko. Every river had its own taniwha, and identity and potential use, and it was up to the individual or community to utilise it as appropriate to the particular circumstances. Springs were used particular for more utilitarian washing purposes. 15.12. The ngahere that surrounded the river were very dense. The toitoi, matai, kouka, kahikatea, kohukohu, koromiko, and kotukutuku dominated the ngahere which were prolific with birdlife and berries, both of which were an important food source. The feathers from all birds were also collected and used for many purposes. Hineuru people would observe the feeding patterns of the birdlife and learn from them what plant was safe to consume. Animal and bird hinu was used to preserve kai. Kiore were hunted in the ngahere and were still relatively common in the mid-twentieth century. Kereru were very highly prized delicacies which were consumed with great ritual. They were served by the women and the men

	Mauri Contemporary esteem: • Matauranga • Tikanga • Kawa Travel or trade Kaitiakitanga Rangatiratanga Whakawhanaungatanga	would always eat first, kereru were never to be eaten with a knife. This was a ritual passed down through the generations. 15.13. The forests were not only an important source of kai, they were also the source of traditional rongoa. For example, the kouka, manuku, toitoi and kanuka were used for vapour baths and chest infections, horopito for treating skin disease, the ferns were used to treat fever and inflammation. For much of the year, the Hineuru rohe was an extremely cold place to reside; the ngahere provided toitoi fern for bedding; both the toitoi and the bark of the totara tree were used as insulation; and kanuka and manuka were burnt along with hangi stones to heat residences. 15.14. Matauranga associated with the collection of resources from nga awa and ngahere was central to the lives of Hineuru tipuna. Matauranga and associated tikanga and kawa and karakia are all essential for maintaining customary traditions associated with gathering and utilising resources. Our tüpuna had considerable knowledge of whakapapa, traditional tracks, places for gathering kai and other taonga, ways in which to use the resources of the river, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Hineuru today. 15.15. The iwi have cultural, spiritual, traditional and historic associations with the rivers and their environs, and associated land and flora and fauna. The iwi have a responsibility as kaitiaki to restore, protect and manage all those natural and historic resources and sites. This relationship is as important to Hineuru people today as it was to their tipuna. This kaitiaki role is an all-encompassing one, providing for the protection of biodiversity, the utilisation of resources, the maintenance of resources for present and future generations, and the restoration and enhancement of damaged ecosystems. The continued recognition of the iwi, our identity, traditions and status as kaitiaki is entwined with the rivers in our rohe and associated lands, and associated resources.
Ripia River	Mauri Travel and trade Boundary Acknowledged in korero tuku iho: see Tauparapara Kainga, Orangikapua Pa Waahi tapu Battles Mahinga kai: • Fish, birds (e.g. kereru, ducks, pakura) and vegetation food • Food processing • Drinking water • Springs for washing purposes Waahi taonga:	As above, and; 12. Ripia River and its tributaries (as shown on deed plan OTS-205-25) 12.1. The awa that are located within the Hineuru rohe have great spiritual importance, they are important in their own right, and in their connections to one another. Just as every element of the natural world has its own mauri, each awa in the Hineuru rohe has its own mauri and wairua which is unique to that awa. The wai that flows through the awa symbolises the link between the past and the present and acts as a force of connection: nga awa are the ribs of our tipuna, which flow from the Maunga carrying the lifeblood of Papatuanuku and the tears of Ranginui. The wai in nga awa therefore create a unifying connection for the iwi with the awa, the spiritual world, and the Maunga itself. Our awa are a significant taonga, they are life-giving and provide both physical and spiritual sustenance. 12.2. The tangible linkages between the awa provided the iwi with a system of nga ara, or pathways throughout the rohe, and allowing iwi access the inland. River travel was important to iwi for both economic and social reasons.

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- Flax and other textile and utilitarian resources
- Drinking water

Tunamaro tributary:

- Longest and finest tuna
- Kiwi habitat

Wai tapu:

- Cleansing
- Healing
- Spiritual cleansing of tupapaku, ta moko

Contemporary esteem:

- Matauranga

Kaitiakitanga

Whakawhanaungatanga

Rangikapua Rock – he toka tipua – he waahi tapu

12.3. The Ripia River is of great significance to Hineuru. The river is a major tributary of the Mohaka River, and flows south-east from the Ahimanawa Range into the Mohaka River. It acts as a boundary between the Te Matai block and the Tarawera block, which are both of importance to Hineuru.

12.4. The Ripia River was utilised as a mahinga kai, rather than being a focal point of settlement. Orangikapua, however, was a kainga and wahi tapu, located on the Mohaka River very near to its junction with the Ripia River. According to traditional sources there were people killed here, and it was the site of a large cemetery.

12.5. Mahinga kai

12.6. The Ripia River and tributaries were abundant with fish species resources, including tuna, trout and the freshwater koura. Hangi stones were also an important resource which were gathered and used to heat dwellings as well as to cook food.

12.7. The gathering and processing of tuna, trout and koura was a customary practice that strengthened cultural systems and whanaunga.

12.8. The Tunamaro River, a tributary of the Ripia River was an important river for spiritual reasons. It was home to the longest and finest eels in the area, and the forests surrounding that river were also the habitat of many kiwi.

12.9. The resources alongside the river including harakeke and much birdlife were also a crucial element of iwi sustenance systems. Harekeke supplied material for rongoa, weaving, other construction such as clothing, mats, kits and ropes, and trading; toitoi supplied material for thatching and dried moss was used as bedding; they also provided a habitat for many forms of life. Pakura (pukeko) and native ducks were caught along the river and were not only an important food source but provided the iwi with feathers which were used for many purposes.

12.10. The river provided the people with drinking water, the importance of which should not be underestimated. It was a source of wairua, and the river was felt to have healing properties. For example, it was thought to aid with the healing of women after they had given birth. Rivers also provided spiritual cleansing, and the waters were used for the washing of tupapaku and were also an important part of the process of ta moko. Every river had its own taniwha, and identity and potential use, and it was up to the individual or community to utilise it as appropriate to the particular circumstances. Springs were used particular for more utilitarian washing purposes.

12.11. The ngahere that surrounded the river were very dense. The toitoi, matai, kouka, kahikatea, kohukohu, koromiko, and kotukutuku dominated the ngahere which were prolific with birdlife and berries, both of which were an important food source. The feathers from all birds were also collected and used for many purposes. Hineuru people would observe the feeding patterns of the birdlife and learn from them what plant was safe to consume. Animal and bird hinu was used to preserve kai. Kiore were hunted in the ngahere and were still relatively common in the mid-twentieth century. Kereru

were very highly prized delicacies which were consumed with great ritual. They were served by the women and the men would always eat first, kereru were never to be eaten with a knife. This was a ritual passed down through the generations.

12.12. The forests were not only an important source of kai, they were also the source of traditional rongoa. For example, the kouka, manuka, toitoi and kanuka were used for vapour baths and chest infections, horopito for treating skin disease; the ferns were used to treat fever and inflammation. For much of the year, the Hineuru rohe was an extremely cold place to reside; the ngahere provided toitoi fern for bedding; both the toitoi and the bark of the totara tree were used as insulation; and kanuka and manuka were burnt along with hangi stones to heat residences.

12.13. Matauranga associated with the collection of resources from nga awa and ngahere was central to the lives of Hineuru tipuna. Matauranga and associated tikanga and kawa and karakia are all essential for maintaining customary traditions associated with gathering and utilising resources. Our tipuna had considerable knowledge of whakapapa, traditional tracks, places for gathering kai and other taonga, ways in which to use the resources of the river, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Hineuru today.

12.14. Hineuru have cultural, spiritual, traditional and historic associations with the rivers and their environs, and associated land and flora and fauna. Hineuru iwi have a responsibility as kaitiaki to restore, protect and manage all those natural and historic resources and sites. This relationship is as important to Hineuru people today as it was to their tipuna. This kaitiaki role is an all-encompassing one, providing for the protection of biodiversity, the utilisation of resources, the maintenance of resources for present and future generations, and the restoration and enhancement of damaged ecosystems. The continued recognition of the iwi, our identity, traditions and status as kaitiaki is entwined with the rivers in our rohe and associated lands, and associated resources.

'1.19 Rahui and Tangataiti were appointed as guardians of the principal access route from Tarawera to the Coast. Rangikapua, which was located on the Mōhaka River across from the Ripia River mouth was a large rock where the brothers would wait for those who would use the access route. The brothers were eventually killed in defence of this route, and as a result a rahui was placed over the river. Taunga died and was buried at Te Hāroto, and Whero at Whareoneone, a fighting pa which Whero was particularly associated to'[12].
'Waipunga River and its tributaries (as shown on deed plan OTS-205-26)

The awa that are located within the Hineuru rohe have great spiritual importance, they are important in their own right, and in their connections to one another. Just as every element of the natural world has its own mauri, each awa in the Hineuru rohe has its own mauri and wairua which is unique to that awa. The wai that flows through the awa symbolises the link between the past and the present and acts as a force of connection: nga awa are the ribs of our tipuna, which flow from the Maunga carrying the lifeblood of Papatuanuku and the tears of Ranginui. The wai in nga awa therefore

Tarawera Hot Springs is within the Waipunga sub-catchment in the Mohaka River catchment	Mauri Travel and trade Boundary Kaitiakitanga Waahi taonga: • Lake Puharau • Waipunga Falls

[12] Page 12 Ngati Hineuru Deed of Settlement 2 April 2015

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- Waipunga Hot Springs
- Rongoa
- Food resources
- Textile and other utilitarian resources

Mahinga kai:

- Rongoa
- Maara kai (cultivations)
- Fish, birds and vegetation food
- Food processing
- Drinking water
- Springs for washing purposes
- Birds
- Fish

Pa, kainga:

- Pohoi a Te Mumuhu
- Some of the recorded sites located along the river are: Te Ahimotumotu pa; Kopitanui/Kopitonui kainga and wahi tapu; Whananganga pa; Piripirau fighting pa; Whakanae kainga; Hikawera pa; Hopemutu pa; Ohinekonehu pa and wahi tapu; Matawhero pa; Parua pa; Taranaki pa; Taupounamu kainga; Waiariki kainga and hot spring; Tukiatea kainga; Paraumu kainga; Waipuhipuhi fighting pa;

create a unifying connection for the iwi with the awa, the spiritual world, and the Maunga itself. Our awa are a significant taonga, they are life-giving and provide both physical and spiritual sustenance.

The tangible linkages between the awa provided the iwi with a system of nga ara, or pathways throughout the rohe, and allowing iwi access the inland. River travel was important to iwi for both economic and social reasons.

The Waipunga River and Valley, including its tributaries and waterfalls, is one of Hineuru's most important taonga and is associated with many important mahinga kai, kainga and pa.

The Waipunga River acted as a boundary between the Tarawera and Tatarakina blocks, and the settlement of Tarawera was located on the river itself. Hineuru have a long-standing association with the blocks and the settlement through rights of ahi kaa and ancestry.

The land along the Waipunga River was part of the area originally conquered by our ancestor Apa Hapaitaketake, and it has been permanently occupied by Hineuru iwi since the time of our ancestress Hineuru. The marriage of Hineuru's son Rangihurituni, to Te Amionga was a significant moment in the history of the iwi as it united the two key ancestral lines. According to traditional history Rangihurituni, Te Amionga and their family settled at Pohoi a Te Mumuhu in the Tarawera block. Hineuru whakapapa defines our connection to this land, and our responsibility as kaitiaki; and makes this land of great importance to our iwi.

The Waipunga River created the valley which forms a key part of the Tarawera 'corridor', and countless Hineuru settlements and historical sites are located along the river. Lake Puharau, a lake with a plentiful eel population, was located near the northern mouth of the Waipunga River. A kainga and cultivation area of the same name were also located there. The Waipunga Falls were further south, in the Pohokura block. The Waipunga Falls were a landmark and taonga of great beauty, which features three parallel columns of water. The Waipunga hot springs were futher south as well, near the Tarawera township, and were used for bathing, rongoa and cooking.

Many settlements were located at the upper reaches of the Waipunga River within the Tarawera block, but there were also many other important sites downstream. In totality, there are literally hundreds of sites of significance along this extensive river.

Some of the recorded sites located along the river are: Te Ahimotumotu pa; Kopitanui/Kopitonui kainga and wahi tapu; Whananganga pa; Piripirau fighting pa; Whakanae kainga; Hikawera pa; Hopemutu pa; Ohinekonehu pa and wahi tapu; Matawhero pa; Parua pa; Taranaki pa; Taupounamu kainga; Waiariki kainga and hot spring; Tukiatea kainga; Paraumu kainga; Waipuhipuhi fighting pa; Mangauwhio/ Mangauhio pa; Porimeke pa; and Papakopuru kainga.

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Mangauwhio/ Mangauhio pa; Porimeke pa; and Papakopuru kainga

Contemporary esteem:

- Matauranga

Wai tapu

Kaitiakitanga

Whakawhanaungatanga

Waipunga River acknowledged in korero tuku iho: see Tauparapara

Mahinga kai: The Waipunga River and tributaries were abundant with fish species resources, including tuna, trout and the freshwater koura. Hangi stones were also an important resource which were gathered and used to heat dwellings as well as to cook food.

The gathering and processing of tuna, trout and koura was a customary practice that strengthened cultural systems and whanaunga.

The resources alongside the river including harakeke and much birdlife were also a crucial element of iwi sustenance systems. Harekeke supplied material for rongoa, weaving, other construction such as clothing, mats, kits and ropes, and trading; toitoi supplied material for thatching and dried moss was used as bedding; they also provided a habitat for many forms of life. Pakura (pukeko) and native ducks were caught along the river and were not only an important food source but provided the iwi with feathers which were used for many purposes.

The river provided the people with drinking water, the importance of which should not be underestimated. It was a source of wairua, and the river was felt to have healing properties. For example, it was thought to aid with the healing of women after they had given birth. Rivers also provided spiritual cleansing, and the waters were used for the washing of tupapaku and were also an important part of the process of ta moko. Every river had its own taniwha, and identity and potential use, and it was up to the individual or community to utilise it as appropriate to the particular circumstances. Springs were used particularly for more utilitarian washing purposes.

The ngahere that surrounded the river were very dense. The toitoi, matai, kouka, kahikatea, kohukohu, koromiko, and kotukutuku dominated the ngahere which were prolific with birdlife and berries, both of which were an important food source. The feathers from all birds were also collected and used for many purposes. Hineuru people would observe the feeding patterns of the birdlife and learn from them what plant was safe to consume. Animal and bird hinu was used to preserve kai. Kiore were hunted in the ngahere and were still relatively common in the mid- twentieth century. Kereru were very highly prized delicacies which were consumed with great ritual. They were served by the women and the men would always eat first, kereru were never to be eaten with a knife. This was a ritual passed down through the generations'.[13]

The forests were not only an important source of kai, they were also the source of traditional rongoa. For example, the kouka, manuku, toitoi and kanuka were used for vapour baths and chest infections, horopito for treating skin disease, the ferns were used to treat fever and inflammation. For much of the year, the Hineuru rohe was an extremely cold place to reside; the ngahere provided toitoi fern for bedding; both the toitoi and the bark of the totara tree were used as insulation; and kanuka and manuka were burnt along with hangi stones to heat residences.

[13] Pages 54 – 57 Hineuru and The Trustees of Te Kopere o Te Iwi o Hineuru Trust and the Crown, Deed of Settlement Schedule: Documents 1 May 2015

		Matauranga associated with the collection of resources from nga awa and ngahere was central to the lives of Hineuru tipuna. Matauranga and associated tikanga and kawa and karakia are all essential for maintaining customary traditions associated with gathering and utilising resources. Our tipuna had considerable knowledge of whakapapa, traditional tracks, places for gathering kai and other taonga, ways in which to use the resources of the river, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Hineuru today. Hineuru have cultural, spiritual, traditional and historic associations with the rivers and their environs, and associated land and flora and fauna. Hineuru iwi have a responsibility as kaitiaki to restore, protect and manage all those natural and historic resources and sites. This relationship is as important to Hineuru people today as it was to their tipuna. This kaitiaki role is an all- encompassing one, providing for the protection of biodiversity, the utilisation of resources, the maintenance of resources for present and future generations, and the restoration and enhancement of damaged ecosystems. The continued recognition of the iwi, our identity, traditions and status as kaitiaki is entwined with the rivers in our rohe and associated lands, and associated resources.
Mangahouanga Stream A tributary of Te Hoe River and within the catchment of the Mohaka River[14]	Contemporary esteem: • Matauranga	'TWENTY YEARS AGO, such a scenario in New Zealand would have been unthinkable. Now, thanks largely to the work of amateur palaeontologist Joan Wiffen and a handful of helpers, dinosaurs have begun to reclaim even this island vestige of Gondwana'. 'To date, all the evidence has come from one place: the Mangahouanga stream bed, deep in the Urewera Ranges—a lush site that in the depths of winter looks uncannily as though lifted from the pages of Arthur Conan Doyle's *The Lost World.*' 'The discovery of dinosaurs in New Zealand was made more likely by the discovery of marine reptile fossils. As Joan Wiffen tells it, she was hunched with her family over a geological map one day in the early 1970s when they came across the words: "In the Te Hoe Valley the beds are partly brackish water, and contain reptilian remains . . . ." Though in small print among the gaudy pinks, mauves and yellows of the map, the gloss was for them a buzzing neon of enticement. The note, it turned out, dated from an oil company survey in the 1950s which had not been followed up. The Wiffens found the spot, at the end of a little-used dirt road, and struck pay dirt: the stream bed rocks fairly bristled with fish scales, shark teeth, ancient squid-like creatures called belemnites and teeth from the first-known southern hemisphere sawfish'[15]. 'The Mangahouanga Stream contains rich and diverse fossil concentrations, and is recognised as internationally significant on the New Zealand geo-preservation inventory. In the 1970s and 80s, fossil bones from four new species of dinosaur were found here, including a new genus of mosasaur that was from a previously unknown lineage of mosasaur'.[16]

[14] Item 993 page 102 of the Hawke's Bay Regional Plan Change 7 document

15 https://www.nzgeo.com/stories/the-hunt-for-new-zealands-dinosaurs/
Extracts from 'The Hunt for NZ Dinosaurs NZ Geographic', written by Vaughan Yarwood, 1993

[16] Extract from 'Mangahouanga Stream (Dinosaur Stream) prepared by Hawkes Bay Regional Council – attached as Appendix 2

Appendix 1
Further information available for assessment if required

SOURCE	REFERENCE
Waitangi Tribunal	Mohaka Ahuriri Report – WAI 201 (2004)
Waitangi Tribunal	Mohaka River Report – WAI 119 (1992)
Waitangi Tribunal	Waitangi Tribunal Bibliography (1975 to 2015) Tribunal reports, publications and research reports presented in evidence 1975 – 2015 Part 2: By author Part 3: By region
Alexander Turnbull Library	Research library located in the National Library (Wellington) and recommend visiting as expert researchers in NZ history. Most of the AT collection is noted on Te Puna – which is a databases that contains the holdings of most NZ library catalogues and is hosted by the National Library of NZ.
Wellington Public Library	He Matapihi Molesworth Library – popup space which will house Maori local history (amongst other topics) Location: ground floor of National Library Opening: October (not sure of date) (will be located in same building as Alexander Turnbull Library)
Te Puna	Database of material that is held by NZ libraries (and overseas libraries) Some examples below of search for Ahuriri and Hautapu River *Parsons P. Ahuriri Estuary and Surrounds: Places of Spiritual Significance to the Maori. Napier (N.Z.): Author; 1995.* *Walzl T, New Zealand. Waitangi Tribunal. Ahuriri Land Issues. Wellington, N.Z.: Waitangi Tribunal; 1997.* *Ballara A, Scott G, New Zealand. Waitangi Tribunal. Crown Purchases of Maori Land in Early Provincial Hawke's Bay: Report on Behalf of the Claimants to the Waitangi Tribunal. Place of publication not identified: A. Ballara, G. Scatt; 1994.* *Palmers MH. Cultural Conflicts in Resource Management: The Case of Ngati Kahungunu and Ahuriri Estuary: A Dissertation Submitted in Partial Fulfilment of the Requirements for the Degree of Master of Applied Science at Lincoln University. 1996.* *Parsons P. The Ahuriri Block: Maori Customary Interests. Napier, N.Z.: P. Parsons; 1997.* *Holland MK, Central Districts Catchment Boards. Hautapu River: Local Conservation Notice Repart, 1989. Palmerston North, N.Z.: Central Districts Catchment Boards; 1989.*

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Papers Past	Electronic resource covering newspapers, magazines, journals, letters, diaries and parliamentary papers – explanation of coverage/content of Papers Past. Covers Maori newspapers (1842 – 1935) Nuipepa Collection (in Te Reo Maori) Maori magazines can be found in the Magazines collection.
NZ Electronic Text Collection NZETC	Collection of significant NZ and Pacific Island texts and materials held by Vic University Library – ability to search full text of materials. Example: *A history of upheaval: 150 years of environmental change Ahuriri, Hawke's Bay NZ – Masters Thesis – 2000 -*

Appendix 2
Mangahouanga Stream (Dinosaur Stream), prepared by Hawkes Bay Regional Council

[Important Notes Relating to Appendix 2:

1. Table 2 in this report, did not copy well. It can be found in the copy attached separately to the email sent in delivery of the Hughes Report to Hineuru Iwi Trust
2. Mangahouanga Stream is a tributary of Te Hoe River. Ngati Hineuru hold statutory acknowledgements of their relationships with Te Hoe River and its tributaries
3. While Table 1 in the report records Hineuru Deeds of Settlement in the list of documents referred the author did not identify Ngati Hineuru as an iwi with relationships with Mangahouanga Stream. This is an error given their statutory acknowledgements relate to Te Hoe and its tributaries and the Mangahouanga stream lies within the Ngati Hineuru Area of Interest
4. The Council report and NZ Geographic article note that dinosaur bones were found in rocks in the Mangahouanga Stream bed.

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Mangahouanga Stream (Dinosaur Stream)

Key Values
Cultural
Landscape (geological features)
Natural Character

Table 1: List of publications reviewed

Year	Name	Author
1980	Dinosaur bone found in Hawke's Bay	Daily telegraph
1993	The Hunt for New Zealand's Dinosaurs	The New Zealand Geographic
1994	Cretaceous Research Paper – A Late Cretaceous polar dinosaur fauna from New Zealand	Molnar, Wiffen
1994	Rocks hold special treasures	Dominion post
1994	Dinosaur centre expected to be top attraction	Napier Courier
1994	Ancient exhibit	Dominion post
1994	Small bone was the beginning of a gigantic discovery for Hawke's Bay	Napier courier
1994	Napier Centre to feature New Zealand Dinosaur relics	Dominion post newspaper
2000	"Romancing the bone" how an amateur fossil hound unearthed dinosaur remains in a most unlikely place and rocked the word of palaeontology	Discovery Magazine
2001	Email to MTG	J. Wiffen
2016	Terrestrial fossils	The Encyclopaedia of New Zealand
2016	New Zealand Geo-preservation Inventory	Geological Society of New Zealand
2016	Scientists and Tūhoe to hunt dinosaur fossils in the Urewera range	Stuff.co.nz
2016	Tūhoe and scientists collaborate on dinosaur hunt	Science media centre
2016	Fossicking for fossils	Victorious (Victoria University)
2018	Cultural Values Table	Hawke's Bay Regional Council

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Discussion

Purpose of report

1. The purpose of this report is to assist the RPC members to determine whether any of the values of the Mangahouanga Stream are outstanding for the purposes of the National Policy Statement for Freshwater Management (NPSFM).
2. This report presents the summarised findings of the values attributed to the Mangahouanga Stream in those documents referred to in Table 1, above.

Overview

3. The Mangahouanga Stream is a small stream in northern Hawke's Bay, which contains one of the most significant discoveries ever made in New Zealand – dinosaur bones. The remote mountain stream, now located high in the Urewera Ranges, was previously part of a large estuary area in the late cretaceous period, 65 million years ago.
4. In 1975, the first dinosaur bones were found at the Mangahouanga Stream, proving beyond doubt that dinosaurs had once lived in New Zealand. Prior to this discovery, it was widely thought that dinosaurs had not been present in New Zealand, with scientists believing New Zealand's land mass was too small for dinosaurs to exist.
5. The Mangahouanga Stream contains rich and diverse fossil concentrations, and is recognised as internationally significant on the New Zealand geo-preservation inventory. In the 1970s and 80s, fossil bones from four new species of dinosaur were found here, including a new genus of mosasaur that was from a previously unknown lineage of mosasaur.
6. In 2010, remains of a titanosauris were found at the Mangahouanga Stream site, which is the largest known dinosaur ever to have lived. In total, the remains of six separate species of dinosaurs have been found in the Mangahouanga Stream, and also New Zealand's oldest fossil insect. These discoveries gave scientists the very first glimpse into what New Zealand was like in the age of the dinosaurs.
7. The Mangahouanga Stream is internationally renowned, with the discoveries made in this stream changing scientific thinking around the type and size of land masses needed to support dinosaurs. These discoveries proved beyond doubt that land masses the size of New Zealand had the potential to support the full range of dinosaurs.
8. To date, the Mangahouanga Stream is the only place in New Zealand where significant dinosaur remains have been found. Other discoveries include theropod dinosaur remains in the Chatham Islands, a single therapod fossil bone (from the Jurassic period) by the mouth of the Waikato River, and dinosaur footprints in Nelson.

Location

9. The Mangahouanga Stream is located in the Urewera Ranges around 120 km inland, to the east of Te Hoe River. It is part of the Mohaka catchment and is a tributary of Te Hoe River.
10. The location of Mangahouanga Stream can be seen in Figures 1 and 2, below.

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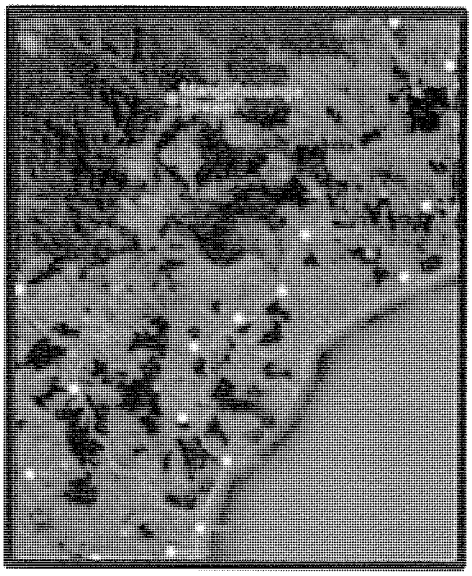

Figure 1: location of Mangahouanga Stream

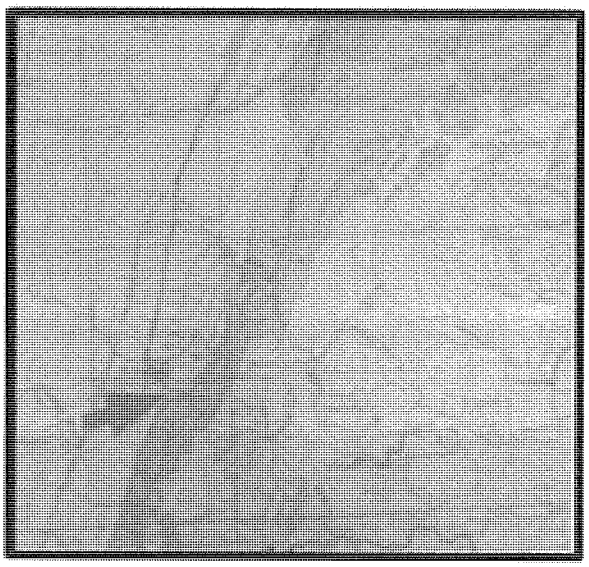

Figure 2: location of Mangahouanga Stream

*Cultural values **

11. The Mangahouanga Stream is located within an area with interests relating to Ngāti Kahungunu, Ngāti Tūwharetoa, Ngai Tūhoe and Ngāti Pāhauwera.
12. While no direct customary linkages have been established back to the Mangahouanga Stream by name in the documents reviewed in Table 1, it is recognised that all fresh water bodies have special cultural, spiritual, historical and traditional associations with freshwater. The relationship between Tāngata whenua and freshwater is founded in whakapapa, which is the foundation for an inalienable relationship between Māori and freshwater that is recorded, celebrated and perpetuated across generations. Freshwater is recognised by Māori as a taonga of paramount importance, and as such, all waterbodies have important spiritual, physical and customary value.
13. Attachment 1 contains further information on the cultural values associated with the Mangahouanga Stream.

Recreation values

14. The Mangahouanga Stream is surrounded by private forestry and is difficult to access by road. The stream is accessible by car if prior arrangements are made with the forestry company who will open any locked gates and ensure no logging trucks are present in the area.
15. As such, the Mangahouanga Stream is not highly used for recreational activities.

Ecology values

16. The Mangahouanga Stream is a remote stream surrounded by private forestry and native bush areas. Given the lack of development pressures in the surrounding area the river is expected to be in a near natural state.
17. There are likely to be some native fish and wildlife associated with the Mangahouanga Stream however, no surveys or studies have been undertaken of this area so this information is unknown.
18. Future harvesting of the pine forest may have some effects on the ecology of the river and water quality.

Landscape / scenic values

19. The Mangahouanga Stream is located high in the Urewera Ranges, surrounded by a combination of private forestry and native forest areas. While the secluded bush landscape around the stream is attractive, the Mangahouanga Stream is renowned for its rich and diverse fossil concentrations.

20. The Mangahouanga Stream is internationally renowned with the remains of six separate species of dinosaurs, including four new species of dinosaurs and New Zealand's oldest known fossil insect, having been discovered here.
21. The National Geo-preservation Inventory, which identifies and ranks geological features according to their relative significance, classifies the following features in the Mangahouanga Stream as nationally significant:
    - The first, and to date the only, record of terrestrial dinosaurs found in New Zealand.
    - Rich and diverse Cretaceous vertebrate fossils in concentrations, including New Zealand's only known dinosaurs and New Zealand's oldest known fossil insect, as well as fossil turtles, mosasaurs, elasmosaurs, plesiosaur and early fish.
22. Photographs of the Mangahouanga Stream are contained in Attachment 2.

Geological features

23. Around 70 million years ago the Mangahouanga Stream was part of a very different New Zealand landscape, vastly different from the mountain stream it is today. In the late cretaceous period the Mangahouanga Stream was part of a larger estuarine environment lying directly on the east coast. At this time, New Zealand was covered in lush rainforest and was a much larger land mass than today.
24. The fossil dinosaur remains found at Mangahouanga Stream were washed into streams by heavy rains on land, and swept down to the sea where they were preserved as marine fossils along the coast, finally ending up in the concretionary boulders in the valley of the Mangahouanga Stream.
25. In 1975, a tailbone from a four metre long, half a tonne carnivorous dinosaur was found at the Mangahouanga Stream site. In the years to follow, evidence of a nine metre allosaur, an economy version of the T-rex, an ankylosaur, a low slung armoured beast, a hypsilophosont and a four metre long plant eater were found, proving beyond doubt that both marine and terrestrial dinosaurs had once lived in New Zealand.
26. Until these discoveries, New Zealand was considered to be one of the least likely places for dinosaurs to have lived. Scientists considered the islands were too small and too isolated to have supported hungry reptilian giants. Further, experts considered dinosaur survival to be very unlikely due to New Zealand's turbulent geological history in which the land has sank and emerged from beneath the waves many times.
27. To date, the Mangahouanga Stream has provided rich and diverse fossil concentrations. A total of six separate species of dinosaurs, four of which are unique to New Zealand, have been found at this location, in addition to a range of other marine and plant fossils, including New Zealand's oldest known fossil insect, and teeth from the first known southern hemisphere sawfish.

28. Of the species of dinosaur discovered, three were meat eaters and three were herbivores. A number of marine reptiles, notably mosasaurs and plesiosaurs, and the pterosaurs, otherwise known as the flying reptile, were also found at this site.

29. The most significant findings at Mangahouanga Stream are outlined in Table 2, below.

[Please refer to the attachment for a copy of Table 2)

Naturalness/intactness of waterbody

30. Given the lack of development pressures around the Mangahouanga Stream it is expected to be in a near natural state.

Water Quality

31. Hawke's Bay Regional Council does not monitor the water quality of the Mangahouanga Stream. However, future harvesting of the forestry land in this catchment may have effects on the water quality and ecology of this stream.

Other

32. Joan Wiffen's discoveries are internationally significant, proving the full range of dinosaurs lived in New Zealand after it split away from Gondwana in the early cretaceous period.
33. Joan's achievements are recognised within scientific publications, an award from an international scientific society (Society of Vertebrate Paleontology), and an honorary doctorate from Massey University. In 1995, Joan received an appointment as Commander of the Order of the British Empire from the queen, and in 2004, she accepted the Morris Skinner Award from the US-based Society of Vertebrate Paleantology for outstanding and sustained contributions to scientific knowledge.

Values Summary

(Re-created here)

Overarching Value	Sub-value	Description	Outstanding Yes/No	Comments
Cultural	TBC	TBC	TBC	TBC
Recreational	TBC	TBC	TBC	TBC
Ecological	TBC	TBC	TBC	TBC
Landscape	TBC	TBC	TBC	TBC
Natural Character	TBC	TBC	TBC	TBC

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Attachment 1

Mangahouanga Stream – Cultural Values Report

Table 1: List of documents reviewed

Year Name	Author
1992 Wai 119: The Mohaka River Report Waitangi Tribunal	Waitangi Tribunal
1997 Fisheries Resource Inventory: The Mohaka River Matt Hickey, Fish and Game NZ	Matt Hickey, Fish & Game
1997 Cultural Health Assessment of the Mohaka, Waikari and Waihua Ngāti Pāhauwera Development and Tiaki Trust Rivers	Ngati Pahauwera Development and Tiaki Trust
2004 Wai 201: The Mohaka ki Ahuriri Report Waitangi Tribunal	Waitangi Tribunal
2010 Ngāti Pāhauwera Deed of Settlement documents	Ngati Pahauwera and the Crown
2010 Background to Settlement Aspirations and Expectations	Ngati Hineuru
2015 Ngāti Hineuru Deed of Settlement documents	Ngati Hineuru and the Crown
2016 Ahuriri Hapū Deed of Settlement documents	Ahuriri hapu and the Crown
2016 Statutory Acknowledgement Document	Hawke's Bay Regional Council
2017 Ngāti Tūwharetoa Deed of Settlement documents	Ngāti Tūwharetoa and the Crown
2018 Cultural Values Table	Hawke's Bay Regional Council

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1. Overview *[17]

Purpose

The purpose of this report is to assist the RPC members to determine whether any of the cultural values associated with the Mangahouanga Stream are outstanding for the purposes of the National Policy Statement for Freshwater Management (NPSFM).

The report summarises the values into a series of categories. It is recognised that isolating the values into categories can be problematic from a Māori worldview and many of the values are part of a narrative that doesn't fit neatly into categories. However, the intention is not to take a reductionist or isolated approach to cultural values but to try and gain an appreciation of their significance and the level of detail available to progress a plan change. In preparing the reports, it became obvious that all waterways are part of a wider cultural landscape that weaves people and the environment into a rich history of cultural and spiritual association.

Ultimately, the Regional Planning Committee will need to decide what the appropriate threshold is for outstanding cultural values. Any objectives, policies or rules that are proposed to support outstanding waterbodies will be subject to scrutiny and potential challenges by those who may be affected by a plan change.

Importance

The Mangahouanga Stream is located within an area with interests relating to Ngāti Kahungunu, Ngāti Tūwharetoa, Ngai Tūhoe and Ngāti Pāhauwera.

While no direct customary linkages have been established back to the Mangahouanga Stream by name in the documents reviewed in Table 1, it is recognised that all fresh water bodies have special cultural, spiritual, historical and traditional associations with freshwater. The relationship between Tāngata whenua and freshwater is founded in whakapapa, which is the foundation for an inalienable relationship between Māori and freshwater that is recorded, celebrated and perpetuated across generations. Freshwater is recognised by Māori as a taonga of paramount importance, and as such, all waterbodies have important spiritual, physical and customary value.

In 2016, Government funding was awarded to Tūhoe and two scientists, palaeontologist James Crampton and GNS scientists John Begg, to carry on the search for fossil remains in streams that flow through Te Urewera.

Tūhoe are keen to better understand the pre-history of their homeland, Te Uru Taumatua trust said. "The possibility of dinosaur fossils in Te Urewera is of great interest to Tūhoe."

2. Archaeology

There are no recorded archaeological sites in close proximity to the Mangahouanga Stream.

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[17] * The HBRC and authors of this report are aware there are numerous areas, including waterbodies, where two or more iwi groups have agreed, shared interests and/or contested overlapping claims within the Hawke's Bay region. The information presented in this report is not intended to imply any exclusive rights over particular waterbodies for one or more iwi groups, nor does it confirm the validity of the claims of any group(s) over that waterbody. The information is solely for the purpose of recording important cultural and spiritual values identified by iwi groups in the region as sourced from existing published documents.

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3. Statutory Acknowledgement Area of Interest

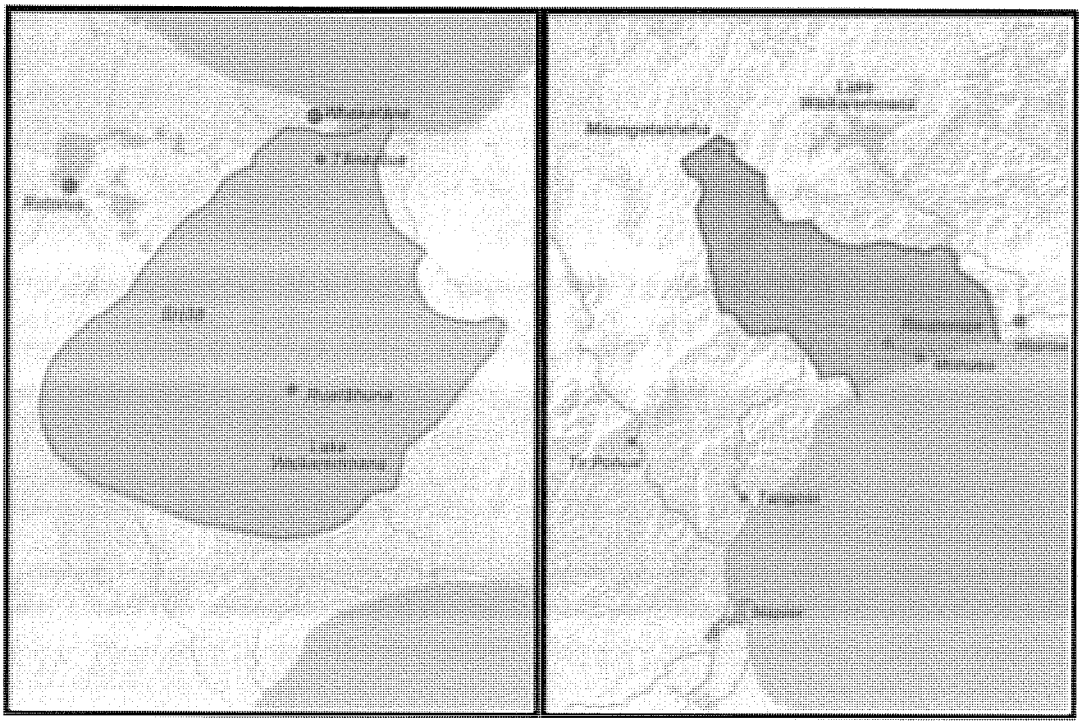

Figure 1: Tūhoe Area of Interest Figure *2: Ngāti Pāhauwera Area of Interest*

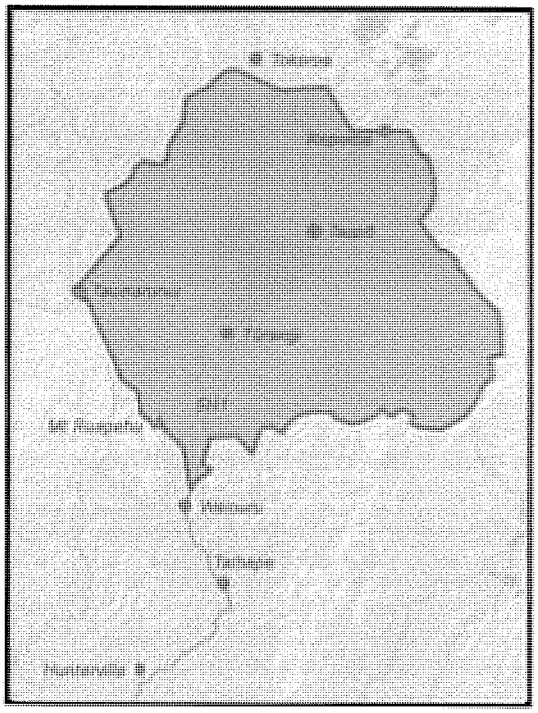

Figure 3: Ngāti Tūwharetoa Area of Interest

4. Resource Management Plans

There are no relevant provisions in resource management plans that are specific to the Mangahouanga Stream.

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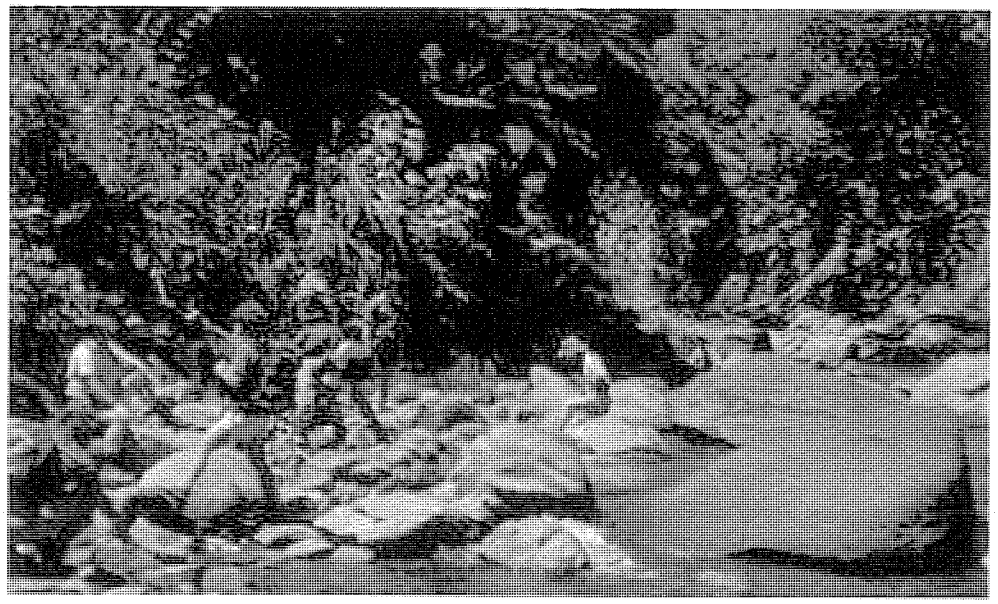
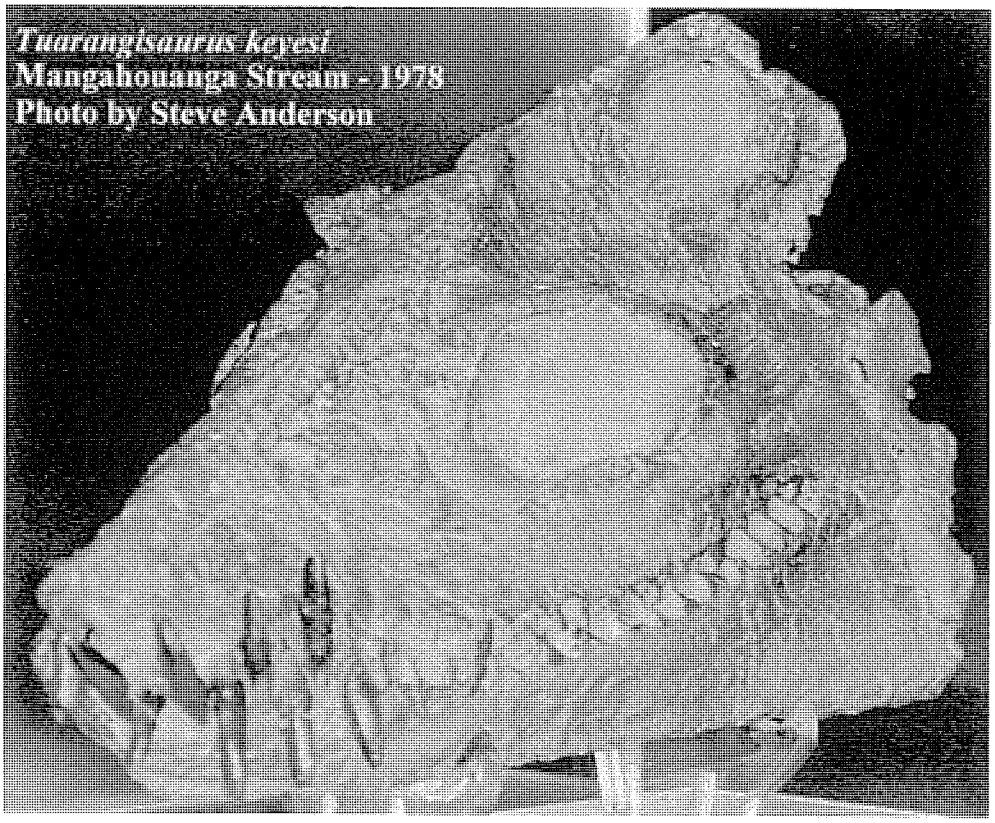
Attachment 2: Photographs– Mangahouanga Stream





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Appendix 3

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THE HUNT FOR NEW ZEALAND'S DINOSAURS

Once it was thought New Zealand had escaped the worldwide dominance of dinosaurs. Not any more. The discoveries of a group of amateur palaeontologists in Hawkes Bay have changed everything.

WRITTEN BY VAUGHAN YARWOOD (1993)

TWENTY YEARS AGO, such a scenario in New Zealand would have been unthinkable. Now, thanks largely to the work of amateur palaeontologist Joan Wiffen and a handful of helpers, dinosaurs have begun to reclaim even this island vestige of Gondwana.

To date, all the evidence has come from one place: the Mangahouanga stream bed, deep in the Urewera Ranges—a lush site that in the depths of winter looks uncannily as though lifted from the pages of Arthur Conan Doyle's *The Lost World.*

Wiffen, 71 this year, and recently recovered from a knock-out dose of influenza, leans against a tree to catch her breath. Every step of the steep winding track has been worn into memory over the years that she, her late husband Pont and friends backpacked out more than 100 tonnes of fossil-bearing rock

An aluminium ladder—one of the many scavenged pieces of equipment that help lubricate this shoestring enterprise—extends down the cliff face to the river bed. Hefting a rock-cutting saw, I follow Trevor Crabtree, a fellow enthusiast, down to what he calls "mosasaur beach."

We ford the icy stream with the aid of guide wires and rope, and soon the hills resound with the throaty snarl of the converted chainsaw as Trevor attacks a split boulder. These mossy concretions, each a grey pearl of calcareous sandstone surrounding a nucleus of organic matter such as wood or bone, litter the stream bed like geological gift-wrapping.

The technique of slabbing fossils for removal, perfected over many summers, involves cutting two rectangles around the exposed fossil—the inner one to prevent specimen damage—then springing the rock by rhythmic hammering along the outer blade cuts.

Hauled by car to rock-strewn back yards in Napier, 100 kilometres away over logging track and twisting highway, the bones are then liberated by further sawing, drilling and immersion in glacial acetic acid to eat away the encasing rock.

"Acid is a wonderful tool, but very expensive and destructive," says Wiffen.

The acid attack must be interrupted periodically while newly exposed bone is coated in protective resin. Delicate final work is often done with an air scribe, a miniature jackhammer which blows dust away with a jet of compressed air.

Crabtree shows me the partly-freed skull of a primitive schnapperlike fish, which looks to be hewn by a modern Michelangelo from its resistant slab. It has taken a week of 12-hour days to get this far, he says, but the effort has been well worth it. The reward is an impressive skull and jaws, a splendid specimen of a large Late Cretaceous fish.

To get an idea of the effort needed, imagine this: a neighbour gets hold of the chicken bones from your last dinner—bones that for some reason you badly want—and heaves them into your newly

poured concrete drive. It so happens that you can't get to the drive for a few months. Then, when you do, you find it broken into beachball-sized pieces and jumbled every which way. Still want those bones?

Joan's band of amateurs do. And their dogged perseverance has won them over recent years a gradually lengthening roll call of dinosaurs, beginning with the epoch-making 1975 discovery of what proved to be a tailbone from a four-metre-long, half-tonne carnivorous dinosaur. Then came astounding evidence of a nine-metre allosaur—effectively an economy version of *Tyrannosaurus rex,* though by human standards there was nothing economical about its formidable teeth and claws.

In 1988, an ankylosaur, a low-slung armoured beast the size of a Volkswagen Beetle, was identified, followed by a three- to four-metrelong, two-legged plant-eater: a hypsilophodont—the gazelle of the dinosaur world.

Comparison with modern animals is apt. Palaeontologists stress the usefulness of seeing dinosaurs as creatures of flesh and blood rather than of fevered nightmare. Alien though they may seem to us, dinosaurs went about their daily lives in ways that are strikingly similar to those of animals today.

The excitement caused by the more recent New Zealand dinosaur finds stemmed in part from the witness they give of a viable ancient ecosystem comprising both predators and prey. Prior to that, the country's sole carnivorous dinosaur was thought to have eked out its life scavenging among shellfish and seaweed on the shore—a most unlikely existence for such a creature.

The discovery in the Te Hoe valley of plant remains, two insects (a cockroach and a leaf-eating beetle) and a freshwater turtle gave further detail to the emerging picture of life in Cretaceous New Zealand. In 1986, Crabtree stumbled on an unusual bone while rummaging through the rock hoard in his yard. The delicate layered bone looked to be that of a bird. Painstaking cleaning and consultation with overseas authorities showed it to be something more astounding: the lower wing bone of a pterosaur, a flying reptile; one with a span of some four metres. Months later, Wiffen found additional proof that this pelican-like creature once flew in New Zealand skies when she uncovered part of the shoulder blade of a juvenile.

But be advised: pterosaurs are not dinosaurs. Neither are ichthyosaurs, those primitive reptiles resembling dolphins, nor elasmosaurs, the long-necked plesiosaurs associated by many with the Loch Ness monster. As a simple party conversation guide, if it flew, swam, had the splayed legs of a crocodile or did not live between 230 and 65 million years ago, it was not a dinosaur.

The discovery of dinosaurs in New Zealand was made more likely by the discovery of marine reptile fossils. As Joan Wiffen tells it, she was hunched with her family over a geological map one day in the early 1970s when they came across the words: "In the Te Hoe Valley the beds are partly brackish water, and contain reptilian remains . . . ." Though in small print among the gaudy pinks, mauves and yellows of the map, the gloss was for them a buzzing neon of enticement.

The note, it turned out, dated from an oil company survey in the 1950s which had not been followed up. The Wiffens found the spot, at the end of a little-used dirt road, and struck pay dirt: the stream bed rocks fairly bristled with fish scales, shark teeth, ancient squid-like creatures called belemnites and teeth from the first-known southern hemisphere sawfish.

The first fossil bones discovered by Joan and Pont were identified as plesiosaur vertebrae. Later, in 1978, a complete skull was exhumed. A New Zealand first, it is one of only a dozen complete elasmosaur skulls in the world.

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Plesiosaurs have proved to be the most numerous inhabitants of the valley graveyard, with the remains of very young offspring as well as large 10-metre adults being found. Bones, including complete skulls, from another marine reptile, the mosasaur, have also been found at Mangahouanga, though in smaller numbers. Mosasaurs, which plundered the world's oceans relentlessly for 35 million years, a mere fraction of the plesiosaur's 120-million-year spree, succumbed to the worldwide extinctions that ended the reign of the dinosaurs on land 65 million years ago—now thought to have been caused by climate change following a massive meteor strike.

The existence of such marine remains 80 kilometres inland and at an altitude of 1000 metres is readily explained. The Mangahouanga reptiles lived in what palaeontologists and geologists call the Cretaceous Period, which, along with the Triassic and the Jurassic, make up the Mesozoic Era: the age of the dinosaurs.

At that time, the site lay on the coast of a very different New Zealand. A nearby river, loaded with silt and debris from the surrounding hills, fed into a protected estuary or lagoon, enriching the coastal waters. It must have been a salubrious location with plentiful food, because the plesiosaurs and mosasaurs bred there for an almost incomprehensible span of time. As these reptiles died, their bones sank into the mud of the lagoon to become entombed in coastal sediment.

Dinosaur remains were also borne by the river into the shallow waters of the bay, as sheep carcasses from Hawkes Bay farms sometimes are today. It is likely that the bodies would have been badly mauled and dismembered by scavengers both on land and in the water, defeating hope of ever assembling complete skeletons from the valley.

In this, the site differs from the world's prime Cretaceous fossil grounds, many of which were once great inland seas—Mongolia's Gobi Desert, for example, and Australia's outback, the prairies of Montana and Wyoming and the badlands of Alberta. They were like vast dinner plates, gradually accumulating the debris of the ages.

By comparison, inland Hawkes Bay has a tortured geological history, having been raised and lowered, tilted, folded and torn over the past 80 million years to form today's rugged terrain.

Today, the fossil-bearing rocks have been brought once more to the surface, where an ongoing process of natural violence, from earthquake and tropical storm to flash flood and erosion, reveals and often reclaims them.

In 1985, as a result of what one local geographer called the biggest regional upheaval in 20,000 years, the Mangahouanga rose nine metres, and kilometre-long tracts of forest were cleaved from its banks. Wiffen and her team lost promising fossils which were awaiting recovery, and for months access was closed while culverts were repaired.

But the landslips also brought fresh material to the stream bed. Indeed, the renewal process occurs every time a flood rips rocks from the geological anticline and scatters them among the river's deep pools. There, 30-degree summer sunshine and stubborn winter frosts often crack the concretions to reveal strange new forms of life from the underworld.

It was in just such circumstances, after cyclone Bola in 1988, that one of the most spectacular finds, a New Zealand ankylosaur, was made. Ankylosaurs, "stiff lizards," were the military tanks of the dinosaur world. With broad, blunt heads and short legs, they relied on bony armour set into leathery skin for defence. They compensated for weak teeth and stubby claws with powerful tails often ending in clubs, a blow from which would have been crippling.

Garages in the suburbs and a pair of huts at the Te Hoe roadhead are piled high with enigmatic fossils awaiting classification. Any one of them could provide clues to equally impressive animals. The huts themselves are outposts of civilisation 14 kilometres from the nearest telephone and reticulated power, and perhaps 45 kilometres from the nearest sealed public road. A sign on one reads "Hawkes Bay Palaeontology Group." A few metres away stands what is possibly the country's most remote flushing toilet.

Crabtree confesses to sometimes making the gruelling journey from Napier just to savour the tranquillity. And, to ponder better ways of parting stone from bone in the valley below.
In the early 1970s, explosives were used to break up large, unwieldy boulders, but potential damage to vulnerable fossils, and the advent of rock saws, prompted a change.

Even tungsten-tipped electric drills, acid baths and air scribes blunt enthusiasm in time, however. Now Crabtree is toying with the idea of using sonic vibrations. The technique is used in hospitals to break down gallstones, he says. And being made of calcite, gallstones are not unlike the calcareous concretions that litter the stream. He has his eyes on a Scandinavian device which could, with modification, bring a new refinement to palaeontology—an otherwise low-tech discipline. As one wag noted, the most revolutionary advance in fossil hunting of recent years has been the advent of the self-sealing plastic bag.

It may come as a surprise to those raised on images such as that of the towering *Diplodocus* in London's Museum of Natural History—to those of us "haunted with the heads colossal in death," as British poet Peter Redgrove has it—that New Zealand's dinosaur catalogue is being assembled from scraps: a broken toe bone or pelvic fragment here, a wingbone the size of a teaspoon there. Yet that is all we antipodeans are likely to get. No complete skeletons and, unfortunately, little likelihood of identifying the genus, or in some cases even the family.

In this, however, New Zealanders are less alone than they might imagine. Few articulated museum showpieces anywhere have been retrieved whole, most being composites of several animals. Despite its resonant place in the popular imagination, for example, only four complete skulls of *Tyrannosaurus rex* have been unearthed.

For many newly discovered species, the anatomy is pieced together only after much trial and error. A reconstruction in 1853 of the first dinosaur found, *Iguanodon,* pictured something like a mythical griffin, minus the wings. It was fitted out with a curious blunt nose horn, now known to be one of its thumb spikes. A 1940 *Iguanodon* model located the thumb spikes correctly, but had the beast take what is today thought to be an uncharacteristically kangaroo-like posture.

Even the printed guide to New Zealand's first exhibition of dinosaurs, held at the Auckland Museum in 1987, misrepresented the long-dead. Its cover carried a photograph of a distinctively crested hadrosaur from China called *Tsintaosaurus.* The unicorn-like appendage was thought to be unique among dinosaurs until palaeontologists realised the horn consisted of a nasal bone that in life lay flat along the snout.

Staff experienced the difficulties of postulating probable forms when Canterbury Museum purchased the country's only complete dinosaur skeleton, a four-metre-high replica of an *Allosaurus* found in Utah. On opening the consignment's two wooden crates, curator Margaret Bradshaw found a bewildering collection of bones with neither labels nor plans for assembly. Finally, she resorted to the technique used by palaeontologists the world over: clear a space on the floor, lay out the bones, then connect the leg bone to the thigh bone . . . .

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Of course, the entire enterprise would be impossible without the ability to draw on comparative material held overseas. From the beginning, Wiffen and her co-workers have relied on palaeontologists in Australia and elsewhere. Even so, some fossil fragments have only a frustratingly fugitive identity. The New Zealand pterosaur, for example, is not known at family, genus or species level. That is akin to being able to identify a domestic cat only as a member of the order Carnivora.

Added to the frustrations of dealing with mere slivers of bone are the delays in the identification process itself. For the best results, casts must be made of the fragile and irreplaceable bones for mailing to overseas experts. Casting is itself a difficult art to master, as even a brief glance around Wiffen's workbench and reject box testifies. Then there is the inevitable nailbiting before a verdict is reached.

To help identify the hypsilophodont, Wiffen tried to get the toe bone cast of an Argentinian specimen. The process took 18 months, and when the cast arrived she found there were few similarities. A problem facing researchers worldwide, she says, is the difficulty of matching the same type of dinosaur from the same period.

Nevertheless, the astonishing speed with which dinosaur knowledge is accumulating worldwide encourages Wiffen to believe many gaps in the jigsaw of the Late Cretaceous will one day be filled. More than half of the 350 known dinosaur types have been discovered within the past decade, with a new one being described on average every seven weeks. These include the discovery, in the foothills of the Andes, of *Euraptor,* the oldest dinosaur ever found, and believed to have lived 225 million years ago.

Wiffen hopes more bones from New Zealand's ankylosaur, of which little is known, will one day be discovered, enabling a link to be made with other Southern Hemisphere ankylosaurs. It is possible. Palaeontologists estimate that less than one per cent of the dinosaur species that walked the earth have so far been identified. Yet the picture of life on what was once the great supercontinent of Gondwana has already resolved surprisingly in recent years. Ankylosaur fossils have been retrieved from Late Cretaceous sediments on James Ross Island in Antarctica, and a small plant-eater similar to *Hypsilophodon* has been found in the region. Indeed, Antarctica and New Zealand are among the last places on earth to yield dinosaurs.

Wiffen takes the ankylosaur finds in Antarctica, Australia and New Zealand as evidence for a southern land route by which the armoured dinosaurs, and the meat-eaters which preyed on them, spread across Gondwana before the component landmasses separated 80 million years ago.

When dinosaurs were discovered in New Zealand, they were assumed to have arrived from Australia because, it was argued, the path by which the southern beech forests had spread (via Antarctica) would have been too cold for the lumbering cold-blooded leviathans.

A more respectful view of dinosaurs, taking account of the discovery of vast trackways which prove that migration took them to cold climates, suggests many species may have been warm-blooded and able to endure the southern route.

For much of the Mesozoic, Queensland Museum's Ralph Molnar pictures a polar environment throughout what is now Australasia, supporting specialised dinosaurs able to endure the bleak, five-month Antarctic night. He puts Hawkes Bay on a list of polar sites that include Alaska, Spitzbergen and Victoria's Dinosaur Cove.

The presence of dinosaurs for 15 million years in post-separation New Zealand, prior to the great extinction 65 million years ago, prompts tantalising questions. Did these animals remain in a state of "suspended evolution" in the isolated haven in which they found themselves? Or did they evolve in unique ways, as did much of the country's later bird life?

And speaking of bird life, says Wiffen, where did the moa fit in? Did their evolution from protobirds—relatives of the great carnosaurs—happen in Gondwana? Or did it occur elsewhere, and the moa, along with other ratites, move into Gondwana later?

"From the end of the Cretaceous to recent times is one big hole in our knowledge. Although there are a few bird fossils as old as the Paleocene—penguins, especially—the first mammals, whales, make their appearance in the record 20-30 million years ago. There are no moa records beyond two million years ago."

*

IT IS DIFFICULT FOR us, living in a world where mammals rule the global roost, to imagine what the age of dinosaurs was like. Yet, as University of Auckland associate professor of geology Jack Grant-Mackie comments: "For close to 200 million years there was nothing on land bigger than a turkey that was not a dinosaur."

Slowly, outdated notions of dinosaurs as tail-dragging, walnut-brained heavyweights are being replaced by a picture of a diverse and highly adaptable group of animals. Recent research indicates that some dinosaurs were warm-blooded while others, such as *Tyrannosaurus,* may have had different metabolisms at different stages of their life cycle. It has been suggested that one tree-browsing giant, *Barosaurus,* may have had as many as eight separate hearts to get blood to its head—a lofty 12 metres above the ground.

Contrary to popular belief, many dinosaurs nurtured their offspring and protected them in the manner of today's herding animals. Nests made by hypsilophodonts have been found in Montana, for example, suggesting they bred in vast rookeries as do today's seabirds, and that the young remained in the area after hatching.

And, if palaeontologists like American Jack Homer are to be believed, life in the Mesozoic was far from being a theatre of blood. The fearsome horns of many herbivores like *Triceratops,* he argues, were used mainly for establishing dominance within herds and for attracting a mate, rather than for fighting pitched battles. And—heresy*Tyrannosaurus rex* was primarily a scavenger. When it did take on live prey, it picked sick stragglers rather than healthy adults.

Furthermore, dinosaurs were just getting into their stride when disaster overtook them Admittedly, some lines, such as the towering five-storey-high *Brachiosaurus,* had been replaced early on, but throughout the Cretaceous there lived an enormous number of dinosaurs, from extravagantly crested pachycephalosaurs to lethal pack-hunting velociraptors. Elegant creatures, they were equipped with brain-tobody ratios greater than present-day reptiles, and had sophisticated physiologies and behaviours.

Grant-Mackie believes it is only a matter of time before new dinosaur grounds are discovered in New Zealand. And, because New Zealand has few suitable deposits of land origin, those finds will probably be made in marine sediments.

Besides, the country's largest land deposits are coal-bearing sequences which, due to their acidic nature, seldom preserve bones. On the other hand, New Zealand has Mesozoic marine rock totalling perhaps 25 kilometres in thickness which may conceal entirely new species, he says.

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The country is certainly not without ancient sites. We already have our own Jurassic Park in Southland's Curio Bay—a fossilised forest 170 million years old. No dinosaur remains have yet been found there, though it is probable they trod its wooded corridors back in the time when it was still part of Gondwana.

Other possible sites include North Canterbury's Waipara Gorge, a location that has yielded marine reptiles, shellfish and wood and leaf fossils.

"The prime reason dinosaurs were found in Te Hoe is that people invested time in the search," says Grant-Mackie. "The ones who find them are the ones who turn over the most rocks."

Despite his interest as a palaeontologist in New Zealand's dinosaur past, Grant-Mackie admits that the field is likely to be left to amateurs for the foreseeable future. It is, he says, a criticism of the funding of science in New Zealand that neither past so long in its unfolding that constellations had changed shape in the heavens and the earth's continents had drawn together and parted in a stately square-dance of plate tectonics. A past ample enough for nature to throw any old possibility together and see what happened—gigantism, baroque armour, the gift of flight.

Through the work of the early scientists and popularisers, dinosaurs got a grip on the human imagination that they have never relinquished.

In 1914, for example, the cartoon *Gertie the Dinosaur* was filmed. Then came other monster pictures, with increasingly realistic animal protagonists, culminating in Steven Spielberg's big-budget thriller *Jurassic Park.* Based on a bestselling novel, it is set to become the biggest-grossing production in cinema history.

The success of *Jurassic Park* could have been predicted in Owen's day. After all, his 30-tonne ferro-cement dinosaur replicas were set on an artificial island in Exhibition Park as one of the commercial operation's main attractions. The circumstance, dinosaurs as theme park draw-cards, is not unlike that of Spielberg's film.

The paying public, it seems, is hungry for whatever it can get in the way of "Godzillas with fangs." Now the offerings have broadened to include everything from dinosaur T-shirts and lunchboxes to bubblegum, postage stamps and slippers that roar like T-rex when you walk.

Inevitably, in this era of the microchip, a CD-ROM computer disc is available with dinosaur articles, photographs, sound effects and a blood-curdling video sequence called "The Hunt."

There are also any number of robotic dinosaur displays, roaring at children and winking menacingly at adults in big cities the world over.

Oddly, and in an echo of Owen's 1853 publicity feast, the biggest maker of robotic dinosaurs started down that road after lending a *Triceratops* as a backdrop to a patron's banquet at the Los Angeles County Museum of Natural History. Lending "live" dinosaurs to museums proved a hit for the company, with attendance for client institutions jumping by up to 15 times the rate for normal exhibits.

Even dinosaur droppings are likely to excite public attention these days, with a collection of 23 lumps of fossilised excrement selling at auction in London university nor government scientists are able to undertake such activities. The lack of a direct commercial spin-off is a major factor. It has been

estimated that for salaried scientists to shoulder the work of Wiffen's group would cost up to $1 million a year.

The problem is not confined to this country. Surprisingly, a mere 50 or so professionals worldwide are hunting dinosaurs full-time—fewer people than worked on *Jurassic Park*, the film based on their findings. And the palaeontologists' combined annual budget, at less than $2 million, is minute by comparison.

The New Zealand amateurs plugging away with their worn air scribes are even less well resourced. The Mangahouanga group is almost entirely self-funded. Grants totalling around $600 over 20 years, along with the occasional small donation, have been put towards the purchase of hard-to-get reference books and equipment for everyday toil at the fossil face. Travel to scientific meetings—essential for keeping up with the latest palaeontological thought—"is determined by the state of my piggy bank," says Wiffen ruefully.

All the important finds have been deposited with the Institute of Geological and Nuclear Sciences, Lower Hutt, for permanent curation in a national fossil collection. But recognition of the discoveries has been slow. Wiffen's first dinosaur find was officially announced by Ralph Molnar at the fifth Gondwana Symposium in Wellington, in 1980.

"The reaction was a thunderous silence and a general lack of interest or understanding of the geological significance of dinosaurs in New Zealand," Wiffen recalled in her 1991 book *Valley of the Dragons.*

Now, as an increasing number of exhibitions including animated reconstructions tour the country, and as more people are exposed to film and television entertainment based, however inaccurately, on dinosaur life, interest is being aroused in the indigenous species.

The Auckland Museum, for example, is planning an exhibition called *Volcanoes and Giants* for the middle of 1994 to tell "the big stories," in the words of curator of vertebrates Brian Gill. With information on New Zealand dinosaurs, moa and Late Cretaceous marine reptiles, it will eventually be housed as a permanent display.

But the classified orthodoxy of museum galleries reveals little about the serendipity needed to haul evidence from the unyielding rock. Mangahouanga, the country's only known dinosaur burial site, does not give up its treasure readily. Twenty years of hard labour have resulted in fewer than a dozen identified dinosaur fossils.

The rugged Hawkes Bay hill country, once a hideout of the Maori warrior and prophet Te Kooti, and now the preserve of hardy hunters and trampers, has flung an almost impenetrable cloak around its past. Yet, perhaps intimations of that past have been leaking from the rocks for longer than we acknowledge.

Within bellowing distance of the dinosaur valley is a place called Maungataniwha—"mountain of the dragons." The area round about, for all its remoteness, has a history of Maori settlement. Visible from the palaeontologists' huts are the forested hills where once Maori had their gardens and pigeon troughs.

Could the early peoples of Aotearoa have seen the fossils and recognised them for what they were—evidence of awesome otherworldly creatures? The importance of dragons in Chinese culture, after all,

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has been influenced by that country's dinosaur fossils, some of which are even now used in "dragon" potions.

In Maori mythology, taniwha were creatures with astounding powers, able to travel through earth and water. Come to think of it, that is just what Wiffen's stonelike menagerie has done, lying down in soft coastal mud, only to rise again amid the violence of electrical storm and flash flood.

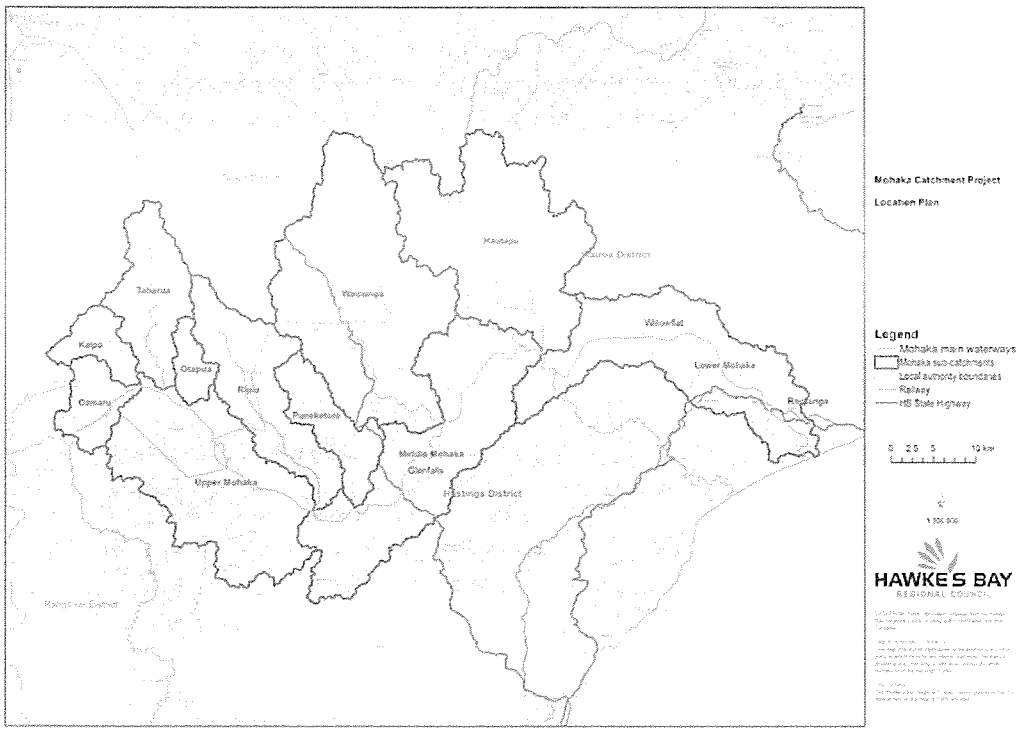
Crabtree, a possum hunter and deerstalker from way back, covered a lot of territory in his gun-carrying days. He and other members of the Hawkes Bay group have humped out vertebrate fossils from sites that read like palaeontological battle honours: Waiau River, Camp, Looney and Half-hour Creeks, Te Hoe valley.

"Over the years, we've extended the fossil area from four kilometres of stream bed to 20 kilometres square," he says as we stop on our journey out of Mangahouanga to survey the sharply folded land.

"We have also had reports from goat cullers and deerstalkers about fossils seen in the rugged outback gullies. One bloke grabbed a rock and cut his hand open on a row of teeth," says Crabtree cryptically. He nods at the distant rain-shrouded hills. "The teeth are still out there, somewhere."

As evening begins to fall, we head for the sealed road with its active ribbon of lights. Behind us, in the brooding hills, unnumbered taniwha sleep on. One day, their time will come.

Appendix 4 Mohaka Catchment Project Map



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Appendix 5
Beverley Hughes Credentials 2020

Beverley Nawarihi Hughes
Contacts
Email: beverleyhughes8@gmail.com
Cell: 0274 711 806
Home: 07 31 24 052
Address: 34 Te Taiawatea Drive, Ōhope 3121, Whakatāne

Qualifications

2001	Bachelor of Social Science, First Class, Resource & Environmental Planning, University of Waikato
1995	Certificate in Maori Authorities, conferred by Judge Heta Hingston, Maori Land Court of NZ
1988	Diploma in Teaching, Hamilton Teaching College

Work Record

June 2019 current	Independent contractor, semi-retired
2018 – June 2019	Policy Advisor, Tūhoe Te Uru Taumatua, Te Urewera Board
2017 – 2018	Manager Policy & Strategy – Environmental, Social & Economic, Ngati Awa
2015 – 2016	Maori Policy Team Leader - Senior Water Policy Planner at Bay of Plenty Regional Council (BOPRC)
2014 – 2015	Senior Resource Planner, Regional Integrated Planning BOPRC
2013 - 2014	Beverley Hughes Consulting, Council & Iwi Advice, Eastern Bay of Plenty
2012 - 2013	Senior Advisor Maori Policy, Ministry for Culture & Heritage, Wellington
2005 – 2012	Manager, Environment Ngāti Awa, Te Runanga o Ngāti Awa, Whakatāne
1999 – 2005	Resource & Strategic Planner, Environment Bay of Plenty, Whakatāne
1995 – 1999	Manager, Ngāti Awa Research & Archives, Te Runanga o Ngāti Awa, Whakatāne
1990 – 1995	REAP Early Childhood and Adult Education at Taneatua, Ruatoki, Waimana and Matahi
1985 - 1990	Hamilton Teachers Training College, Teacher Apanui Primary School
1980 – 1985	Department of Maori Affairs, Whakatāne – accounts, cashier, Maori land & community service enquiries, administration, housing officer
1979 – 1980	Department of Maori Affairs, Auckland – Community Services Cadet

Trusteeships

2000 – 2013	Putauaki Trust	Beef, dairy, forestry, light industry
1986 – 2013	Ihukatia Trust	Residential Subdivision, Dairy Farm
2008 – 2013	Ngakauroa Trust	Dairy
1993 – 2004	Paemahoe – Taumataohine Waimana)	Secretary (Reserve in Te Urewera,

Volunteer

1998 - 2002	Waimana/Matahi/Waiotahe schools representative to Tūhoe Education Authority
1995 - 1999	Secretary, Te Komiti Taiao o Ngāti Awa
2000 - 2013	Rangitaiki Hapu Coalition
2011 - 2012	Toi Economic Development Agency, representing iwi of Mataatua Assembly
2019	Trustee, Te Waimana Kaaku Trust

Work Accomplishments

- Ihukatia Residential Development, Ohope (Trustee 27 years – 10 years Chair)
- Kawerau Symbiosis Project (Ngati Awa representative in capacity as Manager Taiao for Te Runanga o Ngati Awa)
- Putauaki Light Industrial Zone Plan Change (As a Putauaki Trustee responsible for Zone Plan Change Project Manager for Putauaki)
- Maori Land Administration (Service provider in the eastern Bay since 1984)
- Ohiwa Harbour Management Strategy and Action Plan (Project Manager and Commissioner)
- Operative Maori Heritage Criteria and Policy in the Bay of Plenty Regional Policy Statement (Planner, writer and implementor at BOP Regional Council)
- For Ngati Awa, assessor of major consents and evidence (since 1995)
- Environment Ngati Awa (established and managed unit, developed processes and tools) including Ngāti Awa GIS (Geographic Information System), Iwi Management Plan, Kōiwi and Taonga Tūturu Discovery Protocol, inter-hapu and pan-tribal communications
- Matata Lagoon Recovery Pan Tribal Cultural Impacts Assessment (Project Manager and writer)
- Mataatua Declaration on Water (Project Manager and writer)
- Kōpeopeo Bioremediation Trials Project, 'Te Ohu Mo Papatuanuku' proven natural remedies for pcp-dioxon contaminated sediments (Project Manager and writer)
- Adult Education Courses (Provider of courses in Resource Management Act Processes, Kaitiakitanga, Geographic Information Systems, Koiwi & Artefact Discovery, River Management, Water Quality & Quantity, Policy Development – Whakatane, Positive Parenting - Taneatua, Maori Land Administration - Te Teko, Early Childhood Education – Taneatua, Ruatoki, Waimana, Ohope)
- Policy development and review (at Tūhoe TUT in Human Resources team collaboratively reviewed existing Health & Safety, Recruitment, Code of Conduct, Leave, Capability & Development, Use of Vehicles, Collections Policy)

Nga mihi nui:

Beverley Hughes – Consultant and writer of Submission
Te Rangihau Gilbert – Manager Culture and Environment, Hineuru.
Robyn Rauna – CE, Hineuru Iwi Trust

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Report on Cultural and Spiritual Values associated with Hautapu, Ripia, Te Hoe Rivers and Tarawera Hot Springs and Mangahouanga Stream

Prepared for Hineuru Iwi Trust
5 February 2020

By Beverley Nawarihi Hughes
BSocSc (Resource & Enviornmental Planning) 1st Class

Waipunga Waterfall courtesy of wallpaper13.com

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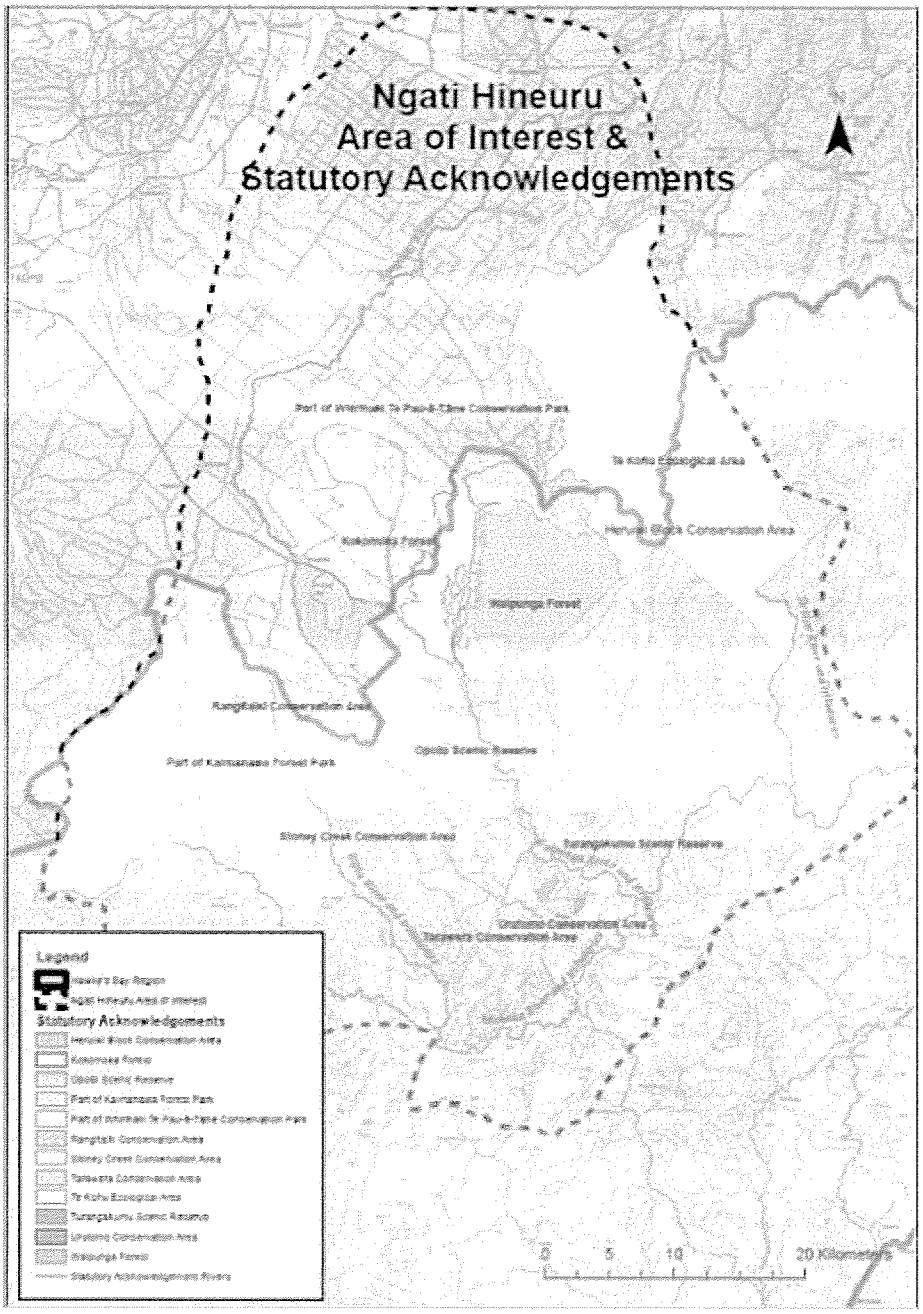

Ko Titiokura te Maunga
Ko Mōhaka te Awa
Ko te Rongopai me Piriwiritua ngā Whare Ko Te Haroto te Marae
Ko Hineuru te Iwi
Ko Te Rangihiroa te Tangata
Ko Mataatua te waka [1]

[1] Pepeha o Ngati Hineuru from the Hineuru Claims Settlement Act 2016 and the Ngati Hineuru Deed of Settlement (page 11)

SG

Introduction

This report is commissioned by Hineuru Iwi Trust in support of the Trusts submissions to the Hawke's Bay Regional Council's Outstanding Water Bodies Plan Change 7.

It provides evidence and information about the cultural and spiritual values Ngati Hineuru associate with the following waterbodies:

1. Hautapu River
2. Ripia River
3. Tarawera Hot Springs
4. Mangahouanga Stream
5. Te Hoe River

These water bodies lie within the Mohaka River catchment[2].

Information

Information from the following core documents contributed to the identification of cultural and spiritual values Ngati Hineuru associates with water bodies:

- Hineuru Claims Settlement Act 2016
- The Deeds of Settlement, Statutory Acknowledgements, Schedules and Protocols between the Crown and Ngati Hineuru 2016
- Statutory Acknowledgements Prepared by the Hawkes Bay Regional Council last updated 1 May 2019
- Mangahouanga Stream (Dinosaur Stream) Report (Appendix 2)
- https://www.nzgeo.com/stories/the-hunt-for-new-zealands-dinosaurs/
  Extracts from 'The Hunt for NZ Dinosaurs NZ Geographic', written by Vaughan Yarwood, 1993 (Appendix 3)

Appendix 1 identifies further information that was not assessed in development of this report but contributed evidence that culminated in statements of association recorded in the core documents identified above.

Plan Change 7 and the Mohaka Catchment Project Map (Appendix 4) contribute the context in which this report is prepared.

Methodology

Ngati Hineuru provided references to information source documents (Appendix 1) including legislation, deeds of settlement and protocols developed by Ngati Hineuru and the Crown resulting in the identification of the Ngati Hineuru Area of Interest, Ngati Hineuru status as an iwi authority and a post settlement governance entity and statutory acknowledgements that provide brief descriptions of Ngati Hineuru relationships, cultural values and traditions with Haupatu, Ripia and Te Hoe Rivers and Mangahouanga Stream and Tarawera Hot Springs and groundwater resources in the Mohaka catchment.

[2] Plan Change 7 identifies that these water bodies lie within the Mohaka catchment or are tributaries in the Mohaka River.

Cultural and Spiritual Values

This report covers proposed cultural and spiritual sub-values in Plan Change 7 and includes additional values identified by the following Ngati Hineuru representatives at a meeting in Napier on 27 January 2020:

Mr Renata Bush	Chairman, Kaumatua, Hineuru Iwi Trust
Mr Karauna Brown	Deputy Chairman, Kaumatua, Hineuru Iwi Trust
Mrs Ivy Kahukiwa-Smith	Kaitiaki, Rangitaiki River Forum Rep, Hineuru Iwi Trust
Mr Te Rangihau Gilbert	Pou Kaitiaki, Hineuru Iwi Trust

Plan Change 7 Key Values	Desciption
Waahi tapu, waahi taonga	Sites of importance, including of historical events. This also includes where cetain elements or taonga are, such as site of burial, sacriifice and placement of stones
Wai tapu	Sacred water, such as sites for baptism, healing or for preparing the dead for burial; of sites where water is taken for such purposes
Rohe boundary	Water bodies marking territory boundaries
Battle site	Including sites where those killed from elsewhere are placed
Pa, kainga	Kainga/ small family groups, including seasonable settlements and ahi kaa (caretakers)
Tauranga waka	Waka access and anchor sites
Mahinga kai	Food, food catching devices, in situ food holding systems
Acknowledged korero tuturu, pepeha, whakatauaki, including water and rocks	Acknowledging gifts left by Io, the supreme creator of natural and physical resources including water, rocks, mahinga kai sites, fish, birds, trees, and plants etc

Additional Values identified by Hineuru Iwi Trust

Ngati Hineuru Key Values	Description	Explanation
Mauri	The mauri (life force and life supporting capacity) and mana of the waterbody and catchment	Mauri is essential to all things. It is life force, energy and life-supporting capacity. Mauri binds, animates and connects all things indicating the health of each thing and of all nature in a space. Mauri is essential to water, including freshwater, its movement, flow, velocity, percolation and stillness. Tangata whenua assess mauri by observing nature and its component parts. Science contributes evidential data to the assessment of mauri.
Contemporary Esteem	The waterbody and catchment has special amenity or educational significance to Ngati Hineuru	Amenity covers those natural or physical qualities and characteristics of an area that contribute to Ngati Hineuru appreciation of the waterbody's and catchment's pleasantness, aesthetic coherence attributes. Educational values can include historic, matauranga or cultural attributes that inform Ngati Hineuru and its people.
Travel or Trade	The waterbody and catchment has been relied upon for travel or trade	While tauranga waka values recognise places at which waka landed and departed, the travel and trade value recognises river and overland travel and the transportation routes of Hineuru people with their possessions and tradeable items on the waterbody and through the landscape in catchments.

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Taniwha	Ngati Hineuru have identified taniwha[3] as residing in the water resource	Acknowledges references to taniwha and Ruataniwha[4] in the PC7 documents. It also references the Hineuru Statutory Acknowledgements in which the statement 'every river had its own taniwha, and identity and potential use and it was up to the individual or community to utilise it as appropriate to the particular circumstances' is recorded[5].
Whakawhanaungatanga	The water resource and its catchment are important and symbolic of Hineuru connectivity with whanaunga	Acknowledges that whanaunga connections in respect to waterbodies and the land in freshwater catchments is important to Ngati Hineuru.
Rangatiratanga	Ngati Hineuru exercise rangatiratanga (self-determination) in an area of interest in which the waterbody and its catchment is situated.	Continued recognition of Ngati Hineuru identity, traditions, kaitiakitanga and decision-making in respect to waterbodies and catchments within its area of interest, is important to Ngati Hineuru
Kaitiakitanga	Ngati Hineuru exercise kaitiakitanga over the water resource	Continued recognition of Ngati Hineuru kaitiakitanga and decision-making in respect to waterbodies and catchments within its area of interest, is important. This kaitiaki role is an all-encompassing one, providing for the protection of biodiversity, the use and sustainable management of natural and physical resources for present and future generations, and the restoration and enhancement of damaged eco-systems[6].

The Cultural and Spiritual Values Table identifies the relevant water body, key values associated with each and references and extracted narratives in support of the key values identified.

[3] Ngati Hineuru Documents Schedule 2 2 April 2015 Statements of Association Mohaka River and its tributaries within Hineuru area of interest (as shown on Deed Plan OTS-205-24) page 26 paragraph 3 'Every river has its own taniwha, and identity and potential use, and it was p to the individual or community to utilise it as appropriate to the particular circumstances.'

[4] Hawkes Bay Regional Council Outstanding Water Bodies Plan Change Plan Change 7

[5] Item 8.12 Page 68 Statutory Acknwoledgements prepared by the Hawkes Bay Regional Council last updated 1 May 2019

[6] Item 5.14 page 66, Statutory Acknwoledgements prepared by the Hawkes Bay Regional Council last updated 1 May 2019

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Cultural and Spiritual Values Table

Water Body	Key Values	Extract from Ngati Hineuru Statutory Acknowledgements[7] in evidence of Key Values
Hautapu River	Mauri Whakawhanaungatanga Travel and trade Rohe boundary Ngatapa Pa and kainga: • Mahinga kai • Waahi tapu (burial site) Kaitiakitanga Acknowledged in korero tuku iho: Tauparapara	15.1 The awa that are located within the Hineuru rohe have great spiritual importance, they are important in their own right, and in their connections to one another. Just as every element of the natural world has its own mauri, each awa in the Hineuru rohe has its own mauri and wairua which is unique to that awa. The wai that flows through the awa symbolises the link between the past and the present and acts as a force of connection: nga awa are the ribs of our tipuna, which flow from the Maunga carrying the lifeblood of Papatuanuku and the tears of Ranginui. The wai in nga awa therefore create a unifying connection for the iwi with the awa, the spiritual world, and the Maunga itself. Our awa are a significant taonga, they are life-giving and provide both physical and spiritual sustenance. 15.2. The tangible linkages between the awa provided the iwi with a system of nga ara, or pathways throughout the rohe, and allowing iwi access the inland. River travel was important to Hineuru for both economic and social reasons. 15.3. The Hautapu River flows into the Te Hoe River, which is located in the far eastern reaches of the Hineuru rohe. Both rivers act as a natural boundary to other iwi and hapu. The Te Hoe flows along the eastern boundary of Heruiwi 4, Pohokura 1 and Tatarakina. 15.4. The significance of Te Hoe stems from its importance as a traditional boundary marker, and a mahinga kai resource. Where it meets the Mohaka River, there is a concentration of sites of significance. 15.5. Located in this area was, Pahiakai; a site known as one of 'Te Kooti's lookouts'. According to traditional history Pahiakai was an important wahi tapu site. There were caves within the hill in which many dead were interred. 15.6. Ngatapa was an important Hineuru pa located on the junction of the Te Hoe and Hautapu Rivers. It was settled permanently by the descendants of Whakaekenga, the grandson of Hineuru and Kiripakeke. According to traditional sources, Ngatapa was also the site of cultivations and wahi tapu site where dead are buried. Kaumatua recall that, during the 1950s, there were still extensive cultivations. Potato, kumara, corn, maize, pumpkin, marrow, logan berries, gooseberries, strawberries, cabbages, leeks and turnips were all grown at Ngatapa. 15.7. Hineuru whakapapa defines our connection to this land, and our responsibility as kaitiaki; that is why the sites located along the Te Hoe river are important to Hineuru.

[7] Statutory Acknwoledgements prepared by the Hawkes Bay Regional Council last updated 1 May 2019

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		15.8. Urupa were located to the south at the confluence of the Te Hoe and Mohaka Rivers. This was significant to Hineuru, as a wahi tapu. Tauparapara Ka tū au ki tōku maunga, ki a Titiōkura te wāhi i kapo i ngā titi e rere ana i ngā au whakakake o Ngāi Tāwhiri E tū rangatira nei hei tuarā mō taku whare kōrero Ka eke ki te tihi, ki Ahu-o-te-Atua, a, ki a Tarapōnui, ka titiro rā ki ngā wāhi tapu o te whenua, ki ngā whanaunga tata o ngā hapū o Maungaharuru Ka heke ki te heru a Tureia, ka eke ki te awa o Mōhaka, Ka kauria te awa ki Te Hoe Ka rere taku titiro, ki te whenua e rite nei ki ngā kina o te moana, ki ngā maunga kōrero o Tatarakina, ki te whenua o Waitara Kia tū te ringa, kia whakapono ki te atua, mō te whenua kua riro, mō te kōti o te whenua Ka hoki i ngā wai karekare o Te Hoe, kia eke ki te ngutu awa o Hautapu He awa kōrero, he awa honohono ki ngā iwi whakarua, ka tau ki Te Pukahunui, Matakuhia, Mangapapa, ki Waipunga Ko Te Kohu, ko Whirinaki Hei whakawhirinaki ki Ngāi Tuhoe, Ngāti Manawa, Ngāti Whare Ka whakatere i te toto o te whenua ki ngā kainga maha o te rohe Ngā whare kōrero o Hineuru Haruru ai te wairere ki Waipunga Whakahokia mai rā ki runga o Rangitaiki Ka piki ake i ngā hau kerikeri Titiro whakararo ko Pohokura Hei kura mō te iwi Nō te Waipunga, ka tai rere ngā wai o Okoeke o Tunamaro kia eke ki Ripia, ki ngā awaawa o te uru E hono nei ki te Mōhaka E karanga mai nā e nga hapū o Tauhara He taura herenga tangata nō mua

		Te takapau o te ora e Ka nuku te whenua ki te tonga, ki Kaweka Ngā maunga whakahī mō te whare kōrero Ngā whakahekenga o Kahungunu O Mōkai Pātea Kia whakahokia ki ngā maunga karangaranga o Te Waka o Ngarangikataka Kei runga ko Pirinoa pā Kei raro te tohu mō te iwi Te Pari o Mateawha Ka eke ki runga i te hā o te roto, E tū mai ana hei Karauna mō te takiwā Te Haroto, kāinga tapu o ngā tīpuna Te whare o te Rongopai Whare oranga ko Piriwiritua Hononga tangata, hononga whenua Whakapono Ka tau te mauri ki te whenua Ka hora te marino ki te tangata Hineuru tū tangata whenua nei e!
Te Hoe River	Waahi tapu, waahi taonga Acknowledged in korero tuku iho: see Tauparapara Mahinga kai: • Maara kai (cultivations) • Fish, birds and vegetation food • Food processing • Drinking water • Springs for washing purposes Pa, kainga: • Ngatapa Pa and kainga • Rohe boundary Wai tapu: • Cleansing • Healing • Spiritual cleansing of tupapaku, ta moko Taniwha	As above, and; Mahinga kai 15.10. The Te Hoe River and tributaries were abundant with fish species resources, including tuna, trout and the freshwater koura. Hangi stones were also an important resource which were gathered and used to heat dwellings as well as to cook food. 15.11. The gathering and processing of tuna, trout and koura was a customary practice that strengthened cultural systems and whanaunga The river provided the people with drinking water, the importance of which should not be underestimated. It was a source of wairua, and the river was felt to have healing properties. For example, it was thought to aid with the healing of women after they had given birth. Rivers also provided spiritual cleansing, and the waters were used for the washing of tupapaku and were also an important part of the process of ta moko. Every river had its own taniwha, and identity and potential use, and it was up to the individual or community to utilise it as appropriate to the particular circumstances. Springs were used particular for more utilitarian washing purposes. 15.12. The ngahere that surrounded the river were very dense. The toitoi, matai, kouka, kahikatea, kohukohu, koromiko, and kotukutuku dominated the ngahere which were prolific with birdlife and berries, both of which were an important food source. The feathers from all birds were also collected and used for many purposes. Hineuru people would observe the feeding patterns of the birdlife and learn from them what plant was safe to consume. Animal and bird hinu was used to preserve kai. Kiore were hunted in the ngahere and were still relatively common in the mid-twentieth century. Kereru were very highly prized delicacies which were consumed with great ritual. They were served by the women and the men

	Mauri Contemporary esteem: • Matauranga • Tikanga • Kawa Travel or trade Kaitiakitanga Rangatiratanga Whakawhanaungatanga	would always eat first, kereru were never to be eaten with a knife. This was a ritual passed down through the generations. 15.13. The forests were not only an important source of kai, they were also the source of traditional rongoa. For example, the kouka, manuku, toitoi and kanuka were used for vapour baths and chest infections, horopito for treating skin disease, the ferns were used to treat fever and inflammation. For much of the year, the Hineuru rohe was an extremely cold place to reside; the ngahere provided toitoi fern for bedding; both the toitoi and the bark of the totara tree were used as insulation; and kanuka and manuka were burnt along with hangi stones to heat residences. 15.14. Matauranga associated with the collection of resources from nga awa and ngahere was central to the lives of Hineuru tipuna. Matauranga and associated tikanga and kawa and karakia are all essential for maintaining customary traditions associated with gathering and utilising resources. Our tūpuna had considerable knowledge of whakapapa, traditional tracks, places for gathering kai and other taonga, ways in which to use the resources of the river, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Hineuru today. 15.15. The iwi have cultural, spiritual, traditional and historic associations with the rivers and their environs, and associated land and flora and fauna. The iwi have a responsibility as kaitiaki to restore, protect and manage all those natural and historic resources and sites. This relationship is as important to Hineuru people today as it was to their tipuna. This kaitiaki role is an all-encompassing one, providing for the protection of biodiversity, the utilisation of resources, the maintenance of resources for present and future generations, and the restoration and enhancement of damaged ecosystems. The continued recognition of the iwi, our identity, traditions and status as kaitiaki is entwined with the rivers in our rohe and associated lands, and associated resources.
Ripia River	Mauri Travel and trade Boundary Acknowledged in korero tuku iho: see Tauparapara Kainga, Orangikapua Pa Waahi tapu Battles Mahinga kai: • Fish, birds (e.g. kereru, ducks, pakura) and vegetation food • Food processing • Drinking water • Springs for washing purposes	As above, and; 12. Ripia River and its tributaries (as shown on deed plan OTS-205-25) 12.1. The awa that are located within the Hineuru rohe have great spiritual importance, they are important in their own right, and in their connections to one another. Just as every element of the natural world has its own mauri, each awa in the Hineuru rohe has its own mauri and wairua which is unique to that awa. The wai that flows through the awa symbolises the link between the past and the present and acts as a force of connection: nga awa are the ribs of our tipuna, which flow from the Maunga carrying the lifeblood of Papatuanuku and the tears of Ranginui. The wai in nga awa therefore create a unifying connection for the iwi with the awa, the spiritual world, and the Maunga itself. Our awa are a significant taonga, they are life-giving and provide both physical and spiritual sustenance. 12.2. The tangible linkages between the awa provided the iwi with a system of nga ara, or pathways throughout the rohe, and allowing iwi access the inland. River travel was important to iwi for both economic and social reasons.

	Waahi taonga: • Flax and other textile and utilitarian resources • Drinking water Tunamaro tributary: • Longest and finest tuna • Kiwi habitat Wai tapu: • Cleansing • Healing • Spiritual cleansing of tupapaku, ta moko Contemporary esteem: • Matauranga Kaitiakitanga Whakawhanaungatanga Rangikapua Rock – he toka tipua – he waahi tapu	12.3. The Ripia River is of great significance to Hineuru. The river is a major tributary of the Mohaka River, and flows south-east from the Ahimanawa Range into the Mohaka River. It acts as a boundary between the Te Matai block and the Tarawera block, which are both of importance to Hineuru. 12.4. The Ripia River was utilised as a mahinga kai, rather than being a focal point of settlement. Orangikapua, however, was a kainga and wahi tapu, located on the Mohaka River very near to its junction with the Ripia River. According to traditional sources there were people killed here, and it was the site of a large cemetery. 12.5. Mahinga kai 12.6. The Ripia River and tributaries were abundant with fish species resources, including tuna, trout and the freshwater koura. Hangi stones were also an important resource which were gathered and used to heat dwellings as well as to cook food. 12.7. The gathering and processing of tuna, trout and koura was a customary practice that strengthened cultural systems and whanaunga. 12.8. The Tunamaro River, a tributary of the Ripia River was an important river for spiritual reasons. It was home to the longest and finest eels in the area, and the forests surrounding that river were also the habitat of many kiwi. 12.9. The resources alongside the river including harakeke and much birdlife were also a crucial element of iwi sustenance systems. Harekeke supplied material for rongoa, weaving, other construction such as clothing, mats, kits and ropes, and trading; toitoi supplied material for thatching and dried moss was used as bedding; they also provided a habitat for many forms of life. Pakura (pukeko) and native ducks were caught along the river and were not only an important food source but provided the iwi with feathers which were used for many purposes. 12.10. The river provided the people with drinking water, the importance of which should not be underestimated. It was a source of wairua, and the river was felt to have healing properties. For example, it was thought to aid with the healing of women after they had given birth. Rivers also provided spiritual cleansing, and the waters were used for the washing of tupapaku and were also an important part of the process of ta moko. Every river had its own taniwha, and identity and potential use, and it was up to the individual or community to utilise it as appropriate to the particular circumstances. Springs were used particular for more utilitarian washing purposes. 12.11. The ngahere that surrounded the river were very dense. The toitoi, matai, kouka, kahikatea, kohukohu, koromiko, and kotukutuku dominated the ngahere which were prolific with birdlife and berries, both of which were an important food source. The feathers from all birds were also collected and used for many purposes. Hineuru people would observe the feeding patterns of the birdlife and learn from them what plant was safe to consume. Animal and bird hinu was used to preserve kai. Kiore were hunted in the ngahere and were still relatively common in the mid-twentieth century. Kereru

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		were very highly prized delicacies which were consumed with great ritual. They were served by the women and the men would always eat first, kereru were never to be eaten with a knife. This was a ritual passed down through the generations. 12.12. The forests were not only an important source of kai, they were also the source of traditional rongoa. For example, the kouka, manuka, toitoi and kanuka were used for vapour baths and chest infections, horopito for treating skin disease; the ferns were used to treat fever and inflammation. For much of the year, the Hineuru rohe was an extremely cold place to reside; the ngahere provided toitoi fern for bedding; both the toitoi and the bark of the totara tree were used as insulation; and kanuka and manuka were burnt along with hangi stones to heat residences. 12.13. Matauranga associated with the collection of resources from nga awa and ngahere was central to the lives of Hineuru tipuna. Matauranga and associated tikanga and kawa and karakia are all essential for maintaining customary traditions associated with gathering and utilising resources. Our tipuna had considerable knowledge of whakapapa, traditional tracks, places for gathering kai and other taonga, ways in which to use the resources of the river, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Hineuru today. 12.14. Hineuru have cultural, spiritual, traditional and historic associations with the rivers and their environs, and associated land and flora and fauna. Hineuru iwi have a responsibility as kaitiaki to restore, protect and manage all those natural and historic resources and sites. This relationship is as important to Hineuru people today as it was to their tipuna. This kaitiaki role is an all-encompassing one, providing for the protection of biodiversity, the utilisation of resources, the maintenance of resources for present and future generations, and the restoration and enhancement of damaged ecosystems. The continued recognition of the iwi, our identity, traditions and status as kaitiaki is entwined with the rivers in our rohe and associated lands, and associated resources. '1.19 Rahui and Tangataiti were appointed as guardians of the principal access route from Tarawera to the Coast. Rangikapua, which was located on the Mōhaka River across from the Ripia River mouth was a large rock where the brothers would wait for those who would use the access route. The brothers were eventually killed in defence of this route, and as a result a rahui was placed over the river. Taunga died and was buried at Te Hāroto, and Whero at Whareoneone, a fighting pa which Whero was particularly associated to'[8].
Tarawera Hot Springs is within the Waipunga sub-catchment in the Mohaka River catchment	Mauri Travel and trade Boundary Kaitiakitanga Waahi taonga: • Lake Puharau • Waipunga Falls	'Waipunga River and its tributaries (as shown on deed plan OTS-205-26) The awa that are located within the Hineuru rohe have great spiritual importance, they are important in their own right, and in their connections to one another. Just as every element of the natural world has its own mauri, each awa in the Hineuru rohe has its own mauri and wairua which is unique to that awa. The wai that flows through the awa symbolises the link between the past and the present and acts as a force of connection: nga awa are the ribs of our tipuna, which flow from the Maunga carrying the lifeblood of Papatuanuku and the tears of Ranginui. The wai in nga awa therefore

[8] Page 12 Ngati Hineuru Deed of Settlement 2 April 2015

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	• Waipunga Hot Springs • Rongoa • Food resources • Textile and other utilitarian resources Mahinga kai: • Rongoa • Maara kai (cultivations) • Fish, birds and vegetation food • Food processing • Drinking water • Springs for washing purposes • Birds • Fish Pa, kainga: • Pohoi a Te Mumuhu • Some of the recorded sites located along the river are: Te Ahimotumotu pa; Kopitanui/Kopitonui kainga and wahi tapu; Whananganga pa; Piripirau fighting pa; Whakanae kainga; Hikawera pa; Hopemutu pa; Ohinekonehu pa and wahi tapu; Matawhero pa; Parua pa; Taranaki pa; Taupounamu kainga; Waiariki kainga and hot spring; Tukiatea kainga; Paraumu kainga; Waipuhipuhi fighting pa;	create a unifying connection for the iwi with the awa, the spiritual world, and the Maunga itself. Our awa are a significant taonga, they are life-giving and provide both physical and spiritual sustenance. The tangible linkages between the awa provided the iwi with a system of nga ara, or pathways throughout the rohe, and allowing iwi access the inland. River travel was important to iwi for both economic and social reasons. The Waipunga River and Valley, including its tributaries and waterfalls, is one of Hineuru's most important taonga and is associated with many important mahinga kai, kainga and pa. The Waipunga River acted as a boundary between the Tarawera and Tatarakina blocks, and the settlement of Tarawera was located on the river itself. Hineuru have a long-standing association with the blocks and the settlement through rights of ahi kaa and ancestry. The land along the Waipunga River was part of the area originally conquered by our ancestor Apa Hapaitaketake, and it has been permanently occupied by Hineuru iwi since the time of our ancestress Hineuru. The marriage of Hineuru's son Rangihurituni, to Te Amionga was a significant moment in the history of the iwi as it united the two key ancestral lines. According to traditional history Rangihurituni, Te Amionga and their family settled at Pohoi a Te Mumuhu in the Tarawera block. Hineuru whakapapa defines our connection to this land, and our responsibility as kaitiaki; and makes this land of great importance to our iwi. The Waipunga River created the valley which forms a key part of the Tarawera 'corridor', and countless Hineuru settlements and historical sites are located along the river. Lake Puharau, a lake with a plentiful eel population, was located near the northern mouth of the Waipunga River. A kainga and cultivation area of the same name were also located there. The Waipunga Falls were further south, in the Pohokura block. The Waipunga Falls were a landmark and taonga of great beauty, which features three parallel columns of water. The Waipunga hot springs were futher south as well, near the Tarawera township, and were used for bathing, rongoa and cooking. Many settlements were located at the upper reaches of the Waipunga River within the Tarawera block, but there were also many other important sites downstream. In totality, there are literally hundreds of sites of significance along this extensive river. Some of the recorded sites located along the river are: Te Ahimotumotu pa; Kopitanui/Kopitonui kainga and wahi tapu; Whananganga pa; Piripirau fighting pa; Whakanae kainga; Hikawera pa; Hopemutu pa; Ohinekonehu pa and wahi tapu; Matawhero pa; Parua pa; Taranaki pa; Taupounamu kainga; Waiariki kainga and hot spring; Tukiatea kainga; Paraumu kainga; Waipuhipuhi fighting pa; Mangauwhio/ Mangauhio pa; Porimeke pa; and Papakopuru kainga.

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	Mangauwhio/ Mangauhio pa; Porimeke pa; and Papakopuru kainga Contemporary esteem: • Matauranga Wai tapu Kaitiakitanga Whakawhanaungatanga Waipunga River acknowledged in korero tuku iho: see Tauparapara	Mahinga kai: The Waipunga River and tributaries were abundant with fish species resources, including tuna, trout and the freshwater koura. Hangi stones were also an important resource which were gathered and used to heat dwellings as well as to cook food. The gathering and processing of tuna, trout and koura was a customary practice that strengthened cultural systems and whanaunga. The resources alongside the river including harakeke and much birdlife were also a crucial element of iwi sustenance systems. Harekeke supplied material for rongoa, weaving, other construction such as clothing, mats, kits and ropes, and trading; toitoi supplied material for thatching and dried moss was used as bedding; they also provided a habitat for many forms of life. Pakura (pukeko) and native ducks were caught along the river and were not only an important food source but provided the iwi with feathers which were used for many purposes. The river provided the people with drinking water, the importance of which should not be underestimated. It was a source of wairua, and the river was felt to have healing properties. For example, it was thought to aid with the healing of women after they had given birth. Rivers also provided spiritual cleansing, and the waters were used for the washing of tupapaku and were also an important part of the process of ta moko. Every river had its own taniwha, and identity and potential use, and it was up to the individual or community to utilise it as appropriate to the particular circumstances. Springs were used particular for more utilitarian washing purposes. The ngahere that surrounded the river were very dense. The toitoi, matai, kouka, kahikatea, kohukohu, koromiko, and kotukutuku dominated the ngahere which were prolific with birdlife and berries, both of which were an important food source. The feathers from all birds were also collected and used for many purposes. Hineuru people would observe the feeding patterns of the birdlife and learn from them what plant was safe to consume. Animal and bird hinu was used to preserve kai. Kiore were hunted in the ngahere and were still relatively common in the mid- twentieth century. Kereru were very highly prized delicacies which were consumed with great ritual. They were served by the women and the men would always eat first, kereru were never to be eaten with a knife. This was a ritual passed down through the generations'.[9] The forests were not only an important source of kai, they were also the source of traditional rongoa. For example, the kouka, manuku, toitoi and kanuka were used for vapour baths and chest infections, horopito for treating skin disease, the ferns were used to treat fever and inflammation. For much of the year, the Hineuru rohe was an extremely cold place to reside; the ngahere provided toitoi fern for bedding; both the toitoi and the bark of the totara tree were used as insulation; and kanuka and manuka were burnt along with hangi stones to heat residences.

[9] Pages 54 – 57 Hineuru and The Trustees of Te Kopere o Te Iwi o Hineuru Trust and the Crown, Deed of Settlement Schedule: Documents 1 May 2015

		Matauranga associated with the collection of resources from nga awa and ngahere was central to the lives of Hineuru tipuna. Matauranga and associated tikanga and kawa and karakia are all essential for maintaining customary traditions associated with gathering and utilising resources. Our tipuna had considerable knowledge of whakapapa, traditional tracks, places for gathering kai and other taonga, ways in which to use the resources of the river, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Hineuru today. Hineuru have cultural, spiritual, traditional and historic associations with the rivers and their environs, and associated land and flora and fauna. Hineuru iwi have a responsibility as kaitiaki to restore, protect and manage all those natural and historic resources and sites. This relationship is as important to Hineuru people today as it was to their tipuna. This kaitiaki role is an all- encompassing one, providing for the protection of biodiversity, the utilisation of resources, the maintenance of resources for present and future generations, and the restoration and enhancement of damaged ecosystems. The continued recognition of the iwi, our identity, traditions and status as kaitiaki is entwined with the rivers in our rohe and associated lands, and associated resources.
Mangahouanga Stream A tributary of Te Hoe River and within the catchment of the Mohaka River[10]	Contemporary esteem: • Matauranga	'TWENTY YEARS AGO, such a scenario in New Zealand would have been unthinkable. Now, thanks largely to the work of amateur palaeontologist Joan Wiffen and a handful of helpers, dinosaurs have begun to reclaim even this island vestige of Gondwana'. 'To date, all the evidence has come from one place: the Mangahouanga stream bed, deep in the Urewera Ranges—a lush site that in the depths of winter looks uncannily as though lifted from the pages of Arthur Conan Doyle's *The Lost World*.' 'The discovery of dinosaurs in New Zealand was made more likely by the discovery of marine reptile fossils. As Joan Wiffen tells it, she was hunched with her family over a geological map one day in the early 1970s when they came across the words: "In the Te Hoe Valley the beds are partly brackish water, and contain reptilian remains . . . ." Though in small print among the gaudy pinks, mauves and yellows of the map, the gloss was for them a buzzing neon of enticement. The note, it turned out, dated from an oil company survey in the 1950s which had not been followed up. The Wiffens found the spot, at the end of a little-used dirt road, and struck pay dirt: the stream bed rocks fairly bristled with fish scales, shark teeth, ancient squid-like creatures called belemnites and teeth from the first-known southern hemisphere sawfish'[11]. 'The Mangahouanga Stream contains rich and diverse fossil concentrations, and is recognised as internationally significant on the New Zealand geo-preservation inventory. In the 1970s and 80s, fossil bones from four new species of dinosaur were found here, including a new genus of mosasaur that was from a previously unknown lineage of mosasaur'.[12]

[10] Item 993 page 102 of the Hawke's Bay Regional Plan Change 7 document

11 https://www.nzgeo.com/stories/the-hunt-for-new-zealands-dinosaurs/
Extracts from 'The Hunt for NZ Dinosaurs NZ Geographic', written by Vaughan Yarwood, 1993

[12] Extract from 'Mangahouanga Stream (Dinosaur Stream) prepared by Hawkes Bay Regional Council – attached as Appendix 2

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Appendix 1
Further information available for assessment if required

SOURCE	REFERENCE
Waitangi Tribunal	Mohaka Ahuriri Report – WAI 201 (2004)
Waitangi Tribunal	Mohaka River Report – WAI 119 (1992)
Waitangi Tribunal	Waitangi Tribunal Bibliography (1975 to 2015) Tribunal reports, publications and research reports presented in evidence 1975 – 2015 Part 2: By author Part 3: By region
Alexander Turnbull Library	Research library located in the National Library (Wellington) and recommend visiting as expert researchers in NZ history. Most of the AT collection is noted on Te Puna – which is a databases that contains the holdings of most NZ library catalogues and is hosted by the National Library of NZ.
Wellington Public Library	He Matapihi Molesworth Library – popup space which will house Maori local history (amongst other topics) Location: ground floor of National Library Opening: October (not sure of date) (will be located in same building as Alexander Turnbull Library)
Te Puna	Database of material that is held by NZ libraries (and overseas libraries) Some examples below of search for Ahuriri and Hautapu River *Parsons P. Ahuriri Estuary and Surrounds : Places of Spiritual Significance to the Maori. Napier (N.Z.): Author; 1995.* *Walzl T, New Zealand. Waitangi Tribunal. Ahuriri Land Issues. Wellington, N.Z.: Waitangi Tribunal; 1997.* *Ballara A, Scott G, New Zealand. Waitangi Tribunal. Crown Purchases of Maori Land in Early Provincial Hawke's Bay : Report on Behalf of the Claimants to the Waitangi Tribunal. Place of publication not identified: A. Ballara, G. Scott?; 1994.* *Palmers MH. Cultural Conflicts in Resource Management : The Case of Ngati Kahungunu and Ahuriri Estuary : A Dissertation Submitted in Partial Fulfilment of the Requirements for the Degree of Master of Applied Science at Lincoln University. 1996.* *Parsons P. The Ahuriri Block : Maori Customary Interests. Napier, N.Z.: P. Parsons; 1997.* *Holland MK, Central Districts Catchment Boards. Hautapu River : Local Conservation Notice Report, 1989. Palmerston North, N.Z.: Central Districts Catchment Boards; 1989.*

Papers Past	Electronic resource covering newspapers, magazines, journals, letters, diaries and parliamentary papers – explanation of coverage/content of Papers Past. Covers Maori newspapers (1842 – 1935) Nuipepa Collection (in Te Reo Maori) Maori magazines can be found in the Magazines collection.
NZ Electronic Text Collection NZETC	Collection of significant NZ and Pacific Island texts and materials held by Vic University Library – ability to search full text of materials. Example: *A history of upheaval: 150 years of environmental change Ahuriri, Hawke's Bay NZ – Masters Thesis – 2000 -*

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Appendix 2
Mangahouanga Stream (Dinosaur Stream), prepared by Hawkes Bay Regional Council

[Important Notes Relating to Appendix 2:

1. Table 2 in this report, did not copy well. It can be found in the copy attached separately to the email sent in delivery of the Hughes Report to Hineuru Iwi Trust
2. Mangahouanga Stream is a tributary of Te Hoe River. Ngati Hineuru hold statutory acknowledgements of their relationships with Te Hoe River and its tributaries
3. While Table 1 in the report records Hineuru Deeds of Settlement in the list of documents referred the author did not identify Ngati Hineuru as an iwi with relationships with Mangahouanga Stream. This is an error given their statutory acknowledgements relate to Te Hoe and its tributaries and the Mangahouanga stream lies within the Ngati Hineuru Area of Interest
4. The Council report and NZ Geographic article note that dinosaur bones were found in rocks in the Mangahouanga Stream bed.

Mangahouanga Stream (Dinosaur Stream)

Key Values
Cultural
Landscape (geological features)
Natural Character

Table 1: List of publications reviewed

Year	Name	Author
1980	Dinosaur bone found in Hawke's Bay	Daily telegraph
1993	The Hunt for New Zealand's Dinosaurs	The New Zealand Geographic
1994	Cretaceous Research Paper – A Late Cretaceous polar dinosaur fauna from New Zealand	Molnar, Wiffen
1994	Rocks hold special treasures	Dominion post
1994	Dinosaur centre expected to be top attraction	Napier Courier
1994	Ancient exhibit	Dominion post
1994	Small bone was the beginning of a gigantic discovery for Hawke's Bay	Napier courier
1994	Napier Centre to feature New Zealand Dinosaur relics	Dominion post newspaper
2000	"Romancing the bone" how an amateur fossil hound unearthed dinosaur remains in a most unlikely place and rocked the word of palaeontology	Discovery Magazine
2001	Email to MTG	J. Wiffen
2016	Terrestrial fossils	The Encyclopaedia of New Zealand
2016	New Zealand Geo-preservation Inventory	Geological Society of New Zealand
2016	Scientists and Tūhoe to hunt dinosaur fossils in the Urewera range	Stuff.co.nz
2016	Tūhoe and scientists collaborate on dinosaur hunt	Science media centre
2016	Fossicking for fossils	Victorious (Victoria University)
2018	Cultural Values Table	Hawke's Bay Regional Council

Discussion

Purpose of report

1. The purpose of this report is to assist the RPC members to determine whether any of the values of the Mangahouanga Stream are outstanding for the purposes of the National Policy Statement for Freshwater Management (NPSFM).
2. This report presents the summarised findings of the values attributed to the Mangahouanga Stream in those documents referred to in Table 1, above.

Overview

3. The Mangahouanga Stream is a small stream in northern Hawke's Bay, which contains one of the most significant discoveries ever made in New Zealand – dinosaur bones. The remote mountain stream, now located high in the Urewera Ranges, was previously part of a large estuary area in the late cretaceous period, 65 million years ago.
4. In 1975, the first dinosaur bones were found at the Mangahouanga Stream, proving beyond doubt that dinosaurs had once lived in New Zealand. Prior to this discovery, it was widely thought that dinosaurs had not been present in New Zealand, with scientists believing New Zealand's land mass was too small for dinosaurs to exist.
5. The Mangahouanga Stream contains rich and diverse fossil concentrations, and is recognised as internationally significant on the New Zealand geo-preservation inventory. In the 1970s and 80s, fossil bones from four new species of dinosaur were found here, including a new genus of mosasaur that was from a previously unknown lineage of mosasaur.
6. In 2010, remains of a titanosauris were found at the Mangahouanga Stream site, which is the largest known dinosaur ever to have lived. In total, the remains of six separate species of dinosaurs have been found in the Mangahouanga Stream, and also New Zealand's oldest fossil insect. These discoveries gave scientists the very first glimpse into what New Zealand was like in the age of the dinosaurs.
7. The Mangahouanga Stream is internationally renowned, with the discoveries made in this stream changing scientific thinking around the type and size of land masses needed to support dinosaurs. These discoveries proved beyond doubt that land masses the size of New Zealand had the potential to support the full range of dinosaurs.
8. To date, the Mangahouanga Stream is the only place in New Zealand where significant dinosaur remains have been found. Other discoveries include theropod dinosaur remains in the Chatham Islands, a single therapod fossil bone (from the Jurassic period) by the mouth of the Waikato River, and dinosaur footprints in Nelson.

Location

9. The Mangahouanga Stream is located in the Urewera Ranges around 120 km inland, to the east of Te Hoe River. It is part of the Mohaka catchment and is a tributary of Te Hoe River.
10. The location of Mangahouanga Stream can be seen in Figures 1 and 2, below.

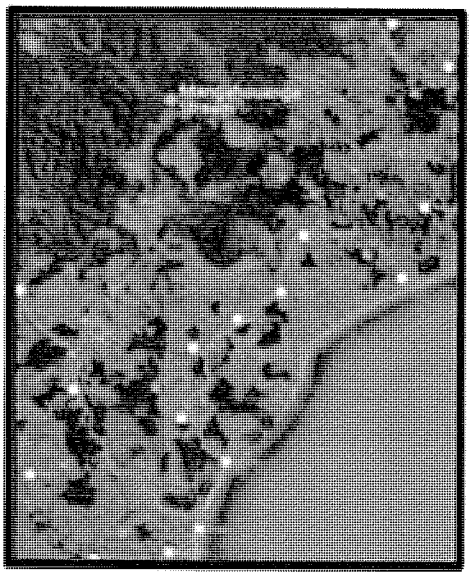

Figure 1: location of Mangahouanga Stream

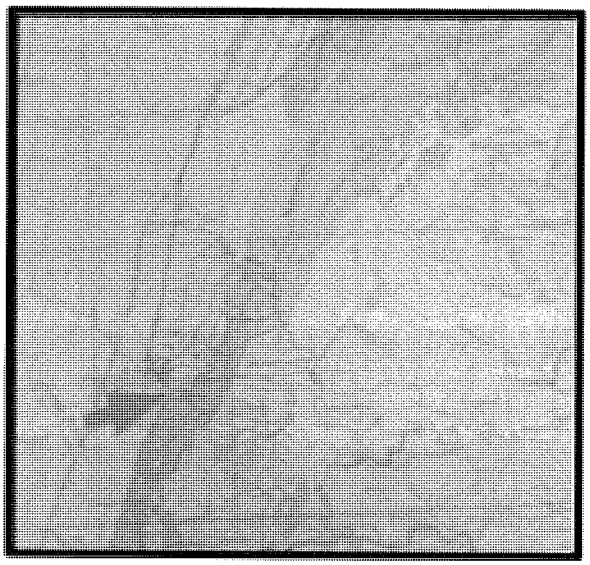

Figure 2: location of Mangahouanga Stream

*Cultural values **

11. The Mangahouanga Stream is located within an area with interests relating to Ngāti Kahungunu, Ngāti Tūwharetoa, Ngai Tūhoe and Ngāti Pāhauwera.
12. While no direct customary linkages have been established back to the Mangahouanga Stream by name in the documents reviewed in Table 1, it is recognised that all fresh water bodies have special cultural, spiritual, historical and traditional associations with freshwater. The relationship between Tāngata whenua and freshwater is founded in whakapapa, which is the foundation for an inalienable relationship between Māori and freshwater that is recorded, celebrated and perpetuated across generations. Freshwater is recognised by Māori as a taonga of paramount importance, and as such, all waterbodies have important spiritual, physical and customary value.
13. Attachment 1 contains further information on the cultural values associated with the Mangahouanga Stream.

Recreation values

14. The Mangahouanga Stream is surrounded by private forestry and is difficult to access by road. The stream is accessible by car if prior arrangements are made with the forestry company who will open any locked gates and ensure no logging trucks are present in the area.
15. As such, the Mangahouanga Stream is not highly used for recreational activities.

Ecology values

16. The Mangahouanga Stream is a remote stream surrounded by private forestry and native bush areas. Given the lack of development pressures in the surrounding area the river is expected to be in a near natural state.
17. There are likely to be some native fish and wildlife associated with the Mangahouanga Stream however, no surveys or studies have been undertaken of this area so this information is unknown.
18. Future harvesting of the pine forest may have some effects on the ecology of the river and water quality.

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Landscape / scenic values

19. The Mangahouanga Stream is located high in the Urewera Ranges, surrounded by a combination of private forestry and native forest areas. While the secluded bush landscape around the stream is attractive, the Mangahouanga Stream is renowned for its rich and diverse fossil concentrations.

20. The Mangahouanga Stream is internationally renowned with the remains of six separate species of dinosaurs, including four new species of dinosaurs and New Zealand's oldest known fossil insect, having been discovered here.
21. The National Geo-preservation Inventory, which identifies and ranks geological features according to their relative significance, classifies the following features in the Mangahouanga Stream as nationally significant:
    - The first, and to date the only, record of terrestrial dinosaurs found in New Zealand.
    - Rich and diverse Cretaceous vertebrate fossils in concentrations, including New Zealand's only known dinosaurs and New Zealand's oldest known fossil insect, as well as fossil turtles, mosasaurs, elasmosaurs, plesiosaur and early fish.
22. Photographs of the Mangahouanga Stream are contained in Attachment 2.

Geological features

23. Around 70 million years ago the Mangahouanga Stream was part of a very different New Zealand landscape, vastly different from the mountain stream it is today. In the late cretaceous period the Mangahouanga Stream was part of a larger estuarine environment lying directly on the east coast. At this time, New Zealand was covered in lush rainforest and was a much larger land mass than today.
24. The fossil dinosaur remains found at Mangahouanga Stream were washed into streams by heavy rains on land, and swept down to the sea where they were preserved as marine fossils along the coast, finally ending up in the concretionary boulders in the valley of the Mangahouanga Stream.
25. In 1975, a tailbone from a four metre long, half a tonne carnivorous dinosaur was found at the Mangahouanga Stream site. In the years to follow, evidence of a nine metre allosaur, an economy version of the T-rex, an ankylosaur, a low slung armoured beast, a hypsilophosont and a four metre long plant eater were found, proving beyond doubt that both marine and terrestrial dinosaurs had once lived in New Zealand.
26. Until these discoveries, New Zealand was considered to be one of the least likely places for dinosaurs to have lived. Scientists considered the islands were too small and too isolated to have supported hungry reptilian giants. Further, experts considered dinosaur survival to be very unlikely due to New Zealand's turbulent geological history in which the land has sank and emerged from beneath the waves many times.
27. To date, the Mangahouanga Stream has provided rich and diverse fossil concentrations. A total of six separate species of dinosaurs, four of which are unique to New Zealand, have been found at this location, in addition to a range of other marine and plant fossils, including New Zealand's oldest known fossil insect, and teeth from the first known southern hemisphere sawfish.

28. Of the species of dinosaur discovered, three were meat eaters and three were herbivores. A number of marine reptiles, notably mosasaurs and plesiosaurs, and the pterosaurs, otherwise known as the flying reptile, were also found at this site.

29. The most significant findings at Mangahouanga Stream are outlined in Table 2, below.

[Please refer to the attachment for a copy of Table 2)

Naturalness/intactness of waterbody

30. Given the lack of development pressures around the Mangahouanga Stream it is expected to be in a near natural state.

Water Quality

31. Hawke's Bay Regional Council does not monitor the water quality of the Mangahouanga Stream. However, future harvesting of the forestry land in this catchment may have effects on the water quality and ecology of this stream.

Other

32. Joan Wiffen's discoveries are internationally significant, proving the full range of dinosaurs lived in New Zealand after it split away from Gondwana in the early cretaceous period.
33. Joan's achievements are recognised within scientific publications, an award from an international scientific society (Society of Vertebrate Paleontology), and an honorary doctorate from Massey University. In 1995, Joan received an appointment as Commander of the Order of the British Empire from the queen, and in 2004, she accepted the Morris Skinner Award from the US-based Society of Vertebrate Paleantology for outstanding and sustained contributions to scientific knowledge.

Values Summary

(Re-created here)

Overarching Value	Sub-value	Description	Outstanding Yes/No	Comments
Cultural	TBC	TBC	TBC	TBC
Recreational	TBC	TBC	TBC	TBC
Ecological	TBC	TBC	TBC	TBC
Landscape	TBC	TBC	TBC	TBC
Natural Character	TBC	TBC	TBC	TBC

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Attachment 1

Mangahouanga Stream – Cultural Values Report

Table 1: List of documents reviewed

Year Name	Author
1992 Wai 119: The Mohaka River Report Waitangi Tribunal	Waitangi Tribunal
1997 Fisheries Resource Inventory: The Mohaka River Matt Hickey, Fish and Game NZ	Matt Hickey, Fish & Game
1997 Cultural Health Assessment of the Mohaka, Waikari and Waihua Ngāti Pāhauwera Development and Tiaki Trust Rivers	Ngati Pahauwera Development and Tiaki Trust
2004 Wai 201: The Mohaka ki Ahuriri Report Waitangi Tribunal	Waitangi Tribunal
2010 Ngāti Pāhauwera Deed of Settlement documents	Ngati Pahauwera and the Crown
2010 Background to Settlement Aspirations and Expectations	Ngati Hineuru
2015 Ngāti Hineuru Deed of Settlement documents	Ngati Hineuru and the Crown
2016 Ahuriri Hapū Deed of Settlement documents	Ahuriri hapu and the Crown
2016 Statutory Acknowledgement Document	Hawke's Bay Regional Council
2017 Ngāti Tūwharetoa Deed of Settlement documents	Ngāti Tūwharetoa and the Crown
2018 Cultural Values Table	Hawke's Bay Regional Council

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1. Overview *[13]

Purpose

The purpose of this report is to assist the RPC members to determine whether any of the cultural values associated with the Mangahouanga Stream are outstanding for the purposes of the National Policy Statement for Freshwater Management (NPSFM).

The report summarises the values into a series of categories. It is recognised that isolating the values into categories can be problematic from a Māori worldview and many of the values are part of a narrative that doesn't fit neatly into categories. However, the intention is not to take a reductionist or isolated approach to cultural values but to try and gain an appreciation of their significance and the level of detail available to progress a plan change. In preparing the reports, it became obvious that all waterways are part of a wider cultural landscape that weaves people and the environment into a rich history of cultural and spiritual association.

Ultimately, the Regional Planning Committee will need to decide what the appropriate threshold is for outstanding cultural values. Any objectives, policies or rules that are proposed to support outstanding waterbodies will be subject to scrutiny and potential challenges by those who may be affected by a plan change.

Importance

The Mangahouanga Stream is located within an area with interests relating to Ngāti Kahungunu, Ngāti Tūwharetoa, Ngai Tūhoe and Ngāti Pāhauwera.

While no direct customary linkages have been established back to the Mangahouanga Stream by name in the documents reviewed in Table 1, it is recognised that all fresh water bodies have special cultural, spiritual, historical and traditional associations with freshwater. The relationship between Tāngata whenua and freshwater is founded in whakapapa, which is the foundation for an inalienable relationship between Māori and freshwater that is recorded, celebrated and perpetuated across generations. Freshwater is recognised by Māori as a taonga of paramount importance, and as such, all waterbodies have important spiritual, physical and customary value.

In 2016, Government funding was awarded to Tūhoe and two scientists, palaeontologist James Crampton and GNS scientists John Begg, to carry on the search for fossil remains in streams that flow through Te Urewera.

Tūhoe are keen to better understand the pre-history of their homeland, Te Uru Taumatua trust said. "The possibility of dinosaur fossils in Te Urewera is of great interest to Tūhoe."

2. Archaeology

There are no recorded archaeological sites in close proximity to the Mangahouanga Stream.

[13] * The HBRC and authors of this report are aware there are numerous areas, including waterbodies, where two or more iwi groups have agreed, shared interests and/or contested overlapping claims within the Hawke's Bay region. The information presented in this report is not intended to imply any exclusive rights over particular waterbodies for one or more iwi groups, nor does it confirm the validity of the claims of any group(s) over that waterbody. The information is solely for the purpose of recording important cultural and spiritual values identified by iwi groups in the region as sourced from existing published documents.

3. Statutory Acknowledgement Area of Interest

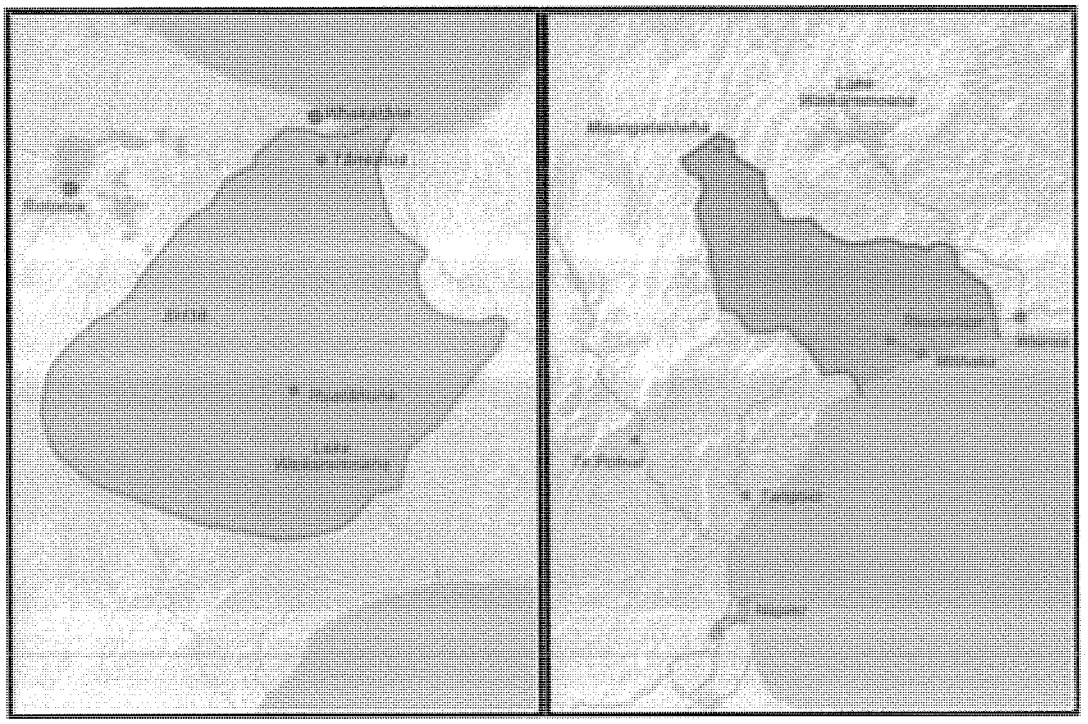

Figure 1: Tūhoe Area of Interest Figure *2: Ngāti Pāhauwera Area of Interest*

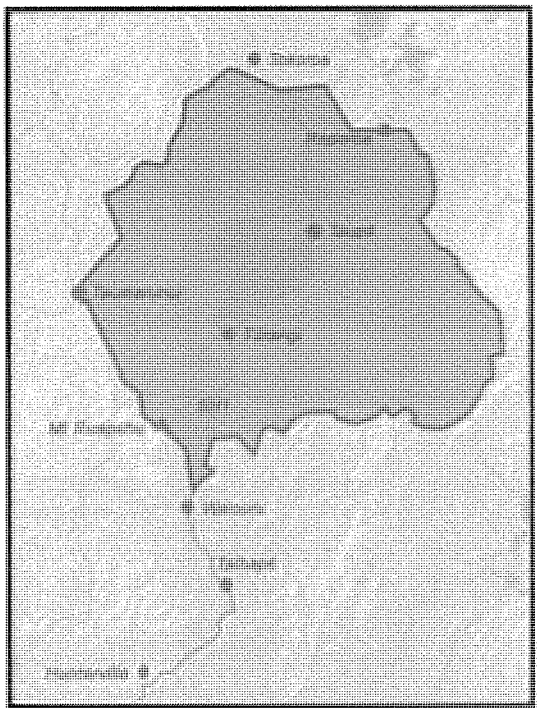

Figure 3: Ngāti Tūwharetoa Area of Interest

4. Resource Management Plans

There are no relevant provisions in resource management plans that are specific to the Mangahouanga Stream.

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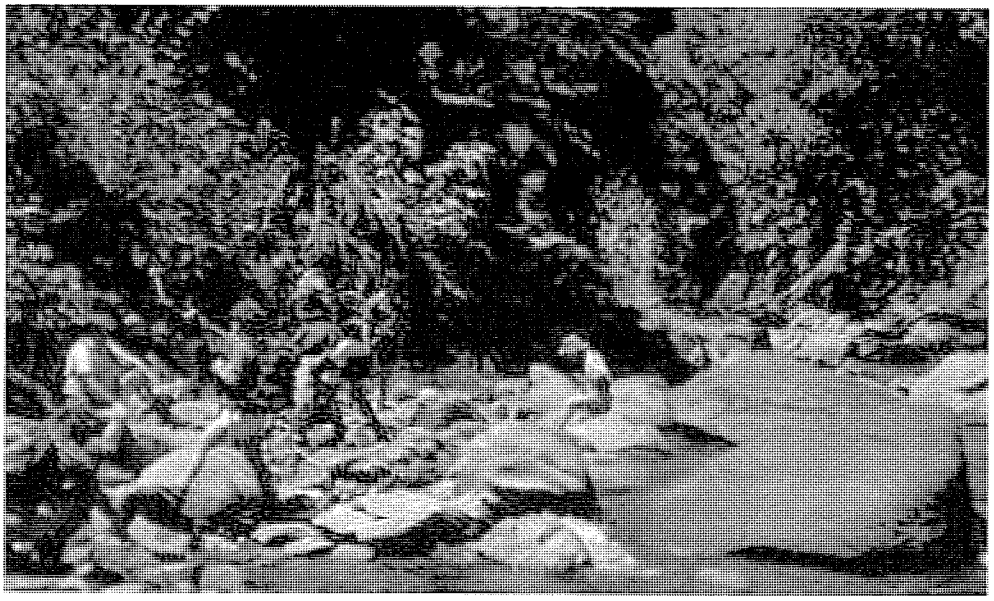
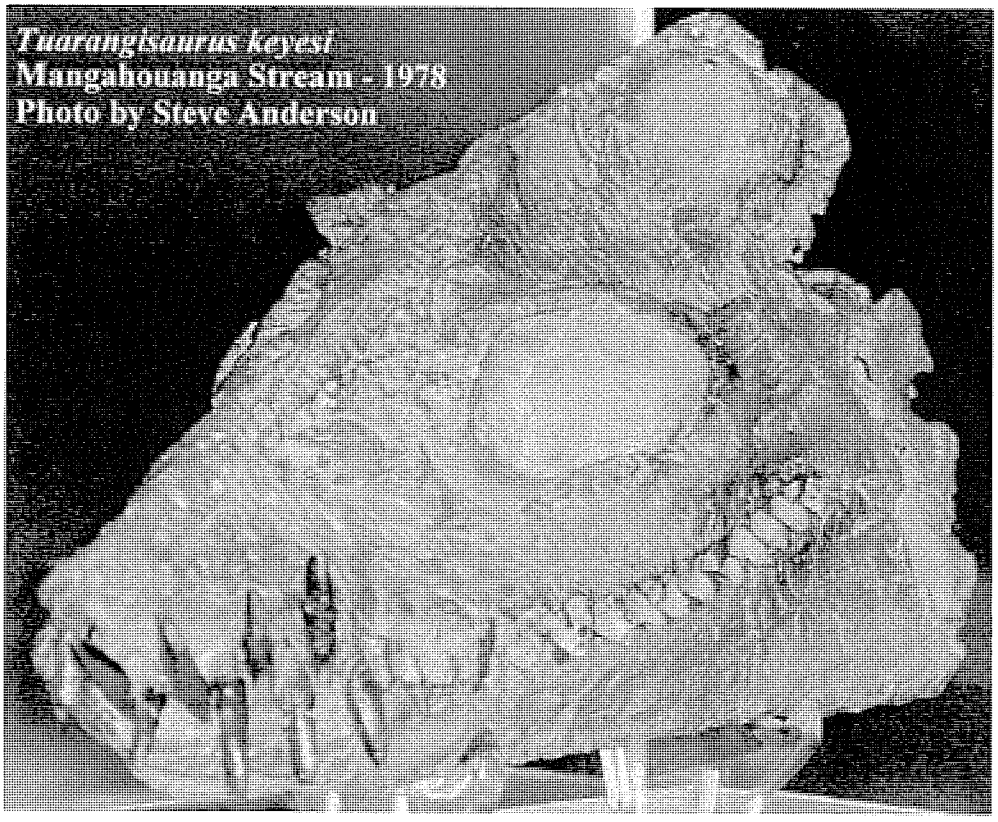
Attachment 2: Photographs– Mangahouanga Stream





Appendix 3

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THE HUNT FOR NEW ZEALAND'S DINOSAURS

Once it was thought New Zealand had escaped the worldwide dominance of dinosaurs. Not any more. The discoveries of a group of amateur palaeontologists in Hawkes Bay have changed everything.

WRITTEN BY VAUGHAN YARWOOD (1993)

TWENTY YEARS AGO, such a scenario in New Zealand would have been unthinkable. Now, thanks largely to the work of amateur palaeontologist Joan Wiffen and a handful of helpers, dinosaurs have begun to reclaim even this island vestige of Gondwana.

To date, all the evidence has come from one place: the Mangahouanga stream bed, deep in the Urewera Ranges—a lush site that in the depths of winter looks uncannily as though lifted from the pages of Arthur Conan Doyle's *The Lost World.*

Wiffen, 71 this year, and recently recovered from a knock-out dose of influenza, leans against a tree to catch her breath. Every step of the steep winding track has been worn into memory over the years that she, her late husband Pont and friends backpacked out more than 100 tonnes of fossil-bearing rock

An aluminium ladder—one of the many scavenged pieces of equipment that help lubricate this shoestring enterprise—extends down the cliff face to the river bed. Hefting a rock-cutting saw, I follow Trevor Crabtree, a fellow enthusiast, down to what he calls "mosasaur beach."

We ford the icy stream with the aid of guide wires and rope, and soon the hills resound with the throaty snarl of the converted chainsaw as Trevor attacks a split boulder. These mossy concretions, each a grey pearl of calcareous sandstone surrounding a nucleus of organic matter such as wood or bone, litter the stream bed like geological gift-wrapping.

The technique of slabbing fossils for removal, perfected over many summers, involves cutting two rectangles around the exposed fossil—the inner one to prevent specimen damage—then springing the rock by rhythmic hammering along the outer blade cuts.

Hauled by car to rock-strewn back yards in Napier, 100 kilometres away over logging track and twisting highway, the bones are then liberated by further sawing, drilling and immersion in glacial acetic acid to eat away the encasing rock.

"Acid is a wonderful tool, but very expensive and destructive," says Wiffen.

The acid attack must be interrupted periodically while newly exposed bone is coated in protective resin. Delicate final work is often done with an air scribe, a miniature jackhammer which blows dust away with a jet of compressed air.

Crabtree shows me the partly-freed skull of a primitive schnapperlike fish, which looks to be hewn by a modern Michelangelo from its resistant slab. It has taken a week of 12-hour days to get this far, he says, but the effort has been well worth it. The reward is an impressive skull and jaws, a splendid specimen of a large Late Cretaceous fish.

To get an idea of the effort needed, imagine this: a neighbour gets hold of the chicken bones from your last dinner—bones that for some reason you badly want—and heaves them into your newly

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poured concrete drive. It so happens that you can't get to the drive for a few months. Then, when you do, you find it broken into beachball-sized pieces and jumbled every which way. Still want those bones?

Joan's band of amateurs do. And their dogged perseverance has won them over recent years a gradually lengthening roll call of dinosaurs, beginning with the epoch-making 1975 discovery of what proved to be a tailbone from a four-metre-long, half-tonne carnivorous dinosaur. Then came astounding evidence of a nine-metre allosaur—effectively an economy version of *Tyrannosaurus rex,* though by human standards there was nothing economical about its formidable teeth and claws.

In 1988, an ankylosaur, a low-slung armoured beast the size of a Volkswagen Beetle, was identified, followed by a three- to four-metrelong, two-legged plant-eater: a hypsilophodont—the gazelle of the dinosaur world.

Comparison with modern animals is apt. Palaeontologists stress the usefulness of seeing dinosaurs as creatures of flesh and blood rather than of fevered nightmare. Alien though they may seem to us, dinosaurs went about their daily lives in ways that are strikingly similar to those of animals today.

The excitement caused by the more recent New Zealand dinosaur finds stemmed in part from the witness they give of a viable ancient ecosystem comprising both predators and prey. Prior to that, the country's sole carnivorous dinosaur was thought to have eked out its life scavenging among shellfish and seaweed on the shore—a most unlikely existence for such a creature.

The discovery in the Te Hoe valley of plant remains, two insects (a cockroach and a leaf-eating beetle) and a freshwater turtle gave further detail to the emerging picture of life in Cretaceous New Zealand. In 1986, Crabtree stumbled on an unusual bone while rummaging through the rock hoard in his yard. The delicate layered bone looked to be that of a bird. Painstaking cleaning and consultation with overseas authorities showed it to be something more astounding: the lower wing bone of a pterosaur, a flying reptile; one with a span of some four metres. Months later, Wiffen found additional proof that this pelican-like creature once flew in New Zealand skies when she uncovered part of the shoulder blade of a juvenile.

But be advised: pterosaurs are not dinosaurs. Neither are ichthyosaurs, those primitive reptiles resembling dolphins, nor elasmosaurs, the long-necked plesiosaurs associated by many with the Loch Ness monster. As a simple party conversation guide, if it flew, swam, had the splayed legs of a crocodile or did not live between 230 and 65 million years ago, it was not a dinosaur.

The discovery of dinosaurs in New Zealand was made more likely by the discovery of marine reptile fossils. As Joan Wiffen tells it, she was hunched with her family over a geological map one day in the early 1970s when they came across the words: "In the Te Hoe Valley the beds are partly brackish water, and contain reptilian remains . . . ." Though in small print among the gaudy pinks, mauves and yellows of the map, the gloss was for them a buzzing neon of enticement.

The note, it turned out, dated from an oil company survey in the 1950s which had not been followed up. The Wiffens found the spot, at the end of a little-used dirt road, and struck pay dirt: the stream bed rocks fairly bristled with fish scales, shark teeth, ancient squid-like creatures called belemnites and teeth from the first-known southern hemisphere sawfish.

The first fossil bones discovered by Joan and Pont were identified as plesiosaur vertebrae. Later, in 1978, a complete skull was exhumed. A New Zealand first, it is one of only a dozen complete elasmosaur skulls in the world.

Plesiosaurs have proved to be the most numerous inhabitants of the valley graveyard, with the remains of very young offspring as well as large 10-metre adults being found. Bones, including complete skulls, from another marine reptile, the mosasaur, have also been found at Mangahouanga, though in smaller numbers. Mosasaurs, which plundered the world's oceans relentlessly for 35 million years, a mere fraction of the plesiosaur's 120-million-year spree, succumbed to the worldwide extinctions that ended the reign of the dinosaurs on land 65 million years ago—now thought to have been caused by climate change following a massive meteor strike.

The existence of such marine remains 80 kilometres inland and at an altitude of 1000 metres is readily explained. The Mangahouanga reptiles lived in what palaeontologists and geologists call the Cretaceous Period, which, along with the Triassic and the Jurassic, make up the Mesozoic Era: the age of the dinosaurs.

At that time, the site lay on the coast of a very different New Zealand. A nearby river, loaded with silt and debris from the surrounding hills, fed into a protected estuary or lagoon, enriching the coastal waters. It must have been a salubrious location with plentiful food, because the plesiosaurs and mosasaurs bred there for an almost incomprehensible span of time. As these reptiles died, their bones sank into the mud of the lagoon to become entombed in coastal sediment.

Dinosaur remains were also borne by the river into the shallow waters of the bay, as sheep carcasses from Hawkes Bay farms sometimes are today. It is likely that the bodies would have been badly mauled and dismembered by scavengers both on land and in the water, defeating hope of ever assembling complete skeletons from the valley.

In this, the site differs from the world's prime Cretaceous fossil grounds, many of which were once great inland seas—Mongolia's Gobi Desert, for example, and Australia's outback, the prairies of Montana and Wyoming and the badlands of Alberta. They were like vast dinner plates, gradually accumulating the debris of the ages.

By comparison, inland Hawkes Bay has a tortured geological history, having been raised and lowered, tilted, folded and torn over the past 80 million years to form today's rugged terrain.

Today, the fossil-bearing rocks have been brought once more to the surface, where an ongoing process of natural violence, from earthquake and tropical storm to flash flood and erosion, reveals and often reclaims them.

In 1985, as a result of what one local geographer called the biggest regional upheaval in 20,000 years, the Mangahouanga rose nine metres, and kilometre-long tracts of forest were cleaved from its banks. Wiffen and her team lost promising fossils which were awaiting recovery, and for months access was closed while culverts were repaired.

But the landslips also brought fresh material to the stream bed. Indeed, the renewal process occurs every time a flood rips rocks from the geological anticline and scatters them among the river's deep pools. There, 30-degree summer sunshine and stubborn winter frosts often crack the concretions to reveal strange new forms of life from the underworld.

It was in just such circumstances, after cyclone Bola in 1988, that one of the most spectacular finds, a New Zealand ankylosaur, was made. Ankylosaurs, "stiff lizards," were the military tanks of the dinosaur world. With broad, blunt heads and short legs, they relied on bony armour set into leathery skin for defence. They compensated for weak teeth and stubby claws with powerful tails often ending in clubs, a blow from which would have been crippling.

Garages in the suburbs and a pair of huts at the Te Hoe roadhead are piled high with enigmatic fossils awaiting classification. Any one of them could provide clues to equally impressive animals. The huts themselves are outposts of civilisation 14 kilometres from the nearest telephone and reticulated power, and perhaps 45 kilometres from the nearest sealed public road. A sign on one reads "Hawkes Bay Palaeontology Group." A few metres away stands what is possibly the country's most remote flushing toilet.

Crabtree confesses to sometimes making the gruelling journey from Napier just to savour the tranquillity. And, to ponder better ways of parting stone from bone in the valley below.
In the early 1970s, explosives were used to break up large, unwieldy boulders, but potential damage to vulnerable fossils, and the advent of rock saws, prompted a change.

Even tungsten-tipped electric drills, acid baths and air scribes blunt enthusiasm in time, however. Now Crabtree is toying with the idea of using sonic vibrations. The technique is used in hospitals to break down gallstones, he says. And being made of calcite, gallstones are not unlike the calcareous concretions that litter the stream. He has his eyes on a Scandinavian device which could, with modification, bring a new refinement to palaeontology—an otherwise low-tech discipline. As one wag noted, the most revolutionary advance in fossil hunting of recent years has been the advent of the self-sealing plastic bag.

It may come as a surprise to those raised on images such as that of the towering *Diplodocus* in London's Museum of Natural History—to those of us "haunted with the heads colossal in death," as British poet Peter Redgrove has it—that New Zealand's dinosaur catalogue is being assembled from scraps: a broken toe bone or pelvic fragment here, a wingbone the size of a teaspoon there. Yet that is all we antipodeans are likely to get. No complete skeletons and, unfortunately, little likelihood of identifying the genus, or in some cases even the family.

In this, however, New Zealanders are less alone than they might imagine. Few articulated museum showpieces anywhere have been retrieved whole, most being composites of several animals. Despite its resonant place in the popular imagination, for example, only four complete skulls of *Tyrannosaurus rex* have been unearthed.

For many newly discovered species, the anatomy is pieced together only after much trial and error. A reconstruction in 1853 of the first dinosaur found, *Iguanodon,* pictured something like a mythical griffin, minus the wings. It was fitted out with a curious blunt nose horn, now known to be one of its thumb spikes. A 1940 *Iguanodon* model located the thumb spikes correctly, but had the beast take what is today thought to be an uncharacteristically kangaroo-like posture.

Even the printed guide to New Zealand's first exhibition of dinosaurs, held at the Auckland Museum in 1987, misrepresented the long-dead. Its cover carried a photograph of a distinctively crested hadrosaur from China called *Tsintaosaurus.* The unicorn-like appendage was thought to be unique among dinosaurs until palaeontologists realised the horn consisted of a nasal bone that in life lay flat along the snout.

Staff experienced the difficulties of postulating probable forms when Canterbury Museum purchased the country's only complete dinosaur skeleton, a four-metre-high replica of an *Allosaurus* found in Utah. On opening the consignment's two wooden crates, curator Margaret Bradshaw found a bewildering collection of bones with neither labels nor plans for assembly. Finally, she resorted to the technique used by palaeontologists the world over: clear a space on the floor, lay out the bones, then connect the leg bone to the thigh bone . . . .

Of course, the entire enterprise would be impossible without the ability to draw on comparative material held overseas. From the beginning, Wiffen and her co-workers have relied on palaeontologists in Australia and elsewhere. Even so, some fossil fragments have only a frustratingly fugitive identity. The New Zealand pterosaur, for example, is not known at family, genus or species level. That is akin to being able to identify a domestic cat only as a member of the order Carnivora.

Added to the frustrations of dealing with mere slivers of bone are the delays in the identification process itself. For the best results, casts must be made of the fragile and irreplaceable bones for mailing to overseas experts. Casting is itself a difficult art to master, as even a brief glance around Wiffen's workbench and reject box testifies. Then there is the inevitable nailbiting before a verdict is reached.

To help identify the hypsilophodont, Wiffen tried to get the toe bone cast of an Argentinian specimen. The process took 18 months, and when the cast arrived she found there were few similarities. A problem facing researchers worldwide, she says, is the difficulty of matching the same type of dinosaur from the same period.

Nevertheless, the astonishing speed with which dinosaur knowledge is accumulating worldwide encourages Wiffen to believe many gaps in the jigsaw of the Late Cretaceous will one day be filled. More than half of the 350 known dinosaur types have been discovered within the past decade, with a new one being described on average every seven weeks. These include the discovery, in the foothills of the Andes, of *Euraptor,* the oldest dinosaur ever found, and believed to have lived 225 million years ago.

Wiffen hopes more bones from New Zealand's ankylosaur, of which little is known, will one day be discovered, enabling a link to be made with other Southern Hemisphere ankylosaurs. It is possible. Palaeontologists estimate that less than one per cent of the dinosaur species that walked the earth have so far been identified. Yet the picture of life on what was once the great supercontinent of Gondwana has already resolved surprisingly in recent years. Ankylosaur fossils have been retrieved from Late Cretaceous sediments on James Ross Island in Antarctica, and a small plant-eater similar to *Hypsilophodon* has been found in the region. Indeed, Antarctica and New Zealand are among the last places on earth to yield dinosaurs.

Wiffen takes the ankylosaur finds in Antarctica, Australia and New Zealand as evidence for a southern land route by which the armoured dinosaurs, and the meat-eaters which preyed on them, spread across Gondwana before the component landmasses separated 80 million years ago.

When dinosaurs were discovered in New Zealand, they were assumed to have arrived from Australia because, it was argued, the path by which the southern beech forests had spread (via Antarctica) would have been too cold for the lumbering cold-blooded leviathans.

A more respectful view of dinosaurs, taking account of the discovery of vast trackways which prove that migration took them to cold climates, suggests many species may have been warm-blooded and able to endure the southern route.

For much of the Mesozoic, Queensland Museum's Ralph Molnar pictures a polar environment throughout what is now Australasia, supporting specialised dinosaurs able to endure the bleak, five-month Antarctic night. He puts Hawkes Bay on a list of polar sites that include Alaska, Spitzbergen and Victoria's Dinosaur Cove.

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The presence of dinosaurs for 15 million years in post-separation New Zealand, prior to the great extinction 65 million years ago, prompts tantalising questions. Did these animals remain in a state of "suspended evolution" in the isolated haven in which they found themselves? Or did they evolve in unique ways, as did much of the country's later bird life?

And speaking of bird life, says Wiffen, where did the moa fit in? Did their evolution from protobirds—relatives of the great carnosaurs—happen in Gondwana? Or did it occur elsewhere, and the moa, along with other ratites, move into Gondwana later?

"From the end of the Cretaceous to recent times is one big hole in our knowledge. Although there are a few bird fossils as old as the Paleocene—penguins, especially—the first mammals, whales, make their appearance in the record 20-30 million years ago. There are no moa records beyond two million years ago."

*

IT IS DIFFICULT FOR us, living in a world where mammals rule the global roost, to imagine what the age of dinosaurs was like. Yet, as University of Auckland associate professor of geology Jack Grant-Mackie comments: "For close to 200 million years there was nothing on land bigger than a turkey that was not a dinosaur."

Slowly, outdated notions of dinosaurs as tail-dragging, walnut-brained heavyweights are being replaced by a picture of a diverse and highly adaptable group of animals. Recent research indicates that some dinosaurs were warm-blooded while others, such as *Tyrannosaurus,* may have had different metabolisms at different stages of their life cycle. It has been suggested that one tree-browsing giant, *Barosaurus,* may have had as many as eight separate hearts to get blood to its head—a lofty 12 metres above the ground.

Contrary to popular belief, many dinosaurs nurtured their offspring and protected them in the manner of today's herding animals. Nests made by hypsilophodonts have been found in Montana, for example, suggesting they bred in vast rookeries as do today's seabirds, and that the young remained in the area after hatching.

And, if palaeontologists like American Jack Homer are to be believed, life in the Mesozoic was far from being a theatre of blood. The fearsome horns of many herbivores like *Triceratops,* he argues, were used mainly for establishing dominance within herds and for attracting a mate, rather than for fighting pitched battles. And—heresy*Tyrannosaurus rex* was primarily a scavenger. When it did take on live prey, it picked sick stragglers rather than healthy adults.

Furthermore, dinosaurs were just getting into their stride when disaster overtook them Admittedly, some lines, such as the towering five-storey-high *Brachiosaurus,* had been replaced early on, but throughout the Cretaceous there lived an enormous number of dinosaurs, from extravagantly crested pachycephalosaurs to lethal pack-hunting velociraptors. Elegant creatures, they were equipped with brain-tobody ratios greater than present-day reptiles, and had sophisticated physiologies and behaviours.

Grant-Mackie believes it is only a matter of time before new dinosaur grounds are discovered in New Zealand. And, because New Zealand has few suitable deposits of land origin, those finds will probably be made in marine sediments.

Besides, the country's largest land deposits are coal-bearing sequences which, due to their acidic nature, seldom preserve bones. On the other hand, New Zealand has Mesozoic marine rock totalling perhaps 25 kilometres in thickness which may conceal entirely new species, he says.

The country is certainly not without ancient sites. We already have our own Jurassic Park in Southland's Curio Bay—a fossilised forest 170 million years old. No dinosaur remains have yet been found there, though it is probable they trod its wooded corridors back in the time when it was still part of Gondwana.

Other possible sites include North Canterbury's Waipara Gorge, a location that has yielded marine reptiles, shellfish and wood and leaf fossils.

"The prime reason dinosaurs were found in Te Hoe is that people invested time in the search," says Grant-Mackie. "The ones who find them are the ones who turn over the most rocks."

Despite his interest as a palaeontologist in New Zealand's dinosaur past, Grant-Mackie admits that the field is likely to be left to amateurs for the foreseeable future. It is, he says, a criticism of the funding of science in New Zealand that neither past so long in its unfolding that constellations had changed shape in the heavens and the earth's continents had drawn together and parted in a stately square-dance of plate tectonics. A past ample enough for nature to throw any old possibility together and see what happened—gigantism, baroque armour, the gift of flight.

Through the work of the early scientists and popularisers, dinosaurs got a grip on the human imagination that they have never relinquished.

In 1914, for example, the cartoon *Gertie the Dinosaur* was filmed. Then came other monster pictures, with increasingly realistic animal protagonists, culminating in Steven Spielberg's big-budget thriller *Jurassic Park*. Based on a bestselling novel, it is set to become the biggest-grossing production in cinema history.

The success of *Jurassic Park* could have been predicted in Owen's day. After all, his 30-tonne ferro-cement dinosaur replicas were set on an artificial island in Exhibition Park as one of the commercial operation's main attractions. The circumstance, dinosaurs as theme park draw-cards, is not unlike that of Spielberg's film.

The paying public, it seems, is hungry for whatever it can get in the way of "Godzillas with fangs." Now the offerings have broadened to include everything from dinosaur T-shirts and lunchboxes to bubblegum, postage stamps and slippers that roar like T-rex when you walk.

Inevitably, in this era of the microchip, a CD-ROM computer disc is available with dinosaur articles, photographs, sound effects and a blood-curdling video sequence called "The Hunt."

There are also any number of robotic dinosaur displays, roaring at children and winking menacingly at adults in big cities the world over.

Oddly, and in an echo of Owen's 1853 publicity feast, the biggest maker of robotic dinosaurs started down that road after lending a *Triceratops* as a backdrop to a patron's banquet at the Los Angeles County Museum of Natural History. Lending "live" dinosaurs to museums proved a hit for the company, with attendance for client institutions jumping by up to 15 times the rate for normal exhibits.

Even dinosaur droppings are likely to excite public attention these days, with a collection of 23 lumps of fossilised excrement selling at auction in London university nor government scientists are able to undertake such activities. The lack of a direct commercial spin-off is a major factor. It has been

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estimated that for salaried scientists to shoulder the work of Wiffen's group would cost up to $1 million a year.

The problem is not confined to this country. Surprisingly, a mere 50 or so professionals worldwide are hunting dinosaurs full-time—fewer people than worked on *Jurassic Park,* the film based on their findings. And the palaeontologists' combined annual budget, at less than $2 million, is minute by comparison.

The New Zealand amateurs plugging away with their worn air scribes are even less well resourced. The Mangahouanga group is almost entirely self-funded. Grants totalling around $600 over 20 years, along with the occasional small donation, have been put towards the purchase of hard-to-get reference books and equipment for everyday toil at the fossil face. Travel to scientific meetings—essential for keeping up with the latest palaeontological thought—"is determined by the state of my piggy bank," says Wiffen ruefully.

All the important finds have been deposited with the Institute of Geological and Nuclear Sciences, Lower Hutt, for permanent curation in a national fossil collection. But recognition of the discoveries has been slow. Wiffen's first dinosaur find was officially announced by Ralph Molnar at the fifth Gondwana Symposium in Wellington, in 1980.

"The reaction was a thunderous silence and a general lack of interest or understanding of the geological significance of dinosaurs in New Zealand," Wiffen recalled in her 1991 book *Valley of the Dragons.*

Now, as an increasing number of exhibitions including animated reconstructions tour the country, and as more people are exposed to film and television entertainment based, however inaccurately, on dinosaur life, interest is being aroused in the indigenous species.

The Auckland Museum, for example, is planning an exhibition called *Volcanoes and Giants* for the middle of 1994 to tell "the big stories," in the words of curator of vertebrates Brian Gill. With information on New Zealand dinosaurs, moa and Late Cretaceous marine reptiles, it will eventually be housed as a permanent display.

But the classified orthodoxy of museum galleries reveals little about the serendipity needed to haul evidence from the unyielding rock. Mangahouanga, the country's only known dinosaur burial site, does not give up its treasure readily. Twenty years of hard labour have resulted in fewer than a dozen identified dinosaur fossils.

The rugged Hawkes Bay hill country, once a hideout of the Maori warrior and prophet Te Kooti, and now the preserve of hardy hunters and trampers, has flung an almost impenetrable cloak around its past. Yet, perhaps intimations of that past have been leaking from the rocks for longer than we acknowledge.

Within bellowing distance of the dinosaur valley is a place called Maungataniwha—"mountain of the dragons." The area round about, for all its remoteness, has a history of Maori settlement. Visible from the palaeontologists' huts are the forested hills where once Maori had their gardens and pigeon troughs.

Could the early peoples of Aotearoa have seen the fossils and recognised them for what they were—evidence of awesome otherworldly creatures? The importance of dragons in Chinese culture, after all,

has been influenced by that country's dinosaur fossils, some of which are even now used in "dragon" potions.

In Maori mythology, taniwha were creatures with astounding powers, able to travel through earth and water. Come to think of it, that is just what Wiffen's stonelike menagerie has done, lying down in soft coastal mud, only to rise again amid the violence of electrical storm and flash flood.

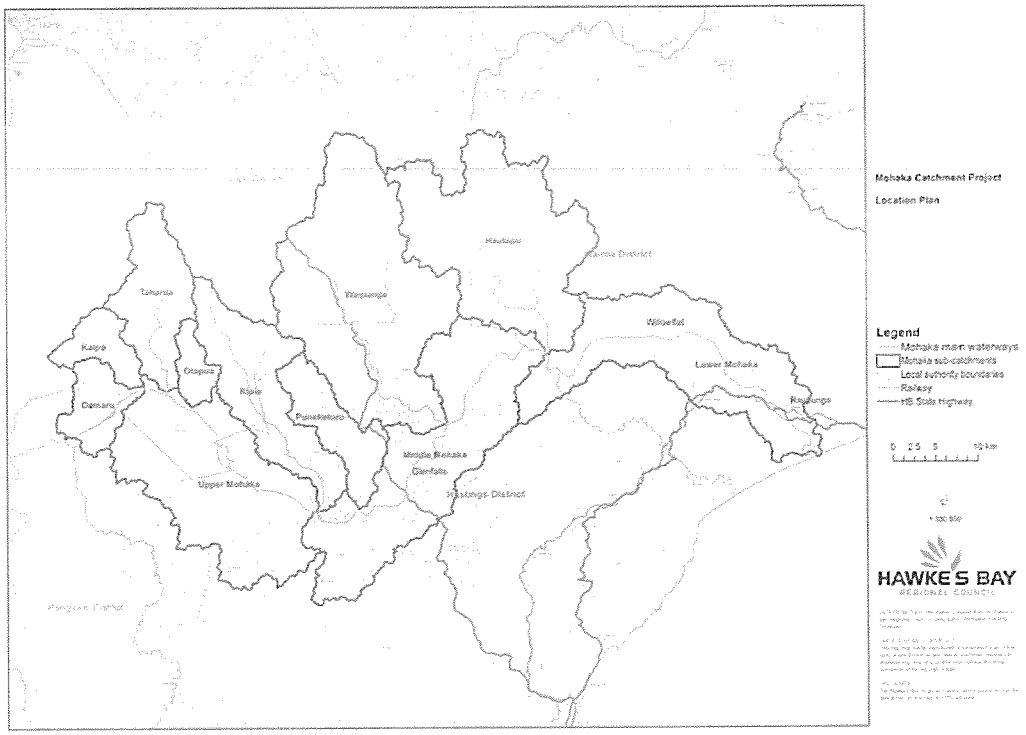
Crabtree, a possum hunter and deerstalker from way back, covered a lot of territory in his gun-carrying days. He and other members of the Hawkes Bay group have humped out vertebrate fossils from sites that read like palaeontological battle honours: Waiau River, Camp, Looney and Half-hour Creeks, Te Hoe valley.

"Over the years, we've extended the fossil area from four kilometres of stream bed to 20 kilometres square," he says as we stop on our journey out of Mangahouanga to survey the sharply folded land.

"We have also had reports from goat cullers and deerstalkers about fossils seen in the rugged outback gullies. One bloke grabbed a rock and cut his hand open on a row of teeth," says Crabtree cryptically. He nods at the distant rain-shrouded hills. "The teeth are still out there, somewhere."

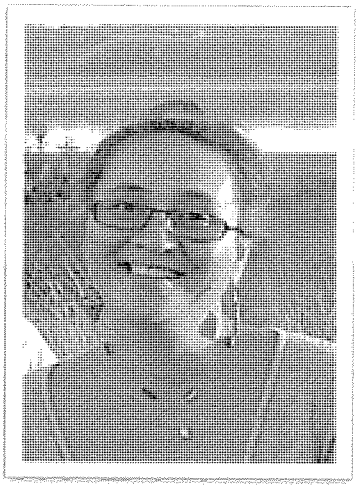
As evening begins to fall, we head for the sealed road with its active ribbon of lights. Behind us, in the brooding hills, unnumbered taniwha sleep on. One day, their time will come.

Appendix 4 Mohaka Catchment Project Map



Appendix 5
Beverley Hughes Credentials 2020

Beverley Nawarihi Hughes
Contacts
Email: beverleyhughes8@gmail.com
Cell: 0274 711 806
Home: 07 31 24 052
Address: 34 Te Taiawatea Drive, Ōhope 3121, Whakatāne



Qualifications

2001	Bachelor of Social Science, First Class, Resource & Environmental Planning, University of Waikato
1995	Certificate in Maori Authorities, conferred by Judge Heta Hingston, Maori Land Court of NZ
1988	Diploma in Teaching, Hamilton Teaching College

Work Record

June 2019 current	Independent contractor, semi-retired
2018 – June 2019	Policy Advisor, Tūhoe Te Uru Taumatua, Te Urewera Board
2017 – 2018	Manager Policy & Strategy – Environmental, Social & Economic, Ngati Awa
2015 – 2016	Maori Policy Team Leader - Senior Water Policy Planner at Bay of Plenty Regional Council (BOPRC)
2014 – 2015	Senior Resource Planner, Regional Integrated Planning BOPRC
2013 - 2014	Beverley Hughes Consulting, Council & Iwi Advice, Eastern Bay of Plenty
2012 - 2013	Senior Advisor Maori Policy, Ministry for Culture & Heritage, Wellington
2005 – 2012	Manager, Environment Ngāti Awa, Te Runanga o Ngāti Awa, Whakatāne
1999 – 2005	Resource & Strategic Planner, Environment Bay of Plenty, Whakatāne
1995 – 1999	Manager, Ngāti Awa Research & Archives, Te Runanga o Ngāti Awa, Whakatāne
1990 – 1995	REAP Early Childhood and Adult Education at Taneatua, Ruatoki, Waimana and Matahi
1985 - 1990	Hamilton Teachers Training College, Teacher Apanui Primary School
1980 – 1985	Department of Maori Affairs, Whakatāne – accounts, cashier, Maori land & community service enquiries, administration, housing officer
1979 – 1980	Department of Maori Affairs, Auckland – Community Services Cadet

Trusteeships

2000 – 2013	Putauaki Trust	Beef, dairy, forestry, light industry
1986 – 2013	Ihukatia Trust	Residential Subdivision, Dairy Farm
2008 – 2013	Ngakauroa Trust	Dairy
1993 – 2004	Paemahoe – Taumataohine Waimana)	Secretary (Reserve in Te Urewera,

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Volunteer

1998 - 2002	Waimana/Matahi/Waiotahe schools representative to Tūhoe Education Authority
1995 - 1999	Secretary, Te Komiti Taiao o Ngāti Awa
2000 - 2013	Rangitaiki Hapu Coalition
2011 - 2012	Toi Economic Development Agency, representing iwi of Mataatua Assembly
2019	Trustee, Te Waimana Kaaku Trust

Work Accomplishments

- Ihukatia Residential Development, Ohope (Trustee 27 years – 10 years Chair)
- Kawerau Symbiosis Project (Ngati Awa representative in capacity as Manager Taiao for Te Runanga o Ngati Awa)
- Putauaki Light Industrial Zone Plan Change (As a Putauaki Trustee responsible for Zone Plan Change Project Manager for Putauaki)
- Maori Land Administration (Service provider in the eastern Bay since 1984)
-
- Operative Maori Heritage Criteria and Policy in the Bay of Plenty Regional Policy Statement (Planner, writer and implementor at BOP Regional Council)
- For Ngati Awa, assessor of major consents and evidence (since 1995)
- Environment Ngati Awa (established and managed unit, developed processes and tools) including Ngāti Awa GIS (Geographic Information System), Iwi Management Plan, Kōiwi and Taonga Tūturu Discovery Protocol, inter-hapu and pan-tribal communications
- Matata Lagoon Recovery Pan Tribal Cultural Impacts Assessment (Project Manager and writer)
- Mataatua Declaration on Water (Project Manager and writer)
- Kōpeopeo Bioremediation Trials Project, 'Te Ohu Mo Papatuanuku' proven natural remedies for pcp-dioxon contaminated sediments (Project Manager and writer)
- Adult Education Courses (Provider of courses in Resource Management Act Processes, Kaitiakitanga, Geographic Information Systems, Koiwi & Artefact Discovery, River Management, Water Quality & Quantity, Policy Development – Whakatane, Positive Parenting - Taneatua, Maori Land Administration - Te Teko, Early Childhood Education – Taneatua, Ruatoki, Waimana, Ohope)
- Policy development and review (at Tūhoe TUT in Human Resources team collaboratively reviewed existing Health & Safety, Recruitment, Code of Conduct, Leave, Capability & Development, Use of Vehicles, Collections Policy)

Nga mihi nui:

Beverley Hughes – Consultant and writer of Report
Te Rangihau Gilbert – Manager Culture and Environment, Hineuru
Robyn Rauna – CE Hineuru Iwi Trust

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SUBMISSION ON Hawke's Bay Regional Council Plan Change 7

February 2020

TO: Hawke's Bay Regional Council
NAME OF SUBMITTER: Horticulture New Zealand

CONTACT FOR SERVICE:
Charlotte Drury
Consultant Planner on behalf of Horticulture NZ
View Consultants Ltd
PO Box 239 NAPIER 4140
Ph: 027 3225595
Email: charlotte@viewconsult.co.nz

Introduction

Horticulture New Zealand (HortNZ) thanks Hawke's Bay Regional Council for the opportunity to submit on Plan Change 7 and welcomes any opportunity to work with Hawke's Bay Regional Council to address and/or discuss the matters raised in our submission.

HortNZ could not gain an advantage in trade competition through this submission.

HortNZ wishes to be heard in support of our submission and would be prepared to consider presenting our submission in a joint case with others making a similar submission at any hearing.

The details of HortNZ's submission and decisions we are seeking from Council are set out below.

Background to HortNZ

HortNZ was established on 1 December 2005, combining the New Zealand Vegetable and Potato Growers' and New Zealand Fruitgrowers' and New Zealand Berryfruit Growers Federations.

HortNZ represents the interests of 5000 commercial fruit and vegetable growers in New Zealand, who grow around 100 different crop types and employ over 60,000 workers. Land under horticultural crop cultivation in New Zealand is calculated to be approximately 120,000 hectares.

The horticulture industry value almost $5.7 billion and is broken down as follows:

Industry value	**$5.68bn**
Fruit exports	$2.82bn
Vegetable exports	$0.62bn
Total exports	**$3.44bn**
Fruit domestic	$0.97bn
Vegetable domestic	$1.27bn
Total domestic	**$2.24bn**

For the first time New Zealand's total horticultural produce exports in 2017 exceeded $3.44bn Free On Board value, 83% higher than a decade before.

It should also be acknowledged that it is not just the economic benefits associated with horticultural production that are important. The rural economy supports rural communities and rural production defines much of the rural landscape. Food production values provide a platform for long term sustainability of communities, through the provision of food security.

HortNZ's mission is to create an enduring environment where growers prosper. This is done through enabling, promoting and advocating for growers in New Zealand to achieve the industry goal of a $10 billion industry in 2020, which it is well on the way to achieving.

HortNZ's Resource Management Act 1991 involvement

On behalf of its grower members HortNZ takes a detailed involvement in resource management planning processes around New Zealand. HortNZ also works to raise growers' awareness of the Resource Management Act 1991 (RMA) to ensure effective grower involvement under the Act.

The principles that HortNZ considers in assessing the implementation of the RMA include:

- The effects based purpose of the RMA;
- Non-regulatory methods should be employed by councils;
- Regulation should impact fairly on the whole community, make sense in practice, and be developed in full consultation with those affected by it;
- Early consultation of land users in plan preparation;
- Ensuring that RMA plans work in the growers interests both in an environmental and sustainable economic production sense.

The current state

Horticulture is hugely important to the Hawke's Bay region. Around 22,000 ha of land is used for commercial fruit and vegetable production in the Hawke's Bay region, by around 380 horticultural growers. Seventy percent (70%) of all apples produced in New Zealand are grown in the Hawke's Bay, with the vast majority of those on the Heretaunga Plains, and the region also produces over 30% of New Zealand's processed vegetables. Summerfruit, squash and onions are other significant crops for the region.

Specialised post-harvest pack houses add significant value after the farm gate and many growing organisations are now integrated into the post-harvest chain. There are two significant international fruit and vegetable processing facilities located in Hastings (Heinz Wattie's and McCain's), and those post-harvest processing facilities alone employ over 1800 people.

Hawke's Bay produces significant quantities of food for domestic supply, which is important for the health and well-being of all New Zealanders. Hawke's Bay's contribution to the domestic food supply is particularly important because of the warmer climate which means that it can provide fresh produce when other regions are not able to provide fruit and vegetables into the supply chain.

There is also extensive export production within the region, which provides employment opportunities for many people. The Heretaunga Plains are arguably a nationally outstanding source of highly productive land and significant protection of this land has been regulated within district and regional planning tools due to pressures from urbanisation.

HortNZ's Submission on Hawke's Bay Regional Council Plan Change 7

One of the seven objectives of Matariki (the Hawke's Bay Regional Development Strategy and Action Plan (2016)) is 'to leverage the region's natural advantages to optimise the export value of agribusiness and food and beverage manufacturing, further enhancing the premium positions and value-add of Hawke's Bay produce'. Hawke's Bay is world-renowned for its quality food production with these exports accounting for 52.5% of the region's GDP (compared to 30.7% for total New Zealand). OBJ LW1 of the Regional Policy Statement recognises the significant regional and national value of fresh water use for production and processing of beverages, food and fibre. However as currently drafted, Horticulture NZ has concerns that Plan Change 7 could have a detrimental impact on the ongoing success of the horticultural sector in the region, that would arguably challenge the ability of many people and communities within the region to continue to provide for the social and economic wellbeing, which cuts to the heart of the sustainable management purpose of the RMA.

HortNZ's particular concerns about Plan Change 7 relate to the following matters:

- The hierarchy of values that is proposed;
- The number of waterbodies that are proposed to be classified as outstanding; and
- The lack of detail provided within the Plan Change about what the outstanding (and significant) values of water bodies are.

Each of these three matters is explored in some further detail below. The three matters are interlinked, and we believe exacerbate each other, and HortNZ is of the view that amendments need to be made to the Plan Change as currently drafted to address all three matters. In an effort to assist with this we have set out in our concluding section the specific amendments that we believe are necessary to ensure that Plan Change 7 does not create such uncertainty for horticultural growers and post harvest operators such as Heinz Watties and McCain's that they move their operations to other regions. If Plan Change 7 remains as currently drafted, we believe that is a genuine possibility, that would clearly have a significant adverse effect on the economy, as well as the social and potentially also environmental fabric of the Hawke's Bay community.

Hierarchy of values proposed

Objective LW1 seeks to protect the "outstanding and significant values" of outstanding water bodies identified in Schedule 25. The reason and explanation provided for this objective in the draft plan change is that it is consistent with the NPSFM. Objective A2 of the NPSFM does indeed require that the significant values of outstanding freshwater bodies are protected, while the overall quality of fresh water within a freshwater management unit is maintained or improved. However, the NPSFM makes no reference to the protection of outstanding values. HortNZ notes with interest that the draft NPSFM, which is obviously not yet government policy but was drafted and released for public consultation last year as part of the Essential Freshwater reforms, continues to seek that the significant values of outstanding waterbodies are protected – a requirement to protect the outstanding values of outstanding waterbodies is notable due to its continued omission.

In the Plan Change 7 documentation, it is challenging to locate an explanation about why outstanding values are proposed to be protected, in addition to the significant values of outstanding water bodies. The requirement to protect the significant values of outstanding

water bodies is clearly set out in the NPSFM, and as a lower order planning document, the RPS must, and as currently drafted does, give effect to the NPSFM. The additional requirement to protect the outstanding values of outstanding water bodies (as well as the significant values) presents a number of issues, particularly when the requirement to prioritise the protection of outstanding values above significant values is also taken into account, and therefore HortNZ has fundamental concerns about this aspect of the Plan Change.

On the face of it, seeking to provide additional protection for outstanding water bodies seems like a good idea, however, for a region whose economy, and thus the communities social and economic wellbeing is so heavily reliant on the ongoing growth and productivity of the horticultural sector, the implications of this need to be particularly carefully worked through, as we seek to do here, and HortNZ ultimately concludes that the current drafting of Plan Change 7 could have impacts we don't believe other parties have completely understood, and arguably would not be willing to accept. We seek to explain the basis of our concerns below:

- An 'outstanding water body' is defined in PC7 as a freshwater body or estuary that has one or more outstanding cultural, spiritual, recreation, landscape, geology, natural character or ecology value(s). 'Outstanding' is defined as conspicuous, eminent, and/or remarkable in the context of the Hawke's Bay region. As set out in the Section 32 Evaluation Report, in June 2017, the RPC and Council formally excluded economic and consumptive values from consideration as 'outstanding values' for the purposes of PC7. The specific reasons why this decision was taken are not explained in the Section 32 Evaluation Report, and HortNZ would argue that economic and consumptive uses should have been able to be considered as outstanding values. As is illustrated by the data provided earlier in this submission, and as this organisation has argued in evidence submitted to the Tribunal for the WCO application for the Ngaruroro and Clive Rivers, the Heretaunga Plains are outstanding in the Hawke's Bay context, and arguably in the national context, for economic and consumptive values – namely the volume and quality of horticultural crops that are grown on them. While arguably there are private individuals that stand to benefit economically from the success of the horticultural crops grown on the plains, the economic benefits to the wider Heretaunga Plains community are immense, and enable many, many people and communities to provide for their social and economic wellbeing.

- Notwithstanding that economic and consumptive values were not considered to be available for recognition as outstanding values as part of this Plan Change 7 process, this may not have been as problematic if the decision wasn't also made to prioritise the protection of outstanding values, over the protection of significant values. Policy LW2 sets out this hierarchy, which is also reinforced in the current drafting of POL LW3A (and the associated policies for the coastal environment). This essentially means that the protection of economic and consumptive values will never be afforded the highest priority in an outstanding water body, because to be classified as outstanding, the waterbody must also have at least one outstanding value, which must be protected as a priority. HortNZ is strongly of the view that the policies setting out the hierarchy must be amended to remove the requirement for prioritisation. OBJ LW2 requires that the management of land use and freshwater use recognises and balances the multiple and competing values and uses of resources, and Horticulture New Zealand submits that a balancing of the competing values is a more appropriate approach. OBJ LW2 does go on to state that where significant conflict between competing values or uses exists, or is foreseeable, the regional policy statement and regional plans should provide clear priorities for the protection and use of those freshwater resources. It is noted that use

of freshwater resources is anticipated by the objective, therefore prioritising non-consumptive uses over uses of a consumptive nature is not considered to be inconsistent with the overall intent of the objective, and therefore the amendments that HortNZ's seek are both appropriate, and arguably will enable a balancing of competing values, that is appropriate in the context of each individual case. We believe the ability to appropriately weigh competing values on a case by case value is particularly important moving forward, as the immense challenges that lie ahead with regard to maintaining, or enhancing water quality and quantity throughout the region are going to require innovative thinking, flexibility and nimbleness in planning instruments to enable changes to different land uses that have lower nutrient loss profiles, such as many permanent horticultural crops for example.

- It is understood, particularly from the reading of Footnotes 4 and 5 of POL LW1, that the requirement to prioritise the protection of outstanding values over significant values must also be applied in the process of preparing regional plans. Although it is not explicitly clear, the current drafting of Plan Change 7 indicates that additional outstanding values cannot be identified as part of a catchment planning process, and would instead require a change to the RPS. If this is not the case, then it is suggested that redrafting is required to clarify this. It may be that as part of a collaborative, catchment specific planning process, that a decision is made to prioritise the protection of the outstanding values of outstanding waterbodies over significant values is made, which HortNZ could accept, however HortNZ does not believe this is an appropriate decision to be made at the RPS level, when there has been limited opportunity for representatives of all sectors of the community to be involved in the drafting of this plan change.

- The primary point that HortNZ wishes to submit on this matter is that maintaining the ability to balance competing values is important, and we do not believe a hierarchy that prioritises outstanding values over significant values in all cases (ie. is not context specific) is appropriate.

- The additional matters specified in POL LW3A that a consent authority must have regard to also warrant comment, particularly subsection (c). The reasons why these two aspects of proposed activities have been identified, and a consent authority directed to have regard to is not clearly articulated, and arguably consideration of the activities effects would include these matters if appropriate in context, and as this proposed policy relates only to discretionary and non-complying activities, the councils ability to impose conditions on such matters is not restricted in any event. While we note that there is some time delay in these provisions taking effect, we still have concerns about them and seek their deletion from the policy.

  In a horticultural context, the location of particularly a water take, but arguably also a land use consent associated with a waterbody (such as a culvert), are generally location specific, and cannot simply be moved. For example, in the case of a water take, it will be located where there is an established well, or for a new well, where the well driller believes there is the best change of accessing groundwater; in relation to a land use consent for a structure in a waterbody, a culvert will be proposed to be located where it is best sited from an engineering, as well as health and safety perspective. The location of proposed activities are always well considered, and in many cases, would be extremely difficult to change. Given the outstanding matters that have been identified in PC7, and the current lack of specificity around what the values are, and

therefore what needs to be done to protect them, it is not clear what a consent authority could require in relation to the location of an activity – could an applicant be required to change it? How are other matters such as the value of existing investment taken into account when such things are considered. HortNZ has similar concerns about the potential impact that time limits that could be imposed may have on growers. Horticultural activities have very specific requirements with regard to water demand at certain times of the growing season. Seasonal, or annual limits on water take consents are now relatively standard practice, and would not be of concern to horticulturalists, however as currently drafted, this provision creates concern for HortNZ, as it would appear that further timing limits could be imposed on consent applicants. Concerns related to these two matters are amplified because of the lack of specificity in the plan change about what the outstanding and significant values are, as discussed further below.

Number of water bodies proposed to be classified as outstanding

The magnitude of the matter raised above is compounded by the number of waterbodies that have been identified in PC7 as being outstanding. As noted in the Section 32 Evaluation Report, the supporting documentation for the NPSFM consistently indicates that only a small number of outstanding waterbodies should be identified across the country. Thirty-eight waterbodies in the Hawke's Bay region are identified in this plan change as being outstanding. Arguably this is the total number that were anticipated as being identified as outstanding across the country – not within one region. HortNZ believes that identifying such a large number potentially could result in perverse outcomes, because to avoid the plan change being unworkable, and potentially making it difficult for an entire sector such as horticulture to continue to operate in the region, provisions must be reworded and made less stringent, which then undermines the level of protection that is afforded to those truly outstanding water bodies that are located in the Hawke's Bay region. It is interesting to note that the Taranaki Regional Council has identified three waterbodies within that region as being outstanding[1].

HortNZ submits that the list of outstanding water bodies must be revisited, and at a minimum is reduced to the list of waterbodies that was agreed by the expert panel as being outstanding, although, for reasons set out further below, HortNZ disagrees with the identification of both the Heretaunga and Ruataniwha Aquifers as being outstanding, and therefore seeks that they are removed from Part 2 of Schedule 25, as well as all of the other waterbodies not identified by the expert panel as being outstanding.

Both aquifers are identified in Part 2 of Schedule 25 as having outstanding cultural, spiritual and geological values. HortNZ recognises the importance of water to tangata whenua, and the very highest importance that is placed on the recognition of Te Mana o Te Wai in the management of freshwater through the NPSFM, however suggests that to enable the protection of these outstanding values, further detail must be provided about what they are, and how impacts on their outstanding values can be measured, and/or assessed by consent authorities. Without such further detail, it would be incredibly difficult for a consent applicant to provide any form of assessment exploring how their proposed activity impacted these outstanding values. Requiring a consent applicant to provide a cultural impact assessment to support any and all applications that sought authorisation for an activity within an outstanding waterbody (particularly given the number of water bodies currently included in Schedule 25) seems unreasonable, and would also be very difficult to resource with appropriately skilled

[1] Namely the Hangatahua (Stony) River, Lake Rotokare, and the Maketawa and Ngatoro Streams.

5 persons. As has been requested by HortNZ, reducing the number of outstanding water bodies to those that are truly remarkable, would go some way to addressing this issue.

The description of the 'outstanding value' in Part 2 of Schedule 25 states that the Heretaunga Aquifer system consists of interconnected layers of water bearing gravels, sands, silts, clays and shells located beneath the Heretaunga Plains. A google search seeking to answer 'what is an aquifer?' provides the following answer: "An aquifer is an underground layer of water-bearing permeable rock, rock fractures or unconsolidated materials (gravel, sand, or silt)." Arguably the 'description' of the outstanding geological value of the Heretaunga Plains
6 Aquifer provides no information about its outstanding value, and simply explains what an aquifer actually is. It provides no clarity about what the expert panel believed made the Heretaunga Plains Aquifer outstanding, nor how that outstandingness can or should be protected. Is it the size of the aquifer, or the volume of water it produces, or its depth, or its geological makeup that make it outstanding? The current drafting of Schedule 25 provides none of this detail, and would make it extraordinarily difficult for a consent applicant, or a consent planner, to make an informed assessment about what the potential effect of an activity may be on the outstanding geological value. A consent planner must reach a conclusion about whether or not the outstanding geological value of the aquifer would be protected if an
7 application was granted, and to do that, further detail must be included in the Plan Change that details tools that can be used in that assessment. For example, is the groundwater level an indicator that could be used, and could an assessment be made of the potential effect of the proposed activity on the groundwater level trends in the regional council's closest monitoring bore. One possible outcome of such a scenario is that growers, because of the potential uncertainty and cost associated with going through a resource consent process are deterred from making any changes to their operations, and potentially look to relocate their growing operations to other regions where regional planning frameworks are more explicit, and expectations clearer.

8 HortNZ also notes that the identification of aquifers as outstanding water bodies is without precedent in New Zealand. Maintaining the ability for growers to abstract water from the Heretaunga and Ruataniwha Aquifers, and undertake other activities associated with their operations such as discharges, is absolutely critical to the ongoing success of the horticultural industry in the region. Around 250 growers grow above either the Heretaunga or Ruataniwha Aquifers – that means that potentially around 70% of growers within the Hawke's Bay region would be impacted if the Heretaunga and Ruataniwha Aquifers were classified as outstanding
9 waterbodies. The impact of this would be significant, and it should not be underestimated the real financial impact that would have on growers. The additional assessments, both in terms of what would be required to support a consent application, and the additional time that council would need to consider those assessment would all add, potentially in the order of thousands, to the cost of obtaining resource consents, and particularly for smaller growers, such costs may be unsustainable. There is also the potential that consent applications could be declined, which would obviously create an impediment for horticultural production on the most highly productive land in the region.

Lack of guidance about outstanding values

As currently drafted, and as already noted earlier in this submission, HortNZ submits that Plan Change 7 lacks specificity about what the outstanding and significant values of outstanding water bodies are, and how effects on those values can be assessed. The lack of detail in the current wording of Plan Change 7 makes it extraordinarily difficult for a consent applicant to

understand what any consent application would need to include, and would rely on individual consents planners making decisions about what was necessary in a particular context, which does not enable consistent application of any planning framework. Outcomes and/or limits that provide an indication of whether an outstanding value is being protected must be detailed for each value identified, to provide a means of assessing any effects on those values. For example, the Tukituki River is identified as having outstanding ecological values, and has a significant population of black fronted tern in the lower river and estuary area. A measurable outcome that provides material guidance about whether or not that outstanding ecological value is protected could be that the population of black fronted tern is not effected by the proposed activity. The approach that HortNZ is requesting here is generally consistent with suggested changes to the NPSFM that require components and attributes to be identified for values, and states that, where possible, attributes should be able to be assessed in numeric terms.

Although similar specificity around significant values identified would be immensely useful, it is acknowledged that such an activity is a large body of work and is required by POL LW1 to be done as part of catchment specific planning processes.

Summary of relief sought

The table below identifies the changes required to the wording of specific objectives and policies of Plan Change 7 to provide the relief that Horticulture NZ is seeking in this submission. Consequential changes would also need to be made to relevant reasons and explanations to ensure that they are consistent with the final wording of the objectives and policies.

Provision	Support/oppose	Decision sought	Reason
POL LW2 (1) (c) (i) & (ii)	Oppose in part	Deletion of (c) (i) and rewording of (ii) as follows: "Protecting outstanding and significant values of any outstanding waterbody in Schedule 25"	The proposed hierarchy is not considered to be appropriate.
POL LW3A (1) (a) & (b)	Oppose in part	Deletion of (a) and rewording of (b) as follows: "the extent to which the activity would protect the outstanding and significant values described in Schedule 25 of the relevant outstanding waterbody".	The proposed hierarchy is not considered to be appropriate, and values must be described to enable decision makers to assess whether or not those values are protected.
POL LW3A (1) (c)	Oppose	Deletion of (c)	The ability for a decision maker to require changes to the location of an activity or impose additional time limits is not considered reasonable or necessary.

POL LW3A (1) (d)	Oppose	Deletion of (d)	The proposed hierarchy is not considered to be appropriate.
POL LW3A (3) (a) & (b)	Oppose in part	Deletion of (a) and rewording of (b) as follows: "where a description of the outstanding waterbody's outstanding or significant value is stated in Schedule 25".	The proposed hierarchy is not considered to be appropriate, and values must be described in more detail to enable decision makers to assess whether or not those values are protected.
POL C2 (1) (a) & (b)	Oppose in part	Deletion of (a) and rewording of (b) as follows: "the extent to which the activity would protect the outstanding and significant values described in Schedule 25 of the relevant outstanding waterbody".	
POL C2 (1) (c)	Oppose	Deletion of (c)	The ability for a decision maker to require changes to the location of an activity or impose additional time limits is not considered reasonable or necessary.
POL C2 (1) (d)	Oppose	Deletion of (d)	The proposed hierarchy is not considered to be appropriate.
POL C2 (3)	Oppose	Deletion of (a) and rewording of (b) as follows: "where a description of the outstanding waterbody's outstanding or significant value is stated in Schedule 25".	The proposed hierarchy is not considered to be appropriate, and values must be described to enable decision makers to assess whether or not those values are protected.
Schedule 25, Part 2	Oppose in part	Deletion of the following water bodies from the list of outstanding water bodies: • Hautapu River • Heretaunga Aquifer • Karamu River • Kaweka and Ruahine Ranges wetlands	Outstanding values that warrant protection as outstanding water bodies are not clearly identified. Additional reasons for proposed deletion of the Heretaunga and

		• Lake Tutira • Makirikiri River • Mangahouanga Stream • Nuhaka River • Opoutama Swamp • Porangahau River • Putere Lakes • Ripia River • Ruataniwha Aquifer • Tarawera Hot Springs • Te Paerahi River • Tutaekuri River • Waihua River • Waikaretaheke River • Wairoa River	Ruataniwha Aquifers are also outlined above.
		Add 'outcome/indicator' column to table, and identify in that column outcomes and/or indicators that can be used as a means of assessing whether or not the outstanding value of the water body would be protected or not.	Provides clarity about values that require protection, and how effects on those values can be assessed.

Horticulture New Zealand would like to thank the Hawke's Bay Regional Council for providing the opportunity to submit on Plan Change 7, and would be happy to meet with the Council to discuss our concerns in more detail if that would be of assistance. Horticulture New Zealand supports the protection of the outstanding and significant values (on a balanced case by case basis) of the truly outstanding water bodies in the Hawke's Bay region, and believes this can be achieved with our suggested amendments to Plan Change 7.

Submission on Proposed Plan Change 7: Hawke's Bay Regional Resource Management Plan

PLEASE NOTE: your submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.

Name: *(required)* Brian Eccles

Organisation: Jet Boating N.Z.

Postal address: *(required)* 17 Roger Revell Ave, Masterton

Email address: eccles b@xtra.co.nz

Phone number: 027 4410820

Contact person and address if different to above: —

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☑ I could not gain an advantage in trade competition through this submission; or

☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☐ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission.

Do you wish to be heard in support of your submission? Yes / No

If others make a similar submission, would you consider presenting a joint case with them at a hearing? Yes / No

Signature: BW Eccles Date: 25/2/2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
OWB@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 28 February 2020

No submissions will be accepted after this deadline. The deadline will not be further extended.

OFFICE USE ONLY

SUBMISSION ID#

20

Date Received:

25/2/20

Database Entry Date:

4/3/20

Database Entry Operator:

NN

HAWKES BAY REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

JBNZ

(1)

Issue / Topic Description

Recognizing the Recreational value of the braided middle section of the Ngaruroro River.

Specific provisions of Proposed Plan Change 7 that my submission relate to are:-

- Policy table 2A (page 10) - Greater Heretaunga/Ahuriri Catchment area
- Schedule 25, table 1, Outstanding values and sub values (Page 20)
- Schedule 25, table 2, Outstanding Water Bodies, section 18, Ngaruroro River and Estuary (page 30)

My Submission is:

1) Jet boating recreation should be recognised as a Primary Value in Table 2A (Page10), for the reach from the cable at Whanawhana to Fernhill Bridge for the following reasons:

   a. The test for outstanding is judged on the outstanding qualities in a regional context (para 68, Section 32 Evaluation report) and there are simply no other rivers in the region approaching this quality for Jetboat recreation. It is the best of the best. In fact, it is head and shoulders above all North Island rivers.

   b. Braiding is a highly sought-after quality for jet boating recreation. Schedule 25, Part2, Section 18 recognises the outstanding nature of this braided reach. Accordingly, Policy Table 2A should be updated to enact this recognition for recreation.

   c. The Statements of evidence from Paul Mullan and Brian Eccles presented as part of the application for a Water Conservation Order for the Ngaruroro River and Clive River provide excellent detail why this section is outstanding. While the Special tribunal could not agree that on a national level this reach is outstanding, for the purposes of Plan change 7, where the criteria is "regionally outstanding", this is a threshold we propose is readily achieved. Specific areas I refer to are:-

      i. B Eccles. Braided Rivers analysis, para 41 onward

      ii. B Eccles. Braided River Summary (Page 13) shows the significance of the Ngaruroro on a national and regional basis

      iii. P Mullan, Para 28, 29. (Page9) shows the level of use by JBNZ and private use.

   d. JBNZ has published a quarterly magazine since the 1960's and numerous articles discuss the qualities of the Ngaruroro River. The publication is called Jet Boating and is sent to about 2,000 members. Soft copies are available. Examples of the comments are below.

      i. Issue 159, March 2003. Comment from Richard Anderson in the Central Districts Branch Roundup, page 46.
      "The Ngaruroro camp weekend turned out to be a great weekend with several people staying over. I was one of the day trippers but what a great river, a must to put onto your 'to do list' (at the top). This is a gem of a river".

      ii. Issue 192, May 2011. Comment from Allan Meredith in the Norther Districts Branch Roundup, page 68.
      The Ngaruroro River was in excellent boating form for our New Year trip with members not having to travel far on the river to enjoy some brilliant shallow water boating.

(2)

iii. Issue 195, March 2012. Comment from Allan Meredith in the Norther Districts Branch Roundup, page 72.
Those members that went early to our Ngaruroro River Camping trip over New Year managed to get in some great shallow water boating before the rains turned the river into a brown difficult to read mess with only a few clues as to where the boatable channels were!

e. For clarity, JBNZ sees no conflict with motorised craft using this section of river and the habitat values for banded dotterel and pied stilt. This is for the simple reason that populations of these birds continue to expand concurrent with historic significant activity from motorised craft. There are also published studies that show less than minor impacts to similar species in similar South Island braided rivers.

I seek the following decision from the Regional Council:

1) In the Proposed Plan Change 7 document, Policy table 2A (Page10), Greater Heretaunga / Ahuriri Catchment Area, include a new bullet point:
Recreational jet boating in the braided reach of the Ngaruroro River from Whanawhana to Fernhill Bridge

2) JBNZ supports the recognition of Jet Boating as a recreation activity as detailed in Schedule 25, Table 1: Recreation. Keep the wording as proposed.

3) Within the Proposed Plan Change 7 document, In table 2: Outstanding Water Bodies, section 18. (page 30) of Ngaruroro River and Estuary, JBNZ supports the proposed wording and specifically where it refers to the section below Whanawhana as below.

From Whanawhana, the Ngaruroro River opens to wide braided channel, which is the best example in the region, and highly valued for jet boating...

3

Before a Special Tribunal

Under	the Resource Management Act 1991
In the matter of	an application for a Water Conservation Order for the Ngaruroro River and Clive River

Statement of evidence of Paul Mullan on behalf of the New Zealand Fish and Game Council; Hawke's Bay Fish and Game Council; Royal Forest and Bird Protection Society of New Zealand; Jet Boating New Zealand; Whitewater NZ Incorporated; and Operation Patiki Ngāti Hori ki Kohupatiki

28 November 2018

Introduction

1 My name is Paul Mullan.

2 I am the President of Jet Boating New Zealand (**JBNZ**).

Qualifications and experience

3 I have the following relevant qualifications and experience:

(a) Owned jet boats continuously since 1977;

(b) Lifetime member of JBNZ since 1979;

(c) Hold a Maritime NZ Commercial Jet Boat License;

(d) Commercial Jet Boat Owner / Operator – Alpine Jet Thrills Pty Ltd operating from a base in the lower braided reaches of the Waimakariri River near Christchurch as well as in the gorge 80 kilometres upstream at the foothills of the Southern Alps;

(e) Produced TV documentaries on six jet boat expeditions around the globe with World Jet Boat Expeditions;

(f) Jet boated rivers extensively in Mongolia, Siberia, USA, Canada, Patagonia (Chile & Argentina), New Zealand, Australia, Nepal, Bhutan, India and have a sound understanding of different river make-ups; and

(g) Founding Chairman and current Management committee member of the JBNZ Heritage Trust established to preserve the history of jet boating in New Zealand.

Scope of evidence

4 The scope of evidence I provide covers:

(a) History of jet boating in NZ;

(b) The purpose and role of JBNZ;

(c) The jet boating values of the Lower Ngaruroro in a national context;

(d) The jet boating values of the Lower Ngaruroro in an international context; and

(e) Why JBNZ is a co-applicant of the WCO.

Summary of evidence

5 The summary of my evidence is:

(a) JBNZ has a strong history, a strong membership, and a mandate to advocate for ongoing access by powered craft to New Zealand's rich river resources;

(b) JBNZ is a safety conscious and environmentally aware organisation;

(c) JBNZ recognises the braiding in the Lower Ngaruroro River as being of outstanding value to its membership in a regional, national and international context;

(d) JBNZ see braiding like that exhibited in the Lower Ngaruroro River as being highly fragile and once lost is unlikely to recover;

(e) JBNZ seeks protection of the current extent and character of braiding in the Ngaruroro River; and

(f) JBNZ believes a Water Conservation Order is the most appropriate tool to enable the level of long-term protection required because it has a longer planning horizon and is less influenced by short-term local imperatives.

Jet boating in New Zealand - background

6 Jet boating in New Zealand has a rich history.

7 As a child the shallow braided streams of the McKenzie Basin provided the young Bill Hamilton with a challenge. How could he get his row boat back upstream after traversing the rapid downstream?

8 This inventive and adventurous sportsman and engineer responded in retirement by advancing the Archimedes creation of a water screw in a tube, refining it in early stages to become a powerful locomotion force, which unlike a propeller, was contained within the boat and enabled high speed progress over the shallowest waters – in essence this was the worldwide 'invention' of the jet boat.

9 Bill Hamilton has been likened to Henry Ford, providing shallow water boating to the masses... only he discovered the use for the jet boat as well.

10 All Bill Hamilton's jet boats were named *Whio,* Maori for Blue Duck, which astounded Bill in the way they could fly low upstream about the fast flowing rapids. It would be his inspiration to boat against the flow.

11 Since about 1953, first a trickle of admirers, then a flood of enthusiasts became equipped with Hamilton jets from the Christchurch factory. By 1957 boats were to

be found throughout New Zealand, venturing far into the rougher reaches of rivers and enjoying the remarkable and unique properties of the new water jet propulsion.

The purpose and role of Jet Boating New Zealand (JBNZ)

12 An Association of owners of jet boats formed the New Zealand Jet Boat Association in 1962 with a foundation membership of 58 owners. The number has increased to about 2,000 at this time.

13 The objectives of JBNZ are:

(a) To co-ordinate jet boating on a national basis;

(b) To encourage safe jet boating principles and practices;

(c) To promote and protect the rights of jet boaters and JBNZ; and

(d) To establish and maintain harmonious relationships with other water users.

14 A key role of JBNZ is to maintain and enhance access to rivers that meet the needs of our members. The regulatory framework is complex.

(a) Under the RMA territorial authorities have jurisdiction to manage the environmental effects of surface of water activity from powered craft used on rivers and lakes. Potential or actual environmental and conflict of use effects must be managed under the District Plan of each territorial authority, and in some cases a resource consent may be required. Jet boating is designated in the Hastings District Plan as a permitted activity on the Ngaruroro River;

(b) Navigational safety of motorised craft travelling on the surface of rivers and lakes comes under the Transport Act. In some regions the jurisdiction comes under the navigational safety bylaws set by the Regional Council and managed by the Harbourmaster. Other areas remain under the management of the Maritime Safety Authority; and

(c) The bed of the river is managed by regional councils.

Jet boat access to Hawke's Bay rivers

15 Within the Hawke's Bay region efforts by JBNZ over many years have ensured that the following rivers allow at least some jet boating activity. The remainder don't.

(6)

(a) Ngaruroro River

(i) The Hastings District Council District plan provides for jet boating as a permitted activity on the Ngaruroro River all year round.

(ii) Hawke's Bay Regional Council (HBRC) navigational safety bylaws allow speeds to exceed 5 knots all year round.

(b) Lower Tukituki River (28km of river below Waipawa and above the Tukituki bridge and bird reserve on the Waimarama Road)

(i) The Central Hawke's Bay District Plan allows events subject to time of year and minimum flows conditions.

(ii) HBRC must suspend the relevant navigational bylaws for the event.

(c) Tutaekuri River

(i) The Hastings District Plan permits up to three events per year subject to minimum river flows and other conditions.

(ii) HBRC must suspend the relevant navigational bylaws for the event.

(d) Mohaka River

(i) The Hastings District Plan treats jet boating as a permitted activity on sections of the Mohaka River. However, this river can only be boated at high flows and requires advanced whitewater driving skills.

(ii) HBRC navigational safety bylaws allow speeds to exceed 5 knots.

(e) It should be noted the next nearest jet boatable river access point outside of Hawke's Bay is the Manawatu River starting below the SH 2 bridge some 6km south of Woodville. This location is 115km to the south of Hastings.

Jet boating activities

16 Jet boating enthusiasts have interests that cover a wide range of disciplines. These include:

(a) **Family boating** events are held where it is safe and appropriate for a family to participate. They are generally held on Class 1 rivers and involve a group of boats travelling in convoy up to a turnaround point, where they generally stop for lunch before returning to their trailers;

(b) **Shallow water jet boating** focuses on the skills of boating shallow or braided water – as found in the Lower Ngaruroro. The challenge is to boat as many of the shallowest channels as possible, staying out of the easy main channel at every opportunity. Meeting the challenge requires concentration, intermediate to advanced skills and a made for purpose hull and mechanical setup. This activity is unlikely to damage people or machinery – it is amazingly safe for the excitement factor it delivers;

(c) **Whitewater jet boating** involves navigating swift rivers where there is more often high-volume flow, large rocks, pressure waves, swift chutes and raging rapids. This form of boating is exhilarating but also with increased risk to boats, which can be damaged or even sunk. Safely completing whitewater trips requires good training and plenty of practice;

(d) **Fishing/hunting** is a reason why many people own a jet boat. It enables them to reach otherwise inaccessible waters for angling or more easily access remote land for hunting. This type of usage is more common on the large rivers in the South Island than it is in the North Island;

(e) **River Racing** is managed by the NZ Jet Boat River Racing Association (**NZJBRRA**) which is run independently but under the auspice of JBNZ. Carefully managed events see competitors competing in a range of classes, usually established through engine capacity or type. The Lower Ngaruroro is selected for at least one race event each year and is considered one of the most challenging rivers in the North island circuit. For this reason, it is regarded as a great test of driver skill. Every fourth year New Zealand hosts an international event with drivers from four participating countries USA, Canada, Mexico and New Zealand;

(f) **Jet Sprinting** is managed by the NZ Jet Sprint Association which also had its origins within JBNZ until the nature of the sport took them into specially designed and built sprint tracks rather than the traditional tracks temporarily built into braided riverbeds. Today these are highly specialised craft running on purpose-built courses; and

(g) **Commercial operations** exist on many rivers around New Zealand. They have their own national organisation representing business owners and operate under a strict regulatory framework responsible to Maritime NZ.

Environmental effects of jet boating

17 Lobbying for the rights of members to access rivers is a key role for JBNZ. Since the advent of jet boats, various concerns have been raised regarding their impact on rivers, fish, birds and other river users. Resolving conflicting views has been made more difficult by the lack of research data to assist in decision-making.

(10)

18 A report prepared for Environment Canterbury "Jet Boating on Canterbury Rivers – 2015" provides the best review available. A copy of the relevant extract is attached as **Appendix 1**.

19 A summary of JBNZ's position on potential environmental effects is set out below.

(a) Impact on riverbed nesting native birds. Various reports have failed to identify any significant effect on nesting birds. The wake is very small and unlikely to damage nests on the riverbanks. In all cases that risk is vastly less than the effect of even minor floods. Noise disturbance is a possible risk, but research has not identified evidence of abandoned nests as a result. Birds have an ability to quickly adapt to noise. (See Hughey, Ken 2011);

(b) Impact on salmonid spawning. Various studies have attempted to identify if the passage of a waterjet propelled craft can damage spawning areas. No definitive evidence has been proven either way. A key constraint of any such study is that it is almost impossible to get a waterjet powered craft into a high-quality spawning area as these are usually in very small side streams. JBNZ does not support jet boating in high value spawning areas during the peak spawning season;

(c) Impact on native fish. Measuring the risk to native fish from waterjet propulsion has proven extremely challenging. What is known is that in water more than 200mm deep there is minimal disturbance to the riverbed – this means that the turbulent zone under and behind a craft is less than 200mm. The accepted view is that fish successfully move out of the way of an approaching craft;

(d) Impact on trout fishing. This is a highly controversial area and no consensus has been reached. Many anglers agree that passage of a craft encourages feeding with the result that fish are often caught immediately after a boat has passed. Others disagree. What is agreed is that for the moment the boat passes peace and tranquillity is disturbed. The effect on the angler is very much a function of their expectations of peace and tranquillity;

(e) Impact on river banks. On gravel riverbeds such as the Lower Ngaruroro the effect on riverbanks and the river bed is minor and always vastly less than the effect of even minor floods; and

(f) Impact on natural values. If the area is a wilderness area it could be argued that motorised activities are incompatible. The lower Ngaruroro is a natural space but is not a wilderness area. The activity leaves no trace and that is

important. Noise is managed by the rural zone noise rules in the District Plan.

Safety

20 JBNZ has a strong commitment to encourage safe and responsible behaviour from its members. Initiatives include:

(a) All members must display registration letters on their boats;

(b) A code of conduct for safe boating practices (outlined in the yearbook);

(c) Driver training programs;

(d) Standards for the design of safety components used in boats and required equipment to be carried in the boat;

(e) Driver briefings before events and careful management of potential risks during the event;

(f) A code of conduct that encourages members to give way to people in or on the water; and

(g) Working with Fish and Game, Forest and Bird and Doc to identify ecologically sensitive areas and agreeing on restrictions in planning documents to avoid jet boating use in sensitive spawning or nesting periods.

21 Rivers are the lifeblood of JBNZ. This is amply illustrated by viewing a map the organisation provides to guide members on the nature of each river and the suitability for their skill level. A copy of the map is attached as **Appendix 2**.

22 The yearbook has a detailed listing of all rivers in NZ. As well as describing the rivers and the regulatory status of the river, it classifies each to assist members select rivers suitable for their skill.

23 The classifications used for the map and the yearbook are:

Class	Description
1	Easy boating, suitable for beginners and family boating. Boat damage unlikely. Deep water, braids with fine gravel, shingle, minor rapids only.
2	More advanced, comfortable after 100 hours experience. Contains challenges. Boat damage and risk of injury may result from misjudgement.
3	Adventure boating, expert skills required. Boat damage/loss probable if mistakes made.
4	Unlikely to be boated.

24 The section of the Ngaruroro below Whanawhana is classified as class 1, which is the easiest level for river boating.

Branches and events

25 JBNZ is structured as nine branches and it is the responsibility of the branch committees to organise events for members. The branches are Northern, Taranaki, Central Districts, Nelson /Marlborough, West Coast, Canterbury, Waitaki, Otago and Southland. The Ngaruroro River is in the Central Districts region.

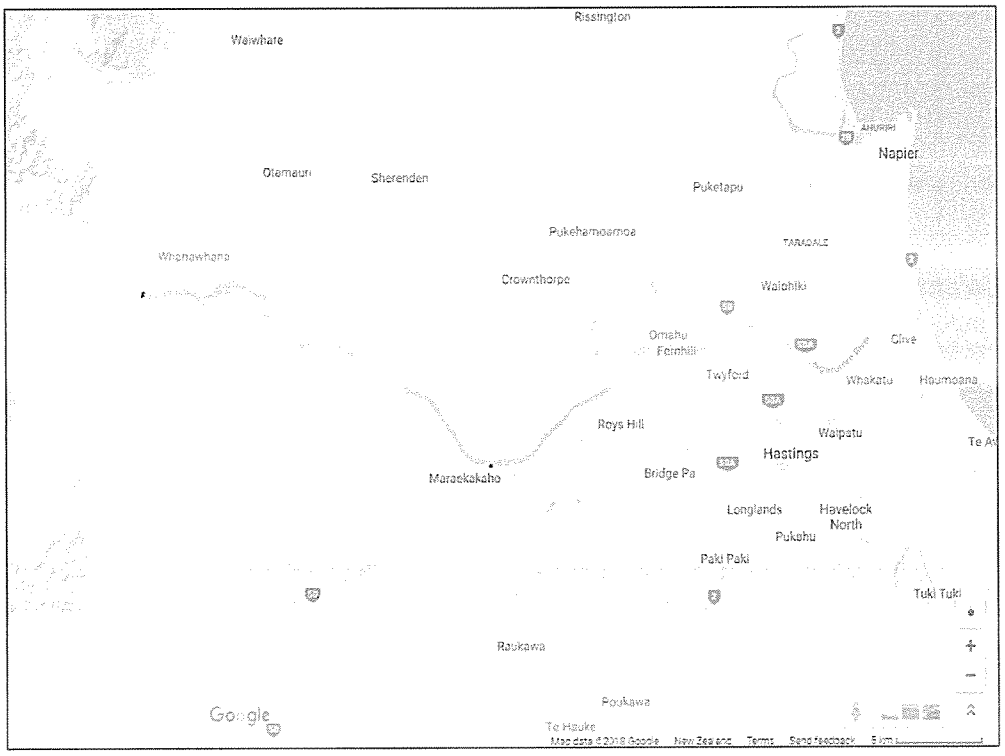
26 The prime function of branch events is to enable jet boaters to get together for recreation and social occasions. They also serve as a useful opportunity for new jet boaters to meet, socialise and boat with experienced members so they can acquire new skills. These events fall into the following categories:

(a) River runs. These cater for family groups and are social and recreational days. The typically involve a leisurely cruise up to a turnaround point. A stop for lunch and a return to the trailers;

(b) Rallies. These are competitions focused on boat handling skills, problem solving and boating knowledge, not on speed; and

(c) Slaloms. A speed event between closely spaced buoys in deep water.

27 Map of the region showing the Ngaruroro River.



28 Each year JBNZ branch committees organise events on the Lower Ngaruroro River. The launching location is usually Maraekakaho and the turn-around point is the cable at Whanawhana, 27km upstream.

(a) The Central Districts branch runs about eight events per year on the Lower Ngaruroro River. The largest event is the shortest day run, which attracts about 50 craft and involves about 150 people;

(b) The Northern branch has at least 3 events on the river each year;

(c) The Taranaki branch has at least one event on this river each year; and

(d) The River Racing branch of JBNZ organizes at least one event per year on this river. These events frequently include international drivers. Its braided nature is a huge challenge to such competitors who are unlikely to have ever experienced a river like this.

29 Members and non-members regularly use the river on their own account, 7 days a week, summer and winter. As an example of the level of use, on Labour weekend it is common to see up to 50 boats on the river each day. Visitors commonly travel from as far afield as Auckland, Wellington and Taranaki.

Ngaruroro jet boating values in a national context

30 Jet boating has occurred on the Lower Ngaruroro River since the very early days of waterjet propulsion in the 1950's. Its level of use has always been high.

31 Factors which make the Ngaruroro River attractive are:-

(a) The braids change from week to week;

(b) It offers challenge, for both learners and advanced drivers;

(c) The aggregate is small and moves easily, creating a safe environment should a boat run aground;

(d) At a wide variety of flows it offers challenging optional channels;

(e) Apart from occasional high flood days and exceptionally dry summers it can be boated most days of the year; and

(f) No other North Island river offers more than minor braiding.

32 The passenger experience on the Lower Ngaruroro River is remarkable. Most boats can carry between two and four passengers and over the course of a year many people are introduced to an experience they value extremely highly without the need for being on a commercial operation. Jet boaters and the passengers they bring to the Lower Ngaruroro often comment on:

(a) The pristine, clean waters;

(b) The extent of the braiding;

(c) The raw power of the river;

(d) The almost unbelievable ability for a waterjet propulsion to move a boat up such shallow water;

(e) The lack of almost any trace that a craft has passed up the river;

(f) The unfathomable ability of the driver to keep the boat away from the banks and off the shallow bars; and

(g) The diversity and numbers of wildlife observed from the boat.

33 In a national context I have not experienced any river in the North Island which offers the abundance of opportunity for a jet boater in such a safe operational environment. Similarly, there are only one or two rivers in the South Island that offer all of these same opportunities, namely the Waimakariri and Waiau in

Canterbury. Many offer some components that make for a 'good' braided river but many lack all the attributes e.g. The Matukituki River is similar however its sand makes it easier to become grounded, and with a longer and harder push back to deep water. Likewise, the Rakaia has similar sections, however the aggregate is of a larger diameter which can cause more damage to boats when running aground.

34 Not only is it the only braided river in the North Island, it has extensive braiding over a long reach at many different flows. This means that for most days of the year it delivers a high-quality, shallow water, braided river experience.

35 Most visitors find navigating it quite testing and that compared to their usual river it requires a high level of concentration and demands a high level of skill. The key being to accurately read the depth of the water ahead and drive the appropriate course.

36 Shallow water jet boating is all about challenge and using the experience to enhance navigation and boat handling skills. This river offers a safe environment which allows risks to be taken. By taking on the challenge and running acceptable risks the rate of learning is significantly higher. Skills learnt on the Ngaruroro River are transferrable to other rivers and other situations.

37 This river rewards the use of a boat with good handling capability so that the boat can be accurately steered through the selected channel. The range in capability of craft used in shallow water situations is massive. The Ngaruroro River is an excellent, safe location to test capability.

38 Many South Island members also travel to the North Island and they also value this river extremely highly – for the same reasons.

Ngaruroro jet boating values in an international context

39 I have been extremely fortunate to be part of a group who has taken boats from New Zealand to the following countries on international adventures with World Jet Boat Expeditions:- Australia, USA, Canada, Mongolia, Siberia, Bhutan, Nepal, India and Patagonia (Chile & Argentina). I summarise my experiences in these locations and compare them to the Ngaruroro below.

40 **Australia** – None of the locations I have visited in my extensive Australian travels present anything like the clean and clear shingle riverbed of the Lower Ngaruroro River. The best rivers are those draining the Snowy Mountains but suffer from huge flow fluctuation (due to the Snowy River hydroelectricity scheme), and only have very small amounts of shingle and virtually no braiding.

41 **United States of America** – Everything in the USA is bigger! The mainland rivers are wider and deeper than in New Zealand, so American's have very limited access to shallow water jet boating. Both family jet boaters and river racers from the States consider New Zealand the Holy Grail of jet boating because of its shallow braided rivers and the unique challenge they provide. Alaska is more like New Zealand in river makeup, and as a result jet boating is reasonably popular in this state, even though rivers are iced-over for long periods each year.

42 **Mongolia/Siberia** – Like USA the sheer size of the landmass makes it almost impossible to find similar rivers with small to medium flow in shallow riverbeds. Even when a braided river is found, it is often quite inaccessible and most of the rivers I have boated were discoloured and/or heavily polluted. On one Mongolian river we were boating, we became stuck and had to get out and push. The water was polluted with both farm effluent and poorly treated town sewage. This situation certainly gave me a special appreciation of just how fortunate we are in New Zealand.

43 **Himalayas** – The rivers of India and Nepal I have boated flow off the Himalayas. Those rivers are clear and clean however they have huge rocks and boulders and would generally be classed as white-water adventure boating experiences, in many cases well beyond the ability of the average boater. Many rivers in this region are considered a 'life blood' and as such are used for every aspect of life, which often leads to their degradation e.g. Ganges River.

44 **Patagonia, South America** – None of the rivers I boated in this region had anything like the riverbeds we have in New Zealand. Both Chile and Argentina have a variety of rivers, from meandering waterways in farmland with their consistently muddy water, through to large, wide rivers with rocks and boulders.

45 It would be remiss of me to suggest examples of our special braided rivers do not exist in other parts of the world. However, despite many expeditions overseas I have not been exposed to anything like what we have in New Zealand. As such I have no hesitation in supporting this effort to protect the lower Ngaruroro River with its shallow braiding, which is so favoured by jet boaters in New Zealand and internationally.

Background to the application, reasons for applying for a WCO

46 Over time JBNZ has seen the steady loss of valuable jet boating rivers across New Zealand to development schemes that were deemed in the national best interest. Climate change predications indicate the demand for more water from urban and rural communities, and from rivers valued for jet boating, will increase into the future. While JBNZ support economic growth there comes a time when this must be achieved in a way that does not cause further degradation of our rivers or denies future generations of the enjoyment of such valuable resources.

47 The braiding in the Lower Ngaruroro River has nationally (and internationally) outstanding jet boating qualities.

48 It is JBNZ's position the TANK process has not adequately recognised the outstanding jet boating values of the Lower Ngaruroro River. Not only has the significance of the braided reach for jetboating not been recognised in the draft TANK plan change, we currently have significant concerns that the process will not result in a framework that protects or maintains the braiding that is critical to the jet boating value, as well as many others. The current draft plan change does not contain any objectives or policies directed towards, or requiring specific consideration of, protection or maintenance of braided river character and form.

49 JBNZ recognises the region's water resources need to be more sustainably managed, but feel that regional planning processes are not taking a balanced longer-term view – a view that encapsulates all values associated with the Ngaruroro River, not just economic ones, and considers these within the wider national context of finite river resources. It is for this reason, JBNZ became a co-applicant to the Ngaruroro Water Conservation Order process.

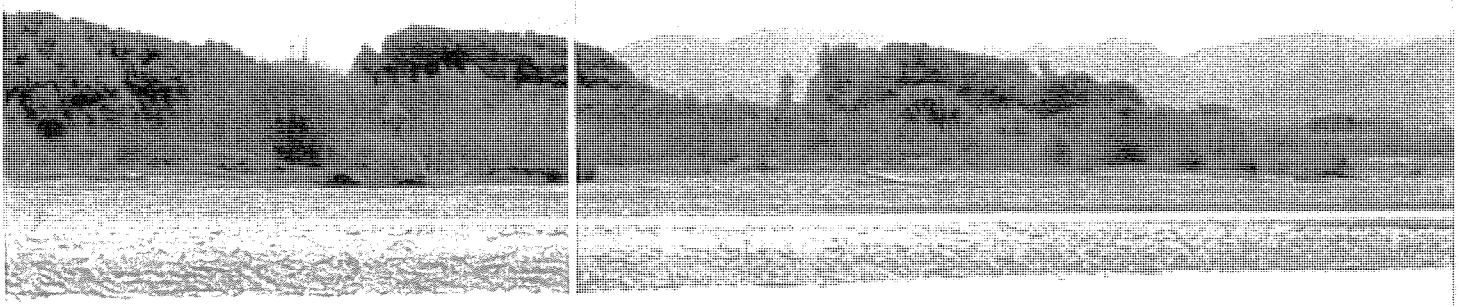
Paul Mullan
28 November 2018

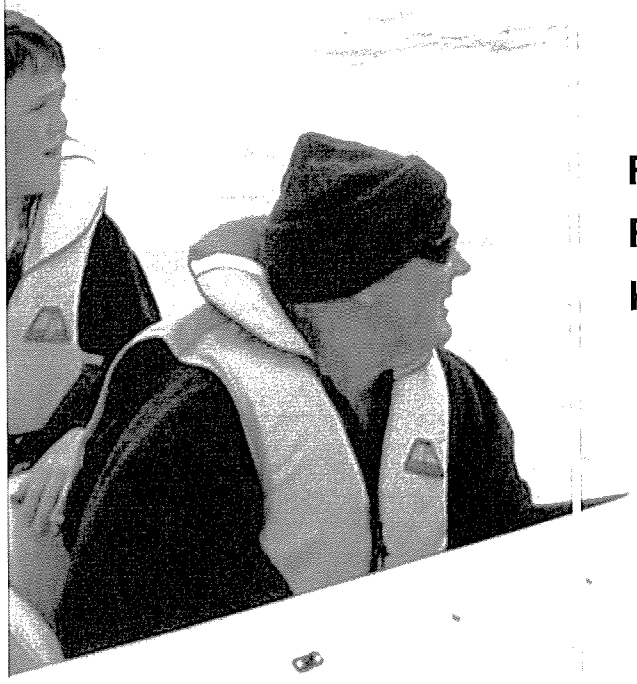
Appendix 1 – Extract from 'Jet Boating on Canterbury Rivers – 2015'

October 2015

Jet Boating on Canterbury Rivers – 2015

Environment Canterbury





Rob Greenaway

Rob Gerard

Ken Hughey

20

Jet Boating on Canterbury Rivers – 2015

Prepared for Environment Canterbury

by

Rob Greenaway – Rob Greenaway & Associates

Rob Gerard – Jet Boating New Zealand

Ken Hughey – Lincoln University

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5 Environmental effects of jet boating

Since the advent of jet boats, various concerns have been voiced regarding their impact on the rivers and on other river users. Resolving conflicting views has been made more difficult by the lack of research data to assist in decision-making. The following is an overview of some of the issues that have arisen in Canterbury.

5.1 Impact on riverbed nesting native birds.

The main species involved are the wrybill, black-fronted tern, black-billed gull and black stilt, all of which are 'threatened or at risk' species[7]. These species nest in Canterbury's braided riverbeds from September until typically around early January. If a flood washes out their nests, or nests are lost through other causes early in the season, they generally re-nest and try again. This means that the nesting season through to fledging can extend as late as the end of January. However, the later nests tend to be less successful and the main nesting season is usually over by the middle of December.

Concerns have been raised that jet boats put these species at risk due to wakes washing out nests and washing away unfledged chicks. Disturbance of nesting birds by passing boats has also been identified as a threat.

However, studies of the effects of jet boats suggest that the aquatic birds of the main jet boating rivers around Queenstown do not appear to be greatly disturbed by frequent jet boat travel in close proximity to their nesting, roosting and feeding areas[8]. That review indicates that the wakes are not sufficient to reach nests, unless the nest was very close to the river (which can occur especially for stilts and gulls and terns), in which case it would be lost in quite minor rainfall events causing flow increases. Equally, there is no evidence to suggest that the wakes have caused loss of chicks through being washed away. Hughey (2011)[9] undertook a comparative risk assessment process comparing the risks to birds posed by jet boating, walking (primarily for angling) and 4-wheel driving and found both of the latter to be of much more concern than jet boating. He also noted there is very little quantitative research in this area.

The primary threats to nesting birds identified (see for example, Keedwell 2004)[10] are:

- Floods. Physical destruction of nests. However floods also perform an essential job of removing riverbed vegetation and maintaining habitat.
- Predation. Mammalian predation by stoats, weasels, ferrets, rats, cats and hedgehogs eating eggs is well documented and identified as a major risk. Less well documented but very significant is avian predation, particularly by black-backed gulls and harrier hawks.
- Activities that effect the riverbed environment. Water abstraction, damming, and weed ingress into the riverbeds. Weeds not only reduce habitat but provide cover for predators.

[7] Other species are banded dotterel and pied stilt - the Department of Conservation is responsible for all these species and manages the system for monitoring and defining their conservation status

[8] Hudson, H.R. 2004. *A review of the environmental effects of jet boating.* EMA 2004-05, report for Jet Boating New Zealand. Environmental Management Associates, Christchurch, 40 pages.

[9] Hughey, Ken. 2011. *A comparative risk assessment of jet boating in relation to native birds on Canterbury braided rivers.* Unpublished report prepared for the NZ Jet Boating Association. Department of Environmental Management, Lincoln University

[10] Keedwell, R.J. 2004. *Use of population viability analysis in conservation management in New Zealand. Feasibility of using population viability analysis for management of braided river species.* Science for Conservation 243. Department of Conservation, Wellington.

- Nest disturbance. If the adults are off the nest for too long on a hot or cold day, the embryos die. This can be caused by fishermen, jet boaters, picnickers, and other human activities.
- Nest destruction. Physical destruction by 4WD vehicles, other all-terrain vehicles (ATVs) and trail bikes is also documented. Wrybills, black-fronted terns and banded dotterels tend to nest on riverbed elevated above the channels but adjacent to them. This is the normal route used by vehicles driving up and down the rivers. Cattle on riverbeds have the same result .

Hughey's (2011) analysis of the significance of human activities on the birdlife of braided rivers concluded:

> *The Department of Conservation has been reluctant to grant more jet boat access to New Zealand's braided rivers, especially those in Canterbury. They continue to perceive that jet boating may be a significant cause of damage to threatened and endangered species of native birdlife. This study has shown there is no scientifically robust evaluation of this problem or of the complex relationships that characterise it. However, it remains possible to undertake a largely qualitative community risk assessment and an associated rapid rural assessment. The findings from these analyses indicate that:*
>
> *a) Jet boating is a low risk to river birds*
>
> *b) There are multiple risk reduction options all of which will be effective in reducing any effects from jet boating.*

Jetboating New Zealand has supported the Department of Conservation in placing boating restrictions on the Mackenzie Country rivers to protect riverbed nesting birds, although it feels the risks are generally over-stated. In Canterbury, for example, the Ashley River has been monitored by the Ashley/Rakahuri Rivercare Group with the aid of a professional ornithologist for over ten years. It has only small numbers of birds, and is not heavily jet boated, although the flows that permit jet boating normally occur in the spring months during the nesting season. The Rivercare Group has not viewed jet boats as constituting a significant risk, but have countered other major risks by a combination of education and predator control. Nesting sites are marked and signs posted. A trapping programme is conducted every year. 4WD clubs do not use the riverbed during the nesting season. Users who may threaten the nesting birds are approached and informed. Gravel extractors have consent conditions to protect nesting birds. Wrybill numbers have increased over time. This multi-pronged approach to nest protection is supported by JBNZ.

5.2 Impact on salmonid spawning

Sutherland and Ogle (1975)[11] calculated inter-gravel flow velocities from pressure gradients in three artificial spawning bed in the Ashley River. Subjected to inter-gravel velocities of 0.18 to 0.30 m/s, in gravel-filed tubes in the laboratory, mortality of Chinook salmon eggs occurred. For the worst case scenario (9 day old eggs) this investigation showed the equivalent of multiple overhead jet boats passes may cause 20-40% loss of salmon eggs. Fatalities decrease with depth and for younger and older eggs.

Jet boating NZ has a long established policy of co-operating with the NZ Fish & Game Council and in banning boats from spawning areas as a consequence of this research. However, there is currently no study that evaluates the real impact of the consequences of this policy on a fishery. Given that trout tend to spawn on shallow water at the heads of rivers and in the side

[11] Sutherland, A.J., Ogle, D.G. 1975. Effect of jet boats on salmon eggs. *NZ Journal of Marine and Freshwater Research*. 9(3): 273-282.

streams, it is likely that the majority of the redds are in places that are not accessible to jet boats. The main streams usually have a mobile river base which is not suitable for spawning and is also flood prone. In summary, jet boats can kill salmonid eggs, but the significance of normal jet boating on a fishery is unknown.

It is also pertinent to note the role of natural processes in egg-to-fry or smolt survival. Quinn (2005)[12] reviewed over 200 published and unpublished estimates for wild or naturally rearing populations of Chinook salmon, and reported a mean egg-to-fry survival of 38% and mean egg-to-smolt survival of 10%.

5.3 Impact on trout and salmon fishing

Again there is a lack research data to quantify any measurable effects, but there is a plethora of opinion and some anecdotal evidence. There are several aspects worthy of mention: Do passing boats scare trout away so they can't be caught? Mark Taylor of Aquatic Ecology Ltd reports observing trout underwater not taking any notice of a passing jet boat (pers. comm.). Divers reported that adult salmon holding in 2 to 4 m deep pools in the Waimakariri River did not move when jet boats passed overhead (MAF 1976 cited in Hudson 2004[8]). Reid (2007)[13] found motorboats and their wakes did not appear to provoke startle responses in juvenile Chinook salmon when boats passed 3 m or farther from fish. It is a common report from jet boaters that trout are caught in pools immediately after driving the boat into a pool. On the other hand, fishermen report giving up fishing due to the presence of jet boats. There are anecdotal stories of jet boaters having enraged fishermen, so it seems that jet boats cause severe irritation to some anglers.

Ross Millichamp (1987) notes:[14]

> *There is much disagreement between anglers about the effect a jet boat has on fishing when it is driven through a pool. Some jet boaters say they are doing anglers a favour by stirring the salmon up and encouraging them to bite. This may be true in big pools well up the river, where large numbers of salmon are sitting and none is biting. In general, however, I believe that this is just an excuse dreamed up by jet boaters to justify travelling through pools when anglers are present….*
>
> *If an angler wants to stir up a pool they are quite welcome to throw in rocks or invite a jet boat through on their own account. It is not up to the jet boater to make that decision on their behalf.*

Millichamp recommends jet boaters slow down and move out of the way of shore-based anglers when travelling upriver, with speed depending on how much separation is possible. If boating through a fished pool is unavoidable, the boat should be just at planning speed; and if a fish is being played, the boater should stop and not enter the pool.

Do jet boats on rivers stop fish feeding? On a gravel river, a jet boat dislodges invertebrates and consequently might stimulate trout feeding. There is anecdotal evidence to support this view. Boaters have used this ability to entice trout out of a deep pools.

5.4 Impact on river banks

Many jet boated rivers in Canterbury are either rock or gravel, and jet boat-induced bank erosion is considered to be negligible or of no significance relative to natural erosion. In the

[12] Quinn, T. P. 2005. *The behavior and ecology of Pacific salmon and trout*. University of Washington Press, Seattle.

[13] Reid, I.S. 2007. Influence of motorboat use on thermal refuges and implications to salmonid physiology in the lower Rogue River, Oregon. *North American Journal of Fisheries Management* 2: 1162-1173.

[14] Millichamp, R. 1987. *Salmon Fishing*. Shoal Bay Press.

high energy gravel bed of the lower Dart River, Hudson (2014)[15] examined bank erosion from large twin-engine commercial boats which generate much larger wakes than small recreation boats. In bank erosion trials low slope gravel bars, and coarse bed material, were not measurably eroded in multiple boat passes. Passage of jet boats accelerated erosion of a scarp composed of medium gravel in the active channel, but erosion was minor (centimetres) compared with small freshes and floods where metres to tens of metres of erosion occurred. Continual bend erosion was observed in the absence of jet boat passage.

Some jet boated rivers have unvegetated banks, composed of fine, unconsolidated sediment. Under these circumstances measurable erosion may result from jet boat passage. Hudson (2015)[16] undertook site inspections, and reviewed detailed bank erosion surveys and video evidence from several sites in the Kaituna River, Bay of Plenty. Jet boat wash may suspend sediment from bare banks composed of easily erodible material and where stock trampling of the river margin occurs; but vegetated banks appear to withstand wave action from commercial jet boat passage. In the absence of floods, during a period of high jet boat use, there was little net change to river banks in the jet boat reach (overall average net positive change of +0.03 m). Net erosion (-0.14 m) occurred for moderate floods (2 year events); and large floods (5 to 10 year events) caused major erosion (overall average net erosion of -0.70 m) for the surviving survey sites within the jet boat reach and control reach further downstream.

Erosion of the cohesive river flat banks in the lower Dart River was not evident with multiple boat passes (Hudson 2015). However, bank failures were observed in a small fresh; and bank retreat of 0 to 11.5 m was measured during a single small flood event. Differences in bank retreat are attributed to exposure and flow alignment. Aerial photographs show that over the longer term (1966 to 2013) the cohesive river flats retreated tens to hundreds of metres.

Jet boat wakes are comparatively low energy and small events compared to floods, and in most circumstances in Canterbury rivers, natural processes are the most significant factor in bank erosion.

5.5 Impact on natural values

Noise: Jet boats can be a significant intrusion into a river environment, particularly on smaller rivers. This is largely due to engine noise and also by the noise generated by the action of the hull on river waves. People seeking quiet and remoteness have objected on these grounds, as demonstrated in the Queenstown Lake's District Council's 2010 deliberations over jet boat access to the Hunter River:[17]

> *It is clear from the submissions and the hearing that this is a matter that continues to have divergent views and seemingly no common ground. On the one hand the jet boaters want access to the river as provided for in the District Plan. They claim that there are no safety or nuisance issues that should preclude access to the river. Furthermore they claim that, as occurred over the 2009/2010 summer, weather conditions determine that there are relatively few occasions when jet boats can actually access the river. On the other hand, the views of the (largely) angling community are that jet boats create a nuisance to them and ruin the tranquillity of*

[15] Hudson, H.R. 2014. *An evaluation of jet boat and natural river bank erosion in the lower Dart River, New Zealand.* EMA 2014-01 report for Ngāi Tahu Tourism Dart River Jet Safaris. Environmental Management Associates, Christchurch, 60 pages.

[16] Hudson HR, 2015. *Review of jet boating effects on river bank erosion in the Kaituna River New Zealand.* Environmental Management Associates Report EMA 2015-03 for Jet Boating New Zealand. 36 pages.

[17] Queenstown Lakes District Council, Report for meeting of 17 August 2010 Report For Agenda Item: 4 Submitted By: General Manager Regulatory And Corporate Services Report Dated: 19 July 2010 Hunter River – Proposed Amendment To Navigation Safety Bylaw. Available on 6 Aug 2015 at: http://www.qldc.govt.nz/assets/OldImages/Files/Full_Council_agendas_2010/17_August_2010/4_-_Hunter_River.pdf

> *the remote wilderness amenity that is enjoyed in the Hunter valley. They also claim that there is a safety issue between jet boats and anglers in the rivers casting for fish….*
>
> *Overall, the working party considered that neither the argument from the jet boaters nor the argument from the [predominantly] anglers was sufficiently strong so as to provide grounds to exclude the interests of the other party. Consequently, the working party favours an option that safely caters for both groups despite there being no middle ground proposed or discussed at the hearing.*

Most recreational jet boats have silencing systems to minimise engine noise, but there are exceptions that cause objectionable and unnecessary noise. JBNZ has set an 80 dBA limit for recreational boats (lower than the legal noise limits for road vehicles) and 95 dBA for race boats (similar to legal noise limits for road vehicles).

Generally, boats are being used as a means of transport to the destination for the day, so will only spend a short time passing people on river banks. These destinations are frequently places where there are few other people, as the boats provide the main means of access.

Pollution: There is an extensive literature on the effects of outboard motors (particularly two-stroke engines) on water bodies. Most researchers conclude that at the concentrations at which they actually occur, the effects of outboard engine exhausts are small, even in extreme high use areas. In-board marine engine exhausts may have some effect on air and water quality and aquatic ecosystems, but these effects are expected to be less than from outboard engines because of their inherently low emissions (citations in Hudson 2004).[18] The major issues are related to bilge water and refuelling.

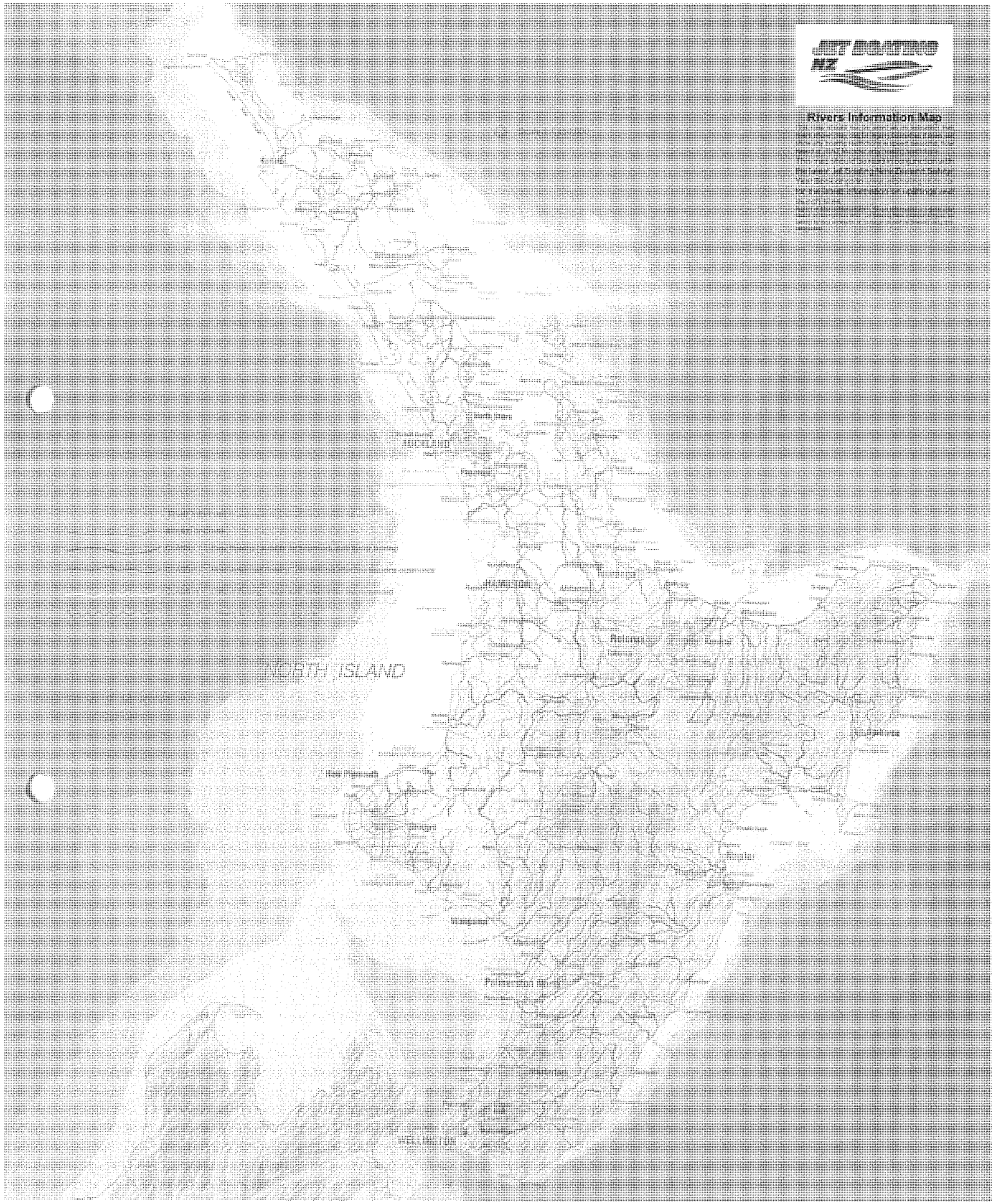
Bilge water may contain oil residues. Bilge water pollution can be prevented with appropriate absorbent pads that soak up hydrocarbons but not water. Use of these pads should be encouraged.

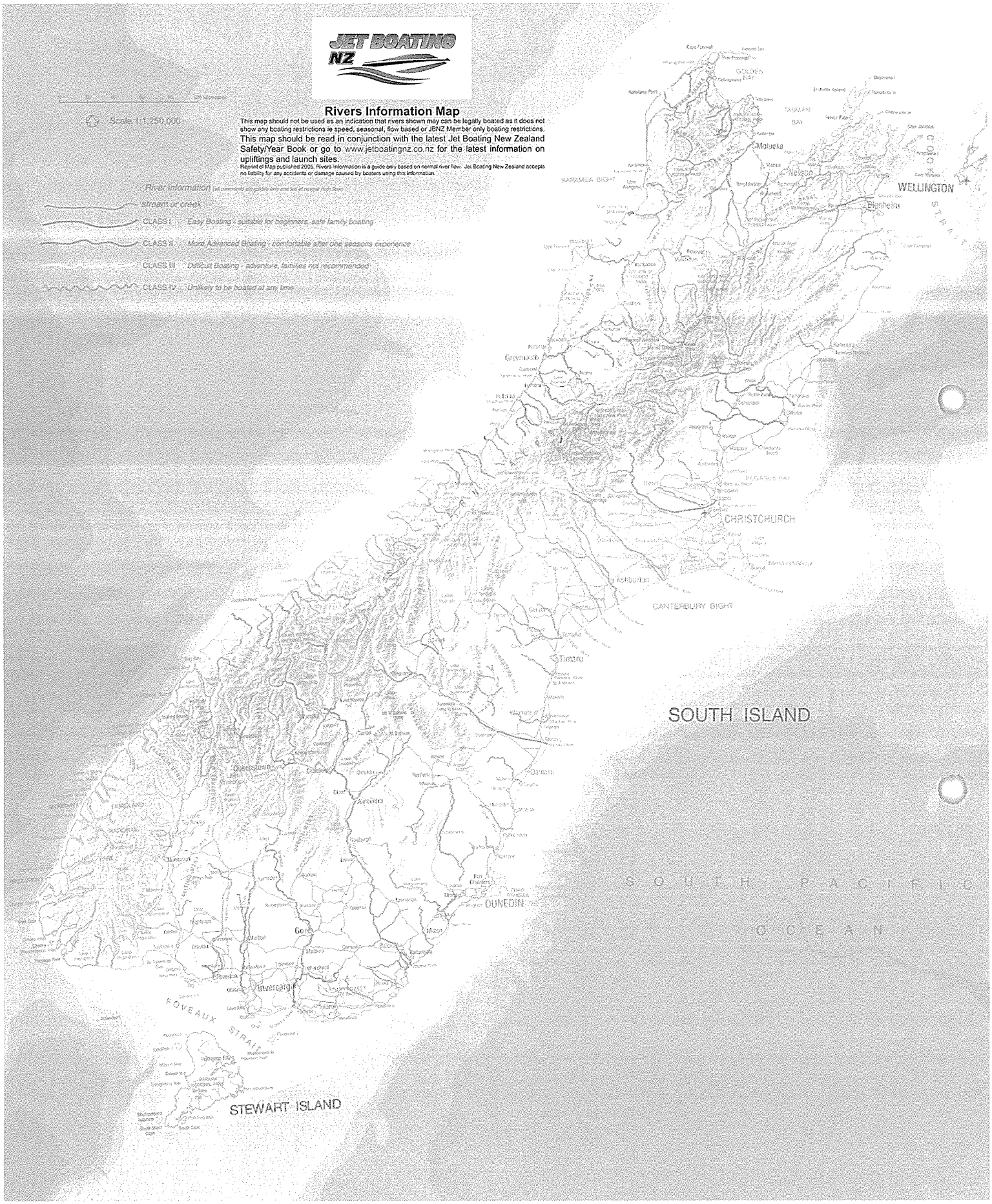
Fuel spillage is a major problem in marinas. General compliance with the New Zealand jet boat river racing rules is recommended (JBNZ 2003: 40): "(e) *General Racing Rules: (xiv) Refuelling Area – all boats must be removed from the river to an area designated by the race organisers for the refuelling only of boats and support vehicles…*"

Physical damage: Jet boats do not damage gravel, rocks and trees. The reverse is true, and a major part of the necessary skill in driving a jet boat is to avoid these solid obstructions as they constitute potential hazards to the boat and its occupants.

[18] Hudson, H.R. 2004. *A review of the environmental effects of jet boating.* EMA 2004-05, report for Jet Boating New Zealand. Environmental Management Associates, Christchurch, 40 pages.

Appendix 2 – JBNZ Rivers Map


JET BOATING NZ
Rivers Information Map
AUCKLAND
NORTH ISLAND
WELLINGTON


JET BOATING NZ
Rivers Information Map
This map should not be used as an indication that rivers shown may can be legally boated as it does not show any boating restrictions ie speed, seasonal, flow based or JBNZ Member only boating restrictions.
This map should be read in conjunction with the latest Jet Boating New Zealand Safety/Year Book or go to www.jetboatingnz.co.nz for the latest information on upliftings and launch sites.
Reprint of Map published 2005. Rivers information is a guide only based on normal river flow. Jet Boating New Zealand accepts no liability for any accidents or damage caused by boaters using this information.
Scale 1:1,250,000
River information (all comments are guides only and are of normal river flow)
stream or creek
CLASS I Easy Boating - suitable for beginners, safe family boating
CLASS II More Advanced Boating - comfortable after one seasons experience
CLASS III Difficult Boating - adventure, families not recommended
CLASS IV Unlikely to be boated at any time
SOUTH ISLAND
STEWART ISLAND
FOVEAUX STRAIT
CANTERBURY BIGHT
KARAMEA BIGHT
TASMAN BAY
GOLDEN BAY
PEGASUS BAY
CHRISTCHURCH
WELLINGTON
Motueka
Nelson
Blenheim
Greymouth
Timaru
Queenstown
Gore
Invercargill
DUNEDIN
S O U T H P A C I F I C
O C E A N

Before a Special Tribunal

Under	the Resource Management Act 1991
In the matter of	an application for a Water Conservation Order for the Ngaruroro River and Clive River

Statement of evidence of Brian Eccles on behalf of the New Zealand Fish and Game Council; Hawke's Bay Fish and Game Council; Royal Forest and Bird Protection Society of New Zealand; Jet Boating New Zealand; Whitewater NZ Incorporated; and Operation Patiki Ngāti Hori ki Kohupatiki

28 November 2018

Introduction

1 My name is Brian Eccles

2 I am the North Island Rivers Advocate for Jet Boating New Zealand (**JBNZ**), and a member of the Central Districts branch of JBNZ.

Qualifications and experience

3 I have the following qualifications and experience:

(a) I have owned and operated jet boats since 1991;

(b) I have extensive experience exploring rivers in all regions of New Zealand. I have recorded in excess of 2,000 hours doing this form of activity;

(c) I won a skills-based competition called the National Rally in 1996 and have been highly placed in several other years. I have also won many skills-based awards within the Central Districts branch;

(d) I have a passion for shallow water jet boating in braided rivers and class myself as having developed advanced skills in the discipline by investing many hours in skill development;

(e) I also enjoy the challenge of advanced white-water exploration and have developed the capability to navigate waters considered to be extreme; and

(f) I hold the position of North Island Rivers Advocate for JBNZ, with responsibility for maintaining and enhancing members' access to North Island Rivers. My role includes working with territorial authority planners, navigational safety administrators, and liaising with organizations like Fish and Game or Forest and Bird.

4 While this is not a hearing before the Environment Court, I confirm that I have read the code of conduct for expert witnesses contained in the Environment Court Consolidated Practice Note (2014). I have complied with it when preparing my written statement of evidence and I agree to comply with it when presenting evidence. I confirm that the evidence and the opinions I have expressed in my 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.

Scope of evidence

5 My evidence covers:

(a) Shallow water jet boating in braided rivers;

(b) Shallow water jet boating in the lower Ngaruroro River;

(c) Personal experience of the Lower Ngaruroro River;

(d) Image and video illustration of shallow water jet boating on the Ngaruroro River;

(e) Flows and river conditions required and preferred for jet boating the Ngaruroro River;

(f) JBNZ activities on the Ngaruroro River;

(g) Braided rivers analysis;

(h) Threats to braiding; and

(i) Environmental effects of jet boating.

Summary of evidence

6 The braided reach of the Lower Ngaruroro River, from Whanawhana to Fernhill, is an outstanding shallow water jet boating resource, for the following reasons:

(a) It is the only North Island river to exhibit more than minor braiding;

(b) The quality of the braiding is excellent by comparison to even the outstanding South Island braided rivers because it is slightly smaller, has a more consistent gradient (and aggregate size) and offers a rich experience on more days of the year;

(c) As an experience for any jet boat driver, whether they are learners or masters in the art of shallow water jetboating, the Lower Ngaruroro delivers an outstanding experience that compares extremely well with the best of the South Island braided rivers;

(d) This excellence is exhibited across a wide range of flows and this ensures that high value is delivered for most days of the year. This is markedly different to the larger South Island rivers;

(e) The location, length of run, consistency of form and the natural turnaround point all contribute to making a trip on this reach an outstanding experience; and

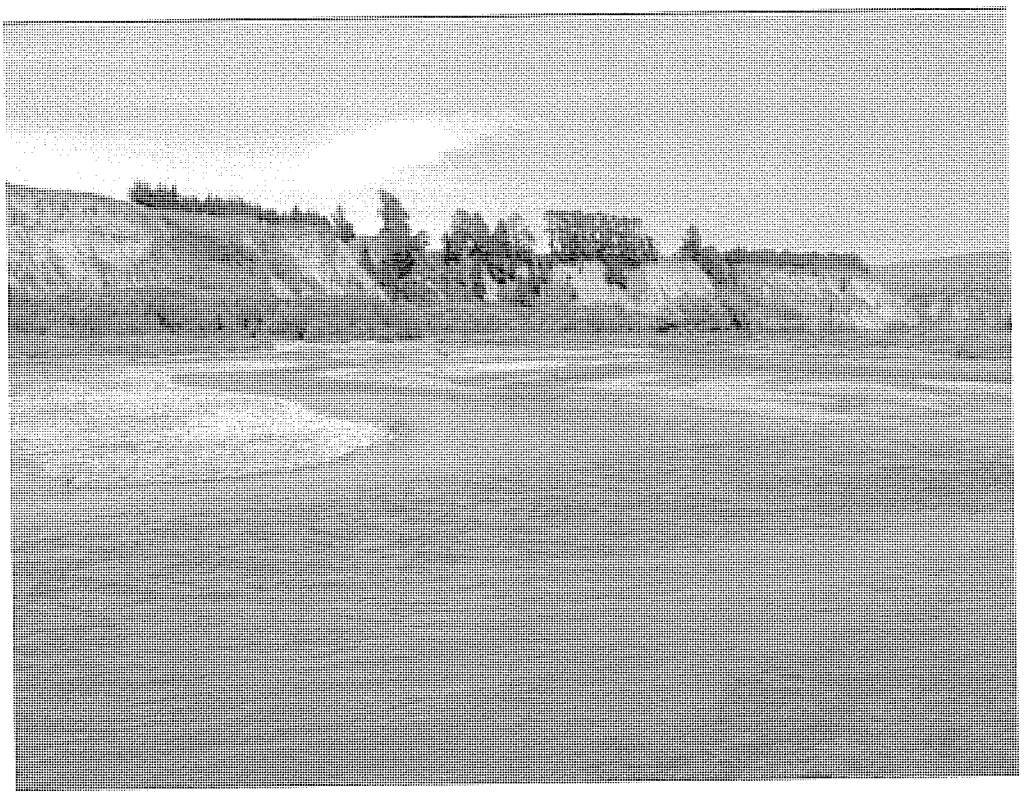
(f) It is the river of choice for JBNZ North Island Branch committees to run events on.

7 Braiding is fragile, and can be degraded or lost altogether in response to river engineering and modification of flows or sediment loads.

Shallow water jet boating in braided rivers

8 Braided rivers are those that, over some part of their length, flow in multiple, mobile channels across a gravel floodplain. They are characterised by a range of channel types and sizes and channels that consist of a network of smaller channels which are themselves separated by small, and often temporary, alluvial islands.

9 Example photo of braiding on the Ngaruroro River



10 Braided rivers both erode and deposit gravel, depending on the gradient of the river and speed and volume of the water, which is dictated by the amount of rainfall and/or snow melt.

11 During low flow periods, gravel is dropped and the water 'braids' into smaller channels around temporary gravel islands. Following storms and snow melt, the rivers rise and some/all of the braids coalesce into a single flow, covering and sometimes washing away the gravel islands.

12 My experience from the Ngaruroro River is that large floods flatten the riverbed, moving large amounts of gravel, removing some islands and creating new channels. As the river drops, multiple smaller channels appear. As the flow drops to the mean annual flow and below, and as the water velocity decreases, the form of the channels continues to change, with bars forming and new channels appearing.

13 It is the constant change occurring in the riverbed that drives the high appeal of jet boating in braided rivers, and the Ngaruroro River in particular. From week to week it changes. Every week it must be approached as a new river. This is dramatically different to a river confined to a single channel, which may stay essentially the same for many months.

14 Navigating up and down a braided river is always a challenge and getting to the destination without running aground cannot be taken for granted. Even experienced drivers planning on boating the easiest path must concentrate on reading the river to avoid the mid-stream bars that characterise this type of river.

15 Reading the river involves interpreting the depth of the river by viewing the ripples on the surface. Sustained motion across water as shallow as 75mm is feasible but requires higher speed (>50km/hr) and demands precise steering to avoid shallow bars.

16 Jet boats are strongly constructed and because they have nothing protruding below the hull, are intended to slide over a riverbed in the event of a mishap with minimal damage. However, this only applies where the aggregate is under 75mm and the larger rocks move in a loose base. As aggregate size increases above 75mm, the risk of hull damage increases.

17 With practice drivers become extremely skilled at reading the river and following a path that is just deep enough. Building and maintaining this skill requires many hours of practice.

Shallow water jet boating on the lower Ngaruroro River

18 Valuable attributes of the braided section of the Ngaruroro River, between Whanawhana and Fernhill are:

Loose, safe gravels

19 The braided reach of the Ngaruroro River has a bed composed of aggregate less than 75mm in diameter, except for a 2km long reach extending downstream from the Whanawhana cableway. This differs significantly from the South Island braided rivers where aggregate size is on average significantly larger and rather than the size steadily decreasing as the river flows downstream, South Island braided rivers frequently have zones throughout their length where aggregates are significantly larger. The aggregate is also very loose in the Ngaruroro River, in that larger rocks can move within the gravel should the craft strike them in a shallow zone. This attribute is uncommon. I do not know why this is the case, but I can say with confidence there is a significant difference in the Ngaruroro River. Rocks that don't move damage the craft and may deflect the boat from the desired path with serious implications. The combined effect is that shallow water jet boating in the Ngaruroro River is considered safe.

Consistent gradients and consistent aggregate sizes

20 An outstanding feature of the section from Whanawhana to Fernhill is the consistency in the form of the braiding. This allows the driver to anticipate the behaviour of the river and this greatly enhances the ability to "read the river". In other words, to correctly estimate the depth within the chosen braid so the craft can be positioned in the deepest water to avoid mid-stream bars and determine the probability of the chosen channel continuing to be "boatable".

Factors that change the form or nature of the braiding are:-

(a) Changes in gradient – the Ngaruroro has a relatively consistent gradient from 3km below Whanawhana to the Fernhill bridge and does not exhibit the steps found in most South Island braided rivers;

(b) Changes in aggregate size and composition – as discussed above, the Ngaruroro has consistently small aggregate size and aggregate is very loose;

(c) Changes in the flow – the Ngaruroro readily responds to changes in flow, as discussed below; and

(d) Restriction on the width of the riverbed, as in the dramatic change of character that can be observed below the Fernhill Bridge.

Variation in flow

21 Jet boaters value the frequent change in flow that are a feature of the natural flow of the Ngaruroro River. While major floods flatten the riverbed and can change the location of the main flow, in fact much of the development of braids happens

on the Ngaruroro River during flows that are around three times the mean flow. Change continues to happen right down to low flow levels. It is the regular change in flow that seems to drive much of the braiding development. This in turn means that this river offers a dynamic experience. On every visit the form of the braids is different. Drivers must rely on their ability to read the river as it comes.

22 A strength of the braided sections of the Ngaruroro River is that regardless of the flow rate, there are multiple high-quality channels on offer. As the flow increases new channels are filled. As the flow drops, new islands emerge from what was a single channel. This is typical of any braided river but because the flow in the Ngaruroro River is significantly less than many of the South Island braided rivers, channels have less flow and stay interesting. Larger rivers have larger channels which have less appeal.

23 The Lower Ngaruroro River is an excellent training ground for learners and experts alike. Learners will try to take the deepest and easiest path. Experienced drivers can test their skills by taking shortcuts and alternative channels.

A clearly defined end to the run, providing a turnaround point and ideal distance from the launch location

24 Jet boaters seek an adventure and meet the challenge presented by the river. They seek to go as far as they can reasonably go. Defining the right time to turn around can be challenging. The cableway at Whanawhana is an excellent turnaround point. The character of the river abruptly changes at this point. There is no sense that "I could have/should have" gone further. This contrasts with many of the South Island rivers where selecting a turn-around point leaves a sense of an incomplete adventure. The 27km journey from Maraekakaho to Whanawhana takes about one hour, which is about right in terms of time and fuel usage.

Good access

25 Transporting the craft to the river and launching into a suitable pool is challenging. It requires a high clearance 4WD vehicle and an access track not easily damaged by floods. Further, on braided rivers finding a pool to launch into can be challenging. Maraekakaho, approximately 14km upstream from Fernhill, delivers these requirements, allowing an easy and safe launch point.

Year-round access is permitted

26 Surface of water activities (i.e. jet boating) are permitted by the Hastings District Council all year round on the Ngaruroro River. In comparison:

(a) The only other river in the region with year-round access is the Mohaka River, which can only be boated in high flows and requires an experienced white-water operator;

(b) The nearest river with year-round access is the Rangitikei River some 173 km to the south; and

(c) All other Hawke's Bay rivers are heavily controlled. In recent times only one JBNZ-controlled event per year has been held on the lower Tukituki River (below Waipawa).

27 The combination of all these factors makes the braided section of the Ngaruroro River an outstanding resource for jet boating enthusiasts.

Personal experience of the Lower Ngaruroro River

28 I am an advanced shallow water driver. I use this river to build and maintain my shallow water skills. No other North Island river comes anywhere near the capability of the Ngaruroro River to test and develop my skills. It is a different river on every visit and that is important. I have to read and drive the river as I see it.

29 My preferred launching location is at Maraekakaho. My typical trip is the 27km up to the Whanawhana cableway and return, over a period of about 4.5 hours. On about 50% of my visits I also travel the 14km down to the Fernhill Bridge and return. On about 20% of trips I enter the white-water section and travel approximately 12.5km upstream of Whanawhana through a rocky gorge, turning around at the Taruarau River confluence.

30 My preferred flow range for the lower Ngaruroro River is 20 to 50 cumecs. I do not go if the flow is over 90 cumecs – it's boring. In very low flow conditions as exist in February, navigation is extremely challenging and requires a high level of skill.

31 In all flow conditions I seek to expand my navigation and boat handling skills by taking the most challenging routes I think I can traverse without running aground. On most outings I run aground two to three times.

32 For me, it is a 2.5 hour, 200km drive each way to visit the Ngaruroro River. Over the last 25 years I have averaged about 10 days on the river per year.

33 Braiding in the lower Ngaruroro River compares well to the large South Island braided rivers such as the Waimakariri, Lower Rakaia, Upper Rangitata, Lower Godley, Lower Waitaki and the Dart. These are big rivers. They carry vastly more water, have more braids and spread across a much wider riverbed, but the

gravels in the Ngaruroro River are smaller and looser so provide a safer experience.

Video illustration of shallow water jet boating on the Ngaruroro River

34 While viewing the four minute video, take note of:

(a) Size of the rocks;

(b) Colour of the water;

(c) Ripples on the surface of the water;

(d) Presence of multiple channels; and

(e) Speed of the craft.

35 These images outline the following:

(a) The amazing beauty of an outstanding braided river;

(b) The number of navigable channels;

(c) How quickly the effects of a jet boats passage dissipate;

(d) The grace and beauty of the activity; and

(e) The skill of the driver to safely navigate their craft.

Flows and river conditions required and preferred for jet boating the Ngaruroro River

36 The natural flow of the Lower Ngaruroro River varies from season to season and week to week. At all flows except when extremely low in a drought year it is feasible to navigate up to Whanawhana. The jet boating experienced at different flow ranges are summarised below. The number of days per year flow is in each flow range have been provided by David Stewart.

37 Above 90 cumecs - 21 days per year

(a) At flows above 90 cumecs the velocity of the flow increases significantly;

(b) The water is dirty. This means that colour cannot be used as a guide to depth;

(c) The velocity of the water means that pressure waves form in the main flow and this makes for an uncomfortable ride;

(d) There are less options for choosing side channels as the flow has extended across most of the riverbed; and

(e) Members consider trips on the river at flows above 90 cumecs as uncomfortable and boring.

38 40 to 90 cumecs - 67 days per year

(a) Below 60 cumecs the water is starting to clear and will display a darker colour where the depth is less than 75mm. This aids navigation, especially learners;

(b) The maximum number of navigable side channels exist through this range;

(c) The braids are constantly changing, with some channels cutting down, this in turn creates new gravel bars and these frequently force the flow to find new routes and form new channels. Within this flow range braiding activity is high;

(d) A driver with medium experience will be able to navigate the main channel with a low likelihood of a grounding (learners have a high probability of grounding at least once); and

(e) This is considered the ideal range for leaners, intermediate and advanced.

39 10 to 40 cumecs - 232 days per year

(a) Water is clean and clear and easy to read;

(b) As well as the main channel there will be significant sections where there are multiple alternative channels of varying depth, some boatable and some not;

(c) At these flow rates braiding activity has slowed down;

(d) A driver with medium experience attempting to follow the main channel will have a high likelihood of running aground at least once; and

(e) Ideal for experienced operators.

40 Under 10 cumecs - 45 days per year

(a) Typical flow for high summer when there has been no significant rain for several weeks;

(b) The flow has retrenched into mostly a single channel, which in itself can be a challenge to navigate;

(c) If it does braid more than once, there is a risk of insufficient flow in all options; and

(d) Experienced drivers love the challenge at this flow.

New Zealand braided rivers analysis

41 The JBNZ yearbook contains a description of every New Zealand river. Each river has a classification from 1 to 4.

Class	Description
1	Easy boating, suitable for beginners and family boating. Boat damage unlikely. Deep water, braids with fine gravel, shingle, minor rapids only.
2	More advanced, comfortable after 100 hours experience. Contains challenges. Boat damage and risk of injury may result from misjudgment.
3	Adventure boating, expert skills required. Boat damage/loss probable if mistakes made.
4	Unlikely to be boated.

42 Many of the rivers have the word braided in the comments field. The description makes no attempt to qualify the value of the braiding. If there is more than one channel in any section, it will be described as braided. **Appendix 1** is a table I have prepared which enhances the details for all rivers with the "Braided" comment in the description. These additional details include gradient, rock size, percentage braided and length of braiding. These are estimates compiled with assistance from locals.

43 The last column in the table provides a ranking for the quality of the braiding from a jet boating perspective. This ranking is based on an assessment of the number of boatable channels on offer, how challenging they are to navigate, their length, and the frequency and duration of adequate flows.

44 The rankings I have assigned are:

(a) **Outstanding**. It is a dynamic and always changing braided river offering many boatable but challenging channels over a significant length and available over many months of each year;

(b) **High.** Less dynamic braiding and fewer "attractive" channels either because of higher flows or larger aggregate. Braiding more dependent on flow and good braided conditions exists for less days each year;

(c) **Medium**. Braiding is infrequent and much less dynamic; and

(d) **Poor**. Side channels are infrequent and relatively stable.

45 Using this system, six rivers are classed as being outstanding. The only North Island river with this classification is the Lower Ngaruroro River. Features to note are:

(a) By comparison the Ngaruroro has a much lower flow and the braiding has less channels than the much larger South Island braided rivers. Larger rivers tend to always have at least one deep and wide channel which can be traversed with little challenge. This is not true of the Ngaruroro River, where all paths require focused navigation. This enhances the "challenge" jet boaters seek;

(b) The Ngaruroro River consistently has the smallest aggregate size which means that at lower flows it still has multiple high quality "safe" channels. This occurs across a wide range of flows through most of the reach. Jet boaters seek small safe channels that they have not navigated before but believe are navigable. Success requires they read the river accurately. The Lower Ngaruroro River has an outstanding ability to deliver what these drivers seek. It offers challenge without excessive risk;

(c) The small aggregate size also means that more change is occurring from week to week, throughout the year and across a wide range of flows. The challenge and variety offered are qualities sought by shallow water jet boating enthusiasts;

(d) The river is relatively free from man-made influences such as training works. Such activities cause unnatural and unpredictable changes to the form of the braiding; and

(e) The river has no instream dams or large takes to storage located upstream of the braided reach. This is important as the braiding has evolved in response to natural variations in flow and sediment. Man-made changes to flow and sediment put the braiding at risk.

Braided rivers have become rare

46 The number of braided rivers has dropped markedly as lowland rivers have been modified over time.

47 An example is the Rangitikei River which used to be extensively braided in its lower reaches, but today it is predominantly a large single thread. Research by Dr Ian Christopher Fuller in 2008 detailed the significant reduction in the extent of

42

the braiding that occurred between 1949 and 1983 (as set out in his evidence for the Horizons One Plan hearing).

48 The lower reaches of the Ngaruroro River, below Fernhill, have been similarly modified from a braided configuration to a single thread channel in response to river engineering works. It is worth noting the high degree of braiding immediately above the Fernhill Bridge and the absence below this bridge. I am not an expert but hesitate to guess that man-made influences are at play, especially as this lower section used to be braided.

49 Based upon my observations as a jet boater, I believe the critical requirements for preservation of the braided reach of the Ngaruroro River, are:

(a) Natural flow of aggregate down the riverbed;

(b) No unnatural constrains in the width of the riverbed

(c) Natural variation in flow – across the full range of flows;

(d) Minimal vegetation establishment on the riverbed;

(e) Minimal engineering works in the riverbed for flood and erosion control or water abstraction; and

(f) Minimal gravel extraction.

Brian Eccles
28 November 2018

Appendix 1: Braided river summary

Rivers with Braiding	Region	NZRP Class	Gradient m/km	Km	Section of river	Aggregate mm	% Braided	Km	Description at normal flows	Braided Ranking
Waiapu	Northern	1	2.3	25	Ruatoria to sea	<120	50%	13	High silt levels make bed very firm. No access	Poor
Awakino	Taranaki	2	3.0	6	Quarry to SH3 Bridge	<100	5%	0		Poor
Kawhatau	Central Districts	3	13.4	16	Rangitane Road to Rangitikei confluence	<150	10%	2	Steep and rocky	Poor
Ngaruroro	Central Districts	1	3.6	37	Whanawana to Fernhill	< 75	70%	26	Consistent long multiple channels in soft gravels	Outstanding
Rangitikei	Central Districts	1	2.3	88	Ohingaiti to sea	<120	10%	9	Occasional secondary channels < 100m length	Low
Waingawa	Central Districts	2	8.0	10	SH2 (Masterton) to Ruamahanga	<150	40%	4	Steep with larger boulders and mostly low flow (water supply take off)	Poor
Waiohine	Central Districts	2	6.0	15	Rail bridge to Ruamahanga	<200	5%	1	Steep with large boulders and low flow unless flooded	Poor
Wairau	Nelson / Marlborough	2	9.6	42	Washbridge to Waihopai	<150	25%	11	Very steep, large rocks. Stable. High flow only	Medium
Ashburton	Canterbury	2	4.5	21	Ashburton Forks to sea	<100	90%	19	Good braiding, but only in a fresh (rare) and channels often blocked by willows	High
Ashburton	Canterbury	3	4.7	10	North and South branches above forks	<100	90%	9	Needs high flow	Poor
Ashley	Canterbury	3	5.0	41	Ashley Gorge to SH1	<100	30%	12	Needs high flow. Willows	Good
Esk	Canterbury	3	28.0	10	Gorge to Waimak	<150	10%	1	Needs very high flow	Poor
Eyre	Canterbury	3	6.3	35	Oxford bridge to Esk	<150	10%	4	Needs very high flow	Poor

Rivers with	Region	JBNZ	Gradient	Km	Section of river	Aggregate	% *	Km	Description at normal flows.	Braided
Huranui	Canterbury	1	4.1	49	SH7 to sea	<120	10%	5	Longs stable pools with occasional splits	Medium
Huranui	Canterbury	2	6.0	20	Mandamus to SH7	<150	15%	3	Steep with large aggregate and stable channels	Medium
Huranui	Canterbury	3	7.2	16	Above Lake Sumner	<150	10%	2	Steep, boulders, needs high flow	Poor
Lake stream	Canterbury	3	5.3	17	Low Bridges to Rakaia	<150	10%	2	Needs high flow	Poor
Poulter	Canterbury	3	7.3	15	Waimak to east branch	<150	10%	2	Needs high flow	Poor
Rakaia	Canterbury	1	4.1	96	Wilberforce to sea	<150	40%	38	Highly variable aggregate. Excellent braiding in lower section	High
Rakaia	Canterbury	3	7.8	32	Jaggard stream to Wilberforce	<200	10%	3	Needs high flow	Poor
Rivers with Braiding	Region	JBNZ Class	Gradient m/km	Km	Section of river	Aggregate mm	% * Braided	Km	Description at normal flows.	Braided Ranking
Rangitata	Canterbury	1	5.2	25	Turnagain point to gorge (above gorge)	<150	30%	8	Aggregate large at top and flows often too low. Good middle section.	High
Rangitata	Canterbury	2	5.5	18	SH1 to sea	<180	25%	5	Large aggregate in firm bed with poor flow	Poor
Rangitata	Canterbury	3	7.8	32	Upper reaches	<200	10%	3	Needs high flow	Poor
Selwyn	Canterbury	3	5.2	53	White Cliff to Leeston bridge	<150	10%	5	Needs high flow	Poor
Waiau	Canterbury	1	3.7	64	Leslie Hills to sea	<150	25%	16	Short sections are braided. Aggregate highly variable	High
Waiau	Canterbury	2	6.3	19	Hope to Ferry Bridge	<170	25%	5	Big rocks, steep but stable bed with multiple channels	Medium
Waimakariri	Canterbury	1	4.4	69	Woodstock to SH1	<150	45%	31	Highly variable aggregate. Excellent braiding in lower section	Outstanding
Waimakariri	Canterbury	3	5.3	17	Beasley Bridge to Pouter	<150	10%	2	Needs high flow	Poor
Wilberforce	Canterbury	3	6.6	35	Above Rakaia confluence	<200	25%	9	Needs very high flow	Poor

Rivers with	Region	JBNZ	Gradient	Km	Section of river	Aggregate	% *	Km	Description at normal flows.	Braided
Dart	Otago	2	3.4	30	National Park boundary to Lake Wakatipu	<50	60%	18	Excellent multiple channels in small soft aggregate, especially lower reach.	Outstanding
Hunter	Otago	2	5.3	32	Ferguson Creek to Lake Hawea	<120	30%	10	Can be good but access is limited	Good
Makaroa	Otago	1	2.0	14	Young river to Lake Wanaka	<150	40%	6	multiple channels in places	Moderate
Makaroa	Otago	2	2.5	6	Blue pool to Young confluence	<180	20%	1	Needs reasonable flow	Medium
Matukituki	Otago	1	1.5	32	Cameron Flat to Lake Wanaka	<50	50%	16	Excellent multiple channels in small soft aggregate	Outstanding
Rees	Otago	2	5.3	15	Cockburns bush to Dart River	<200	10%	2	Ok in lower section. Needs good flow.	Poor
Shotover	Otago	1	2.8	8	Tuckers beach to Kawerau confluence	<80	30%	2	multiple channels in soft aggregate	High
Ahuriri	Waitaki	2	7.4	35	Waterfall to Lake Benmore	<200	10%	4	Larger rocks. Needs high flow	Poor
Dobson	Waitaki	3	6.0	20	Watsons stream to Hopkins confluence	<200	30%	6	Needs high flow	Poor
Godley	Waitaki	2	5.0	6	Macaulay confluence to Lake Tekapo	<75	100%	6	Excellent multiple channels for full section in small soft aggregate	Outstanding
Godley	Waitaki	3	8.7	23	Mckinnon Stream to Maccaulay confluence	<250	40%	9	Large boulders. Needs high flow	Poor
Hopkins	Waitaki	3	7.4	35	Above lake Ohau	<100	40%	14	Needs high flow	Medium
Maacaulay	Waitaki	3	8.0	10	Above Godley	<150	20%	2	Needs high flow	Poor
Rivers with	Region	JBNZ	Gradient	Km	Section of river	Aggregate	% *	Km	Description at normal flows.	Braided
Braiding		Class	m/km			mm	Braided			Ranking
Tasman	Waitaki	4	10.0	8	Glacier to lake airfield	<200	20%	2		
Tekapo	Waitaki	2	6.8	44	Upstream from Lake Benmore	<180	10%	4	Only when special release	Poor

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Rivers with	Region	JBNZ	Gradient	Km	Section of river	Aggregate	% *	Km	Description at normal flows	Braided
Waitaki	Waitaki	1	3.3	66	Waitaki dam to sea	<180	40%	26	Consistently high flow, larger rocks and modestly stable bed. Below SH1 rocks are smaller and braids more mobile.	Outstanding
Arawhata	West Coast	2	1.6	48	Yasmac Creek to sea	<120	10%	5	Long stable pools with occasional braids	Medium
Clark	West Coast	3	4.0	10	Rough Creek to Landsborough confluence	<150	10%	1	Mostly stable channels, occasional second stream	poor
Grey	West Coast	2	3.3	15	Ikamatua to Ahaura	<150	10%	2	Broad stable riverbed	Poor
Jacobs	West Coast	2	2.5	7	Mouth and upstream	<120	10%	1		Poor
Kokatahi	West Coast	1	1.9	11	Upsteam of Hokitika confluence	<120	10%	1		Poor
Paringa	West Coast	2	2.0	15	Main road bridge to sea	<100	25%	4	Multiple channels in places	Medium
Taramakau	West Coast	2	3.1	29	Big Wainihinihi to sea	<100	10%	3	Stable but with some alternative channels	Medium
Taramakau	West Coast	2	6.9	13	Jacksons to Big Wainihinihi	<150	15%	2	Steep and stable but with some alternative channels	Medium
Taramakau	West Coast	3	6.0	10	Otira River to Jacksons	<200	20%	2	Steep and rocky. Requires high flow	Poor
Waiho	West Coast	3	3.3	18	Callery River to sea	<180	10%	2	Rocks, fast, needs high flow	Poor
Waitaha	West Coast	2	6.7	21	Morgan gorge to sea	<200	5%	1	Needs good flow	Poor
Whataroa	West Coast	2	2.1	24	Dry Creek to sea	<200	5%	1	Stable bed	Poor
							* Estimate			

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Submission ID# 21

Date Received: 28/2/20

Database Entry Date:

Database Entry Operator: EH

Belinda Harper

From: Wufoo <no-reply@wufoo.com>
Sent: Friday, 28 February 2020 4:53 PM
To: OWB
Subject: HBRC OWB Submission Form [#13]

Name *	Audrey Jones
Address *	3735 Lake Road RD 5 Wairoa, Hawke's Bay 4195 New Zealand
Email	deakinjones@gmail.com
Phone Number	06 8373920
	I could not gain an advantage in trade competition
The specific provision(s) of the proposed Plan Change that my submission relates to are [e.g. objective, policy, water body]: *	Waikaretaheke River
1 My submission is that [Clearly indicate whether you support or oppose the specific provisions or wish to have them amended along with reasons]: *	I fully support the council's proposal to include the Waikaretaheke River as as an Outstanding Water Body. This river is the only river originating from Lake Waikaremoana and the upper reaches of this river are unusually clear and include an impressive waterfall. This river is used for white-water kayaking competitions and is also extremely important and necessary for the migration of eel/tuna. It has the highest count of aquatic macroinvertibrates of any river in this area. This river is also extremely important culturally and spiritually to our local iwi.
2 I seek the following decision from the Council [give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process] *	That HBRC include the Waikaretaheke River on their list of Outstanding Water Bodies.
Do you wish to be heard in support of your submission? *	No
If others make a similar submission, would you consider presenting a joint case with them at a hearing? *	Yes

(1)

MAUNGAHARURU
TANGITŪ

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Submission ID#
22
Date Received:
28/2/20
Database Entry Date:
Database Entry Operator:
EH

Via

Hawke's Bay Regional Council
Private Bag 6006
Napier

28 Huitanguru 2020

Submission on Proposed Plan Change 7: Hawke's Bay Regional Resource Management Plan

The Trust represents a collective of hapū located in northern Hawke's Bay, including Ngāi Tauira, Ngāti Marangatūhetaua (also known as Ngāti Tū), Ngāti Kurumōkihi, Ngāi Te Ruruku ki Tangoio, Ngāti Whakaari and Ngāi Tahu. The traditional area of the collective hapū extends from north of the Waikari River to the Waitaha Stream, southwards to Keteketerau (the former outlet of the Napier inner harbor) and from Maungaharuru (the range) in the west to the coast and beyond to Tangitū (the sea) in the east.

The Trust is a post-settlement governance entity, established to hold and manage the Treaty settlement assets of the Hapū and to be a representative body for the hapū. There are approximately 6,000 registered members.

Ngāti Kurumōkihi are the tangata whenua of the Tūtira and Arapawanui areas. Note that Arapawanui is the name of the river and the area flowing to the sea (referencing the steep-sided valley). The official name of the River is Aropaoanui (which is an incorrect spelling).

Ngāti Tū and Ngāi Te Ruruku are tāngata whenua of the northern part of the former Te Whanganui-ā-Orotu (Napier Inner Harbour – its remnants now often referred to as the Ahuriri Estuary).

Submission in support

1 This submission is generally in support of the intention of Plan Change 7 to provide increased protection for outstanding water bodies, particularlu for cultural and spiritual values as identified by tāngata whenua.

We have had the opportunity to see a draft of the submissions prepared by the Department of Conservation and agree with its contents.

Maungaharuru-Tangitū Trust 1st Floor, 15 Hardinge Road, Ahuriri, Napier 4110
PO Box 3376, Hawkes Bay Mail Centre, Napier 4142
0800 TANGOIO / 06 835 3300 • info@tangoio.maori.nz • **www.tangoio.maori.nz**

Specific provisions

Schedule 25:
#7 Lake Tūtira (including Aropaoanui River & Papakiri Stream)

2
- We support the identification of #7 Lake Tūtira (including Aropaoanui River & Papakiri Stream) as having outstanding cultural and spiritual values.

3
- Requested amendments:
  - Refer to the Aropaoanui by its traditional name of Arapawanui. Therefore amend references to Aropaoanui to "Aropaoanui/Arapawanui River".
  - Clarify that Ngāti Kurumōkihi view the water bodies holistically and as a whole from the former inlet of Papakiri Stream, Lake Tūtira, the outlet of Mahiaruhe, which flows into the Waikoau River, and then into the Arapawanui River. Therefore amend the references to "Lake Tūtira (including Aropaoanui River + Papakiri" to "Lake Tūtira (including Papakiri Stream, Mahiaruhe Stream + Waikoau river + Aropaoanui/Arapawanui River)".
  - Interpretation of "ko te waiū o ō tātau tīpuna" should not be translated literally as its meaning is lost. Therefore delete the words "- "the milk of our ancestors".

#30 Te Whanganui-ā-Orotu (Ahuriri Estuary)

4
- We support the identification of #30 Te Whanganui-ā-Orotu (Ahuriri Estuary) as having outstanding cultural and spiritual values as well as ecology, landscape and geology values.

- Requested amendments:

5
  - Define the "Ahuriri Hapū" as meaning "Ahuriri Hapū (being the seven hapū of Ahuriri, namely Ngāti Pārau, Ngāti Hinepare, Ngāi Tawhao, Ngāti Mahu, Ngāti Matepū, Ngāti Marangatūhetaua and Ngāi Te Ruruku)".
  - Delete reference to "Maungaharuru-Tangitū" as that is a reference to the Trust, rather than the hapū.

Additional provision to be added to the draft plan

6 It is important to recognise that the Council does not attempt to reconcile mana whenua/tangata whenua claims. Accordingly, in several prominent places in the plan, including as a preface to Schedule 25 the following words should be inserted:

> "The Council is aware that there are numerous areas, including waterbodies, where two or more iwi groups have agreed, shared interests and/or contested overlapping claims within the Hawke's Bay region. The information about cultural and spiritual values in this plan are not intended to imply exclusive rights over particular waterbodies or areas for one or more iwi groups, nor does it confirm the validity of the claims of any groups over that waterbody or area. The information contained in

this plan as to cultural and spiritual values is solely for the purpose of recording important cultural and spiritual values identified by iwi groups in the region as sourced from existing published documents or those groups themselves."

Other information
We confirm that the Trust would not gain an advantage in trade competition through this submission.

We wish to be heard in support of our submission.

If others make a similar submission, we would consider presenting a joint case with them at a hearing.

Contact details
Tania Hopmans
Toihau Tuarua – Deputy Chairperson
Maungaharuru-Tangitū Trust

P O Box 3376
Hawke's Bay Mail Centre
Napier 4142

info@tangoio.maori.nz
06 843 9584

Nāku noa i runga i āku mihi ki a koe

Tania Hopmans

Toihau Tuarua – Deputy Chairperson
Maungaharuru-Tangitū Trust

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SUBMISSION ID#

23

Date Received:

28/2/20

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9/3/20

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NN

28 February 2020

Hawkes Bay Regional Council
159 Dalton Street
Napier 4110

SUBMISSION ON OUTSTANDING WATER BODIES PLAN CHANGE

1. Thank you for the opportunity to submit on the Outstanding Water Bodies Plan Change. Napier City Council welcomes progress on ensuring all waterbodies in the region are managed to the best of our ability. We recognise that this plan change is consistent with the Freshwater NPS and further supports the Regional Council's work programme on community led, catchment-based integrated management planning throughout the region.

2. Council supports the preliminary identification of Te Whanganui-ā-Orotu (Ahuriri Estuary), Tūtaekurī River and the Heretaunga Plains Aquifer as potential outstanding water bodies within our boundaries, pending engagement with our communities and any further information that becomes available through this plan change process.

   Relationship with Freshwater NPS, the Regional Resource Management Plan (RRMP) and the HB Coastal Plan

3. There is some degree of confusion relating to the inclusion of coastal water bodies in this plan change which has been driven by the NPS for Freshwater. We understand that integrated management (mountains to sea) is a key principle for water management. However, regulation for freshwater and coastal water is managed through separate plans in Hawkes Bay, the RRMP and the HB Coastal Plan and therefore there needs to be close alignment in the regulation imposed in both the plans to meet the objective of integrated management.

4. In relation to the Tūtaekurī River and the Heretaunga Plains Aquifer, the upcoming TANK plan change will be the process by which identified outstanding and significant values are confirmed for inclusion in the RPS. However, the values of Te Whanganui-ā-Orotu (Ahuriri Estuary) were not identified through the TANK plan change due to it being a coastal waterbody. We expect to identify the significant and outstanding values of the Estuary prior to its inclusion in the RPS.

5. We recognise that this has been somewhat addressed by the inclusion of the objectives and policies in Chapter 3.2 of the RRMP The Sustainable Management of Coastal Resources. It is noted in the principal reasons and explanation that Policy C2 will only take effect after new provisions have been included in the Hawke's Bay Regional Coastal Environment Plan.

6. Therefore our understanding is that a review of the coastal plan will be necessary. This is to ensure that resource consents issued under the coastal plan will have the same requirement

215 Hastings Street, Napier 4110
Private Bag 6010, Napier 4142
www.napier.govt.nz
t +64 6 835 7579
f +64 6 835 7574
e info@napier.govt.nz

to consider the proposed activities impact on the values of coastal outstanding waterbodies. If we are correct in this assumption, the following wording is suggested for clarification:

Relief sought:

Policy C2 - Decision Making Criteria – Outstanding Water Bodies

1. In relation to those types of activities identified in Policy C2.2, once the relevant catchment based regional plan change is operative or after 31 December 2025, whichever is sooner, or the HB Coastal Plan has been reviewed, a consent authority must have regard to:
   a) the extent to which the activity would protect the outstanding value(s) described in Schedule 25 of the relevant outstanding waterbody
   b) the extent to which the activity would protect the significant values (if any) identified in Schedule 25 of the relevant outstanding waterbody
   c) whether, in order to protect the waterbody's outstanding values and significant values:
      i. the location of the proposed activity is appropriate
      ii. time limits, including seasonable or other limits on the activity may be appropriate.
   d) If there is a conflict between protecting an outstanding and a significant value of the same water body, protection of the outstanding value must be given preferential protection.

7. Council support a review of the HB Coastal Plan to ensure that the new regulation being imposed under the TANK plan change will align with regulation in the Coastal Plan to ensure integrated management between freshwater and coastal waters in the Ahuriri Catchment.

8. We fully support the identification of values associated with Te Whanganui-ā-Orotu to ensure that activities in the coastal environment, managed through the HB Coastal Plan are appropriately managed. This aligns with the work being done through the Napier District Plan review where cultural and landscape values in Napier are being identified and recorded in order for land use activities regulated by the District Plan are managed in respect of these values.

9. Napier City Council look forward to working with the Regional Council on improving the management of our waterbodies. We recognise that this includes working closely with our communities to identify and confirm these values. For any clarification of points within this submission please contact Kim Anstey, Policy Planner in the first instance kima@napier.govt.nz

Paulina Wilhelm

MANAGER CITY DEVELOPMENT

Belinda Harper

From: Jackie Egan <jackie@nzfm.co.nz>
Sent: Sunday, 1 March 2020 10:43 PM
To: OWB
Subject: Submission from NZFM to PC7
Attachments: attachment 1.docx; ATT00001.htm; attachment 2.docx; ATT00002.htm

TO WHOM IT MAY CONCERN:

Please find attached a submission on Plan Change 7 to the Hawkes Bay Regional Council's Regional Plan on behalf of NZ Forest Managers Ltd.

Apologies for not getting this to you on Friday, I was out of the office and I've just realised I completely forgot to send it though by the deadline. May I please request that this submission be accepted as a late submission? Please let me know if that is not possible.

Kind regards,
Jackie Egan

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Submission ID# 24

Date Received: 1/3/20

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Provision	Concerns	Reasons	Relief
General- the amendments from "freshwater" to "water bodies"	Oppose PC7 has a fundamental flaw in that it proposes to identify both certain coastal waters and freshwater as outstanding water bodies. There is confusion as provisions for the combining of provisions for coastal water are included under headings that clearly relate to freshwater.	While water can include both freshwater and coastal water the RMA powers are different for freshwater management and for management of coastal water. The NES-PF sets out the provisions regulating plantation forestry and maintains the separation of issues concerning freshwater management versus those of coastal water management.	Retain separate provisions as exists in the Regional Resource Management Plan Chapter 3 1 A for Outstanding Freshwater Bodies and Chapter 3. 2 for Outstanding Coastal Waterbodies. There would have to be major changes PC7 to set out separate provisions for freshwater and for coastal water.
General-the references throughout PC7 to outstanding and significant values	Oppose The mixing of the different RMA powers has led to the confusing introduction of not only identification of "outstanding values" but also "significant values" for both freshwater and coastal water.	1. This has arisen as the NPSFM definition of "Outstanding freshwater bodies" are those water bodies identified in a regional policy statement or regional plan as having **outstanding values**, including ecological, landscape, recreational and spiritual values 2. Objective A2 of the NPSFM introduces the concept of "**significant values**" by providing that the overall quality of fresh water within a freshwater management unit is maintained or improved while: a) protecting the **significant**	There would have to be major changes to PC7 to separate out provisions that give effect to the very particular requirements of NZCPS Policies 11,13,15 and 17 with regard to the coastal water.

		values of outstanding freshwater bodies; b) protecting the significant values of wetlands; and c) improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated. 3.The NZCPS while setting out policies which would allow the protection of coastal waters for the purposes of indigenous biodiversity (Policy 11), natural character (policy 13), outstanding landscape (policy 15) and heritage (policy 17) there is no mention of the concept, as for freshwater management, of outstanding and significant values. The NZCPS provides a very particular provisions for protections that is different to the management of freshwater.	
OBJ LW 1 1.	Oppose The combining of coastal water in what is an objective for freshwater only.	The amended explanation makes it clear that this is giving effect to freshwater powers not ones relating to coastal water.	Delete the amendment to water bodies and retain as freshwater only.
POL LW1 1.cC and d, dA)	Oppose This is a policy that should only relate to freshwater	The policy specifically refers to the provisions of the NPSFW which are separate to the provisions of the NZCPS.	Delete the words water bodies and replace with freshwater bodies.

8	POL LW1 cC " ...and any other values that are determined..."	Oppose It is not clear as to the process of how these other values are to be determined.	This amendment creates major uncertainty to the policy.	Delete the amendment.
9	POL LW1 2. bA) (i) (ii)	Support in part	The policy explanation specifically refers to the provisions of the NPSFW which are separate to the provisions of the NZCPS	Amend to only apply to freshwater bodies
10 11	POL LW1 2. bA) (iii)	Oppose	Provisions (i) and (ii) require consideration of how the freshwater will be protected and this is more than adequate. A policy requirement to "avoid" does not allow for mitigation provisions to be applicable.	Amend to only apply to freshwater Amend to delete (iii)
12	POL LW2	Oppose A priority system is compromised by the introduction of the requirement to protect outstanding freshwater bodies.	Such a system may be appropriate when provisions give effect to the powers of the RMA relating to maintenance or enhancement of the natural environment but not where the provision is giving effect to a requirement to protect the natural environment. This is of further relevance when giving effect to the NZCPS which includes provisions to "avoid" certain effects of activities upon the natural environment. In such cases there can be no prioritisation. The policy conflicts with the amended Policy C2.	Delete the reference to outstanding water bodies and retain the provisions to only relate to freshwater bodies that are not identified in schedule 25
13	Policy LW3A 1.a-c & 2 & 3	Support	The policy sets out an appropriate approach	

14 15	Policy LW3A 1.d	Oppose	There should be no inconsistency between what is an outstanding value and significant value. Significant values should be just refinements of the outstanding values. This would insert major uncertainty into the process as to what value is to be protected.	Delete d.
16	Chapter 3.2 amendments	Oppose	Policies 11,13,15,& 17 of the NZCPS have very particular provisions as what features are to be identified and then requirements as to avoid effects upon the identified features. PC7 does not give effect to the abovementioned policies. Only 4 estuaries have been identified and they should be protected by properly giving effect to the NZCPS rather than trying to transfer the provisions of the NPSFW to coastal water.	Delete all provisions and introduce a variation to provide policies and objectives that give effect to the identified policies in the NZCPS.
17	Glossary-outstanding water body	Oppose	The definition given the above submissions should apply only to freshwater bodies	Amend to "outstanding water body means a freshwater body or parts thereof, identified..."
18	Schedule 25 – Outstanding Water Bodies	General comment	The RMA provides significant protection provisions for outstanding freshwater bodies. While Plan Change 7 set out objectives and policies and identifies potential outstanding waterbodies in the Hawkes Bay	This should be kept in mind and recognised when OWBs are finalised as landowners are likely to take a conservative approach to identification of OWBs on or adjacent to their properties.

		Region, the rules for activities around OWBs are not yet known. Therefore it is difficult to assess the impact that the rules may have on adjacent land based activities, such as forestry.	
Schedule 25, Table 2 (15) – Mohaka River	Support – General Comment	The Mohaka River is identified as an OWB within Table 2 of PC7. The Mohaka River is located on the Te Awahohonu Forest boundary and does not run through the forest. There are setbacks in place between the plantation forest and the river, however these vary in size along the forest boundary.	While NZFM supports the Mohaka being identified within PC7 as an OWB, because the rules that may regulate forestry activities adjacent to OWB are not known it is hard to assess the impact these may have on normal forest operations. As such, NZFM requests to be involved when consultatioin is carreid out on the future HBRC document that will manage activities within the Mohaka catchment.
Schedule 25, Table 2 (23) – Ripia River	Support – General Comment	The Ripia River is identified as an OWB within Table 2 of PC7. The Ripia River is located on the Te Awahohonu Forest boundary and does not run through the forest. There are setbacks in place between the plantation forest and the river, however these vary in size along the forest boundary.	While NZFM supports the Ripia River being identified within PC7 as an OWB, because the rules that may regulate forestry activities adjacent to OWB are not known it is hard to assess the impact these may have on normal forest operations. As such, NZFM requests to be involved in any consultatioin that is carreid out on the future HBRC document/s that will manage activities within or adjacent to the Ripia River.
Schedule 25, Table 2 (37) – Waipunga River	Support – General Comment	The Waipunga River is identified as an OWB within Table 2 of PC7. The Waipunga River is located on the Te	While NZFM supports the Waipunga River being identified within PC7 as an OWB, because the rules that may

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(8)

21			Awahohonu Forest boundary and does not run through the forest. There are setbacks in place between the plantation forest and the river, however these vary in size along the forest boundary.	regulate forestry activities adjacent to OWB are not known it is hard to assess the impact these may have on normal forest operations. As such, NZFM requests to be involved in any consultatioin that is carreid out on the future HBRC document/s that will manage activities within or adjacent to the Waipunga River.

Submission on Proposed Plan Change 7: Hawke's Bay Regional Resource Management Plan

PLEASE NOTE: your submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.

Name: *(required)* Nathan Apatu

Organisation: Ngamatea Farming Company LTD

Postal address: *(required)* P. O. Box 146, Hastings 4156

Email address: nathan@ngamatea.co.nz

Phone number: 0272456569

Contact person and address if different to above:

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☒ I could not gain an advantage in trade competition through this submission; or

☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☐ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission.

Do you wish to be heard in support of your submission? Yes / ~~No~~

If others make a similar submission, would you consider presenting a joint case with them at a hearing? Yes / ~~No~~

Signature: Nathan Apatu Date: 27/2/2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
OWB@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 28 February 2020

No submissions will be accepted after this deadline. The deadline will not be further extended.

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SUBMISSION ID#

25

Date Received:

27/2/20

Database Entry Date:

Database Entry Operator:

EH

HAWKES BAY REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Submission Details

Please attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission. Further information on how to make a submission and the submission process is available on the Regional Council website.

Issue/Topic Description: Plan Change 7:Identification of Outstanding Freshwater Bodies

Specific provision(s) of Plan Change 7 that my submission relates to are: *[eg: objective, policy, water body (reference numbers)]*

Clause 5 of schedule 1 RMA 1990

My submission is: *[Clearly indicate whether you support or oppose the specific provisions or wish to have them amended along with reasons]*

see attached pages please.

I seek the following decision from the Regional Council: *[Plesae give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process]*

see attached pages please

Submitters Details

Name	Ngamatea Farming Company Limited
Address for service	Ngamatea Station P.O. Box 146 Hastings 4156
Email address	nathan@ngamatea.co.nz
Telephone number	
Mobile	0272456569

Introduction

Ngamatea Farming Company Limited owns Ngamatea Station at 3854 Taihape-Napier Road. Ngamatea Farming Company Limited farms approximately 47,000 sheep and 6,000 cattle on approximately 70,000 acres on that land.

Ngamatea Station is managed by two siblings – Kate Bates and Nathan Apatu. They have ancestry from both parents on Ngamatea.

The specific provisions of Plan Change 7 that this submission relates to are:

Identification of outstanding freshwater bodies

Plan provisions

Table 2 in Part 2 of Schedule 25.

Position

Oppose in part.

Reasons for Position

The NPSFM Interpretation section defines "outstanding freshwater bodies" as follows:

> Outstanding freshwater bodies are those water bodies identified in a regional policy statement or regional plan as having outstanding values, including ecological, landscape, recreational and spiritual values.

In order for a freshwater body to be listed in a regional plan as outstanding, one would expect it to have been identified a waterbody which is quite out of the ordinary on a regional basis. It is difficult to see how 38 freshwater bodies in a region could meet that threshold.

Table 2 identifies Ngamatea East Swamp as outstanding. That appears to have been based in part at least on an outdated report - Geoff Roger's report for the PNA programme for DOC from 1993 (see the April 2019 Report of the Expert Panel Outstanding Water Bodies in Hawke's Bay, page 66). (More on that below)

Relief sought:

2 a) Delete 'Ngamatea East Swamp' from Table 2 in Part 2 of Schedule 25.
b) Any consequential amendments required to other parts of PC7 as a result of the above relief.

Absence of description of significant values

Plan Provisions

Table 2 in Part 2 of Schedule 25.

Position

Oppose in part.

Reasons for Position

For numerous freshwater bodies in Table 2 (including 17: Ngamatea East Swamp) the column for describing the significant values of the freshwater body are empty. The header on page 21 states:

> * The significant values, and their associated descriptions, for each outstanding water body will be included after a catchment based regional plan change has been made operative for the relevant catchment.
>
> ** The description of the outstanding cultural and spiritual values will be updated in Table 2 as Proposed Plan Change 7 progresses through the plan change process set out in Schedule One of the Resource Management Act, and further information becomes available.

Column 3 lists the outstanding values for 17: Ngamatea East Swamp which include 'cultural values' and describes that outstanding value as follows:

> Tangata whenua of the region have advised that the Ngamatea East Swamp have outstanding cultural and spiritual values. **

Column 4 of the Table lists significant values for 17: Ngamatea East Swamp but does not then describe them.

3 The Council cannot properly include a freshwater body in Table 2 as an outstanding water body if it has not identified and described that freshwater body's outstanding values. Further it is not enough to simply say that a

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water body has cultural and spiritual values, and reserve leave to describe those values later.

Relief sought:

a) Delete 'Ngamatea East Swamp' from Table 2 in Part 2 of Schedule 25.
b) Any consequential amendments required to other parts of PC7 as a result of the above relief.

Ngamatea East Swamp

Plan Provisions

Item 17: Ngamatea East Swamp in Table 2 in Part 2 of Schedule 25.

Position

Oppose.

Reasons for Position

There is been no recent assessment of whether this waterbody is outstanding.

4 The sole information source appears to be Geoff Roger's report for the PNA programme for DOC from 1993. This document was also picked up by the Rangitikei Regional Council in its district plan. The information in that report is very out of date and all from the same original source

No secondary assessment has occurred.

The PNA report itself is a desk top study using info from field visits done from 1984 and 1987. No one has been back since to visit or assess the swamp.

The area is ill defined. The map in the materials is attributed to the Rangitikei District Council, and bears no relation to the actual area, drainage system or watershed of the Ngamatea East Swamp. It includes a massive area that drains the other direction into the Rangitikei River, an area which is not even part of the Hawkes Bay Regional Council.

Apart from flowing streams, it has none or very little open water. It is unclear from Plan Change 7 whether the whole watershed is to be included, or just the streams on exit. The map as it stands potentially covers a very large area on private land, in the order of 2,000 hectares.

Relief sought:

a) Delete 'Ngamatea East Swamp' from Table 2 in Part 2 of Schedule 25.
b) Any consequential amendments required to other parts of PC7 as a result of the above relief.

Hearing

Ngamatea Farming Company Limited wishes to be heard in support of its submission and if others make a similar submission, it would consider presenting a joint case with them at the hearing.

27 February 2020

Nathan Apatu
Ngamatea Farming Company Ltd

Te Taiwhenua o
HERETAUNGA

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SUBMISSION ID#
26
Date Received:
28/2/20
Database Entry Date:
17/3/20
Database Entry Operator:
BH

28 February 2020

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

Tēnā koutou katoa,

Re: Joint Submission to the 'Outstanding Water Bodies' Plan Change 7

Please find enclosed a joint submission on behalf of Ngāti Kahungunu Iwi Incorporated (NKII), Te Manaaki Taiao (TMT), Te Rūnanganui o Heretaunga (TRoH) and Te Taiwhenua o Heretaunga (TToH) for the 'Outstanding Water Bodies' (OWB) Plan Change 7 (PC7) due 5.00pm today on Friday, 28th February 2020.

To my knowledge and understanding, there are no advantages for the above named parties in relation to Trade Competition through this joint submission.

We wish to be heard in support of our submission at any pre-hearing or hearing convened for the consideration of Proposed PC7. Furthermore, if others make submissions on the matters contained within our submission we would consider presenting a joint case with them at the hearing.

Specific provisions of PC7 that the joint submission relates to have been highlighted within the enclosed submission.

The joint submission opposes some of the provisions of PC7 in its current form, and we wish to have these provisions amended, as per the reasons provided within this submission.

We seek amendments, as contained within our submission, to the Proposed PC7 through decisions of the hearings committee/panel who will consider the matters therein. This submission is on behalf of NKII, TMT, TRoH and TToH.

Nāku noa

Marei Apatu
Te Kaihautū
Te Manaaki Taiao

821 Orchard Rd PO Box 718 Hastings Aotearoa NZ
P +64 6 871 5350 F +64 6 871 5351 E taiwhenua.heretaunga@ttoh.iwi.nz
W www.ttoh.iwi.nz

1

Te Taiwhenua o
HERETAUNGA

Ngāti Kahungunu Iwi
INCORPORATED

IN THE MATTER OF	The Resource Management Act 1991
AND IN THE MATTER OF	Proposed Plan Change 7 to the Hawke's Bay Regional Policy Statement
INCLUDING	Changes to the Hawke's Bay Regional Resource Management Plan

BEING PROPOSED AS AN OUTSTANDING WATER BODIES PLAN CHANGE

A SUBMISSION FROM TE TAIWHENUA O HERETAUNGA SUPPORTED BY NGĀTI KAHUNGUNU IWI INC.

Address for Service:

Te Taiwhenua o Heretaunga
P O Box 718
HASTINGS 4156

Email: Marei.Apatu@ttoh.iwi.nz
Phone: 06 8715350
Cell: 027 430 5681

© Te Taiwhenua o Heretaunga

3

Te Umu tirama nuku

Te Umu tirama rangi

Ko ahau kei te wetekia noa iti e ahau

Whiwhia te ngākau te mahara

Kia puta ki te whai Ao ki te Ao marama

Tēnā te Umu ka eke te Umu kei a koe

Nā te Umu o ēnei kōrero

Ka mā ngā Koromatua

Ka ma hoki ko ahau

I heke iho mai nā

E Rongo tūturu whakamaua kia tina! Hui e! tai iki e!

Tēna koutou katoa;

1. INTRODUCTION

1. 1 Te Taiwhenua o Heretaunga (TToH) is an organisation that represents and advocates for the cultural, social and environmental well-being of our Marae and hapū members within the Heretaunga rohe and those that live further afield. We are one of six Taiwhenua affiliated to Ngāti Kahungunu Iwi Incorporated (NKII). Through our elected Boards, Te Haaro o Te Kaahu, Te Rūnanganui[1] o Heretaunga (TRoH and Te Manaaki Taiao[2] (TMT), we assist those we represent to uphold their tikanga Māori values and aspirations through hui and wānanga, and engagement within resource management processes. This is particularly relevant where statutory plans and policies are being promoted that have the capacity to affect our collective interests. Through TMT and TRoH, we keep our Marae and hapū informed, particularly with regional and district planning matters and at times with resource consents where these may affect our taonga tuku iho.

1. 2 Current freshwater planning provisions in the Hawke's Bay (HB) region are inadequate and there are a number of challenges facing the sustainable management of freshwater resources

[1] Our Rūnanganui includes representatives from each of the marae in Heretaunga, who meet regularly to discuss issues of significance including cultural and environmental issues.
[2] Te Manaaki Taiao is a dedicated unit within the Taiwhenua, who promote the resource management and environmental interests of hapū within Heretaunga

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due to over-allocation, excessive abstraction and resultant effects on natural flows, aquatic ecosystems and the habitat for our indigenous species. Although the National Policy Statement for Freshwater Management (NPS-FM) has been around for 9 years, its adoption and implementation in HB in any meaningful way appears to have stagnated. Plan Change 5 (PC5) provided an implementation pathway, but it has taken 7 years for it to become operative, and in the meantime, regional plan provisions to provide for outstanding freshwater bodies as required by the NPS-FM have been delayed.

2. BACKGROUND

2. 1 The protection of outstanding freshwater bodies was raised as a significant issue by NKII in 2012 during statutory processes for PC5, a change to the HB Regional Policy Statement (RPS). PC5 was drafted by Hawke's Bay Regional Council (HBRC) as part of their Implementation Programme[3] for the NPS-FM, 2011 version.

2. 2 The NPS-FM at that time contained a requirement at Objective A2 (a) for: *'protecting the quality of outstanding freshwater bodies.'*

This was later amended to: *'protecting the significant values of outstanding freshwater bodies' when* the NPS-FM was updated.

2. 3 The NPS-FM identifies outstanding freshwater bodies as *'those waterbodies identified in a regional policy statement or regional plan as having outstanding values.'* Although it does not elaborate on what these outstanding values specifically are, it acknowledges within the '*Interpretation*' section, that they include ecological, landscape, recreational and spiritual values. This does not mean that other values are excluded from being considered outstanding. There is constant referral to the NPS-FM in proposed PC7, but it is important to note that the NPS-FM is a higher level document under the Resource Management Act (RMA), that directs regional councils on the management of national interests and matters of national significance relating to freshwater.

[3] HBRC Progressive Implementation Programme for the NPS-FM, 26 September 2012.

2. 4 PC5 was intended to provide clear direction to several catchment-based plan changes to follow in terms of freshwater management. During the period when the Ruataniwha Water Storage Scheme (RWSS) was being promoted, Plan Change 6 – Tukituki Catchment (PC6) was prioritised and HBRC staff time re-directed. PC6 then became operative before PC5 – which contained the RPS directives on how PC6 should be progressed. Consequently, PC6 did not identify any freshwater bodies within the Tukituki catchment as being outstanding, nor include provisions to protect their significant values.

2. 5 During resolution of PC5 Environment Court appeals, NKII and HBRC agreed that an outstanding freshwater body's plan change would be notified before any further catchment-based plan changes[4]. The intention from a NKII perspective, was to delay any further catchment-based plan changes from proceeding, before the outstanding freshwater bodies within their catchment(s), had been identified and provisions for the protection of their significant values provided for. PC5 which was publicly notified 02 October 2012, finally became operative 24th August 2019, after almost 7 years. The proposed Outstanding Water Bodies plan change (PC7), was publicly notified on 31st August 2019, and seeks to amend parts of the RPS that were confirmed by PC5.

3. RPS FRESHWATER OBJECTIVES AND POLICIES - PC5

3. 1 In the operative RPS, Chapter 3.1A, the objectives - OBJ LW 1, OBJ LW 2, and policies - POL LW1A, POL LW1 and POL LW2 are focussed on the management of freshwater. This is clearly articulated in the heading - *Chapter 3.1A – Integrated Land Use and Freshwater Management'*, and in the issue statements (ISS LW1 and ISS LW2) preceding the objectives. There is clear separation from the coastal environment issues, which are covered in RPS Chapter 3.2.

3. 2 In addition, some of the provisions in Chapter 3.1A were agreed to by multiple parties during Environment Court proceedings and signed off by them and HBRC on the understanding that they would apply to the management of freshwater. By proposing amendments to freshwater provisions that then broaden their scope to include waters in the coastal environment that are freshwater, HBRC through PC7 risks creating inconsistent plan provisions and policy. Bringing

[4] The one exception was for the Mohaka catchment, considered at the time (2012 – 2013) to be too far advanced to allow for outstanding water bodies to be considered within its provisions. See also PC5 – POL LW1A 1(c).

6

water resources that lie within the coastal environment into plan provisions that previously only applied to freshwater bodies, also undermines the integrity of prior agreements and may result in undue prejudice.

4. DEFINITION OF 'WATER BODY' AND IMPLICATIONS

4. 1 PC7 is required to be progressed in accordance with the RMA. In the RMA '*water body*':

'means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.' Emphasis added.

The coastal marine area is defined as:

'the foreshore, seabed, and coastal water, and the air space above the water—

(a) of which the seaward boundary is the outer limits of the territorial sea:

(b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of—

(i) 1 kilometre upstream from the mouth of the river; or

(ii) the point upstream that is calculated by multiplying the width of the river mouth by 5.'

4. 2 This has several implications for proposed PC7.

- For estuaries that are identified in PC7 as '*outstanding water bodies*', the part that is within '*5 times the width of the river mouth*' cannot be considered a water body or as a consequence, an outstanding water body as it is not freshwater, has tidal influences, contains a percentage of saltwater, and is within the coastal marine area
- It is also within the '*coastal environment*' so its regulation comes under the NZCPS and the HBCEP, and not the NPS-FM and RRMP.
- When the river mouth closes as occurs with the Tukituki River and others, then the situation changes, and the demarcation line for the relevant estuary, would presumably revert back to mean high water springs, this being the lesser of, referred to in the RMA definition. Yet the estuary is still not a water body in terms of the RMA as it is above mean high water springs.

- For the Heretaunga Aquifer System that extends out into HB, regulation in the HBCEP is only applicable to the parts between mean high water springs and the inland boundary of the coastal environment[5]. The parts of the Heretaunga aquifer that extend eastward below mean high water springs and beneath the seabed, therefore appear to be unregulated by regional plans.

4. 3 HBRC and other parties spent around 3 years discussing/debating the meaning of *'wetland'* when HBRC decided to adopt a meaning for wetland that was different to the RMA definition. We now have a definition that includes the RMA definition with some exceptions. This highlights the risks in terms of using terminology and meanings that differ from those in the RMA and/or the NPS-FM, as it can weaken the provenance and connections between the RPS and the NPS-FM, which the RPS is required to give effect to.

5. REGIONAL PLANS

5. 1 There is a clear separation in higher level policy, whereby the Ministry for the Environment administers the NPS-FM under the RMA, while the New Zealand Coastal Policy Statement (NZCPS) and coastal plans must be approved by the Minister of Conservation. In terms of regional plans, we have the Hawke's Bay Regional Resource Management Plan (RRMP) and the Hawke's Bay Coastal Environment Plan (HBCEP). The coastal environment is clearly defined in the HBCEP and includes a landward margin where the coast has major influence, including our estuaries and coastal lagoons. Freshwater within the coastal environment is regulated through the HBCEP, while elsewhere freshwater is regulated through the RRMP. The NPS-FM directs freshwater management in both regional plans, but not the management of estuarine, saltwater or marine waters.

5. 2 PC7 is a proposed change to the RPS, which has effect over both the coastal environment plus the rest of the region. Some of the proposed amendments to the RPS however, and the addition of a new meaning for 'outstanding water body' in the Glossary in the RRMP, creates confusion, particularly where water resources in the coastal environment that are saltwater, are included within freshwater policy. In terms of efficient planning, it would be beneficial if we stuck to RMA and NPS-FM nomenclature, and kept RPS planning provisions for outstanding freshwater

[5] Operative HBCEP, 2014 - Note preceding Chapter 11.

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bodies separate from those for water resources within the coastal environment that are considered outstanding.

5. 3 It would be helpful however, if direction from the RPS for regional plans enabled the consideration of cumulative effects of land use on estuaries, coastal wetlands and lagoons, and the coastal environment more generally, and referred to the specification of limits and flows necessary for maintaining the significant values of outstanding freshwater bodies and outstanding water resources within the coastal environment.

6. THE REGIONAL POLICY STATEMENT

6. 1 NKII nominated a representative to be on the panel convened by HBRC to consider the proposed regional plan and have input into the identification of potential outstanding freshwater bodies and outstanding coastal resources (estuaries, coastal lagoons etc). For the RPS the identification and prescription of water resources located within the coastal environment as outstanding is supported, but we prefer that they have separate issue statements, objectives and policies. There is a clear separation in existing regional planning both in spatial coverage and planning intent with the Regional Resource Management Plan and the Regional Coastal Environment Plan, and PC7 should reflect this.

6. 2 We ask for discrete separation of issue statements, objectives and policy strands for outstanding freshwater bodies, from other outstanding water resources located within the coastal environment, e. g. Estuaries, coastal wetlands and lagoons. In this manner, the application and implementation of both the NPS-FM and NZCPS will be more clearly defined in the RPS. As proposed, PC7 lacks this clarity.

6. 3 It is not clear how the different options for directing management of water resources in the coastal environment and listed in Schedule 25 were evaluated, particularly where they have been implanted into an existing freshwater management regime, that also includes directions around abstractive uses. Policy in proposed PC7 appears to treat existing activities for water abstraction from water with outstanding values rather leniently and does not address cumulative adverse effects that are more than minor.

7. THE PROPOSED PLAN

7.1 Despite the legal conundrum whereby HBRC has signed up to notifying an Outstanding Freshwater Bodies plan change and has instead notified a change that includes both freshwater bodies and other waters within the coastal environment, we understand the efficiencies in addressing both sets of outstanding water resources concurrently. However, this should not be progressed where it undermines the integrity of mediated decisions on objectives and policies from PC5, which had only recently been made operative.

4 7.2 We ask for clearly separate issues statements, objectives and policies, so that outstanding freshwater bodies sit clearly under the hierarchy of the NPS-FM and Chapter 3.1A, while other outstanding water resources located within the coastal environment have discrete objectives and policies in Chapter 3.2 that are aligned with the NZCPS. Amend '*Principle Reasons and Explanation*' statements to clearly reflect this distinction.

5 7.3 Provide a separate section in Schedule 25 for outstanding waters within the coastal environment and make consequential amendments to objectives, policies and AERs in Chapter 3.2 to reflect this separation. Refer to specific RPS provisions in the Schedule.

6 7.4 With the identification of Morere Hot Springs – Provide a separate descriptor for these as they are outstanding in their own right, and a discrete objective and policy that ensures their protection. Although located outside of the coastal environment, their source is from ancient salt-water springs. They are neither a freshwater body nor regulated as part of the coastal environment.

7 7.5 Ensure sufficient water quantity is retained in outstanding freshwater bodies and outstanding water resources in the coastal environment so as to maintain and uphold their significant values, including fish passage.

8 7.6 Include and retain narrative that clearly articulates that outstanding values and significant values for outstanding freshwater bodies, are prescribed and defined at the regional level.

10

8. THE PROPOSED PLAN - CONTENT

Add the following changes and outstanding or significant values for the specific freshwater bodies identified. Outstanding values are in the right column along with explanatory text. Significant values are listed at the bottom of the table.

Table 1.

Heretaunga Plains Aquifer System	*Whakapapa o te wai* The connectivity between the Heretaunga Plains Aquifer System and culturally significant/iconic rivers and tributaries *Ki Uta ki Tai* The flow of water from the mountains to the sea – Including through the unique layers of strata that make up our aquifer systems *Hauora o te wai* (In Part) The unique cleansing that occurs with hydrogeology, where wai passes through the whenua and is cleansed over time and distance, then re-emerges as springs that contribute clean water to surface water bodies – to our rivers, lakes and streams. *Muriwaihou*
Karamu River	*Whakapapa o te wai* The Karamu receives spring water from within the whenua, connecting both spiritually and physically to the Heretaunga Muriwaihou – the Heretaunga Plains Aquifer System. *Ki Uta ki Tai* The flow of water from the mountains to the sea – From the Raukawa and Kaokaoroa Ranges through Lake Poukawa, Pekapeka and down into Heretaunga, and from Kohinerakau into the streams that feed into the Karamu. *Hauora o te wai* In part - The unique cleansing that occurs with hydrogeology, where the wai passes through the whenua and is cleansed over time and distance, then re-emerges as springs that contribute to the Karamu River.
Ngaruroro River	*Whakapapa o te wai*

	The connectivity between the Kaweka and the Ngaruroro River and through into the Heretaunga Plains and its Aquifer System, where the river is the main recharge. Then the river flowing through to Waitangi Estuary and Tangaroa. *Ki Uta ki Tai* The flow of water from the mountains to the sea – The Ngaruroro River is one of the conduits for this physical and spiritual connection. The Ngaruroro has wāhi tapu sites within the river channel. This operates at different levels, including within indigenous biodiversity and the recruitment and health of aquatic species. *Hauora o te wai* In part - The Ngaruroro provides healthy water to the whole of the Heretaunga Plains.
13 14 Ruataniwha Plains Aquifer System	*Whakapapa o te wai* The connectivity between the Ruahine and the Tukituki River and through into the Ruataniwha Plains and its Aquifer System, where along with the Waipawa and its tributaries, the two river catchments are the main source of recharge. *Ki Uta ki Tai* The flow of water from the Ruahine and into the Ruataniwha Aquifer System which regulates the flow of water out from the Ruataniwha Plains. *Hauora o te wai* In part - The Ruataniwha Aquifer System provides healthy water to the rest of Central Hawke's Bay where it exits through the Turiri Range as the Waipawa and Tukituki Rivers.
15 Tukituki River and Estuary	*Whakapapa o te wai* The Tukituki River catchment has outstanding cultural value as it connects the hapū of Tamatea with the hapū of Heretaunga. The Tukituki and its tributaries, enable the recruitment of indigenous species throughout its catchment *Ki Uta ki Tai* The flow of water from the Ruahine through the Ruataniwha Plains and down into the lower river, where it joins the ocean at Haumoana. The Tukituki River is one of the conduits for these physical and spiritual connections. It has wāhi tapu sites within the main river channel and tributaries, and on adjacent lands. These need an elevated level of protection. Maintenance of the Ki Uta

	ki Tai value assists with indigenous biodiversity and the recruitment and health of aquatic species. *Hauora o te wai* In part - The Tukituki River provides healthy water throughout Central Hawke's Bay where it exits through the Turirii Range.
Waipawa River	*Whakapapa o te wai* The connectivity between the Ruahine and throughout the Waipawa River where the wairua from the maunga is connected to the wairua of the river and tāngata whenua. *Ki Uta ki Tai* The integrated flow of water from the Ruahine down to the ocean. The Waipawa River provides a conduit for these physical and spiritual connections. Maintenance of the Ki Uta ki Tai value assists with indigenous biodiversity and the recruitment and health of aquatic species. *Hauora o te wai* In part - The Waipawa River provides water to the Waipawa community and replenishes groundwater further downstream.
All estuaries, coastal lagoons and wetlands	*Kōhanga ika; Mahinga mātaitai; Nohoanga/Pāhi*
Significant values for all surface waters in Schedule 25 – *Nohoanga/Pāhi; Fish passage; Fish spawning; Waahi taonga; Waahi tapu; Mahinga kai; Tauranga waka; Wai Tapu; Rohe Boundary; Kōrero tawhito;* Significant values for surface waters and ground water - *Maramataka; Whakapapa o te tāngata; Life-supporting capacity; Taonga rongoā*	

68 In addition to the above, retain the sub-values in PC7 Proposed Table 1, as many of them are significant values to tāngata whenua

69 **9. ADDITIONAL RELIEF SOUGHT BY TE TAIWHENUA O HERETAUNGA**

9. 1 For OBJ LW 1 - Retain specific reference to outstanding freshwater bodies in OBJ LW 1.1.

'protecting the outstanding and significant values and water quality of outstanding freshwater bodies identified ~~listed~~ in Schedule 25 ~~Hawke's Bay~~;

70 For the Principal Reasons and Explanation – Amend the addition so as to replace the word 'water' with 'freshwater'.

Objective LW1.1 as proposed is consistent with the NPSFM which expects the regional councils to protect the significant values of outstanding freshwater bodies.

For proposed Pol LW1 cC – Make the following amendments and expand on *'water bodies'* in the proposed clause so the terminology references *'freshwater bodies'* as the proposed meaning for *'outstanding water bodies'* in the glossary, makes the clause factually incorrect.

71 'cC assesses the outstanding freshwater bodies identified in Schedule 25 to determine their significant values ~~of those water bodies.~~ This assessment shall include ~~consideration of~~ taking into account the values set out in Appendix 1 of the National Policy statement for Freshwater Management, and ~~any~~ other values that the water body contains that are determined to be significant ~~relevant~~ taking into account ~~local and/or~~ regional circumstances.'

For clause d) – Amend the proposed changes as follows:

72 'd) gives effect to provisions relating to outstanding freshwater bodies arising from the implementation of Policy LW1A and protects the outstanding and significant values of those outstanding freshwater bodies identified in Schedule 25[4];

73 And in clause dA, change the two references to 'water' to 'freshwater'.

74 9.2 For POL LW 1.2 – Retain the operative clause bA), and amend proposed clause bA) to

'bB) in relation to any relevant outstanding freshwater bodies identified in Schedule 25:

i) identify the significant values of that outstanding freshwater body and the spatial and/or temporal extent of those values ~~as relevant~~;

ii) establish how the outstanding and significant values of outstanding freshwater bodies identified in Schedule 25 will be protected by regulatory methods or non-regulatory methods or both; [5]

iii) include regional plan provisions to manage activities in a manner which avoids adverse effects, including cumulative adverse effects that are more than minor, on the outstanding and significant values of an outstanding freshwater body identified in Schedule 25.'

14

And make consequential amendments to footnotes 4 and 5 and the explanations and reasons.

75 9. 3 For POL LW2, where references are made to 'water bodies' or 'any outstanding waterbody', change the terminology to 'freshwater bodies' and 'any outstanding freshwater body'

76 And reinstate the operative version of POL LW 2.2.

77 9. 4 For proposed POL LW3A – Amend the proposed policy as follows:

Policy LW3A - Decision Making Criteria – Outstanding FreshwWater Bodies

1. In relation to those types of activities identified in Policy LW3A.2, once a resource consent expires, the relevant catchment based regional plan change[9] is operative or after 31 December 2025, whichever is sooner, a consent authority must take into account ~~have regard to~~:

   a. the extent to which the effects of the activity would protect or detract from the outstanding value(s) described in Schedule 25 for the relevant outstanding freshwater body

   b. the extent to which the effects of the activity would protect or detract from the significant values (if any) identified in Schedule 25 for the relevant outstanding freshwater body

   c. whether, in order to protect the freshwater body's outstanding values and significant values:

      i. the location of the proposed activity is appropriate

      ii. time limits, seasonal limits, minimum flows or water levels, or other limits on the activity ~~may~~ would be appropriate

      iii. the effects of the activity either on its own or in combination with similar activities, has effects that are more than minor

   d. If there is a conflict between protecting an outstanding value and a significant value of the same water body, protection of the outstanding value must be given preference.

2. Policy LW3A.1 ~~only~~ applies to the following activities ~~classified as a discretionary activity or a noncomplying activity by a rule~~ regulated in a regional plan:

   a. a take, use, damming, or diversion of water from an outstanding freshwater body

   b. a change to any existing take, use, damming or diversion of water from an outstanding freshwater body

   c. a discharge or a change or increase in any discharge of a contaminant into an outstanding freshwater body

   d. a discharge or a change or increase in any discharge of a contaminant onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering an outstanding freshwater body

   e. a land use consent for any new structure in the bed of an outstanding freshwater body

   f. a land use consent for any new or increased disturbance of the bed of an outstanding freshwater body ~~that is not already authorised by a current land~~ use consent.

3. Policy LW3A.1 only applies in the following circumstances:

   a. where ~~a description of~~ the outstanding freshwater body's outstanding value (s) is stated in Schedule 25 ~~and/~~or

   b. where ~~a description of~~ the outstanding freshwater body's significant value(s) is stated in Schedule 25.

78 Principal Reason and Explanation

Policy LW3A provides guidance to resource consent applicants and decision-makers when assessing activities which can potentially cause adverse effects including cumulative adverse effects, on outstanding freshwater bodies. In some cases, the proposed activity may be inappropriate at that location or at certain times of the year. Those types of factors ~~can~~shall be ~~considered~~ taken into account by the Consent Authority when assessing resource consent applications to ensure the outstanding freshwater body's significant values and outstanding values are appropriately protected. Policy LW3A takes effect after the objectives and limits have been set across the region and included

16

in the Regional Resource Management Plan as required by the National Policy Statement for Freshwater Management. Where consents have already expired or are due to expire before PC7 becomes operative, they will be assessed in accordance with the limits and targets in the operative regional plan.

79 9. 5 For the Anticipated Environmental Results Table in **Chapter 3.1A – Integrated land use and Freshwater Management** - For Item 7 change each reference to 'outstanding water body' and 'outstanding water bodies' to 'outstanding freshwater body' and 'outstanding freshwater bodies.'

80 **10. PROPOSED PC7 CHAPTER 3.2**

10. 1 For proposed PC7 and amendments to the Regional Policy Statement - **Chapter 3. 2 The Sustainable Management of Coastal Resources** – Make the following changes (as in blue underlined text)

OBJ 11 Protection of the outstanding and significant values of those outstanding water ~~bodie~~resources within the Coastal Environment listed in Schedule 25.

81 And add a descriptor for 'outstanding water resource in the coastal environment' (or words of like meaning and intent) to the RRMP Glossary.

Change the proposed Explanations and Reasons statements at 3.2.8A and 3.2.8B to reflect and align with the changes sought for proposed OBJ 11.

82 10. 2 For proposed POL C1 and POL C2 – Retain most of the policies as proposed apart from changing terminology to reflect the content and intent of our amendments to OBJ 11.

POL C1 Problem solving approach – outstanding water bodies

1. When preparing regional plans, in relation to any relevant outstanding water ~~bodie~~resources identified in Schedule 25:

   i) identify the significant values of that outstanding water~~body~~ resource and the spatial and/or temporal extent of those values as relevant;

ii) establish how the outstanding and significant values of outstanding water ~~bodie~~resources identified in Schedule 25 will be protected by regulatory methods or non-regulatory methods or both; [10]

iii) include regional plan provisions to manage activities in a manner which avoids adverse effects, including cumulative adverse effects, that are more than minor on the outstanding and significant values of an outstanding water resource~~body~~ identified in Schedule 25.

83 **Policy C2 - Decision Making Criteria – Outstanding Water ~~Bodi~~Resources in the coastal environment**

[10] In the case of conflicts arising between outstanding and significant values, the outstanding value(s) will take priority over significant values of the same outstanding water resource~~body~~ identified in Schedule 25.

1. In relation to those types of activities identified in Policy C2.2, once a resource consent expires, or the relevant catchment based regional plan change[11] is operative or after 31 December 2025, whichever is sooner, a consent authority must take into account ~~must have regard to~~:

   a. the extent to which the activity and its effects, including cumulative effects, would protect the outstanding value(s) described in Schedule 25 of the relevant outstanding water resource~~body~~

   b. the extent to which the activity and its effects including cumulative effects, would protect or detract from the significant values (if any) identified in Schedule 25 of the relevant outstanding water resource~~body~~

   c. whether, in order to protect the water resource~~body~~'s outstanding values and significant values:

      i. the location of the proposed activity is appropriate

      ii. time limits, including seasonable limits, or minimum flows, water levels or other limits on the activity, may be appropriate.

   d. If there is a conflict between protecting an outstanding and a significant value of the same water resource ~~body~~, protection of the outstanding value must be given preferential protection.

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2. Policy C2.1 only applies to the following activities:

a. a take, use, damming, or diversion of water from an outstanding water resource~~body~~

b. a change to any ~~existing~~ authorised take, use, damming or diversion of water from an outstanding water resource ~~body~~

c. a discharge or a change or increase in any discharge of a contaminant into an outstanding water resource ~~body~~

d. a discharge or a change or increase in any discharge of a contaminant onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering an outstanding water resource~~body~~

e. a land use consent for any new structure in the bed of an outstanding water resource~~body~~

f. a land use consent for any new or increased disturbance of the bed of an outstanding water resource~~body~~ that is not already authorised by a current land use consent.

3. Policy C2.1 only applies in the following circumstances:

a. where ~~a description of~~ the outstanding water resource~~body~~'s outstanding value(s) is stated in Schedule 25 and/or

b. where ~~a description of~~ the outstanding water resource~~body~~'s significant value(s) is stated in Schedule 25.

And make any consequential changes to the Explanations and Reasons and 3.2.18A and 3. 2.18B.

84 10. 3 **Ensure that proposed PC7 is either;**

i) Scheduled to go to hearing before any other catchment-based plan changes, or

ii) Heard concurrently with the TANK plan change so as to ensure alignment and consistency between the RPS and the RRMP when considering parallel issues.

85 10. 4 Include amended or new definitions for Māori terminology in the RRMP Glossary for;

86
- Hauora o te wai
- Ki Uta ki Tai

87 • Mana o te Wai
88 • Mahinga kai area
89 • Mahinga kai site
90 • Mauri
91 • Whakapapa o te wai
92 • Kōhanga ika.

And ensure that the meanings are broad enough to include the different nuances and elements from a tikanga Māori perspective. This may require both the meaning, and an explanation of how it is applied.

93 10. 5 In Schedule 25 – have two distinct lists so that outstanding freshwater bodies are separated from outstanding water resources in the coastal environment. This would provide better provenance and guidance for future plan changes to the RRMP and the HBCEP.

94 10. 6 Ensure that Schedule 25 is revised to clearly articulate the outstanding values and significant values, including significant cultural and/or tikanga Māori values.

95 10. 7 Within proposed Schedule 25, identify the hapū with mana whenua and mana moana over each of the outstanding freshwater bodies and outstanding water resources in the coastal environment, as it is their expression of cultural concepts and tikanga Māori that determines and informs the outstanding/significant cultural values.

96 10. 8 Prevention or deletion of plan provisions that include abstractive use values (as in proposed Table 2) as outstanding or significant values for outstanding freshwater bodies or for
97 outstanding water resources in the coastal environment, where such values are reliant on water abstraction and on other inputs to enable the values to be accorded significant or outstanding status[6].

[6] E.g. Additional infrastructure, pipes, machinery, nutrient inputs, veterinary and animal health costs, advertising/marketing transport costs etc.

98 10. 9 Retain the content in proposed PC7 Part 2 (apart from abstractive use values) but restructure the tables so that outstanding freshwater bodies and outstanding water resources in the coastal environment are in a separate table.

99 100 101 102 10. 10 Change the name for Heretaunga Aquifer and Ruataniwha Aquifer to Heretaunga Plains Aquifer System and Ruataniwha Plains Aquifer System in Table 2 and make consequential changes elsewhere in the proposed plan. Add 'hydrogeological processes', 'aquifer recharge', 'puna wai' and 'freshwater spring's source' to Table 2 for both aquifer systems.

103 10. 11 Add '*Wairua*' as an outstanding value for all outstanding freshwater bodies and outstanding water resources in Schedule 25

Nāku noa, nā

Signature: _____ **Date:** Friday, 28th February 2020

Marei Apatu
Te Kaihautū
Te Manaaki Taiao
Te Taiwhenua o Heretaunga

Submission on Proposed Plan Change 7: Hawke's Bay Regional Resource Management Plan

PLEASE NOTE: your submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.

Name: *(required)* Nigel William How, Chairman

Organisation: Ngāti Kahungunu Wairoa Tāiwhenua Inc.

Postal address: *(required)* PO Box 119, Wairoa 4160

Email address: wairoa.tai.whenua@xtra.co.nz

Phone number: 06 838 4748

Contact person and address if different to above:

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☑ I could not gain an advantage in trade competition through this submission; or

☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☐ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission.

Do you wish to be heard in support of your submission? (Yes) / No

If others make a similar submission, would you consider presenting a joint case with them at a hearing? (Yes) / No

Signature: Date: 28th February 2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
OWB@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 28 February 2020

No submissions will be accepted after this deadline. The deadline will not be further extended.

OFFICE USE ONLY

SUBMISSION ID#

27

Date Received:

28/2/20

Database Entry Date:

Database Entry Operator:

EH

HAWKE'S BAY REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Submission Details

Please attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission. Further information on how to make a submission and the submission process is available on the Regional Council website.

Issue/Topic Description: Practical application of the term 'Outstanding Water Body'.

Specific provision(s) of Plan Change 7 that my submission relates to are: *[eg: objective, policy, water body (reference numbers)]*

The proposed Plan Change 7 in its entirety.

My submission is: *[Clearly indicate whether you support or oppose the specific provisions or wish to have them amended along with reasons]*

1 That Ngati Kahungunu Wairoa Taiwhenua Incorporated on behalf of our some 8,500 registered beneficiaries DISAGREE with the entire Plan Change 7 Report due to the HBRC not heeding the professional and solicited advice of the Wairoa District tangata-whenua representation given at the hui 18 March 2019 that all waterbodies are inter-connected and thus outstanding by definition.

2 That Ngati Kahungunu Wairoa Taiwhenua Incorporated on behalf our some 8,500 registered beneficiaries propose as a solution that Plan Change 7 Report be AMENDED to include ALL water bodies both above and below ground within Wairoa District in Plan Change 7 as a single outstanding water body as advised to HBRC by our iwi and hapu representatives.

I seek the following decision from the Regional Council: *[Please give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process]*

3 That HBRC be brave and bold in enacting the spirit of true partnership as confirmed by the Treaty of Waitangi by ceasing to dissect for their own purposes the Tangata Whenua Worldview of the iwi and hapu of Wairoa District and thus incorporate said Tangata Whenua Worldview practically and holistically into HBRC policy and procedure by accepting the FACT already provided by tangata-whenua of Wairoa District that all waterbodies both above and below ground are outstanding.

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON 28 FEBRUARY 2020

owhaoko

OFFICE USE ONLY

Submission ID# 28

Date Received: 27/2/20

Database Entry Date: 3/3/20

Database Entry Operator: NN

To: Hawkes Bay Regional Council, Private Bag 6006 NAPIER **Sent by email to:** OWI

From: Peter MacGregor Chair Owhaoko C Trust

Date: 27 February 2020

Subject: Outstanding Water Bodies: the Ngaruroro River and Taruarau River

Tena koe the following is our Trust response to the Plan Change 7

Organisation: Owhaoko C Trust

Postal Address: PO Box 2645 Stortford Lodge, HASTINGS

Email Address: owhaoko@xtra.co.nz and peter.macgregor01@gmail.com

Phone: 0274469714

Trade Competition:

- The Trust could not gain an advantage in trade competition through this submission

The Trust wishes to be heard in support of our submission

The Owhaoko C Trusts Submission:

The Trusts submission relates clearly to the HBRC's Regional Planning Committee working with Tangata Whenua Representatives towards identifying outstanding water bodies within the Region re Plan Change 7.

The Owhaoko C Trust is the owner of significant lands on the main stem of both the Ngaruroro and Taruarau rivers and the Trust represents its ownership base as Trustees under the Te Ture Whenua Maori Land Act 1993.

The Trust in this sense holds manawhenua status over its lands, its forests, its waterways and is responsible for ensuring it upholds its obligations of its Trust Order. In this regard we need to repeat the same message that has been delivered to all of the proceedings around the Water Conservation Order and that is we were never directly engaged with as a sovereign lawful Trust on inherited lands.

The Trust cannot abrogate its lawful role, responsibilities and obligations to an external party whether it be a Government agency, NGO or other like entity.

2 To advance the Plan Change 7 and to better inform us the Owhaoko C Trust and for us the Trust to inform the HBRC and we ask that your officials arrange to meet with the Trust and or its delegated representatives as soon as you can arrange to do so.

Heoi ano, Na

Peter MacGregor MNZM

Chairman Owhaoko C Trust

(2)

Submission ID#: 29

Date Received: 23/2/20

Database Entry Date: 5/3/20

Database Entry Operator: BH

H.B.R.C.,
PRIVATE BAG 6006,
NAPIER, 4142

Attention: DALE MEREDITH

MAIL ID: 68086191-8972

Herbi

402
ONGA
23 F
Ph 0

Kia Ora,

Re: OUTSTANDING WATER BODIES

I would like to make a comment on the above; in particular, the fact that the Maharoro River, Smith Stream, and Middle Stream were not included in the list of rivers announced in connection with the above

1 I have to assume the reason why they were omitted is that they are
2 all tributaries of the Waipawa River which was included. Any status and
3 extra protection that ensues from declaring the Waipawa an Outstanding
4 Water Body would therefore extend automatically to its tributaries as well. I assume.

If my assumption is wrong, however, then I submit those tributaries (and numerous others that feed into the main rivers from the Ruahine and Kaweka Ranges) should be declared in the list of Outstanding Water Bodies in their own rights

With regards the Maharoro River, for instance, there was plenty of evidence placed before the Regional Council in the RWSS process confirming its special status including:

(a) It runs through significant Conservation Land that the Supreme Court confirmed could not be downgraded

(b) The original Kessel's "Proposed Integrated Mitigation and Offset Approach" report referred to ecologically sensitive vegetation, habitat for threatened fauna and flora species, braided riverbed of a "nationally original rare" ecosystem type, "a small area of freshwater wetland and seepzone habitat" (possibly the oxbow wetland referred to in the La Cock et al Assessment of Proposed Land Exchange dated 27 May 2015 with accompanying photographs on Page 41.)

(c) The original Kessel's "Terrestrial Ecological Study" report stated the nationally vulnerable to extinction long-tailed bat appear to have their core area of activity within the proposed inundation zone.

(2)

Thank you for the opportunity to participate in the forming of a plan to protect the Outstanding Water Bodies of Hawkes Bay.

I would also appreciate confirmation that that primary tributaries are indeed included with the main rivers they feed. Or that they will be included on the list in their own right.

Ka kite ano,

Gerard Paton

(GERARD PATON)

Submission on Proposed Plan Change 7: Hawke's Bay Regional Resource Management Plan

PLEASE NOTE: your submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.

Name: *(required)* Elizabeth Palmer

Organisation: Iwitea Marae

Postal address: *(required)* 105 Apatu St, WAIROA 4108

Email address: lizpaama@hotmail.com

Phone number: 021 1845493

Contact person and address if different to above:

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and
b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☑ I could not gain an advantage in trade competition through this submission; or

☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☐ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission.

Do you wish to be heard in support of your submission? Yes / (No)

If others make a similar submission, would you consider presenting a joint case with them at a hearing? Yes / (No)

Signature: Walker Date: 28/02/2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
OWB@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 28 February 2020

No submissions will be accepted after this deadline. The deadline will not be further extended.

OFFICE USE ONLY

SUBMISSION ID#

30

Date Received:

28/2/20

Database Entry Date:

Database Entry Operator:

EH

HAWKES BAY REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Pg 1

1

Submission Details

Please attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission. Further information on how to make a submission and the submission process is available on the Regional Council website.

Issue/Topic Description: Additional waterway to OWB Candidate list.

Specific provision(s) of Plan Change 7 that my submission relates to are: *[eg: objective, policy, water body (reference numbers)]*

Plan Change 7 . Report No: SD19/18
Table 2 para 40 - Candidate list of OWB
Table 3 para 42 - Nominated list of OWB

My submission is: *[Clearly indicate whether you support or oppose the specific provisions or wish to have them amended along with reasons]*

I wish to have the above tables amended to include/add to the tables a waterbody a major tributary in Wairoa, Hawkes Bay.

The name I wish to include/add is "MANGAPOIKE RIVER"

I have strong whakapapa links to this awa which is one of the main tributaries to the Wairoa River.

I seek the following decision from the Regional Council: *[Please give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process]*

My pepeha:

Ko Taumutu te Maunga
Ko Mangapoike te Awa
Ko Takitimu te Waka
Ko Mangatahi te Moana
Ko Ngāti Kahungunu te Iwi
Ko Ngai Tahu te Hapū
Ko Iwitea te Marae
No Elizabeth Palmer ahau.

My recommendation is for an addition to the document "Plan Change 7" of OWB report.

E Palmer 28/2/20

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON 28 FEBRUARY 2020

PAN PAC
FOREST PRODUCTS LTD

OFFICE USE ONLY	
Submission ID#	31
Date Received:	26/2/20
Database Entry Date:	5/3/20
Database Entry Operator:	BH

To: Hawkes Bay Regional Council, Napier

From: Pan Pac Forest Limited – Forests Division

Submission on Proposed Plan 7 Hawkes Bay Regional Resource Management Plan

1. This is a submission concerning Proposed Plan 7 amending provisions of the Hawkes Bay Regional Resource Management Plan – Outstanding Water Bodies (OWB).
2. We could not gain a trade advantage through this submission.
3. We are concerned with the provisions, as set out in appendix 1.
4. Our reasons, concerns and the relief sought are also as set out in appendix 1.
5. We wish to be heard in support of our submission.
6. If others make a similar submission, we will consider making a joint case at the hearing.

Signature of submitter: .....

Dated: 26 February 2020

Email: jo.field@panpac.co.nz

Telephone: +64 27 207 6553

Postal address: Private Bag 6203, Napier 4142, New Zealand

Contact person: Jo Field, Forests HSEQ Manager

1

Provision	Concerns	Reasons	Relief
General- the amendments from "freshwater" to "water bodies"	Oppose PC7 has a fundamental flaw in that it proposes to identify both certain coastal waters and freshwater as outstanding water bodies. There is confusion as provisions for the combining of provisions for coastal water are included under headings that clearly relate to freshwater.	While water can include both freshwater and coastal water the RMA powers are different for freshwater management and for management of coastal water. The NES-PF sets out the provisions regulating plantation forestry and maintains the separation of issues concerning freshwater management versus those of coastal water management.	Retain separate provisions as exists in the Regional Resource Management Plan Chapter 3 1 A for Outstanding Freshwater Bodies and Chapter 3. 2 for Outstanding Coastal Waterbodies. There would have to be major changes PC7 to set out separate provisions for freshwater and for coastal water.
General-the references throughout PC7 to outstanding and significant values	Oppose The mixing of the different RMA powers has led to the confusing introduction of not only identification of "outstanding values" but also "significant values" for both freshwater and coastal water.	1. This has arisen as the NPSFM definition of "Outstanding freshwater bodies" are those water bodies identified in a regional policy statement or regional plan as having **outstanding values**, including ecological, landscape, recreational and spiritual values 2. Objective A2 of the NPSFM introduces the concept of "**significant values**" by providing that the overall quality of fresh water within a freshwater management unit is maintained or improved while: a) protecting the **significant values** of outstanding freshwater bodies; b) protecting the significant values of wetlands; and c) improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated. 3. The NZCPS while setting out policies which would allow the protection of	There would have to be major changes to PC7 to separate out provisions that give effect to the very particular requirements of NZCPS Policies 11,13,15 and 17 with regard to the coastal water.

(3)

	Provision	Concerns	Reasons	Relief
5			coastal waters for the purposes of indigenous biodiversity (Policy 11), natural character (policy 13), outstanding landscape (policy 15) and heritage (policy 17) there is no mention of the concept, as for freshwater management, of outstanding and significant values. The NZCPS provides a very particular provisions for protections that is different to the management of freshwater.	
6	OBJ LW 1 1.	Oppose The combining of coastal water in what is an objective for freshwater only.	The amended explanation makes it clear that this is giving effect to freshwater powers not ones relating to coastal water.	Delete the amendment to water bodies and retain as freshwater only.
7	POL LW1 1.cC and d, dA)	Oppose This is a policy that should only relate to freshwater	The policy specifically refers to the provisions of the NPSFW which are separate to the provisions of the NZCPS.	Delete the words water bodies and replace with freshwater bodies.
8	POL LW1 cC " ...and any other values that are determined..."	Oppose It is not clear as to the process of how these other values are to be determined.	This amendment creates major uncertainty to the policy.	Delete the amendment.
9	POL LW1 2. bA) (i) (ii)	Support in part	The policy explanation specifically refers to the provisions of the NPSFW which are separate to the provisions of the NZCPS	Amend to only apply to freshwater bodies
10	POL LW1 2. bA) (iii)	Oppose	Provisions (i) and (ii) require consideration of how the freshwater will be protected and this is more than adequate.	Amend to only apply to freshwater Amend to delete (iii)
11			A policy requirement to "avoid" does not allow for mitigation provisions to be applicable.	
12	POL LW2	Oppose	Such a system may be appropriate when provisions give effect to the powers of	Delete the reference to outstanding water bodies and retain the provisions

(4)

Provision	Concerns	Reasons	Relief
	A priority system is compromised by the introduction of the requirement to protect outstanding freshwater bodies.	the RMA relating to maintenance or enhancement of the natural environment but not where the provision is giving effect to a requirement to protect the natural environment. This is of further relevance when giving effect to the NZCPS which includes provisions to "avoid" certain effects of activities upon the natural environment. In such cases there can be no prioritisation. The policy conflicts with the amended Policy C2.	to only relate to freshwater bodies that are not identified in schedule 25
Policy LW3A 1.a-c & 2 & 3	Support	The policy sets out an appropriate approach	
Policy LW3A 1.d	Oppose	There should be no inconsistency between what is an outstanding value and significant value. Significant values should be just refinements of the outstanding values. This would insert major uncertainty into the process as to what value is to be protected.	Delete d.
Chapter 3.2 amendments	oppose	Policies 11,13,15,& 17 of the NZCPS have very particular provisions as what features are to be identified and then requirements as to avoid effects upon the identified features. PC7 does not give effect to the abovementioned policies. Only 4 estuaries have been identified and they should be protected by properly giving effect to the NZCPS rather than trying to transfer the provisions of the NPSFW to coastal water.	Delete all provisions and introduce a variation to provide policies and objectives that give effect to the identified policies in the NZCPS.

	Provision	Concerns	Reasons	Relief
17	Glossary-outstanding water body	Oppose	The definition given the above submissions should apply only to freshwater bodies	Amend to "outstanding water body means a freshwater body or parts thereof, identified..."
18 19	Schedule 25 a. Mohaka River	Oppose all the description of Outstanding Values other than cultural, spiritual	Given the high bar that protection the provisions of the RMA applies to outstanding freshwater bodies, it is inappropriate to apply the classifications to the entire river. Further-more the water conservation order for the Mohaka River has clearly delineated reaches of the river as having particular outstanding values. These should be replicated in this schedule.	Amend to splitting the river up as to clear identification as to the various reaches of outstanding values as set out in the water conservation order.
20 21	Schedule 25 Ngaruroro River	Oppose all the description of Outstanding Values other than cultural, spiritual	Given the high bar that protection the provisions of the RMA applies to outstanding freshwater bodies, it is inappropriate to apply the classifications to the entire river. Further-more the Ngaruroro River has been subject to a lengthy process for a water conservation order. The hearing decision on the only identified parts of the upper river as having certain outstanding values.	Amend to splitting the river up as to clear identification as to the various reaches of outstanding values in the upper river as set out in the hearing decision on the water conservation order.
22		Oppose the list of significant values	These values are so broad as to be meaningless. All rivers have ecosystems, natural character and are by their nature of being a river hydrological. Such broad-brush values are not of themselves significant.	Delete the list
23	Schedule 25 Tutaekuri River	Oppose the description of "ecology" as being an outstanding value.	The value is so broad to be meaningless. All rivers have ecology. Such a broad-brush value is not outstanding within the terms of the RMA.	Delete the value of "ecology".

(6)

Appendix 1 - Submission to HBRC Proposed Plan Change 7 OWB

Provision	Concerns	Reasons	Relief
24	Oppose the list of significant values	These values are so broad as to be meaningless. All rivers have ecosystems, natural character and are by their nature of being a river hydrological. Such broad-brush values are not of themselves significant.	Delete the list
Schedule 25 Waipunga River 25	Oppose the description of "ecology" as being an outstanding value.	The value is so broad to be meaningless. All rivers have ecology. Such a broad-brush value is not outstanding within the terms of the RMA.	Delete the value of "ecology".

7

SUBMISSION ON A PUBLICLY NOTIFIED PLAN CHANGE

FORM 5 OF THE RESOURCE MANAGEMENT (FORMS, FEES, AND PROCEDURE) REGULATIONS 2003

Plan Change 7 – Outstanding Water Bodies

OFFICE USE ONLY

Submission ID# 32

Date Received: 28/2/20

Database Entry Date: 17/3/20

Database Entry Operator: BH

To: Hawke's Bay Regional Council
By email: OWB@hbrc.govt.nz

Name: Pernod Ricard Winemakers New Zealand Limited
Private Bag 92030
Auckland 1142

Address for service: Dentons Kensington Swan
PO Box 10246
Wellington 6143

Attention: Ezekiel Hudspith

Phone: (04) 498 0849
E-mail: Ezekiel.hudspith@dentons.com

Submission Details:

1. This is a submission by Pernod Ricard Winemakers New Zealand Limited (hereafter Pernod Ricard).

2. Pernod Ricard is a fully integrated wine producer and distributor. Pernod Ricard is New Zealand's largest domestic wine company and a major wine exporter, and our vineyards are part of the diverse horticulture industry that is the lifeblood of Hawke's Bay.

3. Hawke's Bay is one of the locations of our three company wineries, along with Blenheim and Auckland. Pernod Ricard owns and leases significant vineyard assets in the Hawke's Bay region, including 422 hectares of vineyards, which predominantly produce sauvignon blanc grapes. These vineyards are located throughout Hawke's Bay, including at Crownthorpe, Bridge Pa Triangle, Te Mata, and Tukituki.

4. Pernod Ricard employs 44 people in Hawke's Bay including at the Cellar Door. In addition to this, Pernod Ricard buys from and supports a number of growers (representing an additional 63ha of vineyards), and employs contract labour over the vintage and extra staff at the Cellar Door during the busy summer period.

5. Pernod Ricard's Church Road Winery in Taradale is one of the oldest wineries in New Zealand, founded in 1897 on the same site it stands on today. Pernod Ricard has invested heavily in its facilities there, and as a result we are a significant part of Hawke's Bay's tourism offering.

6. This submission relates to the Plan Change 7 – Outstanding Water Bodies.

7. This submission opposes the Plan Change in its entirety.

8. Pernod Ricard confirms that it could not gain any advantage in trade competition as a result of this submission.

Reasons for submission:

9. The main concerns that the submitter has with PC7 are:
   - Whether the evidence supports the listing of all water bodies in Schedule 25 as 'outstanding'.
   - The exclusion of Primary Production water use as an outstanding value.
   - The extent to which Policy LW3A has effect, specifically in relation to Schedule 25.

Outstanding Water Bodies

10. Pernod Ricard has concerns that a number of water bodies have been identified as outstanding even though their values have not yet been thoroughly identified or justified.

11. Pernod Ricard considers that the candidate list of Outstanding Water Bodies identified by the Regional Planning Committee in March 2018 which identified 14 Outstanding Water Bodies is more reflective of the 'definition' of outstanding. As noted in the Section 32 report, the intention of PC7 is to "identify the 'best of the best' water bodies in Hawke's Bay".[1] This further reflects the intention of the NPSFM as to what constitutes 'outstanding'.

12. Pernod Ricard notes that Wellington Regional Council identified 6 Outstanding Water Bodies whilst Taranaki Regional Council identified 3/4 Outstanding Water Bodies in their respective plans. While it is possible there may be a greater number of Outstanding Water Bodies in Hawkes Bay, it is surprising to see that Hawkes Bay has approximately 10 times the listed water bodies. This suggests that the Regional Council may have adopted a lower standard of 'outstandingness' when compiling Schedule 25.

[1] Plan Change 7: Regional Resource Management Plan Section 32 Evaluation Report, Page 20, Paragraph 78.

13. In addition, Pernod Ricard specifically opposes the inclusion of the Heretaunga Aquifer, Ngarororo River (in its entirety), Tūtaekurī River, and Tukituki River as Outstanding Water Bodies.

14. The relief sought it that the only those water bodies that are truly outstanding are retained in PC7, where the identification of their values is supported by a robust Section 32 Evaluation.

Significant Values

15. It is Pernod Ricard's understanding that the Regional Council has only applied 'Outstandingness' to instream values such as cultural, spiritual, geological, recreational, and natural character rather than consumptive uses. As such, Primary Production is considered to be a significant rather than outstanding value.

16. The Section 32 Evaluation Report[2] identifies that in June 2017 that RPC and Council excluded economic and consumptive use values from consideration as outstanding values for the purposes of PC7. Pernod Ricard does not consider that the Section 32 Evaluation Report provides sufficient reasoning as to the justification for this decision.

17. Pernod Ricard supports the protection of the value of "*Primary Production water use* (including associated processing and other urban activities" however considers that PC7 as drafted does not provide any protection to this value. This is because PC7 prioritises outstanding values over significant values which is substantively different to the approach set out in the NPSFM.

18. The relief sought is that clause 1(d) of Policies LW3A be deleted until the Council has further examined whether the hierarchy proposed is the most appropriate way to achieve the purpose of the RMA. The further examination must comply with section 32(2) of the RMA, and in particular consider the economic and social effects (including economic growth and employment) if primary production values will always need to give way to instream values.

Decision Requested:

19. Pernod Ricard requests that PC7 – Outstanding Water Bodies as per the relief sought set out above.

Submission at Hearing:

20. Pernod Ricard requests to be heard in support of their submission at a hearing.

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[2] Plan Change 7: Regional Resource Management Plan Section 32 Evaluation Report, Page 18, Para 71.

21. If others make a similar submission Pernod Ricard will consider presenting a joint case with them at the hearing.

Nicky McIndoe
Partner
Dentons Kensington Swan

D +64 4 915 0818
nicky.mcindoe@dentons.com

ravensdown

SUBMISSION ON THE

PROPOSED PLAN CHANGE 7 – OUTSTANDING WATER

TO THE HAWKE'S BAY REGIONAL RESOURCE MANAGEM

OFFICE USE ONLY	
Submission ID#	33
Date Received:	28/2/20
Database Entry Date:	6/3/20
Database Entry Operator:	BH

TO:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER 4142
Via email: OWB@hbrc.govt.nz

SUBMITTER:

Ravensdown Limited (**Ravensdown**)
292 Main South Road
PO Box 1059
CHRISTCHURCH 8140

Contact: Anna Wilkes
Environmental Policy Specialist

Mobile: 021 229 0439
Email: anna.wilkes@ravensdown.co.nz

ADDRESS FOR SERVICE:

Planz Consultants Limited (**Planz**)
C/o PO Box 1945
CHRISTCHURCH 8140

Contact: Carmen Taylor
Consultant Planner (Associate)

Mobile: 021 312 781
Email: carmen@planzconsultants.co.nz

ravensdown

1. INTRODUCTION

Ravensdown Limited – Overview and Interests in the Hawke's Bay Region

1.1 Ravensdown Limited (**Ravensdown**) is a farmer owned co-operative. Ravensdown's goal is to enable smarter farming for a better New Zealand. Given this goal, Ravensdown provides products, namely fertiliser and agrochemical (agrichemicals), expertise and technology to help farmers reduce environmental impacts and to optimise value, or outputs, from their land.

1.2 Ravensdown, in deciding whether to participate in regional planning processes, considers whether the plan, or proposed plan change, will achieve the purpose of the Resource Management Act 1991 (**RMA**) while also evaluating whether the planning provisions will unduly constrain its own activities (i.e., manufacturing, store sites and quarries) and/or the users of their products (i.e., its farming shareholders).

1.3 In this context, Ravensdown's interests in the Hawke's Bay region include the Napier Works at Awatoto (including an associated facility at Napier Port), which manufactures a range of fertiliser products which are then supplied throughout the North Island, and bulk stores in Napier (Severn Street), Wairoa and Waipukurau. In addition, through Ravensdown Environmental, Ravensdown assists its shareholders and others to meet regional planning requirements through the provision of farm environmental services, which include nutrient loss and mitigation modelling, Farm Environment Plan development and associated resource consent planning services.

1.4 Given the nature of Ravensdown's activities in the region and the focus of Proposed Plan Change 7 – Outstanding Water Bodies (**PPC7**) to the Hawke's Bay Regional Resource Management Plan (**RRMP**), Ravensdown seeks to ensure that PPC7 promotes the sustainable management of natural and physical resources, including the Napier Works and the other physical resources described at **paragraph 1.3** above.

1.5 Given the above context, the provisions of PPC7 are of particular interest to Ravensdown given the presence of its Napier Works in the catchment areas associated with the Ngaruroro River and estuary and the Tūtaekuri River. Therefore, in preparing this submission, Ravensdown has focused on the implications that the proposed amendments to the RRMP arising from PPC7 may have on its operations at Napier.

Overview of Submission

1.6 Ravensdown generally supports PPC7's identification of the region's Outstanding Water Bodies (**OWB**) and associated outstanding values, the objective to protect outstanding and significant values associated with OWBs and the guidance provided in relation to the plan change process that is still to occur in order to fully develop a resource management framework for the region's OWBs.

1.7 However, through this submission, Ravensdown also seeks amendments that recognise that existing industrial water uses, such as those associated with Ravensdown's Napier Works, are also a significant value which should be recognised and provided for within PPC7's resource management framework.

(2)

1.8 Ravensdown also seeks a number of other amendments to the proposed new Policies LW1.2 and C1, the definitions as well as the introduction and explanatory components of Schedule 25.

1.9 In addition to the above overview of Ravensdown's submission, this submission on PPC7 also provides:

(a) Specific submission points on the provisions of PPC7 as contained in the table provided in **Attachment A**; and

(b) A conclusion, including the overarching reasons for the submission, in **Section 2.**

2. CONCLUSION

2.1 Ravensdown generally supports PPC7 to the RRMP, subject to the amendments requested to address the concerns raised within this submission. In relation to the provisions that Ravensdown has raised concerns about, those provisions require amendment because, without amendment, those provisions:

(a) will not promote sustainable management of resources and will not achieve the purpose of the RMA;

(b) are contrary to Part 2 and other provisions of the RMA;

(c) will not enable the social and economic well-being of the community of the Hawke's Bay region;

(d) will not meet the reasonably foreseeable needs of future generations;

(e) will not achieve integrated management of the effects of the use, development or protection of the region's water resources;

(f) will not sustainably manage or enable the efficient use and development of Ravensdown's assets and operations, and of those resources which are dependent on, or benefit from, Ravensdown's assets and operations; and

(g) do not represent the most appropriate means of exercising Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means.

2.2 Ravensdown could not gain an advantage in trade competition through this submission.

2.3 Ravensdown wishes **to be heard** in support of this submission.

2.4 If others are making a similar submission, Ravensdown will consider presenting a joint case with them at the hearing.

Date: 28 February 2020

.....

Carmen Taylor
Consultant Planner (Associate)
Authorised to sign this submission on behalf of Ravensdown Limited

(4)

ravensdown

ATTACHMENT A – RAVENSDOWN LIMITED'S SUBMISSIONS ON THE PROPOSED PLAN CHANGE 7 – OUTSTANDING WATER BODIES

SUB. REF.	PLAN PROVISION	PPC7 PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
Chapter 3.1A – Integrated Land Use and Freshwater Management					
1	Amended **Objective LW1.1**	5 and 7	Support	This operative objective aims to provide for the integrated management of fresh water and land use and development. The amendments to this objective seek to ensure that the outstanding and significant values of the Outstanding Water Bodies (**OWB**) listed in the proposed new Schedule 25 of the Hawkes' Bay Regional Resource Management Plan (**RRMP**) are protected. The amended objective is consistent with Objective A2(a) and B4 of the National Policy Statement for Freshwater Management 2014 (amended 2017 (**NPSFM**). Therefore, the proposed amendments to Objective LW1.1 and the associated 'Principle reasons and explanation' are appropriate.	Retain the amendments to Objective LW1.1, and the associated amended 'Principle reasons and explanation', as notified, as follows: *protecting the outstanding and significant values ~~quality~~ of outstanding ~~fresh~~water bodies identified ~~listed~~ in Schedule 25 ~~Hawke's Bay~~;* And *Objectives LW1, LW2 and LW3 are intended to outline the broad principles for policy-making and regional plan preparation to improve integrated decisions being made about the way the region's land and freshwater resources are used, developed or protected across the region's varying catchments and sub-catchments. Objective LW1.1 is consistent with the NPSFM which expects the regional councils to protect the significant values of outstanding water bodies.*
2	Amended **Policy LW1.1**	7 and 8	Support	Operative Policy LW1 outlines the problem solving approach to be adopted to achieve catchment-based integrated management of the region's land and water resources, with parts LW1.1(b) to (k) of the policy identifying the specific approaches to be used to achieve integrated management within catchments. PPC7 proposes amendments to Policy LW1.1 to implement proposed amended Objective LW1 (refer above – **Sub. Ref. 1**), which in turn has been amended as the start of the process for giving effect to the NPSFM. On this basis, subject to some minor	Amend the proposed amended Policy LW1.1 as notified, as follows, with amendments shown in shaded and double underlined or ~~strike-through~~ text: *cC) assesses the outstanding water bodies identified in Schedule 25 to determine the significant values of those water bodies. This assessment includes consideration of the values set out in Appendix 1 of the National Policy ~~s~~Statement for Freshwater Management, and any other values that are determined to be*

SUB. REF.	PLAN PROVISION	PPC7 PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
				corrections, the proposed amendments to Policy LW1.1 are considered appropriate.	*relevant taking into account local and/or regional circumstances.* *d) ~~gives effect to provisions relating to outstanding freshwater bodies arising from the implementation of Policy LW1A~~ protects the outstanding and significant values of those outstanding water bodies identified in Schedule 25;* *dA) maintains, and where necessary enhances, the water quality of those outstanding ~~fresh~~water bodies identified in Schedule 25 ~~the catchment~~, and where appropriate, protects the water quantity of those outstanding ~~fresh~~water bodies;*
3	Amended Policy LW1.2	8 and 9	Support in part	The operative provisions of part LW1.2 of Policy LW1 identify the matters to be considered when preparing regional plans (or plan changes) to provide for the integrated management of the region's catchments in accordance with Policy LW1 and other relevant RRMP provisions. The proposed amendments to part LW1.2(bA) require that future regional plans, or plan changes: identify the significant values associated with the OWBs identified in Schedule 25, the spatial and temporally extent of these values; the methods to be used to ensure that the aim of Objective LW1 is achieved (i.e., protection of the outstanding and significant values of the identified OWBs); and, include provisions to manage activities to avoid more than minor adverse effects on the identified values.	Amend the amendments to Policy LW1.2(bA) as notified, as follows, with amendments shown in shaded and double underlined or ~~strike through~~ text: *~~bA) recognise and provide for outstanding freshwater bodies and their values arising from the implementation of Policy LW1A; and~~* *bA) in relation to any relevant outstanding waterbodies identified in Schedule 25:* *i) identify the significant values of that outstanding waterbody and the spatial and/or temporal extent of those values ~~as relevant~~;* *ii) establish how the outstanding and significant values of outstanding water bodies identified in Schedule 25 will be protected by regulatory methods or non-regulatory methods or both;*

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				While OWBs have been identified in Schedule 25, the clear articulation that PPC7 is the first step in implementing Objective LW1, and the NPSFM, is appropriate. In this context, the outline of the information to be considered and developed in relation to the development of regional plans and plan changes for the future management of OWBs, as outlined in this policy, is generally considered appropriate. However, there are two amendments to the policy that are considered necessary. Firstly, the reference to 'as relevant' in part (bA)(i) is not needed as this part of the policy clearly articulates that the spatial and temporal extent of significant values of OWB are to be identified as part of the plan change process. The second amendment relates to the use of the word 'avoid' in part (bA)(iii) of the policy. In the context of policy development, 'avoid' can be problematic given that it infers prohibited activity status for activities. As the aim of Objective LW1.1 is to ensure that outstanding and significant values of OWBs are protected, it is considered that this part of the policy need only identify that activities are to be managed to protect these values.	*iii) include regional plan provisions to manage activities in a manner which ~~avoids adverse effects that are more than minor on~~ protects the outstanding and significant values of an outstanding water body identified in Schedule 25.*
4 5 6	Policy LW1 – new footnotes	8	Support	The proposed footnote(s) attached to Policy LW1, identify the priorities, or hierarchy, that will apply to protecting the identified values associated with the OWBs listed in Schedule 25 of the RRMP if any conflicts arise (i.e., outstanding values take priority over significant values).	Retain the new footnotes attached to Policy LW1.1(d) and LW1.2(bA)(ii) as notified, as follows: *In the case of conflicts arising between outstanding and significant values, the outstanding value(s) will take priority over significant values of the same outstanding water body identified in Schedule 25.*

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				The proposed priority is consistent with the priorities identified in amended Policy LW2.1(c) (refer below - **Sub. Ref. 6**) and consistent with the hierarchy of 'significance' generally utilised in New Zealand's resource management system.	
5	Amended **Policy LW1 – Principal reasons and explanation**	9	Support	The amendments to the Policy LW1 'Principal reasons and explanation' explain the amendments to the policy, and the RRMP, arising out of PPC7. The explanation identifies that OWBs with outstanding values have been identified in the proposed Schedule 25, and consistent with the NPSFM these values are to be protected. In addition, the explanation identifies that the requirements of Policy LW1, as amended by PPC7, are to be used to inform future catchment-based plan changes and respective community discussions. The amended explanation clearly articulates the outcomes being sought by PPC7 and the future plan change processes to be followed, as outlined in amended Policy LW1, to achieve Objective LW1.	Retain the amendments to the 'Principal reasons and explanation' for Policy LW.1 as notified, as follows: *... the Hawke's Bay LAWMS. Those water bodies in the region with outstanding values have been identified in Part 2 of Schedule 25. The NPSFM provisions prescribe a high level of protection for those freshwater bodies with outstanding values.* *Policies LW1A, LW1.1 and LW1.2 inform future catchment-based plan changes, and the respective community discussions, which water bodies have outstanding values and directs the protection of their respective significant and outstanding values. Policy LW1.2 ensures that the significant values of each outstanding water body are identified during the plan development phase, and that any future plan provisions protect the outstanding water bodies' significant and outstanding values.* ...
6	Amended **Policy LW.2**	9 and 10	Support	The operative provisions of Policy LW2 identifies the problem solving approach, in relation to specified catchments, that will be applied in relation to prioritising values and the associated resource management approach. The proposed amendments to the policy seek to align the policy with the outcome being sought by Objective LW1, namely that where the specific catchments listed	Retain the amendments to Policy LW2 as notified, as follows: *Subject to achieving Policy LW1.3:* *1. a) Policy LW 2.1 applies in the following catchment areas:* *i) Greater Heretaunga / Ahuriri Catchment Area*

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				in part (1)(a) of the policy are listed in Schedule 2S, the priority will be to protect the identified outstanding and then significant values, followed by the matters listed in parts (1)(c)(iii) to (vi) of this policy. The proposed amendments are consistent with amended Objective LW1 and are therefore considered appropriate.	*ii) Mohaka Catchment Area* *iii) Tukituki Catchment Area.* *b) Policy LW 2.1 applies:* *i) When preparing regional plans for the specified catchments ~~specified in Policy LW2.1; and~~* *ii) When considering resource consents for activities in the specified catchments when no catchment-based regional plan has been prepared for the relevant catchment.* *c) ~~Give priority to Values~~ Values and uses of water bodies in these catchment areas will be prioritised as follows:* *i) Protecting outstanding values of any outstanding waterbody in Schedule 2S, then* *ii) Protecting significant values of any outstanding waterbody in Schedule 2S, then* *iii) Maintaining, or enhancing where appropriate, the primary values and uses of freshwater bodies shown in Table 2A, then* *iv) Having particular regard to the secondary values and uses of freshwater bodies identified in Table 2A, then* *v) For values not specified in Table 2A or Schedule 2S, the management approach set out in Policy LW1 will apply*

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					vi) Evaluate and determine the appropriate balance between any conflicting values and uses within (not between) columns in Table 2A, using an integrated catchment-based process in accordance with Policy LW 1.1, Policy 1.2, Policy 1.3 and Policy 1.4 or when considering resource consent applications where no catchment-based regional plan has been prepared. 2. *In relation to catchments not specified in Policy LW2.1, the management approach set out in Policy LW 1.1, Policy 1.2, Policy 1.3 and Policy 1.4 will apply.*
7	**Table 2A – Greater Heretaunga / Ahuriri Catchment Area**	10 and 11	-	Table 2A identifies the 'primary value(s) and uses' and 'secondary value(s) and uses' associated with the three catchment areas covered by Policy LW2 (refer above – **Sub. Ref. 6**), including the Heretaunga / Ahuriri Catchment Area. While Ravensdown acknowledges that amendments to Table 2A have not been proposed by PPC7, it is considered that PPC7 (and/or potentially future plan changes) offers an opportunity to rectify some of the terminology used in this table. Ravensdown's interest, given the presence of its Napier Works within the Greater Heretaunga / Ahuriri Catchment Area, relates to the identified *"Industrial & commercial water supply"* primary value and use. Given the objective to achieve integrated management within catchments, and given that industrial and commercial activities not only take water but use and subsequently discharge water, it is considered that 'water use' rather than	Consider amending the following 'Primary Value(s) and Uses – in no priority order' in Table 2A as follows, with amendments shown in shaded and double underlined or ~~strike-through~~ text: Industrial & commercial water uses ~~supply~~

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				'water supply' should be the primary value identified. This terminology is largely consistent with the 'Other National Value' (i.e., Commercial and industrial use) identified in the NPSFM.	
8	New Policy LW3A	13	Support in part	Proposed new Policy LW3A outlines the decision making criteria that will apply when considering resource consent applications for identified resource use activities that have the potential to affect the proposed OWBs listed in Schedule 25. This policy states that the requirements of the policy do not come into force until a relevant catchment regional plan change is operative, or after 31 December 2025, whichever is sooner. Part (2)(a) to (f) of the policy lists the activities covered by the policy including new, changed or increased water takes, discharges, structures within the OWB and disturbance of the bed of OWBs. Ravensdown's supports the clear statement that the decision making-criteria outlined in this policy does not apply until the resource management framework for an OWB has been fully developed (unless this is not achieved by 31 December 2025). The criteria outlined in part (1) of this policy is also appropriately focussed on the potential effects an activity may have on the outstanding and/or significant values that may be affected. While it is considered that part (2) of the policy appropriately identifies the activities which should be subject to the policy's decision making criteria, it is considered that further clarification is required in relation to discharge activities. As the significant values that may be associated with an OWB include a	Amend Policy LW3A, as follows, with amendments shown in shaded and double underlined or ~~strike through~~ text: ***Policy LW3A - Decision Making Criteria – Outstanding Water Bodies*** *1. In relation to those types of activities identified in Policy LW3A.2, once the relevant catchment based regional plan change is operative or after 31 December 2025, whichever is sooner, a consent authority must have regard to:* *a. the extent to which the activity would protect the outstanding value(s) described in Schedule 25 of the relevant outstanding waterbody* *b. the extent to which the activity would protect the significant values (if any) identified in Schedule 25 of the relevant outstanding waterbody* *c. whether, in order to protect the waterbody's outstanding values and significant values:* *i. the location of the proposed activity is appropriate* *ii. time limits, including seasonal or other limits on the activity may be appropriate.* *d. If there is a conflict between protecting an outstanding and a significant value of the*

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12				range of human related water uses, it is important that these existing values, or uses, continue to be protected, while also ensuring that identified outstanding values are protected as a priority. On this basis, and consistent with the references to a change to existing takes, use, damming or diversion of water (part (2)(b)) and increased bed disturbance of a OWB not already authorised by a resource consent (part (2)(f)), it is considered that this policy's decision making criteria should apply to new discharges and existing discharges where there is a change to or increase in the nature of the discharge.	*same water body, protection of the outstanding value must be given preference.* *2. Policy LW3A.1 only applies to the following activities classified as a discretionary activity or a non-complying activity by a rule in a regional plan:* *a. a take, use, damming, or diversion of water from an outstanding waterbody* *b. a change to any existing take, use, damming or diversion of water from an outstanding waterbody* *c. a discharge or a change or increase in any existing discharge of a contaminant into an outstanding waterbody* *d. a discharge or a change or increase in any existing discharge of a contaminant onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering an outstanding waterbody* *e. a land use consent for any new structure in the bed of an outstanding waterbody* *f. a land use consent for any new or increased disturbance of the bed of an outstanding waterbody that is not already authorised by a current land use consent* *3. Policy LW3A.1 only applies in the following circumstances:*
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					a. where a description of the outstanding waterbody's outstanding value(s) is stated in Schedule 25 and/or *b. where a description of the outstanding waterbody's significant value(s) is stated in Schedule 25.*
9	New **Policy LW3A – Principal reasons and explanation**	13 and 14	Support in part	The proposed 'Principal reasons and explanation' for new Policy LW3A effectively describes the reasons for and nature of the policy. For this reason, this proposed provision of PPC7 is generally supported. However, given the amendment to Policy LW3A requested by Ravensdown (refer above – **Sub. Ref. 8**), for the purpose of consistency, as well as clarification, it is considered that the explanation should identify that the decision making criteria policy relates to proposed new and modified (existing) activities.	Amend the 'Principal reasons and explanation' to Policy LW3A, as follows, with amendments shown in shaded and double underlined or ~~strike through~~ text: *Policy LW3A provides guidance to resource consent applicants and decision-makers when assessing activities which can potentially cause adverse effects on outstanding water bodies. In some cases the proposed new or modified activity may be inappropriate at that location or at certain times of the year. Those types of factors can be considered by the Consent Authority when assessing resource consent applications to ensure the outstanding water body's significant and outstanding values are appropriately protected. Policy LW3A takes effect after the objectives and limits have been set across the region and included in the Regional Resource Management Plan as required by the National Policy Statement for Freshwater Management.*
Chapter 3.2 – The Sustainable Management of Coastal Resources					
10	New **Objective 11**	16	Support	PPC7 seeks to provide for the integrated management of the region's OWBs included in Schedule 25. This includes OWBs within coastal areas, such as estuaries. Therefore, to ensure that the same resource management approach applies to water bodies in coastal areas, as provided for within Chapter 3.2 of the	Retain the new Objective 11 as notified, as follows: *Protection of the outstanding and significant values of those outstanding water bodies within the Coastal Environment listed in Schedule 25.*

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				RRMP, PPC7 proposes a new objective which aims to protect outstanding and significant values of the OWBs listed in Schedule 25 within the coastal environment. As this objective is consistent with Objective LW1.1, which is supported by Ravensdown (refer above – **Sub. Ref. 1**) and will ensure integrated management of the OWB throughout the catchment, Ravensdown supports this objective.	
18 11	New **Explanation and Reasons – 3.2.8A**	17	Support	The new 'Explanation and Reasons – 3.2.8A' explains that the proposed new Objective 11 aims to provide for the protection of the identifies values associated with OWBs within the coastal environment, thus providing for integrated management of OWBs given the consistent resource management framework provided for in Chapter 3.1A of the RRMP. This provision of PPC7 appropriately reflects the aim of Objective 11 (refer above – **Sub. Ref. 10**).	Retain the new 'Explanation and reasons - 3.2.8A' as notified, as follows: *Objective 11 aligns with provisions relating to outstanding freshwater bodies (Chapter 3.1A of the RRMP), and ensures a consistent framework is in place to protect outstanding water bodies (such as estuaries) in coastal areas, in the same manner as outstanding freshwater bodies. The NPSFM specifically provides for the integrated management of the effects of use and development of land and freshwater on coastal water. Objective 11 assists in achieving integrated management between coastal and freshwater resources.*
19 12	New **Explanation and Reasons – 3.2.8B**	17	Support	The new 'Explanation and Reasons – 3.2.8B' identifies that Objective 11 (refer above – **Sub. Ref. 10**) will assist in giving effect to relevant objectives and policies of the New Zealand Coastal Policy Statement 2010 (**NZCPS**) which require the protection of a range of specific values and characteristics, which are some of the significant values associated with water bodies in the coastal environment.	Retain the new 'explanation and reason' 3.2.8B as notified, as follows: *Objective 11 assists in giving effect to Objectives 1 and 2 and Policies 11, 13, 15 and 17 of the NZ Coastal Policy Statement, which requires the protection of significant natural ecosystems, indigenous biodiversity, sites of biological importance, natural features, historic heritage, natural character and landscape values, which are*

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				This statement, although dependent on the outcomes of future plan changes, accurately reflects the aim of Objective 11 in relation to protecting outstanding and significant values of the identified OWBs in the coastal environment.	*some of the many significant values which can be associated with water bodies in the coastal environment.*
13	New **Policy C1**	17	Support in part	This proposed new policy outlines the problem solving approach to be adopted to achieve catchment-based integrated management of the region's OWBs within the coastal environment. Consistent with Policy LW1.2 (refer above – **Sub. Ref. 3**), this policy identifies matters to be considered when preparing regional plans (or plan changes) to provide for the integrated management of the region's OWBs where they are located within the coastal environment. The requirements of this policy are identical to Policy LW1.2, and for the reasons outlined above in relation to Policy LW1.2, the outline of the information to be considered and developed in relation to the development of regional plans and plan changes for the future management of OWBs, as outlined in this policy, is considered appropriate. However, similar to Policy LW1.2 (**Sub. Ref. 3**), there are two amendments to the policy that are considered necessary. Firstly, the reference to 'as relevant' in part (1)(i) is not needed as this part of the policy clearly articulates that the spatial and temporal extent of significant values of OWB are to be identified as part of the plan change process. The second amendment relates to the use of the word 'avoid' in part (1)(iii) of the policy. In the context of	Retain new Policy C1 as notified, as follows, with amendments shown in shaded and double underlined or ~~strike-through~~ text: *1. When preparing regional plans, in relation to any relevant outstanding waterbodies identified in Schedule 25:* *i) identify the significant values of that outstanding waterbody and the spatial and/or temporal extent of those values* ~~*as relevant*~~ *;* *ii) estoblish how the outstonding and significont values of outstanding water bodies identified in Schedule 25 will be protected by regulotory methods or non-regulatory methods or both;* *iii) include regional plan provisions to manage activities in a manner which* ~~*avoids adverse effects that are more than minor on*~~ *protects the outstonding and significant values of an outstanding water body identified in Schedule 25.*

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				policy development, 'avoid' can be problematic given that it infers prohibited activity status for activities. As the aim of Objective 11 is to ensure that outstanding and significant values of OWBs are protected, it is considered that this part of the policy need only identify that activities are to be managed to protect these values.	
14	New **Policy C1** – new **footnote**	17	Support	As with the footnote(s) attached to Policy LW1 (refer above - **Sub. Ref. 4**), the proposed footnote attached to Policy C1, identify the priorities, or hierarchy, that will apply to protecting the identified values associated with the OWBs listed in Schedule 25 of the RRMP if any conflicts arise (i.e., outstanding values take priority over significant values). As stated above in relation to the Policy LW1 footnote(s), the proposed priority is consistent with the hierarchy of 'significance' generally utilised in New Zealand's resource management system.	Retain the new footnote attached to Policy C1 as notified, as follows: *In the case of conflicts arising between outstanding and significant values, the outstanding value(s) will take priority over significant values of the same outstanding water body identified in Schedule 25.*
15	New **Policy C2**	17 and 18	Support in part	This proposed new policy outlining the decision making criteria for OWBs in the coastal environment, is the same as proposed Policy LW3A (refer above – **Sub. Ref. 4**). Therefore, this submission point is consistent with Ravensdown's submission on Policy LW3A. As an overview, this policy outlines the decision making criteria that will apply when considering resource consent applications for identified resource use activities that have the potential to affect the proposed OWBs listed in Schedule 25, and in this instances, located within the coastal environment. This policy states that the requirements of the policy	Amend Policy C2, as follows, with amendments shown in shaded and double underlined or ~~strike-through~~ text: ***Policy C2 - Decision Making Criteria – Outstanding Water Bodies*** *1. In relation to those types of activities identified in Policy C2.2, once the relevant catchment based regional plan change is operative or after 31 December 2025, whichever is sooner, a consent authority must have regard to:* *a. the extent to which the activity would protect the outstanding value(s) described in*

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				do not come into force until a relevant catchment regional plan change is operative, or after 31 December 2025, whichever is sooner. Part (2)(a) to (f) of the policy lists the activities covered by the policy including new, changed or increased water takes, discharges, structures within the OWB and disturbance of the bed of OWBs. Ravensdown's supports the clear statement that the decision making-criteria outlined in this policy does not apply until the resource management framework for an OWB has been fully developed (unless this is not achieved by 31 December 2025). The criteria outlined in part (1) of this policy is also appropriately focussed on the potential effects an activity may have on the outstanding and/or significant values that may be affected. While it is considered that part (2) of the policy appropriately identifies the activities which should be subject to the policy's decision making criteria, it is considered that further clarification is required in relation to discharge activities. As the significant values that may be associated with an OWB include a range of human related water uses, it is important that these existing values, or uses, continue to be protected, while also ensuring that identified outstanding values are protected as a priority. On this basis, and consistent with the references to a change to existing takes, use, damming or diversion of water (part (2)(b)) and increased bed disturbance of a OWB not already authorised by a resource consent (part (2)(f)), it is considered that this policy's decision making criteria should apply to new discharges and	*Schedule 25 of the relevant outstanding waterbody* *b. the extent to which the activity would protect the significant values (if any) identified in Schedule 25 of the relevant outstanding waterbody* *c. whether, in order to protect the waterbody's outstanding values and significant values:* *i. the location of the proposed activity is appropriate* *ii. time limits, including seasonal or other limits on the activity may be appropriate.* *d. If there is a conflict between protecting an outstanding and a significant value of the same water body, protection of the outstanding value must be given preference.* *2. Policy C2.1 only applies to the following activities:* *a. a take, use, damming, or diversion of water from an outstanding waterbody* *b. a change to any existing take, use, damming or diversion of water from an outstanding waterbody* *c. a discharge or a change or increase in any existing discharge of a contaminant into an outstanding waterbody* *d. a discharge or a change or increase in any existing discharge of a contaminant onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that*

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				existing discharges where there is a change to or increase in the nature of the discharge.	*contaminant, any other contaminant) entering an outstanding waterbody* *e. a land use consent for any new structure in the bed of an outstanding waterbody* *f. a land use consent for any new or increased disturbance of the bed of an outstanding waterbody that is not already authorised by a current land use consent* *3. Policy C2.1 only applies in the following circumstances:* *a. where a description of the outstanding waterbody's outstanding value(s) is stated in Schedule 25 and/or* *b. where a description of the outstanding waterbody's significant value(s) is stated in Schedule 25.*
16	Amended **Principal reasons and explanation – 3.2.15**	18	Support	The proposed amendments to this provision of the RRMP, clarifies that Policies C1 and C2 are the only policies in the RRMP that applies to the coastal environment, while also identifying that other provisions of the regional policy statement part of the RRMP are also relevant to the coastal environment. The explanation then outlines that the Regional Coastal Environment Plan contains all other provisions, including policies, for the coastal environment. This explanation, including the proposed PPC7 amendments, provides clarity for all resource users around the applicability of different plans and different RRMP provisions.	Retain the amendments to 'Principle reason and explanation - 3.2.1' as notified, as follows: *~~While there are only two policies in this plan, There are no specific policies~~ Policy C1 and C2 are the only two polices relating to the coastal environment part of this Plan. However, ~~although~~ many of the other provisions within the Regional Policy Statement parts of this Plan ~~do~~ apply ~~are also relevant to~~ within the coastal environment. Specific regional plan provisions (including policies) for the coastal environment are contained within the Regional Coastal Environment Plan.*

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17	New Principal reasons and explanation – 3.2.18A	19	Support	Consistent with the amended explanation to Policy LW1 (refer above – **Sub. Ref. 5**), this proposed new 'Principal reasons and explanation' for Policy C1 explains that an integrated and consistent management approach to OWBs throughout the catchment is being sought by PPC7 that is gives effects to the NPSFM requirements for integrated management. The explanation also identifies that the requirements of Policy C1 are to be used to inform future catchment-based plan changes, including respective community discussions, that will ensure the outstanding and significant values of the OWBs listed in Schedule 25 are protected. The explanation clearly articulates the outcomes being sought by PPC7 and the future plan change processes to be followed, as outlined in amended Policy C1, to achieve Objective 11.	Retain the amendments to 'Principle reason and explanation - 3.2.18A' as notified, as follows: *Policy C1 aligns with provisions relating to outstanding freshwater bodies (i.e. Policy LW1) in Chapter 3.1A of the RRMP, and ensures a consistent framework is in place to protect outstanding water bodies (such as estuaries) in coastal areas, in the some manner as outstanding freshwater bodies. This is consistent with the NPSFM which specifically provides for the integrated management of the effects of use and development of land and freshwater on coastal water. Policy C1 informs future catchment-based plan changes, and the respective community discussions, which water bodies have outstanding values and directs the protection of their respective significant values. Policy C1(b) ensures that the significant values of each outstanding water body are identified during the plan development phase, and that any future plan provisions protect the outstanding water bodies' outstanding and significant values.*
18	New Principal reasons and explanation – 3.2.18B	19	Support in part	The proposed 'Principal reasons and explanation' for new Policy C2 is consistent with the explanation for Policy LW3A, while recognising that Policy C2 only applies to the coastal environment. The explanation also effectively describes the reasons for and nature of the policy. For this reason, this proposed provision of PPC7 is generally supported. However, given the amendment to Policy C2 requested by Ravensdown (refer above – **Sub. Ref. 15**), for the purpose of consistency, as well as	Amend the 'Principal reasons and explanation – 3.2.18B', as follows, with amendments shown in shaded and double underlined or ~~strike-through~~ text: *Policy C2 aligns with Policy LW3A of the RRMP albeit applicable to decision making for activities affecting outstanding water bodies located in the coastal environment. Both policies provide guidance to resource consent applicants and decision-makers when assessing activities which can potentially cause adverse effects on*

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				clarification, it is considered that the explanation should identify that the decision making criteria policy relates to proposed new and modified (existing) activities.	*outstanding water bodies. In some cases the proposed new or modified activity may be inappropriate at that location or at certain times of the year. Those types of factors can be considered by the Consent Authority when assessing resource consent applications to ensure the outstanding water body's significant and outstanding values are appropriately protected. Policy C2 takes effect after new provisions have been included in the Hawke's Bay Regional Coastal Environment Plan giving effect to the New Zealand Coastal Policy Statement.*
Chapter 9 - Glossary					
19	New definition – **Outstanding water body**	19	Support in part	The proposed definition for OWB, including identification of the types of outstanding values that can be associated with an OWB provides clarity for resource users. For this reason, the inclusion of the definition is supported. However, the inclusion of 'geology values' is considered questionable. 'Geology' is the science that deals with physical structure and substance of the earth, their history and the processes which act on them. In the context of the region's OWBs, the influence of 'geology values' will be associated with landscape considerations, or potentially the flow characteristics of the water body. As landscape and natural character values are included as potential outstanding values associated with OWBs, it is considered that the inclusion of 'geology values' in relation to OWBs not appropriate and therefore they should be deleted.	Amend the definition of 'Outstanding water body', as follows, with amendments shown in shaded and double underlined or ~~strike through~~ text: ***Outstanding water body*** *means freshwater bodies and estuaries, or parts thereof, identified in Schedule 25 that have one or more outstanding cultural, spiritual, recreational, landscape, ~~geology~~, natural character or ecological value(s).* **AND, consequential amendments** throughout PPC7, including Schedule 25.

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				Also, it is considered that the definition should refer to 'recreational' and 'ecological' values, rather than 'recreation' and 'ecology' values (i.e., 'ecology' is the study of interactions amongst organism and their biophysical environment).	
20	New definition – **Outstanding**	19	Support in part	The proposed provision of a definition for 'outstanding' in relation to OWBs provides clarity for resource users. Therefore, the inclusion of a definition is supported by Ravensdown. However, it is considered that the inclusion of 'conspicuous' as a describer for outstanding, in the context of the region's water bodies, is not appropriate. From the section 32 Evaluation Report, it appears that this terminology has been included on the basis that case law identifies that *"'Outstanding' means conspicuous, eminent, especially because of excellence and remarkable in"* (p. 28 of the section 32 Evaluation Report). Ravensdown considers that while conspicuous may be an appropriate describer when identifying outstanding landscapes, it is not appropriate when identifying OWBs. This is particularly the case in this instance given that landscape and natural character are identified as outstanding values that may be associated with an OWB under PPC7.	Amend the definition of 'Outstanding', as follows, with amendments shown in shaded and double underlined or ~~strike-through~~ text: ***Outstanding:*** *for the purposes of an outstanding water body; outstanding means ~~conspicuous,~~ eminent, and/or remarkable in the context of the Hawke's Bay Region.*
Schedule 25 – Outstanding Water Bodies					
21	New **Part 1 – Overview of categories of outstanding values and their sub-parts**	20	Support in part	Proposed Part 1 of Schedule 25 provides information on the categories of outstanding values associated with the OWBs. This descriptive information is of assistance to resource users and therefore is generally supported.	Retain Part 1 of Schedule 25, while amending Part 1 as follows: • Amendments to Table 1 are required as many of the identified sub-values repeat values listed under the descriptions, and sometimes this repetition

SUB. REF.	PLAN PROVISION	PPC7 PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
				However, there are issues associated with the information that it is considered needs to be resolved. The issues include: • Inconsistencies or repetition in the descriptions and sub-values contained in Table 1, and on occasion the repetition is not consistent. • Use of two different terms that effectively mean the same thing (i.e., angling and fishing). • The statement, under Table 1, that information on the outstanding and significant values of OWBs will be available on Council's webpage. Ravensdown considers that the key information on the values associated with OWBs should be contained within the RRMP, and that therefore this statement should only refer to additional or support information. • The need for consequential amendments arising from Ravensdown's submission points requesting amendments to the definitions of 'Outstanding water bodies' and 'Outstanding' (refer above – **Sub. Refs. 19 and 20**).	uses different terminology or two different terms are used for the similar things (i.e., angling and fishing). • Last sentence of the paragraph under Table 1 to be amended as follows – *"Additional information held by HBRC ..."*
22	New **Part 2 – Outstanding Water Bodies in Hawke's Bay and their outstanding and significant value(s) - Introduction**	21	Support	The proposed introduction to Part 2 of Schedule 25 provides notes on the process for further populating Table 2 of Schedule 25. This includes the fact that significant values of OWBs will be identified as part of relevant plan change processes in the future, except for some catchments where some significant value information was already available. This information reflects the proposed policy framework of PPC7, in terms of the intention to	Retain the introduction contained in 'Part 2 - Outstanding Water Bodies in Hawke's Bay and their outstanding and significant value(s)' as notified, as follows: *The following water bodies, or parts thereof, have been identified as having outstanding value(s).* ** The significant values, and their associated descriptions, for each outstanding water body will be included after a catchment based regional plan change has been made operative*

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22

SUB. REF.	PLAN PROVISION	PPC7 PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
				prepare future plan changes to fully develop OWB provisions in PPC7. The second note identifies outstanding cultural and spiritual values will be updated as PPC7 progresses through the Schedule One process. Ravensdown considers that this is appropriate, provided that these updates are introduced by way of submissions.	*for the relevant catchment (see Policy LW1 and Policy C1) Note: The significant values for outstanding water bodies within the Tutaekuri, Ahuriri, Ngaruroro, Karamu catchments have been included based on current information at time of notification of Plan Change 9.* *** The description of the outstanding cultural and spiritual values will be updated in Table 2 as Proposed Plan Change 7 progresses through the plan change process set out in Schedule One of the Resource Management Act, and further information becomes available.*
23	New **Table 2 – Outstanding Water Bodies – ID# 18 – Ngaruroro River and Estuary**	30 and 31	Support in part	Given the process that has been carried out to identify the region's OWBs, Ravensdown supports the inclusion of the Ngaruroro River and Estuary as an OWB. For this reason, Ravensdown also does not oppose the outstanding values or the majority of the significant values identified in Table 2 as being associated with this OWB. However, given that Ravensdown's Napier Works is located near the estuary (and has been for a considerable period of time), is a user of water in the catchment and an existing discharger of treated stormwater (and other process water) that will enter the estuary, it is considered that the industrial water use (and for completeness commercial water use) needs to be appropriately recognised. At present, in relation to water use for human activities, the significant values include 'domestic water supply' and 'primary production water use (including associated processing and other urban activities)'. These provisions do not seem to accommodate industrial	Amend the following identified 'significant value', as follows, with amendments shown in shaded and double underlined or ~~strike through~~ text: *Primary production, Industrial and commercial water use (including for associated processing and other urban activities)* **AND,** potentially **consequential amendments** throughout Schedule 25.

SUB. REF.	PLAN PROVISION	PPC7 PAGE	SUPPORT / OPPOSE	COMMENTS	RELIEF SOUGHT
				water uses. In addition, the primary production related significant value is confusing, as is primary production water use related to other urban activities? Ravensdown considers that the primary production significant value needs to be amended to accommodate a range of water uses.	
24	New **Table 2 – Outstanding Water Bodies – ID# 32 – Tūtaekurī River**	39 and 40	Support in part	As the Tūtaekuri River flows into the Ngaruroro River estuary, and given that Ravensdown's Napier Works discharge treated stormwater into this river (near where it flows into the estuary), the issues raised (**Sub. Ref. 23**) above, in relation to the Ngaruroro River and Estuary OWB, also apply to this OWB.	Amend the following identified 'significant value', as follows, with amendments shown in shaded and double underlined or ~~strike-through~~ text: *Primary production, industrial and commercial water use (including for associated processing and other urban activities)* **AND,** potentially **consequential amendments** throughout Schedule 25.

Belinda Harper

From: Wufoo <no-reply@wufoo.com>
Sent: Friday, 28 February 2020 4:33 PM
To: OWB
Subject: HBRC OWB Submission Form [#12]

OFFICE USE ONLY

Submission ID# 34

Date Received: 28/2/20

Database Entry Date:

Database Entry Operator: NN

Name *	Kelsey Tills
Organisation	Rayonier Matariki
Address *	60 Fourth Ave Tauranga 3110 New Zealand
Email	kelsey.tills@rayonier.com
Phone Number	0272032969
If you are making this submission on behalf of someone else please enter your name and contact information below.	Kelsey Tills 0272032969
	I could not gain an advantage in trade competition
The specific provision(s) of the proposed Plan Change that my submission relates to are [e.g. objective, policy, water body]: *	Concerns are outlined in the attached chart
My submission is that [Clearly indicate whether you support or oppose the specific provisions or wish to have them amended along with reasons]: *	My submission concerns are outline in the attached chart
I seek the following decision from the Council [give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process] *	Concerns are outlined in the attached submission
Do you wish to be heard in support of your submission? *	No
If others make a similar submission, would you consider presenting a joint case with them at a hearing? *	Yes

(1)

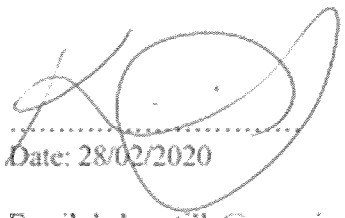
Submission on Proposed Plan 7 Hawke's Bay Regional Resource Management Plan

To: Hawke's Bay Regional Council

From: Rayonier Matariki Forests

1. This is a submission concerning Proposed Plan 7 amending provisions of the Hawke's Bay Regional Resource Management Plan- outstanding Water Bodies.
2. We could not gain an advantage in a trade advantage through this submission.
3. We are concerned with the provisions as set out in the attached chart.
4. Our reasons, concerns and the relief sought are as set out in the attached chart.
5. We wish to be heard in support of our submission.
6. If others make a similar submission we will consider making a joint case at the hearing.

Signature of submitter:



Date: 28/02/2020

Email: kelsey.tills@rayonier.com

Telephone: 0272032969

Postal address: 60 Fourth Ave, Tauranga 3110

Contact person: Kelsey Tills

Provision	Concerns	Reasons	Relief
General- the amendments from "freshwater" to "water bodies"	Oppose PC7 has a fundamental flaw in that it proposes to identify both certain coastal waters and freshwater as outstanding water bodies. There is confusion as provisions for the combining of provisions for coastal water are included under headings that clearly relate to freshwater.	While water can include both freshwater and coastal water the RMA powers are different for freshwater management and for management of coastal water. The NES-PF sets out the provisions regulating plantation forestry and maintains the separation of issues concerning freshwater management versus those of coastal water management.	Retain separate provisions as exists in the Regional Resource Management Plan Chapter 3 1 A for Outstanding Freshwater Bodies and Chapter 3. 2 for Outstanding Coastal Waterbodies. There would have to be major changes PC7 to set out separate provisions for freshwater and for coastal water.
General-the references throughout PC7 to outstanding and significant values	Oppose The mixing of the different RMA powers has led to the confusing introduction of not only identification of "outstanding values" but also "significant values" for both freshwater and coastal water.	1. This has arisen as the NPSFM definition of "Outstanding freshwater bodies" are those water bodies identified in a regional policy statement or regional plan as having **outstanding values**, including ecological, landscape, recreational and spiritual values 2. Objective A2 of the NPSFM introduces the concept of "**significant values**" by providing that the overall quality of fresh water within a freshwater management unit is maintained or improved while: a) protecting the **significant values** of outstanding freshwater bodies; b) protecting the significant values of wetlands; and c) improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.	There would have to be major changes to PC7 to separate out provisions that give effect to the very particular requirements of NZCPS Policies 11,13,15 and 17 with regard to the coastal water.

		3.The NZCPS while setting out policies which would allow the protection of coastal waters for the purposes of indigenous biodiversity (Policy 11), natural character (policy 13), outstanding landscape (policy 15) and heritage (policy 17) there is no mention of the concept, as for freshwater management, of outstanding and significant values. The NZCPS provides a very particular provisions for protections that is different to the management of freshwater.	
OBJ LW 1 1.	Oppose The combining of coastal water in what is an objective for freshwater only.	The amended explanation makes it clear that this is giving effect to freshwater powers not ones relating to coastal water.	Delete the amendment to water bodies and retain as freshwater only.
POL LW1 1.cC and d, dA)	Oppose This is a policy that should only relate to freshwater	The policy specifically refers to the provisions of the NPSFW which are separate to the provisions of the NZCPS.	Delete the words water bodies and replace with freshwater bodies.
POL LW1 cC " ...and any other values that are determined..."	Oppose It is not clear as to the process of how these other values are to be determined.	This amendment creates major uncertainty to the policy.	Delete the amendment.
POL LW1 2. bA) (i) (ii)	Support in part	The policy explanation specifically refers to the provisions of the NPSFW which are separate to the provisions of the NZCPS	Amend to only apply to freshwater bodies
POL LW1 2. bA) (iii)	Oppose	Provisions (i) and (ii) require consideration of how the freshwater will be protected and this is more than adequate. A policy requirement to "avoid" does not allow for mitigation provisions to be applicable.	Amend to only apply to freshwater Amend to delete (iii)
POL LW2	Oppose A priority system is compromised by the introduction of the requirement to protect outstanding freshwater bodies.	Such a system may be appropriate when provisions give effect to the powers of the RMA relating to maintenance or enhancement of the natural environment but not where the provision is giving effect to a requirement to protect	Delete the reference to outstanding water bodies and retain the provisions to only relate to freshwater bodies that are not identified in schedule 25

		the natural environment. This is of further relevance when giving effect to the NZCPS which includes provisions to "avoid" certain effects of activities upon the natural environment. In such cases there can be no prioritisation. The policy conflicts with the amended Policy C2.	
13 Policy LW3A 1.a-c & 2 & 3	Support	The policy sets out an appropriate approach	
14 Policy LW3A 1.d	Oppose	There should be no inconsistency between what is an outstanding value and 15 significant value. Significant values should be just refinements of the outstanding values. This would insert major uncertainty into the process as to what value is to be protected.	Delete d.
16 Chapter 3.2 amendments	oppose	Policies 11,13,15,& 17 of the NZCPS have very particular provisions as what features are to be identified and then requirements as to avoid effects upon the identified features. PC7 does not give effect to the abovementioned policies. Only 4 estuaries have been identified and they should be protected by properly giving effect to the NZCPS rather than trying to transfer the provisions of the NPSFW to coastal water.	Delete all provisions and introduce a variation to provide policies and objectives that give effect to the identified policies in the NZCPS.
17 Glossary-outstanding water body	Oppose	The definition given the above submissions should apply only to freshwater bodies	Amend to "outstanding water body means a freshwater body or parts thereof, identified..."
18 Schedule 25 19 Mohaka River	Oppose all the description of Outstanding Values other than cultural, spiritual	Given the high bar that protection the provisions of the RMA applies to outstanding freshwater bodies, it is inappropriate to apply the classifications to the entire river. Furthermore, the water conservation order for the Mohaka River has clearly delineated reaches of the	Amend to splitting the river up as to clear identification as to the various reaches of outstanding values as set out in the water conservation order.

		river as having particular outstanding values. These should be replicated in this schedule.	
20 Schedule 25 Tūtaekurī River	Oppose the description of "ecology" as being an outstanding value.	The value is so broad to be meaningless. All rivers have ecology. Such a broad-brush value is not outstanding within the terms of the RMA.	Delete the value of "ecology".

Belinda Harper

From: Wufoo <no-reply@wufoo.com>
Sent: Friday, 28 February 2020 10:38 AM
To: OWB
Subject: HBRC OWB Submission Form [#9]

Categories: Saved to Herbi

OFFICE USE ONLY

Submission ID# 35

Date Received: 28/2/20

Database Entry Date: 12/3/20

Database Entry Operator: BH

Name *	Wirihana Raihania
Organisation	Te Tumu Paeroa
Address *	PO Box 1260 Gisborne 4040 New Zealand
Email	Wirihana.Raihania@tetumupaeroa.co.nz
Phone Number	06 868 9039
	I could not gain an advantage in trade competition
The specific provision(s) of the proposed Plan Change that my submission relates to are [e.g. objective, policy, water body]: *	See attached submission.
My submission is that [Clearly indicate whether you	See attached submission.

1

support or oppose the specific provisions or wish to have them amended along with reasons]: *	
Upload additional pages of your submission here:	2020_02_28_ttp_submission_on_the_hbrc_proposed_plan_change_7__outstanding_water_bodies.pdf 409.45 KB · PDF
I seek the following decision from the Council [give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process] *	See attached submission.
Do you wish to be heard in support of your submission? *	Yes

(2)

If others make a similar submission, would you consider presenting a joint case with them at a hearing? *	No

3

Te Tumu Paeroa
Level 3 Seabridge House,
110 Featherston Street, Wellington 6011
Aotearoa New Zealand

28 February 2020

Hawke's Bay Regional Council
159 Dalton Street, Napier 4110
Aotearoa New Zealand

Tēnā koe

Re: Proposed Plan Change 7 Outstanding Water Bodies Submission

Please find attached the Māori Trustee's submission in response to Proposed Plan Change 7: Outstanding Water Bodies.

Te Tumu Paeroa's first point of contact will be Wirihana Raihania, Trust Specialist, if you should have any questions or queries. He can be contacted on (06) 868 9039 or by email at Wirihana.Raihania@tetumupaeroa.co.nz

Nāku iti nei, nā

Brae Watkins
Trust and Property Director
For the Māori Trustee

TE TUMU PAEROA

Proposed Plan Change 7 – Outstanding Water Bodies

SUBMISSION BY THE MĀORI TRUSTEE ON PROPOSED PLAN CHANGE 7 – OUTSTANDING WATER BODIES

28 February 2020

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The Māori Trustee and Te Tumu Paeroa

Who we are

1. The Māori Trustee is appointed by the Minister for Māori Development under the Māori Trustee Act 1953. The Māori Trustee is a statutory office holder appointed to carry out duties and functions and exercise powers under the Māori Trustee Act (and other legislation and legal instruments). The current Māori Trustee, Dr Charlotte Severne, was appointed for a three-year term in November 2018.

2. Te Tumu Paeroa is the organisation that supports the Māori Trustee to carry out her duties, functions and responsibilities.

3. Te Tumu Paeroa administers around 87,163 hectares of Māori Freehold land, as well as general land and other interests and investments, on behalf of over 90,000 Māori Landowners and stakeholders.

4. A primary objective of Te Tumu Paeroa is to protect, utilise and grow the assets of our Māori Landowners. The organisation provides land administration and professional trustee services to over 1,800 trusts, as well as targeted development and sector-specific expertise. Te Tumu Paeroa is involved in the management of several Māori enterprises and development projects.

5. Te Tumu Paeroa employs 115 staff across five different main offices throughout New Zealand, with our head office based in Wellington. Our team is made up of, but not limited to, land development, trust management, property, law, registry and owner services, and other specialist teams. Our employees are service driven to our whenua and our landowners.

6. Te Tumu Paeroa is unique in that it is the only nation-wide organisation that manages significant tranches of Māori land and assets on behalf of Māori landowners.

Our vision and priorities

7. Our vision is ensuring Māori land is protected and enhanced, now and for generations to come. Our vision requires a careful balance between protection of the whenua (land) and the taiao (environment), and enhancement of the whenua through a range of pathways including commercial development. Our purpose is to be a dedicated professional trustee service for Māori.

8

8. Our strategic priorities that assist us to deliver on our vision and purpose are:
   - Enhance our core services.
   - Develop capability; and
   - Future-proof our systems

Our portfolio – a snapshot

9. A snapshot of our organisation.
   - Number of trusts and other entities under administration - 1,805
   - Number of hectares under management - 87,163
   - Number of owner accounts maintained - 98,572
   - Number of ownership interests - 243,794
   - Client funds under management (market value) - $117.2 million
   - Māori Trustee equity - $168.8 million
   - Leases Administered - 1807
   - 1308 of our leases are for rural land blocks.
   - To note Te Tumu Paeroa is Responsible Trustee for 275 individual trusts of 8,365.67 ha in the Hawke's Bay Region and 91 of these trusts are on or around the listed outstanding water bodies.

10. We strive to show leadership when considering options to care for and develop whenua Māori. Thirty-six of our farms already have established farm environmental plans, and several more are currently in development. We have engaged a nationwide farm consultancy firm to provide over 1,100 of these plans for us throughout the next 5 years.

11. Te Tumu Paeroa is committed to pursuing its vision of ensuring Maori land is protected and enhanced, now and for generations to come, in a way that is consistent with our kaitiaki responsibilities both as a trustee and in accordance with the kaitiaki obligations of our owners. In that regard, Te Tumu Paeroa supports reform that accords with our vision. In Te Tumu Paeroa's view, parts of this proposed plan change achieve that.

Proposed plan change 7 - Outstanding water bodies

12. Te Tumu Paeroa acknowledges the good work of Hawke's Bay Regional Council on this important kaupapa of protecting and restoring wai. The Māori Trustee, and Te Tumu Paeroa as the office supporting the Māori Trustee, supports what it understands to be the general thrust of the changes to further protect unique waterways within the Council boundaries.

13. At a philosophical level, Te Tumu Paeroa supports the principle of Proposed Plan Change 7, which is, identifying those waterways that are truly exceptional (outstanding) for Cultural, Spiritual, Ecological, Landscape, Natural Character, Recreational and Geological reasons. Then putting in place a framework that ensures the protection of these identified outstanding water bodies. It is also acknowledged that it is intended that Proposed Plan Change 7 will assist the Hawke's Bay Regional Council to meet the National Policy Statement for freshwater management set out by the Ministry for the Environment.

14. Te Tumu Paeroa cannot speak for Iwi and hapū with mana whenua, however in working with our tangata whenua landowners, it has become clear that where Te Mana o te Wai is involved, the tangata whenua of these lands must take a leadership role in characterising the indicators and determiners of outstanding water bodies. We recognise the involvement of tangata whenua representatives in the development of this work.

15. Te Tumu Paeroa would also note that there are several Iwi Planning documents in relation to freshwater waterways. Some of these note values and attributes that should be protected and enhanced. Te Tumu Paeroa strongly encourages Hawkes Bay Regional Council to ensure these values and attributes described by the Iwi are reflected in the criteria and the outcomes sought by Proposed Plan Change 7.

1

3.11A Integrated land use and management

16. Te Tumu Paeroa supports the integrated management approach to fresh water and the effects of land use to ensure the achievement of Te Mana o te Wai and in alignment with mātauranga Māori which is based on the interconnectedness of all ecosystems.

2
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17. It is not clear in the wording of this section as a whole in how it contributes to Te Mana o te Wai. We support these changes as they do improve the mauri of the wai and consequently the Outstanding Water Bodies, however by demonstrating the specific link to Te Mana o te Wai it provides an appropriate connection to Te Mana o te Wai.

4

18. There is an absence of reference to Mauri in the overall section, and we believe it is appropriate to include further discussion and specific objectives that focus on the improvement of Mauri.

10

Anticipated environmental results section 7

19. We recommend the inclusion of Mauri monitoring and cultural health monitoring to be explicitly mentioned in this section. These are important to the delivery of Te Mana o te Wai as the overarching principle of the NPS-FM.

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

20. We recommend the inclusion of the following; *Recognising the unique characteristics of Māori land and ensuring that, as a result of the legal framework which this land is operated under, there is equal access to sustainable economic development options that have been enjoyed by land owners of general title in the past consistent with the protection of the Outstanding Water Bodies.*

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

21. We recommend the inclusion of the following; *Recognising the unique characteristics of Māori land and ensuring that, as a result of the legal framework which this land is operated under, there is equal access to sustainable economic development options that have been enjoyed by land owners of general title in the past consistent with the protection of the Outstanding Water Bodies.*

22. *Recognising the rights and interests of tangata whenua landowners to sustainably develop their land in a manner consistent with the other values outlined in this section.*

23. *Recognising the overarching imperative of Te Mana o te Wai in the application of all polices in this plan.*

POL LW1 Problem solving approach - Catchment-based integrated management

24. We recommend the following addition to ensure that Te Mana o te Wai and mauri measures are reflected appropriately to better align with the NPS-FM.

25. Adopt an integrated management approach to fresh water and the effects of land use and development within each catchment area, that:

8 26. *b) provides for mātauranga a hapū and local tikanga values and uses of the catchment* ***including mauri and is aligned with achieving Te Mana o te Wai.***

POL LW3A - Decision making criteria – outstanding water bodies

9 27. We recommend the inclusion of Mauri monitoring and cultural health monitoring to be explicitly mentioned in this section. These are important to the delivery of Te Mana o te Wai as the overarching principle of the NPS-FM.

Proposed list of outstanding water bodies policy LW1 CC addition

10 28. Te Tumu Paeroa supports the idea of identifying Outstanding Water Bodies within the Regional Councils Catchment. Te Tumu Paeroa would also strongly advocate for the relevant mana whenua to have equal input into this process and in addition the 'taking into account local and/or regional circumstance' should expressly take into
11 account the continued sustainable development of multiply Māori Owned Land due to its special status.

POL LW3A, decision making criteria, outstanding water bodies

12 29. Insertion of policy one, two and three are broadly supported by Te Tumu Paeroa subject to the ability of the policy to cater to the bespoke requirements of the catchment and the relevant Māori Land.

(12)

Conclusion

1. Te Tumu Paeroa looks forward to discussing this submission with the Panel appointed by the Hawke's Bay Regional Council to consider submissions on this Proposed Plan Change.

2. Please contact Wirihana Raihania to arrange a time for a representative of Te Tumu Paeroa to speak to this submission.

Dr Charlotte Severne
Māori Trustee

Wirihana Raihania
Trust Specialist
P: 06 868 9039
E: Wirihana.Raihania@tetumupaeroa.co.nz

Belinda Harper

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Date Received: 28/2/20

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Name *	Wirihana Raihania
Organisation	Te Tumu Paeroa
Address *	PO Box 1260 Gisborne 4040 New Zealand
Email	Wirihana.Raihania@tetumupaeroa.co.nz
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	I could not gain an advantage in trade competition
The specific provision(s) of the proposed Plan Change that my submission relates to are [e.g. objective, policy, water body]: *	See attached submission.
My submission is that [Clearly indicate whether you	See attached submission.

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(2)

If others make a similar submission, would you consider presenting a joint case with them at a hearing? *	No

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Level 3 Seabridge House,
110 Featherston Street, Wellington 6011
Aotearoa New Zealand

28 February 2020

Hawke's Bay Regional Council
159 Dalton Street, Napier 4110
Aotearoa New Zealand

Tēnā koe

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Nāku iti nei, nā

Brae Watkins
Trust and Property Director
For the Māori Trustee

5

TE TUMU PAEROA

Proposed Plan Change 7 – Outstanding Water Bodies

SUBMISSION BY THE MĀORI TRUSTEE ON PROPOSED PLAN CHANGE 7 – OUTSTANDING WATER BODIES

28 February 2020

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5. Te Tumu Paeroa employs 115 staff across five different main offices throughout New Zealand, with our head office based in Wellington. Our team is made up of, but not limited to, land development, trust management, property, law, registry and owner services, and other specialist teams. Our employees are service driven to our whenua and our landowners.

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7. Our vision is ensuring Māori land is protected and enhanced, now and for generations to come. Our vision requires a careful balance between protection of the whenua (land) and the taiao (environment), and enhancement of the whenua through a range of pathways including commercial development. Our purpose is to be a dedicated professional trustee service for Māori.

8

8. Our strategic priorities that assist us to deliver on our vision and purpose are:
   - Enhance our core services.
   - Develop capability; and
   - Future-proof our systems

Our portfolio – a snapshot

9. A snapshot of our organisation.
   - Number of trusts and other entities under administration - 1,805
   - Number of hectares under management - 87,163
   - Number of owner accounts maintained - 98,572
   - Number of ownership interests - 243,794
   - Client funds under management (market value) - $117.2 million
   - Māori Trustee equity - $168.8 million
   - Leases Administered - 1807
   - 1308 of our leases are for rural land blocks.
   - To note Te Tumu Paeroa is Responsible Trustee for 275 individual trusts of 8,365.67 ha in the Hawke's Bay Region and 91 of these trusts are on or around the listed outstanding water bodies.

10. We strive to show leadership when considering options to care for and develop whenua Māori. Thirty-six of our farms already have established farm environmental plans, and several more are currently in development. We have engaged a nationwide farm consultancy firm to provide over 1,100 of these plans for us throughout the next 5 years.

11. Te Tumu Paeroa is committed to pursuing its vision of ensuring Maori land is protected and enhanced, now and for generations to come, in a way that is consistent with our kaitiaki responsibilities both as a trustee and in accordance with the kaitiaki obligations of our owners. In that regard, Te Tumu Paeroa supports reform that accords with our vision. In Te Tumu Paeroa's view, parts of this proposed plan change achieve that.

Proposed plan change 7 - Outstanding water bodies

12. Te Tumu Paeroa acknowledges the good work of Hawke's Bay Regional Council on this important kaupapa of protecting and restoring wai. The Māori Trustee, and Te Tumu Paeroa as the office supporting the Māori Trustee, supports what it understands to be the general thrust of the changes to further protect unique waterways within the Council boundaries.

9

13. At a philosophical level, Te Tumu Paeroa supports the principle of Proposed Plan Change 7, which is, identifying those waterways that are truly exceptional (outstanding) for Cultural, Spiritual, Ecological, Landscape, Natural Character, Recreational and Geological reasons. Then putting in place a framework that ensures the protection of these identified outstanding water bodies. It is also acknowledged that it is intended that Proposed Plan Change 7 will assist the Hawke's Bay Regional Council to meet the National Policy Statement for freshwater management set out by the Ministry for the Environment.

14. Te Tumu Paeroa cannot speak for Iwi and hapū with mana whenua, however in working with our tangata whenua landowners, it has become clear that where Te Mana o te Wai is involved, the tangata whenua of these lands must take a leadership role in characterising the indicators and determiners of outstanding water bodies. We recognise the involvement of tangata whenua representatives in the development of this work.

15. Te Tumu Paeroa would also note that there are several Iwi Planning documents in relation to freshwater waterways. Some of these note values and attributes that should be protected and enhanced. Te Tumu Paeroa strongly encourages Hawkes Bay Regional Council to ensure these values and attributes described by the Iwi are reflected in the criteria and the outcomes sought by Proposed Plan Change 7.

1

3.1A Integrated land use and management

16. Te Tumu Paeroa supports the integrated management approach to fresh water and the effects of land use to ensure the achievement of Te Mana o te Wai and in alignment with mātauranga Māori which is based on the interconnectedness of all ecosystems.

2
3

17. It is not clear in the wording of this section as a whole in how it contributes to Te Mana o te Wai. We support these changes as they do improve the mauri of the wai and consequently the Outstanding Water Bodies, however by demonstrating the specific link to Te Mana o te Wai it provides an appropriate connection to Te Mana o te Wai.

4

18. There is an absence of reference to Mauri in the overall section, and we believe it is appropriate to include further discussion and specific objectives that focus on the improvement of Mauri.

10

Anticipated environmental results section 7

19. We recommend the inclusion of Mauri monitoring and cultural health monitoring to be explicitly mentioned in this section. These are important to the delivery of Te Mana o te Wai as the overarching principle of the NPS-FM.

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

20. We recommend the inclusion of the following; *Recognising the unique characteristics of Māori land and ensuring that, as a result of the legal framework which this land is operated under, there is equal access to sustainable economic development options that have been enjoyed by land owners of general title in the past consistent with the protection of the Outstanding Water Bodies.*

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

21. We recommend the inclusion of the following; *Recognising the unique characteristics of Māori land and ensuring that, as a result of the legal framework which this land is operated under, there is equal access to sustainable economic development options that have been enjoyed by land owners of general title in the past consistent with the protection of the Outstanding Water Bodies.*

22. *Recognising the rights and interests of tangata whenua landowners to sustainably develop their land in a manner consistent with the other values outlined in this section.*

23. *Recognising the overarching imperative of Te Mana o te Wai in the application of all polices in this plan.*

POL LW1 Problem solving approach - Catchment-based integrated management

24. We recommend the following addition to ensure that Te Mana o te Wai and mauri measures are reflected appropriately to better align with the NPS-FM.

25. Adopt an integrated management approach to fresh water and the effects of land use and development within each catchment area, that:

8 26. *b) provides for mātauranga a hapū and local tikanga values and uses of the catchment* ***including mauri and is aligned with achieving Te Mana o te Wai.***

POL LW3A - Decision making criteria – outstanding water bodies

9 27. We recommend the inclusion of Mauri monitoring and cultural health monitoring to be explicitly mentioned in this section. These are important to the delivery of Te Mana o te Wai as the overarching principle of the NPS-FM.

Proposed list of outstanding water bodies policy LW1 CC addition

10 28. Te Tumu Paeroa supports the idea of identifying Outstanding Water Bodies within the Regional Councils Catchment. Te Tumu Paeroa would also strongly advocate for the relevant mana whenua to have equal input into this process and in addition the 'taking into account local and/or regional circumstance' should expressly take into
11 account the continued sustainable development of multiply Māori Owned Land due to its special status.

POL LW3A, decision making criteria, outstanding water bodies

12 29. Insertion of policy one, two and three are broadly supported by Te Tumu Paeroa subject to the ability of the policy to cater to the bespoke requirements of the catchment and the relevant Māori Land.

(12)

Conclusion

1. Te Tumu Paeroa looks forward to discussing this submission with the Panel appointed by the Hawke's Bay Regional Council to consider submissions on this Proposed Plan Change.

2. Please contact Wirihana Raihania to arrange a time for a representative of Te Tumu Paeroa to speak to this submission.

Dr Charlotte Severne
Māori Trustee

Wirihana Raihania
Trust Specialist
P: 06 868 9039
E: Wirihana.Raihania@tetumupaeroa.co.nz

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TIMBERLANDS

Timbe
PO Box
ph: +6
websit

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Submission ID# 36

Date Received: 28/2/20

Database Entry Date: 6/3/20

Database Entry Operator: NN

The Chief Executive
Hawke's Bay Regional Council
Private Bag 6006
Napier 4142

OWB@hbrc.govt.nz

Timberlands Limited
Submission on Hawke's Bay Regional Resource Manageme
- Proposed Plan Change 7

Timberlands Limited

Timberlands Limited (TL) manage the 200,000 hectare Kaingaroa Forest estate on the behalf of Kaingaroa Timberlands. This includes the world renown Kaingaroa Forest which is New Zealand's largest production forest operating non-stop. We produce almost 5 million tonnes of logs and replant over 8,000 hectares annually and in doing so engage over 1,000 local businesses. Around 5,000 ha of Kaingaroa Forest falls within the Hawke's Bay Region, predominantly around the upper reaches of the Waipunga River.

1. This submission is on Proposed Plan Change 7 - amending provisions of the Hawke's Bay Regional Resource Management Plan - Outstanding Water Bodies.

2. Timberlands Limited could not gain an advantage in a trade advantage through this submission.

3. Timberlands Limited are concerned with the provisions as set out in Annex A below.

4. Our concerns, reasons and the relief sought are set out in Annex A below.

5. Timberlands Limited **wish to be heard** in support of our submission.

6. If others make a similar submission we will consider making **a joint case** at the hearing.

Signature

Emailed – 28 February 2020

Email:	Colin.Maunder@tll.co.nz
Telephone:	07 343 1070
Postal address:	P O Box 1284 Rotorua 3010
Contact person:	Colin Maunder

1

TIMBERLANDS

Timberlands Limited
PO Box 1284, Rotorua 3040, New Zealand
ph: +64 7 343 1070 fax: +64 7 343 1071
website: www.tll.co.nz

Annex A – Submission points - Timberlands Limited

Provision reference	support / oppose	Reasons	Relief sought
General - Terms Change of "freshwater" to "water bodies"	Oppose PC7 proposal to identify both certain coastal waters and freshwater as "outstanding water bodies".	Although "water" can include both freshwater and coastal water, the RMA treats freshwater and coastal water differently, with different provisions. PPC7 provisions that relate to coastal water are included under headings that clearly relate to freshwater, which creates confusion. The NES-PF sets out the provisions regulating plantation forestry and maintains the separation of issues concerning freshwater management versus those of coastal water management.	Retain separate provisions as exists in the Regional Resource Management Plan Chapter 3 1A for Outstanding Freshwater Bodies and Chapter 3. 2 for Outstanding Coastal Waterbodies. Redesign PC7 to set out separate provisions for freshwater and for coastal water.
General References throughout PC7 to "outstanding values" and "significant values"	Oppose Combining different RMA powers at the Part 2 level (6(a) and 6(c)) and at the NPS level (NPS-FM and NZCPS) has introduced terms that do not apply to both freshwater and coastal water. Oppose the introduction of terms "outstanding values" and "significant values" to coastal water.	It appears that this new terminology has arisen through applying NPS-FM definitions also to coastal water. In the NPS-FM "Outstanding freshwater bodies" are those water bodies identified in a regional policy statement or regional plan as having **outstanding values**, including ecological, landscape, recreational and spiritual values Objective A2 of the NPS-FM introduces the concept of "**significant values**" by providing that the overall quality of fresh water within a freshwater management unit is maintained or improved while: a) protecting the **significant values** of outstanding freshwater bodies; b) protecting the significant values of wetlands; and c) improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.	Redesign PC7 to set out separate provisions for freshwater and for coastal water in a way that gives effect to the very particular requirements of NZCPS Policies 11, 13, 15 and 17 for coastal water.

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Timberlands Limited
PO Box 1284, Rotorua 3040, New Zealand
ph: +64 7 343 1070 fax: +64 7 343 1071
website: www.tll.co.nz

Provision reference	support / oppose	Reasons	Relief sought
		The NZCPS sets out policies to allow the protection of coastal waters for the purposes of indigenous biodiversity (Policy 11), natural character (policy 13), outstanding landscape (policy 15) and heritage (policy 17) but there is no mention of the concept, as for freshwater management, of outstanding and significant values. The NZCPS provides very particular provisions for protection that are different to the management of freshwater.	
6 OBJ LW 1 1.	Oppose including coastal water in what is an objective for freshwater only.	The amended explanation makes it clear that this is giving effect to powers relevant to freshwater; not ones relating to coastal water.	Delete the amendment to "water bodies" and retain as freshwater only.
7 POL LW1 1.cC and d, dA)	Oppose This is a policy that should only relate to freshwater	The policy specifically refers to the provisions of the NPS-FM which are separate and different from the provisions of the NZCPS.	Delete the words "water bodies" and replace with "freshwater bodies".
8 POL LW1 cC " ...and any other values that are determined to be relevant..."	Oppose The process by which these other values are to be determined is unclear and uncertain.	This amendment creates major uncertainty to the policy. If other values are to be determined some criteria for those need to be included to provide clarity and certainty.	Delete from "and any other values..." from the amendment.
9 POL LW1 2. bA) (i) (ii)	Support in part	The policy explanation specifically refers to the provisions of the NPS-FM which are separate and different from those of the NZCPS.	Amend to only apply to freshwater bodies
10 POL LW1 2. bA) (iii) 11	Oppose	Provisions (i) and (ii) require consideration of how the freshwater will be protected. This is more than adequate. A policy requirement to "avoid" does not allow for mitigation provisions to be applied.	Amend to only apply to freshwater Amend to delete (iii)
12 POL LW2	Oppose A priority system is compromised by the	Such a system may be appropriate when provisions give effect to the powers of the RMA to *maintain or enhance* the natural	Delete the reference to "outstanding water bodies" and retain the provisions to only relate to freshwater

(w)

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Timberlands Limited
PO Box 1284, Rotorua 3040, New Zealand
ph: +64 7 343 1070 fax: +64 7 343 1071
website: www.tll.co.nz

Provision reference	support / oppose	Reasons	Relief sought
	introduction of the requirement to protect outstanding freshwater bodies.	environment, but not where the provision is giving effect to a requirement to *protect* the natural environment. This is of further relevance when giving effect to the NZCPS which includes provisions to "avoid" certain effects of activities upon the natural environment. In such cases there can be no prioritisation. The policy conflicts with the amended Policy C2.	bodies that are not identified in schedule 25
Policy LW3A 1.a-c & 2 & 3	Support	The policy sets out an appropriate approach	
Policy LW3A 1.d	Oppose	There should be consistency between the derivation of "outstanding value" and "significant value". Significant values should clearly relate to parameters relevant to outstanding values. To arrive at either needs to be determined in such a way that the process is clear to follow, so that if the conclusion seems odd it is possible to follow the logic trail. The present provision would insert major uncertainty into the process as to what value is to be protected.	Delete d.
Chapter 3.2 amendments	oppose	NZCPS Policies 11, 13, 15, & 17 have clear and particular provisions as what features are to be identified, and then requirements as to avoid effects upon the identified features. PC7 does not give effect to the abovementioned policies. Only 4 estuaries have been identified. These should be protected by giving effect to the NZCPS, rather than trying to transfer the provisions of the NPS-FM to coastal water. i.e. there should be a clear line of sight to the relevant superior instrument and the relevant provisions that are being interpreted into PPC7	Replace all provisions with objectives and policies that give effect to the identified policies in the NZCPS.
Glossary-outstanding water body	Oppose	The definition given the above submissions should apply only to freshwater bodies	Amend to "outstanding water body means a freshwater body or parts thereof, identified…"

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PO Box 1284, Rotorua 3040, New Zealand
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Provision reference	support / oppose	Reasons	Relief sought
Schedule 25-rivers	support in part	The high bar that protection provisions of the RMA applies to outstanding freshwater bodies means it is inappropriate to apply this classification to an entire river. There should be more particular identification of the various areas that are outstanding.	Amend to distinguish parts of the river in a way that clearly identifies the various areas of outstanding values.

18

(5)

Submission on Proposed Plan Change 7: Hawke's Bay Regional Resource Management Plan

PLEASE NOTE: your submission will become part of a public record of Council documents. This will mean your name, address and contact details will be searchable by other persons.

Name: *(required)* Transpower New Zealand Ltd

Organisation:

Postal address: *(required)* PO Box 1021 Wellington, 6140

Email address: Environment.Policy@transpower.co.nz

Phone number: 04 590 7540

Contact person and address if different to above:

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and

b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☒ I could not gain an advantage in trade competition through this submission; or

☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☐ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission.

Do you wish to be heard in support of your submission? Yes / ~~No~~

If others make a similar submission, would you consider presenting a joint case with them at a hearing? Yes / ~~No~~

Signature: Date: 31 January 2020

NB: Space for writing submissions is overleaf.

Send written submissions to:

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

or fax to:
(06) 835-3601

or email to:
OWB@hbrc.govt.nz

Deadline for Submissions:

5pm Fri 28 February 2020

No submissions will be accepted after this deadline. The deadline will not be further extended.

OFFICE USE ONLY

SUBMISSION ID# 37

Date Received: 31/1/20

Database Entry Date: 5/3/20

Database Entry Operator: BH

HAWKES BAY REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Submission Details

Please attach more pages if necessary. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission. Further information on how to make a submission and the submission process is available on the Regional Council website.

Issue/Topic Description: Refer attached comments

Specific provision(s) of Plan Change 7 that my submission relates to are: *[eg: objective, policy, water body (reference numbers)]*

Refer attached comments

My submission is: *[Clearly indicate whether you support or oppose the specific provisions or wish to have them amended along with reasons]*

Refer attached comments

I seek the following decision from the Regional Council: *[Please give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process]*

Refer attached comments

REMINDER: SUBMISSIONS MUST REACH COUNCIL BY 5PM ON 28 FEBRUARY 2020

Submission by Transpower New Zealand Limited on

Proposed Plan Change 7: Hawkes Bay Regional Resource Management Plan

Introduction to Transpower

Transpower New Zealand Limited ('Transpower') is the State-Owned Enterprise that plans, builds, maintains and operates New Zealand's National Grid, the high voltage transmission network for the country. The National Grid links generators directly to distribution companies and major industrial users, feeding electricity to the local networks that distribute electricity to homes and businesses. The National Grid comprises towers, poles, lines, cables, substations, a telecommunications network and other ancillary equipment stretching and connecting the length and breadth of the country from Kaikohe in the North Island down to Tiwai in the South Island, with two national control centres (in Hamilton and Wellington). The National Grid includes approximately 12,000 km of transmission lines and around 170 substations, supported by a telecommunications network of some 300 telecommunication sites, which help link together the components that make up the National Grid.

Transpower's role and function is determined by the State-Owned Enterprises Act 1986, the company's Statement of Corporate Intent, and the regulatory framework within which it operates. Transpower does not generate electricity, nor does it have any retail functions.

Transpower's Statement of Corporate Intent for July 2019 to July 2022, states that:

> *Transpower is central to the New Zealand electricity industry, connecting New Zealanders to their power system through safe, smart solutions for today and tomorrow. Our principal commercial activities are:*
>
> *- As grid owner, to reliably and efficiently transport electricity from generators to distributors and large users, and*
>
> *- As system operator, to operate a competitive electricity market and deliver a secure power system*

In line with this role, Transpower needs to efficiently maintain and develop the network to meet increasing demand, to connect new generation, and to seek security of supply, thereby contributing to New Zealand's economic and social aspirations. It has to be emphasised that the National Grid is an ever-developing system, responding to changing supply and demand patterns, growth, reliability and security needs. A key part of this is connecting new renewable energy generation to the National Grid – Transpower expects demand for electricity to increase over time as New Zealand transitions to a zero-carbon economy, and Transpower is uniquely placed to help enable that transition.

The National Grid has operational requirements and engineering constraints that dictate and constrain where it is located and the way it is operated, maintained, upgraded and developed. Operational requirements are set out in legislation, rules and regulations that govern the National Grid, including the Electricity Act 1992, the Electricity Industry Participation Code, the New Zealand Electricity Code of Practice for Electricity Safe Distances (NZECP 34:2001), and the Electricity (Hazards from Trees) Regulations 2003.

It is important to note that Transpower's role is distinct from electricity generation, distribution or retail. Transpower provides the required infrastructure to transport electricity from the point of generation to local lines distribution companies, which supply electricity to everyday users. These users may be a considerable distance from the point of generation. Transpower also directly connects

electricity to some large industrial users (e.g. the Glenbrook Steel Mill and the Tiwai Point Aluminium Smelter).

Transpower therefore has a significant interest in contributing to the process of developing an effective, workable and efficient Hawkes Bay Resource Management Plan where it may affect the National Grid in the Hawkes Bay region including possible future changes.

Hawkes Bay Transmission Assets

The following National Grid assets traverse/are located within the Hawkes Bay region:

- Fernhill - Deviation A – 110kV transmission line on towers (FHL-DEV-A)
- Fernhill - Redclyffe A – 110kV transmission line on poles (FHL-RDF-A)
- Fernhill - Redclyffe B– 110kV transmission line on poles (FHL-RDF-B)
- Fernhill - Woodville A – 110kV transmission line on poles (FHL-WDV-A)
- Fernhill - Woodville B – 110kV transmission line on poles (FHL-WDV-B)
- Redclyffe - Whirinaki A – 220kV transmission line on towers (RDF-WHI-A)
- Redclyffe - Whakatu A – 220kV transmission line on towers (RDF-WTU-A)
- Tuai - Bunnythorpe A – 110kV transmission line on towers (TUI-BPE-A)
- Wairakei - Whirinaki A – 220kV transmission line on towers (WRK-WHI-A)
- Redclyffe - Tuai A – 110kV transmission line on towers (RDF-TUI-A)
- Fernhill Substation
- Redclyffe Substation
- Tuai Substation
- Whirinaki Substation
- Waipawa Substation
- Wairoa Substation
- Whakatu Substation

Attached as Appendix A is a map of the region and National Grid assets.

Statutory Framework

The National Grid is nationally (and regionally) significant infrastructure that is recognised in the RMA context by the National Policy Statement on Electricity Transmission 2008 (NPSET) and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA).

National Policy Statement on Electricity Transmission

The NPSET was gazetted on 13 March 2008 and confirms the national significance of the National Grid and establishes national policy direction to ensure decision-makers under the RMA duly recognise the benefits of transmission, manage the effects of the National Grid and appropriately manage the adverse effects of activities and development close to the Grid. The NPSET only applies to the National Grid – the assets used or operated by Transpower – and not to electricity generation or distribution networks. A copy of the NPSET is attached as Appendix B.

Section 67(3) of the Resource Management Act ("RMA") requires that a regional plan must 'give effect' to the NPSET which is a strong statutory directive. Therefore, the NPSET must be implemented when drafting regional policy and plan provisions and considered in making decisions on submissions, resource consent applications and designations.

The Preamble to the NPSET includes useful background, or rationale, for the NPSET. It states that "*the efficient transmission of electricity on the national grid plays a vital role in the well-being of New Zealand, its people and the environment*". It notes that the National Grid has particular physical characteristics and operational/security requirements that have been challenging to manage under the RMA and acknowledges the potential significance of some effects of transmission lines (including the inability for these to be avoided or mitigated), along with the significant constraints that others' activities and development can place on the network. It also notes that adverse effects of the National Grid are experienced at the local level, while benefits are regional or national, requiring a balanced consideration of effects.

The single one objective of the NPSET is as follows:

> *To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:*
>
> *a. Managing the adverse environmental effects of the network; and*
>
> *b. Managing the adverse effects of other activities on the network.*

This objective recognises that the electricity transmission network itself potentially gives rise to adverse effects, and, conversely, that other activities can potentially adversely affect the network.

The NPSET policies give direction on how to achieve the objective in providing for the recognition of the benefits of electricity transmission, as well as the management of the environmental effects of electricity transmission and the adverse effects of other activities on the transmission network. As such, the NPSET policies impose obligations on both decision-makers (including regional councils) and Transpower itself.

Policy 1 specifies that decision-makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. Explicit reference is made to the benefits of security of supply, efficient transfer of energy and enhanced supply.

Policies 2 to 9 relate to management of the environmental effects of transmission. In particular, Policy 2 states:

> *In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.*

Policies 3 to 5 contain matters which decision-makers must consider, including technical and operational constraints, the route, site and method selection process, and operational requirements. Policy 6 seeks to reduce existing adverse effects where appropriate, while Policies 7 and 8 relate to effects on urban and rural environments respectively. Policy 9 specifically relates to health standards.

Policies 2 to 9 are particularly relevant to Proposed Plan change 7 as they provide the policy framework for managing the environmental effects of electricity transmission in recognising and providing for the ongoing operation and development of the National Grid.

Transpower is conscious that the anticipated decarbonisation of New Zealand's economy is likely to ultimately require sustained investment in Transpower's assets to connect and reliably distribute new forms of electricity generation. In this context, it is important the Hawkes Bay Resource Management Plan provides an appropriate and enabling framework for the ongoing operation,

maintenance, upgrading and, also importantly, the *development* of the National Grid. Such a framework would give due effect to the NPSET.

Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009

The national significance of the National Grid is further recognised in the NESETA in that it acknowledges the importance of both investment in new infrastructure and the maintenance and upgrade of existing infrastructure.

The NESETA addresses the objectives and policies of the NPSET, particularly the policies related to the existing transmission network, by providing a national framework of permissions and consent requirements for activities on existing high voltage electricity transmission lines (the National Grid). Activities include the operation, maintenance and upgrade of existing lines (i.e. those built prior to 14 January 2010).

Specific Comments and Relief Sought

Proposed Plan Change 7 ("**PPC7**") introduces new provisions which relate to outstanding water bodies in the Regional Resource Management Plan. The new provisions identify a list of outstanding water bodies in Hawke's Bay and put in place a framework which ensures their protection for future generations. As such, Plan Change 7 also consequentially amends several existing provisions within the Hawkes Bay Regional Resource Management Plan.

Transpower is generally supportive of the identification of a list of outstanding water bodies and the provision of a framework to ensure their protection. However, while generally supported, Transpower seeks the following amendments to provide for the need to operate, maintain, upgrade and develop the National Grid as required by the NPSET.

Transpower would be happy to expand on any points within the submission or provide any further details to support its submission.

Specific submission points including the relief sought and reasoning, are as follows:

SUBMISSION POINT 1.

Proposed Plan Provision

3.1A Integrated Land Use and Freshwater Management

POL LW1 Problem solving approach - Catchment-based integrated management

2. When preparing regional plans:

...

bA) in relation to any relevant outstanding waterbodies identified in Schedule 25:

i) identify the significant values of that outstanding waterbody and the spatial and/or temporal extent of those values as relevant;

ii) establish how the outstanding and significant values of outstanding water bodies identified in Schedule 25 will be protected by regulatory methods or non-regulatory methods or both;

iii) include regional plan provisions to manage activities in a manner which avoids adverse effects that are more than minor on the outstanding and significant values of an outstanding water body identified in Schedule 25.

Oppose in part

Amendment Sought

Amend Policy POL LW1.2. bA) as follows by inserting a new clause as follows (refer red underline text)

2. When preparing regional plans:

...

iii) include regional plan provisions to manage activities in a manner which avoids adverse effects that are more than minor on the outstanding and significant values of an outstanding water body identified in Schedule 25.

Except, in the case of the National Grid, where the National Grid has a functional, operational or technical need to locate in an Outstanding water body identified in Schedule 25, manage the arising adverse effects by:

a) When undertaking a route, site and method selection process, seeking to avoid adverse effects on the values of the Outstanding waterbody;

b) Where it is not practicable to avoid adverse effects on the values because of the functional, operational or technical needs of the National Grid, consider utilising the more modified parts of the Outstanding waterbody;

c) Adverse effects which cannot be avoided are remedied or mitigated to the extent practicable, having regard to the activity's technical and operational requirements;

d) Avoiding, remedying or mitigating other adverse effects to the extent practicable.

Reasoning

Transpower's primary concern with PPC7 is the lack of recognition given to the NPSET and the need to operate, maintain, upgrade and develop the National Grid. While Transpower appreciates PPC7 is not concerned with activities, the lack of existing policy recognition within the Regional Resource Management Plan of nationally significant infrastructure, and specifically the National Grid, means the plan does not give effect to the NPSET. Transpower notes the plan was made operative in 2006, two years prior to the gazetting of the NPSET.

The NPSET requires specific policy recognition of the National Grid. Policy 1 of the NPSET specifically requires that decision makers must 'recognise and provide for the effective operation,

maintenance upgrading and development of the electricity transmission network". While Transpower understands PPC7 is to give effect to the National Policy Statement for Freshwater Management ("NPSFM"), both the NPSET and NPSFW sit at the top of the RMA plan hierarchy with neither document having supremacy over the other. Instead, users must give effect to both policy statements. It is acknowledged there is a potential tension between the 'protect' NPSFW policies and the NPSET policies for managing the effects of the National Grid on high value natural areas (policy 8 - a "seek to avoid" approach). Policy 8 of the NPSET provides that rather than applying a strict 'avoid' approach, the National Grid should *"seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities"*. Transpower's favoured approach to manage the policy tensions within the above national policy documents is to provide a detailed National Grid specific policy framework which addresses the circumstances in which National Grid projects can locate in high value natural areas. This policy approach has been sought across New Zealand in recent district, regional and RPS plan reviews. Of particular relevance to PPC7, Transpower has secured through consent orders and mediation such a policy approach in the Southland RPS, Otago RPS, BOP Coastal Plan, and Taranaki Regional Coastal Plan. At a district plan level, policies have also been secured as part of the rolling review of the Whangarei District Plan (specifically the Landscape and Features, and Coastal chapter plan reviews). Given local context, there are slight wording differences between all the secured "Seek to avoid" policies in that some plans have opted for a more simplistic approach whereas others are more detailed.

The sought policy approach does not 'allow' the National Grid to be located within Outstanding waterbody's, but rather sets the policy framework for the effects of the National Grid to be assessed in a considered manner. The policy framework enables a case-by-case merits assessment of specific National Grid projects in high value natural areas through the resource consent process. This approach will allow decision-makers to have proper regard to both the NPSET and the NPSFW through the resource consent process as opposed to through a policy directive. When considering the effects of new National Grid Infrastructure, Policies 3 and 4 of the NPSET (which also apply to any resource consent process) require consideration of the constraints imposed by technical and operational requirements of the network, and require regard be had to the extent which any adverse effects have been avoided, remedied or mitigated by the route site and method selection process. This is a very robust and comprehensive process that is undertaken by Transpower when carrying out major upgrades to, or constructing new, national grid infrastructure.

SUBMISSION POINT 2.

Proposed Plan Provision

Chapter 3.2 The Sustainable Management of Coastal Resources
POL C1 Problem solving approach - Outstanding Water bodies

1. *When preparing regional plans, in relation to any relevant outstanding waterbodies identified in Schedule 25:*
   - *i) identify the significant values of that outstanding waterbody and the spatial and/or temporal extent of those values as relevant;*
   - *ii) establish how the outstanding and significant values of outstanding water bodies identified in Schedule 25 will be protected by regulatory methods or non-regulatory methods or both;*
   - *iii) include regional plan provisions to manage activities in a manner which avoids adverse effects that are more than minor on the outstanding and significant values of an outstanding water body identified in Schedule 25*

Oppose in part

2 **Amendment Sought**

Amend Policy POL C1 as follows by inserting a new clause as follows (refer red underline text)

1. *When preparing regional plans, in relation to any relevant outstanding waterbodies identified in Schedule 25:*
   - i) *identify the significant values of that outstanding waterbody and the spatial and/or temporal extent of those values as relevant;*
   - ii) *establish how the outstanding and significant values of outstanding water bodies identified in Schedule 25 will be protected by regulatory methods or non-regulatory methods or both;*
   - iii) *include regional plan provisions to manage activities in a manner which avoids adverse effects that are more than minor on the outstanding and significant values of an outstanding water body identified in Schedule 25*

     Except, in the case of the National Grid, where the National Grid has a functional, operational or technical need to locate in an Outstanding water body identified in Schedule 25, manage the arising adverse effects by:

     a) When undertaking a route, site and method selection process, seeking to avoid adverse effects on the values of the Outstanding waterbody;

     b) Where it is not practicable to avoid adverse effects on the values because of the functional, operational or technical needs of the National Grid, consider utilising the more modified parts of the Outstanding waterbody;

     c) Adverse effects which cannot be avoided are remedied or mitigated to the extent practicable, having regard to the activity's technical and operational requirements;

     d) Avoiding, remedying or mitigating other adverse effects to the extent practicable.

     Recognising that in some circumstances, adverse effects on the Outstanding Waterbody must be avoided.

Reasoning

Transpower's primary concern with PPC7 is the lack of recognition given to the NPSET and the need to operate, maintain, upgrade and develop the National Grid. While Transpower appreciates PPC7 is not concerned with activities, the lack of existing policy recognition within the Regional Resource Management Plan of nationally significant infrastructure, and specifically the National Grid, means the plan does not give effect to the NPSET. While the plan makes reference to electricity transmission in relation to reverse sensitivity, this does not adequately give effect to the NPSET. Transpower notes the plan was made operative in 2006, two years prior to the gazetting of the NPSET. Councils were required to give effect to the NPSET by2012, four years from gazetting of the NPSET.

The NPSET requires specific policy recognition of the National Grid. Policy 1 of the NPSET specifically requires that decisionmakers must 'recognise and provide for the effective operation, maintenance upgrading and development of the electricity transmission network". While Transpower understands PPC7 is to give effect to the National Policy Statement for Freshwater Management ("NPSFM"), and policy POL C1 is also subject to the NZCPS, both the NPSET, NPSFW and NZCPS sit at the top of the RMA plan hierarchy with no document having supremacy over the others. Instead, users must give effect to all policy statements. It is acknowledged there is a potential tension between the 'protect' NPSFW policies, the 'avoid' NZCPS policies, and the NPSET policies for managing the effects of the National Grid on high value natural areas (Policy 8 - a "seek to avoid" approach). Policy 8 of the NPSET provides that rather than applying a strict 'avoid' approach, the National Grid should "*seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and*

existing sensitive activities". Transpower's favoured approach to manage the policy tensions within the above national policy documents is to provide a detailed National Grid specific policy framework which addresses the circumstances in which National Grid projects can locate in high value natural areas. This policy approach has been sought across New Zealand in recent district, regional and RPS plan reviews. Of particular relevance to PPC7 and the Coastal Environment, Transpower has secured through mediation and consent orders such a policy approach in the Southland RPS, Otago RPS, BOP Coastal Plan, and Taranaki Regional Coastal Plan. At a district plan level, policies have also been secured as part of the rolling review of the Whangarei District Plan (specifically the Landscape and Features, and Coastal chapter plan reviews). Given local context, there are slight wording differences between all the secured "Seek to avoid" policies in that some plans have opted for a more simplistic approach whereas others are more detailed.

The sought policy approach does not 'allow' the National Grid to be located within Outstanding waterbody's, but rather sets the policy framework for the effects of the National Grid to be assessed in a considered manner. The policy framework enables a case-by-case merits assessment of specific National Grid projects in high value natural areas through the resource consent process, but specific to the coastal environment, recognises that in some case it must be avoided. This approach will allow decision-makers to have proper regard to both the NPSET and the NPSFW and the NZCPS through the resource consent process as opposed to through a predetermined policy directive. When considering the effects of new National Grid Infrastructure, Policies 3 and 4 of the NPSET (which also apply to any resource consent process) require consideration of the constraints imposed by technical and operational requirements of the network, and require regard be had to the extent which any adverse effects have been avoided, remedied or mitigated by the route site and method selection process. This is a very robust and comprehensive process that is undertaken by Transpower when carrying out major upgrades to or constructing new national grid infrastructure.

SUBMISSION POINT 3.

Proposed Plan Provision

3.1A Integrated Land Use and Freshwater Management

Policy LW3A - Decision Making Criteria – Outstanding Water Bodies

1. *In relation to those types of activities identified in Policy LW3A.2, once the relevant catchment based regional plan change is operative or after 31 December 2025, whichever is sooner, a consent authority must have regard to:*
   a. *the extent to which the activity would protect the outstanding value(s) described in Schedule 25 of the relevant outstanding waterbody*
   b. *the extent to which the activity would protect the significant values (if any) identified in Schedule 25 of the relevant outstanding waterbody*
   c. *whether, in order to protect the waterbody's outstanding values and significant values:*
      i. *the location of the proposed activity is appropriate*
      ii. *time limits, including seasonal or other limits on the activity may be appropriate.*
   d. *If there is a conflict between protecting an outstanding and a significant value of the same water body, protection of the outstanding value must be given preference*

Oppose in part

Amendment Sought

3 Amend Policy POL LW3A as follows by inserting a new clause as follows (refer red underline text)

1. *In relation to those types of activities identified in Policy LW3A.2, once the relevant catchment*

based regional plan change is operative or after 31 December 2025, whichever is sooner, a consent authority must have regard to:

....

e. *Specific to the National Grid;*
   i. *The technical and operational requirements and constraints of the National Grid*
   ii. *The national, regional and local benefits of sustainable, secure and efficient electricity transmission*
   iii. *The extent to which adverse effect have been avoided, remedied or mitigated by the route, site and method selection process.*

Reasoning

As noted in earlier submissions points, Transpower's primary concern with PPC7 is the lack of recognition given to the NPSET and the need to operate, maintain, upgrade and develop the National Grid. While Transpower appreciates PPC7 is not concerned with activities, the lack of existing policy recognition within the Regional Resource Management Plan of nationally significant infrastructure, and specifically the National Grid, means the plan does not give effect to the NPSET. While the plan makes reference to electricity transmission in relation to reverse sensitivity, this does not adequately give effect to the NPSET. Transpower notes the plan was made operative in 2006, two years prior to the gazetting of the NPSET. Councils were required to give effect to the NPSET by 2012, four years from gazetting of the NPSET.

On the basis of lack of specific effect being given the NPSET, Transpower seeks amendment to POL LW3A to give effect to policies 1, 3 and 4 of the NPSET.

SUBMISSION POINT 4.

Proposed Plan Provision

Chapter 3.2 The Sustainable Management of Coastal Resources
Policy C2 - Decision Making Criteria – Outstanding Water Bodies

1. *In relation to those types of activities identified in Policy C2.2, once the relevant catchment based regional plan change is operative or after 31 December 2025, whichever is sooner, a consent authority must have regard to:*
   a. *the extent to which the activity would protect the outstanding value(s) described in Schedule 25 of the relevant outstanding waterbody*
   b. *the extent to which the activity would protect the significant values (if any) identified in Schedule 25 of the relevant outstanding waterbody*
   c. *whether, in order to protect the waterbody's outstanding values and significant values:*
      i. *the location of the proposed activity is appropriate*
      ii. *time limits, including seasonal or other limits on the activity may be appropriate.*
   d. *If there is a conflict between protecting an outstanding and a significant value of the same water body, protection of the outstanding value must be given preference.*

Oppose in part

Amendment Sought

Amend Policy C2 as follows by inserting a new clause as follows (refer red underline text)

2. *In relation to those types of activities identified in Policy C2.2, once the relevant catchment based regional plan change is operative or after 31 December 2025, whichever is sooner, a consent authority must have regard to:*

....

e. *Specific to the National Grid;*
   i. *The technical and operational requirements and constraints of the National Grid*
   ii. *The national, regional and local benefits of sustainable, secure and efficient electricity transmission*
   iii. *The extent to which adverse effect have been avoided, remedied or mitigated by the route, site and method selection process.*

Reasoning

As noted in earlier submissions points, Transpower's primary concern with PPC7 is the lack of recognition given to the NPSET and the need to operate, maintain, upgrade and develop the National Grid. While Transpower appreciates PPC7 is not concerned with activities, the lack of existing policy recognition within the Regional Resource Management Plan of nationally significant infrastructure, and specifically the National Grid, means the plan does not give effect to the NPSET. Transpower notes the plan was made operative in 2006, two years prior to the gazetting of the NPSET.

On the basis of lack of specific effect being given the NPSET, Transpower seeks amendment to Policy C2 to give effect to policies 1, 3 and 4 of the NPSET.

SUBMISSION POINT 5.

Proposed Plan Provision

Schedule 25: Outstanding Water Bodies

Support in part

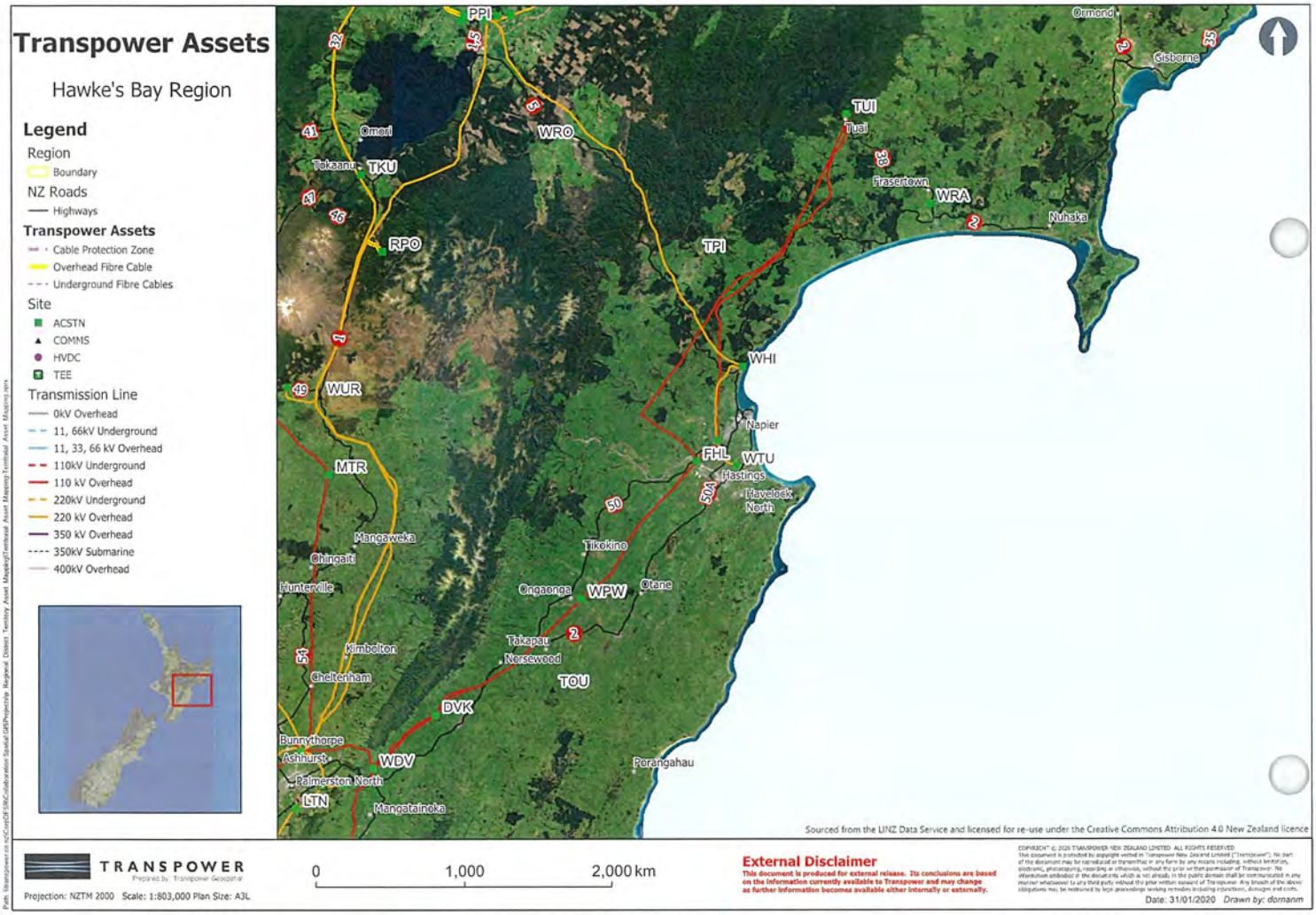
Amendment Sought

Retain Schedule 25 but map/identify the water bodies on the planning maps.

Reasoning

The clear identification of the water bodies on the planning maps would assist in plan interpretation and application and provide clarity to plan users as to the Outstanding waterbodies subject to the plan provisions.

Appendix A – National Grid Assets within Hawkes Bay Region


Transpower Assets
Hawke's Bay Region
Legend
Region
Boundary
NZ Roads
Highways
Transpower Assets
Cable Protection Zone
Overhead Fibre Cable
Underground Fibre Cables
Site
ACSTN
COMMS
HVDC
TEE
Transmission Line
0kV Overhead
11, 66kV Underground
11, 33, 66 kV Overhead
110kV Underground
110 kV Overhead
220kV Underground
220 kV Overhead
350 kV Overhead
350kV Submarine
400kV Overhead
PPI
Ormond
Gisborne
TUI
Tuai
Omeri
WRO
Tokaanu
TKU
Frasertown
WRA
Nuhaka
RPO
TPI
WHI
WUR
Napier
FHL
WTU
Hastings
MTR
Havelock North
Mangaweka
Tikokino
Ohingaiti
Hunterville
Ongaonga
WPW
Otane
Kimbolton
Takapau
Norsewood
Cheltenham
TOU
DVK
Bunnythorpe
Ashhurst
WDV
Porangahau
Palmerston North
LTN
Mangatainoka
Sourced from the LINZ Data Service and licensed for re-use under the Creative Commons Attribution 4.0 New Zealand licence
TRANSPOWER
Prepared by: Transpower Geospatial
Projection: NZTM 2000 Scale: 1:803,000 Plan Size: A3L
0
1,000
2,000 km
External Disclaimer
This document is produced for external release. Its conclusions are based on the information currently available to Transpower and may change as further information becomes available either internally or externally.
Date: 31/01/2020 Drawn by: donanm

Appendix B – National Policy Statement on Electricity Transmission

NATIONAL POLICY STATEMENT

on Electricity Transmission

Issued by notice in the Gazette on 13 March 2008

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3. Interpretation
4. Matter of national significance
5. Objective
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8. Managing the adverse effects of third parties on the transmission network
9. Maps
10. Long-term strategic planning for transmission assets

newzealand.govt.nz

Preamble

This national policy statement sets out the objective and policies to enable the management of the effects of the electricity transmission network under the Resource Management Act 1991.

In accordance with section 55(2A)(a) of the Act, and within four years of approval of this national policy statement, local authorities are to notify and process under the First Schedule to the Act a plan change or review to give effect as appropriate to the provisions of this national policy statement.

The efficient transmission of electricity on the national grid plays a vital role in the well-being of New Zealand, its people and the environment. Electricity transmission has special characteristics that create challenges for its management under the Act. These include:

- Transporting electricity efficiently over long distances requires support structures (towers or poles), conductors, wires and cables, and sub-stations and switching stations.
- These facilities can create environmental effects of a local, regional and national scale. Some of these effects can be significant.
- The transmission network is an extensive and linear system which makes it important that there are consistent policy and regulatory approaches by local authorities.
- Technical, operational and security requirements associated with the transmission network can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects.
- The operation, maintenance and future development of the transmission network can be significantly constrained by the adverse environmental impact of third party activities and development.
- The adverse environmental effects of the transmission network are often local – while the benefits may be in a different locality and/or extend beyond the local to the regional and national – making it important that those exercising powers and functions under the Act balance local, regional and national environmental effects (positive and negative).
- Ongoing investment in the transmission network and significant upgrades are expected to be required to meet the demand for electricity and to meet the Government's objective for a renewable energy future, therefore strategic planning to provide for transmission infrastructure is required.

The national policy statement is to be applied by decision-makers under the Act. The objective and policies are intended to guide decision-makers in drafting plan rules, in making decisions on the notification of the resource consents and in the determination of resource consent applications, and in considering notices of requirement for designations for transmission activities.

However, the national policy statement is not meant to be a substitute for, or prevail over, the Act's statutory purpose or the statutory tests already in existence. Further, the national policy statement is subject to Part 2 of the Act.

For decision-makers under the Act, the national policy statement is intended to be a relevant consideration to be weighed along with other considerations in achieving the sustainable management purpose of the Act.

This preamble may assist the interpretation of the national policy statement, where this is needed to resolve uncertainty.

1. Title

This national policy statement is the National Policy Statement on Electricity Transmission 2008.

2. Commencement

This national policy statement comes into force on the 28th day after the date on which it is notified in the *Gazette*.

3. Interpretation

In this national policy statement, unless the context otherwise requires:
Act means the Resource Management Act 1991.

Decision-makers means all persons exercising functions and powers under the Act.

Electricity transmission network, electricity transmission and transmission activities/ assets/infrastructure/resources/system all mean part of the national grid of transmission lines and cables (aerial, underground and undersea, including the high-voltage direct current link), stations and sub-stations and other works used to connect grid injection points and grid exit points to convey electricity throughout the North and South Islands of New Zealand.

National environmental standard means a standard prescribed by regulations made under the Act.

National grid means the assets used or owned by Transpower NZ Limited.
Sensitive activities includes schools, residential buildings and hospitals.

4. Matter of national significance

The matter of national significance to which this national policy statement applies is the need to operate, maintain, develop and upgrade the electricity transmission network.

5. Objective

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- managing the adverse environmental effects of the network; and
- managing the adverse effects of other activities on the network.

6. Recognition of the national benefits of transmission

POLICY 1

In achieving the purpose of the Act, decision-makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. The benefits relevant to any particular project or development of the electricity transmission network may include:

i) maintained or improved security of supply of electricity; or

ii) efficient transfer of energy through a reduction of transmission losses; or

iii) the facilitation of the use and development of new electricity generation, including renewable generation which assists in the management of the effects of climate change; or

iv) enhanced supply of electricity through the removal of points of congestion.

The above list of benefits is not intended to be exhaustive and a particular policy, plan, project or development may have or recognise other benefits.

7. Managing the environmental effects of transmission

POLICY 2

In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.

POLICY 3

When considering measures to avoid, remedy or mitigate adverse environmental effects of transmission activities, decision-makers must consider the constraints imposed on achieving those measures by the technical and operational requirements of the network.

POLICY 4

When considering the environmental effects of new transmission infrastructure or major upgrades of existing transmission infrastructure, decision-makers must have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.

POLICY 5

When considering the environmental effects of transmission activities associated with transmission assets, decision-makers must enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets.

POLICY 6
Substantial upgrades of transmission infrastructure should be used as an opportunity to reduce existing adverse effects of transmission including such effects on sensitive activities where appropriate.

POLICY 7
Planning and development of the transmission system should minimise adverse effects on urban amenity and avoid adverse effects on town centres and areas of high recreational value or amenity and existing sensitive activities.

POLICY 8
In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities.

POLICY 9
Provisions dealing with electric and magnetic fields associated with the electricity transmission network must be based on the International Commission on Non-ioninsing Radiation Protection *Guidelines for limiting exposure to time varying electric magnetic fields (up to 300 GHz)* (Health Physics, 1998, 74(4): 494-522) and recommendations from the World Health Organisation monograph *Environment Health Criteria* (No 238, June 2007) or revisions thereof and any applicable New Zealand standards or national environmental standards.

8. Managing the adverse effects of third parties on the transmission network

POLICY 10
In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

POLICY 11
Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).

9. Maps

POLICY 12
Territorial authorities must identify the electricity transmission network on their relevant planning maps whether or not the network is designated.

10. Long-term strategic planning for transmission assets

POLICY 13
Decision-makers must recognise that the designation process can facilitate long-term planning for the development, operation and maintenance of electricity transmission infrastructure.

POLICY 14
Regional councils must include objectives, policies and methods to facilitate long-term planning for investment in transmission infrastructure and its integration with land uses.

Explanatory note

This note is not part of the national policy statement but is intended to indicate its general effect

This national policy statement comes into force 28 days after the date of its notification in the *Gazette*. It provides that electricity transmission is a matter of national significance under the Resource Management Act 1991 and prescribes an objective and policies to guide the making of resource management decisions.

The national policy statement requires local authorities to give effect to its provisions in plans made under the Resource Management Act 1991 by initiating a plan change or review within four years of its approval.

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SUBMISSION ID#

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25/2/20

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3/3/20

Database Entry Operator:

BH

Proposed Plan Change 7: Outstanding Water Bodies

A submission to the Hawkes Bay Regional Council

25th February 2020

SUBMISSIONS ON PROPOSED CHANGE 7 TO THE HAWKES BAY REGIONAL RESOURCE MANAGEMENT PLAN UNDER CLAUSE 6 OF THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991

To:	Hawkes Bay Regional Council
Email:	owb@hbrc.govt.nz
Submission on:	Proposed Plan Change 7 – Outstanding Water Bodies
Submitter name:	Trustpower Limited
Address for service:	Trustpower Limited Private Bag 12023 TAURANGA 3143 Attn: Shelby Macfarlane-Hill
Phone:	027 269 9488
Email:	shelby.Macfarlane-Hill@trustpower.co.nz

Trustpower Limited ("Trustpower") makes the following submission to the Hawkes Bay Regional Council ("the Council") on Proposed Plan Change 7 to the Hawkes Bay Regional Resource Management Plan ("PC7").

Trustpower's submission on the individual provisions of PC7 is set out in the attached document.

Trustpower could not gain an advantage in trade competition through this submission.

Trustpower would like to be heard in support of its submission.

If others make a similar submission, Trustpower would be prepared to consider a joint case.

Signature:

Shelby Macfarlane-Hill

For, and on behalf of, Trustpower Limited

Dated: 25th February 2020

(2)

1.0 Introduction and Overview

1.1 Trustpower is a New Zealand based renewable electricity generator and multi product retailer, offering electricity, gas and telecommunication services. With a history dating back to 1915, Trustpower's electricity generation portfolio consists of 19 hydro-electric power schemes ('HEPS') throughout New Zealand. Within the Hawkes Bay Region, Trustpower owns and operates the Esk HEPS, a 5 MW scheme which consists of two small Power Stations, Rimu and Toronui. The Esk HEPS is located in the headwaters of the Esk River, and uses water from two streams, the Rimu and Toronui, to generate electricity.

2.0 Trustpower's Unique Portfolio

2.1 A number of Trustpower's electricity generation schemes are embedded into the local electricity distribution network and form a vital element in sustainable electricity supply within New Zealand. The location and scale of Trustpower's schemes, along with a commitment to local supply (so as to ensure that electricity is consumed as close as possible to where it is generated) is a key and somewhat unique feature of Trustpower's generation philosophy and portfolio.

2.2 Trustpower differs from other electricity generators in the following ways:

- Its assets are typically moderate in scale and output;
- The schemes are relatively numerous and complex;
- The capital investment in individual schemes is modest in comparison to other large generators; and
- The schemes are spread throughout a number of districts and regions in New Zealand often serving provincial areas where other large generators are not present.

3.0 Trustpower's Submission

3.1 Trustpower understands that the Hawkes Bay Regional Council ("the Council") is one of the first to publicly notify a plan change to implement the outstanding water bodies requirement of the National Policy Statement for Freshwater Management 2017 ("NPS-FM"), and the challenges the Council faces in light of this.

3.2 Trustpower is interested in the process which the Council has taken in identifying outstanding water bodies within the region. In preparing this submission, the supporting documentation was reviewed including the *s32 Evaluation Report* and the *Selecting a List of Outstanding Water Bodies* value assessment, as well as Proposed Plan Change 7 ("PC7") itself.

3.3 Trustpower acknowledges that the NPS-FM does not provide guidance on how outstanding waterbodies should be identified. The definition of an outstanding water body provided in PC7 is a freshwater body which has "*outstanding values including ecological, landscape, recreational and spiritual values*", however is not limited to only these values.

3.4 Trustpower supports the Council's approach in that a water body must contain outstanding cultural, spiritual, recreation, natural character, landscape, geological or ecological values which stand out from other waterbodies, in order to be considered an outstanding water body.

3.5 Trustpower submits on three key points. These are:

1. Whether a water body should demonstrate two or more values in an outstanding manner, and
2. Whether the values should be considered outstanding on a regional or national scale, and
3. The process of establishing an outstanding threshold and whether this has created a scale of outstanding amongst the candidate water bodies.

An accumulation of outstanding values to establish an outstanding status

3.6 In assessing PC7, Trustpower reviewed the assessment tables in the *Selecting Outstanding Water Bodies* report. This report identifies firstly which water bodies have an outstanding recreation, landscape, geological, natural character, or ecological values. Secondly, the tables distinguish which water bodies are clearly superior to the other candidate water bodies. Thirdly, the tables recognise which water bodies are consistently documented as outstanding in a number of different publications.

3.7 Trustpower supports this approach to the assessment of what could be considered an outstanding water body, particularly in regard to the water bodies which have been identified as clearly superior to the other water bodies. It is understood that these tables assisted in informing Schedule 25 of PC7 which records the outstanding values which establish the candidate outstanding waterbodies.

3.8 Trustpower submits that a water body should demonstrate two or more outstanding values in order for the water body to be considered outstanding. These values must both be *clearly* outstanding on their own merit. For instance, in Trustpower's opinion, Lake Waikaremoana clearly displays outstanding cultural, spiritual, ecological, natural character, landscape, geological, and recreational values, and is consistently recognised as outstanding in multiple publications. The Porangahau River and Estuary is also clearly outstanding for its culmination of cultural, spiritual, ecological, landscape, and geological values, also considering its abundance in archaeological sites and rare ecology.

3.9 Trustpower submits that the values which distinguish a waterbody as outstanding must include *more than* cultural *and* spiritual values. Trustpower submits that these values are considered as one and are not two separate values.

3.10 Only in exceptional circumstances is it evident that the cultural and spiritual values can establish a *clearly* outstanding water body on their own merit. For instance, the Waitangi Estuary in the lower reaches of the Ngaruroro River has significant regional historic and cultural heritage values with the original homestead of Williem Colenso being located there, and being a significant meeting place between different iwi/hapu. Trustpower would support this as an outstanding cultural value linked to the water body due to its historical significance to the community.

3.11 Trustpower also supports the Maungawhio Lagoon as an outstanding water body based on cultural and spiritual values alone due to it being the landing bay of the Takitumu waka. This is outstanding both in significance to Maori culture as a whole, being the waka which the iwi of the region identifies with, and that this is nationally eminent and conspicuous, being one of the few places in New Zealand to host a waka landing.

3.12 Trustpower submits that the waterbodies which have been identified within this plan change based on cultural and spiritual values alone should instead be provided for in a catchment based plan change wherein cultural and spiritual significance can be accounted

4

for. This is largely due to the values being subjective and may shift in importance from iwi to iwi, and hapu to hapu. The protection of specific water bodies which have particular spiritual and cultural significance is covered by other legislation and plans in which these values must be given particular consideration.

3.13 Not attracting an "outstanding" status does not take away a water bodies significance or right to appropriate protections. Trustpower submits that future catchment based plan changes which address water quality and quantity are more appropriate mechanisms to include these values in.

A national or regional context

3.14 In regard to the second issue, the NPS-FM does not clarify which level of assessment should be used when considering "outstanding" as being of regional or national significance.

3.15 It is understood that the Council completed the assessment of candidate waterbodies on a regional scale, after consideration of feedback from the PC 7 engagement phase. The feedback saw concerns that a number of outstanding water bodies within the region would be missed if the focus was on criteria set in a national context.

3.16 Trustpower submits that an outstanding water body should be outstanding in its own right no matter which context. The threshold for outstanding should be very high either way.

3.17 It is accepted that the Council has set the scale on a regional basis, which Trustpower notes is consistent with the Taranaki Regional Council's approach when they completed their outstanding water body assessment.

A scale of outstanding

3.18 Trustpower queries how robust the Council has been in applying the "outstanding" threshold. It is understood from the *Selecting Outstanding Water Bodies* report that "outstanding" sets a particularly high bar, in which the values or attributes associated with the water body must be superior to or standout from other water bodies within the region. This is consistent with the proposed definition of "outstanding" which means conspicuous, eminent, and/or remarkable in the context of the Hawke's Bay Region.

3.19 Trustpower queries whether identifying 42 candidate water bodies diminishes the use of this "outstanding" criteria. This means that water bodies which are only outstanding to a small group of people or only has a single outstanding value, would be given the same recognition as those waterbodies which clearly demonstrate outstanding-ness across a range of values and across the region.

3.20 For example, the Ngamatea East Swamp has outstanding cultural, spiritual, ecological, and natural character values, is the largest unmodified wetland in the Hawkes Bay, and contains high numbers of threatened indigenous plant species. The Mohaka River has also been identified as having outstanding cultural, spiritual, ecological, natural character, landscape, geological, and recreational values which stand out from other water bodies within the region and is recognised on a national scale for its exceptional fishing, rafting, and kayaking experiences. These water bodies clearly satisfy the outstanding criteria the Council has created.

3.21 Conversely, there are water bodies such as the Ripia River which is of great significance to Hineuru who have particular cultural and spiritual associations with the River, the Karamu River which is recognised as an important taonga of the Ngāti Hori hapu, and the Makirikiri River that is culturally significant to the people of Te Rongo a Tahu Marae. While

it is clear that these water bodies are significant to the hapu and iwi most closely associated with them, it is not clear that they satisfy the outstanding test which the council has established to the same degree as the Ngamatea East Swamp or Mohaka River.

3.22 Many of the waterbodies which have been identified as an outstanding candidate for similar reasons as the above Karamu or Makirikiri Rivers, have values which are similar to other water bodies across the region, meaning they do not satisfy the test of being outstanding on a regional basis. For instance, the Ripia River has cultural and spiritual values based on its use as a mahinga kai site, as is the case for the Tūtaekurī River, Waihua River, and Waipawa River. The outstanding aspect is diminished in this instance as mahinga kai is a common value felt throughout the region. A value cannot be outstanding if it is common.

3.23 Lake Whatuma, Lake Poukawa, Ngaruroro River and Estuary, and Whakakī Lake all provide habitat for the globally endangered Australasian Bittern. While this is significant due to the status of the birds, Trustpower submits that the protection of the habitat would be better suited to a catchment based plan change, and that this does not establish the water body as outstanding. Because the Australasian Bittern is present in multiple water bodies, this again fails the Council's outstanding test of requiring the value to stand out on a regional basis. A water body cannot stand out based on this value if there are multiple water bodies which share the same value. This diminishes the outstanding aspect of the value because it is widely shared across the region.

3.24 Trustpower submits that the large variation of candidate water bodies and their associated values has created a scale of 'outstanding' where there should not be one. The aforementioned examples show a clear distinction of where some waterbodies appear to be more outstanding than others.

3.25 Trustpower submits that an outstanding water body should be outstanding in its own right, and there should not be a scale amongst various waterbodies of what is more or less outstanding then the next waterbody. The definition the Council has used in first establishing that these water bodies should be superior to or stand out from others is appropriate, however the Council must be more robust in applying this and in what water bodies it considers meets the threshold.

3.26 Trustpower has identified which water bodies it considers fits the outstanding criteria in section 4 of this submission.

4.0 Specific Relief Sought by Trustpower

Chapter & Provision	Proposed Provision	Trustpower's Position	Trustpower's Submission	Relief Sought (additions underlined, deletions ~~struck through~~)
Glossary Chapter 9	Outstanding water body means freshwater bodies and estuaries, or parts thereof, identified in Schedule 25 that have one or more outstanding cultural, spiritual, recreation, landscape, geology, natural character orecology value(s).	Oppose	Trustpower opposes the identification of a water body being outstanding being dependent on one outstanding value alone. Unless there are exceptional or remarkable circumstances which justify the outstanding water body based on one value alone, Trustpower submits that there must be two or more clearly outstanding values which are outstanding on their own merit.	Amend as follows: Outstanding water body means freshwater bodies and estuaries, or parts thereof, identified in Schedule 25 that have ~~one~~ two or more outstanding cultural, spiritual, recreation, landscape, geology, natural character or ecology value(s)- unless exceptional circumstances demonstrate one clearly outstanding value which is remarkable in the context of the Region.
Glossary Chapter 9	Outstanding: for the purposes of an outstanding water body; outstanding means conspicuous, eminent, and/or remarkable in the context of the Hawke's Bay Region.	Support	Trustpower supports that the Council has based this assessment in the context of the region.	Retain as notified.
OBJ LW 1	1. protecting the outstanding and significant values ~~quality~~ of outstanding ~~fresh~~water bodies identified ~~listed~~ in Schedule 25 ~~Hawke's Bay~~;	Support	Trustpower supports that this objective is in line with the NPS-FM 2017 and that this provides for the Councils approach of separating outstanding and significant values.	Retain as notified.
POL LW1	1. Adopt an integrated management approach to fresh water and the effects of land use and development within each catchment area, that: ... (cC) assesses the outstanding water bodies identified in Schedule 25 to determine the significant values of those water bodies. This assessment include	Support	Trustpower supports that the Council have deleted "fresh" from "freshwater bodies" due to some candidate outstanding water bodies being estuaries. Despite this Plan Change stemming from a freshwater process, the Council is implementing the changes to their Regional Plan, which is inclusive of saltwater bodies. Because of this Trustpower supports removing "fresh"	Retain as notified.

Chapter & Provision	Proposed Provision	Trustpower's Position	Trustpower's Submission	Relief Sought (additions underlined, deletions ~~struck through~~)
	consideration of the values set out in Appendix 1 of the National Policy statement for Freshwater Management, and any other values that are determined to be relevant taking into account local and/or regional circumstances. d) ~~gives effect to provisions relating to outstanding freshwater bodies arising from the implementation of Policy LW1A~~ protects the outstanding and significant values of those outstanding water bodies identified in Schedule 25; dA) maintains, and where necessary enhances, the water quality of those outstanding ~~fresh~~water bodies identified in Schedule 25 ~~the catchment~~, and where appropriate, protects the water quantity of those outstanding ~~fresh~~water bodies;		from the outstanding water body criteria to allow for this.	
POL LW1	2. When preparing regional plans: ... ~~bA) recognise and provide for outstanding freshwater bodies and their values arising from the implementation of Policy LW1A; and~~ bA) in relation to any relevant outstanding waterbodies identified in Schedule 25: i) identify the significant values of that outstanding waterbody and the spatial		Trustpower supports that this policy seeks to identify outstanding water bodies and establish a protection criteria. Therefore Trustpower supports both bA(i) and bA(ii).	Retain as notified.

Chapter & Provision	Proposed Provision	Trustpower's Position	Trustpower's Submission	Relief Sought (additions underlined, deletions ~~struck through~~)
	and/or temporal extent of those values as relevant; ii) establish how the outstanding and significant values of outstanding water bodies identified in Schedule 25 will be protected by regulatory methods or non-regulatory methods or both; iii) include regional plan provisions to manage activities in a manner which avoids adverse effects that are more than minor on the outstanding and significant values of an outstanding water body identified in Schedule 25.			
POL LW2	Problem solving approach - Prioritising values Subject to achieving Policy LW1.3: 1. a) Policy LW 2.1 applies in the following catchment areas: i) Greater Heretaunga / Ahuriri Catchment Area ii) Mohaka Catchment Area iii) Tukituki Catchment Area. b) Policy LW 2.1 applies: i) When preparing regional plans for the specified catchments ~~specified in Policy LW 2.1; and~~ ii) When considering resource consents for activities in the specified catchments when no catchment-based regional plan has been prepared for the relevant catchment.	Support	The Council has created a hierarchy in which outstanding values have been prioritised over significant ones. Trustpower supports this as it adds clarity to the planning framework.	Retain as notified.

Chapter & Provision	Proposed Provision	Trustpower's Position	Trustpower's Submission	Relief Sought (additions underlined, deletions ~~struck through~~)
	c) ~~Give priority to Values~~ Values and uses of water bodies in these catchment areas[7] will be prioritised as follows: i) Protecting outstanding values of any outstanding waterbody in Schedule 25, then ii) Protecting significant values of any outstanding waterbody in Schedule 25, then iii) Maintaining, or enhancing where appropriate, the primary values and uses of freshwater bodies shown in Table 2A, then iv) Having particular regard to the secondary values and uses of freshwater bodies identified in Table 2A, then v) For values not specified in Table 2A or Schedule 25, the management approach set out in Policy LW 1 will apply vi) Evaluate and determine the appropriate balance between any conflicting values and uses within (not between) columns in Table 2A, using an integrated catchment-based process in accordance with Policy LW 1~~.1, Policy 1.2, Policy 1.3 and Policy 1.4~~ or when considering resource consent applications where no catchment-based regional plan has been prepared. 2. In relation to catchments not specified in Policy LW2.1, the management approach set out in Policy LW 1~~.1, Policy 1.2, Policy 1.3 and Policy 1.4~~ will apply.			

(10)

Chapter & Provision	Proposed Provision	Trustpower's Position	Trustpower's Submission	Relief Sought (additions underlined, deletions ~~struck through~~)
	Footnote 7: A map illustrating the indicative location of these Catchment Areas is set out in Appendix 'A'.			
POL LW3A	Decision Making Criteria – Outstanding Water Bodies 1. In relation to those types of activities identified in Policy LW3A.2, once the relevant catchment based regional plan change[9] is operative or after 31 December 2025, whichever is sooner, a consent authority must have regard to: a. the extent to which the activity would protect the outstanding value(s) described in Schedule 25 of the relevant outstanding waterbody b. the extent to which the activity would protect the significant values (if any) identified in Schedule 25 of the relevant outstanding waterbody c. whether, in order to protect the waterbody's outstanding values and significant values: i. the location of the proposed activity is appropriate ii. time limits, including seasonal or other limits on the activity may be appropriate. d. If there is a conflict between protecting an outstanding and a significant value of	Oppose	Trustpower considers this policy would be better suited as being effects based. The activity itself could work to protect an outstanding value, however the effects of the activity could cause adverse effects. For instance, installing monitoring equipment into a water body for the purpose of ensuring the water is maintained at an appropriate level could work to preserve an outstanding ecological value. However, the installation the monitoring gauge could have an adverse effect.	Amend as follows: 1. ... a. the extent to which the activity and its effects would ~~protect~~ affect the outstanding value(s) described in Schedule 2S of the relevant outstanding waterbody b. the extent to which the activity and its effects would ~~protect~~ affect the significant values (if any) identified in Schedule 25 of the relevant outstanding waterbody

Chapter & Provision	Proposed Provision	Trustpower's Position	Trustpower's Submission	Relief Sought (additions underlined, deletions ~~struck through~~)
	the same water body, protection of the outstanding value must be given preference.			
20 Schedule 25: Outstanding Water Bodies Part 1	To be identified as 'outstanding', the water body must feature at least one outstanding value. The water body may also feature other significant values which must be protected to give effect to the NPSFM. Information held by HBRC on the outstanding and significant values of 'outstanding water bodies' is available on the HBRC website, www.hbrc.govt.nz under #OWB.	Support in part	Trustpower supports Table 1 and the outstanding values and sub values identified. However, as discussed earlier this this submission, Trustpower considered that a waterbody must demonstrate more than one of these values in an outstanding manner in order to be recognised as an outstanding water body.	Amend as follows: To be identified as 'outstanding', the water body must feature at least ~~one~~ two outstanding values. The water body may also feature other significant values which must be protected to give effect to the NPSFM. Information held by HBRC on the outstanding and significant values of 'outstanding water bodies' is available on the HBRC website, www.hbrc.govt.nz under #OWB.
22 Schedule 25: Outstanding Water Bodies Part 1	Table 1: Outstanding values and sub values	Support	Trustpower supports the wording of this table. In particular, Trustpower supports that "cultural and spiritual" are in the same box which implies that they are considered as one value. Trustpower supports "cultural and spiritual" being one value.	Retain as notified.
23 Schedule 25: Outstanding Water Bodies 24 Part 2	Table 2: Outstanding Water Bodies, column 3 - Outstanding value(s) Cultural, spiritual,	Oppose in part	For clarity, Trustpower submits that when the values are listed in column 3 that cultural and spiritual values should be linked with an "&" sign to show that they are one value and not separated into two values with a comma. The rest of the values in column 3 should then be separated with a comma to show they are separate.	Amend as follows: Cultural~~,~~ & spiritual,

(12)

Chapter & Provision	Proposed Provision	Trustpower's Position	Trustpower's Submission	Relief Sought (additions underlined, deletions ~~struck through~~)
Schedule 25: Outstanding Water Bodies Part 2	Table 2: Outstanding Water Bodies	Support	As discussed earlier in Trustpower's submission, Trustpower considers that a waterbody should display two or more values in an outstanding manner in order to be considered an outstanding waterbody. On that basis Trustpower supports the following candidate water bodies which display two or more values in an outstanding manner being retained within Schedule 25.	Retain the following candidate water bodies as part of Schedule 25: 2. Heretaunga Aquifer 5. Lake Rotoroa / Rototuna 9. Lake Waikaremoana 10. Whakaki Lake / Lagoons 11. Lake Whatuma 13. Mangahouanga Stream 14. Maungawhio Lagoon 15. Mohaka River 17. Ngamatea Swamp 18. Ngaruroro River 21. Porangahau River 24. Ruakituri River 25. Ruataniwha Aquifer 27. Taruarau River 28. Te Hoe River 30. Ahuriri Estuary 31. Tukituki River 32. Tutaekuri River 33. Waiau River 37. Waipunga River

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Chapter & Provision	Proposed Provision	Trustpower's Position	Trustpower's Submission	Relief Sought (additions underlined, deletions ~~struck through~~)
Schedule 25: Outstanding Water Bodies Part 2	Table 2: Outstanding Water Bodies	Oppose	As discussed earlier in Trustpower's submission, Trustpower considers that a waterbody should display two or more values in an outstanding manner in order to be considered an outstanding waterbody. On that basis this schedule needs amending to remove those candidate water bodies which only display one value in an outstanding manner.	Delete the following candidate water bodies from Schedule 25: 1. Hautapu River 3. Karamu River 4. Kaweka and Ruahine Ranges wetlands 6. Lake Poukawa and Pekapeka Swamp 7. Lake Tūtira (including Aropaoanui River + Papakiri Stream) 8. Lake Waikareiti 12. Makirikiri River 16. Morere Springs 19. Nuhaka River 20. Opoutama Swamp 22. Putere Lakes 23. Ripia River 26. Tarawera Hot Springs 29. Te Paerahi River 34. Waihua River 35. Waikaretaheke River 36. Waipawa River 38. Wairoa River

14

Belinda Harper

From: OWB
Sent: Tuesday, 14 January 2020 11:31 AM
To: Belinda Harper
Subject: FIRST OWB SUBMISSION!!!!!!!

OFFICE USE ONLY

Submission ID# 39

Date Received: 14/1/20

Database Entry Date: 3/3/20

Database Entry Operator: BH

From: Wufoo <no-reply@wufoo.com>
Sent: Tuesday, 14 January 2020 11:29 AM
To: OWB <OWB@hbrc.govt.nz>
Subject: HBRC OWB Submission Form [#6]

Name *	Adrienne Tully
Address *	505 Hart Place Frimley Hastings, Hawkes Bay 4120 New Zealand
Email	purplesage@xtra.co.nz
Phone Number	0277264536
	I could not gain an advantage in trade competition
The specific provision(s) of the proposed Plan Change that my submission relates to are [e.g. objective, policy, water body]: *	Water Body, the Makaroro River.

My submission is that [Clearly indicate whether you support or oppose the specific provisions or wish to have them amended along with reasons]: *

I protest the glaring omission of the Makaroro River from the Outstanding Water Bodies list for the region.
I understand that no nomination was received for this river and I seek to amend that.
During the Ruataniwha water storage saga Kessels & Associates Ltd undertook ecological studies and these reports should be accessible by the council . These show the that this river should unequivocally qualify to be outstanding. Many times ,ratified by DOC, the river was referred to as "a rare, original braided river eco system. This was particularly emphasised in Kessels original' Proposed Integrated Mitigation and Offset Approach" report. In Dr Kessels Concise Summary of Evidence (para 1.5(d)) he states that the river is" an important seasonal

(1)

bird feeding habitat" The river is also an important fish passage and home to a colony of long tailed bats. These bats are considered to be nationally vulnerable to extinction and therefore all populations are important for the persistence of the species . The river area is also home to ecologically significant indigenous vegetation. Dutch Creek which flows into the Makaroro River is a significant freshwater wetland and seepzone.

I seek the following decision from the Council [give precise details to ensure your views are accurately represented in submission summary documents to be prepared by the council as part of the submission and hearing process] *	I seek the late inclusion of the Makaroro River to the outstanding water bodies proposed in change 7.
Do you wish to be heard in support of your submission? *	No
If others make a similar submission, would you consider presenting a joint case with them at a hearing? *	Yes

(2)

WAIKAREMOANA TRIBAL AUTHORITY

Peki mai: Te Kura Whenua, 6249 Lake Road, Te Urewera
Īmera: tari@wta.iwi.nz Waea: +64 6 837 3987
Pōhi: Kaitawa Mailshed, Tūai, 4195

23 January 2020

Hawkes Bay Regional Council
15 Appenzell Drive
Whakatāne

Tēnā koe

RE: Outstanding Water Bodies – Plan Change 7

I write on behalf of the Waikaremoana Tribal Authority, regarding the Proposed Plan Change 7 or the Outstanding Water Bodies Plan Change of the: Hawkes Bay Regional Council.

1 The Waikaremoana Tribal Authority strongly oppose the inclusion of Waikareiti, Waikaremoana and Waikareiti within the
2 HBRC proposed plan. These waterbodies sit under the authority of Te Urewera Board and are managed under the Te Kawa o Te Urewera management plan.

Nāku nā,

Lorna Taylor
Chairperson
Waikaremoana Tribal Authority

OFFICE USE ONLY

Submission ID#: 40

Date Received: 23/1/20

Database Entry Date: 5/3/20

Database Entry Operator: BH

(1)

(2)

Belinda Harper

From: Pearl Hiraka <pearl@wta.iwi.nz>
Sent: Thursday, 19 March 2020 1:43 PM
To: OWB
Subject: Re: Outstanding Water Bodies Submission
Attachments: 26 Feb 2020_Outward_HBRC_Outstanding Water Bodies Plan Change - Addition of Waikaretaheke.pdf

Kia ora Ellen,

Please find attached an updated submission from the Waikaremoana Tribal Authority chairperson opposing HBRC Outstanding Water Bodies Plan (addition of Waikaretāheke in water bodies).

Nāku na,

Pearl Hiraka
Administrator: Finance & Reception
Waikaremoana Tribal Authority

Poka mai Te Kura Whenua, 6249 Lake Road, Te Urewera
Waea +64 6 837 3987 Poti Kaitawa Mailshed, Tūai, 4195

DISCLAIMER: This e-mail (including attachments) may contain information which is confidential or legally privileged and may not rel
Authority.

OFFICE USE ONLY
Submission ID#
Date Received:
Database Entry Date:
Database Entry Operator:

From: OWB <OWB@hbrc.govt.nz>
Sent: Thursday, 23 January 2020 4:17 PM
To: Pearl Hiraka <pearl@wta.iwi.nz>; OWB <OWB@hbrc.govt.nz>
Subject: RE: Outstanding Water Bodies Submission

Kia ora Pearl

This email is to acknowledge receipt of your submission.

Regards

Ellen Robotham
Planner

From: Pearl Hiraka <pearl@wta.iwi.nz>
Sent: Thursday, 23 January 2020 2:22 PM
To: OWB <OWB@hbrc.govt.nz>
Subject: Outstanding Water Bodies Submission

Kia ora,

Please find attached a submission from the Waikaremoana Tribal Authority chairperson opposing HBRC Outstanding Water Bodies Plan.

Nāku na,

3

WAIKAREMOANA TRIBAL AUTHORITY

Peki mai: Te Kura Whenua, 6249 Lake Road, Te Urewera
Īmera: tari@wta.iwi.nz Wāea: +64 6 837 3987
Pōhi: Kaitawa Mailshed, Tūai, 4195

26 February 2020

Hawkes Bay Regional Council
Private Bag 6006
NAPIER

Tēnā koe,

RE: Outstanding Water Bodies – Plan Change 7

I am writing in regards to the Waikaremoana Tribal Authority submission sent on the 23 January 2020, regarding the Proposed Plan Change 7 or the Outstanding Water Bodies Change of the Hawkes Bay Regional Council.

The submission should read that the Waikaremoana Tribal Authority strongly oppose the inclusion of Waikareiti, Waikaremoana and Waikaretāheke within the proposed plan. These waterbodies sit under the authority of Te Urewera Board, as set out in the Te Urewera Act 2014. These waterbodies are managed under the Te Kawa o Te Urewera management plan.

Nāku nā,

Lorna Taylor, Chairperson
Waikaremoana Tribal Authority

OFFICE USE ONLY

SUBMISSION ID#

41

Date Received:

28/2/20

Database Entry Date:

5/3/20

Database Entry Operator:

BH

NOTICE OF SUBMISSION TO THE PROPOSED HAWKE'S BAY R MANAGEMENT PLAN PURSUANT TO CLAUSE 6 OF THE FIRS RESOURCE MANAGEMENT ACT 1991

To: Hawke's Bay Regional Council
Private Bay 6006
Napier

OWB@hbrc.govt.nz

Name:

Z-Energy Limited
PO Box 2091
WELLINGTON 6140

BP Oil New Zealand Limited
PO Box 99 873
AUCKLAND 1149

Mobil Oil New Zealand Limited
PO Box 1709
AUCKLAND 1140

Collectively referred to hereafter as the Oil Companies

Address for Service:

4Sight Consulting Limited
201 Victoria Street West
PO Box 911310
Auckland 1142

Attention: Sean Stirling

Phone: 027 204 5094

1

A. INTRODUCTION

1. Z Energy Limited, BP Oil New Zealand Limited and Mobil Oil New Zealand Limited (*the Oil Companies*) receive, store and distribute refined petroleum products. The core business of the Oil Companies is the operation and management of their individual service station networks, commercial refuelling facilities and bulk storage (terminal) facilities. The Oil Companies also supply petroleum products to individually owned businesses.

2. The Oil Companies operate a number of established refuelling facilities in the Hawke's Bay Region, including the Heretoga plains overlying the Heretaunga aquifer. It is critical that these existing facilities are able to be maintained, including periodic removal and replacement which may necessitate various activities to enable the Oil Companies to continue operating in this area, including:

    - The storage and use of hazardous substances at modern retail fuel facilities;
    - Passive discharges from legacy contaminated land;
    - Discharge of stormwater (treated in accordance with the Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand (MfE 1998), including to ground soakage;
    - Disturbance of contaminated soils to facilitate maintenance and upgrade of existing assets; and
    - Short term construction dewatering takes and discharges to enable replacement of aging underground petroleum storage systems.

B. THE SPECIFIC PROVISIONS OF THE PROPOSED PLAN CHANGE THAT THIS SUBMISSION RELATES TO ARE AS FOLLOWS:

2. This submission relates to the provisions of the proposed plan in Chapter 3.1A – Integrated Land Use and Freshwater Management

3. The specific provisions submitted on, the rationale for the Oil Companies submission on each of these matters and relief sought is contained within the attached Table. Changes sought to the provisions are shown by deletion in ~~strikethrough~~ and addition in <u>underline</u>.

4. In addition to the specific outcomes sought in the attached Table, the following general relief is sought:

    (a) Achieve the purpose and principles of the Resource Management Act 1991 (*RMA*) and consistency with the relevant provisions in Sections 6 - 8 RMA;

    (b) Give effect to the National Policy Statement for Freshwater Management 2014 (NPSFM) and the relevant sections of the operative Hawke's Bay Regional Policy Statement (*RPS*);

    (c) Assist the Council to carry out its functions of achieving the integrated management of the effect of the use, development or protection of land;

    (d) Meet the requirements of the statutory tests in section 32 of the RMA;

    (e) Avoid, remedy or mitigate any relevant and identified environmental effects;

(2)

(f) Make any consequential relief as required to give effect to this submission, including any consequential relief required that is not specifically subject of this submission but is required to ensure a consistent approach is taken; and

(g) Any other relief required to give effect to the issues raised in this submission.

C. **THE OIL COMPANIES WISH TO BE HEARD IN SUPPORT OF THIS SUBMISSION.**

D. **IF OTHERS MAKE SIMILAR SUBMISSIONS THE OIL COMPANIES MAY BE PREPARED TO CONSIDER PRESENTING A JOINT CASE WITH THEM AT ANY HEARING.**

E. **THE OIL COMPANIES COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.**

F. **THE OIL COMPANIES ARE DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT –**

a. **ADVERSELY EFFECTS THE ENVIRONMENT; AND**

b. **DOES NOT RELATE TO TRADE COMPENTITION OR THE EFFECTS OF TRADE COMPETITION.**

Dated at Auckland this 28 day of February 2020.

Signature of person authorised to sign on behalf of the Oil Companies

Sean Stirling
Planning and Policy Consultant

3

Section and Notified change	Support/ Oppose	Rationale	Relief Sought
Chapter 3.1A – Integrated Land Use and Freshwater Management			
LW - Objectives			
OBJ LW1 – Integrated management of fresh water and land use and development *Fresh water and the effects of land use and development are managed in an integrated and sustainable manner which includes:* *1. Protecting the outstanding and significant values ~~qualities~~ of outstanding ~~fresh~~water bodies identified ~~listed~~ in Schedule 25 ~~Hawke's Bay~~;* *2. ....*	**Support**	A direction to protect is a strong direction. The Oil Companies support the focus on protecting the *outstanding and significant values* (and not all values) and the identification of the same in a schedule to the plan.	**Retain OBJ LW 1 as notified.**
LW – Policies			
POL LW1 – Problem solving approach – Catchment-based integrated management *1. Adopt an integrated management approach to fresh water and the effects of land use and development within each catchment area, that:* *cC assesses the outstanding water bodies identified in Schedule 25 to determine the significant values of those water bodies. This assessment includes consideration of the values set out in Appendix 1 of the National Policy statement for Freshwater Management, and any other values that are determined to be relevant takin into account local and/or regional circumstances.*	**Support**	The Oil Companies support the requirement to determine the significant values of outstanding water bodies. This will help ensure activities that may have effects, but not on those particular values, will not be unduly restricted and is consistent with Objective A2 of the NPSFM.	**Retain POL LW1.1. as notified.**

d) ~~*gives effect to provisions relating to outstanding freshwater bodies arising from the implementation of Policy LW1A*~~ *protects the outstanding and significant values of those outstanding water bodies identified in Schedule 25*[4]*;* dA) *maintains, and where necessary enhances, the water quality of those outstanding ~~fresh~~water bodies identified in Schedule 25 ~~the catchment~~, and where appropriate, protects the water quantity of those outstanding ~~fresh~~water bodies;*			
2. *When preparing regional plans:* ~~*bA) recognise and provide for outstanding freshwater bodies and their values arising from the implementation of Policy LW1A; and*~~ *bA) in relation to any relevant outstanding water bodies identified in Schedule 25:* i) *identify the significant values of that outstanding waterbody and the spatial and/or temporal extent of those values as relevant;* ii) *establish how the outstanding and significant values of outstanding water bodies identified in Schedule 25 will be protected by regulatory methods or non-regulatory methods or both;* iii) *Include regional plan provisions to manage activities in a manner which avoids adverse effects that are more than minor on the outstanding and significant*	**Support**	The Oil Companies support the need to identify significant values, including their spatial and temporal extent to enable protection of those values without unintentionally restricting a range of other activities. The Oil Companies also support the intention at bAiii to include regional plan provision to manage activities to avoid adverse effects that are more than minor but note the inference is that minor effects may be acceptable. Any provisions allowing minor effects would need to be carefully drafted to align with the balance of objectives and policies but in principle the Oil Companies support an approach that does not set a zero effects threshold.	**Retain POL LW1.2 as notified.**

values of an outstanding water body identified in Schedule 25.		This may be significant for a range of activities, including maintenance, upgrade and operation of a range of existing activities.	
POL LW2 – Problem solving appraach – Prioritising values *Subject to achieving Policy LW1.3:* *Policy 1.* *a) Policy LW 2.1 applies in the following catchment areas:* *i) Greater Heretaunga / Ahuriri Catchment Area* *ii) Mahaka Catchment Area* *ii) Tukituki Catchment Area.* *b) Policy LW2.1 applies:* *i) When preparing regianal plans for the specified catchments ~~specified in Policy LW 2.1; and~~* *ii) When considering resource consents for activities in the specified catchments when no catchment-based regional plan has been prepared for the relevant catchment.* *c) ~~Give priority to~~ Values and uses of water bodies in these catchment areas will be prioritised as follows:*	**Support**	The Oil Companies support the prioritisation of values and uses as prescribed by this policy, particularly the requirement to protect outstanding and significant values and the less directive requirements for other values.	**Retain POL LW2.1 as notified.**

i) *Protecting outstanding values of any outstanding waterbody in Schedule 25, then* ii) *Protecting significant values of any outstanding waterbody in Schedule 25, then* iii) *Maintaining, or enhancing where appropriate, the primary values and uses of freshwater bodies shown in Table 2A, then* iv) *Having particular regard to the secondary values and uses of freshwater bodies identified in Table 2A, then* v) *For values not specified in Table 2A or Schedule 25, the management approach set out in Policy LW 1 – will apply* vi) *Evaluate and determine the appropriate balance between any conflicting values and uses within (not between) columns in Table 2A, using an integrated catchment-based process in accordance with Policy LW 1. ~~1, Policy 1.2, Policy 1.3 and Policy 1.4~~ or when considering resource consent application where no catchment-based regional plan has been prepared.*			
POL LW3A – Decision Making Criteria – Outstanding Water Bodies 1. *In relation to those types of activities identified in Policy LW3A.2, once the relevant catchment based regional plan change is operative or after 31 December 2025, whichever is sooner, a consent authority must have regard to:*	**Support in Part**	The Oil Companies support POL LW3A to require assessment against LW3A1 where the identified activities are classified as discretionary or non-complying by a rule in a regional plan.	**Retain POL LW3A as notified.**

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a. *The extent to which the activity would protect the outstanding value(s) described in Schedule 25 of the relevant outstanding waterbody* b. *the extent to which the activity would protect the significant values (if any) identified in Schedule 25 of the relevant outstanding waterbody* c. *whether, in order to protect the waterbody's outstanding values and significant values:* i. *the location of the proposed activity is appropriate* ii. *time limits, including seasonal or other limits on the activity may be appropriate.* d. *If there is a conflict between protecting an outstanding and a significant value of the same water body, protection of the outstanding value must be given preference.* 2. *Policy LW3A.1 only applies to the following activities classified as a discretionary activity or a non-complying activity by a rule in a regional plan:* a. *A take, use, damming, or diversion of water from an outstanding waterbody* b. *A change to any existing take, use, damming or diversion of water from an outstanding waterbody* c. *A discharge or a change or increase in any discharge of a contaminant into an outstanding waterbody* d. *A discharge or a change or increase in any discharge of a contaminant onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that*			

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contaminant, any other contaminant) entering an outstanding waterbody e. *A land use consent for any new structure in the bed of an outstanding waterbody* f. *A land use consent for any new or increased disturbance of the bed of an outstanding waterbody that is not already authorized by a current land use consent.* 3. *Policy LW3A.1 only applies in the following circumstances:* a. *Where a description of the outstanding waterbody's outstanding values(s) is stated in Schedule 25 and/or* b. *Where a description of the outstanding waterbody's significant values(s) is stated in Schedule 25.*			

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