



Ministry for the  
**Environment**  
*Manatū Mō Te Taiao*

Ministry for Primary Industries  
Manatū Ahu Matua



NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT 2014

# A Guide to the National Policy Statement for Freshwater Management 2014

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# 1 Introduction

## 1.1 Purpose and focus of this guide

This guide provides information about the [National Policy Statement for Freshwater Management 2014 \(NPS-FM\)](#). In July 2014, the NPS-FM replaced the National Policy Statement for Freshwater Management 2011.

This guide is not part of the NPS-FM, and does not have statutory weight. This document is not a substitute for legal advice. Its primary purpose is to help local authorities (in particular regional councils and unitary authorities) understand the objectives and policies in the NPS-FM, so they can implement it effectively. It draws on, and expands on, the policy intent behind the NPS-FM as set out in Cabinet papers and reports to the Minister for the Environment.<sup>1</sup>

This guide may also be of use to iwi and hapū, stakeholders, or community members who are participating in a regional freshwater planning process and would like to understand more about the objectives and policies of the NPS-FM.

Further guidance is being developed to provide more practical and detailed information to assist with carrying out the freshwater planning process and implementing the NPS-FM. We intend to update the guidance as policy, case law, good practice methodologies, and the science develops. All guidance material will be made available on the [Ministry for the Environment's website](#).

## 1.2 Context – reforming the way we manage fresh water

The NPS-FM is one of the initiatives developed as part of the Government's programme of water reform. The NPS-FM is a vital part of reforming the way we manage fresh water because:

- it requires regional councils to set freshwater objectives for fresh water, and provides a process for setting them
- it requires councils to account for freshwater takes and contaminants, which will provide information for setting and managing to freshwater objectives and limits
- the limits and methods that councils set as part of the NPS-FM will affect how water is used, and this may require water resources users to adjust their practices
- it requires regional councils to involve iwi and hapū in the management of fresh water, and to work with them to identify tāngata whenua values and interests, and reflect these in the management of, and decision-making about, fresh water.

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<sup>1</sup> Cabinet papers and briefing notes about fresh water, including the development of the NPS-FM can be found on the [Ministry for the Environment's website](#).

Implementing the NPS-FM will take time, will involve new approaches, and will not necessarily be achieved in one step. The NPS-FM is only one part of the freshwater reform programme; further work is also under way which will contribute to improving the way fresh water is managed in New Zealand. Community-led initiatives and collaboration between communities, local authorities, and iwi will also be important in improving freshwater management.

[Information about the Government's water reform programme](#) and its objectives is available on the Ministry for the Environment website.

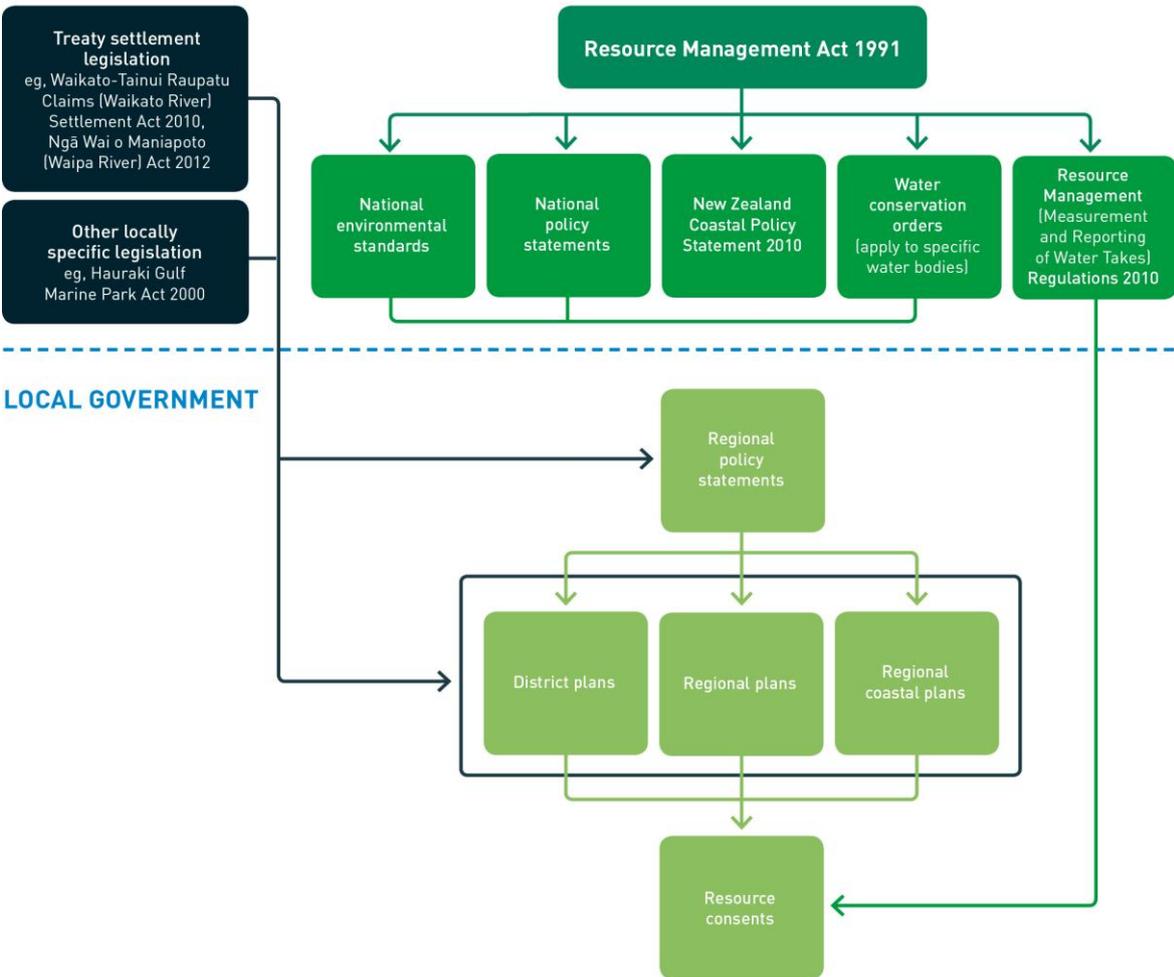
# 2 Relationships to other regulatory instruments

The National Policy Statement for Freshwater Management 2014 (NPS-FM) is an instrument under the Resource Management Act 1991 (RMA), and must be interpreted and given effect to within the context of the RMA.

This section explains the relationship between the NPS-FM and other associated documents and national instruments. It focuses on instruments that are part of the RMA planning framework, and those that function as RMA instruments in certain circumstances. Figure 1 shows the relationships between these various instruments. There will be other legislative and regulatory instruments, in addition to those discussed in this guide, which will also be relevant when determining how to give effect to the NPS-FM.

**Figure 1: Legislative and regulatory instruments that influence the management of fresh water**

**CENTRAL GOVERNMENT**



## 2.1 National policy statements

All national policy statements must be considered and given effect to individually. National policy statements with particular relevance to the NPS-FM are described below, and a full list of all national policy statements is available on the Ministry for the Environment website.

### National Policy Statement for Renewable Electricity Generation

The National Policy Statement for Renewable Electricity Generation 2011 (NPSREG) identifies as matters of national significance:

- a) the need to develop, operate, maintain and upgrade renewable electricity generation activities throughout New Zealand
- b) the benefits of renewable electricity generation.

The NPSREG gives direction on the benefits of renewable electricity generation, and requires all councils to make provision for it in their plans.

As set out in the preamble, the NPSREG does not apply to the “allocation and prioritisation of fresh water as these are matters for regional councils to address in a catchment or regional context and may be subject to the development of national guidance in the future”. These matters are addressed in the NPS-FM, and may be the subject of further guidance in the future. However, this does not prevent regional councils from making decisions about freshwater management that reflect the importance of renewable energy generation. Appendix 1 of the NPS-FM identifies hydro-electric power generation as one of the national values of fresh water, and Policy CA2(a) requires that when developing freshwater objectives regional councils must consider all of the national values specified in Appendix 1 and how they apply to local and regional circumstances.

Policies in the NPSREG of particular relevance when making decisions about fresh water include:

- Policy B, which instructs decision-makers to have particular regard, among other things, to the fact that “maintenance of the generation output of existing renewable electricity generation activities can require protection of the assets, operational capacity and continued availability of the renewable energy resource”.
- Policy E2, which requires regional policy statements and regional and district plans to “include objectives, policies, and methods (including rules within plans) to provide for the development, operation, maintenance, and upgrading of new and existing hydro-electricity generation activities to the extent applicable to the region or district”.

More information about the NPSREG is available on the Ministry for the Environment’s website.

# New Zealand Coastal Policy Statement 2010

The management of coastal water is directed by the [New Zealand Coastal Policy Statement 2010](#) (NZCPS). The RMA defines 'coastal water' as seawater with a substantial freshwater component, and seawater found in fiords, inlets, embayments, harbours and estuaries.

Both the NPS-FM and the NZCPS direct the management of fresh water in the coastal environment. Freshwater objectives and limits for freshwater bodies in the coastal environment must give effect to both the NPS-FM and the relevant objectives and policies of the NZCPS. Policies and objectives of particular relevance include:

- Objective 1: Ecosystems
- Objective 3: Treaty of Waitangi
- Policy 2: Treaty of Waitangi, tāngata whenua and Māori
- Policy 4: Integration
- Policy 21: Enhancement of water quality
- Policy 22: Sedimentation
- Policy 23: Discharge of contaminants.

Regional councils will also need to recognise the effects on receiving coastal waters when making decisions about fresh water in other freshwater management units, not just those in the coastal environment. Coastal water quality will be affected by the quality of fresh water that flows into it, and the NPS-FM places obligations on councils to:

- improve the integrated management of land use and fresh water, particularly the interactions of fresh water and the coastal environment (Objective C1)
- have regard to the connections between freshwater bodies and coastal water when setting freshwater objectives and limits (Policies A1 and B1).

Section 5 of this guide provides more detail about the relationships and overlaps between the specific objectives and policies in the NPS-FM and the NZCPS. These overlaps require particular consideration when local authorities give effect to the individual objectives and policies of the NPS-FM.

[More information about the NZCPS](#) is available on the Department of Conservation's website.

## Water bodies in the coastal environment

Intermittently closed and open lakes and lagoons (ICOLLs) and coastal wetlands may be managed as fresh or coastal water. Where an ICOLL or a coastal wetland is being managed as fresh water, regional councils will need to set freshwater objectives for it under the NPS-FM and meet the relevant requirements of the NZCPS. Where an ICOLL or coastal wetland is being managed as coastal water, it is not directed by the NPS-FM.

## 2.2 National environmental standards

National environmental standards (NES) are regulations issued under the RMA. They can prescribe a range of technical standards, methods or requirements. National environmental standards are a specific requirement with the force of a rule, and local authorities must enforce them.

The scope of a NES is limited to:

- standards
- methods for classifying a natural resource
- methods to implement standards
- exemptions from standards
- transitional provisions.

A national environmental standard regulates activities (as permitted, controlled, prohibited, etc) in the same way that a rule in a regional or district plan would. National environmental standards cannot include policies or objectives, so they don't direct how plans should be formed. However, each local authority and consent authority must observe a national environmental standard, and must enforce observance of that standard. A national environmental standard may specify that a rule may be more stringent than the regulation, but a rule or resource consent may not be more lenient (except in certain circumstances as set out in section 43B of the RMA). Decision-makers may need to amend plans to reflect a national environmental standard, and will need to take into account the provisions of a national environmental standard to the extent they affect decision-making (eg, permit and consent decisions).

There is currently only one NES of specific relevance to the NPS-FM (outlined below). A [full list of all national environmental standards](#) is available on the Ministry for the Environment website.

### National Environmental Standard for Sources of Human Drinking Water 2007

The [National Environmental Standard for Sources of Human Drinking Water](#) is intended to reduce the risk of contaminating drinking water sources, such as rivers and groundwater. It requires councils to ensure effects on drinking water sources are considered in regional plans and decisions on resource consents.

It would be appropriate for regional councils to identify the national value of 'water supply' from Appendix 1 of the NPS-FM as a relevant value for water bodies to which this National Environmental Standard applies. In that case, a council would need to set freshwater objectives and limits in accordance with this National Environmental Standard for the applicable freshwater management unit.

More information about the [National Environmental Standard for Sources of Human Drinking Water](#) is available on the Ministry for the Environment's website.

## 2.3 Resource Management (Measurement and Reporting of Water Takes) Regulations 2010

The [Resource Management \(Measurement and Reporting of Water Takes\) Regulations 2010](#) apply to water permits that allow fresh water to be taken at a rate of 5 L/second or more. It requires permit holders to measure and keep specific records about their water takes, and report results to the regional council for each water year.

Information collected to meet the requirements of the regulations is likely to be useful in meeting the requirements of Part CC of the NPS-FM. This part requires regional councils to establish systems to account for freshwater takes. Information gathered as part of freshwater accounting systems will help regional councils manage freshwater quantity.

[More information about the regulations](#) is available on the Ministry for the Environment's website.

## 2.4 Water conservation orders

The purpose of water conservation orders (WCOs) is to recognise the outstanding amenity or intrinsic values that water provides in either a natural or modified state, and to preserve and/or protect those values. A WCO can restrict or prohibit water takes, discharges, and other uses of the water in a particular water body. Anyone may apply for a WCO for any water body. The process for considering an application involves a Special Tribunal and/or the Environment Court. WCOs are made by the Governor-General, on the recommendation of the Minister for the Environment.

Existing WCOs may help identify values as part of implementing the NPS-FM. For example, where a WCO has identified jet boating as an outstanding value in a water body, this could form the basis of a value when implementing the NPS-FM and setting objectives for that water body. However, a WCO can only protect a limited set of values that are defined in the RMA, and only if the water body is outstanding in terms of that value. This means that a WCO is not an exhaustive statement of values, and will not necessarily recognise all values that apply to a water body. For example, a water body may be valued for fisheries or recreation under the NPS-FM, even if it is not outstanding in these respects.

Regional councils will still need to implement the NPS-FM by setting objectives and limits for all identified values, even where an existing WCO applies. Councils will need to ensure the freshwater objectives they set, and the limits and methods they establish to achieve them, do not contravene the requirements of an existing WCO.

In some cases the requirements of a WCO may constrain the range of options available to give effect to the NPS-FM. A WCO only constrains some regional council powers and functions under the RMA, such as their ability to grant consents for water takes and discharges. Complying with these constraints (for example, by not granting a consent) does not mean that a regional council has implemented the NPS-FM (which requires them to identify all relevant values and attributes and to set objectives and limits).

[More information about WCOs](#), and a [full list of current WCOs](#), is available on the Ministry for the Environment's website.

## 2.5 Section 32 of the RMA

Section 32 of the RMA is integral to ensuring transparent, robust decision-making on RMA plans and policy statements. It requires that:

- new proposals (including new plans, plan changes, variations, full plan reviews, and new and amended regional policy statements) must be examined for their appropriateness in achieving the purpose of the RMA
- the benefits and costs, and risks of new policies and rules on the community, the economy, and the environment need to be clearly identified and assessed
- the analysis must be documented, so stakeholders and decision-makers can understand the rationale for policy choices.

Section 32 evaluation should be fully integrated into decision-making throughout the planning process, and should not be seen as merely a reporting requirement. Carrying out evaluation under section 32 will help councils to:

- understand the likely benefits and costs of different options to determine the most appropriate set of freshwater objectives, limits and methods
- understand the trade-offs that may be necessary to achieve freshwater objectives
- document the decision-making process, to help demonstrate compliance with the NPS-FM and to transparently communicate the rationale behind proposed plans.

Guidance on section 32 of the RMA is available on the Ministry for the Environment's website.

## 2.6 Section 69 and Schedule 3 of the RMA

The NPS-FM requires regional councils to make or change regional plans to ensure they establish freshwater objectives and limits, and to establish methods to achieve them, including rules. Section 69 and Schedule 3 of the RMA provide a mechanism for setting rules for water quality. Using section 69 is an option available to councils, but is not mandatory in giving effect to the NPS-FM.

When determining appropriate methods for meeting limits and achieving freshwater objectives, a regional council could choose to use section 69 of the RMA (and therefore Schedule 3), as long as the rules developed through section 69 are sufficient to give effect to the NPS-FM.

Under section 69, a regional council could use the classifications set out in Schedule 3, and include rules about water quality using the Schedule 3 standards. For example, a freshwater objective could be set in numeric terms (eg, 260 *E. coli* per hundred millilitres) under the NPS-FM, and classify (classification being a method in a plan) the water body as Class CR Water – water managed for contact recreation purposes.

If a regional council considers the standard in Schedule 3 is not adequate or appropriate, section 69 allows for rules to state standards that are more stringent or specific. Section 69 also allows that where none of the Schedule 3 classes are adequate or appropriate, or the standards in them are not appropriate, a regional council may specify new class(es) of water and standards of water quality appropriate for those purposes.

## 2.7 Treaty settlement legislation

A key feature of many Treaty of Waitangi settlements is the establishment of natural resource arrangements, often centring on water bodies, which enable iwi and hapū to have a more effective role in resource management. These settlement arrangements are designed to promote integrated, catchment-based management, and will support the work of local authorities in giving effect to aspects of the NPS-FM.

Treaty settlements may place obligations on local authorities and how they exercise their functions under the RMA. When implementing regional policy statements, regional plans, and district plans, local authorities will need to give effect to the NPS-FM and to any relevant Treaty settlement obligations. Local authorities should note that meeting obligations under the NPS-FM won't necessarily fulfil the requirements of Treaty settlement legislation, or vice versa.

Of particular relevance are Treaty settlement provisions that prevail over any inconsistent provisions in national policy statements (including in the NPS-FM), such as the following three pieces of Treaty settlement legislation relating to the Waikato and Waipa Rivers:

- Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010
- Ngāti Tūwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010
- Ngā Wai o Maniapoto (Waipa River) Act 2012.

Under these Acts, the [Waikato River Authority's Vision and Strategy](#) prevails over any inconsistent provisions in national policy statements.

## 2.8 Hauraki Gulf Marine Park Act 2000

Under the [Hauraki Gulf Marine Park Act 2000](#) (HGMPA), the provisions of section 55 of the RMA apply as though sections 7 and 8 of the HGMPA were a national policy statement.

Section 7 of the HGMPA recognises that the interrelationship between the Hauraki Gulf, its islands and catchments, and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands, are matters of national significance. Section 8 sets out the objectives of the management of the Hauraki Gulf, its islands and catchments.

These sections of the HGMPA overlap with the requirements of the NPS-FM in the Auckland and Waikato regions. In those regions, councils need to ensure implementation of the NPS-FM does not conflict with the HGMPA. The more specific NPS-FM will provide direction in implementing (but alone may not be sufficient to fully give effect to) sections 7 and 8 of the HGMPA.

# 3 Implementation by local authorities

The objectives and policies in the National Policy Statement for Freshwater Management 2014 (NPS-FM) direct how local authorities are to manage fresh water in their regional policy statements, regional and district plans, and in the consideration of resource consent applications. Local authorities are required to ‘give effect’ to national policy statements in their regional policy statements and regional and district plans, and to ‘have regard’ to a national policy statement in determining applications for resource consents.

Full implementation of the NPS-FM is required by 31 December 2025; however, the implementation timeframe may be extended to 2030 if the 2025 timeframe will affect plan quality or it would be impracticable for the council to fully implement the NPS-FM by 2025. Policy E of the NPS-FM outlines the timing for implementing the NPS-FM.

The following table summarises the requirements of regional councils and city/district councils in implementing the NPS-FM. These requirements are discussed in more detail in the sections below.

**Table 1: Summary of requirements for regional councils and city/district councils**

	Regional councils	City/district councils
<b>Planning requirements</b>	<p>Regional councils must assess, and if necessary change, regional policy statements and regional plans to ensure they give effect to all the objectives and policies of the NPS-FM.</p> <p>They need to use the process set out in Part CA, in a way that gives effect to Parts C and D, to do this within the timeframe set out in Part E.</p> <p>They must also:</p> <ul style="list-style-type: none"> <li>account for takes and contaminants (Part CC)</li> <li>develop monitoring plans (Part CB).</li> </ul>	<p>Where a regional policy statement adopts a policy that affects land use, territorial authorities must give effect to it in district plans.</p> <p>Where a regional plan introduces provisions that affect land use, territorial authorities must consider the implications of this for district plans, and make changes where necessary.</p> <p>Where changes to plans are required, territorial authorities need to ensure their planning processes give effect to Parts C and D.</p>
<b>Decision-making requirements</b>	<p>Regional councils must have regard to the NPS-FM when considering or making decisions about consents.</p>	<p>Territorial authorities must have:</p> <ul style="list-style-type: none"> <li>regard to the NPS when considering or making decisions about consents</li> <li>particular regard to the NPS when considering or making decisions about notices of requirement.</li> </ul>

## 3.1 Regional plans and regional policy statements

Regional councils must give effect to the NPS-FM in all relevant Resource Management Act 1991 (RMA) plans and policy statements. Where existing plans and policy statements do not already give effect to the NPS-FM, they must be amended through a RMA Schedule 1 process. The exception is the transitional provisions in Policies A4 and B7, which can be inserted directly into plans if required.

The objectives and policies of the NPS-FM should be given effect to in a way that recognises that some provisions are more specific and directive (and therefore impose a more prescriptive obligation) than others.

Regional councils are required to consult with affected local authorities when they prepare regional policy statements and regional plans. The objective and limit-setting process required by the NPS-FM means the consequences of the objectives and limits will be explicit. The consultation requirements mean that all affected parties can be informed about the effects of the provisions in the regional plan during the plan's preparation, and will be able to participate in the setting of those objectives and limits.

## 3.2 District plans

The NPS-FM does not directly require specific provisions to be included within district plans, but the RMA requires district plans to give effect to national policy statements and regional policy statements.

If a regional council adopts a policy in its regional policy statement directing the management of contaminants such as sediment or nutrients, and those contaminants could be associated with particular land uses (such as earthworks or urban development), the district council would need to give effect to those policies in rules controlling land use.

City and district councils may also be affected by regional plan provisions that are adopted to give effect to the NPS-FM, for example:

- limits set on contaminants in any discharges to fresh water from infrastructure owned or managed by them, such as stormwater or sewerage system
- limits set on maximum rates of abstraction or minimum levels of flow in a water body used by a city or district council for water supply.

## 3.3 Resource consents

All consent authorities must have regard to the NPS-FM when considering and/or making decisions on resource consents (section 104 (1) (b) (iii)), and 'have particular regard' to it when considering notices of requirement for heritage orders and designations.

The NPS-FM is not a specified mandatory consideration in determining notification of an application under sections 95 to 95G of the RMA, but it may help identify relevant effects to consider in making the determination.

## 3.4 Community involvement in freshwater management

This guide refers to decisions that can be, or are required to be, made by regional councils. It is implicit that, while regional councils are the final decision-makers in implementing the NPS-FM, these decisions must involve input from iwi and hapū, water users, and from the local community, as required by the RMA and the Local Government Act 2002.

At a minimum, the planning process must involve iwi and hapū (Part D of the NPS-FM and Schedule 1 of the RMA), and community participation (Schedule 1 of the RMA). In addition, implementing the NPS-FM will provide further opportunities for councils to involve water users and the wider community more substantively and collaboratively in freshwater management; in particular in:

- identifying the values that are locally relevant
- determining the desired state of fresh water through the setting of freshwater objectives
- providing input into decisions about the appropriate set of management interventions to achieve freshwater objectives and limits.

In New Zealand, collaboration is increasingly being used to tackle complex resource management issues. Regional councils are engaging stakeholders, communities and iwi early in the planning process as a way to resolve tensions over conflicting values, multiple interests, and increasing demands for fresh water. A collaborative approach emphasises the sharing of knowledge and working together at the front end of the planning process, through dialogue and discussion.

# 4 Explanation of terms used in the National Policy Statement for Freshwater Management 2014

The following list includes terms used in the National Policy Statement for Freshwater Management (NPS-FM), as well as other terms used in this guide. Definitions that have been taken verbatim from the Resource Management Act 1991 (RMA) or NPS-FM are *italicised*. The RMA contains additional terms that are not included in this glossary.

Term	Description
Allocation	A process where a water resource (eg, the total amount of water that may be extracted and/or used, or an amount of contaminants that may be discharged) is divided and assigned to individuals, groups of individuals, or broad use. The term covers both the formal assigning of allocation through the planning/consent process, as well as cases where water resources are used but not specifically assigned as a consequence of a specific land use (eg, through permitted activities such as stock water takes and some diffuse discharges). The individual amounts are often referred to as 'allocations', and collectively referred to as the 'total allocation'.
Attribute	<p><i>Is a measurable characteristic of fresh water, including physical, chemical and biological properties, which supports particular values. (NPS-FM definition)</i></p> <p>Attributes are the characteristics or properties of fresh water that need to be managed for a particular value. For example, <i>E.coli</i> and cyanobacteria concentrations are important factors affecting whether a person gets sick after contact with water, so these are attributes of the 'human health for recreation' value. Appendix 2 of the NPS-FM contains a list of attributes that must be used to set freshwater objectives for the compulsory values in Appendix 1. This is not an exhaustive list; some additional attributes relating to the compulsory values, and attributes relating to the other, non-compulsory national values, are under development and will be added to Appendix 1 in the future.</p> <p>Setting freshwater objectives for attributes in addition to the ones listed in Appendix 2 is likely to also be necessary. If relevant attributes for a selected value are not provided in Appendix 2 (either for values selected from Appendix 1, or any additional values that have been identified), regional councils will need to establish these attributes for themselves.</p>
Attribute state	<p><i>The level to which an attribute is to be managed for those attributes specified in Appendix 2. (NPS-FM definition)</i></p> <p>Each attribute state in Appendix 2 of the NPS-FM represents a different level of water quality for a particular attribute. Each attribute state is defined by a numeric range and a description that corresponds to a scientifically determined range of effects.</p>

Term	Description
	<p>The 'A' state represents a state that provides very well for the associated value (for attributes relating to ecosystem health, this would generally mean a healthy and resilient state with minimal effects on aquatic species). The 'D' state means the corresponding value is not adequately provided for.</p> <p>Regional councils can choose a desired attribute state from A to C depending on the existing water quality and the level at which they and their communities want the water management unit to provide for a particular value. A council cannot set an objective in the D state (except where Policies CA3 and CA4 apply), because that would not adequately provide for the value. Minimum acceptable states and national bottom lines are defined as the bottom of the C state.</p> <p>Freshwater objectives will be a numeric figure (or in some cases a narrative description) based on the desired attribute state. Freshwater objectives can (and generally would) be set at a finer level of detail than the attribute states; for example, if a council was to choose the 'B' state they may set a freshwater objective a point within the range provided for the 'B' state.</p>
Coastal marine area	<p><i>Means the foreshore, seabed, and coastal water, and the air space above the water—</i></p> <ul style="list-style-type: none"> <li><i>a) of which the seaward boundary is the outer limits of the territorial sea:</i></li> <li><i>b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of—</i> <ul style="list-style-type: none"> <li><i>(i) 1 kilometre upstream from the mouth of the river; or</i></li> <li><i>(ii) the point upstream that is calculated by multiplying the width of the river mouth by 5. (RMA definition)</i></li> </ul> </li> </ul>
Coastal water	<p><i>Means seawater within the outer limits of the territorial sea and includes—</i></p> <ul style="list-style-type: none"> <li><i>a) seawater with a substantial fresh water component; and</i></li> <li><i>b) seawater in estuaries, fiords, inlets, harbours, or embayments. (RMA definition)</i></li> </ul>
Compulsory values	<p><i>The national values relating to ecosystem health and to human health for recreation included in Appendix 1 and for which a non-exhaustive list of attributes is provided in Appendix 2. (NPS-FM definition)</i></p> <p>There are two compulsory values ('ecosystem health' and 'human health for recreation') listed in Appendix 1 of the NPS-FM. These two values must be applied to all freshwater management units, and freshwater objectives must be set for them.</p> <p>The two compulsory values are not prioritised above any other values that are considered relevant at a regional or local level. Once a set of values is agreed (including the compulsory values, any additional national values chosen from Appendix 1, and any other local values that are identified), it is up to regional councils to determine the level to which each value will be provided for through freshwater objectives.</p>
Efficient allocation	<p><i>Includes economic, technical and dynamic efficiency. (NPS-FM definition)</i></p> <p>Efficient allocation may include (but is not limited to):</p>

Term	Description
Environmental flows and/or levels	<ul style="list-style-type: none"> <li>• <b>Economic efficiency</b> (also known as allocative efficiency): allocating water to enable optimum economic outcomes (eg, allocating water to the uses which have the highest value to society and create headroom).</li> <li>• <b>Technical efficiency</b>: maximising the proportion of water beneficially used in relation to that taken. It relates to the performance of a water-use system, including avoiding water wastage.</li> <li>• <b>Dynamic efficiency</b>: adjusting the use of water over time to maintain or achieve allocative efficiency (eg, enabling movement of allocated water and minimising the transaction costs for doing so).</li> </ul> <p>These different aspects of efficiency are outlined further in relation to Policies B2, B3 and B4.</p> <p><i>A type of limit that describes the amount of water in a freshwater management unit (except ponds and naturally ephemeral water bodies) which is required to meet freshwater objectives. Environmental flows for rivers and streams must include an allocation limit and a minimum flow (or other flow/s). Environmental levels for other freshwater management units must include an allocation limit and a minimum water level (or other level/s). (NPS-FM definition)</i></p> <p>Environmental flows/levels are the flows/levels that need to be maintained in a water body to provide for the values that have been identified for it. An environmental flow/level regime aims to ensure that sufficient volume and flow/level variability remains in the water body, by limiting the total amount of water that can be taken, and by limiting the taking of water when particular flows/levels are reached. Environmental flows and/or levels apply to the whole freshwater management unit which may comprise lakes, rivers, groundwater or wetlands, or a combination of these.</p> <p>An environmental flow regime must include:</p> <ul style="list-style-type: none"> <li>• an <b>allocation limit</b>: a limit on the total amount that can be allocated to users to be taken from the water body</li> <li>• a <b>minimum flow/level (or other flows/levels)</b>: the flow/level at which taking is limited (either partially or fully).</li> </ul> <p>A minimum flow/level is the point at which consumptive takes would need to cease (regardless of whether the full allocation limit is being used at the time). Other flows/levels could be points above the minimum at which takes may be partially restricted, to reduce the frequency and duration of reaching the minimum flow/level.</p> <p>Along with establishing minimum flow/level or other flows/levels, the allocation limit(s) can be set by determining how much of the water above the minimum flow/level should be available to be taken by users. Allocations for individual water users can then be set as a proportion of the total allocation limit(s).</p>
Existing freshwater quality	<p><i>The quality of the fresh water at the time the regional council commences the process of setting or reviewing freshwater objectives and limits in accordance with Policy A1, Policy B1, and Policies CA1-CA4. (NPS-FM definition)</i></p> <p>Regional councils will need to understand the existing freshwater quality to set freshwater objectives, and to identify whether freshwater quality is</p>

Term	Description
	<p data-bbox="469 277 884 302">maintained or improved in the future.</p> <p data-bbox="469 329 1305 517">Freshwater quality naturally fluctuates over time, and an assessment of freshwater quality should not be based on a single point in time. The existing state is likely to be determined using a baseline of the most up-to-date data available at the time councils begin to determine freshwater objectives and limits, using scientifically robust methods (eg, through use of annual median data and long-term trends).</p> <p data-bbox="469 539 1294 600">An assessment of existing freshwater quality is not intended to be based on an anticipated future state of freshwater quality.</p>
Fresh water	<i>All water except coastal water and geothermal water. (RMA definition)</i>
Freshwater management unit (FMU)	<p data-bbox="469 680 1281 801"><i>The water body, multiple water bodies or any part of a water body determined by the regional council as the appropriate spatial scale for setting freshwater objectives and limits and for freshwater accounting and management purposes. (NPS-FM definition)</i></p> <p data-bbox="469 824 1305 1043">Regional councils must define FMUs at an appropriate spatial scale for which to undertake freshwater accounting and set freshwater objectives. The NPS-FM definition gives regional councils discretion over the spatial scale of FMUs. An FMU may be made up of a group of water bodies that are similar, both physically and/or socially (eg, who uses them and for what). Similar freshwater bodies can be grouped (eg, all first order streams originating from a mountain range) and be effectively managed as one FMU.</p> <p data-bbox="469 1048 1281 1111">Alternatively, an individual freshwater body or a part of a freshwater body (eg, a reach or sections of a river) could be set as an FMU.</p>
Freshwater objective	<p data-bbox="469 1140 1297 1200"><i>Describes an intended environmental outcome in a freshwater management unit. (NPS-FM definition)</i></p> <p data-bbox="469 1223 1305 1442">A freshwater objective is an environmental outcome sought for an FMU. A freshwater objective describes the environmental state required for the identified values for fresh water to be achieved. For the compulsory national values, freshwater objectives must be set using all attributes from Appendix 2 that are relevant to the freshwater body types in the FMU. Freshwater objectives can also be set based on other attributes that regional councils consider appropriate, in addition to the ones in Appendix 2.</p> <p data-bbox="469 1464 1281 1585">Freshwater objectives can be set at a variety of scales and levels of detail. Where practicable they must be numeric (either expressed as a range or a single figure), but can also be narrative or supported by a narrative descriptor.</p> <p data-bbox="469 1615 1281 1673">Further explanation of freshwater objectives is provided later in this guide (see Policies A1, B1 and CA2).</p>

Term	Description
Freshwater quality accounting system	<p><i>A system that, for each freshwater management unit, records, aggregates and keeps regularly updated, information on the measured, modelled or estimated:</i></p> <ul style="list-style-type: none"> <li><i>a) loads and/or concentrations of relevant contaminants;</i></li> <li><i>b) sources of relevant contaminants;</i></li> <li><i>c) amount of each contaminant attributable to each source; and</i></li> <li><i>d) where limits have been set, proportion of the limit that is being used.</i></li> </ul> <p><i>(NPS-FM definition)</i></p> <p>A freshwater quality accounting system should keep account of the type and amount of relevant contaminants affecting an FMU. It should also keep account of where those contaminants are coming from by broad category (eg, stormwater, treated sewage, industrial, agriculture, natural sources), including point sources and diffuse discharges (runoff), plus the amount attributable to each source. The system will also keep account of how much of the limit is being used in the FMU.</p>
Freshwater quantity accounting system	<p><i>A system that, for each freshwater management unit, records, aggregates and keeps regularly updated, information on the measured, modelled or estimated:</i></p> <ul style="list-style-type: none"> <li><i>a) total freshwater take;</i></li> <li><i>b) proportion of freshwater taken by each major category of use; and</i></li> <li><i>c) where limits have been set, the proportion of the limit that has been taken. (NPS-FM definition)</i></li> </ul> <p>A freshwater quantity accounting system will keep account of how much water is allocated, as well as how much is being taken from freshwater bodies and broadly what that water is being used for (eg, municipal, irrigation, hydroelectric power).</p>
Freshwater take	<p><i>A take of ground or surface fresh water whether authorised or not. (NPS-FM definition)</i></p> <p>A freshwater take is the consumptive or non-consumptive use of water from a freshwater body, whether permitted by a resource consent or not.</p> <p>Non-consumptive use of water is where water is taken from a water body and the same amount of water is returned at or near the location from which it is taken, with no significant delay between taking and returning of the water. Consumptive use of water is where water is not returned, or is returned in a lesser amount or at a different location.</p> <p>For the purposes of freshwater accounting required under the NPS-FM, the term freshwater take is intended to include unmetered takes, takes that do not require a resource consent (eg, stock water) and unauthorised takes.</p>
Limit	<p><i>The maximum amount of resource use available, which allows a freshwater objective to be met. (NPS-FM definition)</i></p> <p>A limit is the maximum amount of resource that is available for use while still enabling a freshwater objective to be met. It is a specific quantifiable amount that links the freshwater objective (the desired state) to use of the freshwater resource. A limit puts constraints on how much of that resource is available for use.</p> <p>Limits for both water quality and water quantity will be required for an FMU.</p>

Term	Description
	<p>The combination of quality and quantity limits will depend on the objectives set for the FMU. The NPS-FM does not require a corresponding limit to be set for every freshwater objective, but it does require that limits are set that are sufficient to collectively give effect to all freshwater objectives set, and to give effect to all the wider objectives of the NPS-FM.</p> <p>Limits should clearly specify a maximum amount of resource use that relates to the objective.</p> <p>For freshwater <b>quantity</b> a limit would define how much water can be taken and when, and therefore how much water must remain to continue to meet a freshwater objective (see the definition of environmental flows).</p> <p>For freshwater <b>quality</b>, the assimilative capacity of the water (its ability to absorb contaminants) is the resource being limited. A quality limit would describe how much of a contaminant (eg, a nutrient) could be discharged into the water by users without exceeding a freshwater objective.</p> <p>Limits must be set so the relevant freshwater objectives for each FMU can be met, taking into account any methods, uncertainties and management risks. Allocation of the resource to specific users, sectors, or land uses, is carried out within the broader limit set for the FMU.</p> <p>Further explanation of limits is provided is provided later in this guide (see Policies A1 and B1).<sup>2</sup></p>
<p>Minimum acceptable state</p>	<p><i>The minimum level, specified in Appendix 2, at which a freshwater objective may be set in a regional plan in order to provide for the associated national value. (NPS-FM definition)</i></p> <p>The minimum acceptable state is defined by the boundary between the C and D states for attributes in Appendix 2 of the NPS-FM. The minimum acceptable states for the attributes of compulsory values are called national bottom lines (see definition below).</p>
<p>National bottom line</p>	<p><i>The minimum acceptable state for the compulsory values as specified in Appendix 2. (NPS-FM definition)</i></p> <p>A national bottom line is the boundary between the C and D states for the attributes associated with the compulsory national values ('ecosystem health' and 'human health for recreation'). All FMUs must have freshwater objectives that are set above these nationally-defined bottom lines, except for in those circumstances described in Policy CA3 and CA4. The national bottom lines are described both numerically and narratively in Appendix 2 of the NPS-FM.</p>
<p>National Objectives Framework (NOF)</p>	<p>The National Objective Framework (NOF) directs regional decision-making in the setting of freshwater objectives. It consists of a process (set out in Part CA), a set of national values (Appendix 1), and a set of attributes for setting freshwater objectives to achieve those values (Appendix 2).</p>

<sup>2</sup> See also Norton N, Snelder TH, Rouse H. 2010. *Technical and scientific considerations when setting measurable objectives and limits for water management.*

Term	Description
National value	<p data-bbox="469 286 1062 315"><i>Any value described in Appendix 1. (NPS-FM definition)</i></p> <p data-bbox="469 331 1302 613">National values in Appendix 1 are those intrinsic qualities, uses or potential uses that were determined by Government both to be appropriate based on a set of criteria outlined in the section of this guide relating to Appendix 1, and to be of national significance. Of the national values listed, two ('ecosystem health' and 'human health for recreation') are compulsory and must have freshwater objectives set for them. However, regional councils must consider all of the national values listed in Appendix 1 and must decide whether any of the non-compulsory national values also apply to the freshwater management units in their region (Policy CA2(a)).</p> <p data-bbox="469 636 1302 792">The list of additional national values in Appendix 1 is not an exclusive list of all the values that may be relevant in an FMU. Regional councils, together with iwi and hapū and communities, can also choose additional values for fresh water that are locally important. Further explanation of national values is provided later in this guide (see Policy CA1 and Appendix 1).</p>
Naturally occurring processes	<p data-bbox="469 824 1257 882"><i>Processes that could have occurred in New Zealand prior to the arrival of humans. (NPS-FM definition)</i></p> <p data-bbox="469 904 1302 1160">Where existing freshwater quality in an FMU is below a national bottom line due to naturally occurring processes, a regional council may set a freshwater objective below a national bottom line under Policy CA3. By definition, any deterioration in water quality that is caused by human interventions, and would not have occurred without that intervention, does not qualify a water body to have a freshwater objective set for it below a bottom line (unless policy CA3 applies and the deterioration is related to infrastructure listed in Appendix 3).</p>
Outstanding freshwater bodies	<p data-bbox="469 1191 1302 1272"><i>Those water bodies identified in a regional policy statement or regional plan as having outstanding values, including ecological, landscape, recreational and spiritual values. (NPS-FM definition)</i></p> <p data-bbox="469 1303 1302 1496">An outstanding freshwater body is one that is exceptional in some way. It may be exceptional in relation to one particular feature, or it may have a number of outstanding features. It would generally be through the process of identifying a set of relevant values for each FMU, set out in Policy CA2(a-b), that regional councils will identify (or confirm) those outstanding values that contribute to making a water body outstanding.</p> <p data-bbox="469 1518 1302 1572">A freshwater body may be outstanding at the local, regional or national level.</p>
Over-allocation	<p data-bbox="469 1603 833 1626"><i>The situation where the resource:</i></p> <ul style="list-style-type: none"> <li data-bbox="469 1648 1015 1671">a) <i>has been allocated to users beyond a limit; or</i></li> <li data-bbox="469 1693 1302 1751">b) <i>is being used to a point where a freshwater objective is no longer being met.</i></li> </ul> <p data-bbox="469 1774 1203 1796"><i>This applies to both water quantity and quality. (NPS-FM definition)</i></p> <p data-bbox="469 1818 1302 1973">Setting a freshwater objective and limit establishes the level beyond which over-allocation occurs. Over-allocation occurs when either, or both, of the relevant objective and limit are not being met or will not be met in the future. Further explanation of over-allocation is provided later in this guide (see Policies A1, B5 and B6).</p>

Term	Description
Relevant contaminants	<p>This term is used in Policy A2 and in the definition of a freshwater quality accounting system. It refers to contaminants that need to be accounted for and managed to achieve the freshwater objectives for the FMU. Although a range of contaminants may be present and influence water quality to some degree, contaminants considered relevant are generally those with the potential to affect the achievement of freshwater objectives, or those that have the potential to affect the life-supporting capacity of the water. Not all contaminants will need to be accounted for and managed in every FMU (eg, heavy metals may only be relevant in some water bodies).</p>
Secondary contact	<p><i>People’s contact with fresh water that involves only occasional immersion and includes wading or boating (except boating where there is high likelihood of immersion). (NPS-FM definition)</i></p> <p>The term secondary contact applies to activities on or near fresh water that do not ordinarily involve full immersion for a prolonged period (eg, wading and boating).</p> <p>The term is used in relation to Objective A1, which requires the health of people and communities, at least as affected by secondary contact with fresh water, to be safeguarded. This objective is supported by the compulsory national value ‘human health for recreation’, and the <i>E.coli</i> attribute in Appendix 2 of the NPS-FM, which must be used to set freshwater objectives for lakes and rivers.</p> <p>The national bottom line for <i>E. coli</i> equates to a moderate risk of infection from occasional immersion that might arise from secondary contact with the water.<sup>3</sup> This is the minimum level of protection (and the maximum level of risk) required for <i>E. coli</i> nationwide.</p> <p>If a council chose to set a freshwater objective that would allow for full immersion (ie, swimming or kayaking) rather than secondary contact, they would need to choose a more stringent objective (eg, the ‘B’ state or better) for <i>E. coli</i>.</p>
Significant values	<p>While the term ‘values’ is used in Part CA of the NPS-FM in relation to all FMUs, the term ‘significant values’ is used in Objectives A2 and B4 specifically in relation to wetlands and outstanding freshwater bodies. These NPS-FM objectives require the significant values of wetlands and freshwater bodies to be protected.</p> <p>Significant values and how to protect them will need to be determined according to regional tāngata whenua and community preferences (eg, a wetland or water body may have a significant value related to native biodiversity, fisheries, geomorphology, culture, science, recreation or landscape). Councils may set criteria for significant values in their regional policy statement or plans to identify outstanding freshwater bodies.</p>

<sup>3</sup> Moderate risk from secondary contact is defined as less than five per cent, based on an annual median. While annual medians are used in relation to secondary contact, a 95<sup>th</sup> percentile sampling statistic is used for assessing the risk from full immersion. The use of different sample statistics means there are different levels of confidence that the objective is achieved (ie, using a 95<sup>th</sup> percentile provides a higher degree of confidence than an annual median).

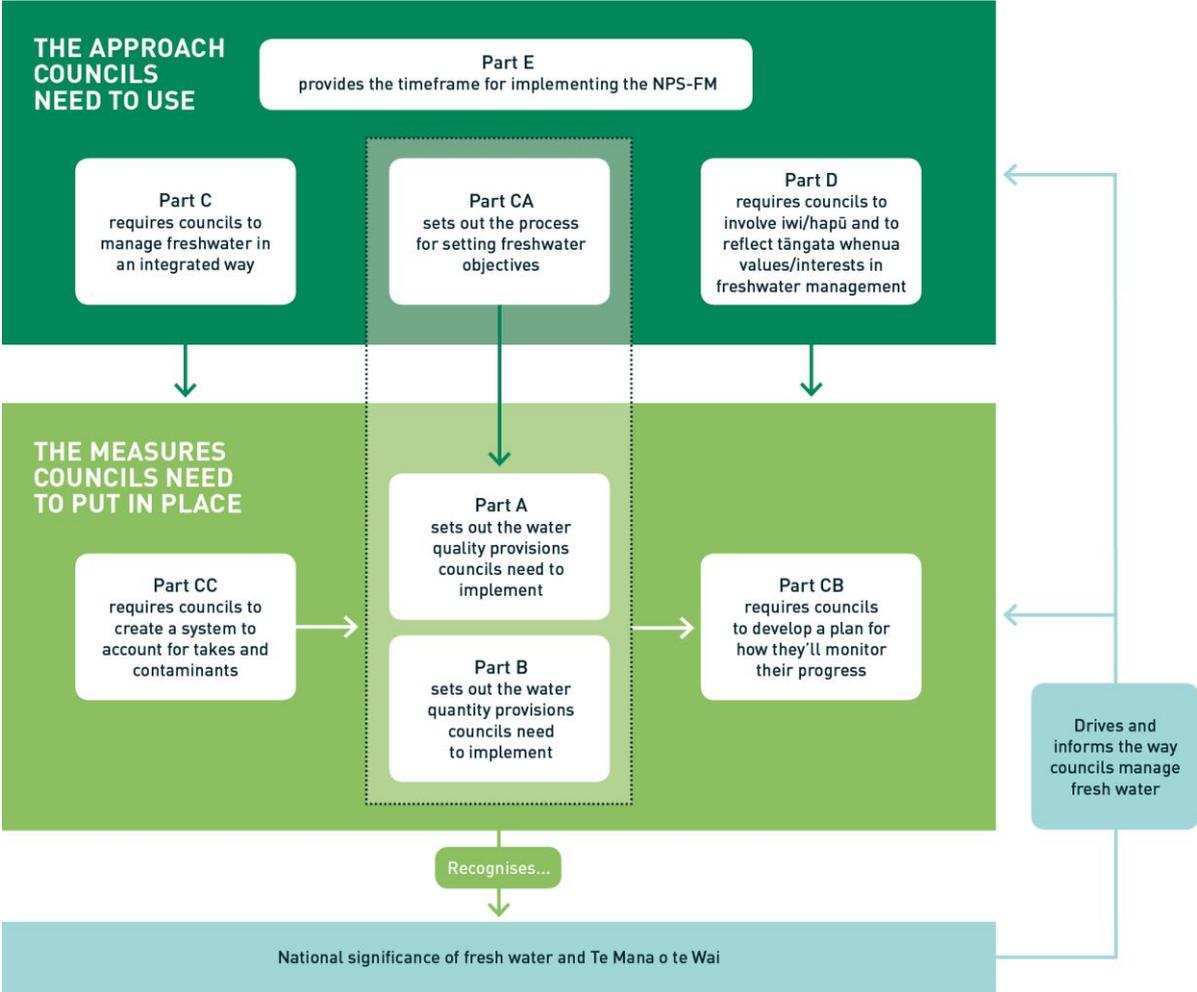
Term	Description
Target	<p data-bbox="469 293 1305 349"><i>A limit that must be met at a defined time in the future. This meaning only applies in the context of over-allocation. (NPS-FM definition)</i></p> <p data-bbox="469 371 1305 524">A council may set several intermediate targets in a regional plan, each specifying a limit and the time by which that limit must be met. This series of targets would make up part of a staged work programme, designed so water quality is gradually improved over time to meet the relevant freshwater objective.</p>
Value	<p data-bbox="469 562 549 584"><i>Means:</i></p> <ul style="list-style-type: none"> <li data-bbox="469 607 778 629"><i>a) any national value; and</i></li> <li data-bbox="469 651 1305 734"><i>b) includes any value in relation to fresh water, that is not a national value, which a regional council identifies as appropriate for regional or local circumstances (including any use value). (NPS-FM definition)</i></li> </ul> <p data-bbox="469 763 1305 981">Values are those intrinsic qualities, uses or potential uses associated with fresh water. They are qualities or uses that people and communities appreciate about freshwater bodies and wish to see recognised in the on-going management of those freshwater bodies. Intrinsic qualities include ecosystem health, and natural form and character. Uses or potential uses of fresh water by people include water supply, irrigation, cultivation, hydro-generation and recreation.</p> <p data-bbox="469 1010 1305 1160">National values are those values identified in Appendix 1 of the NPS-FM. They include compulsory values (which must have objectives set in relation to them), other national values (which must be considered but do not necessarily require objectives to be set in relation to them), and any other values a council identifies as appropriate through Policy CA2(b)(ii).</p>
Water body	<p data-bbox="469 1189 1305 1283"><i>Means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area. (RMA definition)</i></p>

# 5 Guidance on the parts of the National Policy Statement for Freshwater Management 2014

This chapter explains the policy intent behind each part of the National Policy Statement for Freshwater Management 2014 (NPS-FM), and provides guidance on how they can be given effect to.

Figure 2 shows the individual parts of the NPS-FM, and provides a brief description of what they do and how they relate to each other. The remainder of this chapter provides further explanation and guidance about each part. In sections 5.5 to 5.12, each of the individual objectives and policies of the NPS-FM is quoted in full, followed by an explanation.

Figure 2: The parts of the NPS-FM and their relationship with each other



## 5.1 Preamble to the National Policy Statement for Freshwater Management 2014

The preamble outlines the rationale for, and introduces the concepts which underpin, the NPS-FM. It is intended to clarify and provide the Government's policy intent to help interpret the NPS-FM objectives and policies. The preamble is a guide in itself and is not explained further here.

## 5.2 Review

The NPS-FM states that an independent review of its implementation and effectiveness will be undertaken no later than 1 July 2016. The need for any further amendment to the NPS-FM will be considered following that review.

## 5.3 National significance of fresh water and Te Mana o te Wai

The start of the NPS-FM includes a statement that recognises the national significance of fresh water and Te Mana o te Wai. The statement emphasises the importance of identifying, through the planning process, community and tāngata whenua values that will collectively recognise the national significance of fresh water and Te Mana o te Wai.

For the purposes of the NPS-FM, Te Mana o te Wai represents the innate relationship between te hauora o te wai (the health and mauri of water) and te hauora o te taiao (the health and mauri of the environment), and their ability to support each other, while sustaining te hauora o te tāngata (the health and mauri of the people).

The recognition and expression of the national significance of fresh water and Te Mana o te Wai is reflected in the national values contained in Appendix 1 of the NPS-FM. The national values incorporate tāngata whenua values at a high level, and the National Objectives Framework (NOF) process set out in Policy CA2 allows for regional flexibility in the way tāngata whenua values are defined and expressed by each iwi and hapū. The aggregation of community and tāngata whenua values and the ability of fresh water to provide for those values over time recognises the national significance of fresh water and Te Mana o te Wai.

## 5.4 Interpretation

The interpretation section of the NPS-FM lists definitions relevant to the national policy statement. These terms, as well as others of relevance from the Resource Management Act 1991 (RMA), are defined and explained in section 4 of this guide.

## 5.5 Part A. Water quality

### Objective A1

To safeguard:

- a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water; and
- b) the health of people and communities, at least as affected by secondary contact with fresh water;

in sustainably managing the use and development of land, and of discharges of contaminants.

### Origins of the policy

The Land and Water Forum recommended that the Government promulgate a national policy statement for fresh water<sup>4</sup> and define national objectives for water quality.<sup>5</sup> The Forum also recommended a requirement to safeguard the life-supporting capacity, ecosystem processes, and indigenous species, including their associated ecosystems, of fresh water. This was included in the 2011 NPS-FM.

The Land and Water Forum later recommended adding an objective about managing risks to human health, to apply to all water bodies.<sup>6</sup> The National Objectives Framework Reference Group<sup>7</sup> supported this and further recommended that human health should be a national objective, requiring that all surface waters are safe for at least secondary contact recreation values (eg, boating and wading). This is included in the 2014 NPS-FM.

### Policy intent and implementation

Objective A1 recognises the crucial role fresh water plays in sustaining life, both for people and for ecosystems more generally. Recognising this role, and safeguarding the ability of fresh water to support life and human health through the sustainable management of water quality, is an important part of recognising the national importance of freshwater and Te Mana o te Wai.

The objectives and policies within the NPS-FM provide national direction on what is required to support Objective A1, but achieving this objective requires regional councils to adopt a holistic, or whole of catchment, response using a variety of tools and methods (both regulatory and non-

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<sup>4</sup> Recommendation 48, [First Report](#).

<sup>5</sup> Recommendation 1, [First Report](#).

<sup>6</sup> Recommendation 1, [Second Report](#).

<sup>7</sup> The National Objectives Framework Reference Group is a group of water users including representatives from iwi, regional councils, and key stakeholder groups, which provided advice to officials about the workability of proposed attributes for the NPS-FM. A [list of members](#) can be found on the Ministry for the Environment's website.

regulatory) that go beyond the specific requirements in the NPS-FM itself. Achieving Objective A1 will require regional councils to:

- gain an understanding of the sources and amount of relevant contaminants, and the current state of freshwater resources
- set freshwater objectives for attributes that are relevant to safeguarding the life-supporting capacity, ecosystem processes, and indigenous species of a water body, including their associated ecosystems – not just the attributes that are currently included in Appendix 2 of the NPS-FM
- set limits for both water quality and quantity, and develop a range of methods to achieve them.

Objective A1 is also a relevant consideration for all applications for resource consents, including discharge applications and land-use applications that potentially impact on freshwater quality, and in notice of requirement decision-making.

This objective does not imply there would never be any change or adverse effect in a water body; rather, it requires local authorities to ensure the economic, social and cultural well-being of people is provided for in a sustainable way that ensures the life-supporting capacity of water is maintained. The word ‘safeguard’ implies an active duty (ie, proactive responses) for local authorities to determine ways to ensure, for example, that fresh water maintains its life-supporting capacity.

#### ***Objective A1(a)***

Policy CA2 of the NPS-FM requires regional councils to set freshwater objectives for a range of values. Setting freshwater objectives for the compulsory value ‘ecosystem health’ using the attributes in Appendix 2 will contribute to, but not completely be sufficient to fully give effect to, Objective A1(a). Regional councils will need to develop freshwater objectives in each freshwater management unit (FMU) for all attributes that are applicable to the value and the freshwater body type. This is likely to include attributes not found in Appendix 2 (eg, sediment, temperature, clarity, and additional nutrients). Councils should exercise caution where little is known about the life-supporting capacity of a particular freshwater ecosystem.

Monitoring progress against freshwater objectives set for the ‘ecosystem health’ value, as required by Policy CB1, will help to provide an indication of whether Objective A1(a) is being met. In addition, other monitoring may be appropriate to measure progress towards achieving Objective A1(a) more generally; this could potentially include methodologies such as the macroinvertebrate community index (MCI) and stream ecological valuation (SEV), among others.

#### ***Objective A1(b)***

Setting freshwater objectives for the compulsory national value ‘human health for recreation’, in accordance with Policy CA2, will contribute to achieving Objective A1(b). At a minimum, freshwater objectives must be set that safeguard the health of people who have secondary contact with fresh water. This is reflected in the national bottom line for the *E. coli* attribute in Appendix 2. If a higher level of human health protection is desired (eg, for people swimming), then a more stringent freshwater objective can be assigned.

A regional council can also include freshwater objectives for other attributes it or its community desires to achieve this value and objective (eg, clarity, sediment and periphyton). Further guidance on the objective-setting process is provided in the section of this guide dealing with Part CA.

## Objective A2

The overall quality of fresh water within a region is maintained or improved while:

- a) protecting the significant values of outstanding freshwater bodies;
- b) protecting the significant values of wetlands; and
- c) improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.

### Maintaining or improving overall quality of fresh water

Objective A2 recognises that maintaining or improving all aspects of water quality everywhere may not be possible or desirable, economically or socially. The freshwater objective-setting process outlined in part CA of the NPS-FM provides a process to assist with this decision-making.

Objective A2 allows for some variability in water quality as long as the overall water quality is maintained or improved.

**Due to recent case law<sup>8</sup> any council considering setting a freshwater objective below current water quality levels should seek independent legal advice.**

**The Ministry for the Environment intends to update this guidance as needed, and provide additional guidance on the requirement to maintain or improve overall quality of freshwater.,.**

The attributes in Appendix 2 of the NPS-FM each have a national bottom line, below which freshwater objectives cannot be set (except for in specific circumstances set out under Policy CA3). While Objective A2 allows for limited balancing of water quality, it does not allow degradation to below a national bottom line. Where an FMU is already below a national bottom line, a freshwater objective must be set to improve the water quality up to the national bottom line (or better).

Objective A2 sets three additional, specific requirements that must be met while maintaining or improving overall water quality. These are described below.

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<sup>8</sup> *Ngati Kahungunu Iwi Inc. v Hawkes Bay Regional Council* [2015] NZEnvC ENV-2013-WLG-000050.

## Outstanding freshwater bodies

Objective A2(a) requires that where a water body is considered to be outstanding, its significant values must be protected. The objective is intended to ensure that those characteristics that make a waterbody outstanding are protected.

Protecting the significant values of outstanding water bodies sets a high standard for managing outstanding water bodies. In practice, once a water body has been identified as outstanding, adverse effects on the significant values of the water body may need to be avoided in some instances to provide for those values. The objective implies that while some degradation of some aspects of water quality (offset by a proportionate improvement to ensure overall quality is maintained or improved) is allowable, that degradation cannot be at the expense of the significant values associated with an outstanding freshwater body.

This objective does not require that every aspect of the water body is fully protected, unless that is necessary to protect the outstanding characteristics. For example a water body may be outstanding because it is the habitat for an endemic freshwater fish, but protecting that fish may be possible even if some water takes and discharges are authorised.

Outstanding freshwater bodies will be identified in a regional policy statement or regional plan. A regional council could also include in a regional policy statement or regional plan the criteria for significant values that the outstanding freshwater bodies meet, to guide the setting of freshwater objectives for the water body.

## Significant values of wetlands

The second requirement is that any significant values of wetlands must be protected.

A wetland is defined in the RMA as including permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.

Again, it is the significant values rather than the wetland itself that Objective A2 seeks to protect, and it implies that any degradation of water quality cannot be at the expense of the significant values of wetlands. It may require adverse effects on the significant values to be avoided to provide for those values.

A regional policy statement or regional plan could include the criteria for significant values that would be applied to the wetland. Significant value(s) of a wetland and how to protect them can then be determined through the public planning process (eg, a wetland may have a significant value related to native biodiversity, fisheries, geomorphology, culture, science, recreation, landscape, water yield regulation, denitrification, or water purification). Any conflicts between protection measures for different values will need to be resolved (eg, a biodiversity value may be protected by preventing contaminated water entering the wetland, while a water purification value could be protected by allowing such flows to enter and maintaining the wetland to allow flows to be effectively processed).

The Ramsar Convention on Wetlands (ratified by New Zealand) requires that contracting parties work towards the wise use of all their wetlands, not just designated Ramsar sites. Wise use has been defined by the Convention as “the maintenance of their ecological character, achieved through the implementation of ecosystem approaches, within the context of sustainable development”. Implementing the NPS-FM will be an important part of meeting the requirements of the Ramsar

## Convention

(eg, through maintaining life-supporting capacity and setting freshwater objectives for the compulsory 'ecosystem health' value). The [Ramsar website](#) provides guidance, toolkits and handbooks on various aspects of wetlands management, which may be useful to councils when considering how to manage water quality in wetlands.

There is significant case law available on methodologies for identifying ecological significance of wetlands that should be considered.<sup>9</sup> Further work is being undertaken to provide attributes for wetlands and these are intended to be included in the NPS-FM in the future.

## Degraded water bodies

The third requirement is the improvement of quality in over-allocated water bodies. This does not require that all water bodies that are degraded be improved. Rather, it focuses on water bodies that have been degraded by human activities to the point of over-allocation. In the NPS-FM, over-allocation occurs where the resource has been allocated (either in terms of water extracted and/or used, or an amount of contaminant discharged) beyond a limit or to the extent that a freshwater objective for a water body is no longer being met.

Targets and methods for addressing over-allocation within a specified timeframe should be used by councils where a freshwater limit or objective is not being met. This target-setting should be done at an FMU scale in accordance with Policies A1 and A2.

This objective is closely linked to Policy 21 of the NZCPS, which requires councils to give priority to improving water quality in the coastal environment where it has deteriorated to the extent that it is having significant adverse effects on ecosystems, natural habitats, or water-based recreational activities, or is restricting existing uses. The point at which significant adverse effects occur, and the point at which a resource is over-allocated (as defined in the NPS-FM), will not necessarily be the same. However, councils should consider the effects of freshwater quality on the coastal environment, and the bearing this should have on any decisions about maintaining or improving freshwater quality.

Objective A2 restricts the scope of enhancing the quality of degraded fresh water to only those situations where human activity is the cause of degradation. This recognises that fresh water may be degraded by natural factors, so degradation would have occurred without any human influence (eg, geothermal discharges). These natural state effects are not covered by this objective; only the effects of human activities are sought to be addressed through objectives, limits and targets. The concept of over-allocation applies to both water quality and quantity. Over-allocation with regard to water quantity is addressed in part B of the NPS-FM.

Objective A2 will be given effect to through Policies A1–A3.

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<sup>9</sup> Examples include:

- *Minister for Conservation v Western Bay of Plenty* DC A071/01
- *Mighty River Power Ltd v Waikato* RC A146/01
- *Friends of Shearer Swamp v West Coast Regional Council* [2010] NZEnvC 345 (confirmed by the High Court on appeal).

# Policy A1

By every regional council making or changing regional plans to the extent needed to ensure the plans:

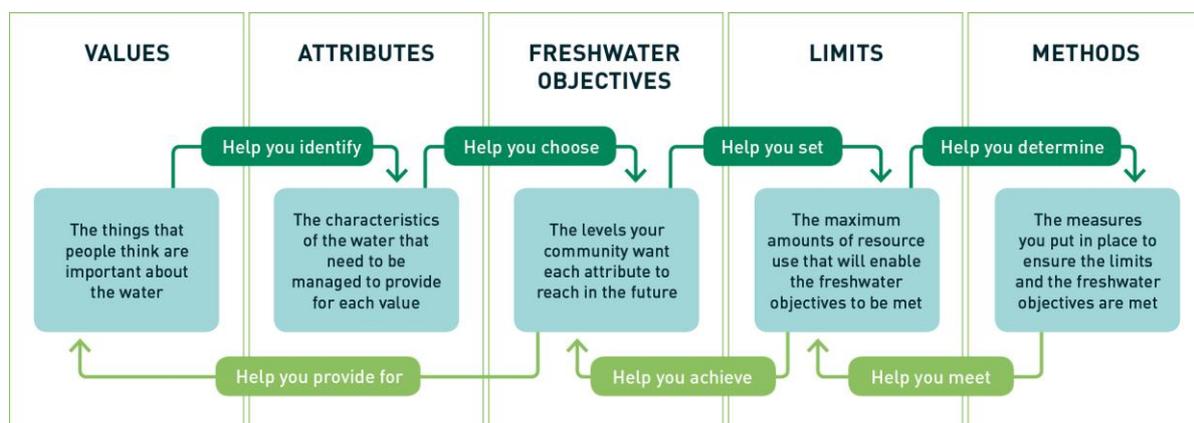
- a) establish freshwater objectives in accordance with Policies CA1-CA4 and set freshwater quality limits for all freshwater management units in their regions to give effect to the objectives in this national policy statement, having regard to at least the following:
  - i. the reasonably foreseeable impacts of climate change;
  - ii. the connection between water bodies; and
  - iii. the connections between freshwater bodies and coastal water; and
- b) establish methods (including rules) to avoid over-allocation.

Policy A1(a) requires regional councils to set freshwater objectives and quality limits, and (b) to establish methods to avoid over-allocation.

This policy is closely linked to Policy CA2, which sets out a process for setting freshwater objectives. The process involves identifying values that are relevant to an FMU, identifying attributes that provide for those values, and setting freshwater objectives for those attributes. Setting limits for water quality involves determining the maximum resource use that will enable a chosen freshwater objective to be met.

By setting freshwater objectives and limits, councils will have effectively determined what constitutes over-allocation in an FMU. Policy A1 then requires councils to establish methods to avoid over-allocation.

**Figure 3: The relationship between freshwater objectives, limits and methods<sup>10</sup>**



<sup>10</sup> Adapted from Environment Canterbury. 2012. [The preferred approach for managing the cumulative effects of land use on water quality in the Canterbury region.](#)

Figure 3 shows the relationship between freshwater objectives, limits and methods, and how the identification of values and attributes (using the process set out in Policy CA2) contributes to their development. Each component of this chain helps to inform decisions about the next part. It is important to note, however, that in reality this is unlikely to be a linear, step-by-step process. At each point councils will need to consider how their decision would affect the following parts of the chain (eg, what limit may be required based on what freshwater objective is chosen) and the most appropriate process is likely to be an iterative one where earlier decisions are revisited throughout.

The following sections provide more detail about each part of Policy A1.

## **Making or changing regional plans**

Existing regional plans containing freshwater provisions will need to be assessed to determine whether they establish freshwater objectives, set limits, and establish methods to avoid over-allocation for all FMUs. This assessment should be done with consideration to all the objectives of the NPS-FM, and having regard to (i)-(iii) above.

Changes to regional plans must meet the timing requirements of Policy E1. It may be appropriate to prioritise FMUs that are under the greatest pressure. Under section 32 of the RMA councils are required to assess the costs and benefits of plan provisions. This provides a mechanism for councils to identify the interventions that will achieve improvements with the highest benefit compared to the cost.

Where a regional plan introduces provisions that affect land use, territorial authorities must consider the implications of this for district plans. For example, regional land-use controls may encourage land-use change, and it would be appropriate for district plans to then provide appropriately for that change.

## **Establishing freshwater objectives**

Establishing freshwater objectives and setting limits go hand in hand. Establishing freshwater objectives is likely to involve an iterative process of considering options both for freshwater objectives, and for the limits necessary to achieve them, before making final decisions. Ultimately though, it is necessary to decide on the freshwater objectives to justify the level at which limits are then set.

Freshwater objectives need to describe an intended environmental outcome that will enable the chosen values for the FMU to be met to the desired level. Thus, the locally held values associated with each FMU, identified through engagement with local iwi and hapū, water users, and the community, will be important in objective-setting. Part CA of the NPS-FM directs the process for formulating freshwater objectives. A freshwater objective should be set for each attribute associated with the chosen values for each FMU. Freshwater objectives can reflect the current water quality state or be aspirational (better than the current water quality).

Freshwater objectives can be set at different scales and levels of detail. In giving effect to the NPS-FM, a regional policy statement may include broad narrative objectives based on the desired values, but for regional plans, freshwater objectives must be set using the process contained in Policy CA2. Freshwater objectives in regional plans should be numeric where practicable, and use the attributes and attribute states supplied in Appendix 2 where available. Any other attributes considered appropriate to achieve a value should also be used to set freshwater objectives to achieve the value. Numeric attributes can be supported with a narrative. Where it is not possible to

set a numeric freshwater objective, the regional plan should contain a tightly defined narrative freshwater objective. A narrative objective may outline an acceptable amount of change, an outcome or parameters sought.

The setting of freshwater objectives must be made in the context of environmental, social, cultural and economic considerations. Regional councils must consider the social, cultural and economic implications for resource users when setting freshwater objectives (Policy CA2(f)), as well as ensuring the environmental outcomes in Objectives A1 and A2 are met. Objective setting will be an iterative process. Final decisions about freshwater objectives should only be made after analysis of options, and should be fully informed by an understanding of their costs and achievability. Councils are expected to engage with tāngata whenua and communities about the way their water bodies are valued to set freshwater objectives and achieve those objectives through setting limits (both for water quality and water quantity) in their regional plans.

## Setting freshwater quality limits

Limits are defined in the NPS-FM as the maximum amount of resource use that will allow a freshwater objective to be met. Limits relate to people's use of freshwater resources; therefore while a freshwater objective describes the desired state of the water in relation to a particular characteristic, a limit should go a step further by describing the maximum use of the resource to achieve the desired state.

For water quality, the resource being limited would generally be the assimilative capacity of the fresh water (its capacity to absorb contaminants). Setting a limit for water quality would involve determining the maximum use of that capacity (through discharging into the water) that will enable a chosen freshwater objective to be met.

In most cases, setting a water quality limit involves identifying the quantifiable total of a contaminant entering the FMU from all sources. The background component (the amount of contaminant that comes from natural processes or sources, or from historic activity rather than from current resource use) will also need to be established but is not part of the limit itself (not part of the total amount that could be allocated to users). However, not all contaminants can be measured in a way that allows them to be expressed as a quantifiable total load which can then be allocated. Other types of limits to resource use (eg, limits on stock access) may be appropriate for meeting some freshwater objectives.

A limit should, where practicable, specify an actual amount that can be measured or modelled with statistical confidence. The NPS-FM is not prescriptive about how a limit is expressed; (eg, whether as a source load, catchment load, loading rate, loss rate, or concentration). However, the intent of the policy is that a limit will be allocable (that is, an allocation to a particular user, activity or sector can be determined within the total for the FMU) where practicable.

A limit is not simply the maximum resource use an FMU can withstand; it is the maximum use of a resource that will allow the relevant freshwater objective to be achieved. Therefore, limits on resource use should ensure specific freshwater objectives can be met, rather than reflect more generic aspirations. If time shows that the freshwater objective can be met within more relaxed limits, the limit and objective combination will need to be reviewed during the next plan change, to decide whether to aim for a more aspirational objective or to increase the limit to allow more use of the resource.

To define the limit, regional councils will need to identify:

- the current state of water quality
- the quantity of water available and how it fluctuates seasonally and over time (as concentrations of contaminants will be influenced by the quantity of water present)
- the attribute(s) and objective(s) that the setting of a limit is intended to manage
- inputs and outputs (freshwater accounting). In the case of water quality, that includes identifying the sources of relevant contaminants (eg, sediment, nitrogen, phosphorus)
- the limit for each relevant contaminant, taking into account any possible interactions between contaminants and possible lag effects
- the timeframes over which the limit can be achieved, and targets that may be required to reach the limit (discussed further in the section on Policy A2)
- the scale at which the limit is to be applied (eg, to the input into a lake itself, the streams feeding into the lake, or by managing nutrient inputs to the land in the catchment). Some limits may not be allocable at anything smaller than a catchment scale.

In many cases limits for both water quantity (eg, environmental flows/levels) and water quality will be necessary to meet freshwater objectives. Other methods (eg, riparian management in the case of rivers) may also interact with limits and influence achievement of freshwater objectives, and would need to be considered at the same time as setting limits.

Limits can be set at a range of scales to fit regional circumstances, but the collective set of limits must be sufficient to address every freshwater objective for every FMU in the region. One limit may contribute to achieving more than one freshwater objective, while in other cases a whole set of limits might be needed to address a single freshwater objective. Limits can be water body specific, or land-use specific.

Limits set under Policy A1 must give effect to all the objectives of the NPS-FM. This means that when setting water quality limits, regional councils should also consider water quantity (Objectives B1-B7), integrated management (Objective C1), and tāngata whenua values and interests (Objective D1).

Accurate limit-setting can be technically difficult, time-consuming, and expensive. Regional councils could prioritise FMUs that would benefit most from early setting of limits (that is, those FMUs that are under the greatest pressure). For lower priority FMUs it may be appropriate for a council to set general region-wide discharge allocations (eg, per hectare) until specific limits for individual FMUs are set, as a precaution against over-allocation occurring in the interim.

Limit setting, particularly for water quality, is an iterative process that may take a succession of plan changes to get right. When freshwater objectives are first set, regional councils are required under Policy CA2(f)(v) to consider (among other things) the effects that the associated limits will have on resource users and communities. If further refinement of limits is required in later plan changes (either to better reflect what's needed to achieve the objective, or because the objective itself is changed), it will be important for regional councils to carry out thorough analysis of how the changes will affect resource users.

A limit must be given effect to through policies and rules that consider all activities contributing to the limit, and through establishing appropriate methods (both regulatory and non-regulatory) to manage compliance with the limit and to ensure it can be met.

## Reasonably foreseeable impacts of climate change

Policy A1 requires that in setting freshwater objectives and limits regional councils have regard to the reasonably foreseeable impacts of climate change. Communities and businesses require as much long-term stability in allocations and rules as possible. Potential future climate change, and the ways this may affect individual FMUs, need to be considered when rules are set to reduce the frequency with which those rules will need to be adjusted in the future.

In setting limits, it is important to consider matters such as:

- changes in frequency and severity of droughts
- changes in frequency and severity of heavy rainfall and flushing or flooding events
- changes in temperatures which may influence algal blooms, increased pressure from invasive aquatic species, or changes to water quality
- sea level rise, which may affect salination, saltwater intrusion, and groundwater quality in some areas
- exacerbation of existing anthropogenic effects (eg, land-use impacts, flooding, or nutrient runoff) – degraded ecosystems are less resilient to additional pressures, including those resulting from climate change
- the presence or absence of natural features to mitigate the effects of climate change, including:
  - shading (and cooling) effects provided by riparian vegetation
  - wetlands providing a water source for irrigation
- deterioration of water quality in some areas as a result of lower flows in freshwater bodies.

Two reasonably foreseeable impacts of climate change are that projected lower rainfall in the east and north of the country will prolong periods of low flows in rivers and at the same time increase demand for water abstractions. Longer periods of stable low flows in rivers, even with a nutrient limit in place, may allow periphyton to continue growing to a point where chlorophyll-a levels exceed the objective set in the regional plan. The likelihood of having to reassess limits to accommodate the effects of climate change should be identified when the limits are first established and set in regional plans or on resource consents.

Consideration of the impacts of climate change should be based on the best information available. The Ministry for the Environment has produced [guidance manuals for local government on adapting to climate change](#), which include projected climatic changes, and recommendations on how to include these in planning and decision-making. Where a regional council has already developed region-specific information for climate effects on hydrology (eg, rainfall models), it should have regard for this information in establishing objectives and limits.

## Connection between water bodies

Regional councils must have regard to the connections between water bodies in establishing freshwater objectives and limits. Those connections may be:

- physical (eg, a lake and its adjacent wetlands)
- through water movements (eg, a river and an aquifer that is partially recharged by the river)

- through biodiversity movements (eg, eels may access a lagoon through movement over the barrier between it and the adjacent sea or river).

Connections include:

- connections between water bodies and receiving environments (lakes or wetlands)
- artificial connections between water bodies (that is, the mixing of water) between different water bodies created by abstraction and/or discharges, and its effect on water quality
- between surface water and groundwater.

Where connections exist between aquifers and surface water, freshwater objectives and limits should be developed through a 'whole of catchment' approach, with consideration given to the effects of surface water on aquifers and vice versa.

## Connections between freshwater bodies and coastal water

The NPS-FM does not apply to coastal or geothermal water, but it does apply to freshwater bodies in the coastal environment (that is, coastal wetlands and lower reaches of rivers and streams).<sup>11</sup> Freshwater objectives and limits for freshwater bodies in the coastal environment must give effect to both the NPS-FM and the relevant objectives and policies of the New Zealand Coastal Policy Statement (NZCPS). For water quality, relevant policies include Policy 21 (enhancement of water quality), Policy 22 (sedimentation), and Policy 23 (discharge of contaminants).

Policy A1 also requires regional councils to have regard to the connections between freshwater bodies and coastal water when setting freshwater objectives and limits for all FMUs, not just those in the coastal environment. A freshwater objective and/or limit for an FMU may be driven by the impact that water will have on a receiving environment within the coastal marine area.

## Methods to avoid over-allocation

Over-allocation is relevant both to water quality and quantity. Once a water quality objective or a limit for a particular contaminant has been set, over-allocation would occur if the contaminants discharged in the FMU exceeded the FMU's assimilative capacity, or meant that the objective couldn't be met. This might occur through consented discharges, or through unconsented diffuse discharges related to specific land uses.

Policy A1 requires regional councils to have methods to avoid over-allocation.

Methods to avoid over-allocation can apply to both point source and diffuse discharges, and include both:

- regulatory methods, such as regional rules and conditions about allocation on resource consents
- non-regulatory methods, such as funding, landowner advisory and extension programmes, voluntary or partnership programmes, or supporting industry-led programmes.

A combination of regulatory and non-regulatory methods can be adopted to suit the individual catchment, and mitigate impacts on resource users. Although the NPS-FM allows for either or both types of methods to be used, once over-allocation has occurred it is likely that some form of

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<sup>11</sup> Refer to Policy 1 of the [NZCPS](#) for the definition of coastal environment.

regulatory method will be needed. The methods must be intended to avoid, not just mitigate or remedy, over-allocation. Not all methods need to be set out in a regional plan; some, such as council funding for riparian fencing, may be set out in an annual plan or long-term plan.

## Policy A2

Where freshwater management units do not meet the freshwater objectives made pursuant to Policy A1, every regional council is to specify targets and implement methods (either or both regulatory and non-regulatory), in a way that considers the sources of relevant contaminants recorded under Policy CC1, to assist the improvement of water quality in the freshwater management units, to meet those targets, and within a defined timeframe.

Policy A2 is only relevant if freshwater objectives are not met; for example, if an aspirational objective is set or where the water quality is below a bottom line.

Where this policy applies, the regional council must establish targets, and methods to achieve those targets over defined timeframes, so water quality is gradually improved to meet the freshwater objective.

Methods (regulatory or non-regulatory) must be established 'in a way that considers the sources of relevant contaminants' identified through the freshwater quality accounting process set out in Policy CC1. It is likely that the methods will need to be directed primarily at the sources of contaminants to be effective in meeting freshwater objectives and addressing the causes of poor water quality.

Regional councils are required under Policy CA2(f)(v) to consider the implications of their objective and limit choices on resource users. The general presumption is that any burden associated with water quality improvement would primarily be borne by those that are responsible for the source of the contaminant. However, Policy A2 does not require the targets and methods to be applicable solely to the identified sources, and there may be cases where it is more appropriate to spread the burden of a particular intervention across a wider group of resource users, or across the wider community, for example, through rates. The decision about whether to do this should be made as part of the evaluation of plan objectives, policies and methods under section 32 of the RMA, and with involvement from iwi and hapū, water users, and the wider community.

### Setting targets

In relation to over-allocation, a target is a limit that must be met at a defined time in the future. A regional council may set several intermediate targets, with timeframes set in a regional plan. The final target will be the limit needed to meet the freshwater objectives set under Policy A1. The sequence of targets would form a stepped approach to work towards the freshwater objective and limit for the FMU.

Management of both point source and diffuse discharges may be required through targets to reduce over-allocation over time. A programme to reduce allocation will prescribe how to move from the existing resource use level to the desired limit.

Good practice would be to ensure that targets are set within the lifetime of a regional plan, or that the plan includes methods to allow for sufficient progress to be made towards a target over the lifetime of the plan to ensure that it is met within the defined timeframe. It may not be feasible, however, to expect measurable progress towards meeting freshwater objectives themselves within the lifetime of a regional plan.

## **Methods for achieving targets**

The NPS-FM provides flexibility in terms of which methods can be adopted (eg, rules, funding, landowner liaison, voluntary programmes, or management plans), provided they are sufficient to meet freshwater objectives (and the wider requirements of the NPS-FM) in a defined timeframe. A mix of approaches (both regulatory and non-regulatory) can be tailored to the individual catchment and can be targeted to local issues, interests and parties. The social, economic, cultural and environmental impacts of a particular approach (or combination of approaches) should be evaluated and considered. This means that working collaboratively with relevant water users is important in setting targets, timeframes and methods at a catchment level.

Non-regulatory methods that give effect to Policy A2 may need to be supported by methods in the annual plan or long-term plan. If measures need to be implemented through a district plan (such as low impact urban design or restrictions on land uses), regional councils can direct this approach in their regional policy statement; the requirement under Policy C2 to provide for the integrated management of land use and fresh water in regional policy statements supports this approach.

For existing resource consents, regional councils are limited in the regulatory methods that can be imposed until those consents expire, or are able to be reviewed in accordance with section 128 of the RMA. Section 128(1)(a) provides for review where this is specified in the consent, and section 128(1)(b) provides for review where an operative regional plan sets rules for levels, flows, rates or standards (such as rules for water quality under section 69), and it is appropriate to review the conditions of consent to meet those rules. Where possible, the planning process should be used for a comprehensive approach to implement Policy A2 rather than solely relying on conditions of consents.

Policy 21 of the NZCPS 2010 is relevant in determining an approach to improving deteriorated water quality in the coastal environment. Policy 21 of the NZCPS includes some specific actions that should be taken (eg, excluding stock from water bodies).

## Policy A3

By regional councils:

- a) imposing conditions on discharge permits to ensure the limits and targets specified pursuant to Policy A1 and Policy A2 can be met; and
- b) where permissible, making rules requiring the adoption of the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of any discharge of a contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.

Policy A3(a) requires conditions to be imposed on discharge permits to ensure the limits and targets can be met. Once objectives, limits and targets made under Policies A1 and A2 are adopted in a regional plan, they will be relevant when determining the conditions to impose on discharge permits.

In addition, plans will need to be assessed to determine whether additional ‘best practicable option’ (BPO) provisions are needed to prevent or minimise adverse effects on the environment, to give effect to Policy A3(b).

Policy A3(b) is intended to be consistent with section 70(2) of the RMA, which sets out when a BPO may be imposed. The words “where permissible” in Policy A3(b) reflect section 70(2) which requires councils to be satisfied that including a rule which provides for the use of a BPO is the most efficient and effective means of preventing or minimising adverse effects on the environment.

Limits established under Policy A1 help define the benchmark for what are acceptable effects. “Preventing” (avoiding) or “minimising” (remedying or mitigating) are the words used in section 70 for rules about discharges.

Councils and other decision-makers must also have regard to Policy 23 of the NZCPS 2010 when managing discharges through conditions or rules in the coastal environment.

## Policy A4 and direction (under section 55) to regional councils

By every regional council amending regional plans (without using the process in Schedule 1) to the extent needed to ensure the plans include the following policy to apply until any changes under Schedule 1 to give effect to Policy A1 and Policy A2 (freshwater quality limits and targets) have become operative:

- “1. When considering any application for a discharge the consent authority must have regard to the following matters:
  - a. the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water, and
  - b. the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided.
2. When considering any application for a discharge the consent authority must have regard to the following matters:
  - a. the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their secondary contact with fresh water; and
  - b. the extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their secondary contact with fresh water resulting from the discharge would be avoided.
3. This policy applies to the following discharges (including a diffuse discharge by any person or animal):
  - a. a new discharge, or
  - b. a change or increase in any discharge –  
of any contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.
4. Paragraph 1 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.
5. Paragraph 2 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2014 takes effect.”

The process and timeframes for setting freshwater objectives and limits under the NPS-FM may be significant for some regions. Policy A4 allows regional councils to consider water quality matters in consent decisions in the interim, to ensure the objectives of the NPS-FM for water quality can still be achieved.

## **Inserting Policy A4 into regional plans**

Policy A4 is a transitional policy, which councils are required to insert into their regional plan, in accordance with the process set out in section 55(2)–(2D) of the RMA until such time as the objectives, policies, methods or other measures giving effect to policies A1 and A2 are made operative through the Schedule 1 process. The Policy required regional councils to insert paragraphs 1, 3 and 4 directly into regional plans as soon as practicable after 1 July 2011 (which all councils have now done), and requires paragraphs 2 and 5 to be inserted as soon as practicable after 1 August 2014.

The most efficient response will usually be to insert the policy into plans using the exact wording in Policy A4. Under sections 55(2) and 55(2A) of the RMA, public notice is to be given once amendments are made. Note that the NPS-FM 2014 has a further paragraph which councils must insert into a regional plan, in addition to the paragraphs inserted under the 2011 NPS-FM.

Where regional plans already give effect to these policies, no amendment to the plan is needed.

## **Effect of Policy A4 on consents**

Policy A4 requires that a regional council has regard to certain matters when assessing and determining an application for a discharge permit. It applies once a plan is amended to include the transitional policy.

However, regional councils must also have regard to it when considering an application for resource consent before the amendment under section 55(2) is made to the regional plan (due to the requirements under section 104(1)(b)(iii) of the RMA). This means that regional councils considering resource consent applications lodged after 1 July 2011 (for paragraph 1) and 1 August 2014 (for paragraph 2) must have regard to Policy A4 under section 104(1)(b), pending the inclusion of the policy in a plan.

Policy A4 applies to decisions on discharge permits required under the current regional plan involving new discharges or changes/increases in any discharge.

It does not apply to:

- land-use (or other) consents that involve a discharge that is authorised by a permitted activity rule in a regional plan unless, or until, additional or new consents are required
- consents for an existing consented discharge where there is no change or increase in the discharge.

The requirement for consent authorities to have regard to the listed matters is no stronger than the requirement of section 104 of the RMA to have regard to a number of matters, including any actual or potential effects on the environment, and the NPS-FM. This interim policy therefore draws further attention to specific matters related to water quality, and the connection between land use and water quality over and above the more general considerations required by the RMA.

Policy A4 does not expressly identify the matters listed in 1(a), 1(b), 2(a) and 2(b) as matters of control or discretion. The policy does not affect activity status, and regard to the matters in Policy A4 should be within the parameters of the activity status. The policy will therefore operate differently depending on the activity status. For example, for controlled activities, the consent authority must have regard to those matters, and may impose conditions relating to those matters, but the consent must still be granted if the application complies with any requirements, conditions and permissions stated in the rule. When Policy A4 is inserted into a plan, councils may wish to avoid confusion by outlining how the policy will operate for particular rules and activity statuses within the plan. The reference to effects that are more than minor is intended to ensure the policy does not impose significant compliance and opportunity costs where adverse effects may only be minor.

NZCPS 2010 Policy 23 also lists matters to which regard must be given, and requirements for certain types of discharges in the coastal environment.

## 5.6 Part B. Water quantity

### Objective B1

To safeguard the life-supporting capacity, ecosystem processes and indigenous species, including their associated ecosystems of fresh water, in sustainably managing the taking, using, damming or diverting of fresh water.

Objective B1 recognises the crucial role fresh water plays in sustaining life. Safeguarding the life-supporting capacity of fresh water by sustainably managing how water is taken and used, as required by Objective B1, will be an important part of recognising Te Mana o te Wai in the management of fresh water.

Regional councils will need to give effect to Objective B1 in regional policy statements and regional plans. This objective is also a relevant consideration for decision-makers determining resource consent applications to take, use, dam or divert fresh water.

Freshwater bodies and the aquatic communities they support vary across regions and between different types of freshwater ecosystems. What is required to achieve safeguarding of the specified matters will be catchment-specific. Life-supporting capacity may be assessed using a range of attributes and/or methodologies (eg, macroinvertebrate community index (MCI), stream ecological evaluation (SEV) and instream flow incremental methodology (IFIM)).

Regional policy statements and regional plans may already contain freshwater quantity provisions. These provisions will need to be assessed to determine whether they adequately reflect Objective B1, and amended if necessary. As with Objective A1, the word 'safeguard' implies an active duty and a proactive response by local authorities to ensure, for example, that fresh water maintains its life-supporting capacity. As with Objective A1, this does not imply there would never be any change or adverse effect in a water body; rather, it requires local authorities to ensure the economic, social and cultural well-being of people is provided for in a sustainable way so the life-supporting capacity of water is maintained.

The guidance provided on Objective A1 relates to water quality but applies equally to this objective. Water quantity will have an effect on water quality, as the quantity of water available (and variability in flow rates in rivers and streams) will affect the capacity of the fresh water to assimilate nutrients and other contaminants while still maintaining its life-supporting capacity.

## Objective B2

To avoid any further over-allocation of fresh water and phase out existing over-allocation.

Regional councils will need to give effect to Objective B2 in regional policy statements and regional plans.

Over-allocated FMUs will be identified by regional councils undertaking the freshwater accounting requirements of Part CC, and by using this information in the setting of freshwater objectives and water quantity limits. Avoiding and phasing out any over-allocations will be achieved by implementing the policies in Part B of the NPS-FM, particularly Policies B5 and B6.

In some regions there is recognised over-allocation, where the use of water has created changes in freshwater bodies that either prevent them delivering desired community outcomes, or that fail to safeguard the life-supporting capacity of the freshwater body.

But there are also instances of consented over-allocations where the full use of allocations would result in unacceptable changes to the freshwater body but for the fact that actual current use is below what has been consented.

Where over-allocation has occurred (or would occur if the consent was exercised to its full extent), this objective seeks the incremental reduction of water use over time until a sustainable level is reached (see Policy B6). A sustainable level would be where freshwater objectives and limits are met within the environmental flows established under Policy B1. Where over-allocation has not occurred, the objective requires that measures are put in place to avoid it occurring in future. Avoiding over-allocation is more stringent than 'avoiding, remedying, or mitigating', and would be achieved through setting and implementing limits and/or targets.

Avoiding over-allocation where it is not already occurring is a specific aim of the NPS-FM, and it is expected that adverse cumulative effects on water quantity resulting in a water body moving to a position of over-allocation will be avoided.

## Objective B3

To improve and maximise the efficient allocation and efficient use of water.

The phrase 'to improve' indicates measures currently in place to advance efficient allocation and use of water may be insufficient. Undertaking freshwater accounting, as required by Part CC, is a first step in providing the information needed to identify where improvements in efficient allocation and use of water can be made.

Efficient allocation and efficient use of water will ensure maximum benefit is gained from using that part of the resource that is sustainably available for use. Measures of both efficient use and efficient allocation are needed to ensure these are being delivered.

Efficient allocation may involve:

- using the most appropriate combination of mechanisms available for the circumstances under the RMA to ensure processes for allocating water are efficient
- ensuring scarce water can be allocated and transferred to the highest value uses (either economically, or in terms of other values placed on the water), taking account of issues of fairness and equity
- enabling the movement of allocated water between users to improve outcomes and allow new water users to have an opportunity to gain an allocation, while also providing certainty of allocation over time
- identifying any potential 'headroom' in a catchment once freshwater objectives are met, and providing this information to resource users in a way which enables efficient and equitable access to the available water
- taking into account environmental, economic, social and cultural interests, and how these may change over time
- ensuring the rights and responsibilities of the recipient are clearly defined when allocating water.

Efficient use may involve:

- reducing water wastage (that is, ensuring all water used is delivering the intended benefit)
- using more efficient technology and/or practices
- re-using water for multiple activities where possible
- reducing the need for water by changing the way benefits are achieved (eg, changing crop varieties to one that requires less irrigation but delivers the same economic benefits).

Improvements in the efficiency with which water is allocated will give New Zealanders greater value from the country's water resources over time.

## Objective B4

To protect significant values of wetlands and of outstanding freshwater bodies.

Objective B4 is intended to be given effect to within the context of water quantity; that is, by giving effect to:

- Objective B1 – sustainably managing the taking, use and damming, or diverting of fresh water
- Policy B1 – establishing freshwater objectives and setting environmental flows/levels.

An example of a water quantity issue that may be relevant to Objective B4 is maintaining variations in water levels in a wetland so that ecosystem processes and the habitats of indigenous species in the wetland are safeguarded. Significant ecological values of wetlands may be affected by lowered water tables (which can result from drainage in the surrounding land), and this may need to be managed to protect those significant values.

Depending on the values of the wetland or outstanding freshwater body, limit-setting alone may not be enough to protect the significant values of the wetland or outstanding freshwater body. Other measures to address water quality (including non-regulatory measures) may be required. Guidance provided for Objective A2 on protecting the significant values of wetlands and outstanding freshwater bodies is relevant for Objective B4.

Objective B4 will be a relevant consideration in consent and notice of requirement decision-making.

## Policy B1

By every regional council making or changing regional plans to the extent needed to ensure the plans establish freshwater objectives in accordance with Policies CA1-CA4 and set environmental flows and/or levels for all freshwater management units in its region (except ponds and naturally ephemeral water bodies) to give effect to the objectives in this national policy statement, having regard to at least the following:

- a) the reasonably foreseeable impacts of climate change;
- b) the connection between water bodies; and
- c) the connections between freshwater bodies and coastal water.

A core element of the NPS-FM is the limits-based water management regime. Policy B1 is a critical policy for implementing that regime, alongside Policy A1. Policy B1 requires councils to set freshwater objectives and environmental flows and/or levels.

Environmental flows and/or levels are types of limits relating to water quantity; setting them determines how much fresh water is available for use, and how much needs to remain in the water bodies in an FMU to allow freshwater objectives to continue to be met.

Over time a strengthened limits-based water management regime should:

- maintain healthy ecosystems and ecosystem services that all water users rely on (for example, the provision of good drinking water quality for public health and sufficient species habitat)
- identify over-allocation and headroom within a catchment
- improve investor certainty and consenting efficiency
- provide certainty and reliability in supply
- avoid the need to reduce or claw back over-allocation in future.

The following sections provide more detail about each part of Policy B1.

## **Making or changing regional plans**

Councils will need to assess existing regional plans containing freshwater provisions, to determine whether existing objectives, flows/levels and allocation limits are relevant to FMUs established under the 2014 NPS-FM. Regional plans will need to be changed if necessary to give effect to the policy.

Setting environmental flows and/or levels in all FMUs in a region requires a significant amount of work. A number of regional councils have already made good progress in setting flows and levels in their regions. In regions or FMUs where this work is not so well progressed, Policy E of the NPS-FM allows this to be undertaken in a progressive manner. In these regions, as a first step, it may also be appropriate to set interim allocation limits for small FMUs or those that are not under allocation pressure.

## **Establishing freshwater objectives**

The process for setting freshwater objectives is outlined in the section of this guide dealing with Policy CA2. This process involves establishing the values that are relevant in an FMU, identifying the attributes that correspond to those values, and setting objectives based on desired attribute states.

Freshwater objectives can be set for either freshwater quality or quantity; both may have implications for managing water quantity. For example:

- if a council identified the value 'hydro-electric power generation' as being a relevant value, it could set a freshwater quantity objective that sufficient flow will be maintained to provide for energy generation; limits on other water uses would then need to be established to meet the objective
- if a council set a freshwater quality objective for periphyton to meet the 'ecological health' value, it would be likely to require a combination of limits on both contaminants (quality) and flow (quantity) to achieve it.

The guidance under Policy A1 for establishing freshwater objectives also applies to this policy.

## **Establishing environmental flows/levels**

When setting freshwater objectives, regional councils need to consider what limits will be required to achieve the freshwater objective. A limits-based water management regime is underpinned by establishing environmental flows/levels to determine the amount that is available to be allocated efficiently to users (see the definition of environmental flows and/or levels).

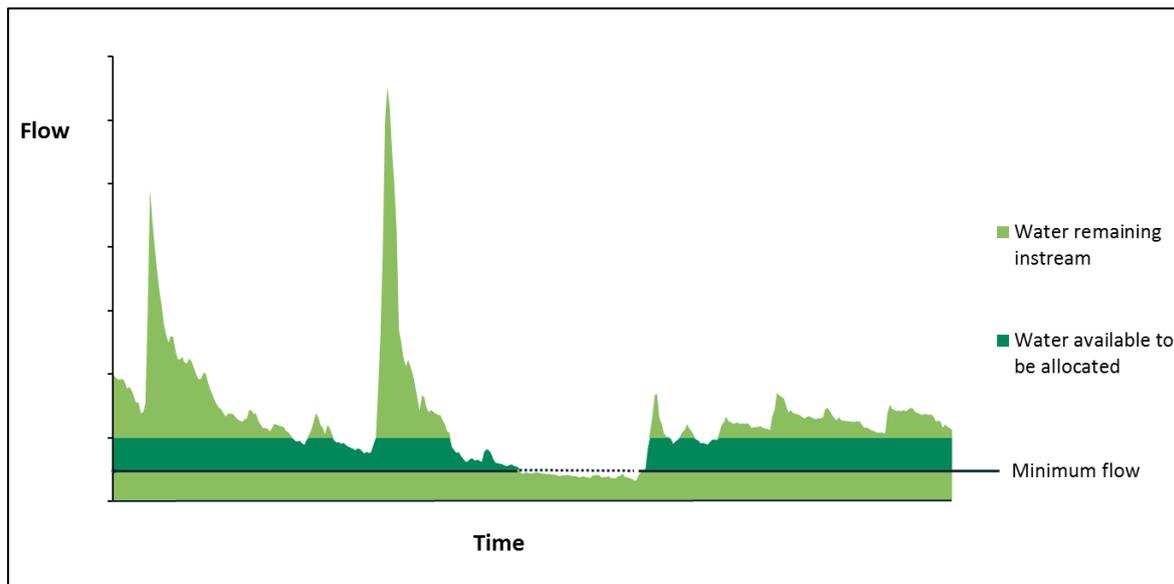
The intent of the policy is that environmental flows and levels will be set for the entire FMU, with environmental levels applying to groundwater, lakes and wetlands as appropriate. Environmental levels for groundwater may protect the integrity of the aquifer, or safeguard the ecosystems dependent on shallow groundwater (eg, in wetlands). Environmental levels for lakes may protect ecosystems dependent on lake margins. These may comprise minimum and maximum levels, and variations within a range.

Information on the flow regime (for rivers and streams) or water levels (for lakes and groundwater) should be gathered for each FMU, and environmental flows/levels established. A hydrological monitoring network should be established to provide the necessary information if not already available. This should be undertaken at a scale appropriate for the impact on the resource. In some cases modelling or estimates may be sufficient.

At a basic level, determining an environmental flow/level involves determining:

- the minimum flow/level and/or other flows/levels – the flows/levels at which the taking of water will be limited (either fully or partially)
- an allocation limit – a limit on how much water can be taken.

**Figure 4: Example of a simple environmental flow**



In practice, an environmental flow/level regime is likely to involve a range of flows/levels and allocation limits. It could involve a series of flows/levels where different levels of restriction start to apply; for example, a minimum flow at which all taking must cease, and a series of additional flows at which taking is restricted by a certain percentage (becoming more stringent as they get closer to the minimum flow) or where taking is restricted to specified permit holders.

By establishing the minimum flow/level or other flows/levels, the allocation limit(s) can be set by determining the amount of water above the minimum flow/level that could be available to be allocated for consumptive use while maintaining sufficient flow/level variability over time. For many water bodies, the patterns of flow may be important for achieving a freshwater objective. For example flushing flows are necessary to remove sediment accumulations in streams, and to maintain open gravel islands within braided rivers. Flushing flow timing may have critical effects on biodiversity (eg, on riverbird breeding success).

Environmental flow/level regimes may vary seasonally and/or spatially across an FMU (eg, along the reach of a river). They may also need to take into account hydrological modifications (eg, where a diversion results in a reduction of water in one water body and an increase in another).

The [draft guidelines on methods for determining ecological flows and water levels](#) may help in determining environmental flows to give effect to Policy B1. Other methods may be useful, depending on the circumstances, including instream flow incremental methodology (IFIM).

It is important to note that environmental flows/levels are intended to provide for all of an FMU's freshwater objectives (and all of the relevant values), not just those relating to ecological health. For

example, where freshwater objectives have been set to provide for hydro-electricity or transport/navigation, an environmental flow regime would need to ensure that sufficient water remains in the water body to enable these objectives to be met.

If insufficient information is available to establish the flow regime and environmental flows/levels when freshwater objectives and limits are being set, a precautionary approach could be taken in the short term (eg, through smaller allocation limits) while further information is gathered on the flow or water level regime across each FMU to reduce the risk of councils having to reduce individual allocations later.

## **Reasonably foreseeable impacts of climate change**

Guidance under Policy A1 also applies to Policy B1. In setting limits, it is important to consider matters that could affect the quantity of water available in an FMU, such as:

- changes in frequency and severity of droughts
- changes in frequency and severity of heavy rainfall and flushing or flooding events
- rainfall, snow and evaporation rates, which are likely to change water flows and aquifer levels, or worsen or otherwise change existing problems with availability
- sea level rise, which may affect salination and groundwater quality in some areas.

## **Connection between water bodies**

Regional councils need to have regard to the connection between water bodies when setting freshwater objectives and limits. Guidance under Policy A1 about connections between water bodies also applies to this Policy.

In the context of water quantity, having regard to the connection between water bodies is likely to involve considering how changes in one water body may affect the amount of water available to meet a freshwater objective in another water body; for example, how groundwater abstractions could affect the amount of surface water available (or vice versa), or how abstractions from a river would affect water quantity in a receiving environment. These considerations may influence the freshwater objectives and water quantity limits that are set for a particular FMU.

## **Connection between freshwater bodies and coastal water**

The NPS-FM does not apply to coastal or geothermal water. However, the connections between freshwater bodies and coastal water need to be considered when implementing this policy (see also the section of this guide dealing with Policy A1).

## Policy B2

By every regional council making or changing regional plans to the extent needed to provide for the efficient allocation of fresh water to activities, within the limits set to give effect to Policy B1.

The current “first in, first served” approach to water allocation presents challenges as the amount of water in a catchment available for allocation reduces. In some regions, a lack of clear resource limits in plans has resulted in over-allocation through the cumulative effects of individual water takes. Policy B2 aims to ensure that once limits have been set, the available resource is allocated efficiently. The intention of this policy is for allocation decisions to be made in a cohesive way through plans.

The freshwater accounting requirements of part CC will make sure the necessary information is generated (eg, all water takes, consented or otherwise, need to be accounted for if efficient allocation is going to be achieved (Policy CC1(a)).

The reference to Policy B1 in Policy B2 emphasises that allocation of fresh water must not exceed the allocation limits or breach minimum flows/levels (or other flows/levels) that have been set under Policy B1. The intent of this policy is that an allocable quantum (a total amount that can be allocated to users) is to be established within a plan. This will provide certainty to resource users on the resource that is available. Regional councils then need to allocate that water efficiently. Finer detail on consent conditions can be established through the consenting process, such as including any off-site mitigation options.

Under section 30 of the RMA, regional councils have the function of establishing rules in regional plans to allocate the taking and use of water, including the allocation of that water to types of activities. Policy B2 does not require regional councils to allocate fresh water to particular activities, but councils have the ability to do so in accordance with section 30(4)(e) of the RMA if they choose to. Efficient allocation of water will vary according to:

- regional differences in water availability
- differences in the types of activities that use or affect fresh water in a region
- the values that communities place on these activities/uses.

Regional councils with over-allocated catchments can consider options to review and reduce allocations. These include (but are not limited to):

- reallocation
- progressive reduction in the volumes of water consented to be taken over time (sinking lid)
- common review dates within the catchment.

Addressing current over-allocation is discussed further in Policy B6. Efficiency of allocation is discussed further under Objective B3.

## Policy B3

By every regional council making or changing regional plans to the extent needed to ensure the plans state criteria by which applications for approval of transfers of water take permits are to be decided, including to improve and maximise the efficient allocation of water.

Policy B3 seeks to ensure the way regional councils manage transfers of water take permits supports efficient water allocation, and, by implication, the achievement of freshwater objectives and compliance with limits. Transfers may be appropriate where the person or company undertaking an activity changes, or to allow the movement of water from one user or use to another. Shifting allocations over time recognises that fresh water may be valued differently at different times by different parties.

Regional councils are required to state in regional plans their assessment criteria for approving the transfer of water take permits. This is intended to increase certainty and remove unnecessary administrative barriers or inefficiencies.

Policy B3 is subject to the provisions of the RMA, including sections 30 and 136. For example, section 136(4)(b)(ii) requires councils to consider the matters specified in section 104, and the effects of the transfer.

Policy B3's focus on transfer is part of supporting greater uptake of consent transfers, to maximise efficient allocation. The broader area of 'dynamic efficiency' provides opportunities for new approaches in trading and transfer systems that enable appropriate consideration of both environmental and economic outcomes. For example, short consent terms may help achieve dynamic efficiency and enable regular review, but would not always be economically efficient for investment.

## Policy B4

By every regional council identifying methods in regional plans to encourage the efficient use of water.

Policy B4 is related to technical efficiency (that is, maximising the output produced from a set of resources). In the case of water this would be the proportion of water beneficially used in relation to that taken.

The reference to methods includes both regulatory and non-regulatory methods.

Examples of non-regulatory methods already used in some regions include:

- council/industry partnerships

- voluntary agreement to targets (such as percentage efficiency targets for certain land uses or municipal water supplies).

Examples of regulatory methods include:

- a different status of activity based on the level of efficiency demonstrated for the activity
- a requirement for water users to develop a conservation/efficiency plan.

Because Policy B4 requires methods to be included in regional plans, resource consents and decision-making about the use of water may be indirectly or directly affected depending on the methods included and those selected.

The freshwater accounting requirements in part CC will provide the core information required to establish whether water is currently being used (and allocated) efficiently.

## Policy B5

By every regional council ensuring that no decision will likely result in future over-allocation – including managing fresh water so that the aggregate of all amounts of fresh water in a freshwater management unit that are authorised to be taken, used, dammed or diverted does not over-allocate the water in the freshwater management unit.

Policy B5 is fundamentally important to avoiding further over-allocation as sought by Objective B2. This policy recognises a significant cause of over-allocation is the cumulative effects of multiple consent decisions, and specifically directs attention to that issue.

Policy B5 is relevant once freshwater objectives and limits have been set, as these determine the over-allocation threshold and provide clarity to resource users about how much of the resource is available. This policy aims to ensure once water quantity limits have been set, the cumulative effects of individual decisions do not exceed them. Good information on current allocations will be needed to determine whether over-allocation has occurred, or would occur if further activities are authorised. This information will be generated by the freshwater accounting requirements in part CC of the NPS-FM.

To determine if over allocation has occurred or will occur, regional councils need to account for all takes (as required by Policy CC1), whether by consented or permitted activities. Permitted activities (eg, takes for stock water, domestic use, or fire-fighting) can make up a significant quantity of cumulative takes from an FMU. Regional councils will also need to consider the effects of how water is used, dammed or diverted within the FMU, and whether this is likely to contribute to over-allocation. They need to take into account the effects of permitted land uses that may change water yield from a catchment (eg, forestry plantings) or aquifer recharging, and effects of climate change on water availability.

The use of the phrase ‘will likely result’ implies a precautionary approach to future-proof allocation decisions, so they are unlikely to result in over-allocation (for example, these decisions should take account of projected demand of increasing urban populations for drinking water).

During the consenting process, decisions about resource use should have due regard to reliable new information about the freshwater resource proposed to be used, to demonstrate the allocation limit is not exceeded. Information presented as part of the consenting process may support a change of the default limit in the particular FMU if it demonstrates the current limit does not match well to the relevant objective. However, changing the limit (or the underlying objective) will require a plan change.

This policy will result in a need for regional plan rules, and for the activity status of activities in FMUs that exceed allocation limits to be set. Existing plans containing provisions regarding over-allocation and/or cumulative effects relating to freshwater should be assessed by councils to determine if they adequately give effect to Policy B5, and must be changed if necessary.

## Policy B6

By every regional council setting a defined time frame and methods in regional plans by which over-allocation must be phased out, including by reviewing water permits and consents to help ensure the total amount of water allocated in the freshwater management unit is reduced to the level set to give effect to Policy B1.

Policy B6 seeks to reduce over-allocation where it has already occurred. This policy is relevant once freshwater objectives and limits have been set, because these determine the threshold at which over-allocation has occurred.

Regional councils are restricted in the regulatory methods that can be imposed on existing resource consents until those consents expire, or are able to be reviewed under section 128 of the RMA. Section 128 provides for review where specified in the consent (section 128(1)(a)), and where an operative regional plan sets rules for levels, flows, rates or standards and it is appropriate to review the conditions of consent to meet those rules (section 128(1)(b)). Where a review is undertaken under the terms of a review condition for a specific consent, the permissible scope of the review may be limited by that condition.

Non-regulatory methods and voluntary programmes could be implemented for existing resource consents, particularly where these do not have review conditions or it will take longer for rules to be implemented for the purpose of section 128 (1)(b).

Just as for Policy B5, over-allocation relates to all takes, uses, dams and diversions (consented or otherwise). These may include permitted activities that contribute to existing over-allocation, including land uses that affect water yield.

In giving effect to Policy B6, regional councils must determine a timeframe and methods for reducing over-allocation. This ability to set a timeframe recognises that reduction in water available for use over time (as may be necessary to reduce over-allocation) is likely to have social, environmental, cultural and economic impacts that need to be balanced.

## Policy B7 and direction (under section 55) to regional councils

By every regional council amending regional plans (without using the process in Schedule 1) to the extent needed to ensure the plans include the following policy to apply until any changes under Schedule 1 to give effect to Policy B1 (allocation limits), Policy B2 (allocation), and Policy B6 (over-allocation) have become operative:

- “1. When considering any application the consent authority must have regard to the following matters:
  - a. the extent to which the change would adversely affect safeguarding the life-supporting capacity of fresh water and of any associated ecosystem, and
  - b. the extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of fresh water and of any associated ecosystem resulting from the change would be avoided.
2. This policy applies to:
  - a. any new activity, and
  - b. any change in the character, intensity or scale of any established activity—  
that involves any taking, using, damming or diverting of fresh water or draining of any wetland which is likely to result in any more than minor adverse change in the natural variability of flows or level of any fresh water, compared to that which immediately preceded the commencement of the new activity or the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out).
3. This policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.”

### Effect of Policy B7

This transitional policy needs to be inserted into all regional plans using Section 55(2A)-(2D) of the RMA until such time as the relevant Schedule 1 processes make operative the objectives, policies, methods or other measures that give effect to Policies B1, B2 and B6 of the NPS-FM. The provisions of the plan then influence the consideration of resource consent applications. Before the transitional policy is added to the regional plan, regional councils must have regard to Policy B7 when considering an application for resource consent (section 104(1)(b)(iii)).

Policy B7 requires the regional council to consider certain matters in assessing and determining an application for consent. These are the equivalent to assessment matters or matters of control, and should be inserted into plans alongside them.

The direction that the consent authority must “have regard to” the listed matters is no stronger than the requirement of section 104 of the RMA to have regard to a number of matters, including any actual or potential effects on the environment, and the relevant provisions of the NPS-FM. This interim policy therefore draws attention to specific matters related to water quantity, and the connection between land use and water quantity over and above the more general considerations required by the RMA.

## **What Policy B7 applies to**

Policy B7 applies to consideration of applications where a resource consent for an activity is required under the current regional plan. It applies to a new activity and any change to the character, intensity or scale of any established activity that is likely to result in more than minor adverse change in the natural variability of flows or levels of fresh water.

The policy does not apply to:

- permitted activities or existing activities unless, or until, they require additional or new consents
- new consents or replacement consents for the same consented activity where there is no change in character, intensity or scale.

Policy B7 applies where regional plans need to be amended to give effect to Policies B1, B2 and B6. Where regional plans already give effect to these policies, no amendment to the plan is required – duplication is not necessary.

Policy B7 does not expressly identify the matters listed in 1(a) and (b) as matters of control or discretion; however, this is the effect of the policy. This policy does not affect activity status, and regard to the matters in Policy B7 will be within the parameters of the activity status.

The policy will operate differently depending on the activity status. For example, for controlled activities the policy will not provide a basis for refusing consent, but for a non-complying activity or discretionary activity it may. In all cases it will provide a platform for imposing conditions of consent. When Policy B7 is inserted into a plan, a council may decide to outline how it will operate in the context of the plan’s particular rules and activity status, to help avoid confusion.

## **Interim effect**

Policy B7 is an interim measure, to manage activities that adversely affect freshwater resources while regional plan changes required by the NPS-FM are implemented. The process and timeframes for setting water quantity objectives and limits may be significant for some regions, and this policy allows regional councils to consider matters so the objectives of the NPS-FM for water quantity can be achieved in the interim.

The policy requires regional councils to insert the policies directly into regional plans (without using the Schedule 1 process) as soon as practicable after 1 July 2011 (the date those policies became operative). Regional council officers, and panels or commissioners considering and determining resource consent applications lodged after 1 July 2011, need to have regard to Policy B7 under section 104(1)(b), pending the inclusion of the policy in a plan.

## 5.7 Part C. Integrated management

### Objective C1

To improve integrated management of fresh water and the use and development of land in whole catchments, including the interactions between fresh water, land, associated ecosystems and the coastal environment.

Integrated management is integral to the NPS-FM. Objective C1 recognises the connections between the use and development of land and conditions in a catchment (eg, vegetation cover, nutrient inputs, changes in soils, erosion) and the condition of freshwater systems, as well as the interactions between those systems and the receiving coastal environment.

Recognising these interactions, and managing all three elements to ensure they support each other, is an important part of recognising Te Mana o Te Wai. This objective also supports provisions of the RMA and specific functions for regional councils, including sections 30(1)(a), 30(1)(c), 30(1)(g) and 59, and functions for territorial authorities in terms of integrated management of the effects of land use in section 31(1)(a).

While the RMA clearly sets out these functions for regional councils, the objective of the NPS-FM is not just to reiterate the importance of integrated management, but to improve the integrated management of fresh water, land use and associated interactions. The baseline and measure for improvement will be set through regional councils assessing their own regional situation, approaches and provisions to give effect to Policies C1 and C2. Regional policy statements and plans already contain freshwater, land-use and integrated management provisions. Councils will need to assess these provisions to determine whether they adequately reflect Objective C1 (see Policy C2).

Policy 4 in the NZCPS 2010 is also relevant to the implementation of Objective C1. A 2009 study by NIWA<sup>12</sup> highlights the significance of fresh water inputs to estuaries.

Regional councils and territorial authorities will need to work together to determine how their respective plans will achieve Objective C1. Objective C1 is relevant for territorial authorities in consent decision-making for land use and subdivision, particularly considering the effects of these on freshwater quality and water yields (eg, the effects of residential development in terms of stormwater generation).

Policies C1 and C2 do not require territorial authorities to amend plans, but this may be necessary to ensure district plans give effect to amended regional policy statements and are not inconsistent with regional plans. Objective C1 will be relevant to city and district councils when they undertake district plan reviews to give effect to relevant direction in the regional policy statement and to exercise their function for integrated management under section 31(1).

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<sup>12</sup> NIWA, 2009. A review of land-based effects on coastal fisheries and supporting biodiversity in New Zealand. *New Zealand Aquatic Environment and Biodiversity Report No. 37*.

# Policy C1

By every regional council managing fresh water and land use and development in catchments in an integrated and sustainable way, so as to avoid, remedy or mitigate adverse effects, including cumulative effects.

The focus of Policy C1 is on improving planning rather than managing effects through consenting. Coordination and collaboration between regional councils and territorial authorities during regional and district planning processes will assist councils to give effect to Policy C1.

A catchment management approach is envisaged by the policy to manage the interactions between land and water. Policy C1 emphasises the need for integration between the management of land and water, as well as the coastal environment. Regional councils are the lead agencies and should use all mechanisms available under the RMA to achieve this.

Improved integrated management of land use, water quality and quantity is expected under Objective C1, along with integration with the management of the coastal environment. This will require a council to look at the way it can manage land-use impacts on water quality and quantity. This may include:

- nutrient limits
- management of impervious surfaces
- management of stormwater
- management of erosion and sediment input
- management of land uses that alter water yield (eg, vegetation cover that may influence absolute quantity of or seasonal variation).

Improving integrated management will require integration with territorial authority management of land use (eg, rural activity conversions and residential development or earthworks that may affect freshwater quality). Integration and consistency of approach across different regional and territorial planning instruments and programmes is required.

Policies 4, 22 and 23 of the New Zealand Coastal Policy Statement 2010 (NZCPS) are relevant in determining an approach to improving integrated management within the coastal environment. Policy 4 of the NZCPS 2010 requires councils to provide for integrated management in the coastal environment and for activities that affect the coastal environment. Policies 22 and 23 require consideration of the impact of land use on coastal water and consideration of the integrated management of catchments and stormwater networks.

These policies of the NZCPS 2010 apply to the same water bodies and subject matter as the NPS-FM, and both need to be considered and given effect. Coordinated implementation of both documents by councils will be required, and it is not expected the policies of the NZCPS 2010 will result in different approaches to integrated management in the coastal environment. Rather, councils need to specifically have regard to certain matters in managing land use and development, such as considering management of sediment loading and stormwater.

## Policy C2

By every regional council making or changing regional policy statements to the extent needed to provide for the integrated management of the effects of the use and development of:

- a) land on fresh water, including encouraging the coordination and sequencing of regional and/or urban growth, land use and development and the provision of infrastructure; and
- b) land and fresh water on coastal water.

Policy C2 reinforces the existing function of regional councils in section 30 of the RMA, by requiring regional policy statements to specifically provide for the integrated management of land use and fresh water, and the effect of these on coastal water.

As with Objective C1, this policy recognises:

- the relationship between land use and fresh water, and their effects on coastal water
- the role of regional councils in managing land use
- the relationship between management of land use, water and provision of infrastructure (all types), and the need to plan at a regional level.

It also requires integration with territorial authority management of land use and provision of infrastructure.

Regional councils will need to assess their regional policy statement to ensure it provides for integrated management to the extent outlined in Policy C2.

Policies 4, 6, 22 and 23(4)(C) of the NZCPS 2010 are relevant in implementing Policy C2 in the coastal environment. Policy 4 requires councils to coordinate management and control of activities that cross administrative boundaries, and to work collaboratively with other agencies. Similarly to Policy C1, it relates to some of the same locations and subject matter as the NZCPS 2010 policies. This reinforces the coordinated and collaborative approach between regional councils and territorial authorities anticipated under Policy C1 of the NPS-FM, rather than creating a different approach to integrated management in the coastal environment.

## 5.8 Part CA. National Objectives Framework

### Objective CA1

To provide an approach to establish freshwater objectives for national values, and any other values that:

- a) is nationally consistent; and
- b) recognises regional and local circumstances.

#### Origins of the policy

The National Objectives Framework (NOF) originated from the Land and Water Forum recommendations for a national framework for setting freshwater objectives.<sup>13</sup> This recommendation was further developed by the National Objectives Framework Reference Group (NOFRG), expert science panels, and officials (in discussion with the Iwi Leaders Group) into the NOF.<sup>14</sup> The NOF is made up of the objectives and policies in part CA, and is supported by the tables in Appendices 1 and 2.

The requirements in Policy CA2(f) come from the Land and Water Forum recommendation that the process for setting freshwater objectives should be undertaken together with the consideration of strategies, methods and timelines for achieving them. The Land and Water Forum recommended the process of assessment and deliberation should be repeated to evaluate different scenarios (objectives, limits, methods and timelines), to achieve a clear understanding of the options including their achievability, costs, benefits and consequences.<sup>15</sup>

The Land and Water Forum also recommended that:

- criteria for applying exceptions to national objectives should include the inability to meet a minimum state objective due to the natural conditions of a water body<sup>16</sup>
- central and regional governments should, when setting freshwater state objectives, consider the constraints in significantly hydrologically altered catchments<sup>17</sup>
- the Government should consider further work to recognise the benefits of significant infrastructure.<sup>18</sup>

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<sup>13</sup> Recommendations 4, 5, 12, [Second Report](#)

<sup>14</sup> An explanation of the process for developing the NPS-FM, and descriptions of the groups involved, are available on the [Ministry for the Environment's website](#).

<sup>15</sup> Recommendation 4, [Third Report](#)

<sup>16</sup> Recommendation 7, [Second Report](#)

<sup>17</sup> Recommendation 10, [Second Report](#)

<sup>18</sup> Recommendation 48, [First Report](#)

## **Policy intent and implementation**

Policy A1 requires regional councils to establish freshwater objectives for all FMUs. The process for setting freshwater objectives is contained in part CA.

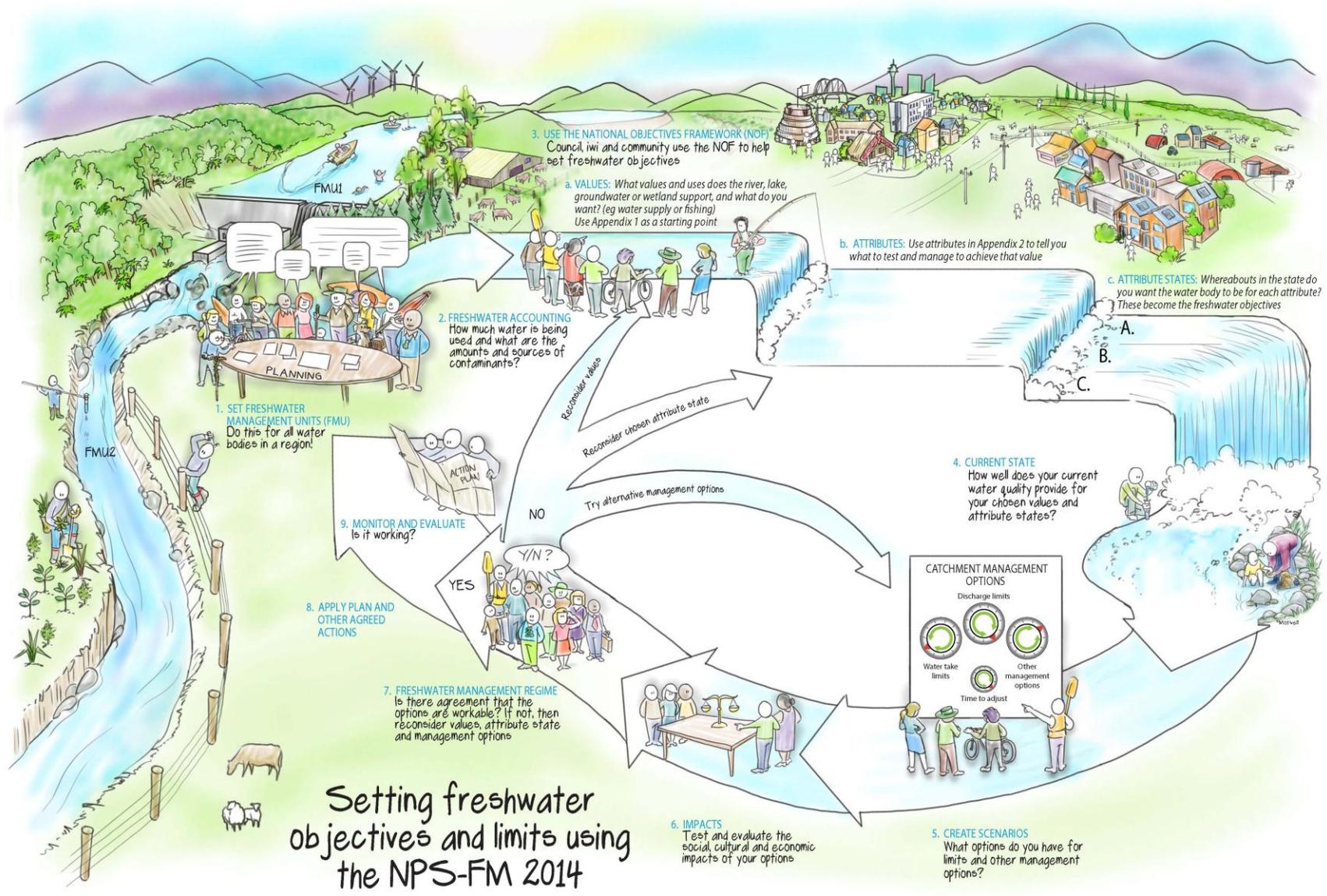
Objective CA1 provides a nationally consistent approach to setting freshwater objectives, but with flexibility for recognising regional circumstances. Supported by Policies CA1-4, it provides an approach to setting freshwater objectives which relate to achieving national values as well as any other values that tāngata whenua and the community desire for their freshwater bodies. The national and local values for fresh water should drive the freshwater objective-setting process. The values tables in Appendix 1, and the attributes tables in Appendix 2 of the NPS-FM, provide the link between national values and the attributes from which freshwater objectives must be derived. Setting freshwater objectives for attributes in addition to the ones listed in Appendix 2, and for values other than the ones listed in Appendix 1, is likely to also be necessary.

## **An overview of freshwater objective-setting**

Policy CA1 requires every regional council to set FMUs for all freshwater bodies within the region. Policy CA2 outlines the process for setting freshwater objectives and the matters to consider when doing so. The tables in Appendices 1 and 2 of the NPS-FM provide a selection of values and attributes to use when setting freshwater objectives. Councils have the flexibility to set their own attributes from which to develop freshwater objectives that are appropriate for their regional and local circumstances in addition to the attributes in Appendix 2.

Figure 5 provides an overview of how the objective-setting process (set out in Policies CA1-CA4) could work in practice, and how this process feeds into the development of limits and methods (under Parts A and B of the NPS-FM) and the requirement for monitoring progress towards freshwater objectives (under Part CB). As the diagram illustrates, the planning process is likely to be iterative. It is likely to involve considering a number of different scenarios, each made up of a combination of measures.

Figure 5: Overview of the freshwater objective and limit setting process under the NPS-FM



## Policy CA1

By every regional council identifying freshwater management units that include all freshwater bodies within its region.

Regional councils must ensure that all freshwater bodies in a region are included within FMUs.

An FMU may include a single freshwater body, part of a freshwater body, or a group of freshwater bodies (see the definition of FMUs in section 4 of this guide). It may contain hydrologically connected water bodies, or it may consist of a group of hydrologically similar, but disconnected, water bodies.

Policy CA2(f)(ii) requires regional councils to consider the spatial scale at which freshwater management units are defined. The scale of the FMU needs to be appropriate for objective and limit-setting, freshwater accounting, and monitoring. An FMU should not be set at too large a scale, which may prevent the setting of freshwater objectives that are specific enough to be effective. Equally, an FMU should not be set at too small a scale, which may result in undue complexity and cost in the planning process or in the management of the FMU.

Although by definition FMUs are made up of water bodies (or parts of water bodies), the management of fresh water is inherently linked to the management of the land that feeds into it (ie, the catchment that supplies the freshwater body). For example, the management of freshwater quality will involve the management of discharges from the surrounding land area. Therefore, councils should consider the surrounding land use and any recharge areas affecting the freshwater body/bodies when establishing FMUs. In this way, setting FMUs also links with the requirement in part C of the NPS-FM to manage freshwater in conjunction with the use and development of land in whole catchments.

Setting FMUs may be influenced by the values and freshwater objectives that are likely to be set. This means that:

- it may be appropriate to involve iwi and hapū, water users and the community in the setting of FMUs
- it may be necessary to revisit decisions about FMUs throughout the process of determining values and freshwater objectives.

## Policy CA2

By every regional council applying the following processes in developing freshwater objectives for all freshwater management units:

- a) considering all national values and how they apply to local and regional circumstances;
- b) identifying the values for each freshwater management unit, which
  - i. must include the compulsory values; and
  - ii. may include any other national values or other values that the regional council considers appropriate (in either case having regard to local and regional circumstances);
- c) identifying:
  - i. for the compulsory values or any other national value for which relevant attributes are provided in Appendix 2:
    - A. the attributes listed in Appendix 2 that are applicable to each value identified under Policy CA2(b) for the freshwater body type; and
    - B. any other attributes that the regional council considers appropriate for each value identified under Policy CA2(b) for the freshwater body type; and
  - ii. for any national value for which relevant attributes are not provided in Appendix 2 or any other value, the attributes that the regional council considers appropriate for each value identified under Policy CA2(b) for the freshwater body type;
- d) for those attributes specified in Appendix 2, assigning an attribute state at or above the minimum acceptable state for that attribute;
- e) formulating freshwater objectives:
  - i. in those cases where an applicable numeric attribute state is specified in Appendix 2, in numeric terms by reference to that specified numeric attribute state; or
  - ii. in those cases where the attribute is not listed in Appendix 2, in numeric terms where practicable, otherwise in narrative terms; and
  - iii. on the basis that, where an attribute applies to more than one value, the most stringent freshwater objective for that attribute is adopted; and
- f) considering the following matters at all relevant points in the process described under Policy CA2(a)-(e):
  - i. the current state of the freshwater management unit, and its anticipated future state on the basis of past and current resource use;

- ii. the spatial scale at which freshwater management units are defined;
- iii. the limits that would be required to achieve the freshwater objectives;
- iv. any choices between the values that the formulation of freshwater objectives and associated limits would require;
- v. any implications for resource users, people and communities arising from the freshwater objectives and associated limits including implications for actions, investments, ongoing management changes and any social, cultural or economic implications;
- vi. the timeframes required for achieving the freshwater objectives, including the ability of regional councils to set long timeframes for achieving targets; and
- vii. such other matters relevant and reasonably necessary to give effect to the objectives and policies in this national policy statement, in particular Objective A2.

Policy CA2 provides the process for developing freshwater objectives, which involves:

- identifying the values that apply to an FMU
- identifying the attributes that need to be managed to provide for those values
- formulating freshwater objectives, which express a desired environmental outcome in relation to the attribute being managed.

The freshwater objectives formulated using this process form the basis for determining limits and targets (as required by Policies A1, A2 and B1).

Parts (a) to (e) of Policy CA2 direct the steps that must be taken to formulate freshwater objectives. Part (f) lists the matters that must be considered throughout the objective-setting process. The parts of Policy CA2 are explained further in the following sections.

## **Consider all national values**

Part (a) requires regional councils to consider all the national values in Appendix 1 that might apply within a region, and might apply to particular FMUs. This will, at the very least, involve application of the compulsory national values to each FMU and consideration of the additional national values listed in Appendix 1 of the NPS-FM.

This consideration will need to involve input from iwi and hapū as required by Part D, as a way of ensuring that tāngata whenua values are identified. It should also involve input from water users and the wider community, to ensure that councils are aware of the extent to which national values are relevant locally.

## Identify relevant values

Part (b) requires regional councils to determine the relevant values for each FMU. These values will include:

- both of the compulsory national values in Appendix 1 (ecosystem health and human health for recreation)
- any other national values chosen from Appendix 1 that the council considers appropriate
- any other locally specific values or uses of fresh water that are not listed in Appendix 1 but are considered appropriate by the council.

As above, this would need to involve local iwi and hapū, to ensure tāngata whenua values are identified and reflected (as required by Policy D1(b)), and should involve the wider community to ensure that the full range of locally held values is identified. Identifying tāngata whenua and community values, and providing for them through setting objectives and limits, is an important part of recognising Te Mana o te Wai in the management of fresh water.

Good practice would be to identify the values in the regional policy statement and/or the regional plan, including where and when and to what level they apply across a catchment.

Through identifying relevant values, a council may identify specific values that are sufficiently outstanding to warrant the FMU being designated an outstanding freshwater body. Recognising a freshwater body as being outstanding places an obligation on the council to select freshwater objectives that would protect those significant values (as described in relation to Objective A2).

## Identify attributes

Part (c) requires regional councils to identify relevant attributes that need to be managed for the values identified under part (b) of this policy.

To provide for the values that have been identified, various aspects of the freshwater environment need to be managed. Appendix 2 of the NPS-FM identifies some attributes that need to be managed for the compulsory values in Appendix 1. These attributes must be used for the compulsory values, and may also be relevant to other values identified for an FMU.

Each attribute table in Appendix 2 specifies the type of water body the attribute applies to. The attributes apply to either rivers, lakes, or both, while some water body types (eg, groundwater and wetlands) have no attributes included in Appendix 2 for any national value. The attributes in Appendix 2 must be used where applicable (that is, where the identified value has attribute(s) for that type of water body in Appendix 2).

Appendix 2 is not an exhaustive list. It does not yet include:

- all the attributes that will be necessary to provide for the compulsory values
- any attributes for the additional national values (although it is possible that some of the attributes associated with the compulsory values may also be relevant for the additional national values).

Although work is ongoing to populate Appendix 2 with further attributes, it is unlikely that it will include every attribute that is applicable to every possible value a regional council might choose. Where relevant attributes for the chosen values are not provided in Appendix 2, regional councils

must establish these attributes for themselves. When setting additional attributes, councils should ensure they:

- are relevant to the value (ie, they contribute to, or indicate that the value is being provided for)
- are relevant to the water body type
- support and justify the setting of limits and management actions.

Once additional attributes have been added to Appendix 2 through further amendments to the NPS-FM, it is possible that regional councils may need to revisit freshwater objectives that have been set in the interim, to ensure they are above minimum acceptable states.

## **Assign an attribute state**

Part (d) requires regional councils to select a desired state for any relevant attribute listed in Appendix 2. The attribute state indicates the degree to which values are provided for.

Each attribute in Appendix 2 has four attribute states. 'A' indicates high or excellent water quality, and 'D' indicates unacceptably low or poor water quality which is insufficient to provide for the corresponding value. The attribute state selected must be at or above the minimum acceptable state for that attribute (that is the bottom of 'C' state or higher). 'D' state indicates the value is not sufficiently being provided for or achieved, and objectives cannot be set in this state (although existing water quality may be in 'D' state when objective-setting begins).

The state descriptions are intended to help communities understand what different choices for freshwater quality objectives would mean on the ground. They are intended to enable informed discussion of the choices around setting freshwater objectives at different levels of water quality, relative to the current state. Whatever attribute state a council chooses, the decision must be transparent in terms of the possible attribute states to choose from and the impacts of those choices on the values agreed by the community. The matters to consider under part (f), explained later in this section, are particularly relevant at this point in the process.

Each attribute state corresponds to a scientifically-determined range of effects. This means, for example, that when discussing what is desired for a local river for periphyton, people involved in the planning process can express their desired state as "no more than occasional blooms" rather than discussing it in terms of a number such as "80 mg of chlorophyll-a per square metre".

Figure 6 (below) shows an example of the available narrative and numeric attribute states for the Total Phosphorus (trophic state) attribute for lakes.

**Figure 6: Attribute states for the Total Phosphorus (trophic state) attribute for lakes**

VALUE	ATTRIBUTE	NARRATIVE ATTRIBUTE STATE		NUMERIC ATTRIBUTE STATE
Ecosystem health	Total phosphorus (trophic state)	A	Lake ecological communities are healthy and resilient	Up to 10 mg/m <sup>3</sup>
		B	Lake ecological communities are slightly impacted	>10 to 20 mg/m <sup>3</sup>
		C	Lake ecological communities are moderately impacted	>20 to 50 mg/m <sup>3</sup>
		D	Lake ecological communities have undergone or are at high risk of a regime shift to a persistent, degraded state	More than 50 mg/m <sup>3</sup>

National bottom line: 50 mg/m<sup>3</sup>

The different attribute states reflect changes in water quality and (in some cases) represent clear lines between pristine, slightly impacted, and impacted but acceptable. The ‘D’ state is not acceptable, and unless Policy CA3 applies, regional councils will need to plan to improve water quality in these areas.

Selecting an attribute state should start from the basis of current water quality (with consideration given to lag times and their likely effect on water quality in the future) and be consistent with the requirement under Objective A2 to maintain or improve overall water quality. The community may decide to maintain their current level of water quality, which may be at a point within the ‘C’ state, with no change to their resource use, or they may decide they want an aspirational freshwater objective and to improve water quality to a point within the ‘B’ state. This will have consequences in terms of limits set, the methods to achieve the improvement in water quality, and the amount of resource use available as a result. Councils will need to consider the impacts of this.

In the context of the requirement to maintain or improve overall water quality (Objective A2) there may be situations where a community chooses a state lower than the current state for one particular attribute (although not below the bottom line unless Policy CA3 or CA4 apply), provided any degradation in water quality is met with at least a proportionate improvement to ensure water quality is maintained or improved (even if a proposed decrease is small (eg, going from one point in the ‘C’ state to a lower point in the ‘C’ state)).

Where a council identifies an attribute that is not covered in Appendix 2, there is no requirement to determine a set of attribute states before setting freshwater objectives; however doing so may be a useful way to guide community discussions about the possible levels at which to set freshwater objectives.

**Formulate freshwater objectives**

Part (e) directs regional councils to formulate freshwater objectives. The NPS-FM requires freshwater objectives to be set for all FMUs (which will include all freshwater bodies in a region). At the very least, regional councils must set freshwater objectives for the attributes in Appendix 2 associated with the compulsory national values ‘ecosystem health’ and ‘human health for recreation’ in Appendix 1. Further attributes for rivers and lakes will be required in addition to those provided in

Appendix 2 to ensure ecosystem health is maintained, and councils will need to establish attributes for other water body types (eg, wetlands and groundwater).

Regional councils may also consider it appropriate to set freshwater objectives:

- associated with the non-compulsory national values in Appendix 1, for which no attributes are currently provided in Appendix 2, or
- for other values identified under CA2 (b)(ii) that are not listed in Appendix 1.

The policy requires that where an applicable numeric state is provided in Appendix 2, the corresponding freshwater objective must be expressed in numeric terms by reference to the specific numeric attribute state. The NPS-FM provides flexibility about whether the freshwater objective is written either as a single point within the range provided for the attribute state, or as a range.

Where there are no attributes listed in Appendix 2, the council must formulate freshwater objectives using whatever other attributes it considers to be appropriate. In addition to biophysical characteristics (eg, attributes relating to trophic state, toxicants and chemical composition like the ones provided in Appendix 2), freshwater objectives may need to be set for other characteristics of the freshwater resource (eg, cultural or social) to provide for the full range of values identified as being locally relevant.

Freshwater objectives should be specific and measurable enough that they allow effective limits to be justifiably set. Wherever practicable, freshwater objectives should be expressed in numeric terms (eg, by numerically specifying the maximum concentration of a contaminant), or if this is not practicable, they may be expressed in narrative terms that describe the desired outcome that the state will provide for (eg, specifying that a contaminant will be at a concentration that allows for a specific outcome, without specifying what that concentration is). Narrative freshwater objectives should be as specific and measurable as possible. Numeric freshwater objectives, or specific and measurable narrative objectives, will make it easier to set limits and monitor progress towards freshwater objectives.

Water quality is likely to vary to some extent both across an FMU (spatially) and through seasonal variation (temporally). Progress towards freshwater objectives will be monitored at representative sites, and will need to recognise the importance of long-term trends, as required by Policy CB1.

## **Matters to consider when formulating freshwater objectives**

Part (f) requires that as regional councils go through the process of establishing freshwater objectives, they consider all the matters listed in Policy CA2(f) i-vii.

### ***Policy CA2(f)(i)***

This policy requires regional councils to consider both:

- the current state of the FMU
- the anticipated future state (based on past and current resource use, both consented and actual).

This is to establish and take into account any lag effects from historic land use and/or additional loads anticipated as a result of current use. Best practice would also include considering the impact of any currently planned or consented future use, even if this is not being fully exercised.

Knowing the current state is essential when considering the level at which to set freshwater objectives. The current state of the FMU is relevant to Objective A2, which requires that overall water quality in a region is maintained or improved. The current state is also relevant in choosing the attribute state that will become the freshwater objective.

#### ***Policy CA2(f)(ii)***

This policy requires councils to consider the spatial scale at which each FMU is defined. In particular, councils should consider how the spatial scale will affect the values chosen and the freshwater objectives that are set. Further guidance on FMUs is provided in the section of this guide dealing with Policy CA1.

#### ***Policy CA2(f)(iii)***

This policy requires councils to consider the limits that may be required. The consideration of limits will depend on the values chosen and the level of the attributes needed to provide for those values. Establishing limits will draw on the information generated from freshwater accounting and the requirements of part B – particularly Policy B1 regarding setting environmental flows. Establishing the current state and anticipated future state will help regional councils identify appropriate allocation and methods needed to achieve the freshwater objective. The limit-setting process will need to be iterative to allow fully informed choices before decisions are made, taking into account the consequences of setting freshwater objectives and limits at certain levels (see Policy CA2 (f)(v)).

#### ***Policy CA2(f)(iv)***

This policy requires balancing value choices where those choices would result in incompatible freshwater objectives, and establishing limits to achieve those values. In practice a single attribute cannot be managed to two different levels in the same place simultaneously; therefore where two different values use the same attribute for the same location, the more stringent of the two freshwater objectives will be the one that needs to be achieved through limits and methods.

In considering all the potential values communities may hold for water bodies in a region, councils will need to balance the competing uses for fresh water and how each use may impact on any intrinsic values.

Councils will need to ensure the objectives they set to provide for one value do not conflict with the objectives they set for another value. For example, reflecting the national value of ‘natural form and character’ may require establishing freshwater objectives that conflict with the objectives required to reflect the value ‘hydro-electric power generation’. In this case, a council would need to arrive at an agreed balance between the levels to which each value will be provided for (bearing in mind that any freshwater objectives must be set at or above national bottom lines and give effect to Objectives A1 and A2).

#### ***Policy CA2(f)(v)***

This policy requires the implications arising from potential freshwater objectives and limits to be considered. Councils will need to consider possible scenarios, and this must be in the context of social, cultural and economic effects on resource users, people and communities. Councils will have considered environmental implications in determining the environmental flows under Policy B1, and by developing freshwater objectives and limits which give effect to the objectives of the NPS-FM, as required by Policy A1.

The freshwater objectives written in a regional plan should be the result of an iterative process that considers the value(s), attribute states, the limits needed, and the effect those limits will have. The intention is that this occurs throughout the planning process. It should be done in a way that provides relevant information to help communities make informed decisions on freshwater objectives and limits.

For example, a community may initially decide they want a freshwater objective set at the 'A' state. However, when the limits to achieve this are determined it may become evident this will have a significant effect on current land use and businesses in the area. The community might agree that the effects are too great, and decide that a 'B' state is acceptable. However, any freshwater objective chosen must still give effect to Objective A2 requiring water quality to be maintained or improved overall.

#### ***Policy CA2(f)(vi)***

An important consideration when setting freshwater objectives is an appropriate timeframe for meeting the freshwater objectives (where they are not already met) and/or a timeframe to meet limits, particularly any targets set under Policy A2. Policy CA2(f)(vi) reminds regional councils they have the ability to use long timeframes to achieve target limits. This is relevant where aspirational freshwater objectives have been set, where there will be significant lag times for nutrients in an FMU, or where existing water quality is below a national bottom line.

#### ***Policy CA2(f)(vii)***

Policy CA2 (f) (vii) instructs regional councils to consider any other matters reasonably necessary to give effect to the objectives and policies in the NPS-FM, in particular the requirement to maintain or improve overall water quality within a region (Objective A2). This includes matters necessary to give effect to:

- the requirement to safeguard life-supporting capacity and human health (Objective A1)
- provisions around integrated management of land and water bodies (Part C) and the involvement of iwi and hapū (Part D).

As required by Policies A1 and B1, regional councils need to set freshwater objectives having regard to:

- the reasonably foreseeable impacts of climate change
- the connection between water bodies, including effects of groundwater where it affects or directly feeds into surface freshwater bodies (and vice versa)
- connections between fresh water and coastal water.

## Policy CA3

By every regional council ensuring that freshwater objectives for the compulsory values are set at or above the national bottom lines for all freshwater management units, unless the existing freshwater quality of the freshwater management unit is already below the national bottom line and the regional council considers it appropriate to set the freshwater objective below the national bottom line because:

- a) the existing freshwater quality is caused by naturally occurring processes; or
- b) any of the existing infrastructure listed in Appendix 3 contributes to the existing freshwater quality.

National bottom lines represent the minimum acceptable standard of water quality for the attributes associated with the two compulsory national values. National bottom lines are minimum acceptable states; they are not targets.

Objective A2 requires that overall water quality within each region is maintained or improved. Therefore, regional councils are expected to set freshwater objectives that generally reflect existing water quality or better. Limited balancing of particular aspects of water quality is acceptable, although not to the extent that any aspect of water quality of any FMU would be managed to be below a national bottom line or to a point where it failed to safeguard life-supporting capacity or human health.

National bottom lines will only be a matter for consideration if the current water quality is below a bottom line or trending towards it. Freshwater objectives must be set above the bottom lines. If water quality for a compulsory value attribute is currently below a bottom line (or trending that way), it must be improved over time to achieve a freshwater objective above the bottom line.

However, Policy CA3 allows for two situations in which a regional council can choose to set a freshwater objective below a national bottom line:

- where water quality is below a national bottom line due to naturally occurring processes (Policy CA3(a))
- where water quality is below a national bottom line due to infrastructure listed in Appendix 3 of the NPS-FM (Policy CA3(b)).

These two situations are discussed in more detail in the sections below.

While Policy CA3 allows regional councils to set freshwater objectives below a bottom line, it does not require them to do so. A council is still required to consider the matters specified in Policy CA2(f) before it sets an objective in a regional plan, and must follow both the process set out in the NPS-FM and the process set out in Schedule 1 of the RMA. Councils need to consider the most appropriate freshwater objectives for the FMUs in their region, and need to consider the implications for integrated and collaborative catchment management, including for upstream and downstream catchment communities.

Where a council chooses to set a freshwater objective below a bottom line under Policy CA3(a) or (b), the requirement to maintain or improve overall water quality (Objective A2) still applies. Policies CA3(a) and (b) allow for a council to set a freshwater objective below a national bottom line, but they

do not allow for water quality to decline relative to its current state unless that decline is offset by freshwater objectives to achieve a commensurate improvement.

Likewise, the ability to set a freshwater objective below a national bottom line does not exempt a council from giving effect to any of the other, broader objectives in the NPS-FM. For example, where a freshwater objective is set below a national bottom line for a specific attribute, the other freshwater objectives for the FMU must still be set at levels that are sufficient to safeguard the life-supporting capacity, ecosystem processes, and indigenous species (including their associated ecosystems) of freshwater.

## **Naturally occurring processes**

The first situation is where water quality is below a national bottom line due to naturally occurring processes (Policy CA3(a)). These are defined in the NPS-FM as processes that could have occurred in New Zealand before the arrival of humans (eg, where nesting birds adjacent to a water body might cause high *E. coli* concentrations or volcanic/geothermal activity resulting in low pH, high temperature or heavy metals in the water).

Decisions on whether to set a freshwater objective below a national bottom line due to naturally occurring processes will be made through the regional plan development process.

## **Existing infrastructure listed in Appendix 3**

Policy CA3(b) allows for a freshwater objective to be set below a national bottom line in a FMU that contains infrastructure listed in Appendix 3, where the infrastructure is contributing to the existing water quality being below a national bottom line.

This policy is intended to be used in limited situations, and applies to FMUs that do not meet bottom lines, due (completely or in part) to effects of existing infrastructure.

It is intended that Appendix 3 will be populated with a list of infrastructure for the purposes of Policy CA3(b). Adding eligible infrastructure to Appendix 3 will require a further amendment to the NPS-FM, which will follow the process outlined in the RMA for amending a national policy statement, including public consultation.

Once infrastructure is listed in Appendix 3, councils have the ability to set a freshwater objective below a national bottom line for an FMU if the criteria in Policy CA3 are met.

A council would need to both:

- determine whether the existing freshwater quality of the FMU is already below any national bottom line
- demonstrate that any of the existing infrastructure listed in Appendix 3 is contributing to the existing water quality being below a national bottom line.

These two steps (determining the current state of water quality, and identifying the reasons for that state) are important steps in the objective and limit-setting process in any FMU, regardless of whether infrastructure exists which is listed in Appendix 3. These parts of the planning process can continue in the absence of a populated Appendix 3.

If an FMU contains infrastructure listed in Appendix 3, this does not automatically guarantee that it will have freshwater objectives set below national bottom lines – the choice of whether or not to

apply Policy CA3(b) for a particular FMU rests with the council. Input from iwi and hapū, water users (including infrastructure owners) and the wider community will be important.

When considering whether to set a freshwater objective below a bottom line under Policy CA3(b), a council could also consider whether to instead set a freshwater objective:

- above a bottom line using targets over a specified timeframe to achieve the objective
- below a bottom line on a transitional basis under Policy CA4 by having the FMU added to Appendix 4 of the NPS-FM.

If a regional council considers that infrastructure exists in an FMU that may justify setting a freshwater objective below a bottom line, or wants to ensure the full range of options is presented to the community, it may choose to defer setting objectives for that FMU until national decisions have been made about populating Appendix 3.

The requirement to complete an evaluation under section 32 of the RMA will form an important part of documenting the decision points and trade-offs the council has considered regarding whether to set a freshwater objective below a bottom line under Policy CA3.

## Policy CA4

A regional council may set a freshwater objective below a national bottom line on a transitional basis for the freshwater management units and for the periods of time specified in Appendix 4.

Currently, there are no FMUs specified in Appendix 4. If a regional council or a community wish to set a freshwater objective below a national bottom line on a transitional basis for a particular FMU, an amendment to the NPS-FM would need to be made by the Government.

This policy provides a mechanism to allow a regional council to approach and request that the Minister for the Environment amends the NPS-FM to populate Appendix 4 so a freshwater objective may be temporarily set below a bottom line in a regional plan.

Best practice would be for councils to make the decision to seek this transitional period with community input and/or consultation, as part of a council's plan preparation.

The water body and time period would be specified in Appendix 4 through the amendment to the NPS-FM. The Government would consult publically on the proposed transitional period, using the process specified under the RMA for amending an NPS, before a final decision is made by the Minister for the Environment. The length of any transitional period and the area to which it applies would be decided on a case-by-case basis.

A transitional period might be used if a council considers the interventions needed to manage a water body to a level above the bottom line would place an unmanageable burden on their community; or if the scientific information, methods or technology are not currently available to determine realistic timeframes for meeting a national bottom line. A council may decide it wants to maintain water quality at current levels for a period (but halt further degradation), or make progress towards the national bottom line according to what is achievable with existing management options.

The transitional period would allow the community time to test and refine approaches to improve water quality in the FMU, and to work out what needs to be done to meet bottom lines. The transitional timeframe would provide reassurance to the community that water quality improvements will not be delayed indefinitely, but are not expected to occur at the expense of livelihoods, particularly if the effectiveness or total cost of the changes is uncertain.

During any transitional period the requirement to maintain or improve overall water quality within a region would still apply. At (or before) the end of the specified transitional period, a new freshwater objective would need to be set in a regional plan. This would need to follow the Schedule 1 public consultation process described in the RMA, and the freshwater objective would need to be set at or above the national bottom line unless a further transitional period is allowed through an additional amendment to the NPS-FM.

## 5.9 Part CB. Monitoring Plans

### Objective CB1

To provide for an approach to the monitoring of progress towards, and the achievement of, freshwater objectives.

#### Policy origins

The monitoring requirements in the NPS-FM stem from the recommendations of the Land and Water Forum. The Forum recommended regional councils should monitor and review the achievement of freshwater objectives and limits.<sup>19</sup>

#### Policy intent and implementation

It is important to have appropriate monitoring systems in place to measure progress towards the freshwater objectives. This monitoring information will help councils to understand whether the community's values for fresh water are being provided for.

The information obtained from monitoring will contribute to meeting (but is unlikely to completely fulfil) the requirements to account for relevant contaminants under part CC of the NPS-FM.

Information from monitoring will contribute to future decision-making. Monitoring results can be used to inform revisions of freshwater objectives or limits when the regional plan is reviewed. For example, if monitoring shows that progress towards freshwater objectives is slower than planned, then more stringent limits may need to be set.

Part CB of the NPS-FM is not intended to result in duplication of current monitoring regimes. Regional councils can use existing monitoring sites, as long as there are sufficient representative site(s) for each FMU. Long-term data will be essential in setting freshwater objectives and limits.

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<sup>19</sup> Recommendation 8, [Third Report](#)

# Policy CB1

By every regional council developing a monitoring plan that:

- a) Establishes methods for monitoring progress towards, and the achievement of, freshwater objectives established under Policies CA1-CA3;
- b) Identifies a site or sites at which monitoring will be undertaken that are representative for each freshwater management unit; and
- c) recognises the importance of long-term trends in monitoring results.

## Establishing methods

Policy CB1(a) requires regional councils to have a monitoring plan that will track progress toward and achievement of freshwater objectives. Where not already being undertaken, regional councils should begin monitoring the attributes in Appendix 2 as soon as practicable. This is because setting some freshwater objectives (eg, periphyton) requires several years of data before the current state can be established. In many cases, councils may already have long-term monitoring data that can contribute to establishing the current state. Monitoring freshwater objectives should continue in a way that takes into account existing monitoring where suitable, and makes use of any existing long-term data.

It would be good practice to develop a monitoring plan as part of the process for determining freshwater objectives. This will help to ensure that any new objectives (those not included in Appendix 2) are sufficiently measurable, and that the method for monitoring each objective is understood from the outset. The intent of this policy is that a monitoring plan would generally be a stand-alone document, rather than being included in a regional plan or other statutory document.

## Representative sites

Policy CB1 requires that monitoring be undertaken at sites that are representative of the FMU. These are sites that collectively give an indication of the state of the entire FMU, and therefore provide sufficient indication of how the water quality in the entire FMU compares in respect to a freshwater objective. If the FMU is large, more sites are likely to be needed to isolate particular hotspots and to give a representative sample of the state of the FMU.

## Importance of long-term trends

Water quality varies a lot over short time periods. To be able to reliably estimate water quality statistics, it needs to be consistently measured over a long period. Long-term monitoring data should be used to calculate the sample statistics (eg, median, 95th percentile) required both to assess the current state and to determine progress towards freshwater objectives. Short periods of record cannot reliably calculate the sample statistics, and may produce erroneous conclusions about progress towards, and the achievement of, freshwater objectives.

Long-term data should also be used to determine trends to show changes in water quality. This can help in estimating timeframes in which freshwater objectives may be met, and show the direction of progress. In some cases, trends may initially show changes in the opposite direction to the

freshwater objective. This could be due to historical contamination or natural variability (eg, seasonal/decadal climate patterns); however it could also indicate previously unidentified or new pressures, or a need to revisit limits and/or methods to ensure they are appropriate to meet the freshwater objectives.

## 5.10 Part CC. Accounting for freshwater takes and contaminants

### Objective CC1

To improve information on freshwater takes and sources of freshwater contaminants, in order to:

- a) ensure the necessary information is available for freshwater objective and limit setting and freshwater management under this national policy statement; and
- b) ensure information on resource availability is available for current and potential resource users.

### Policy intent

Accurate information on the quantity of water being taken from freshwater bodies and the type and amount of contaminants going into freshwater bodies is essential for a number of reasons. Accounting for existing uses of water and existing sources of contaminants is needed to:

- inform decisions on freshwater objectives and limits by providing an understanding of the existing use of water, and sources and amount of contaminants, when testing the economic and social impacts of various scenarios for freshwater objectives and limits
- inform decisions on how to manage within limits (eg, to determine the most equitable and cost-effective way to reduce current discharges)
- provide feedback to communities on their progress in meeting freshwater objectives, and act as a trigger for changes in management (eg, when existing initiatives are not having the required effect and targets are not being met)
- provide consistent regional accounting information for investors on catchments where there is headroom for expansion.

A freshwater accounting requirement is already implied through the duties imposed on local authorities by sections 35(1) and 35(2) of the RMA. Section 35(1) requires local authorities to gather such information as is necessary to effectively carry out their functions under the Act. For regional councils those functions include the control of the:

- taking, use, damming and diversion of water, and of the quantity, level and flow of water in any water body (section 30(1)(e))
- discharges of contaminants into or onto land or water (section 30(1)(f)).

Section 35(2)(d) requires local authorities to monitor the exercise of resource consents.

The aim of Objective CC1 is to provide additional specificity for councils on how to undertake the functions required of them – in this case, effective accounting to manage freshwater resources.

The intention is that the accounting system includes all freshwater takes and all sources of relevant contaminants.

## Accounting for freshwater takes

To meet the policy intent will require accounting for all freshwater takes. It will involve:

- identifying who is taking water (consented or otherwise)
- collecting information on, or estimating, how much is used (ie, the total actual take), the proportion taken by category, and eventually, when limits have been set, the proportion of the limit that is being used.

The data can be measured, modelled or estimated, depending on the significance of the resource issue. If modelling or estimates are used, some data verification may be necessary, and the information should be consolidated and available for the community at the time of setting or reviewing freshwater objectives and limits. The level of detail and precision that is appropriate in a freshwater accounting system will depend on the extent to which the water in the FMU (and the ability for the FMU to meet freshwater objectives) is affected by water use.

The information collected under the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 will contribute a significant amount of the information required for the water quantity accounting requirements. However, regional councils will also need to account for:

- consented water takes that are not covered by the regulations (non-consumptive takes and takes of less than 5 L/s)
- water takes that do not need a resource consent (ie, permitted takes and takes authorised under section 14(3)(b) of the RMA) and any unauthorised takes.

Simple models can be used to estimate permitted, stock water and domestic takes; for example, multiplying stock numbers by average daily intake, with intake coefficients validated using sample surveys and other data (eg, from metered takes).

## Accounting for freshwater contaminants

The phrase 'relevant contaminants' means the contaminants that impact, or have the potential to impact, water quality. The policy does not require regional councils to monitor every possible contaminant, only those that they and the community identify as being relevant to achieving freshwater objectives. Accounting for all sources of relevant contaminants requires broadly identifying the sources of the contaminant(s) that need to be managed to achieve particular objectives.

Sources of relevant contaminants include both point source and non-point source or diffuse discharges, and include background or naturally occurring contaminant sources. Sources are most usefully grouped into background, point and diffuse sources, with diffuse sources potentially broken down further by land-use type. This grouping can also assist with assessment of the economic impact of potential objectives to specific sectors or land-use types.

A preliminary assessment of likely values and objectives will need to be carried out, along with an initial low cost accounting process for the contaminant(s) most likely to be relevant. Once the possible range of objectives is narrowed, more accurate accounting may be needed (eg, if significant

reductions in discharges of relevant contaminants are needed to achieve some of the objectives being considered).

Contaminant sources may in some cases be able to be individually identified and measured (eg, large point sources), and in other cases only broad identification will be possible (eg, estimated loads generated by each land-use type). Councils will need to use modelling to identify and estimate diffuse discharges from farmland, urban run-off, native bush, plantation forests, wildlife and septic tanks.

## Policy CC1

By every regional council:

- a) establishing and operating a freshwater quality accounting system and a freshwater quantity accounting system for those freshwater management units where they are setting or reviewing freshwater objectives and limits in accordance with Policy A1, Policy B1, and Policies CA1-CA4; and
- b) maintaining a freshwater quality accounting system and a freshwater quantity accounting system at levels of detail that are commensurate with the significance of the freshwater quality and freshwater quantity issues, respectively, in each freshwater management unit.

This policy requires that regional councils establish and operate freshwater quality and quantity accounting systems, and that they collect and record freshwater accounting information for all FMUs. This is to be done at a level of detail that reflects the scale of the water quality/quantity issues in the FMU. Therefore, the information gathered may include direct measurements, modelling results or estimates.

### Freshwater quality accounting systems

*“A system that, for each freshwater management unit, records, aggregates and keeps regularly updated, information on the measured, modelled or estimated:*

- *loads and/or concentrations of relevant contaminants;*
- *sources of relevant contaminants;*
- *amount of each contaminant attributable to each source; and*
- *where limits have been set, proportion of the limit that is being used”*  
*(NPS-FM definition).*

A freshwater quality accounting system will keep account of the type and amount of relevant contaminants affecting an FMU. The system will also identify where those contaminants are coming from by source, and the amount generated by each source. This will include both point and diffuse discharges. When limits are set, the accounting system will also be able to identify the proportion of any limit that is being used in an FMU.

## Freshwater quantity accounting systems

*“A system that, for each freshwater management unit, records, aggregates and keeps regularly updated, information on the measured, modelled or estimated:*

*total freshwater take;*

*proportion of freshwater taken by each major category of use; and*

*where limits have been set, proportion of the limit that has been taken”*  
(NPS-FM definition).

A freshwater quantity accounting system will keep account of how much water is allocated, as well as how much is being taken from freshwater bodies, and broadly what that water is being used for (eg, municipal, irrigation, hydroelectric power). A freshwater quality accounting system will also keep account of how much of the limit is being used in each FMU.

## Extent and timing

Regional councils are required to establish freshwater quality and quantity accounting systems in FMUs where they are setting or reviewing freshwater objectives and limits. This means freshwater accounting systems do not have to be established for the whole region, and data does not have to be gathered for all FMUs at once. Regional councils can take a staged approach to setting up accounting systems and data gathering. Eventually, just as a whole region is required to be covered by FMUs, the region will also be covered by an accounting system at a scale or scales commensurate with the issues affecting each FMU.

A two-year period has been allowed before the accounting requirements take effect (from 1 August 2014 – the date that the NPS-FM came into effect). The two-year delay provides time to establish an accounting system and collect the data for the first FMU in which the regional council is setting or reviewing freshwater objectives and/or limits after the NPS-FM takes effect.

## Scale and significance

The level of detail of the accounting systems will depend on the scale and significance of issues in each FMU. The policy provides the flexibility for regional councils to determine this at a local level.

It is appropriate to have a targeted focus on the relevant contaminants (that is, those that are most critical to manage to achieve the objective specified for the FMU). It is also appropriate to tailor the level of detail at which the sources of relevant contaminants are identified (eg, by broad category or more specifically) or water takes are measured, and the frequency of the accounting cycle, commensurate with the scale of resource use and the drivers and pressures affecting that FMU.

For example, in FMUs with little pressure on freshwater resources it may be sufficient to account for sources of contaminants by broad category or sector; however in FMUs where significant reductions in a contaminant are needed to achieve an objective, a more detailed breakdown of sources by individual source (users) may be needed to assess, and possibly refine, the management approaches being taken. Pressures on water quality are likely to affect the approach towards accounting for water takes. Where pressure on water use is minimal, estimating water takes may be appropriate, while measurement may be required in under-pressure FMUs to ensure a greater degree of accuracy.

## Policy CC2

By every regional council taking reasonable steps to ensure that information gathered in accordance with Policy CC1 is available to the public, regularly and in a suitable form, for the freshwater management units where they are setting or reviewing, and where they have set or reviewed, freshwater objectives and limits in accordance with Policy A1, Policy B1, and Policies CA1-CA4.

**Objective CC1 and Policies CC1 and CC2 will take effect 24 months from the date of entry into effect of the National Policy Statement for Freshwater Management 2014.**

This policy requires that the information collected under Policy CC1 is available to inform the process of setting (or reviewing) freshwater objectives and limits. The information collected must be available in a suitable form for the council and the community when making decisions as part of the iterative process of setting and managing within freshwater objectives and limits. This means the data can be aggregated or collated and should clearly reflect any change over time.

For water quantity, the system used to gather and report data as part of the Resource Management (Water Measurement and Reporting of Water Takes) Regulations 2010 could be used to incorporate those takes not covered by the regulations (ie, non-consumptive takes and takes of less than 5L/sec). This would allow a full account to be made of water taken and used in FMUs within a region, and provided on an annual basis.

For water quality, the system used to manage data will depend in part on the level of detail required from the accounting system; this in turn will reflect the complexity and seriousness of issues affecting a particular FMU.

The regional accounting system needs to be flexible enough to allow for various scales of complexity and still enable comparisons between FMUs to be made. The reporting period for water quality accounts may vary for each FMU depending on:

- the pressure on the resource
- the complexity of the accounting undertaken
- information needs (for setting and reviewing freshwater objectives and limits, providing information to the community on available resource use, and tracking progress toward targets).

## 5.11 Part D. Tāngata whenua roles and interests

### Objective D1

To provide for the involvement of iwi and hapū, and to ensure that tāngata whenua values and interests are identified and reflected in the management of fresh water including associated ecosystems, and decision-making regarding freshwater planning, including on how all other objectives of this national policy statement are given effect to.

Objective D1 supports and clarifies the requirements of the RMA. It provides for the involvement of iwi and hapū and ensures tāngata whenua values and interests are identified and reflected in the management of, and decision-making for, freshwater planning. It may require councils to change the processes they follow to engage with iwi and hapū when giving effect to the objectives and policies under the NPS-FM.

The terms ‘provide for’ and ‘to ensure’ imply an imperative for action on the part of councils in relation to this objective.

The NPS-FM objective relates to involvement generally in freshwater management, and in decision-making regarding freshwater planning. Existing RMA requirements still apply to other types of decision-making (eg, in respect of consenting notification requirements).

The term ‘involvement’ allows for different approaches to iwi and hapū roles in the management of fresh water. Regional councils should engage with iwi and hapū (ideally early in the planning process), so both parties can equally determine what involvement in freshwater management might look like.

The NZCPS 2010 contains Objective 3 and Policies 2, 21(e) and 23(3), which also relate to tāngata whenua roles and interests in the coastal environment. While NZCPS 2010 Objective 3 and Policy 2 and NPS-FM Objective D1 and Policy D1 use different terminology in places, they are compatible provisions, and councils should implement both for fresh water in the coastal environment.

## Policy D1

Local authorities shall take reasonable steps to:

- a) involve iwi and hapū in the management of fresh water and freshwater ecosystems in the region;
- b) work with iwi and hapū to identify tāngata whenua values and interests in fresh water and freshwater ecosystems in the region; and
- c) reflect tāngata whenua values and interests in the management of, and decision-making regarding, fresh water and freshwater ecosystems in the region.

Policy D1 refers to local authorities, and so applies to both regional and territorial authorities in relation to their water management functions within the scope of Objective D1. It has immediate effect and is relevant to local authority work programmes to give effect to the NPS-FM.

Policy D1 requires an ongoing response, as opposed to a one-off review. Local authorities will need to review the processes and policies for involving iwi and hapū in matters within the scope of Objective D1, and work with iwi and hapū to reflect tāngata whenua values and interests in decision-making about fresh water and freshwater ecosystems. Local authorities will also need to make changes to processes that do not adequately give effect to Objective D1.

Recognising Te Mana o te Wai in the management of fresh water will involve identifying and providing for the values of both tāngata whenua and the wider community; therefore engagement between councils and iwi and hapū to identify tāngata whenua values will be an important part of recognising Te Mana o te Wai.

To 'take reasonable steps' anticipates local authorities will provide appropriate opportunities for the iwi and hapū to be involved in managing fresh water (including in implementing the NPS-FM) based on current good practice. What constitutes reasonable steps will depend on the local context and available resourcing for both the council and iwi and hapū. Options beyond the RMA can be considered (eg, Local Government Act committee arrangements or memoranda of understanding). Plan provisions may be necessary in some cases, particularly to ensure appropriate weight can be given to identified values.

The NPS-FM refers to iwi and hapū rather than tāngata whenua. The definition of tāngata whenua in the RMA includes iwi or hapū. The more explicit reference to iwi and hapū in the NPS-FM is not intended to expand the nature of who councils should involve and work with in implementing the NPS-FM. It clarifies that councils' obligations with regard to tāngata whenua and fresh water are to work with local iwi and hapū. Who the council involves and works with will depend on local circumstances.

This policy does not override or alter any existing or future obligations local authorities have under Treaty settlements.

Key words to consider in implementing this policy are:

**Involve:** This policy does not dictate the form of iwi and hapū involvement in the management of and decision-making regarding fresh water. There is a range of ways iwi and hapū can be involved in the

management of fresh water under existing legislation. Involvement may include consultation, but may also include other methods for iwi and hapū to participate in freshwater management. Methods can include, but are not limited to, joint management agreements, joint committees, decision-making roles, relationship agreements, and statutory acknowledgements.

**Work with:** Policy D1 (b) clarifies that councils should work with iwi and hapū and should not identify values and interests on their behalf. Councils can work with iwi and hapū in a number of ways including, but not limited to:

- engagement with iwi and hapū early in the freshwater planning process to identify locally relevant values for fresh water
- seeking technical advice and input to inform plan or plan change preparation
- commissioning reports from iwi or hapū
- using mātauranga Māori to inform policy decisions
- including members of relevant iwi or hapū on plan hearing committees.

**Reflect:** Policy D1 requires that local authorities do more than just have regard to tāngata whenua values and interests in the management of and decision-making regarding fresh water and freshwater ecosystems. Policy-making needs to reflect tāngata whenua values and interests and take them into account in freshwater management decisions. Councils need to be transparent in their decisions and demonstrate how they have reflected the values and interests.

## 5.12 Part E. Progressive implementation programme

### Policy E1

- a) This policy applies to the implementation by a regional council of a policy of this national policy statement.
- b) Every regional council is to implement the policy as promptly as is reasonable in the circumstances, and so it is fully completed by no later than 31 December 2025.
- ba) A regional council may extend the date in Policy E1(b) to 31 December 2030 if it considers that:
  - i. meeting that date would result in lower quality planning; or
  - ii. it would be impracticable for it to complete implementation of a policy by that date.
- c) Where a regional council is satisfied that it is impracticable for it to complete implementation of a policy fully by 31 December 2015, the council may implement it by a programme of defined time-limited stages by which it is to be fully implemented by 31 December 2025 or 31 December 2030 if Policy E1(ba) applies.
- d) Any programme of time-limited stages is to be formally adopted by the council by 31 December 2015, and publicly notified.
- e) Where a regional council has adopted a programme of staged implementation, it is to publicly report, in every year, on the extent to which the programme has been implemented.
- f) Any programme adopted under Policy E1(d) by a regional council is to be reviewed, revised if necessary, and formally adopted by the regional council by 31 December 2015 and publically notified.

Policy E1 outlines the expectations and timeframes for regional councils to implement the policies in the NPS-FM. The policy recognises that each region will have different circumstances in determining when and how to give effect to this national policy statement.

All implementation is expected as promptly as is reasonable in the circumstances. Full implementation under the NPS-FM 2014 is required by 31 December 2025. However, the policy allows for the implementation timeframe to be extended to 2030 if the 2025 timeframe will affect plan quality or it would be impracticable for the council to complete implementation of a policy by 2025.

Where it is impracticable for a regional council to fully implement the NPS-FM by end of 2015 it may develop or update a formal progressive implementation programme (PIP). The PIP will outline the planned progress toward meeting the 31 December 2025 (or 2030) timeframe.

Where policies of the NPS-FM require regional councils to make or change regional policy statements or regional plans, these changes must be fully operative for this policy to be considered implemented. The timelines in Policy E1 relate to putting in place the necessary policies, plans and/or methods; improvements in water quality will have their own timeframes identified for achieving specific freshwater objectives.

Where a change to the regional policy statement or regional plans is required, section 55(2C) requires the Schedule 1 process to be used (except for Policies A4 and B7). This may involve a series of plan changes. The NPS-FM does not need to be fully given effect to with one plan change, nor in the first available plan change, but the provisions in any plan change that is made (including project-specific plan changes, or plan changes for which the NPS-FM is not the principal reason) must be consistent with the NPS-FM.

The PIP will need to set out how a council plans to give effect to the NPS-FM in its entirety by the 2025 (or 2030) deadline. The PIP must set out the stages and timeframes for their region. The council must formally adopt the programme, and publicly notify that the programme has been adopted. Preparing and adopting a PIP will need to meet Local Government Act 2002 obligations, as it involves resources and priorities and may be a significant part of the council work programme. Public notification of the PIP, along with the annual progress reports, is intended to engage the public in the approach and provide a mechanism for councils to be accountable to the public in demonstrating their progress towards fully implementing the NPS-FM. Annual reporting could be through the annual plan and annual report under the Local Government Act 2002. Similarly, if possible, it would be appropriate for the implementation programme to be part of a council's long-term plan.

Implementation programmes need to be flexible. For example, dates or catchment priorities may change. It is likely to be appropriate for a council to review and revise its PIP regularly; this could also be part of the annual plan or long-term plan process. Similarly, good practice would be to review and revise the PIP following any amendment to the NPS-FM.

The options available for implementation recognise the differences in resourcing and in the extent of work that may be required in various regions. Where considerable cost and effort has to be applied in a region to fully achieve the NPS-FM, a progressive implementation programme provides scope to identify priorities, resourcing and how the council will respond to the NPS-FM's requirements.

An implementation programme may outline the:

- consultation strategy/programme
- prioritising of plan changes by catchment and/or management issues
- expected time for key milestones, such as notification of plan changes setting limits, timing for hearings, and timing for any review of consents.

As well as plan changes, the programme may outline other activities, initiatives and methods to be implemented, indicating timing, priorities and resourcing. Examples include consent reviews, capital works initiatives, changes to the council's own work programmes, and/or landowner liaison programmes.

Engagement with communities and robust durable solutions can take time. This policy recognises the importance of quality rather than quick processes and frameworks.

Policy E1 does not create a requirement for all freshwater objectives and limits under Policies A1, A2, and B1 to be achieved by 2025, although objectives, limits, targets (including timeframes for achieving the targets) and methods must be set. In some cases, where there are significant legacy issues and long lag times to be dealt with (ie, nutrients from past land use still in transit to water bodies), freshwater objectives and limits may take longer to achieve.

# 6 National Policy Statement for Freshwater Management 2014

## Appendices

### Appendix 1

#### Purpose of Appendix 1

The 2011 National Policy Statement for Freshwater Management 2014 (NPS-FM) preamble included a list of national values of fresh water. The values were derived from the Resource Management Act 1991 (RMA), the proposed National Policy Statement (NPS), and submissions and evidence to the Board of Inquiry. Two groupings of national values were identified, first those providing for the well-being and amenity of people and communities, and second, those recognising and respecting the intrinsic values of fresh water. The national values in the preamble of the 2011 NPS-FM are now included (for the most part) in Appendix 1 in the 2014 NPS-FM.

The national values included in Appendix 1 of the NPS-FM were those considered important to all New Zealanders and were likely to apply to all water bodies. In determining whether or not a value was included in the NPS-FM as a national value, the following matters were considered:

- a. whether the value is an intrinsic value of the water body itself, or is a use that relies on the water body, and can be used to describe qualities or characteristics of the water that support the value or use
- b. whether the value reflects and helps clarify matters in Part 2 of the RMA
- c. the value should not imply a priority over other values, especially the compulsory values
- d. values should not duplicate one another, although some overlap in attributes for different values is anticipated
- e. the value description is broad enough to encompass the different ways people express the value and the different water bodies to which it might apply
- f. the value can be linked to attributes so that freshwater objectives can be set in regional plans
- g. the value should not be highly localised.<sup>20</sup>

Each value is described in Appendix 1 of the NPS-FM.

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<sup>20</sup> [Regulatory Impact Statement: Amendments to the National Policy Statement for Freshwater Management 2011.](#)

## How Appendix 1 is to be used

Appendix 1 is to be used in conjunction with Policy CA2, which directs councils to consider the entire list of values in Appendix 1 and how they apply to local and regional circumstances. Appendix 1 contains two compulsory national values ('ecosystem health' and 'human health for recreation'), which must have freshwater objectives set for them, plus additional national values and uses for freshwater that councils must consider (Policy CA2 (a)).

The compulsory values (ecosystem health and human health for recreation) need to be provided for in each freshwater management unit (FMU) through freshwater objectives included in the regional plan. The freshwater objectives for the compulsory values will employ the attributes provided in Appendix 2 plus any others the councils considers appropriate. If a council decides that one or more of the additional national values are also relevant, then the council must also provide for these in the regional plan through establishing freshwater objectives. Councils can use the attributes provided in Appendix 2 where these are relevant to the additional national values, or develop their own attributes. In developing freshwater objectives, councils must use the process outlined in Policy CA2 and must ensure that whatever freshwater objectives they set are also sufficient to give effect to the wider objectives and policies of the NPS-FM (such as the requirements to support life-supporting capacity, and to maintain or improve overall water quality).

Councils can also derive their own values, besides the ones provided in Appendix 1, to reflect what is important to the local community.

The value descriptions in Appendix 1 are intended to guide community and council discussions on what is considered important (valued) for water bodies in each region. The national value descriptions do not imply legal rights or prioritise certain values above others. Appendix 1 contains both intrinsic and amenity/economic values. Intrinsic values of fresh water are substantial in themselves and not subordinate to economic values of fresh water for potential use for people and community well-being. At a national level it is not possible to prioritise individual activities and values, given the range of local circumstances and considerations that might apply. It is for regional communities, facilitated by regional councils, to consider values and priorities locally and determine how to respond to those values at a local level in implementing the policies of the NPS-FM.

# Appendix 2

## Purpose of Appendix 2

The tables of attributes and attribute states in Appendix 2 are intended to support a consistent approach to the setting of freshwater objectives in relation to the national values in Appendix 1. For those values that have been identified as being likely to be relevant nationwide, the attribute tables in Appendix 2 set out some of the characteristics that need to be managed to provide for each value. This is intended to:

- prevent unnecessary cost and duplication that would be caused by councils independently developing and testing their own technical information
- allow local discussions to focus on community values and the impacts of decisions, rather than on debating the validity of the science and the technical detail of how a value is measured.

Appendix 1 is not an exhaustive list; work is ongoing to develop additional attributes relating to the compulsory values, and attributes relating to the other, non-compulsory national values also found in Appendix 1.

The matters considered when assessing whether to include an attribute in Appendix 2 of the National Policy Statement for Freshwater Management 2014 (NPS-FM) included:

- a. link to the National Value
  - i. is the attribute required to support the value?
  - ii. does the attribute represent the value?
- b. measurement and band thresholds
  - i. are there established protocols for measurement of the attribute?
  - ii. do experts agree on the summary statistic and associated time period?
  - iii. do experts agree on thresholds for the numerical bands and associated band descriptors?
- c. relationship to limits and management
  - i. do we know what to do to manage this attribute?
  - ii. do we understand the drivers associated with the attribute?
  - iii. do quantitative relationships link the attribute state to resource use limits and/or management interventions?
- d. evaluation of current state of the attribute on a national scale
  - i. what do we know about the current state of the attribute at a national scale?
  - ii. is there data of sufficient quality, quantity and representativeness to assess the current state of the attribute on a national scale?

- e. Implications of including the attribute in the National Objectives Framework
  - i. Do we understand or can we estimate the extent (spatial), magnitude, and location of failures to meet the proposed bottom line for the attribute on a national scale?<sup>21</sup>

## **How Appendix 2 is to be used**

Each value has several water quality characteristics, or attributes, that need to be maintained at or above a certain level for that value to be protected. Appendix 2 of the NPS-FM contains a list of attributes that are relevant for some of the values in Appendix 1. This is not an exhaustive list and not all of the relevant attributes are listed yet, but work is continuing to identify additional relevant attributes and states that can be applied nationwide.

The attributes in Appendix 2 form the basis for setting freshwater objectives.

Where a value is chosen for an freshwater management unit and Appendix 2 contains corresponding attributes for that value and for that freshwater body type, the attributes in Appendix 2 must be used. Where a numeric freshwater objective is able to be set using the attributes in Appendix 2, these must be included in regional plans. Regional councils should identify any additional attributes that are not in Appendix 2 that are relevant to achieving the identified value.

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<sup>21</sup> [Regulatory Impact Statement: Amendments to the National Policy Statement for Freshwater Management 2011.](#)

# 7 References

A number of technical, guidance and background reports for freshwater management are available at <http://www.mfe.govt.nz/fresh-water/national-policy-statement/supporting-impact-papers-nps>. Of particular relevance are the following reports:

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