

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

**EVIDENCE IN CHIEF OF ROBERT JAMES GREENAWAY ON BEHALF OF HAWKE'S
BAY REGIONAL COUNCIL**

Recreation

11 August 2023

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1. INTRODUCTION

- 1.1** My full name is Robert James Greenaway and I have been engaged by the Hawke's Bay Regional Council (**HBRC** or **Council**) to prepare recreation evidence in relation to Proposed Change 7 to the Hawke's Bay Regional Resource Management Plan (**PC7**), with particular regard to the assessment criteria for Outstanding Water Bodies (**OWBs**) and the status of the lower Ngaruroro River.
- 1.2** I am an independent consultant recreation and tourism researcher and planner.
- 1.3** I graduated from Lincoln University in 1987 with a three-year Diploma in Parks and Recreation Management with Distinction and completed 18 months of postgraduate study in conservation management.
- 1.4** I hold the status of an Accredited Recreation Professional with Recreation Aotearoa (**RA**), the national professional body for the recreation sector, of which I am a past Executive member. I am a member and past Chair of the RA Board of Accreditation for member accreditation to professional status. I am also a member of the New Zealand Association for Impact Assessment.
- 1.5** In 2011, I was appointed as an inaugural Board member of the Sir Edmund Hillary Outdoor Recreation Council, to assist Sport New Zealand with the implementation of the National Outdoor Recreation Strategy, amongst other things.
- 1.6** I was awarded the Ian Galloway Memorial Cup in 2004 by RA to recognise 'excellence and outstanding personal contribution to the wider parks industry'. In 2013, I was awarded the status of Fellow with RA.
- 1.7** I was employed in the fields of recreation and tourism at Tourism Resource Consultants (1990-1995) and at Boffa Miskell Limited (1995-1997) before beginning to work independently in 1997. For five summer seasons up to 1991 I was the resident ranger at the Cape Kidnappers gannet colony.

1.8 I have completed more than 500 consultancy projects nationally since 1997 and have presented evidence at more than 120 resource management hearings. I have completed recreation assessments on the following 44 freshwater bodies (amongst others): Ahuriri (ECan), Arnold (Trustpower), Arrow (Otago Regional Council), Ashburton (ECan), Clutha (Contact Energy, Otago Regional Council), Dunstan Creek (Otago Regional Council), Hurunui (ECan, Fish & Game, Hurunui Community Water, Amuri Irrigation), Kaimai catchment (Manawa Energy), Kaituna (BOP Energy), Kawarau (Queenstown Airport Corp, Otago Regional Council), Kuratau (Manawa Energy), Maitai (Nelson City Council), Mangorei (Manawa Energy), Manuherekia (Otago Regional Council), Mokau (King Country Energy), Mokihinui (Meridian Energy), Motukawa (Manawa Energy), Nevis (Pioneer Energy), Ngaruroro (Horticulture NZ), Lake Onslow (DOC, MBIE), Opihi (ECan), Oreti (Southland District Council), Pūkaki (Meridian Energy), Rakaia (Trustpower), Rangitata (Rangitata Diversion Race Management Ltd, Trustpower), Rangitāiki (Trustpower), Roding (Nelson City Council), Shotover (Queenstown Airport Corp), Tarawera (Norse Skogg), Tekapo catchment (Genesis), Waiau (Trustpower), Waihao (ECan), Waimakariri (ECan, Central Plains Water), Waimea (Tasman District Council), Wakamoekau (Wairarapa Water), Wairau – Marlborough (Meridian Energy), Wairau – Southland (Meridian Energy), Waitaha (Westpower), Waitaki catchment (Meridian Energy), Whangaehu (Mighty River Power), Wheao catchment (Manawa Energy), Whitestone (Glen Echo) and Wilkin (Lakes Environmental).

1.9 Most recently I have completed an assessment of outstanding waterbodies for the Otago Regional Council with Professor Ken Hughey, and I contributed to the 2017 *Outstanding Freshwater Bodies Project* for HBRC.

2. BACKGROUND

2.1 I have been asked to review the proposed Schedule 25: Outstanding Water Bodies to PC7 for Recreation Values, considering especially the appeals of Te Taiwhenua o Heretaunga, Te Runanganui o Heretaunga, Te Manaaki Taiao o Heretaunga and Ngāti Kahungunu Iwi Incorporated (**TTOH et al**), and the Royal Forest and Bird Protection Society of New Zealand Incorporated (**Forest & Bird**).

2.2 I have not contributed to any of the assessments of recreation significance carried out by the HBRC for PC7. However, in 2019, I presented evidence (in absentia) on behalf of Horticulture New Zealand and HBRC to the Special Tribunal hearing for the application for a Water Conservation Order (**WCO**) for the Ngaruroro River and the Clive River. My evidence was based on a report I prepared in 2018, the *Lower Ngaruroro River Assessment of Recreation Significance*. This report was based on a literature review, interviews and site visits, including jet boating on the lower River. My evidence was not challenged by the Special Tribunal or other parties, and the Special Tribunal's finding was in accordance with mine; that there are no nationally outstanding recreation values on the lower Ngaruroro River, and that jet boating reaches the level of national significance between Whanawhana and Fernhill. Jet Boating New Zealand withdrew from the appeal to the Environment Court of the Special Tribunal's WCO decision, and my evidence was not required at that stage.

3. CODE OF CONDUCT

3.1 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.

4. SCOPE OF EVIDENCE

4.1 My evidence addresses the following matters:

(a) PC7 background, to the extent it is relevant to my evidence;

(b) the proposed PC7 Screening Criteria; and

- (c) the relief sought by appellants, in particular:
 - (i) The appeal of TTOH et al, where they seek to reinstate into Schedule 25 the lower Ngaruroro River for outstanding jetboating values at the regional level.
 - (ii) The appeal of Forest & Bird, where it comments on several of the Screening Criteria listed in the proposed Schedule 25.

5. EXECUTIVE SUMMARY

5.1 The key conclusions reached in my evidence are that, in relation to recreation matters:

- (a) Schedule 25 of PC7 is appropriate for the purposes intended by the HBRC in relation to identifying OWBs in the Region. I make one minor recommendation about changing the data sources referred to in the Schedule. Otherwise, it is fit for the purpose in which it is applied in the Region.
- (b) In my opinion, the entire lower Ngaruroro River cannot at this stage be considered outstanding for jet boating as requested by TTOH and NKII considering, especially, that no data have been provided to support this request.
- (c) The screening tests in Schedule 25 are not 'too high' as suggested by Forest & Bird.
- (d) I disagree with Forest & Bird and recommend that Schedule 25 should continue to refer to 'normal flows' in a water body as a requirement for outstanding status. I make a recommendation to modify the relevant wording to clarify what normal flows are.

- (e) Schedule 25 is correct in referring to the need for a water body to offer either a variety of experiences or an unusual, specialised experience to qualify as an OWB, in disagreement with Forest & Bird’s appeal relating to this matter.

6. BACKGROUND TO PC7

- 6.1** PC7 is a change to the Council’s Regional Policy Statement (**RPS**) 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 planning. The list of outstanding waterbodies in Schedule 25 of the decisions version of PC7 was confirmed by the PC7 Independent Hearing Panel (**IHP**). The PC7 IHP considered the definition of ‘outstanding’, the Screening Criteria, information set out in submissions and information provided as part of expert and lay evidence, to identify water bodies that qualified as outstanding.
- 6.2** PC7 limits outstanding values to cultural & spiritual, recreation, landscape, geology, natural character and ecology values. PC7 requires these values to be outstanding in a regional context.
- 6.3** An outstanding water body in PC7 is one that is truly exceptional or stands out from the rest. The definitions of ‘outstanding’ and ‘outstanding water body’ in PC7 are defined in the Glossary of the decisions version of PC7:

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

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).*

6.4 Detailed background information to PC7 is provided in the evidence of Ms Belinda Harper.

7. PC7 SCREENING CRITERIA – GENERAL COMMENTS

7.1 Within Schedule 25, there are four recreation sub-values:

- (a) angling amenity;
- (b) rafting;
- (c) kayaking (includes canoeing); and
- (d) jet boating.

7.2 I comment on these sub-values where they relate to matters raised by appellants. First I make some general comments, which apply to all of the recreation sub-values and information sources.

National and Regional Application

7.3 I note that the Screening Criteria in Schedule 25 have been adopted by the PC7 IHP¹ specifically for the Hawke’s Bay Region. I further note that – given there is no nationally consistent method for assessing outstanding water bodies for the purpose of giving effect to the National Policy Statement for Freshwater Management 2020 (**NPS-FM**) – regional councils have discretion on the processes

¹ Dr Roger Maaka, Dr Brent Cowie, Christine Scott *Decision of the Independent Hearing Panel: Proposed Plan Change 7* (HBRC, June 2021) <https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/Decision-of-the-Independent-Hearing-Panel-PC7.pdf> at [3.61]

they may choose to identify their region's outstanding water bodies. I am aware that other assessment methods available to identify outstanding water bodies have been used in the earlier development phases of PC7² and by other regional councils in New Zealand.³ The method applied by the HBRC is set out in the Water Conservation Order Review Report.⁴ Professor Ken Hughey and I recently applied a different method for assessing outstanding recreation values for the Otago Regional Council.⁵ The PC7 IHP noted (5.72):

Federated Farmers sought to have “outstanding” defined on a national basis; however given the NPS-FM directs Councils to specify OWB’s in their regions, it follows logically that the water bodies be regionally outstanding as a separate NWCO process is available nationally. In this context we also note that the proposed definition of “outstanding” is based on case law from Court decisions on NWCOs, albeit modified to fit in to a regional context.

7.4 The Screening Criteria was consequently adopted and used by the PC7 IHP to identify waterbodies in Hawke’s Bay that are outstanding at the regional level. This differs to, for example, my assessment in Otago, which focuses on nationally outstanding waterbodies.

² Belinda Harper *Section 32 Evaluation Report for Plan Change 7: Regional Resource Management Plan* (HBRC, SD19-22, 31 July 2019) <https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/1.-Other-supporting-information/Section-32-Evaluation-Report.pdf>. This Report outlines the process the Council’s Regional Planning Committee undertook when selecting a list of Outstanding Water Bodies for inclusion in the notified version of PC7. Also see the report Morry Black and others *Outstanding Water Bodies in Hawkes Bay: Report of the Expert Panel* (HBRC, SP19-19, April 2019) <https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/1.-Other-supporting-information/Local-Expert-Panel-Report.pdf>, which outlines the process the Local Expert Panel undertook when identifying a list of Outstanding Water Bodies in Hawke’s Bay.

³ *Freshwater Bodies of Outstanding or Significant Value in the Taranaki Region: Review of the Regional Fresh Water Plan for Taranaki* (Taranaki Regional Council, 1602585, January 2016) <https://www.trc.govt.nz/assets/Documents/Plans-policies/SoilWaterPlanReview/DraftFLMP-Outstanding-WB-Jan2016.pdf>; and Gisborne District Council who followed the 2009 Riverscape and Flow Assessment Guidelines prepared by Boffa Miskell – titled: *Riverscape and Flow Assessment Guidelines*.

⁴ Belinda Harper *Water Conservation Order Review: Outstanding Values: Key Features* (HBRC, SD 19-23, September 2020) <https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/CEF-OFWB-Project-WCO-Review.pdf>.

⁵ Greenaway, R. Hughey K. In preparation. *Otago Regional Council Outstanding Waterbodies Recreation Values*. Prepared for Otago Regional Council.

Conclusion on appropriateness of Screening Criteria

- 7.5 In my view, the method adopted in PC7 has strengths and is fit for purpose in the Hawke's Bay context – noting the two recommendations I have made for minor refinements as described below in paragraphs 7.8 and 8.18. The Criteria is clearly set out, are transparent, and have a regional pedigree which is documented in various foundational reports developed by the HBRC. The tests for 'outstandingness' as set out in Water Conservation Order decisions have been incorporated.⁶ Information sources for identifying freshwater values have been clearly set out in relevant base assessments.⁷ The use of some form of multi-criteria analysis is common with other methods applied in other regions.⁸ The Criteria has been applied in the Hawke's Bay, and the resulting list of candidate outstanding waterbodies has largely been accepted, with only several under contention.

Data Sources

- 7.6 I agree with the premise inherent in Schedule 25, requiring a reliable evidence base to support significance assessments. However, in reviewing the data sources listed in the column headed "Evidential sources can include but not limited to the following" in the decisions version of PC7, I have identified that several sources quoted are very dated or no longer sufficiently useful to be worth listing. These include:

- (a) *National Inventory of Wild and Scenic Rivers*. This is a 1984 publication by the National Water and Soil Conservation Authority, preceded by their

⁶ See Belinda Harper, above n 4.

⁷ For example: Belinda Harper and Dale Meredith *Outstanding Water Bodies Plan Change: Selecting a list of outstanding water bodies in Hawke's Bay* (HBRC, SD19-18, undated) <https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/Report.pdf> and Belinda Harper *Summary of recreation, landscape and ecology values associated with water bodies in Hawke's Bay* (HBRC, SD18-02, 14 March 2018) <https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/1.-Other-supporting-information/Recreation-landscape-ecology-values-summary.pdf>. These two reports are summarised in Belinda Harper *Ngaruroro River and Estuary: Summary of Values for Proposed Plan Change 7: Hawke's Bay Regional Resource Management Plan* (HBRC, 5497, August 2020) <https://www.hbrc.govt.nz/assets/Document-Library/Outstanding-Water-Bodies/3.-Values-reports/Ngaruroro-River-ID18-Summary-of-Values-Aug-2020-5497.pdf>.

⁸ Such as in Gisborne, Taranaki and Otago.

1982 report, *A Draft For a National Inventory of Wild and Scenic Rivers*, and followed in 1986 by, *A list of rivers and lakes deserving inclusion in a Schedule of Protected Waters: Report of the Protected Waters Committee*. The final report includes in its introduction, “The time available to the committee has meant that committee members have not been able to consult others and assess waters as they should. The list suffers accordingly.” These reports are now historical documents.

- (b) *1991 River Use Survey*. This is an unpublished report by the New Zealand Canoeing Association, now White Water New Zealand. Kayaking has evolved substantially over more than 30 years, and this report is also of only historic interest.

- (c) *New Zealand Recreational River Survey*. The full reference is Galloway, S. 2008. *New Zealand Recreational River Use Study: Specialization, Motivation and Site Preference*. School of Physical Education University of Otago. This survey, with 1312 self-selected respondents, was designed to evaluate respondents’ motivations and site preferences, in relation to their level of specialisation in their activity. It was not designed to ascribe values to defined reaches of rivers throughout New Zealand. It only provides useful data for about ten rivers which had reasonable response rates. It also has various issues with rivers with the same name. For example, there is only one Waiau River described in the study report, but there are six Waiau Rivers nationally – three major ones in Hurunui, Southland and Hawke’s Bay. User responses have been grouped incorrectly. There were 17 respondents for the Ngaruroro River, none were jet boaters, and there was no differentiation between the upper and lower River. This report is of no assistance.

- (d) *New Zealand Whitewater: 120 Great Kayaking Runs*. This guidebook has now been superseded by *New Zealand Whitewater 5: 180 Great Kayaking Runs (2013)* by the same author, Graham Charles. This is an excellent reference for the main waterbodies kayaked in New Zealand, but is not

an assessment tool. It is, however, useful for populating a table of waterbodies to be assessed. Reference in Schedule 25 should rather simply be to 'Published activity guides'.

- 7.7** Only one set of publications in the list – the National Angler Surveys carried out by NIWA for the National Fish & Game Council – are sufficiently robust and comprehensive to be of use, but only relate to angling.
- 7.8** I recommend referring to only the National Angler Surveys for angling, and for all recreation activities only three sources: Published activity guides; Recent user surveys; and Expert panels using multi-criteria analysis.
- 7.9** The outdated publications I have identified above have been referred to in the process of selecting OWBs in Hawke's Bay⁹, but so have the more recent publications and methods, and so there is no weakness inherent in the process to date. My recommendations are for future assessments.

8. APPEAL MATTERS

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

- 8.1** TTOH and NKII seek that the Lower Ngaruroro River (Whanawhana to Chesterhope Bridge) be included in Schedule 25 for outstanding jetboating values at the regional level (their Section 7 (cc)).
- 8.2** In my evidence to the Special Tribunal for Horticulture New Zealand in relation to the Ngaruroro WCO I stated:

In my opinion, the Ngaruroro River from Whanawhana to Fernhill could be considered outstanding for jet boating if the level of use exceeds 2000

⁹ For example, in: Belinda Harper and Dale Meredith, above n 7, and Belinda Harper, above n 7.

individuals annually, but not otherwise. This figure is the cut-off in the Canterbury River Values Assessment System assessment for a top score (3) for 'level of use'. Currently there are no quantitative data available to establish the level of jet boating activity, and estimates provided for my assessment were all below 900. Otherwise I find the Ngaruroro River between Whanawhana and Fernhill to be nationally significant for jet boating, and regionally significant below Fernhill.¹⁰

- 8.3** The Special Tribunal for the WCO for the Ngaruroro found, in agreement with my evidence regarding national and regional significance (198):

In respect of jet boating and in terms of North Island braided rivers the Tribunal accepts that the Ngaruroro between Whanawhana and Fernhill may very well be considered regionally outstanding. However, from a jetboating perspective in terms of New Zealand braided rivers, the Tribunal considers the Ngaruroro is nationally significant in that reach of the river from Whanawhana to Fernhill due to its flow reliability, but is only one of many fine examples of the braided river family within a New Zealand context. The Tribunal does not consider that in respect of jet boating values the Ngaruroro is "quite out of the ordinary." It cannot be considered outstanding on a national comparative basis.

- 8.4** These issues were not considered by the Environment Court hearing for the WCO.

- 8.5** The Independent Hearing Panel for PC7 found (6.94):

The lower river is used extensively for jet boating, but is a Class 1 (easy) river, which in our view means it cannot qualify as outstanding as it is not conspicuous, eminent and/or remarkable in the context of the Hawke's Bay Region.

¹⁰ The estimate in my report was based on the advice of two high users of the Ngaruroro River for jet boating - self-described as among the most regular jet boaters on the River – and one occasional user. Their estimates ranged from 498 person days to 890.

- 8.6** I do not consider that merely being a Class 1 (easy) river will mean that a water body could not be outstanding. For example, the Waimakariri River – which is clearly the most jet boated river in New Zealand with approximately 30,000 annual user days¹¹, and is certainly outstanding at the national level for jet boating – is largely also Class 1.¹²
- 8.7** However, no further data have been provided about the level of use of the lower Ngaruroro River for jet boating, and so it is difficult to make an independent assessment. In my opinion the entire lower Ngaruroro River cannot at this stage be considered outstanding for jet boating.

Royal Forest and Bird Protection Society of New Zealand Incorporated

Schedule 25 – screening tests are ‘too high’

- 8.8** Forest & Bird state in their appeal:¹³

In regard to ‘whitewater rafting’ and ‘kayaking’, the requirement that there be “High non-local usage (high numbers of participants come from outside of the area).” is an unreasonably high test for something that is meant to be regionally outstanding, as it infers a degree of national outstanding-ness is required (to draw people in from other parts of the country). It also ignores the fact that some outstanding sections of river might be rarely paddled but would likely still be considered outstanding for whitewater recreation.

- 8.9** Background review for establishing the Criteria in Schedule 25 can be found in Harper’s (2020) review of WCOs¹⁴, which notes (291 & 292):

¹¹ Rob Greenaway, Rob Gerard and Ken Hughey *Jet Boating on Canterbury Rivers – 2015* (Environment Canterbury, R15/153, 5 October 2015) https://researcharchive.lincoln.ac.nz/bitstream/handle/10182/6806/R15_153%20Jet%20Boating%20on%20Canterbury%20Rivers%20Final.pdf?sequence=1&isAllowed=y.

¹² Rob Greenaway, Rob Gerard and Ken Hughey, above n 11.

¹³ Royal Forest and Bird Protection Society of New Zealand Incorporated, “Notice of Appeal”, <https://www.hbrc.govt.nz/assets/Uploads/Notice-of-Appeal-HBRC-PC7-Forest-Bird-FINAL.PDF> at 22.

¹⁴ Belinda Harper, above n 4.

In assessing the rafting, jet boating or kayaking experience, decision makers have firstly established whether the water body provides exceptional amenity by way of a very special high quality experience, or a variety of high quality experiences, which are present in few other water bodies across New Zealand....

Once this has been established, decision makers have then gone on to consider whether the water body provides a reliable and predicable outstanding rafting, jet boating or kayaking experience, for most of the year.

Further (294):

Given the difficulty surrounding the assessment of amenity features, discussions within WCO reports and recommendations have typically referred to the water body's national or international reputation and its level of non-local usage to corroborate any outstanding claims.

8.10 The findings from Harper's 2020 review on this value set show three common attributes for water bodies which have been considered outstanding for recreation in WCOs (Table 8):

- A specialised or variety of high quality experiences.
- Reliability / predictability of high quality experience (flow reliability – experience is always present under its natural flow regime. Not reliant on high low flows or dams).
- National or international significance / non-local usage (feature attracts interest from outside the region and country).

8.11 This is consistent with assessments that I have completed.¹⁵

8.12 I find it difficult to conceive that a regionally outstanding waterbody for recreation would be such a well-kept secret – despite its very high appeal (which it would have to have) – that it would not attract use from outside the region. New Zealand is a small country. The suitability of the test would apply equally to waterbodies that are convenient to access or in remote settings. It is necessary to differentiate between waterbodies that are merely close-to-home and therefore have high levels of local use but are not outstanding, and those which are outstanding regardless of their situation. An estimate of ‘non-local’ use is therefore very useful, if not essential, and, in my opinion, does not present an unreasonably high test.

Schedule 25 – Normal flows

8.13 Forest & Bird state in their appeal:¹⁶

The requirement that “The water body provides an outstanding kayaking experience which is reliable and predictable for most of the year under normal flows (i.e. the experience is not reliant on dam release water or high flows, or subject to low flows)” rules out rivers such as the Tongariro or Whakapapa, which run on dam releases, being outstanding in their regions for this value, when they undoubtedly are.

8.14 Schedule 25 also includes the same reference to ‘normal flows’ in the Criteria for jet boating and rafting.

8.15 It appears that the issue here is one of interpretation of ‘normal flows’ and ‘dam release water’. There are many examples of what are undoubtedly OWBs that are

¹⁵ Such as Greenaway, R. Hughey K. In preparation. Otago Regional Council Outstanding Waterbodies Recreation Values. Prepared for Otago Regional Council and my report appended to Belinda Harper *Community Environment Fund: Outstanding Freshwater Bodies Project – Final Project Report* (HBRC, RM17-09, May 2017) <https://www.hbrc.govt.nz/assets/Document-Library/Reports/Environmental-Science/OFWB-CEF-Project-Main-Report-incl-Appendices.pdf>.

¹⁶ Royal Forest and Bird Protection Society of New Zealand Incorporated, above n 13, at 22.

in controlled settings, for flood protection or hydro generation. These include Taupō Moana / Lake Taupō and Huka Falls (Taupō Control Gates), Lake Wakatipu and the Kawarau River (Kawarau Falls Dam), and the Tongariro River. The issue is that in all these settings, with the controls in place, the 'normal flow' supports the relevant outstanding recreation values.

- 8.16** Just as a natural river which is kayakable only three or four times a year under extreme conditions will not be considered an OWB for kayaking (although the experience on the day might be outstanding), a scheduled dam release which occurs on a limited number of days would also not be considered outstanding. However, if, under the normal operation of a scheme, the waterbody is kayakable most days and has outstanding characteristics, then in my opinion, the waterbody should be considered outstanding. The same would apply to jet boating and rafting.
- 8.17** My only caveat would be where the waterbody has been substantially modified as part of a scheme development, which would clearly apply to the Tekapo Canal fishery, the Mangorei tailrace in Taranaki (kayaking and rafting), and the Mangaore Stream in the Horowhenua District where a national kayak slalom course relies on the diversion of water between catchments.
- 8.18** I am therefore comfortable with the wording in Schedule 25 relating to 'normal flows'. However, for additional clarity I recommend an adjustment to the relevant List B Criteria for kayaking, rafting and jet boating, since an outstanding waterbody may experience occasional low flows or benefit from consistent dam releases:

The water body provides an outstanding XXX experience which is reliable and predictable for most of the year under normal flows (i.e. the experience is not reliant on infrequent-dam release water or infrequent natural flow conditions high flows, or subject to low flows).

Schedule 25 – ‘variety’ of experience

8.19 Forest & Bird state in their appeal:¹⁷

... requiring a ‘variety’ of experiences (e.g. for jetboating, kayaking, rafting) rules out places where a single outstanding experience can be had.

8.20 This is in reference to the List A criteria for the three recreation activities referred to. The full introductory and List A text is (for kayaking, and including amendments made in Council’s preferred version of PC 7 as filed on 13 July 2023):

For a water body to provides an outstanding kayaking experience (amenity) where it must meets:

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

List A

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

8.21 The Criteria for List A allows consideration of either matter, and not solely matter a), and so ‘variety’ is not necessarily a determining factor.

8.22 I have considered the option of removing the word ‘specialised’ from matter b). A ‘specialised’ recreation activity can be hard to define. It is used in many contexts, including provision for people with disabilities, as well as purpose-built facilities

¹⁷ Royal Forest and Bird Protection Society of New Zealand Incorporated, above n 13, at 22.

such as a hockey turf, or very broadly to a specific activity requiring some skill, such as water skiing. For outdoor recreation Bryan (2000)¹⁸ provides some guidance:

The essence of specialization theory ... is that outdoor recreation participants can be placed on a continuum from general interest and low involvement to specialized interest and high involvement. Each level of specialization carries distinctive behaviors and orientations. These include equipment preference, type of experience sought, desired setting for the activity, attitudes toward resource management, preferred social context, even vacation patterns.

- 8.23** I therefore consider that matter b) refers to a waterbody offering an experience preferred and largely available only to participants with high motivation and skills, and, in most cases, equipment which requires practice and experience to use.
- 8.24** The Criteria therefore will not allow for a waterbody which has only one feature that is highly popular and is readily accessible to those with entry-level skills. This would exclude, for example, the Class 1 jet boating experience on the Waimakariri River, which would be a weakness if applied in Canterbury.
- 8.25** However, the Criteria have been developed for Hawke's Bay for a regional-level assessment. They work where the intention is – at the regional level – to identify the best of the best. That is, waterbodies that provide for a wide range of experiences, and/or those which have a rare quality sought by users that are considered specialised. I therefore consider that the references to both 'variety' and 'specialised' are appropriate, and have not recommended any change to these Criteria.

¹⁸ Hobson Bryan "Recreation specialization revisited" (2000) 32 *Journal of Leisure Research* 1 <https://www.nrpa.org/globalassets/journals/jlr/2000/volume-32/jlr-volume-32-number-1-pp-18-21.pdf> at 18.

9. CONCLUSION

9.1 In my opinion, Schedule 25 is fit for purpose in the context of the Hawke's Bay Region, considering the two recommendations I have made for minor refinements as described above in paragraphs 7.8 and 8.18.

9.2 I find no reason to promote the status of the entire Lower Ngaruroro River to outstanding for its jet boating values, although I have found it to be nationally significant between Whanawhana and Fernhill. There is a lack of data to progress an assessment any further.

Robert James Greenaway

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