

Hawke's Bay Regional Resource Management Plan

Proposed Plan Change 7 - Outstanding Water Bodies

Officers' s42A Hearing Report



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Hawke's Bay Regional Resource Management Plan Proposed Plan Change 7 - Outstanding Water Bodies

Officers' s42A Hearing Report

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GLOSSARY OF COMMONLY USED ABBREVIATIONS

A number of abbreviations and terms are frequently used. The following provides clarification of commonly used abbreviations for easy reference.

CEF OFWB Project	Community Environment Fund - Outstanding Freshwater Body Project
Change 7	Proposed Plan Change 7 to the Hawke's Bay Regional Resource Management Plan
Chapter 3.1A	Chapter 3.1A of the Hawke's Bay Regional Resource Management Plan - Integrated Land Use and Freshwater Management
Chapter 3.2	Chapter 3.2 of the Hawke's Bay Regional Resource Management Plan - The Sustainable Management of Coastal Resources
DOC	Department of Conservation
HBRC	Hawke's Bay Regional Council
MfE	Ministry for the Environment
MAFFish	New Zealand Ministry of Agriculture, Forestry & Fisheries
NZCPS	New Zealand Coastal Policy Statement
NPSFM	National Policy Statement for Freshwater Management
NPSFM OWB Provisions	National Policy Statement Freshwater Management Outstanding Water Bodies Provisions
OFWB	Outstanding Freshwater Body
OWB	Outstanding Water Body / Outstanding Water Bodies
RRMP	Hawke's Bay Regional Resource Management Plan
RCEP	Hawke's Bay Regional Coastal Environment Plan
RMA	Resource Management Act 1991
RPC	Hawkes Bay Regional Council's Regional Planning Committee
WCO	Water Conservation Order

PART 1 - Readers' Guide

1. **Purpose of report**
2. This report is presented under Section 42a of the Resource Management Act 1991. It has been prepared and reviewed by Council staff. The purpose of this report is to:
 - a) assist the Hearing Panel in determining Council's response to the submissions and further submissions to Change 7
 - b) assist submitters and further submitters by providing an evaluation of what has been sought prior to the hearing.
3. The Hearing Panel must consider all submissions (written and verbal) and any supporting evidence presented at the hearings. The Panel will make and issue decisions on behalf of the Council.
4. **Evaluations and Reporting Officers' recommendations**
5. The evaluations and recommendations from the Reporting Officers are based on the information available prior to the hearing, including that contained in the submissions and further submissions.
6. The recommendations are officer recommendations. They are NOT the decisions of the Council. In evaluating the submissions and further submissions, the matters considered include whether a decision requested:
 - a) falls within the functions of the Hawke's Bay Regional Council under the RMA
 - b) will enhance the ability of Change 7 to achieve the purpose of the RMA
 - c) will improve an objective so that it is a more appropriate way to achieve the purpose of the RMA
 - d) will improve a policy or rule, or other method so that it is more efficient and effective for achieving the relevant objectives
 - e) will improve Change 7 in relation to such matters as lawfulness, clarity, accuracy, effectiveness, coherence and integration.
7. In the sections that follow, the submissions are addressed on a topic-by-topic basis. In some places, there are submissions which are identical or seek similar decisions. In such instances, steps have been taken to minimise repetition.
8. **Interpretation of the Hearing Report**
9. In this section, advice is provided on how to read and interpret the content of this report. This report is presented in four parts, plus appendices:
 - Part 1: Readers' Guide and Introduction to the Report, together with an explanation of how Change 7 gives effect to the RMA's purpose, the NESFM and the NZCPS.
 - Part 2: An overview of the preparation of Change 7 together with the requirements under the NPSFM that Council must address.
 - Part 3: Change 7 development process.
 - Part 4: Officers' evaluation of decisions requested by submitters and any relevant further submissions. Part 4 is divided into 'topics' according to the themes or provisions within Change 7 that were addressed in submissions.

For submitter convenience, Officers have addressed submissions with respect to water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions, on a standalone basis. While this has created some repetition throughout the entire report, it means those submitters who are interested in a particular water body only need to refer to the relevant section.

Officers' recommendations follow respective submission topics and evaluation. Decisions requested by submitters and any corresponding further submissions are recommended to be either:

- A - Accepted;
- P - Accepted in Part;
- R - Rejected; or
- T - To Be Confirmed.

Where the officers recommend accepting a request in part, then the accepted 'part' may refer to one or more of the following circumstances:

- a) The Council is already working on, or something similar to, the decision that has been requested;
- b) Change 7 already contains provision(s) that have been requested;
- c) Change 7 is recommended to be retained or amended in a similar manner, but not identical to, the decision requested;
- d) Where a decision requested alternative forms of relief (e.g. Council to do either x, y, or z), and one of the alternatives requested fits (a), (b), or (c) above.

Reporting officers have not made any recommendations in the following instances:

- (a) for the cultural and spiritual value set. This will afford the opportunity for tāngata whenua submitters to present their evidence orally at the hearing; and enable the Panel to consider any such evidence that may be presented in that way. As such, when discussing the cultural and spiritual value sets within the body of this report, Submitter names, and associated submitter numbers, have been identified.
- (b) where submitters have requested the outstanding status be limited to relevant parts of the water body. This will enable the panel to further consider the evidence and update the relevant outstanding description(s) if deemed appropriate.

In these cases, Reporting Officers have recommended that the decisions requested by submitters, and any corresponding further submissions, are 'To Be Confirmed'.

NB: Appendix 1 to the Hearing Report sets out amendments to Change 7 arising from the collective recommendations made by Officers in Part 4 of this report, plus consequential amendments arising from those amendments, or from amendments for reader clarity that could otherwise be accomplished under Schedule 1 Clause 16(2) of RMA¹.

Implicit in this is that the remaining 'part' or 'parts' of the request are recommended to be rejected.

- Appendix 1: Amendments to Change 7. Includes consequential amendments arising from submitters' requests that have been accepted or accepted in part, but not specified in Appendix 2.
- Appendix 2: Summary of Decisions Requested by Submitters grouped by hearing report and topic numbers. This includes annotations indicating whether the decision requested, and any corresponding further submissions are recommended by Officers to be 'accepted'; 'accepted in part'; 'rejected' or 'to be confirmed'. Part 4 of the Report sets out the Officers' evaluation of decisions requested and sets out the Officers' recommendations (with reasons) in more detail.
- Appendix 3: Location map of outstanding characteristics and features in the Mohaka River WCO
- Appendix 4: Relevant New Zealand Coastal Policy Statement provisions outstanding and significant values
- Appendix 5: Outstanding Values - Intent of the NPSFM
- Appendix 6: Index of submitters against reporting topics (indicative only)
- Appendix 7: Summary of Change 7 timeline (2012 - 2019)
- Appendix 8: Local Expert Panel - Adopted 'Outstanding Water Body' definition & Outstanding Water Body Assessment Criteria
- Appendix 9: Location of Outstanding Water Bodies in Proposed Change 7
- Appendix 10: Bibliography

¹ Correction of minor errors.

10. **Formatting style guide for amendments proposed in Change 7**

11. New text in Proposed Change 7 is underlined and text to be deleted is ~~struck out~~. The remaining clauses appeared (grey coloured text) in published versions of the Proposed Change 7 document for context only and are not proposed to be amended by Change 7 [grey coloured text].

12. **Finding a Submission**

13. Forty-one submitters raised over 800 individual points and 18 further submissions were received. Submissions could have been evaluated by submission or by issue/topic. In this report, the latter approach is taken. Because this report has been arranged by ‘topics’ and any single submission may relate to several topics, an indicative index of submitters against reporting topics has been prepared (see Appendix 6).

14. In relation to further submissions, the following matrix outlines the general manner in which officers recommend further submissions be accepted, rejected or accepted in part relative to their support or opposition of the original submission point.

		Recommendation on submission point		
		Accept	Accept in part	Reject
FSub stance vs original Sub	Support	Accept FSub	Accept in part FSub	Reject FSub
	Part support	Accept in part FSub	Accept in part FSub	Accept in part FSub
	Part oppose	Accept in part FSub	Accept in part FSub	Accept in part FSub
	Oppose	Reject FSub	Accept in part FSub	Accept FSub

15. **Materials supplied to the Hearing Panel**

16. Following the appointment of commissioners to the Hearing Panel, Council staff assembled and supplied each commissioner with ring binders containing various documents relating to Change 7. The documents were:

- Proposed Change 7
- Change 7 s32 Report
- Full set of submissions (41 in total)
- Full set of further submissions (18 in total)
- Summary of decisions requested
- Summary of values reports (OWB 1 - 38)

17. **Late submissions**

18. The following submission was received by HBRC after the 28 February 2020 deadline:

- New Zealand Forestry Managers Limited [Submitter #24]

19. The lateness of that submission has been waived, as advised in Minute 1 of the independent Hearing Panel dated 6 October 2020.

20. As such, the merits of requests made in New Zealand Forestry Managers Limited’s submission will be considered at the hearing alongside all other submissions that were received within the submission deadline. The same goes for those further submissions received in support or opposition to NZFML’s original submission.

21. For the record, there were no further submissions received by HBRC after the 10 September 2020 deadline.

22. **How does Change 7 achieve the RMA’s purpose and address Submitters’ issues?**

23. The development of regional plans assists the Council to fulfil its functions and responsibilities under the RMA (in particular, promoting the sustainable management of natural and physical resources).

24. In this case, Change 7 aims to ensure those waters with outstanding values (both freshwater and coastal areas) will be protected and provided for into the future. Change 7 would do this by introducing special provisions which prescribe a high level of protection in future plan making and future resource consent decision making.

25. Change 7 is one part of the Council's broader programme to implement the National Policy Statement for Freshwater Management (NPSFM) and sustainably manage the region's land and water resources. While it is a key aspect of implementing the NPSFM, Change 7 has been prepared in a way that does not attempt to fully

implement the NPSFM or NZCPS all on its own. The Council has a much wider resource management planning work programme spanning many years to achieve that.

26. What Change 7 Cannot Address

27. Change 7 has a defined purpose. It is not a document that can be used to answer all possible questions around exactly how OWB will be managed in future plan development. That remains subject to decisions to be made during future planning processes in consultation with iwi authorities, key stakeholders and the community.

28. Change 7 was prepared and notified under the NPSFM 2014 (amended 2017). Submissions closed prior to the NPSFM 2020 coming into legal effect. While those aspects of the 2020 NPSFM which relate to OWB can be taken into account in making decisions on Change 7², matters relating to the broader NPSFM 2020 are outside the scope of this plan change and will be addressed as part of the Council’s wider resource management planning work programme.

29. As discussed above, whilst Change 7 assists with the implementation of the NPSFM and NZCPS, it does not attempt to fully implement the NPSFM or NZCPS.

30. Cultural and spiritual values

31. Tāngata whenua have special cultural, spiritual, historical and traditional associations with all water bodies. The relationship between tāngata whenua and freshwater is founded in whakapapa, creating an inalienable relationship between Māori and freshwater that is recorded, celebrated and perpetuated across generations. Freshwater, the veins of Papatūānuku, is a tāonga of paramount importance within te ao Māori.

32. Section 6(e) of the RMA identifies, as a matter of national importance, the relationship of Māori, their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other tāonga. This is alongside various other matters of national importance also in sub clauses of section 6.

33. A key challenge in implementing the NPSFM, and identifying OWB as part of Change 7, is the special relationships and historical associations that tāngata whenua have with all water bodies. A core Māori belief is that no water body is more important than another and each water body has its own individual mauri or vital essence and are important for spiritual, physical and customary reasons.

34. Despite the challenges of acknowledging the Māori worldview, the Council has prepared Change 7 following recommendations from the Council's Regional Planning Committee (RPC)³, who advised that the Change 7 should include the Māori cultural and spiritual value set. Notwithstanding, this view was not universally held by all iwi authorities in the region. In particular, Ngai Tuhoe, Ngāti Pāhauwera and Ngāti Kahungunu Wairoa Taiwhenua Incorporated opposed Change 7 disagreeing with the classification of 'outstanding' of one water body over another. For this reason Ngai Tuhoe and Ngāti Pāhauwera choose not to participate in the Change 7 process as submitters.

35. Change 7 sets up a proposed policy framework for those water bodies having cultural and spiritual values that warrant protection in terms of the NPSFM ‘outstanding’ requirements. This is proposed in a way without diminishing the importance of other water bodies that are not labelled ‘outstanding’ or compromising the way in which these water bodies are managed in the Regional Resource Management Plan (RRMP) and Coastal Environment Plan (RCEP).

36. Information base

37. The following documents have formed the basis of the Reporting Officers’ recommendations contained in Topics 6 and 7. The documents which have informed the Change 7 development process are set out in Appendix 10.

Table 1: Information base - Topic 6 and 7 Reporting Officers’ recommendations

Report name	Report Link
Community Environment Fund - Outstanding Freshwater Body Project Reports	
Water Conservation Order Review - Outstanding Values Key Features	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/CEF-OFWB-Project-WCO-Review.pdf

² Providing the changes are within the scope of submissions.

³ The Council's RPC currently comprises 9 councillors and 9 tāngata whenua appointees from each of the large groupings of Treaty settlement entities in Hawke's Bay.

Report name	Report Link
Summary of Values Reports	
Hautapu River	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Hautapu-River-ID1-Summary-of-Values-Aug-2020-5481.pdf
Heretaunga Aquifer	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Heretaunga-Aquifer-ID2-Summary-of-Values-Aug-2020-5482.pdf
Karamū River	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Karamu-River-ID3-Summary-of-Values-Aug-2020-5480.pdf
Kaweka and Ruahine Ranges wetlands	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Kaweka-Ruahine-Wetlands-ID4-Summary-of-Values-Aug-2020-5483.pdf
Lake Poukawa and Pekapeka Swamp	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Lake-Poukawa-Pekapeka-ID6-Summary-of-Values-Aug-2020-5485.pdf
Lake Tūtira (including Aropaoanui River and Papakiri Stream)	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Lake-Tutira-ID7-Summary-of-Values-Aug-2020-5486.pdf
Lake Waikareiti	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Lake-Waikareiti-ID8-Summary-of-Values-Aug-2020-5487.pdf
Lake Waikaremoana	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Lake-Waikaremoana-ID9-Summary-of-Values-Aug-2020-5488.pdf
Lake Whakakī	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Lake-Whakaki-ID10-Summary-of-Values-Aug-2010-5490.pdf
Lake Whatumā	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Lake-Whatuma-ID11-Summary-of-Values-Aug-2020-5489.pdf
Lake Rototuna and Lake Rotoroa (Kaweka Lakes)	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Lakes-Rotoroa-Rototuna-ID5-Summary-of-Values-Aug-2020-5484.pdf
Makirikiri Stream	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Makirikiri-Stream-ID12-Summary-of-Values-Aug-2020-5491.pdf
Mangahouanga Stream	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Mangahouanga-Stream-ID13-Summary-of-Values-Aug-2020-5492.pdf
Maungawhio Lagoon	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Maungawhio-Lagoon-ID14-Summary-of-Values-Aug-2020-5493.pdf
Mohaka River	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Mohaka-River-ID15-Summary-of-Values-Aug-2020-5494.pdf
Morere Hot Springs	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Morere-Hot-Springs-ID16-Summary-of-Values-Aug-2020-5495.pdf
Ngamatea East Swamp	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Ngamatea-East-Swamp-ID17-Summary-of-Values-Aug-2020-5496.pdf
Ngaruroro River and Estuary	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Ngaruroro-River-ID18-Summary-of-Values-Aug-2020-5497.pdf
Nuhaka River	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Nuhaka-River-ID19-Summary-of-Values-Aug-2020-5498.pdf
Opoutama Swamp	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Opoutama-Swamp-ID20-Summary-of-Values-Aug-2020-5499.pdf
Porangahau River and Estuary	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Porangahau-River-ID21-Summary-of-Values-Aug-2020-5500.pdf
Putere Lakes	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Putere-Lakes-ID22-Summary-of-Values-Aug-2020-5501.pdf
Ripia River	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Ripia-River-ID23-Summary-of-Values-Aug-2020-5502.pdf
Ruakituri River	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Ruakituri-River-ID24-Summary-of-Values-Aug-2020-5503.pdf
Ruataniwha Aquifer	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Ruataniwha-Aquifer-ID25-Summary-of-Values-Aug-2020-5504.pdf
Tarawera Hot Springs	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Tarawera-Hot-Springs-ID26-Summary-of-Values-Aug-2020-5505.pdf
Taruarau River	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Taruarau-River-ID27-Summary-of-Values-Aug-2020-5508.pdf

Report name	Report Link
Te Hoe River	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Te-Hoe-River-ID28-Summary-of-Values-Aug-2020-5506.pdf
Te Paerahi Stream	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Te-Paerahi-Stream-ID29-Summary-of-Values-Aug-2020-5507.pdf
Te Whanganui a Orotū (Ahuriri Estuary)	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Ahuriri-Estuary-ID30-Summary-of-Values-Aug-2020-5509.pdf
Tukituki River and Estuary	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Tukituki-River-ID31-Summary-of-Values-Aug-2020-5510.pdf
Tūtaekurī River	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Tutaekuri-River-ID32-Summary-of-Values-Aug-2020-5511.pdf
Waiiau River	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Waiiau-River-ID33-Summary-of-Values-Aug-2020-5512.pdf
Waihua River	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Waihua-River-ID34-Summary-of-Values-Aug-2020-5513.pdf
Waikaretaheke River	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Waikaretaheke-River-ID35-Summary-of-Values-Aug-2020-5514.pdf
Waipawa River	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Waipawa-River-ID36-Summary-of-Values-Aug-2020-5515.pdf
Waipunga River	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Waipunga-River-ID37-Summary-of-Values-Aug-2020-5516.pdf
Wairoa River	https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Wairoa-River-ID38-Summary-of-Values-Aug-2020-5517.pdf

PART 2 – Overview

38. This Part summarises the reasons behind Hawke’s Bay Regional Council’s (HBRC) decision to amend the Regional Resource Management Plan (RRMP) to manage and provide for outstanding water bodies in Hawke’s Bay.

39. Purpose of Change 7

40. Change 7 is one of a series of work programmes which are currently being undertaken to implement the NPSFM and ensure that water is available for the use and enjoyment of everyone in the region, including tāngata whenua, now and for future generations.

41. Specifically, Change 7 at notification proposed to make changes to the RRMP which:

- (a) Identify a list of outstanding water bodies in Hawke’s Bay, being those water bodies (including estuaries) which contain an outstanding cultural, spiritual, recreation, landscape, geological, natural character or ecology value(s).
- (b) Inserts a policy framework which directs a high level of protection for these water bodies in future plan making under the RMA.
- (c) Provides guidance and direction to future catchment based planning processes, and respective local community discussions, ensuring future rules for outstanding water bodies are developed in a manner which protects their significant values.
- (d) Provides guidance and direction to HBRC when making decisions on future activities near outstanding water bodies.
- (e) Partly assists with the implementation of the NPSFM which contains certain requirements regarding OWB.
- (f) Partly assists with the implementation of the NZCPS which seeks to avoid the adverse effects on natural character, outstanding natural features and natural landscapes and certain types of habitats and ecosystems in the coastal environment.

42. However, it is not the purpose of Change 7 to enhance characteristics of a water body so that values of that water body become outstanding, or to improve them further if they are already outstanding.

43. The relevant provisions of the National Policy Statement for Freshwater Management and the New Zealand Coastal Policy Statement, with respect to Change 7, are discussed further in the following sections.

44. Background

45. In 2011, the Council began work on a change to the RPS to implement the new direction for freshwater management contained in the NPSFM (Plan Change 5). Part of this approach was the identification of outstanding water bodies, and outstanding areas within the coastal environment, in Hawke’s Bay.

46. In 2012, the Council decided to proceed with a standalone OWB plan change in a process separate to Change 5. A new policy was included in the RPS⁴ requiring an OWB plan change to be notified prior to the next catchment based management plan. In 2014 preparatory work began to inform a region wide OWB Plan Change.

47. In 2014, HBRC partnered with the Ministry of the Environment and Auckland Council to further investigate the intent of the outstanding freshwater body provisions in the NPSFM and to develop a set of criteria and thresholds that could be used by regional and unitary councils to identify outstanding water bodies across New Zealand⁵. A significant amount of work was undertaken as part of this project, including:

⁴ Policy LW1A - included through appeals on Plan Change 5 in 2013.

⁵ Known as the Community Environment Fund - Outstanding Freshwater Body Project (CEF OFWB Project)

- (a) a comprehensive review⁶ of all briefing papers, regulatory impact statements, cabinet papers, Section 32 evaluations and other relevant literature used to inform the development of the NPSFM’s OFWB provisions.
 - (b) A comprehensive review⁷ of the WCO reports and recommendations released by various courts and tribunals, to identify common themes, factors and characteristics of those water bodies with an outstanding status under a WCO.
48. The Community Environment Fund Outstanding Freshwater Body Project (CEF OFWB Project) succeeded insofar as making conclusions around the intent of the NPSFM's OFWB provisions and identified common themes, factors and characteristics of those water bodies with a nationally outstanding status.
49. In 2017, the Council began developing an OWB plan change process for Hawke’s Bay. That work programme became known as ‘Change 7’. Appendix 7 contains a summary of the Change 7 timeline between 2012 and 2019. Paragraphs 111 to 141 set out a detailed summary of the process Change 7 has followed since Council formally adopted the work programme in 2017.

50. Statutory Context

51. The Government has released a number of National Policy Statements over the last 10 years. Of most relevance to Change 7 is the NPS for Freshwater Management (NPSFM), and the New Zealand Coastal Policy Statement (NZCPS), which are discussed in more detail below.
52. **NPSFM outstanding water body provisions**
53. The NPSFM was first proposed in 2008, taking effect in July 2011. The NPSFM was replaced in 2014 (then further amended in 2017), and most recently replaced in September 2020. Change 7 was prepared and notified under the amended 2014 NPSFM (updated 2017).
54. The 2011 NPSFM signalled a new direction for the management of freshwater resources in New Zealand, with one of the key areas of direction being the protection of outstanding freshwater bodies. All versions of the NPSFM have retained policies directing a high level of protection for this class of water body.
55. The 2014/17 and 2020 NPSFM outstanding water bodies provisions are set out below in Table 2. The following paragraphs discuss the meaning of outstanding water body, and which values can make a water body ‘outstanding’, for NPSFM purposes.
56. **Table 2: 2014-17 & 2020 NPSFM outstanding water body provisions**

NPSFM OWB provision	NPSFM 2014 (updated 2017)	NPSFM 2020
Interpretation	Outstanding freshwater bodies are those water bodies identified in a regional policy statement or regional plan as having outstanding values, including ecological, landscape, recreational and spiritual values.	Outstanding water body means a water body, or part of a water body, identified in a regional policy statement, a regional plan, or a water conservation order as having one or more outstanding values.
Objectives	<p>Objective A2: "The overall quality of fresh water within a freshwater management unit is maintained or improved while:</p> <ul style="list-style-type: none"> (i) protecting the significant values of outstanding freshwater bodies; (ii) protecting the significant values of wetlands; and (iii)" <p>Objective B4: "To protect significant values of wetlands and of outstanding freshwater bodies".</p>	<p>NPSFM Objective: "The objective of this National Policy Statement is to ensure that resources are managed in a way that prioritises:</p> <ul style="list-style-type: none"> a) first, the health and wellbeing of water bodies and freshwater ecosystems; and b) second, the essential health needs of people; and c) third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future."

⁶ Riley B, 2015, criteria and methodology for determining outstanding freshwater bodies Literature Review One, Part One: Stocktake & Part Two: Summary Report; Ministry for the Environment, Auckland Council, Hawke’s Bay Regional Council.

⁷ Harper B, 2017 (updated 2020), Water Conservation Order Review - Outstanding Values: Key Characteristics; Ministry for the Environment, Auckland Council, Hawke’s Bay Regional Council.

NPSFM OWB provision	NPSFM 2014 (updated 2017)	NPSFM 2020
Policies	N/A	Policy 8: The significant values of outstanding water bodies are protected.
National objectives framework	N/A	3.8 Identifying FMUs and special sites and features (1)... (2)... (3) Every regional council must also identify the following (if present) within each FMU: a) b) c) the location of habitats of threatened species; d) outstanding water bodies; e) natural inland wetlands.

57. **What is an outstanding water body?**

58. The NPSFM stops short of stipulating exactly what constitutes an outstanding value, how the assessment and identification of outstanding water bodies should be undertaken, or whether the term 'outstanding' should be applied in a regional or national context.
59. While the NPSFM is ambiguous on whether an OWB assessment should be carried out in a regional or national context, it is generally accepted that given the NPSFM is designed to be implemented at a regional level, the corresponding outstanding assessments should also take place at a regional scale.
60. It is also generally accepted that an OWB can be part of a water body. It does not have to be the entirety of a water body (e.g. from its inland hill country origins to its exit at the coast). This is now made much clearer in the 2020 NPSFM's definition of 'outstanding water body'.
61. It is also now clear that those characteristics and features identified as nationally outstanding in a water conservation order (WCO) are within the 2020 NPSFM's meaning of 'outstanding water body'.

62. **What values can make a water body outstanding?**

63. The NPSFM is not clear on whether the types of values that can be identified as 'outstanding' for NPSFM purposes are restricted to intrinsic and non-consumptive use values, or if they can they include consumptive and economic use values such as irrigation, hydro-generation and tourism.
64. The 2011 and 2014 NPSFM defined 'outstanding freshwater bodies' as "those water bodies identified.... as having outstanding values, *including* ecological, landscape, recreational and spiritual values". While the definition of OFWB did not specifically refer to economic use values the word 'including' allowed for other values to be considered outstanding in addition to those specified.
65. The definition of 'outstanding water body' has been further amended in the 2020 NPSFM, with the outstanding value examples deleted, to read "outstanding water body' means a water body, or part of a water body, identified in a regional policy statement, a regional plan, or a water conservation order as having one or more outstanding values".
66. In 2016, the Council sought advice from Simpson Grierson solicitors around whether consumptive use values have the ability to be classed as 'outstanding values' for NPSFM purposes. Simpson Grierson advised that while is theoretically possible to recognise economic and consumptive use values as 'outstanding' values for the purposes of the [then] NPSFM, this view is untested, has no case law precedent, and such an approach would be contentious and difficult to justify as being consistent with the objectives of the NPSFM.
67. In 2019, a local expert panel (see Paragraphs 122 and 123) independently considered the NPSFM provisions and excluded values associated with water taken out of the water body, where it is added to something to make it valuable (e.g. water supply, irrigation, commercial and industrial uses) from their assessments of water bodies in Hawke's Bay.

68. **Did the NPSFM intend economic and consumptive use values to be classed as outstanding?**
69. When a rule or provision is unclear, the intent of a provision is referred to in order to gain a better understanding of its purpose. Discussions contained within past literature associated with the NPSFM OWB provisions have been referred to when determining the type of protection that was originally expected when these provisions were drafted.
70. The proposed 2008 NPSFM clearly did not provide for the recognition of economic and consumptive use values under its outstanding freshwater provisions, with subsequent versions of the NPSFM potentially allowing their inclusion through the definition of outstanding water bodies.
71. With respect to protection measures, all versions of the NPSFM have recognised OWB as a limited class of water bodies which warrant special protection, however the manner in which they have been protected has varied with the 2011 NPSFM protecting the quality of an OWB, with later versions protecting the significant values of an OWB.
72. In 2016, the CEF OFWB project (See Paragraphs 45 and 46) concluded that the NPSFM never intended for economic and consumptive use values to be classed as outstanding, noting that any major changes around the identification and management of OFWBs would have warranted significant discussion in supporting NPSFM documents.
73. In particular, the CEF project found it unlikely that subsequent versions of NPSFM, from 2011 onwards, were deliberately amended to allow for economic and consumptive use values to be classed as outstanding values without discussing the consequences of these changes in any supporting documents.
74. Appendix 5 sets out a more detailed summary of 2008 - 2020 NPSFM OWB provisions, and the associated CEF OFWB project findings around the intent of the NPSFM.
75. **Implications of the 2020 Action for Healthy Waterways Package**
76. On 5 August 2020, the Government gazetted the following documents as part of its 'Action for healthy waterways package' (nowadays referred to as the 'Essential Freshwater' package):
- (a) The National Policy Statement for Freshwater Management 2020 (NPSFM 2020);
 - (b) The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-Freshwater);
 - (c) The Resource Management (Stock Exclusion) Regulations 2020 (Stock Exclusion Regulations); and
 - (d) The Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020.
77. Reporting officers consider the NES-Freshwater, the Stock Exclusion Regulations and the amended Water Takes Regulations are not particularly relevant to matters under consideration in proposed Change 7. The NES Freshwater and the Regulations are national regulatory instruments prepared by the Government under the RMA. Change 7 does not propose any regulations or regional rules itself that would warrant further evaluation of implications arising from those new national rules.
78. The relevant implications of the NPSFM 2020 are briefly addressed below.
79. **NPSFM 2020**
80. The Council is required to prepare and amend any regional policy statement and regional plans in accordance with⁸, a range of matters, included Section 32 evaluations and national policy statements. A regional policy statement must give effect to national policy statements.⁹
81. Change 7 was prepared, evaluated pursuant to Section 32 of the RMA, and notified in order to give effect to relevant parts of the National Policy Statement for Freshwater Management 2014 (as amended in 2017) (NPSFM 2017).

⁸ RMA, s 61(1) regarding regional policy statements and s66(1) regarding regional plans.

⁹ RMA, s 62(3).

82. The NPSFM 2020 came into force on 3 September 2020¹⁰ and replaces the NPSFM 2017. Clause 4.1 of the NPSFM 2020 provides that “[e]very local authority must give effect to this National Policy Statement as soon as reasonably practicable”. In accordance with section 80A of the Act, the Council must notify a freshwater planning instrument, where that instrument has the purpose of giving effect to the NPSFM 2020, by 31 December 2024.
83. The extent to which it is reasonably practicable for the provisions of Change 7 to give effect to the NPSFM 2020 is confined by the scope within submissions to make changes to Change 7. Change 7 does not need to immediately give full effect to the NPSFM 2020. Rather, the Council must give effect to the NPSFM 2020 as soon as is reasonably practicable.
84. The situation before this Panel with respect to the introduction of the NPSFM 2020 ‘mid-process’ so to speak, is not new, and has occurred before¹¹ with previous iterations of the National Policy Statement for Freshwater Management.
85. Reporting officers have followed the approach taken by the High Court in *Hawke’s Bay and Eastern Fish and Game Council v Hawke’s Bay Regional Council*. That is, to the extent that there is scope to do so in submissions and given the particular focus of Change 7 on outstanding water bodies, Reporting Officers have endeavoured to give effect to the NPSFM 2020 as relevant in the circumstances.
86. Reporting officers consider that Change 7 cannot be (and is not) the Council’s sole plan change that fully gives effect to the new NPSFM 2020.
87. One of the key changes in the NPSFM 2020 is the further elevation and articulation of the concept of Te Mana o te Wai. Te Mana o te Wai has the meaning set out in Clause 1.3 and is described as a fundamental concept, encompassing six principles:
- (a) Mana whakahaere
 - (b) Kaitiakitanga
 - (c) Manaakitanga
 - (d) Governance
 - (e) Stewardship and
 - (f) Care and respect:
88. There is also a hierarchy of obligations enshrined in the only objective in the NPSFM 2020, which provides:
- (1) *The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:*
 - (a) *first, the health and well-being of water bodies and freshwater ecosystems*
 - (b) *second, the health needs of people (such as drinking water)*
 - (c) *third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*
89. In addition to the articulation of Te Mana o te Wai in clause 1.3 and the objective, the NPSFM2020 requires the Regional Council to engage with communities and tāngata whenua to determine how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the region.¹² Accordingly, while it is possible to initiate action intended to give effect to the NPSFM 2020, the Reporting Officers consider that it is not possible to fully give effect to the true intent of the document until such time as the local approach to giving effect to Te Mana

¹⁰ NPSFM 2020, cl 1.2(1).

¹¹ Examples include

- *Ngāti Kahungunu Iwi Incorporated v Hawke’s Bay Regional Council* [2015] NZEnvC 50, (2015) 18 ELRNZ 565
- *Hawke’s Bay and Eastern Fish and Game Council v Hawke’s Bay Regional Council* [2014] NZHC 3191 involving Plan Change 6 to the Hawke’s Bay Regional Management Plan.
- *Horticulture New Zealand v Manawatu-Wanganui Regional Council* [2013] NZHC 2492 involving the Horizons One Plan.

¹² NPSFM 2020, cl 3.2

o te Wai (as required in clause 3.4) has been determined. This has a bearing on the extent to which Change 7 alone can give effect to the NPSFM 2020, acknowledging also the scope constraints for that process.

90. Turning now to the fifteen policies in the NPSFM 2020:
- (a) Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai (noting that Te Mana o te Wai has the meaning set out in clause 1.3 of the NPSFM 2020).
 - (b) Policy 2: Tāngata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.
 - (c) Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.
 - (d) Policy 4: Freshwater is managed as part of New Zealand’s integrated response to climate change.
 - (e) Policy 5: Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.
 - (f) Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.
 - (g) Policy 7: The loss of river extent and values is avoided to the extent practicable.
 - (h) Policy 8: The significant values of **outstanding water bodies** are protected (emphasis added).
 - (i) Policy 9: The habitats of indigenous freshwater species are protected.
 - (j) Policy 10: The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.
 - (k) Policy 11: Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.
 - (l) Policy 12: The national target (as set out in Appendix 3) for water quality improvement is achieved.
 - (m) Policy 13: The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.
 - (n) Policy 14: Information (including monitoring data) about the state of water bodies and freshwater ecosystems, and the challenges to their health and well-being, is regularly reported on and published.
 - (o) Policy 15: Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.
91. As mentioned above, this Panel should strive to give effect to the NPSFM 2020 to the extent that there is scope within submissions to do so. It is for submitters to invoke the policies of the NPSFM 2020 relevant to the changes that they seek to Change 7, and to illustrate the extent to which their submission’s relief gives effect to the NPSFM 2020.
92. The degree to which the NPSFM 2020’s policies will be relevant to Change 7’s proceedings will vary. Certain policies in the NPSFM 2020 are expressed in directive terms. Policy 8 is clearly the most relevant to Change 7.
93. Ultimately, a decision-maker is required to:
- (a) give effect to the NPSFM 2020 (and other NPSs) and
 - (b) where there is scope within submissions to make the necessary changes to the regional planning framework through the Change 7 process, a decision-maker must reconcile any conflict in policy direction within the RRMP in favour of the NPSFM 2020.
94. Any remaining (out of scope) conflict between the NPSFM plus NZCPS together, and the objective and policy framework in the RRMP will then fall to the Council to resolve in some other proceedings (e.g. separate plan changes, a plan review or resolving on a resource consent by resource consent basis).

95. **Water Conservation Orders**

96. In relation to the Hawke's Bay region, there is one WCO in force – the Water Conservation (Mohaka River) Order 2004. An application for an Order for the Ngaruroro and Clive rivers remains subject to Environment Court proceedings and consequently is not in force.
97. The Mohaka River WCO was the subject of protracted proceedings after the application was made in October 1987. The application was lodged under the [then] Water and Soil Conservation Act 1967 by the Hawke's Bay Acclimatisation Society and Council of North Island Acclimatisation Societies. A tribunal received 123 submissions and published its report and recommendations in March 1990. The [then] Planning Tribunal was asked to consider the application further. The Planning Tribunal made its report and recommendations on 8 April 1992, yet it wasn't until 15 November 2004 when the Environment Minister finally made the Water Conservation (Mohaka River) Order 2004.
98. Section 62(3) of the RMA requires that regional policy statements must not be inconsistent with a WCO. Therefore, much of Change 7 cannot be inconsistent with the Water Conservation (Mohaka River) Order 2004.
99. Clause 4 of the Mohaka WCO identifies the following as outstanding characteristics and features of the Mohaka River and its tributaries (also see Appendix 3):
- (a) an outstanding trout fishery in the mainstream, upstream of the State Highway 5 bridge and in the tributaries; and
 - (b) outstanding scenic characteristics in the Mokonui Gorge; and
 - (c) outstanding scenic characteristics in the Te Hoe Gorge [although this gorge is not on the Mohaka River's mainstem]; and
 - (d) an outstanding amenity for water-based recreation from the State Highway 5 bridge to Willow Flat.
100. The 2020 NPSFM has amended the definition of 'outstanding waterbody' from earlier versions to now mean:
- "a water body, or part of a water body, identified in a regional policy statement, a regional plan, or a **water conservation order** as having one or more outstanding values"* (emphasis added).
101. Given the amended definition of outstanding waterbody in the 2020 NPSFM, those parts and features of the Mohaka River as identified in Paragraph 99 are OWB for the purposes of the NPSFM, and consequently Change 7 also. However, that does not automatically mean the waterbody in its entirety is outstanding for those same values or any other values. The remainder of the Reporting Officers' evaluation therefore focusses on any additional features, values or locations of the Mohaka River that might be regarded as outstanding in a regional context.
102. In this report, the Mohaka WCO particularly relates to parts of the following water bodies in Change 7:
- (a) Hautapu River
 - (b) Mohaka River
 - (c) Ripia River and
 - (d) Te Hoe River.
103. For the avoidance of doubt, an application for a WCO for the Ngaruroro and Clive rivers has been made, a Special Tribunal has held a hearing and published its report. Several parties have made submissions to the Environment Court in relation to the Tribunal's report. The Environment Court proceedings are ongoing. Consequently, there is no WCO in force for the Ngaruroro River or Clive River.
104. **The New Zealand Coastal Policy Statement**
105. The 2010 New Zealand Coastal Policy Statement (NZCPS) sets out objectives and policies to manage the coastal environment. The NZCPS is relevant as it applies to estuaries and lagoons which have been classed as 'water bodies' under Change 7.
106. The NZCPS does not specifically refer to outstanding water bodies and has a different management framework when it comes to managing waters with outstanding values when compared to the NPSFM.

107. While there is no requirement in the NZCPS to identify outstanding coastal water bodies, it does contain provisions directing the protection of outstanding natural character, natural features and natural landscapes of the coastal environment from inappropriate subdivision, use and development. Furthermore, the NZCPS also contains requirements to maintain coastal water quality (Objective 1) consider the effects of activities on coastal water (Policies 4 and 5) and improve deteriorated coastal water quality (Policy 21).
108. Policies 11, 13, 15 and 17 of the NZCPS set out a number of provisions which relate to natural ecosystems, indigenous biodiversity, sites of biological importance, natural features, historic heritage, natural character and landscape values. These are some of the many significant values which can be associated with water bodies in the coastal environment. In some cases, the national policy direction from the NZCPS is more restrictive than the NPSFM when it comes to managing these types of values.
109. The provisions in the NZCPS which are relevant to Change 7 are detailed in Appendix 4. For clarification, Change 7 gives partial effect to these policies where relevant to the identification of outstanding values for the purposes of Change 7.
110. Change 7 does not seek to fully implement these policies all on its own. The Council has a much wider resource management planning work programme spanning many years to achieve that. Identifying and incorporating a policy framework for protecting outstanding water bodies in the coastal environment would partially implement the NZCPS, with a view to fully implement these provisions during future planning making.

PART 3 – Change 7 Development Process

111. The NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, councils have discretion on the processes it may choose to identify their region's OWB.
112. After considering a number of options¹³, the Council adopted the OWB identification methodology set out in Paragraphs 118 to 127.
113. Detailed information on the development process of Change 7 is set out in Paragraphs 45 to 110 of the Change 7 Section 32 Evaluation Report.

114. Scope of Change 7

115. In the absence of national guidance on criteria for evaluating and identifying 'outstanding' water bodies, the Council directed that for the purposes of Change 7:
 - (a) in order to be 'outstanding', a water body must contain a cultural, spiritual, recreation, landscape or ecology value, in its own right, which stands out from the rest on a regional basis.
 - (b) economic and consumptive use values are excluded from consideration as 'outstanding values'.
 - (c) The identification of outstanding water bodies will be based on existing evidence and past publications. No new studies or investigations will be carried out
 - (d) the scope of Change 7 is limited to the identification of outstanding values only¹⁴.
 - (e) estuaries are included in the scope of Change 7.
116. Further, based on the findings of the CEF OFWB project, and legal advice obtained from Simpson Grierson, for the purposes of Change 7 it was determined that:
 - (a) Being outstanding is a high test. The term 'outstanding' distinguishes something from others based on its exceptional qualities and is typically used to describe the 'best of the best'.
 - (b) Outstanding and significant values are not the same. An outstanding value has a higher threshold than a significant value. An outstanding value will always be significant, but a significant value will not necessarily be outstanding (based on legal advice and case law in context of s6 RMA).
 - (c) A water body needs to have one outstanding characteristic before the water body is classified as outstanding. Cumulative significant values do not trigger an outstanding status.

¹³ See Change 7 Section 32 Evaluation Report for further information about the OWB identification options considered by Council.

¹⁴ Notwithstanding, Change 7 does include a list of significant values for those outstanding water bodies located within the Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments. These significant values have been identified through preparation of the Change 9 TANK Plan with tāngata whenua and the community NOT as part of Change 7.

117. OWB identification methodology

118. The approach used by HBRC to identify OWB in Hawke’s Bay followed a six step process that began with a high level review documenting the values associated with 130 water bodies across the region.

119. Phase 1 involved a thorough review of over 90 documents including deeds of settlements, statutory acknowledgements, customary use reports, Waitangi Tribunal reports, and several other documents¹⁵ produced in a national and regional context between 1979 and 2018.

120. Phase 1 culminated in two literature review reports (Phase 2) summarising key values associated with 130 of the region’s water bodies. Prior to completion, input was sought from iwi authorities across the region. This work built a clear picture of values associated with a wide range of water bodies across the region and their potential for being classified as outstanding, this was used to inform Phase 3.

121. Phase 3 was carried out by the Council’s Regional Planning Committee (RPC), who selected a short list of 22 potential OWB. During Phase 3 a more focused description and assessment of these 22 water bodies was carried out to see if any contained values that were clearly superior to other water bodies in Hawke’s Bay.

122. Phase 4 involved wider input from the public, iwi authorities, key stakeholders and territorial local authorities on the list of candidate OWB identified by the Council. An additional 20 candidate OWB were nominated during Phase 4, and a local expert panel was engaged to identify any outstanding characteristics of the 42 water bodies nominated during Phases 3 and 4.

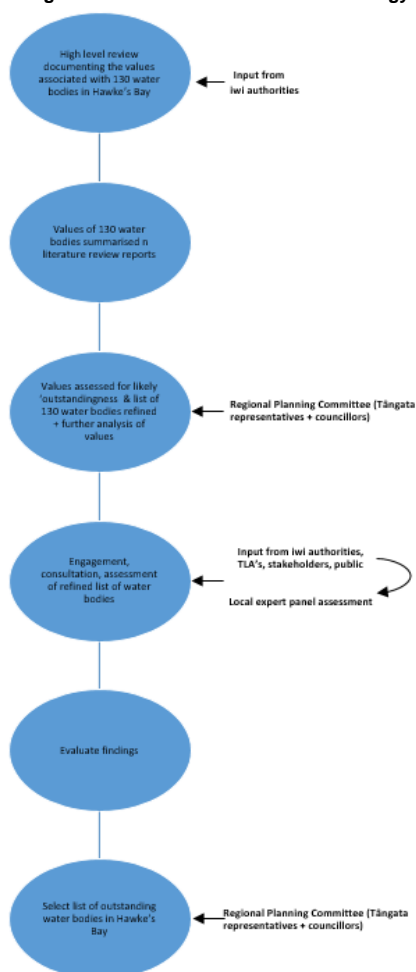
123. The local expert panel was appointed via nominations by key stakeholders, iwi authorities and city and district councils and comprised six members¹⁶ with good knowledge of the Hawke’s Bay region. The panel provided recommendations on all value sets with the exception of the cultural and spiritual value set where preliminary findings were made. In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua. Further, the local expert panel identified thirteen water bodies that needed further cultural assessments. However, additional cultural assessments were not carried out at that time due to the scope of Change 7 (see Paragraph 115 Clause (c)).

124. Phase 5 saw a final evaluation carried out, with a particular focus on the water bodies nominated during Phase’s 3 and 4. This work set out the findings from the secondary assessments, the local expert panel and feedback received during engagement.

125. Phase 6 was carried out by the RPC who used the following selection methods to identify a list of 38 water bodies considered to be outstanding for NPSFM purposes, and subsequent inclusion in Change 7:

- (a) **Outstanding for cultural and spiritual value set:** those water bodies clearly supported as containing cultural or spiritual values which ‘stand out’ when compared to the other water bodies, based on the traditional knowledge

Figure 1 – OWB identification methodology



¹⁵ Headwater Trout Fisheries in New Zealand (1994), Directory of Wetlands in NZ (1996); Wildlife and Wildlife Habitat of Hawke’s Bay Rivers (1988), Potential Water Bodies of National Importance (2004); Areas of Significant Conservation Values: HB Coastal Marine Area; 2012, Hawke’s Bay River Values Assessment System for Native Birdlife, Native Fish, Natural Character; Salmonid Angling; Whitewater Kayaking (2006); New Zealand Geopreservation Inventory (2018).

¹⁶ Morry Black (Mauri Protection Agency), Matt Brady (DOC), John Cheyne (Te Taiao Environment), Andrew Curtis (Water Strategies Limited), Bernie Kelly (kayaking rep), Tom Winlove (HB Fish & Game)

of the RPC tāngata whenua representatives; information in Table C1: Cultural Values Table¹⁷, information in the secondary assessments, feedback from iwi authorities, preliminary findings of the local expert panel.

- (b) **Outstanding for recreation, landscape, geology, natural character and ecology value sets:** those water bodies which contain values which clearly ‘stand out’ and are ‘superior’ when compared to the other water bodies and/or are of excellent quality, despite being similar to one or more water bodies in the region and are identified as ‘outstanding’ in published literature.

126. During Phase 6, the RPC identified a number of water bodies as ‘outstanding’, despite a lack of evidence in published material supporting the outstanding cultural and spiritual values. In making this decision, the RPC noted that Māori history is recorded orally, and much of the information and knowledge is held with local marae and hapū, rather than in those documents reviewed to inform Change 7.
127. Reporting officers have not made any recommendations around the cultural and spiritual value set in recognition of this; to afford the opportunity for tāngata whenua submitters to present their evidence orally at the hearing; and enable the Panel to consider any such evidence that may be presented in that way.

128. Consultation and engagement

129. During the course of preparing Change 7, Council invited feedback and met with key stakeholders, iwi authorities, city and district councils and the general public prior to notification.
130. A summary of the engagement and consultation undertaken as part of Change 7 is set out in Table 3. For more information, see the Change 7 Section 32 evaluation report.
131. **Table 3: Change 7 engagement and consultation summary**

Date	Groups	Type of engagement
2017		
May	RPC Tāngata whenua representatives	HBRC staff co-design an approach to identify OWB in Hawke’s Bay with the RPC Tāngata whenua representatives
Dec	Iwi authorities	Iwi authorities are invited to provide feedback on the draft version ‘summary of cultural values associated with 130 water bodies in Hawke’s Bay’ report, prior to it being finalised.
2018		
June	Iwi authorities/ key Stakeholders/ TLAs/ community	Iwi authorities are invited to meet and discuss Change 7 and provide comments on the candidate list of OWB and their associated secondary assessments. Key stakeholders, TLAs & general public are invited to provide comments on Change 7 and the candidate list of OWB and their associated secondary assessments.
Aug	Iwi authorities/ key stakeholders/	A series of meetings are held with several iwi authorities, key stakeholder groups and TLAs to discuss Change 7
Oct	Ngāti Kahungunu	Panui about Change 7 is placed in Ngāti Kahungunu Iwi Incorporated’s newsletter and comments are invited.
Dec	Iwi authorities / Key Stakeholders/ TLAs	Iwi authorities, key stakeholders & TLAs are invited to nominate experts to sit on a local expert panel to assess water bodies within the region for an outstanding status.
2019		
Mar	iwi authorities	Sub-regional hui held with iwi authorities and/or individual meetings held with iwi authorities when requested
May	Iwi authorities/ key Stakeholders/ TLAs	Pre-notification consultation as required by Schedule 1 of the RMA carried out with iwi authorities. Additionally, key stakeholders & TLAs are invited comments on Draft Change 7 A total of 18 groups and individuals provided feedback during the pre-notification consultation period, resulting in amendments to Draft Change 7 prior to formal notification.

¹⁷ HBRC Publication Number 4978: Summary of cultural values associated with water bodies in Hawke’s Bay; 2018; Table C1: Cultural Values Table

Date	Groups	Type of engagement
July – Dec	Iwi authorities	Offer extended to assist with resourcing to enable those iwi authorities with identified OWB in Proposed Change 7, but lack of information, to gain further information in support of outstanding cultural and spiritual values.

132. Notification Change 7

133. Proposed Change 7 was publicly notified on 31 August 2019. The deadline for submissions was 28 February 2020 – a six month submission period.
134. As discussed in Paragraphs 125 and 126, the Regional Council publicly notified Change 7 with a list of 38 OWB, while acknowledging there were significant information gaps and a need for further evidence to support the outstanding classification for a number of the water bodies set out in Schedule 25.
135. In recognition of these information gaps, the Council agreed with the RPC’s recommendation to notify proposed Change 7 with an extended six month notification period, at the same time, resourcing was offered to Heretaunga Tamatea Settlement Trust, Ngati Hineuru, Ngāti Ruapani and Tātau Tātau o Te Wairoa, to assist with their information gathering. The extended submission period was intended to enable submitters to gather further evidence in support of the proposed outstanding status of water bodies. Those submissions and their accompanying evidence could then be evaluated through Change 7’s hearing process.
136. It is not a conventional process to propose a plan change with known evidential deficiencies and then use the submission process to fill those known information gaps. The Change 7 Section 32 Evaluation Report had set out the Council’s reasons for following that approach¹⁸. In particular, the Council decided the risks of notifying proposed Change 7 with insufficient information, outweighed not notifying Change 7 at all.
137. Notably, the Section 32 Evaluation Report identifies that there is no right or wrong approach for identifying a list of outstanding water bodies, providing there is a robust evidence base to support their selection. As discussed in Paragraphs 125 and 126, and based on a recommendation from the RPC, the Council made a deliberate decision to use the submissions process to fill information gaps and subsequently provide a robust evidence base for each of the OWB in Schedule 25 for full consideration by the Change 7 Hearing Panel.
138. To ensure clarity for plan readers, notations were included in the notified version of Schedule 25, advising which water bodies Tāngata whenua have identified as containing outstanding cultural and spiritual values, noting the associated outstanding descriptions will be updated as further information becomes available.
139. Public notices were placed in newspapers across the region, including Hawke’s Bay Today, Wairoa Star, Central Hawke’s Bay Mail and Napier Mail. Formal notice of Change 7 was provided directly to those parties set out in Schedule 1 of the RMA. In total 41 submissions were received, including one late submission.
140. The 'Summary of Decisions Requested' and the 'Request for Further Submissions' was notified by way of public notice on the 26 August 2020. Further submissions closed on 10 September 2020, with a total 18 further submissions received.
141. The submission and further submission timeframes met all statutory requirements for notification.

¹⁸ For further information see Section 32 Evaluation Report: Proposed Change 7.

PART 4 - Officers' Evaluation and Recommendations

TOPIC 1 - OUTSTANDING WATER BODIES: NPSFM & NZCPS

Freshwater and estuary areas / coastal waters

Report: 1.0

Submission numbers

142. Submitter and further submitter numbers and associated requests for this topic are contained in Appendix 2 Report 1.0. Full copies of all written submissions and further submissions have been pre-circulated to members of the hearing panel.
143. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

144. A number of submitters opposed Change 7 including provisions that manage coastal waters in a manner prescribed by the NPSFM.
145. Requests ranged from deleting coastal waters from Change 7, to amending Change 7 so waters within the coastal environment are clearly managed pursuant to the NZCPS rather than the NPSFM.
146. Several submitters stated support for the same management regime being applied to outstanding water bodies regardless of their location in or out of the coastal environment.

Evaluation

147. The NPSFM contains specific provisions which allow for outstanding water bodies (OWB) to have special protection in regional policy statements and plans. There is no similar definition in the NZCPS. As such, it is the NPSFM provisions which have largely driven the preparation of Change 7.
148. While there is no requirement in the NZCPS to identify outstanding coastal waters, given that outstanding values often span between freshwater and coastal systems, the management and protection of outstanding water bodies needs to be integrated between the two environments.
149. The provisions in Change 7 put in place a framework which prescribes the same high level of protection for waters with outstanding values, regardless of their location within the coastal environment or further inland. In particular Change 7:
 - (a) ensures a consistent and integrated approach to the management of OWB that occurs across the region, which protects waters with outstanding values regardless of their location in or out of the coastal environment.
 - (b) Provides a consistent framework to protect outstanding water bodies (such as estuaries) in coastal areas, in the same manner as outstanding freshwater bodies.
 - (c) manages outstanding values which extend between the freshwater and coastal environment in a consistent manner.
 - (d) is consistent with the NPSFM which specifically provides for the integrated management of the effects of use and development of land and freshwater on coastal water.
 - (e) partly assists in giving effect to Policies 11, 13, 15 and 17 of the NZCPS that set out a number of provisions which relate to natural ecosystems, indigenous biodiversity, sites of biological importance, natural features, historic heritage, natural character and landscape values. These are some of the many significant values which can be associated with water bodies in the coastal environment.
150. In some cases, the national policy direction from the NZCPS is more restrictive than the NPSFM when it comes to managing the types of values set out in Policies 11, 13 and 15 of the NZCPS. The provisions set out in Chapter

3.2 of Change 7 do not make this distinction clear, and could be viewed as incorrectly implying that the protection of certain outstanding and significant values can occur in a more lenient manner than that directed by the NZCPS, which requires adverse effects to be avoided in some instances.

151. As such, it is recommended that Chapter 3.2 is amended to ensure future plan readers are clear in these cases the policy direction set out on the NZCPS takes precedence. In particular, it is recommended that the explanations and reasons for Objective 11, and proposed Policies C1 and C2 are amended, as per Appendix 1.

Officers' preliminary recommendation

Coastal waters

Report: 1.0

- (a) That Chapter 3.2 be retained, albeit with amendments as per Appendix 1.
- (b) That the hearing panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 1.0, for reasons including those set out below.

152. Reasons

- (a) Freshwater and coastal systems are interconnected. The management and protection of outstanding water bodies is complex, and needs to be integrated between the two environments to ensure adequate protection of all outstanding water bodies.
- (b) The NPSFM specifically provides for the integrated management of the effects of use and development of land and freshwater on coastal water.
- (c) Change 7 ensures a consistent framework is in place to protect waters which have outstanding values that span both the freshwater and coastal environments, while taking into account the national direction contained in the respective NZCPS and NPSFM documents.
- (d) Ensure a consistent framework is in place to protect outstanding water bodies (such as estuaries) in coastal areas, in the same manner as outstanding freshwater bodies.
- (e) Incorporating a policy framework for protecting waters with outstanding values in the coastal environment would at least meet or probably exceed the level of protection required by the NZCPS.
- (f) Objective 11, and Policies C1 and C2 assist in giving effect to Objectives 1 and 2 and Policies 11, 13, 15 and 17 of the NZCPS.

Submission numbers

153. Submitter and further submitter numbers and associated requests for this topic are contained in Appendix 2 Report 2.1. Full copies of all written submissions and further submissions have been pre-circulated to members of the hearing panel.
154. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

155. A number of submitters requested amendments to the definitions of 'outstanding' and 'outstanding water body' in Change 7.
156. With respect to the definition of 'outstanding water body', requests ranged from adding additional sub-values to changing the outstanding threshold to be more stringent and removing the reference to estuaries. Several submissions requested the definition be amended to more closely reflect the NPSFM.
157. With respect to the definition of 'outstanding', requests ranged from a change to the outstanding threshold to be more stringent, to ensuring consistency with Policy LW1.1(cC). Several submissions stated support for the definitions.
158. One submission opposed the identification of OWB in Schedule 25, when the significant values of a specific water body were not known.

Evaluation

159. All past editions of the NPSFM have stopped short of stipulating exactly what constitutes an outstanding value, how the assessment and identification of outstanding water bodies should be undertaken, or whether the term 'outstanding' should be applied in a regional or national context (See Paragraphs 58 and 59).
160. The concept of what exactly is an outstanding water body underpins Change 7. In the absence of direction through the NPSFM, it is critical that Change 7 sets a clear scope as to what may or may not be outstanding for NPSFM purposes. This is partly achieved through the definitions of 'outstanding' and 'outstanding water bodies'.
161. Outstanding water body
162. An OWB is defined in Change 7 as follows: "*Outstanding water body means freshwater bodies and estuaries, or parts thereof, identified in Schedule 25 that have one or more outstanding cultural, spiritual, recreation, landscape, geology, natural character or ecology value(s).*"
163. The definition excludes economic and consumptive use values but does not exclude wetland areas. A number of wetlands have been included in Schedule 25 as OWB.
164. The definition is clear, that an OWB needs one or more outstanding value in order to be identified as an OWB. A water body's significant values are identified through a separate process discussed in Paragraphs 216 to 220.
165. The definition of OWB gives effect to the NPSFM in particular:
 - (a) The 2020 NPSFM refers to an OWB "... *as having one or more outstanding values*" (see Paragraph 65).
 - (b) The NPSFM never intended for economic and consumptive use values to be classed as outstanding¹⁹ (See Paragraphs 69 to 74).
 - (c) The inclusion of estuaries ensures an integrated management of freshwater and coastal waters.

¹⁹ Based on CEF OFWB Project findings.

- (d) Outstanding values regularly extend between the freshwater and coastal environment. Using one term for waters with outstanding values reduces confusion for plan readers.
166. The Change 7 'Outstanding water body' definition when considered in conjunction with the Change 7 'outstanding' definition indicates an OWB must be exceptional in some way, with the values or attributes related to it being 'superior' or 'standing out' from other water bodies within the region.
167. The definition sets a clear scope as to what may or may not be outstanding for the NPSFM purposes and it is recommended that it be retained as notified.
168. The term 'OWB' and its consistency with higher order documents
169. The term OWB has been deliberately extended to the coastal elements of water bodies for the purposes of integrated management.
170. While there is a technical argument that outstanding water bodies may only be freshwater bodies outside of the coastal marine area (CMA), particularly given the definition of water body²⁰ in the RMA expressly excludes waters within the CMA, on balance it is recommended the definition be retained for the following reasons:
- (a) Both the NPSFM and existing RPS policies expressly require the integrated management of freshwater and coastal waters.
 - (b) Outstanding values regularly extend between the freshwater and coastal environment. The term 'OWB' encompasses those parts of the water body where both the NPSFM and NZCPS apply, which reduces confusion for plan readers.
 - (c) Amendments are recommended to Chapter 3.2 of Change 7 to be clear that in cases where the policy direction set out in the NZCPS is more stringent than that set out in the NPSFM, the NZCPS takes precedence.
 - (d) The NZCPS applies more broadly than just the CMA, with a number of its policies applying to the coastal environment. As such, regardless of the definition of OWB the spatial overlap between the NPSFM and the NZCPS will still exist.
 - (e) The term OWB is consistent with terminology within the NPSFM which is the primary driver of Change 7.
171. Notwithstanding, the Panel could choose to replace the term 'OWB' with 'outstanding water resources', or 'outstanding bodies of water' and make it clear that the new term includes outstanding water bodies. However, this is not recommended particularly given it is not clear if there would be any unintended consequences or risks associated with this.
172. Outstanding
173. Being outstanding is a high test. The term 'outstanding' distinguishes something from others based on its exceptional qualities and is typically used to describe the 'best of the best'.
174. While the NPSFM does not provide guidance on how an outstanding value should be identified and is ambiguous on whether an OWB assessment should be carried out in a regional or national context, it is generally accepted that:
- (a) the test for outstanding sets a high bar. This indicates in order to be classed as outstanding, a water body or part thereof, must be exceptional in some way, with the values or sub-values standing out or being superior to others.
 - (b) given the NPSFM is designed to be implemented at a regional level, the corresponding outstanding assessments should also take place at a regional scale.
175. 'Outstanding' is defined in Change 7 as: *"for the purposes of an outstanding water body; outstanding means conspicuous, eminent, and/or remarkable in the context of the Hawke's Bay Region."*
176. For clarification, no submissions were received requesting the current threshold in the definition of 'outstanding' to be lowered, or made more lenient. There are a few submissions requesting increasing the

²⁰ "water body means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area".

outstanding-ness threshold. As such, reporting officers consider there is only scope within submissions to make the definition of 'outstanding' more stringent in accordance with submitter requests, and certainly not more lenient than as notified.

177. Notwithstanding, Reporting officers consider the definition of 'outstanding' as proposed in Change 7 provides clarity for plan users and it is recommended that it be retained as notified.

Officers' preliminary recommendation

Definitions: 'outstanding' & 'outstanding water body'

Report: 2.1

- (a) Retain the definitions of 'outstanding' and 'outstanding water bodies' in Change 7 as notified.
- (b) That the hearing panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 2.1 for reasons including those set out below.

178. Reasons

- (a) For clarity, it is appropriate to define 'outstanding' and 'outstanding water body' in Change 7.
- (b) The definitions of 'outstanding' and 'outstanding water body' in Change 7 give effect to relevant provisions of the NPSFM.
- (c) Freshwater and coastal systems are interconnected. The identification, management and protection of outstanding water bodies is complex, and needs to be integrated between the two environments, to ensure adequate protection of all outstanding water bodies.
- (d) The inclusion of estuaries in the definition of OWB ensures a consistent framework is in place to identify and protect estuaries with outstanding values, in the same manner as outstanding freshwater bodies. As such, a new definition of 'outstanding water resources in the coastal environment' is not required.
- (e) The concept of what exactly is an outstanding water body underpins Change 7. In the absence of direction through the NPSFM, it is critical that Change 7 sets a clear scope as to what may or may not be outstanding for NPSFM purposes.
- (f) When a rule or provision is unclear, the intent of a provision is referred to in order to gain a better understanding of the meaning of a provision. While the wording of the OWB definition in the NPSFM potentially allows for the inclusion of consumptive use values as outstanding values, we conclude that does not appear to be the intent of any of the four NPSFM versions.

Outstanding values and their sub-parts

Report: 2.2

Submission numbers

179. Submitter and further submitter numbers and associated requests for this topic are contained in Appendix 2 Report 2.2. Full copies of all written submissions and further submissions have been pre-circulated to members of the hearing panel.
180. The following evaluation may not explicitly refer to every submission point but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

181. The requested amendments to Change 7 included:

- (a) Provide for economic and consumptive use values to be identified as outstanding values
- (b) Prevent abstractive use values from being identified as outstanding values
- (c) Add 'swimming' and 'walking' as new outstanding sub-values for 'recreation'
- (d) Delete angling as an outstanding sub-value for 'recreation'

- (e) Add 'mauri' 'contemporary esteem'; 'travel or trade', 'taniwha', whakawhanaungatanga' Rangatiratanga; and 'kaitiakitanga' as new outstanding sub-values for 'cultural and spiritual'
- (f) Add all national values set out in Appendix 1 of the 2014 NPSFM
- (g) Delete geology as an outstanding value
- (h) Amend the outstanding description of 'Natural Character'
- (i) Add a new outstanding value titled 'Wairua' to all OWB.

Evaluation

182. Part 1 of Schedule 25 provides an overview of categories of outstanding values and their sub-parts. These categories are consistent with the definition of OWB proposed in Change 7.
183. Table 1 of Schedule 25 sets out a list of values that have been identified as outstanding for the purposes of giving effect to the OWB provisions as set out in the NPSFM. The sub-values listed in Table 1 help describe the values but are not all inclusive.
184. Economic and consumptive uses
185. As discussed in Paragraphs 69 to 74 the NPSFM never intended for economic and consumptive use values to be classed as outstanding²¹. This approach was independently supported by the local expert panel who considered the NPSFM provisions and excluded economic and consumptive use values from their assessments.
186. As such, it is recommended that the provisions in Change 7 continue to exclude economic and consumptive use values from being outstanding values. Reporting Officers have not applied any screening framework assessment in this report to economic and productive use values on that basis.
187. Notwithstanding, while the NPSFM never intended for economic and consumptive use values to be classed as outstanding²², its current wording theoretically does not preclude their inclusion if the Panel wished to do so.
188. However, given the lack of direction in the NPSFM on this matter, if economic and consumptive use values were to be added to Change 7 as outstanding values, it may be difficult to include some economic values and not others. To this end, additional economic values such as stormwater disposal and water storage may also need to be assessed for their potential to be outstanding if such an approach was to be contemplated by the Hearing Panel.
189. 'Swimming' and 'Walking'
190. Several submitters requested that 'swimming' and 'walking' be identified as outstanding values.
191. Swimming and walking are generally a consequence of a combination of other key values or factors such as a highly natural landscape, clear water or proximity to a population centre. In most cases these values are likely to be of local or regional significance.
192. While it is clear that swimming is a national value that needs to be accounted for in management decisions, it is unclear whether alone it would make a water body outstanding for the purposes of the NPSFM. Evaluation by the Reporting officers has not found any evidence to support swimming or walking is an outstanding value for any water body superior to any other water body in Hawke's Bay.
193. Notwithstanding, the sub-values listed in Table 1 are not all inclusive, and while swimming and walking are not specified in Table 1 they are not excluded should these values require identification and protection as outstanding values at a later date.
194. It is recommended that Table 1 is not amended to specify swimming and walking as sub-values of recreation.
195. 'Mauri' 'contemporary esteem'; 'travel or trade', 'taniwha', whakawhanaungatanga' Rangatiratanga; and 'kaitiakitanga'

²¹ Based on CEF OFWB Project findings.

²² Based on CEF OFWB Project findings.

196. Hineuru Iwi Trust [Submitter #18] requested that additional sub values be added for 'cultural and spiritual' to Table 1 of Schedule 25, as follows.
- (a) Mauri (life force and life supporting capacity) and mana of the water body and catchment
 - (b) Contemporary Esteem (The waterbody and catchment has special amenity or educational significance to Ngāti Hineuru)
 - (c) Travel or Trade (The water body and catchment has been relied upon for travel or trade)
 - (d) Taniwha (Ngāti Hineuru have identified taniwha as residing in the water resource)
 - (e) Whakawhanaungatanga (The water resource and its catchment are important and symbolic of Hineuru connectivity with whanaunga)
 - (f) Rangātiratanga (Ngāti Hineuru exercise rangātiratanga (self-determination) in an area of interest in which the water body and its catchment is situated)
 - (g) Kaitiakitanga (Ngāti Hineuru exercise kaitiakitanga over the water resource).
197. Reporting officers recommend that the Hearing Panel invite Hineuru Iwi Trust to elaborate on these values at the hearing and if the Panel finds these values to be outstanding, then update the outstanding value description for OWB in Schedule 25, where relevant.
198. New outstanding value 'Wairua'
199. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26] requested that a new outstanding value titled 'Wairua' be added to all OWB.
200. Wairua means spirit or soul. The wairua of a water body is deeply important to Maori, however because of its implicit nature and its inability to be quantified it is difficult to include it as a value, for the purposes of this plan change. Rather the significance of a water body's wairua can be seen in its use for blessing, healing, and other cultural and spiritual practises.
201. Reporting officers recommend that the Hearing Panel invites these submitters to elaborate on these values at the hearing and if the Panel finds these values to be outstanding, then update the outstanding value descriptions for OWB in Schedule 25, where relevant.
202. National Values (2014 NPSFM)
203. The 2014 NPSFM does not require outstanding values to be sourced from the list of national values in the NPSFM, or for those values to encompass all of the national values.
204. Many national values identified in Appendix 1 of the NPSFM are not considered applicable to the NPSFM OFWB provisions. For example, water supply can be a matter of national importance however, whether water supply should be recognised as an 'outstanding' value under the NPSFM OFWB provisions is unclear.
205. These values are better recognised and protected using other policy instruments, where they can be identified as national values that must be provided for in management decisions, instead of attempting to manage these values indirectly through OFWB NPSFM provisions.
206. Geology
207. This value set includes those geological features dependant on water bodies such as caves, karsts and gorges, and is relevant to landscape, scenic and scientific values.
208. It is recommended that the outstanding category of 'geology' is retained as notified in Change 7.
209. Natural Character
210. Table 1 in Change 7 describes an outstanding natural character value as "*a water body, with high naturalness, exhibiting an exceptional combination of natural processes, natural patterns, and natural elements, with low levels of modifications to the river, its ecosystems and the surrounding landscape*".
211. It is recommended that the definition of 'natural character' is retained as notified in Change 7.

Officers' preliminary recommendation

Outstanding values and their sub-parts

Report: 2.2

- (a) Retain Table 1 of Schedule 25, albeit with amendments as per Appendix 1.
- (b) That the hearing panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 1 Report 2.2 for reasons including those set out below.

212. Reasons

- (a) The categories of outstanding values in Change 7 give effect to relevant provisions of the NPSFM.
- (b) When a rule or provision is unclear, the intent of a provision is referred to, to gain a better understanding of the meaning of a provision. It does not appear to be the intent of the NPSFM to allow economic and consumptive use values to be identified as outstanding values
- (c) There is nothing in the 2014 NPSFM nor newer 2020 NPSFM that requires outstanding values to be sourced from the list of national values in the NPSFM, or for those values to encompass all of the national values.

Significant Values

Report: 2.3

Submission numbers

213. Submitter and further submitter numbers and associated requests for this topic are contained in Appendix 2 Report 2.3. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
214. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

215. The following requests by submitters included:
- (a) Prevent abstractive use values from being identified as significant values of outstanding water bodies.
 - (b) Add a new definition for 'significant value'.
 - (c) Add known significant values to Schedule 25.
 - (d) Delete values which are not found in the water body itself, such as primary production.
 - (e) Provide more detail around the significant values associated with the OWB in the TANK catchments.
 - (f) Amend the 'primary production' significant value to remove reference to 'other urban activities' in brackets.
 - (g) Add new 'significant values' for the Heretaunga Aquifer.

Evaluation

216. Change 7 has deliberately not identified a list of significant values for all OWB. That was deemed out of the scope in early 2017 (see Paragraph 115). Significant values are different from outstanding values and it is more appropriate that these be determined in consultation with the community, iwi authorities and key stakeholders during future planning processes, where the unique circumstances of each OWB can be taken into account.
217. The significant values set out in Schedule 25 are related to those water bodies in the TANK catchment and have been identified through preparation of the Change 9 TANK Plan with tāngata whenua and the community. The Change 9 hearings are scheduled for May 2021 where the significant values associated with OWB in the TANK catchment will likely be further discussed.
218. The significant values for all water bodies will be identified during future catchment based plan processes with both tāngata whenua and the local community, with Column 4 of Table 2 in Schedule 25 being updated over time.

219. At the time of writing, no further information or detail has been provided from the TANK Group around the significant values associated with OWB in the TANK catchments. As such, Change 7 reporting officers do not have adequate information to recommend any updates to the significant value descriptions.
220. It is more appropriate for the community to decide which values to list, and protect as significant values, once a water body is found to be outstanding. As such, it is not recommended that Change 7 be amended to include a definition for significant value or to prevent abstractive use values from being identified as significant values in the future.

Officers' preliminary recommendation
Significant values

Report: 2.3

- (a) That Change 7 not be amended to include a definition of 'significant value.'
- (b) That Change 7 not be amended as a result of submissions that are outside of the scope of Change 7.
- (c) That Change 7 not be amended to provide further detail or updates to the significant values, and associated descriptions, for water bodies in the TANK catchments.
- (d) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 2.3 for reasons including those set out below.

221. Reasons

- (a) Change 7 has deliberately not identified a list of significant values for all OWB, which was deemed out of the scope in early 2017.
- (b) It is more appropriate for the community to decide which values to list and protect as significant values once a water body is found to be outstanding.
- (c) At the time of writing, no further information or detail has been provided from the TANK Group around the significant values associated with the OWB in the TANK catchments.
- (d) Change 7 includes a framework which identifies a list of significant values held by OWB, with input from a wide range of groups, once a water body is found to be outstanding. This allows the list of significant values for an OWB to be determined in consultation with the appropriate groups. It avoids the identification of significant values in an ad hoc manner with limited community participation.
- (e) That provisions in Change 7 which enable the community to decide which values to list and protect as significant values once a water body is found to be outstanding, be retained.

Submission numbers

222. Submitter and further submitter numbers and associated requests for this topic are contained in Appendix 2 Reports 3.0 and 3.1. Full copies of all written submissions and further submissions have been pre-circulated to members of the hearing panel.
223. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

224. Several submitters stated support for the OWB policy framework, while a number of submitters opposed the policy framework set out in Change 7, with concerns raised over the implications of this being applied to the full extent of 38 water bodies within the region.
225. Amendments requested to the policy framework in Change 7 include:
- (a) Restrict protection to the significant values of OWB (delete reference to the protection of outstanding values).
 - (b) Where conflicts arise, delete the hierarchy in Change 7 whereby the protection of outstanding values is prioritised over the protection of significant values.
 - (c) Ensure the ability to balance consumptive and non-consumptive values with competing values is maintained.
 - (d) Ensure sufficient water is retained in OWB to protect their significant values.
 - (e) Specify the protection of the water quality and quantity of OWB, particularly in Objective LW1.1 and Policy LW1.1(dA).
 - (f) Prescribe objectives and policies to ensure the protection of Morere Hot Springs.
 - (g) Specify that where a water body's outstanding values are unaffected by water quality, then water quality does not need to be enhanced.
 - (h) Recognise the unique characteristics of Māori land; expressly take into account the continued sustainable development of Māori owned land; ensure the bespoke requirements of the catchment and Māori land are provided for.
 - (i) Recognise and provide for activities relating to the national grid.
 - (j) Add a set of outcomes and indicators that can be used to assess whether the outstanding values of each water body in Schedule 25 is being protected.

Evaluation

226. The NPSFM sets a high standard for managing OWB by protecting those values which are classed as outstanding themselves **and** its significant values.
227. The guide to the NPSFM²³ provides some additional context around the required protection stating that "*in practice, once a water body has been identified as outstanding, adverse effects on the significant values of the water body may need to be avoided in some instances to provide for those values.*"
228. The NPSFM, and Change 7, does not seek to enhance characteristics of a water body so that values of that water body become outstanding, or to improve them further if they are already outstanding. The purpose of the provisions is to protect outstanding values as they currently exist.

²³ Ministry for the Environment, 2017, *A Guide to the National Policy Statement for Freshwater Management 2014 (as amended 2017)*.

229. OWB management framework

230. Change 7 provides high level guidance and direction to future catchment based management plans ensuring these plans insert specific provisions to protect the outstanding and significant values of any OWB in their catchment, as required by the NPFSM.

231. The guiding policy framework in Change 7 is not highly prescribed but guided by overall principles and direction on how to manage OWB. The framework is deliberately flexible to enable the future catchment based management plans to tailor a set of provisions for each OWB individually because no two OWB are alike. As such, the framework does not:

- (a) stipulate how the outstanding values for each water body should be managed, or
- (b) include a list of outcomes and indicators for each OWB that can be used to determine if the outstanding values are being protected, or
- (c) recognise the unique characteristics of Māori land or expressly take into account the continued sustainable development of Māori owned land.
- (d) Recognise and provide for activities relating to the national grid.

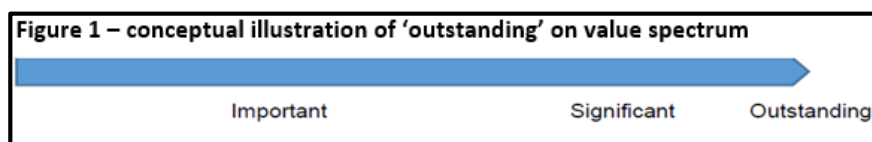
232. These types of factors are better considered during future catchment based planning processes when all relevant information, including input from relevant parties, can be taken into account.

233. With respect to water quality and quantity, Policy LW1.1(dA) ensures these aspects of an OWB are assessed, and protected where appropriate, while providing future catchment planning processes with the flexibility to either maintain or improve the water quality of OWB, using relevant information at the time.

234. With respect to the management of estuaries, for the reasons set out in Topic 1, Change 7 applies the same management approach to waters with outstanding values in both freshwater and coastal environments.

235. Protection of outstanding and significant values

236. Outstanding and significant values are not the same. Figure 1 is an illustration of where 'outstanding' rests on a spectrum of importance.



237. Legal advice to the Council during preparation of Change 7 confirms that an outstanding value has a higher threshold than a significant value. An outstanding value will always be significant, but a significant value will not necessarily be outstanding.

238. As such, it is appropriate for Change 7 to specify the protection of both the outstanding and significant values of OWB.

239. Hierarchy of protection - outstanding and significant values

240. The potentially significant values of an OWB will be identified during future catchment-based planning with the local community.

241. In some instances, it may not be possible to protect all identified significant values of an OWB, due to the inherent tensions between some significant values, particularly where those significant values comprise a mix of both consumptive and more intrinsic type values.

242. In these cases, conflicts between protection measures for different values will need to be resolved. Policies within Change 7 provide guidance around how these conflicts should be resolved during the catchment-based planning process and gives the priority for protection to the outstanding value, being the more important value, to ensure the continuing integrity of the OWB.

243. The hierarchy of protection, with respect to outstanding and significant values, set out in Policies LW1, LW2, LW3A, C1 and C2 give effect to Objective LW2 of the RPS which requires clear priorities to be set where significant conflict exists between competing values.

244. Implications of OWB protection framework

245. A number of submitters have raised concerns about the consequences of identifying certain water bodies as an OWB, stating opposition to the potential restrictions an OWB status may bring.
246. The consequences of affording an 'outstanding' status in the context of RMA s6(b), and the extent it should be taken into account in decision making, was discussed by the Court of Appeal²⁴ in 2017.
247. The Court of Appeal decision found that the consequences of affording an outstanding status does not form part of an outstanding assessment. Noting "*the Act requires an essentially factual assessment based upon the inherent quality of the landscape itself.*"... "*It would be illogical and ultimately contrary to the intent of s6(a) and (b) to conclude that the outstanding area should only be so classified if it were not suitable for a range of other activities*".
248. While this decision was made in the context of 'outstanding' pursuant to Section 6(a) and (b) of the RMA, given there is no similar case law that addresses this question in the context of the NPSFM, it is considered applicable to the identification of outstanding water bodies for Change 7 purposes.
249. As such, it is not recommended that Change 7 be amended to restrict a water body's ability to be found outstanding, due to the consequences of an outstanding status.

Officers' preliminary recommendation

Management of Outstanding Water Bodies

Report: 3.0 & 3.1

- (a) Retain the guiding policy framework in Change 7, albeit with amendments set out in Appendix 1.
- (b) That the consequences of an outstanding status is not taken into account when determining whether a water body is outstanding for NPSFM purposes.
- (c) That the hearing panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Reports 3.0 and 3.1 for reasons including those set out below.

250. **Reasons**

- (a) Ambiguity around protection of outstanding and significant values, in case of conflicts, may increase costs of plan preparation, consent preparation, and possible mitigation measures.
- (b) Where it is difficult to reconcile all significant values, providing preference to the protection of outstanding value(s) of OWB ensures the continuing integrity of the OWB.
- (c) Policies LW1, LW3A, C1 and C2 provide a clear direction to future catchment planning processes and resource consent applicants whilst assisting them in targeting mitigations to ensure they protect outstanding values, above other significant values.
- (d) Case law has found that outstanding and significant values are not the same.
- (e) The policy framework enables flexibility for future catchment-based management plans, to tailor a set of provisions for each OWB in their catchment.
- (f) The policy framework does not prescribe a one size fits all approach, allowing the circumstances of each OWB to be considered individually.
- (g) Case law has found that the consequences of affording an outstanding status does not form part of an outstanding assessment, in the context of s6(a) and (b).
- (h) Policy LW1.1(dA) was included as part of the earlier Change 5 process and ensures that future catchment processes consider water quality and quality of OWB and protect where appropriate.
- (i) Objective LW1.1 is consistent with the 2020 NPSFM which requires the protection of the significant values of OWB. It is not necessary to amend Objectives LW1 to specify the protection of water quality, which is one of many potential significant values.

²⁴ *Man O War Station Ltd V Auckland Council – Court of Appeal Decision (CA422/2015 [2017] NZCA 24)*.

- (j) Policy LW1.1(dA) ensures water quality and quantity of an OWB water body are assessed in future processes, and protected where appropriate, during future catchment-based planning processes.
- (k) The protection of Māori land opportunities and the sustainable development of Māori land is better dealt with during the catchment-based management plans, in which the individual circumstances of each OWB can be taken into account.
- (l) The provision for national grid activities is better dealt with during development of the future catchment plans, where the full range of information can be taken into account.
- (m) Provisions in regional plans that are suitable for each OWB in Schedule 25 will depend on many things including the identification of significant values, consideration of current and future use and development patterns, including potential threats or conflicts, and input by relevant community interests, stakeholders and iwi authorities.

Submission numbers

251. Submitter, further submitter numbers and associated requests for this topic are contained in Appendix 2 Report 4.0. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
252. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

253. The following amendments to Chapter 3.1 were requested by submitters:
 - (a) amend objectives, policies and anticipated environment results to refer to 'outstanding freshwater bodies'
 - (b) add additional, and amend existing, objectives and policies that focus on the improvement of mauri, while including mauri monitoring and cultural health monitoring.
254. One submitter stated support for the inclusion of all water bodies in Objective LW1 (not just freshwater bodies).

Evaluation

255. Terminology: 'outstanding water body'
256. The 2020 NPSFM has revised the definition of 'outstanding freshwater body' contained in previous versions of the NPSFM as follows:

"outstanding water body means a waterbody, or part of a water body, identified in a regional policy statement, a regional plan, or a water conservation order..."
257. The reference to outstanding water bodies in Change 7 is consistent with the terminology used in the NPSFM. As such, it is recommended that the use of the term 'outstanding water bodies' is retained in Chapter 3.1A.
258. Further, Chapter 3.1A does not solely relate to freshwater. It includes several provisions that recognise and provide for the inter-connected nature of natural resources between the freshwater and coastal environments. This is consistent with the NPSFM which also provides for the integrated management of the freshwater and coastal environments.
259. As discussed in Paragraph 170, outstanding values regularly extend between the freshwater and coastal environment. The use of one term when referring to waters with outstanding values reduces confusion for plan users.
260. Mauri
261. HBRC is tasked with ensuring all water bodies within the region are managed wisely. As outlined in Parts 1 and 2 of this report, the identification of OWB in Hawke's Bay is one of a series of work programmes which are currently being undertaken to implement the NPSFM and ensure that water is available for the use and enjoyment of everyone in the region, including tāngata whenua, now and for future generations.
262. Many of the provisions in RRMP Chapter 3.1A not only apply to OWB, but also other water bodies that are not OWB. The Panel needs to exercise great caution in agreeing to amend provisions in Chapter 3.1A that are not confined to solely OWB. Given this, Reporting officers consider that amending Chapter 3.1A as requested by Te Tumu Paeroa (Sub #35) would stray beyond the scope of Change 7.
263. Change 7 has a defined purpose and scope. As discussed in Paragraphs 27 to 29, Change 7 is not a document that can be used to answer all possible questions around exactly how OWB will be managed and monitored in the future. Objectives and policies already in the RRMP help with this, in conjunction with new directives in

the NPSFM 2020. For example, RRMP Objective LW3, Policy LW1.1(b) and Policy LW1.3(b) each strive to ensure future regional plans and consent decision-making has a greater focus on improving the mauri of the region's waterways. Consequently, this will be a matter determined during future planning processes in consultation with iwi authorities, key stakeholders and the community.

264. The improvement of mauri, through mauri and cultural health monitoring of water bodies, will be addressed as part of the full RRMP plan review scheduled to begin next year, which will look to fully implement the NPSFM 2020.

Officers' preliminary recommendation

Chapter 3.1 - General

Report: 4.0

- (a) Retain the use of the term 'outstanding water bodies' in relevant objectives, policies and anticipated environment results set out in Chapter 3.1A, albeit with amendments set out in Appendix 1.
- (b) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 4.0 for reasons including those set out below.

265. Reasons

- (a) The term 'outstanding water bodies' is consistent with the terminology used in the NPSFM.
- (b) Chapter 3.1A of the RPS contains several provisions that recognise and provide for the inter-connected nature of natural resources within catchment areas, including the coastal environment.
- (c) The NPSFM specifically provides for the integrated management of the effects of use and development of land and freshwater on coastal water.
- (d) Waters with outstanding values regularly span both freshwater and coastal systems. The one term 'OWB' encompasses those parts of the water body where both the NPSFM and NZCPS apply, which reduces confusion for plan readers.

Objective LW1

Report: 4.1

Submission numbers

266. Submitter numbers and further submitter numbers and associated requests for this topic are contained in Appendix 2 Report 4.1. Full copies of all written submissions and further submissions have been pre-circulated to members of the hearing panel.
267. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

268. Several amendments requested by submitters to Objective LW1.1 have been addressed in other sections of this report.
269. The requested amendments to Objective LW1.1 covered in this section include:
- (a) Amend Objective LW1.1 to specify the protection of outstanding and significant values of outstanding water bodies in Hawke's Bay instead of referring to Schedule 25.
 - (b) Amend Objective LW1 to better reflect the NPSFM (i.e. protect OWB and their significant values).
 - (c) Minor corrections for reader clarity.
270. Several submitters requested that Objective LW1.1 be retained.

Evaluation

271. Objective LW1 provides for the integrated management of fresh water and land use and development. It was one of several objectives included as part of the earlier Change 5 to the RRMP²⁵ to assist with the integrated management of the region's freshwater and land resources and partly gives effect to the [then] 2011 NPSFM.
272. The majority of Objective LW1 is operative and not part of Change 7, with amendments restricted to Clause 1 which was developed to protect OWB pursuant to the 2011 NPSFM.
273. Since 2011, there have been several updates to the NPSFM and HBRC has undertaken a significant amount of work to identify a list of OWB across Hawke's Bay. The changes proposed to Objective LW1.1 have been undertaken to:
- (a) ensure consistency with the latest NPSFM wording which requires the protection of the significant values of OWB²⁶, and
 - (b) refer to the list of OWB identified through the Change 7 development process (set out in Schedule 25). For clarification, these water bodies are the OWB in Hawke's Bay.
274. Directly referring to the list of OWB set out in Schedule 25 provides a greater level of clarity for plan users. As such it is recommended that Objective LW1.1 be retained as notified, with minor amendments discussed below.
275. Minor corrections
276. The following minor corrections were requested by submitters:
- (a) Amend the principal reasons and explanation for Objective LW1, third paragraph, as follows: "~~the~~ regional councils to protect..."
277. It is recommended Change 7 be amended in accordance with the minor corrections set out above. These minor corrections which could otherwise be accomplished under Schedule 1 Clause 16(2) of RMA.

Officers' preliminary recommendation

Objective LW1

Report: 4.1

- (a) Retain Objective LW1.1 as notified.
 - (b) That the hearing panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 4.1 for reasons including those set out below.
278. **Reasons**
- (a) Proposed Objective LW1.1 cross reference the list of OWB in Hawke's Bay. This provides clarity for plan users.
 - (b) Proposed Objective LW1.1 meets the NPSFM requirements by ensuring the outstanding and significant values of the OWB listed in the Schedule 25 are protected.
 - (c) Minor wording corrections can be accomplished under Schedule 1 Clause 16(2) of RMA.

²⁵ RPS land and freshwater management plan change (notified 2012; operative 2019)

²⁶ 2011 NPSFM required the quality of outstanding freshwater bodies to be protected

Submission numbers

279. Submitter numbers and further submitter numbers and associated requests for this topic are contained in Appendix 2 Report 4.2. Full copies of all written submissions and further submissions have been pre-circulated to members of the hearing panel.
280. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.
281. Only specific sub-clauses in Policy LW1 were proposed to be amended by Change 7. The remaining clauses appeared (in grey coloured text) in published versions of the proposed Change 7 document for context and setting purposes only.

Submitter requests

282. The requested amendments to Policy LW1.1 included:
- (a) Amend Clause (b) to include references to 'mauri' and 'te mana o te wai'.
 - (b) Amend Clause (cC) to allow additional OWB to be identified by future catchment planning processes.
 - (c) Amend Clause (cC) to be more specific about the types of values that can be considered as significant values.
 - (d) Delete Clause (cC) from Policy LW1.1 and incorporate into Clause (bA)(i) of Policy LW1.2.
 - (e) Minor corrections for reader clarity
283. The requested amendments to Policy LW1.2(bA) included:
- (a) Amend sub clause (i) as follows: delete references to 'temporal extent' and the words 'as relevant'.
 - (b) Delete reference to regulatory and non-regulatory methods in Clause (ii).
 - (c) Amend sub clause (iii) as follows: include cumulative adverse effects; include a cross reference to Policy LW3A; provide for adverse effects on OWB which do not materially reduce the outstanding values; exempt activities associated with the national grid.
 - (d) Delete sub clause (iii).

Evaluation

284. Policy LW1 provides a 'default' planning approach for catchments across the region. It was one of several policies included as part of Change 5 to the RRMP²⁷.
285. Change 7 revises Policy LW1 to give further effect to the NPSFM OWB provisions, by providing clear guidance that the significant values of OWB will need to be protected when developing future plans. These updates:
- (a) add a new Clause 1(cC)
 - (b) amend Clauses 1(d), 1(dA) and 2(bA)
286. The amendments to Policy LW1 provide clear direction around how best to achieve that outcome. This involves the identification of an OWB's significant values (including their spatial extent) and managing activities in or near outstanding water bodies which avoids adverse effects (that are more than minor) on its significant values.
287. Policy LW1.1(b) - 'mauri' and 'te mana o te wai'
288. One submitter requested amendments to Policy LW1.1(b) include references to 'mauri' and 'te mana o te wai'. Policy LW1.1(b) is operative and was not proposed to be amended in any way by Change 7. An advisory note in the proposed Change 7 document stated that *"new text [added by PC7] is represented as underlined and text to be deleted [by PC7] is ~~struckout~~. Elsewhere, words of other provisions may appear but **those are***

²⁷ RPS land and freshwater management plan change (notified 2012; operative 2019)

presented for context only and are not proposed to be amended by Change 7 [grey coloured text]” (emphasis added). Policy LW1.1(b) (and other sub-clauses too) was published as grey-coloured text.

289. Reporting officers do not recommend any amendments to Policy LW1.1(b). That sub-clause (and many others like it appearing in grey text) not only apply to outstanding water bodies, but also other water bodies that are not OWB. In that way, Reporting officers consider that any amendments would stray beyond the scope of Change 7.
290. Notwithstanding, the Council will need to consider a wider suite of amendments to the RRMP to give full effect to the NPZFM 2020 and other NPSs. This was mentioned earlier in this Report. Any such proposed amendments relating to freshwater would have to be publicly notified before 31 December 2024. There will be opportunities for any person to make submissions on those proposals at that time in the fuller context of Council giving effect to all NPSs, particularly Policy 1 of the NPSFM 2020 to give effect to the concept of Te Mana o Te Wai.
291. Policy LW1.1(cC) - potentially significant values
292. In recognition that ‘one size does not fit all’, the high level guidance in Policy LW1 enables the future catchment plans to identify a list of significant values and develop more targeted policies and rules in a manner which is best suited to each individual OWB.
293. As such, Policy LW1(cC) does not include an exhaustive list of values which can be classed as 'significant'. This enables future catchment-based planning processes to identify a range of significant values while taking into account local circumstances.
294. Further, as discussed in Paragraphs 216 to 220, Change 7 has deliberately not tried to identify a list of significant values for all OWB. Given this, it would be inappropriate to restrict the list of potentially significant values through Policy LW1.1(cC).
295. Policy LW1.1(cC) - incorporate into Policy LW1.2(bA)(i)
296. The identification of OWB significant values is best undertaken when developing regional plans. As such, the direction within Clause 1(cC) is more appropriately set out in Clause 2 (bA)(i).
297. Policy LW1.1(cC) - identification of additional OWB and outstanding values
298. HBRC has undertaken a significant amount of work as part of Change 7 to identify a list of OWB across Hawke’s Bay. These water bodies are contained in the new proposed Schedule 25.
299. While the identification of future OWB, and further outstanding values is not precluded during future catchment processes, it is not a mandatory matter which needs to be considered when preparing future plans, given the extensive work that has taken place in preparing Change 7.
300. As such, Clause 1(cC) directly references the list of OWB, and their associated outstanding values in Schedule 25. This provides clarity for future catchment planning processes and ensures the outstanding and significant values of these OWB are protected, as directed by the 2020 NPSFM.
301. It is not considered necessary to facilitate this process through Clause 1(cC).
302. Policy LW1.2(bA)(i) - spatial and temporal extents
303. Clause 2(bA)(i) requires the spatial and temporal extent values of significant values to be identified, where relevant, when preparing future plans.
304. The requirements in Clause 2(bA)(i) may not be necessary for all significant values. The words 'as relevant' allow flexibility for future catchment-based planning processes to determine if the requirements in this clause are necessary.
305. The reference to ‘temporal extent’ confuses the intent of this clause, which is predominately focused on identifying the spatial extent of the significant values of OWB in Schedule 25.
306. As such, it is recommended that the reference to ‘temporal extent’ is deleted.
307. Policy LW1.2(bA)(ii) - regulatory and non-regulatory methods
308. Clause 2(bA)(ii) requires future plans to set out the regulatory and/or non-regulatory methods that will be used to protect the outstanding and significant values of OWB.

309. Recognising that 'one size does not fit all', Clause 2(bA)(i) encourages the use of both regulatory and non-regulatory methods to protect the outstanding and significant values of OWB.
310. This recognises that not all OWB will need rules and limits to protect their outstanding and significant values. An OWB situated in a national park will require a different set of protection methods than an OWB situated in more modified environments.
311. Policy LW1.2(bA)(iii) - adverse effects
312. The NPSFM recognises that OWB are a limited class of water bodies which warrant special protection in regional policy statements and plans. The purpose of the provisions is to protect the outstanding and significant values of an OWB as they currently exist.
313. Clause 2(bA)(iii) gives further effect to the NPSFM by requiring future plans to include provisions that will avoid adverse effects, that are more than minor, on the outstanding and significant values of OWB. While not specified, cumulative effects can be taken into account.
314. The wording of Clause 2(bA)(iii) is potentially more stringent and directive than the NPSFM. However, given that OWB are a limited class of water bodies that contain the 'best of the best' values in the region, it is appropriate that these types of values are protected in this manner from all types of activities.
315. Amending Clause 2(bA)(iii) to allow adverse effects that are more than minor on the significant and outstanding values of an OWB, may over time erode the quality of these values, meaning they are not protected in their current state. Further, the proposed wording of Clause 2(bA)(iii) ensures cumulative effects can be adequately taken into account
316. As such, it is recommended Policy LW1.2(bA)(iii) is retained, albeit subject to amendments set out in Appendix 1.
317. Policy LW1.2(bA)(iii) - cross reference to Policy LW3A
318. There may be a risk that the requirements of Policy LW3A will be omitted from consent decision making if the Policy isn't cross referenced or reiterated in the regional plan section.
319. Notwithstanding, it is not considered necessary to state the requirements of Policy LW3A should be cross references, this will occur during future planning processes if considered necessary at that point in time.
320. Policy LW1 - minor corrections
321. The following minor corrections were requested by submitters:
- (a) Amend Clause 1(cC) to read: "*...this assessment includes consideration of the values set out in Appendix 1 of the National Policy [s]Statement for Freshwater...*"
322. It is recommended that Policy LW1 be amended in accordance with the minor corrections set out above. These minor corrections which could otherwise be accomplished under Schedule 1 Clause 16(2) of RMA.
323. Renewable Electricity Generation and Electricity Transmission
324. There are currently National Policy Statements for both Renewable Electricity Generation and Electricity Transmission, as well as a National Environmental Standard (NES) for Electricity Transmission Activities. Further, the NPSFM 2020 has specific provisions for identified large hydro-electric generation schemes²⁸ set out in Subpart 1 (3.31) of the NPSFM.
325. As discussed in earlier in the report, Change 7 has a defined purpose which gives effect to the NPSFM OWB provisions and aspects of the NZCPS. The provisions within the NPS' and NES with respect to Renewable Electricity Generation and Electricity Transmission, together with other relevant NPS' and NES' will be addressed as part of the Council's wider resource management planning work programme.
326. The Hawke's Bay RRMP has existing provisions set out in Section 6.1.5 which relates to Electricity Transmission Activities, clarifying they can occur in a manner set out the NESET.

²⁸ None of which are in Hawke's Bay.

- (a) Amend Policy LW1 of Change 7, as per the amendments as set out in Appendix 1.
- (b) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 4.2 for reasons including those set out below.

327. Reasons

- (a) Amendments to Policy LW1.1(b) are outside the scope of the Change 7.
- (b) The NPSFM directs the protection of the outstanding and significant values of an OWB as they currently exist.
- (c) Policy LW1(cC) does not include an exhaustive list of values which can be classed as 'significant'. This allows future catchment based planning process to identify a range of significant values while taking into account local circumstances.
- (d) Change 7 has deliberately not tried to identify a list of significant values for all OWB, which was deemed out of the scope in early 2017.
- (e) It is more appropriate for the community to decide which values to list and protect as significant values once a water body is found to be outstanding.
- (f) Not all OWB will need rules, limits and other regulatory methods to protect their outstanding and significant values.
- (g) There is a risk that the requirements of Policy LW3A will be omitted from consent decision making if the Policy isn't cross referenced or reiterated in the regional plan section.
- (h) Minor wording corrections can be accomplished under Schedule 1 Clause 16(2) of RMA.
- (i) Policy LW1 is revised to give further effect to the NPSFM OWB provisions. In some cases, the original wording is no longer relevant.

Policy LW2

Submission numbers

328. Submitter numbers and further submitter numbers and associated requests are detailed in Appendix 2 Report 4.3. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
329. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

330. The requested amendments to Policy LW2 include:
- (a) Clarify that the requirements of Policy LW2 do not apply once catchment-based plan changes are operative.
 - (b) Amend Policy LW2 to relate to freshwater bodies not identified in Schedule 25.
 - (c) Add a new bullet point to Table 1²⁹ in Policy LW2 to recognise jet boating.
 - (d) Amend Policy LW2.1(c)(vi) to reinstate references to separate sub-clauses in Policy LW1.1.
331. Several submitters requested that Policy LW2 be retained.

²⁹ Referred to as Table 2A in the relevant submission. Table number was changed when the provisions of Change 5 were made operative.

Evaluation

332. Policy LW2 sets out a problem-solving approach, in three specified catchment areas³⁰, where significant conflict exists between competing values. It was one of a number of policies included as part of Change 5 to the RRMP³¹ and is applicable to all water bodies in those three catchment areas – not only OWB.
333. Change 7 updates Policy LW2 to give effect to the NPSFM OWB provisions, by providing clear guidance that the outstanding, then the significant values, of any OWB in these catchments will be prioritised over other values and uses in these catchments. These updates
- (a) amend Clauses 1(b), 1(c) and 2 of Policy LW2
 - (b) do not propose changes to Clause 1(a) or Table 1 of Policy LW2.
334. The amendments to Policy LW2 provide clear direction, which prioritises the protection and use of freshwater resources, in the three specified catchments. This is consistent with the requirements set out in Objective LW2 of the RRMP and the NPSFM OWB provisions.
335. Change 7 amends Clauses 1(c)(vi) and 2 of Policy LW2, to cross reference to Policy LW1, instead of referring to each clause in Policy LW1 separately. These changes are minor wording amendments for improving readability which do not change the intent or meaning.
336. Policy LW2 - Table 1
337. Table 1 of Policy LW2 would become redundant once the Greater Heretaunga / Ahuriri Catchment Area ('TANK'), Mohaka Catchment Area and Tukituki Catchment Area, catchment plans are completed. To reduce confusion amongst plan readers, it is recommended that a new Clause (bA)(i) is included in Policy LW2.1 to reflect this.
338. One submitter requested amending Table 1 of Policy LW2, so it includes jet boating as a primary value. Table 1 is operative and does not form part of Change 7. Reporting officers consider this request is outside the scope of Change 7.

Officers' preliminary recommendation

Policy LW2

Report: 4.3

- (a) Amend Policy LW2 of Change 7, as per the amendments as set out in Appendix 1.
- (b) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 4.3 for reasons including those set out below.

339. Reasons

- (a) Requested amendments to Table 1 in Policy LW2 are outside the scope of the Change 7.
- (b) Table 1 becomes redundant once the Greater Heretaunga / Ahuriri Catchment Area, Mohaka Catchment Area and Tukituki Catchment Area, catchment plans are completed.
- (c) Minor wording corrections in Clauses 1(c)(vi) 2 Policy LW2.1.2 improve clarity of the plan without altering the intent or meaning of these Clauses.
- (d) The RMA requires submissions to be made "on" Change 7. Any other submissions are beyond the scope of the proposed Plan Change as it was publicly notified.

³⁰ Greater Heretaunga / Ahuriri Catchment Area ('TANK'), Mohaka Catchment Area and Tukituki Catchment Area

³¹ RPS land and freshwater management plan change (notified 2012; operative 2019)

Submission numbers

340. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 4.4. Full copies of all written submissions and further submissions have been pre-circulated to members of the hearing panel.
341. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

342. The requested amendments to Policy LW3A include:
- (a) Exempt Ahuriri Estuary from the requirements set out in Policy LW3A until its significant values have been identified.
 - (b) Amend Clause 1 to ensure consent authorities 'take into account' the factors set out in Sub-clauses 1(a) to 1(d).
 - (c) Amend Clause 1 to ensure resource consents are not granted to activities which cause more than minor effects on the significant and outstanding values of an outstanding water body.
 - (d) Delete Clauses 1(a) and 1(c) and undertake minor corrections to Clause 1(b).
 - (e) Require council to undertake the assessments required by Clause 1, rather than resource consent applicants.
 - (f) Amend Clause 1 so its requirements take effect immediately or when resource consents expire.
 - (g) Amend Clause 1 to allow the identification of significant values of OWB through resource consent processes.
 - (h) Amend Clause 1 to manage cumulative effects on OWB.
 - (i) Amend Clause 1(c)(ii) to include reference to minimum flows and water levels.
 - (j) Amend Clause 2 so existing activities and water transfers are exempt.
 - (k) Delete Clause 3.

Evaluation

343. Proposed new Policy LW3A is intended to provide guidance to resource consent applicants and decision makers when assessing discretionary and non-complying activities which can potentially cause adverse effects on the significant and outstanding values of an OWB.
344. The decision-making criteria set out in Policy LW3A gives effect to the NPSFM OWB provisions and assists with the implementation of Objective LW1.1 by ensuring decision makers have regard to:
- (a) The significant and outstanding values of relevant OWB, ensuring these values are appropriately assessed and protected in any future resource consents.
 - (b) Whether it is appropriate for water takes, discharges or structures relating to an OWB to take place, and whether any limits should be imposed on these activities. While not specified, minimum flows and water levels can be controlled through limits. Further, the NPSFM definition of 'limit' means either a limit on resource use or a take limit.
 - (c) In cases of conflict, that preference is given to the protection of an outstanding value.
345. While not specified, cumulative effects can be taken into account if deemed necessary by decision makers.
346. One submitter requested that Policy LW3A.1 be amended to require a consent authority to 'take into account' the factors set out in sub-clauses (a) to (d) rather than to 'have regard to'. Case law indicates the requirement to 'take into account' is more onerous than the requirement 'to have regard'. On this basis it is recommended that Policy LW3A.1 be amended.

347. Policy LW3A - timing
348. The requirements set out in Policy LW3A do not come into force until a relevant catchment regional plan change is operative, or after 31 December 2024, and then only apply where the outstanding and/or significant values are described in Schedule 25.
349. This provides certainty and clarity for plan users by:
- (a) Providing sufficient time for future planning processes to identify a list of significant values for OWB listed in Schedule 25, and to tailor a set of provisions for each OWB individually.
 - (b) Only applying if the outstanding and/or significant values have been identified and articulated in Schedule 25.
350. Applying the provisions in Policy LW3A, prior to a description of the outstanding and/or significant values for the OWB being included in Schedule 25, would create ambiguity around what values needs to be protected. This is likely to increase costs for consent applicants and may result in the identification of significant values in an ad hoc manner with limited community participation.
351. As discussed in Topic 6, Change 7 has deliberately included a framework which provides for the identification of a list of significant values of OWB, with input from a wide range of groups, once a water body is found to be outstanding. This allows the list of significant values for an OWB to be determined at the same time, in consultation with the appropriate groups.
352. As with all discretionary and non-complying resource consent applications, the applicant is responsible for providing an assessment of environmental effects that the Consent Authority will then assess. The Consent Authority does not prepare AEEs on an applicant's behalf.
353. Policy LW3A.2 - existing activities and water transfers
354. Policy LW3A.2 clearly sets out the types of discretionary and non-complying activities Policy LW3A applies to. This provides certainty and clarity for plan users.
355. Water transfers are not generally classed as discretionary or non-complying activities in regional plans unless the potential effects have been determined to be significant. As such, it is expected that future water transfers will be largely exempt from these provisions.
356. Notwithstanding, if future planning processes assign a discretionary activity or non-complying activity status to water transfers, then it is appropriate that the potential effects of the water transfers on the outstanding and significant values of an OWB be considered as part of future water permit applications.
357. With respect to existing activities, given that it is not the intent of Change 7 to improve outstanding and significant values, but to protect these values in their current state, it is largely expected that existing activities will be able to continue in their current form given they are part of the existing environment in which these values exist.
358. Notwithstanding, there will be exceptions where existing management regimes are inappropriate and are contributing to a slow decline of an outstanding value, which if continued may decline to the point that the value is no longer outstanding.
359. Policy LW3A provides for these exceptions, and ensures existing discharges and water takes are assessed against updated plan provisions upon renewal.

Officers' preliminary recommendation

Policy LW3A

Report: 4.4

- (a) Amend Policy LW3A of Change 7, as per the amendments set out in Appendix 1.
- (b) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 4.4 for reasons including those set out below.

360. Reasons

- (a) Ambiguity around protection of outstanding and significant values, in case of conflicts, may increase costs of plan preparation, consent preparation and possible mitigation measures.

- (b) It would be challenging for consent applicants and decision makers, to consider how best to protect the significant and outstanding values of an OWB, where these values have not yet been identified or described.
- (c) The identification of significant values is best placed to occur during the development of catchment management plans in consultation with iwi authorities, key stakeholders and the wider community.

Objective 11

Report: 5.1

Submission numbers

361. Submitter numbers and further submitter numbers and associated requests are detailed in Appendix 2 Report 5.1. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
362. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

363. Objective 11 aligns with the requirements set out in Objective LW1.1. To avoid repetition, submitters who have requested similar amendments to both Objectives 11 and Objective LW1.1 are addressed in Report 4.1, these include:
- (a) Amend Objective 11 to specify the protection of outstanding and significant values of outstanding water bodies in Hawke's Bay instead of referring to Schedule 25 (see Paragraphs 271 to 274).
364. Submissions on Objective 11 addressed in this section include:
- (a) Amend Objective 11 to better reflect the NZCPS and refer to 'outstanding water resources' within the coastal environment.
 - (b) Several submitters requested that Objective 11 be retained, with one submitter stating it was consistent with the NPSFM.

Evaluation

365. Change 7 seeks to provide for the integrated management of the region's OWB included in Schedule 25 in order to give effect to the NPSFM (See Topic 1).
366. Proposed new Objective 11 ensures that a consistent and integrated approach to the management of OWB occurs across the region, protecting waters with outstanding values, in a similar manner, regardless of their location in or out of the coastal environment.
367. Objective 11 assists in giving effect to Objectives 1 and 2 and Policies 11, 13, 15 and 17 of the NZCPS that set out a number of provisions which relate to natural ecosystems, indigenous biodiversity, sites of biological importance, natural features, historic heritage, natural character and landscape values. These are some of the many significant values which can be associated with water bodies in the coastal environment.
368. In some cases (see Paragraphs 149 to 151) the policy direction from the NPCPS is more restrictive than the NPSFM when it comes to managing the types of values set out in Policies 11, 13 and 15 of the NZCPS. To ensure clarity for future plan readers, it is recommended that the explanations and reasons for Objective 11 are amended to specify that in these cases, the policy direction set out on the NZCPS is the pre-eminent one. Similar amendments to Policies C1 and C2 are also proposed (see relevant sections).
369. The term 'outstanding water body' is appropriate to ensure consistent terminology is used when referring to and managing outstanding values, which often span both freshwater and coastal systems. Paragraphs 168 to 171 discuss the term 'OWB' and its consistency with higher order documents.

Officers' preliminary recommendation

Objective 11

Report: 5.1

- (a) That Objective 11 be retained as notified.
- (b) That the explanations and reasons for Objective 11 are amended as per Appendix 1.

- (c) That the hearing panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 5.1 for reasons including those set out below.

370. Reasons

- (a) Proposed Objective 11 cross references the list of OWB in Hawke's Bay. This provides clarity for plan users.
- (b) Freshwater and coastal systems are interconnected. The management and protection of outstanding water bodies is complex, and needs to be integrated between the two environments, to ensure adequate protection of all outstanding water bodies.
- (c) The NPSFM specifically provides for the integrated management of the effects of use and development of land and freshwater on coastal water.
- (d) Change 7 ensures a consistent framework is in place to protect waters which have outstanding values that span both freshwater and coastal environments.
- (e) Objective 11 and Policies C1 and C2 assist in giving effect to Objectives 1 and 2 and Policies 11, 13, 15 and 17 of the NZCPS.
- (f) The recommended amendments to the explanations and reasons for Objective 11, and proposed Policies C1 and C2 are clear that the policy direction set out in the NPCPS is pre-eminent alongside other NPSs, particularly in those cases where it is more restrictive than the NPSFM.

Policy C1

Report: 5.2

Submission numbers

- 371. Submitter numbers and further submitter numbers and associated requests are detailed in Appendix 2 Report 5.2. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
- 372. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

- 373. Policy C1 aligns with the requirements set out in Policy LW1 with respect to OWB. To avoid repetition, submitters who have requested similar amendments to both Policy C1 and Policy LW1 are addressed in Report 4.2, these include:
 - (a) Amend Clause 1(i) as follows: allow additional outstanding values of OWB to be identified in future catchment planning processes; delete references to 'temporal extent' and the words 'as relevant' (see Paragraphs 298 to 306).
 - (b) Amend Clause 1(ii) to delete reference to regulatory and non-regulatory methods in (see Paragraphs 308 to 310).
- 374. Submissions on Policy C1 addressed in this section include:
 - (a) Amend Policy C1.1(iii) to include cumulative adverse effects; include a cross reference to Policy C2; provide for adverse effects on OWB which do not materially reduce the outstanding values; exempt activities associated with the national grid (see Paragraphs 312 to 319).
 - (b) Amend Policy C1.1 to specify that activities with less than minor effects don't need regional plan provisions.

Evaluation

- 375. Policy C1 aligns with requirements set out in Policy LW1 in Chapter 3.1A of the RRMP, ensuring a consistent framework is in place to protect waters which support outstanding values regardless of their location inside or out of coastal areas (see Topic 1).

376. Policy C1 informs future catchment-based plan changes, and the respective community discussions, which water bodies have outstanding values and directs the protection of their respective significant values. Policy C1(b) ensures that the significant values of each outstanding water body are identified during the plan development phase, and that any future plan provisions protect the outstanding water bodies' outstanding and significant values.
377. NZCPS requirements
378. A number of submitters have requested Change 7 be amended to more closely reflect the NZCPS when managing waters with outstanding values in the coastal environment (see Topic 1). As discussed in Paragraphs 149 to 151, in some cases the national policy direction in the NZCPS is more restrictive than the NPSFM in terms of managing the types of values set out in Policies 11, 13 and 15 of the NZCPS.
379. The wording of Policy C1 as notified does not make this distinction clear. Further, it could be viewed as incorrectly implying that the protection of certain outstanding and significant values can occur in a more lenient manner than that directed by the NZCPS, which requires adverse effects to be avoided in some instances.
380. As such, to ensure clarity for future plan readers, it is recommended that Policy C1 is amended to clearly specify that in these cases the policy direction set out on the NZCPS takes precedence. Similar amendments to proposed Policy C2 and the explanation and reasons for Objective 11 are also proposed (see relevant sections).
381. Policy C1.1(iii) - adverse effects
382. The NPSFM recognises that OWB are a limited class of water bodies which warrant special protection in regional policy statements and plans. The purpose of the provisions is to protect the outstanding and significant values of an OWB as they currently exist. These values regularly span both freshwater and coastal environments.
383. Policy C1.1(iii) requires future plans to include provisions that will avoid adverse effects that are more than minor, on the outstanding and significant values of OWB. As discussed above, when managing the types of values set out in Policies 11, 13 and 15 of the NZCPS, Policy C1.1(iii) as proposed may be viewed as being:
- more lenient than NZCPS direction contained within Policies 11(a), 13(a) and 15(a).
 - more stringent than the NZCPS direction contained within Policies 11(b), 13(b) and 15(b).
384. Notwithstanding, given that OWB are a limited class of water bodies that contain the 'best of the best' values in the region, it is appropriate that these types of values are protected in this manner from all types of activities.
385. Amending Policy C1.1(iii) to allow adverse effects that are more than minor on the significant and outstanding values of an OWB, may over time erode the quality of these values, meaning those values are not protected in their current state.
386. As such, it is recommended that Policy C1.1(iii) is retained, subject to amendments referred to earlier in the report.
387. Policy C1.1(iii) - cross reference to Policy C2
388. There is a risk that the requirements of Policy C2 will be omitted from consent decision making if the Policy isn't cross referenced or reiterated in the Hawke's Bay Regional Coastal Environment Plan.
389. As such, it is recommended that Policy C1.1(iii) be amended to include a cross reference to Policy C2.

Officers' preliminary recommendation

Policy C1

Report: 5.2

- (a) That Policy C1 of Change 7 be retained, albeit with amendments as per Appendix 1.
- (b) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 5.2 for reasons including those set out below.

390. Reasons

- (a) The NPSFM directs the protection of the outstanding and significant values of an OWB as they currently exist.

- (b) Not all OWB will need rules, limits and other regulatory methods to protect their outstanding and significant values.
- (c) There is a risk that the requirements of Policy C1 will be omitted from consent decision making if the Policy isn't cross referenced or reiterated in the regional plan section.
- (d) Proposed Policy C1 directly references the list of OWB identified through the Change 7 process and set out in Schedule 25. This provides clarity for plan users.
- (e) Freshwater and coastal systems are interconnected. The management and protection of OWB is complex and needs to be integrated between the two environments, to ensure adequate protection of all outstanding water bodies.
- (f) The NPSFM specifically provides for the integrated management of the effects of use and development of land and freshwater on coastal water.
- (g) Objective 11 and Policies C1 and C2 assist in giving effect to Objectives 1 and 2 and Policies 11, 13, 15 and 17 of the NZCPS.
- (h) The recommended amendments to the explanations and reasons for Objective 11, and proposed Policies C1 and C2 are clear that the policy direction set out in the NPCPS takes precedence, in those cases where it is more restrictive than the NPSFM.
- (i) OWB are a limited class of water bodies that contain the 'best of the best' values in the region, it is appropriate that these types of values are protected in this manner from all types of activities.
- (j) Amending Policy C1 to allow adverse effects that are more than minor on the significant and outstanding values of an OWB, may over time erode the quality of these values, meaning they are not protected in their current state.
- (k) Cumulative effects can be taken into account under the proposed wording of Policy C1

Policy C2

Report: 5.3

Submission numbers

- 391. Submitter numbers and further submitter numbers and associated requests are detailed in Appendix 2 Report 5.3. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
- 392. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

- 393. Policy C2 aligns with the requirements set out in Policy LW3A in Chapter 3.14 of the RRMP. To avoid repetition, submitters who have requested similar amendments to both Policy C2 and Policy LW3A have been addressed in Report 4.4, these include:
 - (a) Amend the timing Policy C2 takes to come into effect (see Paragraphs 348 to 351).
 - (b) Amend Policy C2 to allow the identification of the significant values of OWB through resource consent processes (see Paragraphs 349 to 351).
 - (c) Exempt Ahuriri Estuary from the requirements set out in Policy C2 until its significant values have been identified (see Paragraphs 349 to 350).
 - (d) Amend Policy C2.1 to ensure consent authorities 'take into account' the factors set out in sub-clauses (a) to (d) (see Paragraphs 346).
 - (e) Manage cumulative effects on OWB (see Paragraphs 344 to 345).
 - (f) Amend Policy C2 to exempt existing discharge activities from the decision making criteria (see Paragraphs 353 to 359).

394. One submitter requested amendments to Policy C2 to refer to 'outstanding water resources' within the coastal environment, to better reflect the NZCPS. This is discussed in Paragraphs 365 to 369).

Evaluation

395. Policy C2 aligns with requirements set out in Policy LW3A in Chapter 3.1A of the RRMP, ensuring a consistent framework is in place to manage OWB.

396. In particular, Policy C2 provides guidance to resource consent applicants and decision makers when assessing discretionary and non-complying activities which can potentially cause adverse effects on the significant and outstanding values of an OWB which is partially or fully located within the coastal environment.

397. The decision-making criteria set out in Policy C2 gives effect to the NPSFM OWB provisions and assists with the implementation of Objective 11 by ensuring decision makers have regard to:

- (a) The significant and outstanding values of relevant OWB, ensuring these values are appropriately assessed and protected in any future resource consents.
- (b) Whether it is appropriate for water takes, discharges or structures within or into an OWB to take place, and whether any limits should be imposed on these activities.
- (c) In cases of conflict, that preference is given to the protection of an outstanding value in the first instance over other values.

398. Policy C2 takes effect after a relevant catchment regional plan is operative, or after 31 December 2025, and then only apply where the outstanding and/or significant values are described in Schedule 25.

399. NZCPS requirements

400. A number of submitters have requested Change 7 be amended to more closely reflect the NZCPS when managing waters with outstanding values in the coastal environment (see Topic 1). As discussed in Paragraphs 149 to 151, in some cases the national policy direction from the NZCPS is more restrictive than the NPSFM when it comes to managing the types of values set out in Policies 11, 13 and 15 of the NZCPS.

401. The proposed wording of Policy C2 does not make this distinction clear. Further, it could be viewed as incorrectly implying that the protection of certain outstanding and significant values can occur in a more lenient manner than that directed by the NZCPS, which requires adverse effects to be avoided in some instances.

402. As such, to ensure clarity for future plan readers, it is recommended that Policy C2 is amended to clearly specify that in these cases, the policy direction set out on the NZCPS takes precedence. Similar amendments to proposed Policy C1 and the explanation and reasons for Objective 11 are also proposed (see relevant sections).

Officers' preliminary recommendation

Policy C2

Report: 5.3

- (a) That Policy C2 is retained, albeit with amendments as per Appendix 1.
- (b) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 5.3 for reasons including those set out below.

403. Reasons

- (a) The NPSFM directs the protection of the outstanding and significant values of an OWB as they currently exist.
- (b) Not all OWB will need rules and limits and other regulatory methods to protect their outstanding and significant values.
- (c) The identification of significant values is best placed to occur during the development of catchment management plans in consultation with iwi authorities, key stakeholders and the wider community.
- (d) It would be difficult for consent applicants and decision makers, to consider how best to protect the significant and outstanding values of an OWB, where these values have not yet been identified or described.

- (e) Ambiguity around protection of outstanding and significant values, in case of conflicts, is likely to increase costs of plan preparation, consent preparation and possible mitigation measures.
- (f) There is a risk that the requirements of Policy C2 will be omitted from consent decision making if the Policy isn't cross referenced or reiterated in the relevant regional plan section.
- (g) Proposed Policy C2 directly references the list of OWB identified through the Change 7 process and set out in Schedule 25. This provides clarity for plan users.
- (h) Freshwater and coastal systems are interconnected. The management and protection of outstanding water bodies is complex, and needs to be integrated between the two environments, to ensure adequate protection of all outstanding water bodies.
- (i) The NPSFM specifically provides for the integrated management of the effects of use and development of land and freshwater on coastal water.
- (j) Change 7 partly implements Objective 11 and Policies C1 and C2 assist in giving effect to Objectives 1 and 2 and Policies 11, 13, 15 and 17 of the NZCPS.
- (k) The recommended amendments to the explanations and reasons for Objective 11, and proposed Policies C1 and C2 are clear that the policy direction set out in the NPCPS takes precedence, in those cases where it is more restrictive than the NPSFM.
- (l) OWB are a limited class of water bodies that contain the 'best of the best' values in the region, it is appropriate that these types of values are protected in this manner from all types of activities.
- (m) Amending Policy C2 to allow adverse effects that are more than minor on the significant and outstanding values of an OWB, may over time erode the quality of these values, meaning those values are not protected in their current state.
- (n) Cumulative effects can be taken into account under the proposed wording of Policy C2.

TOPIC 6 - IDENTIFYING OUTSTANDING WATER BODIES & THEIR OUTSTANDING VALUES

OWB identification framework

Report: 6.0

Submission numbers

404. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 6.0. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
405. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

406. Several submitters requested that Change 7 be amended to include a set of outstanding criteria to determine what qualifies as 'outstanding' for each value set and to identify additional OWB.
407. With respect to the outstanding criteria, requests include:
- (a) Use the 'outstanding water bodies assessment criteria' used by the Expert Panel.
 - (b) Ensure the criteria has a high 'outstanding' threshold.

Evaluation

408. The assessment methodology used by the Council to identify OWB in Hawke's Bay, followed a six step process that began with a high level review documenting the values associated with 130 water bodies across the region.
409. This approach is set out in Paragraphs 118 to 128, and was informed by numerous existing reports, publications, and other information sources, including feedback from iwi authorities, key stakeholders and the general public.
410. A number of submitters stated that the approach undertaken by the Council is not clear, noting significant confusion as to how the OWB in Schedule 25 were selected, particularly given there is no set criteria as to what constitutes an outstanding value. Further, submitters stated that Schedule 25 did not contain an exhaustive list and requested amendments to Change 7 to enable the inclusion of additional OWB in the future.
411. As discussed earlier in the report, the NPSFM does not set a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, albeit within scope of Change 7 and submissions received. Options include:
- (a) The use of the OWB screening identification set out in Table 4 below, refined in accordance with submitter feedback. [This is the approach recommended by Reporting officers].
 - (b) The use of a comparative approach looking at all the key value sets associated with each water body in Change 7.
 - (c) The use of alternative approach(es) put forward by submitters at the hearing.
412. To reduce confusion, and to allow extra OWB to be identified in the future, the Reporting officers recommend that an OWB identification screening framework be added to Change 7 that uses clear and transparent criteria, consistent with the meaning of 'outstanding water body' and 'outstanding.' This will provide clarity and certainty to plan readers and reduce potential for ad-hoc identification of OWB in future.
413. OWB identification screening framework
414. Reporting officers recommend that the 'OWB identification screening framework (regional)' developed as part of the CEF OFWB Project "*Water Conservation Order Review*" report³² is added to Schedule 25, subject to:

³² Community Environment Fund - Outstanding Freshwater Body Project. September 2020. Water Conservation Order Review - Outstanding Values: Key Characteristics.

- (a) Refinement by the Hearing Panel in accordance with feedback from submitters.
- (b) Specific values set out in the definition of 'outstanding water body' (being cultural, spiritual, landscape, geology natural character, ecology values)

415. This is consistent with the CEF WCO review report findings which noted:

"The screening framework has been developed to assist regional councils with the identification of OWB in their region.... It is just one of a number of options available to regional councils to assist with the identification of OWB for NPSFM purposes. It is a tool which can be amended and adapted to suit local circumstances or to take into account community feedback".

and further noted:

"The report does not attempt to summarise or cover all aspects of all WCO reports and recommendations, or all value sets, released over the past 40 years. There are a number of value sets not included in this report".

416. The screening framework is set out in Table 4. It was developed based on the key factors and characteristics used by the various Courts and Tribunals when determining if a value is outstanding for WCO purposes.

417. The framework criteria has a high threshold which is consistent with the meaning of outstanding (see Paragraphs 173 to 176). For Change 7 reporting purposes, Reporting officers recommend that water bodies which meet the criteria set out in Table 4, are identified as OWB for inclusion within Schedule 25.

418. For clarification, the 'natural character' and 'geology' value sets have been added to the framework. These were not discussed in the earlier CEF project findings. In terms of a screening framework for the natural character and geology value sets, Reporting officers recommend:

- (a) for the natural character value set, that the criteria used by the local expert panel is included in the OWB screening framework, together with relevant parts of the definition of 'outstanding'.
- (b) For the geology value set, that the description used in Table 1 of Schedule 25 is included in the OWB framework, together with relevant parts of the definition of 'outstanding'.

419. With the exception of the natural character value set, Reporting officers have not attempted to integrate the outstanding criteria for other values used by the expert panel (see Paragraphs 423 to 425) into Table 4.

420. For clarification, it is recommended that the framework continue to be referred to as an OWB identification screening framework in Change 7. This will provide clarity and certainty to plan readers going forward, that water bodies which meet the framework criteria should be further investigated for an outstanding status.

421. **Table 4. Outstanding water body identification screening framework**

Value	Sub values / Outstanding indicators	Evidential sources can include but not limited to the following ³³
Ecology	Habitat for aquatic birds (native and migratory)	International Union for Conservation of Nature (IUCN) criteria. RAMSAR site criteria reports. New Zealand threat classification system. IUCN red list. Expert evidence.
	Water body should be further investigated as providing an outstanding habitat for aquatic birds where it meets: <ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B. <p>List A</p> <ul style="list-style-type: none"> a) One of the highest regional populations of a native aquatic bird species which is endangered, threatened or distinctive³⁴. b) One of the highest natural diversity of aquatic birds (native and migratory) in the region, which includes endangered or threatened species. <p>List B</p> <ul style="list-style-type: none"> a) Evidence is provided in support of outstanding features. 	

³³ Evidence sources include but are not limited to those listed.

³⁴ For WCO purposes, at least 5% of the national population (Rangitata River 2004).

Value	Sub values / Outstanding indicators	Evidential sources can include but not limited to the following ³³
	<p>Native fish habitat</p> <p>Water body should be further investigated as providing an outstanding habitat for native fish where it meets:</p> <ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B. <p>List A</p> <ol style="list-style-type: none"> a) A unique species or distinctive assemblage of native fish not found anywhere else in the region. b) Native fish that are landlocked and not affected by presence of introduced species. c) One of the highest diversities of native fish species in the region, which includes a threatened, endangered or distinctive species. d) An outstanding customary fishery. <p>List B</p> <ol style="list-style-type: none"> a) Evidence is provided in support of outstanding native fish habitat value. 	<p>Waters of National Importance. Expert evidence.</p>
	<p>Habitat for indigenous plant communities</p> <p>Water body should be further investigated as providing an outstanding habitat for an indigenous plant community where it meets:</p> <ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B. <p>List A</p> <ol style="list-style-type: none"> a) The indigenous plant community has a high diversity of habitats, or rare and threatened plant species in the region. b) The indigenous plant community contains special features not found anywhere else in the region. <p>List B</p> <ol style="list-style-type: none"> a) The indigenous plant community is reliant on the river flows, other aquatic characteristics, or is an integral part of the water body. b) Evidence is provided in support of outstanding features. 	<p>New Zealand Geopreservation Inventory. Protected Natural Area (PNA) surveys. Expert evidence.</p>
	<p>Habitat for trout and salmon</p> <p>Water body should be further investigated as providing an outstanding habitat for trout and salmon where it meets all matters in List A.</p> <p>List A</p> <ol style="list-style-type: none"> a) Has an outstanding angling amenity, or is critical to maintaining an outstanding angling amenity elsewhere in the catchment. b) Supports a self-sustaining population of wild trout or salmon (i.e. fish population not periodically restocked from hatcheries). c) Evidence is provided in support of outstanding features. 	<p>Waters of National Importance. Headwater trout fisheries (NIWA). Expert evidence.</p>
<p>Cultural and spiritual (tāngata whenua)</p>	<p>Cultural and spiritual (tāngata whenua)</p> <p>Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.</p> <p>List A</p> <ol style="list-style-type: none"> a) The features are of significance to Māori on a region wide basis b) The features are acknowledged as outstanding, by the descendant groups most closely associated with the waterbody. c) Evidence is provided in support of outstanding features. 	<p>Waitangi Tribunal Reports. Statutory acknowledgements. Statements provided from Iwi members. Expert evidence. Deeds of settlement, Customary uses reports. Court cases.</p>

Value	Sub values / Outstanding indicators	Evidential sources can include but not limited to the following ³⁵
Recreation	Angling amenity (trout and salmon)	National Angling Survey. Headwater trout fisheries (NIWA). Testimonies from anglers. National Inventory of Wild and Scenic River. Expert evidence.
	<p>Water body should be further investigated as providing an outstanding recreational fishing experience (angling amenity) where it meets:</p> <ul style="list-style-type: none"> • at least one matter in List A and • at least one matter in List B and • all matters in List C. <p>List A</p> <ol style="list-style-type: none"> a) Trophy trout (over 4 kg in size). b) High numbers of large trout (water body supports the highest number of large trout in the region). c) High numbers of trout (water body supports the highest trout numbers in the region or the highest trout biomass in the region). <p>List B</p> <ol style="list-style-type: none"> a) Variety of high quality angling experiences. b) Specialised high quality angling experience (scenic, solitude, challenging, high catch rate, ability to spot and fish to a particular trout). <p>List C</p> <ol style="list-style-type: none"> a) Wild trout fishery (self-sustaining trout population through natural replacement). b) Water body is accessible and suitable to fish (high water quality and suitable flows). c) A regional, national or international reputation as an exceptional trout fishery or high non-local usage (high numbers of anglers come from outside of the area). d) Evidence is provided in support of outstanding recreational experience. 	
	Rafting	1991 River Use Survey. New Zealand Recreational River Survey. Testimonies from rafters and their local or national associations. Expert evidence.
	<p>Water body should be further investigated as providing an outstanding rafting experience (amenity) where it meets:</p> <ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B. <p>List A</p> <ol style="list-style-type: none"> a) Variety of high quality rafting experiences found in few other water bodies in the region. b) A specialised high quality rafting experience found in few other water bodies in the region. <p>List B</p> <ol style="list-style-type: none"> a) The water body provides an outstanding rafting experience which is reliable and predictable for most of the year under normal flows (i.e. the experience is not reliant on dam release water or high flows, or subject to low flows). b) Regional, national or international significance as an exceptional rafting experience. c) High non-local usage (high numbers of participants come from outside of the area). d) Evidence is provided in support of an outstanding rafting experience. 	

³⁵ Evidence sources include but are not limited to those listed.

Value	Sub values / Outstanding indicators	Evidential sources can include but not limited to the following ³⁶
	<p>Kayaking (includes canoeing)</p> <p>Water body should be further investigated as providing an outstanding kayaking experience (amenity) where it meets:</p> <ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B. <p>List A</p> <ol style="list-style-type: none"> a) Variety of high quality kayaking experiences found in few other water bodies in the region. b) A specialised high quality kayaking experience found in few other water bodies in the region. <p>List B</p> <ol style="list-style-type: none"> a) The water body provides an outstanding kayaking experience which is reliable and predictable for most of the year under normal flows (i.e. the experience is not reliant on dam release water or high flows, or subject to low flows). b) Regional, national or international significance as an exceptional kayaking experience. c) High non-local usage (high numbers of participants come from outside of the area). d) Evidence is provided in support of an outstanding kayaking experience. 	<p>1991 River Use Survey. New Zealand Recreational River Survey. New Zealand Whitewater: 120 Great Kayaking Runs. Testimonies from kayakers and their local or national associations. Expert evidence.</p>
	<p>Jet boating</p> <p>Water body should be further investigated as providing an outstanding jet boating experience (amenity) where it meets:</p> <ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B. <p>List A</p> <ol style="list-style-type: none"> a) Variety of high quality jet boating experiences found in few other water bodies in the region. b) A specialised high quality jet boating experience found in few other water bodies in the region. <p>List B</p> <ol style="list-style-type: none"> a) The water body provides an outstanding jet boating experience which is reliable and predictable for most of the year under normal flows (i.e. the experience is not reliant on high flows or subject to low flows). b) Regional, national or international significance as an exceptional jet boating experience. c) High non-local usage (high numbers of participants come from outside of the area). d) Evidence is provided in support of an outstanding jet boating experience. 	<p>New Zealand Recreational River Survey. Testimonies from jet boaters and their local or national associations. Expert evidence.</p>

³⁶ Evidence sources include but are not limited to those listed.

Value	Sub values / Outstanding indicators	Evidential sources can include but not limited to the following ³⁷
Landscape	<p>Wild and scenic</p> <p>Water body should be further investigated as having outstanding wild and or scenic values where it meets all matters in List A.</p> <p>:</p> <p>List A</p> <ol style="list-style-type: none"> Waters are an essential component of the landscape. Waters have wild and/or scenic values that contain distinctive qualities which 'stand out' and are present in few other water bodies in the region. Evidence is provided in support of outstanding wild or scenic values by way of an expert assessment or independent evidence sources. 	<p>A National Inventory of Wild and Scenic Rivers.</p> <p>A list of rivers and lakes deserving protection in a schedule of protected waters.</p> <p>64 New Zealand Rivers: a scenic evaluation.</p> <p>New Zealand Recreational Survey and the National Inventory of Wild and Scenic Rivers.</p> <p>Expert evidence.</p>
Karst system / subterranean waters	<p>Karst system / subterranean waters</p> <p>A karst system and/or subterranean waters should be further investigated as having outstanding values where the following is met:</p> <ul style="list-style-type: none"> at least one matter in List A and all matters in List B. <p>List A</p> <ol style="list-style-type: none"> A specialised high quality experience present in few other water bodies in the region. Wild and or scenic values that contain distinctive qualities which 'stand out' and are present in few other water bodies in the region. Unique or unusual scientific or ecological values present in few other water bodies in the region. <p>List B</p> <ol style="list-style-type: none"> International or national reputation and/or high non-local usage. Evidence is provided in support of outstanding values. 	<p>New Zealand Geopreservation Inventory.</p> <p>Expert evidence.</p>
Natural Character	<p>Natural Character</p> <p>Water body should be further investigated as having outstanding natural character values where it meets all matters in List A.</p> <p>List A</p> <ol style="list-style-type: none"> the water body is highly natural with little or no human modification, including to the flow, bed and riparian margins, water quality, flora and fauna, within a largely indigenous landscape. The natural character values are conspicuous, eminent and/or remarkable in the context of the Hawke's Bay Region. Evidence is provided in support of outstanding natural character values by way of an expert assessment or independent evidence sources. 	<p>Expert evidence</p>

³⁷ Evidence sources include but are not limited to those listed.

Value	Sub values / Outstanding indicators	Evidential sources can include but not limited to the following ³⁸
Geology	<p>Geology</p> <p>Water body should be further investigated as having outstanding geology values where it meets all matters in List A.</p> <p>List A</p> <p>a) The geomorphological, geological or hydrological feature is dependent on the water body's condition and functioning.</p> <p>b) The geology values are conspicuous, eminent and/or remarkable in the context of the Hawke's Bay Region.</p> <p>c) Evidence is provided in support of outstanding geology values by way of an expert assessment or independent evidence sources.</p>	<p>New Zealand Geopreservation Inventory.</p> <p>Expert evidence.</p>

422. Expert Panel - OWB assessment criteria

423. As part of the Change 7 development process, a local expert panel was engaged to evaluate, categorise and identify any outstanding characteristics associated with 42 water bodies across the region (see Paragraphs 122 to 123).
424. The recommendations made by the panel were based on existing information, their local knowledge, a set of assessment criteria and a definition of 'OWB' the panel had developed themselves at their first meeting. The adopted definition of OWB and the assessment criteria used by the panel to identify outstanding features is set out in Appendix 1.
425. As discussed in Paragraph 419418, with the exception of the natural character value set, Reporting officers have not attempted to integrate the outstanding criteria used by the expert panel into Table 4.

Officers' preliminary recommendation
OWB identification framework

Report: 6.0

- (a) Amend Schedule 25 to include an OWB identification screening framework, as per Appendix 1.
- (b) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 6.0 for reasons including those set out below.

426. **Reasons**

- (a) An OWB identification screening framework using clear and transparent criteria will reduce confusion as to how the OWB in Schedule 25 were selected.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner, particularly when:
- (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
- (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
- (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
- (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
- (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.

³⁸ Evidence sources include but are not limited to those listed.

Submission numbers

427. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.0. Full copies of all written submissions and further submissions have been pre-circulated to members of the hearing panel.
428. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

429. A number of submitters opposed 38 water bodies, including the Heretaunga and Ruataniwha Aquifer systems, being identified as OWB in Schedule 25, noting that the Council has not been robust in applying the meaning of 'outstanding'.
430. The requested amendments to Schedule 25 include:
- (a) Add a disclaimer at the beginning of Schedule 25 about the cultural and spiritual values identified through Change 7
 - (b) Include the sizes of all lakes, wetlands and rivers
 - (c) Add detailed explanations of outstanding and significant values
 - (d) Remove those OWB which have highly modified environments
 - (e) Identify only those water bodies which are truly remarkable and meet the definition of 'outstanding'
 - (f) Delete OWB which have similar outstanding values to other water bodies across the region
 - (g) Limit the outstanding status to the section of the water body which meets the 'outstanding' criteria
 - (h) Delete values which are not found within the water body itself, such as primary production
 - (i) Identify the hapū with mana whenua and mana moana over each OWB
 - (j) Minor amendments (referring to primary production and other urban activities in brackets is confusing
 - (k) List waters which support outstanding values in the freshwater and coastal environments in a separate table
 - (l) Delete the double asterisk notation, and associated symbols.

Evaluation

431. As discussed in Paragraphs 111 to 116, in the absence of national guidance on criteria for evaluating and identifying outstanding water bodies, regional councils have discretion on the processes and methodology it may choose to identify any OWB in their respective regions.
432. While the NPSFM does not provide guidance on how these values should be assessed, the definitions of 'outstanding' and 'outstanding water body' in Change 7 set out the types of water bodies which will be identified as 'outstanding' in Hawke's Bay.
433. Schedule 25 lists the OWB in Hawke's Bay with an associated description of their outstanding values. The assessment methodology used by the Council to identify these OWB is set out in Paragraphs 118 to 127.
434. For the reasons set out in Paragraphs 126 to 138, a number of OWB were included in proposed Schedule 25 despite not having clear evidence to support their inclusion. Reporting officers recommend deleting the double asterisk notation and associated text throughout Table 2 in Schedule 25 and replacing it with updated text which describes the cultural and spiritual values associated with those water bodies found to be outstanding by the Hearing Panel. For clarification, should the Hearing Panel find a water body not to be outstanding for

NPSFM and Change 7 purposes, officers recommend these water bodies be deleted from Schedule 25. As discussed in Paragraph 127, Reporting officers have not made any recommendations around the cultural and spiritual values associated with these water bodies. It is more appropriate for the cultural and spiritual values associated with OWB in Schedule 25 to be updated after tāngata whenua submitters have the opportunity to present their evidence orally at the hearing.

435. OWB screening framework

436. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers recommend applying the screening framework set out in Table 4 to the water bodies in Schedule 25 and any extra water bodies requested in submissions on Change 7.

437. As stated in Paragraph 414, the next steps of Change 7 hearing process provides an opportunity for submitters to comment on the OWB identification framework being recommended by the Reporting officers. The Panel has discretion to refine the framework in response to feedback received from submitters at the hearing.

438. Alternatively, instead of applying a screening framework to Schedule 25, the Panel may prefer to apply a comparison approach for each OWB based on past publications, and feedback from submitters.

439. Disclaimer - cultural and spiritual values

440. The outstanding cultural and spiritual values associated with each OWB is described in Schedule 25. These are also described in a number of supporting documents that have been used to inform the preparation of Change 7 to date.

441. There are a number of water bodies where two or more iwi groups have shared values. In some cases, these water bodies are part of contested overlapping Treaty claims and settlements. Change 7 does not seek to recognise or imply exclusive rights or claims of any groups over particular water bodies or areas. The information in Change 7 is solely for the purpose of recording important cultural and spiritual values that are identified as outstanding by iwi groups in the region.

442. Reporting officers agree with requests by some submitters that a disclaimer note be included within Schedule 25 clearly setting out this understanding. This will improve clarity of the plan's provisions. This disclaimer is consistent with the disclaimer set out in a number of Change 7's supporting documents.

443. Outstanding and significant values

444. A comprehensive review of literature, coupled with feedback from engagement, has taken place during preparation of Change 7 to build a clearer picture of outstanding values of water bodies set out in Schedule 25.

445. This information forms the basis of the descriptions of the 'outstanding values' set out in Schedule 25, which intentionally provide only a high level description of the outstanding values. Where known, Schedule 25 includes sizes of the lakes, wetlands and rivers (or parts thereof) where the outstanding value is applicable. However, Schedule 25 as notified was not intended to provide descriptions of all the features and significant or outstanding values of the listed water bodies – only listing those that are outstanding.

446. Footnote 12 of Schedule 25 points plan readers to supporting documents where additional information on the outstanding values can be found. The knowledge base around each outstanding value is not exhaustive and further information may become available over time as the Council progresses its other work programmes.

447. Other than for OWB in the TANK catchment area, identification of significant values and inclusion of them in Schedule 25 is outside the scope of Change 7 (see Topic 2). The significant values for all water bodies will be identified during future catchment based plan changes. For clarification, the exception to this is significant values for the TANK catchment. This exception is possible because those values have been the subject of extensive community engagement and years of collaboration amongst the TANK Collaborative Stakeholder Group and iwi in the preparation of the proposed TANK Plan Change 9.

448. Outstanding values - spatial extents and mapping

449. A significant amount of work has been undertaken in preparation of Change 7. The vast majority of that focused on reviewing the available collection of existing literature. No new research, studies or investigations have been undertaken.

450. In the published literature reviewed, the spatial extent of the outstanding values was not readily available, or applicable to some value sets. This posed real challenges with attempting to spatially identify locations where outstanding values did or didn't exist in the region's water bodies. Consequently, Change 7 was notified without any maps of OWB and extents of their associated outstanding values. Instead, Schedule 25 provides a basic narrative description of the relevant outstanding value(s) and their location(s). Developing definitive maps of the location and extent of each of the OWB and their outstanding values remains a very challenging task in the absence of clear complete evidence. Consequently, Reporting officers do not recommend amending Change 7 to include maps for each of the OWB and their respective outstanding value(s).
451. Several submitters have requested the outstanding classification be limited to those areas of the water body which contain the outstanding value, to provide certainty and clarity to plan users around which part of the water body supports the outstanding values.
452. As discussed in Paragraph 60, the 2020 NPSFM's definition of 'outstanding water body' now explicitly refers to 'part of a water body'. This has been implicit in earlier editions of the NPSFM and is consistent with the definition of OWB in Change 7. Reporting officers agree with submitters that Table 2 of Schedule 25 should be amended to better define the outstanding water body classification to only those parts of the water body where the outstanding value currently exists. In future catchment-based planning processes, it is expected that the contribution any other parts of the same water body, or other water body(s) make in support of the outstanding value(s) will be identified and managed accordingly.
453. If the Panel, after deliberating on submissions and evidence presented to it at the hearing, concludes that the outstanding status be limited to relevant parts of the water body, the Reporting officers recommend that its associated outstanding description is updated in accordance with the further information provided by submitters and information contained in the summary of values reports set out in Paragraph 37.
454. Divide Schedule 25 into two parts (freshwater and coast)
455. One submitter requested that Schedule 25 be amended to separate outstanding freshwater bodies from outstanding water reaches in the coastal environment.
456. As discussed in Paragraphs 365 to 369 it is appropriate to applying the terminology 'OWB' to water within the coastal environment for the purposes of the RRMP.
457. Given that outstanding values frequently span both freshwater and coastal environments it would create confusion if Schedule 25 was divided into two parts.

Officers' preliminary recommendation

Schedule 25 - General

Report: 7.0

- (a) Amend Schedule 25 as per Appendix 1.
- (b) That the hearing panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.0 for reasons including those set out below.

458. Reasons

- (a) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner, particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;

- (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (b) Change 7 does not seek to recognise or imply exclusive rights or claims of any groups over particular water bodies or areas. The proposed recommended disclaimer provides clarity to plan users that Change 7 is solely for the purpose of recording important cultural and spiritual values identified by iwi groups in the region.
- (c) To ensure clarity for plan readers, the double asterisk notation, and associated text throughout Table 2 in Schedule 25, needs to be updated and replaced with updated text which describes the cultural and spiritual values of those water bodies found to be outstanding by the Hearing Panel.
- (d) A number of OWB were included in Schedule 25 as notified despite not having clear evidence to support their inclusion. The Council had made a deliberate decision to use the submission process to fill information gaps and subsequently provide a robust evidence base for each OWB in Schedule 25 (see Change 7 Section 32 report).

Schedule 25 - New OWB

Report: 7.39

Submission numbers

- 459. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.39. Full copies of all written submissions and further submissions have been pre-circulated to members of the hearing panel.
- 460. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

- 461. The requested amendments to Schedule 25 include:
 - (a) Add all water bodies, both above and below ground, within the Wairoa District, as a single OWB.
 - (b) Add the Makaroro River as an OWB.
 - (c) Add Smith Stream as an OWB.
 - (d) Add Middle Steam as an OWB.
 - (e) Add the tributaries that feed into the main rivers from Ruahine and Kaweka Ranges as OWB.
 - (f) Add the Mangapoike River as an OWB.
- 462. Reporting officers consider these requests to be 'on' Change 7 and within scope, despite the requests relating to new content added to Change 7. This is because Change 7 has proposed to introduce an entirely new list of OWB (i.e. Schedule 25) and the requests are made seeking further additions to that proposed Schedule 25.

Evaluation

- 463. All water bodies (both above and below ground)
- 464. The identification of outstanding water bodies in the Hawke's Bay rohe has been a challenging task. There are many rivers, lakes and coastal areas which are of high (but not necessarily 'outstanding') value to the people who live in this region and tāngata whenua have special cultural, spiritual, historical and traditional associations with all water bodies.
- 465. A key challenge in implementing the NPSFM and identifying outstanding water bodies is the special relationships and historical associations that tāngata whenua have with all water bodies. Freshwater is recognised by Māori as a taonga of paramount importance. A core Māori belief is that no water body is more important than another and each water body has its own individual mauri or vital essence.

466. Despite the challenges from a Māori worldview, the Council has prepared Change 7 following recommendations from the Council's RPC (comprising 9 tāngata whenua representatives and 9 Councillors), who determined that the OWB Plan Change should include the Māori cultural and spiritual value set.
467. This approach is set out in Paragraphs 115 to 127, and involved the selection of a list of water bodies which were found to have one or more outstanding cultural, spiritual, recreation, landscape, geology, natural character or ecology value(s).
468. As part of this approach the Council's RPC directed that, "in order to be 'outstanding', a water body must contain a cultural, spiritual, recreation, landscape or ecology value, in its own right, which stands out from the rest on a regional basis".
469. Given that Change 7 is seeking to identify water bodies which contain an outstanding value in their own right, Reporting officers recommend not amending Schedule 25 to identify a cluster water bodies as an OWB.
470. Notwithstanding, if an extensive network of water bodies were to be identified as an OWB in Schedule 25, the Hearing Panel would need to be satisfied that the cluster of water bodies 'stands out' (i.e. such as those in the Wairoa rohe) from the rest on a regional basis.
471. Tributaries that feed into the main rivers from Ruahine and Kaweka Ranges
472. As discussed earlier in the report, Change 7 has been prepared following the Council's direction that *"in order to be 'outstanding, a water body must contain a cultural, spiritual, recreation, landscape or ecology value, in its own right, which stands out from the rest on a regional basis"*.
473. Given that Change 7 is seeking to identify water bodies which contain an outstanding value in their own right, Reporting officers recommend not amending Schedule 25 to identify a cluster of water bodies as an OWB.
474. Notwithstanding, if an extensive network of water bodies were to be identified as an OWB in Schedule 25, the Hearing Panel would need to be satisfied that the cluster of water bodies 'stands out' (i.e. in this case the 'tributaries that feed into the main rivers from Ruahine and Kaweka Ranges') from the rest on a regional basis.
475. Makaroro River, Mangapoike River, Middle Stream, Smith Stream
476. The following water bodies were requested for an outstanding status through submissions: Makaroro River, Mangapoike River, Middle Stream and Smith Stream. These water bodies are discussed below.

Makaroro River

477. Several submitters have requested that the Makaroro River be added to Change 7 with an OWB status for the following value sets: cultural and spiritual'; 'ecology' (for native birds, native fish, native plants, aquatic macroinvertebrates,); 'landscape' (scenic, natural characteristics); 'natural character'; 'recreation'; 'geology'; 'historic'.
478. Several submitters have requested that the Makaroro River be added to Change 7 with an OWB status for the following value sets: cultural and spiritual'; 'ecology' (for native birds, native fish, native plants, aquatic macroinvertebrates,); 'landscape' (scenic, natural characteristics); 'natural character'; 'recreation'; 'geology'; 'historic'.
479. In support of an outstanding status for the values identified above, submitters have referred to 'research and investigations' undertaken during development of Change 6 with respect to the Ruataniwha Water Storage Scheme and the Board of Inquiry into the Tukituki Catchment Proposal. Reporting officers have not reviewed additional literature as part of this report. The hearing presents an opportunity for submitters to present this evidence in support of their submissions.
480. The Makaroro River is located in Central Hawke's Bay, flowing from the slopes of the Ruahine Range into the Waipawa River near the town of Tikokino.
481. The 'Summary of cultural values associated with water bodies in Hawke's Bay' and 'Summary of recreation, landscape and ecology values' reports, referred to in the Appendix 10, contains a more information on the values associated with this water body identified during the high level review undertaken in June 2017 (see Paragraphs 118 to 127).
482. Cultural and spiritual
483. The Makaroro River is located in Te Rohe o Te Heretaunga Tamatea.

484. Te Whiti o Tu Pā site is located near the Waipawa and Makaroro Rivers. A significant battle took place at the Makaroro River between Heretaunga hapū and Ngāi Te Upokoiri and their Tūwharetoa relatives.
485. Information reviewed during Phase 1 of the Change 7 development process (see Paragraph 119), indicates the water body contains the following key values:
- (a) Wāhi Tapu
 - (b) Wāhi taonga
 - (c) Pa kāinga
 - (d) Battle site.
486. The Makaroro River was not one of the 42 water bodies nominated for assessment by the local expert panel. As such, the cultural and spiritual values associated with the Makaroro River were not considered during this process.
487. Kathryn Bayliss [Submitter #1] has requested that the Makaroro River be identified as an OWB for outstanding cultural and spiritual values (for 'wahi tapu', 'wahi taonga', 'kainga', 'battle site', 'pa'), with specific note given to:
- (a) Historic and cultural values, with the Mākāroro River forming the walking route for Colenso and Māori travellers passing through Motu o Puka Pa.
 - (b) Cultural values of the river's Mauri and as a tributary to the Tukituki River and those associated Deed of Settlement responsibilities.
488. Ecology (native birds, native fish, native plants, aquatic macroinvertebrates)
489. Kathryn Bayliss [Submitter #1], Dan Elderkamp [Submitter #7], Gerard Pain [Submitter #29] and Adrienne Tully [Submitter #39] have requested that the Makaroro River be identified as an OWB for outstanding ecology values. Specific note was made in submissions to the native birds, native plants, aquatic macroinvertebrates and native fish values associated with the Makaroro River. Specifically:
- (a) The Makaroro River provides habitat for the seven migratory fish species, including four which are at risk or declining.
 - (b) The Makaroro River provides habitat for locally significant native birds, and for the nationally vulnerable long-tailed bat.
 - (c) The Makaroro River provides a variety of habitats, (braided riverbed, wetland and sleepzone) for threatened fauna and flora species. Braided riverbeds are a 'nationally original rare' ecosystem.
490. The following information was found on the native birds, native fish, native plants associated with the Makaroro River during Phases 1 and 2 of the Change 7 development process (see Paragraphs 118 to 127):
- (a) In 2012, the Hawke's Bay RiVAS assessments found the Makaroro River to have locally significant native birdlife values.
 - (b) The Makaroro River was not identified by name in the Hawke's Bay RiVAS assessment for native fish.
 - (c) The health of the macroinvertebrate communities in the Makaroro River has been measured at 116.6 MCI³⁹ which indicates the water body has good quality, clean water.
 - (d) The Makaroro River was not one of the 42 water bodies nominated for assessment by the local expert panel. As such, the ecology values associated with the Makaroro River were not considered during this process.
491. Natural Character
492. Kathryn Bayliss [Submitter #1] has requested that the Makaroro River be identified as an OWB for outstanding natural character values (for high naturalness, including hydrological, ecological and geological features), noting the river has some of the best water quality in Hawke's Bay and a highly natural river and environment.

³⁹ MCI score is the five year median value (2009-2013)

493. In 2012, a RiVAS assessment of natural character was carried out in Hawke’s Bay. The RiVAS assessment considered a total of 46 river reaches in the region for their natural character, classifying their natural character as high (nationally significant), moderate (regionally significant) or low (locally significant).
494. Of these 46 rivers reaches, the RiVAS assessment identified 14 as nationally significant, 20 as regionally significant and 12 as locally significant, for their natural character.
495. The Makaroro River was identified as nationally significant in the Hawke’s Bay RiVAS assessments for natural character.
496. Landscape and geology
497. Kathryn Bayliss [Submitter #1] and Dan Elderkamp [Submitter #7] have requested that the Makaroro River be identified as an OWB for outstanding landscape and geology values, with specific note given to the Mākāroro Gorge and the perceived and ecological naturalness of the area. The following evidence is cited:
- (a) Central Hawke's Bay Draft District Plan (May 2019): The Makaroro River is identified as a Significant Amenity Feature.
 - (b) Central Hawke's Bay Draft District Plan (May 2019): The Makaroro Gorge is identified as an Outstanding Natural Feature.
498. The following information was found on the landscape values associated with the Makaroro River during Phases 1 and 2 of the Change 7 development process (see Paragraphs 118 to 127):
- (a) In 1991, The New Zealand Recreational River Survey found the Makaroro River to have moderate scenic value.
499. Recreation
500. Kathryn Bayliss [Submitter #1] and Dan Elderkamp [Submitter #7] have requested that the Makaroro River be identified as an OWB for outstanding recreation values. Specific note was made to the kayaking, fishing, swimming and tramping values associated with the Makaroro River.
501. The following information was found on the recreation values associated with the Makaroro River during Phases 1 and 2 of the Change 7 development process (see Paragraphs 118 to 127):
- (a) In 2012, the Hawke’s Bay RiVAS assessments found the Makaroro River to be regionally and locally significant for salmonid angling.
 - (b) In 1991, The New Zealand Recreational River Survey found the Makaroro River to have intermediate recreational value.
502. OWB identification framework
503. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the process and methodology it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.
504. To ensure consistency and transparency with the identification of OWB moving forward, reporting officers recommend that an OWB screening framework is applied to all water bodies proposed in Schedule 25, and any extra water bodies that have been requested by submitters.
505. Reporting Officers have applied the framework recommended in Paragraph 421 to the Makaroro River, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting Officers’ preliminary assessment findings are set out in the following tables.

506. **Table 5. Makaroro River (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
<ul style="list-style-type: none"> a) The features are of outstanding significance to Māori on a region wide basis. b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody. c) Evidence is provided in support of outstanding features.
Makaroro River - Preliminary Assessment Findings: TBC
Reporting officers have not made any preliminary findings with respect to Makaroro River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26] and Kathryn Bayliss [Submitter #1] during the hearing process.

507. **Table 6. Makaroro River (aquatic birds)**

Habitat for aquatic birds (native and migratory)
Water body should be further investigated as providing an outstanding habitat for aquatic birds where it meets:
<ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B.
List A
<ul style="list-style-type: none"> a) One of the highest regional populations of a native aquatic bird species which is endangered, threatened or distinctive⁴⁰. b) One of the highest natural diversity of aquatic birds (native and migratory) in the region, which includes endangered or threatened species.
List B
<ul style="list-style-type: none"> a) Evidence is provided in support of outstanding features.
Makaroro River - Preliminary Assessment Findings: Not outstanding* <small>subject to change</small>
No evidence was found during Phases 1 - 6 of the Change 7 development process (see Part 3) in support of the Makaroro River being identified as providing outstanding habitat for aquatic birds, which suggests the criteria in List A and List B are not met.

508. **Table 7. Makaroro River (native fish)**

Native fish habitat
Water body should be further investigated as providing an outstanding habitat for native fish where it meets:
<ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B.
List A
<ul style="list-style-type: none"> a) A unique species or distinctive assemblage of native fish not found anywhere else in the region. b) Native fish that are landlocked and not affected by presence of introduced species. c) One of the highest diversities of native fish species in the region, which includes a threatened, endangered or distinctive species. d) An outstanding customary fishery.
List B
<ul style="list-style-type: none"> a) Evidence is provided in support of outstanding native fish habitat value.

⁴⁰ For WCO purposes, at least 5% of the national population (Rangitata River 2004).

Makaroro River - Preliminary Assessment Findings: Not outstanding*^{subject to change}

No evidence was found during Phases 1 - 6 of the Change 7 development process (see Part 3) in support of the Makaroro River being identified as providing outstanding habitat for native fish. Evidence suggests the criteria in List A and List B are not met.

509. **Table 8. Makaroro River (indigenous plant community)**

Habitat for indigenous plant communities

Water body should be further investigated as providing an outstanding habitat for an indigenous plant community where it meets:

- at least one matter in List A and
- all matters in List B.

List A

- a) The indigenous plant community has a high diversity of habitats, or rare and threatened plant species in the region.
- b) The indigenous plant community contains special features not found anywhere else in the region.

List B

- a) The indigenous plant community is reliant on the river flows, other aquatic characteristics, or is an integral part of the water body.
- b) Evidence is provided in support of outstanding features.

Makaroro River - Preliminary Assessment Findings: Not outstanding*^{subject to change}

No evidence was found during Phases 1 - 6 of the Change 7 development process (see Part 3) in support of the Makaroro River being identified as providing outstanding habitat for indigenous plants. Evidence suggests the criteria in List A and List B are not met.

510. **Table 9. Makaroro River (macroinvertebrates)**

Macroinvertebrates

The framework set out in Paragraph 421 does not include screening criteria for 'macroinvertebrates' values. As such, reporting officers have relied on the findings set out in existing literature when making their preliminary recommendations.

Makaroro River - Preliminary Assessment Findings: Not outstanding*^{subject to change}

This section of water body has an MCI of 116.6 which indicates the water body has good quality, clean water. While having a high MCI score, evidence suggests this water body is not outstanding for macroinvertebrates in a regional context.

Supporting evidence

Monitoring date (MCI score is the five year median value (2009-2013))

511. **Table 10. Makaroro River (landscape)**

Landscape (wild and scenic)

Water body should be further investigated as having outstanding wild and or scenic values where it meets all matters in List A.

List A

- a) Waters are an essential component of the landscape.
- b) Waters have wild and or scenic values that contain distinctive qualities which 'stand out' and are present in few other water bodies in the region.
- c) Evidence is provided in support of outstanding wild or scenic values by way of an expert assessment or independent evidence sources.

Makaroro River - Preliminary Assessment Findings: Not outstanding*subject to change

No evidence was found during Phases 1 - 6 of the Change 7 development process (see Part 3) in support of the Makaroro River being identified as having outstanding landscape values in a regional context. Evidence suggests Criteria (b) and (c) from List A are not met.

NOTE: The Central Hawke's Bay Draft District Plan (May 2019) identifies the Makaroro River as a Significant Amenity Feature in a district context. The plan is still in draft form and subject to submissions through the Schedule 1 RMA process, if retained in the notified version.

512. **Table 11. Makaroro River (geology)**

Geology

Water body should be further investigated as having outstanding geology values where it meets all matters in List A.

List A

- a) The geomorphological, geological or hydrological feature is dependent on the water body's condition and functioning.
- b) The geology values are conspicuous, eminent and/or remarkable in the context of the Hawke's Bay Region.
- c) Evidence is provided in support of outstanding geology values by way of an expert assessment or independent evidence sources.

Makaroro River - Preliminary Assessment Findings: Not outstanding*subject to change

No evidence was found during Phases 1 - 6 of the Change 7 development process (see Part 3) in support of the Makaroro River being identified as having outstanding geology values in a regional context, which suggests Criteria (b) and (c) from List A is not met.

NOTE: The Central Hawke's Bay Draft District Plan (May 2019) identifies the Makaroro Gorge as an Outstanding Natural Feature in a district context. The plan is still in draft form and subject to submissions through the Schedule 1 RMA process, if retained in the notified version.

513. **Table 12. Makaroro River (natural character)**

Natural character

Water body should be further investigated as having outstanding natural character values where it meets all matters in List A.

List A

- (a) The water body is highly natural with little or no human modification, including to the flow, bed and riparian margins, water quality, flora and fauna, within a largely indigenous landscape.
- (b) The natural character values are conspicuous, eminent and/or remarkable in the context of the Hawke's Bay Region.
- (c) Evidence is provided in support of outstanding natural character values by way of an expert assessment or independent evidence sources.

Makaroro River - Preliminary Assessment Findings: Not outstanding*subject to change

In 2012, the Makaroro River was identified as nationally significant in the Hawke's Bay RiVAS assessments for natural character. To date, no further evidence has been found in support of the Makaroro River being identified as having outstanding natural character

NOTE: The Hawke's Bay RiVAS assessment considered a total of 46 river reaches in the region for their natural character. Of these 14 were identified as nationally significant, which suggests Criteria (b) and (c) from List A is not met.

514. **Table 13. Makaroro River (general recreation)**

General recreation
The framework set out in Paragraph 421 does not include screening criteria for the 'general recreation' value set. As such, reporting officers have relied on the findings set out in existing literature when making their preliminary recommendations.
Makaroro River - Preliminary Assessment Findings: Not outstanding^{subject to change}
No evidence was found during Phases 1 - 6 of the Change 7 development process (see Part 3) in support of the Makaroro River being identified as having outstanding recreational values, which suggests the Makaroro River is not outstanding for general recreation purposes in a regional context.

Mangapoike River

515. The Mangapoike River has been requested by Elizabeth Palmer, on behalf of Iwitea Marae, [Submitter #30] for an OWB status for cultural and spiritual values.
516. The Mangapoike River is a tributary of the Wairoa River, flowing into the upper Wairoa River near Marumuru, north of Frasertown.
517. The '*Summary of cultural values associated with water bodies in Hawke's Bay*' and '*Summary of recreation, landscape and ecology values*' reports, referred to in the Appendix 10, contains more information on the values associated with this water body found during the high level review undertaken in June 2017 (see Paragraphs 118 to 127):
518. Cultural and Spiritual
519. The Mangapoike River is located in Te Rohe o Te Wairoa.
520. The Mangapoike River means swarming stream. There were a number of pā sites along the Mangapoike River. In July 1868, the first military encounter in the Te Kooti war occurred on the Mangapoike riverside. Te Kooti led an escape to the mainland by the prisoners sent to the Chatham Islands and defeated the Crown forces who tried to recapture them at this location.
521. Information reviewed during Phase 1 of the Change 7 development process (See Paragraph 119) indicates the water body contains the following key values:
- (a) Pa kāinga
 - (b) Battle site.
522. The Mangapoike River was not one of the 42 water bodies nominated for assessment by the local expert panel. As such, the cultural and spiritual values associated with the Mangapoike River were not considered during this process.
523. Elizabeth Palmer, on behalf of Iwitea Marae, [Submitter #30] has requested that the Mangapoike River be identified as an OWB for outstanding cultural and spiritual values.
524. Parts of the Mangapoike River and its catchment fall within Ngāti Kahungunu Wairoa Taiwhenua Incorporated's area of interest.⁴¹ Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] oppose Change 7 and have requested that all water bodies in the Wairoa District, both above and below ground,, be identified as a single outstanding water body. This is further discussed in Paragraphs 463 to 470.
525. OWB identification framework
526. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the process and methodology it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.

⁴¹ Source www.tkm.govt.nz

527. To ensure consistency and transparency with the identification of OWB moving forward, reporting officers recommend that an OWB screening framework is applied to all water bodies proposed in Schedule 25, and any extra water bodies that have been requested by submitters.
528. Reporting Officers have applied the framework recommended in Paragraph 421 to the Mangapoike River, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting Officers' preliminary assessment findings are set out in the following tables.
529. **Table 14. Mangapoike River (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
a) The features are of outstanding significance to Māori on a region wide basis.
b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
c) Evidence is provided in support of outstanding features.
Mangapoike River - Preliminary Assessment Findings: TBC
Reporting officers have not made any preliminary findings with respect to Mangapoike River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], Ngāti Kahungunu Wairoa Taiwhenua [Submitter #27] and Elizabeth Palmer [Submitter #30] during the hearing process.

Middle Stream

530. One submitter requested Middle Stream be included as an OWB in Schedule 25. The submitter has advised that Middle Stream is a tributary of the Waipawa River.
531. No information was found on the values associated with this water body during Phases 1 - 6 of the Change 7 development process (see Part 3).
532. In absence of any information, reporting officers have been unable to apply the screening framework to the Middle Stream.

Smith Stream

533. One submitter requested Smith Stream be included as an OWB in Schedule 25. The submitter has advised that Smith Stream is a tributary of the Waipawa River.
534. No information was found on the values associated with this water body during Phases 1 - 6 of the Change 7 development process (see Part 3).
535. In absence of any information, reporting officers have been unable to apply the screening framework to the Smith Stream.

Officers' preliminary recommendation

Schedule 25 - New OWB

Report: 7.39

- (a) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with the Mangapoike River and the Makaroro River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], Ngāti Kahungunu Wairoa Taiwhenua [Submitter #27]; Elizabeth Palmer [Submitter #30] and Kathryn Bayliss [Submitter #1] during the hearing process.
- (b) That the following water bodies, requested in submissions, not be identified in Change 7 as OWB:
- (i) Middle Stream

- (ii) Smith Stream
 - (iii) Makaroro River
 - (iv) An extensive network of water bodies, being 'all water bodies above and below ground in the Wairoa District' as a single OWB
 - (v) 'all the tributaries that feed into the main rivers from Ruahine and Kaweka Ranges.'
- (c) That the hearing panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.39 for reasons including those set out below.

536. **Reasons**

- (a) An OWB identification screening framework using clear and transparent criteria will reduce confusion as to how the OWB in Schedule 25 were selected.
- (b) The NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB as such, the hearing panel has discretion on the processes it may choose to identify OWB for Change 7 purposes.
- (c) In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (d) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner, particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (e) Amending Change 7 to identify 'clusters' of multiple water bodies would be inconsistent with the meaning of 'outstanding' in Change 7 and also inconsistent with the intent of Change 7 insofar as in order to be 'outstanding', a water body must contain a cultural, spiritual, recreation, landscape or ecology value, **in its own right**, which stands out from the rest on a regional basis (emphasis added).
- (f) Notwithstanding, if the Hearing Panel did conclude that an extensive network of multiple water bodies can to be identified as an OWB in Schedule 25, then the Hearing Panel would also need to be satisfied that the cluster of multiple water bodies 'stands out' (i.e. such as those in the Wairoa rohe) from the rest on a regional basis.

Hautapu River

Report: 7.1

Submission numbers

537. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.1. Full copies of all written submissions and further submissions have been pre-circulated to members of the hearing panel.
538. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

539. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that amendments be made to Schedule 25 and that it be more robust in applying the meaning of 'outstanding'.
540. With respect to the Hautapu River, requests include:
- (a) Delete the Hautapu River from Schedule 25.
 - (b) Amend the 'outstanding' description for the Hautapu River to reference additional cultural and spiritual values identified by Hineuru Iwi Trust.

Evaluation

541. The Hautapu River has been identified in Schedule 25 as having outstanding cultural and spiritual values.
542. The Hautapu River's catchment is almost entirely forested. The Hautapu River rises near the source of the Waipunga River winding south-east through a steep, greywacke gorge with podocarp forest. The river leaves the gorge at Ngatapa flowing for around a kilometre through pasture and pine forest until it joins the Te Hoe River.
543. The Water Conservation (Mohaka River) Order 2004 is relevant to the Hautapu River, which is a tributary of Te Hoe River. The outstanding scenic characteristics of the Te Hoe Gorge are identified in the WCO as a nationally outstanding feature, but the gorge is downstream of the Hautapu River's confluence with the Te Hoe River. The Te Hoe gorge is on the Te Hoe River – not the Hautapu River.
544. The *Hautapu River - Summary of Values* report, referred to in Paragraph 37, contains a more detailed account of the values associated with the Hautapu River, prior to Change 7's notification on 31 August 2019.
545. Cultural and spiritual values
546. The Hautapu River is located within the far eastern reaches of the Ngāti Hineuru rohe. The Hautapu and Te Hoe Rivers form a natural boundary to other iwi and hapu.
547. Information reviewed, during Phase 1 of the Change 7 development process (See Paragraph 119), indicates the water body contains the following key values:
- (a) Wāhi Tapu
 - (b) Wāhi taonga
 - (c) Mahinga kai
 - (d) Pa tuna
 - (e) Pa, kāinga
 - (f) Rohe Boundary.
548. The Hineuru Iwi Trust [Submitter #18] has provided additional information on the cultural and spiritual values associated with the Hautapu River as part of their submission on Change 7. In particular, Hineuru Iwi Trust:
- (a) Identified the following key values associated with the Hautapu River: 'Mauri'; 'Whakawhanaungatanga'; 'Travel and trade'; 'Rohe boundary'; 'Ngatapa Pa and kainga' (Mahinga kai, Waahi tapu (burial site)); 'Kaitiakitanga' 'Acknowledged in korero tuku iho: Tauparapara'; and requested that the 'outstanding description' for the Hautapu River be updated accordingly⁴².
549. If the Panel, after deliberating on submissions and evidence presented to it at the hearing, concludes that Hautapu River is to be retained in Schedule 25 for its outstanding value(s), the Reporting officers recommend that its associated outstanding description is updated in accordance with the further information provided by the Hineuru Iwi Trust.

⁴² See Submission #18 for further details.

550. The Hautapu River was not one of the 42 water bodies nominated for assessment by the local expert panel. As such, the cultural and spiritual values associated with the Hautapu River were not considered during this process.
551. Parts of the Hautapu River and its catchment fall within Ngāti Kahungunu Wairoa Taiwhenua Incorporated's area of interest.⁴³ Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] oppose Change 7 and have requested that all water bodies in the Wairoa District, both above and below ground, be identified as a single outstanding water body. This is further discussed in Paragraphs 463 to 470.
552. OWB identification screening framework
553. As discussed earlier in the report, the NPSFM does not set a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.
554. To ensure consistency and transparency with the identification of OWB moving forward, reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.
555. Reporting Officers have applied the framework recommended in Paragraph 421 to the Hautapu River, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting Officers' preliminary assessment findings are set out in the following tables.
556. **Table 15. Hautapu River (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
a) The features are of outstanding significance to Māori on a region wide basis.
b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
c) Evidence is provided in support of outstanding features.
Hautapu River - Preliminary Assessment Findings: TBC
Reporting officers have not made any preliminary findings with respect to the Hautapu River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Hineuru iwi trust [Submitter #18] and Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26] during the Change 7 hearings.

Officers' preliminary recommendation

Hautapu River [ID #1]

Report: 7.1

- (a) Reporting officers have not made any preliminary findings with respect to cultural and spiritual values associated with the Hautapu River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Hineuru Iwi Trust [Submitter #18] and Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26] during the Change 7 hearings.
- (b) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.1 for reasons including those set out below.

557. Reasons

- (a) An OWB identification screening framework using clear and transparent criteria will reduce confusion as to how the OWB in Schedule 25 were selected.
- (b) The NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB as such, the hearing panel has discretion on the processes it may choose to identify OWB for Change 7 purposes.

⁴³ Source www.tkm.govt.nz

- (c) In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (d) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (e) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Heretaunga Aquifer [ID #2]

Report: 7.2

Submission numbers

- 558. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.2. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
- 559. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

- 560. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust or stringent in applying the meaning of 'outstanding'.
- 561. With respect to the Heretaunga Aquifer, requests include:
 - (a) Delete the Heretaunga Aquifer from Schedule 25
 - (b) Delete the outstanding value of 'geology' for the Heretaunga Aquifer
 - (c) Amend the name to 'Heretaunga Plains Aquifer System'.
 - (d) Amend the 'outstanding' description for the Heretaunga Aquifer to emphasise its current economic importance; refer to 'Whakapapa o te wai', 'Ki Uta ki Tai', 'Hauora o te wai', 'muriwaihou'.
 - (e) Add new outstanding values for the Heretaunga Aquifer: 'primary production water use', 'primary production land use'.
 - (f) Retain the Heretaunga Aquifer as an OWB.

Evaluation

562. The Heretaunga Aquifer has been identified in Change 7 as having outstanding geology, cultural and spiritual values. The aquifer system is a significant resource for Hawke's Bay with 161 million m³ of water currently consented for use annually. Reasons have been described in Paragraphs 184 to 188 why Change 7 has been prepared in a manner so that economic and consumptive use values associated with the aquifer system (or any other water body) are not identified as outstanding values.
563. The Heretaunga aquifer system is a major aquifer system underlying most of the Heretaunga Plains and is estimated to be around 510 km² in size, 900 metres deep, with a strong hydraulic connection with the surface water bodies that flow across the Heretaunga Plains. The whole system is complex and hard to delineate, it comprises a number of aquifers, with some parts of the system having a more direct 'hydrologic connection' with surface water bodies than others.
564. The *Heretaunga Aquifer -Summary of Values* report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
565. NPSFM and aquifers
566. While the NPSFM does not preclude the identification of aquifers as OWB, to date nationally, no aquifers have been identified as OWB for NPSFM purposes.
567. Before the Panel considers the values associated with the Heretaunga Aquifer, reporting officers recommend that the Hearing Panel first consider whether the identification of the whole of the Heretaunga aquifer system is consistent with the intent of Change 7, which is seeking to identify water bodies which contain an outstanding value in their own right (see Paragraphs 115). The Heretaunga aquifer system could be viewed as being a cluster of interconnected aquifers, given it comprises a number of aquifers, including:
- (a) The Ngaruroro-Tutaekuri aquifer system (main aquifer under the Heretaunga Plains – approx. 300 km²).
 - (b) The Tukituki aquifer system (the eastern coastal margin of the Plains).
 - (c) The Moteo Valley aquifer system (area formerly occupied by the Tutaekuri River).
 - (d) The Valley aquifer systems (the area before the Ngaruroro and Tutaekuri rivers cross).
 - (e) The peripheral limestone aquifer system (the hills on the southern and western margin of the Plains).
568. The Heretaunga aquifer system is primarily recharged by the Ngaruroro River at the western margin of the Heretaunga Plains. A major recharge zone occurs between Roys Hill and Fernhill, with a minor recharge zone occurring near Maraekakaho. Surface water infiltrates into the unconfined aquifer, and then through the subsurface to recharge deeper confined aquifers.
569. The Tutaekuri and the Tukituki rivers recharge the relatively shallow aquifer systems in the northern and south-eastern parts of the Heretaunga Plains. None of the aquifer systems have been identified as being completely isolated.
570. Cultural and spiritual values
571. The Heretaunga Aquifer is a taonga of Ngāti Kahungunu and is part of Heretaunga Tamatea hapū's traditional rohe. The importance of the aquifer is reflected in the whakatauki that represents Ngāti Kahungunu pride:
- Heretaunga ararau; Heretaunga haukūnui; Heretaunga hāro te kāhu; Heretaunga takoto noa.*
- (Heretaunga of arcadian pathways; Heretaunga of life-giving dew; Heretaunga the beauty of which can only be appreciated by the eyes of a hawk in full flight; Heretaunga from whence the chiefs have departed and only we the servants remain⁴⁴).*
572. The Heretaunga Aquifer was known by Ngāti Kahungunu as the Heretaunga Ararau Haukūnui, being a large water resource, represented in the many rivers, creeks, the small tributaries fed by underground springs, springs of water, swampy ground, swimming holes, rock pools and quick sands. These areas supported an abundant supply of fish and water fowl, a primary food resource.

⁴⁴ <https://maungakorero.wordpress.com/2014/01/19/issue-24-kahuranaki/>

573. Information reviewed during Phase 1 of the Change 7 development (See Paragraph 119) indicates the water body contains the following key values:
- (a) Wāhi Tapu, Wāhi taonga
 - (b) Pa, kāinga
 - (c) Acknowledged in korero tuku iho, pepeha, whakatauki, waiata.
574. The local expert panel found the Heretaunga aquifer system to have known outstanding cultural and spiritual values, specifically noting Wairuatanga, Rangatiratanga, Whakapapa, Mātauranga Māori and Cultural Natural Character.
575. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26] have requested that the outstanding description for the Heretaunga aquifer system be updated to include the following:
- (a) Whakapapa o te wai: The connectivity between the Heretaunga Plains Aquifer System and culturally significant/iconic rivers and tributaries.
 - (b) Ki Uta ki Tai: The flow of water from the mountains to the sea – including through the unique layers of strata that make up our aquifer systems.
 - (c) Hauora o te wai: (In Part) The unique cleansing that occurs with hydrogeology, where wai passes through the whenua and is cleansed over time and distance, then re-emerges as springs that contribute clean water to surface water bodies – to our rivers, lakes and streams.
 - (d) Muriwaihou (Aquifer).
576. If the Panel, after deliberating on submissions and evidence presented to it at the hearing, concludes that the Heretaunga aquifer system is to be retained in Schedule 25 for its outstanding value(s), the Reporting officers recommend that its associated outstanding description is updated in accordance with the further information provided by submitters.
577. Geology values
578. The local expert panel found the Heretaunga Aquifer to have outstanding landscape values, specifically noting that its hydrological features are unique to the region.
579. Reporting officers note that a high number of water bodies are hydraulically connected to other water bodies including aquifer systems. Given that Change 7 is looking to solely identify water bodies which contain an outstanding values in their own right, the contribution the Heretaunga aquifer system makes to any outstanding value(s) in these surface water bodies does not make the aquifer system itself an OWB.
580. Notwithstanding, for those water bodies on the Heretaunga Plains identified as containing an outstanding cultural, spiritual recreation, landscape or ecology value(s), the contribution the Heretaunga Aquifer System makes to the outstanding value(s) would be protected in future catchment-based management plans.
581. OWB identification screening framework
582. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the hearing panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.
583. To ensure consistency and transparency with the identification of OWB moving forward, reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.
584. Reporting Officers have applied the framework recommended in Paragraph 421 to the Heretaunga Aquifer, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting Officers' preliminary assessment findings are set out in the following tables.

585. **Table 16. Heretaunga Aquifer (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
<ul style="list-style-type: none"> a) The features are of outstanding significance to Māori on a region wide basis. b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody. c) Evidence is provided in support of outstanding features.
Heretaunga Aquifer - Preliminary Assessment Findings: TBC
Reporting officers have not made any preliminary findings with respect to the Heretaunga Aquifer. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], who jointly submitted on Change 7.

586. **Table 17. Heretaunga Aquifer (subterranean waters - geology)**

Karst system / subterranean waters
A karst system and/or subterranean waters should be further investigated as having outstanding values where the following is met:
<ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B.
List A
<ul style="list-style-type: none"> a) A specialised high-quality experience present in few other water bodies in the region. b) Wild and or scenic values that contain distinctive qualities which 'stand out' and are present in few other water bodies in the region. c) Unique or unusual scientific or ecological values present in few other water bodies in the region.
List B
<ul style="list-style-type: none"> a) International or national reputation and/or high non-local usage. b) Evidence is provided in support of outstanding values.
Heretaunga Aquifer - Preliminary Assessment Findings: Not outstanding* <small>subject to change</small>
No evidence was found during Phases 1 - 6 of the Change 7 development process (see Part 3) in support of the Heretaunga Aquifer being identified as having outstanding geology values. Evidence suggests the criteria in List A and List B are not met.

Officers' Preliminary recommendation

Heretaunga Aquifer [ID #2]

Report: 7.2

- (a) Amend Schedule 25, Heretaunga Aquifer as per the amendments set out in Appendix 1.
- (b) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with the Heretaunga Aquifer. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga, who jointly submitted on Change 7 [Submitter #26].
- (c) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.2 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner, particularly when:

- (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) While the NPSFM allows the inclusion of aquifers as outstanding water bodies, to date nationally, no aquifers have been identified as OWB for the purpose of the NPSFM.
 - (d) The contribution the Heretaunga Aquifer provides to any hydraulically connected OWB's outstanding and significant values will be protected as part of future plan making.
 - (e) Change 7 is seeking to identify water bodies which contain an outstanding value in their own right, not clusters of water bodies. The Heretaunga aquifer system comprises a number of interconnected aquifers.
 - (f) The local expert panel preliminary identified the Heretaunga Aquifer as having outstanding cultural and spiritual values. In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
 - (g) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Karamū River [ID #3]

Report 7.3

Submission numbers

587. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.3. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
588. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

589. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
590. With respect to the Karamū River, requests include:
- (a) Delete the Karamū River from Schedule 25.
 - (b) Add new outstanding values for the Karamū River: 'primary production water use', 'primary production land use'.
 - (c) Minor corrections for reader clarity

- (d) Amend the 'outstanding' description for the Karamū River refer to 'Whakapapa o te wai', 'Ki Uta ki Tai', 'Hauora o te wai'.

Evaluation

591. The Karamū River is identified in Change 7 as having outstanding cultural and spiritual values.
592. The Karamū River begins at Poukawa, and travels through Havelock North and the Karamū area to join the Clive River at Pakowhai. It was once the main channel of the Ngaruroro River, but following a major flood in 1867 the Ngaruroro changed its course to its current course, leaving behind a smaller flow, named the Karamū in reference to the Karamū trees which grew in abundance in this area.
593. The *Karamū River - Summary of Values* report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
594. Cultural and spiritual values
595. The Karamū River has particular cultural, spiritual, historical and traditional associations with Heretaunga Tamatea hapū. It is one of the four main water bodies in Te Matau a Māui Tikitiki-a-Taranga, Hawke's Bay.
596. The Karamū River is a taonga of Ngāti Hori. It has been an important freshwater fishery, and Māori have a long history of occupation and travel on and around the River.
597. Information reviewed during Phase 1 of the Change 7 development process (see Paragraph 119) indicates the water body contains the following key values:
- (a) Pa, kāinga
 - (b) Mahinga kai, Pa tuna.
598. The local expert panel did not find the Karamū River to have outstanding cultural and spiritual values, noting that further cultural assessment was needed.
599. During the Change 7 submission period Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga, jointly submitted on Change 7 [Submitter #26] and requested that the outstanding value description for the Karamū River refer to 'Whakapapa o te wai', 'Ki Uta ki Tai' and 'Hauora o te wai'.
600. If the Panel, after deliberating on submissions and evidence presented to it at the hearing, concludes that the Karamū River is to be retained in Schedule 25 for its outstanding value(s), the Reporting officers recommend that its associated outstanding description is updated in accordance with the further information provided by Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga.
601. Economic and productive use values
602. For the reasons set out in Paragraphs 184 to 188, it is not recommended that 'primary production water use' or 'primary production land use' be added as outstanding values to the Karamū River.
603. OWB identification framework
604. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.
605. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.
606. Reporting officers have applied the framework recommended in Paragraph 421 to the Karamū River, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables.

607. **Table 18. Karamū River (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
a) The features are of outstanding significance to Māori on a region wide basis.
b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
c) Evidence is provided in support of outstanding features.
Karamū River - Preliminary Assessment Findings: TBC
Reporting officers have not made any preliminary findings with respect to the Karamū River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], who jointly submitted on Change 7.

Officers' Preliminary recommendation	Report: 7.3
Karamū River [ID #3]	

- (a) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with the Karamū River. It is recommended that the Hearing Panel further consider the evidence and information after Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], who jointly submitted on Change 7.
- (b) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.3 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner, particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) Minor wording corrections can be accomplished under Schedule 1 Clause 16(2) of RMA.
- (d) In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (e) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Submission numbers

608. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.4. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
609. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

610. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
611. With respect to the Kaweka and Ruahine Ranges wetlands, requests include:
- (a) Delete Kaweka & Ruahine Ranges wetlands from Schedule 25.
 - (b) Add the following new outstanding values 'Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi'.

Evaluation

612. The Kaweka & Ruahine Ranges wetlands are identified in Change 7 as having outstanding cultural and spiritual values.
613. There are a number of wetlands located in the Kaweka & Ruahine Ranges, which are likely to have a number of features which are significant to tāngata whenua who closely associate with this area.
614. As discussed in Paragraphs 134 and 135, the Council deliberately extended the submission period to six months to enable submitters to compile material to confirm the proposed outstanding cultural and spiritual values.
615. The *Kaweka & Ruahine Ranges wetlands - Summary of Values* report, referred to in Paragraph 37, contains a summary of the values known to be associated with this water body.
616. Cultural and spiritual values
617. No information on the cultural and spiritual values associated with the Kaweka & Ruahine Ranges wetlands was found during Phase 1 of the Change 7 development process (See Paragraph 119).
618. The local expert panel did not find the Kaweka & Ruahine Ranges wetlands to have outstanding cultural and spiritual values, noting there was insufficient information available to make an assessment. No further information specific to the Kaweka & Ruahine Ranges wetlands was received during the Change 7 submission period.
619. A generic request was made to add 'Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi' as outstanding values to all estuaries, coastal lagoons and wetlands. The Kaweka & Ruahine Ranges wetlands are not located near the coast.
620. OWB identification framework
621. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.
622. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.
623. Reporting Officers have applied the framework recommended in Paragraph 420 to the Kaweka & Ruahine Ranges wetlands, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting Officers' preliminary assessment findings are set out in the following tables.

624. **Table 19. Kaweka & Ruahine Ranges wetlands (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
a) The features are of outstanding significance to Māori on a region wide basis.
b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
c) Evidence is provided in support of outstanding features.
Kaweka & Ruahine Ranges wetlands- Preliminary Assessment Findings: TBC
Reporting officers have not made any preliminary findings with respect to the Kaweka & Ruahine Ranges wetlands. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], who jointly submitted on Change 7.

Officers' Preliminary recommendation	
Kaweka & Ruahine Ranges wetlands [ID #4]	Report: 7.4

- (a) Reporting officers have not made any preliminary findings with respect to cultural and spiritual values associated with the Kaweka & Ruahine Ranges wetlands. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], who jointly submitted on Change 7.
- (b) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.4 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner, particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) The following values: 'Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi' relate to coastal wetlands. The Kaweka & Ruahine Ranges wetlands are not located near the coast.
- (d) In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.

- (e) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Lake Rotoroa and Lake Rototuna (Kaweka Lakes) [ID #5]

Report 7.5

Submission numbers

625. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.5. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
626. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

627. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
628. With respect to the Lake Rotoroa and Lake Rototuna (Kaweka Lakes), requests include:
- (a) Carry out minor corrections.
 - (b) Retain Lake Rotoroa and Lake Rototuna (Kaweka Lakes) in Schedule 25.
629. The identification of Lake Rotoroa and Lake Rototuna (Kaweka Lakes) as OWB was not directly contested in submissions.

Evaluation

630. Lake Rototuna and Lake Rotoroa are identified in Change 7 as having outstanding cultural, spiritual, ecology (for native fish and native plant values), and natural character values.
631. The Lakes are situated in the Kaweka Forest Park and were formed thousands of years ago by streams being dammed by a large slip from Mount Kuripapango. They are surrounded by indigenous vegetation, with no sign of human modification.
632. The *Lake Rototuna and Lake Rotorua (Kaweka Lakes) -Summary of Values* report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
633. Cultural and spiritual values
634. No information on the cultural and spiritual values associated with Lakes Rototuna and Rotoroa was found during Phase 1 of the Change 7 development process (See Paragraph 119).
635. Lakes Rototuna and Rotoroa have a number of special features which are likely to be significant to tāngata whenua who are closely associated with these water bodies. However, to date no information/evidence has been found describing the cultural and spiritual significance of Lakes Rototuna and Rotoroa.
636. The local expert panel did not find Lakes Rototuna and Rotorua to have outstanding cultural and spiritual values, noting that further cultural assessment was needed. No further information specific to Lake Rototuna and Lake Rotorua was received during the Change 7 submission period.
637. Ecology (native fish, native plants)
638. Both lakes are ecologically significant, in particular:
- (a) Lake Rototuna is the best example of a waterbody that still remains in an all-native vegetated state in the region and supports the best composition of submerged aquatic plants in Hawke's Bay, three of which are nationally endangered.

- (b) Lake Rotoroa is thought to contain similar submerged aquatic plant community to Lake Rototuna, with the addition of the endemic deep water wetland sedge, *Eleocharis sphacelata*, which is a regionally threatened species.
- (c) Lake Rotoroa has a large population of kōaro which are 'lake-locked' and carry out their entire life cycle in freshwater.
- (d) Longfin eel are thought to be present in the catchment of the lakes. Kōaro and longfin eel are classified as at risk and declining on the NZTCS.

639. The local expert panel found Lake Rototuna and Lake Rotoroa to have an outstanding ecological distinctiveness, specifically noting their populations of lake-locked kōaro. The local expert panel also found both lakes to have outstanding native plant values and an outstanding ecological distinctiveness, specifically noting the 3 plant species *Amphibromus fluitans*, *Carex cirrhosa* and *Pterostylis micromega*.

640. Natural Character

641. Lake Rototuna and Lake Rotoroa are situated in the Kaweka Forest Park, surrounded by indigenous vegetation, with no sign of human modifications. The lakes are ecologically significant because of the large number of plant species and vegetation types in the surrounding area.

642. In 2017, Lake Rototuna was categorised in excellent condition with a LakeSPI Index of 79% by NIWA. The high LakeSPI Index generated for this lake reflected the presence of a well-developed native plant community and the absence of any invasive weed species.

643. The local expert panel found Lake Rototuna and Lake Rotoroa to have an outstanding natural character values, specifically noting the lakes are in an unmodified state surrounded by indigenous forest and small wetlands.

644. Schedule 25 - minor corrections

645. The following minor corrections were requested by submitters to the outstanding values description for Rototuna and Lake Rotoroa.

- Delete the fourth paragraph that incorrectly refers to 'Kaweka and Ruahine Ranges wetlands'.

646. It is recommended that Schedule 25 be amended in accordance with the minor corrections set out above. These minor corrections which could otherwise be accomplished under Schedule 1 Clause 16(2) of RMA.

647. OWB identification framework

648. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.

649. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.

650. Reporting officers have applied the framework recommended in Paragraph 421 to Lakes Rototuna and Rotoroa, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables.

651. **Table 20. Lake Rototuna and Lake Rotoroa (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
a) The features are of outstanding significance to Māori on a region wide basis.
b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
c) Evidence is provided in support of outstanding features.

Lake Rototuna and Lake Rotoroa (Kaweka Lakes): - Preliminary Assessment Findings: TBC

Reporting officers have not made any preliminary findings with respect to Lake Rototuna and Lake Rotoroa. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], who jointly submitted on Change 7.

652. **Table 21. Lake Rototuna and Lake Rotoroa (native fish)**

Native fish habitat

Water body should be further investigated as providing an outstanding habitat for native fish where it meets:

- at least one matter in List A and
- all matters in List B.

List A

- a) A unique species or distinctive assemblage of native fish not found anywhere else in the region.
- b) Native fish that are landlocked and not affected by presence of introduced species.
- c) One of the highest diversities of native fish species in the region, which includes a threatened, endangered or distinctive species.
- d) An outstanding customary fishery.

List B

- a) Evidence is provided in support of outstanding native fish habitat value.

Lake Rototuna and Lake Rotoroa (Kaweka Lakes) - Preliminary Assessment Findings: Outstanding^{subject to change}

Lakes Rotoroa and Rototuna are in a highly natural, pristine state. The Lakes support the best population of Kōaro in Hawke's Bay, which are lake locked, and a large population of long fin eel. Evidence suggests the criteria in List A (a) and List B are met.

Supporting evidence:

- Local Expert Panel Report - outstanding ecological distinctiveness, specifically for populations of lake-locked kōaro (2019)
- DOC fish surveys – best Kōaro population in Hawke's Bay (2018)
- DOC fish surveys - large population of Kōaro (2017)
- New Zealand Threat Classification System classifies Kōaro and longfin eel as at risk and declining

653. **Table 22. Lake Rototuna and Lake Rotoroa (indigenous plant community)**

Habitat for indigenous plant communities

Water body should be further investigated as providing an outstanding habitat for an indigenous plant community where it meets:

- at least one matter in List A and
- all matters in List B.

List A

- a) The indigenous plant community has a high diversity of habitats, or rare and threatened plant species in the region.
- b) The indigenous plant community contains special features not found anywhere else in the region.

List B

- a) The indigenous plant community is reliant on the river flows, other aquatic characteristics, or is an integral part of the water body.
- b) Evidence is provided in support of outstanding features.

Lake Rototuna and Lake Rotoroa (Kaweka Lakes) - Preliminary Assessment Findings: Outstanding^{subject to change}

Lakes Rotoroa and Rototuna support the best composition of submerged aquatic plants in Hawke's Bay, which includes 3 nationally endangered species (*Amphibromus fluitans*, *Carex cirrhosa*, *pterostylis micromega*). Lake Rotoroa is the best example of a waterbody that is in an all-native vegetated state in the region. Evidence suggests the criteria in List A (a) and List B are met.

Supporting evidence:

- Local Expert Panel Report - outstanding native plant values (2019)
- NIWA – best composition of submerged aquatic plants in Hawke's Bay (2017)
- NIWA survey - well-developed native plant community, no invasive weed specie (native condition index 61%/ invasive impact 0%) (2007)

654. **Table 23. Lake Rototuna and Lake Rotoroa (natural character)**

OWB Identification Screening Framework: natural character
Water body should be further investigated as having outstanding natural character values where it meets all matters in List A.
List A
(a) The water body is highly natural with little or no human modification, including to the flow, bed and riparian margins, water quality, flora and fauna, within a largely indigenous landscape.
(b) The natural character values are conspicuous, eminent and/or remarkable in the context of the Hawke's Bay Region.
(c) Evidence is provided in support of outstanding natural character values by way of an expert assessment or independent evidence sources.
Lake Rototuna and Lake Rotoroa (Kaweka Lakes) - Preliminary Assessment Findings: Outstanding ^{subject to change}
Lakes Rotoroa and Rototuna are in a near natural state, with the highest LakeSPI score in the region. The lakes are in excellent ecological condition, with pristine water quality, no invasive weeds and high numbers of plant species and vegetation types in and around the lakes. The lakes are the best example of a waterbody in the Hawke's Bay Region in an all-native vegetated state. Evidence suggests the criteria in List A is met.
<u>Supporting evidence:</u>
<ul style="list-style-type: none"> • Local Expert Panel Report - outstanding natural character values (2019) • NIWA – best example of a water body in Hawke's Bay that remains in an all vegetated state (2016) • NIWA survey: LakeSPI index 79%: excellent ecological condition (2007)

Officers' Preliminary recommendation
Lake Rototuna and Lake Rotoroa [ID #5]
Report: 7.5

- (a) Retain Lake Rototuna and Lake Rotoroa in Schedule 25, albeit with amendments set out in Appendix 1.
- (b) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with Lake Rototuna and Lake Rotoroa. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], who jointly submitted on Change 7.
- (c) That the hearing panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.5 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner, particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.

- (c) Minor wording corrections can be accomplished under Schedule 1 Clause 16(2) of RMA.
- (d) In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (e) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Lake Poukawa and Pekapeka Swamp [ID #6]

Report 7.6

Submission numbers

- 655. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.6. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
- 656. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

- 657. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
- 658. With respect to Lake Poukawa and Pekapeka Swamp, requests include:
 - (a) Delete Lake Poukawa and Pekapeka Swamp from Schedule 25.
 - (b) Amend the 'ecology' outstanding value to refer to indigenous bird populations.
 - (c) Minor corrections for reader clarity
 - (d) Add new outstanding values: 'Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi'.
 - (e) Delete references to the Australasian Bittern.

Evaluation

- 659. Lake Poukawa and Pekapeka Swamp are identified in Change 7 as having outstanding cultural and spiritual values.
- 660. Lake Poukawa is a large (195 ha) shallow lake, fringed with raupo and surrounded by farmland. It is currently in a degraded state and suffers from frequent algae blooms which impacts on its water quality and wildlife habitats.
- 661. Pekapeka Swamp is the only large swamp remaining in Hawke's Bay, and is maintained by the outflow from Lake Poukawa (Poukawa Stream).
- 662. The *Lake Poukawa and Pekapeka Swamp - Summary of Values report*, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
- 663. Cultural and spiritual
- 664. Lake Poukawa is important to Heretaunga Tamatea hapū, lying at the heart of their spiritual and cultural wellbeing. Prior to draining, Lake Poukawa was a large lake and raupo wetland covering between 3,000 and 4,000 acres, depending on seasonal waters.
- 665. The lake was an important food source, and was particularly known for tuna (eels). There were a number of significant battles in the vicinity.
- 666. Information reviewed during Phase 1 of the Change 7 development process (see Paragraph 119) indicates the water body contains the following key values:

- (a) Wāhi Tapu, Wāhi taonga
- (b) Battle site
- (c) Pa, kāinga
- (d) Mahinga kai, Pa tuna.

667. The local expert panel found that Lake Poukawa and Pekapeka Swamp included known outstanding cultural and spiritual values, specifically for wairuatanga, rangātiratanga, mahinga kai, whakapapa, and spiritual condition.

668. One submitter requested that ‘Kohanga ika’; ‘Mahinga mataitai’; ‘Nohoanga/Pahi’ be added as outstanding values to all estuaries, coastal lagoons and wetlands. Lake Poukawa and Pekapeka Swamp are not located near the coast.

669. Ecology (aquatic birds)

670. There is high connectivity between Lake Poukawa, Pekapeka Swamp and Karamū River for native aquatic bird movement, with the area supporting 31 bird species, including the Australasian bittern, black billed gull, banded dotterel, Caspian tern, New Zealand dabchick, and pied stilt.

671. Notably high numbers of the Australasian bittern, New Zealand dabchick and pied stilt are located at the site, with around 18%, 27% and 50% of the regional population located in this area, respectively. The area is also a significant flocking site for shoveler ducks, and supports high numbers of game birds.

672. The New Zealand dabchick is classified as ‘near threatened’ on the IUCN red list, and ‘recovering’ on the NZTCS. The pied stilt is not threatened, and the Australasian bittern is classified as ‘nationally critical’.

673. The local expert panel found Lake Poukawa and Pekapeka Swamp have outstanding wildlife values and outstanding ecological function, specifically noting the high populations of Australasian Bittern, New Zealand dab chick, pied stilt and shoveler duck and the number of threatened species present.

674. OWB identification framework

675. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.

676. To ensure consistency and transparency with the identification of OWB moving forward, reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.

677. Reporting Officers have applied the framework recommended in Paragraph 421 to Lake Poukawa and Pekapeka Swamp, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers’ preliminary assessment findings are set out in the following tables.

678. **Table 24. Lake Poukawa and Pekapeka Swamp (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
a) The features are of outstanding significance to Māori on a region wide basis.
b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
c) Evidence is provided in support of outstanding features.
Lake Poukawa and Pekapeka Swamp - Preliminary Assessment Findings: TBC
Reporting officers have not made any preliminary findings with respect to Lake Poukawa and Pekapeka Swamp. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], who jointly submitted on Change 7.

679. **Table 25. Lake Poukawa and Pekapeka Swamp (aquatic birds)**

Habitat for aquatic birds (native and migratory)
<p>Water body should be further investigated as providing an outstanding habitat for aquatic birds where it meets:</p> <ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B. <p>List A</p> <p>a) One of the highest regional populations of a native aquatic bird species which is endangered, threatened or distinctive⁴⁵.</p> <p>b) One of the highest natural diversity of aquatic birds (native and migratory) in the region, which includes endangered or threatened species.</p> <p>List B</p> <p>a) Evidence is provided in support of outstanding features.</p>
Lake Poukawa and Pekapeka Swamp - Preliminary Assessment Findings: Outstanding* <small>subject to change</small>
<p>Lake Poukawa and Pekapeka Swamp support around 18% of the regional population of the Australasian bittern which is classified as 'nationally critical'. The IUCN red list identifies this species as endangered, and notes the population is decreasing with the total world population estimated to be between 1,000 - 2,500. The New Zealand dabchick and pied stilt are also supported by the site, with around 27% and 50% of the regional population located in this area, respectively. Evidence suggests the criteria in List A(a) and List B is met.</p> <p><u>Supporting evidence</u></p> <ul style="list-style-type: none"> • Local expert panel: outstanding wildlife values (2019) • Department of Conservation survey data (2019)

Officers' Preliminary recommendation

Lake Poukawa and Pekapeka Swamp [ID #6]

Report: 7.6

- (a) Retain Lake Poukawa and Pekapeka Swamp in Schedule 25, albeit with amendments set out in Appendix 1
- (b) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with Lake Poukawa and Pekapeka Swamp. It is recommended that the Hearing Panel further consider the evidence and information after Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], who jointly submitted on Change 7.
- (c) That the hearing panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.6 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner, particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;

⁴⁵ For WCO purposes, at least 5% of the national population (Rangitata River 2004).

- (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) Minor wording corrections can be accomplished under Schedule 1 Clause 16(2) of RMA.
- (d) The local expert panel preliminary identified Lake Poukawa and Pekapeka Swamp as having outstanding cultural and spiritual values, with the caveat that local hapū and marae would be better placed to assess all candidate water bodies.
- (e) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Lake Tūtira (including Aropaoanui River and Papakiri Stream) [ID #7]

Report 7.7

Submission numbers

680. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.7. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
681. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

682. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
683. With respect to the Lake Tūtira (including Aropaoanui River and Papakiri Stream), requests include:
- (a) Delete Lake Tūtira (including Aropaoanui River and Papakiri Stream) from Schedule 25.
 - (b) Amend the name of 'Aropaoanui River' in Schedule 25 to 'Aropaoanui/Arapawanui River' and add Mahiaruhe Stream and Waikoau River.
 - (c) Add new outstanding values for Lake Tūtira: 'recreation', 'trout fishery'
 - (d) Minor corrections.
684. Several submissions supported the inclusion of Lake Tūtira (including Aropaoanui River and Papakiri Stream) in Schedule 25.

Evaluation

685. Lake Tūtira (including Aropaoanui River and Papakiri Stream) are identified in Change 7 as having outstanding cultural and spiritual values.
686. Lake Tūtira is located alongside SH2 north of Napier. It is surrounded by a wildlife reserve, a regional park and private land. Lake Tūtira is a popular trout fishery and stocked annually with rainbow and brown trout. It is currently in a degraded state and suffers from frequent algae blooms which impacts on its water quality.
687. Lake Waikōpiro lies adjacent to Lake Tūtira, flowing into Lake Tūtira under a narrow strip of land. The two lakes are effectively one during high water levels.
688. In 1982, the Papakiri Stream was diverted away from Lake Tūtira due to it being the main supply of sediment and nutrients during storms.

689. While the recreational opportunities provided by Lake Tūtira are highly valued, they are not considered to 'stand out' on a regional basis.
690. The *Lake Tūtira (including Aropaoanui River and Papakiri Stream) - Summary of Values* report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
691. Cultural and spiritual values
692. The Maungaharuru-Tangitu Trust [Submitter #22] has provided additional information on the cultural and spiritual values associated with the Lake Tūtira (including Aropaoanui River and Papakiri Stream) as part of their submission on Change 7.
693. Maungaharuru-Tangitu Trust supports Lake Tūtira (including Aropaoanui River and Papakiri Stream) being identified as an outstanding water body for the purposes of the NPSFM and have requested the addition of Mahiaruhe Stream and Waikoau River. Noting, Ngāti Kurumokihī view the water bodies holistically and as a whole from the former inlet of Papakiri Stream, Lake Tūtira, the outlet of Mahiaruhe, which flows into the Waikoau River, and then into the Arapawanui River.

Lake Tūtira

694. Lake Tūtira is a taonga of Ngāti Kurumōkihi. The physical and spiritual well-being of the hapū is closely linked to the well-being of the lake. It was celebrated as a place of sustenance to replenish one's mind, body and soul. The hapū have a whakataukāki (tribal proverb) about the lake, referring to Tūtira as 'ko te waiu o tatou tipuna' (the milk of our ancestors).
695. Lake Tūtira was a significant mahinga kai, famous for the best flavoured tuna (eel). Some rongoā (medicinal plants) are only found in or around Lake Tūtira. The lake has designated areas where ceremonies and rituals, such as tohi (baptisms) are carried out.
696. The Tūtira lakes, waterways and adjoining lands formed the central hub of a series of well-known and used tracks linking the hapū with Tangitū and Maungaharuru. As a prized taonga, many raids were made on Lake Tūtira, meaning that it was the scene of many battles.
697. Information reviewed during Phase 1 of the Change 7 development process (see Paragraph 119) indicates the water body contains the following key values:
- (a) Wāhi Tapu, Wāhi taonga
 - (b) Wai Tapu
 - (c) Battle site
 - (d) Pa, kāinga
 - (e) Mahinga kai, Pa tuna
 - (f) Acknowledged in korero tuku iho, pepeha, whakatauki, waiata.
698. The local expert panel did not find the 'Lake Tūtira complex' to have outstanding cultural and spiritual values, noting that further cultural assessment was needed.

Papakiri Stream

699. The inlet to Lake Tūtira is Papakiri Stream (or Sandy Creek) and is also integral to the distinct identity and mana of the hapū. Its importance is due to its connection with Lake Tūtira and its reputation as an outstanding mahinga kai site.
700. It is said that in ancient times there was a very large wetland area comprising several hundred acres at the northern end of Lake Tūtira, and that the Papakiri Stream never flowed directly into the lake. Instead, the waters of the Papakiri Stream worked their way through the wetland, and then into the Mahiaruhe Stream (the outlet flowing from the lake).
701. Information reviewed during Phase 1 of the Change 7 development process (see Paragraph 119) indicates the water body contains the following key values:
- (a) Mahinga kai, Pa tuna.

Aropaoanui River/Waikoau River

702. The Aropaoanui River/Waikoau River originates at the tihi tapu (sacred peaks) of the central area of Maungaharuru, flowing through the Waikoau Conservation Area, joining the Mahiaruhe Stream at Lake Tūtira. From here it enters the Aropaoanui valley where it is known as the Aropaoanui River.
703. Aropaoanui River/Waikoau River is one of the most significant awa in the takiwā (traditional area of the hapū). It links two of the most culturally and historically important areas of the hapū, being Tūtira and Aropaoanui.
704. Information reviewed, during Phase 1 of the Change 7 development process (See Paragraph 119), indicates the water body contains the following key values:
- (a) Wāhi Tapu, Wāhi taonga
 - (b) Battle site
 - (c) Pa, kāinga
 - (d) Mahinga kai, Pa tuna
 - (e) Acknowledged in korero tuku iho, pepeha, whakatauki, waiata.
705. The local expert panel did not find the Aropaoanui River to have known outstanding cultural and spiritual values and did not assess the Waikoau River.
706. Cluster of water bodies
707. As discussed in Paragraph 115, Change 7 is seeking to identify water bodies which contain an outstanding value in their own right. As per the discussion in Paragraphs 463 to 470. Reporting officers recommend that clusters of water bodies are not identified as OWB for inclusion within Schedule 25.
708. OWB identification framework
709. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.
710. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers recommend that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.
711. Reporting officers have applied the framework recommended in Paragraph 421 to Lake Tūtira (including Aropaoanui River and Papakiri Stream). Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables.
712. **Table 26. Lake Tūtira (including Aropaoanui River and Papakiri Stream) (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual

Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.

List A

- a) The features are of outstanding significance to Māori on a region wide basis.
- b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
- c) Evidence is provided in support of outstanding features.

Lake Tūtira (including Aropaoanui River and Papakiri Stream): Preliminary Assessment Findings: TBC *subject to change

Reporting officers have not made any preliminary findings with respect to Lake Tūtira (including Aropaoanui River and Papakiri Stream). It is recommended that the Hearing Panel further consider the evidence and information after hearing from Maungaharuru-Tangitu Trust [Submitter #22], and Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26] during the Change 7 hearing process.

Officers' Preliminary recommendation**Lake Tūtira (including Aropaoanui River and Papakiri Stream) [ID #7]****Report: 7.7**

- (a) Reporting officers have not made any preliminary findings with respect to cultural and spiritual values associated with Lake Tūtira (including Aropaoanui River and Papakiri Stream). It is recommended that the Hearing Panel further consider the evidence and information after hearing from Maungaharuru-Tangitu Trust [Submitter #22], and Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26] during the Change 7 hearing process.
- (b) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.7 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) Minor wording corrections can be accomplished under Schedule 1 Clause 16(2) of RMA.
- (d) In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (e) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Submission numbers

713. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.8. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
714. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

715. As discussed earlier in this report, several submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
716. With respect to Lake Waikareiti requests include:
- (a) Delete Lake Waikareiti from Schedule 25.

Evaluation

717. Lake Waikareiti is identified in Change 7 as having outstanding cultural and spiritual values.
718. The Lake is located in the pristine catchment of Te Urewera, approximately 4 km north of Lake Waikaremoana, and surrounded by indigenous native forest. There is a walking track on its western edge and two huts located at the northern and southern ends of the lake.
719. The cultural values and associations of Lake Waikareiti are closely linked to those of Lake Waikaremoana. Both lakes were important seasonal food sources and strategic locations in the relationships between iwi/hapū.
720. The '*Lake Waikareiti - Summary of Values*' report referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
721. Cultural and spiritual values
722. Lake Waikareiti is significant to Ngāi Tūhoe and Ngāti Ruapani and its waters are regarded as a taonga.
723. The lake sits just to the north of Lake Waikaremoana, but at a higher altitude. The waters are regarded as a taonga. Historically, there was a large settlement at the edge of the lake. Patekaha Island contained pā sites and is an urupā.
724. Colonies of kawau (bird/shag) at Lake Waikareiti were spiritually significant due to their 'guardian-like activities'. Customary food sources are still found around its shore.
725. Information reviewed, during Phase 1 of the Change 7 development process (See Paragraph 119), indicates the water body contains the following key values:
- (a) Wāhi Tapu, Wāhi taonga
 - (b) Mahinga kai, Pa tuna.
726. The local expert panel found Lake Waikareiti to have known outstanding cultural and spiritual values, specifically noting rangatiratanga and mahinga kai.
727. The Waikaremoana Tribal Authority [Submitter #40] opposes the inclusion of Lake Waikareiti in Change 7. The Waikaremoana Tribal Authority represents the marae and hapū of Waikaremoana and the whānau that whakapapa to them.
728. Parts of Lake Waikareiti and its catchment fall within Ngāti Kahungunu Wairoa Taiwhenua Incorporated's area of interest.⁴⁶ Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] oppose Change 7 and have requested that all water bodies in the Wairoa District, both above and below ground, be identified as a single outstanding water body. This is further discussed in Paragraphs 458 to 464.

⁴⁶ Source www.tkm.govt.nz

729. As discussed in Paragraph 34, Ngāi Tūhoe has previously stated opposition to the identification of OWB in Hawke's Bay and has chosen not to participate in the Change 7 process.

730. OWB identification framework

731. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.

732. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.

733. Reporting officers have applied the framework recommended in Paragraph 421 to Lake Waikareiti, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables.

734. **Table 27. Lake Waikareiti (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
a) The features are of outstanding significance to Māori on a region wide basis.
b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
c) Evidence is provided in support of outstanding features.
Lake Waikareiti - Preliminary Assessment Findings: TBC
The Waikaremoana Tribal Authority [Submitter #40] opposes the inclusion of Lake Waikareiti in Change 7. The Waikaremoana Tribal Authority represents the marae and hapū of Waikaremoana and the whānau that whakapapa to them.
Reporting officers have not made any preliminary findings with respect to Lake Waikareiti. It is recommended that the Hearing Panel further consider the evidence and information after hearing from The Waikaremoana Tribal Authority [Submitter #40] and Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, Te Taiwhenua o Heretaunga [Submitter #26] and Ngāti Kahungunu Wairoa Taiwhenua [Submitter #27] during the Change 7 hearing process.
NOTE: Ngai Tūhoe has previously stated opposition to the identification of OWB in Hawke's Bay and has chosen not to participate in the Change 7 process.

Officers' Preliminary recommendation

Lake Waikareiti [ID #8]

Report: 7.8

- (a) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with Lake Waikareiti. It is recommended that the Hearing Panel further consider the evidence and information after hearing from The Waikaremoana Tribal Authority [Submitter #40], Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, Te Taiwhenua o Heretaunga [Submitter #26] and Ngāti Kahungunu Wairoa Taiwhenua [Submitter #27] during the Change 7 hearing process.
- (b) That the hearing panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.8 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner, particularly when:

- (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) The local expert panel preliminary identified the Lake Waikareiti as having outstanding cultural and spiritual values. In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
 - (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Lake Waikaremoana [ID #9]

Report: 7.9

Submission numbers

735. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.9. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
736. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

737. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
738. With respect to Lake Waikaremoana requests include:
- (a) Delete Lake Waikaremoana from Schedule 25.
 - (b) Add a new outstanding value titled 'Waikaremoana Power Scheme'.
 - (c) Delete the outstanding value of 'geology' for the Lake Waikaremoana.
 - (d) Retain Lake Waikaremoana in Schedule 25.

Evaluation

739. Lake Waikaremoana is identified in Change 7 as having outstanding cultural, spiritual, ecology (for native plant values), natural character, recreation, landscape and geology values.
740. Lake Waikaremoana is situated in Te Urewera surrounded by pristine native forest and spectacular mountain ridges and is often referred to as a 'jewel in the crown' of New Zealand landscapes.
741. The *Lake Waikaremoana - Summary of Values* report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.

742. Cultural and spiritual values

743. The waters of Lake Waikaremoana are regarded as a taonga to Ngāi Tūhoe, Ngāti Ruapani and Ngāti Kahungunu. Ngāti Tāmanuhiri also have ancestral and customary connections with the lake.
744. Translated, 'Waikaremoana' means 'the sea of rippling waters'. The story of the creation of Waikaremoana tells of Manu's daughter Haumapuhia, who, having been changed into a taniwha, desperately struggled to get to the sea before sunrise. Her ceaseless thrashing upturned the hills and formed the various bays, inlets and features we see today.
745. Lake Waikaremoana is an important taonga, with many pā, urupā and wāhi tapu sites located around its edge. It was the scene of many battles.
746. Information reviewed during Phase 1 of the Change 7 development process (see Paragraph 119) indicates the water body contains the following key values:
- (a) Wāhi Tapu, Wāhi taonga
 - (b) Wai Tapu
 - (c) Battle site
 - (d) Pa, kāinga
 - (e) Mahinga kai, Pa tuna
 - (f) Acknowledged in korero tuku iho, pepeha, whakatauki, waiata.
747. The local expert panel found the Lake Waikaremoana to have known outstanding cultural and spiritual values, specifically noting Wairuatanga, Rangātiratanga, Whakapapa and Cultural Natural Character.
748. The Waikaremoana Tribal Authority [Submitter #40] opposes the inclusion of Lake Waikaremoana in Proposed Change 7. The Waikaremoana Tribal Authority represents the marae and hapū of Waikaremoana and the whānau that whakapapa to them.
749. Parts of Lake Waikaremoana and its catchment fall within Ngāti Kahungunu Wairoa Taiwhenua Incorporated's area of interest.⁴⁷ Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] oppose Change 7 and have requested that all water bodies in the Wairoa District, both above and below ground, be identified as a single outstanding water body. This is further discussed in Paragraphs 463 to 470.
750. As discussed in Paragraph 34, Ngāi Tūhoe has previously stated opposition to the identification of OWB in Hawke's Bay and has chosen not to participate in the Change 7 process.

751. Ecology values

752. Lake Waikaremoana is an exceptional lake ecosystem, which supports high diversity of native species, in particular it:
- (a) is one of the best examples of diverse aquatic vegetation in a large, deep, clear lake in the North Island.
 - (b) supports excellent indigenous turf communities with high native species diversity, with a native charophyte community forming extensive underwater meadows, including the nationally rare *Nitella opaca*.
 - (c) has the highest Native Condition Index (NCI) in the region, measured at 86% in 2003, 85% in 2008 and 77% in 2013. The higher percentage score the healthier, deeper, and more diverse native community.
 - (d) supports the secondbest composition of submerged aquatic plants in Hawke's Bay with a total of twenty-two species of submerged plants recorded in the lake.
753. The local expert panel found Lake Waikaremoana to have outstanding ecological distinctiveness, specifically noting its exceptional lake ecosystem, numbers of submerged plants and its extremely good ecological condition.

⁴⁷ Source www.tkm.govt.nz

754. Landscape and geology

755. Lake Waikaremoana is a large clear sparkling blue lake set amongst the indigenous native forest and impressive mountain ridges. It was created around 2,200 years ago when a wedge of sandstone blocked the course of the Waikaretaheke River.
756. Lake Waikaremoana is renowned for its stunning scenery and is often referred to as ‘the jewel in the crown’ of New Zealand landscapes, which is visited by high numbers of domestic and international tourists each year.
757. It is consistently recognised in publications as containing an impressive and remote natural environment, specifically Lake Waikaremoana:
- (a) is identified as a Potential Water Body of National Importance for its scenic values and geodiversity features.
 - (b) is identified on the Geopreservation Inventory as being Class B (nationally important) as “*the largest debris dammed lake in the region*” (along with 32 other features in Hawke’s Bay).
 - (c) is the North Island’s deepest lake, reaching depths of 248 m, and Hawke’s Bay’s largest lake.
 - (d) features as one of New Zealand’s 10 Great Walks, which are premier tracks scattered in the most impressive and remote natural environments across the country.
758. The local expert panel found Lake Waikaremoana to have outstanding landscape values, specifically noting it being the largest debris dammed lake in the region.

759. Natural character

760. Lake Waikaremoana is a large lake surrounded by pristine native forest and impressive mountain ridges. The lake has an exceptional ecosystem, with high native species diversity and similar characteristics to a pristine lake.
761. The area is highly natural, however human modification is apparent with huts and tracks, located around the lake, albeit to a limited extent.
762. In 1929, Lake Waikaremoana was modified and its lake levels were artificially lowered by 5 metres for hydro-storage. Large flat areas of soft delta-sediment shorelines were exposed. The flow regime is not natural, with Genesis Energy’s hydro-power scheme artificially managing lake levels in a manner which reflects natural lake level cycling.
763. The local expert panel found Lake Waikaremoana to have an outstanding natural character values noting it is a large lake surrounded by untouched native forest, with high natural character.

764. Recreation

765. Lake Waikaremoana is renowned for its range of recreation activities which take place in a remote natural environment with exceptional scenery and clear pristine water.
766. The lake is used all year round for various activities, including angling, swimming and boating, with a number of commercially run canoeing and kayaking trips in this area.
767. Lake Waikaremoana’s recreation values are consistently recognised as outstanding in past publications, specifically Lake Waikaremoana:
- (a) is particularly valued as a trout fishery, offering spectacular scenery and the chance to catch trophy sized trout. The lake is well stocked with both rainbow and brown trout and provides a range of fishing experiences from the shoreline or on boats.
 - (b) was found to be the third most popular waterbody in the country in 2004. Prior to this, it was identified as being potentially nationally important as a salmonid fishery and for general recreation.
 - (c) features as one of New Zealand’s 10 Great Walks, which are premier tracks scattered in the most impressive and remote natural environments across the country.
768. The local expert panel found Lake Waikaremoana to have outstanding recreation values, specifically noting the lake was the second most popular trout fishery in the region, provides for a range of recreation experiences, and particularly a unique experience for kayaking.

769. Economic and productive use values

770. For the reasons set out in Paragraphs 184 to 188, it is not recommended that 'Waikaremoana Power Scheme' be added as an outstanding value of Lake Waikaremoana.

771. OWB identification screening framework

772. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the hearing panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.

773. To ensure consistency and transparency with the identification of OWB moving forward, reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.

774. Reporting officers have applied the framework recommended in Paragraph 421 to Lake Waikaremoana. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables. For clarification, where the screening framework does not include identified outstanding values, Reporting officers have relied on the findings of existing literature when making their preliminary recommendations.

775. **Table 28. Lake Waikaremoana (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
a) The features are of outstanding significance to Māori on a region wide basis.
b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
c) Evidence is provided in support of outstanding features.
Lake Waikaremoana - Preliminary Assessment Findings: TBC
The Waikaremoana Tribal Authority [Submitter #40] opposes the inclusion of Lake Waikaremoana in Change 7. The Waikaremoana Tribal Authority represents the marae and hapū of Waikaremoana and the whānau that whakapapa to them.
Reporting officers have not made any preliminary findings with respect to Lake Waikaremoana. It is recommended that the Hearing Panel further consider the evidence and information after hearing from The Waikaremoana Tribal Authority [Submitter #40], Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, Te Taiwhenua o Heretaunga [Submitter #26], Ngāti Kahungunu Wairoa Taiwhenua [Submitter #27] during the Change 7 hearing process.
NOTE: Ngai Tūhoe has previously stated opposition to the identification of OWB in Hawke's Bay and has chosen not to participate in the Change 7 process.

776. **Table 29. Lake Waikaremoana (indigenous plant community)**

Habitat for indigenous plant communities
Water body should be further investigated as providing an outstanding habitat for an indigenous plant community where it meets:
<ul style="list-style-type: none">• at least one matter in List A and• all matters in List B.
List A
a) The indigenous plant community has a high diversity of habitats, or rare and threatened plant species in the region.
b) The indigenous plant community contains special features not found anywhere else in the region.
List B
a) The indigenous plant community is reliant on the river flows, other aquatic characteristics, or is an integral part of the water body.
b) Evidence is provided in support of outstanding features.

Lake Waikaremoana - Preliminary Assessment Findings: Outstanding*subject to change

Lake Waikaremoana supports one of the best examples of diverse aquatic vegetation in a large, deep, clear lake in Hawke's Bay and the North Island. The lake supports the second best composition of submerged aquatic plants in Hawke's Bay, and has the highest native Condition Index in the region, with 22 species of submerged plants, including: indigenous turf communities with high native species diversity; and native charophyte community forming extensive underwater meadows, including the nationally rare *Nitella opaca*. Evidence suggests the criteria in List A (a) and A(b) and List B are met.

Supporting evidence:

- Local Expert Panel Report - outstanding native plant values (2019)
- NIWA – Second best composition of submerged aquatic plants in Hawke's Bay (2017)
- NIWA - the highest Native Condition Index in the region (survey's undertaken in 2003, 2008, 2013 show a high diversity of native species, little apparent impact from invasive weed species)

777. Table 30. Lake Waikaremoana (landscape)

Landscape (wild and scenic)

Water body should be further investigated as having outstanding wild and or scenic values where it meets all matters in List A.

List A

- a) Waters are an essential component of the landscape.
- b) Waters have wild and or scenic values that contain distinctive qualities which 'stand out' and are present in few other water bodies in the region.
- c) Evidence is provided in support of outstanding wild or scenic values by way of an expert assessment or independent evidence sources.

Lake Waikaremoana - Preliminary Assessment Findings: Outstanding*subject to change

Lake Waikaremoana is renowned for its stunning scenery and is often referred to as 'the jewel in the crown' of New Zealand landscapes. Which is visited by a high number of international tourists each year. It is consistently recognised in publications as containing an impressive and remote natural environment. Evidence suggests the criteria in List A are met.

Supporting evidence

- Local Expert Panel Report: outstanding landscape values – largest debris dammed lake in the region (2019)
- Geopreservation inventory – Class B - nationally important: largest debris-dammed lake in the region (2018)
- WONI: Potential Water Body of National Importance – scenic values and geodiversity features (2004)
- Lake Waikaremoana found to be third most popular water body in New Zealand for recreation (2004).
- Features in one of the 10 great walks in New Zealand (premier tracks in the most impressive and remote natural environments in New Zealand)

778. Table 31. Lake Waikaremoana (geology)

Geology

Water body should be further investigated as having outstanding geology values where it meets all matters in List A.

List A

- a) The geomorphological, geological or hydrological feature is dependent on the water body's condition and functioning.
- b) The geology values are conspicuous, eminent and/or remarkable in the context of the Hawke's Bay Region.
- c) Evidence is provided in support of outstanding geology values by way of an expert assessment or independent evidence sources.

Lake Waikaremoana - Preliminary Assessment Findings: Outstanding*subject to change

Lake Waikaremoana was created around 2,200 years ago when a wedge of sandstone blocked the course of the Waikaretaheke River.

Lake Waikaremoana is identified on the Geopreservation Inventory as being Class B (nationally important), The Inventory cites Lake Waikaremoana as "the largest debris dammed lake in the region". Evidence suggests the criteria in List A are met.

Supporting evidence

- Local Expert Panel Report: outstanding landscape values – largest debris dammed lake in the region (2019)
- Geopreservation inventory – nationally important (2018)
- WONI: Potential Water Body of National Importance – scenic values and geodiversity features (2004)

779. **Table 32. Lake Waikaremoana (natural character)**

Natural character
Water body should be further investigated as having outstanding natural character values where it meets all matters in List A.
List A
a) The water body is highly natural with little or no human modification, including to the flow, bed and riparian margins, water quality, flora and fauna, within a largely indigenous landscape.
b) The natural character values are conspicuous, eminent and/or remarkable in the context of the Hawke's Bay Region.
c) Evidence is provided in support of outstanding natural character values by way of an expert assessment or independent evidence sources.
Lake Waikaremoana - Preliminary Assessment Findings: Outstanding*subject to change
Lake Waikaremoana has high natural character, is an Exceptional lake ecosystem, has 22 native species of submerged plants, is the best example of diverse aquatic vegetation in a large, deep, clear lake in Hawke's Bay, with similar characteristics to a pristine lake in the South Island. Lake Waikaremoana is surrounded by indigenous forest and mountain ridges. Evidence suggests the criteria in List A are met.
<u>Supporting evidence:</u>
<ul style="list-style-type: none">• Local Expert Panel Report - outstanding natural character values (2019)• NIWA survey – high ecological condition (2017)• NIWA – best example of a water body in Hawke's Bay that remains in an all vegetated state (2016)• NIWA – excellent and high ecological condition (survey's undertaken in 2003, 2008, 2017 indicate LakeSPI >78%)

780. **Table 33. Lake Waikaremoana (general recreation)**

General recreation
The framework set out in Paragraph 421 does not include screening criteria for the 'general recreation' value set. As such, reporting officers have relied on the findings set out in existing literature when making their preliminary recommendations.
Lake Waikaremoana: Preliminary Assessment Findings: Outstanding*subject to change
Lake Waikaremoana is renowned for its range of recreation activities which take place in a remote natural environment with exceptional scenery and clear pristine water. The lake is used all year round for various activities, including angling, swimming and boating, with a number of commercially run canoeing and kayaking trips in this area. Evidence suggests Lake Waikaremoana is outstanding for general recreation values.
<u>Supporting evidence:</u>
<ul style="list-style-type: none">• Local Expert Panel Report - outstanding recreation values – trout fishing, kayaking and tramping (2019)• WONI: Potential Water Body of National Importance – recreation and scenic values (2004)• Lake Waikaremoana found to be third most popular water body in New Zealand for recreation (2004).• Features in one of the 10 great walks in New Zealand (premier tracks in the most impressive and remote natural environments in New Zealand)• Potentially nationally important for salmonid fishing (1982).

- (a) Retain Lake Waikaremoana in Schedule 25, albeit with amendments set out in Appendix 1.
- (b) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with Lake Waikaremoana. It is recommended that the Hearing Panel further consider the evidence and information after hearing from The Waikaremoana Tribal Authority [Submitter #40], Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, Te Taiwhenua o Heretaunga [Submitter #26], Ngāti Kahungunu Wairoa Taiwhenua [Submitter #27] during the Change 7 hearing process.
- (c) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.9 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner, particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) The local expert panel preliminary identified Lake Waikaremoana as having outstanding cultural and spiritual values, with the caveat that local hapū and marae would be better placed to assess all candidate water bodies.
- (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Submission numbers

781. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.10 Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
782. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

783. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
784. With respect to Lake Whakakī and lagoons, requests include:
- (a) Add new outstanding values: 'water and land use for farming'; 'Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi'
 - (b) Delete Lake Whakakī and lagoons from Schedule 25.
 - (c) Retain Lake Whakakī and lagoons in Schedule 25.

Evaluation

785. Lake Whakakī - Te Paeroa Lagoon - Wairau Lagoon and wetlands are identified in Change 7 as having outstanding ecology values (for native water birds) and cultural and spiritual values.
786. Whakakī Lake is the second largest coastal lake on the North Island's east coast, with a total wetland area of around 600 hectares. It is currently in a degraded state and suffers from frequent algae blooms which severely affect its water quality and wildlife habitats.
787. Whakakī Lake is part of a bigger wetland complex which includes the Ngamotu, Ohuia, Waihoratuna, Wairau, Te Paeroa, and Patangata lagoons.
788. The '*Lake Whakakī - Te Paeroa Lagoon - Wairau Lagoon and wetlands - Summary of Values*' report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
789. Cultural and spiritual
790. Te Whakakī Lagoon is of spiritual and cultural significance to Ngato Kahukura, Ngāti Kirituna and the hapū of Te Whakakī Nui-a Rua. It includes Te Paeroa and Wairau Lagoons, which form part of the interconnected wetland complex.
791. Situated between Wairoa and Nuhaka, the lagoon is part of an extensive and unique coastal wetland. It provides habitat for several rare and iconic species, including eels, inanga and native aquatic macrophytic plants. The lake and surrounding lagoons are particularly important for mahinga kai, kāinga pā and there are many important historical sites around the area.
792. Its name is based on a word meaning 'to fill', referring to the lagoon. Until the early 1900s, lagoon waters only exited to the sea when floodwaters naturally overtopped the sandbar, and tāngata whenua opened the bar manually to facilitate subsidence of floodwaters.
793. Information reviewed, during Phase 1 of the Change 7 development process (See Paragraph 119), indicates the water body contains the following key values:
- (a) Mahinga kai, Pa tuna.
794. The local expert panel found that Lake Whakakī contained known outstanding cultural and spiritual values, specifically noting wairuatanga, rangitiratanga and mahinga kai.
795. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], jointly submitted on Change 7 requesting 'Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi' be added as outstanding values to all estuaries, coastal lagoons and wetlands.

796. If Lake Whakakī and lagoons are retained in Schedule 25, reporting officers recommend that further detail is provided around these values by these submitters and updated accordingly.
797. Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] oppose Change 7 and have requested that all water bodies in the Wairoa District, both above and below ground, be identified as a single outstanding water body. This is further discussed in Paragraphs 463 to 470.
798. Ecology (aquatic birds)
799. Whakakī Lake has historically supported a high diversity of birds, with over 46 species of waterbirds having been recorded in this area, including the endangered Australasian bittern, the New Zealand dabchick, the Wrybill, Spotless Crake, Fernbird and Banded Rail, and a number of migratory species.
800. In the 1950s, the lake supported a large waterfowl population including grey teal ducks, shoveler ducks, the Canadian goose and thousands of black swan. In more recent years, black swan numbers have dwindled to less than a hundred.
801. Recent information from DOC suggests the lake and wetland area support around 14% of the regional population of Australasian bittern.
802. In 1986, Whakakī Lake was identified as containing an outstanding wildlife habitat and was placed in 'Group One' of the Government's List of Rivers and Lakes Deserving Protection in New Zealand.
803. The local expert panel found Whakakī Lake (including Patangata, Te Paeroa and Wairau Lagoons) to have outstanding wildlife values and outstanding ecological function, specifically noting the connectivity between the wetlands, the number of threatened species present, and the high numbers of Australasian bittern.
804. Economic and productive use values
805. For the reasons set out in Paragraphs 184 to 188, it is not recommended that 'water and land use for farming' be added as outstanding values to Lake Whakakī and lagoons.
806. OWB identification framework
807. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.
808. To ensure consistency and transparency with the identification of OWB moving forward, reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.
809. Reporting Officers have applied the framework recommended in Paragraph 421 to Lake Whakakī - Te Paeroa Lagoon - Wairau Lagoon and wetlands, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting Officers' preliminary assessment findings are set out in the following tables.
810. **Table 34. Lake Whakakī - Te Paeroa Lagoon - Wairau Lagoon and wetlands (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
a) The features are of outstanding significance to Māori on a region wide basis.
b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
c) Evidence is provided in support of outstanding features.
Lake Whakakī (Te Paeroa Lagoon - Wairau Lagoon and wetlands) - Preliminary Assessment Findings: TBC
Reporting officers have not made any preliminary findings with respect to Lake Whakakī - Te Paeroa Lagoon - Wairau Lagoon and wetlands. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.

811. **Table 35. Lake Whakakī - Te Paeroa Lagoon - Wairau Lagoon and wetlands (aquatic birds)**

Habitat for aquatic birds (native and migratory)
<p>Water body should be further investigated as providing an outstanding habitat for aquatic birds where it meets:</p> <ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B. <p>List A</p> <p>a) One of the highest regional populations of a native aquatic bird species which is endangered, threatened or distinctive⁴⁸.</p> <p>b) One of the highest natural diversity of aquatic birds (native and migratory) in the region, which includes endangered or threatened species.</p> <p>List B</p> <p>a) Evidence is provided in support of outstanding features.</p>
Lake Whakakī (Te Paeroa Lagoon - Wairau Lagoon and wetlands) - Preliminary Assessment Findings: Outstanding* <small>subject to change</small>
<p>Over 46 species of waterbirds having been recorded in this area, including the endangered Australasian bittern, the New Zealand dabchick, the Wrybill, Spotless Crake, Fernbird and Banded Rail, and a number of migratory species. The lake and wetland area is thought to support around 14% of the regional population of Australasian bittern. Evidence suggests the criteria in List A(b) and List B are met.</p> <p><u>Supporting evidence</u></p> <ul style="list-style-type: none"> • Local expert panel: outstanding wildlife values (2019) • RCEP – Lake Whakakī identified as a Significant Conservation Area for its nationally significant bird habitat (2006) • Governments list of rivers and lakes – group one for its outstanding wildlife qualities (1986) • DOC’s Wetland and Ecological Importance database –nationally significant for its wildlife habitat (1986)

Officers’ preliminary recommendation
Lake Whakakī - Te Paeroa Lagoon - Wairau Lagoon and wetlands [ID #10] Report: 7.10

- (a) Retain Lake Whakakī - Te Paeroa Lagoon - Wairau Lagoon and wetlands in Schedule 25, albeit with amendments set out in Appendix 1.
- (b) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with Lake Whakakī - Te Paeroa Lagoon - Wairau Lagoon and wetlands. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga (Submitter #26), and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.
- (c) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.10 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;

⁴⁸ For WCO purposes, at least 5% of the national population (Rangitata River 2004).

- (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) The local expert panel preliminary identified Lake Whakakāi as having outstanding cultural and spiritual values, with the caveat that local hapū and marae would be better placed to assess all candidate water bodies.
 - (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Lake Whatumā [ID #11]

Report: 7.11

Submission numbers

- 812. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.11 Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
- 813. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

- 814. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
- 815. With respect to Lake Whatumā requests include:
 - (a) Delete Lake Whatumā from Schedule 25.
 - (b) Add new outstanding values: 'water and land use for farming'; 'Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi'.
 - (c) Retain Lake Whatumā in Schedule 25.

Evaluation

- 816. Lake Whatumā is identified in Change 7 as having outstanding ecology values (for native water birds) and cultural and spiritual values.
- 817. Lake Whatumā is a large, 236 hectare, shallow lake which has been significantly modified. It is currently in a degraded state and suffers from algae blooms during the summer months.
- 818. The '*Lake Whatumā - Summary of Values*' report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
- 819. Cultural and spiritual
- 820. Lake Whatumā is a source of plentiful kai and a taonga of great significance, lying at the heart of the cultural wellbeing, identity and culture of Heretaunga Tamatea hapū.
- 821. The name 'Whatumā' refers to the discoverers of the lake who ate eels they found there until their hunger was satisfied.
- 822. It is particularly well known for eels, but also freshwater mussels, birds and raupo pollen, and its surrounds provide toitoi, patete and koareare.

823. Information reviewed, during Phase 1 of the Change 7 development process (See Paragraph 119), indicates the water body contains the following key values:
- (a) Wāhi Tapu, Wāhi taonga
 - (b) Pa, kāinga
 - (c) Mahinga kai, Pa tuna.
824. The local expert panel found that Lake Whatumā contained known outstanding cultural and spiritual values, specifically noting whakapapa and mahinga kai.
825. One submitter requested that ‘Kohanga ika’; ‘Mahinga mataitai’; ‘Nohoanga/Pahi’ be added as outstanding values to all estuaries, coastal lagoons and wetlands. Lake Whatumā is not located near the coast.
826. Ecology (aquatic birds)
827. Lake Whatumā supports around 24 species of waterbirds, including the black-billed gull, banded dotterel, Caspian tern, pied stilt, New Zealand dabchick, Spotless Crake and the cattle egret.
828. Most notably, Lake Whatumā provides a favoured wetland type for the Australasian bittern and holds the best population in Hawke's Bay. The Australasian bittern is a specialist wading bird which is extremely rare. Around 2,500 remain worldwide. It is classified as endangered on the IUCN⁴⁹ red list and nationally vulnerable on the NZTCS.
829. The local expert panel found Lake Whatumā to have outstanding wildlife values, specifically noting the threatened species present and the high numbers of Australasian bittern, dabchick and pied stilt (22%, 26% and 45% of the regional population, respectively).
830. Economic and productive use values
831. For the reasons set out in Paragraphs 184 to 188, it is not recommended that 'water and land use for farming' be added as outstanding values to Lake Whatumā.
832. OWB identification framework
833. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.
834. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.
835. Reporting officers have applied the framework recommended in Paragraph 421 to Lake Whatumā, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables.
836. **Table 36. Lake Whatumā (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual

Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.

List A

- a) The features are of outstanding significance to Māori on a region wide basis.
- b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
- c) Evidence is provided in support of outstanding features.

⁴⁹ International Union for Conservation of Nature red list of threatened species.

Lake Whatumā - Preliminary Assessment Findings: TBC

Reporting officers have not made any preliminary findings with respect to Lake Whatumā. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26] and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.

837. Table 37. Lake Whatumā (aquatic birds)

Habitat for aquatic birds (native and migratory)

Water body should be further investigated as providing an outstanding habitat for aquatic birds where it meets:

- at least one matter in List A and
- all matters in List B.

List A

- a) One of the highest regional populations of a native aquatic bird species which is endangered, threatened or distinctive⁵⁰.
- b) One of the highest natural diversity of aquatic birds (native and migratory) in the region, which includes endangered or threatened species.

List B

- a) Evidence is provided in support of outstanding features.

Lake Whatumā - Preliminary Assessment Findings: Outstanding*_{subject to change}

Lake Whatumā provides a favoured wetland type for the endangered Australasian bittern and holds the highest number in Hawke's Bay.

The Australasian bittern is a specialist wading bird which is extremely rare. Around 2,500 remain worldwide. Lake Whatumā supports around 24 species of waterbirds. Evidence suggests the criteria in List A (a) and List B are met.

Supporting evidence

Local expert panel: outstanding wildlife values (2019)

DOC survey data (2019)

Officers' preliminary recommendation

Lake Whatumā [ID #11]

Report: 7.11

- (a) Retain Lake Whatumā in Schedule 25, albeit with amendments set out in Appendix 1.
- (b) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with Lake Whatumā. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26] and Ngāti Kahungunu Wairoa Taiwhenua Inc during the hearing process.
- (c) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.11 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;

⁵⁰ For WCO purposes, at least 5% of the national population (Rangitata River 2004).

- (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) The local expert panel preliminary identified the Lake Whatumā as having outstanding cultural and spiritual values. In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Makirikiri River [ID #12]

Report: 7.12

Submission numbers

838. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.12. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
839. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

840. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
841. With respect to the Makirikiri River, requests include:
- (a) Delete the Makirikiri River from Schedule 25.
 - (b) Amendments to the outstanding description to state the Makirikiri River flows into the Porangahau Stream.

Evaluation

842. The Makirikiri River is identified in Change 7 as having outstanding cultural and spiritual values. It is situated to the south of Takapau. It is a tributary of the Porangahau Stream which flows into the Tukituki River.
843. The stream is in a degraded state. In more recent times, land adjoining the stream was used as the Takapau municipal rubbish site. The dump itself is now sealed and restoration efforts have taken place in an effort to improve the area.
844. The *Makirikiri River - Summary of Values* report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
845. Cultural and spiritual values
846. The Makirikiri River is located within the rohe of Heretaunga Tamatea hapū. It is particularly significant to the people of Te Rongo a Tahu Marae as a mahinga kai and recreational area.
847. Historically, the river was particularly notable for its tuna and koura, and was an important mahinga kai, which is a key value associated with this water body.

848. No information on the cultural and spiritual values associated with the Makirikiri River was found during Phase 1 of the Change 7 development process (see Paragraph 119).
849. The local expert panel did not find Makirikiri Stream to have outstanding cultural and spiritual values, noting that further cultural assessment was needed.
850. OWB identification framework
851. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.
852. To ensure consistency and transparency with the identification of OWB moving forward, reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.
853. Reporting Officers have applied the framework recommended in Paragraph 421 to the Makirikiri River, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting Officers' preliminary assessment findings are set out in the following tables.
854. **Table 38. Makirikiri Stream (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
a) The features are of outstanding significance to Māori on a region wide basis.
b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
c) Evidence is provided in support of outstanding features.
Makirikiri Stream -Preliminary Assessment Findings: TBC
Reporting officers have not made any preliminary findings with respect to Makirikiri River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga (Submitter #26), during the hearing process.

Officers' preliminary recommendation Makirikiri River [ID #12]

Report: 7.12

- (a) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with Makirikiri River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26] during the hearing process.
- (b) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.12 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
- (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;

- (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Mangahouanga Stream [ID #13]

Report: 7.13

Submission numbers

855. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.13 Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
856. The following evaluation may not explicitly refer to every submission point, but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

857. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
858. With respect to the Mangahouanga Stream, requests include:
- (a) Delete Mangahouanga Stream from Schedule 25
 - (b) Amend the outstanding values description to refer to 'contemporary esteem (matauranga)' and refer to Ngāti Hineuru's important relationship with this water body.
 - (c) Delete the outstanding value of 'geology' for the Mangahouanga Stream.
 - (d) Retain the Mangahouanga Stream in Schedule 25.

Evaluation

859. The Mangahouanga Stream is identified in Change 7 as having outstanding cultural, spiritual and geology values.
860. The Mangahouanga Stream is a tributary of the Te Hoe River, located high in the Urewera Ranges, surrounded by a combination of private forestry and native forest areas. It is located within the catchment of the Mohaka River.
861. The *Mangahouanga Stream - Summary of Values* report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
862. Cultural and spiritual values
863. The Mangahouanga Stream is located within an area with interests relating to Ngāti Kahungunu, Ngāti Tūwharetoa, Ngai Tūhoe and Ngāti Pāhauwera.

864. No information on the cultural and spiritual values associated with the Mangahouanga Stream was found during Phase 1 of the Change 7 development process (see Paragraph 119).
865. The Hineuru Iwi Trust [Submitter #18] has provided additional information on the cultural and spiritual values associated with the Mangahouanga Stream as part of their submission on Change 7. In particular, Hineuru Iwi Trust:
- (a) Identified the following key value associated with the Mangahouanga Stream: 'contemporary esteem (Matauranga)', and requested that the 'outstanding description' for the Mangahouanga Stream be updated to refer to this key value and to record Ngāti Hineuru's important relationship with this water body.
866. If the Panel, after deliberating on submissions and evidence presented to it at the hearing, concludes that the Mangahouanga Stream is to be retained in Schedule 25 for its outstanding value(s), the Reporting officers recommend that its associated outstanding description is updated in accordance with the further information provided by the Hineuru Iwi Trust.
867. The local expert panel did not find the Mangahouanga Stream have any known outstanding cultural and spiritual values.
868. Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] oppose Change 7 and have requested that all water bodies in the Wairoa District, both above and below ground, be identified as a single outstanding water body. This is further discussed in Paragraphs 463 to 470.

Geology

869. The Mangahouanga Stream is internationally renowned for its rich and diverse fossil concentrations, and the only site in New Zealand known to contain significant dinosaur remains.
870. To date, a total of six separate species of dinosaurs, four of which are unique to New Zealand, have been found at this location. The site also contains a range of other marine and plant fossils, including New Zealand's oldest known fossil insect, and teeth from the first known southern hemisphere sawfish.
871. The fossils discovered in the Mangahouanga Stream prove the full range of dinosaurs lived in New Zealand after it split away from Gondwana in the early cretaceous period. Prior to these discoveries it was not thought dinosaurs lived in New Zealand.
872. The Mangahouanga Stream is recognised worldwide for these discoveries and is consistently identified in past publications as containing outstanding geological values.
873. The Mangahouanga Stream, is identified on the Geopreservation Inventory, as being Class A (internationally important) along with 4 other features in Hawke's Bay. The Inventory cites the river as the first, and to date the only, record of terrestrial dinosaurs found in New Zealand.
874. The local expert panel's report does not discuss the landscape values or geological features associated with the Mangahouanga Stream. Noting that the archaeological value does not directly relate to the water body itself as the bones are found in ancient rocks, revealed by tectonic processes.
875. OWB identification screening framework
876. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.
877. To ensure consistency and transparency with the identification of OWB moving forward, reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.
878. Reporting officers have applied the framework recommended in Paragraph 421 to the Mangahouanga Stream, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables. For clarification, where the screening framework does not include identified outstanding values, Reporting officers have relied on the findings of existing literature when making their preliminary recommendations.

879. **Table 39. Mangahouanga Stream (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
<ul style="list-style-type: none"> a) The features are of outstanding significance to Māori on a region wide basis. b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody. c) Evidence is provided in support of outstanding features.
Mangahouanga Stream - Preliminary Assessment Findings: TBC
Reporting officers have not made any preliminary findings with respect to the Mangahouanga Stream. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Hineuru iwi trust [Submitter#18], Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.

880. **Table 40. Mangahouanga Stream (geology)**

Geology
Water body should be further investigated as having outstanding geology values where it meets all matters in List A
List A
<ul style="list-style-type: none"> (a) The geomorphological, geological or hydrological feature is dependent on the water body's condition and functioning. (b) The geology values are conspicuous, eminent and/or remarkable in the context of the Hawke's Bay Region. (c) Evidence is provided in support of outstanding geology values by way of an expert assessment or independent evidence sources.
Mangahouanga Stream - Preliminary Assessment Findings: Outstanding*subject to change
The Mangahouanga Stream contains the only the record of terrestrial dinosaurs found in New Zealand and is consistently recognised in publications as being of international importance. It is identified on the Geopreservation Inventory as being Class A (internationally important). Evidence suggests the criteria in List A are met.
<u>Supporting evidence</u>
<ul style="list-style-type: none"> • Daily telegraph - Dinosaur bone found in Hawke's Bay (1980) • The New Zealand Geographic - The Hunt for New Zealand's Dinosaurs(1993) • Cretaceous Research Paper – A Late Cretaceous polar dinosaur fauna from New Zealand (1994) • Joan Wiffen receives an honorary doctorate from Massey University for her achievements (1994) • Joan Wiffen receives an appointment as Commander of the Order of the British Empire from the queen for her achievements (1995) • Discovery Magazine - "Romancing the bone" how an amateur fossil hound unearthed dinosaur remains in a most unlikely place and rocked the word of palaeontology (2000) • Joan Wiffen receives a Morris Skinner Award from the US-based Society of Vertebrate Palaeontology for outstanding and sustained contributions to scientific knowledge (2004) • Geopreservation inventory – internationally nationally important (2018)

**Officers' preliminary recommendation
Mangahouanga Stream [ID #13]**

Report: 7.13

- (a) Retain Mangahouanga Stream in Schedule 25, with amendments set out in Appendix 1.
- (b) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with Mangahouanga Stream. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Hineuru Iwi Trust [Submitter #18], Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26, and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.

- (c) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.13 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
- (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Maungawhio Lagoon, lower Kopuawhara River, Pukenui Dune Wetlands [ID #14]

Report: 7.14

Submission numbers

881. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.14 Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
882. The following evaluation may not explicitly refer to every submission point but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

883. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
884. With respect to the Maungawhio Lagoon, lower Kopuawhara River, Pukenui Dune Wetlands, requests include:
- (a) Delete Maungawhio Lagoon, lower Kopuawhara River, Pukenui Dune Wetlands from Schedule 25.
 - (b) Add the following new outstanding values: 'water and land use for farming'; 'Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi'.
 - (c) Amend the outstanding description to include translation "To get on with the work that stretches across a great distance".
 - (d) Retain Maungawhio Lagoon in Schedule 25.

Evaluation

885. The Maungawhio Lagoon, lower Kopuawhara River, Pukenui Dune Wetlands are identified in Change 7 as having outstanding ecology values (for native water birds) and cultural and spiritual values.
886. Maungawhio Lagoon is a salt water lagoon that joins to Oraka Beach on the Mahia Peninsula. It is listed as a Significant Conservation Area in the Hawke's Bay Regional Coastal Environment Plan.
887. The '*Maungawhio Lagoon, lower Kopuawhara River, Pukenui Dune Wetlands - Summary of Values*' report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body,
888. Cultural and spiritual
889. The Maungawhio Lagoon is a site of significance to Te Rohe o Te Wairoa and Ngāti Kahungunu Iwi Inc.
890. The name 'Maungawhio' means 'the whistling, howling hills' and refers to the strong winds which pass over the lagoon. It was here that the Takitimu waka arrived at Mahia and became stuck. Ruawharo, the tohunga of Takitimu, left the waka here, assisting it to continue with its journey saying 'Mahia nga mahi mai I Tawhiti'.
891. It is considered to have high conservation and cultural values and supports a variety of birdlife and mahinga kai.
892. Information reviewed during Phase 1 of the Change 7 development process (see Paragraph 119) indicates the water body contains the following key values:
- (a) Pa, kāinga
 - (b) Mahinga kai, Pa tuna
 - (c) Acknowledged in korero tuku iho, pepeha, whakatauki, waiata.
893. The Te Rohe o Te Wairoa Deed of Settlement notes that the water body is of particular significance for the reasons listed above.
894. The local expert panel did not find the Maungawhio Lagoon to have outstanding cultural and spiritual values, noting that further cultural assessment was needed.
895. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], jointly submitted on Change 7 requesting 'Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi' be added as outstanding values to all estuaries, coastal lagoons and wetlands.
896. If the Panel, after deliberating on submissions and evidence presented to it at the hearing, concludes that Maungawhio Lagoon, lower Kopuawhara River, Pukenui Dune Wetlands is to be retained in Schedule 25 for its outstanding value(s), the Reporting officers recommend that its associated outstanding description is updated in accordance with the further information provided by Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga.
897. Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] oppose Change 7 and have requested that all water bodies in the Wairoa District, both above and below ground, be identified as a single outstanding water body. This is further discussed in Paragraphs 463 to 470.
898. Ecology (native waterbirds)
899. The Maungawhio Lagoon is a gazetted Wildlife Management Reserve which supports around 25 different species of waterbirds, including a high number of threatened species being the Australasian bittern, shore plover, black billed gull, reef heron, banded dotterel, Caspian tern, lesser knot.
900. The Maungawhio Lagoon is listed as a Significant Conversation Area in the Regional Coastal Environment Plan, where it is identified as containing a nationally significant wildlife habitat.
901. The local expert panel found the Maungawhio Lagoon to have outstanding wildlife values, specifically noting the high numbers of threatened species present.
902. OWB identification framework
903. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.

904. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.
905. Reporting officers have applied the framework recommended in Paragraph 421 to the Maungawhio Lagoon, lower Kopuawhara River, Pukenui Dune Wetlands, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables.
906. **Table 41. Maungawhio Lagoon, lower Kopuawhara River, Pukenui Dune Wetlands (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
a) The features are of outstanding significance to Māori on a region wide basis.
b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
c) Evidence is provided in support of outstanding features.
Maungawhio Lagoon, lower Kopuawhara River, Pukenui Dune Wetlands - Preliminary Assessment Findings: TBC
Reporting officers have not made any preliminary findings with respect to Maungawhio Lagoon, lower Kopuawhara River, Pukenui Dune Wetlands. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.

907. **Table 42. Maungawhio Lagoon, lower Kopuawhara River, Pukenui Dune Wetlands (aquatic birds)**

Habitat for aquatic birds (native and migratory)
Water body should be further investigated as providing an outstanding habitat for aquatic birds where it meets: <ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B.
List A
a) One of the highest regional populations of a native aquatic bird species which is endangered, threatened or distinctive.
b) One of the highest natural diversity of aquatic birds (native and migratory) in the region, which includes endangered or threatened species.
List B
a) Evidence is provided in support of outstanding features.
Maungawhio Lagoon - Preliminary Assessment Findings: Outstanding* <small>subject to change</small>
Lower Kopuawhara River, Pukenui Dune Wetlands: - Preliminary Assessment Findings: Not Outstanding* <small>subject to change</small>
The Maungawhio Lagoon is a gazetted Wildlife Management Reserve. It supports around 25 different species of waterbirds (7 threatened species of aquatic birds) and high numbers of the endangered Australasian bittern. Evidence suggests the criteria in List A(a) and List B are met.
<u>Supporting evidence</u>
Local expert panel: Maungawhio Lagoon - outstanding wildlife values (2019)
Regional Coastal Environment Plan – Maungawhio Lagoon identified as a Significant Conservation Area for its nationally significant wildlife habitat
NOTE: No evidence was found during Phases 1 - 6 of the Change 7 development process (see Part 3) in support of the lower Kopuawhara River, Pukenui Dune Wetlands being identified as providing outstanding habitat for aquatic birds, which suggests the criteria in List A and List B are not met for this area.

Officers' preliminary recommendation

Maungawhio Lagoon, lower Kopuawhara River, Pukenui Dune Wetlands [ID #14] Report: 7.14

- (a) Retain the Maungawhio Lagoon in Schedule 25, albeit with amendments set out in Appendix 1.
- (b) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with the Maungawhio Lagoon, lower Kopuawhara River, Pukenui Dune Wetlands. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26] and Ngāti Kahungunu Wairoa Taiwhenua Inc [Submitter #27] during the hearing process.
- (c) That the hearing panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.14 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) The local expert panel preliminary identified the Maungawhio Lagoon (including Lower Kopuawhara River and Pukenui dune wetlands) as having outstanding cultural and spiritual values. In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Mohaka River [ID #15]

Report: 7.15

Submission numbers

908. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.15. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
909. The following evaluation may not explicitly refer to every submission point, but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

910. As discussed earlier in this report, several submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
911. With respect to the Mohaka River requests include:
- (a) Delete the Mohaka River from Schedule 25.
 - (b) Minor corrections for reader clarity
 - (c) Add new outstanding values: 'water and land use for farming'; 'Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi'.
 - (d) State sections where outstanding values are present and limit the outstanding classification to these parts.
 - (e) Delete the outstanding value of 'geology' for the Mohaka River.
 - (f) Retain the Mohaka River in Schedule 25.

Evaluation

912. Clause 4 of the Water Conservation (Mohaka River) Order 2004 identifies the following as outstanding characteristics and features of the Mohaka River and its tributaries (also see Appendix 3):
- (a) an outstanding trout fishery in the mainstream upstream of the State Highway 5 bridge and in the tributaries; and
 - (b) outstanding scenic characteristics in the Mokonui Gorge; and
 - (c) outstanding scenic characteristics in the Te Hoe Gorge (although noting this gorge is not on the Mohaka River's mainstem); and
 - (d) an outstanding amenity for water-based recreation from the State Highway 5 bridge to Willow Flat.
913. As discussed in Paragraphs 96 to 103, those characteristics and features recognised as 'nationally outstanding' in the Mohaka WCO result in those characteristics and features of specific parts of the Mohaka River and its tributaries to be OWB for NPSFM purposes. The remainder of this evaluation therefore focusses on any additional features, values or locations of the Mohaka River that might be regarded as outstanding in a regional context.
914. The Mohaka River is identified as having outstanding cultural, spiritual, ecology (for macroinvertebrates), natural character, recreation, landscape and geology values.
915. The Mohaka River is a large river which rises in the Kaweka and Kaimanawa Ranges flowing into Hawke Bay 175 km downstream, near the settlement of Mohaka. The upper reaches of the Mohaka River are renowned for their spectacular scenery and exceptional whitewater boating opportunities
916. The *Mohaka River - Summary of Values* report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
917. Cultural and spiritual values
918. The Mohaka River is significant to Ngāti Pāhauwera, Ngāti Hineuru, Mana Ahuriri and Ngāti Tūwharetoa.
919. The river is taonga, an integral part of tribal identity for Ngāti Pāhauwera. The various hapū have a number of riverside settlements, and the Mohaka is a rohe boundary for Mana Ahuriri and Ngāti Hineuru. Three taniwha live in the river – Maree, Popoia and Paikea.
920. Ngāti Pāhauwera and Ngāti Tūwharetoa shared a pact for the use of the Mohaka in relation to the coastal areas and the hinterland, enabling coastal dwellers to move inland when coastal resources were scarce, and vice versa. The river was a key transport route between the inland hills and mountains and the sea.
921. Resources include hangi stones, drinking water, water for spiritual cleansing and healing. A range of fisheries were supported, with kahawai being the most celebrated.

922. The WCO report by the Tribunal for the Mohaka River initially recognised the whole river system as having outstanding spiritual and cultural values, however, the lower Mohaka was later removed from the WCO by request of Ngāti Pāhauwera.
923. Information reviewed during Phase 1 of the Change 7 development process (see Paragraph 119) indicates the water body contains the following key values:
- (a) Wāhi Tapu, Wāhi taonga
 - (b) Wai Tapu
 - (c) Rohe Boundary
 - (d) Battle site
 - (e) Pa, kāinga
 - (f) Mahinga kai, Pa tuna
 - (g) Acknowledged in korero tuku iho, pepeha, whakatauki, waiata.
924. The local expert panel found that the Upper Mohaka contained known outstanding cultural and spiritual values, specifically wairuatanga, whakapapa, cultural natural character and landscape. They found that a cultural assessment was needed for the Lower Mohaka (below Willowflat).
925. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], jointly submitted on Change 7 requesting ‘Kohanga ika’; ‘Mahinga mataitai’; ‘Nohoanga/Pahi’ be added as outstanding values to all estuaries, coastal lagoons and wetlands.
926. If the Panel, after deliberating on submissions and evidence presented to it at the hearing, concludes that the Mohaka River is to be retained in Schedule 25 for its outstanding value(s), the Reporting officers recommend that its associated outstanding description is updated in accordance with the further information provided by submitters.
927. During the preparation of Change 7, Ngāti Pāhauwera requested that the Lower Mohaka River (below Willowflat) not be identified as an Outstanding Water Body. As discussed in Paragraph 34, Ngāti Pāhauwera has previously stated opposition to the identification of OWB in Hawke's Bay and has chosen not to participate in the Change 7 process. No submission was received from Ngāti Pāhauwera during the Change 7 submission period.
928. Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] oppose Change 7 and have requested that all water bodies in the Wairoa District, both above and below ground, be identified as a single outstanding water body. This is further discussed in Paragraphs 463 to 470.
929. Ecology values (macroinvertebrates)
930. Aquatic macroinvertebrates occupy a key place in aquatic ecosystems by converting leaves, algae and bacteria on the riverbed into food for fish and birds, keeping the river healthy and clean in the process. They also have an intrinsic biodiversity value as a species, with New Zealand's macroinvertebrate fauna characterised by its high rate of endemism.
931. Macroinvertebrates provide a useful measure of water quality, habitat condition and overall health of a river. Sampling is routinely carried out in rivers across the region, with each river assigned a macroinvertebrate community index (MCI) score. Generally, the higher the MCI, the better the health of the macroinvertebrate community and the better the health of the river⁵¹.
932. The health of the macroinvertebrate communities⁵² in the Mohaka River is as follows:
- (a) 129.5 MCI Downstream of Ripia River
 - (b) 128 MCI Upstream of Taharua River
 - (c) 125 MCI At Willowflat

⁵¹ The MCI indicates enrichment or pollution, responding to an interacting complex of environmental variables like habitat or flow condition over time. It is not an indicator for biodiversity.

⁵² MCI score is the five year median value (2009-2013)

- (d) 120 MCI Downstream Taharua River
- (e) 117 MCI At SH5
- (f) 116 MCI downstream Waipunga River
- (g) 102 MCI at Raupunga.

933. The local expert panel did not discuss the macroinvertebrates communities associated with water bodies in their report.

934. Landscape and geology values

935. The upper Mohaka River is in a near natural state known for its impressive scenic qualities, passing through spectacular gorges and past several waterfalls that drop from impressive heights.

936. The river itself contains some powerful rapids and is diverse and energetic with large numbers of big boulders, rapids, chutes and plunge pools. The river passes through spectacular gorges and around a horseshoe bend.

937. The Mohaka River has consistently been given impressive scenic ratings in past publications. In 1979 and 1981, the Mohaka River was given 'impressive'⁵³ scenic ratings in 64 New Zealand Rivers, and New Zealand Recreational River Survey.

938. In 1984, the Mohaka River was the only Hawke's Bay River to be identified on the Government's National Inventory of Wild and Scenic Rivers, and in 1986 the Mohaka River was placed on 'Group One' on the Governments list of rivers and lake deserving protection.

939. Notably, in 2004 a Water Conservation Order was placed over upper parts of the Mohaka River identifying and protecting the outstanding scenic characteristics of the Mokonui gorge and Te Hoe gorge, (note that the latter is not on the mainstem of the Mohaka River so is not considered further in this evaluation, instead refer to evaluation of submissions relating to the Te Hoe River). In 2012, the Mohaka River was identified as nationally significant in the Hawke's Bay RiVAS assessments for natural character, along with 14 other reaches of river in Hawke's Bay.

940. The horseshoe bend on the Mohaka River is identified on the Geopreservation Inventory as being Class C (regionally important), along with 89 other features in Hawke's Bay.

941. The local expert panel found the upper Mohaka River to have outstanding landscape values, specifically noting the horseshoe bend.

942. Natural Character

943. The upper Mohaka River runs clean and clear through large native forest areas, in its upper parts, flowing through remote countryside with scrub covering the hills past the Taharua confluence to Pungahuru. The flow regime is highly natural with no modification to the flow pattern.

944. From Pungahuru, the upper Mohaka River is entrenched in spectacular gorges almost continuously down to Te Hoe. This section of river is diverse and energetic with large numbers of big boulders, rapids, chutes and plunge pools. There are some powerful rapids in the upper river, with a number of waterfalls and a horseshoe bend.

945. The upper Mohaka River is widely recognised as being in a near natural condition and has some of the highest MCI scores in Hawke's Bay, indicating its ecological condition is excellent and its water quality is pristine. Specifically, MCI scores are 125 at Willowflat, 128 upstream of the Taharua River, and 129.5 below the Ripia River. Even below the Taharua River confluence, where there is some localised degradation of water quality, the MCI score is still a high 120.

946. In 2012, the Mohaka River was identified as nationally significant in the Hawke's Bay RiVAS assessments for natural character, along with 14 other river reaches in Hawke's Bay.

947. The local expert panel found the upper Mohaka River to have outstanding natural character values specifically noting the outstanding scenic characteristics in the gorge areas and the highest score for natural character in Hawke's Bay.

948. Recreation

⁵³ Scenic values graded on a five point scale: dull, ordinary, interesting, impressive, exceptional.

949. The upper Mohaka River is widely recognised in New Zealand as a 'top quality wilderness trout fishery', and for its exceptional rafting and kayaking experiences. It contains a variety of water conditions for fishing and boating and is a highly used by people from within and outside of Hawke's Bay.
950. The upper Mohaka River is highly valued for its exceptional scenic beauty, which sets the backdrop for a range of top quality kayaking, rafting and fishing experiences. It is reliable and can be used at any time during the year due to its stable river flows. A number of commercial organisations operate in this area.
951. The Mohaka River is best known by paddlers for its technical Grade 4 and 5 rapids, particularly Te Hoe (though not on the mainstem) and Mokonui gorges, which are the best in Hawke's Bay and have an international reputation. The upper Mohaka River contains a 55 km stretch of jet boating water, which requires advanced skills and is not suitable for family boating.
952. The trout fishery in the Mohaka River is valued for its clear, cool waters and high numbers of large trout which can reach trophy size. The river contains around twice as many large fish as other rivers in the region. In 1994, NIWA identified the Mohaka River as a Category A headwater trout fishery.
953. The recreational activities associated with the Mohaka River have been discussed in a high number of published documents, where they are consistently described as outstanding, nationally important and exceptional. Notably, in 2004, a WCO was placed over parts of the upper Mohaka River in recognition of its outstanding recreational and scenic characteristics.
954. The local expert panel found the upper Mohaka River to have outstanding recreation values, specifically noting its: trout fishery, whitewater boating opportunities, variety of experiences, reliability all year round, scenic values and its high level of use.
955. Economic and productive use values
956. For the reasons set out in Paragraphs 184 to 188, it is not recommended that 'water and land use for farming' be added as an outstanding values to the Mohaka River.
957. OWB identification screening framework
958. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.
959. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.
960. As discussed earlier in the report, the 2020 NPSFM definition of OWB includes water bodies which are identified in a water conservation order as having outstanding value(s). As such, where a value is recognised as outstanding in the Mohaka River WCO the framework screening criteria has not been applied.
961. Reporting officers have applied the framework recommended in Paragraph 421 to the Mohaka River, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables. For clarification, where the screening framework does not include identified outstanding values, Reporting officers have relied on the findings of existing literature when making their preliminary recommendations.
962. **Table 43. Mohaka River (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual

Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.

List A

- a) The features are of outstanding significance to Māori on a region wide basis.
- b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
- c) Evidence is provided in support of outstanding features.

Mohaka River - Preliminary Assessment Findings: TBC

Reporting officers have not made any preliminary findings with respect to the Mohaka River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.

NOTE: Ngāti Pāhauwera has previously stated opposition to the identification of OWB in Hawke's Bay and has chosen not to participate in the Change 7 process.

963. **Table 44. Mohaka River (macroinvertebrates)**

Macroinvertebrates

The framework set out in Paragraph 421 does not include screening criteria for 'macroinvertebrates' values. As such, Reporting officers have relied on the findings set out in existing literature when making their preliminary recommendations.

Mohaka River - Preliminary Assessment Findings: Outstanding*subject to change

The health of the macroinvertebrate communities in the upper Mohaka River is excellent. This section of water body has an MCI of 129.5 which indicates the water body has pristine water quality. Evidence suggests this section of water body is outstanding for macroinvertebrates in a regional context.

Supporting evidence

HBRC Monitoring data (MCI score is the five year median value (2009-2013))

964. **Table 45. Mohaka River (landscape)**

Landscape (wild and scenic)

Water body should be further investigated as having outstanding wild and or scenic values where it meets all matters in List A.

List A

- a) Waters are an essential component of the landscape.
- b) Waters have wild and or scenic values that contain distinctive qualities which 'stand out' and are present in few other water bodies in the region.
- c) Evidence is provided in support of outstanding wild or scenic values by way of an expert assessment or independent evidence sources.

Mohaka River - Preliminary Assessment Findings: Outstanding

The upper Mohaka River is consistently recognised in publications as containing impressive and exceptional scenic values, particularly in the gorge areas. The River contains some powerful rapids and is diverse and energetic, passing through spectacular gorges and around a horseshoe bend.

In 2004, a Water Conservation Order was placed over parts of the upper Mohaka River and tributaries identifying and protecting the outstanding scenic characteristics of the Mokonui gorge and the Te Hoe gorge (although the latter is located on a tributary and not mainstem of the Mohaka River).

Supporting evidence

Local expert panel – outstanding landscape values (2019)

RiVAS - nationally important for natural character (2012)

Water Conservation (Mohaka River) Order – outstanding scenic characteristics of the Mokonui gorge (2004)

Government's List of Rivers and Lakes – Group One for recreational experiences in a diverse landscape (1986)

Identified on Government's National Inventory of Wild and Scenic Rivers (1984)

New Zealand Recreational River Survey – impressive scenic rating (1981)

965. **Table 46. Mohaka River (geology)**

Geology
<p>Water body should be further investigated as having outstanding geology values where it meets all matters in List A</p> <p>List A</p> <ul style="list-style-type: none"> (a) The geomorphological, geological or hydrological feature is dependent on the water body's condition and functioning. (b) The geology values are conspicuous, eminent and/or remarkable in the context of the Hawke's Bay Region. (c) Evidence is provided in support of outstanding geology values by way of an expert assessment or independent evidence sources.
Mohaka River - Preliminary Assessment Findings: Not outstanding* <small>subject to change</small>
<p>The horseshoe bend on the Mohaka River is identified on the Geopreservation Inventory as being Class C (regionally important), along with 89 other features in Hawke's Bay.</p> <p>While the geological features contribute to the landscape and natural character values of the Mohaka River limited information could be found supporting an outstanding status for the geological values of the Mohaka River in their own right in a regional context. Evidence suggests Criteria from List A are not met.</p>

966. **Table 47. Mohaka River (natural character)**

Natural character
<p>Water body should be further investigated as having outstanding natural character values where it meets all matters in List A</p> <p>List A</p> <ul style="list-style-type: none"> (a) the water body is highly natural with little or no human modification, including to the flow, bed and riparian margins, water quality, flora and fauna, within a largely indigenous landscape. (b) The natural character values are conspicuous, eminent and/or remarkable in the context of the Hawke's Bay Region. (c) Evidence is provided in support of outstanding natural character values by way of an expert assessment or independent evidence sources.
Mohaka River - Preliminary Assessment Findings: Outstanding* <small>subject to change</small>
<p>The upper Mohaka River (above Willowflat) is in a near natural state, with pristine water quality. It is in excellent ecological condition, with the second highest MCI score in the region. This part of the river flows through unmodified landscapes (indigenous forest, remote countryside and spectacular gorges), and powerful rapids. Evidence suggests the criteria in List A are met.</p> <p><u>Supporting evidence:</u></p> <ul style="list-style-type: none"> • Local expert panel - outstanding natural character (2019) • HBRC water quality report: MCI - 129.5 & 128: pristine water quality upstream of Taharua River and MCI - 125 excellent water quality at Willowflat (2016) • RiVAS – Nationally significant for natural character (2012)

967. **Table 48. Mohaka River (angling amenity)**

Angling amenity (trout and salmon)
<p>Water body should be further investigated as providing an outstanding recreational fishing experience (angling amenity) where it meets:</p> <ul style="list-style-type: none"> • at least one matter in List A and • at least one matter in List B and • all matters in List C. <p>List A</p> <ul style="list-style-type: none"> a) Trophy trout (over 4 kg in size). b) High numbers of large trout (water body supports the highest number of large trout in the region). c) High numbers of trout (water body supports the highest trout numbers in the region or the highest trout biomass in the region).

List B

- a) Variety of high quality angling experiences.
- b) Specialised high quality angling experience (scenic, solitude, challenging, high catch rate, ability to spot and fish to a particular trout).

List C

- a) Wild trout fishery (self-sustaining trout population through natural replacement).
- b) Water body is accessible and suitable to fish (high water quality and suitable flows).
- c) A regional, national or international reputation as an exceptional trout fishery or high non-local usage (high numbers of anglers come from outside of the area).
- d) Evidence is provided in support of outstanding recreational experience.

Mohaka River - Preliminary Assessment Findings : Outstanding

Water Conservation (Mohaka River) Order 2004 at Clause 4(a) identifies the following as outstanding characteristics and features:

- a) an outstanding trout fishery in the mainstream upstream of the State Highway 5 bridge and in the tributaries.

968. **Table 49. Mohaka River (rafting)****Rafting**

Water body should be further investigated as providing an outstanding rafting experience (amenity) where it meets:

- at least one matter in List A and
- all matters in List B.

List A

- a) Variety of high quality rafting experiences found in few other water bodies in the region.
- b) A specialised high quality rafting experience found in few other water bodies in the region.

List B

- a) The water body provides an outstanding rafting experience which is reliable and predictable for most of the year under normal flows (i.e. the experience is not reliant on dam release water or high flows, or subject to low flows).
- b) Regional, national or international significance as an exceptional rafting experience.
- c) High non-local usage (high numbers of participants come from outside of the area).
- d) Evidence is provided in support of an outstanding rafting experience.

Mohaka River - Preliminary Assessment Findings: Outstanding

Water Conservation (Mohaka River) Order 2004 at Clause 4 identifies the following as outstanding characteristics and features:

- a) outstanding scenic characteristics in the Mokonui Gorge; and
- b) outstanding amenity for water-based recreation from the State Highway 5 bridge to Willow Flat.

969. **Table 50. Mohaka River (kayaking)****Kayaking (includes canoeing)**

Water body should be further investigated as providing an outstanding kayaking experience (amenity) where it meets:

- at least one matter in List A and
- all matters in List B.

List A

- a) Variety of high quality kayaking experiences found in few other water bodies in the region.
- b) A specialised high quality kayaking experience found in few other water bodies in the region.

List B

- a) The water body provides an outstanding kayaking experience which is reliable and predictable for most of the year under normal flows (i.e. the experience is not reliant on dam release water or high flows, or subject to low flows).
- b) Regional, national or international significance as an exceptional kayaking experience.
- c) High non-local usage (high numbers of participants come from outside of the area).
- d) Evidence is provided in support of an outstanding kayaking experience.

Mohaka River - Preliminary Assessment Findings: Outstanding

Water Conservation (Mohaka River) Order 2004 at Clause 4 identifies the following as outstanding characteristics and features:

- a) outstanding scenic characteristics in the Mokonui Gorge; and
- b) outstanding amenity for water-based recreation from the State Highway 5 bridge to Willow Flat.

Officers' preliminary recommendation

Mohaka River [ID #15]

Report: 7.15

- (a) Retain Mohaka River in Schedule 25, albeit with amendments set out in Appendix 1.
- (b) Reporting officers have not made any preliminary findings with respect to cultural and spiritual values associated with the Mohaka River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.
- (c) That the hearing panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.15 for reasons including those set out below.

Reasons

- (a) The 2020 NPSFM's definition of an outstanding water body includes one identified in a Water Conservation Order. Several outstanding characteristics and features of the Mohaka River are recognised in the Mohaka WCO.
- (b) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (c) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (d) The local expert panel preliminary identified the upper Mohaka River (including Waipunga River and Te Hoe River) as having outstanding cultural and spiritual values. In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (e) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Submission numbers

970. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.16 Full copies of all written submissions and further submissions have been pre-circulated to members of the hearing panel.
971. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

972. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
973. With respect to Morere Springs requests include:
- (a) Delete Morere Springs from Schedule 25.
 - (b) Note their source being from ancient salt water springs.

Evaluation

974. The Morere Springs are identified in Change 7 as having cultural and spiritual values.
975. The Morere Hot Springs are heavily modified thermal hot and cold hot springs, which are piped to eight hot pools of varying temperatures and operated commercially. There is an admission cost to use the pools and reserve area, which are set amongst the native forest.
976. The '*Morere Hot Springs - Summary of Values*' report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
977. Cultural and spiritual
978. Morere Springs are within the Rohe o Te Wairoa and are located near Nuhaka. The name of these thermal springs means 'the waters of life which come into this world from the other world'.
979. Information reviewed during Phase 1 of the Change 7 development process (see Paragraph 119) indicates the water body contains the following key values:
- (a) Wāhi Tapu, Wāhi taonga
 - (b) Wai Tapu.
980. The local expert panel found the Morere Hot Springs to have known outstanding cultural and spiritual values, specifically noting Whakapapa, Ki uta ki tai and Mana o te wai.
981. The Te Rohe o Te Wairoa Deed of Settlement notes that the springs were a source of natural healing waters, kiekie and other traditional materials used for weaving whariki (mats) and kete and traditional rongoā (medicine).
982. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], jointly submitted on Change 7 requesting that a separate descriptor for Morere Hot Springs stating their source is from ancient salt water springs be inserted into Change 7, and that a discrete objective and policy be inserted into Change 7 that ensures their protection (see Topic 3).
983. If the Panel, after deliberating on submissions and evidence presented to it at the hearing, concludes that the Morere Springs is to be retained in Schedule 25 for its outstanding value, the Reporting officers recommend that the outstanding description is updated to refer to the spring's ancient source.
984. Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] oppose Change 7 and have requested that all water bodies in the Wairoa District, both above and below ground, be identified as a single outstanding water body. This is further discussed in Paragraphs 463 to 470.

985. OWB identification framework

986. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.

987. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.

988. Reporting officers have applied the framework recommended in Paragraph 421 to the Morere Springs, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables.

989. **Table 51. Morere Springs (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
a) The features are of outstanding significance to Māori on a region wide basis.
b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
c) Evidence is provided in support of outstanding features.
Morere Springs - Preliminary Assessment Findings: TBC
Reporting officers have not made any preliminary findings with respect to Morere Springs. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.

Officers' preliminary recommendation

Morere Springs [ID #16]

Report: 7.16

- (a) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with Morere Springs. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.
- (b) That the hearing panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.16 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;

- (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) The local expert panel preliminary identified the Morere Hot Springs as having outstanding cultural and spiritual values. In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Ngamatea East Swamp [ID #17]

Report: 7.17

Submission numbers

990. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.17 Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
991. The following evaluation may not explicitly refer to every submission point, but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

992. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
993. With respect to the Ngamatea East Swamp requests include:
- (a) Delete Ngamatea East Swamp from Schedule 25.
 - (b) Minor corrections for reader clarity
 - (c) Add new outstanding values: 'Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi'.
 - (d) Retain Ngamatea East Swamp in Schedule 25.

Evaluation

994. The Ngamatea East Swamp is identified in Change 7 as having outstanding ecology (for native plants), natural character, cultural and spiritual values.
995. The Ngamatea East Swamp is inland from Kuripapango and the Kaweka Forest Park. It is an extensive largely unmodified swamp with strong north-south drainage patterns. The extensive indigenous vegetation assists with the area's function as a water catchment, feeding upper stream tributaries, then to the Taruarau River in the upper Ngaruroro River catchment.
996. The '*Ngamatea East Swamp - Summary of Values*' report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
997. Cultural and spiritual
998. The Rangitikei District Plan identifies the Ngamatea East Swamp as being an Outstanding Natural Area, highly valued by Māori for the cleansing provided by the water catchment, storage and drainage processes, and as a possible food source. Spiritual essence derives from being a headwater system to the Rangitikei River.

999. Information reviewed during Phase 1 of the Change 7 development process (see Paragraph 119) indicates the water body contains the following key values:

(a) Mahinga kai

1000. The local expert panel did not find the Ngamatea East Swamp to have outstanding cultural and spiritual values.

1001. One submitter requested that 'Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi' be added as outstanding values to all estuaries, coastal lagoons and wetlands. Ngamatea East Swamp is not located near the coast.

1002. Ecology (native plants)

1003. The Ngamatea East Swamp is a very large intact wetland area, of around 300 hectares, which contains at least fifteen indigenous threatened plant species, including the sedge *carex strictissima* which is nationally endangered and the *Ranunculus recens var*, which is 'at risk' and threatened.

1004. The local expert panel found the Ngamatea East Swamp to have outstanding ecological function, noting the significant expanse of vegetation.

1005. Natural character

1006. The Ngamatea East Swamp is a very large intact wetland area, of around 300 hectares, which contains a high number of threatened plant species.

1007. The local expert panel found the Ngamatea East Swamp to have outstanding natural character, noting its ecological values, expansive open landscape and expressive wetland drainage and vegetation patterns.

1008. OWB identification framework

1009. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.

1010. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.

1011. Reporting officers have applied the framework recommended in Paragraph 421 to the Ngamatea East Swamp, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables.

1012. **Table 52. Ngamatea East Swamp (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual

Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.

List A

- a) The features are of outstanding significance to Māori on a region wide basis.
- b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
- c) Evidence is provided in support of outstanding features.

Ngamatea East Swamp - Preliminary Assessment Findings: TBC

Reporting officers have not made any preliminary findings with respect to the Ngamatea East Swamp. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], during the hearing process.

1013. **Table 53. Ngamatea East Swamp (indigenous plant community)**

Habitat for indigenous plant communities
<p>Water body should be further investigated as providing an outstanding habitat for an indigenous plant community where it meets:</p> <ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B. <p>List A</p> <p>a) The indigenous plant community has a high diversity of habitats, or rare and threatened plant species in the region.</p> <p>b) The indigenous plant community contains special features not found anywhere else in the region.</p> <p>List B</p> <p>a) The indigenous plant community is reliant on the river flows, other aquatic characteristics, or is an integral part of the water body.</p> <p>b) Evidence is provided in support of outstanding features.</p>
Ngamatea East Swamp - Preliminary Assessment Findings: Outstanding*subject to change
<p>The Ngamatea East Swamp is a very large intact wetland area, of around 300 hectares, which contains at least fifteen indigenous threatened plant species, including the sedge <i>carex strictissima</i> which is nationally endangered and the <i>ranunculus recens var</i>, which is 'at risk' and threatened. Evidence suggests the criteria in List A (a) and List B are met.</p> <p><u>Supporting evidence</u></p> <p>Local expert panel - outstanding natural character (2019)</p> <p>DOC surveys and information – large intact wetland of 300 hectares + 15 threatened plants(2018)</p>

1014. **Table 54. Ngamatea East Swamp (natural character)**

Natural character
<p>Water body should be further investigated as having outstanding natural character values where it meets all matters in List A.</p> <p>List A</p> <p>a) the water body is highly natural with little or no human modification, including to the flow, bed and riparian margins, water quality, flora and fauna, within a largely indigenous landscape.</p> <p>b) The natural character values are conspicuous, eminent and/or remarkable in the context of the Hawke's Bay Region.</p> <p>c) Evidence is provided in support of outstanding natural character values by way of an expert assessment or independent evidence sources.</p>
Ngamatea East Swamp - Preliminary Assessment Findings: Outstanding*subject to change
<p>The Ngamatea East Swamp is the largest intact wetland in Hawke's Bay with a high number of threatened plant species. It is in excellent ecological condition. Evidence suggests the criteria in List A are met.</p> <p><u>Supporting evidence</u></p> <p>Local expert panel - outstanding natural character (2019)</p> <p>DOC surveys and information – large intact wetland of 300 hectares + 15 threatened plants(2018)</p>

Officers' preliminary recommendation

Ngamatea East Swamp [ID #17]

Report: 7.17

- (a) Retain the Ngamatea East Swamp in Schedule 25, albeit with amendments set out in Appendix 1.
- (b) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with Ngamatea East Swamp. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26].
- (c) That the hearing panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.17 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Ngaruroro River and Estuary [ID #18]

Report: 7.18

Submission numbers

1015. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.18. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
1016. The following evaluation may not explicitly refer to every submission point, but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

1017. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
1018. With respect to the Ngaruroro River requests include:
- (a) Delete the Ngaruroro River from Schedule 25.
 - (b) Minor corrections for reader clarity
 - (c) Add a new outstanding value for 'primary production water use'
 - (d) Amend the 'ecology' outstanding value to refer to indigenous bird populations.
 - (e) Amend the 'outstanding' description to refer to 'Whakapapa o te wai', 'Ki Uta ki Tai', 'Hauora o te wai',
 - (f) Add the following outstanding value for the Waitangi Estuary: 'Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi'.

- (g) State sections where outstanding values are present and limit the outstanding classification to these parts.
- (h) Delete the outstanding value of 'geology' for the Ngaruroro River.
- (i) Retain the Ngaruroro River and Estuary in Schedule 25.

Evaluation

1019. The Ngaruroro River is identified in Change 7 as having outstanding cultural, spiritual, ecology (for macroinvertebrates, native water birds), natural character, recreation, native fish, landscape and geology values.
1020. The Ngaruroro River is the largest river flowing across the Heretaunga Plains, rising on slopes of the Kaimanawa and Kaweka Ranges and flowing into the sea 160 km downstream near the town of Clive, where it shares a common river mouth with the Tutaekuri and Clive Rivers, being the Waitangi Estuary.
1021. The upper reaches of the Ngaruroro River are surrounded predominately by native vegetation and are highly valued for their scenic, cultural, and recreational qualities. The upper river runs clean and clear and is particularly renowned for its salmonid angling, whitewater boating opportunities and its impressive scenery.
1022. The full name of this river is Nga-ngaru-o-nga-upokororo-mai-i-mokotuararo-ki-Rangātira, with the river taking its name from an incident in which a dog belonging to the ancient deity Mahu startled some small fish known as upokororo. As the shoal of fish dashed away, they caused ngaru or ripples in the water.
1023. The *Ngaruroro River - Summary of Values* report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
1024. Ngaruroro River - WCO application
1025. In 2015, six applicants⁵⁴ lodged an application for a WCO for the Ngaruroro River and Clive River with the Minister for the Environment.
1026. The application claimed that the Ngaruroro River contains several nationally outstanding values, including cultural, spiritual, scientific, recreation, landscape, natural character and ecological values.
1027. The Minister appointed a Special Tribunal to receive and hear submissions, then report and make recommendations on the application. The Tribunal released its report and recommendations in August 2019. The application has subsequently been referred to the Environment Court for further consideration. The Environment Court has scheduled a hearing in February 2021 and parties to the proceedings have already prepared and pre-circulated expert evidence.
1028. For the avoidance of any doubt, a WCO for the Ngaruroro River, Clive River or parts thereof is not in force. However, for ease of reference, the following is a summary of the Special Tribunal's recommendations albeit they remain subject to Environment Court proceedings:
- (a) the WCO be declined for the lower part of the Ngaruroro River below the Whanawhana cableway to the river mouth, including the part of the Clive River that was included in the application;
 - (b) the WCO be granted in part for the upper part of the Ngaruroro River above the Whanawhana cableway to the headwaters;
 - (c) in the upper part of the river, the Special Tribunal found that the habitat for rainbow trout, the rainbow trout fishery, the angling and recreation amenity, the whitewater kayaking and rafting amenity, and the wild and scenic and other natural characteristics are outstanding values that warrant protection;
 - (d) the Tribunal did not consider the avifauna habitat of the upper Ngaruroro River to be nationally outstanding, but in the lower Ngaruroro, did consider there was sufficient evidence to conclude that the lower Ngaruroro supports nationally outstanding avifauna habitat. However, the Tribunal found that there should be no order made for a WCO for the protection of avifauna habitat in the Ngaruroro River, as the Tribunal said the threat test for avifauna habitat was not met.

⁵⁴ New Zealand Fish and Game Council, Hawke's Bay Fish and Game Council, Operation Patiki Ngāti Hori ki Kohupatiki, Whitewater NZ Incorporated, Jet Boating New Zealand, Royal Forest and Bird Protection Society of New Zealand.

1029. Section 62(3) of the RMA

1030. Section 62(3) of RMA requires that regional policy statements must not be inconsistent with a Water Conservation Order (WCO). In relation to the Ngaruroro River, there is no WCO in effect, although an application for an Order has been considered by a Special Tribunal and is now subject to proceedings in the Environment Court. If and when an Order is made for parts of the Ngaruroro River, then regional policy statements and changes thereto must not be inconsistent with that WCO. Section 62(3) of the RMA does not apply to Change 7 in relation to the Ngaruroro River as the WCO application remains unsettled and no Order has been made.

1031. Cultural and spiritual values

1032. The Ngaruroro River is one of the four main water bodies in Te Matau a Māui-Tikitiki-a-Taranga (Hawke's Bay), and is significant to Heretaunga Tamatea hapū, Mana Ahuriri, and Ngāti Tūwharetoa.

1033. The river takes its name from an incident in which a dog belonging to the ancient deity Mahu startled some small fish, known as upokororo (the now extinct grayling). As the shoal of fish dashed away, they caused ngauru (small ripples) in the water.

1034. The headwaters are largely in their natural state and are commonly expressed as being at the heart of the Kaimanawa Ranges. The river is an important source of recharge for the Heretaunga Aquifer.

1035. The river forms a natural highway from coast to mountains and there are many settlements and sites of significance along its banks. It provides significant food resources, including kahawai, kanae, inanga (whitebait), ngāore (smelt), pātiki (black flounder), tuna (eel), karinga aruhe (edible fern roots), wai tahere, rākau tutu, hīnaki and rauwiri. The Waitangi Estuary is considered to have a significant cultural fishery by Ngāti Kahungunu Iwi Inc.

1036. Information reviewed, during Phase 1 of the Change 7 development process (See Paragraph 119), indicates the water body contains the following key values:

- (a) Wāhi Tapu, Wāhi taonga
- (b) Rohe Boundary
- (c) Pa, kāinga
- (d) Mahinga kai, Pa tuna
- (e) Acknowledged in korero tuku iho, pepeha, whakatauki, waiata.

1037. The local expert panel found that the water body contained known outstanding cultural and spiritual values, specifically noting wairuatanga, whakapapa, rangātiratanga and ki uta ki tai.

1038. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], jointly submitted on Change 7 requesting 'Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi' be added as outstanding values to all estuaries, coastal lagoons and wetlands.

1039. If the Panel, after deliberating on submissions and evidence presented to it at the hearing, concludes that the Ngaruroro River is to be retained in Schedule 25 for its outstanding value(s), the Reporting officers recommend that its associated outstanding description is updated in accordance with the further information provided by submitters.

1040. The Owhaoko C Trust submitted on Change 7 [Submitter #28] noting they are the owner of large land blocks on the main stem of both the Ngaruroro and Taruarau Rivers.

1041. Ecology values (aquatic birds)

Upper Ngaruroro River (above Whanawhana)

1042. Three species of endemic birds are present along the upper Ngaruroro River, being the blue duck (whio), New Zealand fernbird and pipit. In particular, the upper Ngaruroro River is identified as a breeding site for blue duck with nearly 5% of the region's blue duck population (12 Whio) present at the river.

1043. In 2012, the upper Ngaruroro River was one of 16 river segments in Hawke's Bay identified as regionally significant in the Hawke's Bay RIVAS for native birdlife.

1044. The local expert panel found the upper Ngaruroro River to have outstanding wildlife values and outstanding ecological function, specifically noting the high numbers of blue duck in the greater catchment area.

Lower Ngaruroro River (below Whanawhana)

1045. The lower Ngaruroro River is a 50 km braided river system which has been significantly modified in parts for flood control works. The river flows into the sea through the Waitangi Estuary, which is listed as a Significant Conversation Area in the Regional Coastal Environment Plan as containing an important wildlife habitat.

1046. The braided river habitat of the lower Ngaruroro River is a rare habitat type internationally, more common nationally, with around 85 braided rivers across New Zealand, and 4 braided rivers in Hawke's Bay. The lower river and estuary area support around 43 species of birds, including 5 threatened species, being the black-billed gull, black fronted tern, Australasian bittern, banded dotterel and Caspian tern.

1047. Surveys undertaken in the 1980s by the Department of Conservation rated the Ngaruroro River as being of high value to wildlife, noting it contained the greatest number of banded dotterel per km of the rivers surveyed in Hawkes Bay. It also contained the only breeding population of the South Island pied oystercatcher in Hawke's Bay, a species which is classified as 'least concern' on the IUCN red list.

1048. The Waitangi Estuary was rated moderate-high for wildlife in the 1980s wildlife surveys, despite a total of 42 wetland species of birds recorded there over a number of years. This was due to most being migratory birds, with generally low numbers of individuals of each species.

1049. In 2012, the lower Ngaruroro River was one of 16 river segments in Hawke's Bay identified as regionally significant in the Hawke's Bay RiVAS for native birdlife.

1050. In 2018, the Department of Conservation (DOC), estimated the lower Ngaruroro River to support around 37% of the region's population of banded dotterel, and 30% of the region's population of pied stilt. These estimates are based on published and unpublished field data held by DOC.

1051. The local expert panel found the lower Ngaruroro River to have outstanding wildlife values, specifically noting the threatened species present, and the high numbers of banded dotterel (37% of the regional population).

1052. Ecology values (native fish)

1053. The upper Ngaruroro River contains a high quality habitat for native fish being largely natural with good water quality. The river supports three species of native fish, being the longfin eel, torrentfish and Kōaro, which are classified 'at risk and declining'.

1054. The lower Ngaruroro, including the Waitangi Estuary, supports 22 species of fish including, a number of which are classified as at risk or declining. Due to high nutrient concentration, the Waitangi Estuary can have seasonal algal blooms which can affect its water quality and fish habitat.

1055. The Waitangi Estuary, including Clive River, is listed as a Significant Conservation Area in the Hawke's Bay Regional Coastal Environment Plan, where it is recognised as containing a nationally significant fisheries habitat.

1056. In 2012, the Ngaruroro Catchment was one of four major catchments⁵⁵ in Hawke's Bay to be identified as nationally important in the Hawke's Bay RiVAS assessments for native fish, however, the assessments provided limited information specifically in regard to the upper section of river.

1057. The local expert panel found the whole of the Ngaruroro River to have an outstanding ecological function, specifically noting its range of diverse habitats for fish species from the mountainous upper river, to the braided lower section and estuary area.

1058. In 1987, the Waitangi Estuary was assigned a Category A (outstanding) rating by MAFFish, in their publication "wetlands of national importance to fisheries". In 2012, the Ngaruroro Catchment was one of four major catchments⁵⁶ in Hawke's Bay to be identified as nationally important in the Hawke's Bay RiVAS assessments for native fish.

1059. The local expert panel found the whole of the Ngaruroro River to have an outstanding ecological function, specifically noting its range of diverse habitats for fish species.

⁵⁵ Tutaekuri, Mohaka, Ngaruroro, Tukituki Catchments.

⁵⁶ Tutaekuri, Mohaka, Ngaruroro, Tukituki Catchments.

1060. Ecology values (macroinvertebrates)

1061. Aquatic macroinvertebrates occupy a key place in aquatic ecosystems by converting leaves, algae and bacteria on the riverbed into food for fish and birds, keeping the river healthy and clean in the process. They also have an intrinsic biodiversity value as a species, with New Zealand's macroinvertebrate fauna characterised by its high rate of endemism.

1062. Macroinvertebrates provide a useful measure of water quality, habitat condition and overall health of a river. Sampling is routinely carried out in rivers across the region, with each river assigned a macroinvertebrate community index (MCI) score. Generally, the higher the MCI, the better the health of the macroinvertebrate community and the better the health of the river⁵⁷.

1063. The health of the macroinvertebrate communities⁵⁸ in the Ngaruroro River is as follows

- (a) 130 at Kuripapango
- (b) 116 at Whanawhana
- (c) 113 upstream of HB Dairies
- (d) 110 downstream of HB Dairies
- (e) 107.5 at Ohiti
- (f) 103 at Chesterhope
- (g) 97 at Motorway
- (h) 96.5 at Fernhill.

1064. The local expert panel did not discuss the macroinvertebrates communities associated with water bodies in their final report.

1065. The Ngaruroro River at Kuripapango has the highest measured MCI in the region.

1066. Landscape and geology values

Upper Ngaruroro River

1067. The upper Ngaruroro River flows through a variety of landscapes with the upper waters running through vast areas of tussock and scrubland and through deep rocky gorges with vertical schist walls.

1068. The Ngaruroro River is consistently given impressive scenic ratings in publications. In 1979 and 1981, the upper river was given 'impressive'⁵⁹ scenic ratings in 64 New Zealand Rivers, and New Zealand Recreational River Survey.

1069. In 1986, the Ngaruroro River was placed in 'Group Two' of the Governments list of rivers and lakes deserving protection, for its wild and scenic qualities. It was only excluded from Group One due to its close proximity to the Mohaka River.

1070. In 2012, the upper Ngaruroro River was identified as nationally significant in the Hawke's Bay RiVAS assessments for natural character, along with 14 other reaches of river in Hawke's Bay.

1071. Ngaruroro gorge is identified on the Geopreservation Inventory as being Class C (regionally important), along with 89 other features in Hawke's Bay. The Inventory cites the Ngaruroro gorge as being "one of the best two gorges in Hawke's Bay".

1072. The local expert panel found the Ngaruroro River to have outstanding landscape values, making special note of the Ngaruroro gorge.

⁵⁷ The MCI indicates enrichment or pollution, responding to an interacting complex of environmental variables like habitat or flow condition over time. It is not an indicator for biodiversity.

⁵⁸ MCI score is the five year median value (2009-2013)

⁵⁹ Scenic values graded on a five point scale: dull, ordinary, interesting, impressive, exceptional.

Lower Ngaruroro River (below Whanawhana)

1073. From Whanawhana, the Ngaruroro River opens to wide braided channel for around 40 km until it forms a single channel until it flows into the sea through the Waitangi Estuary.
1074. The course of the Ngaruroro River has changed several times, originally flowing down what is now the Clive River. Notably in 1935, the Ngaruroro River was significantly modified for flood control works with stop banks constructed between Fernhill to Pakowhai and the main channel diverted down its current path.
1075. In 2012, the lower Ngaruroro River was assessed as having 'moderate' and 'low' natural character values in the Hawke's Bay RiVAS assessments.
1076. The braided river channel of the Ngaruroro River is identified on the Geopreservation Inventory as being Class C (regionally important), along with 89 other features in Hawke's Bay. The Inventory cites the braided channel of the Ngaruroro River as "the *best example in the region*".
1077. The local expert panel found the lower Ngaruroro River to have outstanding landscape values, specifically noting its braided river channel.
1078. Natural Character

Upper Ngaruroro River (above Whanawhana)

1079. The Ngaruroro River is in a highly natural state upstream of Kuripapango, with the highest MCI score in Hawke's Bay at 130, indicating its ecological condition is excellent and its water quality is pristine.
1080. The upper river flows through a variety of landscapes running through a vast area of tussock and scrubland, and through narrow rocky gorges which contain numerous rapids. The landscape surrounding the gorge is native bush and scrub land with some forestry.
1081. In 2012, the upper Ngaruroro River was identified as nationally significant in the Hawke's Bay RiVAS assessments for natural character, along with 14 other reaches of river in Hawke's Bay.
1082. The local expert panel found the Ngaruroro River upstream of Kuripapango to have outstanding natural character, noting the river is widely recognised as being in a near natural state, with few development influences in the surrounding area, except forestry.

Lower Ngaruroro River (below Whanawhana)

1083. The braided river channel of the lower Ngaruroro River has been significantly modified for flood control works, with the lower parts of the river from Fernhill being diverted down its current path in 1935.
1084. In 2012, the Hawke's Bay RiVAS assessments found the Ngaruroro River between Whanawhana and Maraekakaho to have 'moderate' natural character, with the remaining parts of the Ngaruroro River (below Maraekakaho) to have low natural character.
1085. The MCI scores in the lower Ngaruroro River indicate its water quality is fair to good quality, with mild/moderate pollution. Specifically, MCI scores are 107 at Ohiti, 103 at Chesterhope and 95 at Fernhill.
1086. The local expert panel's report does not discuss the natural character values associated with lower Ngaruroro River.
1087. Recreation

Upper Ngaruroro River (above Whanawhana)

1088. The upper Ngaruroro River is particularly valued for its angling and whitewater boating activities, which are consistently recognised as outstanding in publications. The Ngaruroro headwaters fish well all season and provide a chance to catch trophy size fish in a near natural environment, and the Ngaruroro gorge is considered to be one of the best kayaking runs in the North Island, despite being subject to low flows in the summer months. In 1994, The Ngaruroro River was identified by NIWA as a Category A headwater trout fishery.
1089. The upper reaches of the Ngaruroro River are highly valued for angling and whitewater boating activities with several rafting companies operating in the area. Between Whanawhana and the Taruarau confluence the river is used by jet boats.

1090. The upper Ngaruroro River is in a near natural state with impressive scenery. It offers a range of angling and boating experiences; however, summer low flows can restrict recreational opportunities in the area.
1091. The upper Ngaruroro River is best known for its spectacular gorge scenery. It contains Grade 3 and 4 rapids and is considered to be one of the top 8 whitewater kayaking runs in the North Island.
1092. The recreational activities associated with the Ngaruroro River have been discussed in a high number of published documents, where they are generally described as outstanding, nationally important and exceptional. The exception to this is in 1986, where the Ngaruroro River was excluded from the top list due to its close proximity to the Mohaka River.
1093. The local expert panel found the upper Ngaruroro River to have outstanding recreation values, specifically noting its trout fishery and kayaking opportunities.

Lower Ngaruroro River (below Whanawhana)

1094. The braids of lower Ngaruroro River are highly valued for jet boating, and parts of the river near and around Waitangi Estuary are popular for whitebaiting.
1095. In 2014, Jet Boating New Zealand (JBNZ) classified the lower Ngaruroro River as an easy 'Class 1' jet boating trip, suitable for beginners and family boating.
1096. Jet Boating New Zealand has advised the braided reach of the lower Ngaruroro River is highly used, and is outstanding for its jet boating experience, particularly for its extensive braiding not seen anywhere else in the North Island.
1097. In 2004, the Ngaruroro River was recognised as a Potential Water Body of National Importance for its recreation and whitebaiting values.
1098. The local expert panel found the lower Ngaruroro River to have outstanding jet boating features between Whanawhana and the Fernhill Bridge, and outstanding fishing values in the Waitangi Estuary.
1099. Jet Boating New Zealand [Submitter #20] supports the lower Ngaruroro River being identified as an outstanding water body for its jet boating values.
1100. Economic and productive use values
1101. For the reasons set out in Paragraphs 184 to 188, it is not recommended that any economic and productive use values be added as an outstanding values to the Ngaruroro River
1102. OWB identification screening framework
1103. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.
1104. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.
1105. Reporting officers have applied the framework recommended in Paragraph 421 to the Ngaruroro River, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables. For clarification, where the screening framework does not include identified outstanding values, Reporting officers have relied on the findings of existing literature when making their preliminary recommendations
1106. **Table 55. Ngaruroro River (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual

Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.

List A

- a) The features are of outstanding significance to Māori on a region wide basis.
- b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
- c) Evidence is provided in support of outstanding features.

Ngaruroro River - Preliminary Assessment Findings: TBC

Reporting officers have not made any preliminary findings with respect to the Ngaruroro River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and the Owhaoko C Trust [Submitter #28], during the hearing process.

1107. **Table 56. Ngaruroro River (aquatic birds)**

Habitat for aquatic birds (native and migratory)

Water body should be further investigated as providing an outstanding habitat for aquatic birds where it meets:

- at least one matter in List A and
- all matters in List B.

List A

- a) One of the highest regional populations of a native aquatic bird species which is endangered, threatened or distinctive.
- b) One of the highest natural diversity of aquatic birds (native and migratory) in the region, which includes endangered or threatened species.

List B

- a) Evidence is provided in support of outstanding features.

Ngaruroro River - Preliminary Assessment Findings: Outstanding*subject to change

The upper Ngaruroro River is in a near natural state. It supports 6% regional population of blue duck.

The lower Ngaruroro River supports 5 threatened species, including the Australasian Bitten (15% regional population), black-billed gull, black fronted tern, banded dotterel (37% regional population in 2018), Caspian tern, Pied oyster catcher, pied stilt (30% regional population in 2018)

The lower Ngaruroro River supports high numbers of banded dotterel, pied stilt and black fronted tern and was found to support nationally outstanding avifauna habitat by the Special Tribunal considering the Water Conservation Order application in 2019 but the threat test was not met. It supports the only breeding population of Pied oyster catcher in the north island.

Evidence suggests the criteria in List A (a) and List B are met.

Supporting evidence

- WCO Special Tribunal report and recommendations (2019)
- Local expert panel: outstanding wildlife values (2019)
- Department of Conservation survey data (2019)
- Department of Conservation survey data (1980)
- Special Tribunal Recommendation Report - WCO - the Ngaruroro and Clive Rivers (2019)

1108. **Table 57. Ngaruroro River (native fish)**

Native fish habitat

Water body should be further investigated as providing an outstanding habitat for native fish where it meets:

- at least one matter in List A and
- all matters in List B.

List A

- a) A unique species or distinctive assemblage of native fish not found anywhere else in the region.
- b) Native fish that are landlocked and not affected by presence of introduced species.
- c) One of the highest diversities of native fish species in the region, which includes a threatened, endangered or distinctive species.
- d) An outstanding customary fishery.

List B

- a) Evidence is provided in support of outstanding native fish habitat value.

Ngaruroro River: Preliminary Assessment Findings: Outstanding*subject to change

The Lower Ngaruroro, including the Waitangi Estuary, supports 22 species of fish including, several which are classified as at risk or declining. Evidence suggests the criteria in List A(c) and List B are met.

Supporting evidence

- Local expert panel: outstanding native fish values (2019)
- RiVAS – whole of catchment identified as nationally significant for native fish values (2012)
- RCEP – Waitangi Estuary identified as a Significant Conservation Area for its nationally significant fisheries habitat (2006)
- MAFFish – Waitangi Estuary identified as outstanding in ‘wetlands of national importance publication’ (1987)

1109. **Table 58. Ngaruroro River (landscape)**

Landscape (wild and scenic)

Water body should be further investigated as having outstanding wild and or scenic values where it meets all matters in List A.

List A

- a) Waters are an essential component of the landscape.
- b) Waters have wild and or scenic values that contain distinctive qualities which 'stand out' and are present in few other water bodies in the region.
- c) Evidence is provided in support of outstanding wild or scenic values by way of an expert assessment or independent evidence sources.

Ngaruroro River - Preliminary Assessment Findings: Outstanding*subject to change

The upper Ngaruroro River is in a highly natural state and has been consistently given impressive scenic ratings in past publications. The river has numerous rapids and passes through rocky gorges with vertical schist walls.

Supporting evidence

- Local expert panel – whole river - outstanding landscape values (2019)
- RiVAS assessments – upper river - nationally significant for natural character (2012)
- New Zealand Recreational River Survey - upper river - impressive scenic rating (1981)
- 64 New Zealand Rivers - upper river - impressive scenic rating (1979)
- Special Tribunal Recommendation Report - WCO - the Ngaruroro and Clive Rivers (2019)

1110. **Table 59. Ngaruroro River (geology)**

Geology

Water body should be further investigated as having outstanding geology values where it meets all matters in List A.

List A

- a) The geomorphological, geological or hydrological feature is dependent on the water body's condition and functioning.
- b) The geology values are conspicuous, eminent and/or remarkable in the context of the Hawke's Bay Region.
- c) Evidence is provided in support of outstanding geology values by way of an expert assessment or independent evidence sources.

Ngaruroro River: Preliminary Assessment Findings: Outstanding*subject to change

The Ngaruroro gorge is identified on the Geopreservation Inventory as being Class C (regionally important), along with 89 other features in Hawke's Bay. The Inventory cites the Ngaruroro gorge as being "one of the best two gorges in Hawke's Bay". The local expert panel found the Ngaruroro River to have outstanding landscape values, making special note of the Ngaruroro gorge. Evidence suggests criteria from List A is met.

Supporting evidence

- Local expert panel – outstanding landscape values, with special note of the Ngaruroro gorge (2019)
- Geopreservation Inventory (2018)

1111. **Table 60. Ngaruroro River (natural character)**

Natural character
<p>Water body should be further investigated as having outstanding natural character values where it meets all matters in List A.</p> <p>List A</p> <ul style="list-style-type: none"> a) the water body is highly natural with little or no human modification, including to the flow, bed and riparian margins, water quality, flora and fauna, within a largely indigenous landscape. b) The natural character values are conspicuous, eminent and/or remarkable in the context of the Hawke's Bay Region. c) Evidence is provided in support of outstanding natural character values by way of an expert assessment or independent evidence sources.
Ngaruroro River: Preliminary Assessment Findings: Outstanding*subject to change
<p>The upper Ngaruroro River natural character values which clearly stand out when compared to the other water bodies in the region. This section of river is in excellent ecological condition, with pristine water quality. The upper river has the one of the highest MCI scores in the region. The river flows through a variety of unmodified landscapes, including indigenous forest, tussock and scrubland land and narrow rocky gorges. Evidence suggests Criteria from List A is met.</p> <p><u>Supporting evidence:</u></p> <ul style="list-style-type: none"> • Local expert panel - outstanding natural character (2019) • HBRC water quality report: MCI - 130 at Kuripapango (pristine water quality)(2016) • RiVAS – Nationally significant for natural character (2012)

1112. **Table 61. Ngaruroro River (angling)**

Angling amenity (trout and salmon)
<p>Water body should be further investigated as providing an outstanding recreational fishing experience (angling amenity) where it meets:</p> <ul style="list-style-type: none"> • at least one matter in List A and • at least one matter in List B and • all matters in List C. <p>List A</p> <ul style="list-style-type: none"> a) Trophy trout (over 4 kg in size). b) High numbers of large trout (water body supports the highest number of large trout in the region). c) High numbers of trout (water body supports the highest trout numbers in the region or the highest trout biomass in the region). <p>List B</p> <ul style="list-style-type: none"> a) Variety of high quality angling experiences. b) Specialised high quality angling experience (scenic, solitude, challenging, high catch rate, ability to spot and fish to a particular trout). <p>List C</p> <ul style="list-style-type: none"> a) Wild trout fishery (self-sustaining trout population through natural replacement). b) Water body is accessible and suitable to fish (high water quality and suitable flows). c) A regional, national or international reputation as an exceptional trout fishery or high non-local usage (high numbers of anglers come from outside of the area). d) Evidence is provided in support of outstanding recreational experience.
Ngaruroro River - Preliminary Assessment Findings: Outstanding*subject to change
<p>The upper reaches of the Ngaruroro River are in a near natural state with impressive scenery are highly valued for angling. This section of water body offers a range of angling experiences. The Ngaruroro headwaters fish well all season, is accessible, and provides a chance to catch trophy size fish in a near natural environment. The upper Ngaruroro River has a national reputation as an exceptional trout fishery. Evidence suggests the criteria in List A(c), List B(a) and List C are met.</p>

Supporting evidence

- Local expert panel – outstanding recreation values trout fishing, kayaking (2019)
 - RiVAS - nationally significant for salmonid angling and white water kayaking (2012)
 - WONI: Potential Water Body of National Importance for recreation (2004)
 - NIWA: Category A headwater trout fishery (1994)
 - Nationally important wilderness river fishery (1984)
 - Nationally important wilderness river fishery (1982)
 - New Zealand Recreational River Survey - exceptional recreation and impressive scenic rating (1981)
- Special Tribunal Recommendation Report - WCO - the Ngaruroro and Clive Rivers (2019)

1113. **Table 62. Ngaruroro River (rafting)**

Rafting

Water body should be further investigated as providing an outstanding rafting experience (amenity) where it meets:

- at least one matter in List A and
- all matters in List B.

List A

- a) Variety of high quality rafting experiences found in few other water bodies in the region.
- b) A specialised high quality rafting experience found in few other water bodies in the region.

List B

- a) The water body provides an outstanding rafting experience which is reliable and predictable for most of the year under normal flows (i.e. the experience is not reliant on dam release water or high flows, or subject to low flows).
- b) Regional, national or international significance as an exceptional rafting experience.
- c) High non-local usage (high numbers of participants come from outside of the area).
- d) Evidence is provided in support of an outstanding rafting experience.

Ngaruroro River : Preliminary Assessment Findings: Outstanding~~subject to change~~

The upper reaches of the Ngaruroro River are highly valued for white water boating activities with several rafting companies operating in the area. This section of river is in a near natural state with impressive scenery. It contains Grade 3 and 4 rapids. Evidence suggests the criteria in List A(a) and List B are met.

Supporting evidence

- Local expert panel – outstanding recreation values trout fishing, kayaking (2019)
- RiVAS - nationally significant for salmonid angling and white water kayaking (2012)
- WONI: Potential Water Body of National Importance for recreation (2004)
- New Zealand Recreational River Survey - exceptional recreation and impressive scenic rating (1981)
- Special Tribunal Recommendation Report - WCO - the Ngaruroro and Clive Rivers (2019)

1114. **Table 63. Ngaruroro River (kayaking)**

Kayaking (includes canoeing)

Water body should be further investigated as providing an outstanding kayaking experience (amenity) where it meets:

- at least one matter in List A and
- all matters in List B.

List A

- a) Variety of high quality kayaking experiences found in few other water bodies in the region.
- b) A specialised high quality kayaking experience found in few other water bodies in the region.

List B

- a) The water body provides an outstanding kayaking experience which is reliable and predictable for most of the year under normal flows (i.e. the experience is not reliant on dam release water or high flows, or subject to low flows).
- b) Regional, national or international significance as an exceptional kayaking experience.
- c) High non-local usage (high numbers of participants come from outside of the area).
- d) Evidence is provided in support of an outstanding kayaking experience.

Ngaruroro River: Preliminary Assessment Findings: Outstanding*subject to change

The upper reaches of the Ngaruroro River are highly valued for whitewater boating activities. The upper Ngaruroro River is best known for its spectacular gorge scenery. It contains Grade 3 and 4 rapids and is considered to be one of the top 8 whitewater kayaking runs in the North Island. Evidence suggests the criteria in List A(a) and List B are met.

Supporting evidence

- Local expert panel – outstanding recreation values trout fishing, kayaking (2019)
- RiVAS - nationally significant for whitewater kayaking (2012)
- WONI: Potential Water Body of National Importance for recreation (2004)
- New Zealand Recreational River Survey - exceptional recreation and impressive scenic rating (1981)
- Special Tribunal Recommendation Report - WCO - the Ngaruroro and Clive Rivers (2019)

1115. **Table 64. Ngaruroro River (jet boating)**

Rafting

Water body should be further investigated as providing an outstanding jet boating experience (amenity) where it meets:

- at least one matter in List A and
- all matters in List B.

List A

- a) Variety of high quality jet boating experiences found in few other water bodies in the region.
- b) A specialised high quality jet boating experience found in few other water bodies in the region.

List B

- a) The water body provides an outstanding jet boating experience which is reliable and predictable for most of the year under normal flows (i.e. the experience is not reliant on high flows or subject to low flows).
- b) Regional, national or international significance as an exceptional jet boating experience.
- c) High non-local usage (high numbers of participants come from outside of the area)
- d) Evidence is provided in support of an outstanding jet boating experience.

Ngaruroro River - Preliminary Assessment Findings: Outstanding*subject to change

The braids of the lower Ngaruroro River are highly valued for jet boating. Jet Boating New Zealand has advised the braided reach of the Ngaruroro River is highly used, and is outstanding for its jet boating experience, particularly for its extensive braiding not seen anywhere else in the North Island. Evidence suggests the criteria in List A(a) and List B are met.

Supporting evidence

- Jet Boating New Zealand (JBNZ) classified the Ngaruroro River as an easy 'Class 1' jet boating trip, suitable for beginners and family boating (2014)
- Local expert panel – outstanding recreation values, jet boating (between Whanawhana and the Fernhill Bridge) and fishing (2019):
- WONI: Potential Water Body of National Importance for recreation (2004)

1116. **Table 65. Ngaruroro River (macroinvertebrates)**

Macroinvertebrates

The framework set out in Paragraph 421 does not include screening criteria for 'macroinvertebrates' values. As such, reporting officers have relied on the findings set out in existing literature when making their preliminary recommendations.

Ngaruroro River: Preliminary Assessment Findings: Outstanding*subject to change

The health of the macroinvertebrate communities in Ngaruroro River at Kuripapango is excellent. This section of water body has an MCI of 130 which indicates the water body has pristine water quality. Evidence suggests this section of water body is outstanding for macroinvertebrates in a regional context.

Supporting evidence

HBRC Monitoring data (MCI score is the five year median value (2009-2013))

Officers' preliminary recommendation**Ngaruroro River and Estuary [ID #18]****Report: 7.18**

- (a) Retain Ngaruroro River in Schedule 25, albeit with amendments set out in Appendix 1.
- (b) Reporting officers have not made any preliminary findings with respect to cultural and spiritual values associated with the Ngaruroro River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and the Owhaoko C Trust [Submitter #28], during the hearing process.
- (c) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.18 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) The local expert panel preliminary identified the Ngaruroro River (including Taruarau River and Waitangi Estuary) as having outstanding cultural and spiritual values. In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Nuhaka River [ID #19]**Report: 7.19****Submission numbers**

- 1117. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.19 Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
- 1118. The following evaluation may not explicitly refer to every submission point but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

1119. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
1120. With respect to the Nuhaka River requests include:
- (a) Delete the Nuhaka River from Schedule 25.

Evaluation

1121. The Nuhaka River is identified in Change 7 as having cultural and spiritual values.
1122. The Nuhaka River is situated in northern Hawke's Bay near the Mahia Peninsula.
1123. The '*Nuhaka River - Summary of Values*' report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
1124. Cultural and spiritual
1125. The Nuhaka River is significant for Te Rohe o Te Wairoa.
1126. The Nuhaka begins in the Whareata Range, passing through Whiorau where it joins the Tunanui Stream and flows out to sea.
1127. There are numerous significant riverside sites that form the lifeblood of Rakaipaaka, including for baptism and burial. A kaitiaki, in the form of a large white flounder, protects the traditional inanga site at Papanui.
1128. Information reviewed during Phase 1 of the Change 7 development process (see Paragraph 119) indicates the water body contains the following key values:
- (a) Wai Tapu
 - (b) Pa, kāinga
 - (c) Mahinga kai, Pa tuna
 - (d) Acknowledged in korero tuku iho, pepeha, whakatauki, waiata.
1129. The local expert panel did not find the Nuhaka River to have outstanding cultural and spiritual values, noting that further cultural assessment was needed.
1130. Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] oppose Change 7 and have requested that all water bodies in the Wairoa District, both above and below ground, be identified as a single outstanding water body. This is further discussed in Paragraphs 463 to 470.
1131. OWB identification framework
1132. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.
1133. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.
1134. Reporting officers have applied the framework recommended in Paragraph 421 to the Nuhaka River, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables.

1135. **Table 66. Nuhaka River (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
a) The features are of outstanding significance to Māori on a region wide basis.
b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
c) Evidence is provided in support of outstanding features.
Nuhaka River - Preliminary Assessment Findings: TBC
Reporting officers have not made any preliminary findings with respect to Nuhaka River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.

Officers' preliminary recommendation	Report: 7.19
Nuhaka River [ID #19]	

- (a) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with Nuhaka River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.
- (b) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.19 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Submission numbers

1136. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.20. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
1137. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

1138. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
1139. With respect to the Opoutama Swamp requests include:
- (a) Delete the Opoutama Swamp from Schedule 25.
 - (b) Add outstanding values for the Opoutama Swamp: 'Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi'.

Evaluation

1140. The Opoutama Swamp is identified in Change 7 as having cultural and spiritual values.
1141. The Opoutama Swamp is located at the northern end of Hawke's Bay on the Mahia Isthmus, is a freshwater swamp besides, but not connected to, Maungawhio Lagoon.
1142. The '*Opoutama Swamp - Summary of Values*' report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
1143. Cultural and spiritual
1144. The Opoutama Swamp is significant for Te Rohe o Te Wairoa.
1145. No information on the cultural and spiritual values associated with the Opoutama Swamp was found during Phase 1 of the Change 7 development process (See Paragraph 119).
1146. The local expert panel did not find the Opoutama Swamp to have outstanding cultural and spiritual values, noting that further cultural assessment was needed.
1147. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], jointly submitted on Change 7 requesting 'Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi' be added as outstanding values to all estuaries, coastal lagoons and wetlands.
1148. If the Panel, after deliberating on submissions and evidence presented to it at the hearing, concludes that Opoutama Swamp is to be retained in Schedule 25 for its outstanding value(s), the Reporting officers recommend that its associated outstanding description is updated in accordance with the further information provided by submitters.
1149. Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] oppose Change 7 and have requested that all water bodies in the Wairoa District, both above and below ground, be identified as a single outstanding water body. This is further discussed in Paragraphs 463 to 470.
1150. OWB identification framework
1151. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the hearing panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.
1152. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.

1153. Reporting officers have applied the framework recommended in Paragraph 421 to the Opoutama Swamp, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables.

1154. **Table 67. Opoutama Swamp (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
a) The features are of outstanding significance to Māori on a region wide basis.
b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
c) Evidence is provided in support of outstanding features.
Opoutama Swamp - Preliminary Assessment Findings: TBC
Reporting officers have not made any preliminary findings with respect to the Opoutama Swamp. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.

Officers' preliminary recommendation

Opoutama Swamp [ID #20]

Report: 7.20

- (a) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with Opoutama Swamp. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.
- (b) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.20 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.

- (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Pōrangahau River & Estuary [ID #21]

Report: 7.21

Submission numbers

1155. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.21. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
1156. The following evaluation may not explicitly refer to every submission point but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

1157. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
1158. With respect to the Pōrangahau River & Estuary requests include:
- (a) Delete the Pōrangahau River & Estuary from Schedule 25.
 - (b) Add a new outstanding value for 'water and land use for farming'.
 - (c) Add the following outstanding values for the Pōrangahau Estuary: 'Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi'.
 - (d) State sections where outstanding values are present and limit the outstanding classification to these parts.
 - (e) Delete the outstanding value of 'geology' for the Pōrangahau River.
 - (f) Retain the Pōrangahau River & Estuary in Schedule 25.

Evaluation

1159. The Pōrangahau River & Estuary is identified in Change 7 as having outstanding cultural, spiritual, ecology (for native water birds, native fish, native plants), landscape and geology values.
1160. The Pōrangahau River runs 35 km through southern Hawke's Bay. The river winds through rugged hill country to the north of Cape Turnagain, reaching the Pacific Ocean close to the township of Pōrangahau.
1161. The Pōrangahau Estuary is approximately 750 ha in size, and one of the few large estuaries in Hawke's Bay. It is a long, narrow estuary formed behind a low, sandy longshore bar which runs for around 14 km. It is the largest and least modified estuary in Hawke's Bay.
1162. The *Pōrangahau River & Estuary - Summary of Values* report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
1163. Cultural and spiritual values
1164. The Pōrangahau River, also known locally to Māori as the Taurekaitai River, is a significant waterway for Heretaunga Tamatea hapū, lying at the heart of their spiritual and physical wellbeing. On the southern bank of the river, Opiango stands, a peak sacred to Ngāti Pihere.
1165. Heretaunga Tamatea hapū have noted there are some 20 fishing sites between the township of Pōrangahau and the sea. There are vast shell middens in the dune system, and the first authenticated records of moa hunter occupation in the North Island are found here. The estuary continues to be an important source of flatfish, kahawai, eels and whitebait.
1166. During the development of Change 7, Ngāti Kahungunu Iwi Incorporated advised that the Pōrangahau Estuary is a location of significance.

1167. Information reviewed during Phase 1 of the Change 7 development process (see Paragraph 119) indicates the water body contains the following key values:
- (a) Wāhi Tapu, Wāhi taonga
 - (b) Rohe Boundary
 - (c) Pa, kāinga
 - (d) Mahinga kai, Pa tuna.
1168. The local expert panel found the Pōrangahau Estuary, including the lower reaches of the river, to have known outstanding cultural and spiritual values, specifically for Rangitiratanga, Whakapapa and Ecology. The local expert panel did not find Pōrangahau River, above the bridge, to have outstanding cultural and spiritual values, noting that further cultural assessment was needed.
1169. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], jointly submitted on Change 7 requesting ‘Kohanga ika’; ‘Mahinga mataitai’; ‘Nohoanga/Pahi’ be added as outstanding values to all estuaries, coastal lagoons and wetlands.
1170. If the Panel, after deliberating on submissions and evidence presented to it at the hearing, concludes that the Pōrangahau Estuary is to be retained in Schedule 25 for its outstanding value(s), the Reporting officers recommend that its associated outstanding description is updated in accordance with the further information provided by submitters.
1171. Ecology values (aquatic birds)
1172. The Pōrangahau Estuary is listed as a Significant Conservation Area in the Hawke’s Bay Regional Coastal Environment Plan for its nationally significant wildlife habitat.
1173. The estuary is an important feeding and wintering area for migratory waders. It is the only location in Hawke’s Bay where Caspian terns and royal spoonbill nest.
1174. In 1992, surveys found significant populations of wrybill and banded dotterel, estimating that the area contained around 78% of banded dotterel species recorded along the Hawke’s Bay Conservancy coast at that time. The wrybill and banded dotterel are respectively classified as vulnerable and least concern on the IUCN red list, respectively, and both are Nationally Vulnerable on the NZTCS.
1175. The estuary is an important area for the eastern bar-tailed godwits and lessor knot, during migration. Both species are classified as near threatened on the IUCN red list, and Nationally Vulnerable on the NZTCS.
1176. The local expert panel found the Pōrangahau Estuary to have outstanding wildlife values and ecological function, specifically noting its importance as a breeding and feeding ground for a number of bird species, the only location where the royal spoonbill and Caspian tern nest, and the number of threatened species present.
1177. Ecology values (native fish)
1178. The Pōrangahau Estuary is listed as a Significant Conservation Area in the Hawke’s Bay Regional Coastal Environment Plan, where it is recognised as containing a nationally significant fisheries habitat. It supports recreational fisheries for īnanga, flounder, mullet, and kahawai.
1179. In 1987, the Pōrangahau Estuary was assigned a Category A (outstanding) rating by MAFFish, in their publication “wetlands of national importance to fisheries”, for its diverse fish assemblage, biologically important fish habitat, its nationally important non-salmonid fishery (including traditional Māori fisheries), and because it is a particularly good example of an estuarine fish habitat.
1180. The local expert panel found the Pōrangahau Estuary to have an outstanding ecological function, specifically noting the two main īnanga spawning sites, and it being regionally significant for native fish.
1181. Ecology (native plants)
1182. The Pōrangahau Estuary is one of the few large estuaries in Hawke’s Bay, and the only estuary in Hawke’s Bay to contain the seagrass, *Zostera muelleri*. Prior to 2019, the last record of seagrass in a Hawke’s Bay estuary was nearly 4 decades ago.

1183. *Zostera muelleri* is a native flowering marine plant that occurs in patches or meadows in estuaries or sheltered coastal bays. It provides habitat for many marine species and is an important part of healthy estuarine ecosystems.
1184. The local expert panel found the Pōrangahau Estuary to have outstanding ecological function, noting it is the only known estuary in Hawke's Bay with seagrass present.
1185. Landscape and geology values
1186. The Pōrangahau Estuary is the largest and least modified estuary in Hawke's Bay. It has significant ecological values and is the largest river mouth barrier system in Hawke's Bay.
1187. The Pōrangahau River mouth barrier system is identified on the Geopreservation Inventory as being Class C (regionally important), along with 89 other features in Hawke's Bay. It is the largest barrier system in the region.
1188. The Pōrangahau en echelon sand dunes⁶⁰ and cross-cutting strand lines are identified on the Geopreservation inventory as being Class B (nationally significant), along with 32 other features in Hawke's Bay.
1189. The local expert panel found the Pōrangahau Estuary to have outstanding landscape values, specifically noting the river mouth barrier system, sand dunes and cross-cutting strand lines.
1190. Economic and productive use values
1191. For the reasons set out in Paragraphs 184 to 188, it is not recommended that any economic and productive use values be added as an outstanding values to the Pōrangahau River and Estuary.
1192. OWB identification screening framework
1193. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.
1194. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.
1195. Reporting officers have applied the framework recommended in Paragraph 421 to the Pōrangahau River and Estuary, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables.
1196. **Table 68. Pōrangahau River and Estuary (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual

Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.

List A

- a) The features are of outstanding significance to Māori on a region wide basis.
- b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
- c) Evidence is provided in support of outstanding features.

Pōrangahau River and Estuary - Preliminary Assessment Findings: TBC

Reporting officers have not made any preliminary findings with respect to the Pōrangahau River and Estuary. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], during the hearing process.

⁶⁰ approximate parallel formation

1197. **Table 69. Pōrangahau River and Estuary (aquatic birds)**

Habitat for aquatic birds (native and migratory)
<p>Water body should be further investigated as providing an outstanding habitat for aquatic birds where it meets:</p> <ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B. <p>List A</p> <ol style="list-style-type: none"> One of the highest regional populations of a native aquatic bird species which is endangered, threatened or distinctive⁶¹. One of the highest natural diversity of aquatic birds (native and migratory) in the region, which includes endangered or threatened species. <p>List B</p> <ol style="list-style-type: none"> Evidence is provided in support of outstanding features.
Pōrangahau River and Estuary - Preliminary Assessment Findings: Outstanding* <small>subject to change</small>
<p>The Pōrangahau Estuary supports 6 threatened species, black-billed gull, black-fronted tern, banded dotterel, Caspian tern, Wrybill plover and the Lesser knot. In 1992 it was identified as supporting the largest population of wrybill and banded dotterel in Hawke's Bay. It is the only known location in the region where royal spoonbill and Caspian tern nest. Evidence suggests the criteria in List A(a) and List B are met.</p> <p>NOTE: To date, no literature has been found in support of the Pōrangahau River (upstream of the township bridge) providing an outstanding habitat for aquatic birds in a regional context. Evidence suggests Criteria from List A and List B are not met.</p> <p><u>Supporting evidence (Pōrangahau Estuary)</u></p> <ul style="list-style-type: none"> • Local expert panel: outstanding wildlife values (lower river and estuary) (2019) • RCEP – Porangahau Estuary identified as a Significant Conservation Area for its nationally significant wildlife values (2006) • DOC Survey data - largest concentrations of Wrybill and banded dotterel (1992)

1198. **Table 70. Pōrangahau River and Estuary (native fish)**

Native fish habitat
<p>Water body should be further investigated as providing an outstanding habitat for native fish where it meets:</p> <ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B. <p>List A</p> <ol style="list-style-type: none"> A unique species or distinctive assemblage of native fish not found anywhere else in the region. Native fish that are landlocked and not affected by presence of introduced species. One of the highest diversities of native fish species in the region, which includes a threatened, endangered or distinctive species. An outstanding customary fishery. <p>List B</p> <ol style="list-style-type: none"> Evidence is provided in support of outstanding native fish habitat value.
Pōrangahau River and Estuary - Preliminary Assessment Findings: Outstanding* <small>subject to change</small>
<p>The Pōrangahau Estuary supports a diverse assemblage of fish species. It is biologically important fish habitat for whitebait, flounder, mullet, and kahawai, and provides a good example of a specific type of fish habitat. The area supports important traditional Māori fisheries, including 2 inanga spawning sites. Evidence suggests the criteria in List A(a) and List B are met.</p> <p><u>Supporting evidence</u></p> <ul style="list-style-type: none"> • Local expert panel: outstanding native fish values (2019) • RCEP – identified as a Significant Conservation Area for its nationally significant fisheries habitat (2006) • MAFFish – identified as outstanding in 'wetlands of national importance publication' (1987)

⁶¹ For WCO purposes, at least 5% of the national population (Rangitata River 2004).

1199. **Table 71. Pōrangahau River and Estuary (indigenous plant community)**

Habitat for indigenous plant communities
<p>Water body should be further investigated as providing an outstanding habitat for an indigenous plant community where it meets:</p> <ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B. <p>List A</p> <p>a) The indigenous plant community has a high diversity of habitats, or rare and threatened plant species in the region.</p> <p>b) The indigenous plant community contains special features not found anywhere else in the region.</p> <p>List B</p> <p>a) The indigenous plant community is reliant on the river flows, other aquatic characteristics, or is an integral part of the water body.</p> <p>b) Evidence is provided in support of outstanding features.</p>
Pōrangahau River and Estuary - Preliminary Assessment Findings: Outstanding* <small>subject to change</small>
<p>The Pōrangahau Estuary is one of the few large estuaries in Hawke’s Bay, and the only estuary in Hawke’s Bay to contain the seagrass, <i>Zostera muelleri</i>. Prior to 2019, the last record of seagrass in a Hawke’s Bay estuary was nearly 4 decades ago. Evidence suggests the criteria in List A(b) and List B are met.</p> <p>NOTE: To date, no literature has been found in support of the Pōrangahau River providing an outstanding habitat for indigenous plants in a regional context. Evidence suggests Criteria from List A and List B are not met.</p> <p><u>Supporting evidence</u></p> <ul style="list-style-type: none"> • Local expert panel - outstanding native plant values (2019) • HBRC monitoring and surveys find seagrass (2018)

1200. **Table 72. Pōrangahau River and Estuary (landscape)**

Landscape (wild and scenic)
<p>Water body should be further investigated as having outstanding wild and or scenic values where it meets all matters in List A.</p> <p>List A</p> <p>a) Waters are an essential component of the landscape.</p> <p>b) Waters have wild and or scenic values that contain distinctive qualities which 'stand out' and are present in few other water bodies in the region.</p> <p>c) Evidence is provided in support of outstanding wild or scenic values by way of an expert assessment or independent evidence sources.</p>
Porangahau River and Estuary : Preliminary Assessment Findings: Not outstanding* <small>subject to change</small>
<p>In 2019, The Local Expert Panel identified the Pōrangahau River and Estuary as having outstanding landscape values, citing the river mouth barrier system, and an echelon sand dunes and cross-cutting strand lines, which are classified as Class C and Class B, respectively on the Geopreservation Inventory. While the geological features associated with the Pōrangahau River and Estuary contribute to the landscape features of the areas, limited information could be found discussing the landscape values as outstanding themselves.</p> <p>Evidence suggests the Criteria from List A are not met.</p>

1201. **Table 73. Porangahau River and Estuary (geology)**

Geology
<p>Water body should be further investigated as having outstanding geology values where it meets all matters in List A</p> <p>List A</p> <p>a) The geomorphological, geological or hydrological feature is dependent on the water body's condition and functioning.</p> <p>b) The geology values are conspicuous, eminent and/or remarkable in the context of the Hawke's Bay Region.</p> <p>c) Evidence is provided in support of outstanding geology values by way of an expert assessment or independent evidence sources.</p>

The Geopreservation inventory identifies:

- Pōrangahau Estuary is identified with an importance rating of Class C – regionally important: Largest barrier system in Hawke’s Bay (90 features in Hawke’s Bay have a C rating). Evidence suggests the Criteria from List A are met for this feature.
- The Pōrangahau en echelon sand dunes and cross-cutting strand lines are identified on the Geopreservation inventory as being Class B (nationally significant), along with 32 other features in Hawke’s Bay. Evidence suggests Criteria List A(a) are not met for this feature.

NOTE: To date, no literature has been found in support of the Pōrangahau River upstream of the township bridge as having outstanding geology values in a regional context. Evidence suggests Criteria from List A and List B are not met.

Supporting evidence

- Local expert panel: outstanding landscape values - river mouth barrier system, and en echelon sand dunes and cross-cutting strand lines (2019)
- Geopreservation inventory (2019)

Officers’ preliminary recommendation

Pōrangahau River and Estuary [ID #21]

Report: 7.21

- (a) Retain the Pōrangahau River and Estuary in Schedule 25, albeit with the amendments set out in Appendix 1.
- (b) Reporting officers have not made any preliminary findings with respect to cultural and spiritual values associated with the Pōrangahau River and Estuary. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26].
- (c) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.21 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (d) Ngāti Kahungunu Iwi Incorporated’s area of interest extends over the whole of Hawke’s Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Submission numbers

1202. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.22. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
1203. The following evaluation may not explicitly refer to every submission point, but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

1204. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
1205. With respect to the Putere Lakes requests include:
- (a) Delete the Putere Lakes from Schedule 25.

Evaluation

1206. The Putere Lakes are identified in Change 7 as having cultural and spiritual values.
1207. Putere Lakes, including Lakes Rotongaio, Rotoroa and Rotonuiaha are located near the Waiau River, in northern Hawke's Bay near the town of Raupunga.
1208. In 2017, NIWA found the Putere lakes to be in poor condition with limited aquatic native vegetation. All three lakes dominated by the invasive weed species, hornwort. Lakes Rotonuiaha and Rotoroa were noted as having good water clarity.
1209. The *Putere Lakes - Summary of Values* report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
1210. Cultural and spiritual
1211. Part of the lake beds are vested with Ngāti Pāhauwera.
1212. Information reviewed during Phase 1 of the Change 7 development process (see Paragraph 119) indicates the water body contains the following key values:
- (a) Mahinga kai, Pa tuna.
1213. The local expert panel did not find the Putere Lakes to have outstanding cultural and spiritual values, noting that further cultural assessment was needed.
1214. Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] oppose Change 7 and have requested that all water bodies in the Wairoa District, both above and below ground, be identified as a single outstanding water body. This is further discussed in Paragraphs 463 to 470.
1215. OWB identification framework
1216. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.
1217. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions. Reporting officers have applied the framework recommended in Paragraph 421 to the Putere Lakes, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables.

1218. **Table 74. Putere Lakes (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
a) The features are of outstanding significance to Māori on a region wide basis.
b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
c) Evidence is provided in support of outstanding features.
Putere Lakes - Preliminary Assessment Findings: TBC
Reporting officers have not made any preliminary findings with respect to Putere Lakes. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.

Officers' preliminary recommendation	Report: 7.22
Putere Lakes [ID #22]	

- (a) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with the Putere Lakes. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.
- (b) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.22 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Submission numbers

1219. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.23. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
1220. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

1221. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
1222. With respect to the Ripia River, requests include:
- (a) Delete the Ripia River from Schedule 25
 - (b) Amend the 'outstanding' description for the Ripia River to reference additional cultural and spiritual values identified by Hineuru Iwi Trust.

Evaluation

1223. The Ripia River has been identified in Change 7 as having outstanding cultural and spiritual values.
1224. The Ripia River is a major tributary of the Mohaka River. It flows generally southeast from its sources at the northern end of the Ahimanawa Range 25 kilometres east of Lake Taupo, reaching the Mohaka 40 kilometres northwest of Napier.
1225. The *Ripia River -Summary of Values* report, referred to in Paragraph 37, contains a more detailed account of the values associated with the Ripia River, prior to Change 7's notification on 31 August 2019.
1226. Cultural and spiritual values
1227. The Hineuru Iwi Trust⁶² has provided additional information on the Cultural and Spiritual Values associated with the Ripia River as part of their submission on Change 7. In particular, Hineuru Iwi Trust:
- (a) Identified the following key values associated with the Ripia River: 'mauri'; 'travel and trade Boundary'; 'acknowledged in korero tuku iho (Tauparapara)'; 'kainga (Orangikapua Pa)'; 'waahi tapu'; 'battles'; 'mahinga kai: (fish, birds e.g. kereru, ducks, pakura and vegetation food; food processing, drinking water; springs for washing purposes)'; 'waahi taonga: (flax and other textile and utilitarian resources; drinking water)'; 'Tunamaro tributary (longest and finest tuna; kiwi habitat)'; 'wai tapu (cleansing, healing, spiritual cleansing of tupapaku, ta moko'; contemporary esteem (matauranga)'; 'kaitiakitanga'; 'whakawhanaungatanga'; 'Rangikapua Rock – he toka tipua - he waahi tap; and requested that the 'outstanding description' for the Ripia River be updated accordingly⁶³.
1228. If the Ripia River is retained in Schedule 25, it is recommended that its associated outstanding description is updated in accordance with the further information provided by the Hineuru Iwi Trust.
1229. The Ripia River was not one of the 42 water bodies nominated for assessment by the local expert panel. As such, the cultural and spiritual values associated with the Ripia River were not considered during this process.
1230. Parts of the Ripia River and its catchment fall within Ngāti Kahungunu Wairoa Taiwhenua Incorporated's area of interest.⁶⁴ Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] oppose Change 7 and have requested that all water bodies in the Wairoa District, both above and below ground, be identified as a single outstanding water body. This is further discussed in Paragraphs 463 to 470.

⁶² Submitter number 18

⁶³ See Submission #18 for further details.

⁶⁴ Source www.tkm.govt.nz

1231. OWB identification screening framework

1232. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.

1233. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.

1234. A preliminary application of the 'OWB identification screening framework (regional)' to the Ripia River has been carried out below. To be clear, these findings are preliminary and may change, depending on the extent to which the hearing panel refines the framework in accordance with feedback from submitters (see Paragraph 421).

1235. **Table 75. Ripia River (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
a) The features are of outstanding significance to Māori on a region wide basis.
b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
c) Evidence is provided in support of outstanding features.
Ripia River - Preliminary Assessment Findings: TBC
Reporting officers have not made any preliminary findings with respect to the Ripia River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Hineuru iwi trust [Submitter #18] and Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process during the Change 7 hearings.

Officers' preliminary recommendation

Ripia River [ID #23]

Report: 7.23

- (a) Reporting officers have not made any preliminary findings with respect to cultural and spiritual values associated with the Ripia River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Hineuru Iwi Trust [Submitter number 16] and Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, Te Taiwhenua o Heretaunga [Submitter #26], and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] during the Change 7 hearings.
- (b) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.23 for reasons including those set out below.

Reasons

- (a) The 2020 NPSFM's definition of an outstanding water body includes one identified in a Water Conservation Order. The Ripia River and its tributaries are recognised in the Mohaka WCO as having outstanding trout fishery characteristics and features.
- (b) An OWB identification screening framework using clear and transparent criteria will reduce confusion as to how the OWB in Schedule 25 were selected.
- (c) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);

- (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (d) The NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB as such, the hearing panel has discretion on the processes it may choose to identify OWB for Change 7 purposes.
 - (e) In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
 - (f) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Ruakituri River [ID #24]

Report: 7.24

Submission numbers

- 1236. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.24. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
- 1237. The following evaluation may not explicitly refer to every submission point, but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

- 1238. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
- 1239. With respect to the Ruakituri River requests include:
 - (a) Delete the Ruakituri River from Schedule 25.
 - (b) State sections where outstanding values are present and limit the outstanding classification to these parts.
 - (c) Retain the Ruakituri River in Schedule 25.

Evaluation

- 1240. The Ruakituri River is identified in Change 7 as having outstanding cultural, spiritual, ecology (for macroinvertebrates), natural character, recreation, landscape and geology values.
- 1241. The Ruakituri River rises on the slopes of the Huiarau Ranges in Te Urewera flowing southeast until it merges with the Hangaroa River just above Te Reinga Falls, around 35 km north of Wairoa. Te Reinga Falls marks the beginning of the Wairoa River.
- 1242. The '*Ruakituri River- Summary of Values*' report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.

1243. Cultural and spiritual values

1244. The Ruakituri River has a particular cultural, spiritual, historical and traditional association with Te Rohe o Wairoa.
1245. According to tradition, the Ruakituri and Hangaroa Rivers (which form the Wairoa River below their confluence) were formed when kin taniwha Ruamano and Hinekorako heard the sound of the sea, and heeding its call, they decided to race to the sea, each taking a separate route by way of the two rivers.
1246. Information reviewed, during Phase 1 of the Change 7 development process (See Paragraph 119), indicates the water body contains the following key values:
- (a) Wāhi Tapu, Wāhi taonga
 - (b) Mahinga kai, Pa tuna
 - (c) Acknowledged in korero tuku iho, pepeha, whakatauki, waiata.
1247. The local expert panel found that Ruakituri River did not have any known outstanding cultural and spiritual values and needed cultural assessment.
1248. Parts of the Ruakituri River and its catchment fall within Ngāti Kahungunu Wairoa Taiwhenua Incorporated's area of interest.⁶⁵ Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] oppose Change 7 and have requested that all water bodies in the Wairoa District, both above and below ground, be identified as a single outstanding water body. This is further discussed in Paragraphs 463 to 470.

1249. Ecology values (macroinvertebrates)

1250. Aquatic macroinvertebrates occupy a key place in aquatic ecosystems by converting leaves, algae and bacteria on the riverbed into food for fish and birds, keeping the river healthy and clean in the process. They also have an intrinsic biodiversity value as a species, with New Zealand's macroinvertebrate fauna characterised by its high rate of endemism.
1251. Macroinvertebrates provide a useful measure of water quality, habitat condition and overall health of a river. Sampling is routinely carried out in rivers across the region, with each river assigned a macroinvertebrate community index (MCI) score. Generally, the higher the MCI, the better the health of the macroinvertebrate community and the better the health of the river⁶⁶.
1252. The health of the macroinvertebrate communities in the Ruakituri River has been measured at 115.7 MCI⁶⁷.
1253. The local expert panel did not discuss the macroinvertebrates communities associated with water bodies in their final report.

1254. Landscape and geology

1255. The Ruakituri River traverses through vastly different landscapes over its length. The Ruakituri River is clean and clear in its upper reaches as it flows through a number of steep gorges, past giant limestone cliffs, and over the Waitangi Falls which are 72m high and known as a spectacular scenic attraction.
1256. The scenic values of the upper Ruakituri River are frequently described in literature as having exceptional scenic values, with the remaining parts of the river described as having more 'moderate' scenic values.
1257. In 1981, the Ruakituri River (above Waitangi Falls) was given an exceptional scenic rating, and in 1986, it was placed in Group One of the Governments list of rivers and lakes deserving protection for its exceptional scenery.
1258. In 2012, the Ruakituri River was identified as nationally significant in the Hawke's Bay RiVAS assessments for natural character, along with 14 other reaches of river in Hawke's Bay.
1259. The local expert panel identifies the Ruakituri River as being nationally recognised for its exceptional scenic values.

⁶⁵ Source www.tkm.govt.nz

⁶⁶ The MCI indicates enrichment or pollution, responding to an interacting complex of environmental variables like habitat or flow condition over time. It is not an indicator for biodiversity.

⁶⁷ MCI score is the five year median value (2009-2013)

Natural character

1260. The Ruakituri River is clean and clear as in its upper reaches and highly natural as it flows through thick bush and rugged, remote backcountry and through a number of steep gorges, past giant limestone cliffs, and finally over the 72 m Waitangi Falls, which mark the beginning of the river's middle reaches.
1261. The upper reaches are a rugged wilderness zone, with no huts and tracks and the flow regime is highly natural with no modification to the flow pattern.
1262. The middle section of the Ruakituri River is narrow with the surrounding area characterised by step hills covered with native bush and bluffs. In its lower reaches, the river flows through more modified landscapes, with farmland on either side.
1263. The water quality of the Ruakituri River has been classified as of 'good quality' with an MCI score of 115.
1264. In 2012, the Ruakituri River was identified as nationally significant in the Hawke's Bay RiVAS assessments for natural character, along with 14 other reaches of rivers in Hawke's Bay.
1265. The local expert panel found the Ruakituri River to have outstanding natural character values, noting it is nationally recognised for exceptional scenic values.

1266. Recreation

1267. The Ruakituri River is an internationally renowned trout fishery known for its crystal clear water, spectacular scenery and large population of both brown and rainbow trout which can reach trophy size. It has a high number of national and international visitors each year.
1268. The Ruakituri River's trout fishery has been discussed in a high number of published documents, where it is consistently described as outstanding, nationally important and exceptional. The 2012 Hawke's Bay RiVAS assessments found the river to be nationally significant for salmonid angling.
1269. Notably, in 2013 the Ruakituri River was identified in the National Angling Survey as the river most enjoyed by anglers in the North Island, and the third most enjoyed river by anglers across New Zealand. A total of 16% of the annual angling on the river came from overseas visitors.
1270. While angling is by far the most popular recreational activity on this river, it has been paddled by Hawke's Bay kayakers for some years who know it as a short, sharp challenging run. In 2012, the Hawke's Bay RiVAS assessments found the whitewater kayaking values within the upper river (above Mangatahae Stream) to be nationally significant.
1271. The local expert panel found the Ruakituri River to have outstanding recreation values, specifically noting its trout fishery and kayaking opportunities.

1272. OWB identification screening framework

1273. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.
1274. To ensure consistency and transparency with the identification of OWB moving forward, reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.
1275. Reporting officers have applied the framework recommended in Paragraph 421 to the Ruakituri River, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables. For clarification, where the screening framework does not include identified outstanding values, Reporting officers have relied on the findings of existing literature when making their preliminary recommendations.

1276. **Table 76. Ruakituri River (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
<ul style="list-style-type: none"> a) The features are of outstanding significance to Māori on a region wide basis. b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody. c) Evidence is provided in support of outstanding features.
Ruakituri River - Preliminary Assessment Findings : TBC
Reporting officers have not made any preliminary findings with respect to Ruakituri River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.

1277. **Table 77. Ruakituri River (macroinvertebrates)**

Macroinvertebrates
The framework set out in Paragraph 421 does not include screening criteria for 'macroinvertebrates' values. As such, reporting officers have relied on the findings set out in existing literature when making their preliminary recommendations.
Ruakituri River: Preliminary Assessment Findings: Not outstanding* <small>subject to change</small>
The Ruakituri River has an MCI of 115.7 which indicates the water body has good quality, clean water. Evidence suggests this section of water body is not outstanding for macroinvertebrates in a regional context.
<u>Supporting evidence</u>
HBRC Monitoring data (MCI score is the five year median value (2009-2013))

1278. **Table 78. Ruakituri River (landscape)**

Landscape (wild and scenic)
Water body should be further investigated as having outstanding wild and or scenic values where it meets all matters in List A.
List A
<ul style="list-style-type: none"> a) Waters are an essential component of the landscape. b) Waters have wild and or scenic values that contain distinctive qualities which 'stand out' and are present in few other water bodies in the region. c) Evidence is provided in support of outstanding wild or scenic values by way of an expert assessment or independent evidence sources.
Ruakituri River: - Preliminary Assessment Findings: Outstanding* <small>subject to change</small>
The upper Ruakituri River (above Waitangi Falls) is consistently recognised in publications as containing exceptional scenic values. In particular, the upper Ruakituri is highly natural, flowing through indigenous native bush and past giant limestone cliffs and over the 72 m high Waitangi Falls. Evidence suggests Criteria from List A is met.
<u>Supporting evidence</u>
<ul style="list-style-type: none"> • Local expert panel – exceptional scenic values (2019) • RiVAS assessments – nationally significant for natural character (2012) • Governments List of Rivers and Lakes - Group one for its exceptional scenery (1986) • New Zealand Recreational River Survey – exceptional scenic rating (1981) • 64 New Zealand Rivers - impressive scenic rating (1979)

1279. **Table 79. Ruakituri River (geology)**

Geology
Water body should be further investigated as having outstanding geology values where it meets all matters in List A.
List A
<ul style="list-style-type: none"> a) The geomorphological, geological or hydrological feature is dependent on the water body's condition and functioning. b) The geology values are conspicuous, eminent and/or remarkable in the context of the Hawke's Bay Region. c) Evidence is provided in support of outstanding geology values by way of an expert assessment or independent evidence sources.
Ruakituri River - Preliminary Assessment Findings: Not outstanding* <small>subject to change</small>
Limited information could be found supporting an outstanding status for the geological values of the Ruakituri River, in their own right, in a regional context. Evidence suggests Criteria from List A are not met.
Note: The geological features, such as the gorge and Waitangi Falls, contribute to the landscape and natural character values of the Ruakituri River.

1280. **Table 80. Ruakituri River (natural character)**

Natural character
Water body should be further investigated as having outstanding natural character values where it meets all matters in List A.
List A
<ul style="list-style-type: none"> a) the water body is highly natural with little or no human modification, including to the flow, bed and riparian margins, water quality, flora and fauna, within a largely indigenous landscape. b) The natural character values are conspicuous, eminent and/or remarkable in the context of the Hawke's Bay Region. c) Evidence is provided in support of outstanding natural character values by way of an expert assessment or independent evidence sources.
Ruakituri River - Preliminary Assessment Findings: Outstanding* <small>subject to change</small>
The upper Ruakituri River is in highly natural state, with good water quality. The river flows through indigenous forest in its upper parts, with no human modification at all in the area surrounding its upper parts (i.e. no tracks or huts). Evidence suggests Criteria from List A are met.
<u>Supporting Evidence</u>
Local expert panel - outstanding natural character (2019)
RiVAS – Nationally significant for natural character (2012)

1281. **Table 81. Ruakituri River (angling)**

Angling amenity (trout)
Water body should be further investigated as providing an outstanding recreational fishing experience (angling amenity) where it meets:
<ul style="list-style-type: none"> • at least one matter in List A and • at least one matter in List B and • all matters in List C.
List A
<ul style="list-style-type: none"> a) Trophy trout (over 4 kg in size). b) High numbers of large trout (water body supports the highest number of large trout in the region). c) High numbers of trout (water body supports the highest trout numbers in the region or the highest trout biomass in the region).
List B
<ul style="list-style-type: none"> a) Variety of high quality angling experiences. b) Specialised high quality angling experience (scenic, solitude, challenging, high catch rate, ability to spot and fish to a particular trout).

List C

- a) Wild trout fishery (self-sustaining trout population through natural replacement).
- b) Water body is accessible and suitable to fish (high water quality and suitable flows).
- c) A regional, national or international reputation as an exceptional trout fishery or high non-local usage (high numbers of anglers come from outside of the area).
- d) Evidence is provided in support of outstanding recreational experience.

Ruakituri River - Preliminary Assessment Findings: Outstanding*subject to change

The Ruakituri River is known for its crystal clear water, spectacular scenery and its large population of trout which can reach trophy size. It has a high number of international visitors each year, and one of the most enjoyed rivers in the country for angling. The trout fishery is consistently identified as being outstanding in past publications. Evidence suggests the criteria in List A(a), List B(b) and List C are met.

Supporting evidence

- Local expert panel - outstanding recreation values trout fishing and kayaking (2019)
- National Angling Survey – the river was most enjoyed by anglers in the north island, third across New Zealand (2013)
- RiVAS assessments – nationally significant for salmonid angling and kayaking (2012)
- Governments list of lakes and rivers - Group one for its exceptional scenery, fishing, recreation & wilderness (1986)
- Ministry Agriculture & Fisheries – River of National Importance for wilderness and angling (1982)
- New Zealand Recreational River Survey – exceptional scenic rating, high recreational rating in the gorge (1981)

1282. Table 82. Ruakituri River (kayaking)**Kayaking (includes canoeing)**

Water body should be further investigated as providing an outstanding kayaking experience (amenity) where it meets:

- at least one matter in List A and
- all matters in List B.

List A

- a) Variety of high quality kayaking experiences found in few other water bodies in the region.
- b) A specialised high quality kayaking experience found in few other water bodies in the region.

List B

- a) The water body provides an outstanding kayaking experience which is reliable and predictable for most of the year under normal flows (i.e. the experience is not reliant on dam release water or high flows, or subject to low flows).
- b) Regional, national or international significance as an exceptional kayaking experience.
- c) High non-local usage (high numbers of participants come from outside of the area).
- d) Evidence is provided in support of an outstanding kayaking experience.

Ruakituri River - Preliminary Assessment Findings: Outstanding*subject to change

The Ruakituri River is known for its crystal clear water, spectacular scenery. It has been paddled by Hawke's Bay kayakers for some years who know it as a short, sharp challenging run. In 2012, the Hawke's Bay RiVAS assessments found the whitewater kayaking values within the upper river (above Mangatahae Stream) to be nationally significant. Evidence suggests Criteria from List A(a) and List B is met.

Supporting evidence

- Local expert panel - outstanding recreation values for kayaking (2019)
- RiVAS assessments – nationally significant for kayaking (2012)
- Governments list of lakes and rivers - Group one for its exceptional scenery, fishing, recreation & wilderness (1986)
- New Zealand Recreational River Survey – exceptional scenic rating, high recreational rating in the gorge (1981)

Officers' preliminary recommendation
Ruakituri River [ID #24]

Report: 7.24

- (a) Retain Ruakituri River in Schedule 25, albeit with amendments set out in Appendix 1.
- (b) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with the Ruakituri River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.
- (c) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.24 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Ruataniwha Aquifer [ID #25]

Report: 7.25

Submission numbers

- 1283. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.25. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
- 1284. The following evaluation may not explicitly refer to every submission point, but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

1285. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
1286. With respect to the Ruataniwha Aquifer, requests include:
- (a) Delete the Ruataniwha Aquifer from Schedule 25
 - (b) Delete the outstanding value of 'geology' for the Ruataniwha Aquifer
 - (c) Amend the name to 'Ruataniwha Plains Aquifer System'.
 - (d) Amend the 'outstanding' description for the Ruataniwha Aquifer to emphasise its social and economic importance; refer to 'Whakapapa o te wai', 'Ki Uta ki Tai', 'Hauora o te wai'.
 - (e) Retain the Ruataniwha Aquifer in Schedule 25.

Evaluation

1287. The Ruataniwha Aquifer has been identified in Change 7 as having outstanding geology, cultural and spiritual values.
1288. The Ruataniwha aquifer is a major aquifer system located in Central Hawke's Bay. The aquifer system is well known due to its productive qualities with around 28.5 million m³ of water extracted from the aquifer annually. For the reasons set out in Paragraphs 184 to 188, the economic and consumptive use values associated with the aquifer system are not included as outstanding values.
1289. The Ruataniwha aquifer is a multi-layered alluvial system which covers an area of approximately 260 km², reaching depths of 200 metres at some locations. The aquifer system has a strong hydraulic connection with the three major waterways which flow over the Ruataniwha basin, being the Waipawa River, Tukituki River and Makaretu Stream.
1290. The '*Ruataniwha Aquifer - Summary of Values*' report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
1291. NPSFM and aquifers
1292. While the NPSFM does not preclude the identification of aquifers as OWB, to date nationally, no aquifers have been identified as OWB for NPSFM purposes.
1293. Before the Panel considers the values associated with the Ruataniwha Aquifer, reporting officers recommend that the Hearing Panel first consider whether the identification of the whole of the Ruataniwha aquifer system is consistent with the intent of Change 7, which is seeking to identify water bodies which contain an outstanding value in their own right (see Paragraph 115). The Ruataniwha aquifer system could be viewed as being a cluster of interconnected aquifers, given it comprises a relatively shallow unconfined layer, and deeper confined aquifers.
1294. The Ruataniwha aquifer system is predominately recharged by rainfall in the Ruahine Ranges, with some recharge occurring indirectly from the Waipawa and Tukituki rivers. None of the aquifer systems are completely isolated, however the basin itself is hydrologically closed to groundwater inputs due to the hard rock geology of its margins.
1295. Cultural and spiritual values
1296. The Ruataniwha Aquifer is part of Heretaunga Tamatea traditional rohe.
1297. Information reviewed, during Phase 1 of the Change 7 development process (See Paragraph 119), indicates the water body contains the following key values:
- (a) Wāhi Tapu, Wāhi taonga.
1298. The local expert panel found the Ruataniwha aquifer system to have known outstanding cultural and spiritual values, specifically noting Wairuatanga, Rangātiratanga, Whakapapa, Mātauranga Māori and Cultural Natural Character. The panel recommended its inclusion with the Tukituki River because of the system connections between the two water bodies.

1299. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26] have requested that the outstanding description for the Ruataniwha aquifer system be updated to include the following:

- (a) Whakapapa o te wai: The connectivity between the Ruahine and the Tukituki River and through into the Ruataniwha Plains and its Aquifer System, where along with the Waipawa and its tributaries, the two river catchments are the main source of recharge.
- (b) Ki Uta ki Tai: The flow of water from the Ruahine and into the Ruataniwha Aquifer System which regulates the flow of water out from the Ruataniwha Plains.
- (c) Hauora o te wai: In part - The Ruataniwha Aquifer System provides healthy water to the rest of Central Hawke's Bay where it exits through the Turiri Range as the Waipawa and Tukituki Rivers."

1300. If the Panel, after deliberating on submissions and evidence presented to it at the hearing, concludes that the Ruataniwha aquifer system is to be retained in Schedule 25 for its outstanding value(s), the Reporting officers recommend that its associated outstanding description is updated in accordance with the further information provided by submitters.

1301. Geology values

1302. The local expert panel found the Ruataniwha Aquifer to have outstanding landscape values, specifically noting its hydraulic connection to the Tukituki River system.

1303. Reporting officers note that a high number of water bodies are hydraulically connected to other water bodies including aquifer systems. Given that Change 7 is looking to solely identify water bodies which contain an outstanding values in their own right, the contribution the Ruataniwha aquifer system makes to any outstanding value(s) in these surface water bodies does not make the aquifer system itself an OWB.

1304. Notwithstanding, for those water bodies on the Ruataniwha Plains identified as containing an outstanding cultural, spiritual recreation, landscape or ecology value(s), the contribution the Ruataniwha aquifer system makes to the outstanding value(s) would be protected in future catchment based management plans.

1305. OWB identification screening framework

1306. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.

1307. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.

1308. Reporting officers have applied the framework recommended in Paragraph 421 to the Ruataniwha Aquifer, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables.

1309. **Table 83. Ruataniwha Aquifer (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
a) The features are of outstanding significance to Māori on a region wide basis.
b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
c) Evidence is provided in support of outstanding features.
Ruataniwha Aquifer - Preliminary Assessment Findings: TBC
Reporting officers have not made any preliminary findings with respect to the Ruataniwha Aquifer. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], who jointly submitted on Change 7.

1310. **Table 84. Ruataniwha Aquifer (subterranean waters - geology)**

Karst system / subterranean waters
<p>A karst system and/or subterranean waters should be further investigated as having outstanding values where the following is met:</p> <ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B. <p>List A</p> <ol style="list-style-type: none"> a) A specialised high quality experience present in few other water bodies in the region. b) Wild and or scenic values that contain distinctive qualities which 'stand out' and are present in few other water bodies in the region. c) Unique or unusual scientific or ecological values present in few other water bodies in the region. <p>List B</p> <ol style="list-style-type: none"> a) International or national reputation and/or high non-local usage. b) Evidence is provided in support of outstanding values.
Ruataniwha Aquifer - Preliminary Assessment Findings : Not outstanding*subject to change
<p>The Ruataniwha Aquifer is a multi-layered alluvial system comprising a relatively shallow unconfined layer, and several deeper confined aquifers. The Ruataniwha Aquifer covers an area of approximately 260 km², reaching depths of 200 metres at some locations. It has a strong hydraulic connection with those surface water bodies which flow across the Ruataniwha Plains.</p> <p>The Ruataniwha aquifer system does not have any associated karst systems. While it may have unique or unusual scientific or ecological values to date there have been no studies undertaken in this regard.</p> <p>No evidence was found during Phases 1 - 6 of the Change 7 development process (see Part 3) in support of the Ruataniwha aquifer system being identified as having outstanding geology values. Evidence suggests the criteria in List A and List B are not met.</p>

Officers' Preliminary recommendation

Ruataniwha Aquifer [ID #25]

Report: 7.25

- (a) Amend Schedule 25, Ruataniwha Aquifer, as per the amendments set out in Appendix 1.
- (b) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with the Ruataniwha Aquifer. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga, who jointly submitted on Change 7 [Submitter #26].
- (c) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.25 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;

- (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) While the NPSFM allows the inclusion of aquifers as outstanding water bodies, to date nationally, no aquifers have been identified as OWB for the purpose of the NPSFM.
- (d) The contribution the Ruataniwha Aquifer provides to any hydraulically connected OWB's outstanding and significant values will be protected as part of future plan making.
- (e) Change 7 is seeking to identify water bodies which contain an outstanding value in their own right, not clusters of water bodies. The Ruataniwha aquifer system comprises a number of aquifers.
- (f) The local expert panel preliminary identified the Tukituki River (including Ruataniwha Aquifer, Waipawa River and Estuary) as having outstanding cultural and spiritual values. In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (g) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Tarawera Hot Springs [ID #26]

Report: 7.26

Submission numbers

- 1311. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.26. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
- 1312. The following evaluation may not explicitly refer to every submission point, but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

- 1313. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
- 1314. With respect to Tarawera Hot Springs requests include:
 - (a) Delete Tarawera Hot Springs from Schedule 25.

Evaluation

- 1315. The Tarawera Hot Springs are identified in Change 7 as having outstanding cultural and spiritual values.
- 1316. The Tarawera Hot Pools (fed by the Tarawera Hot Springs) are located near the main highway between Napier and Taupo, set amongst indigenous native forest. The hot pools are free to use, however recent information suggests they are currently closed.
- 1317. The '*Tarawera Hot Springs - Summary of Values*' report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
- 1318. Cultural and spiritual values
- 1319. The Tarawera Hot Springs, highly prized by Ngāti Hineuru, are associated with the fault lines at Tarawera and are on the banks of the Waipunga River. The hot springs were used in particular for bathing, rongoa (medicine) and cooking.
- 1320. Information reviewed during Phase 1 of the Change 7 development process (see Paragraph 119) indicates the water body contains the following key values:

- (a) Wāhi Tapu
- (b) Wāhi taonga.

1321. The Hineuru Iwi Trust⁶⁸ has provided additional information on the cultural and spiritual values associated with the Tarawera Hot Springs as part of their submission on Change 7. In particular, Hineuru Iwi Trust:

- (a) Identified the following key values associated with the Tarawera Hot Springs: ‘mauri; ‘travel and trade’; ‘boundary’; ‘kaitiakitanga’; ‘waahi taonga (Lake Puharau; Waipunga Falls; Waipunga Hot Springs; rongoa; food resources; textile and other utilitarian resources’; ‘mahinga kai (rongoa; maara kai (cultivations); fish, birds and vegetation food; food processing; drinking water; springs for washing purposes; birds; fish’; ‘pa, kainga (Pohoi a Te Mumuhu; some of the recorded sites located along the river are: Te Ahimotumotu pa; Kopitanui/Kopitonui kainga and wahi tapu; Whananganga pa; Piripirau fighting pa; Whakanae kainga; Hikawera pa; Hopemutu pa; Ohinekonehu pa and wahi tapu; Matawhero pa; Parua pa; Taranaki pa; Taupounamu kainga; Waiariki kainga and hot spring; Tukiatea kainga; Paraumu kainga; Waipuhupuhi fighting pa; Mangauwhio/ Mangauhio pa; Porimeke pa; and Papakopuru kainga’); ‘contemporary esteem (matauranga)’; ‘wai tapu’; ‘kaitiakitanga’; “whakawhanaungatanga”; ‘Waipunga River acknowledged in korero tuku iho (Tauparapara)’; and requested that the 'outstanding description' for the Ripia River be updated accordingly⁶⁹.

1322. The local expert panel did not find the Tarawera Hot Springs to have outstanding cultural and spiritual values, noting that further cultural assessment was needed.

1323. If the Tarawera Hot Springs are retained in Schedule 25, it is recommended that its associated outstanding description is updated in accordance with the further information provided by the Hineuru Iwi Trust.

1324. Parts of the Tarawera Hot Springs and its catchment fall within Ngāti Kahungunu Wairoa Taiwhenua Incorporated’s area of interest.⁷⁰ Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] oppose Change 7 and have requested that all water bodies in the Wairoa District, both above and below ground, be identified as a single outstanding water body. This is further discussed in Paragraphs 463 to 470.

1325. OWB identification framework

1326. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.

1327. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.

1328. Reporting officers have applied the framework recommended in Paragraph 421 to the Tarawera Hot Springs, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers’ preliminary assessment findings are set out in the following tables.

1329. **Table 85. Tarawera Hot Springs (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
<p>Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.</p> <p>List A</p> <ul style="list-style-type: none"> a) The features are of outstanding significance to Māori on a region wide basis. b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody. c) Evidence is provided in support of outstanding features.

⁶⁸ Submitter number 18

⁶⁹ See Submission #18 for further details.

⁷⁰ Source www.tkm.govt.nz

Tarawera Hot Springs - Preliminary Assessment Findings: TBC

Reporting officers have not made any preliminary findings with respect to the Tarawera Hot Springs. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Hineuru Iwi Trust [Submitter #18], Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.

Officers' preliminary recommendation Tarawera Hot Springs [ID #26]

Report: 7.26

- (a) Reporting officers have not made any preliminary findings with respect to cultural and spiritual values associated with the Tarawera Hot Springs. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Hineuru Iwi Trust [Submitter #18], Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.
- (b) That the hearing panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.26 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Taruarau River [ID #27]

Report: 7.27

Submission numbers

1330. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.27. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.

1331. The following evaluation may not explicitly refer to every submission point, but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

1332. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.

1333. With respect to the Taruarau River requests include:

- (a) Delete the Taruarau River from Schedule 25.
- (b) Add a new outstanding value for 'water and land use for farming'.
- (c) Delete the outstanding value of 'geology'
- (d) Retain the Taruarau River in Schedule 25.

Evaluation

1334. The Taruarau River is identified in Change 7 as having outstanding cultural, spiritual, recreation (for kayaking and angling) ecology (for macroinvertebrates), natural character, landscape and geology values.

1335. The Taruarau River rises in the Kaimanawa Ranges flowing south across rolling tussock country for around 70 km before it joins the Ngaruroro River. The river drops into an enclosed gorge before flowing into the Ngaruroro River around 20 km upstream of Whanawhana.

1336. The '*Taruarau River - Summary of Values*' report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.

1337. Cultural and spiritual values

1338. No information on the cultural and spiritual values associated with the Taruarau River was found during Phase 1 of the Change 7 development process (See Paragraph 119).

1339. The local expert panel found that the Taruarau River contained known outstanding cultural values, specifically noting Wairuatanga and Whakapapa, and that it should be managed as an OWB along with the Ngaruroro River.

1340. To date, no further information has been received describing the outstanding cultural and spiritual values associated with Taruarau River.

1341. If the Panel, after deliberating on submissions and evidence presented to it at the hearing, concludes that the Taruarau River is to be retained in Schedule 25 for its outstanding value(s), the Reporting officers recommend that its associated outstanding description is updated in accordance with the further information provided by submitters.

1342. Ecology values (macroinvertebrates)

1343. Aquatic macroinvertebrates occupy a key place in aquatic ecosystems by converting leaves, algae and bacteria on the riverbed into food for fish and birds, keeping the river healthy and clean in the process. They also have an intrinsic biodiversity value as a species, with New Zealand's macroinvertebrate fauna characterised by its high rate of endemism.

1344. Macroinvertebrates provide a useful measure of water quality, habitat condition and overall health of a river. Sampling is routinely carried out in rivers across the region, with each river assigned a macroinvertebrate community index (MCI) score. Generally, the higher the MCI, the better the health of the macroinvertebrate community and the better the health of the river⁷¹.

1345. The health of the macroinvertebrate communities in the Taruarau River has been measured at 120.7 MCI⁷².

⁷¹ The MCI indicates enrichment or pollution, responding to an interacting complex of environmental variables like habitat or flow condition over time. It is not an indicator for biodiversity.

⁷² MCI score is the five year median value (2009-2013)

1346. The local expert panel did not discuss the macroinvertebrates communities associated with water bodies in their final report.
1347. Landscape and geology values
1348. The Taruarau River flows through a variety of natural landscapes, from areas of rolling tussock country, scrubland and pine forests to impressive gorges with rocky overhangs.
1349. In 1981, the New Zealand Recreational River Survey assigned the scenic value of the Taruarau River an “impressive”⁷³ rating. In 2012, the Taruarau River was identified as nationally significant in the Hawke’s Bay RiVAS assessments for natural character, along with 14 other reaches of rivers in Hawke’s Bay.
1350. The Taruarau gorge is identified on the Geopreservation Inventory as being Class C (regionally important), along with 89 other features in Hawke’s Bay. The Inventory cites the Taruarau gorge as being “one of the best two gorges in Hawke’s Bay”.
1351. The local expert panel found the Taruarau River to have outstanding landscape values, making special note of the Taruarau gorge.
1352. Recreation
1353. The main activities which take place on the Taruarau River are angling and kayaking. The river is very scenic with an impressive gorge.
1354. The Taruarau River is known as a challenging whitewater run which is only suitable for experienced kayakers and rafters. In 1981, the Taruarau River was assigned a ‘low’⁷⁴ rating for boating values, and in 2012, the Taruarau River was identified as moderately significant in the Hawke’s Bay RiVAS assessments for whitewater kayaking.
1355. The Taruarau River is highly valued for trout fishing. The river fishes well all season and is highly used by anglers who live in Hawke’s Bay. The average weight of trout is around 1.5 kg, and some larger trophy trout are present. In 1994, The Taruarau River was identified by NIWA as a Category A headwater trout fishery.
1356. In 2013, the National Angling Survey found the Taruarau River to be within the top 3% of New Zealand Rivers most enjoyed by anglers. Studies prior to this found the Taruarau River to be of either local or regional significance for angling.
1357. The local expert panel found the Taruarau River to have outstanding recreation values, specifically noting its outstanding wilderness trout fishery.
1358. Natural character
1359. The Taruarau River is in a near natural state with high ecological values, which flows through a variety of natural landscapes, from areas of rolling tussock country which are very barren and dry to rugged and isolated areas surrounded by scrubland. Pastoral farming occurs on around 10% of the catchment area.
1360. The water quality in the Taruarau River is in an excellent state with an MCI score of 121.
1361. In 2012, the Taruarau River was identified as nationally significant in the Hawke’s Bay RiVAS assessments for natural character, along with 14 other reaches of river in Hawke’s Bay. Specifically, the report states the Taruarau River had a high degree of natural character, owing to its very low level of modification.
1362. The local expert panel found the Taruarau River to have outstanding natural character values, noting its highly impressive scenic values in a near natural state.
1363. Economic and productive use values
1364. For the reasons set out in Paragraphs 184 to 188, it is not recommended that any economic and productive use values be added as an outstanding values to the Taruarau River.

⁷³ Scenic values graded on a six point scale: dull, uninspiring, moderate, picturesque, impressive, exceptional.

⁷⁴ Recreational values graded on a five point scale: insignificant, low, intermediate, high, exceptional

1365. OWB identification screening framework

1366. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.

1367. To ensure consistency and transparency with the identification of OWB moving forward, reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.

1368. Reporting officers have applied the framework recommended in Paragraph 421 to the Taruarau River, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting Officers' preliminary assessment findings are set out in the following tables. For clarification, where the screening framework does not include identified outstanding values, Reporting officers have relied on the findings of existing literature when making their preliminary recommendations.

1369. **Table 86. Taruarau River (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A. List A a) The features are of outstanding significance to Māori on a region wide basis. b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody. c) Evidence is provided in support of outstanding features.
Taruarau River - Preliminary Assessment Findings: TBC
Reporting officers have not made any preliminary findings with respect to the Taruarau River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], during the hearing process.

1370. **Table 87. Taruarau River (macroinvertebrates)**

Macroinvertebrates
The framework set out in Paragraph 421 does not include screening criteria for 'macroinvertebrates' values. As such, reporting officers have relied on the findings set out in existing literature when making their preliminary recommendations.
Taruarau River - Preliminary Assessment Findings: Not outstanding*subject to change
The Taruarau River has an MCI of 120.7 which indicates the water body has good quality, clean water. Evidence suggests this section of water body is not outstanding for macroinvertebrates in a regional context. <u>Supporting evidence</u> HBRC Monitoring data (MCI score is the five year median value (2009-2013))

1371. **Table 88. Taruarau River (landscape)**

Landscape (wild and scenic)
Water body should be further investigated as having outstanding wild and or scenic values where it meets all matters in List A. List A a) Waters are an essential component of the landscape. b) Waters have wild and or scenic values that contain distinctive qualities which 'stand out' and are present in few other water bodies in the region. c) Evidence is provided in support of outstanding wild or scenic values by way of an expert assessment or independent evidence sources.

Taruarau River - Preliminary Assessment Findings: Not outstanding*subject to change

In 2019, The Local Expert Panel identified the Taruarau River as having outstanding landscape values, citing the Taruarau gorge as being “one of the best two gorges in Hawke’s Bay”, and regionally important. While the Taruarau gorge contributes to the landscape values, limited information could be found discussing the landscape values associated with the Taruarau River as being outstanding in a regional content. Evidence suggests the Criteria from List A are not met.

NOTE: In 1981, the New Zealand Recreational River Survey assigned the scenic value of the Taruarau River an “impressive’ rating (scenic values were graded on a six point scale: dull, uninspiring, moderate, picturesque, impressive, exceptional).

1372. **Table 89. Taruarau River (geology)**

Geology

Water body should be further investigated as having outstanding geology values where it meets all matters in List A.

List A

- (a) The geomorphological, geological or hydrological feature is dependent on the water body's condition and functioning.
- (b) The geology values are conspicuous, eminent and/or remarkable in the context of the Hawke's Bay Region.
- (c) Evidence is provided in support of outstanding geology values by way of an expert assessment or independent evidence sources.

Taruarau River - Preliminary Assessment Findings: Outstanding*subject to change

The Taruarau gorge is identified on the Geopreservation Inventory as being Class C (regionally important), along with 89 other features in Hawke’s Bay. The Inventory cites the Taruarau gorge as being “one of the best two gorges in Hawke’s Bay”. Evidence suggests Criteria from List A is met.

Supporting evidence

- Local expert panel – outstanding landscape values, with special note of the Taruarau gorge (2019)
- Geopreservation Inventory (2018)

1373. **Table 90. Taruarau River (natural character)**

Natural character

Water body should be further investigated as having outstanding natural character values where it meets all matters in List A.

List A

- (a) The water body is highly natural with little or no human modification, including to the flow, bed and riparian margins, water quality, flora and fauna, within a largely indigenous landscape.
- (b) The natural character values are conspicuous, eminent and/or remarkable in the context of the Hawke's Bay Region.
- (c) Evidence is provided in support of outstanding natural character values by way of an expert assessment or independent evidence sources.

Taruarau River - Preliminary Assessment Findings: Outstanding*subject to change

The Taruarau River is in a near natural state with high ecological values, which flows through a variety of natural landscapes. This section of river is in excellent ecological condition. The water quality in the Taruarau River is in an excellent state with an MCI score of 121. In 2012, the Taruarau River was identified as nationally significant in the Hawke’s Bay RiVAS assessments for natural character, along with 14 other reaches of river in Hawke’s Bay. Evidence suggests Criteria from List A is met.

Supporting evidence

- Local expert panel - outstanding natural character (2019)
- HBRC water quality report: MCI - 121 (2016)
- RiVAS – Nationally significant for natural character - noting the Taruarau River has a high degree of natural character, owing to its very low level of modification. (2012).

1374. **Table 91. Taruarau River (angling)**

Angling amenity (trout and salmon)
<p>Water body should be further investigated as providing an outstanding recreational fishing experience (angling amenity) where it meets:</p> <ul style="list-style-type: none"> • at least one matter in List A and • at least one matter in List B and • all matters in List C. <p>List A</p> <ol style="list-style-type: none"> a) Trophy trout (over 4 kg in size). b) High numbers of large trout (water body supports the highest number of large trout in the region). c) High numbers of trout (water body supports the highest trout numbers in the region or the highest trout biomass in the region). <p>List B</p> <ol style="list-style-type: none"> a) Variety of high quality angling experiences. b) Specialised high quality angling experience (scenic, solitude, challenging, high catch rate, ability to spot and fish to a particular trout). <p>List C</p> <ol style="list-style-type: none"> a) Wild trout fishery (self-sustaining trout population through natural replacement). b) Water body is accessible and suitable to fish (high water quality and suitable flows). c) A regional, national or international reputation as an exceptional trout fishery or high non-local usage (high numbers of anglers come from outside of the area). d) Evidence is provided in support of outstanding recreational experience.
Taruarau River: Preliminary Assessment Findings: Outstanding*subject to change
<p>The Taruarau River is in a near natural state, with impressive scenery, and is highly valued for trout fishing. The river fishes well all season and is highly used by anglers who live in Hawke’s Bay. The average weight of trout is around 1.5 kg, and some larger trophy trout are present. Evidence suggests the criteria in List A(a), List B(b) and List C are met</p> <p><u>Supporting evidence</u></p> <ul style="list-style-type: none"> • Local expert panel – outstanding recreation values – angling (2019) • National Angling Survey – River in top 3% of New Zealand Rivers most enjoyed by anglers • NIWA: Category A headwater trout fishery (2013)

1375. **Table 92. Taruarau River (kayaking)**

Kayaking (includes canoeing)
<p>Water body should be further investigated as providing an outstanding kayaking experience (amenity) where it meets:</p> <ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B. <p>List A</p> <ol style="list-style-type: none"> a) Variety of high quality kayaking experiences found in few other water bodies in the region. b) A specialised high quality kayaking experience found in few other water bodies in the region. <p>List B</p> <ol style="list-style-type: none"> a) The water body provides an outstanding kayaking experience which is reliable and predictable for most of the year under normal flows (i.e. the experience is not reliant on dam release water or high flows, or subject to low flows). b) Regional, national or international significance as an exceptional kayaking experience. c) High non-local usage (high numbers of participants come from outside of the area). d) Evidence is provided in support of an outstanding kayaking experience.
Taruarau River: Preliminary Assessment Findings: Not outstanding*subject to change
<p>The Taruarau River is known as a challenging Grade 4 whitewater run which is only suitable for experienced kayakers and rafters. The River is in a near natural state, with impressive scenery. However, to date, no literature has been found in support of the Taruarau River having outstanding kayaking values in a regional context. Evidence suggests Criteria from List A and List B are not met.</p> <p>NOTE: In 1981, the Taruarau River was assigned a ‘low’ rating for boating values. In 2012, the Taruarau River was identified as moderately significant in the Hawke’s Bay RiVAS assessments for whitewater kayaking. In 2019, the kayaking values associated with the Taruarau River were not mentioned by the Local Expert Panel.</p>

- (a) Retain Taruarau River in Schedule 25, albeit with amendments set out in Appendix 1.
- (b) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with the Taruarau River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26].
- (c) That the hearing panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.27 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) The local expert panel preliminary identified the Taruarau River as having outstanding cultural and spiritual values. In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Te Hoe River [ID #28]

Submission numbers

- 1376. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.28. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
- 1377. The following evaluation may not explicitly refer to every submission point, but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

- 1378. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.

1379. With respect to Te Hoe River, requests include:

- (a) Delete Te Hoe River from Schedule 25
- (b) Amend the 'outstanding' description for Te Hoe River to reference additional cultural and spiritual values identified by Hineuru Iwi Trust.

Evaluation

1380. Te Hoe River has been identified in Change 7 as having outstanding cultural and spiritual values.
1381. Te Hoe River is a major tributary of the Mohaka River. The Te Hoe gorge whilst not on the Mohaka mainstem is recognised in the Mohaka WCO as having outstanding scenic characteristics. By virtue of the Mohaka WCO, the gorge section of the Te Hoe River is an OWB for 2020 NPSFM purposes.
1382. The '*Te Hoe River - Summary of Values* report, referred to in Paragraph 37, contains a more detailed account of the values associated with the Te Hoe River.
1383. Cultural and spiritual values
1384. Ngāti Hineuru and Ngāti Pāhauwera have particular cultural, spiritual, historical and traditional associations with Te Hoe River.
1385. A tributary of the Mohaka River, Te Hoe River is a traditional boundary marker for Ngāti Hineuru. A number of significant sites are located along the length of the river, including a pa site at Ngatapa and wāhi tapu sites by the confluence of the Te Hoe and Mohaka.
1386. The river provided drinking water, was a source for spiritual cleansing and was considered to have healing properties. Hangi stones were gathered from this river, and it has abundant fish species, including tuna (eel), trout and the koura.
1387. Information reviewed during Phase 1 of the Change 7 development process (see Paragraph 119) indicates the water body contains the following key values:
- (a) Wāhi Tapu, Wāhi taonga
 - (b) Wai Tapu
 - (c) Mahinga kai, Pa tuna
 - (d) Pa, kāinga
 - (e) Rohe Boundary.
1388. The Hineuru Iwi Trust [Submitter #18] has provided additional information on the cultural and spiritual values associated with the Te Hoe River as part of their submission on Change 7. In particular, Hineuru Iwi Trust:
- (a) Identified the following key values associated with the Te Hoe River: 'waahi tapu, waahi taonga'; 'acknowledged in korero tuku iho (tauparapara)'; mahinga kai (maara kai (cultivations); fish, birds and vegetation food; food processing; drinking water; springs for washing purposes)'; 'pa, kainga (Ngatapa Pa and kainga)'; 'rohe boundary'; wai tapu (cleansing, healing, spiritual cleansing of tupapaku, ta moko)'; 'taniwha'; 'mauri'; 'contemporary esteem (matauranga; tikanga; kawa)'; 'travel or trade'; 'kaitiakitanga'; 'rangātiratanga'; 'whakawhanaungatanga'; and the 'outstanding description' for Te Hoe River be updated accordingly⁷⁵.
1389. The local expert panel found that the whole Mohaka system (including Te Hoe River) was outstanding for known cultural and spiritual values, and that it should be managed as an Outstanding Water Body along with the Upper Mohaka River above Willowflat.
1390. If Te Hoe River is retained in Schedule 25, it is recommended that its associated outstanding description is updated in accordance with the further information provided by the Hineuru Iwi Trust.
1391. Parts of Te Hoe River and its catchment fall within Ngāti Kahungunu Wairoa Taiwhenua Incorporated's area of interest.⁷⁶ Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] oppose Change 7 and have requested

⁷⁵ See Submission #18 for further details.

⁷⁶ Source www.tkm.govt.nz.

that all water bodies in the Wairoa District, both above and below ground, be identified as a single outstanding water body. This is further discussed in Paragraphs 463 to 470.

1392. Ecology (aquatic birds)

1393. Te Hoe River is in a highly natural state and supports a significant number of blue duck (whio), and high number of other native species.

1394. Most notably, Te Hoe River is a breeding site for the whio, supporting around 18% of the region's blue duck population, which is one of the two largest populations in Hawke's Bay (the other being supported by the Waiau River (also 18%)).

1395. The whio is an iconic species of waterbird, which were once widespread through New Zealand but are now extremely rare, with only 1,000 breeding pairs remaining. It is classified as endangered on the IUCN⁷⁷ red list and nationally vulnerable on the NZTCS (see Table 6 for descriptions).

1396. The local expert panel found Te Hoe River to have outstanding wildlife values, specifically noting the high numbers of whio in the greater catchment area.

1397. OWB identification screening framework

1398. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.

1399. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.

1400. A preliminary application of the 'OWB identification screening framework (regional)' to Te Hoe River has been carried out below. To be clear, these findings are preliminary and may change, depending on the extent to which the hearing panel refines the framework in accordance with feedback from submitters (see Paragraph (a)).

1401. **Table 93. Te Hoe River (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
a) The features are of outstanding significance to Māori on a region wide basis.
b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
c) Evidence is provided in support of outstanding features.
Te Hoe River - Preliminary Assessment Findings : TBC
Reporting officers have not made any preliminary findings with respect to the Te Hoe River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Hineuru Iwi Trust [Submitter number 18] and Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26] and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] during the Change 7 hearings.

1402. **Table 94. Te Hoe River (aquatic birds)**

Habitat for aquatic birds (native and migratory)
Water body should be further investigated as providing an outstanding habitat for aquatic birds where it meets:
<ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B.

⁷⁷ International Union for Conservation of Nature red list of threatened species.

List A

- a) One of the highest regional populations of a native aquatic bird species which is endangered, threatened or distinctive⁷⁸.
- b) One of the highest natural diversity of aquatic birds (native and migratory) in the region, which includes endangered or threatened species.

List B

- a) Evidence is provided in support of outstanding features.

Te Hoe River - Preliminary Assessment Findings: Outstanding*subject to change

Te Hoe River is in a highly natural state and supports 18% of the population of the endangered blue duck. This is one of the two biggest populations of whio in Hawke's Bay. Evidence suggests Criteria from List A(a) and List B is met.

Supporting evidence

Local expert panel: outstanding wildlife values (2019)

DOC survey data (2019)

Officers' preliminary recommendation**Te Hoe River [ID #28]****Report: 7.28**

- (a) Retain Te Hoe River in Schedule 25, albeit with amendments set out in Appendix 1.
- (b) Reporting officers have not made any preliminary findings with respect to cultural and spiritual values of Te Hoe River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Hineuru Iwi Trust [Submitter #18], Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], and Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26] during the Change 7 hearings.
- (c) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.28 for reasons including those set out below.

Reasons

- (a) The 2020 NPSFM's definition of an outstanding water body includes one identified in a Water Conservation Order. The Te Hoe gorge is recognised in the Mohaka WCO as an outstanding characteristic or feature.
- (b) An OWB identification screening framework using clear and transparent criteria will reduce confusion as to how the OWB in Schedule 25 were selected.
- (c) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.

⁷⁸ For WCO purposes, at least 5% of the national population (Rangitata River 2004).

- (d) The NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB as such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes.
- (e) The local expert panel preliminary identified Te Hoe River as having outstanding cultural and spiritual values, with the caveat that local hapū and marae would be better placed to assess all candidate water bodies.
- (f) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Te Paerahi River [ID #29]

Report: 7.29

Submission numbers

- 1403. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.29. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
- 1404. The following evaluation may not explicitly refer to every submission point, but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

- 1405. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
- 1406. With respect to Te Paerahi River requests include:
 - (a) Delete Te Paerahi River from Schedule 25.

Evaluation

- 1407. Te Paerahi River is identified in Change 7 as having outstanding cultural and spiritual values. It is situated near the Pōrangahau River.
- 1408. The *'Te Paerahi River - Summary of Values'* report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
- 1409. Cultural and spiritual values
- 1410. Te Paerahi River is a taonga of Ngāti Kere, located within the rohe of Heretaunga Tamatea hapū,
- 1411. No information on the cultural and spiritual values associated with Te Paerahi River was found during Phase 1 of the Change 7 development process (See Paragraph 119).
- 1412. Te Paerahi River was not one of the 42 water bodies nominated for assessment by the local expert panel. As such, the cultural and spiritual values associated with Te Paerahi River were not considered during this process.
- 1413. To date, no further information has been received describing the outstanding cultural and spiritual values associated with Te Paerahi River.
- 1414. OWB identification framework
- 1415. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.
- 1416. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.

1417. Reporting officers have applied the framework recommended in Paragraph 421 to Te Paerahi River. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables.

1418. **Table 95. Te Paerahi River (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
a) The features are of outstanding significance to Māori on a region wide basis.
b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
c) Evidence is provided in support of outstanding features.
Te Paerahi River - Preliminary Assessment Findings: TBC
Te Paerahi River is located within the rohe of Heretaunga Tamatea hapū. It is taonga of Ngāti Kere. Reporting officers have not made any preliminary findings with respect to Te Paerahi River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], during the hearing process.

Officers' preliminary recommendation	Report: 7.29
Te Paerahi River [ID #29]	

- (a) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with Te Paerahi River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26] during the hearing process.
- (b) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.29 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.

- (c) In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Te Whanganui a Orotū (Ahuriri Estuary) [ID #30]

Report: 7.30

Submission numbers

- 1419. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.30 Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
- 1420. The following evaluation may not explicitly refer to every submission point, but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

- 1421. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
- 1422. With respect to Te Whanganui a Orotū (Ahuriri Estuary) requests include:
 - (a) Delete Te Whanganui a Orotū (Ahuriri Estuary) from Schedule 25.
 - (b) Add the following new outstanding values: 'water for land use and farming; 'Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi'.
 - (c) Amend outstanding description to: acknowledge Hawke's Bay Airport and associated activities; define Ahuriri Hapū; delete reference to "Maungaharuru-Tangitu" and define Ahuriri hapū as the seven hapū of Ahuriri.
 - (d) Delete the outstanding geology value for Te Whanganui a Orotū (Ahuriri Estuary).

Evaluation

- 1423. Te Whanganui a Orotū (Ahuriri Estuary) is identified in Change 7 as having outstanding cultural, spiritual, ecology (for wildlife and native fish), landscape and geology values.
- 1424. Te Whanganui a Orotū is a significant wetland located next to the city of Napier. It provides a wide diversity of habitat and an extremely diverse range of ecological communities; all contained within a relatively small area and is listed as a Significant Conversation Area in the Regional Coastal Environment Plan.
- 1425. The '*Te Whanganui a Orotū (Ahuriri Estuary) - Summary of Values' report* referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
- 1426. Cultural and spiritual
- 1427. Three Treaty settlement entities have customary linkages to Te Whanganui-a-Orotū - Ahuriri Hapū, Ngāti Pāhauwera and Maungaharuru –Tangitū. In particular, Te Whanganui-a-Orotū:
 - (a) is a place of great cultural and spiritual significance to the Ahuriri apū. It is central to their existence and identity. Ahuriri hapū has a long history of settlement in Te Whanganui-a-Orotū; its significance is conveyed in song and story, reciting the names of ancestors, kaitiaki and events. It is named after the ancestor Te Orotū, who was a descendant of the great explorer and ancestor Māhu Tapoanui, who is the very beginning of the Ahuriri people.

- (b) was a significant mahinga kai for Ngāti Pāhauwera who regularly travelled from Mohaka to the Estuary. A Ngāti Pāhauwera pā and kāinga are located at the northern end of Te Whanganuia-Orotū and graves of Ngāti Pāhauwera ancestors are located on islands previously in Te Whanganui a Orotū.
 - (c) Maungaharuru Tangitū; the estuary was a vitally important fishing and resource-gathering area for hapū.
1428. The area around Te Whanganui-a-Orotū was a very important source of food and was heavily populated. Consequently, numerous sites of cultural, historic and archaeological significance are situated around what was its shoreline.
1429. From the earliest of times it was highly prized for its enormous food resources and its access to major river systems and forest areas. It was known as 'a place of abundance'. So greatly was it valued through the generations that songs were sung, poetry composed, and dances created in praise of its productiveness.
1430. Archaeological evidence confirms that Te Whanganui-a-Orotū was an important place to live. Excavations indicate settlement dates between the late fifteenth and early seventeenth centuries, with very early settlement on Roro o Kuri - somewhere between the twelfth and thirteenth centuries. Surrounding the harbour are 11 recorded pā, some extensive in size. Extensive middens exist in this area. It was the scene of many battles.
1431. The pā at Te Pakake was a communal gathering place in times of trouble. Ngāti Hinepare, Ngāti Mahu, Ngāti Parau, Ngāti Hawea and Ngāti Kurumokihī are all recorded as having occupied the pā when under threat of invasion. After the Waikato and Hauraki tribes attacked Te Pakake in 1824, the people of Heretaunga went into exile at Mahia peninsula. This invasion caused large scale devastation to the local people. They remained in exile until after the signing of the Treaty of Waitangi in 1840.
1432. Moremore is the kaitiaki of Te Whanganui-a-Orotū and known as the guardian of the people occupying the shores of Te Whanganui-a-Orotū who are his descendants. The appearance of Moremore warned people of dangers and reinforced the customs practiced by the old people. The law of Moremore was always observed.
1433. Information reviewed during Phase 1 of the Change 7 development process (see Paragraph 119) indicates the water body contains the following key values:
- (a) Wāhi Tapu, Wāhi taonga
 - (b) Wai Tapu
 - (c) Battle site
 - (d) Pa, kāinga
 - (e) Tauranga waka
 - (f) Mahinga kai, Pa tuna
 - (g) Acknowledged in korero tuku iho, pepeha, whakatauki, waiata.
1434. The local expert panel found the Te Whanganui a Orotū (Ahuriri Estuary) to have known outstanding cultural and spiritual values, specifically noting Rangātiratanga and Whakapapa.
1435. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], jointly submitted on Change 7 requesting 'Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi' be added as outstanding values to all estuaries, coastal lagoons and wetlands.
1436. If the Te Whanganui a Orotū (Ahuriri Estuary) is retained in Schedule 25, reporting officers recommend that further detail is provided around these values by these submitters and updated accordingly.
1437. Maungaharuru Tangitu Trust has requested that the 'outstanding description' for the Te Whanganui a Orotū River is amended to define Ahuriri hapū as the seven hapū of Ahuriri, (being Ngāti Parau, Ngāti Hinepare, Ngai Tawhao, Ngāti Mahu, Ngāti Matepu, Ngāti Marangatuhetaua and Ngai Te Ruruku) and delete reference to "Maungaharuru-Tangitu."
1438. If the Te Whanganui a Orotū is retained in Schedule 25, it is recommended that its associated outstanding description is updated in accordance with the further information provided by the Maungaharuru-Tangitu Trust [Submitter #22].

1439. Ecology values (aquatic birds)

1440. The Ahuriri Estuary has very important wildlife values, particularly as a feeding and resting area for over 70 species of aquatic birds, some of which are critically endangered and some which migrate every year from the Arctic. In particular, the Ahuriri Estuary:

- (a) supports the highest diversity of waterbirds in Hawke's Bay, including seven threatened species, three of which are nationally critical and close to extinction. It is a significant breeding ground for a number of endangered species.
- (b) is used by over 70 species of waterbirds, 17 of which migrate every year from the Arctic. Of particular note are the Australasian bittern, black billed gull, shore plover, which are classified as endangered on the IUCN red list, and Nationally Critical on the NZTCS.
- (c) is a vital summer feeding ground for migrating eastern bar-tailed godwits who migrate 12,000 km each year from Alaska, and the lesser knot who migrate from Siberia. Both species are classified as near threatened on the IUCN red list and Nationally Vulnerable on the NZTCS.
- (d) Supports high numbers of banded dotterel, Caspian tern (1% of the regional population), Australasian bittern (11% of the regional population)
- (e) Is partly located within a 160 hectare wildlife sanctuary.

1441. In 1996, the Ahuriri Estuary was identified as meeting the RAMSAR Sites Criteria, which identifies wetlands of international importance, partly for its diverse range of birds, some of which are globally threatened and its large population of Caspian tern.

1442. The local expert panel found the Ahuriri Estuary to have outstanding wildlife values and ecological function, specifically noting the threatened species present, the high numbers of Australasian bittern (11% of the regional population) and its importance as a feeding and breeding site for a diverse range of birds.

1443. Ecology values (native fish)

1444. Despite its degraded state, the Estuary has very important native fish values. It provides a diverse habitat and is recognised as the most important estuary in the region for fisheries production.

1445. The Ahuriri Estuary makes a significant contribution to Hawke's Bay marine fisheries by providing nursery and spawning habitats and feeding areas for species which migrate between freshwater and the sea.

1446. The estuary has been consistently identified as outstanding in a number of publications, specifically the Ahuriri Estuary:

- (a) supports the highest diversity of native fish in the region, with a significant number of native fish species relying on the area to breed and feed.
- (b) Meets the RAMSAR Sites Criteria (identifies wetlands of international importance), due to its diverse assemblage of fish species and its biologically important fish habitat, particularly as a breeding ground and nursery for a number of species of fish.
- (c) Is listed as a Significant Conservation Area in the Hawke's Bay Regional Coastal Environment Plan for its nationally significant fisheries habitat.
- (d) was under consideration for marine reserve status in the late 1980s.
- (e) identified as an outstanding 'wetland of national importance'.

1447. The local expert panel found the Ahuriri Estuary to have an outstanding ecological function, specifically noting the marine fish species nursery.

1448. Landscape and geology

1449. Historically, the Tutaekuri and Esk Rivers flowed into Te Whanganui a Orotu which was predominantly freshwater and significantly larger in size.

1450. In 1931, a magnitude 7.8 earthquake hit Hawke's Bay instantly lifting the land by 1 - 2 metres and exposing about 1300 hectares of the original Ahuriri Lagoon. As a result, the area has been significantly studied for its tectonic processes.

1451. The estuary's unique geological history means it has been extensively studied, it is consistently recognised in publications as being of national importance, specifically the Ahuriri Estuary:
- is identified as being Class B (nationally important) for its 1931 uplift, on the New Zealand Geopreservation Inventory
 - is identified as a Potential Water Body of National Importance for its geodiversity features.
 - Is listed as a Significant Conservation Area in the Hawke's Bay Regional Coastal Environment Plan for its uplifted channel fossils and tectonic processes.
1452. The local expert panel found the Ahuriri Estuary to have outstanding landscape values, specifically noting its 1931 earthquake uplift.
1453. Economic and productive use values
1454. For the reasons set out in Paragraphs 184 to 188, it is not recommended that 'water and land use for farming', or activities relating to the Hawke's Bay Airport be added as an outstanding values, or be referred to in the outstanding description of Te Whanganui a Orotū (Ahuriri Estuary).
1455. OWB identification screening framework
1456. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.
1457. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.
1458. Reporting officers have applied the framework recommended in Paragraph 421 to Te Whanganui a Orotū (Ahuriri Estuary), below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables.
1459. **Table 96. Te Whanganui a Orotū (Ahuriri Estuary) (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
<ol style="list-style-type: none"> The features are of outstanding significance to Māori on a region wide basis. The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody. Evidence is provided in support of outstanding features.
Te Whanganui a Orotū (Ahuriri Estuary) - Preliminary Assessment Findings: TBC
Reporting officers have not made any preliminary findings with respect to Te Whanganui a Orotū (Ahuriri Estuary). It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and the Maungaharuru-Tangitu Trust [Submitter #22] during the hearing process.

1460. **Table 97. Te Whanganui a Orotū (Ahuriri Estuary) (aquatic birds)**

Habitat for aquatic birds (native and migratory)
Water body should be further investigated as providing an outstanding habitat for aquatic birds where it meets:
<ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B.
List A
<ol style="list-style-type: none"> One of the highest regional populations of a native aquatic bird species which is endangered, threatened or distinctive⁷⁹.

⁷⁹ For WCO purposes, at least 5% of the national population (Rangitata River 2004).

- b) One of the highest natural diversity of aquatic birds (native and migratory) in the region, which includes endangered or threatened species.

List B

- a) Evidence is provided in support of outstanding features.

Te Whanganui a Orotū (Ahuriri Estuary): Preliminary Assessment Findings: Outstanding*subject to change

Te Whanganui a Orotū (Ahuriri Estuary) Highest diversity of waterbirds in the region. Supports 70 species, of which at least 7 are threatened and 2 endangered. The estuary supports an important population of Caspian tern and is an important wintering area for migratory shorebirds. Notable species include the Australasian bittern (11% of the regional population), Black billed gull, Caspian tern (1 % regional population), Shore plover, Banded dotterel, Wrybill plover, Lesser knot, New Zealand Dabchick, Eastern bar-tailed godwits. Evidence suggests the Criteria from List A(b) and List B are met.

Supporting evidence:

- Local Expert Panel Report - outstanding wildlife values (2019)
- RCEP – Ahuriri Estuary identified as a Significant Conservation Area for its nationally significant wildlife habitat (2006)
- DOC identify the area as meeting the RAMSAR criteria for wetlands of international importance for its wildlife values (1996)
- Designated as a wildlife sanctuary (1987)

1461. **Table 98. Te Whanganui a Orotū (Ahuriri Estuary) (native fish)**

Native fish habitat

Water body should be further investigated as providing an outstanding habitat for native fish where it meets:

- at least one matter in List A and
- all matters in List B.

List A

- a) A unique species or distinctive assemblage of native fish not found anywhere else in the region.
- b) Native fish that are landlocked and not affected by presence of introduced species.
- c) One of the highest diversities of native fish species in the region, which includes a threatened, endangered or distinctive species.
- d) An outstanding customary fishery.

List B

- a) Evidence is provided in support of outstanding native fish habitat value.

Te Whanganui a Orotū (Ahuriri Estuary): Preliminary Assessment Findings: Outstanding*subject to change

Te Whanganui ā Orotu (Ahuriri Estuary) supports the highest diversity of native fish in the region (29 species). The area is a biologically important fish habitat, an important breeding ground, nursery and feeding ground for a high number of species of fish. The area supports important traditional Māori fisheries including Shortfin eel, Kahawai, Grey mullet, Yellow-bellied, Flounder, Stargazer, Parore, Sand flounder, Common sole, Yellow-eyed mullet. Evidence suggests the Criteria from List A(c) and List B are met.

Supporting evidence:

- Local Expert Panel Report - outstanding native fish values (2019)
- RCEP – identified as a Significant Conservation Area for its nationally significant fisheries habitat (2006)
- DOC identifies the area as meeting the RAMSAR criteria for wetlands of international importance for its native fish values (1996)
- MAFFish – identified as outstanding in ‘wetlands of national importance publication’ (1987)
- Te Whanganui ā Orotu (Ahuriri Estuary) was considered for marine reserve status (1980)

1462. **Table 99. Te Whanganui a Orotū (Ahuriri Estuary) (landscape)**

Landscape (wild and scenic)
Water body should be further investigated as having outstanding wild and or scenic values where it meets all matters in List A.
List A
<ul style="list-style-type: none"> a) Waters are an essential component of the landscape. b) Waters have wild and or scenic values that contain distinctive qualities which 'stand out' and are present in few other water bodies in the region. c) Evidence is provided in support of outstanding wild or scenic values by way of an expert assessment or independent evidence sources.
Te Whanganui a Orotū (Ahuriri Estuary): Not outstanding* <small>subject to change</small>
In 2019, The Local Expert Panel identified the Ahuriri Estuary as having outstanding landscape values, citing the 1931 uplift. Limited information could be found discussing the landscape values associated with the Ahuriri Estuary as being outstanding in a regional content. Evidence suggests the Criteria from List A are not met.
NOTE: The Ahuriri Estuary is identified in the Napier District Plan as possessing significant landscape values in a district context.

1463. **Table 100. Te Whanganui a Orotū (Ahuriri Estuary) (geology)**

Geology
Water body should be further investigated as having outstanding geology values where it meets all matters in List A.
List A
<ul style="list-style-type: none"> a) The geomorphological, geological or hydrological feature is dependent on the water body's condition and functioning. b) The geology values are conspicuous, eminent and/or remarkable in the context of the Hawke's Bay Region. c) Evidence is provided in support of outstanding geology values by way of an expert assessment or independent evidence sources.
Te Whanganui a Orotū (Ahuriri Estuary) - Preliminary Assessment Findings: Outstanding* <small>subject to change</small>
In 1931, a magnitude 7.8 earthquake hit Hawke's Bay instantly lifting the land by 1 - 2 metres and exposing about 1300 hectares of the original Ahuriri Lagoon. The area is identified as Class B (nationally important) on the Geopreservation Inventory, for the Lagoon 1931 uplift which is recognised as a nationally important example of tectonic processes. Evidence suggests the Criteria from List A are met.
<u>Supporting evidence:</u>
<ul style="list-style-type: none"> • Local Expert Panel Report - outstanding landscape values - 1931 uplift (2019) • Geopreservation inventory – nationally important (2018) • Significant Conservation Area in the Hawke's Bay Regional Coastal Environment Plan for tectonic processes & uplifted channel fossils (2006) • Potential Water Body of National Importance - geodiversity features (2004)

Officers' preliminary recommendation

Te Whanganui ā Orotu (Ahuriri Estuary) [ID #30]

Report: 7.30

- (a) Retain Te Whanganui ā Orotu (Ahuriri Estuary) in Schedule 25, subject to amendments in Appendix 1.
- (b) Reporting officers have not made any preliminary findings with respect to cultural and spiritual values associated with Te Whanganui a Orotū (Ahuriri Estuary). It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] and Maungaharuru-Tangitu Trust [Submitter #22] during the hearing process.
- (c) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.30 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) The local expert panel preliminary identified the Te Whanganui ā Orotu (Ahuriri Estuary) as having outstanding cultural and spiritual values. In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Tukituki River & Estuary [ID #31]

Report: 7.31

Submission numbers

1464. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.31. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
1465. The following evaluation may not explicitly refer to every submission point, but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

1466. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
1467. With respect to the Tukituki River & Estuary requests include:
- (a) Delete the Tukituki River & Estuary from Schedule 25.
 - (b) Add the following new outstanding values for: 'water and land use for farming'; Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi'.
 - (c) State sections where outstanding values are present and limit the outstanding classification to these parts.
 - (d) Amend the 'outstanding' description to refer to 'Whakapapa o te wai', 'Ki Uta ki Tai', 'Hauora o te wai',

- (e) Retain the Tukituki River & Estuary in Schedule 25.

Evaluation

1468. The Tukituki River & Estuary is identified in Change 7 as having outstanding cultural, spiritual, ecology (for native water birds), landscape and geology values.
1469. The Tukituki River is a large gravel braided river system which rises in the Ruahine Ranges flowing into the sea 117 km later at Haumoana. It is one of two major rivers flowing across the Ruataniwha Plains.
1470. The '*Tukituki River & Estuary - Summary of Values*' report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
1471. Cultural and spiritual values
1472. The Tukituki River is significant for Heretaunga Tamatea hapū, lying at the heart of their spiritual and physical wellbeing. It is also significant to Ngāti Kahungunu Iwi Incorporated. It is a tupuna awa (ancestral river), integral to the web of whakapapa connections shared by the different hapū along its banks.
1473. The story telling of the river's creation begins with two taniwha living in a lake on the Ruataniwha Plains. When a boy fell into the lake, the two taniwha fought for the prey, in the process destroying the landscape and creating breaks in the hills which resulted in channels draining the lake away, one of which was the Tukituki River, the other being the Waipawa.
1474. There is evidence of at least 7-8 centuries of occupation by Māori, making this area one of the earliest settled. The river was traditionally used as a highway connecting whanau to each other, to their gardens, to trade links, to their pā sites, to wāhi tapu and to their wai tupuna. Much of the river was navigable for canoes over winter, and it was the main transport route through Heretaunga. The river mouth was renowned for the abundance of fish species, including kahawai, patiki, kanae, kataha, kokopu, inanga and tuna.
1475. Information reviewed during Phase 1 of the Change 7 development process (see Paragraph 119) indicates the water body contains the following key values:
- (a) Wāhi Tapu, Wāhi taonga
 - (b) Rohe Boundary
 - (c) Battle site
 - (d) Pa, kāinga
 - (e) Mahinga kai, Pa tuna
 - (f) Acknowledged in korero tuku iho, pepeha, whakatauki, waiata.
1476. The local expert panel found that the Tukituki River contained known outstanding cultural and spiritual values, specifically noting Wairuatanga, Rangātiratanga, Mātauranga Māori, Whakapapa and ecology from a cultural perspective.
1477. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], jointly submitted on Change 7 requesting
- (a) that the outstanding value description for the Tukituki River and Estuary refer to 'Whakapapa o te wai', 'Ki Uta ki Tai' and 'Hauora o te wai'.
 - (b) That 'Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi' be added as outstanding values to all estuaries, coastal lagoons and wetlands.
1478. If the Panel, after deliberating on submissions and evidence presented to it at the hearing, concludes that the Tukituki River and Estuary is to be retained in Schedule 25 for its outstanding value(s), the Reporting officers recommend that its associated outstanding description is updated in accordance with the further information provided by submitters.
1479. Ecology values (aquatic birds)
1480. The Tukituki River is a large, 145 km long braided river system which has significant wildlife values despite being significantly modified in parts by flood control works and suffering from algae blooms during the summer months. Notably, the Tukituki River contains the largest population of wading birds in Hawke's Bay.

1481. The braided river habitat of the Tukituki River is a rare habitat type internationally, more common nationally, with around 85 braided rivers across New Zealand, and 4 braided rivers in Hawke’s Bay.
1482. Part of the Tukituki River is located within a wildlife refuge which runs for approximately 342 hectares upstream of the Tukituki Bridge. The Estuary is listed as a Significant Conversation Area in the Regional Coastal Environment Plan, where it is identified as containing high wildlife values.
1483. In total, the Tukituki River supports around 51 species of waterbirds (43 recorded at the river mouth), including the black billed gull, Australasian bittern, royal spoonbill, Caspian tern, reef heron, black-fronted tern, and large populations of banded dotterel and pied stilt. Around 2% of the regions’ blue duck population exist its upper reaches.
1484. In the 1980s, riverbed surveys found around 50% and 55% of the regional population of pied stilt and banded dotterel, located at the river, respectively. Both species are recorded as ‘least concern’ on the IUCN red list, with the banded dotterel classified as nationally vulnerable on the NZTCS.
1485. In 2017, a black-billed gull colony of more than 300 nests was found at the Tukituki River mouth. The black billed gull is endemic to New Zealand and regarded as ‘the most threatened gull species in the world’ and classified as endangered on the IUCN red list and nationally critical on the NZTCS (See Table 6 for descriptions).
1486. In 2012, Hawke’s Bay RiVAS assessments for native birdlife concluded the lower Tukituki River was nationally significant for native birdlife. Out of the 38 river segments assessed for native birdlife, the lower Tukituki River was the only river segment within the region to be classed as nationally significant.
1487. The local expert panel found the Tukituki River to have outstanding wildlife values and an outstanding ecological function, specifically noting the threatened species present and the high numbers of banded dotterel.

Landscape and geology values

1488. The Tukituki River is a large braided river system that runs across the Ruataniwha Plains. Long lengths of the Tukituki River have been modified for flood control works.
1489. The scenic values of the Tukituki River have been assessed in the past on several occasions. In 1979, it was assigned an interesting⁸⁰ rating in 64 New Zealand Rivers, and in 1981 it was assigned a picturesque⁸¹ rating for its scenic values in the New Zealand Recreational River Study.
1490. In 1986, the Tukituki River was placed on ‘Group Two’ on the Government’s list of rivers and lakes deserving protection, for its scenic and recreation qualities. In 2012, the Tukituki River was identified as nationally significant in the Hawke’s Bay RiVAS assessments for natural character, along with 14 other reaches of river in Hawke’s Bay.
1491. The Te Mata Peak Hog back, specifically its impressive limestone ridge, is identified on the Geopreservation Inventory, as being Class C (regionally important), along with 89 other features in Hawke’s Bay. For clarification, the Tukituki River itself does not feature on the Geopreservation Inventory.
1492. The local expert panel found the Tukituki River to have outstanding landscape values, specifically noting the Tukituki River is an iconic Hawke’s Bay river landscape.

Economic and productive use values

1494. For the reasons set out in Paragraphs 184 to 188, it is not recommended that any economic and productive use values be added as an outstanding values to the Tukituki River and Estuary.

OWB identification screening framework

1496. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.

⁸⁰ Scenic values graded on a five point scale: dull, ordinary, interesting, impressive, exceptional.

⁸¹ Scenic values graded on a six point scale: dull, uninspiring, moderate, picturesque, impressive, exceptional.

1497. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.
1498. Reporting officers have applied the framework recommended in Paragraph 421 to the Tukituki River and Estuary, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables. For clarification, where the screening framework does not include identified outstanding values, Reporting officers have relied on the findings of existing literature when making their preliminary recommendations.
1499. **Table 101. Tukituki River and Estuary (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
a) The features are of outstanding significance to Māori on a region wide basis.
b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
c) Evidence is provided in support of outstanding features.
Tukituki River and Estuary - Preliminary Assessment Findings: TBC
Reporting officers have not made any preliminary findings with respect to the Tukituki River and Estuary. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], during the hearing process.

1500. **Table 102. Tukituki River and Estuary (aquatic birds)**

Habitat for aquatic birds (native and migratory)
Water body should be further investigated as providing an outstanding habitat for aquatic birds where it meets: <ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B.
List A
a) One of the highest regional populations of a native aquatic bird species which is endangered, threatened or distinctive ⁸² .
b) One of the highest natural diversity of aquatic birds (native and migratory) in the region, which includes endangered or threatened species.
List B
a) Evidence is provided in support of outstanding features.
Tukituki River and Estuary - Preliminary Assessment Findings: Outstanding*subject to change
The Lower Tukituki River and Estuary area supports a high population of wading birds, including 7 threatened species in Hawke's Bay, and has significant regional populations of black fronted tern, banded dotterel and pied stilt. In the 1980s, the area supported the largest populations of: wading birds, Banded dotterel and pied stilt in Hawke's Bay. Evidence suggests criteria from List A(b) and List B are met.
<u>Supporting evidence</u>
<ul style="list-style-type: none"> • Local expert panel: outstanding wildlife values (2019) • RiVAS assessments – Lower River nationally significant for native birdlife (2012) • RCEP – Tukituki River mouth identified as a significant conservation area for wildlife values (2006) • NZ wildlife service – identifies Tukituki River as having high importance for wildlife due to high numbers of waders & black billed gulls (1984) • 1986 Surveys confirm largest population of: waders gulls, black billed gulls and banded dotterel in Hawke's Bay • Part of Tukituki River designed as a wildlife refuge (1967)

⁸² For WCO purposes, at least 5% of the national population (Rangitata River 2004).

1501. **Table 103. Tukituki River and Estuary (landscape)**

Landscape (wild and scenic)
<p>Water body should be further investigated as having outstanding wild and or scenic values where it meets all matters in List A.</p> <p>List A</p> <ul style="list-style-type: none"> a) Waters are an essential component of the landscape. b) Waters have wild and or scenic values that contain distinctive qualities which 'stand out' and are present in few other water bodies in the region. c) Evidence is provided in support of outstanding wild or scenic values by way of an expert assessment or independent evidence sources.
Tukituki River and Estuary - Preliminary Assessment Findings: Not outstanding*subject to change
<p>The Tukituki River is a large braided river system that runs across the Ruataniwha Plains. In 2019, the local expert panel found the Tukituki River to have outstanding landscape values, citing the Waipawa river alluvial terraces, and the Te Mata Peak limestone ridge (iconic Hawke's Bay river landscape).</p> <p>While the Te Mata Peak limestone ridge adds to the landscape values associated with the Tukituki River, limited information could be found discussing the Tukituki River itself as being outstanding in a regional content. Evidence suggests the Criteria from List A are not met.</p> <p>NOTE: In 1979, it was assigned an interesting rating in 64 New Zealand Rivers, and in 1981 it was assigned a picturesque rating for its scenic values in the New Zealand Recreational River Study. In 1986, the Tukituki River was placed on 'Group Two' on the Governments list of rivers and lakes deserving protection, for its scenic and recreation qualities. The Te Mata Peak Hog back, specifically its impressive limestone ridge, is identified on the Geopreservation Inventory, as being Class C (regionally important), along with 89 other features in Hawke's Bay. For clarification, the Tukituki River itself does not feature on the Geopreservation Inventory.</p>

1502. **Table 104. Tukituki River and Estuary (geology)**

Geology
<p>Water body should be further investigated as having outstanding geology values where it meets all matters in List A.</p> <p>List A</p> <ul style="list-style-type: none"> (a) The geomorphological, geological or hydrological feature is dependent on the water body's condition and functioning. (b) The geology values are conspicuous, eminent and/or remarkable in the context of the Hawke's Bay Region. (c) Evidence is provided in support of outstanding geology values by way of an expert assessment or independent evidence sources.
Tukituki River and Estuary : Preliminary Assessment Findings: Not outstanding*subject to change
<p>The Tukituki River does not feature on the Geopreservation Inventory. Limited information could be found on the geological features associated with the Tukituki River and Estuary. Evidence suggests the Criteria from List A are not met.</p>

Officers' preliminary recommendation

Tukituki River and Estuary [ID #31]

Report: 7.31

- (a) Retain Tukituki River and Estuary in Schedule 25, albeit with amendments set out in Appendix 1.
- (b) Reporting officers have not made any preliminary findings with respect to cultural and spiritual values associated with the Tukituki River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26].
- (c) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.31 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) The local expert panel preliminary identified the Tukituki River (including Ruataniwha Aquifer, Waipawa River and Estuary) as having outstanding cultural and spiritual values. In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (d) Water bodies that are not included as part of Change 7 due to lack of information available at this point in time, can be re-assessed for their 'outstandingness' at a later date after further information and data has been collected. For those water bodies where some information is available, then having applied the OWB Screening Framework, the evidence suggests that the relevant criteria are not met for particular values being outstanding on a regional basis.
- (e) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Tūtaekurī River [ID #32]

Report: 7.32

Submission numbers

- 1503. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.32. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
- 1504. The following evaluation may not explicitly refer to every submission point, but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

- 1505. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
- 1506. With respect to the Tūtaekurī River requests include:
 - (a) Delete the Tūtaekurī River from Schedule 25.
 - (b) Delete the outstanding values of 'ecology' for the Tūtaekurī River

- (c) Add the following new outstanding values: 'water and land use for farming'; 'Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi'.
- (d) State sections where outstanding values are present and limit the outstanding classification to these parts.
- (e) Retain the Tūtaekurī River in Schedule 25.

Evaluation

1507. The Tūtaekurī River is identified in Change 7 as having outstanding ecology (for macroinvertebrates), cultural and spiritual values.
1508. The Tūtaekurī River rises in the Kaweka Ranges, around 50 kilometres northeast of Taihape. It is approximately 100 kilometres long and flows over the Heretaunga Plains where it now joins the Ngaruroro River and flows out to sea through the Waitangi Estuary.
1509. The '*Tūtaekurī River - Summary of Values*' report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
1510. Cultural and spiritual
1511. The Tūtaekurī River is one of the four main water bodies in Te Matau a Māui Tikitiki-a-Taranga, Hawke's Bay. It is of importance to Heretaunga Tamatea hapū, Mana Ahuriri and Ngāti Kuhungunu, who all share significant ancestral, spiritual and physical links with the river. It forms part of the rohe boundary between Heretaunga and Ahuriri.
1512. The river takes its name from an incident about 400 years ago when a group of people from Wairoa who had travelled south to Pōrangahau seeking food, but found none, were on their return trip. Hikawera fed these starving wanderers at Te Umukuri (named for the ovens that cooked the dogs), killing 70 of his dogs and then disposing of their offal in the river (hence the river's name). The river was re-named the Tūtaekurī in honour of this event.
1513. Prior to the 1931 Hawke's Bay earthquake, the Tūtaekurī River flowed into the southern end of Te Whanganui o Orotū/ Ahuriri Estuary. It now flows into the ocean just to the north of the Ngaruroro River. The river's ancient pathway to the estuary has been channelised beside Riverbend Road and Douglas McLean Avenue in Napier.
1514. The river provided a major transport route into Mokai Patea (Taihape) and beyond. River resources included inanga (whitebait), ngaore, kakahi and raupo.
1515. Information reviewed during Phase 1 of the Change 7 development process (see Paragraph 119) indicates the water body contains the following key values:
- (a) Wāhi Tapu, Wāhi taonga
 - (b) Rohe Boundary
 - (c) Battle site
 - (d) Pa, kāinga
 - (e) Mahinga kai, Pa tuna
 - (f) Acknowledged in korero tuku iho, pepeha, whakatauki, waiata.
1516. The local expert panel did not find the Tūtaekurī River to have outstanding cultural and spiritual values, noting that further cultural assessment is needed.
1517. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], jointly submitted on Change 7 requesting 'Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi' be added as outstanding values to all estuaries, coastal lagoons and wetlands.
1518. If the Panel, after deliberating on submissions and evidence presented to it at the hearing, concludes that the Tūtaekurī River is to be retained in Schedule 25 for its outstanding value(s), the Reporting officers recommend that its associated outstanding description is updated in accordance with the further information provided by submitters.

1519. Ecology values (macroinvertebrates)

1520. Aquatic macroinvertebrates occupy a key place in aquatic ecosystems by converting leaves, algae and bacteria on the riverbed into food for fish and birds, keeping the river healthy and clean in the process. They also have an intrinsic biodiversity value as a species, with New Zealand's macroinvertebrate fauna characterised by its high rate of endemism.

1521. Macroinvertebrates provide a useful measure of water quality, habitat condition and overall health of a river. Sampling is routinely carried out in rivers across the region, with each river assigned a macroinvertebrate community index (MCI) score. Generally, the higher the MCI, the better the health of the macroinvertebrate community and the better the health of the river⁸³.

1522. The health of the macroinvertebrate communities in the Tūtaekurī River has been measured⁸⁴ as follows:

- (a) 128 MCI at Lawrence Hut
- (b) 107 MCI Upstream of Mangaone River
- (c) 88 MCI at Puketapu
- (d) 86 MCI Brookfields Bridge.

1523. The local expert panel did not discuss the macroinvertebrate communities associated within the Tūtaekurī River in their final report.

1524. Economic and productive use values

1525. For the reasons set out in Paragraphs 184 to 188, it is not recommended that 'water and land use for farming' be added as an outstanding values to the Tūtaekurī River.

1526. OWB identification framework

1527. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.

1528. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.

1529. Reporting officers have applied the framework recommended in Paragraph 421 to the Tūtaekurī River, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables. For clarification, where the screening framework does not include identified outstanding values, Reporting officers have relied on the findings of existing literature when making their preliminary recommendations.

1530. **Table 105. Tūtaekurī River (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
a) The features are of outstanding significance to Māori on a region wide basis.
b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
c) Evidence is provided in support of outstanding features.
Tūtaekurī River - Preliminary Assessment Findings: TBC
Reporting officers have not made any preliminary findings with respect to the Tūtaekurī River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], during the hearing process.

⁸³ The MCI indicates enrichment or pollution, responding to an interacting complex of environmental variables like habitat or flow condition over time. It is not an indicator for biodiversity.

⁸⁴ MCI score is the 5 year median value (2009-2013)

1531. **Table 106. Tūtaekurī River (macroinvertebrates)**

Macroinvertebrates
The framework set out in Paragraph 421 does not include screening criteria for 'macroinvertebrates' values. As such, reporting officers have relied on the findings set out in existing literature when making their preliminary recommendations.
Tūtaekurī River - Preliminary Assessment Findings: Outstanding* <small>subject to change</small>
The health of the macroinvertebrate communities in the Tūtaekurī River at Lawrence Hut excellent. This section of river has an MCI of 127.8 which indicates the water body has pristine water quality. Evidence suggests this section of water body is outstanding for macroinvertebrates in a regional context.
<u>Supporting evidence</u> HBRC Monitoring data (MCI score is the 5 year median value (2009-2013))

Officers' preliminary recommendation	Report: 7.32
Tūtaekurī River [ID #32]	

- (a) Retain the Tūtaekurī River in Schedule 25, albeit with amendments set out in Appendix 1.
- (b) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with the Tūtaekurī River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26].
- (c) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.32 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Submission numbers

1532. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.33. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
1533. The following evaluation may not explicitly refer to every submission point, but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

1534. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
1535. With respect to the Waiau River requests include:
- (a) Delete the Waiau River from Schedule 25.

Evaluation

1536. The Waiau River is identified in Change 7 as having outstanding ecology (for native water birds), cultural and spiritual values.
1537. The Waiau River flows through the native bush of Te Urewera, in its upper reaches, passing open farm land in its middle and lower reaches.
1538. The '*Waiau River - Summary of Values*' report referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
1539. Cultural and spiritual values
1540. The Waiau River has spiritual significance for Te Rohe o Te Wairoa, Ngāti Pāhauwera and Ngāti Ruapuni ki Waikaremoana. The river forms part of the traditional boundary of Ngāti Pāhauwera.
1541. The river adjoins a wāhi tapu site which is significant as being the place where Tamaterangi collected hangi stones after his defeat at Opuku.
1542. The river provides a valuable source of water, food, transport and trade. It was particularly significant as a transport route from Waikaremoana to Te Moananui a Kiwa (the Pacific Ocean).
1543. Information reviewed during Phase 1 of the Change 7 development process (see Paragraph 119) indicates the water body contains the following key values:
- (a) Wāhi Tapu, Wāhi taonga
 - (b) Rohe Boundary
 - (c) Mahinga kai, Pa tuna.
1544. The local expert panel did not find the Waiau River to have outstanding cultural and spiritual values, noting that further cultural assessment was needed.
1545. Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] oppose Change 7 and have requested that all water bodies in the Wairoa District, both above and below ground, be identified as a single outstanding water body. This is further discussed in Paragraphs 463 to 470.
1546. Ecology (aquatic birds)
1547. The Waiau River is notable for its blue duck population, with its upper reaches supporting around 18% of the region's blue duck population. This is one of the two largest populations in Hawke's Bay (the other being supported by Te Hoe River (also 18%)).

1548. The whio is an iconic species of waterbird, which were once widespread through New Zealand with the NZ birds online advising only 1000 breeding pairs remain. It is classified as endangered on the IUCN⁸⁵ red list and nationally vulnerable on the NZTCS (see Table 6 for descriptions).
1549. The local expert panel found the Waiau River (above Matuku Stream) to have outstanding wildlife values and outstanding ecological function, specifically noting the high numbers of blue duck in the greater catchment area and the area significance for native birds.
1550. OWB identification framework
1551. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.
1552. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.
1553. Reporting officers have applied the framework recommended in Paragraph 421 to the Waiau River, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables.
1554. **Table 107. Waiau River (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
<ul style="list-style-type: none"> a) The features are of outstanding significance to Māori on a region wide basis. b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody. c) Evidence is provided in support of outstanding features.
Waiau River - Preliminary Assessment Findings: TBC
Reporting officers have not made any preliminary findings with respect to Waiau River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26] and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] during the hearing process.

1555. **Table 108. Waiau River (aquatic birds)**

Habitat for aquatic birds (native and migratory)
Water body should be further investigated as providing an outstanding habitat for aquatic birds where it meets:
<ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B.
List A
<ul style="list-style-type: none"> a) One of the highest regional populations of a native aquatic bird species which is endangered, threatened or distinctive⁸⁶. b) One of the highest natural diversity of aquatic birds (native and migratory) in the region, which includes endangered or threatened species.
List B
<ul style="list-style-type: none"> a) Evidence is provided in support of outstanding features.

⁸⁵ International Union for Conservation of Nature red list of threatened species.

⁸⁶ For WCO purposes, at least 5% of the national population (Rangitata River 2004).

Waiau River : Preliminary Assessment Findings : Outstanding^{subject to change}

The Waiau River is in a highly natural state and supports 18% of the region's population of the endangered blue duck. This is one of the two biggest populations of who in Hawke's Bay. Evidence suggests Criteria from List A(a) and List B is met.

Supporting evidence

Local expert panel: outstanding wildlife values (Waiau River above Matuku_Stream) (2019)
DOC survey data (2019)

Officers' Preliminary recommendation

Waiau River [ID #33]

Report: 7.33

- (a) Retain the Waiau River in Schedule 25, subject to amendments in Appendix 1.
- (b) Reporting officers have not made any preliminary findings with respect to cultural and spiritual values associated with the Waiau River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26] and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] during the hearing process.
- (c) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.33 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Submission numbers

1556. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.34. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
1557. The following evaluation may not explicitly refer to every submission point, but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

1558. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
1559. With respect to the Waihua River requests include:
- (a) Delete the Waihua River from Schedule 25.

Evaluation

1560. The Waihua River is identified in Change 7 as having outstanding cultural and spiritual values.
1561. The Waihua River drains a small catchment of 160 km² near Wairoa that includes pasture and exotic forest. The river is popular for fishing, particularly whitebait and kakahi. It is also open to commercial eeling.
1562. The '*Waihua River - Summary of Values*' report referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
1563. Cultural and spiritual values
1564. The Waihua River is significant to Ngāti Pāhauwera as taonga and the mauri of their spiritual and material wellbeing and as a traditional boundary.
1565. The river is important, both culturally and commercially, including for mahinga kai, with important fishing and eeling spots, as well as shellfish beds.
1566. Information reviewed during Phase 1 of the Change 7 development process (see Paragraph 119) indicates the water body contains the following key values:
- (a) Wāhi Tapu, Wāhi taonga
 - (b) Rohe Boundary
 - (c) Mahinga kai, Pa tuna.
1567. The local expert panel did not find the Waihua River to have outstanding cultural and spiritual values, noting that further cultural assessment was needed.
1568. Virtually all of the Waihua River and its catchment fall within Ngāti Kahungunu Wairoa Taiwhenua Incorporated's area of interest.⁸⁷ Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] oppose Change 7 and have requested that all water bodies in the Wairoa District, both above and below ground, be identified as a single outstanding water body. This is further discussed in Paragraphs 463 to 470.
1569. OWB identification framework
1570. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.
1571. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.

⁸⁷ Source www.tkm.govt.nz

1572. Reporting officers have applied the framework recommended in Paragraph 421 to the Waihua River, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables.

1573. **Table 109. Waihua River (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
a) The features are of outstanding significance to Māori on a region wide basis.
b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
c) Evidence is provided in support of outstanding features.
Waihua River - Preliminary Assessment Findings : TBC
Reporting officers have not made any preliminary findings with respect to Waihua River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.

Officers' Preliminary recommendation

Waihua River [ID #34]

Report: 7.34

- (a) Reporting officers have not made any preliminary findings with respect to cultural and spiritual values associated with the Waihua River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] during the hearing process.
- (b) That the hearing panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.34 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.

- (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Waikaretaheke River [ID #35]

Report: 7.35

Submission numbers

1574. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.35. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
1575. The following evaluation may not explicitly refer to every submission point, but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

1576. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
1577. With respect to the Waikaretaheke River requests include:
- (a) Delete the Waikaretaheke River from Schedule 25.
 - (b) Add a new outstanding value for the Waikaremoana Power Scheme.
 - (c) Amend the outstanding values description to refer to its cultural and spiritual values, water clarity and whitewater kayaking competitions.
 - (d) Retain the Waikaretaheke River in Schedule 25.

Evaluation

1578. The Waikaretaheke River is identified in Change 7 as having outstanding cultural and spiritual values.
1579. Lake Waikaremoana runs into the Waikaretaheke River, which flows southeast to reach the Waiau River 20 kilometres northwest of Wairoa.
1580. The '*Waikaretaheke River - Summary of Values*' report referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
1581. Cultural and spiritual values
1582. The Waikaretaheke River is of spiritual significance to the iwi and hapū of Te Rohe o Te Wairoa, for Ngāti Ruapuni ki Waikaremoana, and Ngāi Tūhoe.
1583. The creation story for the river is linked with the taniwha, Haumapuhia, and the creation of Lake Waikaremoana. It is the longest river within the rohe of Ngāti Ruapuni.
1584. Traditionally, this river was an important source of tuna (eels), korokoro and inanga (whitebait), and was also used for transportation by Ngāti Kahungunu.
1585. Information reviewed during Phase 1 of the Change 7 development process (see Paragraph 119) indicates the water body contains the following key values:
- (a) Battle site
 - (b) Mahinga kai, Pa tuna
 - (c) Acknowledged in korero tuku iho, pepeha, whakatauki, waiata.
1586. Audrey Jones [Submitter #21] requested that the outstanding description for the Waikaretaheke River be amended to note that the river is extremely important culturally and spiritually to local iwi.

1587. The local expert panel did not find the Waikaretaheke River to have outstanding cultural and spiritual values, noting that further cultural assessment was needed.
1588. The Waikaremoana Tribal Authority [Submitter #40] opposes the inclusion of the Waikaretaheke River in Proposed Change 7. The Waikaremoana Tribal Authority represents the marae and hapū of Waikaremoana and the whānau that whakapapa to them.
1589. The Waikaretaheke River and its catchment fall within Ngāti Kahungunu Wairoa Taiwhenua Incorporated's area of interest.⁸⁸ Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] oppose Change 7 and have requested that all water bodies in the Wairoa District, both above and below ground, be identified as a single outstanding water body. This is further discussed in Paragraphs 463 to 470.
1590. Economic and productive use values
1591. For the reasons set out in Paragraphs 184 to 188, it is not recommended that 'Waikaremoana Power Scheme' be added as an outstanding values to the Lake Waikaremoana and associated river network including the Waikaretaheke River.
1592. OWB identification framework
1593. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.
1594. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.
1595. Reporting officers have applied the framework recommended in Paragraph 421 to the Waikaretaheke River, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables.
1596. **Table 110. Waikaretaheke River (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual

Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.

List A

- a) The features are of outstanding significance to Māori on a region wide basis.
- b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
- c) Evidence is provided in support of outstanding features.

Waikaretaheke River - Preliminary Assessment Findings : TBC

The Waikaremoana Tribal Authority [Submitter #40] opposes the inclusion of the Waikaretaheke River in Change 7. The Waikaremoana Tribal Authority represents the marae and hapū of Waikaremoana and the whānau that whakapapa to them.

Reporting officers have not made any preliminary findings with respect to the Waikaretaheke River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from The Waikaremoana Tribal Authority [Submitter #40] and Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and Audrey Jones [Submitter #21] during the hearing process.

⁸⁸ Source www.tkm.govt.nz

Officers' Preliminary recommendation
Waikaretaheke River [ID #35]

Report: 7.35

- (a) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with the Waikaretaheke River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from The Waikaremoana Tribal Authority [Submitter #40], and Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], during the Change 7 hearing process.
- (b) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.35 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Waipawa River [ID #36]

Report: 7.36

Submission numbers

- 1597. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.36. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
- 1598. The following evaluation may not explicitly refer to every submission point, but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

- 1599. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.

1600. With respect to the Waipawa River, requests include:
- (a) Delete the Waipawa River from Schedule 25.
 - (b) Amend the 'outstanding' description for the Waipawa River to refer to 'Whakapapa o te wai', 'Ki Uta ki Tai', 'Hauora o te wai', 'muriwaihou'.

Evaluation

1601. The Waipawa River is identified in Change 7 as having outstanding cultural and spiritual values.
1602. The Waipawa River is a tributary of the Tukituki River. The river is a vast gravel braided river system which is hydraulically connected to the Ruataniwha aquifer.
1603. The '*Waipawa River - Summary of Values*' report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
1604. Cultural and spiritual values
1605. The Waipawa River is significant for Heretaunga Tamatea hapū.
1606. The story telling of the river's creation begins with two taniwha living in a lake on the Ruataniwha Plains. When a boy fell into the lake, the two taniwha fought for the prey, in the process destroying the landscape and creating breaks in the hills which resulted in channels draining the lake away, one of which was the Waipawa River, the other being the Tukituki River.
1607. The Waipawa is significant as a boundary, for its resources and for the access inland that it provided. Resources included tuna, pātiki, freshwater koura, water cress and īnanga.
1608. Information reviewed, during Phase 1 of the Change 7 development process (See Paragraph 119), indicates the water body contains the following key values:
- (a) Wāhi Tapu, Wāhi taonga
 - (b) Rohe Boundary
 - (c) Pa, kāinga
 - (d) Mahinga kai, Pa tuna
 - (e) Acknowledged in korero tuku iho, pepeha, whakatauki, waiata.
1609. The local expert panel found that the Waipawa River contained known outstanding cultural and spiritual values, specifically noting mātauranga Māori, spiritual connection and ecology from a cultural perspective.
1610. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], jointly submitted on Change 7 requesting that the 'outstanding' description for the Waipawa River be updated to refer to 'Whakapapa o te wai', 'Ki Uta ki Tai', 'Hauora o te wai', 'muriwaihou'.
1611. If the Panel, after deliberating on submissions and evidence presented to it at the hearing, concludes that the Waipawa River is to be retained in Schedule 25 for its outstanding value(s), the Reporting officers recommend that its associated outstanding description is updated in accordance with the further information provided by submitters.
1612. OWB identification framework
1613. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.
1614. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.
1615. Reporting officers have applied the framework recommended in Paragraph 421 to the Waipawa River, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables.

1616. **Table 111. Waipawa River (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
d) The features are of outstanding significance to Māori on a region wide basis.
e) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
f) Evidence is provided in support of outstanding features.
Waipawa River - Preliminary Assessment Findings : TBC
Reporting officers have not made any preliminary findings with respect to Waipawa River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], during the hearing process.

Officers' preliminary recommendation	
Waipawa River [ID #36]	Report: 7.36

- (a) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with Waipawa River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26] during the hearing process.
- (b) That the hearing panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.36 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) The local expert panel preliminary identified the Tukituki River (including Ruataniwha Aquifer, Waipawa River and Estuary) as having outstanding cultural and spiritual values. In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.

- (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Waipunga River

Report: 7.37

Submission numbers

1617. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.37. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
1618. The following evaluation may not explicitly refer to every submission point, but officers have considered each submission point before making their preliminary recommendations.

Submitter requests

1619. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
1620. With respect to the Waipunga River requests include:
- (a) Delete the Waipunga River from Schedule 25.
 - (b) Add the outstanding values of 'ecology' for the Waipunga River
 - (c) Retain the Waipunga River in Schedule 25.

Evaluation

1621. The Waipunga River is identified in Change 7 as having outstanding ecology (for macroinvertebrates), cultural and spiritual values.
1622. The Waipunga River is a tributary of the Mohaka River, located between Taupō and Napier.
1623. The '*Waipunga River - Summary of Values*' report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
1624. Cultural and spiritual
1625. Information reviewed during Phase 1 of the Change 7 development process (see Paragraph 119) indicates the water body contains the following key values:
- (a) Wāhi Tapu, Wāhi taonga
 - (b) Wai Tapu
 - (c) Pa, kāinga
 - (d) Mahinga kai, Pa tuna
 - (e) Rohe Boundary.
1626. The local expert panel found that the Waipunga River contained known outstanding cultural and spiritual values.
1627. Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] oppose Change 7 and have requested that all water bodies in the Wairoa District, both above and below ground, be identified as a single outstanding water body. This is further discussed in Paragraphs 463 to 470.

1628. Ecology values (macroinvertebrates)

1629. Aquatic macroinvertebrates occupy a key place in aquatic ecosystems by converting leaves, algae and bacteria on the riverbed into food for fish and birds, keeping the river healthy and clean in the process. They also have an intrinsic biodiversity value as a species, with New Zealand's macroinvertebrate fauna characterised by its high rate of endemism.

1630. Macroinvertebrates provide a useful measure of water quality, habitat condition and overall health of a river. Sampling is routinely carried out in rivers across the region, with each river assigned a macroinvertebrate community index (MCI) score. Generally, the higher the MCI, the better the health of the macroinvertebrate community and the better the health of the river⁸⁹.

1631. The health of the macroinvertebrate communities in the Waipunga River has been measured at 119 MCI⁹⁰.

1632. The local expert panel did not discuss the macroinvertebrates communities associated with water bodies in their final report.

1633. OWB identification framework

1634. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.

1635. To ensure consistency and transparency with the identification of OWB moving forward, reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.

1636. Reporting officers have applied the framework recommended in Paragraph 421 to the Waipunga River, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables. For clarification, where the screening framework does not include identified outstanding values, reporting officers have relied on the findings of existing literature when making their preliminary recommendations.

1637. **Table 112. Waipunga River (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
a) The features are of outstanding significance to Māori on a region wide basis.
b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
c) Evidence is provided in support of outstanding features.
Waipunga River - Preliminary Assessment Findings: TBC
Reporting officers have not made any preliminary findings with respect to the Waipunga River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.

1638. **Table 113. Waipunga River (macroinvertebrates)**

Macroinvertebrates
The framework set out in Paragraph 421 does not include screening criteria for 'macroinvertebrates' values. As such, reporting officers have relied on the findings set out in existing literature when making their preliminary recommendations.

⁸⁹ The MCI indicates enrichment or pollution, responding to an interacting complex of environmental variables like habitat or flow condition over time. It is not an indicator for biodiversity.

⁹⁰ MCI score is the five year median value (2009-2013)

Waipunga River: Preliminary Assessment Findings: TBC Not outstanding-subject to change

The Waipunga River has an MCI of 119.3 which indicates the water body has good quality, clean water. Evidence suggests this section of water body is not outstanding for macroinvertebrates in a regional context.

Supporting evidence

Monitoring date (MCI score is the five year median value (2009-2013))

Officers' preliminary recommendation

Waipunga River [ID #37]

Report: 7.37

- (a) Amend Schedule 25, Waipunga River, as per the amendments set out in Appendix 1.
- (b) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with the Waipunga River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.
- (c) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.37 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:
 - (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Submission numbers

1639. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 7.38. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
1640. The following evaluation may not explicitly refer to every submission point, but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

1641. As discussed earlier in this report, a number of submitters have opposed the number of water bodies identified as 'outstanding' in Schedule 25 and request that Council amend Schedule 25 and be more robust in applying the meaning of 'outstanding'.
1642. With respect to the Wairoa River requests include:
- (a) Delete the Wairoa River from Schedule 25.
 - (b) Add outstanding values for the Wairoa River mouth: 'Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi'.

Evaluation

1643. The Wairoa River is identified in Change 7 as having cultural and spiritual values.
1644. The Wairoa River is a large river which begins the confluence of the Hangaroa River and Ruakituri Rivers just before Te Reinga Falls. The length of the river is approximately 65 km, flowing south through the town of Wairoa and into the Wairoa River Estuary where it discharges to the sea.
1645. The '*Wairoa River - Summary of Values*' report, referred to in Paragraph 37, contains a more detailed account of the values associated with this water body.
1646. Cultural and spiritual
1647. The Wairoa River is of spiritual significance to the iwi and hapū of Te Rohe o Te Wairoa. The river is regarded as tapu, bound by rituals and traditions which stem from gods and belong to the ancestors.
1648. The river starts at Te Reinga Falls, which are associated with Hinekorako and Ruamano, taniwha carried to Aotearoa on the Takitimu waka. The Wairoa River mouth is associated with two taniwha engaged in an ongoing struggle between Tapuwae and Te Maaha.
1649. It is said that the Takitimu waka came up the Wairoa River and landed at Makeakea Stream.
1650. The river acted as a major avenue for trading and commerce, with a number of pā close by. It was an important source of food, including inanga (whitebait), mohao (flounder), kanae (mullet) and tuna (eel).
1651. Information reviewed during Phase 1 of the Change 7 development process (see Paragraph 119) indicates the water body contains the following key values:
- (a) Wāhi Tapu, Wāhi taonga
 - (b) Pa, kāinga
 - (c) Mahinga kai, Pa tuna
 - (d) Acknowledged in korero tuku iho, pepeha, whakatauki, waiata.
1652. The local expert panel did not find the Wairoa River to have outstanding cultural and spiritual values, noting that further cultural assessment was needed.
1653. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], jointly submitted on Change 7 requesting 'Kohanga ika'; 'Mahinga mataitai'; 'Nohoanga/Pahi' be added as outstanding values to all estuaries, coastal lagoons and wetlands.

1654. If the Panel, after deliberating on submissions and evidence presented to it at the hearing, concludes that the Wairoa River is to be retained in Schedule 25 for its outstanding value(s), the Reporting officers recommend that its associated outstanding description is updated in accordance with the further information provided by submitters.
1655. Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27] oppose Change 7 and have requested that all water bodies in the Wairoa District, both above and below ground, be identified as a single outstanding water body. This is further discussed in Paragraphs 463 to 470.
1656. OWB identification framework
1657. As discussed earlier in the report, the NPSFM does not set out a mandatory or approved methodology for the assessment and identification of OWB. As such, the Hearing Panel has discretion on the processes it may choose to identify OWB for Change 7 purposes, which includes those matters set out in Paragraph 411.
1658. To ensure consistency and transparency with the identification of OWB moving forward, Reporting officers are recommending that an OWB screening framework is applied to all water bodies in Schedule 25, and any new water bodies requested for an outstanding status through submissions.
1659. Reporting officers have applied the framework recommended in Paragraph 421 to the Wairoa River, below. Subject to additional evidence being presented to the Panel at the Hearing, Reporting officers' preliminary assessment findings are set out in the following tables.
1660. **Table 114. Wairoa River (cultural and spiritual)**

OWB Identification Screening Framework: cultural and spiritual
Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.
List A
a) The features are of outstanding significance to Māori on a region wide basis.
b) The features are acknowledged as outstanding, by the descendent groups most closely associated with the waterbody.
c) Evidence is provided in support of outstanding features.
Wairoa River - Preliminary Assessment Findings: TBC
Reporting officers have not made any preliminary findings with respect to the Wairoa River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.

Officers' preliminary recommendation

Wairoa River [ID #38]

Report: 7.38

- (a) Reporting officers have not made any preliminary findings with respect to the cultural and spiritual values associated with Wairoa River. It is recommended that the Hearing Panel further consider the evidence and information after hearing from Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga and Te Taiwhenua o Heretaunga [Submitter #26], and Ngāti Kahungunu Wairoa Taiwhenua Inc. [Submitter #27], during the hearing process.
- (b) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 7.38 for reasons including those set out below.

Reasons

- (a) Applying an OWB identification screening framework to water bodies listed in Proposed Change 7: Schedule 25 provides a greater level of clarity for Plan users.
- (b) The addition of an OWB identification screening framework into Change 7 will ensure outstanding water bodies are identified in a consistent and transparent manner particularly when:

- (i) making decisions on Change 7 identifying any additional water bodies and their respective outstanding value(s);
 - (ii) making decisions on Change 7 identifying any additional outstanding value(s) associated with a water body already identified in proposed Schedule 25;
 - (iii) there is limited information available at the time of making decisions on Change 7, so a water body (or associated value) is not inappropriately included in Schedule 25;
 - (iv) there is information available at the time of making decisions on Change 7 and that evidence suggests the relevant criteria has not been met for particular values being outstanding on a regional basis;
 - (v) in the future, an assessment of an additional water body or outstanding value(s) is done as part of a subsequent regional planning process using new information that may become available in future.
- (c) In identifying outstanding values, the local expert panel acknowledged that they have limited ability to assess cultural and spiritual values on behalf of marae and hapu, and it was more appropriate for these to be assessed through parallel input from tāngata whenua.
- (d) Ngāti Kahungunu Iwi Incorporated's area of interest extends over the whole of Hawke's Bay. Ngāti Kahungunu Iwi Incorporated, Te Manaaki Taiao, Te Rūnanganui o Heretaunga, and Te Taiwhenua o Heretaunga [Submitter #26], have jointly submitted on Change 7 and have an interest in all OWB set out in Schedule 25.

Submission numbers

1661. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 8.0. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
1662. The following evaluation may not explicitly refer to every submission point but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

1663. The requested general amendments include:
- (a) Ensuring consistent use of the terminology, ‘outstanding values’, ‘significant values’, ‘regional values’, ‘significant regional value’ and ‘national values’.
 - (b) Clarify the ranking of the following values ‘outstanding values’, ‘significant values’, ‘regional values’, ‘significant regional value’ and ‘national values’.
 - (c) Inclusion of narratives that clearly articulate outstanding and significant values for outstanding freshwater bodies, are prescribed and defined at the regional level.
 - (d) Several general requests to amend and clarify that water takes for domestic and stock needs pursuant to section 14.3(b) of the RMA be continued from outstanding water bodies under Change 7.
 - (e) A request to amend Objective LW1 to provide for Section 14.3(b) RMA water takes and uses in outstanding water bodies
 - (f) Amend Policy LW2 to clarify that takes and uses under Section 14.3(b) of the RMA have an ‘allowed’ status when prioritising values.

Evaluation

1664. Outstanding, Significant, Regional, Significant Regional and National Values
1665. It is considered by the Reporting officers that the use of the terminology ‘outstanding values’, ‘regional values’, ‘significant regional value’ and ‘national values’ have been used consistently throughout Change 7.
1666. The Request to rank and provide narratives regarding the above values is considered by the Reporting officers as being out of scope for this particular plan change. Many of the matters raised in these submissions can be picked up in the Council’s wider resource management planning work programme to implement the NPSFM and various other national direction in the coming years.
1667. Notwithstanding that, the values requested by submitters are better recognised and protected using other policy instruments, where they can be identified as national values that must be provided for in management decisions, instead of attempting to manage these values indirectly through OFWB NPSFM provisions.
1668. Domestic and Stock Water Takes under Section 14.3(b) of the RMA
1669. One submitter has requested that amendments be made to ensure that Change 7 continues to allow water takes as provided for by s14.3(b) of the RMA and that they are not classified as an over-allocation, are affected by low flow limits or subject to restrictions or cessations.
1670. Change 7 as notified made no specific provision for s14.3(b) of the RMA or amendments to existing provisions in the RRMP. In this way, the existing and higher order planning provisions still stand.
1671. Further clarity is also sought by the submitter around water taken under s14.3(b) of the RMA that is shared between properties (i.e troughs either side of a property boundary, or between multiple houses that have since been subdivided) and whether it will continue to meet the s14.3(b) criteria.

1672. The issue of water shared across properties boundaries is considered to be a RMA interpretation issue that applies across all water bodies in the region (if not New Zealand) and certainly not just to those deemed to be outstanding as is the focus of Change 7. Therefore, it is not considered appropriate to address those issues through Change 7 which relates only to outstanding water bodies.

Officers' preliminary recommendation

General

Report: 8.0

- (a) That Change 7 not be amended as a result of submissions that are not "on" Change 7 and therefore outside of the scope of Change 7.
- (b) That Change 7 not be amended to include provisions relating to s14.3(b) of the RMA.
- (c) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 8.0 for reasons including those set out below.

Reasons

- (a) Change 7's preparation has deliberately not tried to identify a comprehensive list of values included those of outstanding, significant, regional, significant regional, and national values for all OWB, nor does it propose a hierarchy or ranking of those values which are included.
- (b) Change 7 has a limited focus on OWB. It does not apply to all bodies of water in the Hawke's Bay region. A wider programme of work over the coming years is being undertaken by the Council to implement the NPSFM and other national direction.
- (c) That the addressing of issues surrounding water takes under s14.3(b), including those shared across boundaries is not "on" Change 7 and is beyond the scope of Change 7's focus. Interpretation and application of s14(3)(b) of the RMA is applicable to all water bodies – not just OWB.

Submission numbers

1673. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 9.0. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
1674. The following evaluation may not explicitly refer to every submission point but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

1675. Submitters have requested that glossary definitions be included for the following terms:

- (a) Hauora o te Wai
- (b) Ki Uta ki Tai
- (c) Mana o te Wai
- (d) Mahinga kai area
- (e) Mahinga kai site
- (f) Mauri
- (g) Whakapapa o te wai
- (h) Kohanga ika.

Evaluation

1676. Definitions are used to give a standard meaning to words or phrases that occur frequently through the RRMP. The use of definitions avoids repetition and promotes consistency in interpretation.
1677. Within the RRMP defined terms have generally been limited to those terms which are part of and crucial to objectives, policies and methods. The Glossary need not be a dictionary of all terms used, rather assist in interpretation and implementation of the Plan where a definition would provide clarity and reduce ambiguity for Plan users.
1678. Except for the terms Ki Uta ki Tai and Mauri, which are already used and defined in the RRMP, none of the terms listed above requested by submitters feature in the existing plan or proposed content of Change 7. Including a specific definition for these terms will not add any additional clarity to the plan. In fact, it may create unnecessary confusion if a term is defined in the Glossary but is not used in the RRMP itself.
1679. Given that the Council must implement the 2020 NPSFM in proposed plans before 31 December 2024, the Reporting officers anticipate that any such values used within the assessment framework will later be defined in conjunction with tāngata whenua and communities through catchment management planning.
1680. The term ‘Mana o Te Wai’ is not currently part of the proposed framework in Change 7. Consequently, Reporting officers consider including a specific definition for this term will not add clarity to interpretation of the plan. Should a definition be included there is the potential for conflict to arise between a definition including in this plan change and higher order planning documents such as the NPSFM which already describes the concept of Te Mana o Te Wai’.
1681. Reporting officers recommend that new definitions are not added to the RRMP Glossary (as part of the Change 7 process) for the terms Hauora o te Wai, Mana o te Wai, Mahinga kai area, Mahinga kai site, Whakapapa o te Wai and Kohanga ika.

- (a) That Change 7 not be amended as a result of submissions that are not "on" proposed Change 7 and are outside of the scope of Change 7.
- (b) That new definitions are not added to the RRMP Glossary (as part of the Change 7 process) for the terms Hauora o te Wai, Mana o te Wai, Mahinga kai area, Mahinga kai site, Whakapapa o te Wai and Kohanga ika.
- (c) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 9 for reasons including those set out below.

Reasons

- (a) Defined terms have generally been limited to those terms which are part of and crucial to objectives, policies and methods contained within the RPS. The Glossary need not be a dictionary of all terms used in the RPS rather assist in interpretation and implementation of the Plan where a definition would provide clarity and reduce ambiguity for Plan users.
- (b) The terms Ki Uta Ki Tai and Māuri are currently used within the RRMP and either a definition or explanation is already provided.
- (c) Adding the meaning of terms which are not used within the existing RRMP nor Change 7 is unnecessary and potentially would be confusing for Plan users.

Submission numbers

1682. Submitter and further submitter numbers and associated requests are detailed in Appendix 2 Report 10. Full copies of all written submissions and further submissions have been pre-circulated to members of the Hearing Panel.
1683. The following evaluation may not explicitly refer to every submission point but Reporting officers have considered each submission point before making their preliminary recommendations.

Submitter requests

1684. The requested miscellaneous amendments include:
- (a) Amend Change 7 to identify and protect the values and attributes for freshwater bodies, which have been identified for protection and enhancement through iwi planning documents.
 - (b) Amending Change 7 to allow for the continued operation of the Waikaremoana Power Scheme, under the NPSFM, NPS for Renewable Electricity Generation (NPSREG), and the RMA.
 - (c) Although no specific relief has been requested several submitters claimed that the Section 32 Report as prepared by council, had not met the statutory obligations as set out in Section 32 of the RMA, including;
 - the exclusion of economic and consumptive use values as potentially outstanding values.
 - Determining if the hierarchy proposed in Policy LW3A.1(d) is the most appropriate way to achieve the purpose of the RMA.
 - Determining the economic and social effects (including economic growth and employment) if priority is given to instream values over primary production values.
 - (d) Ensuring that Change 7 is in place prior to any other catchment-based plan changes (including Change 9 – TANK) or proceeds at the same time.
 - (e) That affected landowners are consulted by HBRC including, near the Kaweka and Ruahine Ranges, Lake Poukawa and Pekapeka wetlands, Whakaki Lake – Te Paeroa Lagoon – Wairau Lagoon, Lake Whatuma, Maungawhio Lagoon, Mohaka River, Morere Springs, Ngamatea East Swamp, Nuhaka River, Opoutama Pōrangahau River and Estuary, Te Hoe River, Taruarau River, Waiau River and Waihau River.
 - (f) Either placing Change 7 on hold and deferring the process until catchment-based management plans are completed in order to give full effect to the NPSFM or delete Policy LW3A until such time as the relevant catchment-based regional plan change(s) are operative.
 - (g) Although no specific decision has been requested Ngāti Hineuru state that only they can identify and evidentially substantiate their relationships and that of their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga. They also state that they are the only ones that can determine and convey Ngāti Hineuru relationships, kaitiakitanga, mātauranga and tino rangātiratanga in respect of outstanding water bodies. They go on to state that any deliberations relating to the validity of the cultural and spiritual values identified by Ngāti Hineuru in the cultural and spiritual values table be discussed with Ngāti Hineuru Trust.
 - (h) Ngāti Hineuru have sought that the Council foster the capacity of Ngāti Hineuru to contribute to Council consent and planning decisions.
 - (i) Owhaoko C Trust have stated that they, as a sovereign lawful trust on inherited lands, have not been directly engaged with during the Change 7 process and seeks that Council directly engage with them over this matter.
 - (j) Ensuring relevant mana whenua have equal input into the identification of outstanding water bodies with Hawke’s Bay.

- (k) Amend the 5th bullet point in Table 2A by removing the word “supply” and inserting “uses”
- (l) Involve New Zealand Forestry Managers Limited in the development of any future management plans for the Mohaka Catchment, and the land adjacent to the Ripia and Waipunga Rivers.

Evaluation

1685. Out of Scope

1686. The following requests made have been deemed to be out of scope (i.e. not “on” the content of proposed Change 7 as notified):

- (a) Hineuru Iwi Trust have requested that the plan change be amended to make provisions for the council to “foster(s) the capacity of Ngāti Hineuru to contribute to Council consent and planning functions...”
- (b) Ensuring that Change 7 is in place prior to any other catchment-based plan changes (include Change 9 – TANK) or at the same time
- (c) Replacing the word supply with uses in Table 2A in Change 7
- (d) Further consultation with affected landowners near the Kaweka and Ruahine Ranges, Lake Poukawa and Pekapeka wetlands, Whakaki Lake – Te Paeroa Lagoon – Wairau Lagoon, Lake Whatuma, Maungawhio Lagoon, Mohaka River, Morere Springs, Ngamatea East Swamp, Nuhaka River, Opoutama Pōrangahau River and Estuary, Te Hoe River, Taruarau River, Waiau River and Waihau River.

1687. In relation to proposed plans and plan changes, the RMA requires that submissions must be made “on” the plan. Change 7 focusses on policy content in relation to outstanding water bodies in Hawke’s Bay. It is not a proposal on anything and everything to do with water bodies in Hawke’s Bay. Consequently, if a submission point is not “on” the plan, in this case the identification of outstanding water bodies, then it is not within the scope of the plan change, and therefore cannot be considered. This reasoning is supported by the *Clearwater Resort Ltd v Christchurch City Council HC Christchurch AP 34/02*, [2003] decision which sets out the following two tests to determine if a submission is “on” a plan change are:

- (a) The submission can only be regarded as being “on” the plan change if it is addressed to the extent to which the plan change changes the pre-existing status quo; and
- (b) If the effect of regarding a submission as being “on” a plan change could be to allow a plan to be appreciably amended without real opportunity for participation by those potentially affected, it will be a “powerful consideration” against finding that the submission is truly “on” the plan change.

1688. These submissions can be addressed through other plan making and/or decision-making processes undertaken by Hawke’s Bay Regional Council. As discussed in part 2 of this report, Change 7 has been prepared for a specific purpose and within a particular statutory context. Change 7 cannot address all issues relating to iwi engagement and involvement in planning, to include new policies and rules which are not subject to the plan change.

1689. Catchment Management Plans

1690. The RMA requires regional councils to amend regional policy statements (and regional plans) to give effect to NPSs. NPSs will commonly state required outcomes, but not specify exactly how policy statements and plans need to be amended to reach each outcome. That is for each regional community to determine with their communities.

1691. It is for this reason that the protection of values and attributes of water bodies as identified through iwi planning documents is best done through future catchment management plans, rather than Change 7.

1692. It is also for this reason that a late submission requesting New Zealand Forestry Managers Limited be involved in the development of any future management plans for the Mohaka catchment, or for the land adjacent to the Ripia and Waipunga Rivers is best addressed through future catchment management plans, rather than Change 7.

1693. The provisions in Change 7 are deliberately flexible to enable the future catchment-based management plans to tailor a set of provisions for each OWB (if any) in their catchment. This will be undertaken with iwi authorities, key stakeholders, landowners and the community, where the unique circumstances of each OWB will be taken into account.

1694. Waikaremoana Power Scheme
1695. One submission requests Change 7 make provision for the continued operation of the Waikaremoana Power Scheme, under the NPSFM, NPS for Renewable Electricity Generation and the RMA.
1696. For those reasons outlined above regarding scope of Change 7 and submissions “on” Change 7, making provision in the RRMP via amendments to Change 7 is considered beyond scope of this plan change. Notwithstanding that, Reporting officers note that the current consents in relation to this activity do not expire until 2032 (another 12 years) which provides for the activity to continue under Change 7 until that time. Within that timeframe, the Council will also need to have ensured its policy statement and regional plans give effect to the NPSFM and the other NPSs.
1697. Section 32 Evaluation Report
1698. Several submissions raised issues regarding content of the Change 7 s32 Evaluation Report. The report was prepared in a way that met the requirements as described by the RMA and undertaken at a level of detail that corresponds to the scale and significance of the changes proposed in Change 7. The s32 Evaluation Report is now a published document and cannot be revised in a retrospective manner. Section 32AA⁹¹ applies to the Hearing Panel’s work in considering amendments to Change 7 since the original s32 Evaluation Report was completed.
1699. Consultation
1700. A small number of submitters requested direct or extended consultation in regarding to the Change 7 process.
1701. A summary of the engagement and consultation undertaken as part of Change 7 is set out in Table 3. For more information, see the Change 7 Section 32 evaluation report.
1702. Based on those records of engagement and consultation, when read in conjunction with the relevant requirements of the RMA when preparing plan changes, the Reporting officers consider that all consultation has been undertaken in accordance with the RMA and has met all statutory requirements, providing an extended six month consultation period.
1703. Ngāti Hineuru
1704. Ngāti Hineuru’s knowledge regarding their submission is seen as valuable in the identification of outstanding water bodies and their associated values. The discussion of their values during the hearing process is welcomed. Elsewhere in this report, the Reporting officers have recommended that the Hearing Panel invite the Hineuru Iwi Trust to elaborate on their submission points at the hearing.

Officers’ preliminary recommendation

Miscellaneous

Report: 10

- (a) That Change 7 not be amended as a result of submissions that are not “on” Change 7 and are outside the scope of Change 7.
- (b) That Change 7 is not amended as a consequence of the issues raised in these submissions.
- (c) That the Hearing Panel allow, allow in part, or reject the submissions and the further submissions on Change 7 set out in Appendix 2 Report 10 for reasons including those set out below.

Reasons

- (a) Change 7 was designed to allow catchment management plans to be created after the adoption of Change 7 in order to allow tāngata whenua, stakeholders and the community the opportunity to tailor a set of provisions for each OWB in their catchment.
- (b) The RMA requires submissions to be made “on” Change 7. Any other submissions are beyond the scope of the Plan Change. This recognises the principle of ‘natural justice.’

⁹¹ A decision must include the reasons for accepting or rejecting the submissions, and, a further evaluation of the proposed policy statement or plan in accordance with section 32AA

- (c) Change 7 focusses on policy provisions in the RRMP associated with the region's outstanding water bodies – not anything to do with all types of water bodies in the region.
- (d) The notification and consultation processes followed when preparing the proposed Change 7 have met the requirements set out in the RMA.
- (e) Change 7 cannot address all issues relating to iwi engagement, to include new policies and rules which are not subject to the plan change.