

**Title:** Implementing the National Policy Statement  
for Freshwater Management 2011

**Purpose:** To assist the Ruamāhanga Whaitua Committee to  
understand how the National Policy Statement for  
Freshwater Management 2011 will direct the final  
recommendations in the Whaitua Implementation Plan

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# Implementing the National Policy Statement for Freshwater Management 2011

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# 1. Introduction

The Government issued the National Policy Statement for Freshwater Management in May 2011 (NPS-FM). The policy guides the management of the quality and quantity of fresh water. The Resource Management Act 1991 (RMA) requires councils to give effect to the objectives and policies in a national policy statement in their local policies and plans. This paper is written to aid the members of the Ruamāhanga Whaitua Committee to understand the NPS-FM in terms of how it directs the work of the Committee to set objectives and limits.

Councils have until 2030 to implement the NPS-FM. This deadline relates to putting in place the necessary policies, plans and methods to achieve identified water quality objectives. The improvements in water quality are not required to be met by 2030. GWRC is taking a staged approach to implementation, which relies on a programme of whaitua committees to implement the NPS-FM at a catchment scale.

The whaitua committee process is based on community-led, consensus decision-making. This is undertaken within regional and national guidelines, on limits for water quality and water quantity and on the methods to be used.

The Ruamāhanga Whaitua Committee will make recommendations to GWRC by 2016 on the objectives, limits and mix of methods needed to give effect to the NPS-FM within the Ruamahanga River catchment. These recommendations will then, in part, be proposed as changes or variations to the Regional Plan. Other recommended methods may be proposed for implementation outside of the Regional Plan, such as through the use of bylaws or work programmes.

This paper should be read in conjunction with the paper prepared for the Committee titled, *The roles of regional and district council*, April 2014.

## 2. Key Points

- The NPS-FM requires that regional councils first identify the national, regional and local values of freshwater. Once the values are identified, the waters must be managed to provide for these values. These values are expressed as freshwater objectives in regional plans. Limits, and other management methods, are required to ensure objectives are achieved. Plans must recognize the interaction between water quality and quantity, land use and development, and the coast.
- The aims of NPS-FM are to:
  - safeguard life-supporting capacity of fresh water
  - maintain and improve overall water quality
  - protect outstanding water bodies, including wetlands
  - avoid over-allocation
  - achieve efficient allocation and use of water
  - improve integrated catchment management

- ensure tangata whenua values and interests are identified and reflected in the management of fresh water.
- The Ruamāhanga Whaitua Committee's recommendations will be contained within a Whaitua Implementation Plan. Recommendations will include:
  - catchment-specific objectives, policies and methods
  - limits and targets for the taking of water and the discharge of contaminants
  - programmes or activities that will support or contribute to the achievement of objectives, limits and targets
  - opportunities for the active integration of existing programmes and plans
  - other matters that effect relevant policies in the NPS-FM.
- Regulatory recommendations will be incorporated into the Regional Plan through the plan change process (including submissions, hearings and appeals). Non-regulatory recommendations will be considered for inclusion in Council's Long Term Plan.

### 3. Background

In 2011 the Government released a National Policy Statement for Freshwater Management (Appendix A). A user guide (implementation guide) that accompanies the NPS-FM is available online at <https://www.mfe.govt.nz/publications/rma/nps-freshwater-guide-2011/>.

Under the RMA, regional policy statements (RPS) and regional plans are required to give effect to the NPS-FM(Figure 1).

GWRC is already implementing aspects of the NPS-FM through the recently revised Wellington RPS (2011). The Wellington RPS identifies the regionally significant issues around the management of the region's natural and physical resources and sets out the objectives to be achieved and policies and methods to be used to achieve these objectives. The RPS contains a suite of policies that guides content in the Regional Plan, a suite of policies that guides content in the region's District Plans and a suite of policies that guides the decision making process for resource consents.

Policies in the Wellington RPS that give effect to the NPS-FM, include:

- Policy 12 requires water quality, flows, water levels and the aquatic habitat of surface water bodies to be managed to safeguard aquatic ecosystems and for other purposes (values) identified in the Regional Plan. The explanation of Policy 12 notes that management is to be achieved by establishing limits for water quality, flows and water levels.
- Policy 13 requires the Regional Plan to establish allocation limits for the amount of water that can be taken from rivers, groundwater and lakes in the region.
- Policies 20 and 44 require the Regional Plan and consents to consider the efficient use of water.

There are overlaps between the NPS-FM and the New Zealand Coastal Policy Statement (NZCPS), specifically NZCPS Policy 21 (enhancement of water quality), Policy 22 (sedimentation) and Policy 23

(discharge of contaminants) (please see Appendix A of the implementation guide at the link given above).

A recent Supreme Court decision on 17 April 2014 is likely to lend weight to the strict interpretation of National Policy Statements. The decision, in relation to New Zealand King Salmon’s proposals to establish salmon farms in the Marlborough Sounds, essentially recognised that the NZCPS (and potentially any other National Policy Statement) is the mechanism by which part 2 of the RMA is given effect.

In November 2013, the Government released proposed amendments to the NPS-FM. The amendments would provide greater clarity around what is expected to be achieved for fresh water (via new objectives and bottom-lines for water) and how to achieve these (via a management framework and water quality and quantity accounting measures). The proposed amendments to the NPS-FM are expected to be gazetted later in 2014.

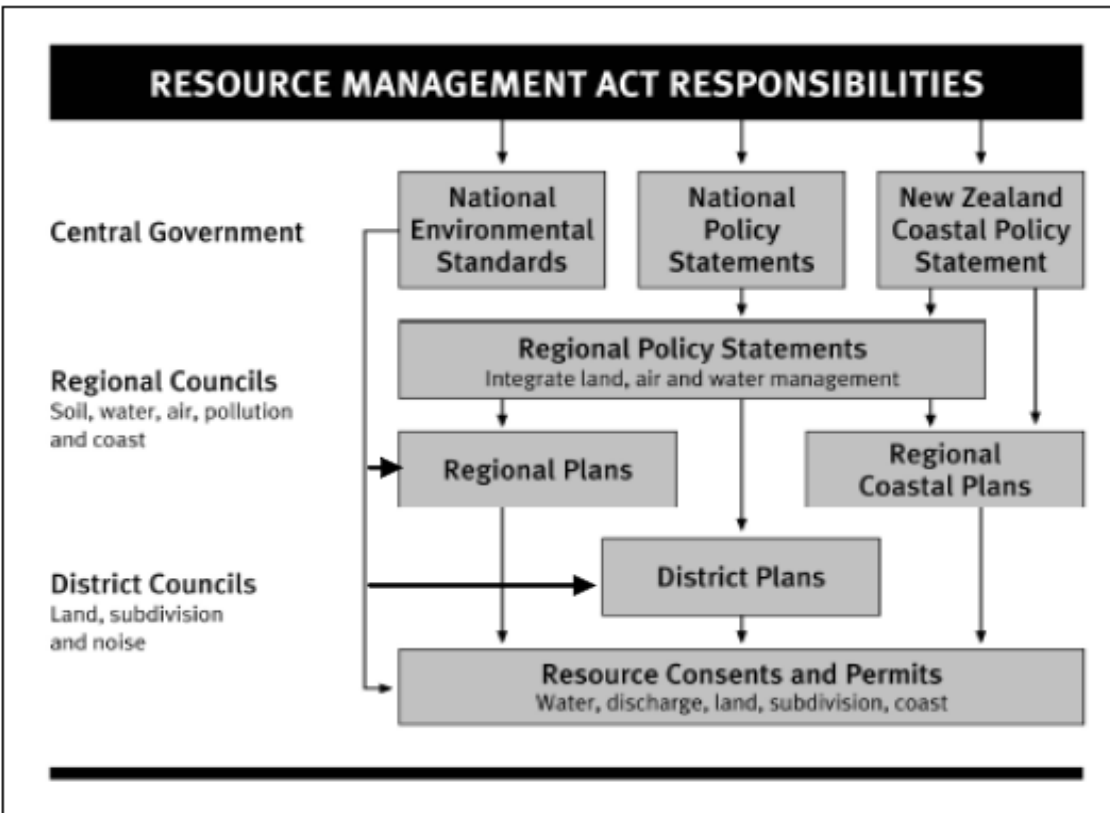


Figure 1. Diagram showing the hierarchy among the Resource Management Act, National Policy Statements, Regional Policy Statements and Regional Plans.

## 4. National direction

The primary objective of the NPS-FM requires that councils safeguard the life-supporting capacity, ecosystem process and indigenous species (including their associated ecosystems) of fresh water. The NPS-FM also requires that regional councils:

- Maintain and improve overall water quality of a region
- Protect outstanding water bodies including wetlands
- Avoid over-allocation
- Achieve efficient allocation and use of water
- Improve integrated catchment management, and
- Ensure tangata whenua values and interests are identified and reflected in the management of fresh water.

In November 2013, the Government released a proposed amendment to the NPS-FM (this may be gazetted later in 2014). The key amendments are to include:

- An objective to manage water quality for the health of people at least at a level that provides for ‘secondary contact’ with freshwater
- A potential new objective to provide for Te Mana o te Wai
- A requirement to consider the linkages between fresh and coastal water in objective and limit setting
- The protection of outstanding waterbodies in water quantity management
- A new management framework for spatial units called ‘freshwater management units’ to be used in objective setting and monitoring
- The National Objectives Framework (NOF) that sets out bands and bottom-lines for water quality attributes that guide the setting of freshwater objectives
- An ‘exclusions framework’ for the management of waterbodies if historical impacts, or impracticalities of change, are so great that it is not possible for those waterbodies to achieve the bottom lines for water quality
- A monitoring requirement, and
- A requirement to establish a regional accounting system for water quality and quantity.

### 4.1 Freshwater Values

The NPS-FM requires that fresh water is managed for values that support people’s well-being, values that support aquatic life, values that sustain future generations and intrinsic values that freshwater systems have (values that are independent of any value to others).

#### National freshwater values

The preamble to the NPS-FM (**Appendix A**) includes a wide-ranging list of values of fresh water. The national values include drinking water, firefighting, irrigation and other values important for wellbeing and amenity. Other values addressed include intrinsic values such as natural form, character, functioning and natural processes, healthy ecosystem processes and provision of a sense of place for people and communities.

From this broad-reaching list, Objectives A1 and B1 requires the safeguarding the following in all waterbodies:

- Life-supporting capacity
- Ecosystem processes
- Indigenous species and their associated freshwater ecosystems.

The NPS-FM does not indicate at what level these must be safeguarded. However, the proposed amendment does provide guidance on this aspect. Regional councils and their communities must consider a wide range of values in determining at what level these aspects are safeguarded.

The proposed amendment also recommends that two additional freshwater values be provided for nationally. These two values are:

1. Human health for secondary contact recreation (such as boating and wading)
2. Te Mana o te Wai.

Te Mana o te Wai represents the innate relationship between te hauora o te wai (the health and mauri of water) and te hauoro o te taiao (the health and mauri of the environment), and their ability to support each other, whilst sustaining te hauora o te tangata (the health and mauri of the people).

### **Regional freshwater values**

The Wellington RPS and revised Regional Plan (in draft) provide for multiple values. They also contain objectives which require particular values to be provided for. These are:

- Contact recreation and tangata whenua values
- Ecosystem health and mahinga kai
- Health needs of people.

These three objectives are to be achieved in both fresh and coastal water bodies. The Ruamāhanga Whaitua Committee will need to consider the full range of values outlined in the draft regional plan in making decisions at what level these objectives are achieved.

The NPS-FM also requires regional councils to protect the quality of outstanding freshwater bodies and the significant values of wetlands. The revised Regional Plan will include schedules of known outstanding freshwater bodies in the Wellington region, as well as criteria to identify other outstanding waters and significant wetlands.

### **Local or catchment-specific freshwater values**

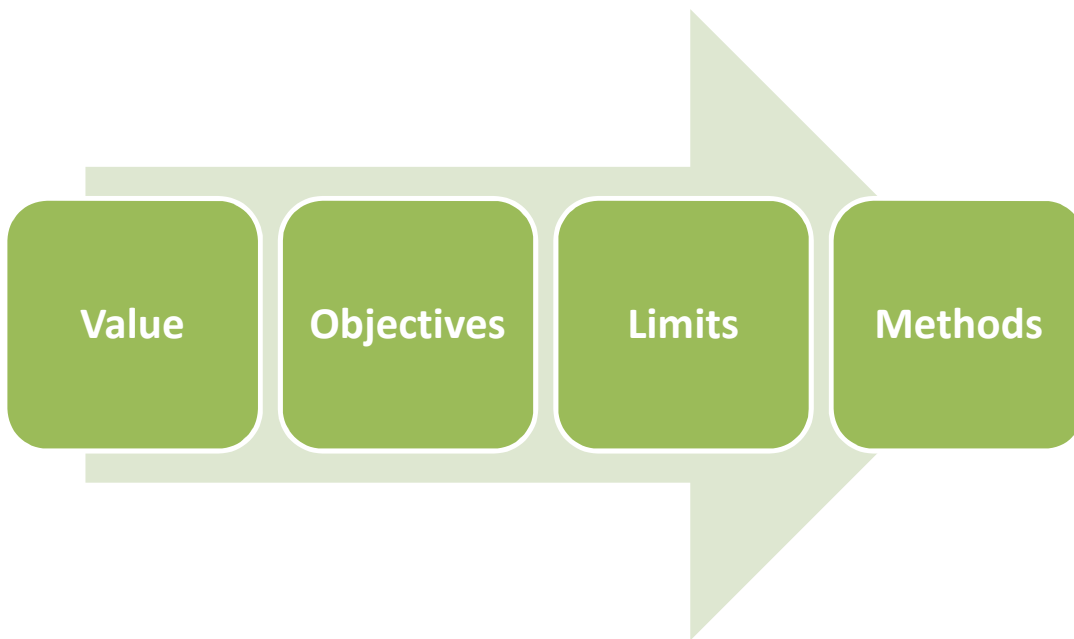
Additional, catchment-specific values may be identified through the whaitua committee process. In addition, a catchment context to national and regional values is required. While national and regional regulation puts boundaries on the catchment level values discussion there is still discretion in decision making at a local level.

Regional and local values may be in addition to national values. Local values cannot diminish regional values and regional values cannot diminish national values.

In addition to any national compulsory values in the NPS-FM and region-wide values in the Regional Plan, the Ruamāhanga Whaitua Committee may identify catchment or site-specific freshwater values.

## 4.2 Freshwater Objectives

After the values of freshwater are identified, the values must then be expressed as objectives (goals or outcomes) that provide for these values. A freshwater objective is the environmental outcome sought or desired for a water body. Objectives can be stated as a narrative using words or as numbers. The ultimate goal is to make the objectives **measurable** regardless of whether they are narrative or numeric (Figure 2). This is key to limit setting. The justification of limits is greatly enhanced when the desired environmental outcome (the objective) is in detail, preferably numerically (although this is not always possible for all objectives). The goal is to define objectives in increasing detail, at an appropriate spatial scale, and link them directly to limits and then management methods.



**Figure 2. Linking objectives and limits to values.**

The proposed amendment to the NPS-FM describes that for the proposed value of ecosystem health, the following attributes could be stated as objectives in terms of measurable concentrations (or numeric states):

- Chlorophyll *a*, total nitrogen and total phosphorus for lakes
- Nitrate toxicity and ammonia toxicity for lakes and rivers
- Dissolved oxygen (below point sources) and periphyton for rivers.



The proposed value of secondary contact recreation could be stated as an objective in terms of measurable concentrations of:

- Faecal bacteria (*E. coli*)
- Planktonic cyanobacteria.

Currently, each regional council must determine the measureable objectives, or water quality and quantity attributes that should be used to provide for freshwater values. The proposed amendments to the NPS-FM include a National Objectives Framework (NOF) which includes compulsory attributes, and minimum levels (bottom lines) below which a regional council cannot set a numeric objective.

An overriding requirement in the NPS-FM is to maintain or improve the overall quality of fresh water within a region. The wording indicates that within a region or a catchment some waters could be degraded if water quality elsewhere were improved, in a type of balancing act that maintains overall quality. The establishment of a list of national bottom lines for water quality in the proposed NOF would, in part, constrain the interpretation of this requirement.

The national bottom lines only come into play when the existing state of a waterbody is below the line. Elsewhere the “maintain and improve” requirement is the main constraint in the setting of objectives.

**Example – mahinga kai:** The adopted NOF is unlikely to include national bands and bottom-lines for some regional and local values, such as mahinga kai<sup>1</sup>. In this example, the freshwater objectives that provide for the value of mahinga kai could potentially be stated using narrative objectives, such as:

- Taonga species are present in quantities, sizes and of a quality that is appropriate for the area, and
- Habitat quality and quantity is sufficient to provide for taonga species.

The value of mahinga kai includes the quality of the place itself and the habitat quality. Therefore water quantity and habitat quality may be important attributes for some food and resources (such as adequate flows to support deep pools for tuna).

Some aspects of the narrative objectives for mahinga kai could also be stated as a collection of numeric objectives, such as, water temperatures below x degrees; pH between y and z; dissolved oxygen no less than xx, maintain z% habitat space at mean annual low flow, etc.

Freshwater objectives are used to manage for values. Objectives can be narrative or numeric but should be measurable if possible.

### 4.3 Limits

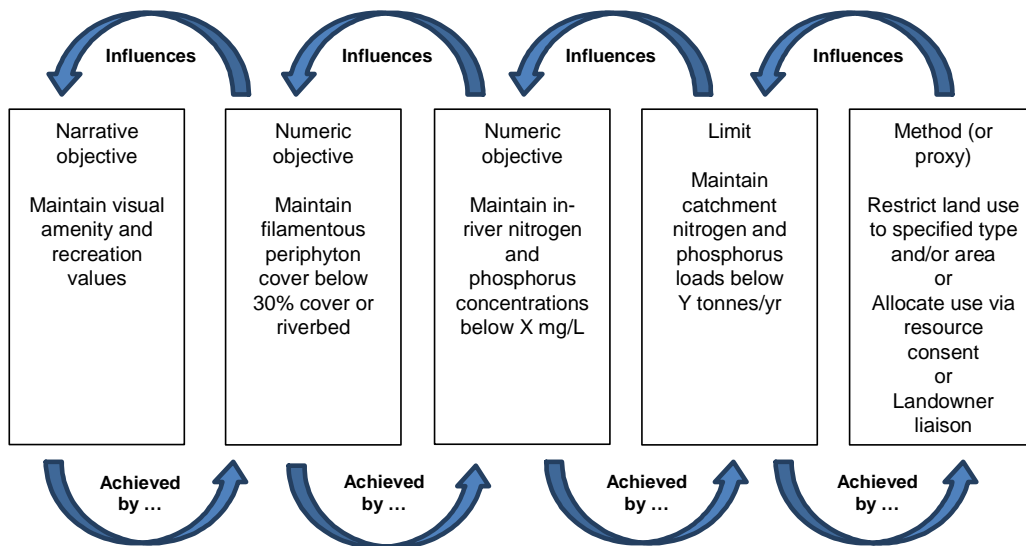
The NPS-FM requires every regional council to set limits for all bodies of fresh water in their regions to ensure that the freshwater objectives are met. Limits are defined in the NPS-FM as, “the maximum amount of resource use available, which allows a freshwater objective to be met”. Limits define the maximum amount of water that can be taken from a waterbody, and the maximum amount of a contaminant that can be discharged in a catchment. The whaitua committee will need to decide which

<sup>1</sup> Mahinga kai is the customary gathering of food and natural materials, the food and resources themselves and the places where those resources are gathered.

contaminants should have limits in each management unit (or sub-catchment) Limits are expressed as policies and rules in regional plan. When limits are implemented as rules the requirement to manage cumulative effects and avoid over-allocation are met.

An example of a limit is the maximum nutrient load (tonnes per year) entering a waterbody. This is applied to all the discharges in a spatial area or management unit. A concentration limit may also be applied to point sources. A nutrient load limit would need to account for all sources of the nutrient, including natural sources, sources from land use and from point source discharges. Methods in the regional plan are then required to manage activities (takes and discharges) within these limits. Figure 3 illustrates the links between objectives, limits and methods using an example of providing for the value of visual amenity and recreation.

Limits are well known in the area of water takes. Examples include the maximum amount of water that can be taken from a waterbody, and include constraints such as minimum flows.



**Figure 3. Links between objectives, limits and methods.**

The example in Figure 3, above, indicates that inputs of nitrogen and phosphorus (loads) need to be less than a certain amount to keep nutrient concentrations below a certain amount in the river. At the stated concentrations (or below), the growth of attached algae will be controlled to a level that provides for a pleasant visual and recreational experience. This is an example of the links between a water quality limit and the objectives it maintains in order to provide for a specific value.

To provide for the recreational values in the example above, it is likely that limits would also be needed to maintain a sufficient level or flow of water in the river. Integration of flow constraints (through the setting of limits) and discharge limits are vital in achieving objectives. These should be set at the same time in an integrated way.

The current set of Regional Plans includes limits on water takes for most of the region’s waterbodies. These limits will be updated in the revised Plan, including the identification of waterbodies that are fully allocated for water takes. The revised take limits are considered to be “interim”. The whaitua committee

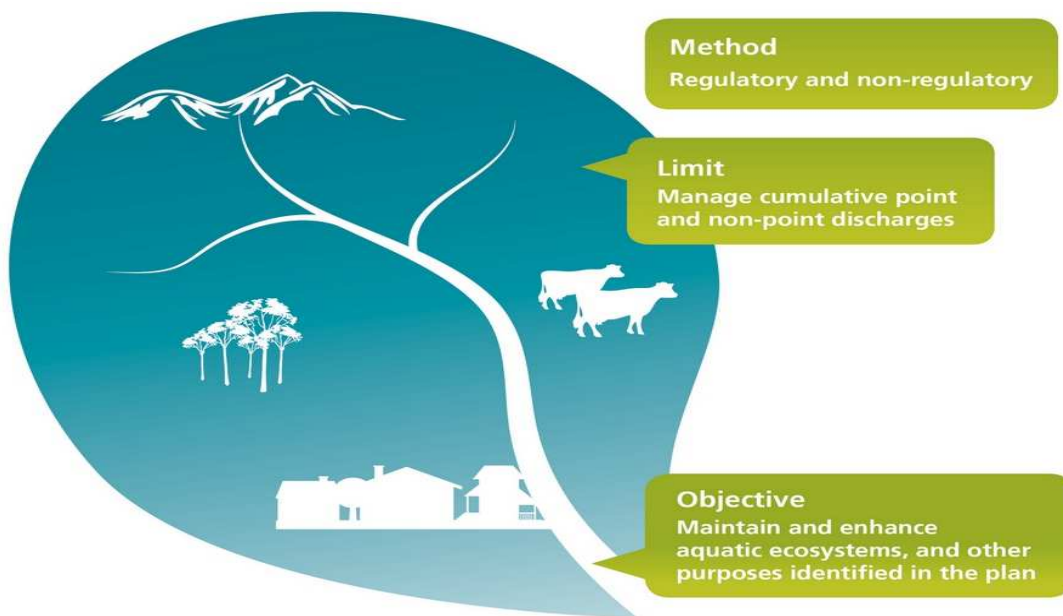
process will need to reconsider these in light of the setting of catchment specific objectives, and the integration of discharge limits.

The current plan does not have limits for contaminate discharges (such as nutrient or sediment loads). The Ruamahanga Wahitua Committee will need to consider and recommend discharge limits for the Ruamāhanga catchment.

## 4.4 Management Methods

Limits will be managed in the Regional Plan through a mixture of rules and non-regulatory programmes, such as education, assistance and incentives.

Figure 4 below shows a catchment with a stated measurable freshwater outcome at the mouth of the river (objective). To achieve this objective, there needs to be a way to manage cumulative effects on the water quality (resource use limits). The management of the resource use limits are delivered through regulatory (rules) and non-regulatory (education, awareness and incentives) methods. Most of these methods would be provisions in the regional plan.



**Figure 4. Schematic of objectives, limits and methods for a catchment.**

The most common form of management of limits at present is the allocation of water to individuals who are taking of water. These allocations are identified by resource consents or by permitted activity rules. The allocation method is known as first-in-first- served.

The allocation of loads of a contaminant to individuals is new in New Zealand except for point sources. An allocation mechanism is being used in some places for nutrient loads (e.g. Horizons and Canterbury). There are limitations on the use of an allocation mechanism for discharges, and it is very difficult for some contaminants such as sediment.

The following requirements are needed to allocate contaminate discharge loads to individuals:

- The ability to identify all sources of a contaminant
- Attribute the sources to individuals (or groups of individuals)
- Either directly measure or estimate the quantum of discharge from individuals
- The ability to account for the total quantum of all sources by way of a catchment contaminate budget

A number of allocation methods are available and all need to be considered. The transition from the status quo to a new allocation regime is critical to the ultimate success of any allocation regime. These aspects will be considered in a later paper. At this point all options should be considered to be “on the table”.

A range of management methods are required in the absence of an allocation regime, or in support of an allocation regime where one is used. These include methods to manage land-use impacts on water quality. The options are broad and may include the management of nutrient loads, livestock access to water, riparian margins, impervious surfaces, stormwater systems, activities that generate erosion and sediment, and land uses that alter water yield. The integration with the district councils’ management of land use may also be useful.

The following Figure 5 (from the proposed amendment to the NPS-FM) illustrates the overall concept of the decision making process (including the proposed National Objectives Framework). In particular, the diagram shows that catchment management options (methods) need to consider the interactions between discharge limits, water take limits, other management options and the time needed for the community to implement these methods. It also highlights the need to test options and possibly reconsider objectives and limits. It suggests an iterative decision making process where options or scenarios are tested, and if needed are reconsidered.

# Managing fresh water in New Zealand

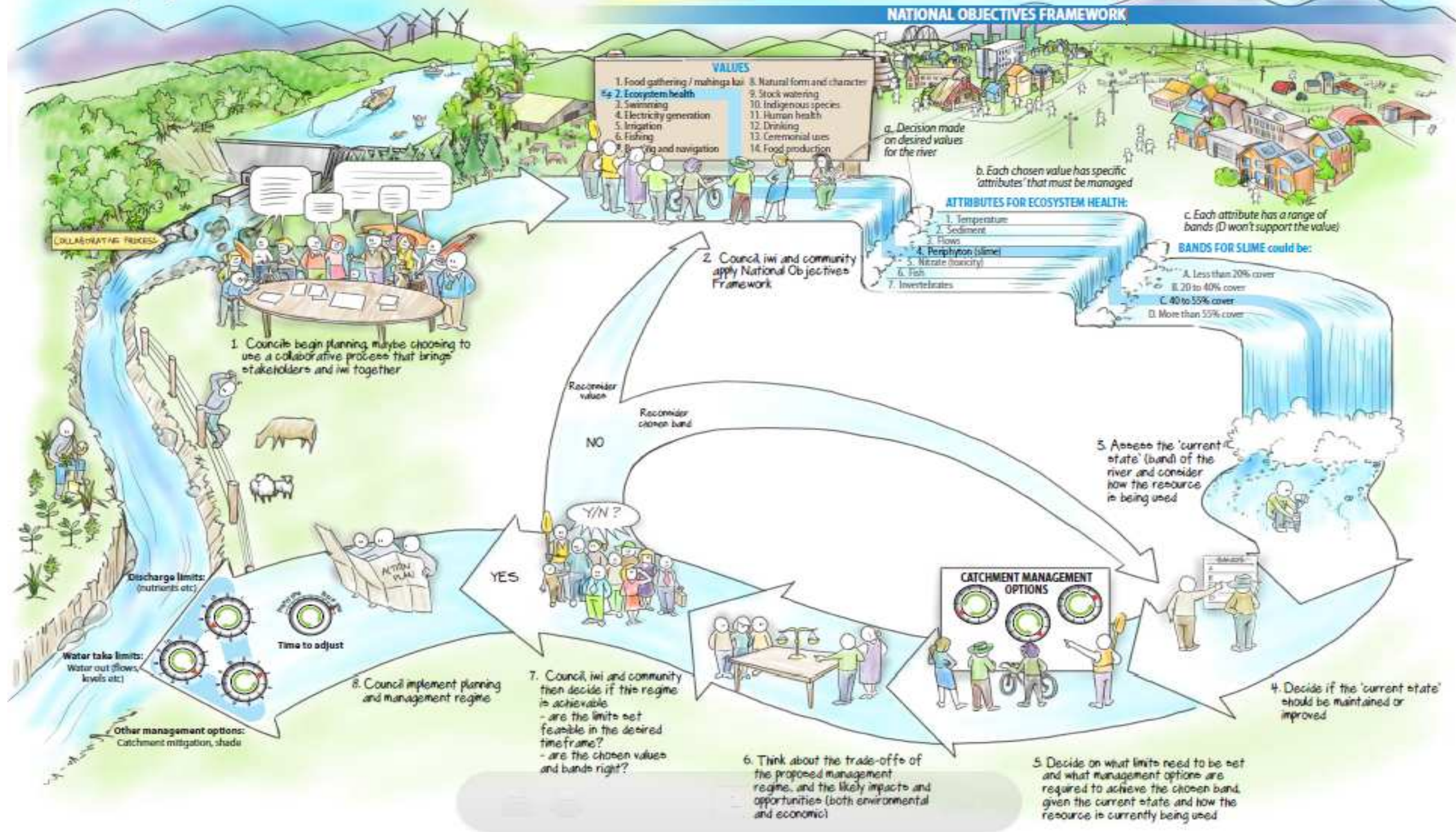


Figure 5. The decision-making process to determine objectives and limits in the proposed amendments to the NPS-FM (National Objectives Framework). This diagram is also available as a short video at <http://www.youtube.com/watch?v=lbxrlYrWe0Q>.

Regulatory methods to achieve limits on resource use include rules in the Regional Plan, District Plan and bylaws approved under the Local Government Act. Non-regulatory methods, such as education and incentives, are not bound to any Act or legislation and aim to change behaviour.

Where resources are already over-allocated, the resource must be managed to correct the over-allocation over time. In addition, the NPS-FM requires that over-allocation is avoided, not just mitigated or remedied.

## 5. For more information

Website with information in the Ruamāhanga Whaitua Committee  
<http://www.gw.govt.nz/ruamahanga-whaitua-committee/>

*The roles of regional and district council.* April 2014 <http://www.gw.govt.nz/assets/Plans--Publications/Regional-Plan-Review/Whaitua/The-Roles-of-Regional-and-District-Councils.pdf>

Interpretation of Supreme Court King Salmon decision <http://www.andersonlloyd.co.nz/have-the-goal-posts-shifted-implications-of-the-supreme-court-king-salmon-decision/>

Ministry for the Environment's Implantation Guide for the National Policy Statement for Freshwater Management 2011 <https://www.mfe.govt.nz/publications/rma/nps-freshwater-guide-2011/>.

Proposed amendments to the NPS-FM <http://www.mfe.govt.nz/publications/water/freshwater-reform-2013/html/page6.html>

GWRC's implementation plan [http://www.gw.govt.nz/assets/council-reports/Report\\_PDFs/2012\\_531\\_1\\_Report.pdf](http://www.gw.govt.nz/assets/council-reports/Report_PDFs/2012_531_1_Report.pdf).

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Report approved by  
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# Appendix A - National Policy Statement for Freshwater Management 2011 (NPS-FM 2011)

Issued by notice in the Gazette on 12 May 2011

## Preamble

Fresh water is essential to New Zealand's economic, environmental, cultural and social well-being. Fresh water gives our primary production, tourism, and energy generation sectors their competitive advantage in the global economy. Fresh water is highly valued for its recreational aspects and it underpins important parts of New Zealand's biodiversity and natural heritage. Fresh water has deep cultural meaning to all New Zealanders. Many of New Zealand's lakes, rivers and wetlands are iconic and well known globally for their natural beauty and intrinsic values.

The Treaty of Waitangi (Te Tiriti o Waitangi) is the underlying foundation of the Crown-iwi/hapū relationship with regard to freshwater resources. Addressing tāngata whenua values and interests across all of the well-beings, and including the involvement of iwi and hapū in the overall management of fresh water, are key to meeting obligations under the Treaty of Waitangi.

All New Zealanders have a common interest in ensuring the country's freshwater lakes, rivers, aquifers and wetlands are managed wisely.

New Zealand faces challenges in managing our fresh water to provide for all of the values that are important to New Zealanders. The quality, health, availability and economic value of our fresh waters are under threat. These challenges are likely to increase over time due to the impacts of climate change.

To respond effectively to these challenges and issues we need to have a good understanding of our freshwater resources, the threats to them and provide a management framework that enables water to contribute both to New Zealand's economic growth and environmental integrity and provides for the values that are important to New Zealanders.

This national policy statement sets out objectives and policies that direct local government to manage water in an integrated and sustainable way, while providing for economic growth within set water quantity and quality limits. The national policy statement is a first step to improve freshwater management at a national level.

Setting enforceable quality and quantity limits is a key purpose of this national policy statement. This is a fundamental step to achieving environmental outcomes and creating the necessary incentives to use fresh water efficiently, while providing certainty for investment. Water quality and quantity limits must reflect local and national values. The process for setting limits should be informed by the best available information and scientific and socio-economic knowledge.

Once limits are set, freshwater resources need to be allocated to users, while providing the ability to transfer entitlements between users so that we maximise the value we get from water. Where water resources are over-allocated (in terms of quality and quantity) to the point that national and local values are not met, we also need to ensure that over-allocation is reduced over agreed timeframes.

Given the vital importance of freshwater resources to New Zealand and New Zealanders, and in order to achieve the purpose of the Resource Management Act 1991 (the Act), the Crown recognises there is a particular need for clear central government policy to set a national direction, though the management of the resource needs to reflect the catchment-level variation between water bodies and different demands on the resource across regions. This includes managing land use and development activities that affect water so that growth is achieved with a lower environmental footprint.

The New Zealand Coastal Policy Statement 2010 addresses issues with water quality in the coastal environment. The management of coastal water and fresh water requires an integrated and consistent approach.

### **National values of fresh water**

Water is valued for the following uses:

- domestic drinking and washing water
- animal drinking water
- community water supply
- fire fighting
- electricity generation
- commercial and industrial processes
- irrigation
- recreational activities (including waka ama)
- food production and harvesting eg, fish farms and mahinga kai
- transport and access (including tauranga waka)
- cleaning, dilution and disposal of waste.

There are also values that relate to recognising and respecting fresh water's intrinsic values for: safeguarding the life-supporting capacity of water and associated ecosystems; and sustaining its potential to meet the reasonably foreseeable needs of future generations. Examples of these values include:

- the interdependency of the elements of the freshwater cycle
- the natural form, character, functioning and natural processes of water bodies and margins, including natural flows, velocities, levels, variability and connections
- the natural conditions of fresh water, free from biological or chemical alterations resulting from human activity, so that it is fit for all aspects of its intrinsic values
- healthy ecosystem processes functioning naturally
- healthy ecosystems supporting the diversity of indigenous species in sustainable populations



- cultural and traditional relationships of Māori with fresh water
- historic heritage associations with fresh water
- providing a sense of place for people and communities.

All the values in both lists are important national values of fresh water.

## Review

The Minister for the Environment intends to seek an independent review of the implementation and effectiveness of this national policy statement in achieving all its objectives and policies and in achieving the purpose of the Act, no later than five years after it comes into force. The Minister shall then consider the need to review, change or revoke this national policy statement. Collection of monitoring data to inform this review will begin at least two years prior to the review.

This preamble may assist the interpretation of the national policy statement.

## Title

This national policy statement is the National Policy Statement for Freshwater Management 2011.

## Commencement

This national policy statement will take effect on 1 July 2011.

## Interpretation

In this national policy statement:

“**Efficient allocation**” includes economic, technical and dynamic efficiency.

“**Environmental flows and/or levels**” are a type of limit which describes the amount of water in a body of fresh water (except ponds and naturally ephemeral water bodies) which is required to meet freshwater objectives. Environmental flows for rivers and streams must include an allocation limit and a minimum flow (or other flow/s). Environmental levels for other bodies of fresh water must include an allocation limit and a minimum water level (or other level/s).

“**Freshwater objective**” describes the intended environmental outcome(s).

“**Limit**” is the maximum amount of resource use available, which allows a freshwater objective to be met.

“**Over-allocation**” is the situation where the resource:

- a) has been allocated to users beyond a limit or
- b) is being used to a point where a freshwater objective is no longer being met.

This applies to both water quantity and quality.

“**Outstanding freshwater bodies**” are those water bodies with outstanding values, including ecological, landscape, recreational and spiritual values.

“Target” is a limit which must be met at a defined time in the future. This meaning only applies in the context of over-allocation.

Terms given meaning in the Act have the meanings so given.

## A. Water quality

### Objective A1

To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water, in sustainably managing the use and development of land, and of discharges of contaminants.

### Objective A2

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

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

### Policy A1

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

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

### Policy A2

Where water bodies do not meet the freshwater objectives made pursuant to Policy A1, every regional council is to specify targets and implement methods (either or both regulatory and non-regulatory) to assist the improvement of water quality in the water bodies, to meet those targets, and within a defined timeframe.

### Policy A3

By regional councils:

- a. imposing conditions on discharge permits to ensure the limits and targets specified pursuant to Policy A1 and Policy A2 can be met and
- b. where permissible, making rules requiring the adoption of the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of any

discharge of a contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.

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

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

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

## **B. Water quantity**

### **Objective B1**

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

### **Objective B2**

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

### **Objective B3**

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

#### **Objective B4**

To protect significant values of wetlands.

#### **Policy B1**

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

- a. the reasonably foreseeable impacts of climate change
- b. the connection between water bodies.

#### **Policy B2**

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

#### **Policy B3**

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

#### **Policy B4**

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

#### **Policy B5**

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

#### **Policy B6**

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

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

By every regional council amending regional plans (without using the process in Schedule 1) to the extent needed to ensure the plans include the following policy to apply until any changes under

Schedule 1 to give effect to Policy B1 (allocation limits), Policy B2 (allocation), and Policy B6 (over-allocation) have become operative:

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

## **C. Integrated management**

### **Objective C1**

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

### **Policy C1**

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

### **Policy C2**

By every regional council making or changing regional policy statements to the extent needed to provide for the integrated management of the effects of the use and development of land on fresh water, including encouraging the co-ordination and sequencing of regional and/or urban growth, land use and development and the provision of infrastructure.

## D. Tāngata whenua roles and interests

### Objective D1

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

### Policy D1

Local authorities shall take reasonable steps to:

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

## E. Progressive implementation programme

### Policy E1

- a. This policy applies to the implementation by a regional council of a policy of this national policy statement.
- b. Every regional council is to implement the policy as promptly as is reasonable in the circumstances, and so it is fully completed by no later than 31 December 2030.
- c. Where a regional council is satisfied that it is impracticable for it to complete implementation of a policy fully by 31 December 2014, the council may implement it by a programme of defined time-limited stages by which it is to be fully implemented by 31 December 2030.
- d. Any programme of time-limited stages is to be formally adopted by the council within 18 months of the date of gazetting of this national policy statement, and publicly notified.
- e. Where a regional council has adopted a programme of staged implementation, it is to publicly report, in every year, on the extent to which the programme has been implemented.