

## Ruataniwha Scheme – Final Decision issued

The Tukituki Catchment Proposal Board of Inquiry has released its final decision on the proposed Ruataniwha Water Storage Scheme. This comes a day after the Hawke's Bay Regional Council voted to back the scheme but with funding conditional on levels of farmer up-take, workable consent requirements and additional funding from other potential sources.

The Ruataniwha Scheme involves the construction of a dam on the Makaroro River that will create a water storage system to harvest water during winter or at other times of high flow, and a downstream irrigation distribution network. It was anticipated that the scheme would provide a reliable supply of irrigation water for approximately 25,000ha of land, primarily on the Ruataniwha Plains. 17 Consents were sought in regards to land use, water and discharge and coastal permits concerning the construction, operation, and maintenance of the dam and related structures. A Notice of Requirement (NoR) concerning the construction, operation and maintenance of the primary distribution network was also lodged. The accompanying plan change (PC6) addressed water allocation, quality and minimum flows.

In a draft decision issued in April, the Board of Inquiry granted consent to the Scheme subject to conditions, confirmed the NoR and allowed PC6 - but with some key amendments related to instream water quality levels and associated policies.

Under section 149Q(4) of the RMA, the Environmental Protection Authority allowed comments on minor or technical aspects of the report from parties.

### Final Decision

The Board of Inquiry, having considered comments from parties, has made some changes but has otherwise confirmed the substantive findings of the draft decision.

The resource consents sought for the Scheme have been granted subject to conditions and the notice of requirement has been confirmed with some amendments. The final decision has also confirmed the dual nutrient approach to manage both phosphorous and nitrogen in the Tukituki catchment through PC6.

The proposed plan had originally adopted what was described as a 'single nutrient' approach that focussed on the management of phosphorus. Nitrate-nitrogen controls were only intended to avoid toxicity effects on aquatic ecology. Having considered all the information before it, the Board of Inquiry has rejected this approach in favour of a 'dual nutrient' control which manages both phosphorus and nitrogen. Rather than basing nitrogen limits on toxicity, the Board has taken in-stream ecological health as the basis for the levels it has set. With the exception of one zone, dissolved inorganic nitrogen (DIN) levels have been set at 0.8mg/l. The exception is the zone in the headwaters of the catchment where the limit has been set at 0.15mg/l. Having received comments on the draft report the Board of Inquiry has corrected what it describes as an error that would have required individual farmers to meet the 0.8mg/l DIN limit. The proposed policies for the management of phosphorus in PC6 have essentially been retained.

The Board of Inquiry has included a requirement for all farms within the Tukituki catchment that exceed 4ha (or 10ha where the land use is non-intensive) to prepare a Farm Environmental Management Plan (FEMP). There are also stock management requirements in respect of waterways. Changes have been made to the rules relating to the use of production land by raising the upper threshold for exceeding leaching rates. The Board of Inquiry has also clarified the way in which leaching rates are to be determined. Proposed minimum flows for rivers have been endorsed but the Board of Inquiry has increased the volume of groundwater that may be consented for irrigation from the Ruataniwha aquifer provided that any reduction in surface water flows is compensated from deep groundwater or storage.

Any party dissatisfied with the final decision has the ability to appeal to the High Court on questions of law only.

For more information please contact [Jen Crawford](#) or [Maree Baker-Galloway](#).