

Title: Adoption of Regional Targets for Swimmability
Section: Environmental Services & Protection
Prepared by: Janic Slupski (Senior Policy Advisor)
Meeting Date: 28 November 2018

Legal Financial Significance = Medium

Report to ENVIRONMENTAL PLANNING & REGULATIONS Committee for decision

SUMMARY

The purpose of this paper is to seek the Committee's recommendation that final regional targets for swimmability be approved by Council.

Developing these targets and making them publicly available by 31 December 2018 is a requirement of the National Policy Statement for Freshwater Management (NPSFM). These targets must contribute to achieving the national target for 90% swimmable lakes and rivers by 2040.

Draft interim targets of 85% of rivers and 83% of lakes swimmable by 2030 were approved by Council on 5 April this year. Council officers recommend these be retained as final interim targets.

A work programme and modelling have yet to be undertaken to achieve the 2040 target. However, officers consider it reasonable to first set a minimum regional target of 90% to meet our statutory requirements. The overall swimmable state for the region's rivers and lakes is relatively high and would indicate that a twenty year goal of 90% is attainable.

Council will have an opportunity to develop and refine a pathway to achieving that target through successive catchment planning. Progress will also be reviewed and reported on annually through our Progressive Implementation Programme.

A key challenge will be for Council to maintain a level of resourcing to allow its statutory obligations under the NPSFM to be met.

The decisions or matters in this report are considered to be of **Medium** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS

That the Environmental Planning & Regulations Committee:

1. Notes the contents of this report.
2. Recommends to Council
 - a) That final targets for the Gisborne region of 85% of rivers and 83% of lakes swimmable by 2030, and 90% of rivers and lakes swimmable by 2040 be approved.
 - b) That these targets are made publicly available by December 2018.

Authorised by:



Keita Kohere
Director Transformation & Relationships



Nicholas Zaman
Environmental Service & Protection

BACKGROUND

National targets set for swimmability

1. The National Policy Statement for Freshwater Management (as amended in August 2017) directs all regional councils (including unitary authorities) to set regional targets to improve the quality of fresh water so it is suitable for primary contact¹ more often.
2. Together, regional authorities aim to achieve the national target for water quality improvement. This is set at:
 - 80% of specified rivers and lakes² are suitable for primary contact (e.g. swimming) by 2030; and
 - 90% are suitable by 2040.
3. All regional councils have worked together to use the best information available to identify:
 - the improvements that will be made to water quality in rivers and lakes in each region under programmes that are planned or underway
 - when the anticipated water quality improvements will be achieved
 - the likely costs of all interventions, and where these costs will fall.

Regional context and focus

4. The overall swimmable state of the Gisborne region's rivers is already very close to the interim target for 2030. Seventy-seven percent of our rivers are swimmable³. For lakes with perimeters greater than 1,500 metres, 83% are in the blue, green or yellow category in terms of cyanobacteria⁴.
5. Council's current priorities for the region are to:
 - concentrate on reducing wastewater discharges into our city rivers during rain events (Drainwise)
 - continue working with landowners to fence and plant along waterways in the Wharekopae sub-catchment.
6. Both projects are identified in Councils 2018-2028 Long Term Plan (LTP).

Regional targets for swimmability

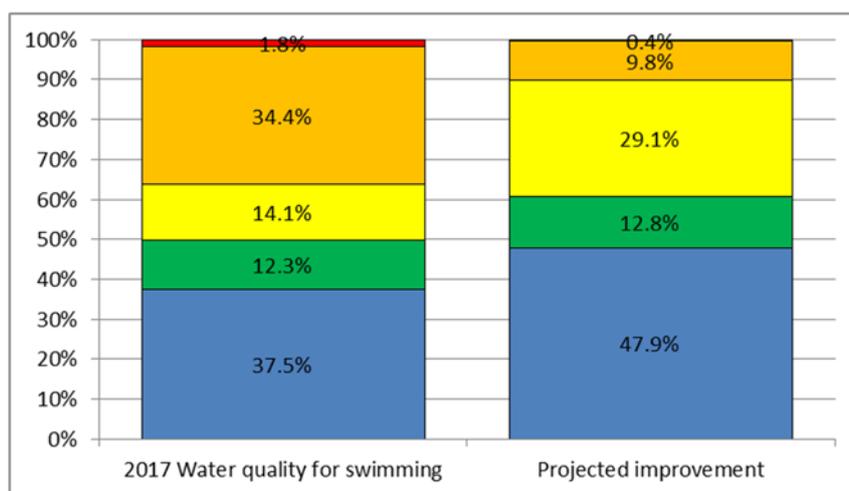
7. Draft interim targets for 2030 were approved by Council on April 5 this year (report 18-159). They were made publicly available through the Ministry for the Environment and Council websites.
8. The draft regional targets for rivers in the Gisborne region are based on modelling the outcomes of water quality improvement programmes currently underway. The target is for 85% of rivers that are fourth order or larger to be in the blue, green or yellow category (in terms of *E. coli*) by 2030 as shown in the graph below. Modelling work was undertaken by the National Institute of Water and Atmospheric Research (NIWA).
9. The interim lake target has already been met.

¹ "Primary contact" includes swimming, and means people's contact with fresh water that involves immersion in the water.

² The term "specified rivers and lakes" is defined in the NPSFM as rivers that are fourth order or above and lakes with a perimeter greater than 1,500 metres.

³ That is, 77% of rivers that are fourth order or larger are in the blue, green or yellow category in terms of *E. coli*.

⁴ As modelled by NIWA. The target reflects the abstract nature of the modelling process and does not account for the fact that the region only has one lake (monitored for swimming) with a perimeter greater than 1,500m (Lake Reponagaere)



Discussion

Final targets to be made publicly available by 31 December 2018

10. The National Policy Statement for Freshwater Management (NPSFM) directs regional councils to make final regional targets available to the public by 31 December 2018. The NPSFM does not specify whether these regional targets should be for the 2030 or 2040 timeframe.
11. A governance group and taskforce comprising MfE and MPI officials and staff from regional councils were set up to help councils meet this obligation. The governance group has interpreted the NPSFM direction as being that the final targets be for both 2030 and 2040.
12. Council staff propose to retain the draft interim targets for 2030 as well as set a minimum target of 90% of specified rivers and lakes being swimmable by 2040.
13. While a work programme and modelling have yet to be undertaken to achieve the 2040 target, officers consider it reasonable to first set a minimum regional target of 90% to meet our statutory requirements. The overall swimmable state for the region's rivers and lakes is relatively high and would indicate that a twenty year goal of 90% is attainable.
14. We aim to achieve these targets through regular freshwater monitoring, catchment planning and review of the Freshwater Progressive Implementation Programme (PIP).
15. Catchment planning will be particularly important for achieving these targets. Community involvement in each catchment will help to identify important freshwater values and this will in turn inform the limit setting process. We can then identify and commit to projects that will also contribute to both the regional and national swimmability targets. The PIP will provide the means to review and report on Council's progress towards achieving them.
16. Council officers consider this a reasonably conservative and practical approach that will benefit from alignment with existing freshwater planning work. Just as importantly, this approach reflects and adapts to the challenges of limited resourcing and the need to prioritise the delivery of projects within a broad strategic work programme.
17. This approach has been considered against the alternative option of doing nothing (not setting any final regional targets). An assessment of these two options is provided in **Appendix 1**.

Regional Process from Here

Update and review of Progressive Implementation Programme

18. The final regional targets, if approved, will be included in the next update of Council's Progressive Implementation Programme (PIP). The PIP represents Council's implementation of the NPS through a programme of defined time-limited stages. Council is required to publicly report on progress each year. Amendments made to the NPS in 2017 requires councils to review their existing plans and implementation programmes and, if necessary, to prepare and publicly notify a revised programme by 31 December 2018.
19. The updated PIP will proceed to Council for approval on 13 December 2018 before being publicly notified.

Integration with the coastal environment

20. Stormwater discharges from urban and rural activities to the estuarine areas in Gisborne City and the Gisborne plains are also an important issue for Council. Emergency wastewater overflows currently occur several times a year in Gisborne City, usually as a result of heavy rain events. Council is working to minimise these overflows through wastewater pipe renewals and improvements, and other stormwater drainage solutions. These solutions, if implemented, will improve recreational and cultural values within this environment and help promote the integrated management of water within the Waipaoa Catchment.

Further Catchment Planning

21. Council will undertake further catchment planning following on from the development of the Waipaoa Catchment Plan. Catchment planning provides further opportunities for the community to review and respond to the final target. They also enable Council to further integrate swimmability into the framework of the Freshwater Plan. Staff are currently working to progress a catchment plan for the Waiapu Catchment.

ASSESSMENT OF SIGNIFICANCE

Criteria	This Report	The Process Overall
The effects on all or a large part of the Gisborne district	Low	Low
The effects on individuals or specific communities	Low	Medium
The level or history of public interest in the matter or issue	Low	Medium
Inconsistency with Council's current strategy and policy	Low	Low
Impacts on Council's delivery of its Financial Strategy and Long Term Plan.	Low	Low

22. This report is part of a process to arrive at a decision that will/may be of **medium** level in accordance with the Council's Significance and Engagement Policy.
23. Setting the 2030 interim target is not considered significant in accordance with the Gisborne Regional Council's Significance and Engagement Policy because it is based on committed work which has met the consultation requirements of the Local Government Act 2002. Developing the 2040 target may be more significant because work has not yet been committed to achieving these targets. Non-regulatory projects identified through the catchment planning process will require resourcing and this may affect Council's financial strategy.

COMMUNITY ENGAGEMENT

24. The freshwater planning process has provided numerous opportunities for our communities to have a say on freshwater issues, including water quality for swimming. The Waipaoa Catchment Plan provided more specific direction from the community in terms of water quality and this has informed the work committed to improving swimmability.
25. Further community engagement will be undertaken with the development of other catchment plans. Preparation for the Waiapu Catchment Plan is underway.

CONSIDERATIONS

26. Financial/budget, legal and policy considerations, as well as risks, have been outlined in the options table in Appendix 1.

NEXT STEPS

Date	Action/Milestone	Comments
28 November 2018	Committee recommendation to Council to approve final targets.	
13 December 2018	Council decision on approving targets.	

APPENDICES

Appendix 1: Assessment of Options for swimmability targets

Appendix 1: Assessment of Options for Swimmability Targets

Option One – Accept the recommended final targets (recommended)	
Description of option	
Council sets a final interim target of 85% of rivers and 83% lakes swimmable by 2030; and 90% of rivers and lakes swimmable by 2040. Council to make these publicly available by 31 December 2018, meeting the requirements of the NPSFM.	
Impact assessment	
Legal Implications	The NPSFM does not require the regional targets to be included in regional plans therefore they do not have legal standing in the way plan provisions do. However, achieving the national target will be relevant for catchment limit setting processes. The NPSFM requires regional councils and unitary authorities to set freshwater objectives in every catchment, and these must include objectives for the compulsory values of ecosystem health and 'human health for recreation'. Objectives must use the specified attribute tables, including for <i>E. coli</i> . There are no legal repercussions for not achieving targets by the required dates.
Risk	There is a risk that the limitations of the modelling which informed the 85% target may mean that the committed work programme in our region is not sufficient to achieve the interim target by 2030. Another key risk is that Council is unable to secure enough resourcing (staff and/or funding) to undertake all the work needed to comply with the NPSFM.
Policy Implications / Strategic Links	The proposed target is directly linked to the Proposed Gisborne Regional Freshwater Plan. The Plan establishes regional objectives, policies and rules to address water quality and quantity, includes new rules for urban sewage and storm water, stock exclusion and setbacks from waterways, and requirements for farm environment plans. The Plan also provides for swimmability through the Waipaoa Catchment Plan, which identifies human health for recreation as a compulsory value. Other catchment plans will provide for this value as they are completed.
Regional costs and benefits	The proposed final targets for 2030 are based on implementing work programmes already planned and budgeted for in the Gisborne Region. The total annual cost of committed work in the rural area of the Gisborne region is \$3.18 m. The rural costs of committed work are spread across the dairy grazing (1%), sheep and beef (82%), and lifestyle (17%) sectors. Work programmes and modelling has not yet been undertaken for the 2040 target. No costs and benefits have been identified at this stage.
Financial Implications	Council will need to implement the Freshwater Plan and the new government regulation on Stock Exclusion in order to meet the interim targets. This has financial implications in terms of either consenting or managing an enforcement process to achieve compliance. The targets are also contingent on Council securing funding through the Long Term Plan process. This includes \$289k for upgrading the Te Karaka Wastewater Treatment Plant (\$289k, yr7) and \$40k per year for implementing planned catchment restoration projects. It is likely that there will be further financial implications for other regional water quality improvement projects as Council proceeds with catchment planning.
Annual Plan / LTP Implications	The final interim targets have no significant implications to Council's Long Term Planning process. Given they are based on implementing work programmes already planned and budgeted for, they will have no effect on proposed levels of service.
Community Outcomes	The regional targets give effect to all three of Council's community outcomes. The targets support the health of our people (Tairāwhiti Tangata), improvements to our freshwater environment (Tairāwhiti Taonga) and the realisation of our community's aspirations (Tairāwhiti Wawata).

Option One – Accept the recommended final targets (recommended)

Community Views	<p>There is strong community support for improving water quality for swimming in both freshwater and coastal marine environments of our district. Community views were captured through both consultation on and the collaborative development of the Freshwater Plan. Further consultation and collaboration will occur through subsequent catchment planning.</p> <p>The community also supported improving water quality through Council's Drainwise and Wastewater management programmes. Water quality has also been a long standing issue with iwi who seek its improvement for cultural and recreational reasons.</p>
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Option Two – Reject the recommended final targets (not recommended)

Description of option	
Council does not set the recommended final regional targets.	
Impact assessment	
Legal Implications	<p>Council will be non-compliant with the NPSFM and failing to comply with the NPSFM by December 2018.</p> <p>There are no legal repercussions for not achieving targets by the required dates or failing to provide information when requested to do so by the Minister for the Environment, but the Minister for the Environment has powers to investigate councils and either make recommendations or appoint commissioners.</p>
Risk	There are reputational risks in not setting final regional targets. Improving the quality of fresh water became an election issue last year and will continue to attract media interest. The new government has indicated a strong focus on improving water quality, and non-compliance with the NPSFM is likely to attract attention from community members, Ministers and the media, particularly if the Gisborne Region is the only region not to make its final targets publicly available.
Policy Implications / Strategic Links	Not setting final regional targets does not adversely affect existing policy, therefore the policy implications outlined for Option 1 are the same as for Option 2.
Regional costs and benefits	<p>Not setting final 2030 targets does not change Council's existing commitments. The costs and benefits for these targets are therefore the same for both options.</p> <p>In terms of setting the 2040 targets, the costs of implementation are likely to be higher for Option 1 but the benefits are also likely to be higher.</p>
Financial Implications	There are no financial implications arising from not setting the 2030 and 2040 targets.
Annual Plan / LTP Implications	There are no Annual Plan or LTP implications arising from not setting the 2030 and 2040 targets.
Community Outcomes	Not setting final targets for 2030 and 2040 would not give effect to any of Council's community outcomes.
Community Views	Not setting regional targets would be inconsistent with community views and expectations around the improvement of water quality.