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National Policy Statement for Freshwater Management Implementation Review

Gisborne – Te Tai Rāwhiti

New Zealand Government

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Contents

Regional overview 5

Review methodology 8

Regional context for freshwater management 9
- Existing plans 9
- Iwi and hapū 10

Approach to implementing the NPS-FM 11
- Progressive implementation plan 11
- Priorities 12
- National contexts 13
- Iwi and hapū views 13
- Stakeholder views 13

Achieving the objectives of the NPS-FM 14
- Setting freshwater management units 14
- Values, objectives and priorities 14
- Limit setting and allocation 14
- Integrated management 15
- Outcomes 15
- Iwi and hapū views 15
- Stakeholder views 16
- Progress in major catchments 16

Community engagement 17
- Freshwater advisory group 17
- Stakeholder views 17

Engaging with iwi and hapū 18
- Iwi and hapū views 18

Decision-making 20
- Reflecting community values in plans 20
- Schedule 1 processes 20
- Iwi and hapū views 20
- Stakeholder views 20

Capacity and capability for freshwater planning 21

Council 21
Freshwater Advisory Group 21
Iwi and hapū 21
Sectors 21

Information 22
Monitoring 22
Mātauranga Māori 22
Data management 23
Stakeholder views 23

Plan implementation 24
Implementation strategy 24
Impacts of implementation 24
Non-regulatory work programmes 24

Conclusions and recommendations 26

Regional overview

The Gisborne district extends from the northern point of the East Cape down the East Coast to just north of the Mahia Peninsula and inland to the Raukūmara Range. Pastoral land and crops (42%), plantation forest (20%) and indigenous forest (22%) account for most of the land cover within the region.[1] The region has two major river catchments: the Waipaoa, which feeds the Poverty Bay Flats where Gisborne City is located, and the Waiapu, which flows northeast from the Raukūmara Range and enters the Pacific Ocean north of Ruatoria near the northern tip of the East Cape. There is also an extensive groundwater system under the Poverty Bay Flats.

The Gisborne district also contains the headwaters of four major rivers that flow into other regions (figure 1). The Hangaroa River flows south into Hawke's Bay, and the Motu, Waioeka and Waikura rivers flow into the Bay of Plenty. The north-flowing rivers are clear, fast-flowing and highly regarded for their recreational value of fishing, canoeing and white-water rafting.

The district is renowned for soil erosion susceptibility due to historical clearing of indigenous forest from the soft rock hills for pastoral farming and forestry. In the rural environment, water quality is most affected by sediment from the soft geology (which is accelerated where there is little forest cover) and livestock access to waterways.[2] A quarter of the land in Gisborne is susceptible to severe accelerated erosion, compared with only 8 per cent of all land in New Zealand. Plantation forestry and indigenous afforestation have been encouraged, to stabilise these vulnerable soils, but erosion is readily reactivated during forestry harvesting if earthworks and re-establishment activities are not undertaken with care.

In terms of water quality, sediment and *Escherichia coli* are the main pressures for both urban and rural areas. *E. coli* levels frequently fail national bottom lines for both primary and secondary contact recreation, including at the popular Rere Falls and Rere Rockslide.[3] Suspended sediment loads are very high in most Gisborne rivers. The Waipaoa River, for example, carries an estimated 34 cubic metres of sediment per second into Poverty Bay.[4] Both sediment and *E. coli* levels are strongly affected by rainfall events: rainfall flushes high levels of suspended solids and bacteria into local rivers. Nutrients are generally not major pressures on water quality in Gisborne, but monitoring indicates high levels of ammonia and phosphorus in several sites.

Groundwater quality within the region is of a varying standard. Shallow, oceanic-draining aquifers often having the best water quality while quality in the inland non-draining aquifers is relatively poorer. The Gisborne District Council (GDC) considers that substantial land use intensification would be required before nutrients became a significant issue for water quality in groundwater.

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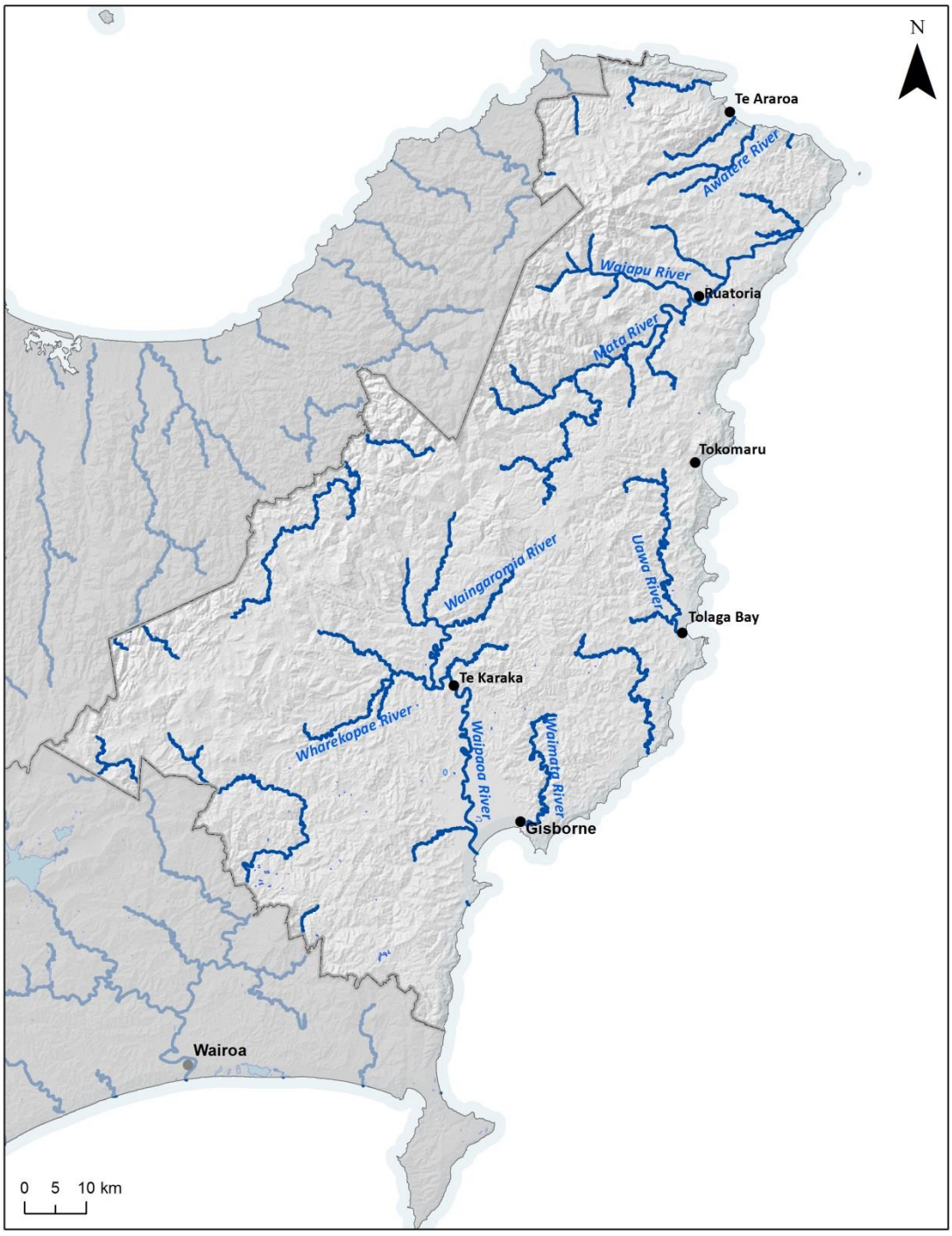
1 Gisborne District Council. 2016. *The State of Our Environment: Land and Soil 2013–2015*. Gisborne: Gisborne District Council.

2 See Land, Air, Water Aotearoa. No date. *Gisborne region river quality*. Retrieved from www.lawa.org.nz/explore-data/gisborne-region/river-quality/ (June 2017).

3 Gisborne District Council. 2016. *The State of Our Environment: Fresh Water Resources 2013–2015*. Gisborne: Gisborne District Council.

4 See Land, Air, Water Aotearoa. No date. *Waipaoa*. Retrieved from www.lawa.org.nz/explore-data/gisborne-region/river-quality/waipaoa/ (June 2017).

Figure 1: Major water bodies in the Gisborne district

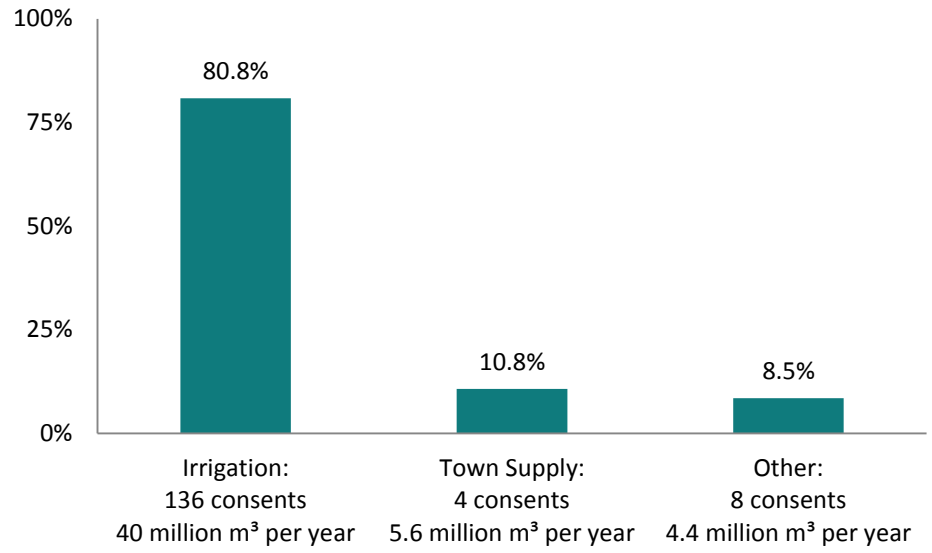


Source: Ministry for the Environment

Water quantity is an important issue for the region – particularly in the Waipaoa catchment, which accounts for 90 per cent of current regional demand. Over 1400 bores draw water for irrigation and domestic use in the Poverty Bay Flats area.[5] Irrigation accounts for the greatest consented volume of water takes (figure 2). Several water bodies are over allocated on paper; however, GDC reports that actual use is significantly below the allocated volume in most cases.[6] It is predicted that demand will increase in the future and further challenge the supply of water resources.

Groundwater in the district is used for horticulture, stock water and municipal supply (eg, in the middle of the Poverty Bay Flats, it is the main drinking water source). Groundwater is particularly important for water security because the rivers and streams of the region all typically have low flows in summer. The inland Makauri and Matokitoki aquifers are over allocated and have been in steady decline from the 1980s through to 2011. Because no long-term trends were observed in the potential recharge sources of these aquifers, these declines were likely the result of groundwater pumping for irrigation. The Government has provided $260,000 from the Irrigation Acceleration Fund to trial managed aquifer recharge for the Makauri Aquifer to mitigate declining groundwater levels.[7]

Figure 2: Water take consents by primary use



Data source: Land, Air, Water Aotearoa

5 White PA, Moreau-Formier M, Tschritter C and Murphy P. 2012. *Groundwater in the Poverty Bay Flats*. Report prepared by GNS Science for Gisborne District Council, GNS Science Consultancy Report 2012/106. Gisborne: Gisborne District Council.

6 Gisborne District Council. 2016. *The State of Our Environment: Fresh Water Resources 2013–2015*. Gisborne: Gisborne District Council.

7 See Land, Air, Water Aotearoa. No date. *Gisborne region river quality*. Retrieved from www.lawa.org.nz/explore-data/gisborne-region/water-quantity/ (June 2017).

Review methodology

The information and analysis contained in this report are based on evidence collected from a questionnaire completed by GDC, a series of interviews and panel discussions with relevant parties, planning documents and associated reports, and the Ministry for the Environment's (MfE's) ongoing relationships and projects across the region. The overall review team consisted of officials from the joint MfE and Ministry for Primary Industries (MPI) Water Directorate with the assistance of two independent consultants, who are both certified hearings commissioners with more than 30 years of experience in freshwater management.

The review team conducted a series of panel discussions with GDC executives and elected councillors, senior GDC staff, tāngata whenua and stakeholder representatives. The review hui panel included five representatives from a variety of rural hapū who had been involved in a collaborative group or were otherwise involved in freshwater management discussions with GDC; however, it is important to note that none from the largest iwi in the region attended. The stakeholder panel included four representatives from the agricultural and forestry sectors. Additional interviews and panel discussions were held with representatives from national sector organisations. Following each meeting, attendees were given the opportunity to revise or supplement the meeting notes to ensure their views were recorded accurately.

While the review team has made efforts to confirm accounts where possible, much of the information included in the review is based on the accounts and perspectives of those involved and often cannot be verified independently.

Stakeholder and tāngata whenua representatives did not necessarily speak with mandate as official representatives of their organisation nor were they presumed to represent all in their wider communities. They were, however, primary sources with direct experience of GDC's work.

Because of varying regional contexts, some issues are considered more or less relevant in different regions. Therefore, some topics that appear in other regional chapters but that were not raised by GDC, iwi and hapū or stakeholders in this region have been omitted from this chapter.

Regional context for freshwater management

GDC is a unitary authority with limited resources and a small, dispersed rates base. Three-quarters of the region's 43,700 residents live in Gisborne City with the remainder dispersed among small rural settlements. Māori comprise more than half of the population in some areas – well above the national average – and much of the area is multiply owned Māori land where development is limited by lack of access to water consents and financing. Regional growth is relatively static, and economic development has focused on increasing value of production rather than intensification.

As a unitary authority, GDC fulfils the roles of both a regional and district council. While this structure has potential to allow more integrated management, GDC reports that resource limitations mean it is unable to undertake a comprehensive integrated planning process. Its dual role also means it sometimes faces public pressure to prioritise service provision and infrastructure over resource planning.

Water quantity management in the region is simplified somewhat by the small number of water take consents (around 150); however, this small number also makes it difficult to justify spending on water use research.

Existing plans

When the National Policy Statement for Freshwater Management (NPS-FM) 2011 took effect, Gisborne was one of only two regions that did not have a specific freshwater plan. Freshwater resources were managed through relevant provisions in the Regional Policy Statement for the Gisborne District, Transitional Regional Plan for the Gisborne District, Regional Discharges Plan and the Combined Regional Land and District Plan. Freshwater planning was not a community priority, but GDC had begun freshwater planning processes in response to the proposed 2008 National Environmental Standard on Ecological Flows and Water Levels.

The Combined Regional Land and District Plan contains significant requirements and incentives to enact erosion control in erosion-prone areas through GDC's Sustainable Hill Country Project. This aims to improve riparian management in the region by requiring planting within the most vulnerable riparian zones in the catchment. The Crown also has statutory obligations to combat erosion on the East Coast arising from its Treaty of Waitangi settlement with Ngāti Porou. In support of these, Gisborne has been the recipient of major funding from the MPI-administered Erosion Control Funding Programme (East Coast) (formerly known as the East Coast Forestry Project), which supports practical erosion control projects throughout the region. Nearly 42,000 hectares have been reforested through the fund, but up to 26 per cent of the region remains at high risk for erosion.

Iwi and hapū

Co-management agreement

In 2015, GDC and Ngāti Porou signed a joint management agreement whereby all resource management decisions affecting the Waiapu catchment will be made jointly, including the development of catchment management plans and decision-making on consents.

Treaty of Waitangi settlements

Three of the four main iwi entities in the region have Treaty settlements signed and enacted through legislation. The fourth, Te Aitanga a Māhaki, has been in negotiations with the Crown but had not concluded a Deed of Settlement at the time of this review.

As part of the Treaty settlements with Rongowhakaata and Ngāi Tāmanuhiri, and in anticipation of settlement with Te Aitanga a Māhaki, GDC intends to establish a local leadership board as a joint committee of the Council and iwi representatives to guide management of natural and physical resources for the region. The Board will be established once settlement with Te Aitanga a Māhaki is completed.

Iwi and hapū management plans

Ngā Ariki Kaiputahi has filed an iwi management plan with GDC. The plan sets a vision for engagement and a roadmap for developing more specific manuals in the future, but it does not itself detail how the iwi and GDC will engage.

Approach to implementing the NPS-FM

Progressive implementation plan

GDC notified a Proposed Regional Freshwater Plan (PRFP) in October 2015. The plan, which is operative in part, introduced new regional rules and policies for water quality and quantity. At the time of writing, the Schedule 1 hearings process was under way. The PRFP establishes regional objectives, policies and rules to address water quantity and quality, including new rules for urban sewage and stormwater, stock exclusion and setbacks from waterways, and requirements for farm environment plans. The PRFP also contains incentives for water storage and requires land owners to demonstrate that their water use is reasonable and efficient.

In addition to the regional provisions, the PRFP includes a specific plan for the Waipaoa catchment that was developed with a collaborative stakeholder group. Sub-regional plans for other catchments will be added over time using the Waipaoa Catchment Plan as a model.

In June 2016, GDC issued a revised progressive implementation programme, which expanded the list of catchments to receive specific management plans and extended the overall timeframe for NPS-FM implementation to 2025. This was done to reflect new requirements in the NPS-FM 2014.

ACTIVITY	STATUS	TIMEFRAME	EXPLANATION
Identification of outstanding freshwater bodies	In progress	2016–25	An initial list was identified in the Proposed Regional Freshwater Plan. Additional outstanding freshwater bodies may be identified during catchment management plan development.
Identification of degraded water bodies	In progress	2018	To be completed through the catchment management plan development process.
Water monitoring and research	Ongoing	Ongoing	Expanding existing water quality and quantity monitoring and research to support planning and to monitor progress towards objectives.
Facilitation of stakeholder groups and working groups	In progress	2012–25	GDC established a freshwater advisory group in 2012. Catchment working groups will be formed during development of the catchment management plans.
Development of Proposed Regional Freshwater Plan	Notified	2012–17	Notified in October 2015. Establishes regional objectives, limits and rules for fresh water.

ACTIVITY	STATUS	TIMEFRAME	EXPLANATION
Development of Waipaoa Catchment Management Plan	Notified	2012–17	Notified in October 2015. Establishes regional objectives, limits and rules for fresh water.
Development of Waiapu Catchment Management Plan	In progress	2016–19	Establishes regional objectives, limits and rules for fresh water.
Development of Waimata/Turanganui Catchment Management Plan	Not yet started	2018–21	Establishes regional objectives, limits and rules for fresh water.
Development of Uawa Catchment Management Plan	Not yet started	2018–21	Establishes regional objectives, limits and rules for fresh water.
Development of Motu Catchment Management Plan	In progress	2016–18	Establishes regional objectives, limits and rules for fresh water.
Development of Hangaroa/Ruakituri Catchment Management Plan	Not yet started	2019–22	Establishes regional objectives, limits and rules for fresh water.
Development of Southern Catchment Management Plan	Not yet started	2021–24	Establishes regional objectives, limits and rules for fresh water.
Development of Northern Catchment Management Plan	Not yet started	2021–24	Establishes regional objectives, limits and rules for fresh water.
Development of Coastal River Catchment Management Plan	Not yet started	2020–23	Establishes regional objectives, limits and rules for fresh water.

Priorities

GDC prioritised catchments for sub-regional planning based on a combination of water quality and quantity pressures, community interest, ecological and cultural importance, economic development potential, existing Council initiatives and the availability of data. Based on these criteria, the greater Waipaoa catchment, which includes Gisborne City and the Poverty Bay Flats, was considered the obvious choice to address first because the catchment is where most of the region's residents live and work. Within the catchment, priorities have been driven by public concern towards wastewater treatment and urban wastewater overflows and away from other projects, such as stock exclusion fencing.

Because Gisborne has catchments that flow south into Hawke's Bay and west into the Bay of Plenty, GDC plans to address these later in conjunction with planning in those regions. The strategy will also allow the GDC time to collect more data in areas where monitoring has previously been sparse.

National contexts

GDC has expressed strong frustration concerning the influence of national discussions and policy on its regional planning. Because of its limited resources, the GDC is often unable to participate in national workshops or discussions, meaning its views and contexts are not well represented in the national dialogue. As a result, the GDC and stakeholders feel that the national conversation and the NPS-FM have forced the Council to focus on nitrogen and phosphorous limits, which are relatively minor issues in the region compared with sediment and *E. coli*.

National contexts may have indirectly created greater problems for the region. GDC notes that, where the region does have issues with nitrogen and phosphorous, it is primarily in areas where dairy farmers from neighbouring regions winter their stock. GDC believes that these 'nitrogen refugees' choose to winter stock in Gisborne, in part to avoid rules put in place by other regional councils – relocating rather than undertaking any actions to practically reduce the effects of their farming practices on water quality.

GDC is also concerned that its proposed plan may become the legal battleground for national sector groups trying to establish national precedents. It expects costly legal challenges over whether variation within the bands set out for each attribute in appendix 2 of the NPS-FM is acceptable under the 'maintain or improve' standard in Objective A2. In fact, sector groups consulted in the review indicated that they will put full resources into the Gisborne legal challenges. The GDC is concerned about the additional costs that these legal challenges could create.

Iwi and hapū views

Tāngata whenua who attended our review hui did not express strong views about how GDC prioritised catchments. They did, however, have strong views about the role of national government in the process, which they saw as inadequate. They felt they should have had a partnership role in developing the NPS-FM and that their lack of involvement was an indication the Crown was not committed to iwi partnership. They also believe that the Crown and GDC should both take responsibility for resourcing and supporting iwi and hapū to be fully engaged.

Stakeholder views

Stakeholder representatives we spoke to generally agreed with GDC's priorities. They expressed sympathy for GDC undertaking a complex process and agreed with the decision to defer the southern catchments.

Stakeholders report uncertainty around possible future national policies and difficulty in understanding the place of the NPS-FM in relation to other national policies and regulations. They believe GDC has taken a harder line on limits than it would otherwise, to avoid being forced to revisit the issue if future direction requires higher standards.

Achieving the objectives of the NPS-FM

Setting freshwater management units

GDC set freshwater management units following the distribution of activities and uses valued by the community.

Values, objectives and priorities

The PRFP identifies broad values and objectives at a regional scale and identifies outstanding freshwater bodies and other priority areas. More specific values and objectives are included in the Waipaoa Catchment Plan chapter and will be addressed in future catchment plans.

GDC recognised the need to identify and prioritise values in order to set objectives and limits but expressed hesitance to do so given pressure from iwi to declare all water equally significant.

GDC is also concerned about the feasibility of reaching the goal of swimability and raised the challenge of balancing the region's green image and the role that plays in tourism against the needs of industry. GDC fears that the producers who rely on water may move elsewhere if the restrictions necessary to achieve swimability were put in place.

Limit setting and allocation

GDC intends to set water quantity and quality limits in the catchment plan chapters of the PRFP. For catchments where plans have not yet been developed, the PRFP establishes default minimum flow conditions for consents but does not specify water quantity or quality limits.

GDC chose to set in-stream concentration limits for water quality rather than allocate nutrient loss limits at the property level, because it believes the models linking land use and in-stream concentrations are not accurate or reliable enough to include in regulation at this time. The models currently available (eg, OVERSEER®) were developed for different contexts in other regions so were not considered suitable for Gisborne.

The small number of water take consents makes management of water quantity relatively simple because GDC knows individual consent holders by name and can interact with them personally. While water take consents in some catchments are over allocated on paper, the GDC reports that actual water use is below full allocation except in the Waipaoa catchment. This 'paper allocation' prevents GDC from granting new consents and serves as a barrier to regional economic growth, particularly on Māori land, which is often less developed.

GDC is working with key consent holders to voluntarily free up water allocation for other users. The PRFP includes a requirement that consents up for renewal are reviewed to ensure that the consented allocations align with actual use and ensure efficient use. However, GDC does not wish to streamline the transfer of water take consents because it uses the transfer process as an opportunity to reduce paper over allocation and monitor possible changes in use from one consent holder to another. GDC would prefer to have greater discretion over allocation than the current 'first come, first served' approach allows.

Integrated management

GDC would have preferred to undertake a comprehensive review of existing plans and create an integrated plan for all resource matters, but it does not believe it has the resources required for such a project. As a result, it feels forced to keep the planning processes separate (see capacity and capability discussion below).

Outcomes

GDC does not expect that the planning rules and limits enacted to implement the NPS-FM will bring significant improvements in water quality. It views the rules as barriers to further degradation but believes that only investment and non-regulatory work programmes will lead to practical improvements. Such non-regulatory approaches are identified both in the overall PRFP and the specific Waipaoa Catchment Plan.

GDC argues that the current NPS-FM forces it to focus on limits and planning processes over practical environmental outcomes. For some areas, where naturally high nitrogen or phosphorous levels cause periphyton blooms, GDC believes it would be more cost effective to address the problem by planting and shading waterways than by reducing the natural nutrient levels. This pressure has also drawn attention and resources away from other areas, such as sediment, *E.coli* or water temperature, which GDC considers of greater concern.

Iwi and hapū views

The review hui participants did not believe that GDC had set high enough objectives. They felt that the 'maintain or improve' standard was not strong enough given the historical destruction of wetlands and contamination of water bodies. They would prefer to see a standard that requires improvement.[8] Overall, they wanted higher standards for swimability, mahinga kai and the mauri of the rivers because these are essential for cultural practice and community as well as the environment or public health.

> ⏩If you're spending it all on managing nutrients because you have to, you're not spending it on managing sediment.⏪
>
> GDC representative

Review hui attendees report that Māori have been excluded from access to water by existing over allocation, preventing their ability to develop their land and create economic growth. They would like to see unused consents surrendered to free water for Māori land development.[9]

Although outside the scope of this review, hui participants believe that the allocation process under the Resource Management Act 1991 is itself based on false premises. They contend that, according to previous Waitangi Tribunal rulings, Māori hold a proprietary right to water and that the central government holds responsibility for water than cannot be delegated. They argue that delegating the authority to regional councils to allocate water is a violation of the Tribunal's ruling and, therefore, that existing consents are invalid.

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8 We note the Waipaoa Catchment Plan does include targets to improve many attributes that are already above the bottom lines specified in appendix 2 of the NPS-FM.

9 GDC reports it is working with consent holders to voluntarily surrender unused consented volumes; however, the Resource Management Act 1991 limits the conditions under which a council may revoke an existing consent.

Stakeholder views

The stakeholder representatives generally believe that GDC has done well in balancing values and setting objectives; however, some challenged specific industry rules and all were concerned about the costs of implementing the requirements.

Progress in major catchments

WAIAPU

GDC intends to develop a catchment-specific management plan for Waiapu that will address any issues not already covered by PRFP. This is scheduled to be notified by 2019.

WAIPAOA

Provisions specific to the greater Waipaoa catchment have been included as a chapter within the notified PRFP. The chapter discusses values and objectives specific to the area and establishes minimum flows, quantity allocation limits, targets for reducing allocation by 2020 and a commitment to review allocation levels and limits by 2025. The catchment plan also sets water quality limits and objectives for most of the greater catchment but not for some attributes in the Gisborne urban area where GDC considers it has insufficient data. The chapter also specifies a variety of non-regulatory work programmes for the catchment.

TARUHERU

The Taruheru catchment has been included in the PRFP as part of the chapter for the greater Waipaoa catchment.

Community engagement

Freshwater advisory group

As part of its freshwater planning process, GDC formed a freshwater advisory group (FWAG) in 2010. Representatives were selected by the Council, and the group was chaired by a GDC councillor. The FWAG consists of 22 members: two councillors, ten iwi and hapū representatives, one Department of Conservation representative, one representative from Fish and Game New Zealand, one representative from a local environmental group and eight representatives from industry sector groups. The FWAG developed recommendations that were then adapted into the PRFP.

Stakeholder views

Members of the FWAG were generally positive about their participation but had concerns about how well their views were reflected in group decisions. Iwi representatives consulted in the review felt that industry voices were privileged over theirs. Others reported that they did not always feel it was a safe environment in which to speak freely. They also noted that group members had considerable differences in capability, which placed representatives on unequal footing and gave their voices unequal weight. The suggestion was made that it might be preferable to separate discussions of values, which the FWAG would be best suited to cover, from technical discussions, which were initially beyond the ability of FWAG members to understand.

Some members also expressed frustration regarding a group of iwi and hapū representatives who joined the group late in the process and forced the group to go back over previous discussions. They questioned why this group had not come forward earlier and were concerned that years of previous work and hard-fought compromises would be derailed by new challenges. There was concern that it was too easy for anyone to challenge the decisions that were made following a long and rigorous process.

Stakeholders were strongly supportive towards GDC's engagement efforts and praised Council staff highly. They believe that the sectors were well represented on the FWAG and in workshops with the Council. GDC was particularly praised for working more actively with stakeholders and the community, compared with other councils, and being open to outside evidence or advice. For example, anticipating criticism over the managed aquifer recharge scheme, GDC brought in a critic to run the project and brought the community along through the process.

Engaging with iwi and hapū

GDC reports that engagement with iwi and hapū is a priority. The region has a high Māori population, which GDC says makes cooperation essential beyond its statutory requirements. It describes an underlying goal of transferring greater power to iwi so as to bring about full partnership in management of natural resources, but it has internal debates over exactly how this should be accomplished.

As evidence of its commitment, GDC cites long-standing co-management relationships and signed memorandums of understanding with regional iwi. In addition, GDC recently signed a joint management agreement with Ngāti Porou for co-management of the Waiapu catchment, which was the first of its kind in the nation. GDC was also involved with iwi scientists in developing a 'Mauri Compass' as a means of expressing the mauri of a waterway in terms that could be used in policy and planning.

In response to long-standing complaints from iwi over sewage discharge into Poverty Bay, GDC formed the Wastewater Management Committee, a joint committee of four councillors and four iwi representatives. The committee was a requirement of the wastewater treatment facility consents and was tasked with overseeing wastewater issues for the region.

However, GDC acknowledges that iwi and hapū representatives, particularly those from distant rural areas, often lack the capacity and capability to engage fully, and the Council lacks the resources to provide significant support or training. It is also worth noting that GDC had originally intended to notify the PRFP early in 2015 but, after a group representing six of the seven local iwi raised concerns, it delayed notification to address the issues they raised.

Iwi and hapū views

While MfE has received positive comments from some iwi and hapū representatives through its relationships and projects in the region, review hui participants were less positive. These participants uniformly agreed that, while tāngata whenua are included in the FWAG and consulted as stakeholders, Māori are not being engaged fully as partners. Additionally, hui participants considered that both GDC and the Crown have treated iwi and hapū unequally, showing favour to Ngāti Porou at the expense of smaller, less politically connected iwi and hapū. Those iwi and hapū with fewer resources are less able to participate.

> ⏩When our whakaaro goes from these rooms, there is a cultural filter and, at the receiving end, there is no voice.⏪
>
> Review hui participant

Hui attendees also felt their voices were often overshadowed by those from industry. The representatives acknowledged the need to support economic development but believed that developments often did not benefit the rural Māori communities they come from.

The hui participants expressed frustration at the difficulty of communicating with mostly Pākehā or 'town Māori' Council staff. Although acknowledging that the PRFP contains references to Māori values, they do not believe that GDC staff understand or appreciate Māori concepts well enough to articulate them fully in plans or policies. The term 'mauri' was cited as being especially problematic and difficult for GDC staff to understand or use. The hui

participants say the difficulty in communication is exacerbated by an inherent difference in philosophies where water is treated as a commodity by GDC and industry but viewed by Māori as taonga with its own whakapapa. Underlying these differences, the hui attendees believe they have a proprietary right to water, which has been breached in violation of the Treaty of Waitangi.

Decision-making

Reflecting community values in plans

GDC reports that it has made an effort to respect the decisions made by the FWAG and reflect the values of the wider community. However, GDC felt disappointed that, although the working group members were able to reach agreement, the national offices of some organisations overruled the regional representatives and undermined the group's ability to work together.

Schedule 1 processes

GDC is deeply concerned that the Schedule 1 process for the PRFP will become a costly and time-consuming legal battleground for national debates, particularly concerning the 'maintain and improve' standard in Objective A2 of the NPS-FM. Although local sector representatives on the FWAG showed willingness to compromise and made difficult decisions over many years of collaboration, GDC expressed concern that national sector groups would make submissions that return to their initial positions, and it was apprehensive about how this may influence the final plan following the hearings commissioners' decisions.

Iwi and hapū views

As discussed above, hui participants we spoke to were concerned that their values and views were not being well reflected in plans. They acknowledged that GDC was listening but did not believe that they had enough influence in the final decisions.

Stakeholder views

Stakeholders we spoke to believe GDC has been careful to balance differing values well and to recognise the risk of bankrupting the region if environmental regulations are too stringent or too quickly applied. They were hopeful that the decisions made through the Schedule 1 process would place weight on the collaborative FWAG process and respect the group's recommendations.

It is important to note, however, that national sector groups have made submissions under the Schedule 1 process on the PRFP that may conflict with compromises accepted by regional representatives. Some national groups appear to be using the process to reargue discussions settled by regional representatives through the collaborative processes.

Capacity and capability for freshwater planning

Council

GDC is a small council with limited resources. As a result, it faces difficulty in meeting the resource demands of NPS-FM implementation without overburdening the region's small rates base. The Council would prefer to take a more integrated approach to management but believes it does not have the capacity to manage such a comprehensive undertaking. Completing the necessary freshwater plan change and making necessary water infrastructure upgrades has already required drawing resources away from other important projects. GDC has committed to limiting rates increases to no more than 2 per cent.

Freshwater Advisory Group

There were significant differences in capacity and capability among the FWAG members, especially with regard to time and legal, policy or technical knowledge. Representatives from industry are often paid, experienced from other collaborative groups, and able to commit a greater portion of their time to the work. By contrast, those from iwi and hapū or environmental groups were typically volunteers, with other demands on their time and little or no experience with collaboration. This imbalance is common among other regions and often leads to professional industry representatives holding proportionately greater voices. GDC reports, however, that the lay participants learned through the process and became more capable over time.

Iwi and hapū

The hui attendees believe regional and central government have a responsibility to support and fund their participation and requested assistance from both to build their capacity. However, the hui participants also acknowledged that GDC did not have resources of its own to spare.

> ⏩ If you want to be genuine, you've really got to resource and you've got to listen. ⏪
>
> Review hui participant

The hui participants report that their lack of resources has been a substantial barrier to engagement with GDC and implementation of work programmes. Their representatives lack the time or funds to participate fully and often lack the capability and experience to understand and discuss planning and scientific documents effectively. Nor are iwi and hapū resourced to gather scientific information to support their participation. Smaller, more distant rural hapū, in particular, have struggled to have a voice.

Sectors

Stakeholders described considerable financial and time costs of participation, but this was seen as the price of having a voice. The representatives consulted in the review report that they were adequately resourced to participate effectively; however, they noted that not all groups were as well supported.

Information

Monitoring

GDC has a good understanding of the Waipaoa catchment, but overall knowledge about the surface and groundwater systems in the region is lacking relative to other areas.

GDC highlighted research and monitoring as being particularly challenging. The NPS-FM requirements and public expectations for more comprehensive monitoring of a greater number of indicators require GDC to establish a large number of new monitoring stations across the region. Previous monitoring stations were intended for flood control rather than water quality or low flows so are not located in suitable sites for the current monitoring needs. GDC will need to install new monitoring stations; however, to maintain continuity of monitoring over suitable time periods, the new sites must be monitored for at least five years before the older sites can be removed. This, and the increasing demand for higher quality data across a wider variety of indicators, means GDC will need to purchase entirely new equipment.

Requirements to manage and report monitoring data create further burdens. GDC staff noted that they were unable to participate in the national working groups that developed monitoring and reporting standards, meaning that the standards do not necessarily reflect the Gisborne context and did not consider GDC's resource limits. At present, GDC reports it will not be able to comply fully with increasing demands for monitoring because it lacks the funds to purchase and operate the necessary equipment. In particular, the cost of dissolved oxygen monitors is prohibitive. Similarly, GDC is not monitoring for cyanobacteria and not monitoring in lakes. On the other hand, GDC started monitoring macroinvertebrates before the current proposed NPS-FM amendments and started monitoring periphyton in early 2017.

Although some areas are now well researched, additional research is needed for the region overall. GDC has increased the number of science staff from three to sixteen in the past two years – largely in response to freshwater management demands – but this has been at the expense of other Council departments. Furthermore, GDC has had difficulty attracting experienced and capable science and technical staff because of its inability to pay competitive salaries relative to other councils and the private sector. These internal science limitations are compounded by the lack of nearby university and research institutions, resulting in less external research and increased costs for consultants.

Mātauranga Māori

GDC expects that iwi will want to conduct their own monitoring in addition to that done by the Council. As mentioned above, GDC worked with iwi scientists to develop a 'Mauri Compass' to help quantify and visualise mauri in a way that can be integrated with management. However, iwi and hapū representatives report that they do not have the resources to participate in monitoring.

Data management

GDC staff expressed concern about the burden of data management and reporting. The increasing volume of data collected and the need to report data to different organisations in different formats have compounded the Council's monitoring challenges. GDC is concerned that the accounting system mandated under the NPS-FM could become an additional reporting requirement above those already required.

Stakeholder views

Stakeholders we spoke to believe that available data is not fit for purpose and does not meet current needs; however, they recognised GDC's limitations and praised staff for doing the best they can with few resources. They recognise that GDC has ample capability to manage science and monitoring needs but lacks the resources to enable its staff to work effectively. GDC was particularly praised for working cooperatively with industries rather than duplicating efforts.

Plan implementation

Implementation strategy

GDC recognises the long timeframes needed to see improvement. Because degradation has been occurring over decades, it will take decades to improve. GDC notes that the region has been trying to control erosion since the 1960s but is unlikely to resolve the issue for hundreds of years. It expects to see improvement in some landscapes and habitats in 10-year scales and could see improvement towards swimability in targeted areas also in 10 years.

Impacts of implementation

Capacity to actually carry out the requirements in the NPS-FM is a serious limiting factor and implementation will place significant burden on GDC and ratepayers. GDC is currently undertaking several large-scale infrastructure upgrades that will be costly and impact on rates. For property owners, specific mention was made regarding the high costs of fencing, bridging and pump systems as well as the practical challenge of how to physically remove large forestry slash deposits without causing further damage to the area.

Iwi and hapū are also severely limited in their ability to implement practical improvement projects. In some parts of the region, as much as 80 per cent of land is multiply owned Māori land. This makes it difficult to attain the financing necessary to support work programmes.

Non-regulatory work programmes

GDC staff expect that non-regulatory work programmes will be most effective for improving freshwater outcomes. To that end, GDC has been engaged in a variety of non-regulatory projects. Stakeholder representatives agreed, noting that much practical work had been done by industries before regulations were written.

With funding support from MfE, GDC has launched a community riparian restoration pilot programme on the lower Te Arai River. The project involves training tāngata whenua volunteers to identify and restore spawning sites for native fish. Although delayed by flooding, the project appears successful and GDC has expressed interest in expanding the work.

> ⏩People are just quietly doing it anyway.⏪
>
> Stakeholder panel participant

With support from the MPI-administered Irrigation Acceleration Fund, GDC is preparing to trial managed aquifer recharge in the Makauri Aquifer, which has evidence of declining water levels. The trial will involve drilling a bore into the aquifer and injecting surface water when available to offset water takes during drier periods. GDC has applied for consents for the aquifer recharge trial to Bay of Plenty Regional Council, which manages resource consents on behalf of GDC for any matters that involve GDC itself so as to avoid conflicts of interest.

GDC opened a new domestic wastewater treatment plant for Gisborne City in 2010 and, at the time of writing, was in the process of deciding how to approach further upgrades. Options include expansion of the new treatment facility and a proposed wetland treatment system; however, all of the proposed options will strain GDC's budget. Simultaneously, GDC is overhauling regional stormwater to separate it from domestic wastewater and reduce strain on treatment facilities.

As part of the existing District Plan, the Sustainable Hill Country Project established the requirement for tree planting or maintaining tree cover on all properties greater than 5 hectares within the most erosion-prone land areas. Works are to be completed and effective tree cover established by 2021. MPI's Erosion Control Funding Programme (East Coast) provides grants to support the erosion control requirements of the Sustainable Hill Country Project.

Conclusions and recommendations

The following are the views of government officials about NPS-FM implementation in the region:

- GDC has made significance progress towards implementing the NPS-FM and we fully expect the Council to complete its implementation before 2025 as planned. In deciding to address fresh water first at the regional scale then add catchment-specific chapters over time, the Council has taken a wise and efficient approach for its regional circumstances.
- In addition, GDC has chosen to address the catchment with the greatest pressures on water quality and quantity first. In doing so, it is putting its efforts where they will have the greatest and most immediate impact.
- For the Gisborne region, capacity and capability are the primary barriers to effective NPS-FM implementation and better freshwater management overall. Despite the best efforts of staff, resource limitations restrict what GDC is able to accomplish in terms of the monitoring, research and planning processes.
- Similar limitations among iwi, hapū and stakeholders make it difficult for some groups to participate effectively in collaboration or to enact the practical changes that plans will require. These limitations will need to be addressed in order for the NPS-FM to be implemented as intended.
- Although GDC has made significant efforts to understand and include iwi values, we have some concern as to whether iwi and hapū, particularly small rural hapū, have been sufficiently involved in the governance and management of fresh water to meet the intent of the NPS-FM. Some tāngata whenua representatives were not satisfied that Council staff understand or appreciate te ao Māori concepts well enough to articulate them fully in plans or policies.
- The creation of a joint committee for governance, which GDC has planned, would help start to resolve this issue but the problem is likely to persist until iwi and hapū capacity and capability are improved.