

In the Environment Court  
At Auckland

ENV-2021-AKL-000104  
ENV-2021-AKL-000105  
ENV-2021-AKL-000106

I te Kōti Taiao o Aotearoa  
KiTāmaki Makaurau

**Between**

**TE TAIWHENUA O HERETAUNGA, TE RUNANGANUI O  
HERETAUNGA, TE MANAAKI TAIAO O HERETAUNGA AND NGATI  
KAHUNGUNU IWI INCORPORATED**

**ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW  
ZEALAND INCORPORATED and**

**THE MĀORI TRUSTEE**

**Appellants**

**And**

**HAWKE'S BAY REGIONAL COUNCIL**

**Respondent**

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**REBUTTAL EVIDENCE OF GREG RYDER ON BEHALF OF HAWKE'S BAY REGIONAL  
COUNCIL**

**17 January 2024**

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## 1. INTRODUCTION

1.1 My full name is Gregory Ian Ryder and I am working on behalf of the Hawke's Bay Regional Council (**HBRC or Council**) to prepare evidence in relation to Proposed Change 7 to the Hawke's Bay Regional Resource Management Plan (**PC7**).

1.2 My full qualifications are set out in my evidence in chief in paragraphs 1.2 – 1.5.<sup>1</sup>

1.3 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

1.4 This statement of rebuttal evidence responds to the evidence filed by:

- (a) Mr Thomas Kay (geology) for Royal Forest and Bird Society of New Zealand Incorporated (**Forest and Bird**) dated 1 September 2023;
- (b) Mr John Cheyne (ecology) for Forest and Bird dated 1 September 2023; and
- (c) Mr Maurice Black (planning and cultural) for Te Taiwhenua o Heretaunga and others (**TTtoH et al.**) dated 28 August 2023, and statement of rebuttal dated 22 November 2023.

1.5 I have reviewed the final evidence of the following experts for the Council:

- (a) Dr Andy Hicks, evidence in chief (ecology), dated 11 August 2023, and statement of rebuttal dated 23 November 2023;
- (b) Antoine Coffin, evidence in chief (spiritual and cultural values), dated 11 August 2023, and statement of rebuttal dated 23 November 2023;
- (c) Rob Greenaway, evidence in chief (recreation), dated 11 August 2023, and statement of rebuttal dated 23 November 2023; and
- (d) Belinda Harper, evidence in chief (planning), dated 11 August 2023, and statement of rebuttal dated 17 January 2024;

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1 Statement of Evidence of Greg Ryder, 11 August 2023, [1.2]-[1.5] [\[\[301.0189\]\]](#).

- 1.6** I participated in the ecology expert conferencing on 10 October 2023 along with Dr Andy Hicks (for Council) and Mr John Cheyne (for Forest and Bird) and I am a signatory to the Joint Witness Statement associated with that conferencing.
- 1.7** I have also reviewed the following Joint Witness Statements in preparing this evidence for the Council:
- (a) Joint Witness Statement (geology), dated 9 October 2023;
  - (b) Joint Witness Statement (cultural and spiritual), dated 11 October 2023; and
  - (c) Joint Witness Statement (planning), dated 16 October 2023.
- 1.8** I have reviewed the memorandum of Belinda Harper (Planner for HBRC) circulated on 26 October 2023 setting out questions to assist with potential amendments to framework, and the responses to that memorandum from Genesis Energy, Forest and Bird, and TToH *et al.*
- 1.9** I have reviewed the rebuttal evidence of the following experts on behalf of Council, filed on 23 November 2023:
- (a) Jens Rekker (geology);
  - (b) Antoine Coffin (spiritual and cultural values);
  - (c) Rob Greenaway (recreation);
  - (d) Dr Andrew Hicks (ecology).
- 1.10** I have reviewed the rebuttal evidence of Maurice Black on behalf of TToH *et al.*, filed on 23 November 2023.
- 1.11** My rebuttal evidence addresses the following matters:
- (a) Modification to ecology screening criteria for native aquatic birds and native fish as requested by John Cheyne's evidence;
  - (b) The reframing of the geology and natural character screening criteria in the PC7 framework as requested by Thomas Kay's evidence;
  - (c) Changes to the cultural and spiritual screening criteria as requested by Maurice Black's evidence;
  - (d) The consistency of the PC7 framework in light of changes made to the criteria; and

(e) Addition of water bodies to Schedule 25.

## 2. MODIFICATION TO ECOLOGY SCREENING CRITERIA

2.1 Mr Cheyne (for Forest and Bird) in his evidence in chief considered that the 5% threshold criterion for bird habitat in HBRC's preferred version of PC7 was not an appropriate threshold and that it was "*unnecessarily strict and inappropriate for the regional context in which waterbodies should be assessed as regionally outstanding*".<sup>2</sup>

2.2 Ecologists, including myself, that subsequently took part in the ecology expert conferencing concluded that the modifications made to the ecology screening criteria in HBRC's preferred version of PC7 may be too onerous for screening outstanding water bodies at a regional level, particularly the use of the term 'regionally unique' and the inclusion of a 5% national population threshold.

2.3 It has been noted that 'unique' implies that only one water body in the region could be considered an OWB for that value,<sup>3</sup> and this is an interpretation I had not considered when preparing my evidence in chief. Although I had noted that the term 'unique' appeared less used in Water Conservation Orders (**WCO**) than 'rare' or 'distinctive'.<sup>4</sup>

2.4 In considering what is the meaning of 'outstanding', the Nevis Special Tribunal noted (at paragraph 50 and 51 with my bolding of relevant text):

*"In our assessment of the various characteristics in issue, we have sought to test each one on a 'national comparative' basis. We have endeavoured to do that in a broad sense and not slavishly. Thus we have not sought to set the threshold at a point where the characteristic is **totally unique** or not found elsewhere in New Zealand. In our view that is setting the bar too high. Obviously, if that were the situation with any particular characteristic then that might be a powerful, but not necessarily conclusive, factor. But we would also consider a characteristic might meet the test if it fell slightly short of*

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2 Statement of Evidence of John Cheyne, 1 September 2023, at [4.1]-[4.3] [\[\[303.0039\]\]](#).

3 For example, see Rebuttal Statement of Evidence of Andrew Hicks, 23 November 2023, at [2.17] [\[\[301.0099\]\]](#) – [2.19] [\[\[301.0100\]\]](#)

4 Statement of Evidence of Greg Ryder, 11 August 2023, at [8.3] [\[\[301.0199\]\]](#).

that - ie that it was **close to unique** in that it was also present in, say, one or two other places in New Zealand.

*On the other hand, we do not consider that characteristics that, although valued, or even highly treasured, are found elsewhere in a number of other parts of New Zealand, would readily meet the test. It would therefore be insufficient, for example, to simply establish that a particular characteristic is the last or only one of its kind in Central Otago.”*<sup>5</sup>

- 2.5** At the ecology expert conferencing, we proposed the following amendment to the wording of List A (a) to address the potential issues around defining what unique meant with respect to habitat for aquatic native birds:

*“A native aquatic bird assemblage that only has one or two other waterbodies like it in terms of diversity, abundance, or distinctiveness within the region.”*<sup>6</sup>

- 2.6** A similar amendment was proposed by the ecology experts for List A (a) with respect to native fish habitat, as follows:

*“A native fish assemblage that only has one or two other waterbodies like it in terms of diversity, abundance, or distinctiveness within the region.”*<sup>7</sup>

- 2.7** The planning experts have found that these amendments pose difficulties, as stated in the rebuttal evidence of Belinda Harper at paragraph 9.13:

*“... it simply requires a water body to be sufficiently different in its assemblage to pass through the screening criteria. This could result in waterbodies being tested at a significantly lower threshold than that used by the IHP which refers to ‘one of the highest’, which indicates a threshold of good quality.”*

- 2.8** Consequently, Dr Hicks has discussed this and other possible alternatives in his rebuttal evidence (at paras 2.17 to 2.27) and has suggested the term ‘unsurpassed’ as a

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5 Special Tribunal Report on the Fish and Game application, 19 November 2017, at [50]-[51] [\[\[501.1136\]\]](#).

6 Joint Witness Statement of ecology experts, 10 October 2023, at [2] [\[\[401.0004\]\]](#).

7 Joint Witness Statement of ecology experts, 10 October 2023, at [4] [\[\[401.0005\]\]](#).

preferred alternative (para 2.26).<sup>8</sup> I am comfortable with this wording as in my opinion it maintains a sufficiently high bar required for determining outstandingness and strongly limits the number of waterbodies that might qualify without restricting qualification to one waterbody only. I also consider it to remain consistent with WCO decisions that have emphasised the need to maintain a high bar in order for a waterbody to be considered outstanding.

**2.9** In my evidence in chief, I considered that a 5% threshold for a population at the national level provided a useful and justifiable ‘line in the sand’ when it came to determining whether the presence of a nationally threatened population of a species might be considered sufficient to qualify a water body to be outstanding. I provided a justification for this in my evidence in chief, noting that this population threshold had been applied in previous WCO decisions.<sup>9</sup> Upon further review of past WCO decisions, the use of the 5% population threshold originated from the Rangitata River WCO Environment Court decision only (with respect to bird populations).<sup>10</sup> I can find no scientific rationale behind the adoption of this quantitative population threshold in that decision (other than the comment that 3-4% of the New Zealand population may be nationally and internationally significant, but found to be “just less than outstanding”),<sup>11</sup> and at least two other WCO hearings have cited or used the Rangitata decision as a basis for considering the 5% population threshold: the Oreti River WCO<sup>12</sup> and the Ngaruroro WCO Special Tribunal<sup>13</sup> (and subsequently WCO interim report),<sup>14</sup> without providing much detail about why they considered this appropriate.

**2.10** I note that the 2007 Special Tribunal recommendation report on the Oreti River application for a WCO stated at paragraph 255:

*“We accept the submission of Ms Baker that case law supports the assertion that at least some parts of the Oreti River provide outstanding wildlife habitat. In particular the 5% “threshold” of the national population of an endangered species suggested by*

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8 Rebuttal Statement of Evidence of Andrew Hicks, 23 November 2023, at [2.17] [\[\[301.0099\]\]](#) – [2.27] [\[\[301.0101\]\]](#).

9 Statement of Evidence of Greg Ryder, 11 August 2023, at [8.4]-[8.5] [\[\[301.0200\]\]](#).

10 Environment Court Interim Decision Water Conservation (Rangitata River) Order [2004]. [\[\[301.0517\]\]](#)

11 Environment Court Interim Decision Water Conservation (Rangitata River) Order [2004], at [80]-[81]. [\[\[301.0433\]\]](#)

12 Report by a Special Tribunal Appointed by the Minister for the Environment to Consider and Application for a Water Conservation Order for the Oreti River, November 2007, at [255] [\[\[501.0624\]\]](#).

13 Special Tribunal Recommendation Report on Application for Water Conservation (Ngaruroro-Clive) Order, August 2019. [\[\[301.0517\]\]](#)

14 Environment Court Interim Report Water Conservation (Ngaruroro-Clive) Order [2022] NZEnvC 227. [\[\[301.0589\]\]](#)

*the Environment Court in its findings on the Rangitata water conservation order, is far exceeded in the case of the black-billed gull population in the Oreti.”<sup>15</sup>*

There appears to be no other justification for applying this threshold, or reference to this threshold, in this decision.

**2.11** I note that the 2019 Special Tribunal recommendation report on the Ngaruroro and Clive Rivers application for a WCO stated:

*“A population threshold of 5% or more of the total New Zealand population of an At Risk or Threatened bird species has previously been used as a criterion to define nationally outstanding avifauna habitat in the Rangitata case. The Tribunal accepts this criterion as an appropriate test.”<sup>16</sup>*

**2.12** When specifically addressing the question: *“Is 5% of the national population of a defined bird species an appropriate measure of “outstanding”?”*, the 2022 Ngaruroro-Clive WCO interim report of the environment court stated at paragraphs 56 and 57:

*“Most experts agreed that 5% of the national population is not an appropriate value to use in determining whether a species is outstanding. The number is arbitrary and does not reflect current thinking about determining a level of ‘outstandingness’ for at risk or threatened species.”*

*“Dr Hughey and Dr Keesing agreed in part. They considered that for the purpose of the process the criterion should be 5% in the absence of a better method to help decide about the river and whether it is outstanding as a wildlife habitat. Both said there is some science behind the figure, and it is a trigger to recognise that management is necessary to support the species. Also, they recognised that while the figure is arbitrary there is case law on the matter”<sup>17</sup>*

However, the WCO interim report then noted, at paragraph 58, that:

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<sup>15</sup> Report by a Special Tribunal Appointed by the Minister for the Environment to Consider an Application for a Water Conservation Order for the Oreti River, November 2007, at [255] [\[\[501.0624\]\]](#).

<sup>16</sup> Special Tribunal Recommendation Report on Application for Water Conservation (Ngaruroro-Clive) Order, August 2019, at [122]. [\[\[301.0545\]\]](#)

<sup>17</sup> Environment Court Interim Report Water Conservation (Ngaruroro-Clive) Order [2022] NZEnvC 227, at [56]-[57]. [\[\[301.0611\]\]](#)

*“Nonetheless the experts agreed that threatened species that have populations less than 5% are important”.*<sup>18</sup>

The WCO interim report then went on to use the 5% as a criterion in considering whether bird populations associated with a water body could be considered as nationally outstanding.<sup>19</sup>

- 2.13** Given the above, I am now of the opinion that the 5% criterion of populations of threatened species for use when determining whether a waterbody might qualify as an outstanding water body is useful to a point but was not necessarily developed in a manner that would require it to be applied as a firm threshold in all situations.
- 2.14** There is no doubt, in my opinion, that using a percentage threshold for the presence of a threatened species population in any given water body for determining whether it may make that water body outstanding can be a relatively arbitrary or crude approach to consider significance. Further, estimating species populations can be very difficult and carry a large degree of error and uncertainty depending on a whole host of factors, such as the difficulties of the physical environment, natural variation in species’ populations (e.g., due to migration patterns), sophistication of available sampling methodologies, logistics and funding.
- 2.15** However, while I have some reservations with the use of percentages for determining the size or proportion of a population, I accept that the approach presents a relatively rigid baseline for assessing significance and therefore, in the case of threatened species, whether there is a case for determining the outstandingness of a water body based on the presence of a particular species or species assemblage. However, in my opinion, it should be assessed in the context of additional considerations, as is the case in the Council’s preferred version of PC7.
- 2.16** Further, I confirm my agreement with the proposed amended wording to the bird and native fish screening criteria in the ecology joint witness statement, which uses a combination of national and regional thresholds, as follows:

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18 Environment Court Interim Report Water Conservation (Ngaruroro-Clive) Order [2022] NZEnvC 227, at [58]. [\[\[301.0611\]\]](#)

19 Environment Court Interim Report Water Conservation (Ngaruroro-Clive) Order [2022] NZEnvC 227, at [86]-[95]. [\[\[301.0618\]\]](#)

*“Supports 15% or more of the regional population, and 2% or more of the national population, of a particular native aquatic bird species [or native fish species] listed as Nationally Critical, Nationally Endangered or Nationally Vulnerable on the New Zealand Threat Classification List”.*<sup>20</sup>

**2.17** As I alluded to above, the use of percentage population thresholds can be relatively arbitrary, however, they can be useful ‘lines in the sand’ for determining significance and so I support their inclusion. I agree with Dr Hicks in his rebuttal evidence that revised thresholds above still represent sufficiently high thresholds to meet the first step in determining whether a water body is outstanding.<sup>21</sup>

### **3. REFRAMING OF GEOLOGY AND NATURAL CHARACTER SCREENING CRITERIA**

**3.1** In my evidence in chief, I supported the inclusion of the Geology screening criteria in Schedule 25 on the grounds that: it was included in the proposed PC7 at notification, geology is specified mentioned in the PC7 definition of ‘Outstanding water body’, geology has been considered in past WCO decisions and had not been appealed.<sup>22</sup> The geology joint witness statement of Mr Rekker (for Council) and Mr Kay (for Forest and Bird) identified some issues with the Geology screening criteria in Schedule 25.<sup>23</sup> This follows concern expressed in Mr Kay’s evidence in chief that the braided character of a Hawke’s Bay river may not be able to be considered as an outstanding value under Schedule 25.<sup>24</sup>

**3.2** Recommended changes to the Geology and Natural Character screening criteria have subsequently been proposed by Mr Rekker following expert conferencing.<sup>25</sup> He has recommended that the Geology value set be combined with the Natural Character value set to form one ‘Natural Form and Character’ set. The wording of the screening criteria for these two values in Schedule 25 of the HBRC’s preferred version of PC7 following mediation with appellants and internal discussions with other HBRC witnesses have some similarities which have been carried over into Mr Rekker’s recommended combined value set. Values are now placed in a List A with at least one

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20 Joint Witness Statement of ecology experts, 10 October 2023, at [3] [\[\[401.0005\]\]](#).

21 Rebuttal Statement of Evidence of Andrew Hicks, 23 November 2023, at [2.11] [\[\[301.0098\]\]](#).

22 Statement of Evidence of Greg Ryder, 11 August 2023, at [9.12]-[9.15] [\[\[301.0215\]\]](#).

23 Joint Witness Statement of geology experts, 9 October 2023 [\[\[401.0001\]\]](#).

24 Statement of Evidence of Thomas Kay, 1 September 2023, at [49] [\[\[303.0019\]\]](#) - [50] [\[\[303.0019\]\]](#)-[\[\[303.0020\]\]](#).

25 Rebuttal statement of evidence of Jens Rekker, 23 November 2023, at [3.3] [\[\[301.0153\]\]](#)-[\[\[301.0154\]\]](#).

matter in List A and all matters in List B having to be met in order for the water body to have outstanding natural form and/or natural character values, as follows:

Natural Form and Character	Natural Form and Character
	For a water body <del>to have</del> <del>has</del> outstanding natural form and/or natural character values <del>where</del> it must Meets: <ul style="list-style-type: none"> <li>• At least one matter in List A</li> <li>• all matters in List B</li> </ul> <p><b>List A</b></p> <p>a) The water body is highly natural with little or no human modification, including to the flow, bed and riparian margins, water quality, flora and fauna, within a largely indigenous landscape.</p> <p>b) The water body is a braided river that is highly natural with little or no human modification, including to the flow, bed and riparian margins, water quality, flora and fauna.</p> <p>c) The water body is classified as Class A on the New Zealand Geopreservation Inventory.</p> <p><b>List B</b></p> <p>a) The values are dependent on the water body's condition and functioning.</p> <p>b) The natural form and/or character values are conspicuous, eminent and/or remarkable in the context of the Hawke's Bay Region.</p> <p>c) Evidence is provided in support of outstanding natural character values by way of an expert assessment or independent evidence sources.</p>

**3.3** While there are no direct references to the terms geological, geomorphological or hydrological previously used in the Geology value set, I consider the text used is sufficient to take such matters into account when considering the natural character and form of a water body. For example, the terms ‘flow’, ‘bed’, ‘braided river’ and ‘riparian margins’ are features formed by either hydrological, geological or geomorphological processes. Evaluation of ‘natural character’ and ‘natural form’ also require consideration of hydrological, geological or geomorphological processes.

**3.4** Given the above, I am satisfied that the proposed changes remain in keeping with the matters to be considered for determining whether a water body is outstanding and that the screening criteria are sufficiently robust.

#### **4. CHANGES TO THE CULTURAL AND SPIRITUAL SCREENING CRITERIA**

**4.1** Mr Apatu and Mr Black, in their evidence in chief for TTOH *et al.*, seek alternative wording for the Cultural and Spiritual value screening criteria in Schedule 25. These changes are detailed in the rebuttal evidence of Mr Coffin.<sup>26</sup>

<sup>26</sup> Rebuttal statement of evidence of Antoine Coffin, 23 November 2023, at [2.1] [\[\[301.0031\]\]](#)-[\[\[301.0032\]\]](#).

- 4.2** The expert witness joint witness statement for Cultural and Spiritual values agreed that the HBRC amended version of PC7 for cultural and spiritual criteria would be appropriate for inclusion in PC7 with some modifications to reflect that a single feature could trigger a water body to have outstanding cultural and spiritual values, and that a single descendant group closely associated with the water body could identify this feature.<sup>27</sup>
- 4.3** Mr Coffin acknowledges in his rebuttal evidence that the amendments related to facilitating at least one descendant group rather than the IHP version’s “descendant groups” lower the screening criteria threshold set by the wording in the IHP version, but he provides the caveat that there must still be an evaluation of whether the water body meets the definition of outstanding in the plan change provisions (i.e., Step 2 of the screening process in Schedule 25), and that this requirement will help ensure the adequate testing of potential outstanding water bodies.<sup>28</sup>
- 4.4** As I stated in my evidence in chief, I am reluctant to comment on cultural and spiritual values given my lack of expertise in this area, and I again defer to the evidence of Mr Coffin on this issue. However, I note that the proposed amendments to the screening criteria do not depart significantly from previous WCO findings regarding tikanga Māori other than to perhaps provide more specific acknowledgement to a descendant group that is closely associated with the water body. Importantly, the requirement for evidence to be provided in support of outstanding features remains along with the requirement to meet the Plan definition of outstanding.
- 4.5** I note that Ms Harper has recommended additional wording to the introduction of Schedule 25 to reflect the comments above regarding the differing screening threshold for cultural and spiritual values.<sup>29</sup> I consider these amendments to be appropriate in that they provide greater clarity for decision makers around how the thresholds for individual value sets are to be considered.

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<sup>27</sup> Joint Witness Statement of cultural / spiritual experts, 11 October 2023, at [1] [\[\[401.0009\]\]](#).

<sup>28</sup> Rebuttal statement of evidence of Antoine Coffin, 23 November 2023, at [2.7] [\[\[301.0034\]\]](#) – [2.8] [\[\[301.0034\]\]](#)-[\[\[301.0035\]\]](#). <sup>29</sup> Rebuttal Statement of Evidence of Belinda Harper, 17 January 2024, at [9.41], [\[\[301.0332\]\]](#) and Appendix A [\[\[301.0372\]\]](#).

## **5. CONSISTENCY OF THE FRAMEWORK OVERALL**

**5.1** I do not consider that the proposed amendments to the screening criteria framework arising from expert conferencing and further discussions amongst parties result in any significant anomalies with respect to past WCO decisions. The breadth of matters required to be considered for whether a water body may be considered regionally outstanding has not materially altered.

**5.2** Some changes do depart from the screening criteria adopted by the IHP, but I consider that, apart from recommended changes to the cultural and spiritual criteria, as discussed above, these are not material to the intent of the screening process in Schedule 25, in particular the high threshold levels that have to be met in order for a water body to be considered outstanding in a regional context, and the requirement to meet the Plan definition of outstanding.

## **6. ADDITION OF WATER BODIES TO SCHEDULE 25**

**6.1** TTOH *et al.* and Forest and Bird have sought additional water bodies to be added to Part 2 of Schedule 25. These are identified in section 10 of Ms Harper's rebuttal evidence and in the evidence in chief of Mr Black (for TTOH *et al.*) and Mr Kay (for Forest and Bird). Following expert conferencing, it was agreed that some of these additional water bodies, or sections of water bodies, be added to Schedule 25 (again summarised in section 10 of Ms Harper's rebuttal evidence).

**6.2** Mr Coffin, Mr Greenaway, Dr Hicks and Mr Rekker in their respective statements of evidence and rebuttal evidence briefs, have assessed these water bodies against the Schedule 25 criteria, and have made recommendations as to whether these water bodies pass the screening criteria for inclusion in the schedule. I have reviewed these assessments and consider they broadly meet the revised screening criteria thresholds for their respective value sets (as set out in Appendix A of Ms Harper's rebuttal evidence) and consequently their addition to Part 2 of Schedule 25 is appropriate.

## **7. CONCLUSION**

**7.1** Changes to the Ecology screening criteria in Schedule 25 of PC7 have been proposed to address concerns around the use of the term 'unique' and the inclusion of a 5% national population threshold. I agree with Dr Hicks in his rebuttal evidence that revised thresholds for the Ecology value sets still represent sufficiently high thresholds to meet the first step in determining whether a water body is outstanding.

**7.2** I support the recommended changes to the Geology and Natural Character screening criteria proposed by Mr Rekker following expert conferencing, which include combining these two value sets to form one 'Natural Form and Character' set. I am satisfied that the proposed wording in this combined value set is sufficient to assess the values and indicators that were present in the IHP's decision version of Schedule 25 while allowing a water body to be considered as outstanding on the basis of its braiding pattern.

**7.3** I have reviewed proposed amendments to Schedule 25, as set out in Appendix 1 of the rebuttal evidence of Ms Harper. These amendments include rewording of the introductory comments in Part 1 that in my view improve the clarity around how the thresholds for individual value sets are to be considered, and in particular the distinction between cultural and spiritual values and other value sets. Amendments to the value sets in Part 1 and to the water bodies included in Part 2 largely reflect the agreements reached in expert conferencing. In my opinion, aside from changes to the cultural and spiritual value set, these amendments are consistent with the intent of Schedule 25 to set a high standard for determining whether water bodies of the Hawke's Bay region can be considered to be outstanding. To that extent, I consider the revised screening criteria framework remains broadly consistent with the approaches used in WCO hearings.

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**Greg Ryder**

**Date: 17 January 2024**

