

**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

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

PLANNING AND CULTURAL – 22 November 2023

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Introduction

Qualifications and experience

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 Bay.
2. My qualifications and experience are as contained in the Introduction section of my Evidence in Chief.

Expert Code of Conduct

3. 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

4. The key documents I refer to in my rebuttal evidence are:
 - a) The Evidence in Chief of:
 - Richard John Mathews (Genesis Energy)
 - Antoine Coffin (HBRC – Cultural and Spiritual)
 - Belinda Harper (HBRC - Planning)
 - Jens Rekker (HBRC - Geology)
 - Ngaruroro River Values and Attributes Report, 2016

Summary and conclusions

5. PPC7 has taken almost 8 years to reach its current status. Its intention was originally to address the protection of outstanding freshwater bodies (OFWB) and their values at a higher level and facilitate that protection through subsequent regional plans. One of the early attempts to accommodate some OFWB was through PC5, but agreements between PC5 appellants and HBRC resulted in not including OFWB in PC5 and undertaking a specific regional approach and plan change for OFWB at a later stage. PPC7 is the result of this, but its notification was held back until PC5 became operative, as PPC7 sought to amend provisions in PC5.

6. The key conclusions reached in my rebuttal evidence are:
 - a) In PC7, use of the terms “*water body*” and by extension, “*outstanding water body*” to define an estuary and the coastal water it contains, is contrary to the definitions in the NPSFM and the Resource Management Act 1991 and creates inconsistencies for regional planning.

 - b) Having reviewed HBRC’s suite of evidence and the higher order documents¹, I consider it as more appropriate to separate the estuaries in Schedule 25 into either a separate table, or a separate part of the same table.

 - c) By not including the significant values of outstanding water bodies and outstanding coastal waters in Schedule 25, including those already acknowledged within HBRC’s planning documents, PPC7 fails to provide for the protection of the significant values of outstanding water bodies as required by the NPSFM.

 - d) The screening criteria in the HBRC preferred version of PPC7 (13 July 2023) prevents the addition of some water bodies considered to be outstanding by various experts (HBRC’s and appellants) because:

¹ Resource Management Act 1991, the NPSFM 2020 and the operative Regional Policy Statement.

- The screening process requires international criteria to be met when the definition of “outstanding” for PPC7 should be applied within the regional context²;
 - There is no pathway for aquifer systems to be considered outstanding unless they are part of or associated with Karst systems, which in New Zealand are typically found in limestone or marble formations, or
 - Preparation of PPC7 did not address or include a suite of values and characteristics of water bodies and estuaries, already contained in HBRC’s planning documents, or in iwi planning documents lodged with HBRC.
- e) The HBRC-preferred version of PPC7 does not give effect to the NPSFM because it enables adverse effects on outstanding values and significant values of those freshwater bodies and coastal waters identified as outstanding, contrary to Te Mana o te Wai.
- f) Operative Objective LW3 supports 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 when establishing freshwater values in regional planning documents. PPC7 fails to support this.
- g) Objective LW3(c) directs the recognition and provision for wairuatanga and mauri of freshwater bodies, in accordance with the values and principles of tangata whenua
- h) PPC7 being a change to the RPS, should be consistent with and cohere with other parts of the RPS that are not being amended
- i) There is conflict between PPC7 and the NZCPS in terms of the direction given for managing estuaries identified as outstanding, and protection of their associated values.

² PPC7 definition of “outstanding”.

- j) The principles of the Treaty of Waitangi that HBRC acknowledge are clearly identified within their main planning document and are required to be taken into account and given appropriate weighting through decision-making processes for PPC7.
- k) The Treaty 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.

HBRC's Planning Evidence

7. I do not concur with the planning evidence of Ms Belinda Harper (BH EIC, 7.5), wherein she agrees with the IHP decision (IHP 5.4) that the definition of outstanding water body can be extended to include estuaries. The NPSFM is for freshwater management and although it is logical for regional plans and regional policy statements to direct management of freshwater to restrict adverse effects on coastal water (EIC BH 7.5), which by RMA definition includes estuaries, in my opinion this does not allow for a regional council to broaden the meaning of "outstanding water body" within their plans to encompass estuaries.
8. Although rivers are generally connected to estuaries, an estuary cannot be an outstanding water body. The NPSFM 2020, which a proposed regional policy statement must take into account and once operative must give effect to, is quite clear in its interpretation at 2.1, where an outstanding water body is a "water body" or part of a "water body".
9. In terms of the Resource Management Act, a water body is fresh water or geothermal water. It does not include coastal water or water located within the coastal marine area. The CMA encompasses parts of estuaries that are either 5 times the width of the river mouth, or 1 kilometre upstream, whichever is the lesser (RMA s2). The NPSFM is clearly to direct freshwater management at the regional scale, not coastal water management, which comes under the NZCPS.

Catalyst for Proposed Plan Change 7

10. Part of the agreement reached in the resolution of Plan Change 5 (*Ngati Kahungunu Iwi Inc v HBRC ENV-2013-WLG-000050*), was for HBRC to undertake an Outstanding Freshwater Body plan change. This is articulated in POL LW1A a) and LW1A c). The inclusion of estuaries under the amended term “outstanding water body” is contrary to this agreement and tends to create confusing policy and misalignment with the higher order documents.
11. TToH and Ngati Kahungunu Iwi Inc are not averse to the inclusion of coastal waters/estuaries in PPC7 and Schedule 25, provided they are kept separate due to the differences in directions from the NZCPS 2010 and the NPSFM. The HBRC definition of Outstanding Water Body, means that the wording in freshwater management planning provisions, includes estuaries as well as freshwater.
12. I note that Ms Harper implies restricting any coastal waters other than estuaries, from being considered as “outstanding” whether they have outstanding value(s) or not. HBRC chose to broaden the scope of their previously agreed outstanding freshwater body plan change, but the inclusion of coastal waters in my view, can only be achieved successfully, by complying with RMA, NPSFM and NZCPS definitions, with coastal waters remaining in their own lane.

The New Zealand Coastal Policy Statement

13. The NZCPS 2010 includes the terms, outstanding natural character (Pol 13 a)), plus outstanding natural features and outstanding natural landscapes (POL 15 a)). It does not contain the terms “water body” or “outstanding water body”, but the NZCPS became operative prior to the first NPSFM in 2011.
14. Policy 13 of the NZCPS requires the preservation of the natural character of the coastal environment, whether it is outstanding or not, stating:

“(a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and

“(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment;”.

15. Policy 15 has similar requirements for natural features and landscapes:

“To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

(a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and

(b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment;”

16. The Ahuriri, Tukituki and Porangahau Estuaries were included in the Schedule 25 pursuant to the IHP Decisions version of PPC7, in consideration of their outstanding values. The cultural and spiritual JWS agreed that the Waitangi Estuary should also be included in Schedule 25 as it has outstanding cultural and spiritual values.

17. Estuaries identified as outstanding in Schedule 25, could also be considered under the term *“outstanding natural features”*, or as *“areas of the coastal environment with outstanding natural character”*, but their connection to the definition of *“outstanding water body”* in the NPSFM, I find incompatible.

The Coastal Environment

18. The Regional Coastal Environment Plan identifies the spatial extent of the coastal environment in Hawke’s Bay. HBRC’s planning evidence implies that outstanding natural features in the coastal environment that warrant protection can include estuaries but that PC7 should not include the term *“coastal waters”*, as it may open the plan change or Schedule 25, to inclusion of other coastal waters (BH EIC 7.7, 7.8). No submitter or appellant on PPC7 has sought the inclusion of other coastal waters other than the Waitangi Estuary, which HBRC and TToH and others’ cultural experts have agreed should now be included, based on the Evidence in Chief provided by the appellants and HBRC³.

³ Agreed in the Cultural and Spiritual JWS.

19. I acknowledge that the outstanding natural features within the coastal environment are also the domain of territorial authorities, but for coastal waters including estuaries, management of water quality and quantity generally resides with regional councils.
20. I disagree with Ms Harper’s evidence where she implies that the NPSFM considers effects on a “coastal water body” (BH EIC 7.5(a)). The NPSFM does not include the term coastal water body, nor does it recognise an estuary as being one. The NPSFM 2020 does not include “coastal water” at all. It does however specify that an outstanding water body is a “water body”, and having been drafted in accordance with the RMA, the NPSFM and in my opinion, any lower tier documents drafted to give effect to it, must adhere to the definitions for “water body” contained within the RMA.
21. The NZCPS differentiates between coastal water and water bodies in consideration of water quality in the whole of the coastal environment (Policy 21(a)), and coastal water is also referenced elsewhere in the NZCPS⁴. The maps in the operative HBCEP delineate where the coastal environment for Hawke’s Bay is located and its spatial extent on the land surface, which includes parts of both freshwater bodies and estuaries, while the map of the Heretaunga Plains Groundwater Quantity Area in PPC9⁵ shows the Heretaunga Aquifer extending beneath the seabed out into Hawke Bay.
22. The direction from PPC7 for management of estuaries identified in Schedule 25 as OWB due to them each having one or more outstanding values, potentially allows for adverse effects on such estuaries and their associated values to occur or continue, due to the approach taken towards the renewal of existing/current resource consents operating upstream of the coastal environment boundary.
23. Policy LW3B of PPC7 presumes that enabling consent renewals will have similar effects, however some effects can become more profound or increase in intensity or scale, due to cumulative effects of several similar activities over time, or the effects of several activities

⁴ NZCPS Glossary (x1), Preamble (x3), Objective 1 (x1) and Policies 21(a) and 22(a).

⁵ PPC9 IHP Decisions version - Schedule 30, Map 5.

that access or utilise the same water resource to the extent that the resource diminishes in spatial area or quantity.

24. The effects are then of a scale that the security of supply for both the water resource and resource consent holders becomes less, and to continue with all existing activities at the same or similar scale or intensity, will inevitably result in less resource being available. One example is where the decisions from the IHP for PPC9 recommend a reduced allocation limit for abstraction from the Heretaunga Groundwater Management Area (90 Million m³), while Policy LW3B in PPC7 enables the continuation of existing volumes of water to be abstracted, providing the effects are the same or similar.
25. This policy enables existing allocated volumes of water to continue to be abstracted, and is inconsistent with the decisions from the IHP for PPC9, which recommends substantial reductions in groundwater allocations⁶ from approximately 145 Million m³ to 90 Million m³
26. Although it may not be the duty of the court to reconcile PPC9 and PPC7, I consider it to be something the court in these proceedings could take into account. As both plans are still in proposed form, there should be a level of alignment between them, as it is the same council promoting both plans.

Recent Joint Witness Statements

27. The experts for Geology, Ecology, Cultural and Spiritual, and Planning produced Joint Witness Statements (JWS) outlining points of agreement and disagreement. Various amendments to the screening criteria have been recommended by expert witnesses who took part in the caucusing.
28. The recommendation from the cultural and spiritual JWS to add the Heretaunga Plains Aquifer System to Schedule 25 as an OWB for cultural and spiritual values, means that a consequential change to PPC7 Policies 3A and 3B may be necessary to provide a higher

⁶ PPC9 IHP Decision: Summary at 1.11. Also, at IHP Decision 3.7 (OBJ TANK 5), 5.61 (Interim allocation limit), and 5.65 (Policy TANK 37).

level of protection for both its outstanding cultural values and its significant values. Logically similar levels of protection should apply to the values of other outstanding water bodies listed in Schedule 25, when providing direction to resource consent processes in regional plans.

29. Various other amendments to PPC7 and the screening criteria have been suggested by expert witnesses and/or agreed through witness caucusing⁷. In my view these amendments should be included in Schedule 25 and the screening criteria amended to allow for their inclusion. Some amendments would be beneficial to add clarity and process for the identification and screening of aquifers where these have been agreed between experts to have outstanding values. The Heretaunga Plains and Ruataniwha Plains Aquifer Systems would not be admissible to Schedule 25 under the current (13 July 2023) screening criteria, as it does not allow for their inclusion.

30. The description of Karst system / subterranean waters does not refer specifically to aquifers or aquifer systems. The subterranean waters are those associated with Karst systems, which in New Zealand, typically occur in limestone or marble formations⁸. The Heretaunga Plains and Ruataniwha Plains Aquifer Systems primarily consist of water bearing gravels, interspersed with clays and other sedimentary layers. Around the periphery, there are limestone hills with extensions beneath the plains and these provide some waters to smaller streams, but the main source of water utilised by the Hawke's Bay communities are the gravel layers that constitute both the confined and unconfined aquifers. I have drafted additions and/or amendments to PPC7 and Schedule 25 (HBRC 13 July version) to assist the court in this regard, and also in terms of the experts' JWS. This is appended to my rebuttal evidence as Appendix 1.

31. I note that Ms Harper provides alternative provisions to be considered, attached as Appendix A to her EIC. I understand that Ms Harper's planning rebuttal is scheduled to be provided 17 January 2024, so in preparing my rebuttal evidence, I acknowledge that there

⁷ As expressed in Joint Witness Statements for Geology, Ecology, Cultural and Spiritual and Planning.

⁸ Department of Conservation, Karst Management Guidelines, May 1999, p4.

could be substantive changes to her views in light of the JWS and agreements from the various experts.

Appendix A to Ms Harper's EIC

32. In terms of Appendix A – I, I support the addition of clause (x) to Policy LW1.2(bA) provided it does not preclude the addition or inclusion of other outstanding values or significant values of the relevant estuary (or coastal waters), that may not “*span between*” or join with a value in the outstanding (fresh) water body. Of concern here is that some values in estuaries are restricted spatially to the saltwater component of the estuary or the extent of the saltwater wedge. There is also the cultural consideration of Atuatanga, whereby different Atua have roles and responsibilities linked to specific types of environments⁹.
33. Appendix A – 2. I disagree with the “*outstanding estuaries*” part of this version of Objective 11. Whakaki Lake is within the coastal environment in terms of the RCEP and is identified as an ICOLL in Schedule 25. Along with its wetlands, it is not an estuary, but being within the coastal environment could be considered or categorised as “coastal waters”. Likewise, with estuaries that are located within the coastal environment (as mapped in the RCEP), and therefore under the auspices of the NZCPS and the RCEP.
34. For Appendix A – 3: In terms of the explanations and reasons within this section of Ms Harper's evidence, I have made amendments that I see as more suitable for this section of PPC7. I note Ms Harper's version again references values that span between freshwater and saltwater environments, which may prevent some values from being included in PPC7/Schedule 25, if they are not applicable to both freshwater and coastal water. I see this as a potential impediment to relevant significant values being included and therefore protected pursuant the NPSFM. I consider the last sentence in 3.2.8B should be retained.
35. For Appendix A - 4. I consider Ms Harper's suggested amendments to other parts of PPC7 to be an acknowledgment that the term “*outstanding water bodies*” should not include estuaries or coastal waters. I have made amendments to the 13 July 2023 version of PPC7

⁹ Atuatanga prescribes different roles and functions for specific natural resources or areas. Kaukau is the atua that presides over freshwater and flows while Tangaroa is predominantly associated with seas and estuaries – Personal comment Marei Apatu.

to address what I perceive as legitimate concerns re the statutory requirements for a regional policy statement to give effect to both the NPSFM and the NZCPS. These are contained within Appendix 1 to my rebuttal evidence.

36. One other matter that I believe relevant to these proceedings is the obligation on regional councils to ensure consistency between regional plans and regional policy statements. PPC7 will ultimately become part of the Regional Resource Management Plan once operative. A regional plan must not be inconsistent with any other regional plan for the region. The RCEP is operative and in terms of the RMA, is the only other regional plan for Hawke's Bay.

37. I perceive a potential risk to outstanding values or significant values in the coastal environment, arising from the requirement for such values of outstanding water bodies and estuaries to span between the two, while provisions in the RCEP may require the protection of these values where they reside solely within the coastal environment.

38. The RCEP contains a strong element of protection. The word protection is cited 141 times in the RCEP, including in reference to outstanding natural features. Some provisions go further and require both protection and enhancement:

- Policy 2.11 (natural values)
- Objective 4.1 (Protection of ecosystems and significant indigenous vegetation and indigenous fauna)
- Objective 6.1 and associated policies (Protection of the characteristics of the coastal environment of special spiritual, heritage, historical and cultural significance to tangata whenua)
- Objective 6.1 and the subsequent policy strand can be construed as applying to the outstanding and/or significant cultural values of tangata whenua, particularly those within the coastal environment.

Mr Jens Rekker EIC

39. Ms Harper refers to the evidence of Jens Rekker in para 17.10 of her EIC, in terms of the Heretaunga Aquifer not meeting the threshold for Geology and Karst. Karst and

associated subterranean waters are specific systems and our two main aquifer systems, the Heretaunga and Ruataniwha, do not include Karst within their ambit, apart from around their edges.

40. In the Ruataniwha Basin, a sequence of intermittent gravels and clays form the alluvial aquifer system (Gordon, 2013, p1). These have eroded from the Ruahine Ranges. The Heretaunga Plains were largely formed by fluvial deposition from the Tutaekuri and Ngaruroro Rivers (Dravid and Brown, 1997, p32). The main Heretaunga aquifer constitutes a multilayered leaky aquifer system connected to the Ngaruroro River recharge zone (Dravid and Brown, 1997).
41. The screening criteria for Geology – Karst and subterranean waters, imply that the subterranean waters must be associated with the Karst system, that it must provide a high-quality experience present in few other water bodies in the region, and that it's wild and scenic values contain distinctive qualities that "stand out".
42. These criteria are more applicable to limestone caves that cater to tourists, than to aquifers like the Heretaunga and Ruataniwha Aquifers. I have added specific criteria to Schedule 25 in Appendix 1 to my rebuttal evidence, that could apply to the two main aquifer systems in Hawke's Bay. Their inclusion in Schedule 25 is predicated on the Cultural and Spiritual JWS.
43. Mr Rekker notes that the Karamū River does not meet the threshold for an OWB for either the natural character or geology value sets (JR EIC, para 9.54). The natural character screening criteria is predicated on the premise that the water body must be highly natural, with little modification to its flow, bed, and riparian margins. The screening criteria fails to take into account other elements of natural character, like the spring flow inputs where a large proportion of the Karamū River's baseflow is from springs, due to the hydraulic connections between the Ngaruroro River, the aquifer system underlying the Heretaunga Plains and the springs that replenish the Karamū River.

44. I consider these hydrological connections to be outstanding in the context of the Hawke's Bay region and part of the natural character of the Karamū River. I also consider the presumption that outstanding natural character of a river or stream cannot co-exist with a modified environment to be wrong. In the JWS (Geology) the experts agreed that the Ngaruroro River between Whanawhana cable way and Maraekākaho holds outstanding geomorphological characteristics for its braided character, despite parts of this reach being highly modified.
45. In my opinion, a similar approach should be taken to the natural character aspects of hydrological connections between the Ngaruroro River, the Heretaunga Aquifer, and the Karamū River. Without these connections, the existence of the Karamū and its tributaries, would be under threat.
46. From a planning perspective, I agree with the geology experts, that the Geopreservation Inventory is inconsistent within the regional context and should not be relied on as a regulatory threshold. I support the JWS in this regard.
47. I agree with Mr Tom Kay where he considers that the braided characteristics of the Ngaruroro extend down to Omahu/Fernhill. When negotiating the conditions for the HBRC global consent for gravel extraction, I visited the Ngaruroro reach at Roy's Hill to view a recent diversion of the Ngaruroro River away from the true right bank towards the true left bank. The re-channelling I viewed extended for approximately 3 kms and to a depth of 1.5 to 2 metres below the surrounding dry riverbed.
48. The diversion had removed the pre-existing braiding and concentrated the flow into one channel. This resulted in the "dewatering" of the BraidPlain Aquifer, which is the aquifer situated within the riverbed gravels, which facilitates the conduit of water to uphold braided reaches of a river.
49. Six months later I revisited the site and due to two periods of significant rainfall, some of the braiding had re-established itself. It is my opinion, that if left alone, the natural braiding would return. I consider this to be part of the natural character and natural functions of the river as it adjusts to significant rainfall events and periodic freshes.

50. The global consent for gravel extraction granted to HBRC, also includes a consent condition that requires: *“All disturbed areas shall be reinstated as far as is practical to minimise the release of sediment to flowing waters and to maintain the natural character of the river system”*¹⁰.

51. Mr Rekker’s opinion is that the outstanding braided character of the Ngaruroro River only extends to Maraekākaho due to the modifications made for flood protection and gravel extraction, and the landscape is highly modified below Maraekākaho. The fact that gravel extraction operators are required to reinstate disturbed areas to maintain the river’s natural character, indicates that this is a value that HBRC requires protection of.

52. I consider that the BraidPlain Aquifer is also part of the river’s natural character and hydrological functioning and should be protected as it upholds and is a major contributor to, the natural braiding of the Ngaruroro River, which several species of aquatic birds rely on for feeding and protection.

Mr Richard John Mathews EIC

53. Mr Mathews supports the retention of the screening criteria in the HBRC July 2023 (RM EIC, 1.2). I understand this to mean the screening criteria in the IHP decision version of PPC7 and Schedule 25. After consideration of all the evidence provided by HBRC and appellants’ experts, I agree that the screening criteria is helpful as it provides a certain rigour for assessment and evaluation purposes relating to outstanding water bodies and outstanding coastal waters, and their values. I retain my original position however, that the screening criteria requires substantial amendments.

Mr Antoine Coffin EIC

54. The cultural experts from TToH and Mr Coffin for HBRC, have agreed that the Heretaunga Plains and Ruataniwha Plains’ Aquifer Systems, the Waitangi Estuary, and

¹⁰ Condition 27(d), Ngaruroro Land Use Consent, AUTH-123467-01 & 123469-01.

the Karamū River have outstanding cultural and spiritual values. This warrants their inclusion in PPC7.

55. Due to the expert conference and the subsequent JWS, I have altered my position on Mr Coffins EIC. The screening criteria however will need to be amended to enable inclusion of the water bodies and the Waitangi Estuary as identified in para 55, within Schedule 25, and appropriate consideration of these values and related significant values, be provided for within PPC7 and the policy framework that directs regional plans.
56. The current policies in PPC7 (13 July 2023) suggest that the protection of significant values of outstanding water bodies and outstanding estuaries, will only apply where these values are identified in Schedule 25. The July 2023 version of Schedule 25 does not identify such values despite several such values already being incorporated in the operative version of the RRMP, RPS and Schedule 1.
57. After the Joint Witness Statements were provided from the various experts, the planning witnesses were asked to consider the planning implications arising from the JWS and what was agreed therein. I have provided my comments to HBRC in a separate document, and my amendments to PPC7 and the screening criteria attached as Appendix 1 to my rebuttal evidence, have taken these into consideration
58. Te Taiwhenua o Heretaunga and Ngati Kahungunu Iwi Incorporated have undertaken significant mahi to research, assess, quantify, and record the cultural and spiritual values and environmental values of the Ngati Kahungunu Iwi and their constituent hapū/hapū enclaves. Some hapū have also undertaken work of this nature, either as part of regional or district planning regimes, resource consent processes, Waitangi Tribunal investigations and hearing preparations, for Cultural Impact Assessments, and individual hapū inquiries around water resources, or to categorise waahi taonga and waahi tapu locations.
59. Many of these values are already recorded in HBRC documents and literature. Some of this research, although not focussed solely on outstanding values and significant values

of outstanding water bodies, tends to overlap with the water bodies and coastal waters contained in Schedule 25. A non-comprehensive list includes: Kaitiaki mo nga Taonga Tuku Iho, the Ngaruroro Values and Attributes Report, Mana Ake – An expression of kaitiakitanga, Cultural Values and Uses Report (Tukituki) 2012. These have all been provided to HBRC as Iwi or Hapū Planning documents and are required to be given regard when council prepares and drafts its regional plans.

60. In resource management constructs, the key focus has historically been on effects and significant effects of activities, as managing effects of activities is the cornerstone of the RMA. Within the freshwater space, outstanding values have typically been reserved for the application for and consideration of Water Conservation Orders.

61. It was noticeable during the lead-up to PPC7 being notified, that there was little guidance material to direct how the management of Outstanding Fresh Water Bodies and their values should be undertaken, particularly in regard to cultural and spiritual values. The significant values I have provided for Schedule 25 have been gleaned from the documents outlined in paragraph 59 above, and from working with tangata whenua within the Hawke's Bay region for over 2 decades.



Signed: _____

Date: 22 November 2023

Maurice Wayne Black

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