

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

ENV-2021-AKL-000104

ENV-2021-AKL-000105

ENV-2021-AKL-000106

IN THE MATTER of appeals under clause 14(1) of the first schedule of the Resource Management Act 1991 in relation to Proposed Change 7 to the Hawke's Bay Regional Resource Management Plan

BETWEEN **TE TAIWHENUA O HERETAUNGA, TE RUNANGANUI O HERETAUNGA, TE MANAAKI TAIAO O HERETAUNGA AND NGĀTI KAHUNGUNU IWI INCORPORATED ("TToH and Others")**

ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED

AND **THE MĀORI TRUSTEE**

Appellants

AND **HAWKE'S BAY REGIONAL COUNCIL**

Respondent

**Statement of Evidence - MAURICE WAYNE BLACK
for Te Taiwhenua o Heretaunga and Others**

PLANNING AND CULTURAL - 28 August 2023

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1. Introduction

Qualifications and experience

- 1.1 My full name is Maurice Wayne Black. My hapū is Ngāti Hawea ki Heretaunga. My marae is Matahiwi. I also have whakapapa connections to Ngā Rauru Kitahi and Waitōtara through my grandfather Wiremu Te Unahi, and to Ngāti Porou through my grandmother, Reremoana Paaka from Tauwhareparae, inland Tolaga.
- 1.2 I am a self-employed resource management consultant and researcher with over 20 years' experience. I have diplomas in Business and Environmental Studies from the Open Polytech of New Zealand, certificates for Organic Farming, and gained accreditation from the Ministry for the Environment's Making Good Decisions programme in 2008¹.
- 1.3 From 2004 to October 2012, I contracted to Ngāti Kahungunu Iwi Incorporated ("NKII") on strategic planning and resource management matters and represented Te Taiwhenua o Tamatea and Te Taiwhenua o Heretaunga (TToH) through hearings and appeals on proposed plans and resource consent applications/renewals.
- 1.4 Since 2012, I have continued to be engaged by NKII and TToH on specific issues in the resource management space. From 2014 to March 2020, I managed environmental and planning issues for the Kahungunu ki Tamaki nui-a-Rua Trust, the taiwhenua representing Kahungunu whānau and hapū interests in the Tararua District.
- 1.5 Primarily my roles have included: -
- Providing resource management advice
 - Liaison services between Kahungunu entities, local government, NGOs, business entities, developers, corporations, and Crown agencies
 - Representation in planning processes with territorial and regional authorities on proposed plans and resource consent applications

¹ In 2016 my certification lapsed, and I did not renew it.

- Legal representation at Environment Court proceedings in Manawatū, Wellington and Hawke’s Bay
- Assisting with Iwi/Hapū Management Plans
- Providing guidance on matters associated with Treaty Claims, and
- Managing environmental education programmes and Cultural Impact/Cultural Value Assessments for multiple issues².

- 1.6 I have represented hapū/taiwhenua on the Hawke’s Bay Regional Council’s Māori Advisory and Environmental Management Committees, the Hastings District Council-Joint Māori Committee, the Central Hawke’s Bay District Council Māori Consultative committee, and the Manawatū River Leaders’ Accord.
- 1.7 I was engaged by the Department of Conservation, the Ministry for the Environment and the Environmental Protection Authority on policy development and legislative reform. I have worked as an independent commissioner at local government level, and assisted students with their environmental studies and research for approximately 10 years.
- 1.8 Throughout the Heretaunga, Tamatea and Tamaki Nui-a-Rua rohe I am considered by my peers in the Māori community to be an expert in resource management, particularly issues relating to freshwater.
- 1.9 I participated in the preparation of Plan Change 7 through nomination to the Expert Panel who were contracted to assist HBRC with the identification of a preliminary list of outstanding water bodies in the Hawke’s Bay Region.
- 1.10 I am also the main author of the PC7 submissions from Te Taiwhenua o Heretaunga, Ngāti Kahungunu Iwi Incorporated, Te Runanganui o Heretaunga and Te Manaaki Taiao. Preparation of submissions and appeal included regular liaison with these organisations.

² E.g., Wānanga in Te Urewera and the Ruahines; CIAs for river diversions, stormwater and wastewater discharge consents, oil exploration and electricity generation.

Expert Code of Conduct

- 1.11 I have read the Code of Conduct for Expert Witnesses in Chapter 9 of the Environment Court Practice Note (2023) and agree to comply with that Code. Except where I state that I am relying on documents or evidence of another person or organisation, my evidence within this statement is within my area of expertise. I have not purposely omitted to consider material facts known to me that might detract from my evidence or the opinions I express.

Scope of my evidence

- 1.12 I have been engaged by Te Taiwhenua o Heretaunga to provide expert planning and cultural evidence, and my views on legal matters associated with Plan Change 7.

- 1.13 The key documents I refer to within my evidence are:

- a) The Regional Resource Management Plan (including the Regional Policy Statement), 2006
- b) The Regional Coastal Environment Plan, 2012
- c) Hawke's Bay Regional Coastal Plan, 1999
- d) Plan Change 5 to the Regional Policy Statement and related material including:
 - PC5 – proposed and operative versions
 - PC5 Evidence in Chief of Ngahiwi Tomoana
 - The Environment Court's 2015 decision, *Ngāti Kahungunu Iwi Inc v Hawke's Bay Regional Council, ENV-2013-WLG-000050*
- e) The PC7 Expert Panel Report, April 2019
- f) Ngaruroro River Values and Attributes Report, 2016
- g) The decision of the Independent Hearing Panel for PC7
- h) The s42A Report for PC7 and the IHP hearings
- i) The HBRC-preferred version of PC7, 13 July 2023

- 1.14 I have reviewed the evidence in chief prepared for HBRC by:

- Belinda Harper - Planning
- Antoine Coffin – Spiritual and Cultural
- Dr Andy Hicks – Ecology

- Jenns Rekker – Geology
- Robin Holmes – Native fish communities – Lower Ngaruroro River, and
- Dr Greg Ryder – Review of the screening criteria

I have also reviewed the documents provided by HBRC on the Buller River.

1.15 In my evidence I cover aspects and values of the water bodies and coastal waters that I consider to be outstanding:

- a) The freshwater bodies are the Ngaruroro River, the Karamū River, the Ruataniwha Plains and the Heretaunga Plains Aquifer Systems
- b) In addition, I provide evidence on the Waitangi Estuary.

1.16 My evidence in part relates to their outstanding values and significant values and my view of abstractive values, which accrue outside of the actual water body and consequential to and reliant on other inputs.

1.17 I also discuss aspects of the Treaty of Waitangi principles contained in the Regional Resource Management Plan.

2. Executive Summary

The key conclusions reached in my evidence are:

- a) In PC7, use of the terms “water body” and by extension, “outstanding water body” to describe coastal waters is contrary to the NPSFM and the Resource Management Act 1991 and creates inconsistencies for regional planning.
- b) It is more appropriate to include significant values for outstanding water bodies and for outstanding coastal waters in PC7 where these are already known. Not doing so would mean they are not protected as required by the NPSFM.

- c) The HBRC-preferred version of PC7 does not give effect to the NPSFM because when combined with the remainder of the RPS that has not been amended, it enables adverse effects that are more than minor, on existing significant values of those freshwater bodies and coastal waters identified as outstanding.
- d) Parts of the RPS not being amended by PC7 support the active protection of the cultural values and underlying environmental principles of tāngata whenua, and the expression of their mana through the identification and articulation of these.
- e) There is conflict between PC7 and the NZCPS in terms of the direction given for managing estuaries and their values.
- f) The principles of the Treaty of Waitangi that Hawke's Bay Regional Council acknowledge and accept are clearly identified within their main planning document and are required to be given appropriate weighting through decision-making processes for PC7.
- g) The principle of active protection applies to protecting the significant values and outstanding values of Te Taiwhenua o Heretaunga, Ngāti Kahungunu Iwi Incorporated, Te Runanganui o Heretaunga, Te Manaaki Taiao and those they represent.
- h) The decisions of the IHP (2.42) express disappointment that Ngāti Kahungunu Iwi Incorporated and Te Taiwhenua o Heretaunga were unable to clarify their submissions and answer any questions from the IHP. NKII's Environmental Unit were attending resource consent hearings in Wairoa that HBRC held concurrently with the PC7 hearings. I was on annual leave and submitted email correspondence that I would be available to provide written responses to any questions from the panel which I understood was agreed to.³ No questions were forthcoming.

³ Attached as Appendix 4.

i) I consider it appropriate that the following water bodies and coastal waters are included in PC7 as “outstanding water bodies” or outstanding coastal waters due to them each having one or more outstanding values:

- The Lower Ngaruroro River
- The Karamū River (variously called a river or a stream in HBRC documents)
- The Ruataniwha Plains Aquifer System
- The Heretaunga Plains Aquifer System
- The headwaters of the Tukituki and Waipawa Rivers
- The Waipawa River down to the confluence with the Tukituki near Tapairu Road
- The Waitangi Estuary.

3. The Statutory Context

3.1 PC7 forms part of the implementation pathway for the National Policy Statement for Freshwater Management 2020 (NPSFM). Its purpose is to identify and protect the values of outstanding freshwater bodies and outstanding estuaries in the Hawke’s Bay region.

3.2 Resolution of Plan Change 5 (PC5), a previous change to the RPS, committed HBRC to progress an outstanding freshwater body plan change. Publicly notified in October 2012, PC5 was intended to provide a process that amongst other things:

“identifies outstanding freshwater bodies in Hawke’s Bay and protects their water quality⁴.”

Through resolution of PC5 appeals, this intent was included in Objective LW1.1 where:

“Fresh water and the effects of land use and development are managed in an integrated and sustainable manner which includes: “protecting the quality of outstanding freshwater bodies in Hawke’s Bay.”

⁴ Proposed PC5 Objective LW1.1.

- 3.3 HBRC has reinstated “water quality” into Objective LW1.1 in their preferred version of PC7, and I support this amendment being retained. There is potential for discrepancy with Policy LW1.1 (dA) however, which indicates a discretion in the consideration of “where necessary”.
- 3.4 Through agreed consent order, a commitment was also made by HBRC to progress a specific Outstanding Freshwater Bodies plan change before any further catchment plan changes⁵. At the time the Mohaka change was considered considerably advanced, and an exception was made for it to precede the outstanding freshwater body plan change.
- 3.5 Mohaka however is now to be included in the Kotahi plan change; a process intended to combine all regional planning documents into one comprehensive document.
- 3.6 Currently in Hawke’s Bay we have two main regional plans, the Regional Resource Management Plan 2006 (incorporating the Regional Policy Statement), and the Regional Coastal Environment Plan 2012 (RCEP).
- 3.7 Although it became operative in 2012, the RCEP was notified 30 August 2006, having been drafted pursuant to the 1994 version of the NZCPS. Consequently, it does not give effect to the NZCPS 2010.
- 3.8 PC7 was notified 31 August 2019, one week after PC5 became operative. PC7 covers part of the coastal environment (estuaries) and is required to give effect to the NZCPS 2010 (RMA s55 (2B); s62 (3)).
- 3.9 The RCEP that PC7 directs, changes provisions in PC5 that were agreed between HBRC and appellants who sought redress through the Environment Court on PC5. The notification in local newspapers, and online confirmed that the water bodies identified in the proposed plan, were “the best of the best” in the region (Appendix 3).

⁵ Operative RPS at Policy LW1A(1)(a) and LW1A (2).

4. The Resource Management Act, 1991

4.1 Regional policy statements, their purpose and preparation are prescribed in the Act (ss59, 60) and in Hawke's Bay have typically progressed through a 1st Schedule process. Plan Change 7, followed this traditional pathway.

4.2 For a change to a regional policy statement a regional council must:

"prepare and change its regional policy statement in accordance with:

a) its functions under section 30; and

(b) the provisions of Part 2; and

(c) its obligation (if any) to prepare an evaluation report in accordance with section 32; and

(d) its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and

(da) a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and

(e) any regulations." (My emphasis).

4.3 The word "outstanding" appears 12 times in the RMA (2023 version). The Act considers the protection of outstanding natural features and landscapes to be a matter of national importance (RMA s6(b)). Within this context, it is reasonable to conclude that a river, a lake, an aquifer or a wetland, can be considered a natural feature, and therefore warrant outstanding status if they have one or more outstanding values (NPSFM 1.4).

4.4 In their plans, territorial authorities can designate and prescribe Outstanding Natural Features and Landscapes (ONFL)⁶, although these are often terrestrial in nature.

Definition of Water Body

4.5 A water body by RMA definition *"means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof that is not located in the coastal marine area."*

⁶ E.g., Hastings District Plan at 12.2.4 - Policies: LSP1 Identify the Outstanding Natural Features and Landscapes and Significant Landscape Character Areas in the Hastings District.

- 4.6 I consider estuaries to be coastal waters and part of the coastal marine area. They are not water bodies as defined in the RMA. The addition of “*outstanding*” in front of the word “water body” does not make an estuary a “*water body*” in terms of the Act.

Definition of coastal marine area

- 4.7 In the RMA, coastal marine area “*means the foreshore, seabed, and coastal water, and the air space above the water—*
(a) of which the seaward boundary is the outer limits of the territorial sea:
(b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of—
(i) 1 kilometre upstream from the mouth of the river; or
(ii) the point upstream that is calculated by multiplying the width of the river mouth by 5:”.

- 4.8 The definition of “*coastal marine area*” in the Act, means that the parts of an estuary equal to 5 times the width of the river mouth or alternatively within 1 kilometre of the river mouth, are within the coastal marine area, and therefore subject to the NZCPS, not the NPSFM. PC7 decisions identify outstanding water bodies as prescribed in 1.4 of the NPSFM and promote the protection of their outstanding and significant values.

Definition of coastal water

- 4.9 The RMA defines “*coastal water*” as “*seawater within the outer limits of the territorial sea and includes—*
(a) seawater with a substantial fresh water component; and
(b) seawater in estuaries, fiords, inlets, harbours, or embayments”.

Definition of coastal environment

- 4.10 The NZCPS refers to the nature and extent of the coastal environment and Policy 1 prescribes what constitutes the coastal environment. As the NZCPS also prescribes the national priorities for the coastal environment, it follows that these are to be accorded considerable weight in regional planning for that coastal environment.

4.10 The operative Regional Coastal Environment Plan (RCEP) prescribes the extent of the coastal environment in Hawke’s Bay where it includes:

“(a) the coastal marine area

(b) any areas identified as being affected by, or potentially affected by, coastal flooding or coastal erosion and

(c) any of the following:

i) tidal waters and the foreshore above mean high water springs

ii) dunes

iii) beaches

iv) areas of coastal vegetation and coastal associated fauna

v) coastal cliffs

vi) salt marshes

vii) coastal wetlands, including estuaries and

viii) areas where activities occur or may occur which have a direct physical connection with, or impact on, the coast.”

4.11 The RCEP contains a range of maps that clearly delineate where the coastal environment boundary is located throughout the region. Estuaries are “*coastal water*” by definition and within the coastal environment. In my opinion they should not be categorised as outstanding water bodies in PC7. PC7 (IHP Decisions and HBRC’ preferred version) conflate the management of estuaries within the CMA with management of outstanding water bodies that are outside of the CMA.

4.12 Another matter I consider worthy of mention, is Policy 9-1 in the RCEP and the Guideline tables therein (Tables 9-1 and 9-2). They clearly refer to “*water body*” in terms of the listed rivers in Table 9-2. The range of parameters for which guideline values are set, were they to apply to estuaries for each of the rivers in the table, would mean that those estuaries would continually be in breach of the limits, with preventative or remedial action constantly required. I believe that this was not the intent of Table 9-2.

4.13 In terms of the Ahuriri Estuary, the Porangahau Estuary, the Tukituki Estuary, and the Waitangi Estuary – should the Court consider it warrants inclusion in a list or schedule

in PC7 – my opinion is it would be more appropriate to have a separate table or list for them, and to rename them “outstanding coastal waters”.

- 4.14 A RPS is required to give effect to both the NPSFM and the NZCPS. Aligning definitions in PC7 with those in the higher-level documents⁷ would provide greater clarity and alignment. I provide further commentary on the NZCPS in Section 7 of my evidence.

Water Conservation orders

- 4.15 In Part 9 of the RMA - Water Conservation Orders, the word “outstanding” appears 5 times, in section 199. The first 3 instances are in relation to the natural state of any water body that is considered to be outstanding (s199(2)(a)), where protection of the outstanding characteristics a water body has or contributes too for a range of matters is required (s199(2)(b)(i – v)), and where a water body has “outstanding significance in accordance with tikanga Māori” (s199(2)(c)).
- 4.16 Section 199 provides guidance towards what constitutes an outstanding water body, in terms of national application, and under the umbrella of a Water Conservation Order (WCO). The remainder of times “outstanding” appears in the RMA are in the “Contents” section (once) and in relation to procedural matters (5 times). A WCO is publicly notified at the national level (RMA s204), including through newspapers in our major cities (RMA s204(1) (ab)), with submissions heard and decisions made by a specially appointed tribunal.
- 4.17 A regional council must integrate their planning around a water conservation order where the order imposes restrictions or prohibitions on their powers (RMA s30(1)(e) and (f)). It is difficult for regulatory authorities to protect the significant values of waters subject to a WCO, if they are not clearly identified within a RPS or plan.
- 4.18 Through preparation of PC7, it was confirmed that the identification of “outstanding values” for candidate water bodies, would be quantified in a regional context, as the NPSFM is to be applied regionally (s42A OR para 59) and that an OWB can be part of a water body (s42A OR para 60).

⁷ The NPSFM 2020 and the NZCPS 2010.

Water Conservation Orders and PC7

- 4.19 Change 7 is required to protect the significant values of water bodies designated as outstanding through an existing WCO. This is directed by NPSFM Policy 8. The WCO on the Mohaka covers parts of the mainstem and the Hautapu, Ripia and Te Hoe Rivers, where a range of outstanding features are to be protected: Outstanding trout fishery, scenic characteristics through the Te Hoe and Mokonui Gorges, and water-based recreation from State Highway 5 (Napier-Taupo Road section) down to Willow Flat. HBRC has included these reaches in PC7, and I agree with their inclusion.
- 4.20 The WCO application for the Ngaruroro River has progressed through Stage 1 and 2 hearings and subsequent Environment Court appeal processes. Recommendations were made by the special tribunal in terms of the river above Whanawhana Cableway (Upper Ngaruroro), and numerous parties to the WCO process have agreed that the Upper Ngaruroro be awarded outstanding status.
- 4.21 The special tribunal appointed by the Environmental Protection Authority (EPA) also found that there are avifauna habitats in the upper waters, and in the mainstem of the lower river that attain the *'outstanding'* threshold (WCO Decision at 444). These recommendations are substantially beyond challenge, and HBRC has amended their preferred version of PC7⁸, to cater for some of the characteristics associated with them.
- 4.22 Paragraph 445 of the WCO decision states: *"There are also waterbodies such as the tributaries of the lower Ngaruroro and hydraulically connected groundwater of the upper Ngaruroro that contribute to those outstanding values. Without the recognition (and protection) of their contribution to the waters identified as having outstanding values, those outstanding values would be put at risk."*
- 4.23 I consider it somewhat irregular that the Ngaruroro WCO recommends protection of a range of outstanding values in both the upstream and downstream reaches of the river, the NPSFM requires protection of the significant values of an outstanding water body⁹, but the RPS through PC7 which must give effect to the NPSFM, suspends the

⁸ PC7 Version circulated 13 May 2023, Schedule 25.

⁹ NPSFM Policy 8.

protection of the significant values of the Ngaruroro River and other freshwater bodies that contribute to their outstanding values, pending completion of another plan change process. For the cultural and spiritual aspects, many of the significant values of the Ngaruroro River and its tributaries and contributing groundwaters are already known¹⁰.

4.24 There are several other issues I consider worthy of consideration in terms of the Lower Ngaruroro River given the WCO recommendations for outstanding status for aquatic bird habitats.

- a) The connection of the Lower Ngaruroro to, and influence of the Waitangi Estuary and adjacent wetlands, as they provide a conduit for birds' access to and from the ocean and other parts of the Lower Ngaruroro River¹¹.
- b) The Waitangi Estuary has outstanding values to the hapū of Heretaunga, from a cultural and spiritual perspective, as the outlet for the Ngaruroro¹² River: In former times through the current Karamu River channel, and through its current course today. The Lower Ngaruroro included parts of Whata-anga-anga, a vast estuarine and wetland system¹³ where kai was gathered from throughout the district and redistributed through a priority whata system.
- c) The Waitangi Estuary receives flow from the Tutaekuri, the Ngaruroro and the Karamu Rivers. The mana and mauri from these 3 iconic rivers are interwoven; Flowing from their respective maunga, their spiritual essence combines to enter the Waitangi estuary where they sustain its biodiversity before flowing out into Te Moana-nui-a-Kiwa.
- d) This is an outstanding regional feature from a hydrological/geological perspective, from a cultural and spiritual sense, and in terms of the dynamics

¹⁰ Ngaruroro Values and Attributes report, Executive Summary table - p6, Figure 6 – p24, Table 4 – p25, Chapter 8 – pp 28 to 33, Table 5 - p34, Tables 8 and 9 – pp54 and 55.

¹¹ https://www.epa.govt.nz/assets/FileAPI/proposal/NSP000041/Boards-decision/WCO_Ngaruroro_and_Clive_Rivers_Recommendation_Report_Final_erratum_2019.10.04.pdf; Paras 123-125.

¹² Contemporary name for the awa, although it had other names in pre-colonial times.

¹³ Personal comment, Charles Ropitini - Kōrero from Nga Pou Mataara Hou wānanga, Houngarea, April 2022 – Appendix 2

and integration associated with the ecological and biodiversity aspects of the three rivers joining. Further evidence of their outstanding cultural and spiritual aspects will be provided by Mr Ngahiwi Tomoana and Mr Marei Apatu.

Indigenous fish species

- 4.25 Taonga fish species enter and exit these rivers through the Waitangi Estuary. A high percentage of our indigenous fish are diadromous and require access to the sea for part of their life cycle¹⁴. Waitangi is a mahinga kai site/area as well as a kohanga ika for inanga and other whitebait species, for pātiki (black flounder), other flounder species and for mullet. It provides access and recruitment for our awa, for tuna (longfin eels) to travel and disperse up into the higher reaches of our rivers and streams. I consider these to be outstanding values of the Waitangi Estuary
- 4.26 Being a change to the RPS, Change 7 addresses outstanding freshwater bodies and their outstanding values from a regional perspective. This acknowledges that the values to be considered for the relevant water bodies and coastal waters, are those that are regionally outstanding or regionally significant.
- 4.27 This differs from nationally outstanding values that are considered through a WCO process. Although nationally outstanding values are of relevance at the regional level, the threshold for water bodies and coastal waters to be classified as outstanding for a RPS, is somewhat lower. The values can be nationally outstanding as well as regionally outstanding, but for PC7 the regional threshold is the one that is required to be met or exceeded.

5. The National Policy Statement for Freshwater Management

- 5.1 There is one operative NPSFM which a proposed RPS is required to take into account while an operative RPS must give effect to it (RMA s62(3)). The relevant NPSFM today (at time of writing) is the NPSFM 2020. It is acknowledged in Belinda Harper's EIC that the IHP made their decisions under the NPSFM 2020 (EIC para 5.8).

¹⁴ McArthur, K. M.

- 5.2 The NPSFM defines an outstanding water body as *“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.”*
- 5.3 Following gazetting of the NPSFM in 2011, HBRC prepared their Implementation Programme for the NPSFM including a timetable to have the NPSFM fully implemented by 2030. This was later amended to 2025.
- 5.4 The NPSFM 2020 became operative 3rd September 2020, and there have been 2 subsequent amendments, in December 2022 and February 2023. In terms of the management of freshwater, the RMA requires all freshwater planning instruments to have been publicly notified by 31st December 2024 (RM Amendment Act 2020, s80A(4)(b)) and to be operative 2 years after that, where an exception has not been granted.
- 5.5 S80A specifically prescribes Freshwater Planning Processes (FPP) and Freshwater Planning Instruments and direction on the hierarchy of considerations for managing freshwater is given in the NPSFM at 2.1, and on timing and transition at Part 4.

Te Mana o te Wai

- 5.6 The concept of Te Mana o te Wai has been in the NPSFM since the 2017 amendments. The NPSFM 2020 provides further prescription for implementation of the Te Mana o te Wai than previous, embedding the hierarchy for decision-makers in the NPSFM objective. Having discussed with colleagues the NPSFM 2020, the implementation timelines and supporting documentation, I understand the limitations for HBRC in implementing parts of the NPSFM 2020 through PC7 (s42A OR paras 82 – 89), and the need to consult with the community over some aspects.
- 5.7 This does not however prevent the implementation and use of the hierarchy for decision-makers for PC7, nor placing the health and well-being of water bodies and freshwater ecosystems as a first priority when managing freshwater resources. Economic considerations are relegated to under TMoTW.

- 5.8 The NPSFM has been through 3 major amendments since it was gazetted in 2011. HBRC's first steps towards protecting the significant values of outstanding freshwater bodies began in October 2012 with proposed PC5. Outstanding freshwater body provisions were deleted from PC5 in favour of a specific outstanding freshwater body plan change to be prepared at a later date.
- 5.9 With the decision from the IHP for PC7 seeking to postpone the identification of significant values of outstanding water bodies until either the resolution of PC9 TANK appeals, or to when the Kotahi Plan becomes operative, this means that plan provisions for the protection of the significant values of outstanding freshwater bodies will have taken between 13¹⁵ and 17 years¹⁶, transitioning through 3 amendments to the NPSFM (2014, 2017 and 2020) plus the more recent amendments.
- 5.10 S18A(a) of the RMA requires all persons exercising powers and performing functions under the Act, to "use timely, efficient, consistent and cost-effective processes ...". In my opinion, protection of the significant values of outstanding water bodies should not be further delayed.

6. The Regional Policy Statement

- 6.1 A regional policy statement expresses the significant resource management issues of the region and must be prepared in accordance with a regional council's functions under s30, the provisions of Part 2 of the RMA, and any national policy statement, the NZ Coastal Policy Statement and national planning standards where relevant.
- 6.2 In terms of Part 2 of the RMA, and s8 where the principles of the Treaty of Waitangi are to be taken into account, HBRC has a list of Treaty principles in Schedule 1 of the Regional Resource Management Plan (RRMP), and the RPS through Objective LW3 directs that:

¹⁵ If PC9 appeals are resolved by October 2025.

¹⁶ Approximate time for Kotahi Plan to become operative if it is notified in December 2027 as proposed in the OIC.

“Tangata whenua values are integrated into the management of freshwater and land use and development including:

- a) recognising the mana of hapū, whānau and iwi when establishing freshwater values; and*
- b) recognising the cumulative effects of land use on the coastal environment as recognised through the Ki uta ki Tai (‘mountains to the sea’) philosophy; and*
- c) recognising and providing for wairuatanga and the mauri of fresh water bodies in accordance with the values and principles expressed in Chapter 1.6, Schedule 1 and the objectives and policies in Chapter 3.14 of this Plan; and*
- d) recognising in particular the significance of indigenous aquatic flora and fauna to tāngata whenua.”*

- 6.3 I consider this objective an important matter for PC7 where the identification of outstanding values and significant values is concerned. Clause a) requires the recognition of the mana of hapū whānau and iwi. Te Taiwhenua o Heretaunga are an affiliate of Ngāti Kahungunu Iwi Incorporated.
- 6.4 Te Runanganui o Heretaunga who are parties to the TToH and Others appeal, are a collective of representatives from all Marae in Heretaunga, who meet regularly to discuss matters of import, including environmental matters. Each marae in Heretaunga connects to the various hapū within the vicinity of that marae, who have mana whenua and mana moana rights and interests connecting to the lands and waters within each of their respective rohe.
- 6.5 Whānau are part of the social fabric of hapū, and whānau and hapū connections extend outwards to tāngata whenua in other rohe. Mr Apatu will provide evidence on the hapū of Heretaunga and their connections to Tamatea – Central Hawke’s Bay. Ngai Te Upokoiri have cultural connections to Tamatea and the lands and waters of the Waipawa and Tukituki Awa.
- 6.6 Schedule 1 of the RRMP contains the Treaty Principles that HBRC acknowledge. I attach these in full, as Appendix 1 to my evidence, to provide clarity in terms of RMA s8. One of the principles is the Principle of Active Protection, which states:

“The guarantee of Te Tino Rangatiratanga given in Article II is consistent with an obligation to actively protect Māori people in the use of their lands, water and other protected taonga, to the fullest extent practicable. In the context of resource management, the various elements which underlie and are fundamental to a spiritual association with the environment (including mauri) tapu, mana, tikanga and wairua) may all fairly be described as taonga that have been retained by Māori in accordance with Article II of the Treaty. The principle of active protection therefore extends to the spiritual values and beliefs of Māori.” [My amendments].

- 6.7 In general terms, tikanga Māori has common themes and expression, but there are subtle nuances and variations between hapū / Marae throughout Ngāti Kahungunu, in how tikanga and kawa are understood and expressed. For iwi in the region, these differences may be more profound. With much of our history based on oral traditions and long periods of occupation, some of the deeper knowledge of hapū and tribal histories is held by kaumatua and kuia. It is not always available in written form.
- 6.8 The Hawke’s Bay RPS covers the whole of the region including the territorial sea out to the 12 nautical mile limit. Within the RRMP, some of the principles and values of Ngāti Kahungunu are recorded¹⁷. There is sometimes an overlap between the two, depending on context and how a term is applied.
- 6.9 The RRMP glossary applies to both the RPS and the regional plan. I note that in PC7, 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), or those water bodies identified as having one or more outstanding values in a water conservation order.”*
- 6.10 This means that for all the coastal waters in the region, only estuaries can qualify as outstanding. Where other coastal waters are valued as outstanding for mahinga kai /

¹⁷ RRMP at Chapter 1 – Section 1.5 The Māori Dimension; Section 1.6 Iwi Environmental Management Principles.

mahinga mataitai, or other values, the definition in the glossary prevents them and their significant values from being protected. I acknowledge that the expert panel did not consider coastal waters other than within estuaries, but the genesis of the OWB plan change was originally the NPSFM and PC5, where the original intent was to encompass outstanding freshwater bodies. The extension into estuaries and coastal waters has complicated things both in law and in application.

Plan Change 5

- 6.11 PC5 was notified on 2 October 2012, its intent to set a framework to guide the development of catchment-based plan changes to follow, and to progressively implement the NPSFM 2011. Amongst other things, PC5 included provision for identifying outstanding freshwater bodies and protecting their water quality (Proposed OBJ LW1.1.).
- 6.12 PC5 appeals took almost 7 years to resolve, and it became operative 24 August 2019. The delay was partly due to HBRC' staff and resources being re-directed to the Ruataniwha Water Storage Scheme (RWSS) and PC6 (Tukituki catchment). The other key factor was the proposed plan seeking to insert a new definition for "wetland", that differed from that in the RMA, but ultimately PC5 reverted back to the RMA definition.

Plan Change 6

- 6.13 In the interim, PC6 to the regional plan had "leapfrogged" PC5, despite PC5 being a change to the RPS originally designed to direct catchment-based plan changes and containing provisions for the protection of outstanding freshwater bodies.
- 6.14 PC6 which considered the Ruataniwha Water Storage Scheme and the management of freshwater and land use within the Tukituki catchment, was became operative 1st October 2015, 4 years before PC5. Currently the management of land use and freshwater in the Tukituki catchment, does not provide for the protection of the quality of outstanding freshwater bodies nor of their significant values.

Plan Change 7

- 6.15 In my opinion, the RPS through PC7 provides the opportunity for better guidance when directing management of activities and their adverse effects through regional plans. I note that PC7 omits to account for or require avoidance, remediation or mitigation of adverse effects, including the cumulative adverse effects, of controlled and restricted discretionary activities on outstanding water bodies.
- 6.16 There is a presumption in PC7 that with adverse effects of existing activities being part of the existing environment, that they should continue to be enabled despite their potential to have more than minor adverse effects on outstanding water bodies. PC7 does not reconcile this issue and significant values of outstanding water bodies are not guaranteed protection where adverse effects are embedded within the planning framework, or in conditions of resource consents that are due to expire.
- 6.17 With the identification of some significant values being left until future regional plans become operative, these risks are compounded. This, in my view, places some aspects of TMoTW at risk from ever being achieved, due to a gradual lowering of the bar over time. It would be more prudent for PC7 to be amended to allow for significant values to be inserted into the proposed plan where such values are already known¹⁸.
- 6.18 Delaying identification/specification of the significant values of outstanding water bodies to a later date means that in the interim, they are not protected as required by the NPSFM.
- 6.19 HBRC through their roles and functions under s30(1)(c), must maintain and enhance the quantity and the quality of water within water bodies, whether they are outstanding or not. Delaying recognition of and provision for the significant values of OWB and the compulsory value of mahinga kai, means that the RPS when taken as a whole, along with PC7 provisions (as in the decisions and HBRC's preferred version), lacks alignment with the NPSFM.

¹⁸ Ngaruroro Values and Attributes report, Tables 4 and 5.

6.20 There is now a requirement that the loss of river extent and values is avoided, unless a council is satisfied that:

*“(a) that there is a functional need for the activity in that location; and
(b) the effects of the activity are managed by applying the effects management hierarchy.”¹⁹*

The Tukituki catchment

6.21 When notified, PC7 identified the Tukituki River as an outstanding water body, with the Waipawa River, the Ruataniwha Plains Aquifer System and the Tukituki Estuary included. The decisions version of PC7 specifies the Tukituki as an OWB from Highway 50 downstream and inclusive of the Estuary. The headwaters of the Tukituki River, the main stem of the Waipawa River above of Highway 2, and the Ruataniwha Plains Aquifer System were deleted from Schedule 25 by the IHP.

6.22 The headwaters of both the Tukituki and Waipawa Rivers are identified in the RRMP as sensitive catchments as they are recognised as more sensitive than other parts of these rivers, so require a careful management approach (Schedule VIb). The Ruataniwha Plains and Heretaunga Plains Aquifer Systems, and Lake Poukawa are included within this Schedule. In my opinion, the “sensitive catchment” category requires their values to be upheld and effects from land use and development within their vicinity carefully managed.

6.23 The sensitive catchment category is recognised in regional plan rules that manage the discharge of animal effluent and the overall management of nitrogen. The management of land use and the use of fertilisers and irrigation within the sensitive catchments is of greater concern than it is for other parts of these catchments and warrants specific management responses. It also signals that the water resources in these catchment areas are more significant than similar resources in other parts of the region.

6.24 Where provisions in the RPS and regional plans provide for, or direct protection or no degradation of natural resources, PC7 amendments should align with such provisions, so inconsistencies within the regional planning framework are not created. This

¹⁹ RRMP Policy 66B.

acknowledges their special character and importance within the region, the reason they warrant extra protection.

6.25 The Heretaunga Plains Aquifer System is acknowledged as *“the most significant groundwater resource in the region”*²⁰. It is therefore eminent and outstanding when compared to other groundwater resources / aquifers in the region. I consider it meets the criteria for outstanding from the hydrological and geological perspective due to the manner in which it is recharged from the Ngaruroro River and refreshes the Karamu River through emerging springs, and this supports the Whakapapa o te Wai value.

6.26 Should the court decide that the Ruataniwha Plains and Heretaunga Plains Aquifer Systems are outstanding, then “no degradation” of their existing water quality should be enforced as it is their water quality that contributes significantly to their other values. I include what I consider to be their outstanding and significant values in Table 3 of my evidence. These are derived from my experience in working with tangata whenua in Heretaunga and Tamatea for more than two decades.

6.27 RPS Objective 21 is directive and has been in the RPS since it became operative 17 years ago (2006). Similar provisions were in the previous Regional Water Plan (1992). The existing water quality referred to in the objective is that which existed when Objective 21 became operative.

6.28 While I was on the HDC Joint Māori Committee between 2008 – 2014, the Hastings District Plan referred to the “Heretaunga Plains Unconfined Aquifer Management Unit” in section 12.1 of their plan and HDC were proactive in managing activities above it to protect this valuable resource.

6.29 PC9 (TANK) which has been through hearings and is currently scheduled for Environment Court mediation, has maps outlining “Source Protection Zones” to protect the wells and source water utilised for reticulated drinking water supplies. For many years the general public were able to use water from the aquifer untreated, given its excellent

²⁰ RRMP at 3.8.2.

quality. Ruataniwha Aquifer water was generally of excellent quality as well, apart from around the southern edge where it has higher concentrations of manganese.

6.30 There is a footnote (6A) attached to RPS Objective 21 inferring that it is subject to the Ruataniwha Plains (Aquifer) being removed by Plan Change 6. In my opinion, this is misleading, as this aquifer system is still contained in operative Objective 21. PC6 removed the Ruataniwha Plains Aquifer from a similar objective in the regional plan (Objective 42). The retention of both aquifer systems in the RPS objective is a clear indication of their significance to the regional community, including the Māori community.

6.31 I consider the Ruataniwha Plains Aquifer System to be outstanding from a geological and hydrological perspective. It is also unique in that it lies under the plains on one side of the Turiri and Raukawa Ranges, receives water from and contributes water to multiple streams and rivers (taonga) across the plains, and then discharges through puna to replenish both the Waipawa and Tukituki Rivers before they exit the Plains²¹ and flow through the hills into the Tukituki River Valley. The health and mauri of the two main rivers is reliant on the health and mauri of the Ruataniwha Plains Aquifer System.

The Kotahi Plan

6.32 A proposed Order in Council (OIC) has recently been circulated by the Ministry for the Environment (MWB_Exhibit 1) seeking input on a range of actions due to the impacts of Cyclone Gabrielle and its aftermath, where numerous people including councillors and HBRC staff had their scheduled work programmes disrupted. This is also the case for a proportion of the regional community, with roads and bridges washed out, houses damaged, and it is taking considerable time to rebuild/recover.

6.33 Consequently, one of the proposals in the OIC is to postpone the notification of the Kotahi Plan²² for 3 years, pushing it out to December 2027. If the requirement to complete the hearings and statutory processes associated with the Kotahi Plan within 2

²¹ Ruataniwha Plains Water Resources Investigations Report, June 2003; Chapter 1.5 and Fig. 37).

²² A previously scheduled proposed plan to meet the requirements and timelines of s80A of the RMA and NPSFM. The Kotahi plan will combine all regional planning documents into one.

years endures post-election, then the Kotahi Plan will not become operative until at least December 2029.

6.34 Although we currently have PC9 (TANK) in process, it is not a Freshwater Planning Instrument pursuant to RMA s80A (2)), nor was it notified through a FPP. With multiple appeal points currently before the Environment Court and scheduled for mediation from late 2023, PC9 still has a considerable way to go before becoming operative.

6.35 PC7 is required to implement the NPSFM, and protect the significant values of outstanding water bodies, while PC9 was not drafted to include the significant values of outstanding water bodies in the 4 catchments the PC9 covers.

6.36 PC7 was publicly notified 31 August 2019, one week after PC5 became operative, and in part, seeks to amend provisions in PC5 that were previously agreed through Environment Court consent order between HBRC and other parties²³. PC7 changes specific terminology in PC5, replacing “outstanding freshwater body” with “water body”.

6.37 This creates an inconsistency within policy settings. Whereas coastal waters and freshwater bodies were clearly separated in the RPS previously, PC7 alters this through including coastal waters within the scope of “outstanding water bodies” which in my view is also a breach of previous agreements on (now operative) Policy LW1A a) and LW1A c).

6.38 Policy LW1 c) is directive and places an obligation on future plan changes, in this instance PC7, to implement the directive intent of the policy. It states clearly:

“In relation to Policy LW1A.1, the identification of outstanding freshwater bodies will be completed and an associated change to the Regional Policy Statement will be publicly notified prior to public notification of any further plan changes prepared in accordance with Policy LW1.” My emphasis added.

6.39 There is a logical sequence in Policy LW1A.1. The identification of outstanding freshwater bodies is to be completed first, including the process to quantify whether a

²³ This included Ngāti Kahungunu Iwi Inc. v Hawke’s Bay Regional Council ENV-WLG-2013-000050

freshwater body has one or more outstanding values pursuant to the NPSFM 1.4 Interpretation. The notification of the plan change is scheduled to follow that identification process.

6.40 When proposed, PC7 had already identified the water bodies and coastal waters listed in the plan change, as outstanding. The introduction of a further screening process to remove a number of water bodies from the original list of outstanding water bodies, I regard as contrary to the directive policy.

6.41 HBRC with assistance from the Expert Panel identified 16 outstanding water bodies, with some of those identified being connected to other waters in the same catchment but managed separately within regional plans²⁴. These are listed in Table 5 of the panel report and include:

- Ruataniwha Aquifer - Included with the Tukituki River
- Waipawa River – Included with the Tukituki River
- Waipunga River - Included with Upper Mohaka River
- Pekapeka Swamp - Included with Lake Poukawa, and
- Waitangi Estuary - Included with Ngaruroro River.

6.42 I consider the decision to remove the Ruataniwha Aquifer System and the Waitangi Estuary unwarranted given the aquifer systems uniqueness and the central part the Waitangi Estuary plays in terms of the outlet for 3 of our iconic rivers.

6.43 The Regional Planning Committee (RPC) of HBRC operates under a specific Act of Parliament²⁵ and one of their key roles is *“to oversee the development and review of the RMA documents prepared in accordance with the Resource Management Act 1991 for the RPC region²⁶.”*

²⁴ Specifically – Groundwater and surface water, where the regional plan has separate sections in policy and rules for managing them.

²⁵ The Hawke’s Bay Regional Planning Committee Act, 2015.

²⁶ Ibid, Section 9.1.

- 6.44 The RPC identified a number of additional water bodies and estuaries as outstanding or potentially outstanding, to be added to the original 16 from the expert panel' report. The IHP has then "unidentified" them through applying a new set of criteria that was not included in the proposed plan change.
- 6.45 The introduction of a further screening process that was not part of the notification process for PC7, creates undue prejudice, as it has denied submitters and potential submitters the right to provide input to this new process.
- 6.46 Submitters who wished to be heard at the hearing and PC7 appellants were given the opportunity to make comments on amendments to the screening criteria, but submitters who did not wish to be heard and those that did not appeal, were not all accorded the same opportunity. Usually through an RMA process, redress is available either through submission or appeal. With the late introduction of a new screening criteria, submitters were unable to include reference to it in their original submissions. Scope for them is therefore restricted unless they become appellants to the process.
- 6.47 The RPS and Change 7 should provide clear direction to upcoming regional plans, and coherence with the NPSFM, including its definitions, would be beneficial to ensuring a consistent approach to future freshwater planning instruments in the region. This would result in better alignment with higher level policy directions in the RMA, and the NPSFM.

Section 42A Officer's Report

- 6.48 It was stated by the reporting officer prior to the council hearing (OR 3.2), that the NPSFM 2020:
- "requires the Regional Council to engage with communities and tangata whenua to determine how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the region".*
- 6.49 I agree that this is required for some aspects of Te Mana o te Wai, however, the hierarchy prioritising the health and well-being of water bodies and freshwater ecosystems, and the health and well-being of people over other matters including

abstractive values and uses, provides strong direction for regional policy statements and regional plans in terms of where abstractive values ought to be placed under a Te Mana o te Wai regime.

6.50 The hierarchy will not change as it is not optional. It would be inconsistent with the NPSFM 2020, for a plan change like PC7, to enable the granting of new consents or the renewal of resource consents that then cause either singularly or cumulatively, significant adverse effects on outstanding water bodies and their ecosystems, or on coastal waters where these are attributed outstanding status.

6.51 As provisions in the RPS will ultimately guide regional plan provisions and decision-making processes, it is my opinion that it would be prudent for PC7 to give clear direction towards the required priority setting under TMOTW.

7. The New Zealand Coastal Policy Statement

7.1 By including estuaries within the ambit of “outstanding water body” when they are coastal waters by definition, PC7 is inconsistent with the higher order NZCPS.

7.2 The NZCPS mentions “outstanding” in two of its policies but does not define the term “outstanding” in the glossary. Of particular relevance to Change 7, are NZCPS objectives and policies in Table 1:

Table 1: NZCPS Objectives and Policies

NZCPS provision	Issues of particular relevance to Change 7 – <u>My emphasis</u>
Objective 1	<ul style="list-style-type: none"> • <u>maintaining or enhancing natural biological and physical processes in the coastal environment.</u> . . . • <u>protecting representative or significant natural ecosystems and sites of biological importance.</u> . . . • <u>maintaining coastal water quality.</u> . . .
Objective 2	To <u>preserve the natural character of the coastal environment and protect natural features and landscape values.</u> . . .
Objective 3	To take account of the <u>principles of the Treaty of Waitangi.</u> . . .

Objective 4	<i>To <u>maintain and enhance</u> the public open space qualities and <u>recreation opportunities of the coastal environment</u></i>
Policy 1	<p>1. Recognise that the coastal environment includes:</p> <p>....</p> <p><i>(c) areas where coastal processes, influences or qualities are significant, including <u>coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these</u>; and</i></p> <p><i>(e) coastal <u>vegetation and the habitat of indigenous coastal species</u> including migratory birds;</i></p> <p><i>(f) elements and features that contribute to <u>the natural character, landscape, visual qualities or amenity values</u>;</i></p> <p><i>(g) items of cultural and historic heritage in the coastal marine area or on the coast;</i></p> <p><i>(h) <u>inter-related coastal marine and terrestrial systems</u>, including the intertidal zone;</i></p>
Policy 2	<p><i>In taking account of <u>the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)</u>, and kaitiakitanga, in relation to the coastal environment.</i></p> <p><i>c). . . incorporate matauranga Māori in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes; and</i></p> <p><i>g) (ii)... provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori,</i></p>
Policy 7(1)	<p><i>identify areas of the coastal environment where particular activities and forms of subdivision, use and development:</i></p> <p><i>(i) are inappropriate;</i></p>
Policy 11	<p><i>Indigenous biological diversity (biodiversity)</i></p> <p><i><u>To protect indigenous biological diversity in the coastal environment:</u></i></p>
Policy 13	<p><i><u>Preservation of natural character</u></i></p> <p><i>(1) <u>To preserve the natural character of the coastal environment</u> and to protect it from inappropriate subdivision, use, and development:</i></p>
Policy 15	<p><i>Natural features and natural landscapes</i></p> <p><i><u>To protect the natural features and natural landscapes</u> (including seascapes) of the coastal environment from inappropriate subdivision, use, and development</i></p>
Policy 17	<p><i><u>Historic heritage identification and protection</u></i></p> <p><i>Protect historic heritage in the coastal environment from inappropriate subdivision, use, and development. . .</i></p>

7.3 For PC7 and the coastal environment, I consider that these objectives and policies apply to the following:

- natural biological and physical processes
- natural character
- natural landscapes
- natural features, and
- indigenous biological diversity.

For the estuaries, coastal lagoons and wetlands identified as outstanding.

7.4 Each of these aspects of the NZCPS potentially intersect with or are critical elements of coastal waters identified as outstanding in PC7 – The Porangahau Estuary, the Tukituki Estuary, the Ahuriri Estuary, and the Waitangi Estuary if the court considers it worthy for inclusion in PC7.

7.5 The NPSFM provisions for outstanding water bodies apply only to freshwater bodies, and include those freshwater bodies located within the coastal environment, but do not apply generally to “coastal water”.

7.6 A Regional Policy Statement (RPS) is required to give effect to a national policy statement and the NZCPS, while providing an overview of the significant resource management issues of the region along with policies and methods to achieve integrated and sustainable management (RMA s59).

7.7 NZCPS Objective 1 is particularly relevant to water quality in the coastal environment.

“To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

“...

- *maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity”*

7.8 By delaying and not identifying the significant values of the estuaries in PC7, the plan change is potentially allowing such values (e.g., indigenous fish habitat, mahinga kai)

and those matters listed in 7.4 above to degrade or diminish, which in my opinion is contrary to the NZCPS.

7.9 Within the HBRC-preferred version of PC7:

“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), or those water bodies identified as having one or more outstanding values in a water conservation order.

7.10 In taking into account the definitions and provisions in the NPSFM and the NZCPS, those in s2 of the RMA and in the NZCPS, in addition to the provisions in the operative RCEP where the boundaries between the coastal environment and the rest of the region are clearly defined, I consider a clear separation of outstanding freshwater bodies from outstanding estuaries and coastal waters is required in either the Schedule if it is retained or otherwise in a table, so that the management of each class of water is clearly within their own lane.

7.11 This would assist in providing sound methods for future management of contaminants and nutrients, with the ability to apportion sources to where they originate from for more effective management, before they cross over the boundary into the coastal environment. There are 20 significant areas located along the Hawke’s Bay coastline²⁷ and each has specific characteristics under various levels of protection.

7.12 There remains scope to take into account the effects of land use and development at the catchment scale so that what flows out of a freshwater environment into the coastal environment is managed appropriately but melding outstanding water bodies together with outstanding coastal waters risks creating confusing management responses.

²⁷ Regional Coastal Plan 1999 – Schedule II.

8. Consideration of HBRC Evidence

8.1 Having read the evidence of Belinda Harper (BH), Antoine Coffin (AC), and make the following observations:

- a) At BH 4.1 (b), reference is made to ‘outstanding estuaries’ as a possible alternative to ‘outstanding water bodies’ being used as a descriptor. This would mean that along the entire coastline of Hawke’s Bay, only an estuary can qualify as outstanding. I consider this too restrictive as it prevents other coastal waters in the region from being classed as outstanding, whereas the NZCPS has scope for and directs towards the protection of ‘outstanding natural, features’ and ‘outstanding natural character’ which could include other coastal waters besides estuaries.
- b) PC7 started off as an ‘outstanding freshwater body plan change, pc, and hasn’t given due consideration to coastal waters in the region that may be outstanding, other than estuaries. Deviating from processes agreed through the Environment Court has complicated matters and resulted in drafting of inconsistent policy.
- c) BH 4.1 (c) implies that water quantity is automatically covered within outstanding values or significant values associated with fish passage. Sufficient water quantity, however, is a requirement for upholding other values besides fish passage. Policy 66B in the regional plan requires that the loss of extent for rivers and lakes is prevented in most cases²⁸. Where lack of water quantity leads to ecosystem or habitat decline within an outstanding water body, then other values including cultural and spiritual values can diminish. Mahinga kai is a compulsory value under the NPSFM and is reliant on sufficient water quantity to uphold/support mahinga kai so that freshwater food sources/species can be harvested when they are at their optimum.
- d) BH at 4.1 (d) states that the inclusion of ‘water quality’ in Objective LW1.1 is not necessary due to it potentially being included as a potential value at a later date. The objective originally included protection of the quality of outstanding freshwater bodies, within its scope, providing surety. Removing the word ‘quality’ or ‘water

²⁸ Policy was added to the RRMP as required by the NPSFM 2020.

quality' takes its protection from a certain direct requirement to a potential requirement further down the track. It would also relegate water quality to a lower level of protection if not identified as one of the values in future regional plan changes.

- (e) I agree with Belinda Harper where she supports the inclusion of “temporal extent” in Policy LW1.2(iA). Some tikanga Māori values and ecosystem values are associated with seasonal attributes or events (tuna heke, whitebait run). I consider the inclusion of “temporal extent” in the policy would help provide for these and other values that are seasonal in application.
- (f) Some of the significant values for outstanding water bodies are well-known or have been clearly articulated, including within HBRC’s own plans. In addition, the Ngaruroro Values and Attributes report commissioned by HBRC contains a range of tikanga Māori values that apply to different reaches within the Ngaruroro catchment. Some of these values are also universal in nature, in that they are shared by tangata whenua in other catchments in the region, although there may be slight variations or nuances in how they are practiced or applied. In my view some of these values and others should be in PC7, otherwise protection of them will not be forthcoming for several more years.
- (g) I agree that Lake Poukawa and Pekapeka should be reinstated (BH 4.1 (h)). Although only a remnant of what it once was, it is regionally unique and outstanding in terms of its history and geology. Inclusion of its significant values would better provide for their protection as required the NPSFM.
- (h) I support the amendments suggested in BH 4.1 (j) relating to the Ngaruroro River. Although not yet finalised, the WCO gives strong direction of intent. Being proactive and providing for protection of the Ngaruroro’s significant values will prevent having to traverse a lot of ground again, when it has already been covered by the WCO special tribunal.
- (i) I provide comments on the screening criteria at 6.42 – 6.45 of my evidence. My main concerns are with its late introduction and due process. In addition, the conflict between operative policy and new criteria which trends towards undermining the mana motuhake of our hapū/Marae, and part of the criteria requiring the agreement

of all iwi in the region for awarding a river or freshwater resource, outstanding status. Some of the screening criteria I consider helpful.

- (j) At BH 5.11, reference is made to the addition of new wording through s293 to cater for “or those water bodies identified as having one or more outstanding values in a Water Conservation Order.” I have no objection to this phrase being added to PC7 as it aligns with the new version of the NPSFM to which the plan change has to give effect. Likewise, I support listing those parts of water bodies identified in the Mohaka WCO, in Change 7 (BH 5.16).
- (k) BH 5.17 refers to policies in the NZCPS and in the context of PC7. I consider that other parts of NZCPS Policy 11 would also apply to OWB (outstanding coastal waters) particularly 11(b) (ii to v). There is a risk that by failing to list the significant values of these waters in PC7, then adverse effects on them from activities, including land-based activities upstream, could be exacerbated, contrary to the NZCPS Policy 11. Policy 13 directs avoidance of adverse effects on outstanding features in the coastal environment. Parts of our RPS run counter to this where they to be applied to coastal waters that are outstanding, as they are also ‘outstanding features’ under the NZCPS.
- (l) In BH 5.39 (b), it is pointed out that new policies (LW3B and C3) are to guide decision-makers when assessing resource consent applications for existing activities and their effects on outstanding water bodies, and in (c), policies C1, C2 and C3 were amended to give effect to the NZCPS. In my opinion, there is conflict where PC7 gives more weight in preference to existing activities that (may) have adverse effects on outstanding water bodies, than the obligation to protect those matters of national importance in the coastal environment that are identified in the NZCPS (significant natural ecosystems, indigenous biodiversity, sites of biological importance, natural features, historic heritage, natural character and landscape values).
- (m) At 5.4 of BH’s EIC, definitions for ‘outstanding’ and ‘outstanding water body’ are articulated. I have made some proposed amendments to assist the court as I consider the definitions in 5.4 to be inappropriate. The original text from the EIC is below with my suggested changes underlined or ~~crossed out~~:

Outstanding: for the purposes of an outstanding water body or outstanding coastal waters, outstanding means conspicuous, eminent, unique and/or remarkable in the context of the Hawke’s Bay Region.

Outstanding water body means freshwater bodies and ~~estuaries~~coastal waters, or parts thereof, ~~identified in Schedule 25~~ that have one or more outstanding cultural, spiritual, recreational, landscape, geologically, hydrological, natural character or ecologically value(s).

- (n) In BH 7.5 (a) mention is made to all freshwater including groundwater in NPSFM 1.5 and *“the extent they are affected by freshwater, to receiving environments (which may include estuaries and the wider coastal marine area).”* My understanding of the NPSFM is that its definition of ‘outstanding water body’ clearly identifies that it is a ‘water body’ which by RMA definition does not include estuaries.
- (o) This next part of my evidence is in reference to Mr Coffin’s EIC. At AC 1.10 (c), is mentioned the summary of cultural values identified in March 2018 by BH. The Ngaruroro Values and Attribute report was finalised in October 2018, and contains a number of values although the outstanding and significant values are not identified separately. It is important to note that for cultural and spiritual purposes in accordance with the kawa and tikanga of Ngāti Kahungunu, parts of the Ngaruroro Awa were so vital to the existence of the Ngāti Rahunga-i-te-Rangi and Ngāti Poporo hapū that they called it Te Awa o te Atua. Mr Marei Apatu elaborates further on the Ngaruroro River in his evidence.
- (p) In AC 2.2, Lakes Oingo and Runanga are mentioned and the fact that they are considered out of scope for PC7. An outstanding water body is one that is identified in a regional policy statement or regional plan as a water body that has one or more outstanding values. Through submissions to PC9, the whānau and hapū of Heretaunga have identified Lake Oingo and Lake Runanga as having outstanding cultural and spiritual values and sought the inclusion of them in a table in PC9 along with their outstanding and significant values.

(q) HBRC purports that the significant values of outstanding water bodies should go through a further identification/validation phase before they warrant protection. Our hapū at Omahu already consider these lakes to be outstanding.

(r) At AC 3.1(a) (ii), the recommendation is made to, *“Amend criteria b) in List A with “The features are outstanding in accordance with te ao Māori values, matauranga Māori and tikanga by descendant groups closely associated with the water body.”*

I support this amendment with one minor change in that “by descendant groups” is replaced with “by a descendant group”. Using the plural implies that the approval of all descendant groups is required before a water body can be classed as *“outstanding”*. Some descendant groups closely associated with our water resources no longer reside here, despite the water resource (e.g., Lake Poukawa, Ngaruroro River) being an important part of their whakapapa connections/origins.

(s) For AC 3.1(b), I have addressed these matters elsewhere in my evidence as have Mr Apatu and Mr Tomoana. I acknowledge the reinstatement of Lake Poukawa and Pekapeka into Schedule 25 as outstanding water bodies, and await the determination of the Court in terms of the other water bodies and estuaries outlined in AC 3.1(b)

(t) In AC 4.3 it is intimated that an outstanding water body is one that is *“truly exceptional and stands out from the rest.”* This has been a constant theme throughout the PC7 process. And I consider it misleading. The definition in the NPSFM requires only that it has one or more outstanding values, so it only need stand out from the rest in regard to that one value. It does not have to meet a standard of exceptional for other values or attributes. The one outstanding value is sufficient to get it *“across the line”*.

(u) I have concerns with the original IHP version as it required the approval of *“wider iwi and hapū groups.”* This means that Ngāti Kahungunu or a hapū affiliate could require the approval of Tuwharetoa or Tuhoe before getting an outstanding water body approved within our rohe. This is akin to an iwi having to obtain their mana from another iwi.

- (v) AC's evidence in Table 1 outlines recommended changes to Table A in the IHP's decision version of PC7 for the cultural and spiritual value criteria. To assist the court, I give qualified support for this new version with some amendments:

"a) The features ~~are~~is acknowledged as having one or more conspicuous, unique, eminent, and/or remarkable cultural and spiritual values in the context of the Hawke's Bay Region.

b) ~~The~~At least one ~~features~~value is~~are~~ outstanding in accordance with te ao Māori ~~values~~, matauranga Māori and tikanga by a descendant groups closely associated with the water body.

8.2 I have reviewed the evidence of Jens Rekker and make the following observations.

- (a) There is reference to the screening criteria that 'must be met' if a water body or coastal waters (or in the opinion of HBRC and their preferred definitions, "estuaries" only), are to achieve or pass the threshold for 'outstanding'.
- (b) The screening criteria JR supports is restrictive in terms of aquifers, as the criteria is aimed more at karst systems, with scenic, wilderness, and tourist caving values listed, rather than values more attributable to aquifers. This implies that parts of the criteria have been taken from other locations throughout the country where such karst systems exist (e.g., Tasman – Takaka, Waitomo), rather assessed and confirmed from within a regional context in Hawke's Bay.
- (c) TToH submissions and appeals sought the acknowledgment in the criteria, that the benefits from spring discharges from the aquifer systems into streams are considered as outstanding for cultural and spiritual purposes, due to the role springs have had historically, as wai tapu, for spiritual cleansing and baptism.
- (d) Springs emanating from the Heretaunga Aquifers comprise a high percentage of flow into the Karamu River and its tributaries, with up to 80 percent of base flow. I consider this as remarkable in the cultural and spiritual, in addition to the hydrological sense.
- (e) The Heretaunga Plains Aquifer System and the Ruataniwha Plains Aquifer System are remarkable and in a cultural sense in that the whakapapa connections between these aquifers to the hapū and Marae of Heretaunga and Tamatea are an essential part of

their cultural well-being. Mr Tomoana and Mr Apatu provide more evidence in this regard.

- (f) Other matters raised in the EIC of Belinda Harper, Antoine Coffin, Jens Rekker and Greg Ryder, I have addressed elsewhere in my evidence

9. Outstanding values and significant values

9.1 After carefully considering the evidence and documents from HBRC and their witnesses, from submitters to PC7 and experts from the initial hearing, the statutory requirements, background and regional planning framework, my opinion is that the water bodies and coastal waters identified in Table 3 of my evidence warrant inclusion in PC7 as they are eminent, remarkable, unique or conspicuous in a regional context.

9.2 It naturally follows that if their outstanding values and significant values are to be upheld and protected, that their inclusion in PC7 is required. An explanation of the cultural and spiritual values is included in Table 2 of my evidence. These are provided to assist the court in its deliberations.

9.2 Some of the values in Table 3 are seasonal, so have temporal aspects to them, whereby the activity associated with the value requires protection over a specific part of the year, and not always for the whole year.

9.3 An example of this would be with inanga spawning, where to protect the spawning grounds and the activity of spawning, requires a policy response in the RPS and the regional plan. Similarly with the Australasian bittern, where their populations are threatened nationally, added precaution is necessary to protect their habitat.

Table 2: Articulation of Cultural and Spiritual values

Value*	Description
Whakapapa o te Wai	The water cycle in tikanga Māori terms acknowledging the connections between the Atua, the Maunga, the Awa and the Whenua, and the tāngata whenua connected to the water resource where-ever specific waters flow before reaching the oceans. It includes the recharging of groundwaters and the discharges from springs.
Kohanga Ika	A spawning ground(s) and/or nursery for indigenous fish species, and the habitat where these are located
Mahinga kai	A place where food and other resources are grown or gathered. Includes the actions, protocols and behaviours associated with the location
Hauora o te Wai	The health including spiritual health of the water, and the processes that underlie the health state, and its connection to the health of tāngata whenua. For groundwater it includes the unique cleansing that occurs with hydrogeology, where water passes through the whenua and is cleansed over time and distance.
Ki Uta ki Tai	In general terms is understood as “from the mountains to the sea” and the influences that affect the water on its passage between the two.
Nohoanga / Pāhi	A temporary dwelling place or location along a river, beside an estuary, or the shores of a lake, where tāngata whenua have traditionally stayed while undertaking the activity of fishing or resource gathering. It can also be used for wananga, and for learning, the passing on of traditional knowledge.
Uu	Immersion – often associated with physical immersion and spiritual ceremony, but also in terms of mahinga kai practices and recreation.

*The values in this table are not inclusive of all cultural and spiritual values

Table 3: Outstanding water bodies, outstanding coastal waters, and their values

Outstanding water body	Outstanding values	Significant values
Heretaunga Plains Aquifer System	<p>Cultural and spiritual Whakapapa o te wai Ki Uta ki Tai Hauora o te wai Mauri</p> <p>Geological (Hydrological) Natural character</p>	<p>Cultural and Spiritual Wai tapu / Waahi Tapu</p> <p>Ecological Groundwater Dependent Ecosystems</p> <p>Ecological Indigenous fish habitat (regional)</p>
Ruataniwha Plains Aquifer System	<p>Cultural and spiritual Whakapapa o te wai Hauora o te wai Mauri</p> <p>Geological (Hydrological) Natural character</p>	<p>Cultural and Spiritual Wai tapu / Waahi Tapu</p>
Ngaruroro River (including the Lower Ngaruroro)	<p>Cultural and Spiritual Whakapapa o te wai Mahinga kai Aquatic bird habitat Mauri</p> <p>Ecological Indigenous fish habitat (regional) Recreational – Trout angling, trout fishery, kayaking</p>	<p>Cultural and Spiritual Uu Mahinga kai (regional)</p> <p>Ecological Indigenous fish habitat (regional)</p>
Karamū River	<p>Cultural and Spiritual Whakapapa o te wai</p> <p>Natural character Indigenous fish habitat</p>	<p>Cultural and spiritual Kohanga ika</p> <p>Ecological Fish spawning</p>
Tukituki River (From headwaters to	<p>Cultural and spiritual Whakapapa o te wai Mahinga kai</p>	<p>Cultural and spiritual Uu</p>

the coastal environment boundary)	Uu Ki Uta ki Tai Mauri Trout angling, trout fishery Indigenous fish habitat (regional) Recreational	Recreational Kayaking, rafting
Waipawa River (From headwaters To confluence with the Tukituki River)	Cultural and spiritual Whakapapa o te wai	Recreation – Trout fishing Mahinga kai
Lake Poukawa and Pekapeka Swamp	Cultural and spiritual Waahi tapu / waahi taonga Ecological Bird habitat	Cultural and spiritual Mahinga kai Kohanga ika
Outstanding coastal waters	Outstanding values	Significant values
Waitangi Estuary	Cultural and spiritual Kōhanga ika; Mahinga mātaimai Nohoanga/Pāhi	Ecological Indigenous fish habitat
Porangahau Estuary	Kōhanga ika; Mahinga mātaimai Indigenous bird habitat	Cultural and spiritual Wai tapu / Waahi Tapu
Tukituki Estuary	Kōhanga ika; Mahinga mātaimai Ecological - Indigenous bird habitat	Ecological Indigenous fish habitat Mahinga mataimai

9.4 I have made some amendments to the HBRC - preferred version of PC7 but refrain from supplying it with my evidence at this stage. I am aware that the evidence from s274 parties is to be supplied towards the end of September and consider it more appropriate to produce a tracked changes version to assist the court after receipt of all experts' evidence, so it can be considered concurrently.

10. Abstractive values

- 10.1 It is my understanding that some s274 parties (e.g., Horticulture New Zealand) consider the values of an outstanding water body extend to encompass economic potential and benefits accrued from the use of water sourced from an outstanding water body.
- 10.2 My opinion is that consumptive or abstractive values, whether they are significant or outstanding, should not be considered or categorised as values of an outstanding water body. An outstanding or significant value of an OWB should be inherent within or upon that water body.
- 10.3 Once water is removed from the water body, it is no longer part of it, so the values accrued from the water use are separate from the OWB, and reliant on other factors and inputs, which are sometimes difficult to quantify.
- 10.4 Abstractive values/uses can be inclusive of:
- water and land use for farming
 - primary production land use
 - primary production water use
 - food production and associated processing and activities
 - irrigation water supply after removal from the (fresh)water body
 - commercial and industrial use, or
 - animal drinking water (after water is removed from the water body).
- 10.5 To be realised, the values above either require removal from the relevant water body and/or the addition of other inputs to enable the water to attain significant value or outstanding value status. Abstractive uses also require other capital expenditures like purchase and/or lease of land, transport of goods and services, and consideration of EBITA²⁹ and payment of tax liabilities.

²⁹Earnings before interest, taxes, depreciation and amortization, which is used to measure and evaluate financial health of a company or enterprise.

10.6 The other issue with abstractive values is that the definition of “water” in the RMA s2 is:

(a) water in all its physical forms whether flowing or not and whether over or under the ground:

(b) includes fresh water, coastal water, and geothermal water:

(c) does not include water in any form while in any pipe, tank, or cistern

10.7 With this definition, it means that during transit out of the outstanding water body via a well or gallery, the water ceases to be water in terms of the Act while being abstracted through a well casing, as it is for all intents and purposes a pipe, or while in an extraction pipe from surface water. It is not classed as water when passing through a pump and irrigation system, as these involve pipes in various shapes and forms, and then on exiting the irrigation infrastructure it potentially becomes water again under the RMA.

10.8 If fertiliser or nutrients are added before it reaches the irrigation nozzles, then the irrigation can potentially be a discharge. In my opinion, any value accrued following these processes cannot be assessed as a value “of an outstanding water body”.

10.9 Table 1 in the operative version of Chapter 3 in the RPS, contains a suite of values and uses for water in various rivers and catchments throughout the region. These are separated into primary and secondary values and uses. Some of the uses are:

- *Water use associated with maintaining or enhancing land-based primary production, and*
- *Freshwater use for beverages, food and fibre production and processing and other land-based primary production.*

10.10 I note that there are cultural values and uses for mahinga kai, nohoanga, taonga rāranga and taonga rongoā as well.

10.11 In my opinion, it would be difficult to quantify abstractive values as outstanding values or significant values of an OWB given the degree of separation in fact and in law.

10.12 One would also have to consider what should be counted towards an accrued value, and what is an actual debt. Several vineyards, orchards and related organisations have gone into receivership over the last decade. When there are substantial losses in an

industry due to frosts, extreme weather events, pandemic or lack of labour, the costs can be astronomical. During the 2021 season, losses for the pip-fruit industry were assessed at up to \$600M³⁰.



Signed: _____

Date: 28 August 2023

Maurice Wayne Black

**For Te Taiwhenua o Heretaunga, Te Runanganui o Heretaunga,
Te Manaaki Taiao and Ngāti Kahungunu Iwi Incorporated**

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³⁰ <https://www.stuff.co.nz/business/farming/124768684/growers-devastated-as-apples-rot-in-hawkes-bay-orchards>.

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APPENDICES

Appendix 1 – Regional Resource Management Plan

Schedule 1, Section 2.

Section 8 of the Resource Management Act requires all persons exercising functions and powers under it to take into account the principles of the Treaty of Waitangi. To tangata whenua those principles, based on interpretations by the Courts and the Waitangi Tribunal and as applied in the context of sustainable management of natural and physical resources under the Act, mean as follows:

The Principle of Te Tino Rangatiratanga

Te tino rangatiratanga (fully chiefly authority) over resources including lands, forests, fisheries and other taonga were guaranteed to Māori under Article II of the Treaty. Tino rangatiratanga includes tribal self-regulation of resources in accordance with their own customary preferences. Tino Rangatiratanga was not, nor was it ever intended to be, relinquished or given away by Māori to the Crown.

The Principle of Partnership

The Treaty signified a partnership between Māori tribes and the Crown. The exchange of promises under Articles I and II of the Treaty is seen as an exchange of gifts. The gift of the right to make laws and the promise to do so as to accord the Māori interest in appropriate priority. Utmost good faith, reasonable co-operation and compromise are fundamental to this concept of a partnership.

The Principle of Kawanatanga

Kawanatanga, as ceded by Māori under Article I of the Treaty, gave the Crown the right to govern and to make laws applying to everyone. The delegation of resource management powers by the Crown to local authorities under the Act means that those authorities can make policies, set objectives and make rules affecting the management of natural and physical resources, subject to the guarantee of tino rangatiratanga to Māori and recognition of the partnership between Māori and the Crown.

The Principle of Active Participation and Consultation

The spirit of the Treaty calls for Māori to have a much greater say in the management of the environment. Effective, early and meaningful consultation is an integral and necessary

component and forerunner to greater participation by Māori in resource management decision-making.

The Principle of Active Protection

The guarantee of Te Tino RaNgātiratanga given in Article II is consistent with an obligation to actively protect Māori people in the use of their lands, water and other protected taonga, to the fullest extent practicable. In the context of resource management, the various elements which underlie and are fundamental to a spiritual association with the environment (including mauri) Tapu, mana, tikanga and wairua) may all fairly be described as taonga that have been retained by Māori in accordance with Article II of the Treaty. The principle of active protection therefore extends to the spiritual values and beliefs of Māori.

The Principle of Hapū/Iwi Resource Development

Article III of the Treaty gave to Māori the same rights and duties as other New Zealand citizens. The Treaty guaranteed to Māori retention of their property rights under Article II, and the choice of developing those rights under Article III. To Māori, the efficient use and development of what are in many ways currently under-utilised hapū/Iwi resources is a very important principle of the Treaty in the context of resource management under the Act. Ngāti Kahungunu seek restoration of their tribal resources. The Treaty recognises the right of Māori to develop those resources in accordance with their own needs and aspirations. In pursuing development, Māori may choose to pursue non-traditional uses of their resources instead of or as complementary to, their traditional practices. Recognition of the ability and needs for hapū/Iwi to develop their resources in a manner which achieves the purposes of the Act is a fundamental principle embodied in the Treaty.

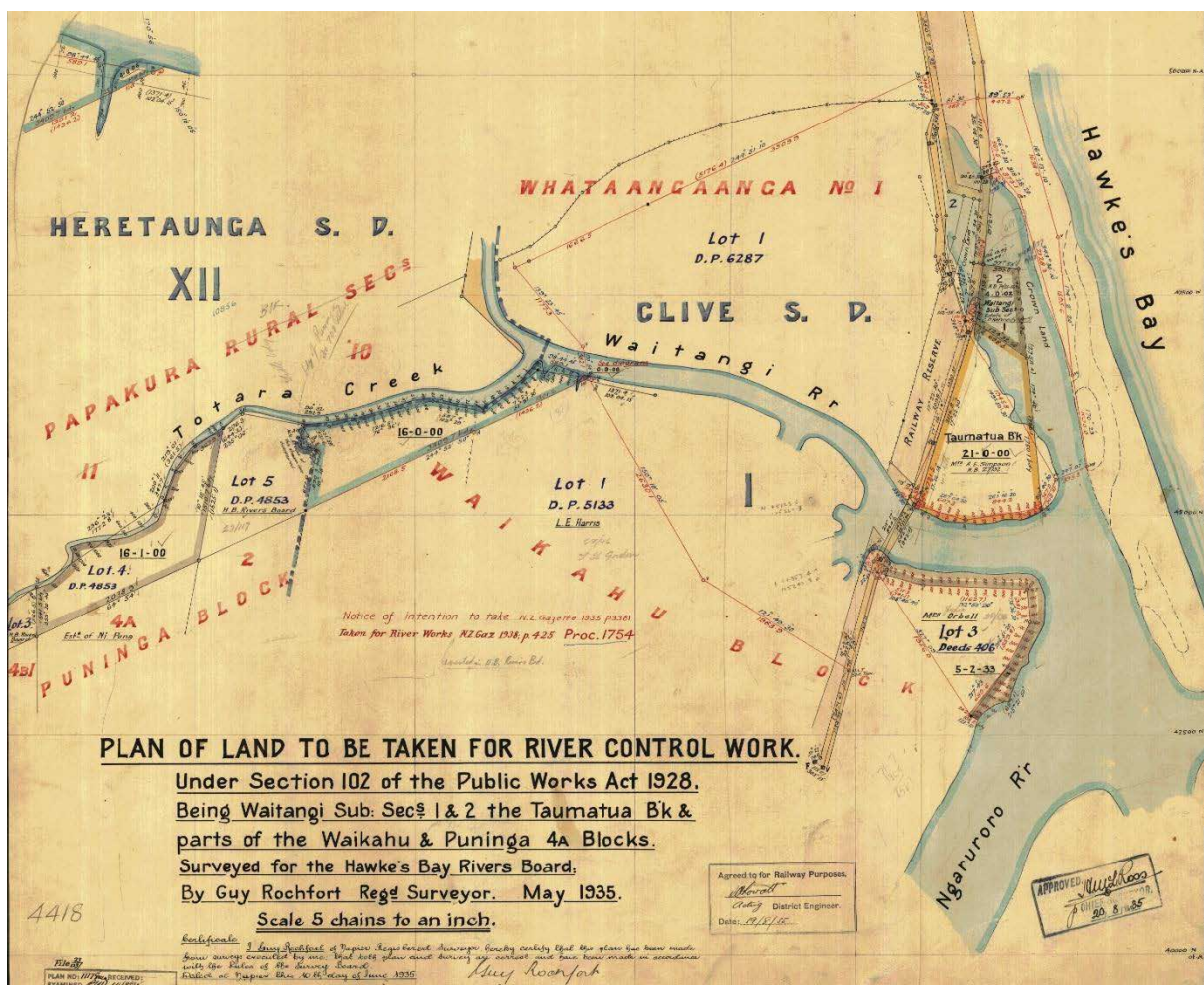
Appendix 2 – Part Transcript from Nga Pou Mataara Hou Wananga

Houngarea Marae – 13 April 2023

Charles: Kia ora Uncle. I'm working with my mum at the moment on Whata-anga-anga for Awatoto. Whata-anga-anga, if you know, that is a whata. It has many meanings for what you are talking about.

One of the many areas that I have been looking at is the "kumara currency". How our tūpuna redistributed kai, through a contributory system. And what I'm researching is Whata-anga-anga as a place that all the hapū took their kai too. They took their kai to the ariki, to re-distribute back out - is one of the meanings, so what you're talking about is the matauranga – how can you pull that together to re-distribute that out, and of course that's just down the road from Matahiwi, and so this whata and its many interpretations, allows it to be used in many ways across all matauranga.

Jamie: Kia ora, kia ora, and that absolutely applies to this conversation about retaining that knowledge and using that knowledge, but ultimately distributing that knowledge for a common good, which will in this case be around the awa, or whatever you're looking at. This absolutely aligns with this kaupapa, with this process so yeah, awesome.



Map of Whata-anga-anga although much of it had already been drained at this time (20.08.1935).

Appendix 3 – Public Notification of PC7

HAWKES BAY REGIONAL COUNCIL
TE KAUNIHĒRA Ā-ROHĪ O TE MATAU-Ā-MĒŪ

Do It Online Popular Links

About Outstanding Water Bodies - Plan Change 7

Hawke's Bay Regional Council proposes to change the Regional Resource Management Plan (RRMP) to include a list of the region's outstanding water bodies, together with a framework which prescribes a high level of protection for these water bodies in future plan making. That change to the RRMP is referred to as 'Proposed Plan Change 7' or the 'Outstanding Water Bodies Plan Change.'

The water bodies identified in the Outstanding Water Bodies Plan Change are the 'best of the best' within the region, featuring an exceptional cultural, spiritual, recreation, natural character, landscape, geology, or ecology value which is remarkable in Hawke's Bay.

This plan change aims to protect these outstanding features, in their current state, now and for future generations.

- Hearings were held from the 30th of November to the 3rd of December.

Timeline

- Preparation of proposed plan change
- Pre-notification consultation
- Public notification
- Summary of submissions
- Further submissions
- Hearings & Deliberations
- Submitters notified of decision

Appendix 4 – Te Taiwhenua o Heretaunga and Others

Email Correspondence re OWBs Hearing

From: Morry Black <moryb@xtra.co.nz>

Sent: Monday, 23 November 2020 10:00 AM

To: OWB <OWB@hbrc.govt.nz>; Marei Apatu <Marei.Apatu@ttoh.iwi.nz>; Ngaio Tiuka <Ngaio@kahungunu.iwi.nz>

Subject: Annual leave

Tena koutou,

Nga mihi ki a koutou. I provided planning evidence for Te Taiwhenua o Heretaunga on the OWBs plan change - Change 7. I will be away on annual leave from 01 to 11th December, so am unable to make the hearings during this time. I can however provide written responses to any questions the hearings panel may have regarding my evidence, on my return.

Apologies for any inconvenience.

Nga mihi mahana,

--

Morry Black

Mauri Protection Agency; P O Box 516 HASTINGS; 4156
DDI 06 8584 398; Cell 027 343 5705

From OWB <OWB@hbrc.govt.nz>;

Subject **RE: Annual leave**

23/11/2020, 1:01 pm

To morryb@xtra.co.nz <morryb@xtra.co.nz>

Kia ora Morry,

I have just heard back from the chair and he is happy with written responses to any questions.

Enjoy your time away,

Thanks

Nichola