



Implementation of National Freshwater Policies and Regulations – Review

Summary Report

Prepared by Beca Limited for the Ministry for the Environment

21 September 2020



**make
everyday
better.**

This report may be cited as: Beca Limited. 2020. *Implementation of National Freshwater Policies and Regulations – Review: Summary report*. Prepared for the Ministry for the Environment by Beca Limited. Wellington: Ministry for the Environment.

© Beca 2020 (unless Beca has expressly agreed otherwise with the Client in writing).

This report has been prepared by Beca on the specific instructions of our Client. It is solely for our Client's use for the purpose for which it is intended in accordance with the agreed scope of work. Any use or reliance by any person contrary to the above, to which Beca has not given its prior written consent, is at that person's own risk.

Contents

Executive summary	1
1 Introduction	5
1.1 Purpose of the report	5
1.2 Previous implementation review	5
1.3 Limitations.....	6
2 Review methodology	7
3 Regional thematic summary	9
3.1 Te Mana o te Wai	9
3.2 Water quality and national objective framework process	12
3.3 Freshwater Management Units	14
3.4 Primary contact sites	16
3.5 Compulsory values	19
3.6 Water allocation	25
3.7 Freshwater accounting	28
3.8 Wetlands	31
3.9 Timing and implementation.....	35
4 Overall summaries	39
4.1 Monitoring	39
4.2 Implementation of the national planning standards	40
4.3 Requirements of proposed National Environmental Standards for Freshwater (as consulted on in September 2019)	40
4.4 Good practice examples	41
4.5 Engagement approaches.....	43
4.6 Areas for Ministry for the Environment to support regional councils	44
4.7 Other areas of feedback	45
5 Conclusion	47
5.1 Progress and timing	47
5.2 Extent of implementation	47
5.3 Consistency with the National Policy Statement for Freshwater Management (as notified 2019) and proposed National Environmental Standards for Freshwater.....	47
5.4 Good practice examples	48
5.5 Next steps	48

Appendices

Appendix A – Council Review Tables

Executive summary

Purpose of the report

This report provides a high-level, theme-based summary of the reviews undertaken for each regional council or unitary authority regarding the extent of implementation of the National Policy Statement for Freshwater Management 2014 (NPS-FM (as amended 2017)). It also reviews consistency with new requirements of the draft National Policy Statement for Freshwater Management 2019 (NPS-FM as notified 2019) and proposed National Environmental Standards for Freshwater (proposed NES-FW). This work builds on the previous implementation review undertaken by the Ministry for the Environment (MfE) in 2016 that was published in 2017.¹

The review was undertaken on a 'traffic light' system, scoring each provision as red, amber or green with respect to the extent of implementation, using publicly available information as well as information obtained or confirmed via a phone interview with each council. In addition, the review recommended further action (if required) for each provision and noted areas of good practice examples.

Interviews with each council focused on confirming work that has progressed as well as undertaking a broader discussion in relation to where they would benefit from further support from MfE as well as any other comments in relation to freshwater policy.

Progress and timing

Overall, councils are all making progress, including those councils identified as making the least progress in the 2017 report (being Southland, Taranaki and Auckland). Areas where councils appear to have addressed some aspects of the "suggested areas of focus for councils" from the 2017 report include:

- prioritising work on vulnerable water bodies or those under the greatest resource pressure first
- updating the community on progress of implementation, largely through website updates
- continuing community engagement in a variety of methods and various groups including tangata whenua
- monitoring of the environment and reporting the data and outcomes on council websites.

While some areas of focus have progressed from the 2017 review others remain as work in progress to achieve the outcomes (refer to 'Next steps and recommendations' further below).

¹ For a copy of the 2017 report, refer to Ministry for the Environment. 2017. *National Policy Statement for Freshwater Management Implementation Review: National Themes Report*. Wellington: Ministry for the Environment. Retrieved from www.mfe.govt.nz/sites/default/files/media/Fresh%20water/npsfm-implementation-review-national-themes-report.pdf (27 November 2020).

While councils remain optimistic that a timeframe of 2025–2030 is achievable for full implementation of the freshwater policy instruments, the timeframe needs revisiting in light of the proposed National Policy Statement for Freshwater Management (NPS-FM) and draft National Environmental Standards being gazetted, noting:

- some areas of work are on hold or delayed pending the 2020 policy documents being gazetted (to avoid rework)
- the NPS-FM (as notified 2019) in particular has significant additional requirements to that of the NPS-FM in respect to data collection, monitoring, consultation and policy drafting, which will add to the programme
- initial learnings from councils are that implementation takes longer than anticipated due to the timing of background research and monitoring, engagement and resourcing requirements.

Extent to which councils are giving effect to the national freshwater policies and regulations

The extent to which councils are giving effect to the national freshwater policies and regulations is varied throughout New Zealand and in respect to certain provisions.

Areas in which the most progress has been made towards giving effect to provisions in the National Policy Statement for Freshwater Management (NPS-FM) (as amended 2017) include:

- addressing the concept and philosophy of Te Mana o Te Wai within current provisions and in engagement (however, not explicitly expressed in this manner in policy documents)
- defining catchments and Freshwater Management Units (FMUs) from which to progress objective, target and limit setting
- monitoring of the environment including those attributes within the NPS-FM
- finalised swimming targets
- setting freshwater quantity allocation limits and developing freshwater quantity accounting systems
- engaging with mana whenua and local communities to discuss freshwater policy.

Areas in which the least progress has been made towards giving effect to the provisions in the NPS-FM (as amended 2017) include:

- establishing freshwater quality allocation limits (to avoid over-allocation)
- developing freshwater quality accounting systems
- councils not yet notifying or fully notifying plan changes for their entire region, although drafting of provisions is well under way
- setting targets and methods to improve water quality within a defined timeframe for FMUs that do not meet their objectives (eg, action plans)
- councils prioritising certain catchments and FMUs over others, meaning some areas lag behind in terms of progress.

New topics introduced in the NPS-FM (as notified 2019) are referenced in existing policy but the detail or information required is not as extensive as the NPS-FM (as notified 2019) provisions, and subsequently significant work (time and resources) will be required to give effect to the provisions.

Similarly, crossovers occur in rules introduced in the proposed NES-FW with the rules in existing plans but these rules are generally more permissive than the proposed NES-FW equivalent and will require amendment to avoid conflict once the proposed NES-FW is gazetted.

Areas of good practice

Areas of good practice were identified during the reviews, including methods of engagement, developing of baseline data, sharing and publicising information, policy development and setting of stretch swimming targets.

Examples of good practice

- Otago Regional Council includes a table within the Regional Plan – Water containing a schedule of spiritual and cultural beliefs, values and uses of significance for each water body (provided by Kai Tahu), which can be referenced if a resource consent is required of relevance to the water body.
- Marlborough District Council is developing an ‘e-water’ system with up-to-date data on water take permits, current restrictions and temporary transfers in a dashboard system.
- An independent 2018 study was undertaken in the Taranaki region to recommend minimum flows and allocation limits for the Council to consider. This study noted that it was probably the first to examine the environmental effects of minimum flow and allocation together (including effects on benthic invertebrate and fish).
- Auckland Council is a partner in the ‘Safe Swim’ initiative, which provides live information for water quality and swimming conditions, informed by high-frequency targeted sampling on top of historical monitoring results.
- Hawke’s Bay Regional Council included two figures within the recently notified Plan Change 9 that reflect the engagement undertaken in relation to giving effect to Te Mana o te Wai. The figures illustrate the relationship between freshwater attributes and values (in line with the national objectives framework) with the four well-beings and the interrelated nature and cultural connections of the values held by mana whenua for water.
- West Coast Regional Council and Bay of Plenty Regional Council already exceed the 2030 national target for swimming water quality and have set further stretch targets for rivers.

Next steps and recommendations

Councils identified the areas where MfE could provide support in terms of giving effect to the freshwater policy instruments. These include:

- preparing written guidance in combination with gazetting the 2020 freshwater policy instruments (including clarifying how to express and implement Te Mana o te Wai in policy documents)
- being ‘on call’ for implementation queries from councils
- helping with resourcing in terms of funding assistance to undertake technical baseline data and monitoring, develop systems and assist the community and mana whenua to respond

- helping to facilitate a working group of councils (at an officer and manager level) to ‘compare notes’, lessons learnt and share advice. This would also help to facilitate inter-regional discussions. Areas of good practice (including those noted in this report) could be shared
- putting a ‘freeze’ on further freshwater policy development so that councils can give full effect to the national freshwater policies and regulations within the 2025–2030² timeframes.

² Policy E1(ba) of the National Policy Statement for Freshwater Management (NPS-FM) (as amended 2017) allowed councils to extend the implementation timeframe to 31 December 2030 if: meeting that date would result in lower quality planning; or it would be impracticable for a council to complete implementation of a policy by that date.

1 Introduction

1.1 Purpose of the report

The purpose of this report is to provide the Ministry for the Environment (MfE) with a summary of the review undertaken for each regional council or unitary authority in relation to the extent of implementation of the National Policy Statement for Freshwater Management 2014 (NPS-FM (as amended 2017)). It also reviews consistency with the new requirements of the NPS-FM (as notified 2019) and proposed National Environmental Standards for Freshwater (proposed NES-FW). The reviews for each council are included as appendix A. The review started in early 2020 and was largely completed before the announcement in May 2020 of the Action for Healthy Waterways package and the gazetting of the 2020 policy. As such, the review is based on the NPS-FM (as notified 2019) and proposed NES, which were consulted on in 2019.

This report summarises:

- the extent to which councils have implemented the NPS-FM (as amended 2017) provisions
- current provisions within regional plans and regional policy statements that have provisions that reflect the NPS-FM (as notified 2019) and proposed NES-FW and the extent to which they address them
- examples of good practice
- engagement approaches undertaken by each council
- the timeline(s) for implementation
- the method(s) of implementing changes to regional plans
- the extent to which the National Planning Standards have been addressed to date.

1.2 Previous implementation review

A previous review of how well the councils were implementing the NPS-FM (2014 version) was undertaken in 2016³ (prior to the NPS-FM being updated in 2017). MfE reported that, while establishing objectives and limits for freshwater quality and quantity may appear straightforward, challenges include:

- getting representative, effective and timely involvement of iwi and hapū, stakeholders or community representatives
- gathering supporting information and presenting it meaningfully
- translating objectives and engagement outcomes into rules
- implementing the plan on the ground
- monitoring outcomes and effectiveness particularly for longer term outcomes
- assessing council capacity and capability.

Key outcomes of the review noted:

- regions that have made the most progress towards implementing the NPS-FM (2014 version) include Horizons, Canterbury, Waikato and Otago
- regions that have made the least progress include Auckland, Southland and Taranaki
- a positive and marked increase in the level of engagement with communities in regional planning processes. Engagement is varied from collaboration to 'enhanced' consultation (reasons for this variation included cost and practicality).

³ Refer to Ministry for the Environment. 2017. *National Policy Statement for Freshwater Management Implementation Review: National Themes Report*. Wellington: Ministry for the Environment. Retrieved from www.mfe.govt.nz/sites/default/files/media/Fresh%20water/npsfm-implementation-review-national-themes-report.pdf (27 November 2020).

The review suggested areas of focus for regional councils, including those relating to:

- monitoring implementation progress, focusing attention on water bodies most vulnerable or under the greater resource pressure as priorities, and keeping the community regularly updated
- achieving objectives of the NPS-FM, including communicating timeframes for improvements and implications of policies on waterways to the community
- engaging with the community to allow for various interests and groups to be represented in the catchment
- monitoring implementation, reporting progress and taking action when non-compliance is detected
- producing information that is easy to understand, publicly available and consistent nationally
- working with iwi and hapū to develop relationships, encourage and resource groups, reflect tangata whenua views in plans and include measures of Māori cultural values and input of Mātauranga Māori in plans
- engaging with territorial authorities to understand implications on infrastructure and cost and help educate urban communities about impacts on water quality.

1.3 Limitations

The review was undertaken as a desktop review using publicly available information online along with a short interview with each regional council to clarify and confirm key questions. Due to the timeframes of the review being commissioned, the review is based on the NPS-FM (as notified 2019) and proposed NES-FW, which were consulted on in 2019, and therefore does not reflect any changes to the policy in 2020.

It is noted that provisions have been renumbered in the gazetted version of the NPS-FM 2020. References to provisions in this report and appendix 1 are to the NPS-FM (as notified 2019) version.

2 Review methodology

A summary of the methodology undertaken for the review for each council is as follows:

- review the most recent Progressive Implementation Programme (PIP)⁴ reports to summarise the status of implementation, engagement methods used, the method of implementing the changes (eg, plan change, full plan review) and timeline for final implementation of the NPS-FM (as amended 2017). The PIPs were prepared in 2018 and formed the starting point for analysis, which was built on by the review of the actual documents and a phone interview with each regional council
- review the plans to provide comment on the extent to which they give effect to the National Planning Standards 2019
- review the operative and proposed plans and plan changes and regional policy statements to identify the extent to which the council is implementing the NPS-FM (as amended 2017), per provision⁵ and recommend further work (if required) to comply. This includes a general assessment of the extent to which each plan gives effect to Te Mana o te Wai.⁶ The regional policy statements were also reviewed
- review the operative and proposed plans and plan changes and regional policy statements to identify the extent to which the provisions address new requirements of the NPS-FM (as notified 2019)⁷ and proposed NES-FW
- for the NPS-FM (as amended 2017), NPS-FM (as notified 2019) and proposed NES-FW, each provision is ranked via a 'traffic light' summary in the full schedule, being:
 - green = NPS/NES provision addressed
 - amber = minor changes would be required for the plan to address the NPS/NES provision
 - red = plan does not address the NPS/NES policy
- in addition to the traffic light scoring, recommend further work that may be necessary to give effect to the provision, and if a provision demonstrates an example of good practice, note as such.

In relation to the 'traffic light' assessment, the scoring was undertaken with an element of flexibility in that councils were not scored 'red' if their provisions did not entirely match that of the policy or if they had not fully implemented the provision region wide. For example, if councils have existing provisions developed prior to the NPS-FM (as amended 2017) that help to give effect to some of the provisions,⁸ or had displayed some (but not full) progress in giving effect to the provisions,⁹ these were generally scored 'amber'. This recognises the method and process most councils have taken in giving effect to the NPS-FM (as amended 2017), being a rolling review and prioritising certain catchments and Freshwater Management Units (FMUs) to start with first (also given resourcing constraints to undertake region-wide NPS-FM (as amended 2017) implementation in one go). In addition, where policies are linked (in that one area must be addressed first before the next can be progressed¹⁰), an element of flexibility was also applied to the scoring system if

⁴ The most recent version of the Progressive Implementation Programmes are available online at www.mfe.govt.nz/fresh-water/national-policy-statement/regional-councils-implementation-programmes.

⁵ Objective CA1(a) was not assessed because this relates to setting nationally consistent values, which is what is set out in the NPS-FM (as amended 2017) itself.

⁶ In relation to Nelson City Council, it is currently preparing a second draft Whakamahere Whakatū Nelson Plan with the intention to publish this for feedback in June 2020. For the purposes of this review, Beca was provided with a copy of the draft, however, at the time of writing this was not available publicly.

⁷ Provision 4.1 was not assessed because this relates to future timing around implementation of the draft NPS-FM once gazetted.

⁸ As an example, this is applicable in relation to the assessment for Objective AA1 and Policy AA1 in terms of giving effect to Te Mana o te Wai.

⁹ As an example, where part of the region has had plan changes implemented to introduce the Freshwater Management Unit (FMU) policy framework.

¹⁰ For example, the NPS-FM directs councils to define FMUs before developing the objectives framework.

councils are giving effect to the intent of the policy via other means. To supplement the desktop review, a short phone interview was undertaken with a policy representative from each council.¹¹ Generally, queries related to:

- an update on timing of implementation of the documents
- consultation, including with respect to expressing Te Mana o Te Wai
- progress on developing water quality and quantity accounting systems
- work to confirm overallocated catchments
- progress on identifying FMUs and identification of objectives and attribute setting
- key areas that the regional council identified where MfE could assist or support
- any other feedback the council wished to share.

¹¹ Because it assists Chatham Islands Council with regional policy development, Environment Canterbury provided responses on behalf of the Chatham Islands Council.

3 Regional thematic summary

The following sections provide a summary on the extent to which each council is implementing the NPS-FM (as amended 2017). They also provide commentary on whether the new requirements of the NPS-FM (as notified 2019) are addressed by current provisions of each councils' Regional Policy Statement (RPS)¹² and regional plan. The tables are set out on a thematic basis and summarise the Council Review Tables attached in appendix A.

Implementation has been assessed using a tick scale in the thematic tables, with one tick representing that a provision has not been implemented, two ticks represents a moderate degree of implementation, but not full implementation, and three ticks represents full implementation. Given these regional summary tables are presented at a high-level and for key themes only, it is suggested the reader refers to the detailed tables for a more comprehensive analysis.

3.1 Te Mana o te Wai

The NPS-FM (as notified 2019) describes Te Mana o te Wai as the “the mana of the water”. This refers to the fundamental value of water and the importance of prioritising the health and wellbeing of water before providing for human needs and wants. Upholding Te Mana o te Wai protects the mauri of the water and requires that Te Hauora o te Taiao (the health of the environment), Te Hauora o te Wai (the health of the waterbodies) and Te Hauora o te Tangata (the health of the people) are all provided for.¹³

The NPS-FM (as amended in 2017) required that Te Mana o Te Wai be considered and recognised in councils' RPS and regional plans. This policy direction has been strengthened in the NPS-FM (as notified 2019), and Te Mana o Te Wai is now the fundamental concept underpinning the NPS and sets a hierarchy of obligations. The NPS-FM (as notified 2019) specifies that regional councils must include an objective in their RPS and must give effect to Te Mana o te Wai as described in the NPS-FM.

An implementation summary for each council is set out in table 1.

Table 1: Regional summary – Te Mana o te Wai

Regional Council	Commentary
Northland Regional Council	No specific reference to 'Te Mana o te Wai' within the policy framework. However, the Proposed Northland Regional Plan, which is operative in part includes provisions that manage effects on tangata whenua values and their taonga, including consultation with tangata whenua and incorporation of Mātauranga Māori in chapter D.1. Policy D.1.1 includes specific reference to mahinga kai. In terms of the regional policy statement (RPS), there was no specific inclusion of a policy on 'Te Mana o te Wai', however, Policy 8.1.4 seeks that relevant Māori concepts, values and practices will be clarified through consultation with tangata whenua.
Auckland Council	No specific reference to 'Te Mana o te Wai' within the policy framework. However, RPS Objective B6.3.1(1)-(3) recognises mana whenua values in resource management decision-making, the mauri of, and the relationship of mana whenua with, freshwater, and the relations of mana whenua and their customs and traditions are recognised and provided for.
Waikato Regional Council	Plan Change 1 (PC1) to the Waikato Regional Plan was produced under a collaborative process that included mana whenua, identification and incorporation of the values of tangata

¹² Note: references to regional policy statement (RPS) and regional plan in the commentary column are to the relevant councils RPS or regional plan listed in the left-hand column. A description of the regional plans assessed is set out in appendix A.

¹³ Section 1.5, draft NPS-FM (2019).

Regional Council	Commentary
	<p>whenua into the freshwater management framework. The purpose of the plan change was to give partial effect to the Vision and Strategy for the Waikato River. A representative from the Waikato River Authority was also on the Panel. Consultation efforts for PC1 go beyond the normal consultation.</p> <p>Waikato Regional Council would like some guidance from the Ministry for the Environment on what is expected of the vision for Te Mana o Te Wai. Waikato Regional Council is experiencing that different hapū for each catchment may have differing visions for Te Mana o te Wai in the management of fresh water.</p> <p>The RPS includes the objectives of the Vision and Strategy for the Waikato River. This makes specific reference to the restoration and protection of the relationships of Waikato–Tainui with the Waikato River, including their economic, social, cultural and spiritual relationships.</p>
<p>Bay of Plenty Regional Council (BOPRC)</p>	<p>No specific reference to ‘Te Mana o te Wai’ within the policy framework.</p> <p>The PPC9 appeal process (now withdrawn) identified a lack of reference or incorporation of Te Mana o Te Wai. In the future, there will be a refocus at BOPRC on incorporating the concept into a future proposed plan.</p> <p>The RPS includes Policy IW 2B, which makes reference to the mauri of natural resources.</p>
<p>Taranaki Regional Council</p>	<p>No specific reference to ‘Te Mana o te Wai’ within the policy framework.</p> <p>However, the principles and concepts behind Te Mana o te Wai are reflected in previous discussions on water allocation, flows and their impacts on habitats and the health of water bodies, as well as providing for certain activities, for example:</p> <ul style="list-style-type: none"> • the Regional Fresh Water Plan for Taranaki recognises the relationship of tangata whenua with water • the Draft Freshwater and Land Management Plan for Taranaki goes further and describes the relationship of tangata whenua with water and land noting linkages between the environment, water and people.
<p>Horizons Regional Council</p>	<p>No specific reference to ‘Te Mana o te Wai’ within the policy framework.</p> <p>The RPS makes reference in Policy 2-1 to fostering kaitiakitanga and the relationship between hapū and iwi and their ancestral lands, water, sites, wāhi tapu and other taonga (including wāhi tūpuna) through increased involvement of hapū and iwi in resource management processes. However, not all the principles of Te Mana o te Wai are incorporated in the RPS or regional plan.</p>
<p>Gisborne District Council</p>	<p>No specific reference to ‘Te Mana o te Wai’ within the policy framework.</p> <p>While there is no specific reference in the RPS, Objective B6.2.1(10) seeks that the mauri of water bodies is recognised and provided for and action is taken to restore the mauri of degraded waters.</p>
<p>Hawke’s Bay Regional Council</p>	<p>No specific reference to ‘Te Mana o te Wai’ within the Hawkes Bay Regional Resource Management Plan.</p> <p>However, a new objective, which does implement the concept of Te Mana o te Wai, has been introduced in the recently notified plan change to the regional plan for the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments.</p>
<p>Greater Wellington Regional Council</p>	<p>No specific reference to ‘Te Mana o te Wai’ within the policy framework.</p> <p>While Te Mana o te Wai is not explicitly mentioned in relation to freshwater management in the RPS or Proposed Natural Resource Plan for the Wellington Region, the principles of integrated catchment management have been incorporated into the provisions of the regional plan.</p>
<p>Environment Canterbury Regional Council</p>	<p>No specific reference to ‘Te Mana o te Wai’ within the policy framework.</p> <p>However, the concept itself is largely addressed throughout the plan. Various objectives recognise the need for integrated management of freshwater, as well as the need to provide for the health of water bodies and the surrounding areas. This is evident in the RPS in Policy</p>

Regional Council	Commentary
	7.2.4, which includes the consideration of the ethic of Ki Uta Ki Tai (from the mountains to the sea).
Marlborough District Council	The notified version of the Proposed Marlborough Environment Plan did not reference Te Mana o Te Wai, but the recently released decisions version (currently under appeal) has been modified to include an objective and policy recognising Te Mana o Te Wai.
Nelson City Council	Proposed Objective LF-01 in Part 2 of the Council's regional plan seeks the integrated management of land and water resources to support the freshwater management values specified in Appendix 27 and Appendix 28 (Freshwater values and freshwater values by Freshwater Management Unit (FMU) respectively). The RPS (draft) includes a specific objective on recognising and providing for Te Mana o te Wai.
Tasman District Council (TDC)	No specific reference to 'Te Mana o te Wai' within the policy framework. There is evidence in the Tasman Resource Management Plan (TRMP) that TDC has engaged with tangata whenua. TDC engaged with local iwi through the River and Freshwater Advisory Committee and through iwi representatives in the Freshwater and land advisory groups. In particular, section 27.2.1 provides an extensive overview of the relationship between Māori and rivers and lakes, and of the mauri and wairua of water bodies. The TRMP contains references to tangata whenua values around water and wetlands (section 30.0.2.5, Schedule 30A and 30.1.30) but lacks specific values for all water bodies.
West Coast Regional Council	No specific reference to 'Te Mana o te Wai' within the policy framework. However, principles of Te Mana o te Wai have been recognised through acknowledging the connection between water and the wider environment, promoting integrated and sustainable management of land and water resources. The RPS at Objective 5 includes the principle of Ki Uta Ki Tai (from the mountains to the sea), which reflects the holistic nature of traditional resource management, particularly the interdependent nature and function of the various elements of the environment within a catchment.
Otago Regional Council	No specific reference to 'Te Mana o te Wai' within the policy framework. However, there is evidence that principles of Te Mana o te Wai are included throughout the plan, which references integrated management and the incorporation of local iwi in the development of freshwater objectives.
Southland Regional Council	The Proposed Southland Water and Land Plan recognises the significance of Te Mana o te Wai in the management of freshwater. It identifies three key functions of Te Mana o te Wai in this context as an overarching statement associating the values relating to a particular waterbody and FMU.
Chatham Islands Council	No specific reference to 'Te Mana o te Wai' within the policy framework. Moriori and Ngāti Mutunga are both regarded as Treaty of Waitangi partners by the Council. A key issue (3.3.2) identified within the plan is the lack of opportunities for these Treaty partners to contribute to the decision-making process and absence of capacity building for this engagement. Policy 4.1.2 guides imi/iwi to have opportunities to manage their ancestral land and customary land in a sustainable manner. The methods (4.1.3) associated with Policy 4.1.2 include the development of protocols to guide the nature of the Council's consultation with imi/iwi. However, no guidance is given in the plan for informing tangata whenua in the setting of freshwater objectives and limits.

In summary, councils have noted that the direction of the NPS-FM (as amended 2017) to consider and recognise Te Mana o Te Wai on a region-by-region and FMU basis, through consultation with iwi and the community, including to inform freshwater objectives and limits as per policy AA1(b)), is a significant piece of work.

It was apparent, in undertaking the review and in discussion with councils, that, while Te Mana o Te Wai has generally not been given effect to in regional plans and policy statements in terms of being specifically discussed and expressed (a few exceptions are noted in table 1). Te Mana o Te Wai as a concept contains principles or elements that have been included in regional policy and discussed in engagement (with mana whenua and the community) throughout New Zealand.

Examples of this include policy provisions relating to (amongst others):

- integrated management of resources
- maintenance and enhancement of the health and mauri of water including through managing discharges to water and riparian management
- engagement and involvement of mana whenua in resource management processes
- management of water take for land use activities
- provision for the economic well-being of communities.

3.2 Water quality and national objective framework process

The NPS-FM (as amended 2017), through Policy A1, requires every regional council in making or changing regional plans to establish freshwater objectives, set freshwater quality limits and establish methods (rules) to avoid over-allocation (amongst other matters). Policies CA1–CA4 set out the process for implementing this.

The NPS-FM (as notified 2019) sets out the National Objectives Framework (NOF) process through subpart 2, sections 3.5 to 3.14. Commentary is made later in this report on the implementation of the compulsory values that sit within the overarching framework. A high-level regional summary of the implementation of the NOF water quality provisions is included in table 2.

Table 2: Regional summary – Water quality and the National Objectives Framework

Regional Council	NPS-FM (amended 2017)	NPS-FM (draft 2019)	Commentary
Northland Regional Council (NRC)	✓	✓	NRC has involved tangata whenua, stakeholders and interested parties in implementation of the NPS-FM to date. This has occurred through representation of various interests on collaborative catchment planning groups and participation in the regional plan development process by industry, stakeholder liaison groups and Te Tai Tokerau Māori and Council Working Party. It is noted that the water quality provisions of the Proposed Regional Plan for Northland were removed prior to notification. The NRC has advised that implementation of the National Objectives Framework (NOF) is under way, including identification of values. NRC is looking to engage on this in the near future following gazettal of the National Policy Statement for Freshwater Management (NPS-FM) 2020.
Auckland Council	✓	✓	To support roll out of the plan changes by attribute groupings, contaminant load models that estimate the total daily loads of each attribute in all the region’s waterways have been developed. These models, with the associated scenario analysis software, are called the Fresh Water Management Tool (FWMT). Following the FWMT development, Auckland Council anticipates developing action plans, objectives, limits and targets in collaboration with key

Regional Council	NPS-FM (amended 2017)	NPS-FM (draft 2019)	Commentary
			stakeholders (Wai Ora-Healthy Waterways initiative). Auckland Council confirms that the Wai Ora-Healthy Waterways initiative and the NPS-FM workstream are both currently on hold.
Waikato Regional Council	✓✓	✓	Plan Change 1 (PC1) has been in development since 2013 and is currently in the appeals phase. Further implementation of the NOF framework is planned for other catchments, following the PC1 process. Further work is required to develop action plans (if needed).
Bay of Plenty Regional Council	✓	✓	Work is underway on two Water Management Areas (WMAs) and drafting their specific values for Kaituna-Pongakawa-Waitahanui and Rangitāiki WMAs. Further implementation is needed to give effect to the NOF provisions.
Taranaki Regional Council	✓✓	✓	The operative plan focuses on objectives and policies particularly around managing fertiliser and effluent discharges, given the level of farmland in the region. The draft 2015 plan sets out objectives for each FMU, which are specific to their local circumstances and values. Further implementation is needed to give effect to the NOF provisions.
Horizons Regional Council	✓✓	✓	The One Plan was developed prior to the NPS-FM. Despite this, the One Plan broadly implements the NOF. The One Plan includes water management zones, values and objectives that reference these value and numeric targets. Further implementation is needed to give effect to the NOF provisions including action plans.
Gisborne District Council	✓✓	✓	The Waipaoa Catchment Plan identifies FMUs and attributes. Further catchment plans to be implemented including action plans.
Hawke's Bay Regional Council	✓✓	✓	Plan Change 6 (Tukituki Catchment) has been implemented, which includes surface water and groundwater water quality limits. Plan Change 9 (Tank Catchments) has been most recently prepared and includes allocation limits. Further catchment plans to be implemented including action plans.
Greater Wellington Regional Council	✓✓	✓	The Whaitua process is ongoing – regional and local circumstances will be captured through the Whaitua process. The development of specific freshwater objectives and identification of specific values is ongoing. Further implementation is needed to give effect to the NOF provisions including action plans.
Environment Canterbury Regional Council	✓✓	✓	The Water Management Zone process is under way for some catchments. Further development and implementation is needed to fully give effect to the NOF provisions including action plans.
Marlborough District Council (MDC)	✓✓	✓	FMUs are referenced in the objectives and policies for freshwater management. Freshwater objectives refer to numeric attribute states for <i>E. coli</i> , ammonia and nitrate. MDC has noted that it has prioritised water quantity over quality in the development of this plan and is now progressing with the development of water quality.

Regional Council	NPS-FM (amended 2017)	NPS-FM (draft 2019)	Commentary
Nelson City Council	✓✓	✓	The compulsory values of the NPS-FM are included (Proposed Appendix 27) in the proposed plan and have been expanded on to provide for a regional context. Proposed Appendix 28 of the plan provides for the qualitative freshwater values by FMU. These are supported by numeric states (quality targets) outlined in proposed Appendix 33. Draft plan has yet to be notified.
Tasman District Council (TDC)	✓	✓	Values are identified for specific water bodies within water management zones, however, TDC is in the process of implementing work to develop freshwater objectives, limits and attribute states for FMUs.
West Coast Regional Council	✓	✓	Freshwater objectives are currently under development for the four FMUs. Further implementation is needed to give effect to the NOF provisions.
Otago Regional Council (ORC)	✓	✓	FMUs have been identified but are not yet included in the Regional Plan. ORC is currently working with communities to identify local values that sit alongside national values for human and ecological health. These will inform setting objectives and water quality and quantity limits. Further implementation is needed to give effect to the NOF provisions.
Southland Regional Council	✓	✓	FMUs have been identified, but objectives, policies and limits are still being developed as part of Environment Southland's time-staged implementation programme. Further implementation is needed to give effect to the NOF provisions.
Chatham Islands Council	✓	✓	The Council has confirmed both resourcing and funding is needed to implement what is currently required under the NPS-FM (2014) but also for the draft NPS-FM 2019 and National Environmental Standards for Freshwater.

3.3 Freshwater Management Units

The NPS-FM (as notified 2019) defines FMUs as:

FMU, or freshwater management unit, means all or any part of a waterbody or waterbodies, and their related catchments, that a regional council determines under clause 3.6 is an appropriate unit for freshwater management and accounting purposes

MfE guidance on implementing FMUs notes that the definition is intentionally flexible so councils can determine the spatial scale best suited to managing fresh water in the specific circumstances of their region. Management includes setting values, objectives and limits, and undertaking freshwater accounting and monitoring.

The NPS-FM (as amended in 2017) requires all councils to identify FMUs and include all freshwater bodies within their regions. These requirements are also included in the NPS-FM (as notified 2019). A summary of implementation progress for each council is set out in table 3.

Table 3: Regional summary – Identification of Freshwater Management Unit (FMUs)

Regional Council	NPS-FM (amended 2017)	NPS-FM (draft 2019)	Commentary
Northland Regional Council	✓✓✓	✓✓	Water quality management units have been identified in the Proposed Northland Regional Plan, these are operative in part and are mapped. The FMUs are to be updated through future signalled plan changes, and different FMUs are likely to apply for freshwater quality provisions.
Auckland Council	✓	✓	No FMUs have been identified. Auckland Council anticipates developing action plans, objectives, limits and targets in collaboration with key stakeholders by 2020 (Wai Ora-Healthy Waterways initiative).
Waikato Regional Council	✓✓	✓✓	FMUs have been identified in Plan Change 1 to the Waikato Regional Plan. Further catchment FMUs outside of the Plan Change 1 catchment are yet to be identified.
Bay of Plenty Regional Council	✓	✓	The identification of FMUs has commenced for two of the Water Management Areas (WMAs), as noted previously being Kaituna-Pongakawa-Waitahanui and Rangitāiki WMAs, but has not been included as a plan change yet.
Taranaki Regional Council	✓✓	✓✓	FMUs have been identified in the Draft Freshwater and Land Management Plan for Taranaki but are not operative.
Horizons Regional Council	✓✓✓	✓✓	The Horizons One Plan was developed prior to the NPS-FM (amended 2017); there is no reference to FMUs. However, the region has been split into water management zones in which relevant values are matched against each of the zones.
Gisborne District Council	✓✓	✓✓	FMUs have been identified and the Waipaoa Catchment Plan (comprising 12 major sub-catchment areas). Further catchment plans are to be developed, each to identify its own FMUs.
Hawke's Bay Regional Council	✓✓✓	✓✓	Water management zones have been used rather than FMUs, and plan changes are being undertaken on a catchment basis.
Greater Wellington Regional Council	✓✓✓	✓✓	Catchment management units have been identified within each of the five Whaitua across the Wellington Region.
Environment Canterbury Regional Council	✓✓✓	✓✓	Sub-regions and catchment areas are identified, and each of these has a separate section in the Land and Water Plan. FMUs have been identified in some of these catchments (eg, Waimakariri), and this will be done for other sub-regions if and where required.
Marlborough District Council	✓✓✓	✓✓	FMUs have been identified in the Proposed Marlborough Environment Plan (Decisions version).
Nelson City Council	✓✓✓	✓✓	FMUs have been identified in the Draft Nelson Plan.
Tasman District Council	✓✓	✓	Water allocation zones have been identified, however, there is an opportunity to better align these with the policy direction on FMUs.
West Coast Regional Council	✓✓	✓	Four FMUs have been identified that will include all freshwater bodies but have not yet been included in the plan.

Regional Council	NPS-FM (amended 2017)	NPS-FM (draft 2019)	Commentary
Otago Regional Council	✓✓	✓✓	FMUs have been identified by the Otago Regional Council but are not included in the regional plan. These will be included in the new Regional Land and Water Plan.
Southland Regional Council	✓✓✓	✓	FMUs have been identified in the Proposed Southland Water and Land Plan.
Chatham Islands Council	✓	✓	No FMUs have been identified in the Chatham Islands Resource Management Document.

The progress of establishing objectives and setting freshwater quality limits varies throughout the country. This is linked to the progress in developing the initial step of FMUs in which councils are in varying stages of implementation.

In general, all councils (except for Chatham Islands Council) have begun progressing the development of FMUs either in draft form or via plan changes. FMUs have been defined regionally in different spatial scales based on what each council considers works best for its region.

3.4 Primary contact sites

Managing waterways for primary contact recreation is a key focus for the NPS-FM (as amended 2017) and draft NPS-FM 2019. A primary contact site is defined in the NPS-FM (as notified 2019) as:

primary contact site means a site identified by a regional council that it considers is regularly used, or would be regularly used, but for existing freshwater quality, for recreational activities such as swimming, paddling, boating, or watersports, and particularly for activities where there is a high likelihood of water or water vapour being ingested or inhaled.

The NPS-FM (as amended 2017), through objective A3, seeks for the quality of freshwater within an FMU to be improved so that it is suitable for primary contact more often, unless regional targets have been achieved or naturally occurring processes mean further improvement is not possible. Policy A5 requires changes to regional plans to identify specified rivers and lakes, and primary contact sites, and to state what improvements will be made, and over what timeframes, so that they are suitable for primary contact more often. Policy A6 required draft regional targets be available to the public by March 2018 and final regional targets by December 2018. Appendix 5 (surveillance monitoring of *E. coli* at primary contact sites) requires weekly monitoring of identified primary contact sites, although the date ranges for sampling were left for the regional council to determine. Additionally, appendix 6 provided national targets for water quality improvement for primary contact sites.

The NPS-FM (as notified 2019) requires that regional councils must manage primary contact sites for their risk to human health and their suitability for the activities that take place in them (eg, the absence of slippery or unpleasant weed growth and the visual clarity of the water). This matter was previously addressed in the NPS-FM (as amended 2017) in the description of the human health for recreation compulsory value (Appendix 1).

Regional councils must also identify a sampling site, or sites representative of the primary contact sites, in each FMU. Weekly monitoring is also required between 1 November and 31 March each year for *E. coli*. Appendix 3 includes the national targets for water quality improvement for primary contact sites.

Table 4 provides a comparison between the NPS-FM as amended 2017 and the NPS-FM as notified 2019 and implementation of the generic theme of 'primary contact' for each regional council.

Table 4: Regional summary – Primary contact sites

Regional Council	NPS-FM (amended 2017)	NPS-FM (draft 2019)	Commentary
Northland Regional Council (NRC)	✓✓	✓✓	The Proposed Northland Regional Plan, which is operative in part, currently does not appear to have identified primary contact sites within each Freshwater Management Unit (FMU), however, the NRC has noted that work is currently under way to implement updates to the NPS-FM. The NRC has set targets for both rivers and lakes and these were accessible on the NRC website by December 2018. NRC has an ongoing recreational swimming water quality programme and the results of this are published on the NRC website. Further work is required to give effect to the national policy statement (as notified 2019) around identifying primary contact sites within each FMU and managing sites for their suitability for the activities that take place in them.
Auckland Council	✓✓	✓✓	Samples from over 30 swimming and shellfish-gathering sites have been uploaded to Land, Air, Water Aotearoa (LAWA). Auckland Council has developed a 'swim safe' tool for the public to check live information on water quality and swimming conditions at various sites throughout the region. Incorporation of primary contact recreation into the objective framework will occur through future plan changes.
Waikato Regional Council	✓✓✓	✓✓	Waikato Regional Council has set water quality targets for the Waikato region. These are 40.4 per cent of rivers and 79 per cent of lakes swimmable by 2030. Plan Change 1 (PC1) includes an objective for the entire length of the Waikato and Waipā catchments to be swimmable by 2096 at the latest.
Bay of Plenty Regional Council (BOPRC)	✓✓✓	✓✓	BOPRC has swimming targets on its website that currently indicate 94.5 per cent of specified rivers and 85 per cent of specified lakes are swimmable and/or suitable for primary contact, and this achieves the targets under clause (a). Schedule 9 (section 5) sets out contact recreation water quality standards for those rivers and streams classified as 'contact recreation' in the Water Quality Classification Maps.
Taranaki Regional Council (TRC)	✓✓	✓✓	Regional swimability targets for Taranaki's rivers and lakes have been set by TRC and four FMUs defined. Water quality in relation to contact with fresh water is reflected in operative plan policies 5A.1.2 and 6.2.2 in relation to discharges. Minor changes are required to give full effect to the policy requirements.
Horizons Regional Council	✓✓✓	✓✓	A regional target of 90 per cent has been adopted. Contact recreation is a value in the One Plan, with a management objective that the water body and its bed are suitable for contact recreation.
Gisborne District Council	✓✓	✓✓	Objective 2 requires the improvement of the quality of FMUs. FMUs identify "Human Health (secondary contact)" as "prominent values".

Regional Council	NPS-FM (amended 2017)	NPS-FM (draft 2019)	Commentary
			Samples from over 30 swimming and shellfish-gathering sites have been uploaded to LAWA. Limits and targets set for FMUs (which include rivers, lakes and primary contact sites), noting these are to be implemented by 2025 once sufficient monitoring has been undertaken.
Hawke's Bay Regional Council (HBRC)	✓✓	✓✓	The HBRC has a website that states whether "popular spots" are safe to swim in (www.hbrc.govt.nz/hawkes-bay/swimming/). Under Plan Change 6, targets have been set for water management zones. Minor changes required to give full effect to the policy requirements.
Greater Wellington Regional Council (GWRC)	✓✓	✓✓	GWRC has released regional swimming targets, with a goal of ensuring that 75 per cent of rivers and lakes are swimmable. Objective O24 also seeks to ensure water quality is improved at significant contact recreation sites, however, no exceptions are listed (as per clause (a) and (b)). Minor changes are required to give full effect to the policy requirements.
Environment Canterbury Regional Council	✓✓	✓✓	Objective 3.15 gives effect to this provision, seeking that "those parts of lakes and rivers that are valued by the community for recreation are suitable for contact recreation". The distinction is not made between primary contact or secondary contact. Swimming targets have also been released as of December 2018. Minor changes are required to give full effect to the policy requirements.
Marlborough District Council (MDC)	✓✓	✓✓	Objective 15.1e requires MDC to maintain or enhance freshwater quality in water bodies valued for primary contact recreation, where it is reasonable to expect swimming to occur in the river. Minor changes are required to give full effect to the policy requirements.
Nelson City Council	✓✓	✓✓	Draft plan change objectives seek to restore degraded freshwater quality within FMUs. Objectives have been set in relation to primary contact water quality standards and specific standards have been set. Plan is yet to be notified.
Tasman District Council	✓✓	✓✓	Schedule 30A lists significant water bodies and acknowledges that recreation (contact and non-contact) is an important use and value for some water bodies and should be maintained and enhanced. Limits are set for discharges, and monitoring of water quality is required for some water bodies, but this is not specifically linked to maintaining primary contact. However, regional targets need to be made publicly available.
West Coast Regional Council	✓✓	✓✓	'Can I swim here' website launched in 2017. Specific targets for these areas do not appear to have been set, however,

Regional Council	NPS-FM (amended 2017)	NPS-FM (draft 2019)	Commentary
			this will likely be informed by the FMU process and included in the Plan Change in 2023. Minor changes required – reference to primary contact is not included in the objectives.
Otago Regional Council (ORC)	✓✓	✓✓	ORC released updated swimming targets at the end of 2018. Minor changes needed – no reference to primary contact in the Regional Plan: Water.
Southland Regional Council	✓✓	✓✓	Council has approved the final target for 2030 as 65.7 per cent of rivers and 98 per cent of lakes, and the 2040 target as 80 per cent of rivers and 98 percent of lakes. FMUs have been identified, but objectives, policies, limits and targets are still being developed as part of Environment Southland’s time staged implementation programme.
Chatham Islands Council	✓	✓	Council monitors water quality at 14 stream sites and 8 lake and lagoon sites on the main island. Samples are collected on a quarterly basis and collated and reported on every year (with a more comprehensive analysis undertaken approximately every 10 years, to investigate trends in data). The Water Quality Summary reports are publicly accessible on the Council’s website. However, these do not specifically apply to ‘swimming’ and ‘primary contact’ sites. Further implementation required to identify primary contact targets.

Overall, most councils have published targets for primary contact sites. Monitoring is well established throughout New Zealand and published on the Land, Air, Water Aotearoa (LAWA) website.¹⁴ Implementation of primary contact targets into the policy framework is mixed across the country and largely related to the relative progress of the NOF process in each region.

3.5 Compulsory values

3.5.1 National Policy Statement for Freshwater Management (as amended 2017)

Appendix 1 of the NPS-FM (as amended 2017) provides compulsory national values as follows:

Ecosystem health – *The freshwater management unit supports a healthy ecosystem appropriate to that freshwater body type (river, lake, wetland, or aquifer).*

In a healthy freshwater ecosystem ecological processes are maintained, there is a range and diversity of indigenous flora and fauna, and there is resilience to change.

Matters to take into account for a healthy freshwater ecosystem include the management of adverse effects on flora and fauna of contaminants, changes in freshwater chemistry, excessive nutrients, algal blooms, high sediment levels, high temperatures, low oxygen, invasive species, and changes in flow regime. Other matters to take into account include the essential habitat needs of flora and fauna and the connections between water bodies.

¹⁴ See Land, Air, Water Aotearoa: www.lawa.org.nz/.

Human health for recreation – In a healthy waterbody, people are able to connect with the water through a range of activities such as swimming, waka, boating, fishing, mahinga kai and water-skiing, in a range of different flows.

Matters to take into account for a healthy waterbody for human use include pathogens, clarity, deposited sediment, plant growth (from macrophytes to periphyton to phytoplankton), cyanobacteria and other toxicants.

Table 5 provides an assessment of the implementation of these compulsory values for the NPS-FM (amended 2017) in terms of implementation of these compulsory national values.

Table 5: National Policy Statement for Freshwater Management (amended 2017) Compulsory Values – Ecosystem health and human health for recreation

Regional Council	Ecosystem health and associated attributes	Human health for recreation and associated attributes	Commentary
Northland Regional Council (NRC)	✓	✓	NRC has involved tangata whenua, stakeholders and interested parties in implementation of the National Policy Statement for Freshwater Management (NPS-FM) to date. This has occurred through representation of various interests on collaborative catchment planning groups and participation in the regional plan development process by industry and stakeholder liaison groups and Te Tai Tokerau Māori and Council Working Party. It is noted that the water quality provisions of the Proposed Northland Regional Plan were removed prior to notification. The NRC has advised that implementation of the National Objectives Framework (NOF) is under way, including identification of values. The NRC is looking to engage on this in the near future following gazettal of the NPS-FM 2020.
Auckland Council	✓	✓	Following the Fresh Water Management Tool development, Auckland Council anticipates developing action plans, objectives, limits and targets in collaboration with key stakeholders (Wai Ora-Healthy Waterways initiative). Auckland Council confirms that both the Wai Ora-Healthy Waterways initiative and the NPS-FM workstream are currently on hold.
Waikato Regional Council	✓✓	✓✓	Plan Change 1 (PC1) has been in development since 2013 and is currently in the appeals phase. Further implementation of the NOF is planned for other catchments following the PC1 process.
Bay of Plenty Regional Council	✓	✓	This work is under way, with work being undertaken on two Water Management Areas (WMAs) and drafting of specific values for Kaituna-Pongakawa-Waitahanui and

Regional Council	Ecosystem health and associated attributes	Human health for recreation and associated attributes	Commentary
			Rangitāiki WMAs. Further implementation is needed to give effect to the NOF provisions.
Taranaki Regional Council	✓	✓	Preliminary community and stakeholder engagement has been completed. Work is under way to integrate these attributes into a proposed plan change.
Horizons Regional Council	✓✓	✓✓	The One Plan was developed prior to the NPS-FM. Despite this, the One Plan broadly implements the NOF. The One Plan includes water management zones, values and objectives, which reference these values and numeric targets. Further implementation is needed to give effect to the NOF provisions, including action plans.
Gisborne District Council	✓✓	✓✓	Waipaoa Catchment Plan identifies FMUs and attributes. Further catchment plans to be implemented, including action plans.
Hawke's Bay Regional Council	✓✓	✓✓	Plan Change 6 (Tukituki Catchment) has been implemented and Plan Change 9 (Tank Catchments) has been most recently prepared. Further catchment plans to be implemented, including action plans.
Greater Wellington Regional Council	✓	✓	The Whaitua process is ongoing – regional and local circumstances will be captured through the Whaitua process. The development of specific freshwater objectives and identification of specific values is ongoing.
Environment Canterbury Regional Council	✓✓	✓✓	The water management zone process is under way for some catchments. Plan Change 7 has identified these values for the Waimakariri Catchment. Further development and implementation is needed to fully give effect to the NOF provisions.
Marlborough District Council	✓✓	✓✓	Freshwater objectives developed and refer to numeric attribute states for <i>E. coli</i> , ammonia and nitrate.
Nelson City Council	✓✓	✓✓	The compulsory values of the NPS-FM are included (Proposed Appendix 27) in the draft plan and have been expanded on to provide for a regional context. Draft plan has yet to be notified.
Tasman District Council (TDC)	✓	✓	Values are identified for specific water bodies within water management zones, however, TDC is in the process of implementing work to develop freshwater objectives, limits and attribute states for FMUs.

Regional Council	Ecosystem health and associated attributes	Human health for recreation and associated attributes	Commentary
West Coast Regional Council	✓	✓	Freshwater objectives are currently under development for the four FMUs. Further implementation is needed to give effect to the compulsory attributes.
Otago Regional Council (ORC)	✓	✓	FMUs have been identified but are not yet included in the Regional Plan. ORC is currently working with communities to identify local values that sit alongside national values for human and ecological health; these will inform setting objectives and water quality and quantity limits. Further implementation is needed to give effect to the compulsory attributes.
Southland Regional Council	✓	✓	FMUs have been identified, but objectives, policies and limits are still being developed as part of Environment Southland's implementation programme. Further implementation is needed to give effect to the compulsory attributes.
Chatham Islands Council	✓	✓	Council has confirmed both resourcing and funding is required to implement what is currently required under the NPS-FM (2014) but also for the NPS-FM (2019) and National Environmental Standards for Freshwater.

3.5.2 National Policy Statement for Freshwater Management (as notified 2019)

Appendix 1A to the draft NPS-FM 2019 provides a further description of the ecosystem health compulsory value by providing detail on the five biophysical components that contribute to freshwater ecosystem health. Two additional compulsory values are proposed as follows:

Threatened species – *This refers to the extent to which an FMU that supports a population of threatened species has the conditions necessary to support the continued presence and survival of the threatened species. The basic conditions relate to aquatic habitat, water quality, and flows or water levels, but may also include specialised habitat or conditions needed for only part of the life-cycle of the threatened species.*

Mahinga kai – *Kai are safe to harvest and eat.*

Mahinga kai generally refers to indigenous freshwater species that have traditionally been used as food, tools, or other resources. It also refers to the places those species are found and to the act of catching them. Mahinga kai provide food for the people of the rohe and these sites give an indication of the overall health of the water. For this value, kai would be safe to harvest and eat. Transfer of knowledge would occur about the preparation, storage and cooking of kai. In freshwater management units that are used for providing mahinga kai, the desired species are plentiful enough for long-term harvest and the range of desired species is present across all life stages.

Mahinga kai – *Kei te ora te mauri (the mauri of the place is intact).*

For this value, freshwater resources would be available and able to be used for customary use. In freshwater management units that are valued for providing mahinga kai, resources would be available for use, customary practices able to be exercised to the extent desired, and tikanga and preferred methods are able to be practised.

Table 6 provides an assessment of the implementation of these new compulsory values for the NPS-FM (as notified 2019).

Table 6: National Policy Statement for Freshwater Management (as notified 2019) Compulsory Values – Threatened species and mahinga kai

Regional Council	Threatened species and associated attributes	Mahinga kai	Commentary
Northland Regional Council (NRC)	✓	✓✓	The NRC has advised that implementation of the NOF is under way, including identification of values. However, Policy D.1.1 includes specific reference to mahinga kai.
Auckland Council	✓	✓	As per the NPS-FM 2017, following the Fresh Water Management Tool development, Auckland Council anticipates developing action plans, objectives, limits and targets in collaboration with key stakeholders (Wai Ora-Healthy Waterways initiative). Auckland Council confirms that the Wai Ora-Healthy Waterways initiative and the National Policy Statement for Freshwater Management (NPS-FM) workstream are both currently on hold.
Waikato Regional Council	✓	✓	Plan Change 1 has been in development since 2013 and is currently in the appeals phase. Further work is required to implement the threatened species and mahinga kai attributes.
Bay of Plenty Regional Council	✓	✓	Work is under way on ecosystem health and human health, with work being undertaken on two Water Management Areas and drafting of specific values for Kaituna-Pongakawa-Waitahanui and Rangitāiki Water Management Areas. Further work is required to implement the threatened species and mahinga kai attributes.
Taranaki Regional Council (TRC)	✓	✓✓	TRC is working towards including Mātauranga Māori methods in monitoring. The Kaupapa Māori Freshwater Assessment summarises the Mātauranga Māori methods currently used by TRC. TRC monitors ecological health using the Mega-Fauna Conservation Index (MCI) for fauna. Monitoring reports published by TRC consider trends in data and recommend further action accordingly.
Horizons Regional Council	✓	✓	Work is required to reconcile values and attributes in line with the draft NPS-FM 2019. This includes values on mahinga kai and tangata whenua values.
Gisborne District Council	✓✓	✓✓	Schedule 1C of the freshwater plan contains the freshwater habitats of threatened indigenous flora

Regional Council	Threatened species and associated attributes	Mahinga kai	Commentary
			<p>and fauna – identifying the catchment the water body is within, the name of the river and/or stream or lake, wetland or river mouth and the threatened species present in the water body.</p> <p>Recognition of mahinga kai is included within the with policy framework. Further implementation is needed to develop attributes for each catchment plan.</p>
Hawke's Bay Regional Council	✓	✓✓	Plan Change 9 (Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments) includes freshwater quality objectives and values for mahinga kai. Further work is required to develop these attributes for other catchments in the region.
Greater Wellington Regional Council	✓	✓✓	Aquatic ecosystem health and mahinga kai objectives are included in the Proposed Natural Resources Plan. These will be implemented on a catchment-by-catchment basis because the Whaitua process is ongoing.
Environment Canterbury Regional Council	✓✓	✓✓	Significant fauna and indigenous vegetation and mahinga kai values identified through the Plan Change 7 process. Further work is required to develop these into attributes for other catchments in the region.
Marlborough District Council (MDC)	✓	✓	MDC has noted that it has prioritised water quantity over quality in the development of this plan and is now progressing with the development of water quality attributes.
Nelson City Council	✓	✓	Work is required to reconcile values and attributes in line with the NPS-FM 2019. This includes values on mahinga kai and tangata whenua values.
Tasman District Council (TDC)	✓	✓	Values are identified for specific water bodies within water management zones, however, TDC is in the process of implementing work to develop freshwater objectives, limits and attribute states for FMUs.
West Coast Regional Council	✓	✓	Freshwater objectives are currently under development for the four Freshwater Management Units (FMUs). Further implementation is needed to give effect to the compulsory attributes.
Otago Regional Council	✓	✓	FMUs have been identified but are not yet included in the regional plan. Further implementation is needed to give effect to the compulsory attributes.
Southland Regional Council	✓	✓	FMUs have been identified, but objectives and policies and limits are still being developed as part

Regional Council	Threatened species and associated attributes	Mahinga kai	Commentary
			of Environment Southland's implementation programme. Further implementation is needed to give effect to the compulsory attributes.
Chatham Islands Council	✓	✓	Council has confirmed both resourcing and funding is required for the NPS-FM (notified 2019) and National Environmental Standards for Freshwater.

3.6 Water allocation

The NPS-FM (as amended 2017) requires that over-allocation be avoided and existing over-allocation be phased out. The provisions also seek to maximise the efficient allocation and efficient use of water. The NPS-FM (as notified 2019) directs councils to include methods in their regional plans to encourage the efficient use of water and to define a timeframe within which over-allocation is phased out and the methods to achieve this.

Table 7 provides an assessment of the implementation of these provisions for both the NPS-FM as amended in 2017 and as notified in 2019.

Table 7: Regional summary – Water allocation

Regional Council	NPS-FM (amended 2017)	NPS-FM (draft 2019)	Commentary
Northland Regional Council	✓✓✓	✓✓	The Proposed Northland Regional Plan, which is operative in part, includes Policy D.4.10, which seeks that resource consent decisions do not result in over-allocation. This is supported by Method 4.1.2(4) of the Regional Policy Statement (RPS), which states that the regional council will include regulatory methods in regional plans to avoid or phase out over-allocation. The regional plan does not appear to have specified timeframes for phasing out over-allocation. The regional plan includes minimum flows and levels in policies H.4.1 and H.4.2 and limits in Policy H.4.3 for rivers.
Auckland Council	✓✓	✓✓	The Auckland Unitary Plan, which is operative in part (a combined plan), includes provisions on avoiding further over-allocation and improving and maximising the efficient allocation and use of water in the RPS at Objective B7.4.1.(3) and Policy B7.4.2.(10)-(11). The regional plan does not appear to have specified timeframes for phasing out over-allocation.
Waikato Regional Council	✓✓✓	✓✓✓	The objectives in section 3.1, 3.2 and 3.3 of the Waikato Regional Plan give effect to the National Policy Statement for Freshwater Management (NPS-FM) (as amended 2017) with regard to avoiding further over-allocation and improving and maximising the efficient allocation and use of water. Section 3.3.4 of the regional plan sets out methods for phasing out over-allocation.

Regional Council	NPS-FM (amended 2017)	NPS-FM (draft 2019)	Commentary
			The RPS also gives effect to this policy direction at Policy 3.15. This policy seeks to phase out any existing over-allocation of ground and surface water bodies by 31 December 2030.
Bay of Plenty Regional Council	✓✓	✓✓	Over-allocation will be addressed once final limits for each area have been incorporated into the Regional Natural Resources Plan. Proposed Plan Change 9 addressed methods to phase out over-allocation as existing consents expired (since withdrawn). Objective 39 of the regional plan seeks the efficient use of water resources in the Bay of Plenty, and Method 168 sets out matters to consider in relation to the efficient use of water for certain activities. The RPS at Policy WQ 3B includes a number of matters for consideration when allocating and reallocating fresh water. These include but are not limited to consideration of the demands and availability of water within catchments and ensuring water in a water body is not over-allocated.
Taranaki Regional Council	✓✓	✓✓	The Regional Fresh Water Plan for Taranaki sets minimum flows (refer policy 6.1.4 and policy 6.1.8) but does not set allocation. The draft 2015 gives effect to Objective B2 through policies 7.5 to 7.7. The Taranaki Regional Council website notes further work is required to identify the catchments that are over-allocated and that exceed default limits. 'Clawback' is the appropriate method used over time through the consenting process. Reference to efficient allocation and use is included in both the operative and draft 2015 regional plans in relation to the efficient take and use of surface water and groundwater. There does not appear to be specific references to over-allocation in the RPS. WAL Objective 1 seeks to sustainably manage the taking and use of fresh water.
Horizons Regional Council	✓✓✓	✓✓✓	The One Plan includes policy direction on apportioning, restricting and suspending takes in times of minimum flow. Policy 5-13 sets out measures for the efficient use of water, including: requiring water audits and water budgets, to check for leakages, and water-use efficiency as appropriate. The One Plan does not appear to have specified timeframes for phasing out over-allocation.
Gisborne District Council	✓✓✓	✓✓✓	Objective 6 of the Gisborne Regional Freshwater Plan gives effect to this policy direction, with the exception of specifying timeframes for phasing out over-allocation. In terms of the RPS, Policy B6.2.4(4) states that objectives and methods shall include allocation limits for both surface water and groundwater and include mechanisms to ensure water is used efficiently.
Hawke's Bay Regional Council	✓✓✓	✓✓✓	The Hawke's Bay Regional Resource Management Plan sets out allocation limits in OBJ TT4. The recently notified Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments plan

Regional Council	NPS-FM (amended 2017)	NPS-FM (draft 2019)	Commentary
			change includes Policy 52, which seeks to phase out over-allocation. OBJ TT5 specifically mentions improvement and maximising efficient allocation and use of water.
Greater Wellington Regional Council	✓✓✓	✓✓✓	Objective O52A of the Proposed Natural Resource Plan for the Wellington Region gives effect to this policy direction, with the exception of specifying timeframes for phasing out over-allocation. The RPS at Policy 13 seeks that allocation limits be set for both surface water and groundwater.
Environment Canterbury Regional Council	✓✓	✓✓	Flow limits are identified for many of the sub-regions in Sections 6 to 15 of the Canterbury Land and Water Regional Plan. However, policy direction is required in the regional plan on avoiding further over-allocation and phasing out existing over-allocation. Minor changes are required to give effect to Objective B3 of the National Policy Statement for Freshwater Management (NPS-FM) (as amended 2017). The RPS at Policy 7.3.8 seeks to improve efficiency in the allocation and use of fresh water and lists a number of matters.
Marlborough District Council	✓✓✓	✓✓	Objectives 5.5 and 5.7 and policies 5.5.1, 5.5.2, 5.7.1 and 5.7.2 of the Proposed Marlborough Environment Plan give effect to this policy direction, with the exception of specifying timeframes for phasing out over-allocation.
Nelson City Council	✓✓	✓✓	The Draft Nelson Plan seeks to phase out over-allocation of abstracted water by 31 December 2030 in Policy M1(5). Policy LF-P6 relates to the efficient end use of abstracted water. It does not provide direction in relation to improving and maximising the efficient use of water.
Tasman District Council	✓	✓	Objectives B2 and B3 of the NPS-FM (as amended 2017) do not appear to be addressed in the Tasman Resource Management Plan. The RPS also does not appear to address these matters.
West Coast Regional Council	✓✓	✓✓	No specific direction is given in the Regional Land and Water Plan on addressing over-allocation, only the need to cap allocation if required. Policy 7.2.3 seeks to promote the efficient use of water. The RPS includes Objective 8.3, which seeks to determine allocation of water within environmental controls.
Otago Regional Council	✓✓	✓✓	The Regional Plan: Water does not include provisions on avoiding further over-allocation, efficient allocation and use of water. The Council is looking to determine appropriate allocation limits, and, if any over-allocation is identified, phase this out through provisions.
Southland Regional Council	✓✓✓	✓✓✓	Objective 7 and 11 of the Proposed Southland Water and Land Plan gives effect to this policy direction, with the exception of specifying timeframes for phasing out over-allocation.

Regional Council	NPS-FM (amended 2017)	NPS-FM (draft 2019)	Commentary
Chatham Islands Council	✓	✓	Provisions on over-allocation and the efficient allocation and use of water and have not been given effect to in the Chatham Islands Council Resource Management Document. In a call with the Council, they recognised the requirement to set a timeframe and methodology to address over-allocation of water bodies circa 2014. At this time, the Council considered it impractical to develop and implement such an approach within the timeframes, given that, at the time of writing, the islands have no over-allocation issues.

The progress of addressing allocation and efficient use of freshwater varies throughout the country, with only a few councils achieving full implementation. Furthermore, only Waikato Regional Council and Nelson City Council have defined a timeframe by which over-allocation must be phased out.

3.7 Freshwater accounting

The freshwater accounting requirements of the NPS-FM (as amended in 2017 and as notified in 2019) seek to provide information for councils to use in establishing freshwater objectives and limits and in targeting their management of fresh water.

Table 8 provides an assessment of the implementation of these provisions for both the NPS-FM as amended in 2017 and as notified in 2019.

Table 8: Regional summary – Freshwater accounting

Regional Council	NPS-FM (amended 2017)	NPS-FM (draft 2019)	Commentary
Northland Regional Council	✓✓	✓✓	On a call with Northland Regional Council, they advised that records of granted takes are kept, and they regularly update their accounting so they can avoid over-allocation. Freshwater quality accounting is not in place, given the National Objectives Framework (NOF) has yet to be fully implemented.
Auckland Council	✓✓	✓✓	No reference to freshwater accounting within the plan or on the Auckland Council website. Auckland Council confirms a freshwater accounting system has been developed, however, it is not publicly available at the time of writing. The Council does plan to work on this system and make it more transparent, however, work on this is on hold.
Waikato Regional Council	✓✓	✓✓	As part of the development of the water allocation chapters of the Waikato Regional Plan, a system, referred to as the Water Allocation Calculator for freshwater quantity, has been developed and is available on the Council's website. An approach to water quality accounting has been developed and implemented in the Waikato and Hauraki catchments. Further work is required to establish and operate a freshwater quality accounting system for the region.
Bay of Plenty Regional Council	✓✓	✓✓	Groundwater accounts were automated in 2018, and work to automate ('point in time' data) surface water quantity accounts continues.

Regional Council	NPS-FM (amended 2017)	NPS-FM (draft 2019)	Commentary
			The Lake Rotorua nitrogen allocation system was developed as part of Plan Change 10. Other quality records are based on state of the environment and trend analysis to map water quality in general (no accounting system available for water quality).
Taranaki Regional Council	✓✓	✓✓	The Progressive Implementation Programme states for Taranaki Regional Council that a freshwater quantity accounting system is in place, with the freshwater quality accounting system to be completed.
Horizons Regional Council	✓✓	✓✓	On a call with Horizons Regional Council, they advised that a freshwater accounting system has been in place for a while. However, a programme of work is under way to align this with the requirements of the National Policy Statement for Freshwater Management (NPS-FM) (as amended in 2017).
Gisborne District Council	✓✓	✓✓	Freshwater accounting systems are to be established as directed by Objective 8 of the Gisborne Regional Freshwater Plan. However, no freshwater accounting system(s) publicly available at this stage.
Hawke's Bay Regional Council	✓✓	✓✓	In a call with Hawke's Bay Regional Council, they stated that accounting systems are in place for the Hawke's Bay Regional Resource Management Plan and are in progress for future plan changes. The Hawke's Bay Regional Council noted that changes to the NPS-FM result in difficulties in terms of attributes that are required to be monitored.
Greater Wellington Regional Council	✓✓	✓✓	Development of a freshwater accounting system appears to be still under way. However, long term state of the environment, consent level monitoring and smaller investigating monitoring is undertaken.
Environment Canterbury Regional Council	✓✓	✓✓	Freshwater accounting is under development. Environment Canterbury is currently undertaking a 'water data programme', which aims to improve data infrastructure around water. One of the outputs is a catchment accounting system. Environment Canterbury has finalised its groundwater quantity accounting, and the surface water part will be finalised and visualised in the next few months. In terms of quality accounting, this information is still to be pulled together, however, methods are in place through the regional plan to ensure the Council is not over-allocating in terms of nutrients.
Marlborough District Council	✓✓	✓✓	No freshwater accounting systems are publicly available at this stage. A call to the Council confirmed that a freshwater accounting system does exist, however, it is considered by the Council to be rudimentary. The Council is in the process of developing an e-water system to replace and update the existing accounting system.
Nelson City Council	✓✓	✓✓	Proposed Method LF-M21 of the Nelson Plan seeks to develop and implement a freshwater accounting

Regional Council	NPS-FM (amended 2017)	NPS-FM (draft 2019)	Commentary
			methodology to inform freshwater management and future freshwater policy development. While the framework for the Council's freshwater accounting system has been established, the specific details of the system in relation to each Freshwater Management Unit (FMU) do not yet appear to be available. A discussion with the Council confirmed that it is awaiting further NPS-FM details before progressing this.
Tasman District Council	✓	✓	No freshwater accounting systems are publicly available. A call to the Council confirmed a system is under way for quality, however, no freshwater accounting system exists for quantity.
West Coast Regional Council	✓✓	✓✓	Discussions with the Council, and information included in NPS-FM strategy for the West Coast, indicate that a freshwater accounting system will likely be based off an adjusted state of the environment programme. This is something that will be developed in future. Accurate accounting would require sophisticated modelling and potentially more extensive monitoring.
Otago Regional Council	✓	✓	Otago Regional Council stated that investment has been made in accounting software that pulls all information together. This is under development.
Southland Regional Council	✓	✓	The Southland Science programme was created in 2014 to consider the urban and rural land-based activities and how to manage and mitigate them by understanding how water passes through the landscape and what the effects of land-based contaminants are on water bodies (being rivers, estuaries, lakes and groundwater) and the connections between those water bodies. The research will inform the objective- and limit-setting process, therefore, accounting systems have not been established.
Chatham Islands Council	✓	✓	No freshwater objectives, limits and/or FMUs have been identified or set. Therefore, there is no mention of a freshwater accounting system in the plan. A call to the Council confirmed that, in the absence of any defined FMUs, an accounting system has not been developed – noting such a system would have nothing to be based off.

Generally speaking, councils are further progressed in developing freshwater quantity accounting systems than freshwater quality. Some systems are 'live' while others have been undertaken at a point in time and are not necessarily up to date. Not all are publicly available, but those that are include:

- Marlborough District Council: the Council is developing an 'e-water' system with up-to-date data on water take permits, current restrictions and temporary transfers
- Bay of Plenty Regional Council: the Council has a 'live' groundwater allocation system and a report (from 2016) regarding surface water allocation
- Taranaki Regional Council: the Council finalised a 'live' freshwater quantity accounting system, which is available as a PDF report upon request

- Northland Regional Council and Waikato Regional Council: Both councils have 'live' freshwater quantity allocations online for surface water and groundwater.
- Auckland Council: The Council's accounting systems are not available publicly, but work has progressed on developing a fresh water management Tool that provides a current state model, or 'accounting system', developed using modelling software

Feedback regarding (in particular) development and implementation of the quality accounting system includes:

- developing a quality accounting system is more difficult than quantity given that water quality is constantly changing naturally due to the time of day, temperature, weather, tidal patterns and so on
- the interaction is complex between land use patterns and consequential effects on surface water
- a quality system is the aggregate of multiple parameters measured in different ways as opposed to quantity, which is simply volume.

Some councils sought further guidance from MfE on developing these systems.

3.8 Wetlands

The NPS-FM (as amended 2017) notes that many of New Zealand's lakes, rivers and wetlands are iconic and well-known globally for their natural beauty and intrinsic values. Provisions sought to protect significant values of wetlands in the NPS-FM (as amended 2017). The policy direction was strengthened in the NPS-FM (as notified 2019), which now seeks to achieve no further loss or degradation of natural inland wetlands. Councils are now required to include an avoidance policy in their RPS and identify and map natural inland wetlands that meet specified parameters.

Table 9 provides an assessment of the implementation of these provisions for the NPS-FM as amended in 2017 and as notified in 2019.

Table 9: Regional summary – Wetlands

Regional Council	NPS-FM (amended 2017)	NPS (draft 2019)	Commentary
Northland Regional Council	✓✓✓	✓	<p>Objective B4 of National Policy Statement for Freshwater Management (NPS-FM) (amended 2017) Objective F.1.1 of the Proposed Northland Regional Plan gives effect to this, specifically stating that: "the significant values, including hydrological variation in outstanding freshwater bodies and natural wetlands are protected".</p> <p>Implementation method 3.15 of NPS-FM (draft 2019) No policy on the loss or degradation of inland wetlands was identified in the Regional Policy Statement (RPS).</p>
Auckland Council	✓✓✓	✓✓	<p>Objective B4 of NPS-FM (amended 2017) This is addressed in both Objective B7.2.1(1)-(2) and Policy B7.3.2.(4).</p> <p>Implementation method 3.15 of NPS-FM (draft 2019) No specific mention of 'inland wetlands' in the policy framework. However, a policy framework exists for 'wetlands', and in Schedule 1 those wetlands are identified on the planning maps.</p>
Waikato Regional Council	✓✓✓	✓✓	<p>Objective B4 of NPS-FM (amended 2017)</p>

Regional Council	NPS-FM (amended 2017)	NPS (draft 2019)	Commentary
			<p>Objectives in section 3.1 and 3.7 of the Waikato Regional Plan and Objective 1 and Objective 5 of Plan Change 1 to the Waikato Regional Plan give effect to this objective.</p> <p>Implementation method 3.15 of NPS-FM (draft 2019) The maintenance and enhancement of riparian areas and wetlands are included in the RPS, however, the wording in 3.15(2) is not mentioned.</p>
Bay of Plenty Regional Council	✓✓	✓	<p>Objective B4 of NPS-FM (amended 2017) WL O1 seeks to preserve remaining wetlands, while WL O2 seeks to enhance the values and functions of degraded wetlands. 'Important' wetland values are identified in WL I2. These objectives are supported by policies WL P1, WL P3, WL P4 and WL P5.</p> <p>Implementation method 3.15 of NPS-FM (draft 2019) Clause 3.15(2) is not yet included in the RPS.</p>
Taranaki Regional Council	✓✓	✓	<p>Objective B4 of NPS-FM (amended 2017) Appendix 2A and 2B of the operative plan list values of regionally significant protected and unprotected wetlands respectively. Policy 6.8.1 prohibits diversion of water, discharge of contaminants and drainage and reclamation of significant wetlands in appendix 2A, while policy 6.8.2 manages such activities in relation to appendix 2B wetlands.</p> <p>Implementation method 3.15 of NPS-FM (draft 2019) Clause 3.15(2) is not yet included in the RPS.</p>
Horizons Regional Council	✓✓✓	✓✓	<p>Objective B4 of NPS-FM (amended 2017) Wetlands are identified and protection afforded, as per Schedule F – Indigenous Biological Diversity.</p> <p>Implementation method 3.15 of NPS-FM (draft 2019) The One Plan includes a policy on the natural character of wetlands (Policy 6-8), where wetlands, rivers and lakes and their margins must be preserved and these areas must be protected from inappropriate subdivision, use and development.</p>
Gisborne District Council	✓✓✓	✓	<p>Objective B4 of NPS-FM (amended 2017) Objective 4 of the Gisborne Regional Freshwater Plan gives effect to this provision ensuring both outstanding water bodies and wetlands “are protected or enhanced to provide for their values”.</p> <p>Implementation method 3.15 of NPS-FM (draft 2019) No mention of 'inland wetlands' in the RPS, objective and policy framework for 'wetlands' however.</p>
Hawke's Bay Regional Council	✓✓✓	✓✓	<p>Objective B4 of NPS-FM (amended 2017) The Hawke's Bay Regional Resource Management Plan gives effect to this objective through OBJ TT1(d), which</p>

Regional Council	NPS-FM (amended 2017)	NPS (draft 2019)	Commentary
			<p>specifically seeks that significant values of wetlands are protected.</p> <p>The Tūtaekurī, Ahuriri, Ngaruroro and Karamū (TANK) catchments plan change gives effect to this objective through OBJ TANK 2(e), which seeks that the significant values of the outstanding water bodies in Schedule 25 and the values in the plan objectives are appropriately protected and provided for.</p> <p>Implementation method 3.15 of NPS-FM (draft 2019) OBJ 15 of the Hawke's Bay Regional Resource Management Plan seeks the preservation and enhancement of remaining areas of significant indigenous vegetation, significant habitats of indigenous fauna and ecologically significant wetlands</p> <p>It is noted that this only applies to significant wetlands and not all natural inland wetlands.</p> <p>'Priority wetlands' are mapped in the RPS.</p>
Greater Wellington Regional Council	✓✓✓	✓✓	<p>Objective B4 of NPS-FM (amended 2017) Several provisions in the proposed Natural Resources Plan for the Wellington region relate to this Objective, in particular Objective O17, which provides for the protection of natural wetlands, rivers, lakes and their margins from inappropriate use and development.</p> <p>Implementation method 3.15 of NPS-FM (draft 2019) No mention of natural wetlands in the RPS. The proposed Natural Resources Plan for the Wellington region has similar objectives and policies to this but none with 'avoid' wording. (see O9, P24, P37).</p>
Environment Canterbury Regional Council	✓✓✓	✓✓	<p>Objective B4 of NPS-FM (amended 2017) Objective 3.17 of the Canterbury Land and Water Regional Plan gives effect to this provision.</p> <p>Implementation method 3.15 of NPS-FM (draft 2019) In the Freshwater chapter of the RPS, section 7.2.1(2) recognises the value of natural wetlands as follows: "the natural character values of wetlands, lakes and rivers and their margins are preserved and these areas are protected from inappropriate subdivision, use and development and where appropriate restored or enhanced".</p>
Marlborough District Council	✓✓✓	✓✓	<p>Objective B4 of NPS-FM (amended 2017) A range of objectives and policies give effect to this objective.</p> <p>Implementation method 3.15 of NPS-FM (draft 2019) Policy 8.3.5 requires any loss or degradation of wetlands to be avoided. The remaining aspects of Implementation</p>

Regional Council	NPS-FM (amended 2017)	NPS (draft 2019)	Commentary
			<p>method 3.15 are not given effect to within the Proposed Marlborough Environment Plan.</p> <p>The Draft Marlborough Regional Policy Statement includes Objective 8.1, which seeks to protect the remaining indigenous biodiversity in terrestrial, freshwater and coastal environments.</p>
Nelson City Council	✓✓	✓✓	<p>Objective B4 of NPS-FM (amended 2017) Proposed Policy LF-O8 relates to the preservation of the extent and natural character of natural wetlands. The Objective seeks to 'preserve' rather than protect.</p> <p>Implementation method 3.15 of NPS-FM (draft 2019) Proposed Resource Management Issue LF-I22 of Part 2 states that: "There is a risk of further loss of the extent and degradation of the natural character of Whakatū Nelson's natural freshwater wetlands".</p> <p>This is supported by proposed Objective LF-O8, which states: "There is no reduction in extent, and no degradation of the natural character, of Whakatū Nelson's natural wetlands and natural character is restored, where degraded".</p>
Tasman District Council	✓✓	✓✓	<p>Objective B4 of NPS-FM (amended 2017) An objective in 30.1.2 of the Tasman Resource Management Plan notes the importance of maintaining, restoring and enhancing the quality and extent of wetlands.</p> <p>Implementation method 3.15 of NPS-FM (draft 2019) Tasman District Council's RPS was written in 2001 and, while it contains reference to avoiding adverse effects on wetlands, it does not include words to the effect of implementation method 3.15.</p>
West Coast Regional Council	✓✓✓	✓✓	<p>Objective B4 of NPS-FM (amended 2017) Objectives 7.2.1 and 6.2.1 of the Regional Land and Water Plan provide for the protection of waterways and wetlands respectively.</p> <p>Implementation method 3.15 of NPS-FM (draft 2019) Objective 8.3 of the RPS seeks to identify and protect significant values of wetlands.</p>
Otago Regional Council	✓✓	✓✓	<p>Objective B4 of NPS-FM (amended 2017) Objectives 10.3.1 and 10.3.2 give effect to this objective.</p> <p>Implementation method 3.15 of NPS-FM (draft 2019) Policy 6.5.6 seeks to protect Otago's wetlands, however, the wording of the provision is slightly different from the NPS requirements.</p>
Southland Regional Council	✓✓	✓✓	<p>Objective B4 of NPS-FM (amended 2017) Objective 17 of the proposed Southland Water and Land Plan protects natural character values of some freshwater</p>

Regional Council	NPS-FM (amended 2017)	NPS (draft 2019)	Commentary
			<p>bodies, but there is no recognition of 'significant' values or 'outstanding' freshwater bodies.</p> <p>Implementation method 3.15 of NPS-FM (draft 2019) Policy WQUAL.3 seeks to protect the significant values of Southland's wetlands, however, wording of the provision is different from the NPS requirements.</p>
Chatham Islands Council	✓	✓	<p>Objective B4 of NPS-FM (amended 2017) Policy framework recognises 'natural character' of lakes, rivers and wetlands, however, it does not extend to their 'protection' or 'values' (except for 'amenity values').</p> <p>Implementation method 3.15 of NPS-FM (draft 2019) No specific mention of 'inland wetlands' in the policy framework. However, a policy framework exists for 'wetlands'.</p>

Councils have mostly included policy direction on protecting the significant values of wetlands in their RPSs and regional plans. No RPSs had provisions that align with the direction in the NPS-FM (as notified 2019) of no further loss or degradation of natural inland wetlands.

3.9 Timing and implementation

The following table summarises the implementation timeframes for the NPS-FM (as amended 2017) as stipulated by councils in their PIPs.

Table 10: Regional summary – National Policy Statement for Freshwater Management implementation timeframes

Regional Council	Commentary
Northland Regional Council	The Northland Regional Council reviewed its previous 2015 implementation programme and remains of the view that it is unlikely to be able to fully implement the National Policy Statement for Freshwater Management (NPS-FM) (as amended 2017) before 31 December 2025.
Auckland Council	Auckland Council has signalled a target implementation date of 2025.
Waikato Regional Council	Waikato Regional Council aims to achieve the NPS-FM implementation date of 31 December 2030 through its policy and plan development programme, which includes, the review of the Waikato Regional Plan and undertaking preliminary science Proposed Plan Change 1 (PC1) Waikato and Waipā River Catchments assessments to inform the plan change for the Hauraki and Coromandel catchments.
Bay of Plenty Regional Council	Bay of Plenty Regional Council has set out a programme on its website that signals full implementation of the NPS-FM (as amended 2017) concluding in 2030.
Taranaki Regional Council	Taranaki Regional Council intends to notify its RPS and regional plan in 2021/22. This is dependent on a review of the gazetted NPS-FM 2020 and National Environmental Standards for Freshwater and timeframes needed to overhaul or change the RPS.
Horizons Regional Council	Horizons Regional Council aims to have completed catchment strategies and notified plan changes to the One Plan by 2025.
Gisborne District Council	Gisborne District Council has adopted a target implementation date of 2030 in the Progressive Implementation Programme.

Regional Council	Commentary
Hawke's Bay Regional Council	Hawke's Bay Regional Council proposes to implement plan changes by catchment and/or topic. In 2018, as stated in the progressive implementation programme, it was proposed to have each of these plan changes notified by 2024, at the latest. However, a council resolution recently sought to extend the implementation timeframe to 2030.
Greater Wellington Regional Council	Greater Wellington Regional Council has a programme to progressively implement the requirements of the NPS-FM by 2025.
Environment Canterbury Regional Council	Environment Canterbury Regional Council intends to implement the NPS-FM (as amended 2017) by 2030.
Marlborough District Council	Marlborough District Council has signalled that all works are due to be completed by 2024.
Nelson City Council	Implementation of the Progressive Implementation Programme will be achieved through the freshwater chapter of the Nelson Plan, Nelson's second-generation resource management plan. The Council resolved to adopt an updated Progressive Implementation Programme that aligns with a revised timeframe for the preparation of the Nelson Plan and is proposed to be concluded in 2023.
Tasman District Council	Tasman District Council's timeframes for implementation are between 2020 and 2025. There does not appear to be any reporting available on whether deadlines in the programme are being met. A call to the Council confirmed that the NPS-FM seven-year deadline is not possible with the current resourcing and capability. The Council has estimated the equivalent of 1.2 full-time employees are working on fresh water. Therefore, a 2030 date is more realistic, given the staffing and the region.
West Coast Regional Council	A Progressive Implementation Programme is available on the West Coast Regional Council's website and has been updated as of 2019. It is noted that the NPS-FM (amended 2014) is likely to be fully implemented by 2030.
Otago Regional Council	Otago Regional Council's Progressive Implementation Programme sets out a programme for implementing the NPS-FM in stages, between 2019 and 2025, ultimately ending up with a new plan to manage freshwater.
Southland Regional Council	Environment Southland has a Progressive Implementation Programme to fully implement the NPS-FM, by establishing freshwater objectives and setting limits, by the end of 2025.
Chatham Islands Council	No progressive implementation programme for the Chatham Islands Council is on the Ministry for Environment's website.

All council's noted that the timeline for implementation previously identified in the PIPs would need reconsidering in light of the NPS-FM (as notified 2019) and proposed NES-FW. This is a combination of:

- some areas of work being put on hold or delayed while waiting for the NPS-FM (as notified 2019) and proposed NES-FW to be gazetted (to avoid rework)
- additional requirements introduced by the NPS-FM (as notified 2019) and proposed NES-FW that will add extra time to the programme
- initial learnings from early work in terms of time to undertake background research and monitoring, engagement timeframes and resourcing requirements.

In summary, councils consider a timeframe of 2025–2030 is still achievable for full implementation (to operative status) as long as policy remains the same post-NPS-FM (as notified 2019) and proposed NES-FW gazetted. A final timeframe is also dependent on any appeals lodged in terms of a final, operative

date. It is noted that these timeframes will change following the passing of the Resource Management Amendment Act 2020.

In relation to specific comments:

- Hawke’s Bay Regional Council: its rolling plan-change process to implement the NPS-FM (as amended 2017) on a catchment-by-catchment basis has meant that the various catchments have been prepared under different NPS-FM provisions (eg, 2014, 2017 and soon to be 2020) and therefore the structure and content will differ. These various plan changes will need to be aligned at some stage
- Otago Regional Council: new or revised limits for water quality (ie, allocation limits, environmental flows and levels, discharge limits, contaminant concentration thresholds or loadings) will have immediate legal effect when the new Land and Water Regional Plan is notified by 31 December 2023.

The following table summarises the likely method of implementing the freshwater policy within regional documents. The final method is dependent on ongoing policy development, resourcing needs and alignment with other plan changes being prepared concurrently.

Table 11: Regional summary – Plan change process

Council	Full plan change	‘Freshwater’ plan change in full	Rolling plan change per Freshwater Management Unit	Comments
Northland Regional Council	✓	✓		Quantity allocation included in 2017
Auckland Council		✓	✓	Final method to be confirmed
Waikato Regional Council			✓	
Bay of Plenty Regional Council	✓	✓	✓	Final method to be confirmed
Taranaki Regional Council	✓			
Horizons Regional Council		✓		
Gisborne District Council			✓	
Hawke’s Bay Regional Council			✓	
Greater Wellington Regional Council			✓	
Environment Canterbury Regional Council			✓	
Marlborough District Council		✓		
Nelson City Council	✓			
Tasman District Council	✓			
West Coast Regional Council	✓			

Council	Full plan change	'Freshwater' plan change in full	Rolling plan change per Freshwater Management Unit	Comments
Otago Regional Council	✓			
Southland Regional Council	✓			
Chatham Islands Council		✓		

In relation to specific comments:

- Northland Regional Council: partially implemented freshwater quantity policy in 2017 with the remainder of policy updates to be as a full plan change
- Bay of Plenty Regional Council: initially envisaged a rolling plan-change review but, having undertaken two plan changes to date regarding freshwater policy (PC9 and PC10 to the Natural Resources Plan), the resourcing requirements for each plan change may not be sustainable long term and may result in programme delays (compared with one combined or smaller number of plan changes). The final method (be it rolling plan changes, a freshwater plan change or full plan change) is still being considered.

4 Overall summaries

The following section provides an overall summary of progress made by councils against key aspects of the national freshwater policies and regulations.

4.1 Monitoring

All councils undertake monitoring (including the attributes within Appendix 2) and publish these results online. Some have developed action plans to address certain attributes of concern.

Objective CB1 and policies CB1–CB4 require councils to monitor progress towards and achievement of freshwater objectives and values identified on a long-term basis. Monitoring sites need to be representative of the FMUs within the region. Monitoring plans must establish methods for monitoring values that include:

- monitoring microbial health risks at primary contact sites
- macroinvertebrate community monitoring (using the macroinvertebrate community index)
- measures of health of indigenous flora and fauna
- information obtained through the quality and quantity accounting systems
- Mātauranga Māori.

In addition, councils need to establish methods (such as action plans) to respond to monitoring outcomes that indicate the objectives or values will not be met, including macroinvertebrate community index (MCI) scores of less than 80.

Councils need to take all reasonable steps to make the information gathered publicly available on a regular basis.

In general, councils are undertaking regular state of the environment monitoring (using the attributes within the NPS-FM (as amended 2017) appendix 2 to inform their monitoring) and publishing results on their relevant websites. Monitoring includes use of the MCI.

Some councils have implemented action plans seeking to address and improve specific water quality statistics. This includes Bay of Plenty Regional Council (which developed the Rangitāiki River Action Plan), Taranaki Regional Council and Horizons Regional Council (both have riparian management programmes to address nutrient discharge into waterways).

While councils are engaging with mana whenua with respect to incorporating Mātauranga Māori into monitoring methods, a review was commissioned by all councils collectively to provide an overview of kaupapa Māori tools, frameworks, methods and indicators used to assess and evaluate aspects of fresh water, and where these are currently used in New Zealand councils.¹⁵

In relation to specific comments:

- Horizons Regional Council representatives seek to educate local farmers on the state of the environment monitoring by meeting them in their local communities to discuss the outcomes

¹⁵ Refer to Rainforth HJ, Harmsworth GR. 2019. *Kaupapa Māori Freshwater Assessments: A summary of iwi and hapū-based tools, frameworks and methods for assessing freshwater environments*. Martinborough: Perception Planning Ltd. Retrieved from www.trc.govt.nz/assets/Documents/Research-reviews/Freshwater/KaupapaMaoriFreshwaterAssessments-web.pdf (27 November 2020).

- Greater Wellington Regional Council is developing modelling to support on-the-ground surveillance monitoring to reduce cost and time requirements
- Many council's identified resourcing constraints in relation to monitoring (cost and resources).

4.2 Implementation of the national planning standards

Generally speaking, the plans and plan changes reviewed were prepared prior to the gazetting of the National Planning Standards in May 2019. However, some of these plans 'naturally' align with the standards, in terms of housing objectives, policies and rules together, or the use of the 'numbering' system. However, all councils confirmed that it is their intention when preparing future plan changes or full plan reviews to prepare these in accordance with the standards at the time.

4.3 Requirements of proposed National Environmental Standards for Freshwater (as consulted on in September 2019)

Some crossovers occur in rules introduced in the proposed NES-FW with the rules in existing plans but these rules are generally more permissive than the proposed NES-FW equivalent and will require amendment to avoid conflict, once the proposed NES-FW is gazetted.

In undertaking a review of the councils' policy documents in considering the proposed NES-FW, the following themes were noted.

4.3.1 Existing activities and rules

Some of the activities listed in the proposed NES-FW are already covered in regional plans, such as earthworks, vegetation disturbance and stream structures. However, existing rules are more permissive (and less detailed) than those of the proposed NES-FW. Overall, where rules are included already, they are inconsistent with the proposed NES-FW.

Some activities listed in the proposed NES-FW are specific (eg, weirs, passive flap gates) and may be covered under a more general 'structure in a watercourse' rule in current council plans. There are also some terminology differences (eg, the use of 'infilling' of streams in the proposed NES-FW, whereas some councils use 'reclamation').

4.3.2 Farm environmental plans

Some councils already have requirements regarding farm environment plans, such as Hawke's Bay and Waikato regional councils. Taranaki Regional Council has worked with farmers to develop such plans outside of the statutory planning system in the past. As such, there are existing examples of some councils working with farm environment plans, however, the information requirements may not be consistent with the proposed NES-FW.

4.3.3 Amendments required to plans

Councils need to review their plans in light of the proposed NES-FW, to determine where there are inconsistencies or crossovers with the proposed NES-FW and then confirm how their plans need to change. Options include:

- amend plans to be consistent with the proposed NES-FW
- remove or amend rules and cross references to the proposed NES-FW instead (an example being how Bay of Plenty Regional Council has cross referenced to the NES for Plantation Forestry and excluded

such activities from the relevant rules of the Regional Natural Resources Plan). Given the specificity of some of the rules of the proposed NES-FW, this process may be a fairly lengthy task.

Some councils noted that the structure of the proposed NES-FW differs to their plans, which will require additional consideration (such as effects-based plans whereas the proposed NES-FW is activities based). This is considered a significant piece of work.

4.4 Good practice examples

Areas of good practice were identified during the reviews, including methods of engagement, developing baseline data, sharing and publicising information, policy development and setting of stretch swimming targets.

As part of each review, consideration was given as to whether some of the matters discussed could be considered good examples that should be shared. Examples below fall into the following general categories:

- how the council has engaged with the community and mana whenua
- methods undertaken to obtain background information or share information
- development of policy itself
- setting of stretch swimming targets
- current methods being used to enhance water quality outside of the statutory policy space.

4.4.1 Community and mana whenua engagement

- Greater Wellington Regional Council has developed an enhanced approach to community engagement known as Whaitua groups, comprising community representatives, mana whenua and territorial local authorities. The groups work collaboratively to reach a consensus and have greater levels of decision making in regard to freshwater policy decisions.
- Environment Canterbury established 10 Zone Committees, comprising regional council and territorial authorities with community representatives. The committees have been established to develop location-specific Zone Implementation Programmes, including quantity and quality limits and non-regulatory work programmes.
- Gisborne District Council established a Joint Management Agreement (JMA)¹⁶ with Te Runanganui O Ngāti Porou Trustee Limited in 2015. This represents a first step with respect to joint decision-making powers in the Ngāti Porou rohe, specifically at this stage, and in the Waiapu Catchment (due to be developed in partnership by 2025). This JMA builds on the work of the existing Waiapu Kokā Huhua partnership between the Council, Te Runanganui o Ngāti Porou and the Ministry for Primary Industries to restore the Waiapu Catchment.
- Otago Regional Council includes table 4 of the Regional Plan – Water, which is a schedule of spiritual and cultural beliefs, values and uses of significance to Kai Tahu, for each water body within the sub-region (and provided by Kai Tahu) and which can be referenced if a resource consent is required of relevance to the water body. This is also noted in Schedule 7C of the West Coast Regional Land and Water Plan.

¹⁶ The Joint Management Agreement can be found at: www.gdc.govt.nz/assets/Files/Iwi-Plans/JMA-Waiapu-Catchment.pdf.

4.4.2 Information and background research

- As previously noted, Marlborough District Council is developing an ‘e-water’ system with up-to-date data on water take permits, current restrictions and temporary transfers in the form of a dashboard system.
- An independent 2018 study was undertaken in the Taranaki Region to recommend minimum flows and allocation limits for the Council to consider. This study noted that it was probably the first to examine the environmental effects of minimum flow and allocation together (including effects on benthic invertebrate and fish).¹⁷
- Southland Regional Council developed an economic model to test the economic effects of policy actions, which was undertaken in conjunction with local and central government and stakeholders. This informed community consultation and helped to set objectives and values.¹⁸
- Horizons Regional Council held a social media campaign and competition to help identify swimming spots (by asking people to take and upload pictures of their swimming spots).¹⁹ This helps to add to the Council’s inventory of primary contact sites.
- Auckland Council is a partner in the ‘Safe Swim’ initiative, which provides live information for water quality and swimming conditions, informed by high-frequency targeted sampling on top of historical monitoring results.²⁰

4.4.3 Plan development

- Hawke’s Bay Regional Council has included two figures within the recently notified Plan Change 9 that reflect the engagement undertaken in relation to giving effect to Te Mana o te Wai. The figures illustrate the relationship between freshwater attributes and values (in line with the NOF) with the four well-beings and the interrelated nature and cultural connections of the values held by mana whenua for water.²¹
- Both Gisborne District Council (for Regional Freshwater Plan – Decisions Version) and Hawke’s Bay Regional Council (for Plan Change 9) set out a clear framework of attributes linked to FMUs, objectives, targets and values.
- The regional plans for Greater Wellington and Environment Canterbury regional councils have sections for each Whaitua or zone. As these are developed, rules, limits and outcomes will be included in each chapters. This will provide ease of use in relation to finding the relevant information on a geographical basis.

4.4.4 Swimming targets

- West Coast Regional Council and Bay of Plenty Regional Council already exceed the 2030 national target set out in appendix 6 of the NPS-FM (as amended 2017) and, further to this, have set stretch targets of 99.5 per cent and 95.7 per cent respectively for rivers being suitable for primary contact.

4.4.5 Non-statutory methods to enhance water quality

- Horizons Regional Council employs a liaison officer who acts as a go-between for council and farmers and is available for informal catch ups in the local community.

¹⁷ Refer to Jowett I. 2018. *Review of Minimum Flows and Water Allocation in Taranaki* Tairua: Jowett Consulting Ltd. Retrieved from www.trc.govt.nz/assets/Documents/Plans-policies/SoilWaterPlanReview/WaterAllocationReport2018.pdf (27 November 2020).

¹⁸ Refer to Environment Southland Regional Council. No date. *The Southland Economic Project*. Retrieved from <https://waterandland.es.govt.nz/setting-limits/research/southland-economic-project> (27 November 2020).

¹⁹ Refer to Horizons Regional Council: [https://www.horizons.govt.nz/news/summer-swim-spot-competitions-closed-\(1\)](https://www.horizons.govt.nz/news/summer-swim-spot-competitions-closed-(1)).

²⁰ Refer to Auckland Council. No date. *Welcome to Safeswim*. Retrieved from www.safeswim.org.nz/ (27 November 2020).

²¹ Refer to figures 1 and 2 within proposed Plan Change 9. Hawke’s Bay Regional Council. 2020. *Proposed Plan Change 9: Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments. Napier: Hawke’s Bay Regional Council*. Retrieved from www.hbrc.govt.nz/assets/Document-Library/TANK/TANK-Key-Reports/Proposed-TANK-Plan-Change-9.pdf (27 November 2020).

- The Taranaki Riparian Management Programme has been under way for 20 years, with 99.5 percent of dairy farms in Taranaki having riparian plans. Each plan is informed by a site visit from Taranaki Regional Council representatives to determine the appropriate fencing and planting required for each site. At June 2019, 87 per cent of streams were fenced and 74 per cent of streambanks that required planting were protected by vegetation.
- Nelson City Council has an informative freshwater webpage²² that provides tips for land owners (eg, on rainwater harvesting and water conservation), state of environment reporting and information on non-regulatory programmes to help with freshwater quality and quantity.

4.5 Engagement approaches

Each region has developed specific engagement approaches and groups to implement the NPS-FM (as amended 2017). This includes mana whenua, dedicated committees, community and stakeholder groups, website updates and informal consultation.

Overall, councils have developed specific engagement approaches and groups as part of their NPS-FM (as amended 2017) implementation. A summary of methods of engagement being used by the councils includes:

- mana whenua consultation
- dedicated advisory panels and committees, including members of council and the community
- community groups comprising representatives from the community, local residents, land owners and business
- stakeholder groups comprising representatives from industry groups, businesses, government agencies and non-governmental organisations
- engagement with territorial local authorities
- dedicated webpages regarding freshwater policy updates, state of environment and regular monitoring data and other relevant information
- face-to-face education and liaison with resource users (eg, farmers).

Mana whenua engagement differs between councils. In general, councils have engaged with iwi and hapū, depending on the catchment, FMU or another area as defined by council. Different examples include the following.

- Bay of Plenty Regional Council defined its WMA (nine of them) according to a variety of factors, including by catchment, communities and outcomes of Treaty of Waitangi settlements, which has informed how the Council consults with local mana whenua.
- Taranaki Regional Council has a Wai Māori working group that currently meets every six weeks. There is also mana whenua representation on council committees.
- Waikato Regional Council implemented a co-governance and co-management structure, with respect to Plan Change 1 (discussed in section 3.5 above) and the iwi, with rohe within Waikato and Waipā catchments.
- Northland Regional Council has involved mana whenua, stakeholders and interested parties in implementation of the NPS-FM (as amended 2017) to date. This has occurred through representation of various interests on collaborative catchment planning groups and participation in the regional plan

²² Refer to Nelson City Council. 2019. *Accounting for our Freshwater*. Retrieved from www.nelson.govt.nz/environment/water-3/accounting-for-our-freshwater/ (27 November 2020).

development process by industry and stakeholder liaison groups and Te Tai Tokerau Māori and Council Working Party.

- Greater Wellington Regional Council has developed Whaitua committees (see section 4.4.1 above), which include mana whenua representatives.

Good practice observations are set out in section 4.4. Challenges identified by councils in relation to engagement include:

- balancing viewpoints and understanding NPS-FM (as amended 2017) concepts, and combining these to give effect to the NPS-FM (as amended 2017) requirement
- converting scientific and technical information into more digestible formats
- working through the process and learning along the way on the best way to implement the NPS-FM (as amended 2017)
- gaining an understanding of the capacity and capability of the community to be involved.

4.6 Areas for Ministry for the Environment to support regional councils

Councils identified a range of areas where MfE could support them in implementing this national policy. This includes written guidance, 'on-call' MfE support, resourcing and development of an inter-region working group.

From interviews with each council, the following key areas were identified in terms of where MfE could provide support.

- Provide written guidance in combination with gazetting on the policy to help with implementation, similar to that produced in the past by MfE. For example, it would be helpful to have methodology and/or technical specifications with respect to new attributes being introduced by the NPS-FM (as notified 2019).
- Ongoing support from MfE to help implement policy was identified by most councils. A suggestion made was to allocate an MfE representative to assist councils in implementing the policy. This could be by clarifying policy, helping to understand how to implement certain provisions, providing a review of draft plan changes to check alignment with policy, or interpretation during consent processing.
- Lack of resourcing was identified as a major issue for most councils, first a lack of funding to undertake all the requirements being asked of them (and the community), a lack of people available with the right technical skills or a lack of capacity and capability for community and mana whenua to respond:
 - suggestions for resourcing support include support for mana whenua to meet their obligations under the national direction, for example, incorporating Mātauranga Māori in monitoring, identifying values and objectives in relation to FMUs
 - suggestions for technical assistance include resourcing to help with mapping, monitoring, undertaking technical investigations and data collection, developing accounting systems and helping to facilitate engagement
 - for the Chatham Islands Council, in particular, an external planning consultant would be required to undertake the entire NPS-FM implementation (including consultation, plan drafting and going through the plan notification process). In addition to this, help with travel costs to and from the islands would be needed adding to the total cost.
- Clarification and guidance on how to express and implement Te Mana o te Wai in policy documents. Methods on how to express Te Mana o te Wai if there was no alignment from community and mana whenua in the various catchments or FMUs.

- One council suggested a working group of councils (at both an officer and manager level) could be useful to 'compare notes' in regard to implementation of the policy and to share lessons learnt and practical advice from councils that may be more progressed than others. This would also be helpful where there are inter-region matters to be discussed (eg, waterways that run through more than one council).
- There is tension between the various NPSs, which may not comfortably align or be consistent (eg, NPS-FM (as amended 2017) and NPS on Urban Development Capacity). National support and direction around balancing the NPS directions is sought.

4.7 Other areas of feedback

Councils expressed concern about a variety of matters relating to national policy. This included concern regarding the practicalities of implementation of some provisions and the impact of changing policy on programme and resourcing requirements.

Other areas of feedback received from council interviews of relevance to freshwater policy or national policy in general are given below.

- Councils expressed concern regarding the practicalities of implementation of the provisions. For example:
 - there are resourcing and physical constraints to map 0.05 hectare wetlands and to have an inventory of all primary contact sites when some sites are 'informal' (in the NPS-FM (as notified 2019))
 - the monitoring requirements necessary for every attribute within the FMU is resource intensive. There may be instances where modelling may be more appropriate, cost effective and adequate for use
 - it can be difficult to achieve swimming targets year round given certain seasonal factors (eg, increased rainfall in winter will lead to increased run-off, which will likely increase *E. coli* levels)
 - some of the national bottom lines and national monitoring that informed the development of attribute targets may not be appropriate in the regional context due to local environmental factors (eg, deposited sediment as an attribute is not appropriate for soft bottom streams)
 - in response to these concerns, councils noted they would give effect to the provisions as far as practicable, in light of resourcing and practical constraints.
- In terms of engagement with councils during drafting of national policy, councils suggested earlier engagement would be beneficial to provide more meaningful feedback in the future.
- In saying this, however, councils on the whole were keen to avoid further policy amendments in relation to fresh water once the NPS-FM (as notified 2019) and proposed NES-FW are gazetted this year. This is because amendments, and the introduction of new provisions, create uncertainty, additional cost and programme delay in giving effect to the provisions due to the need to amend, update or put on hold policy development or undertake further modelling, monitoring and/or engagement. This also means that, for councils doing rolling reviews, each catchment and FMU plan structure may look different and have different information (and the 'older' sections will need to be amended).
- Where possible, it would be helpful to have national consistency in modelling and standards to reduce the workload of councils in respect to defending models at hearings.
- Feedback was also received on the draft section 360 regulations relating to stock exclusion, including:
 - concern that the requirement to exclude stock from waterways would result in additional water takes to provide stock with drinking water (that used to drink direct from waterways), and how this water take would be managed and tracked (if it was a permitted water take)

- it is impractical to enforce the regulations in certain circumstances, for example, around cliffs
- the 'one-size-fits-all' approach to the regulations may not be as effective as current programmes in place that involve a bespoke approach to fencing and riparian planting
- subsidies should be made available for farmers and land owners to help them comply with the regulations.

5 Conclusion

This report provides a high-level, theme-based summary of the reviews undertaken for each regional council or unitary authority regarding the extent of implementation of the NPS-FM as amended in 2017 and consistency with the NPS-FM as notified in 2019, and the proposed NES-FW, following on from the previous implementation review undertaken by MfE. The review was undertaken using publicly available information as well as information obtained or confirmed via a phone interview with each council.

5.1 Progress and timing

Overall, councils are making progress, including those identified as making the least progress in the 2017 report (being Southland, Taranaki and Auckland). While councils remain optimistic that a timeframe of 2025–2030 is achievable for full implementation of the freshwater policy instruments, the timeframe needs revisiting in light of the NPS-FM (as notified 2019) and proposed NES-FW being gazetted.

5.2 Extent of implementation

The extent to which councils are giving effect to the national freshwater policies and regulations is varied throughout New Zealand and in respect to certain provisions.

Areas where the most progress has been made include:

- addressing the concept and philosophy of Te Mana o Te Wai within current provisions and in engagement (however, not explicitly expressed in this manner in policy documents)
- defining catchments and FMUs from which to progress objective, target and limit setting
- monitoring of the environment, including those attributes within the NPS-FM (as amended 2017)
- finalising swimming targets
- setting freshwater quantity allocation limits and developing freshwater quantity accounting systems
- engaging with mana whenua and local communities to discuss freshwater policy.

Areas in which the least progress has been made include:

- establishing freshwater quality allocation limits (to avoid over-allocation)
- developing freshwater quality accounting systems
- councils not yet notifying or fully notifying plan changes for their entire region, although drafting of provisions is well under way
- setting targets and methods to improve water quality within a defined timeframe for FMUs that do not meet their objectives (eg, action plans)
- councils prioritising certain catchments and FMUs over others, meaning some areas lag behind in terms of progress.

5.3 Consistency with the National Policy Statement for Freshwater Management (as notified 2019) and proposed National Environmental Standards for Freshwater

New topics introduced in the NPS-FM (as notified 2019) are referenced in existing policy, but the detail or information required is not as extensive as the provisions in the NPS-FM (as notified 2019) subsequently, significant work (time and resources) will be required to give effect to the provisions.

Similarly, there are some crossovers in rules introduced in the proposed NES-FW with the rules in existing plans but these rules are generally more permissive than the proposed NES-FW equivalent and will require amendment to avoid conflict once the proposed NES-FW is gazetted.

5.4 Good practice examples

Examples of good practice include the following.

- Otago Regional Council includes a table within the Regional Plan – Water containing a schedule of spiritual and cultural beliefs, values and uses of significance for each water body (provided by Kai Tahu), which can be referenced if a resource consent is required of relevance to the water body.
- Marlborough District Council is developing an ‘e-water’ system with up-to-date data on water take permits, current restrictions and temporary transfers in a dashboard system.
- An independent 2018 study was undertaken in the Taranaki region to recommend minimum flows and allocation limits for the Council to consider. This study noted that it was probably the first to examine the environmental effects of minimum flow and allocation together (including effects on benthic invertebrate and fish).
- Auckland Council is a partner in the ‘Safe Swim’ initiative, which provides live information for water quality and swimming conditions, informed by high-frequency targeted sampling on top of historical monitoring results.
- Hawke’s Bay Regional Council included two figures within the recently notified Plan Change 9 that reflect the engagement undertaken in relation to giving effect to Te Mana o te Wai. The figures illustrate the relationship between freshwater attributes and values (in line with the NOF) with the four well-beings and the interrelated nature and cultural connections of the values held by mana whenua for water.
- West Coast Regional Council and Bay of Plenty Regional Council already exceed the 2030 national target for swimming water quality and have set further stretch targets for rivers.

5.5 Next steps

Councils identified the following areas where MfE could provide support in terms of giving effect to the freshwater policy instruments:

- prepare written guidance, in combination with gazetting the 2020 freshwater policy instruments (including clarifying how to express and implement Te Mana o te Wai in policy documents)
- be ‘on call’ for implementation queries from councils
- help with resourcing in terms of funding assistance to undertake technical baseline data and monitoring, develop systems and help the community and mana whenua to respond
- help to facilitate a working group of councils (at an officer and manager level) to ‘compare notes’, lessons learnt and share advice. This would also help to facilitate inter-regional discussions. Areas of good practice (including those noted in this report) could be shared
- put a ‘freeze’ on further freshwater policy development so that councils can give full effect to the freshwater national policies and regulations within the 2025–2030 timeframe.

A

Appendix A – Council Review Tables

