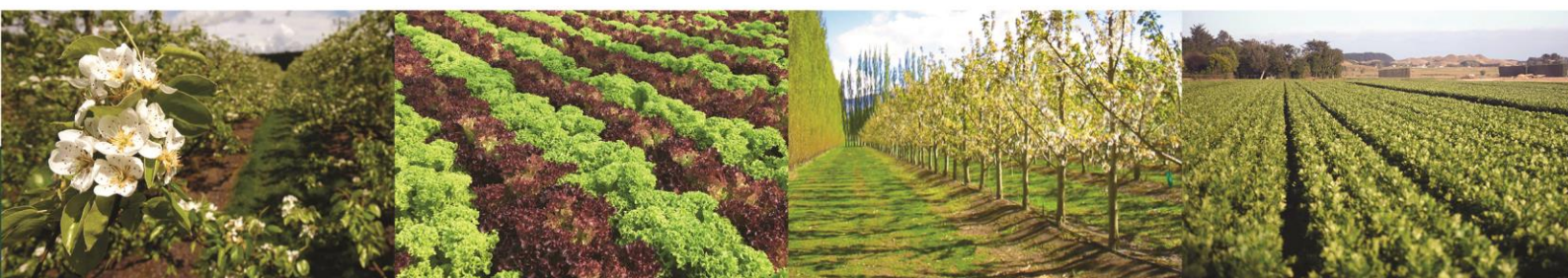


# Further Submission on Hawke's Bay Regional Council Proposed Plan Change 9

9 December 2020

**TO:** Hawke's Bay Regional Council

**NAME OF SUBMITTER:** Horticulture New Zealand



## **CONTACT FOR SERVICE:**

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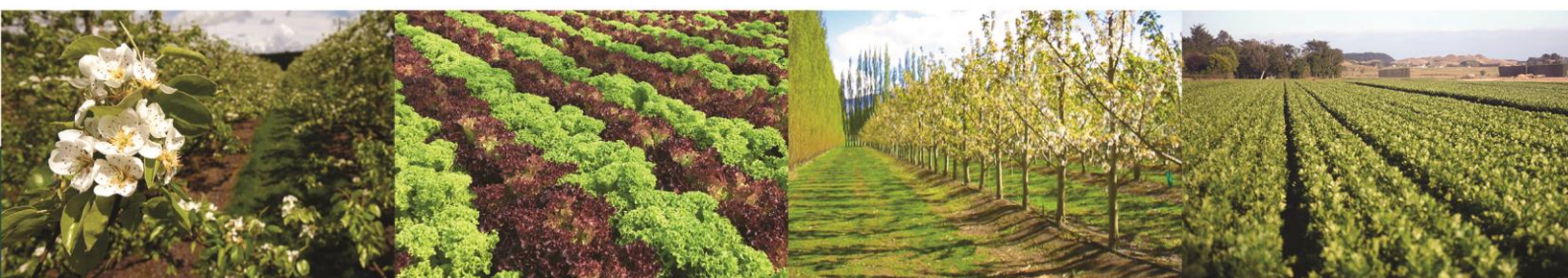
## HortNZ's Further Submission on Hawke's Bay Regional Council Proposed Plan Change 9

HortNZ would like to thank Hawke's Bay Regional Council (HBRC) for the opportunity to provide comment on the submissions of other parties lodged on Proposed Plan Change 9 through this further submission process, and provide comments on matters of particular interest raised in a number of submissions in the attached table.

As outlined in our original submission, HortNZ represents the interests of around 250 horticultural growers that live within the TANK Catchments. HortNZ wishes to be heard in support of this submission and would be prepared to consider presenting our submission in a joint case with others making a similar submission at any hearing.

For the sake of clarity, it is noted that HortNZ continues to seek all the relief set out in the organisation's original submission, as detailed in the summary table on pages 45-64 of that submission.

Although this further submission focuses primarily on identifying matters raised by other submitters that HortNZ opposes, HortNZ would like it noted that the organisation supports the submissions and matters raised by many other submitters – particularly those representing the views of others parts of the primary sector, such as Hawke's Bay Winegrowers Association Inc (Submission 29), Twyford Water (Submission 99), Heinz Watties Limited (Submission 193) and Federated Farmers of New Zealand (Submission 195). HortNZ also acknowledges and supports the many submissions made by individual horticultural growers, as well as those of the Hawke's Bay Vegetable Growers Association (Submission 214), and New Zealand Apples and Pears (Submission 216) which is one of HortNZ's product groups. However, in the interests of time and efficiency, the detail provided in this further submission has focused on identifying matters raised in submissions that HortNZ opposes.



## HortNZ Further Submission on Proposed Plan Change 9

Submitter name & #	Stat #	Provision	Relief sought by submitter	HortNZ support/oppose	Reason/s	Decision sought (allow/disallow)
Hawke's Bay Fish and Game, 58	58.23	Policy 36 & 37	Amend to cap groundwater use at 70 million m <sup>3</sup> until hydrological investigations and aquifer modelling have been undertaken	Oppose	Arbitrarily adopting a new limit until further investigations can be done will have a detrimental impact on the ability of horticultural growers to produce crops. Irrigation systems are designed based on rate and volumes in water permits – changes to these require irrigation system redesign which takes time and may also necessitate other changes to operations. The submitter has not provided an effects based argument in support of this proposal. HortNZ supports the gathering of further information about actual and reasonable water use, but this must be done in a considered way over a realistic timeframe.	Disallow submission
	58.25	Policy 42	Remove Policy 42 in its entirety	Oppose	Linked with the comments in relation to Policies 36 and 37 above, arbitrarily adopting a new limit until further investigations can be done will have a detrimental impact on the ability of horticultural growers to produce crops – many of which are essential for domestic food supply. The proposed approach set out in Policy 42 is the most appropriate way to manage the review of the proposed limit that avoids unnecessary restrictions on groundwater use in the interim. The review of the groundwater allocation limit must be undertaken in a sensible and systematic manner and be based on actual rather than modelled data.	Disallow submission
	58.31	All rules	Matters of control/discretion should also direct notification	Oppose	Sections 95-95G of the RMA set out clear tests for the notification of consent applications. HortNZ does not believe there is any need to add additional direction into PC9 regarding notification.	Disallow submission
	58.32	TANK 17	Seeks multiple additional rivers and tributaries are excluded from damming.	Oppose	The submitter has provided no justification for the need to prohibit damming on these additional rivers and tributaries.	Disallow submission

	58.37	Schedule 29	Remove Schedule 29 and replace with per ha loss rates	Oppose	HortNZ submits that any restriction on land use change needs to be load based not per ha as this reflects the effects based premise of the RMA.	Disallow submission
Napier City Council, 63	63.2	Objective 16	Allow allocation of water in accordance with successive versions of HPU DS (2017) and/or any requirements prescribed under a NPS on Urban Development	Oppose	HortNZ is firmly of the view that all water permit holders must take steps to achieve efficiency gains and the submitters proposed amendment appears to seek an exemption from that for the submitter. The water resource is limited and all water users must learn to manage within limits.	Disallow submission
	63.3 & 63.5	Policy 36 & 37	Amendments to existing wording of Policies 36 and 37 to allow new takes in 'exceptional circumstances'	Support	HortNZ supports the proposed changes as they acknowledge that there are likely to be unprecedented and unforeseen circumstances in which new takes may be necessary and appropriate, and the proposed amendments provides guidance about how decisions on those should be made.	Allow submission
	63.8	Policy 40	Allow transfer of allocated but unused water if it is to be used to assist augmentation	Support	HortNZ supports the proposed amendment as it clarifies the policy.	Allow submission
Hawke's Bay Drinking Water Governance Joint Committee, 119	119.23	Definition of registered drinking water supply or supplies	Seek alignment with Taumata Arowai-Water Services Regulator Bill once enacted	Support in part	HortNZ supports consistency in terminology across regulations where appropriate, but caution that care is needed in adopting terminology from other legislation to ensure that unintended consequences are avoided. In the example provided in the submission it is indicated that anyone other than a domestic self-supplier would become a registered drinking water supplier. The consequences of this would be immense – in the first instance, the location of all such supplies (which would appear to include a farm bore that is used to supply more than one dwelling) would need to be confirmed and mapped to allow the rules to be	Allow in part if and when consequences of doing so have been understood

					enforced which in itself would be a significant piece of work that would need to be undertaken by the regional council.	
Ngati Kahungunu Iwi Incorporated 120	120.11	Whole of PC9	Amend PC9 to give effect to the NPSFM 2020	Support in part	HortNZ supports the alignment of PC9 with the NPSFM2020 where it is within scope.	Allow submission
	120.6	Policy 37	Introduce a groundwater allocation limit of 70 million m <sup>3</sup> per annum	Oppose	Arbitrarily adopting a new limit until further investigations can be done will have a detrimental impact on the ability of horticultural growers to produce crops. Irrigation systems are designed based on rate and volumes in water permits – changes to these require irrigation system redesign which takes time and may also necessitate other changes to operations. The submitter has not provided an effects based argument in support of this proposal. HortNZ supports the gathering of further information about actual and reasonable water use, but this must be done in a considered way over a realistic timeframe.	Disallow submission
	120.52	Policy 48	Do not allow transfer of water permits into over-allocated ground and surface water management units or between catchments	Oppose	The relief sought seems non-sensical, and where other relevant requirements can be met, transfer into over-allocated water management units is something that HortNZ supports.	Disallow submission
	120.42	Policy 51	No takes for primary production to occur below minimum flow and no priority under water shortage directions	Oppose	Provision must be made to enable water to be taken below minimum flow to enable the survival of horticultural tree crops, as the death of these would have far-reaching economic and social effects that impact the entire community. The ability for growers of domestic food to take water for irrigation below minimum flows is also critically important, and arguably essential for the maintenance of public health, and the communities well-being and health, and must also be provided for.	Disallow submission
	120.32	Policy 52	Require proportional clawbacks across all existing consents	Oppose	HortNZ opposes proportional clawbacks as it is not accompanied by any effects based argument.	Disallow submission



	120.54	Policy 56	Do not enable managed aquifer recharge or stream flow maintenance to address depletion and quality effects	Oppose	While HortNZ notes that there is still work to be done to confirm whether or not managed aquifer recharge and stream flow maintenance is feasible within the TANK Catchments, HortNZ is supportive of both options being investigated, and if feasible, enabled, as more regular restrictions on the ability of growers to take water for irrigation (which is one possible implication of such schemes not proceeding) will have widespread detrimental effects across the entire TANK community.	Disallow submission
	120.23	TANK 1-6	Require consent for production land use in priority catchments, and catchments required to meet water quality targets in Schedule 26 within the life of the plan	Oppose	HortNZ has concerns about blanket regulation of all production land use and believe that it should be required only on an effects basis. HortNZ in its own submission raised concerns about the lack of clarity about where and what the extent of the priority catchments were, and until this is clarified, have reservations about the submitters proposed approach, as the scale of what is sought is unclear, and therefore HortNZ is unable to understand the extent of the potential impact on growers – noting also that the nutrient losses of different type of horticulture vary significantly, which further justifies a more nuanced approach based on actual and potential effects.	Disallow submission
	120.24	TANK 1-6	Control use of production land in all other catchments to maintain water quality	Oppose	As highlighted above, HortNZ is opposed to blanket regulation and favours a nuanced approach based on the actual and potential effects of production land use. HortNZ does not believe that regulation of all production land use is necessary nor appropriate, and also would create a huge (and arguably unnecessary) workload for HBRC – which is a practical consideration that should be taken into account.	Disallow submission
	120.25	TANK 1	Require farm plans for all farmers over 4ha in TANK Catchments	Oppose	HortNZ is opposed to the proposal to require farm plans for all properties over 4ha and if alignment with any other regulations is considered to be necessary suggest that alignment with Part 9A of the Resource Management Amendment Act 2020. For the record, HortNZ is also comfortable with the proposed 10ha farm size proposed in PC9 being maintained.	Disallow submission
	120.53	TANK 17	Prohibit all new large run-of-river damming	Oppose	Without a definition of ‘run-of-river damming’ it is unclear how far-reaching this proposal is. HortNZ is generally opposed to blanket prohibitions unless the basis for this is clearly established, which it is not in this case. The ability to create dams in which high flow water can be stored is critical to the availability of any new water within the TANK catchments,	Disallow submission

					therefore all provisions relating to the take and storage of that water need to be carefully considered.	
	120.26 & 120.31	RRMP Rule 7	Increase setbacks for vegetation clearance and cultivation to 10m	Oppose	HortNZ opposes a blanket 10m setback as it potentially makes tracts of land that could be used for the development of permanent horticultural crops unusable. The more nuanced approach proposed in TANK, based on risk due to slope, is favoured.	Disallow submission
	120.60	TANK rules	Introduce prohibited status for water allocation that does not meet 'the above criteria'.	Oppose	HortNZ is opposed to the introduction of such a rule as a 'catch all' as this removes any ability for future consents to be granted which in HortNZ's experience is problematic because there are always legitimate uses that arise that have not been foreseen at the time of plan drafting. Non-complying activity status provides the ability for the consent authority to approve consent for such uses, in the rare, but arguably foreseeable circumstances that new and justified water use arises.	Disallow submission
	120.19	Schedule 26	Seek that timeframes for achievement are within the life of PC9	Oppose	HortNZ submits that limits and targets set in any catchment specific plan must be achievable. All water users need time to be able to change their behaviour and align it with new regulations. The NPSFM2020 allows a target attribute state to be set that will achieve an outcome, which is what is done in this plan. HortNZ supports the approach adopted by HBRC to take multiple plan iterations to achieve limits, and notes this is consistent with approaches taken in other catchments across the country.	Disallow submission
	120.119	Schedule 30	Believe it is unenforceable and are opposed to managing effects of land use using farm plans	Oppose	HortNZ supports the use of farm plans to manage land use because of their ability to be tailored to a particular property and focus on the risks that are present there. HortNZ also strongly supports a collective approach to managing land use, as again, this allows mitigation efforts to be specifically targeted, and catchment based, rather than focusing on change on individual properties which may not actually be the most effective means of realising freshwater improvements. HortNZ notes that Part 9A of the Resource Management Amendment Act 2020 sets out a regulatory framework for farm plans and establishes consequences if farm plans are not completed and are supportive of farm plans being recognised and used as a tool within PC9 to help achieve improvements in land use practices.	Disallow submission

	120.175	Schedule 31	Outside irrigation season higher minimum flows apply	Oppose	HortNZ opposes the proposal as it is not accompanied by any effects based argument.	Disallow submission
	120.46		Ensure all allocation limits are less than 30% naturalised MALF	Oppose	HortNZ is opposed to the imposition of a blanket based approach to the setting of allocation limits, and supports a bespoke, evidence based approach, as HortNZ understands has been used in the TANK process.	Disallow submission
	Various incl 120.50 etc		Various amendments to minimum flows	Oppose	HortNZ opposes the proposal as it is not accompanied by any effects based argument, nor a thorough assessment across all of the well beings (environmental, cultural, social and economic) of what the effects of the proposal would be. Without that, no one, including the submitter can be cognisant of the effects of the request therefore HortNZ opposes the change sought.	Disallow submission
	120.51	Schedule 32	Set high flow allocations for all rivers that ensure hydrological alteration of the flow regime is minimised and maintained close to natural flow regimes	Oppose	The availability of high flow water provides the only avenue for new takes under the proposed PC9 regime, therefore HortNZ submits that it is critical that the volume available is not unnecessarily restricted. The calculation of allocations should be supported by scientific assessment and focus on the maintenance of values and functions associated with the relevant water body.	Disallow submission
	120.110	Terminology	Terms such as 'good practice' have multiple and unclear meanings and must be replaced with more directive wording and defined performance standards	Oppose	Good management practice is an internationally established concept and is defined through codes and standards at national level. Good management practice does however change over time to reflect new knowledge therefore it is not appropriate to link it to defined regulatory performance standards that cannot be easily amended as new knowledge becomes available that further improves practice.	Disallow submission
Department of	123.18	Whole of PC9	Amend PC9 to give effect to the NPSFM 2020	Support in part	HortNZ supports the alignment of PC9 with the NPSFM2020 where it is within scope.	Allow submission in part



Conservation, 123	123.42	Policy 3	Reword policy	Oppose	HortNZ notes that it is unclear whether regulation is proposed for all land use activities in wetland and lake catchments, or if this is only proposed where effects cannot be managed to reduce sediment and nutrient inputs etc. HortNZ has concerns about blanket regulation of production land use and believe that it should be required only on an effects basis.	Disallow submission
	123.43 & 123.44	Policy 4 & 5	Regulate land use within priority catchments	Oppose	HortNZ has concerns about blanket regulation of all production land use and believe that it should be required only on an effects basis. HortNZ in its own submission raised concerns about the lack of clarity about where and what the extent of the priority catchments were, and until this is clarified, have reservations about the submitters proposed approach, as the scale of what is sought is unclear, therefore HortNZ is unable to understand what the potential impact on growers could be – noting also that the nutrient losses of different type of horticulture vary significantly, which further justifies a more nuanced approach based on actual and potential effects being adopted.	Disallow submission
	123.52	Policy 17	Delete existing and alternative included	Oppose	HortNZ has concerns about blanket regulation of all production land use and believe that it should be required only on an effects basis. HortNZ in its own submission raised concerns about the lack of clarity about where and what the extent of the priority catchments were, and until this is clarified, have reservations about the submitters proposed approach, as the scale of what is sought is unclear, therefore HortNZ is unable to understand what the potential impact on growers could be – noting also that the nutrient losses of different type of horticulture vary significantly, which further justifies a more nuanced approach based on actual and potential effects being adopted.	Disallow submission
	123.53	Policy 18	Develop N allocation framework in priority catchments and additional regulation of land use in 'non-priority' catchments	Oppose	HortNZ submits that the development of any allocation regime needs to be informed by a robust and multi-faceted assessment of its impact, which HortNZ does not understand has been undertaken.	Disallow submission

123.58	Policies 23 and 24	Seek deletion of both policies	Oppose	HortNZ supports the use of farm plans to manage land use because of their ability to be tailored to a particular property and focus on the risks that are present there. HortNZ also strongly supports a collective approach to managing land use, as again, this allows mitigation efforts to be specifically targeted, and catchment based, rather than focusing on change on individual properties which may not actually be necessary. HortNZ notes that Part 9A of the Resource Management Amendment Act 2020 sets out a regulatory framework for farm plans and establishes consequences if farm plans are not completed and are supportive of farm plans being recognised and used as a tool within PC9 to help achieve improvements in land use practices.	Disallow submission
123.74 & 123.75	Policy 39 & 40	Delete all references to stream flow maintenance from PC9	Oppose	While HortNZ agrees that there is still work to be done to confirm whether or not stream flow maintenance is feasible within the TANK Catchments, HortNZ is supportive of it being investigated, and if feasible enabled, as more regular restrictions on the ability of growers to take water for irrigation (which is one possible implication of such schemes not proceeding) will have widespread detrimental effects across the entire TANK community.	Disallow submission
123.88	Policy 51	Seek that all takes cease at minimum flow except takes for human drinking water	Oppose	Provision must be made to take water below minimum flow to enable the survival of horticultural tree crops, as the death of these have ongoing economic and social effects that impact the entire community. The ability for growers of domestic food (fruit and vegetables) to continue to take water for irrigation below minimum flow is also critically important, and arguably essential for the maintenance of public health, and the communities well-being and health.	Disallow submission
123.90	Policy 53	Frost protection volumes included within allocation limits, and subject to minimum flows	Oppose	HortNZ opposes the proposal as it is not accompanied by any effects based argument. Frost protection is critical for the protection of permanent horticultural crops and can and should not be unnecessarily restricted.	Disallow submission
123.91	Policy 54 & 58 & TANK 17	Seek prohibition of run of river damming	Oppose	Without a definition of 'run-of-river damming' it is unclear how far-reaching this proposal is. HortNZ is generally opposed to blanket prohibitions unless the basis for this is clearly established, which it is not in this case. As noted above, the ability to create dams in which to store high flow water is critical	Disallow submission

					to the availability of any new water within the TANK catchments, therefore all provisions relating to the take and storage of that water need to be carefully considered.	
123.92	Policy 55	High flow takes are not permitted at anything under three times median flow	Oppose		The availability of high flow water provides the only avenue for new takes under the proposed PC9 regime, therefore HortNZ submits that it is critical that the volume available is not unnecessarily restricted. The calculation of allocations and trigger flows for high flow takes should be supported by scientific assessment and focus on the maintenance of values and functions associated with the relevant water body.	Disallow submission
123.96	TANK 1-6	Regulate productive land use in priority catchments	Oppose		HortNZ has concerns about blanket regulation of all production land use and believe that it should be required only on an effects basis. HortNZ in its own submission raised concerns about the lack of clarity about where and what the extent of the priority catchments were, and until this is clarified, have reservations about the submitters proposed approach, as the scale of what is sought is unclear, and therefore HortNZ is unable to understand what the potential impact on growers could be – noting also that the nutrient losses of different type of horticulture vary significantly, which further justifies a more nuanced approach based on actual and potential effects being adopted.	Disallow submission
123.97	TANK 1-6	Control use of production land for farming in all other catchments to main water quality	Oppose		As highlighted above, HortNZ is opposed to blanket regulation and favours a nuanced approach based on the actual and potential effects of production land use. HortNZ does not believe that regulation of all production land use is necessary nor appropriate, and also would create a huge (and arguably unnecessary) workload for HBRC – which is a practical consideration that should be taken into account.	Disallow submission
123.2	TANK 10	Seek that all takes not essential for the health needs of people and communities cease when minimum flows are reached	Support in part		The ability for growers of domestic food supply to take water for irrigation below minimum flows is arguably essential for the health needs of people and on this basis HortNZ would support in part what the submitters is seeking.	Allow submission in part

	123.106	TANK 11, 12 & 16	Seek that all takes outside of allocation limits (including frost protection) are prohibited	Oppose	HortNZ is opposed to the proposed prohibited activity status because this removes any ability for any further consents to be granted which in HortNZ's experience is problematic because there are always legitimate uses that arise that are not foreseen at the time of plan drafting. Non-complying activity status provides the ability for the consent authority to approve consent for such uses, in the rare, but arguably foreseeable circumstances that legitimate new water uses arise.	Disallow submission
	123.117	RRMP Rule 7	Increase setbacks for vegetation clearance and cultivation to 10m	Oppose	HortNZ opposes a blanket 10m setback as it potentially makes tracts of land that could be used for the development of permanent horticultural crops unusable. The more nuanced approach proposed in TANK, based on risk due to slope, is favoured.	Disallow submission
	123.147	Schedule 30	Outcome sought by submitter is unclear	Oppose	HortNZ supports the use of farm plans to manage land use because of their ability to be tailored to a particular property and focus on the risks that are present there. HortNZ also strongly supports a collective approach to managing land use, as again, this allows mitigation efforts to be specifically targeted, and catchment based, rather than focusing on change on individual properties which may not actually be necessary. HortNZ notes that Part 9A of the Resource Management Amendment Act 2020 sets out a regulatory framework for farm plans and establishes consequences if a farm plan is not completed, and are supportive of farm plans being recognised and used as a tool within PC9 to help achieve improvements in land use practices.	Disallow submission
	123.4	Schedule 31	Ensure all allocation limits are less than 30% MALF	Oppose	HortNZ is opposed to the imposition of a blanket based approach to the setting of allocation limits, and supports a bespoke, evidence based approach.	Disallow submission
	Various incl 123.5	Schedule 31	Seek various amendments to minimum flows and allocation limits	Oppose	HortNZ opposes the proposal as it is not accompanied by any effects based argument, nor a thorough assessment across all of the well beings (environmental, cultural, social and economic) of what the effects of the proposal would be. Without that, no one, including the submitter can be cognisant of the effects of the request therefore HortNZ opposes the change sought.	Disallow submission
	123.148		Seek addition of minimum	Oppose	HortNZ is not aware of any evidential basis that supports this submission and cautions that similar approaches have been taken in other parts of the country that have not worked.	Disallow submission

			groundwater levels			
	123.6	Schedule 32	Set high flow allocation that ensure hydrological alternation of flow regime is minimised and maintained close to natural flow regimes	Oppose	The availability of high flow water provides the only avenue for new takes under the proposed PC9 regime, therefore HortNZ submits that it is critical that the volume available is not unnecessarily restricted. The calculation of allocations should be supported by scientific assessment and focus on the maintenance of values and functions associated with the relevant water body.	Disallow submission
Te Taiwhenua o Te Whanganui a Orotu, 127	127.6	Policy 37	Reduce allocation over 10 years to 70 million m <sup>3</sup> , which includes a cultural allocation to both mana whenua and iwi, and to wai/water	Oppose	Arbitrarily adopting a new limit until further investigations can be done will have a detrimental impact on the ability of horticultural growers to produce crops. Irrigation systems are designed based on rate and volumes in water permits – changes to these require irrigation system redesign which takes time and may also necessitate other changes to operations. The submitter has not provided an effects based argument in support of this proposal. HortNZ supports the gathering of further information about actual and reasonable water use, but this must be done in a considered way over a realistic timeframe.	Disallow submission
	127.18	Tank 1-6	Control the use of production land in all catchments to maintain water quality	Oppose	HortNZ has concerns about blanket regulation of all production land use and believe that it should be required only on an effects basis. HortNZ in its own submission raised concerns about the lack of clarity about where and what the extent of the priority catchments were, and until this is clarified, have reservations about the submitters proposed approach, as the scale of what is sought is unclear, and therefore HortNZ is unable to understand what the potential impact on growers could be – noting also that the nutrient losses of different type of horticulture vary significantly, which further justifies a more nuanced approach based on actual and potential effects being adopted.	Disallow submission
	127.19	TANK 1 & 2	Require farm plans for all properties under 4ha	Oppose	HortNZ is opposed to the proposal to require farm plans for all properties over 4ha, and if alignment with any other regulations is to be sought instead support alignment with Part 9A of the Resource Management Amendment Act 2020. For the record,	Disallow submission



					HortNZ is also comfortable with the proposed 10ha farm size proposed in PC9 being maintained.	
	127.20	RRMP Rule 7	Increase setbacks for vegetation clearance and cultivation to 10m	Oppose	HortNZ opposes a blanket 10m setback as it potentially makes tracts of land that could be used for the development of permanent horticultural crops unusable. The more nuanced approach proposed in TANK, based on risk due to slope, is favoured.	Disallow submission
Hawke's Bay Regional Council, 129	129.2	Policy 39	New wording for policy	Support in part	HortNZ supports PC9 enabling the further investigation, and if feasible, establishment of stream flow maintenance and habitat enhancement schemes, and support the more active role that HBRC proposes to have in the further work related to those, however notes that further refinement of the wording of the policy may be required to make the intent of the policy clearer.	Allow submission
	129.7	TANK 5 & 6	Proposed changes to wording	Support in part	HortNZ supports the proposed wording changes, as they clarify the rule, however still seek an exemption for small areas of vegetable expansion to occur, as set out in HortNZ's original submission.	Allow submission insofar as the drafting of both rules needs to be revisited
	129.37	Schedule 29	Various amendments	Support in part	HortNZ supports further refinement of Schedule 29.	Allow submission insofar as amendments to Schedule 29 are considered necessary to improve its workability
Te Taiwhenua o Heretaunga, 132	132.125	Policy 37	Introduce a capped total groundwater allocation limit of 70 million m <sup>3</sup> per annum	Oppose	Arbitrarily adopting a new limit until further investigations can be done will have a detrimental impact on the ability of horticultural growers to produce crops. Irrigation systems are designed based on rate and volumes in water permits – changes to these require irrigation system redesign which takes time and may also necessitate other changes to operations. The submitter has not provided an effects based argument in support of this proposal. HortNZ supports the gathering of further information about actual	Disallow submission

					and reasonable water use, but this must be done in a considered way over a realistic timeframe.	
132.75 & 132.59	Policy 48	Prevent transfers from unconfined to confined areas of Heretaunga aquifer	Oppose	HortNZ opposes the proposal as it is not accompanied by any effects based argument.	Disallow submission	
132.120	TANK 7 & 8	Limit total volume to 60 m <sup>3</sup> /wk	Oppose	HortNZ opposes the proposal as it is not accompanied by any effects based argument.	Disallow submission	
132.159	TANK 9 & 10	Reduce water on pro-rata basis by 12.5%	Oppose	HortNZ opposes proportional clawbacks as the suggestion is not accompanied by any effects based argument.	Disallow submission	
132.60 & 132.50	TANK 9-11	Require applications for existing and new consents for irrigation to be discretionary, notified to tangata whenua and granted for only 10 years	Oppose	HortNZ opposes the proposal as it is not accompanied by any effects based argument.	Disallow submission	
132.68	New Rule 11A	Create limit of 80 kg/ha/yr for N application from all sources as restricted discretionary activity in sensitive catchments and catchments where water quality objectives are not being met	Oppose	HortNZ opposes the proposal as it is not accompanied by any effects based argument.	Disallow submission	
132.138	New Rule?	Limit N application from all sources in all	Oppose	While HortNZ supports a different allowance for vegetable cropping, in the first instance HortNZ is opposed to the proposal as it is not accompanied by any effects based assessment.	Disallow submission	

			other areas to 120 kg/ha/yr, with allowance for intensive vegetable cropping of 150 kg/ha/yr		.	
132.55	New Rule		Irrigation outside of 1 November-30 April is non-complying activity	Oppose	HortNZ opposes the proposal as it is not accompanied by any effects based argument.	Disallow submission
132.62 & 132.52	New Rule		Prohibit water takes outside of allocations volumes	Oppose	HortNZ is opposed to the introduction of such a prohibited activity rule, as this removes any ability for consents for activities to be granted, which in HortNZ's experience is problematic because there are always legitimate uses that arise that have not foreseen at the time of plan drafting. Non-complying activity status provides the ability for the consent authority to approve consent for such uses, in the rare, but arguably foreseeable circumstances that new, legitimate water uses arise.	Disallow submission
132.189	New Rule		Classify as prohibited activity abstraction for irrigation below minimum flow	Oppose	Provision must be made to take water below minimum flow to enable the survival of horticultural tree crops, as the death of these would have ongoing economic and social effects that impact the entire community. The ability for growers of domestic food to continue to take water below minimum flows is also critically important, and arguably essential for the maintenance of public health and the communities well-being and health, and must be provided for.	Disallow submission
132.115	New Rule?		Charge 0.5 cents per kg of N leached above 12 kg/ha/yr for land use activities where nitrogen is applied directly to land	Oppose	HortNZ opposes the proposal as it is not accompanied by any effects based argument, nor any information outlining what the money collected would be used for. The mechanism by which this could be required is also unclear, and arguably not able to be achieved through a regional plan.	Disallow submission
132.127	New Rule?		Charge all irrigators 10c/m <sup>3</sup>	Oppose	HortNZ opposes the proposal as it is not accompanied by any effects based argument, nor any information outlining what the money collected would be used for, or justifying its collection.	Disallow submission

					The mechanism by which this could be required is also unclear, and arguably not able to be achieved through a regional plan.	
132.97	Schedule 28?	Include sensitive catchment criteria and include restrictions on fertiliser use and nutrient limits of 80kg/ha/yr from all sources	Oppose	HortNZ submits that the identification of priority catchments in Schedule 28 is essentially a more refined approach that seeks to achieve a similar outcome as the identification of sensitive catchments did in the RRMP. HortNZ also notes that any restriction on nutrient use needs to be load based not per ha as this reflects the effects based premise of the RMA.	Disallow submission	
132.113	Schedule 29	Remove any threshold allowance or increase in N leaching calculations and LUC classes	Oppose	HortNZ opposes the proposal as it is not accompanied by any effects based argument.	Disallow submission	
132.55	Schedule 31	Restrict irrigators to 'irrigation season' from 1 Nov to 30 April	Oppose	HortNZ opposes the proposal as it is not accompanied by any effects based argument.	Disallow submission	
132.118		Count surface water depletion effects above 0.5L/s in surface water allocation, and make subject to minimum flows	Oppose	HortNZ opposes the proposal as it is not accompanied by any effects based argument.	Disallow submission	
Various incl 132.128, 132.117, 132.90	Schedule 31, and new Tables and Policies	Various changes to allocation and minimum flow regimes	Oppose	Any changes to minimum flows and allocation limits would need to be supported by a robust, multi-faceted assessment that explored all potential impacts of an changes, and HortNZ is not aware this has been undertaken, therefore impacts on growers at this stage are unknown, and any proposed changes opposed by HortNZ.	Disallow submission	
132.47	Schedule 32	Various restrictions on high flow allocation	Oppose	HortNZ opposes the proposal as it is not accompanied by any effects based argument.	Disallow submission	

	132.133	Schedule 35?	Expand Drinking water source Protection Zone 3	Oppose	HortNZ opposes the proposal as it is not accompanied by any effects based argument.	Disallow submission
Ravensdown Limited, 135	135.52 & 135.53	TANK 5 & 6	Amend status to discretionary	Oppose in part	HortNZ disagrees that there is a need for PC9 to align with the NES-F, given that PC9 is a catchment specific framework that has been developed in consultation with the local community. The NES-F essentially provides a default position around intensification until catchment specific plan changes like PC9 are done, therefore HortNZ does not agree with the reason for change cited by the applicant.	Disallow submission
	135.62	Schedule 29	Delete schedule in its entirety	Oppose	HortNZ opposes the proposed deletion of this schedule. While HortNZ suggested amendments to the Schedule in its own submission, HortNZ strongly supports the ongoing inclusion of a catchment specific land use intensification framework within PC9 – particularly given the importance of the TANK catchments as horticultural growing areas.	Disallow submission
Environmental Defence Society Inc, 198	198.13	TANK 1-6	Control the use of production land for farming in all catchments to maintain water quality	Oppose	HortNZ is opposed to blanket regulation and favours a nuanced approach based on the actual and potential effects of production land use. HortNZ does not believe that regulation of all production land use is necessary nor appropriate, and also would create a huge (and arguably unnecessary) workload for HBRC – which is a practical consideration that should be taken into account.	Disallow submission
	198.5	Schedule 31	Require all takes to cease at minimum flows except essential water takes for human drinking water	Oppose	Provision must be made to take water below minimum flow to enable the survival of horticultural tree crops, as the death of these would have ongoing economic and social effects that impact the entire community. The ability for growers of domestic food to continue to take water for irrigation below minimum flows is also essential and must be provided for.	Disallow submission
	198.7		Increase minimum flow on Ngaruroro	Oppose	Any changes to minimum flows would need to be supported by a robust, multi-faceted assessment that explored all potential impacts of an increase, and HortNZ is not aware this has been undertaken, therefore impacts on growers at this stage are unknown	Disallow submission
	198.6	Schedule 32	Set high flow allocations for all rivers that ensure	Oppose	The availability of high flow water provides the only avenue for new takes under the proposed PC9 regime, therefore HortNZ submits that it is critical that the volume available is not	Disallow submission



			that alteration to the hydrological regime is minimised		unnecessarily restricted. The calculation of allocations should be supported by scientific assessment and focus on the maintenance of values and functions associated with the relevant water body.	
Hastings District Council, 207	207.2	Objective 16	Amend to allow allocation of water in accordance with successive versions of HPUDES (2017) and/or any requirements prescribed under a NPS on Urban Development	Oppose	HortNZ is firmly of the view that all water permit holders must take steps to achieve efficiency gains and the submitters proposed amendment appears to seek an exemption from that for the submitter. The water resource is limited and all water users must learn to manage within limits.	Disallow submission
	207.3 & 207.4	Policy 36 & 37	Amendments to existing wording of Policies 36 and 37 to allow new takes in 'exceptional circumstances'	Support	HortNZ supports the proposed changes as they acknowledge that there are potentially unprecedented and unforeseen circumstances in which new takes may be necessary and appropriate, and the proposed amendments provides guidance about how decisions on those should be made.	Allow submission
	207.8	Policy 40	Allow transfer of allocated but unused water if it is to be used to assist augmentation	Support	HortNZ supports the proposed amendment as it clarifies the policy.	Allow submission
Royal Forest and Bird Protection Society of New Zealand, 210	210.105	Policy 22	Seek 10m minimum setback	Oppose	HortNZ opposes blanket 10m setback as it potentially makes tracts of land that could be used for the development of permanent horticultural crops unusable. The more nuanced approach proposed in TANK, based on risk due to slope is favoured.	Disallow submission
	210.72	Policy 51	Delete reference to horticultural crops	Oppose	Provision must be made to take water below minimum flow to enable the survival of horticultural tree crops, as the death of these have ongoing economic and social effects that impact the entire community. The ability for growers of domestic food to	Disallow submission

					continue to take water below minimum flows is also critically important and must be provided for.	
210.74	Policy 53	Make frost protection subject to allocation limits and minimum flows	Oppose	HortNZ opposes the proposal as it is not accompanied by any effects based argument.	Disallow submission	
210.75	Policy 54	Seek prohibition of all dams in river channels	Oppose	HortNZ is generally opposed to blanket prohibitions unless the basis for this is clearly established, which it is not in this case. As noted above, the ability to create dams in which to store high flow water is critical to the availability of any new water within the TANK catchments, therefore all provisions relating to the take and storage of that water need to be carefully considered.	Disallow submission	
210.77	Policy 56	Seek deletion of policy in its entirety	Oppose	As noted above, the ability to take and store high flow water is critical to the availability of any new water within the TANK catchments, therefore all provisions relating to the take and storage of that water need to be carefully considered, and deletion of this policy would not aid the consistent interpretation and application of the high flow storage framework.	Disallow submission	
210.82, 210.83 & 210.86	TANK 1, 2 & 5	Amend to give effect to the NPSFM2020	Support in part	HortNZ supports the alignment of PC9 with the NPSFM2020 where it is within scope, however it is unclear what relief the submitters believe is necessary to align the rules with the NPSFM2020. HortNZ notes that the very general nature of relief sought by the submitter throughout the entire submission made it difficult to provide more specific feedback on.	Allow submission in part	
210.87	TANK 6	Amend to provide more scope for public notification of applications	Oppose	Sections 95-95G of the RMA set out clear tests for the notification of consent applications. HortNZ does not believe there is any need to add additional direction into PC9 regarding notification.	Disallow submission	
210.95 & 210.97	TANK 14 & 16	Prohibited dams unless out of stream	Oppose	HortNZ opposes the proposal as it is not accompanied by any effects based argument.	Disallow submission	
210.98	TANK 17	Amend list to include all water bodies in region	Oppose	HortNZ opposes the proposal as it is not accompanied by any effects based argument.	Disallow submission	
210.99	TANK 18	Delete rule and associated framework	Oppose	HortNZ opposes the proposal as it is not accompanied by any effects based argument.	Disallow submission	

	210.105	RRMP 7	Increase setback to 10m	Oppose	HortNZ opposes a blanket 10m setback as it potentially makes tracts of land that could be used for the development of permanent horticultural crops unusable. The more nuanced approach proposed in TANK, based on risk due to slope is favoured.	Disallow submission
	210.140	Schedule 30	Relief sought is unclear – appears to seek regulation of all farming activities for which a farm plan is required	Oppose	HortNZ has concerns about blanket regulation of all production land use and believe that it should be required only on an effects basis. HortNZ notes that Part 9A of the RMA Amendment Act 2020 sets out a regulatory framework for farm plans and establishes consequences if a farm plan is not completed. HortNZ is supportive of farm plans being recognised and used as a tool within PC9 to help achieve improvements in land use practices but sees no justification for regulation of all activities that require a farm plan.	Disallow submission
	210.142	Schedule 31	Various changes to minimum flows and allocations	Oppose	Any changes to minimum flows and allocation limits would need to be supported by a robust, multi-faceted assessment that explored all potential impacts of an increase, and HortNZ is not aware this has been undertaken by the applicant, therefore impacts on growers at this stage are unknown	Disallow submission
	210.147	Schedule 32	Increase flow at which high flow allocation is allowed. Reduce allocation amount.	Oppose	The availability of high flow water provides the only avenue for new takes under the proposed PC9 regime, therefore HortNZ submits that it is critical that the volume available is not unnecessarily restricted. The calculation of allocations and trigger flows should be supported by scientific assessment and focus on the maintenance of values and functions associated with the relevant water body.	Disallow submission
Hawke's Bay District Health Board, 233	233.11	Policy 6	Seek to extend definition of water source protection zone to include all registered water supplies serving 25 persons or more.	Oppose in part	HortNZ has concerns about the relief sought by the submitter given the potentially large number of registered drinking water supplies located near horticultural growing operations, and the impact that the proposed change would have on those growers. HortNZ would need to know the locations of all supplies that would be picked up if this change was to be made, before it could understand the potential impact on growers, and be comfortable that the request would not potentially render productive soils that are limited in their extent unusable for horticultural growing purposes.	Disallow submission unless further information is provided.

	233.25	Schedule 30	Specify frequency of farm plan auditing	Oppose in part	While HortNZ recognises and agrees that the auditing of farm plans is and will continue to be an important part of realising improvements in farm management practices, HortNZ has concerns about auditing frequency being specified within Schedule 30, when the regulations relating to freshwater farm plans that are currently being drafted by central government are expected to specify auditing frequencies, and there seems no benefit in potentially creating an inconsistency between those impending regulations and PC9.	Disallow submission
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