



Hawkes Bay Regional Council Proposed Plan Change 9 - The TANK Plan

Policy briefing for sheep and
beef farmers

July 2020

KEY ISSUES FOR SHEEP AND BEEF FARMERS

Hawkes Bay Regional Council are currently consulting on their Proposed Plan Change 9 - to manage freshwater ecological health for the Tutaekuri, Ahuriri, Ngaruroro and Karamu (TANK) catchments. The TANK plan includes new water quality and quantity outcomes and rules for managing land uses to achieve these outcomes. This brief has been created to help you understand what is being proposed and how to get involved.

GET INVOLVED

It is critical that you get involved in the process directly. The Plan will impact on your farm so it is important you have your say.

- The draft plan can be reviewed at <https://www.hbrc.govt.nz/assets/Document-Library/TANK/TANK-Key-Reports/Proposed-TANK-Plan-Change-9.pdf>
- Other Resources are available at <https://www.hbrc.govt.nz/hawkes-bay/projects/the-tank-plan/about-tank/>
- Download a B+LNZ submission template and make a submission on the plan and be heard. <https://beeflambnz.com/sites/default/files/consultations/TANK-Farmer-Submission-Template.docx>

Share your thoughts or get help with your submission by contacting Environment Strategy Manager Corina Jordan: corina.jordan@beeflambnz.com or Environment Policy Analyst Lilly Lawson: lilly.lawson@beeflambnz.com.

INTRODUCTION

The TANK Plan must give effect to the Hawkes Bay Regional Councils Regional Policy Statement, as well as the National Policy Statement for Freshwater Management; this is a legal requirement (NPSFWM).

The NPSFWM requires Regional Council to identify values for which the water is to be managed, adopt objectives in relation to those values, and establish methods, including limits, to ensure those objectives are met.

PROPOSED CHANGES

Beef + Lamb New Zealand has identified five aspects of the Plan change likely to have the biggest impact on Farmers. These are:

- Land Use; Farm Plans; Catchment Communities; Stock Access and Riparian Land and Wetlands which relate to the Water Quality in the TANK Catchments and;
- Water Quantity.

This Plan Change also makes consequential amendments to existing rules in Chapter 6; these start at page 59 of the TANK Plan Change document. These amendments apply only where the activity is carried out in the TANK catchments.

LAND USE

TANK provides a Permitted Activity pathway for **Existing** land use; provided that the farms land area has less than 75% plantation forest cover and the farm belongs to a TANK Industry Programme, Catchment Collective or has a Farm Environment Plan no Resource Consent is required.

Changing land use (applies to change of land over more than 10% of the property or farming enterprise area) requires Resource Consent. Provided you are in a Catchment Collective and meet the Nitrogen Loss Standards in Schedule 29, this will be assessed as a Controlled Activity (must be granted). Changing land use that does not meet the conditions of a Controlled Activity, will be assessed as a Restricted Discretionary.

There are existing rules for farming activities i.e. feedlots and 'feedpads, vegetation, animal effluent which still need to be met. These are included in Chapter 6 of the Regional Resource Management Plan (RRMP).

REFER TO

- Policy 5.10.3 *'Managing Adverse Effects From Land Use On Water Quality (Diffuse Discharges)'*; specifically, Policy 21.
- Schedule 29 for *'Land Use Change and Nitrogen Losses for Production Land'*.

FARM PLANS

The Plan change recognizes Farm Plans as an important tool for farmers to track how environment risk has been identified and are being managed. Where a landowner is not part of an Industry Programme or Catchment Collective, an individual Farm Environment Plan will be required to be a Permitted Activity (no Resource Consent required). Farm Plans are required to be completed in priority orders High, Medium and Low over the first 3, 6 and 9 years respectively. The Farm Plan requirements are set out in Schedule 30 and will cover activities such as stock exclusion, riparian planting, creation or protection of wetlands and the preparation of nutrient budgets for landowners in catchments that do not meet water quality objectives for nitrogen concentrations as detailed in Schedule 26.

CATCHMENT COLLECTIVES

The Plan recognizes there are innovative and flexible responses to water quality issues and provides for an Industry Group or Catchment Collective to work collectively on behalf of their members to meet local water quality and environment objectives.

Schedule 30 sets out the requirements for Catchment Collectives and Industry Groups, including the Governance and Management and Environmental

Outcomes. Like Farm Plans, Catchment Collectives are required to submit a Plan for approval by the HBRC in priority orders High, Medium and Low over the first 3, 6 and 9 years respectively. The plan must identify the key water quality and water quantity management issues that are relevant to the catchments.

Under the proposed plan change, if farmers want to change their land use and have their Resource Consent application assessed as a Controlled Activity (i.e. must be granted) they are required to be part of a Catchment Collective or Industry Group.

REFER TO

- Schedule 26 for *'Water Quality Targets'*.
- Schedule 28 for *'Priority Catchments'*.
- Schedule 30 for *'Landowner Collective, Industry Programme and Farm Environment Plan'*.
- 5.10.3 Policies: *'Managing Adverse Effects From Land Use on Water Quality (Diffuse Discharges)'*; specifically Policies 17, 23, 24, 25, 27 & 35.

MANAGING STOCK ACCESS

HBRC will regulate the exclusion of cattle, deer and pigs from rivers, lakes and wetlands. TANK 3 and 4 set out the parameters of stock access up to and from May 2023; 2023 aligns with the date included in the National Policy Statement for Freshwater Management (NPSFWM). Stock access to rivers, lakes and wetlands is permitted provided certain conditions are met; relating to stock units, slope of paddocks and the presence of stock races (TANK 1). Stock Access that does not meet these conditions will be assessed as a Restricted Discretionary Activity. When considering a Resource Consent Application Council will assess contaminants that could be reduced by stock exclusion, alternative measures and whether stock exclusion is a practicable option taking into consideration costs.

REFER TO

- 5.10.3 Policies: *'Managing Adverse Effects From Land Use on Water Quality'*; specifically Policies 22 and 27.
- Stock exclusion is also included as a mechanism to achieve policies relating to Riparian and Sediment Management; policies 13 and 20 respectively.

RIPARIAN VEGETATION

There are no new rules proposed in association with Riparian Vegetation. Riparian vegetation is recognised as a beneficial mechanism to manage water quality as well as benefits on local amenity, and its contribution to aquatic ecosystem. Riparian management will be assessed when processing Resource consents for Existing or Change in Land Use (TANK 2, 5 & 6).

Council will promote and support the establishment of riparian vegetation in conjunction with stock exclusion and setback regulations. The Council will assist in the implementation of these policies by working with land owners to identify where riparian management is to be improved by providing practical information and funding assistance. A milestone of 200km of waterways subject to planting programmes in the Karamu catchment and Heretaunga Plains has been set.

REFER TO

- 5.10.2 Policies: *'Surface Water and Groundwater Quality Management'*; specifically, Policies 11, 12 & 13.
- Riparian planting is also included as a mechanism to achieve policies 5.10.2 *'Surface Water and Groundwater Quality Management'* and 5.10.3 *'Managing Adverse Effects From Land Use on Water Quality Priority Management Approach'*; specifically, Policies 2, 3, 4 and 20.
- Refer to TANK 2, 5 & 6 for when Riparian Management will be assessed when processing Resource consents for Land Use.

WETLANDS

There are no new rules proposed in association with Wetlands. TANK aims to increase the area of wetland in the TANK catchments, recognizing their contribution to protecting biodiversity and their role in managing water quality and quantity. TANK aims to increase the total wetland area by protecting and restoring 200ha of existing wetland and reinstating or creating 100ha of additional wetland by 2040. The Council seeks to identify priority areas where wetland and lake management can be improved, provide information to landowners about their values and management and provide funding assistance for new wetlands. Any positive or negative impacts on wetlands will be assessed when processing Resource Consents for Changing Land Use (TANK 5).

REFER TO

- 5.10.2 Policies: *'Surface Water and Groundwater Quality Management'*; specifically, Policies 14 & 15.
- The impact on Wetlands will be assessed when processing Resource Consents for Changing Land Use (TANK 5).
- Permitted Groundwater and Surface Water takes shall not cause changes to the flows or levels of water in any connected wetland (TANK 7 & 8).

WATER QUANTITY

The TANK Plan changes sets allocation limits and minimum flows and recognizes water quantity allocation for primary production on versatile soils

as one of five priorities. Schedule 31 *'Flows, Levels and Allocation Limits'* and Schedule 32 *'High Flow Allocation'* specifies the amount of water that may be authorised for abstraction from the specified Water Management Units and the flows at which water abstraction is subject to restrictions or requirements.

The plan provides for existing surface and groundwater takes (as at 2 May 2020) as a Permitted Activity for up to 20m³ per property per day and to meet the reasonable needs of animals for drinking water. New takes that do not exceed 5m³ are also a Permitted Activity (TANK 7 & 8). Takes that do not meet these provisions require Resource Consent and will be assessed as either a Restricted Discretionary or Discretionary Activity.

High flows are recognized as important to the health of the waterways. Take and use of surface water at times of high flow requires Resource Consent and will be assessed as a Discretionary Activity (TANK 13). The Damming of water requires Resource Consent and depending on the proposals ability to meet certain provisions (outlined in TANK 14 - 18) will either be assessed as a Discretionary or Non-Complying Activity.

For full detail on the requirements for Permitted water takes and when Resource Consent is triggered, it is necessary to refer to TANK RULES 7 - 18 in conjunction with Schedules 31 and 32.

REFER TO

Policy 5.10.6 *'Heretaunga Plains Groundwater Levels and Allocation Limits'*.

- Policy 5.10.7 *'Surface Water Low Flow Management'*.
- Policy 5.10.8 *'High Flow Allocation and Water Damming'*.
- Schedule 31 for *'Flows, Levels and Allocation Limits'*.
- Schedule 32 for *'High Flow Allocation'*.

WHAT DO I NEED TO CONSIDER FOR MY FARM?

- Are these requirements reasonable or achievable on your property, and what would be the financial cost to you of meeting them?
- Can you think of changes to these requirements which would still achieve the desired environmental outcomes, and if so what are they?
- Please consider sharing this data with B+LNZ - this data (aggregated to protect your privacy) could be used as evidence by us, could inform national discussions and where other regional councils are considering similar restrictions.
- You can put all these things in a submission and have your say!

APPENDIX ONE:

WHEN IS RESOURCE CONSENT REQUIRED AND WHAT IS THE ACTIVITY STATUS?

The following summarises what the Activity Status means and when the need for Resource Consent is triggered.

Permitted Activity – No Resource Consent is required but is usually subject to meeting certain criteria. E.g. Use of Production Land is a Permitted Activity provided the property or farming enterprise land area has less than 75% plantation forest cover.

Controlled activity – Resource Consent is required but **MUST** be granted and Council can only impose conditions relating to specified matters.

Restricted Discretionary – Resource Consent is required and may or may not be granted. Council is Restricted as to what matters they can consider and to which conditions imposed may relate when processing this consent.

Discretionary – Resource Consent is required and may or may not be granted. Council is not restricted as to what matters they can consider and to which conditions imposed may relate when processing this consent.

Non-Complying – Resource Consent is required and may or may not be granted. The applicant must establish that the adverse effects of the activity on the environment will be minor or that the activity will not be contrary to the objectives of the relevant plan (the ‘threshold test’).

Prohibited – A prohibited activity may not be carried out and no Resource Consent can be applied for.

APPENDIX TWO: SUMMARY OF THE RULES

Rule	Activity Status	Standards/ Conditions
TANK 1 The use of productive land greater than 10 ha.	Permitted	The property or farming enterprise land area has less than 75% plantation forest cover. The owner or manager is either part of a Catchment Collective, Industry Programme or has a Farm Environment Plan.
TANK 2 The use of productive land greater than 10 ha.	Controlled	Use of Land that does not meet the standards of TANK 1.
TANK 3 Stock Access to rivers, lakes and wetlands.	Permitted	The entry into or over the bed of any river, lake or wetland by cattle, deer and pigs is a permitted activity until 31 May 2023. From 31 May 2023 the entry into or over the bed of any river, lake or wetland by cattle, deer and pigs is a permitted activity provided that: <ul style="list-style-type: none"> • Stock are at a stocking rate less than 18su/ha in the paddock adjacent to the river the stock have access to and; • The slope over 60% or more of the paddock is greater than 15 degrees of slope. • Rivers that are crossed by formed stock races are bridged or culverted. NB for rivers, these conditions only apply to rivers with an active formed bed.

APPENDIX TWO: SUMMARY OF THE RULES

Rule	Activity Status	Standards/ Conditions
TANK 4 Stock Access to rivers, lakes and wetlands.	Restricted Discretionary	Use of Land that does not meet the standards of TANK 3.
TANK 5 Change in Land Use.	Controlled	Applies to change of land use over more than 10% of the property. The owner or manager is part of a Catchment Collective. The change of use meets the applicable Nitrogen Loss Standards in Schedule 29.
TANK 6 Change in Land Use.	Restricted Discretionary	Change in Land Use that does not meet the standards of TANK 5.
TANK 7 Surface Water Take.	Permitted	Any take commencing after 2 May 2020 is not from any of the following: <ul style="list-style-type: none"> • Maraekakaho Water Management Unit • Ahuriri Water Management Unit • Awanui Stream and its tributaries • Poukawa Water Management Unit • Louisa Stream and its tributaries. The take does not exceed 5 m ³ per day per any one property except: <ul style="list-style-type: none"> • Takes existing as at 2 May 2020 may continue to take up to 20 m³ per property per day and to meet the reasonable needs of animals for drinking water; • Takes occurring for a period of less than 28 days within any 90 day period, the total volume taken on any property shall not exceed 200 m³ per 7 day period.
TANK 8 Groundwater Take.	Permitted	Any take first commencing after 2 May 2020 is not from the Poukawa Freshwater Management Unit (quantity). There is only one point of take per property and the take does not exceed 5 m ³ per day except; <ul style="list-style-type: none"> • Takes existing as at 2 May 2020 may continue to take up to 20 m³ per property per day and to meet the reasonable needs of animals for drinking water. • Takes occurring for a period of less than 28 days within any 90 day period, the total volume taken on any property shall not exceed 200 m³ per 7 day period. • The taking of water for aquifer testing is not restricted. The rate of take shall not exceed 10 l/s.

APPENDIX TWO: SUMMARY OF THE RULES

Rule	Activity Status	Standards/ Conditions
TANK 9 Groundwater Take - Heretaunga Plains. <i>(applies to existing consents)</i>	Restricted Discretionary	Groundwater Takes that do not meet the standards of TANK 8.
		An application is either for the continuation of a water take and use previously authorised in a permit that was issued before 2 May 2020 or is a joint or global application that replaces these existing water permits previously held separately or individually.
		The quantity taken and used is for actual and reasonable re-allocation.
		The take meets the Stream Flow Maintenance Scheme requirements or ceases when the flow falls below the specified trigger level.
		A water meter is installed.
TANK 10 Surface & Groundwater Take - abstraction at Low Flows. <i>(applies to existing consents)</i>	Restricted Discretionary	The take is not from the Heretaunga Plains Water Management Unit (quantity).
		The taking and use of water from surface or groundwater water bodies does not comply with conditions of TANK 7, or TANK 8.
		An application is either for the continuation of a water take and use previously authorised in a permit that was issued before 2 May 2020 or is a joint or global application that replaces these existing water permits previously held separately or individually.
		The quantity taken and used is for actual and reasonable re-allocation.
		The take meets the Stream Flow Maintenance Scheme requirements or ceases when the flow falls below the specified trigger level.
TANK 11 Groundwater and Surface Water Takes (Low Flow).	Discretionary	<p>The activity does not comply with the conditions of Rules TANK 9 or TANK 10. Either</p> <ul style="list-style-type: none"> The application is either for the continuation of a water take and use previously authorised in a permit that was issued before 2 May 2020 or is a joint or global application that replaces these existing water permits previously held separately or individually in the Auhirir, Poukawa, Ngaruroro Groundwater, Tūtaekurī groundwater or Heretaunga Plains Management Units. <p>or</p> <ul style="list-style-type: none"> The total amount taken, either by itself or in combination with other authorised takes in the same water management unit does not cause the total allocation limit in the relevant management unit as specified in Schedule 31 to be exceeded except this clause does not apply to takes for: frost protection and takes of water associated with and dependant on release of water.

APPENDIX TWO: SUMMARY OF THE RULES

Rule	Activity Status	Standards/ Conditions
TANK 12 The Take and Use of Surface or Groundwater.	Prohibited	The activity does not comply with the conditions of TANK 11. No application may be made for this activity.
TANK 13 Taking Water (High Flow).	Discretionary	The activity does not comply with the conditions of RRMP 67 and 68. The take on its own or in combination with other authorised takes is still available for allocation within the limits specified in both columns (D and (E) of Schedule 32. The activity either on its own or in combination with other activities does not cause the flow regime of the river to be altered by more than the amount specified in Schedule 32.
TANK 14 - 17 Damming.		Discretionary, Non-Complying and Prohibited Activity Status applies to various aspects of this activity.