

AGENDA



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), Meredith Akuhata-Brown, Bill Burdett, Andy Cranston, Shannon Dowsing, Sandra Faulkner, Larry Foster, Debbie Gregory, Isaac Hughes, Tony Robinson, Pat Seymour, Terry Sheldrake and Kerry Worsnop

SUSTAINABLE TAIRĀWHITI Committee

DATE: Thursday 8 September 2022

TIME: 9:00AM

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

AGENDA – OPEN SECTION

1. Apologies.....	3
2. Declarations of Interest.....	3
3. Confirmation of non-confidential Minutes	4
3.1. Confirmation of non-confidential Minutes 28 July 2022	4
3.2. Confirmation of Confidential Minutes 2 June 2022.....	10
3.3. Action Sheet	12
3.4. Governance Work Plan.....	13
4. Leave of Absence	15
5. Acknowledgements and Tributes.....	15
6. Public Input and Petitions	15
7. Extraordinary Business.....	15
8. Notices of Motion	15
9. Adjourned Business.....	15
10. Reports of the Chief Executive and Staff for DECISION	16
10.1. 22-173 Keeping of Animals, Poultry and Bees Bylaw Review: Issues and Options	16
11. Reports of the Chief Executive and Staff for INFORMATION	66
11.1. 22-186 East Coast Groundwater Monitoring Drilling.....	66
11.2. 22-194 Freshwater Monitoring Review.....	78
11.3. 22-195 Freshwater Planning Update	91
11.4. 22-197 Freshwater Implementation Update.....	114

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 28 July 2022

MINUTES

Draft & Unconfirmed



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MINUTES of the SUSTAINABLE TAIRĀWHITI Committee

Held in Te Ruma Kaunihera (Council Chambers), Awarua, Fitzherbert Street, Gisborne on Thursday 28 July 2022 at 11:00AM.

PRESENT:

Her Worship the Mayor Rehette Stoltz, Bill Burdett, Andy Cranston, Shannon Dowsing, Sandra Faulkner, Larry Foster, Debbie Gregory, Isaac Hughes, Tony Robinson, Pat Seymour, Terry Sheldrake and Kerry Worsnop.

IN ATTENDANCE:

Chief Executive Nedine Thatcher Swann, Director Liveable Communities Michele Frey, Chief Financial Officer Pauline Foreman, Strategic Planning Manager Charlotte Knight, Principal Policy Advisor Janic Slupski, Democracy & Support Services Manager Heather Kohn and Committee Secretary Jill Simpson.

The meeting commenced with a prayer.

Secretarial Note: Senior Policy Advisor, Climate Change Focus - Dr Magnus Abraham-Dukuma attended via audio visual link.

1. Apologies

MOVED by Cr Robinson, seconded by Cr Seymour

That the apologies from Cr Akuhata-Brown, Cr Wharehinga be sustained.

CARRIED

2. Declarations of Interest

There were no interests declared.

3. Confirmation of non-confidential Minutes

3.1 Confirmation of non-confidential Minutes 2 June 2022

MOVED by Cr Sheldrake, seconded by Cr Burdett

That the Minutes of 2 June 2022 be accepted.

CARRIED

3.2 Action Sheet

Noted.

3.3 Governance Work Plan

Makorori Master Plan: Time is being spent engaging with Mana Whenua and a Resource Consent has been lodged in terms of the bollardes.

An update on the Makorori Master Plan and the Elgin Neighborhood Play System will be given at the 8 September 2022 Sustainable Tairāwhiti Committee meeting.

4. Leave of Absence

There were no leaves of absence.

5. Acknowledgements and Tributes

Councillors stood for a minute's silence to remember the life of Douglas Birt who passed away in Auckland earlier in the week. Douglas was Council's Corporate Affairs Manager for many years and was very active in the Arts community and Rotary Gisborne.

6. Public Input and Petitions

6.1 Mayor's Taskforce for Jobs

Judy Campbell and Carmen Hihi attended and presented on Mayor's Taskforce for Jobs.

Councillors acknowledged the enormous amount of work being done in this area.

Questions of clarification included:

- Manaaki Tairāwhiti believe that Local Government NZ have gone in the wrong direction when tightening the contract. Locals know the way which works best locally, and this contract has been much more dictorial.
- Manaaki Tairāwhiti has a contract with Matapuna who are working with the hardest to place young people and this is ongoing for six months. The process is to catch up with people following placement. Manaaki Tairāwhiti will be carrying out some ongoing research to check on the difference a programme like this makes so that there is evidence for setting up different types of contracts in the future.
- More important to follow longitudinally as there is not a clear-cut number at the beginning and at the end so watching the ones that are being helped is more efficient.

- Working closely with school Career Advisors. Gisborne Girls High School have a new initiative to support those young people who are beginning to show signs of becoming disengaged. Gisborne Boys High School and Lytton High School have a robust system within their careers advice area.
- The Steering Group consists of Ministry of Social Development, Ministry of Education, the Mayor as well as Trust Tairāwhiti through the Trust's Licensed to Work Programme. This programme is a cross sector, business-led initiative designed to respond to business and industry concerns that young people may not be developing the employability skills needed to succeed in the workplace. It is designed for all young people aged between 15 and 24 years old. The connections are all there and there are enough young people that need help, and we all need to be playing a part. The success of this has not been stand-alone it is because of the network created with our partners.
- Waka Kotahi will be approached again regarding driver testing in Tairāwhiti.

7. Extraordinary Business

There was no extraordinary business.

8. Notices of Motion

There were no notices of motion.

9. Adjourned Business

There was no adjourned business.

10. Reports of the Chief Executive and Staff for DECISION

10.1 22-143 Our Climate Change Roadmap to 2050

Dr Magnus Abraham-Dukuma, Senior Policy Advisor, Climate Change Focus attended via audio visual and Charlotte Knight Strategic Planning Manager attended and answered questions of clarification.

- Difficult to reduce emissions to zero and evidence indicates that you reduce as much as possible and offset any residual emissions. It is not likely that Council will totally change its fleet by 2030. Work is being done on the closed landfill. Paokahu accounts for approximately half the emissions from waste.
- The purchase of carbon credits is not a priority but an option. The priority is focusing on deep decarbonization in areas that we can eg closed landfill.
- Dramatic reductions can be achieved in waste emissions.
- Investment will be made into the technology of capturing gas at the Paokahu Landfill to achieve multiple benefits. Paokahu is an old landfill so may not be able to reduce more than 50%.
- Complementary work is being done to design a Council Emissions Trading Scheme Policy. The outcome of this work will be presented to the Committee.

- The outcome should be purchasing carbon reduction - looking at the biggest emitters in the region and supporting carbon reduction.
- Concern around deforesting the farm which could result in a net loss.
- Would like to see Council working more closely with the wider community sooner than the roadmap indicates at years 2025-2027.

The Chief Executive advised the meeting that it is not uncommon in projects to start with a high-level strategic road map. To achieve ambitious targets, project management discipline is about having a high-level road map to outline the key target points and how to get there. This sets the framework which then drops into the details, and these will be provided to the Committee at the November meeting. It appears there is no appetite for purchasing carbon credits so focus should be on the mid-term objectives. This will allow staff to develop information for the November report. In the absence of this, we are only delaying the timeframes in terms of the 2030 deadline.

- Climate change in the next Long Term Plan will have a large focus.
- Our community is asking Council to show leadership in this area.

Cr Seymour suggested that on page 20 of 33 under the 2028-2032 heading that the wording "Purchase carbon credits to offset our organisation's remaining emissions and become a net-zero organisation by 2030" be removed.

MOVED by Cr Worsnop, seconded by Cr Dowsing:

That the Council:

1. Allows the report lie on the table.

Voting by Division

For:

Cr Worsnop
Cr Burdett
Cr Dowsing

Against:

Mayor Stoltz
Cr Gregory
Cr Cranston
Cr Cranston
Cr Hughes
Cr Robinson
Cr Foster
Cr Faulkner
Cr Seymour
Cr Sheldrake

LOST

- The road map should include solutions eg changing Council's fleet, cleaner technology, planting mitigations, split gas options, gas capture.
- By considering options that achieve our desired outcomes instead of the target set ie a zero target instead of a net zero target, we are doing our community a far better service.

MOVED by Cr Stoltz, seconded by Cr Faulkner

That the Sustainable Tairāwhiti Committee:

1. Approves the climate change roadmap (Attachment 1), with any suggested edits.

Voting by Division

For:

Mayor Stoltz
Cr Gregory
Cr Cranston
Cr Foster
Cr Sheldrake
Cr Faulkner
Cr Robinson

Against:

Cr Worsnop
Cr Seymour
Cr Hughes
Cr Dowsing
Cr Burdett

CARRIED

Secretarial Note: The meeting adjourned at 12.25pm and reconvened at 12.50pm.

11. Reports of the Chief Executive and Staff for INFORMATION

11.1 22-156 TRMP Review Programme - Quarterly Update

Strategic Planning Manager Charlotte Knight and Principal Policy Advisor Janic Slupski attended and answered questions of clarification.

- It is anticipated that with four consultancy firms coming on board including Kereru Consulting who have been working on Motu and Waipapu Catchment Plans, capacity will be increased which will get staff over the line in terms of meeting timeframes. Engagement will be the biggest challenge. COVID-19 has created a hiatus in the Motu Catchment Plan.
- There will be an update on the Freshwater Planning at the September Sustainable Tairāwhiti Committee meeting.
- The catchment Plan is an aggregate of both the Pakarae and Waimata Catchments, however the catchment groups will be engaged separately to explore what the vision and values means to the groups respectively. The urban and peri-urban area will be brought into this space as well.

- Te Arai has been identified as a sub-catchment under the Waipaoa Catchment Plan. Staff will be looking at reviewing the Waipaoa Catchment Plan around September/October.

MOVED by Cr Dowsing, seconded by Cr Seymour

That the Sustainable Tairāwhiti Committee:

1. Notes the contents of this report.

CARRIED

12. Close of Meeting

There being no further business, the meeting concluded at 1:00 pm.

Rehette Stoltz

CHAIR

3.2. Confirmation of Confidential Minutes 2 June 2022

PUBLIC EXCLUDED MINUTES

Draft & Unconfirmed



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PUBLIC EXCLUDED MINUTES of the **SUSTAINABLE TAIRĀWHITI Committee**

Held in Te Ruma Kaunihera (Council Chambers), Awarua, Fitzherbert Street, Gisborne on Thursday 2 June 2022 at 9:00AM.

PRESENT:

Her Worship the Mayor Rehette Stoltz, Deputy Mayor Josh Wharehinga, Meredith Akuhata-Brown, Bill Burdett, Andy Cranston, Larry Foster, Debbie Gregory, Tony Robinson, Pat Seymour, Terry Sheldrake and Kerry Worsnop.

IN ATTENDANCE:

Chief Executive Nedine Thatcher Swann, Chief Financial Officer Pauline Foreman, Director of Liveable Communities Michele Frey, Director Environmental Services & Protection Helen Montgomery, Democracy & Support Services Manager Heather Kohn and Committee Secretary Penny Lilburn.

Secretarial Note: Cr Kerry Worsnop, Cr Tony Robinson, Director of Lifelines David Wilson and Director of Environmental Services & Protection Helen Montgomery attended via audio link.

1. Resolution to Exclude the Public

MOVED BY Cr Seymour, seconded by Cr Sheldrake

That:

1. The public be excluded from the following part of the proceedings of this meeting, namely:

Confirmation of confidential Minutes

Item 4.1 Confirmation of confidential Minutes 28 April 2022

2. This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information & Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole of the relevant part of the proceedings of the meeting in public are as follows:

Item 4.1 7(2)(j) Prevent the disclosure or use of official information for improper gain or improper advantage.

2. Apologies

MOVED by Cr Wharehinga, seconded by Cr Akuhata-Brown
That the apologies from Cr Dowsing, Cr Faulkner and Cr Hughes
be sustained.

CARRIED

3. Declarations of Interest

There were no declarations of interest.

4. Confirmation of Confidential Minutes

4.1 Confirmation of Confidential Minutes 28 April 2022

MOVED by Cr Seymour, seconded by Cr Wharehinga
That the Minutes of 28 April 2022 be accepted.

CARRIED

13. READMITTANCE OF THE PUBLIC

MOVED by Cr Stoltz, seconded by Cr Seymour
That Sustainable Tairāwhiti:
1. Re-admits the public.

CARRIED

14. Close of Meeting

There being no further business, the meeting concluded at 11:23 am.

Rehette Stolz
CHAIR

3.3. 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	Not yet started	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.	25/10/22

3.4. Governance Work Plan

SUSTAINABLE TAIRĀWHITI - COMMITTEE OF THE WHOLE					Meeting Dates					
Group Activity	Activity	Name of agenda item	Purpose	Report type	Owner	28-Apr	2-Jun	28-Jul	8-Sep	17-Nov
Internal partnerships	Democracy and Support Services	Representation Determination 2022	Review		Heather Kohn					
Liveable communities	Liveable Spaces	Cobham Neighbourhood Play System	School Transformation	Information	Tyler Kirk					
Liveable communities	Community Projects	Waingake Programme 29% Reforestation Report	Will include commercial info relating to the Licence to Occupy Agreement with ElandNZ	Decision	Amy England					
Liveable communities	Community Projects	Tairāwhiti Sports Business Case	Facilities	Information	Abbe Banks					
Strategy and Science	Strategy and Science	TRMP Review - UGD Workstream update on FDS	update on FDS	Information	Shane McGhie					
Strategy and Science	Strategy and Science	22-111 Climate Change Update	General Climate change update to Council	Information	Dr Magnus Abraham-Dukuma					
Strategy and Science	Climate Change	22-112 Gisborne District Council Draft Submission on the National Adaptation Plan Consultation	For Council to endorse submission to MfE on the draft National Adaptation Plan	Decision	Dr Magnus Abraham-Dukuma					
Strategy and Science	LG Reform	Overview of local Government Reform								
Strategy and Science	Strategy and Science	TRMP Review - UGD Workstream update on FDS		Information	Shane McGhie					
Strategy and Science	Strategy and Science	Navigation & Safety Bylaw Review	Reports to the Chief Executive and Staff	Decision	Charlotte Knight					

SUSTAINABLE TAIRĀWHITI - COMMITTEE OF THE WHOLE					Meeting Dates					
Group Activity	Activity	Name of agenda item	Purpose	Report type	Owner	28-Apr	2-Jun	28-Jul	8-Sep	17-Nov
Strategy and Science	Strategy and Science	22-156 TRMP Review Programme - Quarterly Update	Quarterly Update on TRMP	Information	Dr Graeme Card					
Strategy and Science	Strategy and Science	22-143 Our Climate Change Roadmap to 2050.	Governance approval of our climate change roadmap to 2050	Decision	Dr Magnus Abraham-Dukuma					
Strategy and Science	TRMP	TRMP Review - Freshwater Planning progress update	Update on progress to date	Information	Dr Graeme Card/Janic Slupski					
Strategy and Science	TRMP	Freshwater Monitoring Update	Update on progress to date	Information	Janic Slupski					
Strategy and Science	TRMP	Freshwater Implementation Update	Update on progress to date	Information	Janic Slupski					
Strategy and Science	Strategy and Science	Keeping of Animals Bee's and Poultry Bylaw 2013 Review: Issues and Options	This report provides a summary of the identified issues and high-level options for management and seeks a resolution making the determinations required under s155 of the local government act to commence the process for making a bylaw	Decision	Chris Gilmore					
Strategy and Science	Workshop	FDS Councillor Workshop	Workshop for the Future Development Strategy	Workshop	Shane McGhie					
Strategy and Science	Science	East Coast Groundwater Monitoring Drilling	Groundwater engagement plan for East Coast communities	Information	Joanne Ferry					
Strategy and Science	Climate Change	Report on the cost implications to ratepayers when setting a 2030 net zero target.	Action sheet	Information	Dr Magnus Abraham-Dukuma					
Strategy and Science	Climate Change	Strategy and Science	MyImprint Final Report on our next zero journey	Information	Dr Magnus Abraham-Dukuma					

SUSTAINABLE TAIRĀWHITI - COMMITTEE OF THE WHOLE						Meeting Dates				
Group Activity	Activity	Name of agenda item	Purpose	Report type	Owner	28-Apr	2-Jun	28-Jul	8-Sep	17-Nov
Strategy and Science	Strategy and Science	Climate Change Update Report	Update on progress to date	Information	Dr Magnus Abraham-Dukuma					
Strategy and Science	Strategy and Science	TRMP Review Programme - Quarterly Update		Information	Dr Graeme Card					

10. Reports of the Chief Executive and Staff for DECISION



22-173

Title: 22-173 Keeping of Animals, Poultry and Bees Bylaw Review: Issues and Options

Section: Strategy

Prepared by: Chris Gilmore - Senior Policy Advisor

Meeting Date: Thursday 8 September 2022

Legal: Yes

Financial: No

Significance: **Low**

Report to SUSTAINABLE TAIRĀWHITI Committee for decision

PURPOSE

This report:

- Provides a summary the Keeping of Animals Bees and Poultry Bylaw 2012 review.
- Recommends a resolution determining a bylaw is the most appropriate and proportionate way of addressing animal nuisance.
- Seeks Committee feedback on the options for future management of animal nuisance.

SUMMARY

The Keeping of Animals, Poultry and Bees Bylaw 2012 (the current Bylaw) is due for its statutory 10-year review. This Bylaw protects the public from animal nuisance through general and species-specific regulation of animals, bees and poultry to reduce the incidence of odour, noise and vermin.

Before commencing the process for making a bylaw, section 155(1) of the Local Government Act 2002 requires councils to determine whether a bylaw is the most appropriate way of addressing the perceived problem. This report provides evidence for, and seeks a resolution making, the required determination.

GMD Consultants were engaged to review the current Bylaw, their reports and an initial draft Bylaw are included for information in **Attachments 1 to 4**.

Staff are also seeking any Committee feedback on options for the new Bylaw which will inform the final draft Bylaw and Statement of Proposal for consultation which will be brought to Committee for adoption for consultation early in the next triennium.

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

That the Sustainable Tairāwhiti Committee:

1. **Determines a bylaw is the most appropriate and proportionate way of addressing the issues arising from the keeping of animals, poultry and bees in Tairāwhiti.**
2. **Approves review of the Keeping of Animals Poultry and Bees Bylaw 2012.**

Authorised by:

Joanna Noble - Chief of Strategy & Science

Keywords: bylaw review, keeping of animals, poultry and bees in Tairāwhiti

BACKGROUND

1. Council's Keeping of Animals, Poultry and Bees Bylaw 2012 (the current Bylaw) seeks to minimise impacts on animal owners' neighbours as well as protecting public health and safety and preventing damage to land and property.
2. Council's current Bylaw includes general animal nuisance clauses and species-specific controls covering the keeping of:
 - a. Poultry
 - b. Stock
 - c. Bees
 - d. Pigs
3. The current Bylaw provides for written approvals which authorises Council officers to issue approvals in situations when a non-complying activity under the Bylaw is considered unlikely to cause a nuisance. Approvals can include conditions and can be amended or revoked if nuisance occurs.
4. This Bylaw does not regulate dogs or stock control on roads, which have their own bylaws. It also excludes commercial activities such as farming livestock or breeding of animals which are regulated by the Ministry of Primary Industries.

Assessment of the Current Bylaw

5. GMD Consultants (GMD) assessed the current Bylaw through feedback from Council staff, analysis of Council's request for service (RFS) data, comparison to other Councils' bylaws and an online survey about bee keeping. That assessment informed their recommendations and development of a new draft Bylaw for consideration.
6. Paragraphs 7 to 16 provide the key data insights and conclusions. GMD's full reports are included as **Attachments 1-3**.

Request for Service data

7. Over the last 10 years, there have been 1,541 animal nuisance related RFS. Table 1 shows the RFS categories, in order of most common to least common over the 10-year period.

Table 1: RFS Data by category

1. Animal nuisance	611 RFS	40%
2. Vermin/pest/bees and wasps	373 RFS	24%
3. Worrying stock ¹	282 RFS	18%
4. Cat trapping (last 5 years)	227 RFS	15%
5. Cat collection (last 2 years)	48 RFS	3%

¹ Worrying stock is generally a dog control issue and dealt with under that bylaw. This item is included here to give complete picture of RFS relating to animal control.

8. Looking at the data by location is also useful. Rural areas, especially along the east coast, primarily (but not exclusively) report worrying stock issues whereas residential areas primarily report animal nuisance issues, along with higher numbers of issues under vermin/pest/bees and wasps in these areas.
9. Table two looks more closely at the Animal Nuisance and Vermin/pests/bees/wasps categories². The 5 most common types of RFS complaints relating to nuisance have been:

Table 2: RFS Data by complaint type³.

Noise	18%
Property attracting Vermin	14%
Animal not contained	14%
Wasp nest/beehive	8%
Roaming	8%

10. 'Noise,' 'animal not contained,' 'beehives' and 'roaming' issues are covered by the provisions of the current bylaw. Roaming stock are also covered by the Stock Control Bylaw.
11. The current bylaw is not clear in cases of 'property attracting vermin' or 'wasp nest' issues. The initial draft bylaw (attachment Four) clarifies the bylaws application in such cases.
12. The animals most complained about over the last 10 years have been the following:

Table 3: RFS Data by Animal

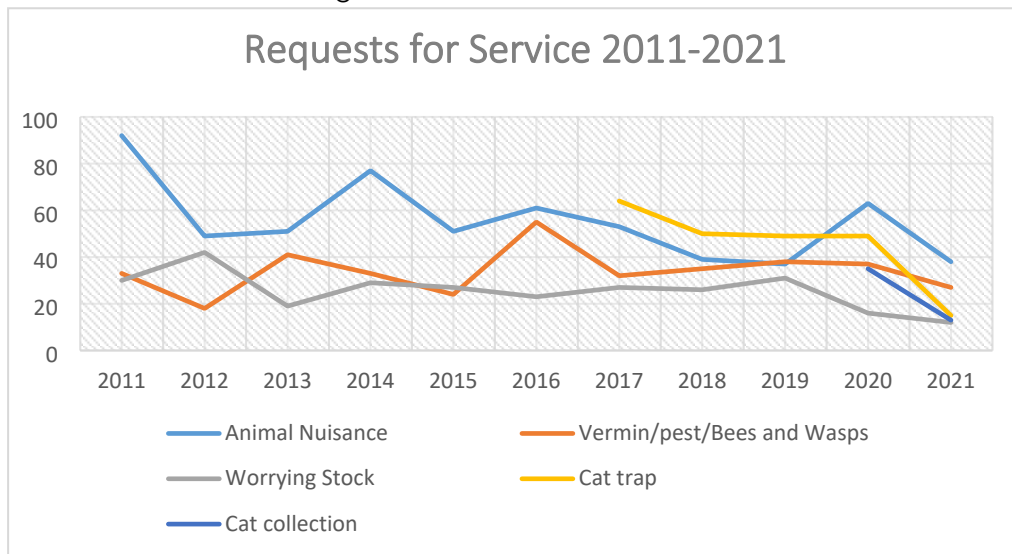
Roosters/chickens	32%
Rats/mice/vermin	19%
Bees	13%
Pigs	13%

13. Figure 1 shows the ten-year trend in animal nuisance complaints is decreasing. There is a five-year rolling average of 46 complaints per year, with a 2021 total of 38. This may suggest the current Bylaw is proving effective in managing animal nuisance and in turn that a bylaw is the appropriate means of addressing animal nuisance issues.

² Table 2 used a data set of 839 RFS, controlling for non- bylaw incidences such as vermin and wasp reports which often (but not always) are matters for the property owner.

³ 'Noise,' 'animal not contained,' 'beehives' and 'roaming' issues are covered by the provisions of the current bylaw. Roaming stock are also covered by the Stock Control Bylaw.

Figure 1: RFS volumes over time



Staff Feedback

14. GMD sought feedback from a range of Council teams that interact with or enforce the Bylaw on a regular basis including the Customer Experience, Compliance and Monitoring and the Animal Control Teams.
15. Staff feedback covered a wide range of topics, details, and specific incidences. Similar to other bylaws made under the Local Government Act 2002, staff noted the difficulties presented by the lack of infringement authority, instead relying on engagement and education to drive compliance.
16. Feedback noted the new Bylaw and associated guidance could:
 - have clear criteria for assessing written approvals.
 - Include more robust record keeping practices.
 - Remain consistent with the Ministry for Primary Industries' standards and welfare codes.

Bee Keeping Survey Feedback

17. Council ran an online survey seeking feedback on the beekeeping provisions in the current Bylaw. The survey was live on Council's website for two weeks in May 2022 and was promoted via social media and other online forums. A total of 24 responses were received.
18. The responses generally support making some revisions to the current Bylaw. These would allow for more flexibility for hobby beekeepers, while focusing on the management of nuisance. These changes would also be more supportive of beekeeping in the region, which can have positive flow-on effects for the natural environment and human health.

DISCUSSION

Determinations required by the Local Government Act 2002

19. Section 155 of the Local Government Act 2002 sets out requirements for the making, reviewing, and revoking of bylaws. In addition to the general provisions about decision-making, the Council must, before commencing the process to review a bylaw, determine whether a bylaw is the most appropriate way of dealing with the perceived problem or issue.
20. A bylaw is determined to be the most appropriate way to regulate animal nuisance issues in the district as:
- This is the current regulatory mechanism and there are no alternatives.
 - The current Bylaw has proved relatively effective at addressing animal nuisance as suggested by the declining 10-year trend in RFS noted in paragraph 11.
 - Animal nuisance issues remain a source of RFS to Council suggesting these issues are of importance to those affected and a bylaw remains appropriate.

Option	Advantages	Disadvantages
Option 1: Committee determines a bylaw is the most appropriate way to regulate animal nuisance issues in the district.	<ul style="list-style-type: none">Allows the bylaw review to proceed.Avoids the current bylaw lapsing, leaving Council with no regulatory mechanism for addressing animal nuisance.	<ul style="list-style-type: none">No identified disadvantages.
Option 2: Committee declines to make the determination.	<ul style="list-style-type: none">No identified advantages.	<ul style="list-style-type: none">Pauses bylaw review until such time as the resolution is made.

21. It is noted that while making this determination is necessary for the process to proceed, it does not bind the Committee to any process or actions beyond this point.
22. If the determinations are not made and the process pauses at this point, then beyond 1 December 2024 the bylaw is revoked under section 160A of the Act.
23. Section 155 requires two further determinations be made before making the bylaw. These are:
- Determine whether the bylaw is in the most appropriate form.
 - Determine whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990. If there are implications under that Act, the bylaw must be amended to remove any inconsistencies.
24. A resolution seeking these determinations will be included in the next report seeking adoption of the Statement of Proposal for consultation.

Issues and Options

25. Should the Committee determine a bylaw is the most appropriate way of dealing with the animal nuisance, staff are seeking feedback from the Committee on the following management options to inform the new bylaw.

Zoning terminology

26. **Issue:** The zones used in the bylaw are inconsistent with the zones in the current District Plan (Tairāwhiti Resource Management Plan or TRMP). Terminology needs updating for consistency, and to clarify the bylaw's application to different areas.

27. Currently, the provisions of the Bylaw apply differently to the residential and rural zone. These zones are as defined by the TRMP. However, there are several other zones used in the TRMP and it is not clear whether these are treated as 'residential' or 'rural' for the purposes of the Bylaw. This has proven to be confusing to apply in practice and has resulted in inconsistent outcomes.

28. Table 4 provides the identified options and assessment for addressing the issues arising from the current Bylaw's zoning terminology.

Table 4: Zoning Issue – Options Assessment

Option	Advantages	Disadvantages
Option 1: Rural or Residential. Attribute each District Plan zone to one of these categories. (Preferred Option)	<ul style="list-style-type: none"> • Simplifies readability and application of the bylaw by having only two standards. • Retains an ultimate dependency on the District Plan, which ensures consistency. • Current provisions would not need to dramatically change. • In line with common practice by other councils with animal nuisance bylaws. 	<ul style="list-style-type: none"> • Residents within 'rural by character' areas, or who have otherwise been considered exempt, may be negatively impacted by any change. • May require a minor amendment to the bylaw if the names of zones are changed during the TRMP review.
Option 2: include all District Plan zones within the bylaw and specify how the animal nuisance regulations apply to each zone.	<ul style="list-style-type: none"> • Provides exact clarity of application of bylaw in each zone. 	<ul style="list-style-type: none"> • May complicate process of applying bylaw when responding to complaints. • Makes future revisions more complicated. • May require a minor amendment to the bylaw if the names of zones are changed during the TRMP review.
Option 3: Use maps, attached to the bylaw as appendices, to define the different areas in the district under different regulations.	<ul style="list-style-type: none"> • Highly accessible, visual tool to show the boundaries of the rules' application. 	<ul style="list-style-type: none"> • Difficulty making or implementing any future revisions to zoning, as entire maps would need to be revised.

Option	Advantages	Disadvantages
Option 4: Use a character or facility-based description to define the different zones that have different rules applying to them (e.g., level of water reticulation services on a property).	<ul style="list-style-type: none"> Provides flexibility over time as areas grow and change, possibly out of sync of District Plan changes. 	<ul style="list-style-type: none"> May result in inconsistencies with TRMP. Less user-friendly, with users needing to work through a secondary process to identify which zone any particular property is in.

Beekeeping regulations

29. **Issue:** Current provisions are difficult to enforce and unable to adequately deal with an increasing number of complaints about bees, and the increasing popularity of hobby beekeeping in residential areas.
30. Currently, Clause 6 of the Bylaw imposes further, specific regulations on keeping bees. These differ from the common approach taken by many other councils, which is less restrictive and based on industry expertise. There is reason to believe beekeeping activities will continue to increase in the district, as it is nationwide.
31. Table 5 provides the identified options and assessment for addressing the issues arising from the regulation of beekeeping in the current Bylaw.

Table 5: Beekeeping Regulation Issue: Options assessment

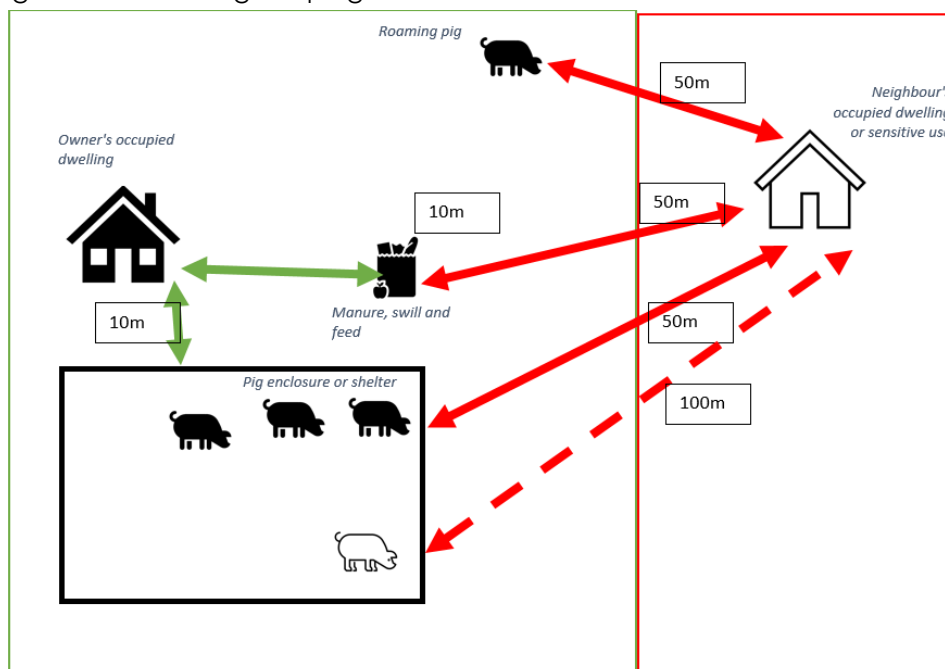
Option	Advantages	Disadvantages
Option 1: Remove all provisions specifically regulating bees, and instead rely wholly on the general rule(s) regulating nuisance caused by any animal in any part of the district.	<ul style="list-style-type: none"> Simplifies bylaw. Brings bylaw more in line with common approach taken by other councils. Provides high degree of flexibility when responding to issues, with staff able to take a more common-sense approach. May reinforce purpose of bylaw, as regulating nuisance rather than prescribing the best way to keep bees. 	<ul style="list-style-type: none"> Responding to issues may be a lengthier process as each case will be fact-dependant as to whether bylaw is breached. Council may be perceived as not appropriately dealing with issues related to beekeeping in residential areas. May need to rename the bylaw if there are no specific provisions for bees.
Option 2: Retain some bee provisions and simplify hive limits (Preferred Option)	<ul style="list-style-type: none"> Brings bylaw in line with current best practice for beekeeping. Brings bylaw more in line with common approach taken by some other councils. Higher flexibility when responding to issues. 	<ul style="list-style-type: none"> Some beekeepers may be frustrated by the low hive limits and requirement for approval to exceed the limits.

Option	Advantages	Disadvantages
<p>Option 3: Remove specific bee provisions and replace with a general clause or clauses stating that anyone keeping bees must not cause any nuisance, and if nuisance does occur, Council may impose limits on hive numbers or other conditions such as boundary setbacks.</p>	<ul style="list-style-type: none"> Reinforces purpose of bylaw, as regulating nuisance rather than prescribing the best way to keep bees. Flexibility for staff to take a common-sense approach to resolving issues. 	<ul style="list-style-type: none"> Responding to issues may be a lengthier process with fewer regulations to guide a response.

Pig keeping setbacks

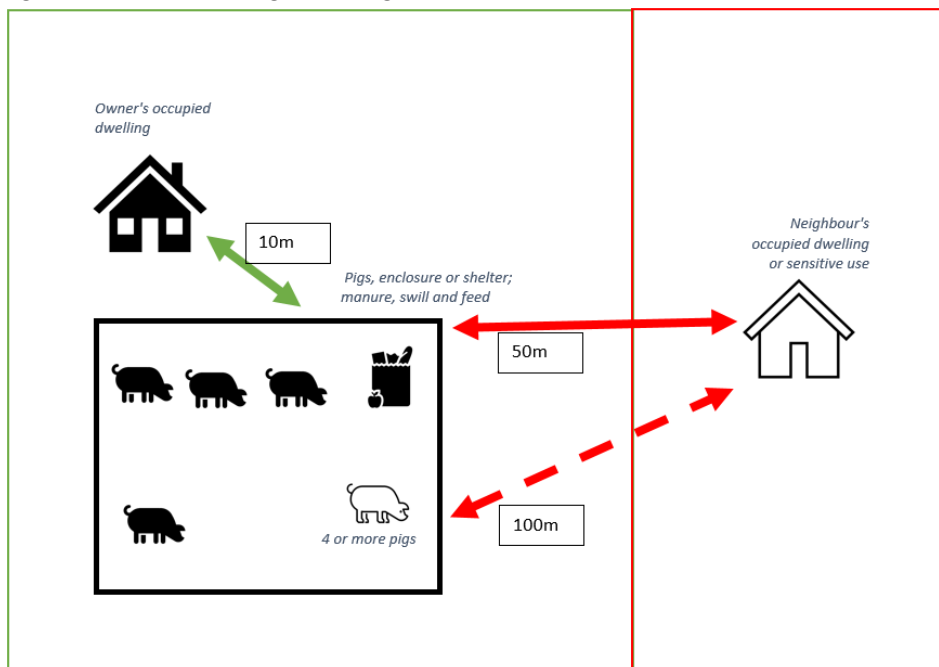
32. **Issue:** Current provisions are overly complex, difficult to apply, and may be difficult to justify.
33. Currently, Clause 8 imposes further, specific regulations on pigs, banning pigs in residential areas, and imposing setback distances for pigs kept in rural areas. These setbacks are complex and may be difficult to comply with.
34. Figure 2 highlights the complexity of the current Bylaw's approach to keeping pigs (in rural areas only). The proposed Bylaw doesn't abandon the regulations entirely but rather seeks to simplify compliance for owners and reduce the enforcement burden for staff. Currently there is a range of setbacks which are sensible and consistent but difficult for the reader to navigate.

Figure 2: Current Pig keeping setbacks



35. Figure 3 demonstrates how the proposed clauses simplify pig keeping setbacks. Changes involve simplifying the wording.

Figure 3: Proposed Pig keeping setbacks



36. The proposed approach (Option 1) seeks to simplify compliance while improving nuisance protections.

37. Table 6 provides the identified options and assessment for addressing the issues arising from the pig keeping setbacks in the current Bylaw.

Table 6: Pig keeping setbacks – Options Analysis

Option	Advantages	Disadvantages
Option 1: amend setback regulations for better simplicity and consistency. (Preferred option).	<ul style="list-style-type: none"> • Brings regulations in line with common practice of other councils. • Increases ease of use of provisions. 	<ul style="list-style-type: none"> • May affect anyone currently keeping pigs in a minor way.
Option 2: retain current provisions (do nothing).	<ul style="list-style-type: none"> • Unlikely to affect anyone currently keeping pigs in rural areas. 	<ul style="list-style-type: none"> • Bylaw remains overly complex • Setback provisions may not adequately achieve desired outcomes.

Minor Amendments

Including the Health Act 1956 as an authorising Act

38. Add the Health Act 1956 as an authorising Act alongside the Local Government Act 2002 (LGA), clarifying that this bylaw responds to public nuisance and public health concerns relating to animals, and not to welfare issues.

39. Section 64 of the Health Act 1956 authorises the making of bylaws for the purposes of the Act, including for “improving, promoting, or protecting public health, and preventing or abating nuisances.”
40. The current scope and purpose of the bylaw is to “protect, promote and maintain public health and safety” and is made under sections 145 and 146 of LGA. Given this scope, however, it could also invoke the Health Act as further supporting legislation.

Application to feral and stray animals

41. The current Bylaw is not explicit on the regulation of feral (wild) or stray animals, leading to difficulties in some circumstances. When animal nuisance issues arise from wild/feral or stray animals on private property, it can be unclear to staff how to best approach and regulate this. RFS data shows that this is a minor but ongoing occurrence. This includes responding to feral cats causing a nuisance on private land.
42. A draft clause has been included in the initial draft Bylaw (**Attachment 4**) that prohibits encouraging nuisance by wild/feral animals by, for example, providing sustenance (such as food) on private property. The clause lays out where responsibility lies to remedy the nuisance. The proposed wording is included below.

Encouraging nuisances by feral or stray animals

- (1) *No person shall provide sustenance, harbourage or comfort to an animal that reasonably appears to be a feral or stray animal so as to cause the animal to become a nuisance to other persons.*
- (2) *Where an animal that is causing a nuisance reasonably appears to be a feral or stray animal, the owner or occupier of the property from which such animal emanates must abate the nuisance caused by the animal. Abatement may include but is not limited to:*
- (a) *claiming the animal as a domestic owned pet and keeping it in such a state as to abate any nuisance;*
- (b) *permanently removing (including disposal of) the animal so it no longer causes a nuisance to others; or*
- (c) *agreeing with the Council that the Council will remove the animal and the occupier will pay the Council's reasonable costs.*

Table 7: Application to Feral and Stray Animals – Options Analysis

Option	Advantages	Disadvantages
Option 1: include clause clarifying the bylaws regulation nuisance caused by feral and stray animals. (Preferred option).	<ul style="list-style-type: none"> Brings regulations in line with common practice of other councils. Increases ease of use of provisions 	<ul style="list-style-type: none"> No identified disadvantages.
Option 2: Status quo. No additional clauses concerning feral and stray animals.	<ul style="list-style-type: none"> No identified advantages. 	<ul style="list-style-type: none"> Bylaw remains ambiguous on this matter.

ASSESSMENT of SIGNIFICANCE

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: Low 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: Low Significance

This Report: Low Significance

43. 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 and COMMUNITY ENGAGEMENT

44. No engagement with the wider community or tangata whenua has been undertaken to date.
45. Consultation requirements for bylaws are set out in section 156 of the Act and must follow the special consultative procedure. Given the time constraints of the election year consultation for this project has been programmed for early 2023.
46. Staff did conduct an online survey seeking feedback on the current Bylaw's provisions around beekeeping in residential areas, as this field has experienced significant growth and change in the last 10 years. This received 21 responses, 14 of which were active beekeepers who were broadly supportive of the current Bylaw and provided valuable insights for staff.

CLIMATE CHANGE – Impacts / Implications

47. There are no climate change impacts or implications arising from the matters discussed in this report.

CONSIDERATIONS

Financial/Budget

48. There are no financial or budget implications arising from the matters discussed in this report.

Legal

49. The current Bylaw is due for the 10-year review required under section 159 of the Local Government Act 2002 (the Act) by 1 December 2022. Although the Bylaw will continue to have effect until 1 December 2024⁴, it is necessary for the Bylaw review to be completed prior to 1 December if Council wishes to retain a 10-year review cycling on this Bylaw moving forward⁵.
50. This report and its findings constitute review of the current Bylaw and therefore fulfil Councils obligations under section 159.
51. Section 64 of the Health Act 1956 authorises the making of bylaws for the purposes of the Act, including for "improving, promoting, or protecting public health, and preventing or abating nuisances."
52. The current scope and purpose of the Bylaw is to "protect, promote and maintain public health and safety" and is made under sections 145 and 146 of LGA. Given this scope, however, it could also invoke the Health Act as further supporting legislation.
53. Section 155 of the LGA requires councils, before commencing the process to make a bylaw, determine whether a bylaw is the most appropriate way of dealing with the perceived problem or issue. This report provides the reasoning and evidence to make such a determination, fulfilling Council's obligations under section 155 at this point of the bylaw making process.

POLICY and PLANNING IMPLICATIONS

54. The Keeping of Animals, Poultry and Bees Bylaw 2012 review presents no ongoing policy and planning implications beyond project delivery and implementation.

RISKS

55. If the Keeping of Animals, Poultry and Bees Bylaw 2012 were to lapse then Council's ability to prevent animal nuisance would be reduced. This report and recommendations are the first step in the process to ensure the Bylaw remains effective.

⁴ Section 160A of the Local Government Act 2002 provides a 2 year grace period for Councils to amend or replace bylaw.

⁵ If a bylaw is not reviewed within the statutory timeframe then any subsequent bylaw is considered to be new bylaw and will require review within 5 years.

NEXT STEPS

Date	Action/Milestone	Comments
Sustainable Tairāwhiti December 2022	Report to Adopt Statement of Proposal for consultation	
February/March 2023	Consultation	
May 2022	Hearings and Council decision	

ATTACHMENTS

1. Attachment 1 - GMD Issues and Options Report [**22-173.1** - 6 pages]
2. Attachment 2 - GMD Animal Nuisance Data and Information Report [**22-173.2** - 10 pages]
3. Attachment 3 - GMD Analysis of External Animal Nuisance Bylaws Report [**22-173.3** - 11 pages]
4. Attachment 4 - Initial draft Keeping of Animals Poultry and Bees Bylaw 2023 [**22-173.4** - 9 pages]

Summary of Issues and Options - Review of the Keeping of Animals, Poultry and Bees Bylaw 2012

Prepared by GMD Consultants for Gisborne District Council

1 June 2022



Contents

Executive Summary.....	3
Introduction.....	3
1 Zoning terminology.....	4
2 Beekeeping regulations.....	5
3 Pig Keeping setback provisions.....	6
4 Application to wild/feral animals.....	6
5 Keeping roosters in residential areas.....	7
6 Granting approvals to keep animals in certain situations.....	7

Executive Summary

Initial research has identified several issues currently experienced in Gisborne district with animal nuisances and with the application of the Keeping of Animals, Poultry and Bees Bylaw 2012. There are three key issues identified which have a range of options available to respond to them. These are:

1. Terminology used for bylaw application in different zones
2. Suitability of beekeeping regulations
3. Setback requirements for keeping pigs

The report indicates which option is recommended, while also outlining the advantages and disadvantages of all viable options.



Three other minor issues have been identified. These are:

4. Application of the bylaw to wild/feral animals
5. Keeping of roosters in residential areas
6. Process for granting approvals to keep animals in certain situations.

These issues are less complex, and for each matter we have provided a recommendation as to how best address it.

Introduction

The Keeping of Animals, Poultry and Bees Bylaw 2012 (referred to in this report as the Animals Bylaw or the current bylaw) is now due for its 10-year review. As part of the review process, Council must determine whether the bylaw is:

- Necessary
- In the appropriate form
- Proportional to the issue
- Not inconsistent with the NZ Bill of Rights
- Enforceable

To assist Council with this determination, background information pertaining to animal nuisance and animal nuisance bylaws has been gathered and assessed. Several issues were identified with the current bylaw which would benefit from a review process. This report summarises these issues and outlines possible options to resolve them. With each option is a breakdown of possible advantages and disadvantages taking each option could have. For further information, please see the following full reports:

GMD Report – Analysis of external animal nuisance bylaws

GMD Report – Animal nuisance data and information analysis

As well as the individual issues described below, it is suggested that several minor changes also be made to wording, definitions, formatting, and grammar throughout the Bylaw. These would have minimal to no effect on the application or content of the bylaw itself.

1 Zoning terminology

Issue: The zones used in the bylaw are inconsistent with the zones in the current District Plan.

Terminology needs updating for consistency, and for clarity of the bylaw's application to different areas.

Currently, the provisions of the bylaw apply differently to residential zones and rural zones. These zones are as defined by the District Plan. If a property is considered of a predominantly rural character, it may not be considered residential, and may be considered rural. This has proven to be confusing to apply in practice, and has resulted in inconsistent outcomes.

Option 1: Use only the terms/standards of either 'residential' or 'rural' for the whole of the district. Then, attribute each District Plan zone to one of these categories. **This is the recommended option.**

Advantages	Disadvantages
<ul style="list-style-type: none"> • Simplifies readability and application of the bylaw by having only two standards • Retains an ultimate dependency on the District Plan, which ensures consistency 	<ul style="list-style-type: none"> • Residents within 'rural by character' areas, or who have otherwise been considered exempt, may be negatively impacted by any change



<ul style="list-style-type: none"> • Current provisions would not need to dramatically change • In line with common practice by other councils with animal nuisance bylaws 	
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Option 2: include all District Plan zones within the bylaw and specify how the animal nuisance regulations apply to each zone.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Provides exact clarity of application of bylaw in each zone 	<ul style="list-style-type: none"> • May complicate process of applying bylaw when responding to complaints • Makes future revisions more complicated

Option 3: Use maps, attached to the bylaw as appendices, to define the different areas in the district under different regulations.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Highly accessible, visual tool to show the boundaries of the rules' application 	<ul style="list-style-type: none"> • Difficulty making or implementing any future revisions to zoning, as entire maps would need to be revised

Option 4: Use a character or facility-based description to define the different zones that have different rules applying to them (e.g., level of water reticulation services on a property).

Advantages	Disadvantages
<ul style="list-style-type: none"> • Provides flexibility over time as areas grow and change, possibly out of sync of District Plan changes. 	<ul style="list-style-type: none"> • May result in inconsistencies with District Plan. • Less user-friendly, with users needing to work through a secondary process to identify which zone any particular property is in.

2 Beekeeping regulations

Issue: Current provisions are difficult to enforce and unable to adequately deal with an increasing number of complaints about bees, and the increasing popularity of hobby beekeeping in residential areas.

Currently, Clause 6 of the Bylaw imposes further, specific regulations on keeping bees. These differ from the common approach taken by many other councils, which is less restrictive and based on industry expertise. There is reason to believe beekeeping will continue to increase in the district, as it is nationwide.

Option 1: Remove all provisions specifically regulating bees, and instead rely wholly on the general rule(s) regulating nuisance caused by any animal in any part of the district.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Simplifies bylaw • Brings bylaw more in line with common approach taken by other councils • Provides high degree of flexibility when responding to issues, with staff able to take a more common-sense approach 	<ul style="list-style-type: none"> • Responding to issues may be a lengthier process as each case will be fact-dependant as to whether bylaw is breached • Council may be perceived as not appropriately dealing with issues related to beekeeping in residential areas • May need to rename the bylaw if there are no specific provisions for bees



<ul style="list-style-type: none"> • May reinforce purpose of bylaw, as regulating nuisance rather than prescribing the best way to keep bees 	
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Option 2: Retain some bee provisions but remove hive limits.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Brings bylaw in line with current best practice for beekeeping • Brings bylaw more in line with common approach taken by some other councils • Higher flexibility when responding to issues 	<ul style="list-style-type: none"> • Responding to issues may be a lengthier process with fewer regulations to guide a response

Option 3: remove specific bee provisions and replace with a general clause or clauses stating that anyone keeping bees must not cause any nuisance, and if nuisance does occur, Council may impose limits on hive numbers or other conditions such as boundary setbacks. **This is the recommended option.**

Advantages	Disadvantages
<ul style="list-style-type: none"> • Reinforces purpose of bylaw, as regulating nuisance rather than prescribing the best way to keep bees • Flexibility for staff to take a common sense approach to resolving issues • Retains specific provisions for bees, so would not need a bylaw name change • Consulting on this change may attract subject matter expert submissions, which would help inform the review process 	<ul style="list-style-type: none"> • Responding to issues may be a lengthier process with fewer regulations to guide a response

3 Pig Keeping setback provisions

Issue: Current provisions are overly complex, difficult to apply, and may be difficult to justify.

Currently, Clause 8 imposes further, specific regulations on pigs, banning pigs in residential areas, and imposing setback distances for pigs kept in rural areas. These setbacks can be unfit for achieving the desired regulation.

Option 1: amend setback regulations for better simplicity and consistency. **This option is recommended.**

Advantages	Disadvantages
<ul style="list-style-type: none"> • Brings regulations in line with common practice of other councils • Increases ease of use of provisions 	<ul style="list-style-type: none"> • May affect anyone currently keeping pigs in a minor way

Option 2: retain current provisions (do nothing).

Advantages	Disadvantages
<ul style="list-style-type: none"> • Unlikely to affect anyone currently keeping pigs in rural areas 	<ul style="list-style-type: none"> • Bylaw remains overly complex • Setback provisions may not adequately achieve desired outcomes



4 Application to wild/feral animals

Issue: It is unclear whether wild/feral animals are within the scope of the current bylaw, and if so, how the bylaw applies to situations where wild/feral animals are causing a nuisance.

Currently, when animal nuisance issues arise from wild animals on private property, it can be unclear to staff how to best approach and regulate this. RFS data shows that this is a minor but ongoing occurrence. This includes responding to feral cats causing a nuisance on private land.

Recommendation: Add new clause specifically regulating encouraging nuisance by wild/feral animals that are being kept or, for example, being provided sustenance on private property, specifying where responsibility lies to abate nuisance. It is also recommended that this clause would apply to stray animals.

This will achieve greater clarity of the application of the bylaw to this issue. This is also in line with a common approach taken by several other councils.

5 Keeping roosters in residential areas

Issue: There is a continuously high number of complaints being received of roosters being unlawfully kept in residential areas.

Currently, roosters are not permitted to be kept in a residential area. Despite this, RFS data shows relatively high numbers of complaints of roosters being kept in residential areas. These complaints are usually resolved by an educational approach directly with the people involved, and the number of complaints, while comparatively higher than other types of complaints, are not overwhelmingly high.

While this is a recognised issue, there are no further options available using this Bylaw.

Recommendation: That Council considers running a public education campaign or similar public communications approach to try to address this issue.

6 Granting approvals to keep animals in certain situations

Issue: There is no clear process of granting or keeping a record of approvals to keep animals in a manner inconsistent with the bylaw.

Currently, various clauses of the bylaw provide for a person to apply to Council for approval to keep animals in a way that may otherwise be prohibited by the bylaw. There is no documented process of how an Authorised Officer grants such approval, what factors may be considered, or how long an approval may be valid for. There also appears to be no consistent record-keeping or review process, leading to inconsistent and not well-documented decisions.

It has been identified that the crux of this issue falls outside the scope of the content of the bylaw, lying rather with internal process constraints.

Recommendation: That Council considers a review of internal processes around approvals and record keeping for this bylaw.



Analysis of animal nuisance data and information in Gisborne District

Prepared by GMD Consultants for Gisborne District Council

17 May 2022



PLANNING · ENVIRONMENT · PEOPLE

Contents

Analysis of animal nuisance data and information in Gisborne District	1
Contents	2
Introduction.....	3
Request for Service data.....	3
RFS by location	3
RFS by nuisance type	4
RFS by animal.....	4
Poultry	5
Bees	5
Rats/mice/vermin	5
Pigs.....	5
Stock	5
Cats	5
Other animals	6
Staff Feedback	6
Customer Experience Team.....	6
Compliance and Monitoring Team	6
Animal Control and Enforcement Team	7
Conclusions.....	7
Appendix 1 – Graphs	9
RFS volume over time.....	9
RFS by animal type.....	10



Introduction

The Keeping of Animals, Poultry and Bees Bylaw (referred to in this report as the Animals Bylaw or the current bylaw) is now due for its 10-year review. Upon review, Council must determine whether the bylaw is:

- Necessary
- In the appropriate form
- Proportional to the issue
- Not inconsistent with the NZ Bill of Rights Act
- Enforceable.

To assist Council in making this determination, data has been gathered showing the use and effectiveness of the current bylaw. This report considers the current information at hand. This information is:

- Request for service data (RFS)
- Feedback from staff teams: customer service, compliance and animal control

Request for Service data

District-wide, there is RFS data on animal nuisance-related matters that customers have contacted Council about. Over the last 10 years, there have been 1,541 animal nuisance-related RFS. The categories these fall into are listed below, in order of most common to least common over the 10-year period. These are also represented by a graph in Appendix 1, showing trends over time.

1. Animal nuisance	611 RFS	39.65%
2. Vermin/pest/bees and wasps	373 RFS	24.21%
3. Worrying stock	282 RFS	18.30%
4. Cat trapping (last 5 years)	227 RFS	14.73%
5. Cat collection (last 2 years)	48 RFS	3.11%

These figures do not include dog-related requests, nor roaming or missing stock complaints. Such requests are more relevant to other bylaws (the Dog Control Bylaw and Stock Control Bylaw respectively) so have not been considered for the purpose of this report.

The year 2021, and to some extent 2020, saw a decline in the number of RFS across the board regarding animal nuisance and worrying stock requests. This may be a potential effect of COVID-19 with a possible reduction in movement around the district. Nonetheless, the ten-year trend in animal nuisance complaints is decreasing over time. There is a five-year rolling average of 46 complaints per year, with a 2021 total of 38. This indicates the current bylaw is the appropriate level of response to animal nuisance issues, and is overall proving to be an effective tool.

RFS by location

Rural areas, especially along the east coast, primarily report worrying stock issues. There are some vermin/pest/bees and wasps issues in these areas too, with some cat trapping requests.

Residential areas, including city centre and surrounds, primarily report animal nuisance issues. There are also higher numbers of issues under vermin/pest/bees and wasps in these areas. Residential areas report some cat trapping requests and worrying stock issues in close proximity to residential hubs.



This shows that animal nuisance issues are experienced throughout the district, although they are more frequently within residential/city areas. The differences in nuisance by location may be a useful consideration when seeking public consultation on the bylaw.

RFS by nuisance type

Taking all complaints together, the most common types of complaints received have been:

1. Noise	153 RFS	18.2%
2. Property attracting vermin	121 RFS	14.4%
3. Animal not contained	114 RFS	13.6%
4. Wasp nest/beehive	66 RFS	7.9%
5. Roaming	63 RFS	7.5%

'Noise,' 'animal not contained,' 'beehives' and 'roaming' issues are covered by the provisions of the current bylaw. Roaming stock are also covered by the Stock Control Bylaw.

It is not clear whether the current provisions cover 'property attracting vermin' or 'wasp nest' issues. When these pertain to a nuisance being caused by a wild animal, there is often staff confusion as to how the bylaw applies to these situations. It would be useful to clarify this situation, and the application of the bylaw here.

RFS by animal

The animals most complained about over the last 10 years have been the following:

1. Roosters/chickens	264 RFS	31.5%
2. Rats/mice/vermin	156 RFS	18.6%
3. Bees	110 RFS	13.1%
4. Pigs	109 RFS	13.0%

Appendix 1 contains a pie chart showing all animals complained about, as well as a comparison chart showing the animals complained about for the 2021 period only.

The current bylaw has specific provisions covering roosters/chickens (covered under poultry), bees and pigs. As these are still the most commonly complained about issues, these provisions remain relevant and may be often used.

There are no specific provisions for rats/mice/vermin, however this does not appear to be within the scope of animal nuisance for this bylaw. When vermin issues are related to the keeping of other animals, or are themselves being kept, and causing nuisance, then this would be covered by the current bylaw scope and provisions. Where complaints are about wild vermin on private property, this is likely not a council issue.

The current bylaw also has specific provisions for stock keeping and poultry in general. Complaint types under these categories over the 10-year period total as follows:

• Stock keeping	89 RFS (10.6%)
○ Cow/calf	14
○ Goat	45
○ Sheep/lambs	30
• Poultry (except rooster/chicken)	17 RFS (2.0%)
○ Ducks	7



○ Geese	1
○ Peacock	2
○ Other bird	7

Poultry

Complaints about rooster/chickens are consistently the highest each year, with no clear pattern of reduction. Many of these complaints are about roosters in residential areas, or unreasonably noisy roosters in rural areas. There are some complaints about keeping chickens, but not a significant amount.

As these complaints remain high, it may indicate that the current provisions banning roosters in residential areas are not effective in managing the nuisance. However, based on RFS data around how these complaints were managed, this presents as an issue of customer education more than compliance.

Bees

After falling in 2019, complaints about bees have sharply increased again. The majority of these relate to beekeeping, which seems to be an activity of increasing popularity. Most other complaints are reports of wild bees or swarms. The bylaw is currently unclear on its application to wild animals causing nuisances, especially if they are on public property.

Rats/mice/vermin

Complaints are gradually decreasing in this category. Some complaints have been related to the keeping of other animals on a property which has attracted vermin. These are commonly poultry or pigs. Otherwise, the nature of these complaints commonly relate to properties attracting vermin as a secondary issue caused by some other primary issue. Again, while this is technically covered by the current provisions of the bylaw, it would be useful to provide further clarity around the application of the bylaw to wild animals.

Pigs

Complaints regarding pigs have included issues of animals not being contained, odour, number of animals, and general keeping of animals. The bylaw is used frequently to resolve pig complaints, more so than for other animal complaints. Pig RFS have also highlighted an issue with zoning differences and the application of the bylaw. There have also been some issues around shared family land blocks keeping pigs, with the disagreements being between the different landowners. This issue falls outside the scope of this bylaw.

Stock

Reports of 'worrying stock' are fairly consistent each year, with a slight decrease over the last 2 years. There is a 5-year rolling average of 22 RFS per year, with a 2021 total of 12.

Complaints about stock in general have included a number of reports of stock animals being kept in residential areas, as well as some noise issues and roaming concerns. These have mostly related to goats and sheep. These issues are covered by the current bylaw provisions, and seem to largely be addressed by taking an educational approach.



Cats

Cat trapping requests are decreasing, although the numbers remain relatively high. There is a 5 year rolling average of 45 requests for cat trappings per year, with a 2021 total of 15. Cat collection requests in 2020 were 35, and in 2021 were 13.

There have also been a minor number of complaints regarding domestic cats causing nuisances. RFS data suggests staff have difficulty applying the current bylaw the control of cats and cat nuisances. Any domestic cat that creates a nuisance is currently covered by the bylaw/s current general nuisance provisions, suggesting these clauses of the bylaw would benefit from further clarification and revision.

Other animals

There have been a few horse complaints, although these fell in 2016 and have remained low. These have historically pertained to clearing horse faeces and horses being present in horse-prohibited areas.

The number of complaints around other animals are relatively low, and have been low over the entire 10 year period. There does not seem to be any clear need for further animal-specific provisions in the bylaw.

Staff Feedback

Feedback has been gathered from key internal teams who use this bylaw. This feedback centred around gathering that team's views of the current provisions, and understanding how the bylaw operates on the ground with that team. This was gathered through meetings with key members of each team. This provides an operational lens over the data, which shows further details around the happenings of animal nuisance issues.

Customer Experience Team

This team reports using the bylaw to check rules around keeping of certain animals, in response to public queries. When doing so, they would often consult the bylaw in conjunction with consulting SMEs as well.

Staff found the distinction between rural and residential areas to be problematic, outdated, and in need of improving. This would make the application of the bylaw, and its ability to be understood by its users/general public, a lot easier. It is also noted that there are more housing developments planned for the future, turning rural areas into residential areas, or 'rural in character' areas into proper residential areas. This makes it especially important to have clear rules around the rural-residential distinction.

It was noted that there was an historic issue of customers wanting cat traps, but staff do not consider this to be an ongoing issue.

Staff would also like to see some general wording revisions to make the bylaw more user friendly. However generally staff believe the current form of bylaw is sufficiently achieving its purpose, and the team does not consider there to be any other gaps in the Bylaw.

Compliance and Monitoring Team

The current bylaw is largely used by the Authorised Officers in the team. Authorised Officers commonly explain the contents of the bylaw to community members when investigating complaints.



Staff report that the clauses on keeping pigs, bees and poultry are probably the most used, with clauses on stock used less so. This reflects trends also seen in the RFS data. Overall, the team noted that while animal nuisance complaints may seem small, they do take a lot of time and resources to resolve. However, they are generally happy with the bylaw's operations, especially in residential areas, but with a few key issues which are outlined below.

Enforcement and Compliance

There was an issue identified with enforcement and compliance. The team request clearer regulations around how exactly the bylaw can be enforced, and what specific powers are available to Authorised Officers to abate nuisances when they arise. Staff report there have been no fines issued to date under the current bylaw, but this has been due to enforcement being too difficult, and not because there has been no need to.

Concerns were also raised around the authorisations process for granting permission for keeping animals in exception to the bylaw. This has highlighted a need to improve these provisions, and provide clarity on the criteria for granting permission.

Beekeeping provisions

The team have found the beekeeping provisions can be inadequate to deal with issues around bee droppings causing nuisances. Staff are unsure if this bylaw can currently respond to this issue, and have sometimes used the Health Act to guide their response. Under the current provisions, the Animals Bylaw does have the scope to respond to this issue, but this staff confusion signals a need to revise the wording to clarify the bylaw's functions. Disposal of diseased hives was also raised as a concern. However, this is to do with the welfare of bees during hive movement, which falls outside the scope of this Bylaw.

Other issues

Compliance staff indicated an historic issue with horses, but the team believes this has not been an issue for some time. Staff expressed a desire to not include horses in this bylaw as they fit better under the Stock Control Bylaw. Staff are also aware of a small but persistent concern around cats, but do not believe this to be a major issue either. Lambs in urban settings have sometimes caused complaints too. This feedback all reflects RFS data as well, with no substantial deviations to trends seen in the raw data.

Staff have flagged the need to ensure any revised bylaw also remains consistent with MPI standards and welfare codes.

Animal Control and Enforcement Team

Staff report they sometimes use this bylaw, mostly when animals are on the loose or on private property. In general, the team finds the bylaw effective in managing animal nuisance. However, staff report they will also use the Dog Control Act or Animal Welfare Act to respond to issues. This highlights the above canvassed issue of a need to clarify the role and scope of this bylaw, and what does and does not come under this tool.

Animal control staff find the wording of the bylaw relatively clear and easy to use. Staff mostly use the keeping pigs clauses, and don't use much else of the current bylaw. This indicates a clear need to retain inclusion of pig-specific clauses.



Staff are aware of previous requests to introduce a Cat Bylaw. The team would generally oppose this as it would be incredibly challenging to enforce, as well as would require a markedly higher level of service which the team would not have the capacity for.

When responding to complaints, the team find customers are generally happy for Council to help them, with most cases resolved by education and resource support. Staff note that as the district is essentially half-rural, half-semirural, a common sense approach to enforcement is often needed.

Conclusions

In general, the RFS data shows the scale of animal nuisance issues in the district: while not an overwhelming concern, it is nonetheless an issue that remains ongoing. The current bylaw seems to be largely effective in managing animal nuisances. There have been no major increases in numbers of complaints, and some decreases in certain types. Based on this, a bylaw is considered to be the most appropriate tool for continuing response to these issues.

Locational differences

There are locational differences in the types of animal nuisances experienced. This may be useful to consider during consultation processes. There is also a need for better clarity in the locational definitions used for the bylaw.

Nuisance types

It seems that all common nuisance types currently being experienced are able to be dealt with by the current provisions of the bylaw, with no major gaps between issues experienced and bylaw scope. There is however a need for the wording in some parts of the bylaw to be clearer so that staff and the public better understand what it covers.

Specific animals

The need for poultry provisions remains clear, with ongoing concerns around keeping roosters. This issue shows no clear signs of decreasing and would likely benefit from an educational campaign alongside this bylaw review.

Increasing bee complaints suggests the bee provisions need review, to respond to the rising number of complaints. This would ensure the bylaw is well-equipped to continue dealing with these issues in the future.

The keeping of pigs provisions also seem to be most used when staff respond to RFS. Use of these provisions has also highlighted an issue around bylaw application in different zones, as well as criteria for granting exceptions under the bylaw. This section would likely benefit from specific review, to further clarify the bylaw's clauses.

There does not seem to be any need to add specific provisions for any other specified animal outside what is already within the current bylaw. While there seems to be increasing activity around cat concerns, this can be sufficiently dealt with under the general nuisance clauses.

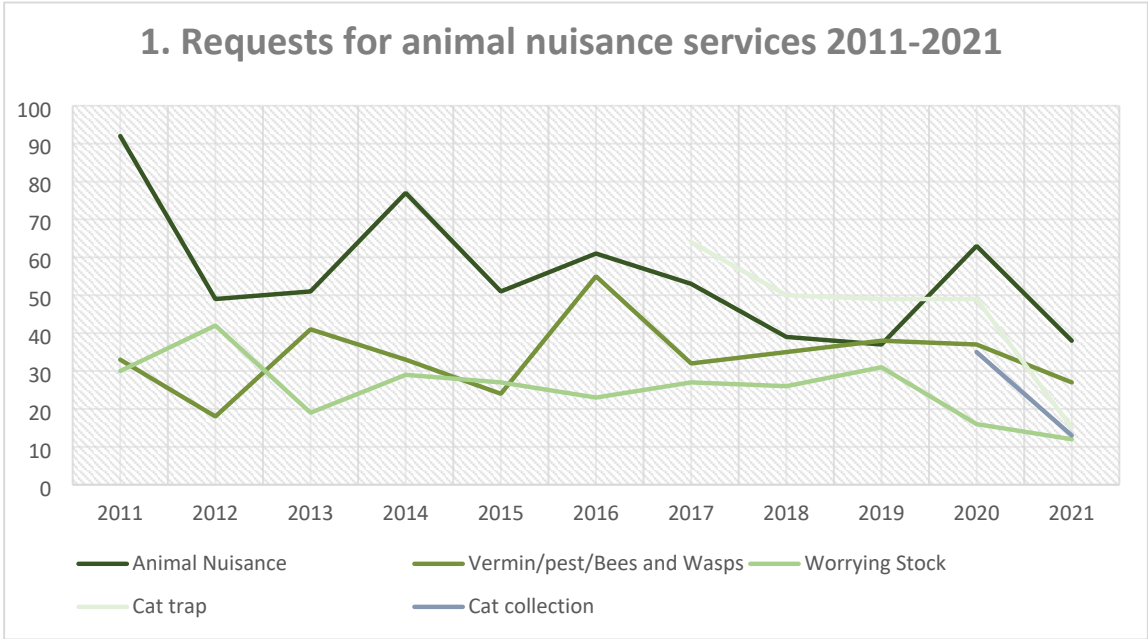
Feral animals

A potential gap in the current bylaw may be a clarification of what regulations apply to nuisance caused by an animal that is not overtly owned by any one property, such as feral or stray animals. An additional clause to address this may be useful.

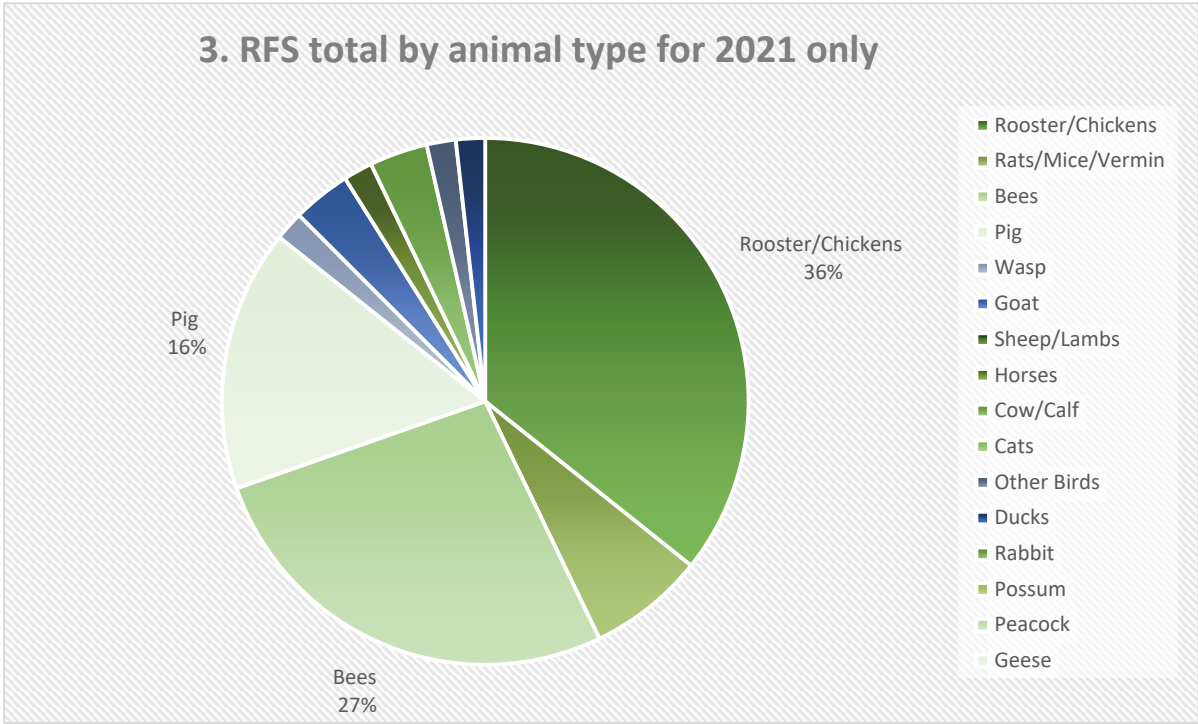
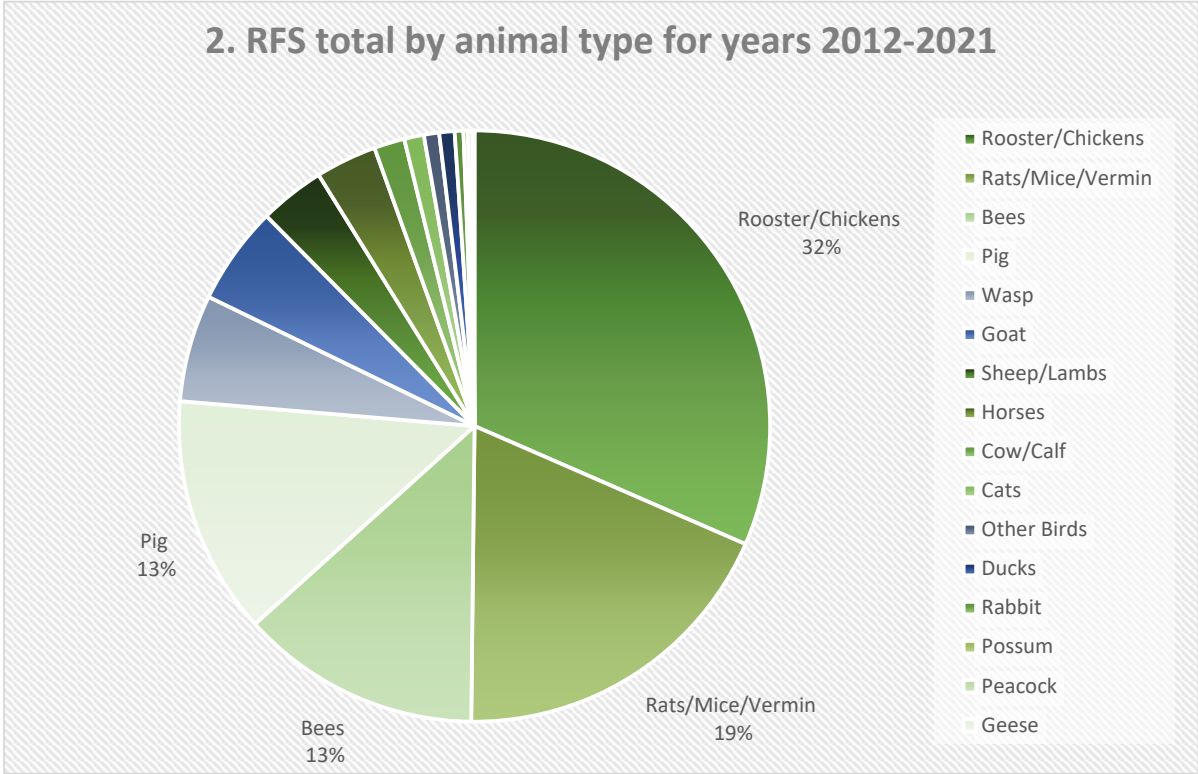


Appendix 1 – Graphs

RFS volume over time



RFS by animal type



Analysis of selected animal nuisance bylaws to inform the review of the Keeping of Animals, Bees and Poultry Bylaw

Prepared by GMD Consultants for Gisborne District Council

17 May 2022



PLANNING · ENVIRONMENT · PEOPLE

Contents

Analysis of selected animal nuisance bylaws to inform the review of the Keeping of Animals, Bees and Poultry Bylaw	1
Contents	2
Introduction	4
Bylaw authorising legislation	4
Scope and purpose of bylaw	5
Exclusions	5
Use of key definitions	5
District Plan Zones	5
Urban by water reticulation	6
Urban by maps	6
Urban and Rural Zones	6
Nuisance	6
Conflict between regulations	6
Establishing the General Rule	6
Keeping of Poultry	7
Specific poultry bans	7
Maximum number	7
Setback	7
Other clauses	8
Keeping of Bees	8
Hive limits	8
General nuisance measure	8
Keeping of Stock	8
Slaughter of stock	9
Grazing stock	9
Keeping of Pigs	9
Pigs in urban area	9
Setback requirements	9
Other Specific Provisions	10
Dangerous animals	10
Feral / wild / stray animals	10
Cats	10
Horses	10



Goats.....10
Conclusions.....11



Introduction

The Keeping of Animals, Poultry and Bees Bylaw (referred to in this report as the Animals Bylaw or the current bylaw) is now due for its 10-year review. As part of the review process, Council must determine whether the bylaw is:

- Necessary
- In the appropriate form
- Proportional to the issue
- Not inconsistent with the NZ Bill of Rights
- Enforceable

To assist Council with this determination, this report has been prepared which considers the bylaws used by other territorial authorities to respond to the issue of animal nuisance. This research is intended to help assess GDC's own bylaw, and canvas any possible alternatives or additions to the current animal nuisance regulations.

This report considers the following instruments:

Territorial Authority	Instrument Title	Reason for consideration
Gisborne District Council (GDC)	Keeping of Animals, Poultry and Bees Bylaw 2012	Current bylaw
Waipā District Council (Waipā)	Waipā District Animal Nuisance Bylaw 2022	Recently reviewed bylaw Comparable TA
Hastings District Council (HDC)	Consolidated Bylaw 2021 Chapter 10 – Miscellaneous Matters	Neighbouring TA Comparable TA Recently reviewed bylaw
New Plymouth District Council (NPDC)	Animals Bylaw 2020	Recently reviewed bylaw Comparable TA
Central Hawkes Bay District Council (CHBDC)	Bylaws Part 13 – The Keeping of Animals, Poultry and Bees 2018	Neighbouring TA Comparable TA
Whakatane District Council (Whakatane)	Control of Animals (excluding dogs), Bees and Poultry 2018	Neighbouring TA Comparable TA
South Waikato District Council (SWDC)	Keeping of Animals, Poultry and Bees Bylaw 2017	Comparable TA Rural/urban focused
Waikato District Council (Waikato)	Keeping of Animals Bylaw 2015	Comparable TA Rural/urban focused
Hamilton City Council (HCC)	Animal Nuisance Bylaw 2013	Urban focused

Bylaw authorising legislation

Section 145 of the Local Government Act (LGA) authorises the making of bylaws for “protecting the public from nuisance” and for “protecting, promoting, and maintaining public health and safety.” Section 146 LGA also specifically authorises the making of bylaws for “keeping of animals, bees, and poultry.”

Section 64 of the Health Act 1956 authorises the making of bylaws for the purposes of the Act, including for “improving, promoting, or protecting public health, and preventing or abating nuisances.”



The current scope and purpose of the bylaw is to “protect, promote and maintain public health and safety” and is made under sections 145 and 146 of LGA. Given this scope, however, it could also invoke the Health Act as further supporting legislation.

Five of the eight bylaws analysed are made under both the LGA and the Health Act. Two are made under just the LGA, and one has been made under just the Health Act. It therefore seems common and possibly best practice to make a bylaw responding to animal nuisance under both Acts.

While such a change may not make materially large differences to the enforcement of the bylaw, the key advantage would be a clarification of the role and scope of this bylaw instrument. That is, clarifying that this bylaw responds to public nuisance and public health concerns relating to animals, and not to welfare issues.

Scope and purpose of bylaw

As stated above, the current scope of the Bylaw states the following:

“The purpose of this Bylaw is to protect the public from nuisance and protect, promote and maintain public health and safety, by providing controls over the keeping of certain animals, bees and poultry and so reduce the incidence of odour, noise, vermin and physical effects.”

Waipā limits the scope of their bylaw to residential areas only. NPDC and SWDC’s scope includes regulating the slaughtering of animals. Otherwise, all instruments considered share the same general scope – to respond to nuisance and public health issues caused by the keeping of animals. In this regard, the current bylaw seems in line with general practice in this area.

Exclusions

Several bylaws also include specific exclusions in some form, being of dogs and/or zoos and zoological gardens. Currently, GDC’s bylaw does not contain any exclusions. While it is understood that this bylaw does not apply to dogs, and is less relevant to stock wandering issues, these are not actually specified. Stating these exclusions may be a helpful addition to further clarify the role of this bylaw, and its defining features from other bylaws or instruments GDC has in place.

It is understood that the Gisborne Botanical Gardens may keep animals, so there may be cause to include a zoo/zoological garden exclusion. The necessity for such an addition is currently unclear.

Use of key definitions

The external bylaws were considered for any helpful approaches to defining issues or areas. As all bylaws considered have a separation of urban and rural areas in some way, this report specifically considered the wording used to define these areas in each instrument.

District Plan Zones

Most instruments considered relied on the provisions of their District Plan to define what parts of the district are rural, residential, or any other zoning. This seems to be the clearest and easiest approach as it ensures the bylaw is consistent with the District Plan, thereby applying one classification of land to all Council instruments. It also makes future changes easier as no change would be needed to the bylaw itself if areas are re-zoned, but only through the district plan. This is also the approach currently used by GDC.



Urban by water reticulation

NPDC's bylaw defines an urban zone as "any area that has reticulation services for water supply, sewage, or stormwater disposal available to it (even if the services are not currently used)" plus includes a list of named areas that are specifically included in the definition. While this approach may be user-friendly by having each suburb named, it may set up the bylaw to be more complex when faced with future development changes.

Urban by maps

SWDC uses a series of maps in a schedule to define which areas are considered urban. While this also provides a high degree of clarity and accessibility of information, it also makes the bylaw more complex to edit in the future if any changes to the areas were needed. Schedules to a bylaw still form part of the bylaw, so are subject to the same review processes.

Urban and Rural Zones

Waikato's bylaw uses the terms 'rural' and 'urban' throughout the bylaw to refer to the two distinct classes of rules. This enhances the readability of complex clauses. In the definition section, these two terms are then defined by all land zones being attributed to either one or the other of these terms. The specific definition for those zones are then dependant on the District Plan. This may be a very easy and useful approach to employ, depending on where exactly the differences in the bylaw content lie.

Nuisance

A further notable definition was that for 'nuisance' used by CHBDC. The definition is nuisance as defined by the Health Act. This is a very simple and logical cross-reference which could be used by GDC, if there was a desire to include any such definition. Currently, the Bylaw does not specifically define what constitutes 'nuisance' like other bylaws have.

Conflict between regulations

HDC helpfully clarifies that in case of any ambiguity or conflict between the bylaw and the District Plan, the District Plan will prevail. This may be an especially useful approach if the bylaw is highly dependant on the District Plan's provisions to apply the bylaw's provisions.

Establishing the General Rule

The current bylaw establishes a general animal nuisance rule that applies to all animals in all of the district. This is in Clause 9 – Nuisance, and states that any person keeping any animal must keep it in certain conditions so as to avoid creating any nuisance.

All bylaws considered contain a similar general rule, covering general nuisance caused by the keeping of animals. This generally covers avoiding creating nuisances or health issues and keeping animal areas clean. Some bylaws then also specify the general rules around odour or vermin.

Most bylaws considered begin with a general 'nuisance' rule which establishes the default provisions that apply. This is then followed by more specific provisions that also apply on top of the general rule in certain situations (e.g., specific provisions relating to keeping pigs). As this is the default rule established by the bylaw, it is helpful to have this clause at the start of the instrument. This structure may also assist to clarify the operations of the bylaw as a whole, and how the difference sections relate to each other.



Most bylaws also contain clauses which give Council or Authorised Officers the ability to grant people specific exemptions to keep animals outside of the provisions of the bylaw. These decisions are normally context-dependant, and reliant on an Authorised Officer's assessment of the risk of nuisance.

Keeping of Poultry

In general, most bylaws set similar regulations around maximum poultry head numbers, boundary setbacks, and, for urban areas, poultry house/run requirements. Of particular note is the clause in HDC's bylaw, which is an example of very clear and concise wording. It states:

"A person must not keep on premises within the urban area:

- a) a rooster; or*
 - b) more than 12 head of poultry."*
-

Most bylaws also contain similar provisions around requiring proper housing or runs for poultry in urban areas, and often prescribe boundary setback measurements.

Specific poultry bans

Waipā bans cockerels in urban areas, and NPDC bans ganders. Most instruments also ban roosters in urban areas. Given the research so far, there is no clear reason for including any further specific poultry bans in GDC's bylaw. Roosters are already banned in urban areas.

Maximum number

Below is a comparison of the different maximums for poultry prescribed by the different bylaws. Those instruments not included do not specify a maximum. All councils considered do not prescribe a maximum number of poultry heads for rural properties.

Bylaw	GDC	Waipā	HDC	NPDC	Whakatane	CHBDC	SWDC	Waikato
<i>Urban max. no.</i>	12	Residential: 5 Large Lot Residential: 10 Large Lot Residential >1ha: 50	12	12	12	12	10	<550m2: 6 >550m2: 12

The current GDC provisions are relatively in line with common practice in this area, which suggests it to be within the realm of a generally accepted urban maximum.

Setback

Below is a comparison of the different setback requirements for keeping poultry in urban areas. Those instruments not included do not specify specific setback distances.

Bylaw	GDC	Waipā	CHBDC	HDC	Waikato	Whakatane
<i>Boundary setback</i>	2m	2m	2m	2m	3m	-
<i>Dwelling setback</i>	10m	3m	10m	-	10m	2m



Again, the current GDC provisions are relatively in line with that being used by other instruments, which suggests it to be within the realm of generally accepted urban limits.

Other clauses

NPDC allows the temporary keeping of poultry for killing and dressing for sale. SWDC's poultry provisions do not apply to the keeping of racing pigeons. Given current research, there is no reason to suggest there is any benefit to GDC from including any such provisions.

Keeping of Bees

Most councils specify setback and/or fencing requirements for beehives kept on properties, and otherwise regulate bees by applying a general 'nuisance' rule. CHBDC bans bees in urban areas entirely.

Hive limits

NPDC and Waikato limit the number of hives in urban areas depending on the size of the property. This is the approach taken by GDC too. Below is a table comparing the limits.

Bylaw	GDC		NPDC		Waikato	
<i>Urban property size (m²) and max. hive no.</i>	<600	None	-	-	<500	None
	600-900	1	<600	3	500-2,000	2
	>900	2	601-750	5	2,001-4,000	4
			>750	7	>4,000	6

Given that the majority of instruments don't or no longer limit hive numbers, consideration should be made as to whether or not GDC want to continue to limit hive numbers, and if so, on what grounds that would be justifiable as it may no longer be seen as common practice. No bylaw considered prescribes maximum hive numbers for rural properties.

General nuisance measure

Otherwise, reliance on a general nuisance rule is widely used. HDC is a helpful example of such a rule, which states:

"A person must not keep bees on premises if the keeping of those bees is, or is likely to become, a danger to the public or a nuisance."

Having such a wide rule would be easier for public to understand, and would provide a high degree of flexibility. However, it may also increase enforcement staff work as each complaint received would have to be assessed individually. In practice though, this already seems to be the case when a complaint is received. It may therefore have no material change to the enforcement of the bylaw, and could be a very useful tool to consider.

Keeping of Stock

GDC currently does not allow stock to be kept in residential areas. This is also the approach taken by HDC and Whakatane. Otherwise, the bylaws considered allow stock to be kept in residential/urban



areas so long as they meet certain minimum requirements, or are generally kept in a way that doesn't cause nuisance.

NPDC and SWDC require boundary setbacks for stock, and also require certain housing for stock when in urban areas.

Slaughter of stock

SWDC and Whakatane include provisions around the slaughter of stock. SWDC requires that any slaughter must not cause a nuisance, and must be screened from any nearby person. Whakatane does not allow the slaughter of stock to take place in urban areas at all.

It is unclear whether there is any need to include such provisions in GDC's bylaw, as this seems to be a specific issue that the district may not face.

Grazing stock

HDC and Whakatane include provisions around grazing stock. HDC require any grazing stock to be enclosed properly, and Whakatane specifically bans leaving stock in any public place for the purpose of grazing.

Again, it is unclear whether there is any need to include such provisions in GDC's bylaw.

Keeping of Pigs

Most of the bylaws considered have specific provisions for keeping pigs. Of those with pig-specific provisions, their contents are relatively similar. They deal mostly with setback requirements to reduce any nuisance caused. Three of the councils have no pig-specific provisions.

Pigs in urban area

Four of the councils do not allow pigs in urban areas. This is the approach taken by GDC as well. The others either do not explicitly ban it, or do not have specific provisions on keeping pigs within the bylaw.

Setback requirements

Below is a table that compares the different regulations.

Bylaw	GDC	CHBDC	Waikato	Whakatane
<i>Rural limit</i>	-	2 sows	-	-
<i>Boundary setback</i>	-	-	30m	50m
<i>Building setback</i>	10m (from dwellings on the same property) 50m (from neighbouring dwellings) 100m (from neighbouring dwellings if more than 3 pigs)	50m	20m	50m

NPDC's regulations are simply to comply with all District Plan provisions, and legislation. No further requirements are included in their bylaw.

GDC's current setback requirements are markedly more complex than all other bylaws considered. It may be helpful to review these requirements and the justifications behind it.



Other Specific Provisions

Several bylaws include further specific provisions around other animals that are not currently included in GDC's bylaw.

Dangerous animals

Whakatane requires any dangerous animal to be properly muzzled when in a public place. There does not seem to be an issue with dangerous animals in public in GDC.

Feral / wild / stray animals

NPDC and Waikato include provisions that require any person to not encourage a nuisance by feral animals. This means no person can provide sustenance, harbourage or comfort to an animal that is feral or stray. NPDC also states that if a feral or stray animal is causing a nuisance to someone, the person whose property its on is required to take steps to abate the nuisance.

There is currently a small issue with feral vermin, wild bees and stray cats causing nuisances, and falling into the grey area of council's bylaws. Including a similar provision in GDC's bylaw, then, may be beneficial in increasing the operational clarity and efficiency of dealing with animal nuisances caused by feral, wild or stray animals.

Cats

Several councils impose limits on the number of cats per dwelling in urban areas. Below is a table comparing the different limits.

Bylaw	NPDC	HDC	SWDC
<i>Limit on cats per dwelling</i>	3	4 (or in some residential makeups, 2 or 1)	5

GDC does not limit domestic cats in the district. While there have been some complaints around cats, there are to date no specific issues that would warrant a departure from or addition to the general rule already imposed on the keeping of all animals. This general rule already covers cats as they too are an animal.

Horses

Waikato specifically does not allow horses on premises smaller than 1,200m² in urban areas, and SWDC generally does not allow horses in urban areas. Waikato and Whakatane also require a horse owner to remove faeces if a horse defecates in a public place.

While horses are not specifically provided for in GDC's bylaw, they have been operationally considered stock and are usually dealt with under the Stock Control Bylaw. While horse complaints were historically an issue for GDC, staff now report that this has remained an historical occurrence, with no real need to specifically provide for horses in the Animals Bylaw.

Goats

HDC requires goats in urban areas to be tethered at all times. Under GDC's current bylaw, goats are not permitted in urban areas. However, should there be reason to change this, a tethering clause may be useful to consider.



Conclusions

The current GDC bylaw shares a lot of similarities with other animal nuisance bylaws. Its general form and approach are those which are commonly employed to regulated animal nuisance. However, there are a few key areas that could be improved by considering approaches taken by other councils.

The scope and purpose of the bylaw could be further clarified to emphasise its role of animal nuisance abatement, and not animal welfare regulation. This could further be achieved by citing the Health Act as an authorising Act as well as the LGA.

The best practice seems to be to rely on the District Plan for the exact definition of each type of zoned property. A further helpful approach may then be to categorise each type of zone as either 'residential' or 'rural' with the differing provisions in the actual bylaw simply applying to either residential or rural areas.

The bylaw's clarity and function could be improved by moving the general rules to the front of the bylaw, and editing wording to communicate that it is the default rule that applies to all animals, unless a specific rule applies.

Poultry provisions could be simplified in wording/application, but their content seems to be the common approach. Bee provisions may require a review to reflect changes in this space. Stock provisions may benefit from a review to clarify when an issue falls under this bylaw, and when it falls under the Stock Control Bylaw. Pig provisions may also benefit from a review to simplify the regulations and revisit their purpose.

The addition of a feral/wild/stray animal provision may be very valuable considering the current issues experienced by GDC.



Ture ā-rohe Tiaki Kararehe, Pīkaokao me te Pī o Te Tairāwhiti 2023

(Tairāwhiti Keeping of Animals, Poultry and Bees Bylaw 2023)

Made by Gisborne District Council

Resolution of Council dated __ of _____ 202_

Contents

1. TITLE	1
2. COMMENCEMENT	1
3. APPLICATION.....	1
4. ENABLING ENACTMENTS.....	1
5. INTERPRETATION.....	1
6. PURPOSE.....	3
PART 1: GENERAL NUISANCE PROVISIONS.....	3
7. GENERAL NUISANCE	3
8. ENCOURAGING NUISANCES BY FERAL OR STRAY ANIMALS.....	4
PART 2: ANIMAL SPECIFIC PROVISIONS	4
9. POULTRY KEEPING.....	4
10. BEE KEEPING.....	5
11. STOCK KEEPING	5
12. PIG KEEPING	6
PART 3: OPERATION AND ENFORCEMENT	6
13. FEES	6
14. PERMITS UNDER THIS BYLAW	6
15. PENALTIES	7
16. REVOCATIONS AND SAVINGS	7

1. Title

This bylaw is the Tairāwhiti Keeping of Animals, Poultry and Bees Bylaw 2023.

2. Commencement

This bylaw comes into force on **XX XXXX 2023**.

3. Application

This bylaw applies to the entire Gisborne District.

Related information:

Other regulations apply to the management and regulation of animals in the district and should be read in conjunction with this Bylaw. This includes, but may not be limited to, the:

- Gisborne District Stock Control Bylaw 2017
- Gisborne Dog Control Bylaw 2010 and Dog Control Policy
- Operative District Plan - Tairāwhiti Resource Management Plan
- Animal Welfare (Care and Procedures) Regulations 2018
- Animal Welfare Act 1999

4. Enabling enactments

- (1) This bylaw is made under the authority of –
- (a) sections 145 and 146 of the Local Government Act 2002, and
 - (b) sections 23 and 64 of the Health Act 1956.

5. Interpretation

- (1) In this bylaw, unless the context otherwise requires –

Animal means any member of the animal kingdom, but for the purposes of this bylaw does not include human beings or dogs.

Bylaw means the Ture ā-rohe Tiaki Kararehe, Pīkaokao me te Pī o Te Tairāwhiti 2023 - Tairāwhiti Keeping of Animals, Poultry and Bees Bylaw 2023.

Council means the Gisborne District Council, and anyone authorised to act on their behalf.

Dwelling means any building that is primarily occupied as a residence; and includes any structure or outdoor living area that is accessory to, and used wholly or principally for the purposes of, the residence; but does not include the land upon which the residence is sited.

Feral animal means a domestic animal which is not a stray animal, and which has none of its needs provided by humans. Feral animals generally do not live around centres of human habitation.

Nuisance means any unreasonable interference with the peace, comfort or convenience of another person and includes a statutory nuisance as defined in section 29 of the Health Act 1956, and includes the following -

- (a) where any accumulation or deposit of any waste or other similar material is in such a state or so situated as to be offensive;
- (b) where any buildings used for the keeping of animals are so constructed, situated, used, or kept, or are in such a condition, as to be offensive; and
- (c) where any noise emitted by an animal unreasonably interferes with the peace, comfort, and convenience of any person.

Occupier means the inhabitant occupier of any property, and includes any agent, employee, or other person acting or apparently acting in the general management or control of the land.

Owner, in relation to land and any buildings on the land, means any person who is entitled to the rack rent from the land, or who would be so entitled if the land were let to a tenant at a rack rent; and includes the owner of the fee simple of the land.

Poultry means domestic fowls of all descriptions, age and gender and includes chickens, roosters, geese, ducks, pigeons, turkeys, and peafowl.

Property means any parcel of land and/or building capable of being transferred, sold, rented, leased, or otherwise disposed of separately from any other parcel of land and/or building(s), whether or not the land and/or building is occupied.

Rural Area means the following zones so defined by the Tairāwhiti Resource Management Plan:

- Rural Residential;
- Rural Lifestyle;
- Rural General; and
- Rural Production.

Sensitive use means any place of assembly or community facility such as a school or church, any occupied building including dwellings and workplaces, and any place where persons remain for leisure or recreation including outdoor living areas. This definition does not include roads.

Stock means any herd animal regardless of age or gender, and includes horse, cattle, goat, pig, sheep, deer, emu, donkey and alpaca.

Stray animal means a domestic animal which is lost or abandoned, and which is living as an individual or in a group. Stray animals normally have many of their needs indirectly supplied by humans and live around centres of human habitation.

Urban Area:

- (a) means the following zones so defined by the Tairāwhiti Resource Management Plan:
 - General Residential;
 - Inner City Residential;
 - Residential Protection; and
 - Residential Lifestyle;
- (b) includes commercial areas, industrial areas, and rural townships.

- (2) Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Local Government Act 2002 unless the context plainly requires a different meaning.
- (3) The Legislation Act 2019 applies to the interpretation of this bylaw.
- (4) Related information is for information purposes only. It does not form part of this bylaw and may be inserted or changed by the Council at any time without amending the bylaw.

6. Purpose

The purpose of this bylaw is to protect the public from nuisance and protect, promote and maintain public health and safety, by providing controls over the keeping of certain animals, bees and poultry and so reduce the incidence of odour, noise, vermin and physical effects.

Part 1: General Nuisance Provisions

7. General Nuisance

- (1) No person may keep any animal or allow any such animal to be kept or remain on any property owned or occupied by that person, unless:
 - (a) animals are kept in such a manner that no nuisance occurs; and
 - (b) any building, shelter or enclosure used to house animals is constructed, drained and maintained so as to ensure that no nuisance occurs from its existence or use; and
 - (c) any discharge of objectionable or offensive odours is not of an extent that it causes an adverse effect beyond the boundary of the property; and
 - (d) effective fencing or other containment measures are provided to confine and control the animals, other than bees and free-flight birds, within the site and to prevent them from gaining access to neighbouring properties;
 - (e) parasites, flies and other pests do not reach levels that may create a nuisance to neighbours or a health risk to humans or animals.
- (2) Whether an odour causes an adverse effect for the purpose of clause 7(1)(c) shall be determined by the Council with reference to the frequency, intensity, duration and offensiveness (or character) of the odour, and the type of land use and nature of human activities in the vicinity of the odour source.
- (3) Clause 7(1) will apply regardless of whether a person has complied with other clauses of this bylaw.
- (4) For the avoidance of doubt, clause 7(1) applies to all activities associated with the keeping of animals including storage of food and waste.

8. Encouraging nuisances by feral or stray animals

- (1) No person shall provide sustenance, harbourage or comfort to an animal that reasonably appears to be a feral or stray animal so as to cause the animal to become a nuisance to other persons.
- (2) Where an animal that is causing a nuisance reasonably appears to be a feral or stray animal, the owner or occupier of the property from which such animal emanates must abate the nuisance caused by the animal. Abatement may include but is not limited to:
 - (a) claiming the animal as a domestic owned pet and keeping it in such a state as to abate any nuisance;
 - (b) permanently removing (including disposal of) the animal so it no longer causes a nuisance to others; or
 - (c) agreeing with the Council that the Council will remove the animal and the occupier will pay the Council's reasonable costs.

Related information:

Where possible, Council will work proactively with the SPCA and other animal rescue organisations to ensure animal welfare requirements are met and all practicable options are explored when dealing with feral and stray animals.

Animal rescue activities in the community are allowed as long as they are not conducted in such a way as to encourage stray or feral animals to cause nuisance.

Part 2: Animal Specific Provisions

9. Poultry Keeping

- (1) Except with the written approval of Council, –
 - (a) No person may keep more than 12 head of poultry on any property in an Urban Area; and
 - (b) No person may keep roosters, geese or peafowl in an Urban Area.
- (2) Any occupier of a property where poultry are kept must ensure that poultry are confined to the property. This can be achieved by providing either:
 - (a) an enclosed poultry house with an attached poultry run compliant with clause 9(3); or
 - (b) an enclosed poultry house compliant with clause 9(3), and adequate fencing of the property.
- (3) Except with the written approval of Council, any person who keeps poultry in any area of the District must ensure that all parts of a poultry house or run must be at least 10 metres from any dwelling unit or other sensitive use, and at least two metres from any neighbouring property boundary.

10. Bee Keeping

- (1) No person may keep bees if the keeping of such bees is, or is likely to become, dangerous, injurious to health, or a nuisance to any person.
- (2) Subject to clause 10(1), except with the written approval of Council, no person may keep more than two beehives in an Urban Area.
- (3) Despite clause 10(2), where Council considers the keeping of bees to cause a nuisance, it may, by written notice, require the beekeeper or owner or occupier of the property to undertake one or more of the following steps to mitigate or abate the nuisance or danger—
 - (a) limit the number of hives allowed on the property; or
 - (b) impose minimum distance from any neighbouring property boundary; or
 - (c) relocate hives; or
 - (d) remove hives.
- (4) Any beekeeper, owner, or occupier who receives a notice under clause 10(3) of this bylaw must, without delay, comply with the notice.

Related information:

To avoid breaching this bylaw, the number of beehives kept on any property must be appropriate to the section size, the proximity of neighbours and the layout of the property. This is also important to remember when undertaking work to split beehives, which may result in a property having more hives than it is able to maintain.

Placement of beehives is a critical factor for avoiding problems for neighbours in urban areas. When placing beehives, consider the following factors:

- *Water sources: Providing and maintaining a water trough near beehives reduces nuisance caused by bees searching for water sources on other properties.*
- *Fence height: A solid, high fence encourages bees to fly over neighbouring properties, rather than through them, helping to reduce nuisance.*
- *Flight path: Placing obstructions in front of beehives or elevating them at least 2.5m above ground level helps ensure bees cross the site boundary at a height which reduces nuisance.*

When undertaking hive work or manipulation, be considerate of neighbours or other potentially affected sensitive areas, by only working hives in the evenings, or at a time agreed upon between any potentially affected parties.

11. Stock Keeping

Except with the written approval of Council, no person may keep stock in an Urban Area.

12. Pig Keeping

- (1) Except with the written approval of Council, no person may keep pigs in an Urban Area.
- (2) Except with the written approval of Council, and subject to clause 12(3), any person who keeps pigs in a Rural Area must ensure the following set-back requirements are met:
 - (a) any pig shelter or enclosure, manure, swill or feed must be kept at least 10 metres from any dwelling unit on the same site; and
 - (b) for a property keeping three or fewer pigs, any pig, pig shelter or enclosure, manure, swill or feed must be kept at least 50 meters from any neighbouring dwelling unit or other sensitive use; and
 - (c) for a property keeping four or more pigs, any pig, pig shelter or enclosure, manure, swill or feed must be kept at least 100 meters from any neighbouring dwelling unit or other sensitive use.
- (3) Set-back distances specified in clause 12(2) do not apply where the activity was lawfully established and operated pursuant to the Resource Management Act 1991 prior to this bylaw coming into force, and has not lapsed.

Part 3: Operation and Enforcement

13. Fees

- (1) Council may charge fees for assessing applications, issuing approval, monitoring and enforcement in respect of this bylaw.
- (2) Council may recover the costs of removal or alteration from any person who has committed a breach of this bylaw.

14. Permits under this Bylaw

- (3) Approval by Council under any clause of this bylaw is obtained through the granting of a permit.
- (4) The Council may set application fees for permits under this bylaw and any application for a permit must be accompanied by the relevant application fee (if any).
- (5) An application for a permit must be in writing, contain all information necessary for the Council to consider issuing a permit, and be submitted in accordance with applicable Council policy.
- (6) Any permit under this bylaw must be in writing, and may –
 - (a) include any conditions the Council considers appropriate (including the payment of ongoing fees and charges), and
 - (b) be granted by Council in their discretion.
- (7) A holder of a permit issued under this bylaw must ensure that all conditions of the permit are complied with.

- (8) In determining an application for a permit, the Council may consider factors before making a decision such as:
- (a) whether neighbours are affected and if so whether they have given their consent;
 - (b) whether effluent might drain into any waterway;
 - (c) whether any enclosure or fencing is adequate to contain the animals;
 - (d) previous history of the applicant;
 - (e) potential noise;
 - (f) animal management and care;
 - (g) type, number and intensity of animals; or
 - (h) any other relevant factor.
- (9) Permits are issued to a specified person or persons in respect to a specified property. Permits are not transferable to another person or persons, and remain in force indefinitely, unless or until:
- (a) any time period specified as a condition of approval expires; or
 - (b) the occupier of a property relevant to the permit changes; or
 - (c) the permit is withdrawn.
- (10) The Council may, in its discretion, at any time, review, suspend, or revoke any permit issued under this bylaw.

15. Penalties

- (1) Every person who breaches this bylaw (including any control, restriction, limitation or prohibition made under this bylaw) commits an offence under the Local Government Act 2002 or under the Health Act 1956 and is liable to the penalties set out in the relevant Act.
- (2) Any person who acts contrary or fails to comply with any provision of this bylaw commits an offence and is liable upon summary conviction to a penalty not exceeding \$20,000 or on service of an infringement notice requiring payment of an infringement fee.

16. Revocations and savings

The Gisborne District Council Keeping of Animals, Poultry and Bees Bylaw 2012 is revoked.

11. Reports of the Chief Executive and Staff for INFORMATION



22-186

Title: East Coast Groundwater Monitoring Drilling
Section: Environmental Monitoring & Science
Prepared by: Joanne Ferry - Senior Groundwater Scientist
Meeting Date: 8 September 2022

Legal: Yes

Financial: Yes

Significance: **Low**

Report to SUSTAINABLE TAIRĀWHITI Committee for information

PURPOSE

The purpose of this report is to inform the Sustainable Tairāwhiti Committee about the East Coast Groundwater Monitoring Drilling Programme.

SUMMARY

The East Coast Groundwater Monitoring Drilling Programme will gather scientific information through the drilling, construction and ongoing monitoring of groundwater monitoring bores across the rohe. This is to fulfil part of Council's obligations under the National Policy Statement for Freshwater Management (NPS-FM).

This drilling programme is scoped to occur at up to twelve (12) monitoring bore drilling locations at Wharekahika (Hicks Bay), Te Araroa, Tikitiki and Ruatoria in 2022/23.

Locations have been chosen to facilitate long-term monitoring of fluctuations in groundwater level and quality. This has the potential to assist with catchment wide, long-term impact assessments of groundwater that might be influenced by climate change.

This programme follows on from the 2016 Geological and Nuclear Sciences Ltd (GNS) and Council report, Development of a groundwater monitoring network in the East Coast Holocene alluvial areas (GNS. 2016). The programme will align with the Aqua Intel Aotearoa (AIA, a partnership between GNS and Kānoa), programme to develop a better strategic understanding of region-wide needs and opportunities for water use and associated storage.

A resource consent application to undertake the scientific bore drilling will be submitted to the Council's consenting team. Procurement to tender for drilling works is under way and will look to align with AIA's programme. All works to be completed by Council are for ongoing, routine, scientific monitoring.

This programme is scheduled to be completed by 30 June 2023. Following the completion of this drilling programme Council will review where further groundwater monitoring bores are required across the East Coast Alluvial Areas.

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

That the Sustainable Tairāwhiti Committee:

- 1. Notes the contents of this report.**

Authorised by:

Joanna Noble - Chief of Strategy & Science

Keywords: Groundwater monitoring, Water, Aquifers, National Policy Statement for Freshwater Management

BACKGROUND

1. As a unitary council, Gisborne District Council is obliged – through the National Policy Statement for Freshwater Management (NPSFM) and the Freshwater Plan of the Tairāwhiti Resource Management Plan – to monitor water bodies and freshwater ecosystems and take action if degradation is detected. The East Coast Groundwater Monitoring Drilling programme will assist Council to meet these requirements in areas of the East Coast that have previously had no groundwater monitoring regimes.
2. Council and GNS have previously identified 12 East Coast Alluvial areas (ECAs, Figure 1), excluding the Poverty Bay Flats, as part of a project to identify groundwater data gaps and provide recommendations regarding further data collection and groundwater monitoring (GNS. 2016). To date no Council-led groundwater monitoring activities have occurred in many areas of the East Coast.
3. In 2022/23, the three largest identified ECAs that Council has yet to monitor have been chosen for drilling groundwater monitoring bores at up to 12 locations. The three ECAs are:
 - Wharekahika (Hick's Bay [Figure 2](#))
 - Karakatuwhero (Te Araroa, [Figure 3](#))
 - Waiapu (Tikitiki and Ruatoria, [Figure 4](#) and [Figure 5](#) respectively).

These locations are still being analysed at a feasibility stage and details will be shared for feedback from Tangata Whenua, neighbouring landowners and the community.

4. The results of this drilling will help to gather geological and hydrogeological information.
5. The completion of this programme will provide groundwater monitoring bores which Council's Environmental Monitoring team will use to undertake State of the Environment (SOE) groundwater monitoring in each community.
6. Proposed locations have been chosen to support catchment-wide long-term monitoring of fluctuations in groundwater level and quality. This has the potential to assist with long term impact assessments of groundwater that might be influenced by climate change.
7. Separate to this programme, Council groundwater monitoring bore drilling is also intended to occur at Muriwai and across the Poverty Bay Flats during 2022/23. This drilling will fill gaps within the existing groundwater monitoring network.

DRILLING PROCESS

8. An engagement plan is in development. This will ensure that communication with the community and mana whenua regarding the drilling programme is consistent, clear and informative.
9. Potential drilling locations have been chosen by Council staff and peer reviewed by GNS.

10. A global resource consent application (bore permit) will be submitted to include drilling activities across the East Coast for the next five years. The application will be made for installation of up to 35 locations, of which 12 are discussed in this report. Further reports for the additional/remaining drilling sites will be submitted in future financial years (2023–2025).
11. Based on the provisions of the Tairāwhiti Resource Management Plan (TRMP) the application is a Restricted Discretionary Activity (RDA). The resource consent application is for groundwater monitoring bore construction, not groundwater abstraction.
12. Procurement to tender for the drilling works is under way. The intention is to ensure that drilling operations are aligned with those of the AIA programme to minimise potential impacts to roading and community infrastructure.
13. This programme is exploratory; the depth of each bore will not be known until the bore drilling is complete. However, an assessment of nearby domestic drilling and geological mapping has been completed to determine estimated drill depths, with drilling not expected to exceed 30 metres below ground level.
14. Where the project's hydrogeologist deems there is sufficient water in the aquifer the drilled bores will be converted into permanent scientific monitoring bores.
15. Drilling earth and water samples will be retrieved, analysed, photographed and documented for the purpose of reporting and recording findings for the community.
16. The drilling programme is scheduled to be completed by 30 June 2023. Following the completion of this drilling programme Council will review where further groundwater monitoring bores are required across the East Coast Alluvial Areas.

ASSESSMENT of SIGNIFICANCE

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation

This Report: **Low** Significance

Impacts on Council's delivery of its Financial Strategy and Long Term Plan

This Report: **Low** Significance

Inconsistency with Council's current strategy and policy

This Report: **Low** Significance

The effects on all or a large part of the Gisborne district

This Report: **Low** Significance

The effects on individuals or specific communities

This Report: **Medium** Significance

The level or history of public interest in the matter or issue

This Report: **Medium** Significance

17. 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

18. Council is developing an engagement plan to ensure there are regular hui to involve tangata whenua in the drilling programme. Council will share updates on the programme and also receive local knowledge and feedback into the locations of drilling sites and to enable a sharing of western science and mātauranga māori.
19. The programme team will be taking a report to the Joint Management Agreement Forum (JMAF)⁶ in September/October for discussion around the locations for the proposed bore drilling in the Waiapu catchment.
20. The programme team will align engagement plans with the AIA drilling programme to minimise tangata whenua having to attend multiple hui on similar topics.

COMMUNITY ENGAGEMENT

21. Council will hold community-based engagement hui to inform the community of the scoped programme plan. These engagement hui will be a time to receive local knowledge and feedback that may help shape programme decisions and answer any questions or concerns.
22. Council will door knock and letter drop local neighbours of chosen drilling sites, who may be impacted by traffic and road demarcation during programme operations.
23. Neighbouring properties of drilling sites will be provided with an illustration of what the final bore site will look like, to enable feedback for local knowledge of the site (such as flood and cattle hazards).

CLIMATE CHANGE – Impacts / Implications

24. Combining drilling rig workstreams with AIA will reduce carbon emissions for contractor vehicle miles and associated carbon emissions into the region.
25. Locations have been chosen for catchment-wide long-term monitoring of fluctuations in groundwater level and quality. This has the potential to assist with long term impact assessments of groundwater that might be influenced by climate change (including sea level rise monitoring).

CONSIDERATIONS

Financial/Budget

26. The total budget for the project is \$445,578. This was funded through LTP 2021 for Financial Year 2022/23 to undertake Groundwater Bore Drilling and Renewals. This is a capital project which is 100% loan funded.

⁶ The Joint Management Agreement over the Waiapu Catchment, enables Council and Te Runanganui o Ngāti Porou to jointly carry out the functions and duties under S36B of the Resource Management Act (RMA) and other legislation relating to all land and water resources within or affecting the Waiapu Catchment

Legal

27. Council is required to quantify and monitor the quality and quantity of its freshwater under the National Policy Statement for Freshwater Management 2020.
28. To ensure compliance with local government legislation and Council policy for procurement, the Council's Legal Team will provide legal advice during the procurement process.
29. Compliance with the resource consent conditions will be the responsibility of the project team and will be monitored by the Council's Consents Monitoring Team.

POLICY and PLANNING IMPLICATIONS

30. The drilling programme will provide scientific evidence to inform decisions on water use in the catchment. The programme has been funded through the Long Term Plan.
31. The scientific information obtained through the programme will be used to help Council and tangata whenua to discuss and decide what Te Mana o te Wai means in their rohe and how freshwater values will be set in future.

RISKS

32. There is a risk that drilling timeframes may not align with annual financial budgets. Work will be prioritised to utilise the budget in the most effective way and ensure expenditure before the end of the 2022/23 financial year.
33. There is a risk that the community will not feel engaged with the programme. To reduce this risk the engagement plan is being developed with the same team that successfully achieved the Uawa – Ai to Wai drilling programme in 2021. This will use similar principals of face-to-face engagement and invitations to learn more about the programme at community-based hui.
34. Health and Safety risks will be managed by contractors and reviewed and monitored by Council Health and Safety staff.

NEXT STEPS

Date	Action/Milestone	Comments
August – September 2022	Global Drilling Resource Consent Application.	
September – October 2022	Aligned contracts for drilling works with AIA.	The intention is to consolidate simultaneous workstreams of community agreements and potential impacts to roading and community infrastructure.
October 2022	Engagement with Tangata Whenua and stakeholders, including landowners and local community.	Face-to-face, local engagement, door knocking, and letter drops. Including invitations to the November Community Engagement Hui.
November 2022	Community Engagement Hui.	Presentation of the planned drilling works, open conversation with community attendees.
February 2023	Drilling works to commence	Drilling works are anticipated to take up to 60 working days (including travel time).

FIGURES

Figure 1 East Coast Alluvial areas (ECAs) as identified by Murphy and Tschritter (2012), excluding Poverty Bay Flats, for potential groundwater resources (GNS.2016).

Figure 2 Scoped drilling locations for Hicks Bay.

Please note these locations are subject to change following tangata whenua, community and landowner feedback. Ground truthing has determined it is unlikely HB01 will be possible.

Figure 3 Scoped drilling locations for Te Araroa.

Please note these locations are subject to change following tangata whenua, community and landowner feedback. Ground truthing has determined TA02 and TA03 may not be possible.

Figure 4: Scoped drilling locations for the Tikitiki area.

Please note these locations are subject to change following tangata whenua, community and landowner feedback.

Figure 5: Scoped drilling locations for the Ruatoria area.

Please note these locations are subject to change following tangata whenua, community and landowner feedback.

References

C. Tschritter et al. 2016. Development of a groundwater monitoring network in the East Coast Holocene alluvial areas. **GNS Science Report 2016/39**.

https://www.gdc.govt.nz/_data/assets/pdf_file/0009/13230/gns-sr-2016-39-gw-monitoring-network-east-coast-holocene-alluvial-areas.pdf

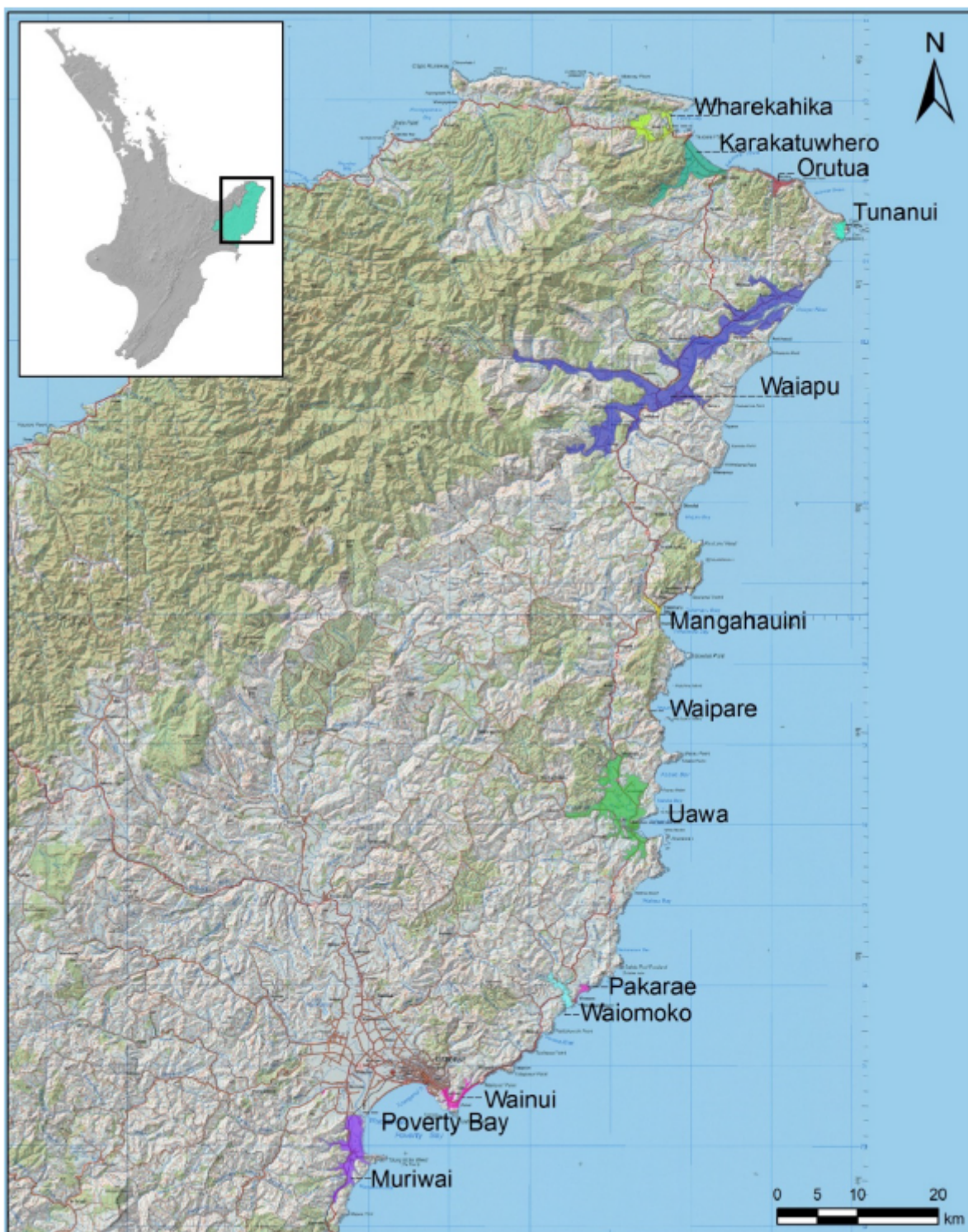


Figure 1 East Coast Alluvial areas (ECAs) as identified by Murphy and Tschirter (2012), excluding Poverty Bay Flats, for potential groundwater resources (GNS. 2016).



Figure 2. Scoped drilling locations for Hick's Bay, prior to engagement feedback. Ground truthing has determined it is unlikely HB01 will be possible.



Figure 3 Scoped drilling locations for Te Araroa, prior to engagement feedback. Ground truthing has determined TA02 and TA03 may not be possible.



Figure 4 Scoped drilling locations for the Tikitiki area, prior to engagement feedback.

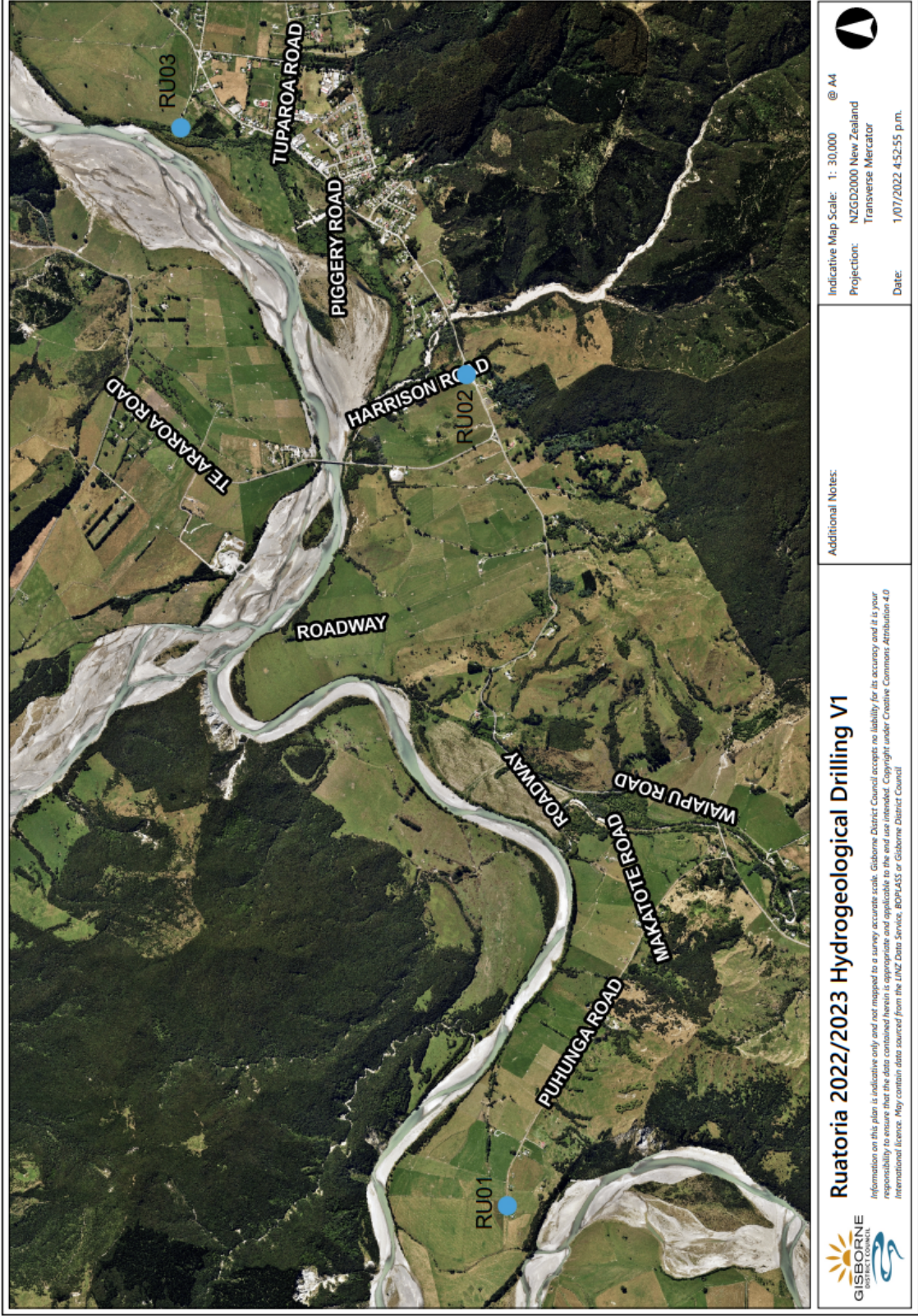


Figure 5 Scoped drilling locations for the Ruatoria area, prior to engagement feedback.

Title: 22-194 Freshwater Monitoring Review
Section: Environmental Monitoring & Science
Prepared by: Tom Porter - Environmental Monitoring & Science Manager
Meeting Date: Thursday 8 September 2022

Legal: Yes

Financial: Yes

Significance: **Low**

Report to SUSTAINABLE TAIRĀWHITI Committee for information

PURPOSE

The purpose of this report is to provide an update on a review of Gisborne District Council's freshwater monitoring network.

SUMMARY

To support the development of our freshwater plans under the National Policy Statement for Freshwater Management (NPS-FM), Council engaged NIWA⁷ to undertake an assessment of its current environmental State of the Environment (SOE) monitoring activities. The final report was completed in August 2022.

The report shows that, overall, Council's monitoring network is doing a good job of representing waterways within the region. However, there are opportunities for improving the network's alignment with NPS-FM requirements and Council's catchment-based planning.

There are some easily implemented changes that can be made immediately with little or no cost or resourcing implications. Other changes will require more budget and staff to deliver. Proposed changes to the monitoring programme will be brought by the Environmental Monitoring team to the Council's Chief of Strategy and Science for approval by January 2023, noting that some additional resourcing is available from the Tairāwhiti Resource Management Planning Freshwater Planning budget to support catchment planning. This additional funding is available until 2025/26.

If additional resources are required, the Environmental Monitoring Team will include these proposals for consideration by Council during development of the 2024–2034 Long Term Plan.

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

⁷ National Institute of Water and Atmospheric Research

RECOMMENDATIONS

That the Sustainable Tairāwhiti Committee:

- 1. Notes the contents of this report.**

Authorised by:

Joanna Noble - Chief of Strategy & Science

Keywords: State of Environment Monitoring Review; SOE; freshwater monitoring, National Policy Statement for Freshwater Management

STATUTORY DRIVERS FOR FRESHWATER MONITORING

1. State of the environment monitoring is central to good freshwater planning. It helps with policy development and informs decision-makers of the consequences of actions and changes in the environment.
2. Legislation sets out our requirements for monitoring. The Resource Management Act 1991 (RMA) requires local authorities to monitor the state of the environment in a way that enables it to carry out its statutory functions⁸.
3. The National Policy Statement for Freshwater Management 2020 (NPS-FM) provides regional councils with direction on how they should manage freshwater under the Resource Management Act 1991 (RMA). This includes a process for managing freshwater called the National Objectives Framework (NOF).
4. A key part of this process requires regional councils to identify the baseline (current) and target (desired) states associated with different measurable attributes such as periphyton and nitrogen. Setting targets helps councils manage freshwater bodies in a way that achieves the aspirations set for each waterbody.
5. Councils must also monitor progress towards achieving target attribute states and assess trends in their state. Where a deteriorating trend is identified, the cause must be investigated and, if the trend is something other than a naturally occurring process, action must be taken to halt or reverse the degradation.

CURRENT MONITORING FRAMEWORK

6. Council has operated a long-term State of the Environment (SOE) surface water quality monitoring programme since 2004. Since 2012 a consistent water quality test suite has included nutrients, clarity and bacteria. Figure 1 shows the location of Council's water quality monitoring sites.
7. Council's current freshwater quality monitoring network comprises 83 biological monitoring sites sampled once annually. Macroinvertebrates (aquatic bugs) are sampled as a calculation of ecological health. Other measurements, such as stream habitat, are also recorded.
8. Of these biological monitoring sites, 43 river sites are also sampled monthly for water quality, resulting in over 13,000 individual water quality parameter results. Eleven of the 43 sites are tidally influenced rivers clustered around Gisborne city.
9. Water quality sonde dataloggers⁹ are deployed for one-month periods during summer to record Dissolved Oxygen (which can vary significantly between day and night). Gisborne District Council currently has five sondes which are rotated around the sites across several years.
10. The Hangaroa-Ruakituri catchment area is also monitored by Hawkes Bay Regional Council to support the monitoring of rivers that flow into its region. This data is available for use by Gisborne District Council.
11. Council does not have an established lake monitoring programme but does monitor water quality monthly at the Ratahi Lagoon outlet, a brackish lake at Te Puia in the Waiapu catchment. Current monitoring variables are not lake specific and is the same test suite used at freshwater river sites. Nationally the Tairāwhiti region has the smallest area of lake surfaces of all regions in Aotearoa.

⁸ Resource Management Act 1991 Section 35(2)(a)

⁹ A sonde is an instrument that automatically regularly monitors and transmits information about its surroundings from a remote location

12. Council monitors 25 coastal water quality sites, 16 of which are close to Gisborne city. For these sites, over 350 samples are taken annually resulting in over 4500 individual water quality parameter results. Some of this monitoring data also contributes to the requirements of Council's wastewater outfall, stormwater and scour overflow discharge consents. Overall Council collects a large quantity of environmental water quality data. In 2021 the Environmental Monitoring team collected more than 4500 water samples which provided over 48,000 water quality results across all programmes within Council's unitary authority function. 41 million data points were also collected from Council's network of environmental telemetry sites.

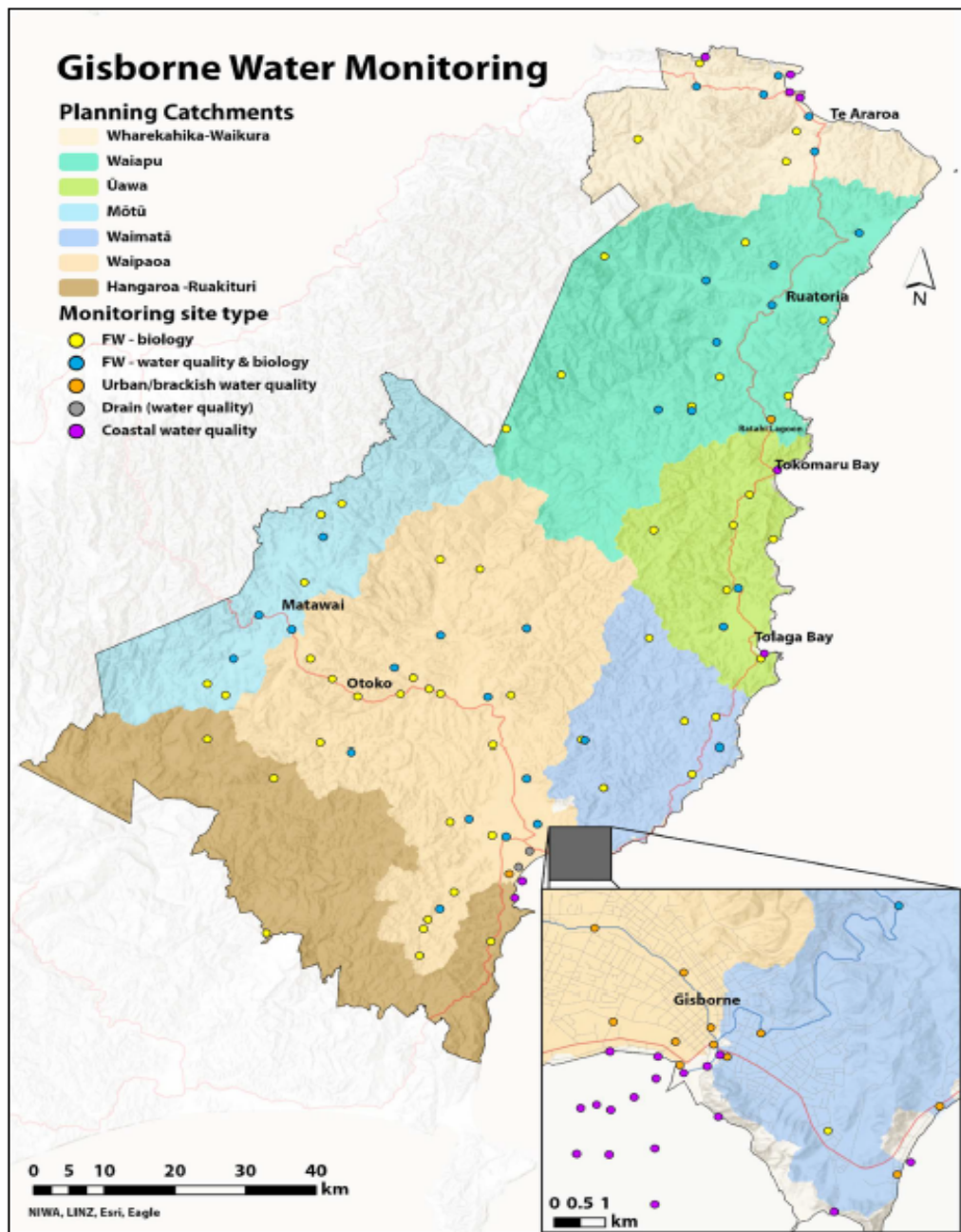


Figure 1: Water Monitoring Sites

RESEARCH NEED – REVIEW OF MONITORING FRAMEWORK

13. The development of Tairāwhiti's freshwater plans under the NPS-FM presents an opportunity to review and optimise our environmental data evidence base.
14. Implementation of the NPS-FM has led to the formation of seven catchment areas across the Gisborne region. This creates a new spatial context for data collection and policy development which is different to the historic 'whole of region' approach. Figure 2 shows the seven catchments within Tairāwhiti.

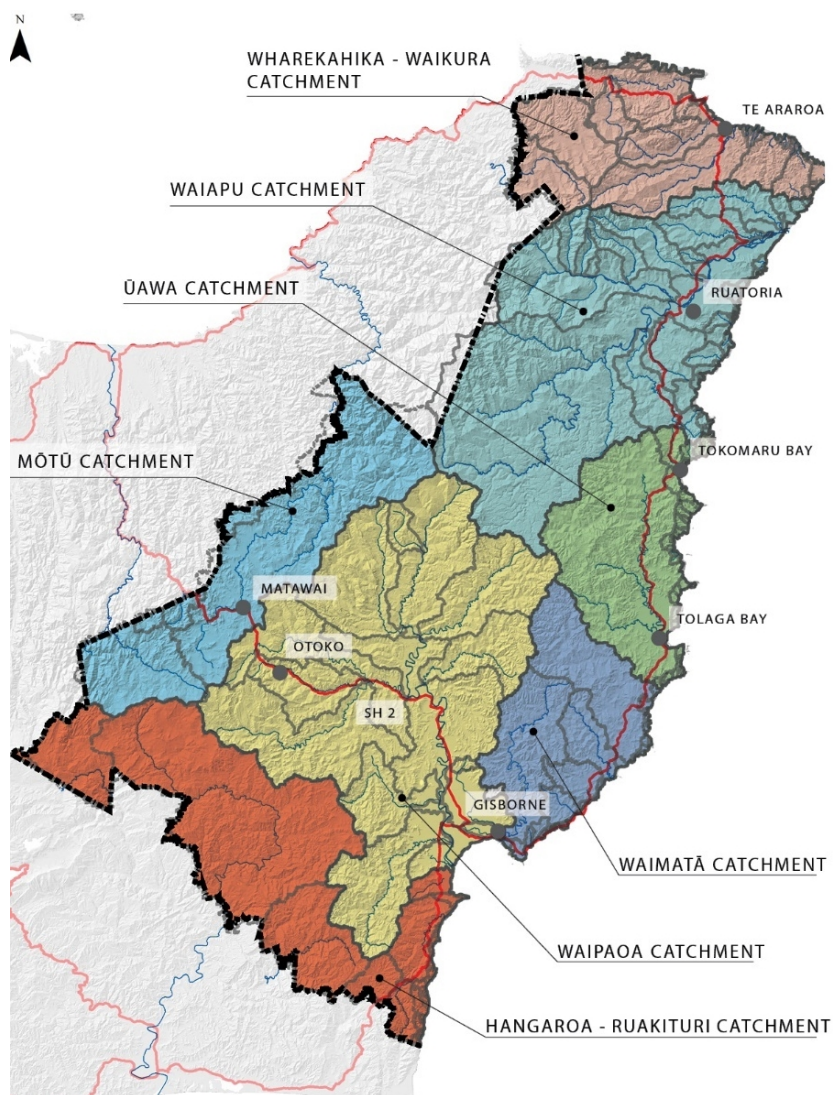


Figure 6: catchment planning areas for Tairāwhiti

15. To support this alignment, Council engaged NIWA to undertake an assessment of current Freshwater and coastal water state of the environment (SOE) monitoring activities; the focus being an assessment of the extent to which Council is compliant with NPS-FM requirements at a catchment scale. NIWA were also asked to assess how strategic and efficient Council's freshwater monitoring programme is.

16. Following the assessment, NIWA were asked to provide recommendations for where improvements could be made to the monitoring programme to improve compliance and efficiency.
17. NIWA completed the final report in August 2022. This included a benchmarking assessment with other councils of a similar size.

FINDINGS FROM MONITORING REVIEW

18. The NIWA report shows that overall Council is doing a good job. The monitoring network provides reasonable site coverage and representation within the region. The number of sites being monitored by Council is comparable to that of Tasman and Marlborough regions which are both similar in terms of land area and population. By attribute count, Council is 73% compliant with NPS-FM rivers attributes but is not compliant with lakes attributes.
19. Historically Council's environmental monitoring network was designed around a whole-of-region focus. The freshwater planning framework required by the NPS-FM is based on catchment areas, with each catchment area requiring its own plan. The NIWA report provides direction for improved alignment between environmental monitoring and catchment plan development. This approach also aligns Tairāwhiti with a national reporting context.
20. The report recommends some opportunities for site rationalisation. However, overall, NIWA recommends increasing the number of sites or increasing the effort at an existing site to ensure better freshwater catchment representation or to assist Council in achieving greater NPS-FM attribute compliance.
21. The report provides suggestions as to how Council should approach decision making around inclusion of lakes NPS-FM requirements into the monitoring programme.
22. While outside the requirements of the NPS-FM, coastal waters are the receiving environment for the majority of Tairāwhiti's rivers; therefore coastal water quality is an important component of Council's environmental monitoring programme. Small changes were recommended in the report to Council's coastal water quality monitoring. These included the consideration of commencing sampling estuaries of importance – notably Wherowhero and Uawa estuaries.
23. The Executive Summary for the NIWA report is **attached** to this report. Copies of the full report are available on request from Council.

DISCUSSION

24. The report suggests amendments to the current monitoring programme. Implementing all of these will require extra staff and resourcing to support. To fairly represent each catchment plan, the report suggests a net monitoring site increase. To ensure greater NPS-FM attribute compliance, it also recommends an increase in the amount of the time spent onsite at each visit.
25. The Environmental Monitoring team will analyse the practical implications of implementing the recommendations of the NIWA review – by January 2023 – and make a recommendation to Council's Chief of Strategy and Science. Site rationalisation will be factored in where possible to offset extra effort required. Should additional resources be required, the Environmental Monitoring Team will include these proposals in Council's 2024–2034 Long Term Plan considerations.

26. There are some recommendations which can easily be implemented by Council's Environmental Monitoring team with little or no cost or resourcing implications. For example, updating some tests to new laboratory methodologies to better align Council with National Environmental Monitoring Standards (NEMS). These changes will be implemented immediately.
27. Staff will consult with relevant iwi and the community to determine the value of monitoring lakes and how to prioritise them alongside other freshwater monitoring programmes. This could occur as part of the catchment planning process. Monitoring our lakes will improve our compliance under the NPS-FM but will pose an additional cost to Council.
28. There is discussion in the report about the need to better understand the relative impacts that heavy rain events can have on our freshwater systems. The report suggested that some monitoring sites could be reclassified from SOE to 'special interest' monitoring programmes. One example being urban stormwater contaminants which are currently sampled monthly at the same time as routine SOE monitoring, as opposed to when stormwater runoff is having most impact, which is typically related to rain events. Monitoring these sites separately will provide a more accurate picture of the impacts of stormwater runoff. This would have staff and budget implications. Environmental Monitoring staff will consider the approach to this, including discussing with colleagues who manage stormwater. Increasing post-rain sampling will be discussed during the development of catchment plans.

ASSESSMENT of SIGNIFICANCE

29. 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

30. This review of the freshwater monitoring programme focusses on Council's baseline science components of its freshwater monitoring programme. No external consultation was required for this report. As part of the development of the freshwater catchment plans, staff will engage with tangata whenua to determine if they require support for their own environmental monitoring. This data and any mātauranga māori shared with us will be considered and included in the development of freshwater catchment plans.

COMMUNITY ENGAGEMENT

31. No external consultation was required for this report. However engagement with the community is a great opportunity to create more public interest in freshwater monitoring and freshwater outcomes. In particular staff are looking to support local charitable trust Ngā Mahi Te Taiao in bringing freshwater monitoring to schools around Tairāwhiti. Using SHMAK kits¹⁰, school children are able to actively monitor the state of their waterways including water quality, physical features of the stream and its banks, and the plants and animals living there.

¹⁰ Stream Health Monitoring Assessment Kit - developed by the National Institute of Water and Atmospheric Research (NIWA). These kits give landowners, iwi, school and community groups simple, scientifically-sound tools and resources to monitor the ecological health of New Zealand's streams.

CLIMATE CHANGE – Impacts / Implications

32. The Environmental Monitoring team currently run four diesel vehicles to service their unitary authority functions. These vehicles collectively emit 23 tonnes of CO₂ per year in vehicle mileage. Staff will review the recommendations of the report and plan the 'sampling runs' to try to make these runs as efficient as possible, whilst ensuring water samples also make it back to the analytical laboratory in time.

CONSIDERATIONS

Financial/Budget

33. The Environmental Monitoring team is funded for both operational and capital costs through the 2021–2031 Long Term Plan. Some additional resourcing is available from the Tairāwhiti Resource Management Plan Freshwater Planning budget to support catchment planning. This additional funding is available until 2025/26.
34. As of August 2022, Environmental Monitoring team have 11 team members covering a range of district and regional functions – including Hydrology, Water Quality/Freshwater Ecology and Data support. Three students are employed during summer to help deliver seasonal monitoring programmes.
35. In the 2021 calendar year, Council collectively spent \$310,000 on laboratory testing services.
36. Implementing the recommendations from the NIWA review is likely to require further staffing and budget to implement. These costs will be included in the Environmental Monitoring team's overall proposed budget for Council to consider during development of the 2024–2034 Long Term Plan.

Legal

37. Council is required to undertake environmental reporting to meet the requirements of the National Policy Statement for Freshwater Management 2020 (NPS-FM).
38. Council undertakes environmental reporting as required through the Resource Management Act 1991 (RMA).
39. The Environmental Reporting Act 2015 (ERA) requires the Ministry for the Environment and Statistics NZ to report on the state of different aspects of the environment every six months, and the environment as a whole every three years. As part of this, Council is required to provide environmental information – including to the Land, Air, Water Aotearoa (LAWA) website. As of August 2022, The Ministry for the Environment is working with Statistics New Zealand and regional councils to update the ERA to improve the availability of nationwide, robust, representative data.

POLICY and PLANNING IMPLICATIONS

40. The extent to which the NIWA recommendations are implemented will influence how well Council gives effect to the NPS-FM's freshwater plans. This is particularly pertinent now that freshwater management is organised around catchment areas. Those recommendations provide a pathway to strengthening our monitoring framework. The data collected can provide the clearest picture about the state of our freshwater resources and where we need to set targets for improving the attributes we measure.
41. It is important that Council aligns itself as much as possible with those recommendations to ensure our plans are able to be developed from the best evidence available.

RISKS

42. **Implementation.** Choosing the easiest (and cheapest) implementation pathway will not necessarily provide sufficient robust data on which to develop our freshwater plans. To mitigate this risk Council staff will analyse the implications of implementing the recommendations of the report and ensure Council will continue to have a robust data set.
43. **Legislative uncertainty.** Resource Management Act, Three Waters and/or Local Government reform could result in a change of legislative requirements or affect requisite Council resourcing capability. To mitigate this risk, Council staff sit on regional council special interest groups, to ensure latest direction from central government is received and understood and Council is part of a regional sector collaborative approach to the implementation of attributes.
44. There are attributes in the NPS-FM which require further clarification from central government as to how they are to be measured or calculated, and how they may subsequently affect policy development. To mitigate this risk, Council staff sit on regional council special interest groups, to ensure latest direction from central government is received and understood and Council are part of a regional sector collaborative approach to the implementation of attributes.
45. **eDNA.** The role of emerging technologies such as eDNA is still unclear with respect to being able to represent certain attributes such as Macroinvertebrate Community Index (MCI) or fish Index of Biotic Integrity (IBI). Staff would like to use eDNA tests as a viable method to inform these attributes because the tests are incredibly cost- and time-effective, however the evidence base for their application within the NPS-FM has yet to be confirmed. To mitigate this risk, Council staff sit on regional council special interest groups, to ensure emerging technologies are discussed and latest direction from central government is received and the regional sector has a collaborative approach to the implementation of attributes.

NEXT STEPS

- Council staff will analyse the practical implications of implementing the recommendations of the NIWA review by January 2023 and make a recommendation to Council's Chief of Strategy and Science.
- Should additional resources be required Environmental Monitoring Team will include these proposals in Council's 2024–2034 Long Term Plan considerations.
- Straightforward and low-cost recommendation will be implemented immediately.

ATTACHMENTS

1. Attachment 1 - NIWA Review of Freshwater Monitoring in Gisborne EXTRACT [22-194.1 - 4 pages]



Review of freshwater monitoring in Gisborne

Prepared for Gisborne District Council

August 2022

Executive summary

In recognition of several recent national developments, primarily the introduction of the National Policy Statement for Freshwater Management (NPS-FM) 2020, Gisborne District Council (GDC) commissioned NIWA to assist with a review of its State of the Environment (SOE) freshwater monitoring framework. In particular, implementation of the NPS-FM has led to the formation of seven catchment planning areas across the Gisborne region (Tairāwhiti). Freshwater Management Units (FMUs) have been defined in two of the seven planning areas and have yet to be defined in the remaining five. Consequently, GDC is considering changes in its monitoring from a region-wide approach to SOE monitoring to one that better represents each of the seven catchment planning areas as well as a regional picture.

GDC requested a review of its freshwater monitoring network, focussing mainly on river water quality and ecology monitoring sites and variables. In recognition of the requirements of the NPS-FM 2020, consideration of lake water quality and aquatic plant monitoring was also requested, as well as water quality monitoring in estuaries and coastal waters from a freshwater management perspective (i.e., as downstream receiving environments). The review was based on information and data provided by GDC, and, for sites on freshwater river reaches, the River Environment Classification (REC).

In the scope of work for this review GDC emphasised the need for affordability and practicality of monitoring, which together refer to optimising the numbers and locations of sites monitored bearing in mind Tairāwhiti's large area relative to its population, the remoteness of many areas, and special issues in the region including sediment in rivers, and the effects of urbanisation around Gisborne. While we have made a number of recommendations, we recognise that GDC will likely need to consider additional factors that were outside the scope of our review. In particular, tangata whenua and community values may determine the choice of particular monitoring sites and attributes. Whatever decisions are made, consistent with the requirement for transparent decision-making under the NPS-FM 2020, we strongly recommend that the outcomes from the decisions, and the rationale on which they were based, are documented.

River monitoring

Sites

Our objective was to identify options to improve integration of GDC's current river water quality and biological monitoring with a focus on the catchment planning scale, utilising existing sites where possible to preserve historical time series data. The existing network comprises 83 biological monitoring sites, which were selected to represent all major REC classes present across Tairāwhiti in proportion to the occurrence of each class in the region. Thirty-two of these sites are also monitored for water quality.

For the river sites within each of the seven catchment planning areas we, in turn:

- assessed representativeness of current site numbers relative to the region (based on area and total river length),
- evaluated representativeness of existing site types (i.e., REC classes) relative to the proportions of REC classes across the whole catchment planning area,

- identified potential redundancies by prioritising sites based on the uniqueness of their REC classification, biological condition (from macroinvertebrate data) and stream characteristics (such as substrate), and
- visually assessed (on maps) the spatial distribution of sites, looking for potential gaps within FMUs (where established), major river catchments and terminal reach sites that might support water quality accounting and assessments of loads downstream waters.

An initial revised freshwater monitoring network based on these steps results in around 40-42 water quality monitoring and biological sites instead of the current 32, but with the total number of sites reduced to about 70 (i.e., 30 sites with biological monitoring only). In the evaluation of gaps, we considered making use of other existing monitoring sites, including flow monitoring sites, and sites monitored by neighbouring regional councils and NIWA, which could reduce the number of sites further.

Variables

River water quality and biological monitoring variables and measurement methods were reviewed, with a focus on recommendations for SOE monitoring from national guidance, NPS-FM requirements and, where available, National Environmental Monitoring Standards (NEMS) for field sampling and laboratory methods. The review resulted in a suite of recommendations for action by GDC. These include:

- identifying a small number of sites for high-frequency measurements of dissolved oxygen (DO) and temperature (required for NPS-FM DO and metabolism attributes),
- reviewing (a) water column phosphorus data at 'clean' (low nutrient) sites to ensure that the laboratory detection limits are appropriate, and (b) existing paired turbidity measurements so that a single measurement method can be implemented,
- selecting a subset of sites suitable for monthly monitoring of periphyton biomass, periphyton cover and deposited fine sediment,
- implementing monthly monitoring of periphyton and cover (including macrophytes and deposited fine sediment) at all water quality monitoring sites, where feasible,
- carrying out initial screening for fish populations using an eDNA methodology, ideally with paired electrofishing at some sites to allow comparisons, and
- a review and possible revision of macroinvertebrate sampling methods to ensure consistency with NEMS methods.

Lake monitoring

Tairāwhiti has relatively few lakes compared to other regions and most are relatively small (< 5 ha in area). Only one of these lakes (Ratahi Lagoon) is currently being monitored. The monitoring site is near the lagoon outlet and it is monitored using methods applicable to rivers rather than lakes. A review of modelled data (from the Freshwaters of New Zealand (FENZ) database) and readily available data (e.g., from one-off studies) identified that most lakes in Tairāwhiti are likely to be classed as eutrophic or supereutrophic. In addition, a recent survey of aquatic plants indicated that many lakes in the region are likely to be affected by invasive plants.

Rather than initiate a formal lake monitoring programme, we suggest that an informative first step would be to identify a set of key lakes for an initial synoptic survey, following recommended lake monitoring protocols. In view of the lack of sizeable lakes and their likely poor condition, the lakes to focus on should be values-based and best selected in partnership with tangata whenua. Lake Repongaere (the largest lake in the region) is one logical candidate lake given its existing status in the Tairāwhiti Regional Management Plan; another is Ratahi Lagoon. The synoptic surveys are best carried out in summer to capture any potential seasonal stratification and should incorporate vertical profiles of water temperature, DO and conductivity together with a Secchi depth measurement and collection of water samples from one site for analysis of nutrient, chlorophyll *a*, and suspended sediment.

Brackish river and coastal water quality monitoring

A total of 12 brackish and 25 coastal sites are currently monitored by GDC. All but one of the brackish sites are located in and around central Gisborne. Similarly, there is a concentration of 12 coastal water sites within Tūranganui-a-Kiwa/Poverty Bay, the receiving environment for Gisborne's urban waterways and the Waipaoa River. We carried out an assessment (using maps) of the geographical distribution of monitoring sites across the whole region relative to the major river catchment outlets, focussing on connections between fresh and downstream coastal waters within each of GDC's catchment planning areas. From that assessment, we consider that:

- the density of brackish and coastal sites in Gisborne is justified given the intensive urban land use and presence of associated wastewater and stormwater discharges, but greater distinction is needed around sites monitored for SOE vs. resource consent purposes,
- all other planning catchments that border the coastal marine area are represented by one or more coastal water quality sites except the Waiapu planning area which may benefit from a site in the lower brackish reaches of the Waiapu River, and
- there may be merit in adding a water quality monitoring site at the northern end of Tolaga Bay to assist with better understanding how the Ūawa River influences water quality within this U-shaped bay and/or in the lower reaches of the Ūawa River/Kaitawa Estuary as the receiving environment for freshwater from the Ūawa catchment planning area.

Overall, Tairāwhiti lacks large estuaries with the physical characteristics that increase susceptibility to water quality degradation and eutrophication (e.g., high proportions of intertidal area, low dilution, or long flushing times) and has large stretches of open coast that promote rapid water exchange with the Pacific Ocean. One exception is Te Wherowhero Lagoon, a lagoon estuary that may experience periodic nuisance macroalgal growth. We recommend GDC carry out a baseline benthic ecological assessment of the intertidal margins of this estuary (e.g., broad scale macroalgal cover and fine scale assessment of sediment quality and the benthic invertebrate fauna at a representative site).

The water quality variables and measurement methods used by GDC largely align with national guidance on coastal SOE monitoring and NEMS requirements, but there are some aspects that should be revised. These include:

- reviewing monitoring data for metals and total organic carbon on a site-by-site basis, (with clear identification of any monitoring required for consent purposes) to confirm the value of ongoing monitoring, and
- adding nitrate nitrogen to the current test suite for coastal waters sites given nitrogen is typically the limiting nutrient in coastal waters.

Title: 22-195 Freshwater Planning Update
Section: Strategy
Prepared by: Janic Slupski - Senior Policy Advisor
Meeting Date: Thursday 8 September 2022

Legal: Yes

Financial: Yes

Significance: **Low**

Report to SUSTAINABLE TAIRĀWHITI Committee for information

PURPOSE

The purpose of this report is to provide an update to Council on Freshwater Planning.

SUMMARY

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.

Progress: A draft Mōtū Catchment Plan has been completed for community feedback. The Waipuu Catchment Plan is progressing through commitment to regular meetings between Ngāti Porou and Council representatives. Staff have also started engaging with two catchment groups on the Waimatā-Pakarae Catchment Plan and will look to consult with the Kaiti-Wainui communities from August-September 2022.

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. A review of our regional freshwater monitoring framework and a desktop exercise to map regional wetlands have been completed. Urban watercourse assessments and faecal source tracking have been undertaken for several streams around Gisborne city. A fish passage assessment for the Waipaoa Catchment and groundwater modelling for the Poverty Bay Flats are nearing completion. eDNA testing kits will soon be procured for use across the region during the summer period.

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.

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

That the Sustainable Tairāwhiti Committee:

- 1. Notes the contents of this report.**

Authorised by:

Joanna Noble - Chief of Strategy & Science

Keywords: Freshwater Planning Update, National Policy Statement for Freshwater Management, catchment planning

LEGISLATIVE CONTEXT

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 a way that gives effect to Te Mana o te Wai¹¹
 - 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.

¹¹ 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 below shows where each of these catchment areas are in our region.

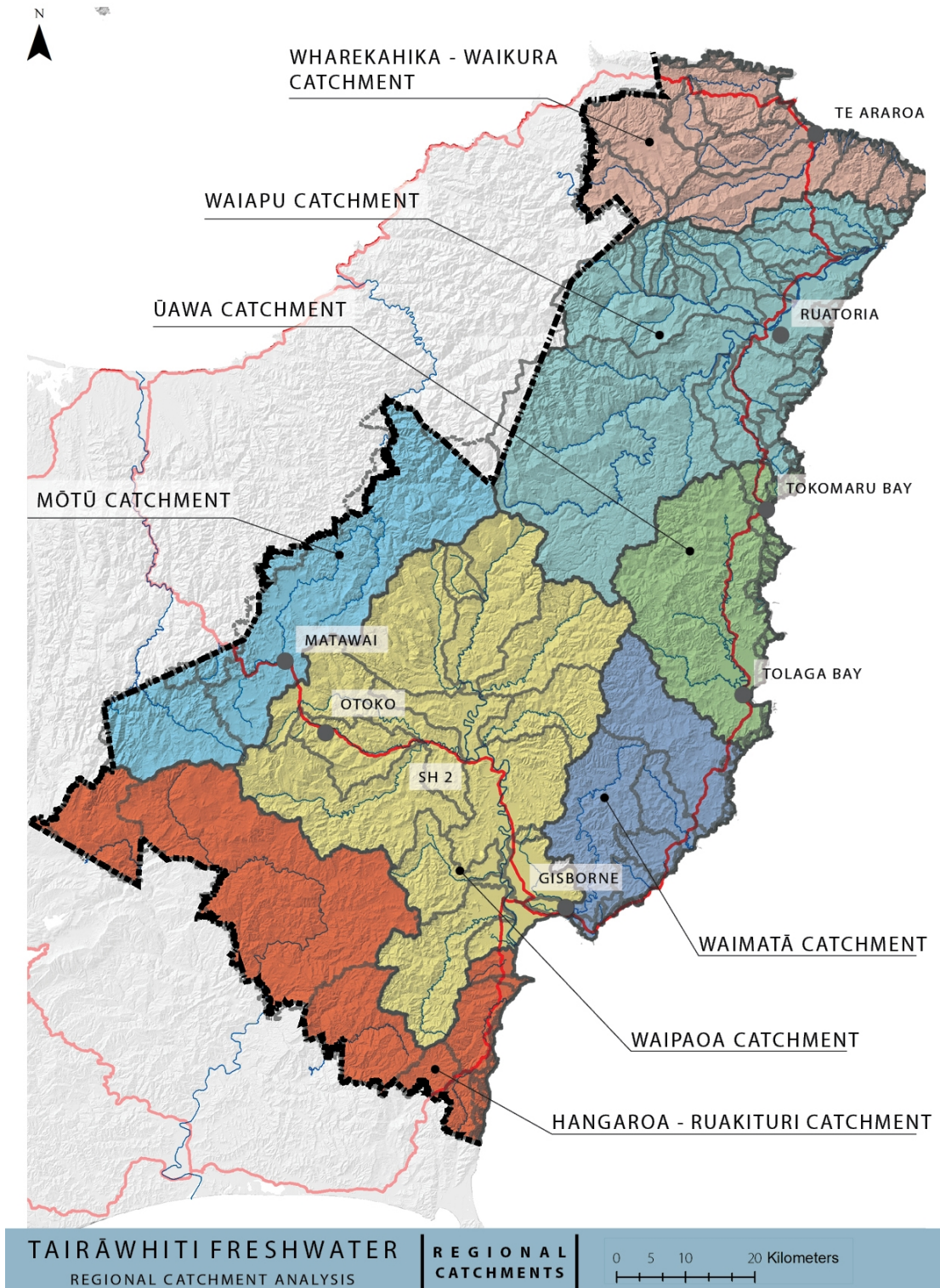


Figure 7: Map of Tairāwhiti regional catchment areas

- 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.

- Staff are currently progressing three 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

- 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 Motu Catchment.
- Their combined area is 886km² and includes the only upland streams and rivers in the Tairāwhiti Region.

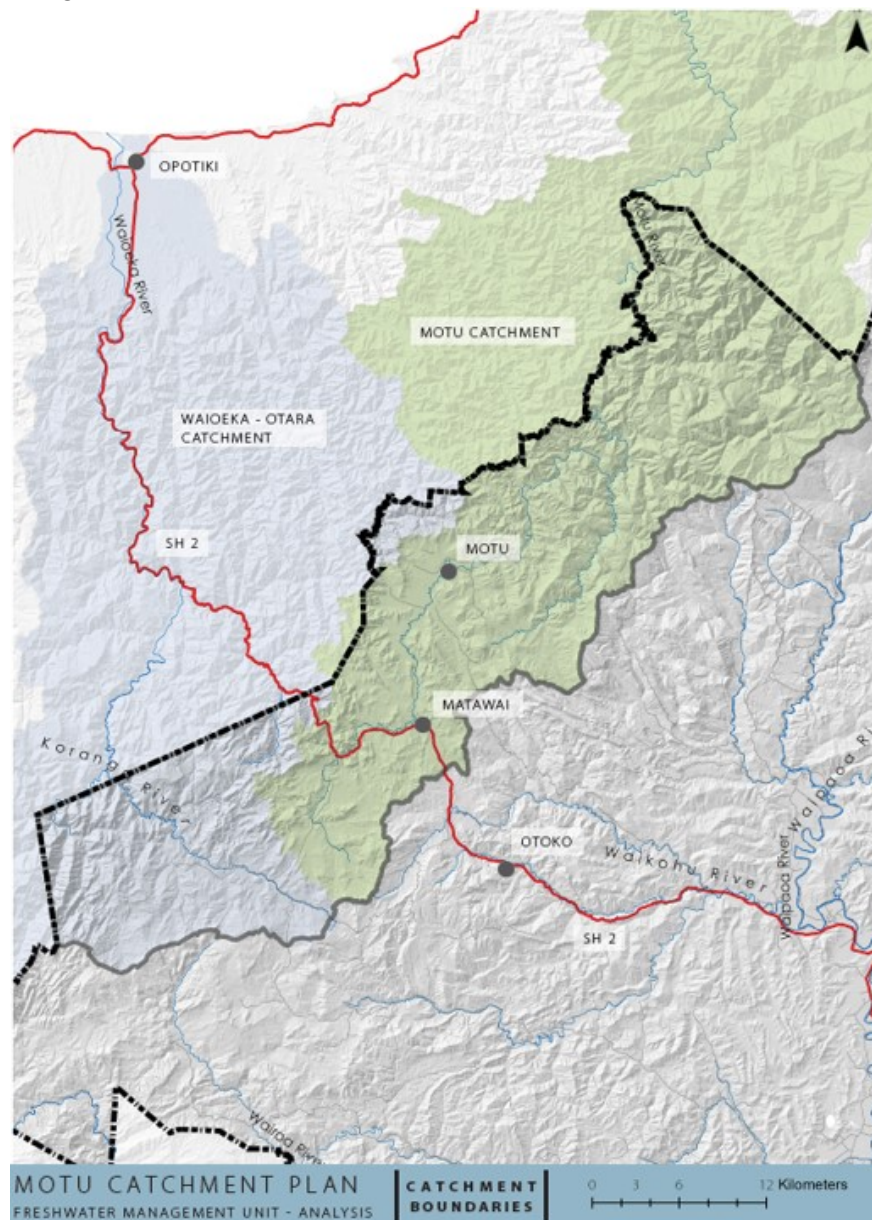


Figure 8: Map of Mōtū Catchment Plan area

10. The Mōtū Catchment Plan was initiated and brought to Sustainable Tairāwhiti for endorsement to proceed in July 2020 (**Report 20-58**). Local consultants Lois Easton and Kurt Ridling were engaged to support the delivery of the project. Staff provided an update on 28 October 2021 (**Report 21-212**) and more recently on 7 July 2022 (**Report 22-134**). A comprehensive background context and update for this project can be found in the latest report.
11. **Engagement:** Since the project started the team has:
 - 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 groups¹²,
 - established a catchment advisory group made up of seven people with strong ties to the catchment, and held eight hui to develop the plan, and
 - met with Bay of Plenty Regional Council staff (online and kanohi ki te kanohi) on five occasions to discuss cross-boundary and engagement matters.
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.
13. 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.
14. Testing of water samples for E. coli and DNA showed that the main source of this pathogen is ruminant (sheep and cattle). 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.
15. **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. We will look to further refine the plan over the coming weeks with landowners and sector representatives.
16. **Outstanding matters:** Two matters will need to be addressed prior to plan notification:
 - **Engagement with Bay of Plenty Regional Council (BOPRC).** We are looking to work with our neighbouring regional council on plan integration for the Mōtū Catchment. While BOPRC will look to notify provisions for the lower Mōtū and Waioeka Catchments at a later stage, there is an opportunity to work on our respective plans together to ensure consistency across the regional boundary. Staff from both councils are looking to meet mid-September.

¹² 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.

- **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 intend to extend invitation to Te Whanau a Kai and Nga Ariki Kaiputahi before progressing the plan further.
17. **Lessons:** 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; with COVID-19, it takes even longer. With the Mōtū Catchment Plan we have been lucky to have had time to test our approach. With subsequent freshwater projects, we will not have this advantage.
 - 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 to understand or see the implications of.
 - 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 community hui was very effective, where we narrowed down key issues to fertiliser application and gravel extraction.
18. With these insights in mind, we believe we can streamline engagement with an advisory group without losing any value from the process. For subsequent catchment plans, we will look to focus engagement on the more digestible matters and on reviewing draft plan proposals.
19. **Next steps**
- Continue tangata whenua engagement – August -September.
 - Workshop cross boundary matters with BOPRC – September.
 - Progress toward public notification – late 2022.

Waiapu Catchment Plan

20. **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.

- 21. 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.
- 22. 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. Lois Easton (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.

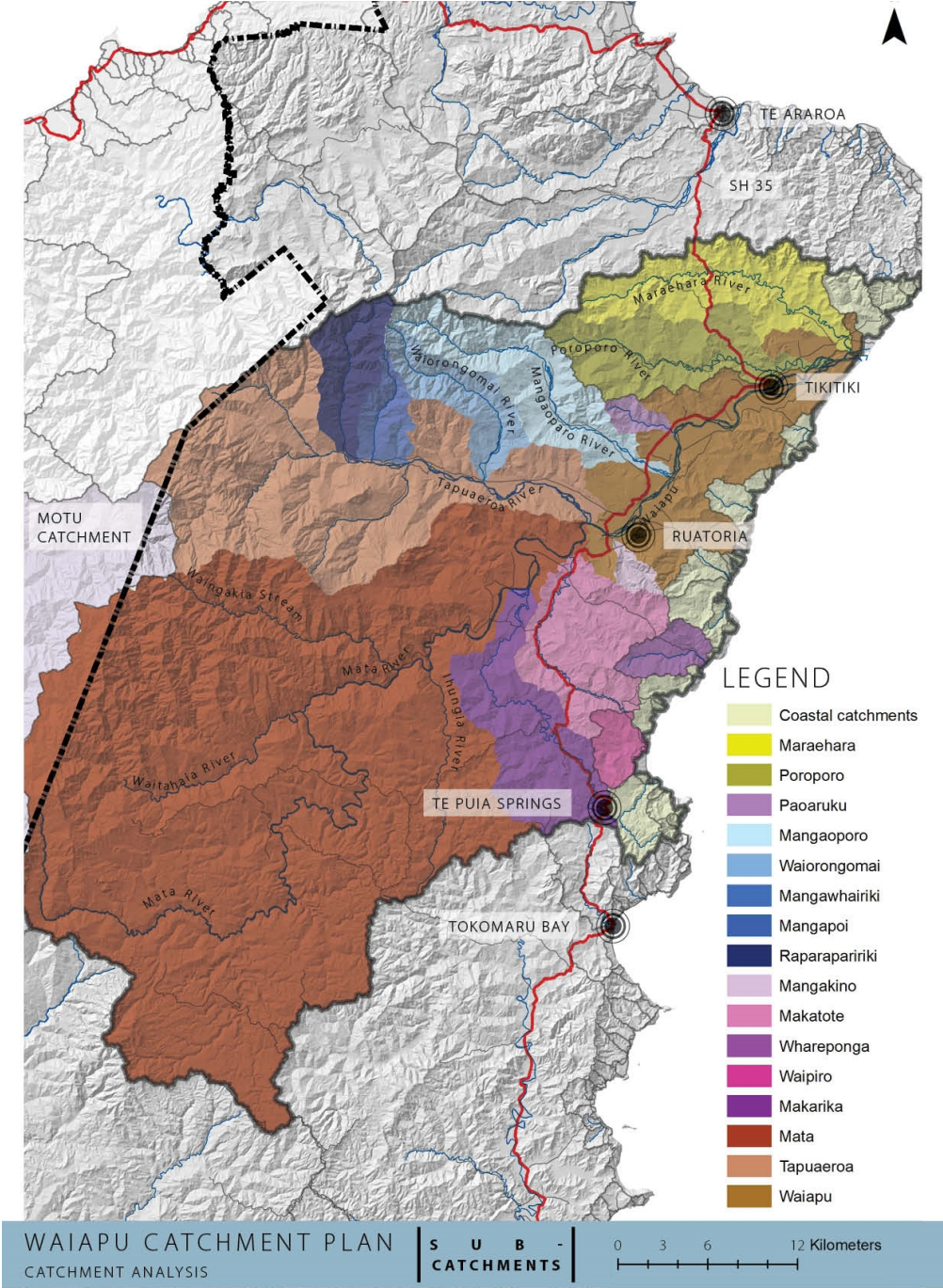


Figure 9: Map of Waiapu Catchment Area

23. **Engagement:** Engagement began with Ngāti Porou representatives holding a series of wananga with hapū collectives including:
- Hikurangi Takiwā (August 2021)
 - Te Papatipu o Uepohatu (August 2021)
 - Te Wiwi Naati (September 2021)
 - Tokomaru Akau (September 2021)
24. 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.
25. Three technical roopu hui have been held so far. These hui have focused on discussing freshwater values, Freshwater Management Units (FMUs), Outstanding Water Bodies and matters relating the Te Puia geothermal resource.
26. **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.
27. Since then, Council engaged a contractor (LandPro) to undertake aerial photography and LiDA¹³ surveys of several northern rivers including the Waiapu, Tapuaeroa and Karakatuwhero. The raw data has been acquired and is now being 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 with Jon Tunnicliffe to develop a gravel management plan for the catchment.

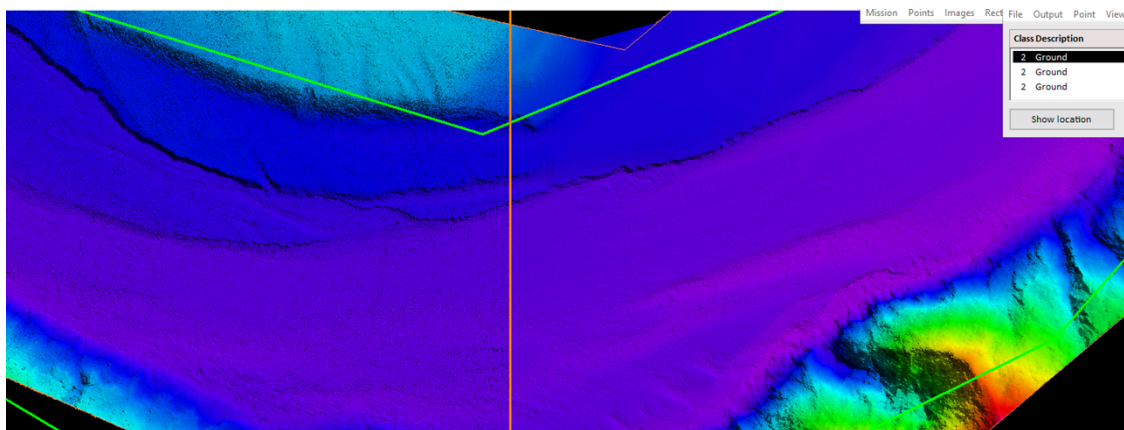


Figure 10: Example of LiDAR imagery for Waiapu River

28. **Next steps**
- The Technical roopu will have its fourth hui in early September 2022. The first components of the catchment plan to be drafted are vision, values, environmental outcomes, and FMUs.
 - Community consultation to begin early to mid-September

¹³ 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.

Waimatā – Pakarāe Catchment Plan

29. **Overview:** The Waimatā-Pakarāe Catchment Plan area represents eight freshwater catchments that flow to the eastern coastline from Gisborne city at its southern extent to Waihou Bay just south of Tolaga Bay. These catchments include:
- the Waimatā River which is located directly north of Gisborne City,
 - the Pakarāe River which is located south of Tolaga Bay,
 - several smaller catchments located along the coastal margin between the Pakarāe River and Gisborne City. These catchments include the Waiomoko River, Poūawa River, Hamanatua Stream, Wainui Stream and Kopuawhakapata Stream.
30. Their combined total area is 650km². The two largest are the Waimatā (227km²) and the Pakarāe (243km²).
31. The Waimatā Catchment Plan was initiated in September 2021 and consultancy 4Sight engaged to support the project in December 2021.

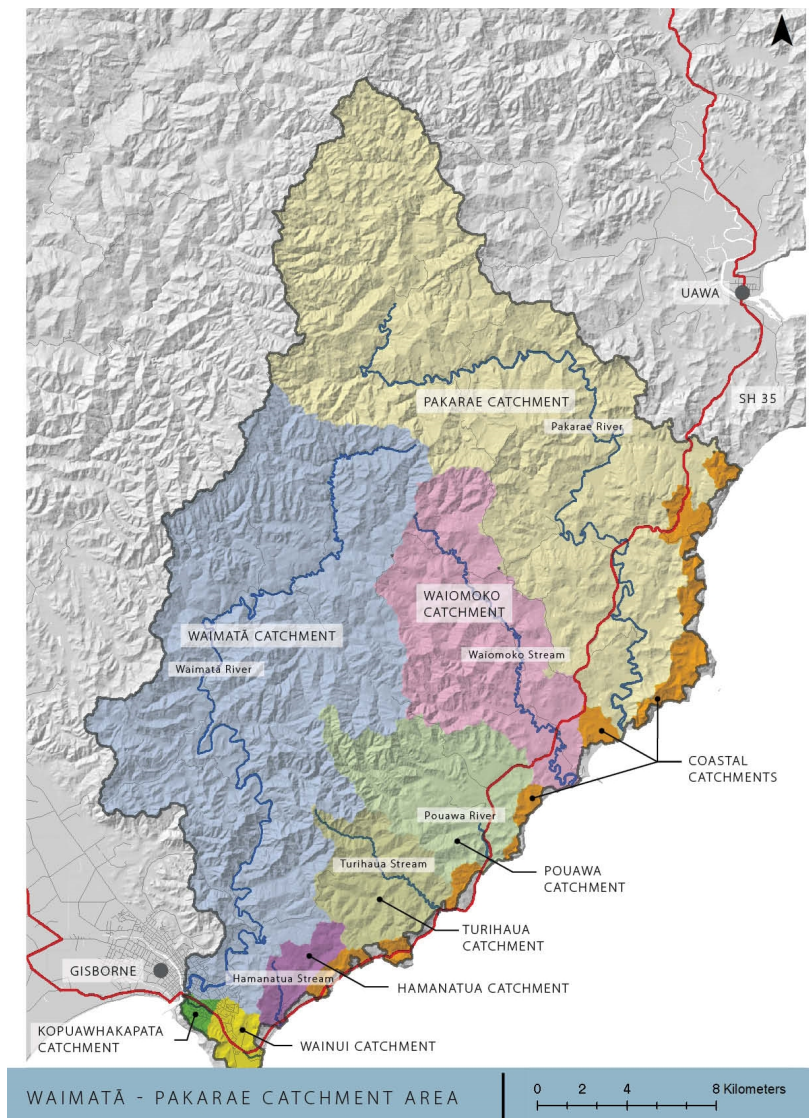


Figure 11: Map of Waimatā - Pakarāe Catchment Area

32. **Engagement:** The team began to engage with the community from May 2022 following the development of a Communications and Engagement Plan and supporting information.
33. Engagement for this Catchment Plan is slightly more layered and complex than the Mōtū and Waipū 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. Potential for confusion around what various catchment groups and plans involve.
 - An urban landscape with a different community, landscape, values, and issues.
34. 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. Staff aim to make a start on engagement in September-October.
35. The team has since engaged with the two catchment groups that were formed independently of this project.
36. 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 has to be taken to clarify the intersection between these two projects and avoid duplication of efforts.
37. 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.
38. More recently, the Tairāwhiti Whenua Collective¹⁴ 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 look to work with this group as significant landowners in the Waimatā-Pakarae Catchment area and across the region.
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. With the exception of the built environment, geology and land uses are consistent across the whole of the catchment area – we anticipate similar water quality issues for most waterbodies within it.

¹⁴ 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.

40. Staff will also collect eDNA samples from each of the 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. More information on eDNA tests is outlined below.
41. **Next steps**
- Community consultation with urban and peri-urban residents (Kaiti-Wainui): August-September 2022.
 - Engagement with mana whenua: August – November 2022.

Research and Technical Work

Review of regional freshwater monitoring framework

42. Developing freshwater plans under the NPS-FM has created the need and opportunity to review and develop our evidence base. That includes the data we collect from waterbodies across the region.
43. Crown Research Institute NIWA¹⁵ was engaged in March this year to undertake a comprehensive review of Council's freshwater monitoring framework. The scope of the review focussed mainly on river water quality and ecology monitoring sites and variables. Key considerations for Council included the need for affordability and practicality of monitoring.
44. The review was completed towards the end of July and finalised in mid-August and provides a comprehensive list of recommendations for Council to consider. Key recommendations include:
- **River monitoring sites:** Make better use of existing monitoring sites by measuring different things at the same site. This allows Council to increase the number of sites for water quality and biomonitoring while reducing the overall number of sites across the region.
 - **River monitoring variables:** The review recommends we fill a range of gaps in our monitoring framework, as required under the NPS-FM and National Environmental Monitoring Standards (NEMS).
 - **Lake monitoring:** Tairāwhiti has few lakes compared to other regions and most are relatively small (< 5 ha in area). Only one of these lakes (Ratahi Lagoon) is currently being monitored. Rather than initiate a formal lake monitoring programme, the review suggests a practical first step would be to identify a set of key lakes for an initial broad survey that follows recommended lake monitoring protocols.

¹⁵ National Institute of Water and Atmospheric Research

- **Brackish river and coastal water quality monitoring:** A total of 12 brackish and 25 coastal sites are currently monitored by Council. All but one of the brackish sites are in and around central Gisborne. The review recommends that:
 - the number of brackish and coastal sites in Gisborne is justified given the intensive urban land use and presence of associated wastewater and stormwater discharges,
 - other catchment planning areas bordering the coastal marine area are represented by one or more coastal water quality sites,
 - Council consider adding a water quality monitoring site at the northern end of Tolaga Bay to assist with better understanding how the Ūawa River influences water quality within this bay,
 - Council carry out a baseline benthic (sea floor) ecological assessment of the intertidal margins of Te Wherowhero Lagoon.

45. An accompanying report to this Sustainable Tairāwhiti Agenda (**report 22-194**) provides a more detailed breakdown of this important project and what it means for the organisation.

Regional wetlands mapping

46. 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 recently completed in August 2022. The next stage of the project is to ground-truth those potential wetlands to determine if the proposed wetland meets the NPS-FM wetland criteria for inclusion.

Regional eDNA testing

47. 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.
48. 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.
49. Council staff are planning to procure 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 and identifying additional sites that may be of interest. We will look to progress this work during the 2022-23 summer period when there are more stable river flows.

Desktop location of inanga spawning sites

50. **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. We see the opportunity to continue and expand this work as we develop our plans under the new NPS-FM.
51. Adult inanga spawn 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.
52. **Research opportunity:** 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. Once the desktop exercise has been completed, staff will verify the results against known spawning locations in Tūrangānui-a-Kiwa.
53. This small project will be completed by the end of September. 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

54. **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 project¹⁶ in the notified Plan in 2015.
55. 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.
56. **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 passage¹⁷.
57. A more recent NIWA fish passage tool¹⁸ contains 850 records of potential and actual fish passage barriers within the Waipaoa catchment across various asset types such as bridges, culverts and fords.

¹⁶ Tairāwhiti Resource Management Plan – Part D, Section DF1.7

¹⁷ Armstrong, D. 2008. Gisborne Region Fish Passage; Barriers to Fish Passage in the Gisborne Region. Department of Conservation. Gisborne

¹⁸ <https://fishpassage.niwa.co.nz/>

58. 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.
59. 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).
60. 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. Remediation solutions will be workshopped with Council staff later this year.

Urban Watercourse assessments

61. 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).
 - Waikirikiriri / Halley (2.4 km open watercourse, 15 known stormwater assets).
62. 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.
63. 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 22-197**) provides a more detailed breakdown of these projects.
64. 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. A final report and recommendations will be completed mid-late August.

Faecal source tracking – urban waterways

65. Council staff are working to collect data to provide the evidence base for constructive engagement ahead of the review of the Waipaoa Catchment Plan.
66. 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.

67. This year, staff have been collecting 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:

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



Figure 12: Water sample locations for microbial (faecal) source tracking

68. 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.
69. **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, Kopuawhakatapa, and Matokitoki Streams show the highest levels of human DNA of all samples tested.
70. 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 Kopuawhakatapa Streams.
71. 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. This project is outlined in **Report 22-197**.

Groundwater modelling – Poverty Bay Flats

72. 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.
73. 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.
74. 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.
75. In order 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.

Other Relevant Work Underway

Gisborne Regional Freshwater Plan – appeal process

76. 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 recognise 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.
77. 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.
78. 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
79. The appeal asked the High 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.
80. 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.
81. Te Whānau a Kai will now appeal 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.

Freshwater supplier panel

82. 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 will need consultant support. With resourcing secured through the 2021-2031 Long Term Plan, we can do this.
83. Since April this year, staff have sought to procure 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).

ASSESSMENT of SIGNIFICANCE

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

84. 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

85. Tangata whenua have been engaged through the development of the Mōtū and Waiaapu 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 groundwater research and freshwater monitoring.

COMMUNITY ENGAGEMENT

86. Ongoing tangata whenua and community engagement is fundamental to the development of the seven catchment plans and Regional Freshwater Plan.
87. For the draft Mōtū Catchment Plan, engagement has occurred through the Catchment Advisory Group and three community hui.
88. For the Waimatā – Pakarae Catchment Plan, we are engaging with existing catchment groups and intend to consult with Kaiti – Wainui residents as well.
89. For the Waiaapu Catchment Plan we will look to hold our first community hui in Ruatorea in September.
90. Council's website also has webpages for the Mōtū and Waimatā – Pakarae Catchment Plans which provides information on the project for people to find out more:
<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>
91. We will develop webpages for each of our catchment plans as they progress.

CLIMATE CHANGE – Impacts / Implications

92. 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.
93. 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.
94. 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.

CONSIDERATIONS

Financial/Budget

95. Resourcing for freshwater planning and the wider TRMP review is included as part of the operational budgets in the 2021– 2031 Long Term Plan. However, 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 ahead of the next Long Term Plan cycle.

Legal

96. 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.
97. Freshwater planning instruments now have a different and streamlined notification and hearing process under the RMA¹⁹. This process is overseen by the Chief Freshwater Commissioner (the Chief) who will ensure the timely delivery of freshwater hearings.
98. 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.
99. 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.
100. 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.
101. 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.
102. More information on this process will be covered when each of the freshwater projects are brought to Council for approval to publicly notify.

POLICY and PLANNING IMPLICATIONS

103. 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.

¹⁹ A new freshwater planning process was introduced to the RMA on 1 July 2020, by section 22 of the Resource Management Amendment Act 2020.

RISKS

104. **Governance:** The Local Body Elections in October this year will introduce a new set of elected representatives, some of whom may be new to their roles. The level of support for freshwater planning may change with a new Council. There is a risk that freshwater plans are not supported in their proposed form and are either left to lie on the table or require further changes and engagement. We consider the risk to be low. The freshwater planning process is driven by statutory requirements which our freshwater planning instruments give effect to.
105. **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.
106. **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.
107. **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, continued or future restrictions on having face-to-face hui will have more significant impacts on freshwater workstream delivery and our 2024 deadline.

NEXT STEPS / WORK FURTHER DOWN THE LINE

Update Freshwater Programme

108. Our first step will be to convene our expanded freshwater team (including policy, science, consents, environmental monitoring and our suppliers) to workshop and update the existing freshwater programme. This includes developing a more detailed project management structure that accounts for the boosted capacity and the coordination needed to deliver the various projects within time. Research and policy gaps will be identified and assigned to team members. We'll look to hold that workshop in September and inform the newly formed Council as part of the wider TRMP reporting.

Ūawa Catchment Plan

109. The Ūawa Catchment plan is scheduled for an early 2023 start. The Ūawa groundwater bore drilling project helped to form a good working relationship between council and Te Aitanga ā Hauiti. We will look to maintain the momentum and the relationship through the development of this Catchment Plan. If team capacity allows, we will bring this project forward.

Review of Regional Plan provisions and Waipaoa Catchment Plan

110. Originally planned for a start in 2023, we have brought this project forward to begin in late 2022 to provide enough time for discussion with stakeholders. With much greater interest and competition over water within this catchment, we also expect the catchment planning process will take longer.
111. We will be working closely with the Science and Consents teams to develop a good evidence base prior to commencing this project.
112. Given the Freshwater Plan was notified in 2015 and the last outstanding appeal only recently heard in 2020, we expect much of the plan will still be relevant. However, the new NPS-FM does introduce new policy requirements – our plan provisions will need to be reviewed against these. The Te Mana o te Wai concept adds a significant dimension to freshwater planning and will require significant work and consideration to ensure our regional and catchment plans give effect to it.

Other Catchment plans

113. Hangaroa – Ruakituru and Wharekahika – Waikura Catchment Plans – scheduled to start in early 2023.
114. Te Arai Limit setting – to be aligned with Waipaoa Catchment Plan. Early engagement with representatives of Ohako Marae (Rongowhakaata) has begun.

Title: 22-197 Freshwater Implementation Update

Section: Strategy and Science

Prepared by: Janic Slupski – Principal Policy Advisor & Sarah Thompson – Senior Policy Planner

Meeting Date: Thursday 8 September 2022

Legal: No

Financial: No

Significance: **Low**

Report to SUSTAINABLE TAIRĀWHITI Committee for information

PURPOSE

The purpose of this report is to provide an update to Council on projects currently being implemented that give effect to or relate to freshwater policy.

SUMMARY

This report provides an overview of several projects underway that implement freshwater policy and aim to improve outcomes for the state of our freshwater environments. They show the breadth of Council's involvement in environmental management and demonstrate the importance of integrating Council functions to achieve our environmental aspirations.

Council environmental improvement projects that implement freshwater policy include:

- **Freshwater Improvement Fund:** A programme of work encompassing 32 sub-projects that include riparian planting, wetland restoration, the removal of fish passage barriers, enhancing fish spawning, and reducing erosion in Gisborne's urban and peri-urban waterways.
- **Freshwater Farm Plan – Regional Pilot:** Tairāwhiti has been selected as one of three regions to test the freshwater farm planning process with a small selection of farms from each of these regions. The pilot will be undertaken during September through to November.
- **Integrated Catchment Management Plan (ICMP):** Council's Utilities team is developing an ICMP as a requirement under the Tairāwhiti Resource Management Plan (TRMP). The ICMP will be developed alongside the freshwater planning workstream and will be completed by July 2025.
- **Lower Waimatā Restoration Plan:** The Waimatā Catchment Group and Council have engaged consultancy Isthmus to develop a Catchment Restoration Plan for the lower Waimatā river.
- **Taruheru River Restoration Project:** This project is included as a non-regulatory project in the Waipaoa Catchment Plan. Staff have been recently working with mana whenua to collect more information about the river and are working towards the development of an Implementation Plan.

These projects demonstrate the central role that Council plays in facilitating freshwater implementation projects and working together with tāngata whenua and other stakeholders to improve freshwater outcomes. These projects also reinforce the need for integration across Council teams and with the community.

With growing importance and legislative focus on freshwater improvements, Council must ensure that teams are working together, adequately resourced to do their jobs, and able to support implementation of key improvement projects.

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

RECOMMENDATION

That the Sustainable Tairāwhiti Committee:

- 1. Notes the contents of this report.**

Authorised by:

Joanna Noble - Chief of Strategy & Science

Keywords: Freshwater planning; Freshwater improvement projects

BACKGROUND

Legislative Setting

1. The Resource Management Act 1991 (RMA) is the principal statute for the management of New Zealand's natural and physical resources. The RMA provides an integrated framework for the management of land, water, air and the coastal environment, and the control of discharges to the environment. It provides for national, regional, and territorial levels of responsibility for the management of resources. The overriding purpose of the RMA is to promote the sustainable management of natural and physical resources, as set out in section 5.
2. The current [Government Freshwater Work Programme](#) is more prescriptive in its requirements to manage and create improved outcomes for freshwater. This includes policy changes such as:
 - An updated National Policy Statement for Freshwater Management (NPS-FM) that requires councils to give effect to Te Mana o te Wai as the central concept for freshwater management and sets national bottom lines²⁰ for a range of measures of freshwater health.
 - The National Environmental Standards for Freshwater (NES-F) that controls some high-risk land-use practices (such as intensive winter grazing), provides protection for wetlands, caps synthetic nitrogen fertiliser use, and establishes interim controls on conversions to intensive land uses.
 - Stock Exclusion Regulations that require all dairy cattle and farmed pigs to be kept out of waterways, and for beef cattle and deer to be excluded from waterways on flatter or more intensively grazed land.
 - Freshwater Farm Plans (FW-FPs) under Part 9A of the RMA.
3. The intent of these new policy instruments is to stop further degradation of our freshwater, start making immediate improvements so water quality improves within five years, and reverse past damage to bring our waterways and ecosystems to a healthy state within a generation.

Strategy and Policy Setting

4. Council recognises the importance of protecting and enhancing the environment through its plans and strategies.
5. **Spatial Plan:** Tairāwhiti 2050 is Gisborne District Council's vision for the region for the next 30 years. Together with tāngata whenua, communities, and other local agencies we've created this plan to provide a clear and shared vision about what we want our region to look like by 2050. Environmental wellbeing is a prominent aspiration across our whole community. This includes the maintenance of our freshwater and coastal domains; the restoration and protection of regional biodiversity and the improvement of land uses to ensure they are sustainable.

²⁰ The NPS-FM sets nationally-set minimum acceptable states called national bottom lines across key measures of freshwater health.

6. **Long-term planning:** Environmental outcomes have always figured strongly through our long-term plans. This reflects Council's own strong position as well as the high value that community places on the environment's protection and enhancement. In our current 2021-2031 Long Term Plan (LTP), the environmental wellbeing is recognised as one of four wellbeings – the pillars of our community and region. In the LTP strategic framework, sustainability is a community outcome (taken from our Regional Spatial Plan) and protecting and enhancing our environment and biodiversity is a strategic priority.
7. **Waipaoa Catchment Plan:** Interventions to achieve freshwater outcomes are identified in the Waipaoa Catchment Plan. At the time, Council staff were mindful of the need to balance the different and contrasting ways in which water was used and valued. They also recognised the limitations of regulation in improving the state of freshwater bodies. Ten non-regulatory projects were created to manage some of those tensions and to provide a more proactive approach to managing freshwater. Those projects are:
 - Gisborne Urban Stormwater Management
 - Waikanae Streamside Restoration
 - Waipaoa Fish Passage Enhancement
 - Lower Te Arai and Waipaoa Inanga Spawning Enhancement
 - Taruheru River Restoration
 - Rere Falls and Rockslide Water Quality Enhancement
 - Awapuni Lagoon Water Quality Improvement
 - Managed Aquifer Recharge Pilot (MAR)
 - Waingaromia Riparian Restoration
 - Forestry Harvest Mitigation Project
8. A more detailed outline of these projects is provided in **Attachment 1**.

PROJECTS

Freshwater Improvement Fund

9. Council, in collaboration with the Wastewater Management Committee (WMC) and KIWA Group (tāngata whenua technical reference group), applied to the Ministry for the Environment's Freshwater Improvement Fund (FIF). The application was focused on undertaking a programme of works aimed at restoring the mauri and ora of the Tūrangānuī Estuary System, improving freshwater and estuarine values.
10. The application was approved in August 2021 and the Deed of Funding was signed by Council and the Ministry for the Environment on 17 December 2021.
11. The restoration of the mauri and ora of the Tūrangānuī Estuary System project is made up of 32 sub-projects. These sub-projects include riparian planting, wetland restoration, the removal of fish passage barriers, enhancing fish spawning, and reducing erosion in Gisborne's urban and peri-urban waterways. Another key element of the programme is removing stormwater contaminants using wetlands.

12. The total project cost is \$4,950,000, of which the Ministry for the Environment is funding \$2,250,000. Council will contribute \$2,700,000 through existing budgets. The project will run from January 2022 until the end of June 2026.
13. Once completed, this project will improve the health of the Tūrangānui Estuary System and rivers and streams which flow into it (such as the Waikanae Stream, Taruheru River, and lower Waimatā River).
14. A paper to inform the Wastewater Management Committee of the proposed work programme was presented in December 2021 (**Report 21-275**). An update on the programme was brought to the Operations Committee for information on 17 February 2022 (**Report 22-34**).
15. **Progress:** Several sub-projects are underway.
 - a. Riparian planting has kicked off with school and community plantings of native plants at Waiteata Park (2050 plants) and Reynolds Drain/Blackpool Creek (1,980 plants).

Figure 13 Waiteata Park planting area



- b. Further planting is planned at Nelson Park on August 22-26.
- c. Urban stream assessments have been undertaken across several waterways in Gisborne and the results will inform remedial actions to improve fish passage. Four kaimahi will be recruited from local iwi to manage parts of the project. This recruitment creates an opportunity to grow community science and mātauranga capacity.

Freshwater Farm Plan – Regional Pilot

16. **Context:** Freshwater farm plans are one of the new sets of regulations announced in 2018 to stop further degradation of New Zealand's freshwater resources and improve water quality. Under new government rules, farms will need a Freshwater Farm Plan (FWFP). These rules were introduced into the Resource Management Amendment Act 2020 in a new Part 9A. More detailed regulations are currently being developed that will require farmers to develop FWFPs. We expect these regulations to take effect next year.

17. FWFPs will identify practical actions on farm that help improve local waterways. Actions will be tailored to a farm's circumstances, the physical environment and what is important in the catchment that farm is in.
18. FWFP regulations will apply to farmers with:
 - 20 hectares or more in arable or pastoral use.
 - 5 hectares or more in horticultural use.
 - 20 hectares or more of combined use.
19. **New FWFPs vs existing farm plan requirements under the TRMP:** The new FWFP regulations are not the same as the existing Farm Environment Plan (FEP) requirements under the TRMP, although they share some similarities. **Attachment 2** summarises the differences between the two approaches. **Attachment 3** provides more information related to farm planning.
20. What this means is that the FEPs that Council has worked with landowners to create, will eventually be superseded. Council will need to update its Freshwater Plan provisions accordingly to ensure consistency with legislative requirements and provide clarity to landowners. Council will also need to think about how to best support landowners with a certified FEP to transition to a new farm planning framework.
21. TRMP requirements for works plans under the Sustainable Hill Country rules²¹ will also need to be aligned to the new FWFP requirements.
22. **Implications for Council:** Done well, FWFPs could be a powerful tool for regional transformation. The regulations provide the direction for landowners to identify risks associated with their farming activities and to implement actions to reduce the risks. Applied to farms across the region and integrated with freshwater planning and sustainable land management programmes, we could see a significant transformation of land use and environmental outcomes across Tairāwhiti. This is an opportunity for Council to consider how it wants to support the freshwater farm planning process.
23. Councils will be responsible for supplying catchment context and partnering with tāngata whenua. Ministry thinking around FWFPs continues to evolve however – there may be opportunities for Councils to have more involvement where appropriate. We think a more prominent role for Council in the rollout of this new regulatory process has some merit. Council staff have built good relationships with landowners, have depth in their understanding of the region's geography, and have access to a massive information database.
24. **Freshwater Farm Plan – Regional Pilots:** The Ministry for the Environment (MfE) has identified three regions to pilot the FWFP process before a phased rollout across the country. The goal of the pilot is to test the process with a small selection of farms from each of these regions. The results will indicate what parts of the proposed process work and what needs further refinement.

²¹ These rules relate to land uses within Land Overlay 3A

25. The three pilot regions are Southland, Waikato, and Tairāwhiti.
26. The objective of the pilot is to gain insights from the application of the new farm planning process to a selection of trial farms. MfE will use these insights to refine the development of new farm planning regulations, as well as improve its awareness of where resourcing and support are best utilised when farm planning is rolled out across the country.
27. We see this as a great opportunity for early involvement and to test how Council should be involved in the process. Most importantly, it is an opportunity to design the farm planning process in a way that is meaningful to landowners and makes a real difference on the ground. This includes discussion around resourcing to support on-farm interventions such as fencing and planting.
28. While timeframes are still being confirmed, staff are expecting the pilot to wrap up toward the end of the year. This gives the Tairāwhiti pilot around three months to be planned, implemented, and completed.
29. Council staff are currently coordinating with MfE and Ministry for Primary Industries representatives to confirm roles and timeframes for the pilot. Staff will report back to either this Committee or the Operations Committee with a review of the project once it has been completed.

Stormwater Integrated Catchment Management Plan

30. **Background:** Council owns and operates stormwater infrastructure to manage stormwater from roads, houses, buildings and impervious areas in both Gisborne city and small towns and settlements across Tairāwhiti. Stormwater from private property also flows into this network and the receiving environment.
31. The New Zealand Coastal Policy Statement (NZCPS), the National Environmental Standards for Freshwater (NES-F), and the National Policy Statement for Freshwater Management (NPS-FM) set the direction and legal requirements for stormwater discharges.
32. Under the Tairāwhiti Resource Management Plan (TRMP) a key requirement is the development of an Integrated Catchment Management Plan (ICMP) by July 2025 and obtaining stormwater network consents where required. This work is now underway.
33. The TRMP defines an ICMP as:

“a plan detailing the management of stormwater discharges from the public stormwater network that looks at the issues of water quality and quantity within the catchment and stormwater discharges, their effects on the receiving environments and any water quality limits or targets set in a catchment plan, and details the management actions, capital works and timeframes in which issues will be addressed”.
34. ICMPs are used for planning and management of the stormwater system. Issues are identified and prioritised, and management options / solutions are identified and implemented for avoiding, remedying, or mitigating environmental effects and risks. The ICMP can also be used as part of resource consent processes.

35. **Resource consent:** Resource consent is required for discharges from the public stormwater network where no ICMP is lodged with Council or where discharges under an approved ICMP do not achieve permitted standards, such as the concentration of certain contaminants (e.g., heavy metals) in discharges and flooding. Staff have assessed current network discharges against these standards, and resource consent will likely be required for stormwater discharges in Gisborne city and possibly some of the townships.
36. The ICMP will form the basis for an assessment of effects on the environment in support of applications for resource consents.
37. **ICMP and resource consent work programme:** The Four Waters Infrastructure team is working together with relevant Council teams to progress the ICMP. A draft Project Plan has been produced, which sets out the tasks required to be completed over the next two to three years. The process will include consultation with key stakeholders such as Waka Kotahi, and collaboration with tāngata whenua. The work programme will culminate in the approval of resource consents by July 2025.
38. **Integration with the TRMP review and Catchment Management Plans:** The ICMP and stormwater resource consents will be completed alongside the TRMP review and development of Catchment Management Plans (CMPs), which have similar regulatory timeframes²². All these processes focus on water-related values.
39. ICMP development will link in with those work programmes, including technical matters such as data collection and catchment modelling, and stakeholder, community and tāngata whenua engagement. The process of developing the ICMP may itself inform the TRMP and CMPs, as community aspirations for stormwater are better understood and the related technical work is undertaken.
40. Progress on the ICMP and related consents will be reported on alongside TRMP and CMP reporting.

Lower Waimatā Restoration Plan

41. **Context – partnership:** Waimatā residents and members of the wider community have come together in response to the challenges posed to the Waimatā awa. They formed the Waimatā Catchment Group - an incorporated society that aims to restore the health of the Waimatā Catchment along 38 kilometres of the river– freshwater, biodiversity, soil health, land stability, ecosystem health - while supporting the vibrancy and wellbeing of catchment communities.
42. Through research, community engagement and actions such as fencing, pest control and planting, the group aims to restore riverside forest for native birds and animals, bush walks and flood control, and water quality suitable for swimming, paddling and other water sports, and gathering kai.

²² Freshwater planning instruments are required to be publicly notified by the end of 2024. Council staff are aiming to develop an ICMP ahead of 1 July 2025, in line with permitted activity requirements set out in the TRMP.

43. More recently, the Waimatā Catchment Group (WCG) has established a partnership with Council, where both parties work together on improving the health and mauri of the awa. Through this partnership, Council has agreed to resource and support the development of a catchment restoration plan for the lower Waimatā river, particularly where it migrates through the urban and peri-urban landscape of Gisborne city.
44. **Plan development:** Council engaged landscape architecture consultancy Isthmus in March this year to develop the Restoration Plan. Plan development includes the following components:
- Outline and provide a record of information collected and created relevant to the Waimatā awa.
 - Develop a pest control and weed management plan for the riparian margins of the lower Waimatā awa.
 - Develop a planting plan and programme of work for the riparian margins of the lower Waimatā awa, guided by community aspirations for their relationships with the awa.
 - Design a monitoring programme to measure effectiveness of actions to implement the Restoration Plan, and the effectiveness of the Plan itself.
 - Explore and develop other relevant design initiatives that are relevant to the values of the lower Waimatā awa and its surrounding urban context.
45. The Project Team (WCG, Council and Isthmus) have been meeting regularly to develop the plan together. A draft document is anticipated by the end of September. The WCG is planning to hold a community workshop to discuss the proposal and other related activities underway.
46. **How to implement:** How to implement and resource the restoration plan is not yet confirmed. Council staff and the WCG will work closely to identify potential funding streams to undertake this important work.

Taruhuru River Restoration Project

47. **Context:** In general, nutrients in our region's rivers are typically low compared to other regions in New Zealand, but there are hotspots caused by human activities. One of our worst affected waterways is the Taruhuru River which flows from intensive horticultural lands and then through the city.
48. While included in the Waipaoa Catchment for freshwater planning purposes, the Taruhuru River has its own catchment of 8,375 hectares. The Taruhuru River flows in a south-easterly direction from its headwaters at Waihirere, past Ormond through the highly productive Poverty Bay Flats and through Gisborne city before converging with the Waimatā River.
49. While water quality has been found to be good around Waihirere Domain, monitoring data indicates a gradual reduction in quality as it progresses through farm, cropland, and the urban environments. Water quality is poor for E. coli, turbidity, ammoniacal nitrogen and dissolved reactive phosphorus. Urban water quality also suffers from discharges of diluted wastewater during heavy rainfall events.

50. In June 2016, staff undertook water quality monitoring of several sites along the river and its tributaries. The results showed that our river needs a lot of attention and work to ensure its restoration. Other issues identified included:
- **Rubbish:** Lots of rubbish is regularly found dumped throughout the length of the stream mainly around bridges.
 - **Stock Access:** Stock have direct access to some parts of the river. Run-off comes from animals and drains on farmland.
 - **Low oxygen levels:** Low oxygen levels in some parts of the river show it's not a great habitat for fish and other river inhabitants. It can also indicate a high level of bacteria in the water.
 - **Low flows:** Without much rain the river is relatively stagnant in summer. It also means there isn't much water to dilute the contaminants that enter the waterway (7-day mean annual low flow is 30l/sec).
 - **High nutrients:** Above average limits have been found in some parts of the river. Some of the main sources of nutrients entering waterways, come from inorganic nutrients (chemicals), stock, erosion and debris build up (organic matter).
 - **Green waste:** Grass and weeds that have been cut and other debris are decomposing in the stream affect oxygen and nutrient levels.
 - **Blockages:** Debris builds up at the high tide mark and where there are bends in the stream around Makaraka.
51. While its upstream reach is valued for its flood protection and food production within its rural area, the river's urban reach is valued for in-stream values such as fishing, boating, and swimming. In its current state, water quality does not adequately provide for the Taruheru freshwater values.
52. **Non-regulatory project:** The Taruheru River Restoration is included as a non-regulatory project in the Waipaoa Catchment Plan. The project recognises the impact of upstream and urban land uses on the values of the waterway and seeks to improve our understanding of those causes and reduce nutrient and pathogen loading.
53. Council must work to ensure nutrient and pathogen levels are reduced for the Taruheru awa so they fall within acceptable levels for ecological, cultural and recreational values. The project's output will contribute to a better understanding of how land uses on the Poverty Bay Flats are contributing to poor water quality and how to progressively improve water quality.
54. **Progress:** Staff have developed a good working relationship with representatives from Te Whanau a Iwi (Tarere Marae), Ngāti Wahia (Parihimanuhi Marae) and Māhaki Mahinga Kai.
55. Several workshops have been held:
- Iwi/Hapū representatives – to understand their connection to the Taruheru awa and other tributaries in the catchment, to get a feel for their aspirations, identify values, and to ensure we are all working collaboratively on this project.
 - Landowners and other stakeholders – understand their issues, aspirations values etc for the Taruheru River and its tributaries.

56. Other activities include:

- Engaging an external consultant to undertake a watercourse assessment on behalf of Council. This was done alongside iwi/hapū representatives to ensure the sharing of knowledge.
- Collecting eDNA samples (currently awaiting results).
- Purchasing SHMAK²³ Kits for each marae. These kits were provided to support further monitoring and sharing of data on the awa.

57. Staff are currently awaiting a consultant report to provide further information to base the next steps of the project on. Staff also look forward to working further with iwi/hapū representatives to create an implementation plan that outlines further work around the awa.

DISCUSSION and OPTIONS

Council has a central role in environmental improvement projects

58. These projects demonstrate the central role that Council plays in improving freshwater and wider environmental outcomes. Our organisation holds a wealth of information, technology, skills, and experience, and maintains good relationships across our communities and region. Staff combine these tools to deliver practical measures across a range of locations, to resolve a variety of issues, to achieve our collective aspirations for freshwater.

59. The projects also point to the importance of working together to achieving meaningful change in freshwater outcomes. This includes strong cross-team participation across Council to deliver on its strategic priorities. It also requires strong connections with community groups, agencies, iwi and hapū.

60. The development of freshwater policy by itself cannot guarantee improvements to freshwater. Council should consider taking a more active and expanded role in delivering freshwater improvements across the rohe. With growing importance and legislative focus on freshwater improvements, Council must ensure that its teams are working together, adequately resourced to do their jobs, and able to support implementation of key improvement projects.

Limitations of Resource Management Act

61. The failure of the RMA to address environmental degradation or promote environmental restoration is a compounding factor.

62. While the purpose of the RMA is to promote the sustainable management of natural and physical resources, it is difficult to see how this has been achieved. The RMA has not delivered on its desired environmental or development outcomes and many observe a significant gap between the statutory aspirations of the RMA and the outcomes actually achieved²⁴.

²³ Stream Health Monitoring Assessment Kit - developed by the National Institute of Water and Atmospheric Research (NIWA). These kits give landowners, iwi, school and community groups simple, scientifically-sound tools and resources to monitor the ecological health of New Zealand's streams.

²⁴ Evaluating the environmental outcomes of the RMA; A report by the Environmental Defence Society; June 2016

63. Staff were mindful of this limitation when developing the Waipaoa Catchment Plan in 2014-2015. The ten non-regulatory projects responded to the need for restorative activity rather than simply setting environmental bottom lines for freshwater contaminants.
64. However, as non-regulatory methods, these projects do not bind any party to complete them. Because there is no incentive or compliance requirement, there is always a risk is that these types of projects are not undertaken.
65. It is likely that the new statutes replacing the RMA will attend to this problem in a more effective way. The NPS-FM and associated standards, regulations and farm planning requirements impose a stronger set of requirements on landowners to manage risks to the freshwater receiving environment. Staff believe this will further reinforce the need for Council to both play a more active role in implementation as well as collaborate with stakeholders to achieve environmental goals that are mutually beneficial.

Council constraints

66. These freshwater implementation projects demonstrate that Council capacity and resourcing is critical to their successful and timely delivery.
67. For the Waipaoa Catchment Plan non-regulatory projects, both funding and staff capacity have been limitations on their implementation. Staff work on these projects with little or no budgets, where their capacity allows. This pushes out timeframes, makes collaboration difficult and creates risks around completion.
68. The FIF on the other hand is supported by both external and internal funding and has a dedicated Programme Manager. While not without its challenges, the programme of work is progressing, has good buy-in from internal and external stakeholders, and is more likely to be completed within its set timeframe.
69. These differences reinforce the need for a more structured approach to environmental projects. This includes consideration given to the breadth of projects Council staff can reasonably cover, and the staffing and budgets required to deliver them.
70. Staff will be developing information for Council to consider when setting budgets and staff resourcing for freshwater implementation projects through the next LTP cycle.

ASSESSMENT of SIGNIFICANCE

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: **Medium** Significance

This Report: **Low** Significance

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

TĀNGATA WHENUA/MĀORI ENGAGEMENT

72. Tāngata whenua have been involved and are central to the delivery of the projects that are underway and continue to play a central role in all environmental improvement work.

COMMUNITY ENGAGEMENT

73. The wider community also plays a vital role in all the implementation activities that Council has coordinated. Recent community planting days for the FIF have proven to be well attended.

CLIMATE CHANGE – Impacts / Implications

74. 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. These effects are also likely to affect freshwater ecosystems.
75. These effects reinforce the need for proactive measures to restore degraded freshwater environments to maximise habitat and ecosystem resilience to change.

CONSIDERATIONS

Financial/Budget

76. Resourcing for freshwater planning and the wider TRMP review is included as part of the operational budgets in the 2021– 2031 Long Term Plan. However, implementation projects require budget and staff to deliver them.
77. Council will need to consider how to adequately resource implementation and where acceptable trade-offs are ahead of the next Long Term Plan cycle.

Legal

78. There are no legal implications from the recommendations in this report.

POLICY and PLANNING IMPLICATIONS

79. Council's involvement in freshwater improvement projects gives effect to the intent and requirements of freshwater legislation, and to provisions outlined in the Waipaoa Catchment Plan.

RISKS

80. **Capacity:** Staff capacity will continue to be a challenge not only for Council but for iwi groups interested in participating in the freshwater improvement projects. We expect implementation of the proposed national direction will increase the need for more resourcing and people to deliver the work. There is a risk that our ability to deliver on aspirations and projects we have identified will be constrained and we won't be able to achieve our strategic goals for the environment. This also carries a reputational risk if our communities continue to see no meaningful improvement in environmental outcomes.
81. **Funding:** Securing the budget to employ personnel and undertake improvement works will remain a significant challenge for this organisation. While external funding is vital, relying solely on it carries its own risk. Securing funding is always uncertain. The opportunities vary as does the amount of funding available and the competition for that funding. Often the application timeframes are short and require a contribution in-kind. There is also a risk that Council doesn't have the capacity ready to deploy if a funding bid is successful. In contrast, relying solely on rate funding to support improvement projects either requires rates to increase or a reduction elsewhere in Council's budget.

ATTACHMENTS

1. Attachment 1 - Non Regulatory Projects [**22-197.1** - 10 pages]
2. Attachment 2 - Summary of New FWFP and TRMP Farm Environment Plan Requirements [**22-197.2** - 1 page]
3. Attachment 3 - Farmer and Grower Journey Through the Freshwater Farm Plan System [**22-197.3** - 1 page]

DF1.7 Non Regulatory Projects

Issue	Water quality in the Urban Freshwater Management Unit does not reliably provide for the freshwater values found in the Taruheru River and Waikanae Stream. Council needs to better understand how much of an impact urban stormwater discharges are having on these waterbodies and, where necessary, what tools are available to mitigate the effects of discharges on them.
Outcome	Urban stormwater discharges are better understood and methods are implemented to reduce the adverse effects on freshwater values.
Output	A monitoring report helps us understand the extent to which urban stormwater discharges are having an effect on freshwater values. Gisborne's existing urban stormwater infrastructure is modified where feasible to include alternative treatment devices that reduce the impacts of stormwater discharges on water quality.
Who	Council Engineering and Planning teams. Environmental monitoring and research consultants. Construction / engineering contractors or Council engineers.
Links to Policy	C6.2 Water Quality and Discharges to Land and Water
Project Scope	Council planning and engineering staff to initiate project by identifying gaps in monitoring and research. Review and evaluation of the monitoring results. Research to identify management and mitigation options for improving urban stormwater in priority locations. Develop or apply a sustainability indexing system (NIWA) which integrates the measurement of environmental, social, economic and cultural impacts and allow planners to consider these impacts holistically. Consider updating the Engineering Code of Practice for Council and new developments.
When	The freshwater values identified in the Taruheru are provided for by 2030.

Figure DF1.28 – Project One: Gisborne Urban Stormwater Management

Issue	<p>Waikanae Stream is identified as being significant for ecosystem health, secondary contact and mahinga kai values. Historical and contemporary sources of contamination from the surrounding urban area have led to a significant reduction in water quality to the point where these values are no longer adequately provided for.</p> <p>Council identifies the continuation of streamside native revegetation as a small but important tool in restoring the mauri of Waikanae Stream.</p>
Outcome	<p>Habitat conditions, water quality and streamside amenity in the Waikanae Stream continue to improve.</p> <p>The mauri of Waikanae Stream is improved.</p>
Output	Native revegetation to the Waikanae Stream and ongoing maintenance to the riparian margin occurs where opportunities for this activity allow
Who	<p>Local iwi</p> <p>Council staff</p> <p>Department of Conservation</p> <p>Community groups</p> <p>Environmental groups</p>
Links to Policy	C6.2 Water Quality and Discharges to Water and Land; C6.3 Activities in the Beds of Lakes and Rivers.
Project Scope	<p>Liaise with other care groups and organisations to identify opportunities for collaboration and implementation.</p> <p>Support continuing volunteer efforts in streamside restoration.</p> <p>Promote environmental education programmes/initiatives to raise community awareness of the significance of the water through the Waikanae restoration project.</p> <p>Promote the development of a catchment biodiversity strategy that integrates Waikanae as a potential habitat corridor.</p> <p>Investigate and remediate where possible historic landfill sites adjacent to the Waikanae Stream.</p>
When	The freshwater values associated with the Waikanae Stream are provided for by 2025.
Monitoring and review	Undertake a review of the current ecological condition of Waikanae Stream to provide an environmental baseline for future monitoring and evaluating the success of further streamside restoration.

Figure DF1.29 – Project Two: Waikanae Streamside Restoration

Issue	Of the 14 native freshwater fish identified in the Gisborne region, 12 are diadromous, undergoing migrations between fresh and salt water as a necessary part of their lifecycle. The Department of Conservation has identified a number of in-stream structures that present barriers to fish passage in the Waipaoa Catchment. These prevent native fish from undertaking migration and can severely disrupt life cycle completion and potentially lead to local extinctions.
Outcome	Native fish are able to migrate up the streams and rivers of the Waipaoa Catchment without any major physical impediment to their movement.
Output	Removal of major physical barriers to native fish passage in the Waipaoa Catchment.
Who	Gisborne District Council. Department of Conservation (DOC). Environmental representatives. Local iwi. Community groups.
Links to Policy	Section C6 Activities in the Beds of Lakes and Rivers
Project Scope	Establish a project team of key stakeholders to work through the identified barriers and prioritise implementation works according to DoC recommendations as well as the ecological importance of each water body and cost of implementation and achievability. Identify the most efficient, cost effective mitigation options for each barrier. Undertake mitigation works based on the options selected. Produce and distribute a pamphlet detailing the best practicable options for the installation and siting of culverts in rural areas and identify where landowners can seek further advice. Continue periodic maintenance of structures and alterations or modifications where necessary.
When	All major barriers to fish passage within the Waipaoa Catchment to have received treatment by 2025.
Monitoring and review	Commission the monitoring and assessment of fish species numbers and range to evaluate effectiveness of project and identify any further limitations to fish passage that need to be addressed.

Figure DF1.30 – Project Three: Waipaoa Fish Passage Enhancement

Issue	The lower Waipaoa area is important for inanga spawning and its function needs to be protected and enhanced. Highest inanga numbers are associated with riparian margins that have cover such as overhanging vegetation or macrophyte beds.
Outcome	Inanga are able to successfully spawn in the lower reaches of Te Arai and Lower Waipaoa sub-catchments.
Output	Planting of the riparian margins with locally sourced native vegetation that provides the habitat conditions suitable to inanga spawning.
Who	<p>Council staff.</p> <p>Local iwi.</p> <p>Environmental representatives.</p> <p>Community groups.</p> <p>Land owners affected.</p>
Links to Policy	Section C9.3 Riparian Management Areas, Wetlands
Project Scope	<p>Establish a working group comprised of key stakeholders to initiate project, define scope and develop a project implementation plan.</p> <p>Promote and encourage community involvement in revegetation and maintenance works.</p> <p>Help landowners with advice and financial/project management assistance to carry out enhancement work.</p> <p>Increase public awareness about the importance of habitat for inanga spawning through Council media and other communications initiatives.</p>
When	Initial scoping and recommendations to be completed by 2016. Recommended actions and costs to be put to Council for endorsement by 2016-2017. Progressive implementation over recommended timeframes.
Monitoring and review	Ongoing habitat monitoring to identify any trends in numbers and spawning activity of inanga and to report back on effectiveness of implementation programme.

Figure DF1.31 – Project Four: Lower Te Arai and Waipaoa Inanga Spawning Enhancement

Issue	Water quality in the Taruheru River is considered degraded for several freshwater indicators both in its mid-reaches as it crosses the Poverty Bay Flats as well as further downstream where it passes through Gisborne's urban environment. In its current state, it does not adequately provide for Taruheru freshwater values.
Project Outcome	All freshwater values associated with the Taruheru River are adequately provided for.
Project Output	Nutrient and pathogen levels are reduced for the Taruheru River so they fall within acceptable banding levels for swimming in the National Objectives Framework. Research contributes to a better understanding of how land uses on the Poverty Bay Flats contribute toward nutrient loading in the Taruheru River.
Who	Council staff. Local iwi. Environmental representatives. Land owners within the Taruheru water quality management zone.
Links to Policy	Section C6.2 Water Quality and Discharges to Water and Land.
Project scope	Council staff to collaborate with key stakeholders to develop scope of work, identify gaps in research and understanding. Undertake research to identify sources and mechanisms of nutrient transport for contaminants into the Taruheru. Promote and encourage the establishment of community based revegetation projects. Encourage the development and implementation of industry-based best management practices on the Poverty Bay Flats. Implement appropriate riparian management practices in areas under the management or ownership of the Council which are adjacent to waterbodies. Identify the costs and benefits of different nutrient management and reduction methods. Determine if regulatory measures are necessary to control the discharge of contaminants from land use activities in the Taruheru water quality management zone.
When	All water quality monitoring attributes to sit within acceptable banding of the National Objectives Framework by 2035.
Monitoring and review	Regular water quality monitoring and state of the environment reports to identify trends in all water quality indicators.

Figure DF1.32– Project Five: Taruheru River Restoration

Issue	Rere Rockslide and Falls are both valued highly for their amenity values. Elevated E. coli levels often make these sites unsuitable for contact recreation during summer.
Outcome	People are able to swim safely at Rere Rockslide and Falls during the swimming season.
Output	E. coli levels at Rere Rockslide and Rere Falls are brought within acceptable levels for contact recreation under the National Objectives Framework.
Who	Gisborne District Council
Links to Policy	Landowners with property adjacent to the Wharekopae River upstream of Rere Falls.
Project scope	Section C6.2 Water Quality and Discharges to Water and Land; Section C6.3 Activities in the Beds of Lakes and Rivers. Research to establish a better link between sources of E. coli contamination and their spatial extent. Development and implementation of a pest management strategy for the Wharekopae River. Collaborative work undertaken with farmers to deliver actions on a farm-by-farm basis. Council to provide contestable funds for environmental and ecological protection and restoration activities. Encourage the use of farm nutrient budgets where practicable, and provide support material and workshops on the use of farm nutrient budgets. Monitor the effectiveness of the protection and enhancement works in achieving improved water quality within the sub-catchment. The method will include publicity to increase public awareness about the importance of the river. Integrate soil conservation works with land protection for other purposes by consulting with Council's Soil Conservation Team.
When	Investigation and potential recommendations to be completed by 2016. Recommended actions and costs to be put to Council for endorsement by 2016-2017. Progressive implementation over recommended timeframes.
Monitoring and review	Falls and Rockslide to continue to be monitored for E.coli in order to track changes in levels.

Figure DF1.33 – Project Six: Rere Falls and Rockslide Water Quality Enhancement

Issue	Poor water quality in the Awapuni lagoon area has adversely affected the mauri of the water and ability for local iwi to harvest mahinga kai from the area. Monitoring data indicate poor water quality in several of the attributes measured for including chlorophyll a, dissolved oxygen and phosphates.
Outcome	Mahinga kai are able to be harvested for safe consumption and the mauri of the Awapuni lagoon area is improved.
Output	Water quality is improved as measured by key water quality indicators.
Who	Council staff. Local iwi. Environmental representatives and community groups. Land owners affected.
Links to Policy	Section C6.2 Water Quality and Discharges to Water and Land; Section C6.3 Activities in the Beds of Lakes and Rivers.
Project scope	Council staff to collaborate with key stakeholders to develop scope of work, identify gaps in research and understanding. Investigate the effects of discharges of water from the landfill on the water quality of the receiving environment, where adverse environmental effects are evident and such investigations are necessary. Promote and encourage the establishment of community based care groups through the provision of technical advice, administrative assistance, approved works assistance and assistance in the development of management plans. Council funding to support riparian land management works agreed to between the Council and the landowner, in accordance with the following criteria: <ol style="list-style-type: none"> 1. the works provide or assist in providing improved downstream water quality; 2. the works are carried out only on properties where adverse water quality effects arising from land use practices on adjacent land are identified and, where necessary, are avoided, remedied or mitigated by the property owner or manager; 3. the property manager or owner carries out any maintenance or repair works.
When	Investigation and potential recommendations to be completed by 2016. Recommended actions and costs to be put to Council for endorsement by 2016-2017. Progressive implementation over recommended timeframes.
Monitoring and review	Regular water quality monitoring and state of the environment reports to identify trends in water quality and potential sources of contamination.

Figure DF1.34 – Project Seven: Awapuni Lagoon Water Quality Improvement

Issue	The decline in water quantity in the Makauri Aquifer threatens the long term sustainability of the water resource.
Outcome	The Makauri Aquifer is a long term source of freshwater for economic and environmental uses.
Output	Makauri aquifer levels stabilise in monitoring bores.
Who	Council staff, iwi, water users and landowners affected.
Links to Policy	Section C6.1 Water Quantity and Allocation.
Project Scope	Council to lead the development of a trial pilot managed aquifer recharge, undertake monitoring and identify gaps in research and understanding. If the pilot is successful, work with stakeholders to scope a full MAR project.
When	Investigation, pilot and monitoring to be undertaken over 2015-2017.
Monitoring and review	Static water levels and water quality monitoring before, during and after the pilot to identify if the approach is an appropriate and environmentally safe method to increase the water levels in the aquifer.

Figure DF1.35 – Project Eight: Managed Aquifer Recharge Pilot (MAR)

Issue	Temperature and periphyton levels in the Waingaromia River are elevated and affecting aquatic ecosystem health.
Outcome	Aquatic ecosystem health values are improved in the Waingaromia River
Output	Periphyton and temperature levels improve in the river so that Freshwater Objectives are met.
Who	Council staff, iwi, water users and landowners affected.
Links to Policy	Section C6.2 Water Quality and Discharges to Water and Land; Section C6.3 - Activities in the Beds of Lakes and Rivers.
Project Scope	<p>Council staff to collaborate with key stakeholders to develop scope of work, identify gaps in research and understanding.</p> <p>Investigate the relationship between temperature, periphyton and riparian vegetation on the water quality and aquatic ecosystem health of the river. Promote and encourage the establishment of community based care groups through the provision of technical advice, administrative assistance, approved works assistance and assistance in the development of management plans.</p> <p>Council funding to support riparian land management works agreed to between the Council and the landowner, in accordance with the following criteria:</p> <ol style="list-style-type: none"> the works provide or assist in providing improved downstream water quality; the works are carried out only on properties where adverse water quality effects arising from land use practices on adjacent land are identified and, where necessary, are avoided, remedied or mitigated by the property owner or manager; the property manager or owner carries out any maintenance or repair works.
When	The freshwater values in the Waingaromia are provided for by 2025.
Monitoring and review	Regular water quality monitoring and state of the environment reports to identify trends in water quality and state of aquatic ecosystem health

Figure DF1.36 – Project Nine: Waingaromia Riparian Restoration

Issue	Forestry harvest and post harvest instability can cause large amounts of sediment and woody debris to enter streams and rivers, causing significant impacts on aquatic ecosystems, private and community infrastructure
Outcome	Effective pre and post harvest mitigation measures are put in place around forestry harvest so that significant adverse effects are avoided, remedied or mitigated
Output	Aquatic ecosystem health and infrastructure values are maintained despite forestry harvest in the catchment
Who	Forestry companies and contractors, Eastland Wood Council, Council staff, iwi and landowners affected.
Links to Policy	Section C6.2 Water Quality and Discharges to Water and Land; Section C6.3 - Activities in the Beds of Lakes and Rivers.
Project Scope	Work with the forestry sector to identify key methods to reduce sediment loss and forestry slash migration into waterways during and post harvest. This will include research and field trials of different operating methods and riparian buffers in order to develop and implement good practice guidelines for the sector.
When	To be undertaken from 2018 with implementation of improved approaches from 2020.
Monitoring and review	Regular water quality monitoring and state of the environment reports to identify trends in water quality and state of aquatic ecosystem health

Figure DF1.37 – Project Ten: Forestry Harvest Mitigation Project

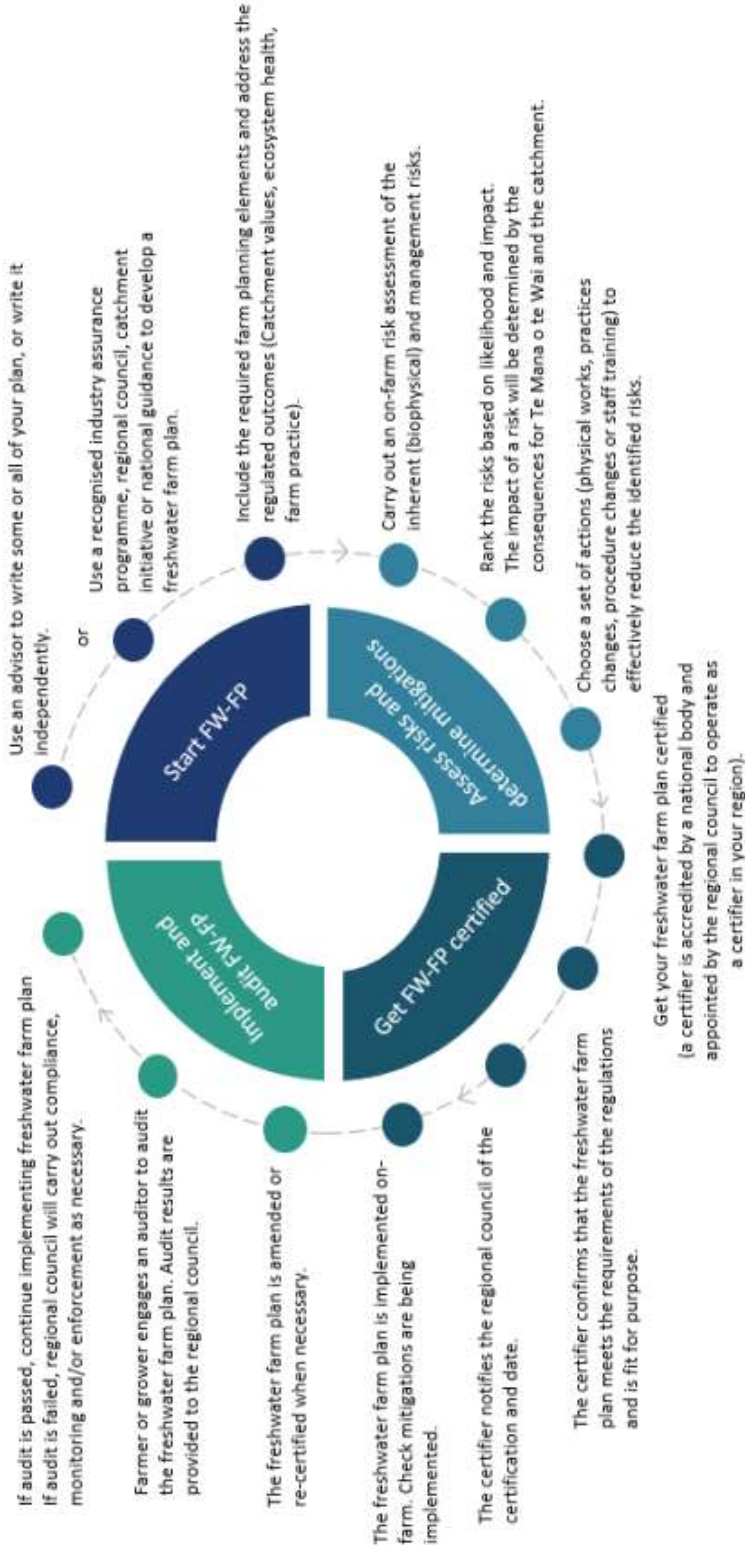
Attachment 2: Summary of new Freshwater Farm Plan regulations and existing TRMP Farm Environment Plan requirements

	New Freshwater Farm Plan regulations	TRMP requirements for farm planning
Applies to	<p>Farmers who have:</p> <ul style="list-style-type: none"> • 20 hectares or more in arable or pastoral use • 5 hectares or more in horticultural use • 20 hectares or more of combined use. 	<ul style="list-style-type: none"> • Diffuse discharges from intensively farmed stock activities lawfully established prior to 14 October 2015. • Diffuse discharges from commercial vegetable growing and cropping activities lawfully established prior to 14 October 2015. • Diffuse discharges from new commercial vegetable growing, cropping and intensively farmed stock activities established after 14 October 2015.
Requirements	<p>Catchment context</p> <ul style="list-style-type: none"> • Catchment values • Ecosystem health • Community outcomes • Farm management practices etc <p>Risk and impact assessment</p> <ul style="list-style-type: none"> • Critical source areas, wetlands etc <p>Actions to reduce risks</p> <ul style="list-style-type: none"> • Strategic fencing, wetland restoration, winter grazing paddock plan etc <p>Certification</p> <p>Audit</p>	<p>Permitted activity standards:</p> <ul style="list-style-type: none"> • Setbacks from waterbodies for livestock, cultivation of crops, feed crops or irrigation of pasture • Formed stock crossings to be bridged or culverted <p>Assessment and certification by consent authority</p>
Comment	Freshwater Farm Plans will need to set out how the new rules in the National Environmental Standards for Freshwater and Livestock Exclusion Regulations will be met by the farmer.	The activity requires no resource consent if an FEP is submitted which complies with the relevant activity standard. Otherwise the activity will require a resource consent.

Attachment 3: Farmer and grower journey through the freshwater farm plan system

Farmer and grower journey through the freshwater farm plan system

Based on preferred options



Role of central government

- Design freshwater farm plan regulations
- Review and evaluate freshwater farm plan system

Role of regional councils

- Collate catchment context (initially the best available information)
- Work with tangata whenua to express catchment values and reflect Te Mana o te Wai
- Appoint auditors and certifiers
- Carry out compliance, monitoring and enforcement

Role of national accreditation body

- Ensure certifiers have adequate knowledge and competencies
- Train certifiers in relevant areas
- Define the scope of the roles
- Ensure a high standard of ethics in certifiers

