AGENDA

Te Kaunihera o Te Tairāwhiti
GISBORNE
DISTRICT COUNCIL

P O Box 747, Gisborne, Ph 06 867 2049 Fax 06 867 8076
Email service@gdc.govt.nz Web www.gdc.govt.nz

MEMBERSHIP: Her Worship the Mayor Rehette Stoltz (Chair), Josh Wharehinga (Deputy Chair), Colin Alder, Andy Cranston, Larry Foster, Debbie Gregory, Ani Pahuru-Huriwai, Rawinia Parata, Aubrey Ria, Tony Robinson, Rob Telfer, Teddy Thompson, Rhonda Tibble and Nick Tupara

SUSTAINABLE TAIRAWHITI /TOITŪ TAIRĀWHITI Committee

DATE: Thursday 16 March 2023

TIME: 9:00AM

AT: Te Ruma Kaunihera (Council Meeting Room), Awarua, Fitzherbert Street, Gisborne

AGENDA – OPEN SECTION

Sustainable Tairāwhiti / Toitū Tairāwhiti

Reports to:	Council
Chairperson:	Mayor Stoltz
Deputy Chairperson:	Cr Wharehinga
Membership:	Mayor and Councillors
Quorum:	Half of the members when the number is even and a majority when the membership is uneven.
Meeting frequency:	Six weekly (or as required).

Purpose

To develop, approve, review and recommend to Council (where applicable) statutory and non-statutory policy, plans, bylaws, strategies and decisions to:

- Develop a vision and a pathway for the future of the district.
- Sustainably manage resources in the region.
- Identify and promote community aspirations.
- Define and deliver on Council's roles.
- Integrate an all-of-wellbeing approach to strategy, plan and policy development.
- Have effective statutory plans and bylaws to protect community and environmental needs.

Terms of Reference

- To develop and review Resource Management Act 1991 and Local Government Act 2002 strategies, plans and policies across the Council relating to community, environment, and infrastructure.
- Make recommendations to Council to ensure the effective implementation of plans, processes, research, monitoring and enforcement to satisfy the requirements of the Resource Management Act 1991, National Policy Statements, National Environmental Standards and associated legislation.
- To lead the development of Council's draft Long Term Plan and Annual Plan and all other policies required to be included in the Long Term Plan as specified in the Local Government Act 2002 (including but not limited to the Infrastructure Strategy and Financial Strategy). This includes the ability to approve draft versions for consultation, and make recommendation to Council following consultation.

- Hear submissions to Council's Long Term Plan or amendments.
- Oversee the development and review of Council's Resource Management Act 1991 plans.
- Oversee any development of unitary/spatial plan, integrated plans or major catchment plans.
- Consider and recommend to Council strategies, policies, rules and other methods for inclusion into the Tairāwhiti Resource Management Plan and other associated plans.
- Monitor and report on environmental performance trends and the effectiveness of and compliance with Council's resource management responsibilities and activities associated with policy implementation.
- Review State of the Environment reports to assist in future activity planning and policy development.
- Develop, review and recommend bylaws to Council. This includes approval of a draft bylaw for consultation and making recommendations to Council regarding the adoption of the bylaw following consultation.
- Receive reporting from state of the environment monitoring.
- Establish, implement and review the operational policy and planning framework for decision-making that will assist in achieving the strategic priorities and outcomes
- Monitor, review and develop Council responses, strategies, plans and policy in relation to Iwi and Maori commitments.
- Prepare submissions on any matter that is within its rationale and terms of reference for Council.
- Approve or change a proposed policy statement or plan under clause 17 of Schedule 1 of the Resource Management Act 1991 (RMA).
- Make decisions that are required to be made by resolution, except those that are not legally able to be delegated.

Power to Act

To make all decisions necessary to fulfil the role and scope of the Committee subject to the limitations imposed.

To establish subcommittees, working parties and forums as required.

To appoint non-voting Tangata Whenua representatives and/or advisory members to assist the Committee.

Power to Recommend

To Council and/or any standing committee as it deems appropriate.

3.1. Confirmation of non-confidential Minutes - Traffic and Parking Sub Committee 2 February 2023

MINUTES

Draft & Unconfirmed

Te Kaunihera o Te Tairāwhiti
GISBORNE
DISTRICT COUNCIL

P O Box 747, Gisborne, Ph 867 2049 Fax 867 8076
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MEMBERSHIP: Andy Cranston, Debbie Gregory and Director Lifelines David Wilson

MINUTES of the TRAFFIC & PARKING SUB-COMMITTEE/WHĀITI WAKA WHENUA ME TE TŪNGA WAKA Committee

Held in Te Komiti Room, Awarua, Fitzherbert Street, Gisborne on Thursday 2 February 2023 at 9:00AM.

PRESENT:

Andy Cranston, Debbie Gregory, Director of Lifelines David Wilson.

IN ATTENDANCE:

Andy Cranston, Debbie Gregory, Lifelines Director David Wilson, and Committee Secretary Penny Lilburn.

1. Apologies

There were no apologies.

2. Declarations of Interest

There were no interests declared.

3. Leave of Absence

There were no leaves of absence.

4. Acknowledgements and Tributes

There were no acknowledgements or tributes.

5. Public Input and Petitions

There were no public input or petitions.

6. Extraordinary Business

There was no extraordinary business.

7. Notices of Motion

There were no notices of motion.

8. Adjourned Business

There was no adjourned business.

9. Reports of the Chief Executive and Staff for DECISION

9.1 23-27 Request for Approval of 2 Police Carparks on Customhouse Street

- The parking warden team can add license registration which will helps determine between the mufti police cars and civilian cars.
- A press release will be made on social media regarding the new use of the parks.
- There will be signage placed so the public are aware of the new police parks.
- There will be a transition period for enforcement regarding the new parks.
- There are a number of court parks behind the courthouse along the Marina for jury service and other court related issues. These parks are free all-day parking so the creation of the new police parks will unlikely impact that availability.
- Council approves the parks which then goes to Waka Kotahi who will change it.

MOVED by Cr Cranston, seconded by Cr Gregory

That the TRAFFIC & PARKING SUB-COMMITTEE/WHĀITI WAKA WHENUA ME TE TŪNGA WAKA:

1. Approves the additional two police designated carparks to be added into the Traffic and Parking Bylaw Resolution Register.

CARRIED

10. Close of Meeting

There being no further business, the meeting concluded at 9:09 am.

Andy Cranston
CHAIR

3.2. Action Sheet

Meeting Date	Item No.	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
10/03/22	10.1	22-30 Additional Information for Emissions Reduction Targets	In progress	Provide Councillors with cost implications to ratepayers when setting a 2030 net zero target.	Magnus Abraham-Dukuma	**11/04/2022 Magnus Abraham-Dukuma** May 2022 will be premature. The plan is to present the cost information in November alongside the full report after we complete the work underway.	13/11/23

Te Kaunihera o Te Tairāwhiti
GISBORNE
DISTRICT COUNCIL

23-22

Title:	**23-22 Freshwater Planning Update (March 2023)**
Section:	Strategy
Prepared by:	Janic Slupski - Senior Policy Advisor
Meeting Date:	Thursday 16 March 2023

Legal: Yes	Financial: Yes	Significance: **Low**

Report to SUSTAINABLE TAIRAWHITI /TOITŪ TAIRĀWHITI Committee for information

PURPOSE - TE TAKE

The purpose of this report is to inform Council on the current progress of drafting the freshwater planning instruments. The content of this report repeats information provided in the previous report (**Report 22-195**), with new updates provided where applicable.

SUMMARY - HE WHAKARĀPOPOTOTANGA

This report provides an update on staff progress in the freshwater planning space to ensure our legislative requirements can be achieved and delivered within the timeframe set by Central Government (notification by December 2024).

Progress: A draft Mōtū Catchment Plan is mostly complete (**Attachment 1**). Following some minor refinements, it will be ready for public notification. Two well-attended public hui on the Waiapu Catchment were held in December 2022, with good feedback. Good progress is being made with our Ngāti Porou partners in the Waiapu catchment planning process. A draft background document for the Hangaroa-Ruakituri Catchment is mostly complete, with data shared between Hawke's Bay Regional Council and Gisborne District Council. Engagement plans for the remaining catchments have been drafted. Engagements for the Regional Freshwater Plan and remaining five catchment plans are scheduled to occur across 2023/2024.

Regional Freshwater Plan appeal: A High Court hearing on the appeal made by Te Whānau a Kai against the Environment Court decision on the Regional Freshwater Plan was held on 4 and 5 April 2022. The appeal was dismissed by the High Court on 23 June.

Te Whānau a Kai have now appealed the High Court judgment to the Court of Appeal. At the time of writing, it is unknown whether the Court of Appeal will grant leave to appeal.

Supporting research and technical work: Work is progressing on several technical projects to support the evidence base for freshwater planning. In 2022, the following technical work was completed:

- a review of our regional freshwater monitoring framework,
- a desktop exercise to map regional wetlands,
- a fish passage assessment for the Waipaoa Catchment, and
- groundwater modelling for the Poverty Bay Flats.
- Urban watercourse assessments and faecal source tracking have been undertaken for several streams around Gisborne city.

eDNA testing kits are being used across the region during the 2022/2023 summer. We are also focusing our attention on environmental flows and water quality research within the Poverty Bay Flats to support review of the Waipaoa Catchment Plan.

Procurement: Staff have secured the services of four consultancies from the TRMP supplier panel to help deliver work needed in the freshwater TRMP workstream. They are 4-Sight, Kereru, Incite and Aquanet/Traverse. They represent local and national expertise in freshwater and resource management planning and have been supporting our team since September 2022.

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

Impact of Cyclones Hale and Gabrielle: We know that meaningful engagement with communities, iwi and hapū will be challenging due to the ongoing impact of Cyclones Hale Gabrielle. We are exploring with central government officials whether an extension to the 2024 deadline for notifying freshwater planning provisions is possible. We have also requested that the Tairawhiti region is removed form Tranche 1 of the national Freshwater Farm Planning roll out, which is due to commence in August 2023.

A report will be made to the council meeting on 30 March 2023 providing an update in relation to the points raised by Mana Taiao Tairawhiti in their petition and deputation to Council on sustainable land use.

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Sustainable Tairawhiti /Toitū Tairāwhiti Committee:

1. Notes the contents of this report.

Authorised by:

Joanna Noble - Chief of Strategy & Science

Keywords: National Policy Statement for Freshwater Management 2020; Freshwater Planning

BACKGROUND - HE WHAKAMĀRAMA

Legislative Context – Planning for freshwater management

1. The National Policy Statement for Freshwater Management 2020 (NPS-FM) is an important legislative tool for achieving national goals for freshwater. It provides direction on how local authorities should manage freshwater under the Resource Management Act 1991 (RMA). Requirements include:
    - managing water in way that gives effect to Te Mana o te Wai[1]
    - applying a National Objectives Framework (NOF) to help manage freshwater
    - avoiding any further loss or degradation of wetlands and streams, mapping existing wetlands and encouraging their restoration; and
    - addressing in-stream barriers to fish passage.
2. Under the new RMA freshwater planning process (s80A), councils are required to publicly notify their statutory freshwater planning instruments by the end of 2024.
3. Council has given effect to an earlier version of the NPS-FM (2014) through the development of the Regional Freshwater Plan and Waipaoa Catchment Plan. These plans were publicly notified together in 2015. One appeal (in relation to iwi proprietary interests and rights in freshwater) remains unresolved.
4. Council has yet to notify a freshwater planning instrument under the NPS-FM 2020.

Freshwater planning in Tairāwhiti

5. Freshwater Planning is one of three workstreams within the Tairāwhiti Resource Management Plan (TRMP) review programme. Our freshwater planning framework is divided into two parts:
    - a Regional Freshwater Plan containing provisions that apply to freshwater related activities that occur anywhere within the region,
    - seven Catchment Plans that focus on managing freshwater quality and quantity issues that are specific to catchment areas. Those areas are:
        - Waipaoa
        - Mōtū
        - Hangaroa – Ruakituri
        - Waimatā – Pakarae
        - Ūawa
        - Waiapu
        - Wharekahika – Waikura

[1] Te Mana o te Wai refers to the fundamental importance of clean water to the health of all living things. This is a transformational change that is focussed on restoring and preserving the balance between the water, the wider environment and the community.

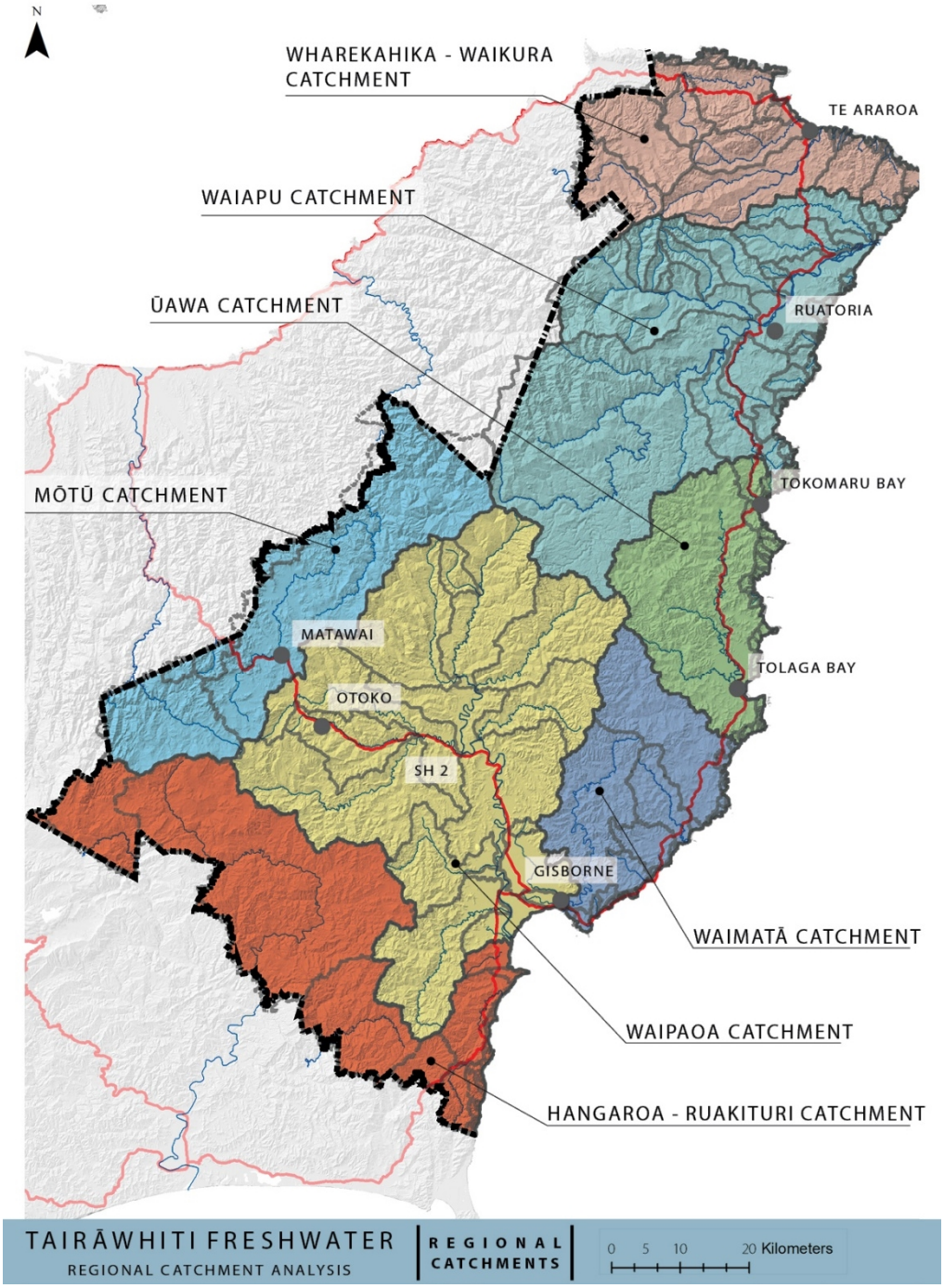

Figure 1: Map of Tairāwhiti regional catchment areas

6. The freshwater planning workstream includes research, engagement and policy development and has been underway since mid-2020. While this is a challenging workload for a small team, staff are still aiming to deliver this work by the mandated deadline.

7. Staff are currently progressing through the catchment plans and a raft of technical work to develop a solid evidence base for planning. Consultant support has been secured to bolster staff capacity and keep momentum.

Catchment Plans Underway

Mōtū Catchment Plan

8. **Overview**: The Mōtū Catchment Plan area represents two freshwater catchments that straddle the Tairāwhiti and Bay of Plenty regions. These catchments are:
    - The Waioeka – Otara Catchment, including the Koranga River on the Gisborne side; and
    - The Mōtū Catchment.

9. Their combined area is 886km^2 and includes the only upland streams and rivers in the Tairāwhiti Region.

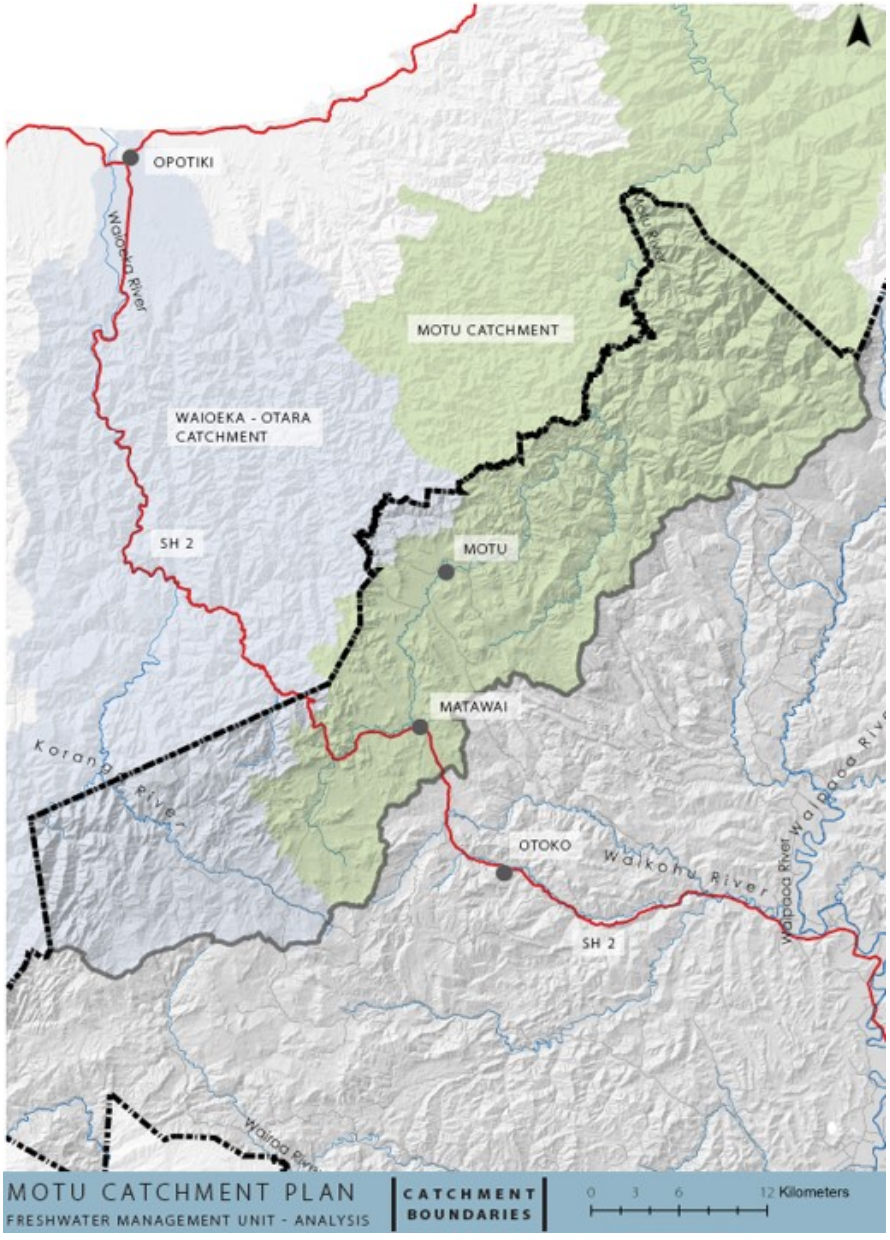

Figure 2: Map of Mōtū Catchment Plan area

10. The Mōtū Catchment Plan was initiated and brought to Sustainable Tairāwhiti for endorsement to proceed in July 2020 (**Report 20-58**). Local consultants were engaged to support the delivery of the project. Staff have provided updates on progress on 28 October 2021 (**Report 21-212**), 7 July 2022 (**Report 22-134**) and 8 September 2022 (**Report 22-195**).

11. **Engagement:**

- Undertaken three community hui at the start, middle and completion of the plan drafting process,
- Received input on key freshwater values and issues for the catchment from seven interest groups[2],
- Established a catchment advisory group made up of seven people with strong ties to the catchment, and held eight hui to develop the plan,
- Met with Bay of Plenty Regional Council staff (online and kanohi ki te kanohi) on five occasions to discuss cross-boundary and engagement matters, and
- Sought community feedback for the draft Mōtū Catchment mid-2022.

12. **Research**: We undertook two key pieces of research in response to concerns raised about the sources of sediment and E. coli in the Mōtū Catchment:

- A sediment fingerprinting study undertaken by Manaaki Whenua – Landcare Research showed the principal source of sediment for the catchment comes from streambank erosion. A combination of stock access and steep exposed embankments are likely to be key contributors to sediment loading.
- Testing of water samples for E. coli and DNA showed that the main source of this contaminant is ruminant (such as sheep, cattle, deer and goats). The data indicates that stock access to waterways is impacting water quality. Ruminant markers found within the Mōtū conservation area (native bush) also support community observations that animal pest numbers are increasing in the bush areas of the catchment.

13. **Plan development**: From the engagement and research, we've been able to prepare a draft Mōtū Catchment Plan that reflects the values and aspirations of the Mōtū community and responds to the issues identified. This has been refined through subsequent meetings with farmers. A draft plan is attached with this report (**Attachment 1**).

[2] Gisborne Canoe and Tramping Club, Forest and Bird, Federated Farmers, New Zealand Land Care Trust, Eastern Whio Link, QE2 National Trust, and Fish and Game.

14. **Outstanding matters**:

- **Finalise catchment Plan:** Members of the Mōtū community have worked closely with our team to help refine and clarify parts of the plan. Some minor refinement to the Freshwater Management Unit boundaries is expected before the plan is finalised.
- **Engagement with Bay of Plenty Regional Council (BOPRC)**: We have been working with our neighbouring regional council on plan integration for the Mōtū Catchment. This includes sharing information to ensure our approaches to freshwater management in the Mōtū and Waioeka catchments are integrated.

  We will share the finalised catchment plan with BOPRC prior to public notification.
- **Tangata whenua engagement**: We also need to make sure tangata whenua have had further opportunities to participate in the catchment plan development. This includes mana whenua groups in both regions. While we have invited relevant mana whenua groups from Tairāwhiti, only Te Aitanga a Māhaki has participated in the development of the Mōtū Catchment Plan so far.

  We will share the finalised catchment plan with mana whenua prior to public notification.

15. **Lessons learnt**: Developing the Mōtū Catchment plan has provided several insights and lessons that we can apply to the rest of the freshwater programme. These include:

- Engagement takes a lot of time and under COVID-19 restrictions, it took even longer. With the Mōtū Catchment Plan we have been lucky to have had time to test our approach. With subsequent freshwater plans, we will not have this advantage, and now face additional challenges due to the impacts of Cyclones Hale and Gabrielle.
- Some aspects of the freshwater planning process are more easily understood than others. Aspirational content such as vision, values and environmental outcomes are engaging and easy to discuss with the community. Action planning is also a tangible matter that is easy to understand and has a practical application that people can relate to.
- Conversely, the technical aspects of the NPS-FM are more difficult to engage on. In particular, target states, objectives, water quantity and resource limits are complex, abstract and not easy for people to understand or see the implications.
- Draft proposals are useful. We observe that engagement can often be more constructive and efficient when it is focused on providing feedback on a draft proposal, rather than creating new policy. Our third and fourth community hui were very effective, where we narrowed down key issues to fertiliser application and gravel extraction.

16. **Next steps**: The catchment plan team will start preparing for public notification in the coming weeks. This will involve a legal review of the plan proposal, sharing the draft plan with BOPRC and mana whenua and establishing a schedule of actions that Council is required to undertake within specific timeframes set out under the RMA.

17. Subject to the outcomes of the steps outlined in paragraph 16, staff will bring a paper to the 18 May Council meeting seeking a decision to approve the draft Mōtū Catchment Plan and section 32 report[3] for public notification. The report will also provide an overview of the public notification process and the statutory requirements that Council will need to follow for that process.

Waiapu Catchment Plan

18. **Overview**: The Waiapu Catchment is the second largest catchment in the Gisborne-Tairāwhiti region with a catchment area of 1730km². It rises in the eastern part of the Raukumara Range and drains northwards to Ruatorea and meets the coast at Port Awanui. It has seven major tributary sub-catchments as well as the Waiapu River itself.

    These are:

    - Maraehara River
    - Poroporo River
    - Mangaoporo River
    - Tapuaeroa River
    - Lower Matā River
    - Waitahaia River
    - Ihungia River
    - Upper Matā River

19. The Waiapu Catchment Plan is being developed as a partnership between Council and Te Runanganui o Ngāti Porou. This partnership gives effect to the Joint Management Agreement (JMA) in place between Council and Te Runanganui o Ngāti Porou (TRONPnui) for the Waiapu Catchment.

20. Ngāti Porou and Council came together in April 2021 to confirm their commitment to the JMA and to the Waiapu Catchment Plan. Collaborative hui that focused specifically on this Kaupapa started from June 2021. Kereru Consultants was engaged in September 2021 to support Council in the delivery of the project. Kate Walker was engaged by TRONPnui in November 2021 to project manage Ngāti Porou's contribution to the Waiapu Catchment Plan.

[3] A section 32 report provides the rationale for and evaluation of a proposed plan in terms of its appropriateness in achieving the purpose of the RMA

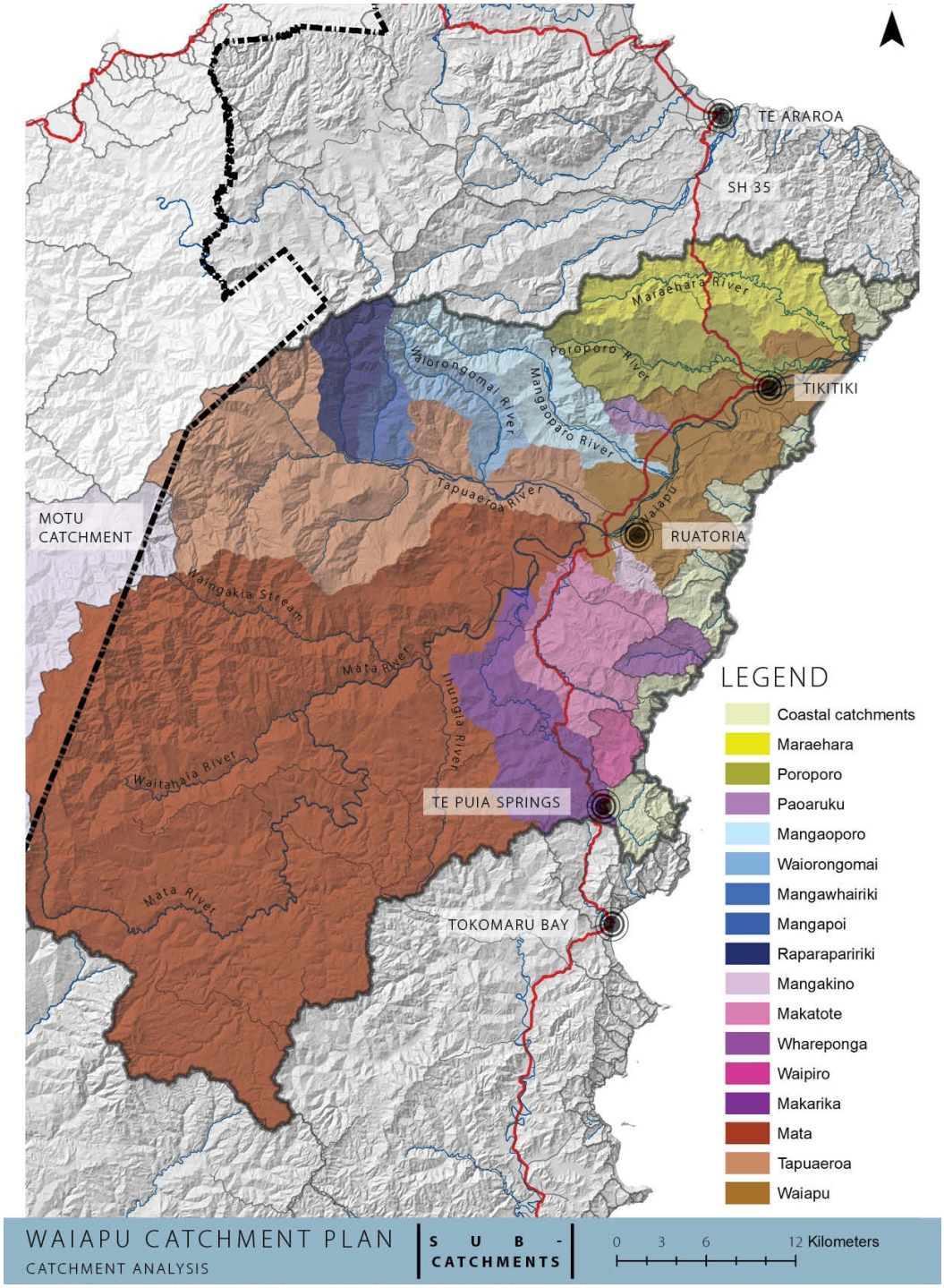

Figure 3: Map of Waiapu Catchment Area

21. **Engagement**: Engagement began with Ngāti Porou representatives holding a series of wananga with hapū collectives including:
    - August 2021 - Hikurangi Takiwā, Te Papatipu o Uepohatu.
    - September 2021 – Te Wiwi Naati, Tokomaru Akau.

22. After several preliminary hui, representatives of Ngāti Porou and Council staff formed a technical roopu and have begun to move through a work programme to develop the Waiapu Catchment Plan.

23. In the first half of 2022, the roopu was convening online on a monthly basis. Core team members have since committed to fortnightly meetings in person to complete the catchment planning process and have a draft catchment plan ready by the end of 2023.

24. A drop-in session at Tikitiki RSA and community hui at Ruatoria RSA were held on 7th December 2022. The focus of this engagement was to provide an overview of the project and to provide people with an opportunity to feed into the process. Participants included local residents, farmers and gravel contractors.

25. **Research**: The management of gravel extraction is a major issue for hapū and will be a key focus for the Waiapu Catchment Plan. Work into the dynamics of gravel supply within the Waiapu River was completed by Jon Tunnicliffe (Auckland University) in 2020.

26. Since then, Council engaged a contractor (LandPro) to undertake aerial photography and LiDAR[4] surveys of several northern rivers including the Waiapu, Tapuaeroa and Karakatuwhero. The raw data has been acquired and processed. The finalised imagery will be used to calculate changes along the surfaces of the riverbeds and ultimately help to determine a more sustainable approach to gravel extraction. We anticipate further work to develop a gravel management plan for the catchment.

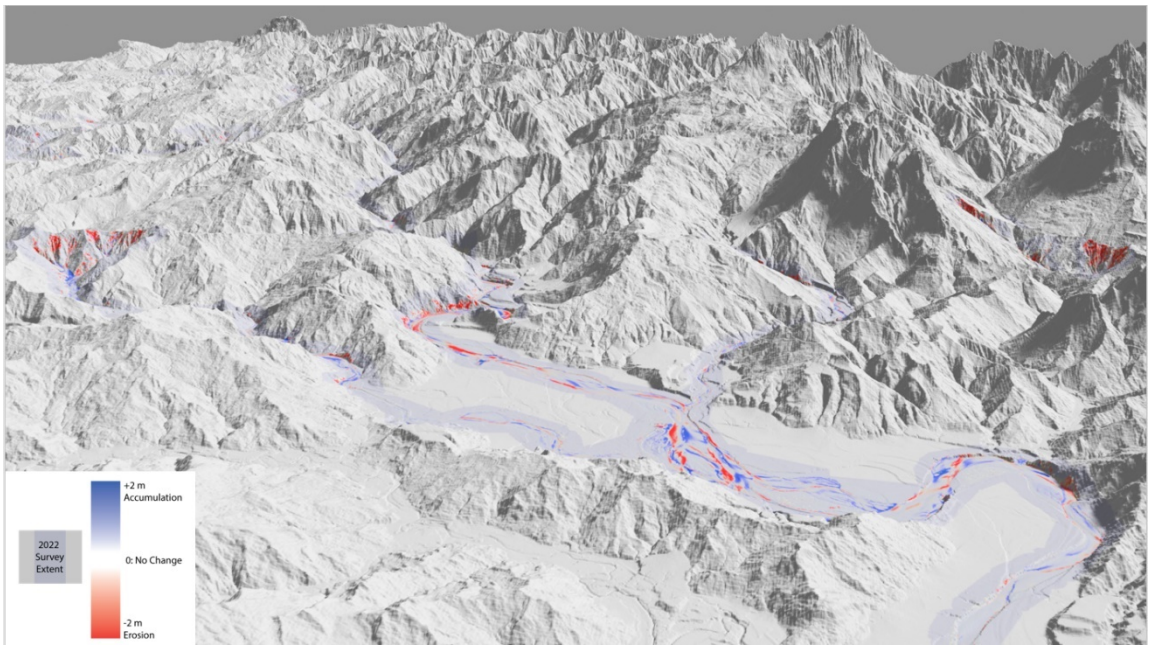

Figure 4: Example of LiDAR imagery for Waiapu River

[4] LiDAR – Light Detection and Ranging – is a remote sensing method that uses light in the form of a pulsed laser to measure distances to the earth. These light pulses generate precise, three-dimensional information about the shape and characteristics of the earth.

27. **Next steps**: The roopu will plan to go back to the Waiapu community in mid-2023. In the meantime, we will work with gravel extractors to develop a clearer pathway to sustainable gravel management in this catchment. We also intend to meet with Hawke's Bay Regional Council staff to better understand their approach to gravel management.

28. We also intend to re-run the LiDAR survey of the Waiapu river to improve our understanding of the gravel budget for the Waiapu river system. This will be of particular interest and value in the wake of cyclone Gabrielle.

29. One outstanding task is to reconvene the Joint Management Agreement Forum (JMAF) to provide its members with an update on progress and to receive any direction for the project team. The JMAF provides a mechanism for ngā hapū o Ngāti Porou to share in RMA decision-making on matters relating to the Waiapu Catchment[5]. The forum last convened on 8 February 2022. The catchment planning roopu will look to organise the next JMAF hui at a suitable date in the next two months.

Waimatā – Pakarae Catchment Plan

30. **Overview**: The Waimatā-Pakarae Catchment Plan area represents eight freshwater catchments that flow to the eastern coastline from Gisborne city at its southern extent to Waihau Bay just south of Tolaga Bay. These catchments include:
    - the Waimatā River which is located directly north of Gisborne City,
    - the Pakarae River which is located south of Tolaga Bay,
    - several smaller catchments located along the coastal margin between the Pakarae River and Gisborne City. These catchments include the Waiomoko River, Pouawa River, Hamanatua Stream, Wainui Stream and Kopuawhakapata Stream.

31. Their combined total area is 650km^2. The two largest are the Waimatā (227km^2) and the Pakarae (243km^2).

32. The Waimatā-Pakarae Catchment Plan was initiated in September 2021 and consultancy 4-Sight engaged to support the project in December 2021.

5 The JMAF was established by Te Runanganui o Ngati Porou (TRoNPnui) and the Gisborne District Council (Council), under the aegis of the Joint Management Agreement (JMA) 2015.

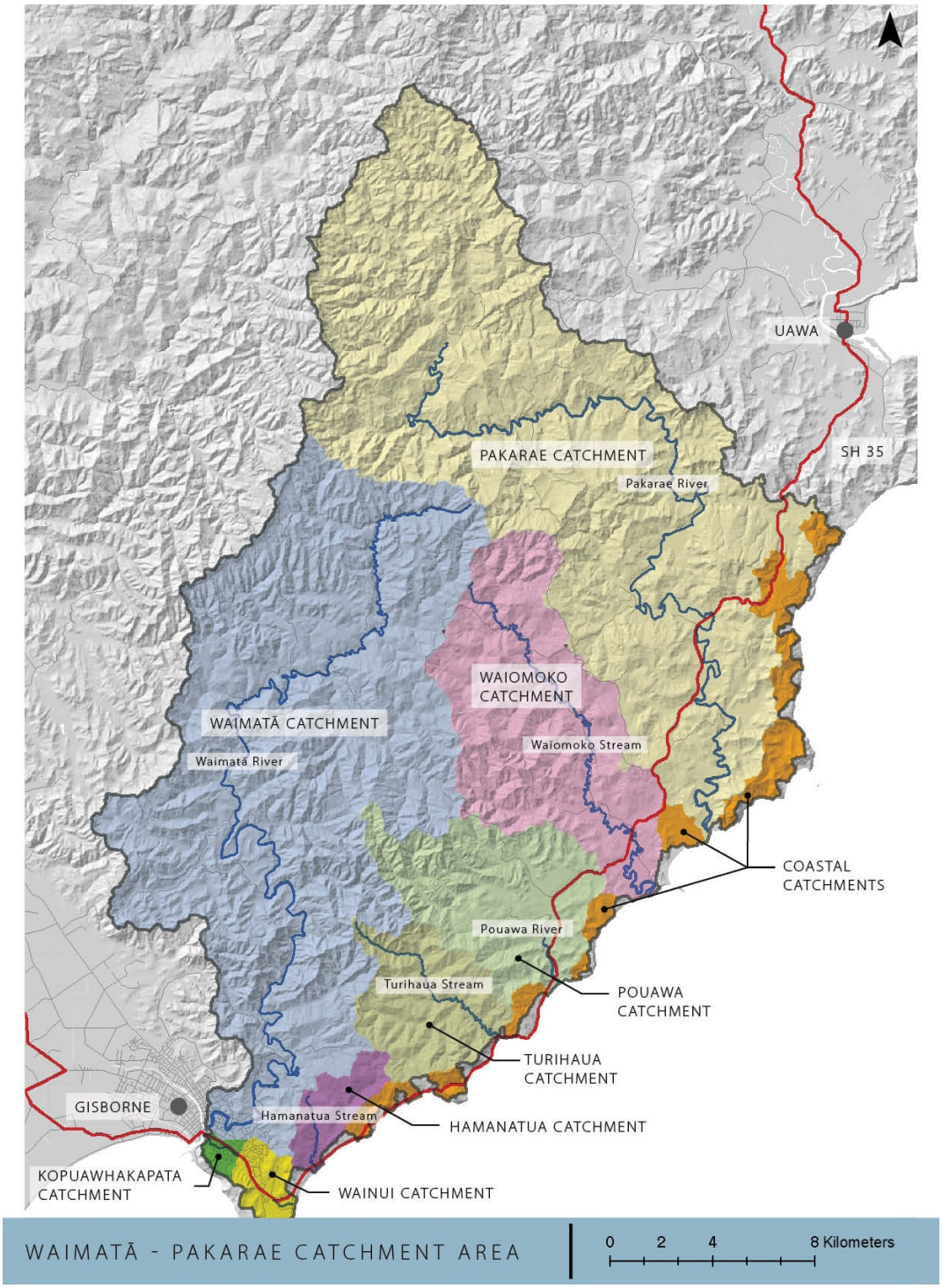

Figure 5: Map of Waimatā - Pakarae Catchment Area

33. **Engagement**: The team began to engage with the community from May 2022 following the development of a Communications and Engagement Plan and supporting information.

34. Engagement for this Catchment Plan is slightly more layered and complex than the Mōtū and Waiapu catchments:

- Multiple iwi – hapū groups whose rohe intersect and overlap. These groups include Ngāti Porou, Te Aitanga ā Hauiti, Ngāti Kanohi, Ngāti Oneone, Te Aitanga a Māhaki, and Rongowhakaata.
- Two catchment groups already active – one focused on the Waimatā River and the other representing the Turihaua, Waiomoko, Whangara and Pakarae catchments. Their work and focus and this project need to be aligned. There is the potential for confusion around what various catchment groups and plans involve.
- An urban landscape with a different community, landscape, values, and issues.

35. Invitations to iwi and hapū were sent out in early May 2022 with some interest received but no commitment to hui. Follow-up emails were sent in July 2022.

36. The team has since engaged with the two catchment groups that were formed independently of this project.

37. A meeting with Waimatā community members was held on 17 June 2022 to introduce the project and begin to align the policy work with the interests of the Waimatā Catchment. A significant amount of research and engagement has already been done by the Waimatā Catchment Group, which focuses on the Waimatā River and land uses within its catchment surrounds. While this is of tremendous value to the group and this project, care must be taken to clarify the intersection between these two projects and avoid duplication of efforts.

38. A meeting was held with Whangara-Pakarae Catchment Group members on 1 July 2022. The group has already undertaken a vision and values exercise which can be used to inform the planning process. The group's representatives will work with our team to develop plan content.

39. **Research**: Staff will look to gather more water quality data from across the catchment area until the end of the year. While the data will only provide a snapshot of the state of these other waterbodies, this will support an understanding of the catchment as a whole. Except for the built environment, geology and land uses are consistent across the catchment area – we anticipate similar water quality issues for most waterbodies within it.

40. Staff have collected eDNA samples from water quality and biomonitoring sites to build a more complete picture of the state of freshwater in this catchment area. Results from eDNA testing will give us a good picture of the presence of threatened species as well as indicate the presence of stock and pest plants and animals[6].

[6] More information on eDNA below.

41. **Next steps**: The project team is currently waiting for further engagement with mana whenua. Wider community consultation has been deferred until this occurs. We have a consultant working with the project team to support and enable this engagement.

42. With time available for mana whenua engagement, the project team is aiming to have a draft catchment plan available by the end of 2023.

Hangaroa – Ruakituri Catchment Plan

43. **Overview**: The Hangaroa-Ruakituri Catchment Plan area represents five freshwater catchments that flow towards Hawke's Bay in the south and four catchments that flow into Tairāwhiti's eastern coastline from the boundary with Wairoa up to the Wherowhero Lagoon. These catchments include:

    - the Ruakituri, Hangaroa, Mangapoike, and Nuhaka River, and Kopuawhara Streams, which all form the south-western boundary of our region and flow into Hawke's Bay,
    - the Maraetaha River beside State Highway 2 before flowing to the coast,
    - the Pakowhai Stream that flows into Wherowhero Lagoon, and
    - several smaller catchments located along the coastal margin between the Maraetaha catchment, State Highway 2, and the end of Mahanga Road (in Wairoa), including the Wharekakaho, Waikara, Tikiwhata, and Hauraki Streams, and unnamed streams.

44. Their combined total area is 650km^2. The largest catchment area is the Hangaroa (227km2), followed by Mangapoike (227km2) and Ruakituri (227km2).

45. Work on the Hangaroa-Ruakituri Catchment Plan started in September 2022. Local consultant Awamoana has been engaged to support the project.

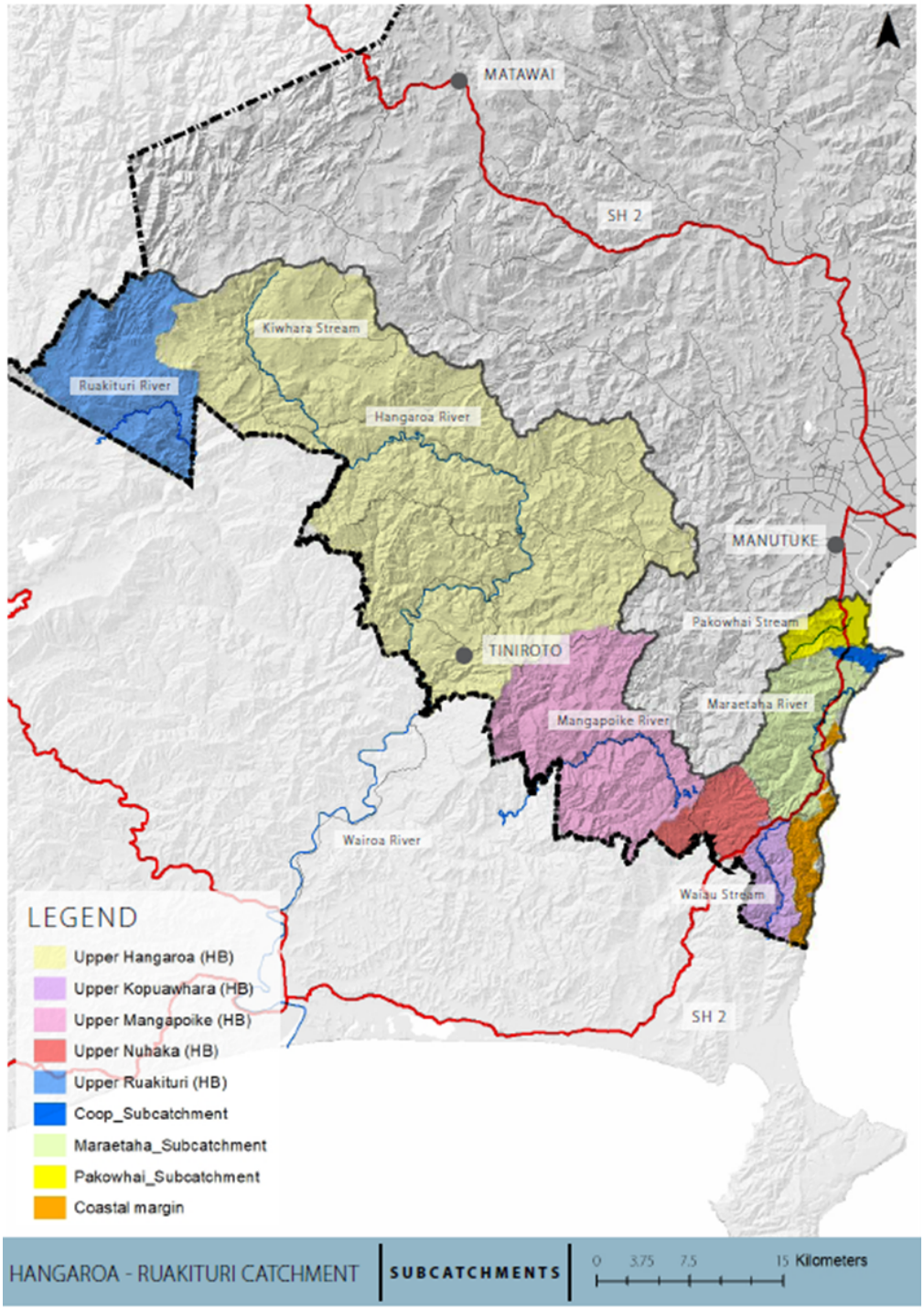

Figure 6: Map of Hangaroa-Ruakituri Catchment Area

46. **Engagement**: Staff met with Hawke's Bay Regional Council (HBRC) on 22 November 2022 to discuss best approach for developing the engagement plan for the Hangaroa-Ruakituri catchment. The team will look to meet with them again to confirm a joined-up approach to tangata whenua engagement and plan development.

47. Council will look to secure the involvement of mana whenua to this project in the coming weeks. Noting that capacity to respond may be impacted due to recent severe weather events.

48. **Progress**: The first draft of the background document for Hangaroa-Ruakituri Catchment is currently under development. Staff are in the process of compiling the necessary water quality data from both HBRC and GDC.

49. **Next steps**: The team will look to undertake mana whenua engagement in April. Following this, we will look to hold community hui and form a reference group to inform the plan development. If engagement goes well, the team will aim to develop a draft catchment plan by the end of 2023.

Review of Regional Freshwater Plan and Waipaoa Catchment Plan

50. **Overview**: The Regional Freshwater Plan and Waipaoa Catchment Plan were developed together from 2013 and publicly notified in 2015. These plans need to be reviewed to ensure they meet the National Policy Statement for Freshwater Management 2020 requirements. We plan to review these together.

51. Gisborne's Regional Freshwater Plan objectives, policies and rules for the management of freshwater quantity and quality, and activities that impact on freshwater across Tairāwhiti. Within this plan there are four main sections:
    - Water quantity and allocation
    - Water quality and discharges to land and water
    - Activities in the beds of rivers and lakes
    - Riparian margins and wetlands

52. The Waipaoa Catchment incorporates 12 major sub-catchment areas with a combined land area of 2,200km². It is an important source of water for irrigation, a back-up source of water for Gisborne city, and the major recharge source for extensively used aquifers. Key sub-catchments of the Waipaoa include the Waikohu, Mangatu, Waingaromia, Wharekopae, and Te Arai.

53. **Engagement**: The team will engage mana whenua from March/April 2023 onwards (depending on capacity and availability after Cyclone Gabrielle). Following this, the team is planning to establish a reference group composed of local people with experience from different sectors and interest groups: farming, conservation, forestry, horticulture and Māori landowners. We support mana whenua groups to be members within this group as well. This would be a similar approach to the previous Freshwater Advisory Group that was formed to inform the development of our existing plans.

54. **Progress**: Team members have begun to coordinate with Rongowhakaata representatives to work on provisions for the Te Arai Freshwater Management Unit. Efficiency and effectiveness reviews on existing plan provisions have also begun. Research on water quality and quantity on the Poverty Bay Flats has also progressed and will support the conversations around freshwater management for this area.

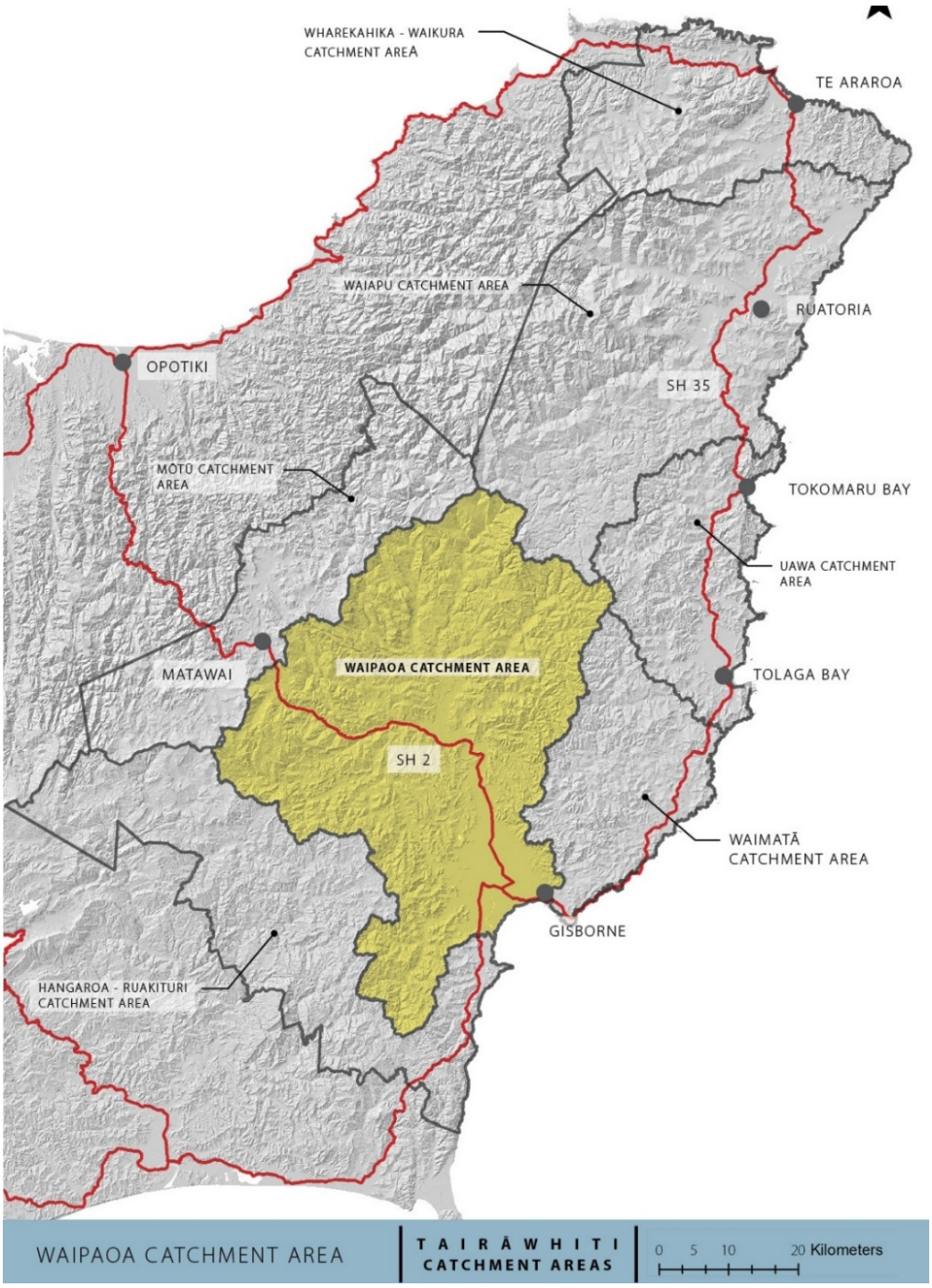

Figure 7: Map of the Waipaoa Catchment Area

55. **Next steps**: The team will look to secure mana whenua involvement in the coming weeks. We will also look to collaborating with representatives from Ngā Uri o Te Kooti Rikirangi Trust regarding the Maungarongo wetland. The collaboration on the Wetland will likely involve gathering information, identifying freshwater values, and considering ways to improve the management of freshwater and decision-making relating to this wetland. This work will support and feed into the Waipaoa Catchment plan review.

Research and Technical Work

Waipaoa and Te Arai rivers habitat assessment

56. Under the NPS-FM councils are required to set environmental flows that enable them to meet planned environmental outcomes for rivers.

57. To support conversations around flow-setting, Council has engaged NIWA to update previous work done on forecasting how riverine periphyton, invertebrates and fish respond to alternative minimum flow scenarios for the Waipaoa and Te Arai rivers.

58. The logic underpinning the modelling work is that changes in flow affect species by changing the quality and quantity of physical habitat—velocity, depth and substrate composition—available.

59. NIWA and Council staff have been working together to inform this work and a final report is expected to be ready by June 2023.

Land Management Practices and Nutrient Losses from Farms on the Poverty Bay Flats

60. We want to gain a better understanding of the impacts of land uses on the Taruheru River which has poor water quality. When measured against the NPS-FM several of the attributes we measure (such as nitrates, phosphate and ammonia) fall below the National Bottom Lines. Despite this, the Taruheru is a significant waterbody, both as a habitat for fish (and in the headwaters is in fairly good health) and is a very significant waterway to local iwi and hapū.

61. We recognise the need to better understand the drivers of this issue and identify ways to improve its state. This project will evaluate scenarios for the Taruheru River catchment to explore the impacts and trade-offs of land management practices and land use types. The project will utilise scenario modelling using SPASMO (Soil Plant Atmosphere System Model). SPASMO models the transport of water, microbes and nutrients through soils, integrating variables such as climate, soil, water uptake by plants in relation to farm and orchard practices, and any other factors affecting environmental process and plant production. The goals of this project are:
    - Model outlined scenarios of land management and use, and the leaching, runoff and nutrient loadings from farms across the catchment.
    - Assess the relative areal loadings on receiving waters of various land uses.
    - Identify areas with high risks to water quality
    - Suggest practices that can be invoked to minimise loadings and assess trade-offs.

62. Council staff will work with the New Zealand Institute for Plant and Food Research Limited (a Crown Research Institute) to develop the model. We aim to have preliminary results in June this year with a final report due in October 2023.

Regional wetlands mapping

63. During the Mōtū Catchment planning process the team engaged environmental consultancy Morphum Environmental NZ to undertake a desktop identification of potential wetlands in the catchment area. Staff subsequently expanded the study to include the rest of the region. The work was completed in August 2022.

64. Following the desktop assessment of wetlands, the Council engaged Morphum Environmental NZ to produce a methodology for wetland verification. This work has recently been completed and will form the basis of an on-the-ground verification exercise.

65. The exercise will determine if the mapped wetlands meet the NPS-FM wetland criteria for inclusion in our TRMP.

Regional eDNA testing

66. Environmental DNA, or eDNA, refers to all the tiny traces of genetic material that is left behind as living things pass through water or soil. By collecting up discarded DNA and sequencing it, we can get a picture of the plants and animals in a local area.

67. Councils and community groups across Aotearoa are now able to sample water from any waterway with a simple testing kit and send it to an eDNA laboratory for testing. The results can indicate the presence of rare and invasive species and be used for ecosystem health evaluation and environmental impact assessment.

68. Council staff have procured sufficient test kits to be used at Council biomonitoring sites across the region. We'll also look to partner with community groups and tangata whenua around testing where this is possible and identify additional sites that may be of interest.

69. This work was intended to be undertaken over the summer period when there are more stable river flows. However, data collection has been delayed due to unusually wet weather conditions. Ex-tropical Cyclone Hale and Cyclone Gabrielle have also created significant disruption to the collection of eDNA samples. This includes limited access to testing sites due to road network issues.

70. This work will resume where road access, weather and low flows allow for reliable collection and testing of samples.

Desktop location of inanga spawning sites

71. **Overview**: Identifying, protecting, and enhancing inanga spawning sites was seen as an important issue when Council first developed its freshwater policy in 2014-15. A Spawning Enhancement Project was identified as one of ten non-regulatory projects within the Waipaoa Catchment Plan. Since 2019, Council has been working with the Environment Centre and Rongowhakaata Iwi Trust to monitor inanga spawning and restore spawning locations in the Waipaoa Catchment, including the Taruheru River, Pakowhai Stream and Te Arai River. We see the opportunity to continue and expand this work as we develop our plans under the new NPS-FM.

72. Adult inanga spawn (lay eggs) in tidally influenced, but low salinity, waterways on exceptionally high (spring) tides between January and June. Spawning occurs among submerged vegetation at the upper margin of the tidal intrusion. Inanga use the same spawning sites each year, so by identifying and protecting these places, we can increase the number of eggs, juveniles, and eventually adult fish.

73. **Research**: Staff have engaged environmental consultancy Morphum to undertake a desktop GIS exercise to identify spawning locations across the region. The method uses our regional LiDAR data to create contours that allow us to identify the upper limit of 90 per cent of all tides. This provides an accurate indication of where inanga eggs are generally laid on a spring tide cycle.

74. The findings of the desktop GIS exercise prepared by Morphum have identified areas where the spawning activities may occur around Tairāwhiti. Staff will verify the results against known spawning locations in Tūranganui-a-Kiwa. Staff are looking to identify other potential inanga spawning locations further up the East Coast. The results will support work with our communities and mana whenua to undertake protection and enhancement works around these spawning locations for future spawning success.

Fish passage assessment – Waipaoa Catchment

75. **Context**: Council staff have been working to address fish passage barriers in the Waipaoa Catchment. This issue was identified through the development of the Waipaoa Catchment Plan in 2014 and subsequently inserted as a non-regulatory project[7] in the notified Plan in 2015.

76. The latest NPS-FM also reinforces the importance of maintaining or improving fish passage through requirements to include policies in regional plans that achieve this goal. Councils must also prepare an action plan that sets out how it will remediate existing instream structures to improve fish passage.

77. **Previous studies**: The Department of Conservation undertook a comprehensive survey of instream structures in the Gisborne region from 2007-2008. Of the 400 surveyed sites, there were 220 structures identified to be impeding fish passage[8].

78. A more recent NIWA fish passage tool[9] contains 850 records of potential and actual fish passage barriers within the Waipaoa catchment across various asset types such as bridges, culverts and fords.

79. In 2021 staff sought to verify the results of this survey for the Waipaoa Catchment, and to develop a prioritisation approach to help identify barriers for remediation that build on the existing NIWA tool.

80. Morphum undertook a desktop review of fish passage barriers within the Waipaoa catchment for Council in 2021. The review assessed the barriers mapped in the NIWA fish passage tool and identified further potential barriers within the catchment. The outcome of the desktop review was a prioritised list of known or potential barriers that require field validation and data collection, including 344 potential barriers (excluding bridges).

81. In June 2022 Morphum assessed 65 of the potential fish passage barriers. Thirty-nine of these were found not to be fish barriers (22 of which were bridges). The data for the 26 confirmed barriers was updated reflecting the nature of the barrier. Since then, six fish passage barriers have been identified as candidates for remediation.

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[7] Tairāwhiti Resource Management Plan – Part D, Section DF1.7

[8] Armstrong, D. 2008. Gisborne Region Fish Passage; Barriers to Fish Passage in the Gisborne Region. Department of Conservation. Gisborne

[9] https://fishpassage.niwa.co.nz/

82. No budget has been allocated to this remediation work. Science staff will work across the organisation to explore ways in these barriers may be remediated though other teams' operational work.

Urban Watercourse assessments

83. Council engaged Morphum in July to undertake watercourse assessments for the following urban waterways:

- Matokitoki / Hapara (4.8 km of open watercourse, 36 known stormwater assets).
- Mangapapa, Shelley Rd (2.0 km of open watercourse, 1 known stormwater asset).
- Waiteata (1.1 km open watercourse, 20 known stormwater assets).
- Waikirikiri / Halley (2.4 km open watercourse, 15 known stormwater assets).

84. The objective of a Watercourse Assessment is to provide baseline information on the existing condition of the watercourses in terms of both ecology and stormwater infrastructure by recording key variables, such as outfall erosion, channel modification, habitat values and riparian cover.

85. The work supports the Freshwater Improvement Fund programme of work underway as well as provides supporting information to the development of an Integrated Catchment Management Plan. An accompanying report to this Sustainable Tairāwhiti Agenda (**Report 23-21**) provides a more detailed breakdown of these projects.

86. The assessments were undertaken in July and involved kaimahi groups in the field as well. The team covered over 10km of urban streams and identified several enhancement opportunities for planting, weed control and erosion control. These opportunities have the potential to benefit the environmental, cultural, social, and economic wellbeing of the urban community.

Faecal source tracking – urban waterways

87. Council staff are working to collect data to provide the evidence base for constructive engagement ahead of the review of the Waipaoa Catchment Plan.

88. This catchment plan includes Gisborne city as a Freshwater Management Unit (FMU). With most of the region's population living and working in the urban environment, the centrality of the city's waterways and people's exposure to them make water quality a critical issue. These waterways are identified as having important in-stream and indirect amenity values – including swimming, boating, and fishing.

89. In 2022, staff collected data on our urban watercourses to inform water quality limit setting for the urban area. As a part of this work, local laboratory Linnaeus was engaged to take water samples from ten waterways.

They are:

- Hamanatua Stream
- Wainui Stream
- Kopuawhakapata Stream
- Marion Drive Bridge
- Waikirikiri Stream
- Waiteata Stream
- Reynolds Drain
- Mangapapa Stream
- Matokitoki Stream
- Hapara Stream

Figure 8: Water sample locations for microbial (faecal) source tracking

90. Samples were tested for E. coli and for the presence of human, avian and ruminant DNA. DNA testing is commonly referred to as faecal source tracking and helps us understand the sources of E. coli contamination.

91. **Results**: Of the ten waterways tested, five show the conclusive presence of human DNA and another four streams show the presence of one human marker (out of two markers tested for). Wainui, Kopuawhakapata, and Matokitoki Streams show the highest levels of human DNA of all samples tested.

92. This suggests wastewater is migrating into our waterways, possibly from either septic tanks or from leaking underground assets. While it is difficult to determine causality from a single snapshot in time, the evidence is starting to build up when considered alongside other E. coli and nutrient data we collect. This is particularly the case for the Wainui and Kopuawhakapata Streams.

93. Staff will need to work further to determine the nature and scale of the issue and how to address it. This will also be a matter for consideration in the development of an Integrated Catchment Management Plan for the city. Work on this plan has already started.

Groundwater modelling – Poverty Bay Flats

94. Irrigation for horticultural purposes is one of the main uses of water across the Poverty Bay Flats with a substantial proportion of the water used for irrigation being derived from groundwater. Within the Tairāwhiti region resource consents have been granted authorising the irrigation of 7,120 ha, 96% of which is on the Poverty Bay Flats. There has been a 51% increase in area consented for irrigation in the region since 2006.

95. Reviews of groundwater levels in aquifers underlying the Poverty Bay Flats have identified declining groundwater pressure trends (e.g., Moreau et al 2020). These trends are linked to increasing groundwater use for irrigation purposes. Council considers most of the aquifers to be fully allocated or over-allocated and no new consents for groundwater abstraction are being issued.

96. A Managed Aquifer Recharge (MAR) trial has been operating at Kaiaponi since 2017. Outcomes from the trial to date indicate MAR can be a viable tool to help slow and reverse the declining groundwater level trends in the Makauri Aquifer. The successful implementation of a wider Groundwater Replenishment Scheme may help Council to address overallocation issues.

97. To better understand the outcomes from groundwater management options for this area, Council has commissioned a numerical groundwater model. The model is to be used by Council, in conjunction with a community engagement process, to develop scenarios that lead to sustainable groundwater management options for the Poverty Bay Flats.

98. The report outlined key modelled scenarios that incorporate a range of management options, including:

- **Scenario 2.1** – which effectively incorporates a continuation of existing groundwater allocations and abstraction processes which then respond to the effects of climate change, including reduced recharge, sea level rise, increasing water demands and extreme drought events. This scenario is a baseline reference for all other scenarios to be compared with.
- **Scenario 3.1** – which represents a 'no pumping', or 'natural state' projection overlaid on top of the projected climate change effects.
- **Scenario 4.1** – which explores the consequences of increasing pumping up to the 2021 full allocation limit, overlaid on top of the projected climate change effects.
- **Scenario 5.1** – which explores the benefits of incorporating a focused managed groundwater recharge programme to replenish groundwater supplies, based on knowledge gained from the successful GDC MAR Trial.
- **Scenario 7.1** – which explores one concept for a potential 'sustainable groundwater allocation' in response to projected climate change effects and the effects that a corresponding reduction in pumping may have on groundwater levels.

99. Staff are waiting for the final reporting which will help determine how to develop a policy response from the modelling outputs.

Other Relevant Work Underway

Gisborne Regional Freshwater Plan – appeal process

100. The Gisborne Regional Freshwater Plan was publicly notified in October 2015. One appeal was not resolved through mediation. The appeal (lodged by Te Whānau a Kai) sought that the plan recognises Te Whānau a Kai's customary (including proprietary) interests in freshwater within its rohe and, by so doing, that its interests in those waters be taken into account in all decision making.

101. The appeal was heard by the Environment Court in September 2020. A decision on the appeal was issued in August 2021. The Court declined most of the relief sought by Te Whānau a Kai.

102. Te Whānau a Kai then lodged an appeal to the High Court. In summary, the appeal asserted that the Environment Court:

- did not correctly interpret and apply the sections of the RMA relevant to Te Tiriti o Waitangi and recognition of Māori values, interests, and relationships,
- applied the wrong test when considering whether proprietary interest was demonstrated by the appellant's evidence, and
- made a decision that is contrary to the sections of the RMA relevant to Te Tiriti and recognition of Māori values, interests, and relationships.

103. The appeal asked the Hight Court to make a judgement that:
    - Te Whānau a Kai has tikanga-based Māori proprietary rights and/or interests in freshwater in its rohe, and that these need to be recognised and provided for in the Freshwater Plan
    - Council has a duty to provide, through provisions in the Freshwater Plan, resourcing to support the exercise of the appellant's tikanga-based rights and responsibilities, and
    - directs amendments that need to be made to the Freshwater Plan to reflect the findings.

104. The High Court hearing on the appeal made by Te Whānau a Kai against the Environment Court decision on the Regional Freshwater Plan was held on 4 and 5 April 2022. The Attorney-General joined the appeal as an 'intervener' given the implications of any finding that planning instruments could recognise native title rights in freshwater. The appeal was dismissed by the High Court on 23 June 2022.

105. In November 2022, Te Whanau a Kai submitted their grounds for appeal to the Court of Appeal on the High Court judgement. At the time of writing, it is unknown whether the Court of Appeal will grant leave to appeal. At the end of January, the Court advised that the judgment is "*well advanced and delivery can be expected mid-March*".

Freshwater supplier panel

106. Capacity presents a key challenge to Council's ability to successfully undertake its resource management functions. To deliver the freshwater workstream within the 2024 timeframe, we need consultant support. With resourcing secured through the 2021-2031 Long Term Plan, we can do this.

107. Since April 2022 staff procured expertise from the TRMP supplier panel to help deliver the remaining parts of the freshwater workstream. The following suppliers have been confirmed:
    - 4-Sight (Regional Freshwater Plan, Hangaroa-Ruakituri Catchment Plan).
    - Incite (Regional Freshwater Plan).
    - Kereru (Regional Freshwater Plan, Waipaoa Catchment Plan, Ūawa Catchment Plan).
    - Aquanet and Traverse (Technical and policy support).

108. These consultancies have been working with Council staff since September 2022 and have boosted team capacity with local and national experience in freshwater and resource management planning.

ASSESSMENT of SIGNIFICANCE - AROTAKENGA o NGĀ HIRANGA

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation
Overall Process: **Low** Significance
This Report: **Low** Significance

Impacts on Council's delivery of its Financial Strategy and Long Term Plan
Overall Process: **Medium** Significance
This Report: **Low** Significance

Inconsistency with Council's current strategy and policy
Overall Process: **Low** Significance
This Report: **Low** Significance

The effects on all or a large part of the Gisborne district
Overall Process: **Medium** Significance
This Report: **Low** Significance

The effects on individuals or specific communities
Overall Process: **Low** Significance
This Report: **Low** Significance

The level or history of public interest in the matter or issue
Overall Process: **Low** Significance
This Report: **Low** Significance

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

TANGATA WHENUA/MĀORI ENGAGEMENT - TŪTAKITANGA TANGATA WHENUA

110. Tangata whenua have been engaged through the development of the Mōtū and Waiapu Catchment Plans. Further engagement will occur through the remaining catchment planning, the review of our regional provisions as well as working with hapū on projects such as Te Maungarongo o te Kooti and Te Arai freshwater planning.

111. More recently, the Tairāwhiti Whenua Collective[10] has signalled its interest in participating in the freshwater planning process, both in the development of the Regional Freshwater Plan and in catchment planning. We will keep this group informed as we progress and ensure there are opportunities for its members to participate in the various projects underway.

[10] Māori landowners have formed a collective (Tairāwhiti Whenua Collective) to respond to increasing legislative requirements in the freshwater policy space. They identify resourcing to support implementation of planning requirements as a significant limitation to uptake.

COMMUNITY ENGAGEMENT - TŪTAKITANGA HAPORI

112. Ongoing tangata whenua and community engagement is fundamental to the development of the seven catchment plans and Regional Freshwater Plan.

113. For the Mōtū Catchment, the Waimatā – Pakarae Catchment, and the Waiapu Catchment Plans, engagements are intended to continue throughout 2023.

114. We will aim to begin korero with tangata whenua on the remaining freshwater plans as soon as can. Community engagement will follow thereafter.

115. Council staff have developed webpages for the Mōtū, Waimatā – Pakarae, and Waiapu Catchment Plans which provides information on the project for the public. We will develop webpages for each of our catchment plans as they progress. The available catchment webpages are:

    https://www.gdc.govt.nz/environment/our-rivers/catchment-plans/motu-catchment-plan

    https://www.gdc.govt.nz/environment/our-rivers/catchment-plans/waimata-pakarae

    https://www.gdc.govt.nz/environment/our-rivers/catchment-plans/waiapu-catchment-plan

116. We know that meaningful engagement with communities, iwi and hapū will be challenging due to the ongoing impact of Cyclones Hale Gabrielle. We are exploring with central government officials whether an extension to the 2024 deadline for notifying freshwater planning provisions is possible. We have also requested that the Tairawhiti region is removed from Tranche 1 of the national Freshwater Farm Planning roll out, which is due to commence in August 2023.

CLIMATE CHANGE – Impacts / Implications - NGĀ REREKĒTANGA ĀHUARANGI – ngā whakaaweawe / ngā ritenga

117. Climate change will affect the availability and reliability of freshwater resources. A 4% reduction in surface water resources is estimated by 2060 and rainfall patterns are expected to change, with more time spent in drought and drier conditions.

118. Under the NPS-FM 2020, we are required to give effect to Te Mana o te Wai, which includes prioritising the health of waterways first. This could mean a change in the way Council allocates water and how much it is able to allocate.

119. A long-term reduction in flows will reduce the availability and reliability of water for other uses, particularly during the summertime when flows are naturally at their lowest.

120. As we have seen with recent storm events, a changing climate will increase the severity of weather events in our region and their effects of land uses on waterways and the coastal environment. Conversations about freshwater must also include land use and Council staff will look to bring these domains together in order to develop a more integrated approach to resource management.

121. A report will be made to the council meeting on 30 March 2023 providing an update in relation to the points raised by Mana Taiao Tairawhiti in their petition and deputation to Council on sustainable land use.

CONSIDERATIONS - HEI WHAKAARO

Financial/Budget

122. Resourcing for freshwater planning and the wider TRMP review is included as part of the operational budgets in the 2021– 2031 Long Term Plan.

123. Implementation of catchment Action Plans will require further resourcing. Council will need to play a key role in undertaking further research, technical work, and working with landowners to improve health of waterways across the region. More staffing and budget will be needed to do this work and Council will need to consider the resourcing requirements in the upcoming Long Term Plan cycle.

Legal

124. No legal implications have been considered for this report. However, Council does however have legal requirements for freshwater planning. This includes direction for consultation and engagement and what plans must include under the RMA and NPSFM 2020. Staff will be seeking a legal review of its freshwater plans prior to public notification to ensure it complies with statutory requirements.

125. Freshwater planning instruments now have a different and streamlined notification and hearing process under the RMA[11]. This process is overseen by the Chief Freshwater Commissioner (the Chief) who will ensure the timely delivery of freshwater hearings.

126. Following the standard submission process under Schedule 1 of the RMA, a regional council provides the Chief with nominations to the Freshwater Hearings Panel and notice to expect documentation. Council then submits the proposed freshwater plan and supporting documentation to the Chief and a Hearings Panel is convened to conduct a hearing.

127. After the Hearing, the Hearings Panel provides written recommendations to Council. Council can either accept or reject the recommendations and must publicly notify its decision

128. Avenues for appeal are limited. If Council accepts a recommendation, then appeals can only be made to High Court on points of law. This is a more streamlined pathway compared to the standard plan-making process and can avoid costly litigative work associated with the appeals process

129. If Council rejects a recommendation, then Council must decide on an alternative solution and provide a further evaluation report. Appeals on merit can then be made to the Environment Court by the people whose submissions covered that particular matter.

130. More information on this process will be covered when each of the freshwater projects are brought to Council for approval to publicly notify.

[11] A new freshwater planning process was introduced to the RMA on 1 July 2020, by section 22 of the Resource Management Amendment Act 2020.

POLICY and PLANNING IMPLICATIONS - KAUPAPA HERE me ngā RITENGA WHAKAMAHERE

131. The development of our catchment plans, and the Regional Freshwater Plan gives effect to the requirements of the NPS-FM 2020. These plans will form part of the TRMP, help Council and Tairāwhiti communities make informed decisions around freshwater management and support the improvement of water quality across our rohe.

RISKS - NGĀ TŪRARU

132. **Capacity**: While we look to progress much of our freshwater policy work through consultant support, limited internal capacity remains an issue. While consultants can develop policy, Council staff hold the regional and institutional knowledge, maintain relationships with our communities and are vital to overseeing the day-to-day delivery of technical and policy work. With lower team capacity, there is a risk the delivery of the freshwater workstream will slip and our legislative timeframes will not be met. Other commitments such as delivering parts of the Long Term Plan, and reactive or unplanned work, have a significant impact on a small team's capacity. Given the timeframes for freshwater planning reactive work also poses a compounding risk to successful delivery.

133. **Legislative timeframes**: Under the RMA, Council has until the end of 2024 to publicly notify its freshwater plans. Regional and unitary authorities are all reporting this timeframe as a significant challenge. There is a risk that the timeframes are simply too ambitious for the scale and complexity of work to be delivered, and the capacity limitations that Council and tāngata whenua both have. Meeting legislative timeframes is a challenge and a risk for all councils.

134. **Covid-19 restrictions**: There have been delays to engagement on the Mōtū Catchment Plan due to Government restrictions on indoor gatherings and Council guidelines on face-to-face engagements. While staff have been able to accommodate delays in the Mōtū Catchment Plan, any continued or future restrictions on having face-to-face hui will have more significant impacts on freshwater workstream delivery and our 2024 deadline.

135. **Timing of engagement**: The recent severe weather events have had a significant impact across Tairāwhiti. We are very concerned that iwi, hapū, landowners ands stakeholders will not be in a position to focus on freshwater catchment planning for some time. There are also practical difficulties in terms of accessing some areas to undertake engagement or carry out fieldwork. This will have a significant impact on the quality of planning that can be undertaken and meet the 2024 deadline. We are in discussions with officials about extending the legislative timeframe.

NEXT STEPS - NGĀ MAHI E WHAI AKE

Date	Action/Milestone	Comments
March/April 2023	Review of Regional Plan provisions and Waipaoa Catchment Plan	Establishing a Freshwater Advisory Group. First hui is planned for April 2023 (depending on outcomes from Cyclone Gabrielle).
March/April 2023	Ūawa and Wharekahika – Waikura Catchment Plans	Scheduled to start tentatively early-mid 2023 (depending on outcomes from Cyclone Gabrielle)..
April 2023	Te Arai Limit setting	To be aligned with Waipaoa Catchment Plan. Early engagement with representatives of Ohako Marae (Rongowhakaata) has begun.

ATTACHMENTS - NGĀ TĀPIRITANGA

1. Attachment 1 - DRAFT Mōtū Catchment Plan [**23-22.1** - 41 pages]

Gisborne District Council

Draft Upper Mōtū Catchment Plan

July 2022

DRAFT

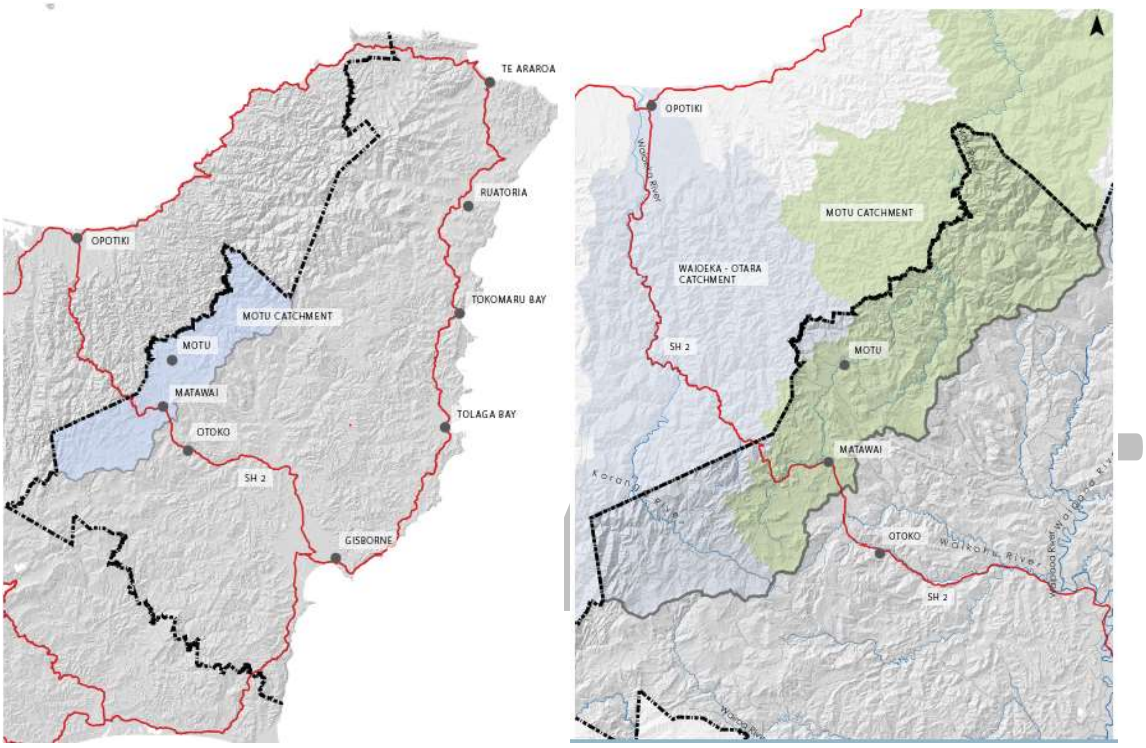
DRAFT Upper Mōtū Catchment Plan

1. Overview

1.1. Extent of catchment plan

The Upper Mōtū Catchment Plan covers the streams and rivers within the Tairāwhiti – Gisborne Region that constitue the upper reaches of two catchment areas that straddle the Tairāwhiti and Bay of Plenty regions:

- the Waioeka – Otara Catchment and
- the Motu Catchment.



The area within this catchment plan includes five upland stream and river catchment areas that have a combined area of 886km$^{2:}$

The waterbodies within this catchment area represent the only upland streams and rivers in the Tairāwhiti - Gisborne Region. In contrast to many waterways, human settlement and landuses (largely pastoral farming) occur in the upper reaches while the middle to lower reaches pass through largely unmodified native forest. This creates an issue where landuses in the upper catchment area can generate and export adverse effects downstream and across the regional boundary.

The catchments intersect the rohe of multiple iwi – Te Aitanga ā Māhaki, Te Whanau ā Apanui, Ngāi Tuhoe, Ngāti Ira and Whakatōhea.

A water conservation order is in place for the Mōtū River catchment area below the Mōtū Falls.

1.1.1 Cross Boundary Integration

The catchments are split across local government boundaries with the upper catchment being in the Tairāwhiti - Gisborne Region and the mid and lower catchment being in the Bay of Plenty Region. This means that there is a need for integration of management between the two Councils. At this stage Environment Bay of Plenty has not commenced its catchment planning for the Mōtū and Waioeka -Otara catchments.

However these areas predominantly lie within conservation lands and have significant ecological and cultural values. The Raukūmara Pae Maunga Restoration Project includes the mid and lower Mōtū Catchment and much of the Waioeka-Otara catchment.

Indications from Environment Bay of Plenty are that ecological and cultural values are likely to be prioritised when catchment planning is undertaken for these areas.

1.2. Description of Upper Mōtū Catchment

The Mōtū River lies to the west of the Raukumara Range and flows northwards to the Bay of Plenty. The total catchment area is 1373 km3, and total river length is 147km. Within Gisborne – Tairawhiti the Upper Mōtū catchment area is 700km.

The name Mōtū means 'cut off' or 'isolated'. This refers to the district around the headwaters, which, since ancient times, has been recognised as isolated because of the dense forests surrounding it. At the Mōtū Falls the river flows into Bay of Plenty Region where it travels through forested hill country to the coast east of Opotiki.

The Upper Mōtū is found at relatively high altitude and is categorised as an upland river. The Mōtū is one of the few remaining major rivers in the North Island whose catchment is relatively undisturbed. The river was investigated up to the early 1980's with a view to developing its hydroelectricity generating potential. However, it was decided, after much analysis and public debate, to set it aside from development, in recognition of its considerable scenic and wilderness value. A National Water Conservation Order for the Lower Motu was gazetted in 1984, under the 'wild and scenic river' provisions of the National Water and Soil Conservation Act (1981 amendment).

Geology, Soils and Land Use

The Upper Mōtū catchment is underlain by younger Cretaceous rocks, mainly moderately hard sandstones and softer mudstones, while the lower catchment is underlain by greywackes and argillites. Much of the area was covered with volcanic pumice ash in relatively recent times (around 200 A.D.).

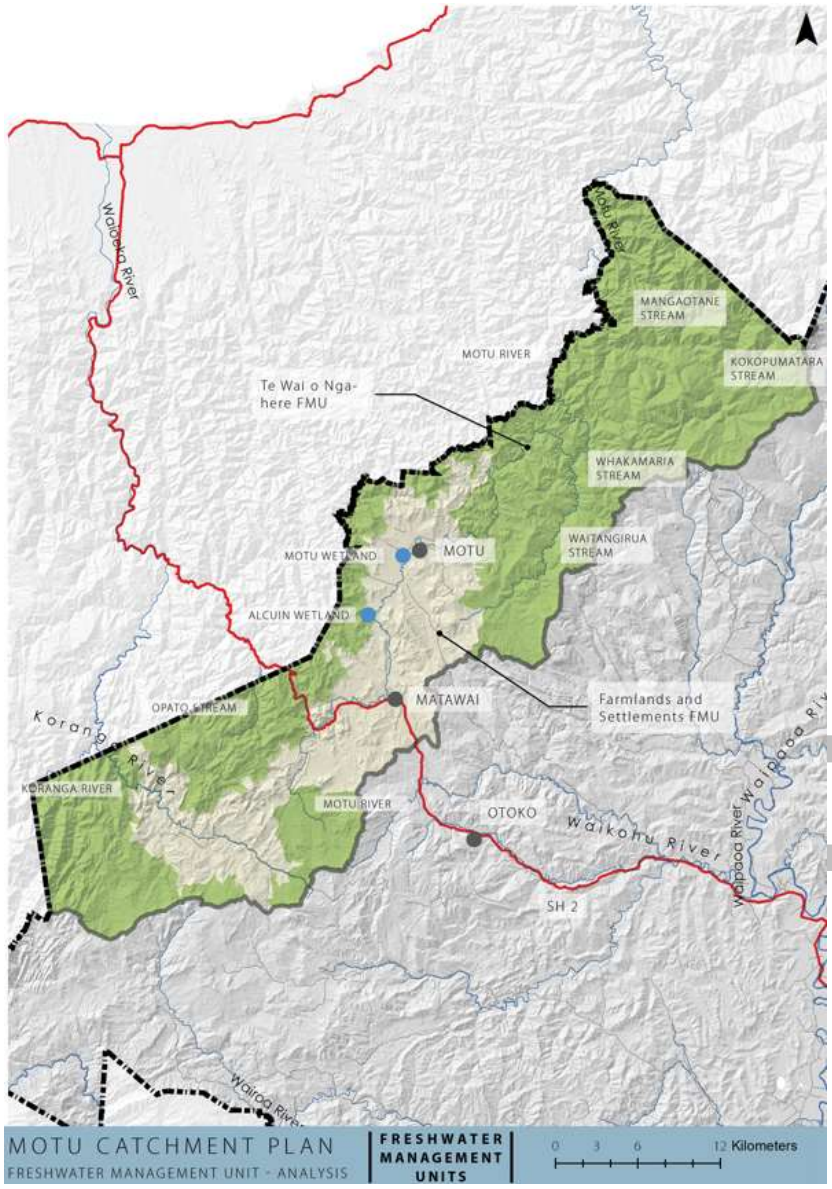
Soils in the Upper Mōtū catchment are variates of the Raukumara yellow brown pumice soils, derived from Taupo Pumice. These soils are well drained and have a high tephra content. On the steeper slopes, soils are shallow, stony and friable. In the Matawai Stream subcatchment the main soil type is the Matawai sandy loam over Taupo Pumice.

Land use capability (LUC) classes in the Motu catchment range from four to seven. Flatter land in the river valley is Class four, which means it is unsuitable for arable use but suitable for pasture. Steeper land falls into land Classes six and seven, and has moderate (Class six) to severe (Class seven) physical limitations on its potential use, including steep slopes, stony and shallow soils, very erodible rock types and severe soil erosion potential.

South of Mōtū township is a basin where the topography is relatively subdued. In this area, the land is used mainly for pastoral agriculture, with some cultivation and remnants of native forest on the steeper margins. In the Upper Motu catchment upstream of the Mōtū Fallls about 65% of the land is pastoral, 19% is indigenous forest and 12% is scrubland. Downstream of Mōtū Falls, the catchment is mainly forested.

1.3. Freshwater Management Units

There are two Freshwater Management Units which have been identified for the catchment plan – The Farmlands and Settlements Freshwater Management Unit and the Te Wai o Ngahere Freshwater Management Unit.


Waioeka River
Motu River
MANGAOTANE STREAM
MOTU RIVER
KOKOPUMATARA STREAM
Te Wai o Nga-here FMU
WHAKAMARIA STREAM
WAITANGIRUA STREAM
MOTU WETLAND
MOTU
ALCUIN WETLAND
MATAWAI
Farmlands and Settlements FMU
OPATO STREAM
Koranga River
KORANGA RIVER
MOTU RIVER
OTOKO
Waikohu River
Waipaoa River
SH 2
Wairoa River
MOTU CATCHMENT PLAN
FRESHWATER MANAGEMENT UNIT - ANALYSIS
FRESHWATER MANAGEMENT UNITS
0 3 6 12 Kilometers

2. Long-term vision for the Mōtū Catchment

The mauri of freshwater is protected and enhanced for the full extents of the Upper Mōtū and the Upper Waioeka – Otara Catchments.

The Mōtū River and its tributaries continue to be recognized locally and internationally as a significant destination for back country trout fishing. The waterways are safe for swimming, fishing and the harvesting of mahinga kai.

The outstanding natural and scenic values of Te Wai o Ngahere FMU are maintained and protected from degradation. The FMU remains a bastion of high ecosystem health and ensures the catchment continues to be an important place for education, recreation and biodiversity.

The productive landscape of the Farmlands and Settlements FMU continues to provide for the productive and economic wellbeing of the Mōtū community. Sediment and E.coli no longer make their way into the waterways.

Sediment inputs are reduced across the Upper Mōtū and Upper Koranga rivers and riverbank erosion is substantially reducted. Suspended and deposited sediment levels in the rivers have reduced to levels above national bottom linesand there is a corresponding improvement in fish and freshwater insect health and abundance within the catchment area.

The natural form and character of the Mōtū River is improved – targeted recovery work along the riparian margin naturalises the channel morphology, reduces streambank erosion and supports freshwater biodiversity.

3. Objectives

3.1. The health and well-being of water bodies and freshwater ecosystems

Objective 1 To improve the water quality of the freshwaters in the catchment so that they support a diverse and abundant range of native biota.

Objective 2 To maintain the diversity of rare, threatened and unique riverine species in the catchment and undertake habitat improvements that enable threatened species to expand their range.

Objective 3 To ensure that wai tapu are free from human and animal waste, pollutants and excess sediment and that taonga are protected.

3.2. The health needs of people

Objective 4 To ensure that tributary streams and puna/springs within the catchment continue to provide for domestic use with healthy safe drinking water.

Objective 5 To improve the water quality in the catchment so that the local community are able to safely swim during the bathing season in the Farmlands and Settlements FMU and year round in the Te Wai o Ngahere FMU.

Objective 6 To ensure that mahinga kai is plentiful and safe to harvest and eat and is able to provide food for the people of the rohe.

Objective 7 To maintain the existing natural character of the freshwaters in the catchment; and

1. Restore the riparian environment in modified areas through planting and use of soft engineering methods as a preferred method for erosion protection; and
2. Minimise any further straightening or relocation of the rivers and streams; and
3. Avoiding the damming of the main rivers.

3.3. The ability of people and communities to provide for their social, economic, and cultural well-being

Objective 8 To maintain the nationally significant trout fishery values within the Mōtū and Koranga Rivers, including:

1. Maintaining successful spawning in tributary streams; and
2. Maintaining angler access to the river to fish at a range of locations.

Objective 9 To maintain the wild and scenic values that attract people to the Mōtū and Koranga Rivers and continue to provide for a range of recreation values that derive from these wild and scenic qualities.

Objective 10 To retain the use of streams of rivers in the catchment as the source of drinking water for livestock but undertake this in such a way that other values of the waterbodies are not compromised.

Objective 11 To ensure that the Mōtū River remains navigable for waka and they are able to launch, land and trails cross at traditional sites.

Objective 12 To ensure that farming is able to continue in the catchment as a major landuse and to support the livelihood of the local community.

Objective 13 To enable the Mōtū River water to be used to support existing commercial and industrial uses, irrigation and cultivation of permanent and annual crops where there is water available and where it's use does not compromise other values of the river.

4. FMU1- Farmlands and Settlements Freshwater Management Unit

The Farmlands and Settlements Freshwater Management Unit encompasses the main areas of farming and productive uses within the catchment plan area. It includes the upper part of the farmed area of the Koranga catchment headwaters.

4.1. Monitoring Sites within the Farmlands and Settlements Freshwater Management Unit

Within this FMU the following sites will be used for monitoring

Monitoring site	Location	Role
Gisborne District Council Mōtū at Kotare Station	Mōtū River mid upper reaches at Kotare Station Bridge	Representative of part of FMU . Monitored monthly for water quality NOF attributes, annually for aquatic ecosystem health and continuously for water quantity attributes.
Gisborne District Council Mātāwai Stream	Matawai Stream	Representative of part of FMU (more intensively farmed tributaries). Monitored monthly for NOF water quality attributes and annually for aquatic ecosystem health attributes.
Gisborne District Council Mōtū Above Mōtū Falls	Mōtū River	Representative of part of FMU. Monitored monthly for NOF water quality attributes and annually for aquatic ecosystem health attributes. Representative primary contact site – monitored for E.coli and Phormidium in the swimming season.
Gisborne District Council Koranga River at Koranga Road	Koranga River	Representative of FMU – Monitored annually for aquatic ecosystem health
Gisborne District Council monitoring site Koranga tributary at Rakauroa Road	tributary of the Koranga River	Representative of FMU – Monitored annually for aquatic ecosystem health

4.2. Prominent Values in the Farmlands and Settlements Freshwater Management Unit

Type of Value	How important is this FMU?	Freshwater Attributes linked to this value
Ecosystem Health	High	Periphyton, Ammonia, Nitrate, Suspended Fine Sediment, Fish, Macroinvertebrates, Deposited Fine Sediment, Phosphate, Ecosystem Metabolism, Dissolved Oxygen, Flow
Mahinga Kai	High	Ammonia, Nitrate, Phosphate, Dissolved oxygen, Suspended Fine Sediment, Deposited Fine Sediment, E. coli, Periphyton, Fish, Macroinvertebrates, Ecosystem Metabolism, Dissolved Oxygen, Flow
Trout Fishing	High	Ammonia, Nitrate, Phosphate, Dissolved oxygen, Suspended Fine Sediment, Deposited Fine Sediment, Periphyton, Fish, Macroinvertebrates, Ecosystem Metabolism, Dissolved Oxygen, Flow
Farming and Production	High	Flow
Human Contact	Moderate to high	E. coli, Suspended Fine Sediment, periphyton, Flow
Threatened Species	Moderate	Ammonia, Suspended Fine Sediment, Fish, Macroinvertebrates, Ecosystem Metabolism, Dissolved Oxygen, Flow
Natural Form and Character	Moderate	Suspended Fine Sediment, Deposited Fine Sediment, Periphyton, Flow
Animal Drinking Water	Moderate	Nitrate, E. coli, Flow
Drinking Water Supply	Low	Suspended Fine Sediment, Nitrate, E. coli, Flow
Irrigation, cultivation	Low	Suspended Fine Sediment, E. coli, Flow
Commercial and Industrial Use	Low	Suspended Fine Sediment, Flow
Transport and Tauranga Waka	Low	Flow

4.3. Environmental Outcomes for the Farmlands and Settlements Freshwater Management Unit

Freshwater value	Outcome statement	
Ecosystem health	**EO-1**	The water quality and river, stream and wetland flows support a diverse and abundant range of native biota including invertebrates, plants, fish and birds.
Threatened species	**EO-2**	Tuna continues to thrive in the rivers. Where possible habitat improvements enable other threatened species to expand their range into the FMU.
Natural Form and Character	**EO-3**	The existing natural character of the rivers and streams is retained. Further straightening or relocation of the rivers and streams is minimised and damming of the main rivers is avoided. Existing crossings and access structures are protected from erosion, soft engineering methods for erosion protection is preferred where possible. The riparian environment is improved through planting to reduce the impact of bank erosion on this value.
Mahinga kai	**EO-4**	The rivers and streams offer rich habitat for mahinga kai species which thrive within and around water. Kai and other resources are plentiful and safe to harvest and eat and is able to provide food for the people of the rohe.
Drinking Water Supply	**EO-5**	Tributary streams and springs arising from the ngahere within the catchment continue to provide for domestic use with healthy safe drinking water.
Human contact	**EO-6**	The local community continue to be able to enjoy the waterholes and swimming spots. Bacterial contamination is reduced so that the river meets standards for recreational use.
Trout Fishing	**EO-7**	The Mōtū River and its tributaries retains it's nationally significant trout fishery status. Successful spawning occurs in tributary streams keeping the fishery abundant. Fishers are able to access the river to fish at a range of locations. Fishing the river remains a premier experience for locals and visitors alike.
Transport and Tauranga waka	**EO-8**	The traditional crossing sites over the Mōtū River and trails within the catchment are recognised and their cultural values protected.
Animal drinking water	**EO-9**	The Mōtū River supports the health and wellbeing and provide for healthy drinking water needs for livestock. This is done in such a way that other values of the river are not compromised.
Farming and Production	**EO-10**	Farming continues in the catchment as a major landuse – supporting the livelihood of the local community.
Irrigation and cultivation	**EO-11**	Mōtū River water is able to be used to support irrigation and the cultivation of permanent and annual crops where there is water available and where its use does not compromise other values of the river
Commercial and Industrial	**EO-12**	Existing commercial and industrial uses are able to continue where they do not compromise other values of the river.

4.4. Farmlands and Settlements Freshwater Management Unit Attributes – Baseline States and Target States

Attribute	Farmlands and Settlements Freshwater Management Unit Baseline States and Target States								Values supported by this attribute
	Monitoring Sites	Baseline Attribute Band	Baseline Numeric Attribute State	Target Attribute band	Target Numeric Attribute State	Description	Timeframe to Achieve Target State	Interim Target Attribute State (By 2031)	
Compulsary Attributes									
Periphyton (trophic state) in rivers (mg chl-*a*/m²)	Kotare Station Bridge Mōtū Above Falls Mātāwai Stream	Likely B Band	Likely >50 and <120	B Band	>50 and <120	Occasional blooms reflecting low nutrient enrichment and/or alteration of the natural flow regime or habitat	Maintain Current State		Ecosystem health Human Contact
	Koranga River at Koranga Road Koranga tributary at Rakauroa Road	Likely A Band	Likely <50	A Band	<50	Rare blooms reflecting negligable nutrient enrichment and/or alteration of the natural flow regime or habitat	Maintain Current State		
Ammonia (toxicity) (mg/L)	Kotare Station Bridge Mōtū Above Falls	A Band	Annual median <0.03 Annual maximum <0.05	A Band	Annual median <0.03 Annual maximum <0.05	99% species protection level. No observed effect on any species tested.	Maintain Current State		Ecosystem health Trout fishing Mahinga kai
	Mātāwai Stream	B Band	Annual median <0.24	A Band	Annual median <0.03	99% species protection level. No	2031	A Band	

Attribute	Farmlands and Settlements Freshwater Management Unit Baseline States and Target States								Values supported by this attribute
	Monitoring Sites	Baseline Attribute Band	Baseline Numeric Attribute State	Target Attribute band	Target Numeric Attribute State	Description	Timeframe to Achieve Target State	Interim Target Attribute State (By 2031)	
			Annual maximum <0.40		Annual maximum <0.05	observed effect on any species tested.			
Nitrate (toxicity) (mg/L)	Kotare Station Bridge Mōtū Above Falls Mātāwai Stream	A Band	Annual median <1.0 Annual 95th Percentile <1.5	A Band	Annual median <1.0 Annual 95th Percentile <1.5	High conservation value system. Unlikely to be effects even on sensitive species	2031	A Band	Ecosystem health Trout fishing Mahinga kai
Suspended fine sediment (visual clarity in metres). **Suspended Sediment Class 1**	Kotare Station Bridge Mōtū Above Falls Mātāwai Stream	D Band	Annual median <1.34	D Band	0.85m	Reduce human-induced contribution of suspended sediment so that values are similar to the Reference Site	2041	0.8m	Ecosystem health Trout fishing Mahinga kai Human contact Natural form and character Drinking water Wai tapu
Escherichia coli (E.coli) ***(cfu/100mL)***	Kotare Station Bridge	E Band	Median concentration >260	C Band	Median 130	For at least half of the time the estimated	2041	D Band	Human contact Mahinga kai

Attribute	Farmlands and Settlements Freshwater Management Unit Baseline States and Target States								Values supported by this attribute
	Monitoring Sites	**Baseline Attribute Band**	**Baseline Numeric Attribute State**	**Target Attribute band**	**Target Numeric Attribute State**	**Description**	**Timeframe to Achieve Target State**	**Interim Target Attribute State (By 2031)**	
	Mōtū Above Falls Mātāwai Stream		95th Percentile >1200		95th Percentile 1200 10-20% exceedances over 540/100mL 20-34% exceedances over 260/100mL	risk is <1 in 1000 (0.1% risk) The predicted average infection risk is 3%			Animal drinking water Recreation Drinking water supply
Attributes Requiring Action Plans									
Fish **(Fish index of Biotic Integrity)**	Kotare Station Bridge Mōtū Above Falls Mātāwai Stream Koranga River at Koranga Valley Road Koranga tributary at	Likely D Band		C Band	<28 and >18	Reintroduction of native species no longer present in the ecosystem. Improvement in habitat. Mōtū Falls remains a significant barrier for migration of all but eel species.	2031	N/A	Ecosystem health Threatened species Mahinga kai

Attribute	Farmlands and Settlements Freshwater Management Unit Baseline States and Target States								Values supported by this attribute
	Monitoring Sites	Baseline Attribute Band	Baseline Numeric Attribute State	Target Attribute band	Target Numeric Attribute State	Description	Timeframe to Achieve Target State	Interim Target Attribute State (By 2031)	
	Rakauroa Road								
Macro-invertebrates (QMCI and MCI)	Kotare Station Bridge Koranga River at Koranga Road Koranga Trib at Rakauroa Road	B Band	QMCI >5.5 and<6.5 MCI >110 and <130	B Band	QMCI >5.5 and<6.5 MCI >110 and <130	Macroinvertebrate community indicative of mild organic pollution or nutrient enrichment. Largely composed of taxa sensitive to organic pollution/nutrient enrichment.	Maintain Current State		Ecosystem health Trout fishing Mahinga kai
	Mōtū above Falls	C Band	QMCI >4.5 and<5.5 MCI >90 and <110				2036	QMCI 5.5 MCI 105	
	Mātāwai stream	D Band	QMCI <4.5 MCI >90 and <110				2036	QMCI 5.5 MCI Maintained above 110	
Macroinvertebrates (ASPM)	Koranga River at Koranga Road Koranga Tributary at	A Band	>0.6	A Band	>0.6	Macroinvertebrate communities have a high ecological integrity, similar to	Maintain Current State		Ecosystem health Trout fishing Mahinga kai

Attribute	Farmlands and Settlements Freshwater Management Unit Baseline States and Target States								Values supported by this attribute
	Monitoring Sites	Baseline Attribute Band	Baseline Numeric Attribute State	Target Attribute band	Target Numeric Attribute State	Description	Timeframe to Achieve Target State	Interim Target Attribute State (By 2031)	
	Rakauroa Road					that expected in reference conditions.			
	Kotare Station Bridge Mātāwai Stream	B Band	<0.6 and >0.4	B Band	<0.6 and >0.4	Macroinvertebrate communities have mild-to-moderate loss of ecological integrity	Maintain Current State		
	Mōtū Above Falls	C Band	<0.4 and >0.3				2036	ASPM 0.35	
Deposited Fine Sediment (percentage cover)	Mōtū Above Falls	A Band	<9	A Band	<9	Minimal impact of deposited fine sediment on instream biota. Ecological communities are similar to those observed in reference conditions	Maintain Current State		Ecosystem health Trout fishing Mahinga kai Threatened species Natural form and character Wai tapu
	Kotare Station Bridge	D Band	>27	C Band	>19 and <29	Moderate to high impact of deposited fine sediment on instream biota. Sensitive	2036	29	

Attribute	Farmlands and Settlements Freshwater Management Unit Baseline States and Target States								Values supported by this attribute
	Monitoring Sites	**Baseline Attribute Band**	**Baseline Numeric Attribute State**	**Target Attribute band**	**Target Numeric Attribute State**	**Description**	**Timeframe to Achieve Target State**	**Interim Target Attribute State (By 2031)**	
						macroinvertebrate species may be lost			
Dissolved Reactive Phosphorus	Kotare Station Bridge	D Band	Median >0.018 95th Percentile >0.030 and <0.054	C Band	Median >0.010 and <0.018 95th Percentile >0.030 and <0.054	Ecological communities impacted by moderate DRP elevation. In combination with other conditions favouring eutrophication, DRP enrichment may cause increased algal and plant growth, loss of sensitive macro-invertebrate and fish taxa and high rates of respiration and decay.	2036	0.018	Ecosystem health Trout fishing Mahinga kai
	Mōtū Above Falls Mātāwai Stream	C Band	Median >0.010 and <0.018 95th Percentile >0.030 and <0.054				Reverse Degrading Trend	Mātāwai Stream improving trend	
***Escherichia coli (E.coli/100 mL)* (Primary contact sites during the bathing season)**	Mōtū Above Falls	Poor	95th Percentile >540	Fair	95th Percentile>260 and <540	Estimated risk of *Campylobacter* infection has 1-5% occurrence, 95% of the time	2041	1200	Human contact Recreation

Attribute	Farmlands and Settlements Freshwater Management Unit Baseline States and Target States								Values supported by this attribute
	Monitoring Sites	Baseline Attribute Band	Baseline Numeric Attribute State	Target Attribute band	Target Numeric Attribute State	Description	Timeframe to Achieve Target State	Interim Target Attribute State (By 2031)	
Ecosystem Metabolism (g O_2/m^2/day)	Kotare Station Bridge Mōtū Above Falls	TBC	TBC	TBC	> -4.00 and < -5.00		Maintain current state		Ecosystem health Trout fishing Mahinga kai
	Mātāwai Stream	TBC	TBC	TBC	>-9.00 and <-10.00		**TBC**		
Dissolved oxygen (mg/L)	Kotare Station Mōtū Above Falls	B Band	7-day mean minimum >7.0 and <8.0 1-day mean minimum >5 and <7.5	B Band	7-day mean minimum >7.0 and <8.0 1-day mean minimum >5 and <7.5	Occasional minor stress on sensitive organisms caused by short periods (a few hours each day) of lower dissolved oxygen. Risk of reduced abundance of sensitive fish and macroinvertebrates.	Maintain current state		Ecosystem health Trout fishing Mahinga kai
	Mātāwai Stream	C Band	7-day mean minimum >5.0 and <7.0 1-day mean minimum				2036	7 -day mean minimum >6 1-day minimum >5.5	

Attribute	Farmlands and Settlements Freshwater Management Unit Baseline States and Target States								Values supported by this attribute
	Monitoring Sites	Baseline Attribute Band	Baseline Numeric Attribute State	Target Attribute band	Target Numeric Attribute State	Description	Timeframe to Achieve Target State	Interim Target Attribute State (By 2031)	
			>5 and <7.5						

4.5. Farmlands and Settlements FMU Limits on Resource Use to Achieve Target Attribute States and Environmental Outcomes

Attribute	Instream Limit	Exceedance Criteria	Comment on Current State
Total Nitrogen	TN 0.488 mg/L	20%	Current 5 year median is 0.095 at Mātāwai Conservation Area, 0.36 at Kotare Station, 0.48 at Mōtū Above Falls and 0.83 in the Mātāwai Stream
Dissolved Reactive Phosphorus	DRP 0.0152 mg/L	20%	Current 5 year median is greater than this – 0.019 mg/L in the Mōtū at Kotare station – and 0.016 at Mōtū above Falls – but it is less than this at the Mātāwai Conservation Area and in the Mātāwai Stream

5. Te Wai o Ngahere Freshwater Management Unit

Te Wai o Ngahere Freshwater Management Unit (FMU) encompasses the natural bush covered and largely unmodified areas within the catchment plan area. It includes the headwaters of the Mōtū River in the Mātāwai Conservation Area as well as the Waitangirua Catchment and the Mōtū River and tributary catchments below the Falls. The Opato and Pakihi catchment headwaters and the Kahunui Stream and tributaries in the Koranga catchment headwaters.

5.1. Monitoring Sites within the Te Wai o Ngahere Freshwater Management Unit

Within this FMU the following sites will be used for monitoring:

Monitoring site	Location	Role
Gisborne District Council Mātāwai Conservation Area	Mōtū River headwaters	Representative of FMU. Monitored monthly for NOF water quality attributes and annually for aquatic ecosystem health attributes.
Gisborne District Council Upper Mōtū Tributary at Mōtū Road	Tributary of Mōtū River	Representative of FMU. Monitored annually for aquatic ecosystem health attributes.
Gisborne District Council Whakarau Tributary at Whakarau Road monitoring site	Tributary of Mōtū River	Representative of FMU. Monitored annually for aquatic ecosystem health attributes.
Gisborne District Council Marumoko Stream at Marumoko Road monitoring site	Tributary of Mōtū River	Representative of FMU. Monitored annually for aquatic ecosystem health attributes.

5.2. Prominant Values in the Te Wai o Ngahere Freshwater Management Unit

Type of Value	How important is this FMU?	Freshwater Attributes Linked to this value
Ecosystem Health	High	Periphyton, Ammonia, Nitrate, Suspended Fine Sediment, Fish, Macroinvertebrates, Deposited Fine Sediment, Phosphate, Ecosystem Metabolism, Dissolved Oxygen, Flow
Threatened Species	High	Ammonia, Suspended Fine Sediment, Fish, Macroinvertebrates, Ecosystem Metabolism, Dissolved Oxygen, Flow
Natural Form and Character	High	Suspended Fine Sediment, Deposited Fine Sediment, Periphyton, Flow
Wai tapu	High	Periphyton, Ammonia, Nitrate, Suspended Fine Sediment, Fish, Macroinvertebrates, Deposited Fine Sediment, Phosphate, Ecosystem Metabolism, Dissolved Oxygen, Flow
Mahinga Kai	High	Periphyton, Ammonia, Nitrate, Suspended Fine Sediment, Fish, Macroinvertebrates, Deposited Fine Sediment, Phosphate, Ecosystem Metabolism, Dissolved Oxygen, Flow

Type of Value	How important is this FMU?	Freshwater Attributes Linked to this value
Trout Fishing	High	Ammonia, Nitrate, Phosphate, Dissolved oxygen, Suspended Fine Sediment, Deposited Fine Sediment, Periphyton, Fish, Macroinvertebrates, Ecosystem Metabolism, Dissolved Oxygen, Flow
Recreation	High	E.coli, Flow
Human Contact	Low - Moderate	E. coli, Suspended Fine Sediment, periphyton, Flow
Drinking Water Supply	Low	Suspended Fine Sediment, Nitrate, E. coli, Flow
Transport and Tauranga Waka	Low	Flow
Animal Drinking Water	Low	Suspended Fine Sediment, Deposited Fine Sediment, Periphyton, Flow
Farming and Production	Low	Flow

5.3. Environmental Outcomes for the Te Wai o Ngahere Freshwater Management Unit

Freshwater value	Outcome statement	
Ecosystem health	**EO-1**	The good water quality and healthy flows in the rivers, streams and wetlands continue to support a diverse and abundant range of native biota including invertebrates, plants, fish and birds.
Threatened species	**EO-2**	Many rare and unique riverine plants and animals thrive in the area including whio, hochstetter's frog and tuna as well as a wide range of insects and freshwater invertebrates in healthy habitats. Rare and threatened native fish can be found that are able to live their full life cycle unimpeded by human made barriers or absence of habitat.
Natural Form and Character	**EO-3**	The rivers and streams retain a high degree of natural character with clear water, natural flows and courses. They exist within a native forest environment with natural wetlands.
Wai Tapu	**EO-4**	Wai tapu are free from human and animal waste, pollutants and excess sediment. Identified taonga in the wai are protected.
Mahinga kai	**EO-5**	The rivers and streams offer rich habitat for mahinga kai species which thrive within and around water. Kai and other resources are plentiful and safe to harvest and eat and is able to provide food for the people of the rohe.
Drinking Water Supply	**EO-6**	Tributary streams and springs within the catchment continue to provide for domestic use with healthy safe drinking water.
Human contact	**EO-7**	Visitors and locals continue to be able to enjoy swimming in waterways with clear water and low sediment. Low bacterial contamination and an absence of Phormidium cyanobacteria blooms means it is safe to swim year round.

Trout Fishing	**EO-8**	The nationally significant trout fishery values are maintained with excellent spawning habitat in small streams and great fishing in the main Mōtū and Koranga Rivers.
Recreation	**EO-9**	The wild and scenic values that attract people to the Mōtū and Koranga Rivers continue to provide for a range of recreation including kayaking, white water rafting and tramping.
Transport and Tauranga waka	**EO-10**	The Mōtū River remains navigable for waka and they are able to launch, land and trails cross at traditional sites.
Animal drinking water	**EO-11**	Streams and rivers in the catchment continue to provide drinking water to support the health and wellbeing of livestock. This is done in such a way that other values of the waterbodies are not compromised.

5.4. Te Wai o Ngahere Freshwater Management Unit Attributes – Baseline States and Target States

Attribute	Te Wai o Ngahere Freshwater Management Unit Baseline States and Target States								Values supported by this attribute
	Monitoring Sites	**Baseline Attribute Band**	**Baseline Numeric Attribute State**	**Target Attribute band**	**Target Numeric Attribute State**	**Description**	**Timeframe to Achieve Target State**	**Interim Target Attribute State (By 2031)**	
Compulsory Attributes									
Periphyton (trophic state) in rivers **(mg chl-a/m²)**	Mātāwai Conservation Area Upper Mōtū Tributary at Mangatu Whakarau Tributary at Whakarau Road Marumoko Stream at Marumoko Road	Likely A Band	Likely <50	A Band	<50	Rare blooms reflecting negligable nutrient enrichment and/or alteration of the natural flow regime or habitat	Maintain current state		Ecosystem health Human Contact
Ammonia (toxicity) **(mg/L)**	Mātāwai Conservation Area	A Band	Annual median <0.03 Annual maximum <0.05	A Band	Annual median <0.03 Annual maximum <0.05	99% species protection level. No observed effect on any species tested.	Maintain current state		Ecosystem health Trout fishing Mahinga kai

Attribute	Te Wai o Ngahere Freshwater Management Unit Baseline States and Target States								Values supported by this attribute
	Monitoring Sites	Baseline Attribute Band	Baseline Numeric Attribute State	Target Attribute band	Target Numeric Attribute State	Description	Timeframe to Achieve Target State	Interim Target Attribute State (By 2031)	
Nitrate (toxicity)	Mātāwai Conservation Area	A Band	Annual median <1.0 Annual 95th Percentile <1.5	A Band	Annual median <1.0 Annual 95th Percentile <1.5	High conservation value system. Unlikely to be effects even on sensitive species	Maintain current state		Ecosystem health Trout fishing Mahinga kai
Suspended fine sediment	Mātāwai Conservation Area	D Band	Annual median <1.34	D Band	Annual Median >1.0	High impact of suspended sediment on instream biota. Sensitive fish species may be lost. This is thought to be a largely natural circumstance. Pest disturbance may be a factor however.	2041		Annual Median >0.9
Escherichia coli (E.coli)	Mātāwai Conservation Area	B Band	Median concentration <130 95th Percentile <1000	B Band	Median concentration <130 95th Percentile <1000	For at least half the time, the estimated risk is <1 in 1000 (0,1% risk). The predicted average infection risk is 2%.	Maintain current state		Human contact Mahinga kai Animal drinking water Recreation

Attribute	Te Wai o Ngahere Freshwater Management Unit Baseline States and Target States								Values supported by this attribute
	Monitoring Sites	Baseline Attribute Band	Baseline Numeric Attribute State	Target Attribute band	Target Numeric Attribute State	Description	Timeframe to Achieve Target State	Interim Target Attribute State (By 2031)	
									Drinking water supply
Attributes Requiring Action Plans									
Fish **(Fish index of Biotic Integrity)**	Mātāwai Conservation Area	D Band		C Band		Reintroduction of native species no longer present in the ecosystem. Improvement in habitat. Mōtū Falls remains a significant barrier for migration of all but eel species	2031	N/A	Ecosystem health Trout fishing Mahinga kai
Macroinvertebrates (QMCI and MCI)	Mātāwai Conservation Area	A/B Band	QMCI >6.5 MCI >110 and <130	A/B Band	QMCI >6.5 MCI >110 and <130	Macroinvertebrate community indicative of pristine conditions with almost no organic pollution or nutrient enrichment. This site represents one of the highest MCI scores in the Tairāwhiti - Gisborne Region and is considered a Reference Site.	Maintain current state		Ecosystem health Trout fishing Mahinga kai

Attribute	Te Wai o Ngahere Freshwater Management Unit Baseline States and Target States								Values supported by this attribute
	Monitoring Sites	Baseline Attribute Band	Baseline Numeric Attribute State	Target Attribute band	Target Numeric Attribute State	Description	Timeframe to Achieve Target State	Interim Target Attribute State (By 2031)	
	Upper Mōtū Trib at Mangatu Whakarau Trib at Whakarau Road Marumoko Stream and Marumoko Road	B Band	QMCI >5.5 and <6.5	B Band	QMCI >5.5 and <6.5	Macroinvertebrate community indicative of mild organic pollution or nutrient enrichment. Largely composed of taxa sensitive to organic pollution/nutrient enrichment.	Maintain current state		
Macro-invertebrates (ASPM)	Mātāwai Conservation Area Upper Mōtū Trib at Mangatu Marumoko Stream at Marumoko Road	A Band	>0.6	A Band	>0.6	Macroinvertebrate communities have high ecological integrity, similar to reference conditions.	Maintain current state		Ecosystem health Trout fishing Mahinga kai
	Whakarau Trib at Whakarau Road	B Band	<0.6 and >0.4	B Band	<0.6 and >0.4	Macroinvertebrate communities have mild – to -moderate loss of ecological integrity	Maintain current state		

Attribute	Te Wai o Ngahere Freshwater Management Unit Baseline States and Target States								Values supported by this attribute
	Monitoring Sites	**Baseline Attribute Band**	**Baseline Numeric Attribute State**	**Target Attribute band**	**Target Numeric Attribute State**	**Description**	**Timeframe to Achieve Target State**	**Interim Target Attribute State (By 2031)**	
Deposited Fine Sediment	Mātāwai Conservation Area	C Band	> 19 and <27	C Band	> 19 and <27	Moderate to high impact of deposited fine sediment on instream biota.	Maintain current state		Ecosystem health Trout fishing Mahinga kai Threatened species Natural form and character Wai tapu
	Upper Mōtū Trib at Mangatu	D Band	>27				2031	N/A	
	Whakarau Trib at Whakarau Road	B Band	>12 and <19	B Band	>12 and <19	Low to moderate impact of deposited fine sediment on instream biota. Abundance oif sensitive macroinvertebrate species may be reduced.	Maintain current state		
	Marumoko Stream at Marumoko Road	A Band	<13	A Band	<13	Minimal impact of deposited fine sediment on instream biota. Ecological communities are similar to those observed in reference conditions	Maintain Current State		

Attribute	Te Wai o Ngahere Freshwater Management Unit Baseline States and Target States								Values supported by this attribute
	Monitoring Sites	Baseline Attribute Band	Baseline Numeric Attribute State	Target Attribute band	Target Numeric Attribute State	Description	Timeframe to Achieve Target State	Interim Target Attribute State (By 2031)	
Dissolved Reactive Phosphorus	Mātāwai Conservation Area	C Band	Median >0.010 and <0.018 95th Percentile <0.021	C Band	Median >0.010 and <0.018 95th Percentile <0.021	Ecological communities impacted by moderate DRP elevation. In combination with other conditions favouring eutrophication, DRP enrichment may cause increased algal and plant growth, loss of sensitive macro-invertebrate and fish taxa and high rates of respiration and decay. This site is considered a reference site for the catchment and the levels of DRP therefore are considered to largely represent the natural condition.	Maintain current state		Ecosystem health Trout fishing Mahinga kai

Attribute	Te Wai o Ngahere Freshwater Management Unit Baseline States and Target States								Values supported by this attribute
	Monitoring Sites	Baseline Attribute Band	Baseline Numeric Attribute State	Target Attribute band	Target Numeric Attribute State	Description	Timeframe to Achieve Target State	Interim Target Attribute State (By 2031)	
Ecosystem Metabolism	Mātāwai Conservation Area	TBC	TBC	TBC	TBC	TBC	TBC		Ecosystem health Trout fishing Mahinga kai
Dissolved oxygen	Mātāwai Conservation Area	B Band	7-day mean minimum >7.0 and <8.0 1-day minimum >5.0 and <7.5	B Band	7-day mean minimum >7.0 and <8.0 1-day minimum >5.0 and <7.5	Occasional minor stress on sensitve organisms caused by short periods (a few hours each day) of lower dissolved oxygen. Risk of reduced abundance of sensitive fish and macroinvertebrate species.	Maintain Current State		Ecosystem health Trout fishing Mahinga kai

6. Mōtū Catchment Plan Specific Policies and Rules

6.1. Water Quantity and Allocation

Mōtū Catchment Plan Specific Policies

Policy – Mōtū – P1 When assessing resource consent applications for water takes in the Mōtū Catchment Plan area the following matters shall be considered:

1. The impacts of any water take on identified cultural values of mana whenua including mahinga kai and the habitats of culturally significant species such as tuna;
2. The impacts of any water take on the flow requirements of mature brown trout and large long-fin eel/tuna and ensuring that there is sufficient flow for these species to thrive optimally within the waterbody;
3. The impacts of any water take on the rate and success of spawning of trout in spawning streams; and
4. The effect any water take may have on water quality, including the volume of water needed in the waterbody to effectively dilute existing contaminants where the waterbody is a degraded waterbody in the Mōtū Catchment Plan – Farmlands and Settlements FMU;
5. The positive effects that stockwater reticulation can give in terms of reduced stock access to waterways.

Advice Note: This policy replaces Policy C6.1.1 (15) of the Tairāwhiti Resource Management Plan.

Mōtū Catchment Plan Specific Rules

Rule MŌTŪ – R1 The take and use of surface or groundwater in the Farmlands and Settlements FMU not provided for as a Permitted Activity in the Tairāwhiti Resource Management Plan is a Restricted Discretionary Activity.

Where

1. This is not the taking and use of freshwater for the purposes of irrigation of land on a Dairy Farm; and
2. Minimum flow requirements and allocation limits as set out in section 3.3.3 of the Mōtū Catchment Plan are complied with; and
3. The maximum rate of take is 10 litres/second; and
4. The water take is not from a wetland.

Discretion is restricted to:

a. Effects of water abstraction on trout and long-fin eel/tuna populations, including spawning areas;
b. Effects of water abstraction on water quality including dilution effects;
c. Effects on cultural values of mana whenua;
d. Methods of fish screening;
e. Location of the water take;
f. Ensuring that no one water take/water user is allocated the entire allocation of water available from any one water source;
g. The rate, volume and timing of the take including daily, weekly, monthly and annual limits;
h. In-stream flow requirements where restrictions are required;

i. In-stream flow requirements where abstraction shall cease;

j. The effects of the take and use on the quantity and quality of all water resources, including wetlands, that may be affected by the proposed activity;

k. The effects the take or use has on any other authorised takes and use; and

l. Water storage requirements.

Advice Notes:

1. This rule replaces Rule 6.1.2 (5,6 and 7) of the general regional water take provisions of the Tairāwhiti Resource Management Plan.
2. In relation to Irrigation of Dairy Farm Land this rule replaces Clause 20 of the Agricultural Intensification Temporary Standards in the NES – Freshwater 2020.

Rule MŌTŪ – R2 The taking and use of surface or groundwater in the Mōtū Catchment Plan area not provided for as a Permitted or Restricted Discretionary Activity is a Non-complying Activity.

Advice note:

1. This rule replaces Rule 6.1.2 (9 and 10) of the general regional water take provisions of the Tairāwhiti Resource Management Plan.
2. In relation to Irrigation of Dairy Farm Land this rule replaces Clause 21 of the Agricultural Intensification Temporary Standards in the NES – Freshwater 2020.
3. For the avoidance of doubt, taking and use of water other than for Permitted Activities is a Non-complying Activity in the Te Wai o Ngahere FMU.

6.2. Water Quality and Discharges

Mōtū Catchment Plan Specific Policies

Policy – Mōtū – P2 Recognise that land conversion and intensification can have a significant impact on water quality. Within the Mōtū Catchment Plan area, land conversions that could lead to increased nutrients, E.coli or sediment reaching waterbodies should be avoided.

Policy – Mōtū – P3 Avoid new intensive farming activities which could further degrade water quality. This includes:

- Feedlots, stockholding facilities, dairy farms, irrigation of crops or pasture for animals, except where an activity can demonstrate that no increase in levels of nutrients or bacteria beyond 2020 levels will occur in any river or groundwater as a result of the activity;
- Dairy support and winter intensive grazing except where this is established with substantial riparian buffers from all waterbodies and in compliance with a Certified Farm Environment Plan;
- Applications of fertlizer so that rates and quantities applied support the required improvements for in stream dissolved reaction phosphorus and total nitrogen.

Policy – Mōtū -P4 Recognise the limits and targets in the Mōtū Catchment – Farmlands and Settlements FMU identify that water quality in the Mōtū River and Matawai Stream is degraded in relation to multiple water quality attributes including:

- E.coli;
- Suspended Fine Sediment;
- Fish;

- Macroinvertebrates;
- Deposited Fine Sediment; and
- Dissolved Reactive Phosphorus.

Advice Note: Policies C6.2.2. (6) and C6.2.2 (7) in the TRMP are specifically relevant to any resource consents for discharges within the Mōtū Catchment – Farmlands and Settlements FMU as the Mōtū River and Matawai Stream have both been identified as degraded waterbodies.

Mōtū Catchment Plan Specific Rules

Rule MŌTŪ – R3: The use of land in the Mōtū Catchment - Farmlands and Settlements FMU as Dairy Support Land and associated discharge of contaminants is a Permitted Activity subject to the following Performance Standards: 1. On a paddock used for dairy support land stock must be excluded from at least: a. 10 m away from the top of the bank of the Mōtū River; the Koranga, Karekare, Moanui, Matawai, Murray, Whakapoupakahi, Moutohora and Waiwhero Streams; and any Regionally Significant Wetland; and b. 5m from bed of any other river, lake, wetland, or drain (regardless of whether there is any water in it at the time); Advice Note: 1. This Rule replaces Clause 22 of the Agricultural Intensification Temporary Standards in the NES – Freshwater 2020.
Rule MŌTŪ -R4: The use of land as Dairy Support Land and associated discharge of contaminants is a Discretionary Activity: 1. In the Mōtū Catchment – Te Wai o Ngāhere FMU; or 2. In the Mōtū Catchment – Farmlands and Settlements FMU where this does not meet Permitted Activity Standards Advice Note: 1. This Rule replaces Clause 23 of the Agricultural Intensification Temporary Standards in the NES – Freshwater 2020.
Rule MŌTŪ – R5: The conversion of land on a farm to a Dairy Farm and any discharge of contaminants into or onto land resulting from the conversion is a Non-complying Activity. Advice Note: 1. This Rule replaces Clauses 18 and 19 of the Agricultural Intensification Temporary Standards in the NES – Freshwater 2020.
Rule MŌTŪ – R7 The use of land for the expansion of winter intensive grazing beyond the area of the farm that was grazed at the date of notification of the Mōtū Catchment Plan and associated discharge of contaminants in the Mōtū Catchment – Farmlands and Settlements FMU is a Discretionary Activity. Where: The activity meets the following Performance Standards: 1. the farm has a certified freshwater farm plan that applies to the intensive winter grazing; and 2. at all times, the area of the farm that is used for intensive winter grazing must be no greater than 50 ha or 10% of the area of the farm, whichever is greater; and

3. the mean slope of a paddock that is used for intensive winter grazing must be 10 degrees or less, determined by measuring the slope over any 20m distance of the land; and 4. on a paddock that is used for winter intensive grazing,— a. any critical source area must not be grazed; and b. vegetation must be maintained as ground cover over all of any crtiical source area and this must not be any cultivation or harvesting of forage crops; and c. all reasonably practical steps must be undertaken to minimise freshwater impacts of any pugging that occurs on the land; and d. livestock must be kept at least: i. 10 m away from the Mōtū River, and the Koranga, Karekare, Moanui, Matawai, Murray, Whakapoupakahi, Moutohora and Waiwhero Streams and any Regionally Significant Wetland; and ii. 5m from bed of any other river, lake, wetland, or drain (regardless of whether there is any water in it at the time); and e. the land that is used for intensive winter grazing must be replanted as soon as practicable after livestock have grazed the land's annual forage crop Advice Notes: 1. For the rules in relation to Winter Intensive Grazing established prior to the notification of the Mōtū Catchment Plan the Tairāwhiti Resource Management Plan Rule 6.2.9 (5) applies; 2. This Rule replaces Clause 30 of the Agricultural Intensification Temporary Standards in the NES – Freshwater 2020.
Rule MŌTŪ – R8: The use of land for the expansion of winter intensive grazing not meeting Rule Mōtū – R 7 is a Non-complying Activity. Advice Note: 1. For the avoidance of doubt all use of land for the expansion of winter intensive grazing in the Te Wai o Ngahere FMU is a Non-complying Activity.
Rule MŌTŪ – R9: The application of nitrogen fertilser to land at rates of more than 100 kg/ha/year and no more than 50kg per application and phosphate fertiliser beyond 40 kg/ha/year is a Discretionary Activity.

6.3. Activities in the Beds of Rivers

Mōtū Catchment Plan Specific Policies

Policy Mōtū – P5 Recognise the very high natural and cultural values and important tuna and trout fisheries of the Mōtū and Koranga Rivers and the directives in the Mōtū Water Conservation Order around damming and diversion of these waterbodies by:

- Prohibiting the permanent damming of the Mōtū River mainstem;

- Allowing for temporary diversion or damming of the Mōtū River and Koranga Stream mainstem only when this is undertaken outside of trout spawning and tuna migration periods;
- Only allowing for damming and permanent diversion of permanently flowing tributary streams in the Mōtū Catchment Plan area:
    - That are outside the area where the Mōtū River Water Conservation Order applies;
    - that are not trout spawning streams;
    - where identified cultural values of mana whenua are not adversely affected;
    - where native fish passage is maintained; and
    - where are no viable locations for the activity outside of the bed of a permanently flowing stream.

Advice Note: This policy is in addition to the policies in Section 6.3.12 Damming and Diversion in the Tairāwhiti Resource Management Plan.

Policy – Mōtū – P6 Recognise that removing of material from the bed or banks of the mainstem Mōtū or Koranga Rivers is liable to exacerbate existing erosion problems. Removal of material from the bed or banks of these rivers should only be undertaken where a geomorphological assessment indicates this activity will not increase rates of erosion of the banks or bed of the river.

Policy – Mōtū – P7 Support the reintroduction of native fish species into the Upper Mōtū Catchment by providing for the construction of weirs which exlude exotic fish species as part of any native fish reintroduction project.

Policy – Mōtū – P8 Support the permanent stock exclusion of stock from riparian margins of the Mōtū and Koranga Rivers and their tributaries with buffers and riparian planting sufficient to:

1. reduce riverbank erosion and increase shading over the waterbody; while also
2. retaining angler access for trout fishing.

Policy -Mōtū – P9 Support the upgrading of stock crossings over the Mōtū and Koranga Rivers and their tributaries to minimise stock access as a key method to reduce E.coli and sediment losses to freshwater within the Mōtū Catchment Plan area.

Mōtū Catchment Plan Specific Rules

Rule MŌTŪ – R10: The extraction of sand, shingle or gravel from the bed of the mainstem Mōtū or Koranga Rivers is a Discretionary Activity. Advice Note: 1. This replaces Rule 6.3.10 (1) of the Tairāwhiti Resource Management Plan which allows for a Permitted level of gravel abstraction in relation to the mainstem Mōtū and Koranga Rivers. Where gravel abstraction is undertaken other than from the maintstem Mōtū and Koranga Rivers, Rule 6.3.10 (1) of the TRMP still applies.
Rule MŌTŪ – R11: The permanent damming of the Mōtū River mainstem is a Prohibited Activity. Advice Note: 1. This rule applies to the length of the Mōtū River and replaces Rule 6.3.13 (4) and 6.3.13 (5) of the Tairāwhiti Resource Management Plan in relation to damming activity. Rules 6 .3.13 (4) and 6.3.13 (5) in relation to diversion or drainage activity will continue to apply.

2. This rule is in relation to permanent damming of the river. The construction of a weir is not the same as a dam, and any application to construct a weir should be considered under the general regional rules of the Tairāwhiti Resource Management Plan.

6.4. Environmental Flows and Levels and take Limits

Minimum Flow for Consented Freshwater Takes	**Monitoring Location for Flow Limit**	**Maximum Allocation Volume**
940 litres/second	Mōtū River at Kotare Station	150 litres/second in the Farmlands and Settlements FMU No allocation (Permitted Takes only) within the Te Wai o Ngahere FMU
Median calculated flow	Koranga River at	30% of the calculated MALF in the Farmlands and Settlements FMU No allocation (Permitted Takes only) within the Te Wai o Ngahere FMU

7. Mōtū Catchment Plan – Action Plan

7.1. Key Actions

Action	Attribute/Problem Being Addressed	Timeframe	Detail
MKAP 1 Develop an Erosion Management Plan for the Mōtū River mainstem	Sediment	By 2023	Using geomorphological principles, develop a reach by reach erosion management plan for the Mōtū River banks and bed that : • responds to variations in bank erosion; and • helps target erosion control measures to priority sections of the river
MKAP 2 Ensure Best Practice Cropping and Breakfeeding Practices in place across the catchment	E.coli, Sediment, Nutrients, Fish values, Mahinga kai, Macroinvertebrates ,	By 2023	Work with Beef and Lamb NZ, Deer NZ and the Catchment Groups to educate farmers around best practice cropping and breakfeeding practices. Council staff engage with landowners in the Koranga Catchment and Whakarau Road/Waiwhero Stream catchment to ensure good compliance with Tairāwhiti Resource Management Plan and NES Requirements.
MKAP 3 Identify and map wetlands within the Mōtū Catchment Plan area	Wetland identification and management	By 2025	Council to ground truth the preliminary modelling work and identify and map all wetlands within the Mōtū Catchment Plan area.
MKAP 4 Stock exclusion from the mainstem Mōtū and Koranga Rivers with minimum 5m setbacks for new fences.	E.coli, Sediment, Nutrients, Fish values, Mahinga kai, Macroinvertebrates	By 2026	Non-regulatory project supporting the existing catchment group to work with landowners to exclude stock from the mainstem of both rivers, including supporting the upgrading of stock-crossings. As new fences are constructed ensure minimum 5m setbacks from the riverbank – or widths as identified in the Erosion Management Plan.
MKAP 5 Plant riparian areas with native plants in priority areas along the mainstem Mōtū and Koranga Rivers	E.coli, Sediment, Nutrients, Fish values, Mahinga kai, Macroinvertebrates , Periphyton,	By 2026	While all riparian planting is good, the Erosion Management Plan is expected to identify top priorities for planting on the Mōtū where the quickest benefits will be felt in terms of sediment control.

Action	Attribute/Problem Being Addressed	Timeframe	Detail
	Threatened Species		Non-regulatory project supporting the existing catchment groups to work with landowners to undertake riparian planting.
MKAP 6 Develop and implement a water quality improvement plan for the Matawai Stream	E.coli, Nutrients, Fish values, Mahinga kai, Macroinvertebrates	By 2026	Plan to be developed by 2023. Implementation of priority measures by 2026.
MKAP 7 Resource Consent Review	E.coli and sediment	By 2026	Review the resource consents for discharges of key contaminants (E.coli and sediment) to ensure that discharges of these contaminants will not further degrade the water quality.
MKAP 8 Stock exclusion from priority wetlands	Threatened species	By 2031	Identify priority wetlands by 2023. NES Stock exclusion requirements apply Non-regulatory project supporting the existing catchment group to work with landowners to exclude speed up stock exclusion from priority wetlands.
MKAP 9 Better point source management	E.coli, sediment, nutrients, mahinga kai	By 2031	Identify point sources as part of Farm Environment Planning. NES and TRMP Point Source Discharge Rules apply. Non-regulatory project supporting the existing catchment group to work with landowners to implement management and treatment of runoff from point sources such as tracks, races, stockyards, fertiliser storage areas and feedpads.
MKAP 10 Periphyton and eutrophication study	Nutrients	By 2031	Undertake a science study which looks at the drivers of periphyton growth within the Mōtū Catchment, the prevalence of Phormidium cyanobacteria and whether the measures in this catchment plan are effective at addressing these. Implement the recommendations of this study as further actions during the review of this Action Plan.

Action	Attribute/Problem Being Addressed	Timeframe	Detail
MKAP 11 Stockwater reticulation to support increased stock exclusion from streams and wetlands	E. coli, sediment, nutrients	By 2035	Non-regulatory project supporting the existing catchment group to work with landowners to develop reticulated stockwater systems to support increased exclude stock exclusion from streams and wetlands.
MKAP 12 Stock exclusion from priority tributary streams	E. coli, sediment, nutrients	By 2035	In conjunction with stakeholders identify priority tributary streams and support the catchment group to work with landowners to exclude stock from these streams.
MKAP 13 Upgrade stock crossings on priority tributary streams	E. coli, sediment, nutrients	By 2035	In conjunction with stakeholders identify priority tributary streams and support the catchment group to work with landowners to upgrade stock crossings over these streams.
MKAP 14 Restoration of priority wetlands	Threatened species, nutrients, sediment, fish values, mahinga kai, macroinvertebrates	By 2035	Support the catchment group to work with landowners to restore priority wetlands within the catchment.
MKAP 15 Plant remainder of the riparian areas along the mainstem Mōtū and Koranga Rivers and along priority tributary streams	E.coli, Sediment, Nutrients, Fish values, Mahinga kai, Macroinvertebrates, Periphyton, Threatened Species	By 2035	Non-regulatory project supporting the existing catchment groups to work with landowners to undertake riparian planting.
MKAP 16 Restocking native fish populations	Ecosystem health, threatened species, fish, mahinga kai	By 2035	Develop and implement a plan to restock native fish missing in the catchment. This could involve for example, relocating fish such as bullies from the base of the Mōtū Falls to a protected area within the Matawai Conservation Area, or suitable habitat in tributary streams of the Mōtū on farms.

7.2. Other Actions – these are actions that would benefit the health of the two awa but for which no timeframe is set.

Action	Attribute/Problem Being Addressed	Detail
MOA 1 Field Days, and Workshops	All	Work with Beef and Lamb and Deer NZ to support local catchment groups hold regular field days and workshops to look at farming best practice, learn about
MOA 2 Wānanga around mahinga kai practices and cultural monitoring	Mahinga kai, ecosystem health, cultural values	Work with local iwi, Matawai Marae and Eastern Whio Link to undertake wānanga around mahinga kai practices and cultural health monitoring of the awa.
MOA 3 Community monitoring, including on farm monitoring	All	Support local catchment groups to work with landowners and schools to undertake on farm and community monitoring of the awa.
MOA 4 Expand use of farm environment plans	All	Work with Beef and Lamb and Deer NZ to support all farmers within the catchment to develop Farm Environment Plans.
MOA 5 Installation of toilet facilities along the Mōtū Trails	E.coli, Mahinga Kai, cultural values	Work with Mōtū Trails Trust to ensure that adequate toilet facilities are provided in appropriate locations on the trails.
MOA 6 Investigation and remedial work at Matawai Landfill	Ammonia, ecosystem health, mahinga kai, trout fishing	Investigate water quality discharge from Matawai Landfill. If water is highly contaminated, undertake remedial work to reduce the size/impact of the discharge
MOA 7 Installation of a stock truck effluent holding tank	E.coli, mahinga kai, nutrients	Establishment of parking bay and effluent disposal tank along SH 2. Aim to help prevent illegal dumping of waste along roadside.
MOA 8 Weed management riparian areas	Threatened species, Ecosystem health	Target weed species that are present in the Farmlands and Settlements FMU and are spreading downstream into the ngahere and protected areas. This includes Japanese Walnut, Montbretia and Strawberry tree as well as weedy willows such as crack and golden willow.
MOA 9 Improvement of On site Wastewater Systems	E.coli, mahinga kai, nutrients	Support landowners to upgrade on-site wastewater systems within the Matawai and Mōtū townships. Tairāwhiti Resource Management Plan Rules apply.

Monitoring Progress and Assessing Trends

Water quality and quantity, aquatic ecosystem health and cultural health monitoring will be undertaken by the Gisborne District Council at the sites identified in this catchment plan.

This will be reported on as part of the wider water quality and quantity reporting undertaken by the Council to meet Section 3.29 freshwater accounting requirements of the NPSFM 2020 and as part of its State of the Environment Reporting.

The key attributes with priority for monitoring progress in the Mōtū Catchment Plan area are:

- Deposited Fine Sediment
- Suspended Fine Sediment
- E.coli
- Periphyton (including Phormidium cyanobacteria)
- Dissolved Reactive Phosphorus
- Aquatic ecosystem health attributes – MCI and QMCI
- Fish

Principal methods for monitoring progress towards achieving target attribute states and environmental outcomes will be through the State of Environment water quality, aquatic ecosystem health and hydrology programmes undertaken by the Gisborne District Council.

This programme will involve:

1. monthly water quality monitoring of sites identified in this catchment plan for the following attributes:
    a. periphyton
    b. ammonia
    c. nitrate
    d. suspended fine sediment
    e. E. coli
    f. dissolved reactive phosphorus
    g. total nitrogen
    h. dissolved inorganic nitrogen
    i. identified, with the addition of periphyton monthly monitoring and the exception of ecosystem metabolism which will be monitored annually.
2. Annual aquatic ecosystem monitoring will be undertaken at the sites identified in this catchment plan for the following attributes:
    a. Fish
    b. Macroinvertebrates (MCI, QMCI, ASPM)
    c. Deposited fine sediment
    d. Ecosystem metabolism
    e. Dissolved oxygen
3. Cultural monitoring in conjunction with mana whenua in accordance with regionally agreed protocols and methods.

7.3. Responding to degradation

Trends in relation to degradation or improvement will be identified using a rolling 5 year assessment of the previous 5 years compared with the baseline set in this Catchment Plan.

As part of implementing the wider Tairāwhiti Freshwater programme, a 5 yearly review of the Action Plan of this catchment plan will be undertaken with an assessment against the water quality trends.

If current degrading trends are not halted by the time of the first 5 year assessment and review (2027) then the Council will consider whether additional regulation may be required to ensure that the targets to halt and turn around degradation are met.

If there are new degrading trends are identified, then the causes of these will be investigated. If the trends are identified as being caused by land use or water management

practices within the catchment, that are not sufficiently regulated, then additional regulation will be introduced through a Plan Change.

Te Kaunihera o Te Tairāwhiti
GISBORNE
DISTRICT COUNCIL

23-30

Title:	**National Policy Statement on Highly Productive Land (implementation update)**
Section:	Strategy
Prepared by:	Drew Williams
Meeting Date:	16 March 2023

Legal: Yes	Financial: No	Significance: **Low**

Report to SUSTAINABLE TAIRĀWHITI/TOITŪ TAIRĀWHITI Committee for information

PURPOSE - TE TAKE

The purpose of this report is to provide an update on the implementation of the Government's national direction regarding the protection of Highly Productive Land.

SUMMARY - HE WHAKARĀPOPOTOTANGA

The National Policy Statement on Highly Productive Land (NPS HPL) came into effect in October 2022. This paper outlines the implications of the NPS-HPL for Tairāwhiti and progress on its implementation to date.

Council must give effect to the NPS HPL by incorporating specific direction and mapping into our land use plans. We have until 2025 to do this but as a review of the plan is under way and other changes need to be made before then we are incorporating this work into that review process. Council must also have regard to the NPS HPL when considering resource consent applications that impact highly productive land – particularly subdivision to housing or rezoning plan changes of this land to urban.

Work has commenced on implementation of the NPS HPL. Areas of highly productive land (HPL) have been initially mapped and refinements will be made following further Government guidance. The NPS HPL gives a number of high level polices such as *subdivision of highly productive land is to be avoided* that become part of our existing plan. However specific HPL rules will be developed and consulted on for our replacement **Tairāwhiti Resource Management Plan** (TRMP). Council is actively working with a number of other councils on issues such as mapping and plan content.

We know that meaningful engagement with communities, iwi and hapū will be challenging due to the ongoing impact of Cyclones Hale and Gabrielle. We are exploring with central government officials whether an extension to the 2025 deadline for undertaking mapping is possible.

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Sustainable Tairāwhiti/Toitū Tairāwhiti Committee:

1. Notes the contents of this report.

Authorised by:

Joanna Noble - Chief of Strategy & Science

Keywords: highly productive land, national direction, resource management

BACKGROUND - HE WHAKAMĀRAMA

1. The Resource Management Act 1991 (RMA) allows the Government to issue national direction that alters the way the country's land is managed. One form is a National Policy Statement, which give objectives and policies for matters of national significance.

2. The National Policy Statement for Highly Productive Land (NPS HPL) came into effect In October 2022. This paper outlines the implications of the NPS-HPL for Tairāwhiti and progress on its implementation to date.

3. The NPS-HPL seeks to direct new housing development away from highly productive land where possible, thus preventing inappropriate subdivision, urban expansion use and development to try to ensure the availability of highly productive land for food and fibre production for future generations. In order to do this:

    - Highly productive land (HPL) needs to be identified and mapped to be used in the new Tairāwhiti Resource Management Plan (TRMP).
    - Initial mapping has been undertaken by the Council. Land classified as 1, 2 or 3 under the land use classification12 (LUC), combined with a Rural General, or Rural Productive zoning, is defined as HPL. Further information on where this 1-3 LUC land is in the Tairāwhiti region can be found here - LINK.
    - Refinements that will be made to the mapping include land based on the soil type, physical characteristics such as geographic cohesiveness or climate of the area.
    - The NPS provides objectives and policies for managing HPL, but the detailed provisions must be developed as part of wider review of the TRMP.
    - There are new matters to consider when assessing consent applications to ensure inappropriate use, development and subdivision does not occur on HPL.
    - Use, development and subdivision proposal assessments consider both the short-term economic gain/use benefits with the long term productivity benefits.

[12] The Land Use Capability (LUC) Classification is defined as a systematic arrangement of different kinds of land according to those properties that determine its capacity for long-term sustained production. Capability is used in the sense of suitability for productive use or uses after taking into account the physical limitations of the land.

ASSESSMENT of SIGNIFICANCE - AROTAKENGA o NGĀ HIRANGA

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation
Overall Process: **Low** Significance
This Report: **Low** Significance

Impacts on Council's delivery of its Financial Strategy and Long Term Plan
Overall Process: **Low** Significance
This Report: **Low** Significance

Inconsistency with Council's current strategy and policy
Overall Process: **Low** Significance
This Report: **Low** Significance

The effects on all or a large part of the Gisborne district
Overall Process: **Medium** Significance
This Report: **Low** Significance

The effects on individuals or specific communities
Overall Process: **Medium** Significance
This Report: **Low** Significance

The level or history of public interest in the matter or issue
Overall Process: **Medium** Significance
This Report: **Low** Significance

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

TANGATA WHENUA/MĀORI ENGAGEMENT - TŪTAKITANGA TANGATA WHENUA

5. The use and development of Māori land is exempt from some of the protection provisions of the NPS HPL. However, this exemption does not extend to land in general title that is owned by Māori or Māori entities (unless land was returned by the Crown or local government to iwi or hapū as mana whenua).

6. More targeted engagement is planned for later this year.

COMMUNITY ENGAGEMENT - TŪTAKITANGA HAPORI

7. Council has put some information about our implementation of the NPS HPL on our website. Further engagement will happen as part of the TRMP review process when more specific work is being undertaken.

8. We know that meaningful engagement with communities, iwi and hapū will be challenging due to the ongoing impact of Cyclones Hale and Gabrielle. We are exploring with central government officials whether an extension to the 2025 deadline for undertaking mapping is possible.

9. Although public consultation was carried out by MfE in mid-2019 there seems to have been little since then. As a result, there may be little public knowledge of the imminent changes, key issues are:

    - Landowners may not be aware of new considerations until they want to undertake a development or a subdivision
    - The NPS-HPL will significantly influence decision-making on consents and plan changes on HPL in Tairāwhiti.
    - Under the policies, productive land is protected from inappropriate use, development and subdivision.

CLIMATE CHANGE – Impacts / Implications - NGĀ REREKĒTANGA ĀHUARANGI – ngā whakaaweawe / ngā ritenga

10. There are no climate change impacts or implications as a result of this report. A percentage of local HPL is also low-lying flood prone land and would be likely problematic for future urban development. All factors will be taken into account as part the TRMP process.

CONSIDERATIONS - HEI WHAKAARO

Financial/Budget

11. No additional budget will be required as we can progress implementation through our planned TRMP work programme and budget.

Legal

12. See background for overview of requirements for the NPS HPL.

POLICY and PLANNING IMPLICATIONS - KAUPAPA HERE me ngā RITENGA WHAKAMAHERE

13. Tairāwhiti has a significant area of highly productive land. The current operative TRMP recognises the importance of highly productive land in Tairāwhiti and promotes the retention of productive land through the Rural Production Zone. The TRMP seeks to protect productive land from urban growth and rural fragmentation and sets out a minimum lot size of eight hectares to maintain the area for production purposes. However, the current TRMP does not provide region-wide recognition of productive land through the highly productive zone in Tairāwhiti, instead defaulting to the Rural General Zone which covers vast areas of Tairāwhiti.

14. Changes need to be made to Council's polices to implement the NPS-HPL along with other recent NPS. Key policy implications for the NPS-HPL:
    - Landowners may not be aware of new considerations until they want to undertake a development or a subdivision
    - The NPS-HPL will significantly influence decision-making on all consents and plan changes in HPL in Tairāwhiti relating to HPL.
    - Under the policies, productive land is protected from inappropriate use, development and subdivision.
15. Other matters relating to national direction such as a **Future Development Strategy** (FDS), which is part of the NPS Urban Development, are being developed. It considers growth scenarios for expansion and infill growth in the urban area. Expansion to the west and east of the existing Gisborne urban area are options being considered through the FDS. The criteria under the NPS-HPL means that the land likely to be considered for urban expansion would not be classified as HPL and could be rezoned for greenfield expansion if either or both scenarios form part of the final FDS.
16. Some exemptions within the NPS-HPL that may allow urban rezoning of HPL areas are:
    (a) if the urban zoning is required to provide sufficient development capacity to meet expected demand for housing land in the district; and
    (b) if there is no other reasonably practicable and feasible options for providing the required development capacity; and
    (c) if the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.
17. The extent of the proposed zoning must be the minimum necessary to provide the required development capacity while achieving a well-functioning urban environment.
18. One of other pieces of new national direction that the Council is in the process of implementing is the NPS for Freshwater Management.
19. The NPS-HPL recognises some areas of highly productive land may not be viable for primary production due to the **NPS for Freshwater Management**. The NPS-HPL provides a consenting pathway that will allow such constraints to be assessed. However, this will be on a case-by-case basis, and only in exceptional cases. The rules and targets set by councils to implement the NPS-FM have to be met regardless of the NPS-HPL.

Impact on consenting

20. As the NPS HPL is in force, subdivision and land use resource consents received on and after that date are required to be assessed against the NPS HPL. Over the next few years, the NPS HPL will transition into the new **National Planning Framework** under ongoing system reforms but the requirements will remain.

21. This is significant, particularly for subdivisions of land zoned Rural Productive, because the wording of the NPS-HPL policies are much stronger and more directive than those in the TRMP. Under the transitional provisions, some exemptions are provided – for example, if an activity addresses high risk to public health, or the use and development of Māori Land.

22. The Consents Team is assisting with the work required to fulfil Council's statutory obligations.

Timeline and the Relationship between the NPS-HPL and TRMP

23. We are required to identify and map HPL in the TRMP (RPS section) by 17 October 2025. A schedule 1 RMA process[13] is required to implement this. Since we are already reviewing the RPS, which is due for public notification in mid-2024, it makes sense to incorporate this aspect at this earlier time.

24. The Council must notify changes to objectives, policies and rules in its land use plan to give effect to this NPS *as soon as practicable,* but no later than two years after maps of highly productive land in the RPS become operative.

25. To implement the changes required under the NPS HPL the Council will:

    - utilise GIS and subject matter experts (SMEs) for identifying and mapping highly productive land.
    - build on further technical information on how to implement the NPS-HPL. MfE is due to publish more technical guidance for councils on implementation.
    - develop an effective work plan and communication and engagement plan for implementing the NPS-HPL through the RPS workstream.
    - provide prepared information about the new NPS and what this means on the GDC website.

26. Initial mapping has focused on the Poverty Bay Flats, due to the scale and tight timeframe of this project, as well as the existing pressure for development on this part of Tairāwhiti. Refinements are still to be made and the identification of productive land for the rest of Tairāwhiti will be undertaken at a later date.

27. The default definition of HPL is based on LUC system classes 1-3, and is mapped on a 1:50,000 scale. There is a need to refine the LUC mapping at higher resolutions in order to identify the boundaries of classes within smaller lot sizes.

[13] Under Schedule 1 of the RMA, councils are required to consult with the Minister during the development of their regional policy statements, https://www.legislation.govt.nz/act/public/1991/0069/latest/DLM240686.html

28. Where possible, the boundaries of large and geographically cohesive areas must be identified by reference to natural boundaries (such as the margins of waterbodies), or legal or non-natural boundaries (such as roads, property boundaries and fence-lines). Further guidance on mapping is due from MFE and MPI.

29. Factors described under the NPS-HPL – such as lot size, water availability, access to transport routes and labour markets – were considered during this classification but not used as they were determined to not be significant to the Gisborne area when classifying land as highly productive.

30. Once the mapping has been progressed the NPS-HPL provides mandatory requirements for territorial authorities to insert objectives, policies and rules into the district plan (using the Schedule 1 process).

RISKS - NGĀ TŪRARU

31. Cyclone recovery work will likely impact timeframes of this work as staff are redeployed to more urgent work. How this might impact on workloads and other projects is still to be determined.

32. Landowners will need to be aware of the RPS process for mapping of HPL, as that will provide some opportunity to be involved in the process. Once the RPS maps are operative, they will be brought into the TRMP maps without a public process. Landowners can enter their property details into the Manaaki Whenua database to see whether they currently fall within LUC 1-3.

33. The NPS-HPL gives exemptions for the maintenance, operation, upgrade or expansion of specified infrastructure, but not all infrastructure will meet the definition of "specified infrastructure". Currently the development of new infrastructure does not appear to be exempted, only upgrades and expansion of existing infrastructure. This may be an issue for new wind and solar farms, which cannot be authorised by a designation, are often located in rural areas and typically developed as a new project. Central Government has stated that further technical guidance on the NPS-HPL that was due to be released in January 2023, will address this.

34. Lastly there are potential tensions/overlaps between the aims and implementation of the NPS-HPL, NPS-Freshwater and the NPS-Urban Development.

NEXT STEPS - NGĀ MAHI E WHAI AKE

Date	Action/Milestone	Comments
Begun in late 2022	Map the HPL in General Rural Zone and Rural Production Zone, according to instructions provided by the NPS-HPL	Refinements outlined above to be made in progress.
Ongoing	Participate in a national Council network to assist in the NPS-HPL implementation.	Initial meeting has been held. The next one is in late March and will discuss mapping issues.
Under way early 2023	Identify HPL in Tairāwhiti in the RPS section of the TRMP.	This in turn will allow engagement as there will be sufficient information to engage with.
Mid 2023	Actively involve tangata whenua in an early, meaningful manner and in accordance with tikanga Māori at the levels of whānau, hapū and iwi decision-making structures.	
Third Quarter 2023	Provide sufficient information regarding the NPS-HPL, especially through Council's website including the impacts of the NPS on community, landowners, and mana whenua.	Information has been prepared for GDC site at the end of 2022 but has not gone live. It includes links to more detailed information on MPI and MFE sites and can support information on the Council site.

Te Kaunihera o Te Tairāwhiti
GISBORNE
DISTRICT COUNCIL

23-61

Title:	**23-61 Development Contributions Policy Review**
Section:	Strategy
Prepared by:	Charlotte Knight - Strategic Planning Manager
Meeting Date:	Thursday 16 March 2023

Legal: No	Financial: No	Significance: **Low**

Report to SUSTAINABLE TAIRAWHITI /TOITŪ TAIRĀWHITI Committee for information

PURPOSE - TE TAKE

The purpose of this report is to provide background information on what development contributions are and the policy review process as part of the 2024-2034 Long Term Plan development process.

SUMMARY - HE WHAKARĀPOPOTOTANGA

This paper provides an overview of what are development contributions, Council's current approach to them and a high-level overview of some of the key topics that will be explored as part of the current review.

Development contributions are a mechanism that Council uses to implement its direction of growth paying for growth. The charges recover the cost of infrastructure provided to support growth.

Council's policy sets out the reasons, locations and processes for developers to help fund the costs of new Council infrastructure that enable new development to be possible. Infrastructure in the current policy includes many projects that Council may not be providing in the 2024-2034 Long Term Plan due to the three waters reform – water supply, wastewater and stormwater networks.

A preliminary scoping of the review has identified some topics and issues that need to be explored as part of the policy development process. The intent is to develop a new policy based on the template provided through the Department of Internal Affairs rather than update our existing policy.

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

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Sustainable Tairawhiti /Toitū Tairāwhiti Committee:

1. Notes the contents of this report.

Authorised by:

Joanna Noble - Chief of Strategy & Science

Keywords: development contributions, infrastructure, growth, 2024-2034 Long Term Plan

BACKGROUND - HE WHAKAMĀRAMA

What are development contributions?

1. Development contributions are a charge that new developments pay to Council to recover the cost of infrastructure provided to support growth.
2. They are set under the Local Government Act 2002 (LGA).
3. They are:
   a. Applied at subdivision, building consent or service connection.
   b. Used only to fund identified growth-related capital projects that are set out in Council's Long Term Plan.
   c. Applied to specific catchment areas based on costs and benefits.
   d. Used to fund an increase in capacity of assets (e.g. a bigger pipe) as well as new assets (e.g. new pump station). For an increased capacity project development contributions are for the cost of the extra capacity – not the renewal component.
4. They are not:
   a. Able to be used to fund level of service improvements or renewals.
   b. A 'bucket' of funding – they can only be applied to the projects listed in the Development Contributions Policy and must align with LTP funding assumptions.
5. The following must be considered when developing the policy and contribution amounts:
   a. Costs and benefits of each growth project assessed.
   b. Strategic and administration efficiency issues to simplify the implementation of the policy.
6. They are different to financial contributions under the Resource Management Act 1991 (RMA). Most councils have moved to development contributions as they are easier to set and change. You cannot charge financial contributions and development contributions for the same costs.

Purpose and principles

7. The purpose and principles for development contributions in the LGA were changed or added as part of an amendment in 2014 (s197AA).

   The purpose of the development contributions provisions in this Act is to enable territorial authorities to recover from those persons undertaking development a fair, equitable, and proportionate portion of the total cost of capital expenditure necessary to service growth over the long term.

8. What is 'fair, equitable, and proportionate' is the premise of the debate in developing any policy and any subsequent legal challenge.

9. The seven principles (s197AB) that Council must consider are:
    a. Only for growth-related assets required due to developments.
    b. Funded over longer term and reflecting the life/capacity of the assets.
    c. Cost allocations should relate to the persons who benefit from the assets to be provided (including the community as a whole).
    d. Development contributions must be used:
        i. On the activity they were charged for; and
        ii. In the Catchment identified in the Policy
    e. Councils should sufficiently inform so as to demonstrate what development contributions are being used for and why they are being used.
    f. Development contributions should be predictable and be consistent with the adopted policy.
    g. Councils may group together certain developments by geographic area or categories of land use, provided that:
        i. Balances efficiencies with considerations of fairness and equity
        ii. Grouping by geographic area – but not district wide where possible

What is the Development Contributions Policy?

10. The policy sets out the reasons, locations and processes for developers to help fund the costs of new Council infrastructure that enable new development to be possible. This helps to cater for increasing populations living in new developments. Any policy developed by Council must comply with the detailed legal provisions in the LGA.
11. The policy covers how Council calculates and administers the contributions, as well as listing the specific growth related investments over the longer term that the funds will be spent on.
12. Under the current legislation infrastructure activities that can be part of the policy includes:
    a. Roading and footpaths.
    b. Walkways and cycleways.
    c. Water supply sources, storage, networks and treatment.
    d. Wastewater networks, treatment and disposal.
    e. Stormwater networks, retention ponds and disposal.
    f. Civic facilities (halls and other community buildings).
    g. Parks and reserves.
    h. Playgrounds, public toilets etc.

13. It is not compulsory for Council to have a policy. Nobody likes to pay more however someone must pay for the infrastructure required to support growth and it is increasingly expensive to build. Developers are usually accepting of development contributions if they are deemed to be fair and reasonable and the resulting infrastructure enables new subdivisions/ intensification.

14. The policy can be challenged and the process under the LGA is – a staff reconsideration, Council committee, independent development contributions commissioners, then High Court judicial review. Councils have had their policies challenged; a recent example is the Hamilton City Council (which they successfully defended).

Who pays development contributions?

15. Developments that require a subdivision consent, land use consent or building consent will be assessed for development contributions. This includes:
    a. new subdivisions.
    b. new house builds.
    c. visitor accommodation.
    d. granny flats.
    e. new retail space.
    f. new office space.
    g. commercial premises.
    h. industrial developments.
    i. new apartments in old buildings.

16. Development contributions are not required for house extensions or alterations.

17. Developers are required to pay development contributions at different times depending on the nature of the consent they are seeking. Council can require payment of a DC when an application is made for a resource consent, land use consent or building consent (or Certificate of Acceptance if required).

18. Under Council's current process we require development contributions to be paid before the s224 Certificate of Completion is issued, or Certificate of Acceptance, or a service connection. This is common practice for councils, although some allow deferred payment for a short period after the Certificate of Completion is issued to facilitate developers cashflow (this increases the risk that it will not be paid).

How are they calculated?

19. Development contributions are calculated by dividing the council's total capital expenditure on growth related projects for each activity in the LTP by the estimated number of new household equivalent growth units in each of the catchments related to those activities over the 10 years (including both residential and non-residential).

20. Different types of development pay different development contributions. Charges can also vary by catchment area. Development contributions charges are set at different levels depending on the demand they place on the need for the council to invest in infrastructure. All residential lots/houses are charged as one household unit equivalent (HUE).

21. A HUE reflects the average use of water and wastewater usage, the usual residential lot area of runoff based on the average new house size in Gisborne for stormwater, the average number of vehicle trips per day and access to recreation facilities.
    a. Water = 730L day.
    b. Wastewater = 614L day.
    c. Stormwater = 340m^2 of impervious surface area.
    d. Transport = 10 vehicle trips per day.
    e. Recreation and community facilities = 1 apportionment per lot.

What can Council do or not do when charging development contributions?

22. Council must:
    a. state the assumptions and growth forecasts and cannot alter these without an amendment to the Long Term Plan.
    b. Only charge for the costs listed in the policy, which has to be consistent with the projects in the LTP / Infrastructure Strategy.
    c. Spend the revenue on the intended activity within the defined area.
    d. Explain the rationale for everything. It is very prescriptive and detailed legislation.
    e. Consult on a proposed policy. Special consultative procedure is not mandatory however we need to comply with the s82 requirements.

23. Council can
    a. Charge for civic infrastructure (recently reinstated in the LGA).

24. Council cannot
    a. Include all costs related to quality and service upgrades.
    b. Charge for projects that have been funded from other sources for example, financial contributions under the RMA, grants (e.g. Infrastructure Acceleration Fund), loans funded from rates.

Are they complicated to administer?

25. They can be complicated for the applicant to understand and regulatory staff to assess, especially for non-residential. Finance is required to keep detailed records of all payments and relevant projects by activity and track where the funds are spent over the long term.

26. Administration issues are simplified by reducing the non-residential categories and having as few catchment areas as possible, while still meeting the legal requirements of having fair and reasonable charges.

DISCUSSION and OPTIONS - WHAKAWHITINGA KŌRERO me ngā KŌWHIRINGA

Our current policy

27. Council, like many other councils across New Zealand, has been experiencing increased growth pressures from both residential and non-residential development. Council determined under their previous review of the Development Contributions Policy that the funding of new assets or assets of increased capacity to meet demand created by new development should be recovered by way of development contributions from those benefiting from the infrastructure.

28. Council first adopted a policy in 2008. The current policy was adopted as part of the 2021-2031 Long Term Plan process. Council is required to review the policy as part of the 2024-2034 Long Term Plan process.

29. The policy is not mandatory - Council can decide to have no development contribution charges. The funding to pay for required growth infrastructure (currently around $1 million a year) would then have to be added to rate-funded loans. This would have impacts on the wider community, community wellbeing, and Council's rates and debt.

30. Council's policy currently does not include any charges for community facilities (civic buildings, playgrounds, walkways, public toilets etc).

31. Infrastructure in the current policy includes many projects that Council may not be providing in the 2024-2034 Long Term Plan due to the three waters reform – water supply, wastewater and stormwater networks.

32. Council's current policy only applies to the Gisborne Urban Area. Council can set development contributions for other townships if there is a need for growth related infrastructure investments.

33. Small dwellings (<60m^2) are charged 50% of 1 HUE. Non-residential has 8 categories each with different charges based on the demand for infrastructure generated.

Current charges

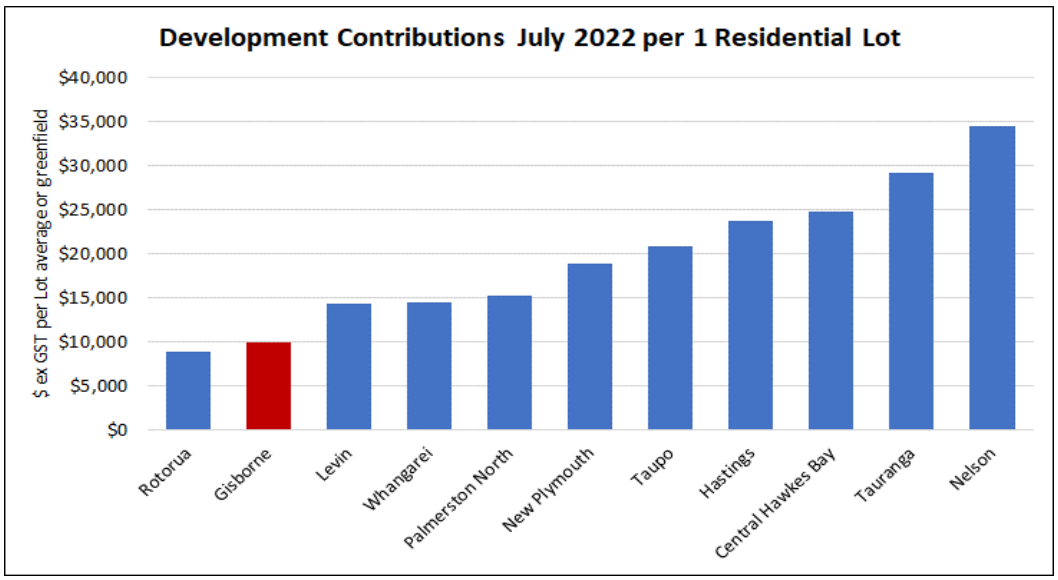
34. Currently Council has the following charges for the Gisborne Urban Area. These were set as part of the 2021-2031 Long Term Plan.

35. Per Residential additional lot (1 Household Unit Equivalent or HUE):

Area	Charge ($ excluding GST)
Water	983
Wastewater	5,086
Stormwater	1,616
Transport	1,857
Reserves	327
TOTAL	**$9,918**

36. Development contributions only fund a small proportion of total capital expenditure for Council, the large majority is funded through rates for renewals and level of service increases. In the 2021-2031 Long Term Plan there was $493 million of capital expenditure forecast over the 10 years. $21.9 million of that was for growth related projects or the growth portion of projects, of which $15.4 million was forecast to be funded from development contributions.

37. Council's current development contributions charges for the Gisborne Urban Area are relatively modest compared to many other councils and some councils (e.g. Invercargill) do not charge any development or financial contributions. Others who previously had set charges then subsequently decided not to charge have reimposed development contributions (e.g. Rotorua and Horowhenua). Some others charge financial contributions under the RMA (e.g. Napier, Timaru, Upper Hutt) which makes it hard to compare. The larger the council and stronger the growth generally the higher the contributions that are charged.



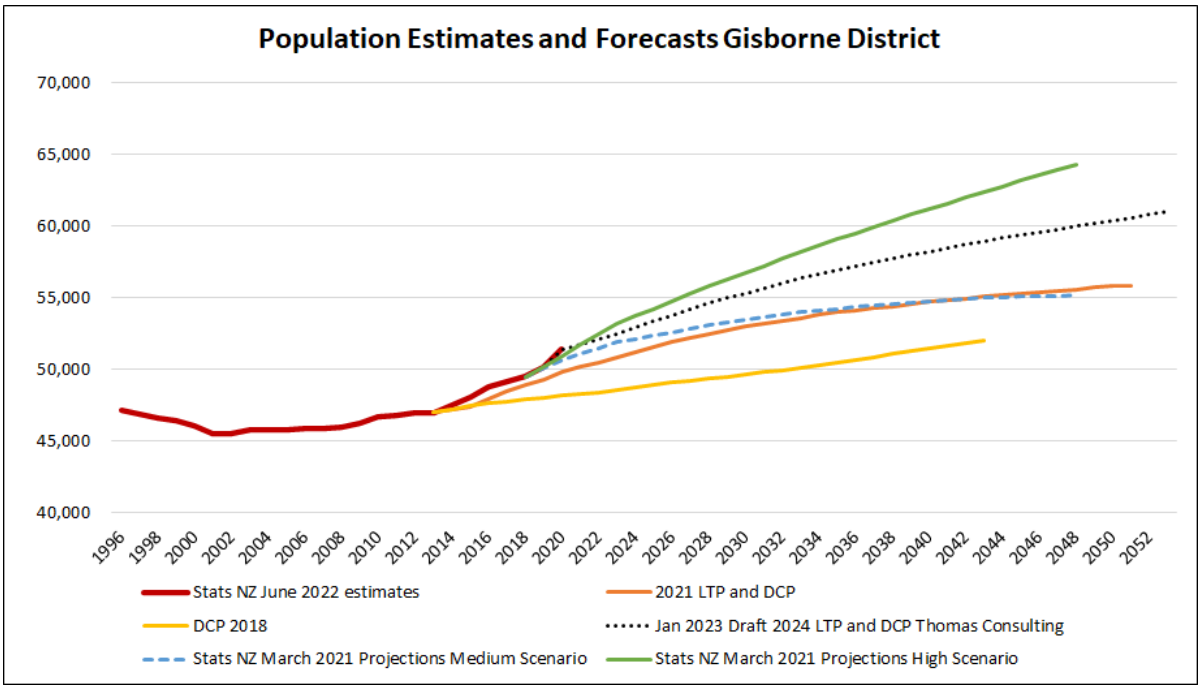
38. Note in the graph above that many of these councils have varying charges depending on location. The examples used in the chart are mostly for major greenfield areas for a standard residential lot.

The challenge to provide more housing

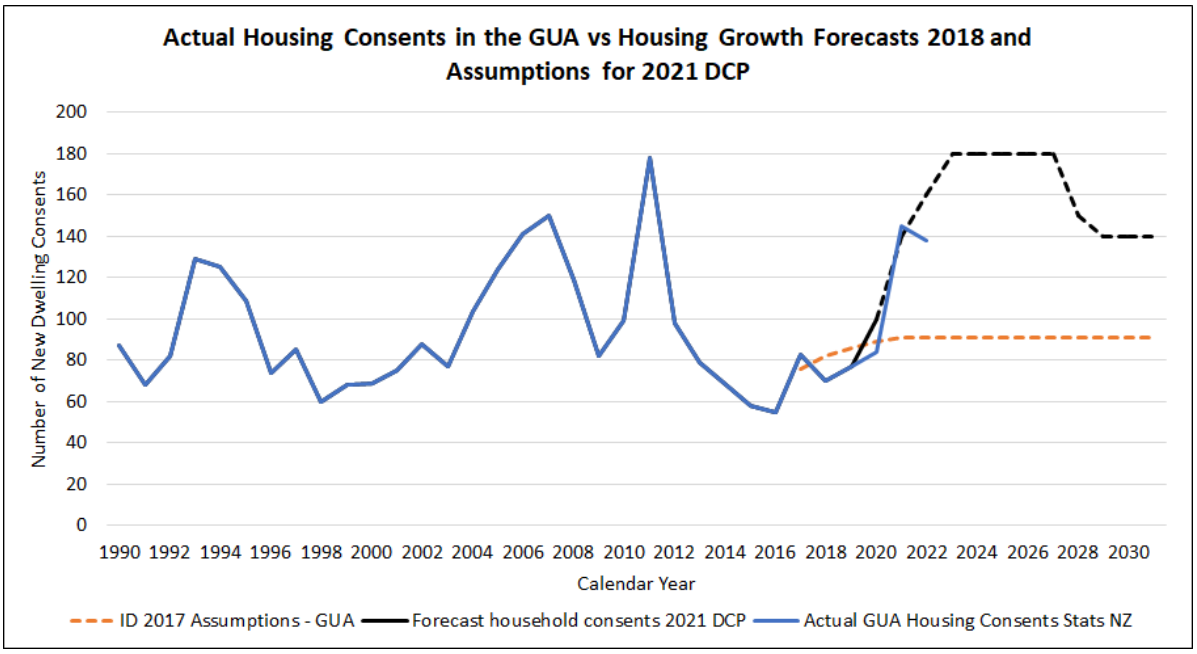
39. Council forecast in the 2021-2031 Long Term Plan and Development Contributions Policy that there would be 1,620 additional households in the 10 years from July 2021 to June 2031. This was a big increase in forecast growth compared to the 2018 Long Term Plan. Recent forecasts and estimates from Statistics NZ have seen a further significant lift in the current estimate and future population projections.

40. The latest draft growth forecasts for the 2024 Long Term Plan are for 1,720 additional households from 2024 to 2033, and 4,320 more households from 2024 to 2053. This is consistent with the Housing and Business Assessment and the draft Future Development Strategy. Over the last year there has been a significant increase in new housing consents that is expected to continue (on average) into the medium to longer term.

41. The majority (90%) of these new households are expected to be in the Gisborne Urban Area and the nearby rural lifestyle areas. There will also be new businesses and community facilities, largely to support the population increase.



42. The infrastructure required to enable this demand presents a huge funding challenge. One of the tools for non-rates funding is development contributions.



43. Council has considerable financial risk in providing infrastructure to enable growth. Infrastructure costs tend to be up front and lead growth.

44. The risks include:

    a. Growth does not arrive – possible costs and debt carried by ratepayers.

    b. Growth higher than forecast – infrastructure problems and Council seen as a barrier.

    c. Growth as expected but costs higher – revise policy at next Long Term Plan or earlier (requires an amendment to the Long Term Plan – not easy).

    d. Possible legal challenges if charges are too high / developers not in agreement.

45. Council must plan for the supply of land to meet growth under National Policy Statement - Urban Development (2020).

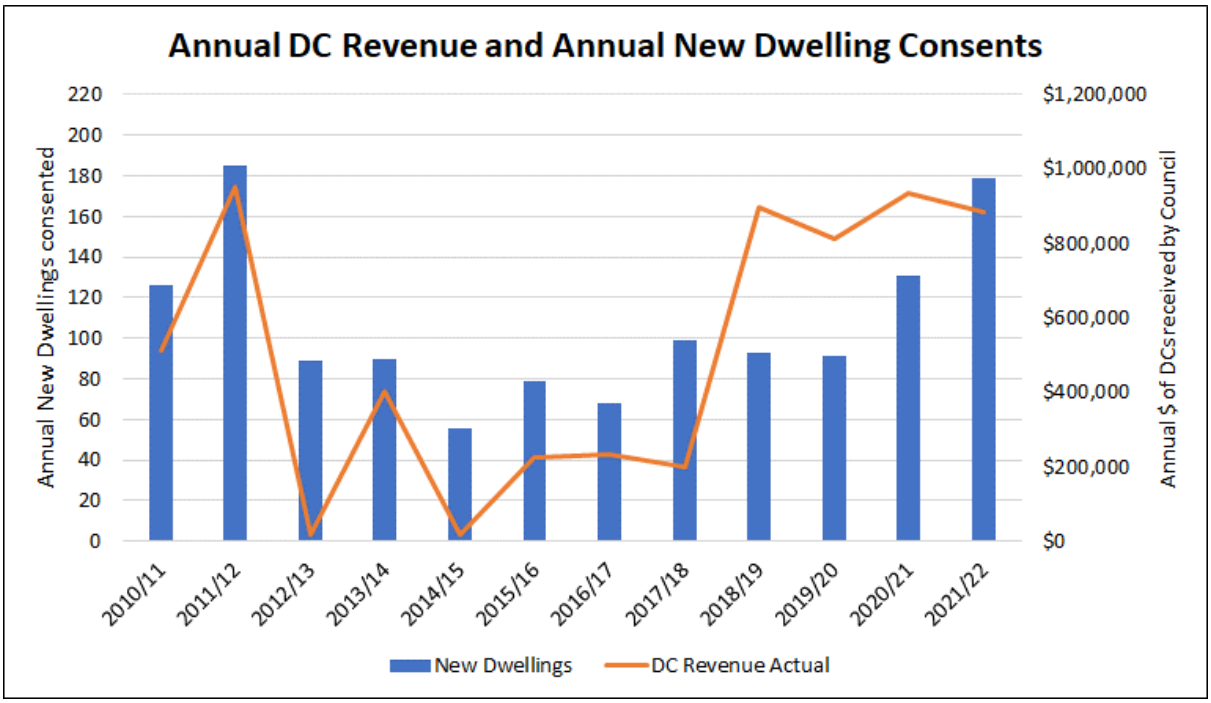
Information needed to prepare a new/revised policy

46. A lot of supporting information is needed in order to revise or prepare Council's Development Contributions Policy. Council currently aligns the policy review cycle with the Long Term Plan review cycle given the alignment in information needed.

47. Information needed includes:
    a. Policy settings e.g. the % of growth costs that will be funded by development contributions, the type of growth related projects included (community facilities).
    b. Strategic links e.g. to the Future Development Strategy.
    c. Funding summary.
    d. Funding policy summary.
    e. Catchment areas the policy applies to.
    f. Significant assumptions e.g. household growth projections.
    g. Project cost allocations showing the renewal, level of service and growth component of projects included.
48. When calculating the development contributions, we include the following information in the policy:
    a. Schedule 1 - Development contribution calculations.
    b. Schedule 2 - Future assets and programmes funded by development contributions.
    c. Schedule 3 - Past assets and programmes funded by development contributions.
    d. Maps of catchments.
49. This means that many teams in Council contribute to the policy development process including:
    a. Infrastructure asset managers from Community Lifelines and Liveable Communities.
    b. Strategic Planning.
    c. Finance.
    d. Planning and Performance.
    e. Building and Resource consenting teams.
    f. GIS and IT support services.

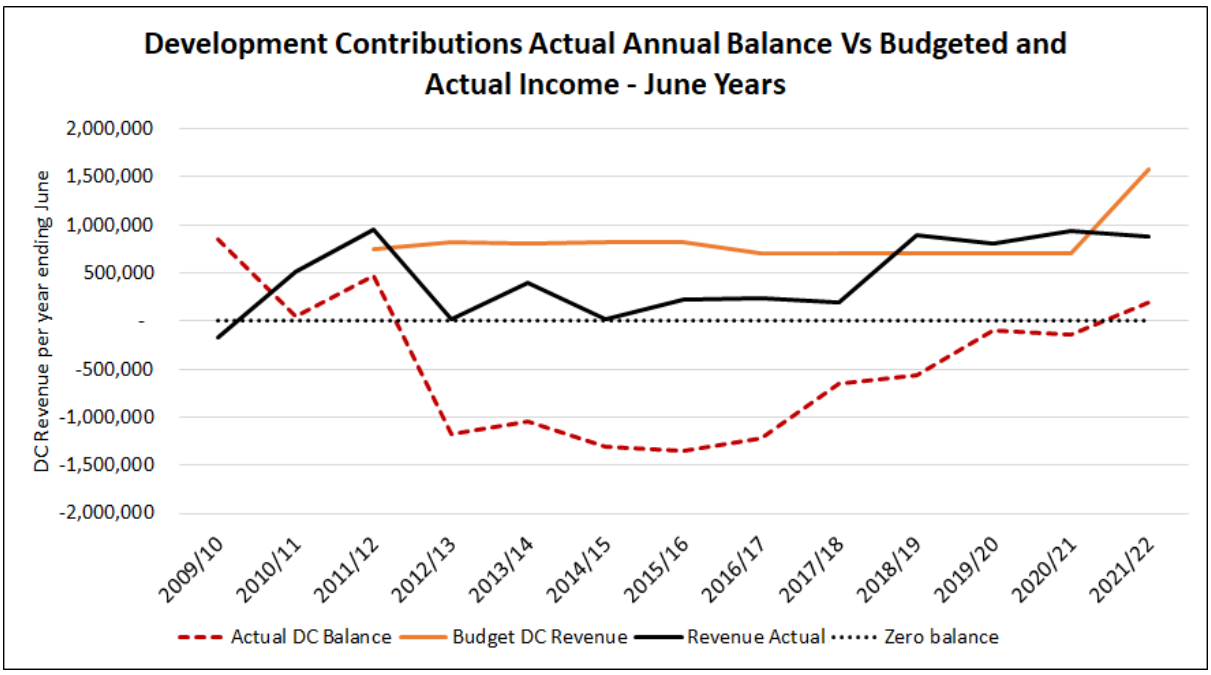
Past trends in development contribution funds

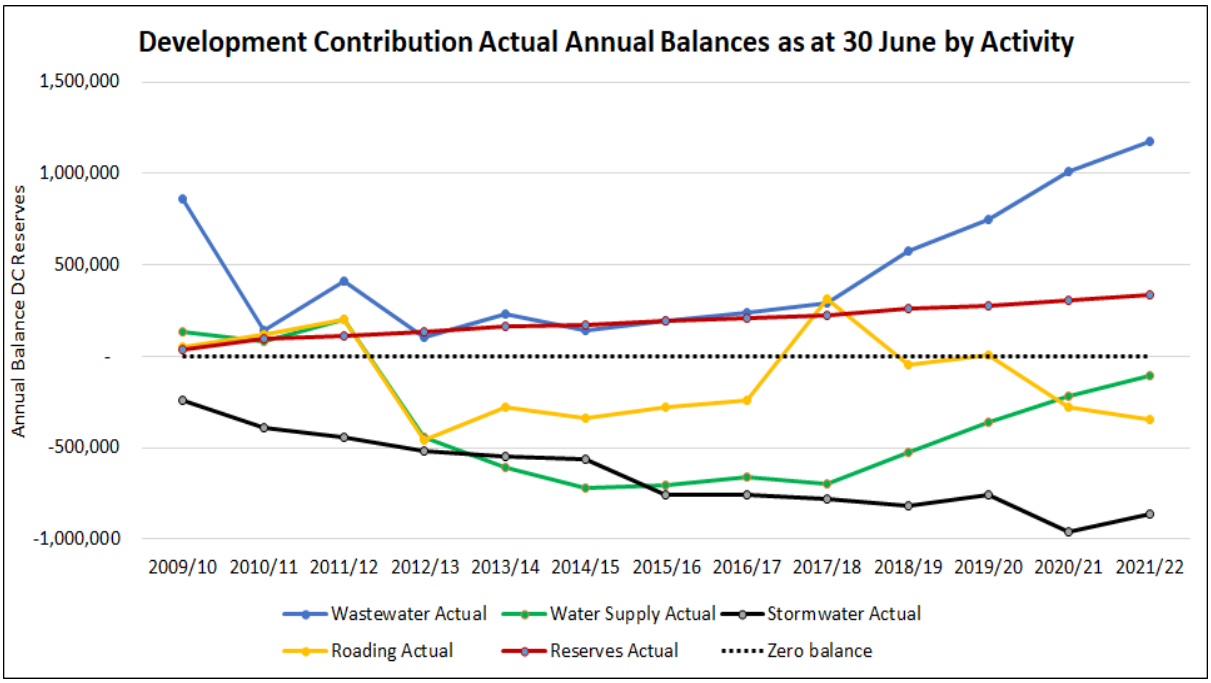
50. It is difficult to forecast the annual flow of development contributions revenue. The majority of development contributions come from residential subdivisions that can take years to get to the s224 Certificate of Completion stage (when development contributions are usually paid). A surge in actual houses being built does not result in a similar increase in development contributions revenue because of this. Often Council will be paying for major infrastructure years before most of the housing is connected. Sudden downturns in the property market can delay subdivisions proceeding for multiple years. Non-residential consents can generate substantial development contributions, but these are small in number and almost impossible to forecast.



51. Over the longer term the forecasts of growth and development contributions revenue are reviewed and adjusted every three years. The impact on Council finances tends to be a need to carry deficits in times of increasing growth with future developments recouping the investment. Council can include forecast financing costs as a component to be funded from development contributions. This is not included in Council's current policy.

52. Currently, the overall development contributions reserves are net positive, with a large positive balance in wastewater offsetting large negatives in stormwater and to a lesser degree Transport. This reflects the timing of growth-related projects in the 2021-2031 Long Term Plan 10 year capital works programme.





Policy development for this review

53. To reduce complexity in the policy development process, there is a standard template for a policy that was prepared by local government practitioners through the Department of Internal Affairs in 2021. This also reduces the risk of legal challenge as it is seen as 'good practice'.

54. Council staff intend to use this template as the basis for the 2024 Development Contributions Policy.

55. In a preliminary scoping of the review the following have been identified as issues to address/debate:

    a. Further simplify non-residential categories and model.

    b. Charges are likely too low for the growth infrastructure now required.

    c. Having one catchment for the entire Gisborne Urban Area may be too simplistic – especially for Greenfield vs Infill.

    d. Any new catchment areas will need to align with any adopted Future Development Strategy (currently under development).

    e. Removal of 3 Waters means those issues will be for Entity C to address.

    f. Transport projects and charges for infill.

    g. Remission for tiny homes.

    h. Supporting analysis for project costs allocation between renewals, levels of service and growth, and catchment location of benefits, needs to be improved due to new case law.

i. Clarification/improvement of some internal processes (part of implementation of the policy predominately).

j. Consideration of community facilities growth projects/components of projects.

k. Consideration of discounts for demand mitigation or to promote certain types of housing.

l. Joint growth-related projects with Waka Kotahi.

m. Consideration of climate change adaptation.

Impact of three waters reform

56. Currently the Water Services Entities Bill will prohibit Council from charging any development contributions for the 3 Waters from 1 July 2024. The new Entity C will charge a 'Water Contribution' that will be based on a similar, but separate, process. Council will be required to work with Entity C to coordinate subdivision and building consents and service connections to enable this to happen.

ASSESSMENT of SIGNIFICANCE - AROTAKENGA o NGĀ HIRANGA

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation
Overall Process: **Low** Significance
This Report: **Low** Significance

Impacts on Council's delivery of its Financial Strategy and Long Term Plan
Overall Process: **Medium** Significance
This Report: **Low** Significance

Inconsistency with Council's current strategy and policy
Overall Process: **Low** Significance
This Report: **Low** Significance

The effects on all or a large part of the Gisborne district
Overall Process: **Medium** Significance
This Report: **Low** Significance

The effects on individuals or specific communities
Overall Process: **Medium** Significance
This Report: **Low** Significance

The level or history of public interest in the matter or issue
Overall Process: **High** Significance
This Report: **Low** Significance

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

TANGATA WHENUA/MĀORI ENGAGEMENT - TŪTAKITANGA TANGATA WHENUA

COMMUNITY ENGAGEMENT - TŪTAKITANGA HAPORI

58. Development Contributions forms part of the Long Term Plan project and engagement process. A specific approach for the policy alongside the overall Long Term Plan process and key specific stakeholder identification (e.g. developers) is still in development.

CLIMATE CHANGE – Impacts / Implications - NGĀ REREKĒTANGA ĀHUARANGI – ngā whakaaweawe / ngā ritenga

59. Climate change adaptation will be considered as part of the policy development process. This policy itself cannot address impacts/implications of climate change directly however it may play a role in the wider picture for our infrastructure.

CONSIDERATIONS - HEI WHAKAARO

Financial/Budget

60. This review has been budgeted for and it is expected that the work will remain within budget.

Legal

61. Some of the specific legislative requirements have been outlined in the background and discussions sections.

62. As part of the review process there will be a legal review of the draft policy prior to adoption to consult later this year.

POLICY and PLANNING IMPLICATIONS - KAUPAPA HERE me ngā RITENGA WHAKAMAHERE

63. See background and discussion sections above.

RISKS - NGĀ TŪRARU

64. Some risks around planning and paying for growth projects have been outlined in the discussion and background sections of this report. Once we are further into the development process further risks will be identified and discussed.

65. The key risk for this policy development project is ensuring our evidence is robust and defendable in the event that the policy is challenged, and we end up in front of commissioners or the Court.

NEXT STEPS - NGĀ MAHI E WHAI AKE

Date	Action/Milestone	Comments
March 2023	Analysis on current Policy	Identify issues with current DCP
TBC	Workshop on draft policy settings	Part of LTP workshops and process
December 2023	Draft DCP prepared for Council consideration	Completed draft DCP ready for consultation.

ATTACHMENTS - NGĀ TĀPIRITANGA

1. Attachment 1 - Development Contributions Additional Information [**23-61.1** - 3 pages]

Development Contributions Explained – in more detail

Development Contributions – what are they?

Council provides infrastructure that enables new housing and commercial developments to be built. While developers generally provide the on-site infrastructure in new developments (three waters, streets etc), these all connect to the wider public networks and require additional capacity. This public infrastructure is very expensive and takes years to plan, fund and build.

The Council can charge subdividers for their share of the future costs to infrastructure and community facilities from household and commercial growth. By doing this the costs (or some of them) of growth are paid for by those who create the demand. To ensure that existing levels of service to the community are maintained and that existing ratepayers do not carry the weight of this increased demand, Development Contributions (DCs) are payable by those creating the extra demand.

Council has multiple sources of funding for infrastructure investment:

- government grants (IAF etc)
- government agency co-investment (Waka Kotahi NZTA)
- Loans funded through rates
- Rates (depreciation reserves)
- Other reserves and asset sales
- Development contributions
- Other grants and charges

Development Contributions are payable on developments or subdivisions that generate additional demand on services. This development may include new greenfields subdivision, infill development, townhouses, and any project that creates additional commercial or industrial sites or buildings. In catchments / urban areas that already have sufficient infrastructure capacity development contributions towards new capacity is not required.

Development Contributions do not fund operational expenditure or parts of capital works which deal with infrastructure renewal, infrastructure upgrades and where the required level of service to the existing community is not being met. Mandatory increases in levels of service (NZ Drinking Water Standards, wastewater discharge upgrades, Freshwater regulations) cannot be included in DCs. A renewed library with the same capacity as an existing one would also not be included in DCs.

Contributions may also be required for conversions or extensions to existing buildings where they create new or additional uses – things like converting one residence into two, converting a residential building into a commercial office, or changing a commercial / industrial use to one that has a higher demand for infrastructure (say from a warehouse to a food processing factory).

Any contribution payable is calculated under the Council's Development Contributions Policy.

Have Development Contributions always been charged?

Development contributions were introduced by the Local Government Act 2002 (LGA). Prior to this Councils could levy a charge under the financial contribution powers of the Resource Management Act (RMA 1991). Various lump sum capital charges were also possible and widely used under the Local Government Act 1977.

Most Councils experiencing growth now charge a development contribution on new development. These vary significantly between Councils in what they fund and how much the charge is per lot / type.

The Legal Basis for Development Contributions

Previous to the LGA capital charges were at times difficult to levy and could be very difficult to change. From a legal challenge and process time point of view the LGA 2002 powers are far easier to bring into effect. Financial contributions can only be put into place through the District Plan, and a plan change is required to alter the numbers.

A council has to consult on a draft DCP. The DCP has to be consistent with the Long Term Plan (LTP) assumptions around growth. A DCP has to have considerable supporting information that details and justifies the need, timing and costs of any growth projects. This can be an onerous process for staff, although this information should be part of the Asset Management Plans, LTP process and other growth related planning (such as the Housing and Business Assessment and the Future Development Strategy).

Most Councils develop and consult on their DCP as part of the LTP process. This ensures that the assumptions and projects are aligned, and consultation costs are minimised. Council needs to have Asset Management Plans in good order, have a fair idea of future growth (location and volume), and how this growth will impact on existing network services and community facilities.

Council must have a policy on contributions, although the policy can be that there are no charges. A number of smaller rural councils and a few provincial councils do not charge DCs, and a few only use financial contributions (e.g. Napier).

DCs can ONLY be charged for growth related capital infrastructure costs, and these projects must be in the LTP / Infrastructure Strategy. Other limitations include:

- Charges for each infrastructure activity should reflect the catchments that relate to each new development (so a subdivision in Ruatoria should not be charged for growth related water supply projects in the Gisborne Urban Area).
- Generally, a charge should not be levied district wide.
- Charges should reflect the share of the cost of the infrastructure required:
    - Greenfield versus infill
    - Fair and reasonable with some link to actual demand.
- Charges can be increased each year between LTPs using the Producer Price Index Construction Price Index.
- Council cannot charge for contributions to new capacity where funding has already been received from other sources (NZTA, Infrastructure Acceleration Fund, ‘shovel ready’ Crown funding etc). You cannot offset other grants and redirect that funding.
- Can only charge for the capacity that will be consumed over the period of the DCP (usually 10 years). The new developments in the next 10 years should not be paying for all of a new asset that has 50 years of growth capacity.

The LGA allows Council to set DCs across wider areas and treating networks as a whole in order to be administered efficiently, and recognises that Council information on costs is often handled at a network wide basis.

Council can change over time (in future reviews of the DCP and LTP) what projects are being funded from DCs, and their costs, as long as the funds continue to be spent on the activity and network originally planned. If Council does not spend the funds, then eventually they would have to be repaid. These requirements mean that all contributions and the projects they are used to fund have to be tracked and administered by Council over the longer term.

There is a dispute process set by the LGA that escalates from Council processes to independent commissioners and then to the High Court. The policy can only be challenged in the courts on the basis of process and whether it was reasonable (e.g the forecasts, methodology and consultation are sound). This has occurred (North Shore City, Hamilton City) and the case law is evolving.

How the DC charge is worked out

The DCP converts forecast growth into Household Unit Equivalents (HUE), which is one average household unit. This is worked out based on the current usage of infrastructure (traffic movements, water use etc). For commercial / industrial developments this is converted from the size (floor / site area / serviced rooms) of different types of businesses and activities.

This results in a forecast number of additional HUEs that the Council will be providing infrastructure for. The amount of new capacity required as stated in the new LTP is then totalled up by activity. The DC charge is worked out by dividing the total growth related costs in each activity by the number of forecast HUEs. So a future subdivision that creates 10 new household lots will be charged 10 times the DC charge for each activity (water, wastewater, transport etc).

Staff calculate the DC payable for each development as part of the consent process being applied for. Staff only have discretionary powers to vary the DC charge if they are included in the DCP. Applicants can object using the LGA specified process, which includes a Council review, independent commissioners and ultimately the High Court.