

# TANK Water Permit Process Update

March 2024

## Key messages

The key messages from the Twyford Grower meeting held on Thursday 7 March 2024 were:

- Taking a co-ordinated approach as a primary sector was discussed and generally supported. We believe that this will likely result in the best outcome. Exactly what this will involve is still being worked out. In the meantime we suggest that people don't engage with Regional Council further and wait for a further update from HortNZ.
- There is the potential to legally challenge the Regional Council's interpretation of 'actual and reasonable' as it is almost entirely focused on actual volumes and doesn't take into account the reasonable volume of water required to grow a crop. This view has been expressed by experienced local RMA lawyer Matt Lawson of Lawson Robinson Ltd and this is one of the things we are looking into more.
- We have received no further direction from the Regional Council about what further information they are going to request from people who don't agree with the actual and reasonable volume they have calculated.
- The Regional Council has advised there are still 20-30 people that won't have received a letter yet outlining what they have calculated as their actual and reasonable volume. These are people in the Poukawa Catchment, as well as some growers located within Zone 1 (a narrow strip adjacent to the Ngaruroro River). If you are not in one of these two areas, lodged a replacement application and haven't received a letter from the council yet, please get in touch with me asap.

## Things to do in the meantime:

There are a couple of things that growers can do in the meantime:

- If you haven't gone back to the Regional Council and said that you do not agree with the actual and reasonable volume they have calculated for you please do that as soon as you can. Email [waterpermits@hbrc.govt.nz](mailto:waterpermits@hbrc.govt.nz) and say that you do not agree.
- Check your water meter data: Although there are some recognised issues with water meter data that the Regional Council has used to calculate actual and reasonable volumes, it is still important that growers are looking at their water meter data and checking that it lines up with what you think your water use was. A quick check might reveal some discrepancies in your data. If you can't/prefer not to view it online, email Jo Rodgers who is in the Water Information Services Team at the Regional Council and ask her to send the data to you. She is very helpful. Her email address is [rodgers@hbrc.govt.nz](mailto:rodgers@hbrc.govt.nz)
- Look at Irricalc: A few growers said they are keen to understand what the reasonable (IRRICALC) volume might be for other consents that are going to expire over the next few years. You could have a look at IRRICALC yourself - it is relatively straight forward to use, and you can access it here: [Irrigation Requirements \(mycatchment.info\)](http://IrrigationRequirements(mycatchment.info)). Make sure when you select your crop (Step 2) that you use the Hawke's Bay specific

ones, which are named HB apples etc. There are consultants that can assist with this if you would prefer to get some help.

## TANK Plan Change background

As there wasn't much background information about the plan change provided at the Havelock North meeting on 13<sup>th</sup> March 2024, a quick overview of the process to date was given at the meeting:

- A collaborative group was established in 2012 with members from all parts of the community (primary sector, tangata whenua, councils etc) and met over 40 times to develop a draft plan.
- The draft plan change went to the Regional Planning Committee for consideration in September 2018.
- There was quite a lot of discussion about the draft plan, especially around an interim groundwater allocation limit for the Heretaunga Plains, and in March 2020 a limit of 90 million m<sup>3</sup> was inserted for the Heretaunga Plains aquifer.
- In May 2020 the plan change was notified - at that point its rules had legal effect.
- 240 people/groups made submissions on the plan change.
- Hearings were held in May-Sept 2021.
- A decision on the plan change was notified in September 2022.
- 16 appeals were lodged on the decision (including on definition of actual and reasonable water use).
- Mediation on those appeals started in 2023 and continues.

## What is going on at the moment?

A lot! In Hawke's Bay there are 3 different streams of work related to water happening, and at central government level the National Policy Statement for Freshwater Management is being reviewed. Here in Hawke's Bay we have the following happening:

- The water permit replacement process:
  - Kicked off by council just before Christmas last year (2023).
  - Timeframes in relation to this process are unknown.
- Mediation on the TANK appeals:
  - There are 14 topics that need to be mediated. Mediation on 2 topics has happened. Mediation on the definition of actual and reasonable looks likely to occur in early May (2024).
  - Anything not agreed at mediation will go to hearing in the Environment Court - this would probably be some time in 2025.
- Broader discussions about water in Hawke's Bay:
  - Water storage - the new government is supportive of this, so discussions have ramped up again.
  - Kotahi - This is the name given to process of updating the regional policy statement, and plan for the whole region. This process has just started.

### WHERE TO GO FOR MORE INFORMATION

- HortNZ: Charlotte Drury 027 3225595 or via email on [Charlotte.Drury@hortnz.co.nz](mailto:Charlotte.Drury@hortnz.co.nz) or [charlotte@viewconsult.co.nz](mailto:charlotte@viewconsult.co.nz)