



Tairāwhiti Regional Freshwater Planning Advisory Group – Hui 1

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Title of report: Overview of freshwater planning in Tairāwhiti

Report no: **1**

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Purpose of this report

This report provides an overview of freshwater planning in Tairāwhiti. It outlines how this Advisory Group will support the review of the regional freshwater planning provisions contained in the current Tairāwhiti Resource Management Plan (TRMP).

Updating Council's freshwater planning framework forms part of the wider programme of work to update the TRMP.

Outcome sought

Members of this Advisory Group understand the context and process for reviewing the regional freshwater planning provisions, and what is expected of them as members of this Advisory Group.

1. Table of contents

1.	Table of contents	2	
1.	Background	3	
1.1.	Legislative context – planning for freshwater management	3	
1.2.	Changes to the Resource Management Act	3	
1.3.	Application of Te Mana o te Wai in freshwater planning	3	
2.	2015 Gisborne Regional Freshwater Plan	4	
2.1.	Freshwater planning provisions – Regional Policy Statement, regional provisions, Waipaoa catchment provisions	4	
2.2.	Public notification in 2015	4	
2.3.	First Freshwater Advisory Group - established 2010.....	4	
3.	Current review of the freshwater planning provisions.....	5	
3.1.	The bigger picture in Tairāwhiti	5	
3.2.	Freshwater Planning workstream within the TRMP review programme	6	
3.3.	Progress made in the Freshwater Planning workstream.....	8	
3.4.	A new Tairāwhiti Regional Freshwater Planning Advisory Group in 2023.....	8	
3.4.1.	Overview of the new Advisory Group	8	
3.4.2.	Expected outputs	9	
3.4.3.	What’s new and different in this process?	9	
3.5.	Communication and engagement.....	10	
3.6.	Timeframes	10	
4.	Appendices.....	11	
4.1.	Appendix 1 – Tairāwhiti Regional Freshwater Plan Advisory Group – meeting schedule summary	11	11
4.2.	Appendix 2 – Timeframes	15	

1. Background

1.1. Legislative context – planning for freshwater management

The National Policy Statement for Freshwater Management 2020 (NPS-FM) is an important legislative tool for achieving national goals for freshwater¹. It provides direction on how local authorities should manage freshwater under the Resource Management Act 1991 (RMA).

Requirements include:

- a. Managing water in a way that gives effect to Te Mana o te Wai².
- b. Applying a National Objectives Framework (NOF) to help manage freshwater.
- c. Avoiding any further loss or degradation of wetlands and streams, mapping existing wetlands and encouraging their restoration.
- d. Addressing in-stream barriers to fish passage.

Councils are required to publicly notify their statutory freshwater planning instruments by the end of 2024 under the RMA freshwater planning process (section 80A).

1.2. Changes to the Resource Management Act

Freshwater planning is happening in a time of significant legislative change. Current central government reforms will replace the RMA with three new pieces of legislation:

- a. **Natural and Built Environments Act (NBA)** - the main replacement for the RMA, aiming to protect and restore the environment while better enabling development.
- b. **Spatial Planning Act (SPA)** - will require the development of long-term regional spatial strategies.
- c. **Climate Adaptation Act (CAA)** - to address complex issues associated with managed retreat.

Despite these major reforms, Council will continue to work under the RMA to review its TRMP, including the requirements to prepare freshwater planning instruments by December 2024.

The central government reforms will take time to complete and there will be a transition period to provide time for councils to develop plans under the new legislation. This will give Council the opportunity to transition our planning instruments into the new resource management framework.

1.3. Application of Te Mana o te Wai in freshwater planning

Te Mana o te Wai refers to the vital importance of water and is the overarching concept of the NPS-FM 2020. When managing freshwater, it ensures the health and wellbeing of the water is protected, and human health needs are provided for, before enabling other uses (e.g. irrigation, industrial use) of water. It expresses the special connection all New Zealanders have with freshwater.

The NPS-FM 2020 strengthens Te Mana o te Wai by providing stronger direction, from “consider and recognise” in the 2017 version to “give effect to” in the 2020 version.

As a requirement, every regional (or unitary) council must engage with tangata whenua and communities to determine how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the region.

The proposed approach and further information about Te Mana o te Wai are discussed in more detail in Report 2.

¹ Link to NPS-FM: <https://environment.govt.nz/publications/national-policy-statement-for-freshwater-management-2020-amended-february-2023/>

² See section 1.2 below. 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.

2. 2015 Gisborne Regional Freshwater Plan

2.1. Freshwater planning provisions – Regional Policy Statement, regional provisions, Waipaoa catchment provisions

Council has given effect to an earlier version of the NPS-FM 2014 through the development of the Gisborne Regional Freshwater Plan (including the Waipaoa Catchment Plan). This work started in 2008, when a proposed National Environment Standard of Ecological Flows and Water Levels prompted Council to consider the need for a Freshwater Plan.

The Plan was largely drafted in 2013-14, and later publicly notified in October 2015.

The 2015 Gisborne Regional Freshwater Plan included:

- Regional Policy Statement (RPS) – freshwater objectives, strategic policies and methods
- Regional provisions for water quantity and allocation;
- Regional provisions for water quality and discharges to water and land;
- Regional provisions for activities in the beds of rivers and lakes;
- Regional provisions for riparian margins, wetlands; and
- and Waipaoa catchment provisions.

Provisions refer to objectives, policies, and rules in a Plan. After most of the freshwater provisions were made operative, these provisions were incorporated, alongside other previously stand-alone plans such as the Regional Coastal Plan, to form the TRMP.

In this TRMP review, we are reviewing the Gisborne Regional Freshwater Plan provisions (which are the Regional Policy Statement (RPS), the regional provisions, and the Waipaoa catchment provisions). As part of this review, we are also developing catchment plans for the other six catchments in our region.

2.2. Public notification in 2015

Council publicly notified its plans on 10 October 2015. Hearings were held from August to December 2016 and a decision was issued in 2017.

One appeal on the current freshwater planning provisions has only recently been resolved. This appeal relates to iwi proprietary interests and rights in freshwater. The Environment Court, High Court and Court of Appeal declined the appeal. The appellant sought a hearing through the Supreme Court based on exceptional circumstances. The Supreme Court recently refused the request. The freshwater planning provisions can now be made fully operative once approved by Council.

2.3. First Freshwater Advisory Group - established 2010

In December 2010, Council formed the first Freshwater Advisory Group (FWAG) – a collaborative group representing a wide range of interests across the region. This group supported the development of the original Freshwater Plan.

While initial investigations focused on water quantity, other issues were quickly identified such as:

- faecal contamination;
- sedimentation;
- expansion of intensive farming practices
- barriers to fish passage; and

- the impacts of activities in the beds of rivers and lakes on water quality and aquatic ecosystems.

During 2011, the Council and the FWAG embarked on an extensive process of identifying the significant values of the region's waterbodies through the River Values Assessment System (RiVAS)³. Further research and investigations were also undertaken, looking at both water quantity and quality issues including:

- Potential impacts of climate change on water resources
- Water demand from both municipal and irrigation uses
- Groundwater boundaries and recharge rates
- The economic value of irrigation
- Crop water requirements
- Current allocation levels and use.

When the amendments to the NPS-FM 2011, including the National Objectives Framework (NOF)⁴, was released in draft in 2013, a decision was made to additionally incorporate provisions to set limits and attribute states as required by the NOF.

Public consultation was held in 2013 after which the work of developing draft provisions for the Gisborne Regional Freshwater Plan occurred. The FWAG was very active throughout 2014, meeting monthly with Council staff to discuss possible approaches and options for different freshwater management issues.

Following public and stakeholder consultation, a draft Plan was developed and released for consultation in September 2014. Feedback from consultation was taken back to the FWAG for discussion before the draft plans were made ready for public notification in 2015.

3. Current review of the freshwater planning provisions

3.1. The bigger picture in Tairāwhiti

Freshwater planning fits into the wider context of the TRMP review. The full review of the TRMP is an organisational priority. The 2021–2031 Long Term Plan (LTP) included a significant investment of \$25.8m (including \$7m for freshwater) to support a review of the TRMP and deliver Council's Freshwater Planning programme.

We're in the third year of Phase 1 - covering years 1 to 4, which includes three workstreams:

- a. The **Regional Policy Statement (RPS)** workstream covers the development of a new RPS, which provides an overview of the significant resource management issues of the region, and policies and methods to achieve integrated management of the natural and physical resources of the region.
- b. **Urban Growth and Development** workstream involves implementation of the National Policy Statement on Urban Development 2020. This involved a full review of all urban zones – including all the residential, commercial and industrial zones in the Gisborne urban area and rural settlements and zoning of the periphery of these areas.
- c. The **Freshwater Planning** workstream involves updating the regional freshwater planning provisions and Waipaoa catchment provisions, and developing the remaining six catchment plans as required under the NPS-FW 2020. This includes the implementation of Te Mana o te Wai.

The proposed approach to integrating freshwater into the RPS is discussed in more detail in Report 3.

³ Significant values identified included irrigation, native birdlife, native fish, natural character, salmonid angling, river swimming and domestic use.

⁴ The National Objectives Framework (NOF) sets up requirements for regional councils and unitary authorities in setting objectives, policies and rules to manage freshwater in their regions.

An additional plan change is being developed as a result of cyclone Gabrielle and the recommendations from the recent Ministerial inquiry into land use and mobilization of forestry slash and sediment in Tairāwhiti and Wairoa⁵.

3.2. Freshwater Planning workstream within the TRMP review programme

Council's Freshwater Planning framework is divided into two parts:

- a. **Regional freshwater plan provisions** that apply to freshwater-related activities wherever they occur in the region. This will include objectives, policies and rules for the management of freshwater quantity and quality, and activities relating to freshwater across the whole of Tairāwhiti. 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.
- b. **Seven catchment plans** that focus on managing freshwater quality and quantity issues that are specific to catchment areas. Aside from the Waipaoa Catchment Plan (notified in the 2015 Gisborne Regional Freshwater Plan), we look to develop catchment plans for the remaining catchments, which are:
 - Mōtū
 - Hangaroa – Ruakituri
 - Waimatā – Pakarae
 - Ūawa
 - Waiapu
 - Wharekahika – Waikura.

Figure 1 shows the catchment areas:

⁵ <https://environment.govt.nz/assets/Outrage-to-optimism-superseded.pdf>

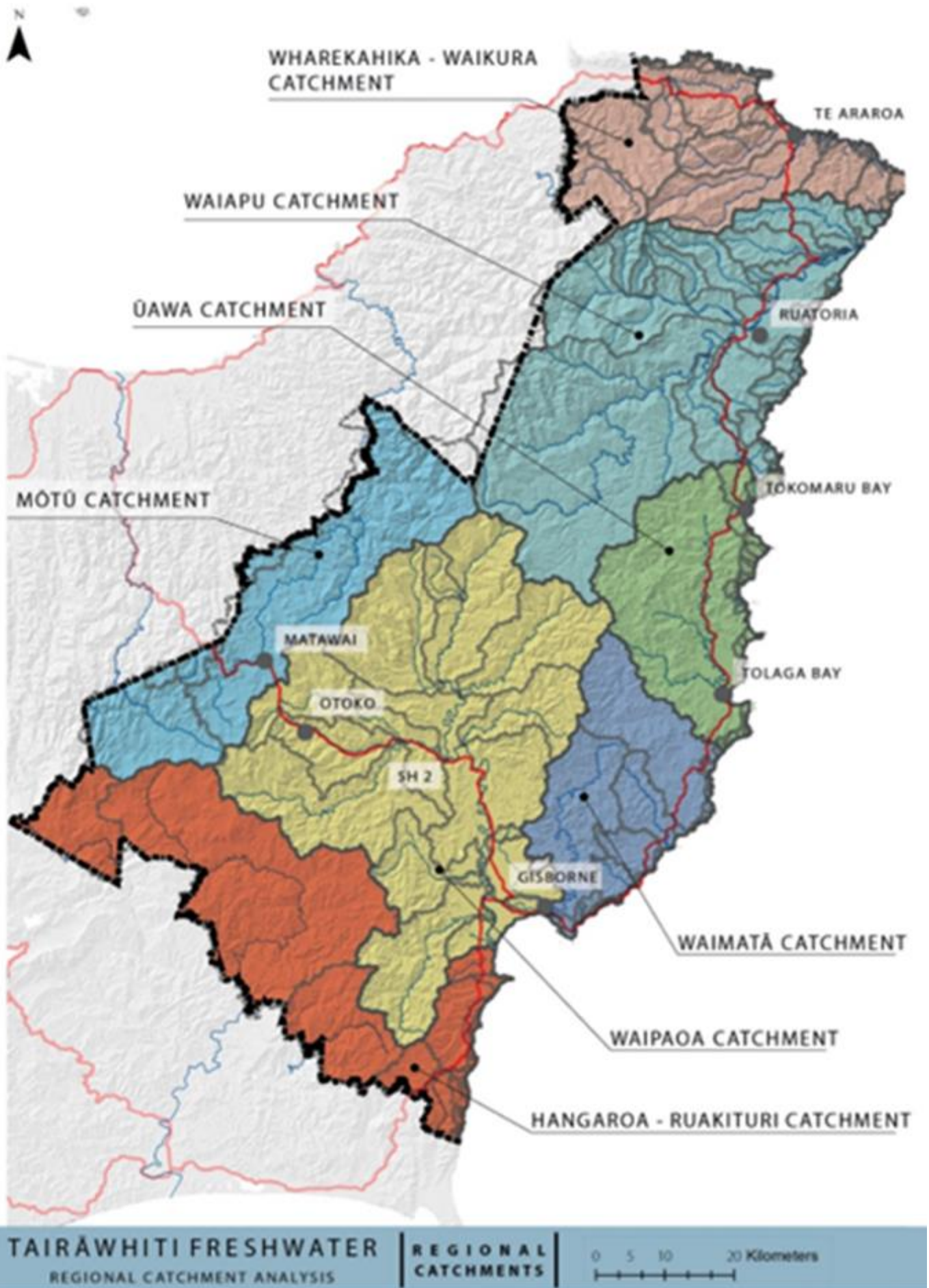


Figure 1: Map of the region with the regional and catchment boundaries.

3.3. Progress made in the Freshwater Planning workstream

The Freshwater Planning workstream has been underway since mid-2020 and includes research, engagement and policy development. Council is required by legislation to publicly notify our Freshwater Planning Policy under the National Framework by the end of 2024.

A series of technical work around freshwater monitoring and assessment is being undertaken, with some successfully completed (as indicated below):

- a. Land Management Practices and nutrient losses from farms on the Poverty Bay and Ūawa Flats (SPASMO model)
- b. Habitat assessments for Waipaoa and Te Arai rivers
- c. Regional wetlands mapping - verification of desktop analysis and prioritised database
- d. Regional eDNA testing
- e. Desktop location of inanga spawning sites – COMPLETED
- f. Fish passage assessments in the Waipaoa Catchment – COMPLETED
- g. Urban Watercourse Assessment – COMPLETED
- h. Faecal source tracking in urban waterways – COMPLETED
- i. Groundwater modelling in the Poverty Bay Flats – COMPLETED
- j. Review of freshwater monitoring framework – COMPLETED.

The seven catchment plans are in various stages of planning:

- Mōtū: draft completed, staff progressing toward public notification
- Hangaroa - Ruakituri (southern): started, pending tangata whenua engagement
- Waimatā - Pakarae: underway
- Ūawa: started, tangata whenua engagement about to begin
- Waiapu: underway - plan being co-designed with Ngāti Porou under a Joint Management Agreement
- Wharekahika - Waikura (northern): started, pending tangata whenua engagement.

Also refer to Information Report 23-91 for the most recent freshwater progress update to Council's Sustainable Tairāwhiti committee on 1 June 2023 for more information⁶.

3.4. A new Tairāwhiti Regional Freshwater Planning Advisory Group in 2023

3.4.1. Overview of the new Advisory Group

The purpose of this Advisory Group is to enable local expertise and knowledge to inform the review of the freshwater planning provisions through facilitated discussion and debate. This is an opportunity for the group to 'deep-dive' into regional freshwater planning matters and work together on reviewing this important part of the TRMP⁷.

Eleven hui, with a set agenda for each hui, are planned for this process. Council's Freshwater Planning team will provide informational reports on selected topics ahead of each monthly meeting. Members will provide their perspectives and expertise on these topics. These topics have been carefully selected to assist in the development of the plans.

⁶ https://www.gdc.govt.nz/data/assets/pdf_file/0028/52489/Agenda-Sustainable-Tairawhiti-1-June-2023.pdf

⁷ Other engagement with mana whenua will occur alongside this forum and contribute to the overall development of the regional plan provisions, as well as the seven catchment plans.

The team will look to find areas of agreement and disagreement, in order to shape the conversation and support the plan review process. All feedback from the group will be recorded and ultimately compiled into a report, including recommendations, to be presented to elected members.

More details on the Advisory Group function and role are provided in the [draft Terms of Reference for discussion](#). These have been circulated with the information pack for the first meeting.

3.4.2. Expected outputs

Members of the Advisory Group will directly inform the development of the freshwater planning provisions so that it best represents the range of interests in our region and aligns with the requirements of the NPS-FM 2020.

This will be achieved through facilitated discussion and debate, sharing of information and expertise between the Freshwater Planning team and members of the Advisory Group. An important goal of the Advisory Group is for members to discuss the merit of different freshwater policy options. In summary, the Advisory Group will focus on finding agreement to inform plan development.

The output from the series of hui, as well as other community communication and engagement initiatives, is the completion of draft freshwater planning provisions by the Freshwater Planning team. The recommendations may contain both regulatory (e.g. rules in plans) and non-regulatory (e.g. riparian/river planting) measures to maintain or improve freshwater outcomes for the region.

The Freshwater Planning team will then take the draft freshwater planning provisions to elected members to approve for public notification. This starts a formal process for receiving submissions under the RMA. Once the submission process is completed, Council will submit its Freshwater Planning documents to the Chief Freshwater Commissioner who will then convene a Freshwater Hearings Panel to make recommendations to Council on the plans.

3.4.3. What's new and different in this process?

The 2010 Freshwater Advisory Group created a dynamic and largely successful forum for discussion. Council staff reflected on their past experience and have recommended and implemented changes to the previous framework to improve the journey for all participants and to ultimately create a stronger Freshwater Planning framework and outcomes for our region.

Here are the key changes:

Keeping it local	<ul style="list-style-type: none"> • The Advisory Group will only have local representatives. Previously the Advisory Group included members from out-of-region representing national sector interests such as Horticulture New Zealand, Federated Farmers and Fish and Game. • Council's position for this plan review is to convene a group made only of local Tairāwhiti people with strong connections to and experience of the region, its landscape and its people.
Clear structure and outcomes	<ul style="list-style-type: none"> • The Advisory Group will meet on a monthly basis, and there will be a large amount of information to digest and discuss.

	<ul style="list-style-type: none"> • As such, the process has more structure to ensure each plan and its various provisions is given time to be discussed. • Reports will be provided ahead of each monthly hui, based on the schedule of meetings developed for this group (<i>refer to Appendix 2</i>).
Te Mana o te Wai	<ul style="list-style-type: none"> • This refers to the vital importance of water. • A significant addition to the NPS-FM is the addition of Te Mana o te Wai as the overarching concept. • Te Mana o te Wai reinforces the need for Council to commit to protecting the health of freshwater and the health and wellbeing of the wider environment. • Te Mana o te Wai will inform the plan review and, subsequently, the plans will need to show how their provisions give effect to it.
Separate advisory groups for Regional Plan and each Catchment Plan	<ul style="list-style-type: none"> • Makes sense to separate the processes - different partners and stakeholder groups for different plans.

3.5. Communication and engagement

A Communications and Engagement Plan is being developed to give effect to the NPS-FM 2020. Council will use a range of communication methods to seek partner, stakeholder and broader community inputs during the development of the draft freshwater planning provisions. Council will update the website with the details of different hui as they are made available.

3.6. Timeframes

There are 11 Advisory Group hui scheduled, with the last hui planned for June 2024. This will provide the Freshwater Planning team with a small window of time to circulate the plans for feedback, finalise the documents, integrate them with other draft catchment plans and gain approval for public notification prior to the December 2024 deadline under the NPS-FM 2020. The current public notification approval timeframe is to go to Council in November 2024.

Refer to Appendix 2 for freshwater planning indicative timeframes.

4. Appendices

4.1. Appendix 1 – Tairāwhiti Regional Freshwater Plan Advisory Group – meeting schedule summary

Meeting	Proposed Agenda	Proposed date and location	Reports
Meeting 1	<p>Intro / context</p> <ul style="list-style-type: none"> • Karakia & mihi • Overview • Scene setting, inclusive of broader Te Mana o te Wai conversation • Draft Terms of reference – for discussion • Name of group • Existing plans • Current policy setting <p>Regional Freshwater Plan</p> <ul style="list-style-type: none"> • Regional State of the Environment • Overview of plan sections <p>Regional Policy Statement</p> <ul style="list-style-type: none"> • Significant resource management issues for freshwater <p>Closing karakia</p>	<p>12 July 2023 Waikanae Surf Club</p>	<p>Report 1 – Scene setting for freshwater planning in Tairāwhiti</p> <ul style="list-style-type: none"> • Legislative context • Previous 2015 planning process • 2023 scope, need for a new FWAG: Timeframes <p>Report 2 – Te Mana o te Wai</p> <ul style="list-style-type: none"> • Integration with freshwater planning • Implementation principles • Tangata whenua involvement <p>Report 3 – Regional Policy Statement</p> <ul style="list-style-type: none"> • Regional context – landuses, demographics, economy, geography • Significant freshwater issues • Integration with freshwater planning
Meeting 2	<p>Regional Plan - Activities in the beds of lakes and rivers</p> <ul style="list-style-type: none"> • Content • Review • Issues and options 	<p>16 Aug 2023 Rose Room, Lawson Field Theatre</p>	<p>Report 1 – Review of activities</p> <ul style="list-style-type: none"> • Content • Review process • Issues and options • Recommendations

Meeting 3	Regional Plan - Water Quality and Discharges 1 <ul style="list-style-type: none"> • Point source discharges • Review • Issues and Options 	13 Sept 2023 Rose Room, Lawson Field Theatre	Report 1 – Water Quality and Discharges 1 <ul style="list-style-type: none"> • Current state • Point source discharges • Issues and options
Meeting 4	Regional Plan - Water Quality and Discharges 2 <ul style="list-style-type: none"> • Diffuse discharges • Review • Issues and Options 	11 Oct 2023 Waikanae Surf Club	Report 1 – Water Quality and Discharges 2 <ul style="list-style-type: none"> • Diffuse discharges • Issues and options Report 2 - Activities in the beds of lakes and rivers <ul style="list-style-type: none"> • evaluation of options
Meeting 5	Regional Plan - Water Quality and Discharges 3 <ul style="list-style-type: none"> • Solid discharges • Discharges from hazardous substances, cont. sites, septic tanks • Review • Issues and Options 	15 Nov 2023 Rose Room, Lawson Field Theatre	Report 1 – Water Quality and Discharges 3 <ul style="list-style-type: none"> • Solid discharges • Issues and options Report 2 – Discharges from hazard substances; Septic tanks <ul style="list-style-type: none"> • Issues and options Report 3 - Point source discharges <ul style="list-style-type: none"> • evaluation of options
Meeting 6	Regional Plan –Riparian Margins, Wetlands <ul style="list-style-type: none"> • Plan content • Review of provisions • Issues and Options • Evaluation / discussion around options 	13 Dec 2023 Rose Room, Lawson Field Theatre	Report 1 – Riparian Margins, Wetlands <ul style="list-style-type: none"> • Scheduled wetlands • Riparian mgt areas • Issues and options • Evaluation and recommendation Report 2 - Diffuse discharges <ul style="list-style-type: none"> • evaluation of options

Meeting 7	Regional Plan – Water Quantity 1 <ul style="list-style-type: none"> • Regional monitoring data • Supply demand context • Regional plan provisions • What works, what doesnt • Discussion 	14 Feb 2024 Rose Room, Lawson Field Theatre	Report 1 – Water Quantity 1 <ul style="list-style-type: none"> • Current state • Allocation framework • Transfers • Over-allocation • Water restrictions Report 2 – Water Quantity 2 <ul style="list-style-type: none"> • Permitted takes • Community takes • Municipal supply
Meeting 8	Regional Plan – Water Quantity 2 <ul style="list-style-type: none"> • Recap allocation issues • Review of provisions • Issues and options 	13 March 2024 Rose Room, Lawson Field Theatre	Report 1 – Water Quantity 2 <ul style="list-style-type: none"> • Summary of issues • Options for managing allocation
Meeting 9	Regional Plan – Review of water quality topics – proposed policy for: <ul style="list-style-type: none"> • Point source discharges • Diffuse discharges • Solid discharges • Evaluation of options and recommendation 	17 April 2024 Rose Room, Lawson Field Theatre	Report 1 – Point source discharges Report 2 – Diffuse discharges Report 3 – Solid discharges
Meeting 10	Regional Plan – Review of water quantity topics <ul style="list-style-type: none"> • Permitted takes • Municipal water supply • Permits • Over-allocation • Water restrictions • Transfers • Matters for further consideration • Evaluation of options and recommendation 	15 May 2024 Rose Room, Lawson Field Theatre	Report 1 – Follow-up on water quantity topics <ul style="list-style-type: none"> • Evaluation and recommendation

Meeting 11	Regional Plan – synthesis <ul style="list-style-type: none">• Recap of process• Synthesis of plan components	12 June 2024 Rose Room, Lawson Field Theatre	Report 1 - Synthesis of regional plan components <ul style="list-style-type: none">• Overview of process• Draft provisions Report 2 – next steps <ul style="list-style-type: none">• Public feedback• Governance approval• Public notification
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4.2. Appendix 2 – Timeframes

