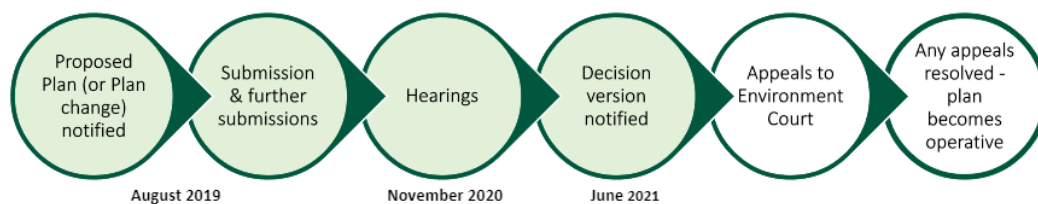


# Plan Change 7 Outstanding Water Bodies Decision Summary

Hawkes Bay region | September 2021

**The Plan Change 7 (PC7) decision was notified by Hawkes Bay Regional Council on 26 June 2021 – this provides a summary of the key aspects of the decision and next steps. It is now subject to appeal.**

Plan Change 7 (**PC7**) was notified by Hawkes Bay Regional Council in August 2019. HortNZ made a submission in the interests of growers and presented to the hearing panel.



The intent of the plan change is to include a list of the region's outstanding water bodies (**OWB**), and to introduce a framework which prescribes a high level of protection for these water bodies in future plan making.

PC7 does not include rules –it inserts a policy framework in the regional policy statement that informs future catchment-based plan changes, providing clear direction that the outstanding and significant values of outstanding water bodies will need to be protected.

The decision report (setting out the decision of the Hearing Panel and their reasons) can be accessed on the Hawkes Bay Regional Council's website [here](#).

## Summary of the PC7 (Outstanding Water Bodies) decision

### 15 Hawke's Bay water bodies were classified as being regionally outstanding.

- The notified version included 38 waterbodies; the Panel reduced this to 15. No new water bodies were added.
- The Panel's decision report explains that for a water body to be classed as 'outstanding', it must contain at least one cultural, spiritual, recreation, landscape, geology, natural character or ecology value which is conspicuous, eminent, and/or remarkable in the context of the Hawke's Bay Region.
- Outstanding Water Bodies are listed in Schedule 25 (along with descriptions of their outstanding values or characteristics), and an indicative location map.

The 15 OWB in the decision version of the plan change are:

- Lakes Rotoroa and Rototuna (the Kaweka Lakes)
- Lake Tūtira (including Lake Waikōpiro) and Aropaoanui/Arapawanui River
- Lake Waikaremoana
- Lake Whakakī – Te Paeroa Lagoon – Wairau Lagoon and Wetlands
- Lake Whatumā
- Mangahouanga Stream
- The Mohaka River Mainstem upstream of Willow Flat
- Ngamatea East Swamp
- Ngaruroro River upstream of the Whanawhana cableway
- Taruarau River
- Pōrangahau River and Estuary downstream of the Beach Road Bridge
- Te Hoe River
- Te Whanganui-a-Orotū (Ahuriri Estuary)
- Tukituki River downstream of SH50 bridge to the sea, including the estuary
- Mainstem of the Tūtaekurī River upstream of the SH50 Bridge

## There were amendments to the policy framework by the Hearing Panel to distinguish between new and existing activities when assessing effects

As notified policy did not differentiate between new and existing activities the Panel have made provision for this differentiation when assessing resource consent applications that relate to an OWB:

- Existing activities: provided for in current form, as long as the activity is not diminishing the outstanding nature of the waterbody.
- New activities: must be managed to avoid adverse effects that are more than minor on the outstanding and significant values of OWB.

## The OWB provisions continue to apply only after catchment specific plan changes are operative and to the activities listed below

The OWB plan change provides policy direction for assessing resource consent applications and how the Council must take into account effects on outstanding and significant values identified for OWB's. It only applies "once the relevant catchment based regional plan change is operative or after 31 December 2025", whichever is sooner'.

This policy framework applies to resource consents applied for as Discretionary or Non-Complying Activities to:

- Take, use or dam water from an OWB
- Discharge a contaminant into an OWB
- Discharge a contaminant onto or into land that may result in that contaminant entering an OWB
- Land use consent for a structure in, on or under the bed of an OWB

### What is the status of the plan change now?

**The decision of the hearing panel has been appealed to the Environment Court by three parties. HortNZ has joined these appeals as an 'interested party'.**

- Appeals seek to include additional water bodies to Schedule 25 (Outstanding Water Bodies), more stringent policy controls, and application of the policy sooner than is currently set out.
- This means the decision version of PC7 is not yet 'operative' and the provisions are subject to change.
- Mediation will first be held with the appeal parties and if appeals are not resolved through that process, the appeals will be heard in the Environment Court.

## Relationship to other Hawke's Bay freshwater policy processes

### TANK Plan Change

Click [here](#) to read more about PC9

Some of the identified OWB are in the TANK catchments. There are not OWB specific provisions in TANK – however in general it provides a more robust approach to freshwater management.

### Water Conservation Orders (WCO)

Click [here](#) to read more about the Ngaruroro and Clive Rivers WCO process

A WCO is a separate tool/process – the decision explains that the WCO considered outstanding values in a national context, whereas in OWB PC7 the Hearing Panel has considered what is outstanding at a regional scale.