

**BEFORE THE HEARING PANEL
CONSTITUTED BY THE OTAGO REGIONAL COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of submissions on the Proposed Otago
Regional Policy Statement 2021
(excluding parts determined to be a
freshwater planning instrument)

AND

IN THE MATTER of submissions and further submissions
by Meridian Energy Limited

LEGAL SUBMISSIONS FOR MERIDIAN ENERGY LIMITED

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Terms

NPSREG = National Policy Statement for Renewable Electricity Generation 2011

NPSFM2020 = National Policy Statement for Freshwater Management 2020

Relevant National Direction = NPSREG + NPSFM2020

Introduction

[1] These legal submissions support the following RMA, Schedule 1 submissions lodged by Meridian Energy Limited (*Meridian or MEL*) on the non-freshwater component of the Proposed Otago Regional Policy Statement 2021 (*pORPS*):

- (a) Primary submission No. RPS21/0306.
- (b) Further submission dated 11 November 2021.

[2] MEL's witnesses – who have filed pre-circulated evidence - are:

- (a) Mr Andrew Feierabend – MEL representative.
- (b) Ms Susan Ruston – Planner.

[3] As outlined in the evidence of Sue Ruston, MEL now promotes a replacement set of provisions prepared by a collective of renewal electricity generators found in **Annexure 1** to Ms Ruston's evidence (the *Generator Collective's Provisions*). Therefore, these legal submissions focus on the legal basis for the Generator Collective's Provisions and support Ms Ruston's planning evidence.

Scope and approach to legal submissions

[4] These submissions are designed to step back from the breadth of Ms Ruston's planning analysis and to perform the more prosaic task of interpreting the Relevant National Direction and its significance for the statutory task of implementation. That results in legal content in these submissions that buttress two key themes of Ms Ruston's evidence where there is a contest on matters of planning principle. In those two areas legal determinations about interpretation emerge for resolution.

[5] By way of introduction and to illuminate Meridian’s planning approach in the Generator Collective’s Provisions and how it departs from ORC, the following is noted:

- (a) Concerning the Significant Resource Management Issues for the Region (SRMR) and Integrated Management (IM) sections of pORPS, the aim of the Generator Collective’s Provisions – in contrast to ORC - is stated at Ms Ruston’s SOE at [36] as follows:
 - (i) Better tailoring them to the particular opportunities and constraints concerning resource use in the Otago region;
 - (ii) More clearly articulating the relationship between greenhouse emissions and the effects of climate change and the critical role that REG activities play in reducing greenhouse gases;
 - (iii) The SRMR chapter going beyond considering the effects of climate change as an issue to also address the importance of reducing greenhouse gas emissions and what is needed to achieve this - including how to protect existing REG activities and provide for the development of new REG activities while at the same time meeting environmental expectations in the region; and
 - (iv) Providing greater certainty on how tensions between related provisions are to be resolved.
- (b) Concerning EN -Energy, Ms Ruston notes at [45] about Mr Langman’s s42A report; *Mr Langman expresses a concern that a package of objectives, policies and methods that address Energy provisions could undermine the protection of significant indigenous biodiversity and other s6 (of the Act) matters not being achieved and the pORPS conflicting with the NPSEFM. Instead, Mr Langman recommends a ‘framework’ that addresses all infrastructure together and properly recognises matters within s6 of the Act.*

[6] Therefore, Counsel assesses two vital underlying themes of Ms Ruston’s evidence differing from ORC’s revealed by the items in paragraph [6] above.

[7] The two key themes are:

- (a) **Theme 1** – the high importance of recognising and providing for renewable electricity generation as a national enterprise has

profound implications for the text of pORPS, including prioritising the reduction of greenhouse gas emissions through renewable energy generation as a significant issue in an explicit and tailored way. See, for example, Ruston SOE at [24] –[27].

- (b) **Theme 2** – the function of the pORPS is to implement higher-order instruments with greater particularity according to the region's circumstances. Ruston SOE at [30] –[35].

[8] After a conventional interpretation of the Relevant National Direction, these submissions will consider those two themes.

[9] This pORPS process does not deal with the freshwater components of pORPS following a High Court decision.¹ The sundering of the pORPS into freshwater and non-freshwater elements remains somewhat artificial for performing conventional strategic planning, and the purpose of the Integrated Management (*IM*) chapter brings that fact into focus. However, faced with this reality, the parties and the Panel must do the best they can. MEL's approach is to have an eye on NPSFM 2020 as the instrument that the freshwater parts of the pORPS will implement in due course to ensure the non-freshwater elements relevant to hydro-electricity generation will sit coherently with that national direction.

General approach to interpretation of primary and secondary interpretation and the reconciliation methodology for national direction

[10] This section addresses the interpretation methodology used in these submissions when assessing the nature and strength of the directions in the Relevant National Direction and addressing the two legal matters emerging from the two themes.

[11] The Supreme Court decision in the *Environmental Defence Society Incorporated v. The New Zealand King Salmon Company Limited*² points to the need to pay particular attention to the text of national direction that must be implemented.³ The task is

¹*Otago Regional Council v Royal Forest and Bird Protection Society of New Zealand Incorporated* [2022] NZHC 1777.

²*Environmental Defence Society Incorporated v. The New Zealand King Salmon Company Limited*² [2014] NZSC 38.

³ RMA, s62(3).

to identify the overall aims as key elements of the RMA's purpose and how the provisions relate to each other. The latter component involves reconciling provisions that seem in tension to obtain an appreciation and nature of the direction and the relative strength of direction to provide for the integrated⁴ strategic implementation of the instrument appropriate to the circumstances of the region as a whole⁵ recognising the combination of use, development and protection as aspects of sustainable management.⁶

[12] That was the approach the Supreme Court applied even though it did so in the context of one relevant national direction covering a single domain. That is different from the present situation, but the task remains the same.

[13] Therefore, the implementation task requires correct interpretation of the provisions of the Relevant National Direction and a reasonable understanding of the regional context and the resource potential under consideration.

[14] In this case, it is also important to address the significance of the Relevant National Direction against matters in RMA s 6 because of Mr Langman's views for ORC in [6](b) above.

[15] The usual interpretation tools apply in performing the interpretation task, and the Legislation Act 2019, s 10 provides an accepted standard of analysis based on RMA s 52(4), which states; *A national policy statement under this section is secondary legislation. The method involves ascertaining meaning from its text and in the light of its purpose and its context.*

[16] The relevant purpose of national policy provides insight into the purpose of Relevant National Direction. RMA s 45 states:

- (1) The purpose of national policy statements is to state objectives and policies for matters of national significance that are relevant to achieving the purpose of this Act.
- (2) In determining whether it is desirable to prepare a national policy statement, the Minister may have regard to—
 - (a) the actual or potential effects of the use, development, or protection of natural and physical resources:

⁴ RMA, s 59 and *Environmental Defence Society Incorporated v. The New Zealand King Salmon Company Limited*⁴ [2014] NZSC 38 at [64].

⁵ *Ibid.* at [168].

⁶ *Ibid.* at [24](d).

- (b) New Zealand's interests and obligations in maintaining or enhancing aspects of the national or global environment:
- (c) anything which affects or potentially affects any structure, feature, place, or area of national significance:
- (d) anything which affects or potentially affects more than 1 region:
- (e) anything concerning the actual or potential effects of the introduction or use of new technology or a process which may affect the environment:
- (f) anything which, because of its scale or the nature or degree of change to a community or to natural and physical resources, may have an impact on, or is of significance to, New Zealand:
- (g) anything which, because of its uniqueness, or the irreversibility or potential magnitude or risk of its actual or potential effects, is of significance to the environment of New Zealand:
- (h) anything which is significant in terms of section 8 (Treaty of Waitangi):
- (i) the need to identify practices (including the measures referred to in section 24(h), relating to economic instruments) to implement the purpose of this Act:
- (j) any other matter related to the purpose of a national policy statement.

[Emphasis added]

[17] The underlined parts of RMA, s 45 above, provide the basis (alongside the text of NPSREG⁷ and NPSFM 2020⁸) for asserting that addressing climate change by reducing greenhouse gas emissions is the dominant reason for the policy support in the Relevant National Direction concerning renewable energy. That arises from the profound impacts of climate change on New Zealand and its people and natural heritage and for the globe.

[18] Therefore, the Council's duty is to assist in meeting New Zealand's international obligations to maintain the global atmospheric environment.⁹ Stability and integrity of the supply system are necessary attributes of the electricity system that individual generation schemes support; however, the environmental focus is on eliminating greenhouse gas emissions by enabling renewable electricity generation.

⁷ See for example NPSREG, Preamble and Policy A.

⁸ See for example NPSFM 2020, Policy 4 clause 3.13(2)(a)

⁹ RMA s45(2)(b).

[19] Mr Feierabend addresses the importance of these matters and relevant context in his evidence, including the related statutory context of the Climate Change Response Act 2002.

[20] The subject matter and statutory source of the Relevant National Direction underscore the importance of the task of careful implementation in lower-order instruments.

[21] National policy under RMA, s 45(1) is strategic planning because of the nature of its required content and by its function to shape lower-order instruments, which must also be strategic. That means each instrument in the hierarchy must focus on key goals to manage resources for the long-run interests of the stated common good and elucidate the means of doing so at a level of detail corresponding to the instrument's function and while appropriately shaping any instruments made under it.

NPSREG

[22] The single Objective of the NPSREG requires detailed analysis. It states:

Objective

To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation.

[Emphasis added]

[23] The first point is that the objective refers to the *national significance* of renewable electricity generation, which harks back to RMA s 45(1).

[24] That raises the following questions that are brought into focus by Mr Langman's analysis for ORC in [6](b) above:

- (a) whether there is any material difference between matters of national *significance* in national direction and matters of national *importance* listed in RMA, s 6.
- (b) Do you place national direction in the hierarchy of Part 2 and if so on what basis?

[25] A national direction could be framed and accordingly applied in appropriate circumstances with a priority equivalent to or higher than the generally expressed matters of national importance in RMA s6. Meridian contends the NPSREG (and to an extent in NPSFM 2020) does that for renewable energy facilities and development. That is so for numerous reasons:

- (a) First, because of the purpose of national direction under RMA, s 45(1) and the robust machinery by which national direction is made.
- (b) Secondly, it makes sense that the RMA has sufficient mechanisms to respond flexibly to issues of importance that emerge over the life of the enactment. It would be odd if the RMA's principles ossify what is intended to be a responsive planning statute to address environmental issues as they arise that are essential to achieving the Act's purpose.¹⁰
- (c) Thirdly, the differences between the adjectival phrase "nationally important" and "nationally significant" as importance labels for matters under RMA, ss 6 and 45 are subtle and elusive. They may amount to a distinction without a difference.
- (d) Fourthly, s 6 matters are listed as principles, not a statement (per RMA s45), and with incomparably less substantive content than national direction. For example, the legislative guidelines published by the Legislative Design and Advisory Committee concerning legislative principles state that principles should be used with care and not expressed as enforceable substantive rights or duties.¹¹ The Supreme Court was alive to that practice by referring to in *King Salmon* the openness and lack of substantive content in Part 2 better expressed through national policy.¹²
- (e) Fifthly, the objective's direction to *recognise and provide for* is a direction that echoes RMA, s 6.

¹⁰ This is also consistent with the idea in blank that national policy provides more detailed expression of how to achieve the RMA's purpose.

¹¹ Legislative Guidelines 2021 edn. [Designing purpose provisions and statements of principle.](#)

¹² *Environmental Defence Society Incorporated v. The New Zealand King Salmon Company Limited*¹² [2014] NZSC 38.

- (f) Finally, the statutory direction to *give effect to* national direction¹³ with its more detailed language is necessarily more directive and shaping than the direction to make an instrument *in accordance with* RMA, Part 2.¹⁴

[26] Given the matters in the foregoing paragraph and the importance of addressing climate change, it is appropriate to read the single NPSREG objective as addressing a matter of such national significance that it requires discrete and tailored treatment in regional policy with appropriate detail. Further, it is not made to fit somewhere within the hierarchical formulation of principles in Part 2.

[27] Consequently, Mr Langman for ORC (whose relevant evidence is summarised at [6](b) of these submissions) has made an interpretive error in reasoning. Mr Langman's sole guide in performing an assessment of whether renewable energy is worthy of discrete treatment higher than and discrete from other regionally significant infrastructure appears to be the relative priority of the *benefits to be derived from the use and development of renewable energy* in RMA s 7(j) compared with RMA s6(c). Mr Langman sees that as decisive. This is an error that lacks sensitivity to context for the six reasons given in [25] of these submissions. Also, it fails to acknowledge that RMA s 7(j) was introduced as a Part 2 sustainability principle by an amendment to the RMA in 2004, requiring particular regard across all decision-making. In contrast, the NPSREG was made as a statement of national direction a decade later, requiring implementation.

[28] Put starkly, Mr Langman, relying on his interpretive approach, claims by implication that every part of a significant indigenous habitat must be protected from renewable energy development just like regionally significant infrastructure and consequently two things follow:

- (a) Renewable energy should not be distinguished from other infrastructure; and

¹³ RMA s67(3).

¹⁴ RMA s66(1).

- (b) Renewable energy should not be given a significance or priority in the text of pORPS that could ever permit an exception to that requirement.

[29] Both conclusions are false.

[30] Returning to NPSREG's single objective. Notably, the NPSREG objective is expressly tied to the *proportion of New Zealand's electricity generated from renewable energy sources* so that it reaches the level aimed at by the New Zealand Government's *national target*. Therefore, calibrating the strength of the direction to recognise and provide for renewable electricity generation is functionally related to the national targets developed outside NPSREG through other national target-setting processes.

[31] Expressing an objective in that way is somewhat unusual in planning instruments but makes sense, given the subject matter. The urgency of moving towards renewable electricity generation depends on climate commitments and government policy, all of which evolve in a dynamic situation. In this respect, the objective was presciently worded because matters did evolve dramatically leading to the 1.5°C target in the Paris Accord and the subsequent enactment of revised greenhouse emission reduction targets through the Climate Change Response (Zero Carbon) Amendment Act 2019. New Zealand signed and ratified the Paris Agreement (2015), committing the nation to reducing GHG emissions to 30% below 2005 levels by 2030. The Climate Change Response (Zero Carbon) Amendment Act 2019 (inserted as Part 1B of the Climate Change Response Act 2002) establishes New Zealand's 2050 GHG emissions target for non-biogenic methane at zero. Further, on 2 December 2020 Parliament passed a Government motion declaring a climate emergency – the motion also committed to implementing the policies required to meet the targets in the Zero Carbon Act, and to increase support for striving towards 100% renewable electricity generation and low carbon energy and transport systems.

[32] The action plan implementing national targets under the Climate Change Response Act 2002 is; *Towards a productive, sustainable and inclusive economy: Aotearoa*

New Zealand's First Emissions Reduction Plan (May 2022)¹⁵. That document expresses the target in the following way:

Action 11.5.1: Set targets for the energy system

The Government is setting a target of 50 per cent of total final energy consumption (TFEC) coming from renewable sources by 2035. In 2020, Aotearoa New Zealand's renewable energy share of TFEC was 28 per cent. A 50 per cent target is ambitious. It signals commitment to reducing emissions and highlights the need for transformation across the energy system - action that goes beyond business as usual. Success will depend on using our energy system to its best advantage in order to decarbonise other areas of the economy, such as transport and industry. The renewable energy target builds on the Government's aspirational target of 100 per cent renewable electricity by 2030.

[33] The aspirational target is 100% renewables to achieve 'net zero'.

[34] The TFEC, as a measure for renewable targets recognises demand and supply components of the national energy budget.

[35] In this context, Policy B (c) (in NPSREG) takes on great importance. It states:

POLICY B

Decision-makers shall have particular regard to the following matters:

...

- (c) meeting or exceeding the New Zealand Government's national target for the generation of electricity from renewable resources will require the significant development of renewable electricity generation activities.

[36] Recognising and providing for the benefits described in Policy A is directly linked to emission reduction targets.

[37] NPSREG, Policy C1 addresses the reality that renewable resources must be utilised where they are found. In doing so, the policy must recognise the inevitable 'environmental trade-offs' that must be incurred when achieving the national renewable energy targets. That can include RMA s6 resources with the appropriateness assessment reflecting the scale and significance of effects for the reasons given above.

¹⁵ *Aotearoa New Zealand's First Emissions Reduction Plan* Ministry for the Environment 2022.

[38] NPSREG, Policy E and its subparts address renewable energy types. Under each type, the relevant policy includes *to the extent applicable to the region or district*, which dovetails with Policy C1 (a) and recognises a regional inventory is required.

[39] In combination, the NPSREG and New Zealand Government Emissions Policy demand special attention to the profound need for more renewable energy generation from available resources and schemes in regions. That requires a healthy, well-informed realism about the environmental trade-offs that prudent action to achieve those needs will involve.

NPSFM2020

[40] This analysis is appropriately brief and focuses on two matters:

- (a) The special treatment of New Zealand's largest hydro-electric generation schemes addressed in NPSFM2020.
- (b) The general approach to hydro-electricity as an environmental value.

[41] The broad scheme of the NPSFM2020 is to move FMUs to attribute states reflecting estimable freshwater bottom lines. However, NPSFM2020 singles out the 'Big 5' hydro-electric schemes in New Zealand for special treatment in two respects:

- (a) The direction to consider the importance of the schemes is based on three criteria, with the pre-eminent criteria concerning the contribution to the reduction of greenhouse gas emissions.
- (b) Dispensing with the need for the scheme to comply with environmental bottom lines and only requiring improvement in attribute state *to the extent practicable*.

[42] This direction is deliberately specific, and its purpose is to support the continuation and operational flexibility of this exceptional class of renewable energy facilities in a manner that is outside the hierarchy of obligations within the Te Mana o te Wai framework. In that regard I draw an analogy with the interpretation of another exception in NPSFM concerning vegetable growing in *Muaupoko Tribal*

Authority v Minister for the Environment.¹⁶ This exceptionalism is understandable based on the history of development for national goals and the current national significance of these schemes.

[43] Concerning the general approach to hydro-electricity generation in NPSFM2020, it is notable that the fourth policy implementing the single objective in Part 2 NPSFM2020 is:

Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change

[44] That priority and the fact that it is dealt with separately from Policy 15 concerning social, economic and cultural well-being suggests that hydro-electricity is within at least the second order of priority (possibly higher). That is because the third order, *social, economic and cultural well-being*, is addressed as a distinct policy in Policy 15 and because of the relative priority of Policy 4. Also, that is consistent with the characterisation of climate change as an issue that must be addressed for the health needs of people.¹⁷

[45] Through the application national objectives framework, a direction is given to address compulsory values and, where applicable, whether the other values in Appendix 1B apply. That includes the hydro-electric power generation value expressed in this way:

6 Hydro-electric power generation

The FMU or part of the FMU is suitable for hydro-electric power generation.

Water quality and quantity and the physical qualities of the FMU or part of the FMU, including hydraulic gradient and flow rate, can provide for hydro-electric power generation

[46] The direction is that this value *must be considered*. Suitability for hydro-electric power generation is tied to factors such as water quality and quantity that can provide for hydro-electric power generation. That value obtains great significance where the scheme of the generation facility can sustain the compulsory values to

¹⁶ In that regard, I draw an analogy with the interpretation of another exception in NPSFM2020 concerning vegetable growing in *Muaupoko Tribal Authority v Minister for the Environment* [2022] NZRMA 481.

¹⁷ *Aratiatia Livestock Limited v Southland Regional Council* [2019] NZEnvC 208 at [61].

an appropriate degree, and this reconciles content of the Relevant National Direction.

Reconciliation of NPSREG and NPSFM2020

[47] Each Relevant National Direction is more specific than the other in different respects. The NPSREG is specific to renewable electricity generation as an activity and covers the field for all generation types. The NPSFM2020 is particular to the freshwater domain and has specific provisions related to hydro-electricity generation. The reconciliation task requires consideration of the arenas in which each is more specific than the other.

[48] It is submitted that NPSFM2020 is deliberately drafted to recognise and provide for hydro-electricity generation in a manner consistent with NPSREG so that both national directions can be read in a way that they are *pulling in the same direction* and complementary. As the High Court said in *Rangitata Diversion Race Management Ltd v Canterbury Regional Council*¹⁸ at [51] about NPSREG : *Although the NPS reserves exclusively to regional councils the ability to control the use of water in relation to hydro-electricity generation schemes, it provides strong guidance in respect of the value with which renewable electricity generation is held by central government.*

[49] It follows that the national targets for renewable electricity generation to reduce greenhouse gas emissions and the regional availability of resources to meet national targets should be a matter of special and distinct focus in framing lower-order policy when implementing both instruments.

Consequences of interpretation of RMA and Relevant National Direction for Theme 1

[50] For the reasons expressed above, Ms Ruston correctly advances the view that greenhouse gas mitigation and renewable electricity generation are twin pillars of the Relevant National Direction and address a nationally important matter. Therefore, the pORPS requires specific and clear text that recognises that value. Further, the view expressed by section 42A reports that renewable electricity generation is of no higher importance than other regionally significant infrastructure is inconsistent with the national direction and suggests a mindset

¹⁸ *Rangitata Diversion Race Management Ltd v Canterbury Regional Council* [2015] NZRMA 467.

discordant with the national importance of renewable energy and rests on incorrect methods of interpretation.

[51] Ms Ruston's evidence, in contrast to the section 42A reports, reveals a sensitivity to the importance of achieving national targets to achieve climate change goals and the need to plan for the 'stretch' that is required to achieve those goals that can only be implemented by appropriately framed regional policy specific to the newly framed target and available resources.

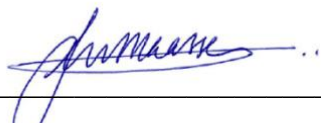
Consequences of interpretation of RMA and Relevant National Direction for Theme 3

[52] Ms Ruston, in her SOE at [31], correctly refers in her evidence to the relevant passage from *King Salmon* that anticipates greater particularity in lower-order instruments reflecting the level of detail available as one passes down the hierarchy. It is part of the scheme of RMA, Part 5. In this case, that requires a coherent strategic approach to supporting renewable energy appropriate to the region's resources, which is best reflected in the Generator Collective's Provisions. Readers of the policy statement should have a clear action plan for steps to implement critical climate change goals.

[53] If MEL had a 'Big 5' scheme within the Otago region, it would advance the view based on its interpretation of the Relevant National Direction above that specific identification of that infrastructure and detailed implementation of NPSFM2020, clause 3.31, is necessary. However, Contact Energy owns and operates the Clutha scheme (the only 'Big 5' scheme in the Otago region) and has not requested that as part of the Generator Collective's Provisions. MEL makes this point plain because it does not wish to be held to the view in different fora that the Generator Collective's Provisions is a comprehensive implementation of the NPSREG and NPSFM2020 in regions where MEL has interests in 'Big 5' schemes.

Conclusion

[54] The Generator Collective's Provisions better implement Relevant National Direction than the provisions advanced in ORC's S42 A reports.



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NATIONAL POLICY STATEMENT

for Renewable Electricity Generation 2011

Issued by notice in the Gazette on 14 April 2011

newzealand.govt.nz

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Preamble

This national policy statement sets out an objective and policies to enable the sustainable management of renewable electricity generation under the Resource Management Act 1991 ('the Act').

New Zealand's energy demand has been growing steadily and is forecast to continue to grow. New Zealand must confront two major energy challenges as it meets growing energy demand. The first is to respond to the risks of climate change by reducing greenhouse gas emissions caused by the production and use of energy. The second is to deliver clean, secure, affordable energy while treating the environment responsibly.

The contribution of renewable electricity generation, regardless of scale, towards addressing the effects of climate change plays a vital role in the wellbeing of New Zealand, its people and the environment. In considering the risks and opportunities associated with various electricity futures, central government has reaffirmed the strategic target that 90 per cent of electricity generated in New Zealand should be derived from renewable energy sources by 2025 (based on delivered electricity in an average hydrological year) providing this does not affect security of supply.

Development that increases renewable electricity generation capacity can have environmental effects that span local, regional and national scales, often with adverse effects manifesting locally and positive effects manifesting nationally.

This national policy statement does not apply to the allocation and prioritisation of freshwater as these are matters for regional councils to address in a catchment or regional context and may be subject to the development of national guidance in the future.

In some instances the benefits of renewable electricity generation can compete with matters of national importance as set out in section 6 of the Act, and with matters to which decision-makers are required to have particular regard under section 7 of the Act. In particular, the natural resources from which electricity is generated can coincide with areas of significant natural character, significant amenity values, historic heritage, outstanding natural features and landscapes, significant indigenous vegetation and significant habitats of indigenous fauna. There can also be potential conflicts with the relationship of Maori with their taonga and the role of kaitiaki. The New Zealand Coastal Policy Statement 2010 also addresses these issues in the coastal environment. Increased national consistency in addressing the competing values associated with the development of New Zealand's renewable energy resources will provide greater certainty to decision-makers, applicants, and the wider community.

Title

This national policy statement is the National Policy Statement for Renewable Electricity Generation 2011.

Commencement

This national policy statement will take effect 28 days after the date of its issue by notice in the New Zealand Gazette.

Interpretation

In this national policy statement, unless the context otherwise requires:

Act means the Resource Management Act 1991.

Decision-makers means all persons exercising functions and powers under the Act.

Distribution network means a distributor's lines and associated equipment used for the conveyance of electricity on lines other than lines that are part of the national grid.

Distributor means a business engaged in distribution of electricity.

National grid means the lines and associated equipment used or owned by Transpower to convey electricity.

Renewable electricity generation means generation of electricity from solar, wind, hydro-electricity, geothermal, biomass, tidal, wave, or ocean current energy sources.

Renewable electricity generation activities means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.

Small and community-scale distributed electricity generation means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.

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

Matters of national significance

The matters of national significance to which this national policy statement applies are:

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

Objective

To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation.

A. Recognising the benefits of renewable electricity generation activities

POLICY A

Decision-makers shall recognise and provide for the national significance of renewable electricity generation activities, including the national, regional and local benefits relevant to renewable electricity generation activities. These benefits include, but are not limited to:

- a) maintaining or increasing electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;
- b) maintaining or increasing security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;
- c) using renewable natural resources rather than finite resources;
- d) the reversibility of the adverse effects on the environment of some renewable electricity generation technologies;
- e) avoiding reliance on imported fuels for the purposes of generating electricity.

B. Acknowledging the practical implications of achieving New Zealand's target for electricity generation from renewable resources

POLICY B

Decision-makers shall have particular regard to the following matters:

- a) maintenance of the generation output of existing renewable electricity generation activities can require protection of the assets, operational capacity and continued availability of the renewable energy resource; and
- b) even minor reductions in the generation output of existing renewable electricity generation activities can cumulatively have significant adverse effects on national, regional and local renewable electricity generation output; and
- c) meeting or exceeding the New Zealand Government's national target for the generation of electricity from renewable resources will require the significant development of renewable electricity generation activities.

C. Acknowledging the practical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities

POLICY C1

Decision-makers shall have particular regard to the following matters:

- a) the need to locate the renewable electricity generation activity where the renewable energy resource is available;
- b) logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activity;
- c) the location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, the distribution network and the national grid in relation to the renewable electricity generation activity, and the need to connect renewable electricity generation activity to the national grid;

- d) designing measures which allow operational requirements to complement and provide for mitigation opportunities; and
- e) adaptive management measures.

POLICY C2

When considering any residual environmental effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated, decision-makers shall have regard to offsetting measures or environmental compensation including measures or compensation which benefit the local environment and community affected.

D. Managing reverse sensitivity effects on renewable electricity generation activities

POLICY D

Decision-makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities.

E. Incorporating provisions for renewable electricity generation activities into regional policy statements and regional and district plans

E1 Solar, biomass, tidal, wave and ocean current resources

POLICY E1

Regional policy statements and regional and district plans shall include objectives, policies and methods (including rules within plans) to provide for the development, operation, maintenance, and upgrading of new and existing renewable electricity generation activities using solar, biomass, tidal, wave and ocean current energy resources to the extent applicable to the region or district.

E2 Hydro-electricity resources

POLICY E2

Regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for the development, operation, maintenance, and upgrading of new and existing hydro-electricity generation activities to the extent applicable to the region or district.

E3 Wind resources

POLICY E3

Regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for the development, operation, maintenance and upgrading of new and existing wind energy generation activities to the extent applicable to the region or district.

E4 Geothermal resources

POLICY E4

Regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for the development, operation, maintenance, and upgrading of new and existing electricity generation activities using geothermal resources to the extent applicable to the region or district.

F. Incorporating provisions for small and community-scale renewable electricity generation activities into regional policy statements and regional and district plans

POLICY F

As part of giving effect to Policies E1 to E4, regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for the development, operation, maintenance and upgrading of small and community-scale distributed renewable electricity generation from any renewable energy source to the extent applicable to the region or district.

G. Enabling identification of renewable electricity generation possibilities

POLICY G

Regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation by existing and prospective generators.

H. Time within which implementation is required

POLICY H1

Unless already provided for within the relevant regional policy statement or proposed regional policy statement, regional councils shall give effect to Policies A, B, C, D, E, F and G by notifying using Schedule 1 of the Act, a change or variation (whichever applies) within 24 months of the date on which this national policy statement takes effect.

POLICY H2

Unless already provided for within the relevant regional or district plans or proposed plans, plan changes or variations, local authorities shall give effect to Policies A, B, C, D, E, F and G by notifying using Schedule 1 of the Act, a change or variation (whichever applies) within the following timeframes:

- a) where the relevant regional policy statement or proposed regional policy statement already provides for the Policies, 24 months of the date on which this national policy statement takes effect; or
- b) where a change or variation to the regional policy statement or proposed regional policy statement is required by Policy H1, 12 months of the date on which the change or variation becomes operative.

Monitoring and reviewing the implementation and effectiveness of the national policy statement

To monitor and review the implementation and effectiveness of this national policy statement in achieving the purpose of the Act, the Minister for the Environment should:

- in collaboration with local authorities and relevant government agencies collect data for, and, as far as practicable, incorporate district and regional monitoring information into a nationally consistent monitoring and reporting programme, including monitoring the performance of local authorities against the timeframes for giving effect to this national policy statement;
- utilise other information gathered or monitored that assists in measuring progress towards the Government's national target for the generation of electricity from renewable sources;
- within five years of its taking effect, and thereafter as considered necessary, assess the effect of this national policy statement on relevant regional policy statements and regional or district plans, resource consents and other decision-making; and
- publish a report and conclusions on matters above.

Explanatory note

This note is not part of the national policy statement but is intended to indicate its general effect.

This national policy statement takes effect 28 days after the date of its issue by notice in the *New Zealand Gazette*. It recognises renewable electricity generation activities and the benefits of renewable electricity generation as matters of national significance under the Resource Management Act 1991.

This national policy statement is to be applied by all persons exercising powers and functions under the Act. The objective and policies are intended to guide applicants and decision-makers on applications for resource consent, in making decisions on the notification and determination of resource consent applications, in considering a requirement for a designation or a heritage order, in considering an application for a water conservation order and when exercising other powers as required by the Act. Regional policy statements, regional plans and district plans must give effect to this national policy statement.

This national policy statement requires regional councils, unless they have already provided for renewable electricity generation activities, to give effect to its provisions by notifying changes to existing or proposed regional policy statements within 24 months of the date on which it takes effect. In the case of district plans, proposed plans or variations, local authorities are required to give effect to its provisions by notifying changes within the following timeframes: 24 months of the date on which this national policy statement takes effect where the regional policy statement or proposed regional policy statement already provides for the policies; or, where a change or variation to the regional policy statement or proposed regional policy statement is required, within 12 months of the date on which the change or variation becomes operative.

New Zealand Government

National Policy Statement for Freshwater Management 2020

August 2020

This National Policy Statement was approved by the Governor-General under section 52(2) of the Resource Management Act 1991 on 3 August 2020, and is published by the Minister for the Environment under section 54 of that Act.

This National Policy Statement replaces the National Policy Statement for Freshwater Management 2014 (as amended in 2017), which came into force on 7 September 2017.

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Part 1: Preliminary provisions

1.1 Title

- (1) This is the National Policy Statement for Freshwater Management 2020.

1.2 Commencement

- (1) This National Policy Statement comes into force on 3 September 2020.
- (2) See Part 4 for provisions about the timing of the implementation of this National Policy Statement.

1.3 Fundamental concept – Te Mana o te Wai

Concept

- (1) Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.
- (2) Te Mana o te Wai is relevant to all freshwater management and not just to the specific aspects of freshwater management referred to in this National Policy Statement.

Framework

- (3) Te Mana o te Wai encompasses 6 principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, and these principles inform this National Policy Statement and its implementation.
- (4) The 6 principles are:
 - (a) *Mana whakahaere*: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater
 - (b) *Kaitiakitanga*: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations
 - (c) *Manaakitanga*: the process by which tangata whenua show respect, generosity, and care for freshwater and for others
 - (d) *Governance*: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future
 - (e) *Stewardship*: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations
 - (f) *Care and respect*: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

- (5) There is a hierarchy of obligations in Te Mana o te Wai that prioritises:
- (a) first, the health and well-being of water bodies and freshwater ecosystems
 - (b) second, the health needs of people (such as drinking water)
 - (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

1.4 Interpretation

- (1) In this National Policy Statement:

Act means the Resource Management Act 1991

attribute means a measurable characteristic (numeric, narrative, or both) that can be used to assess the extent to which a particular value is provided for

baseline state, in relation to an attribute, means the best state out of the following:

- (a) the state on the date it is first identified by a regional council
- (b) the state on the date on which a regional council set a freshwater objective for the attribute under the National Policy Statement for Freshwater Management 2014 (as amended in 2017)
- (c) the state on 7 September 2017

commencement date means the date on which this National Policy Statement comes into force

compulsory value means the 4 values described in Appendix 1A, being: ecosystem health, human contact, mahinga kai, and threatened species

degraded, in relation to an FMU or part of an FMU, means that as a result of something other than a naturally occurring process:

- (a) a site or sites in the FMU or part of the FMU to which a target attribute state applies:
 - (i) is below a national bottom line; or
 - (ii) is not achieving or is not likely to achieve a target attribute state; or
- (b) the FMU or part of the FMU is not achieving or is not likely to achieve an environmental flow and level set for it; or
- (c) the FMU or part of the FMU is less able (when compared to 7 September 2017) to provide for any value identified for it under the NOF

degrading, in relation to an FMU or part of an FMU, means that any site or sites to which a target attribute state applies is experiencing, or is likely to experience, a deteriorating trend (as assessed under clause 3.19)

environmental outcome means, in relation to a value that applies to an FMU or part of an FMU, a desired outcome that a regional council identifies and then includes as an objective in its regional plan(s) (see clause 3.9)

Freshwater management unit, or FMU, means all or any part of a water body or water bodies, and their related catchments, that a regional council determines under clause 3.8 is an appropriate unit for freshwater management and accounting purposes; and **part of an FMU**

means any part of an FMU including, but not limited to, a specific site, river reach, water body, or part of a water body

kaitiakitanga has the meaning given in the Act but includes the principle referred to in clause 1.3(4)(b)

limit means either a limit on resource use or a take limit

limit on resource use means the maximum amount of a resource use that is permissible while still achieving a relevant target attribute state (see clauses 3.12 and 3.14)

long-term vision means a long-term vision developed under clause 3.3 and included as an objective in a regional policy statement

Māori freshwater values means the compulsory value of mahinga kai and any other value (whether or not identified in Appendix 1A or 1B) identified for a particular FMU or part of an FMU through collaboration between tangata whenua and the relevant regional council

national bottom line means an attribute state identified as such in Appendix 2A or 2B

naturally occurring process means a process that occurs, or would occur, in the absence of human activity

natural inland wetland has the meaning in clause 3.21

National Objectives Framework, or NOF, means the framework for managing freshwater as described in subpart 2 of Part 3

outstanding water body means a water body, or part of a water body, identified in a regional policy statement, a regional plan, or a water conservation order as having one or more outstanding values

over-allocation, in relation to both the quantity and quality of freshwater, is the situation where:

- (a) resource use exceeds a limit; or
- (b) if limits have not been set, an FMU or part of an FMU is degraded or degrading

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

publish, in relation to an obligation on a local authority to publish material, means to make the material freely available to the public on the local authority's internet website or another web-based platform

receiving environment includes, but is not limited to, any water body (such as a river, lake, wetland or aquifer) and the coastal marine area (including estuaries)

take limit means a limit on the amount of water that can be taken from an FMU or part of an FMU, as set under clause 3.17

Te Mana o te Wai has the meaning set out in clause 1.3

threatened species means any indigenous species of flora or fauna that:

- (a) relies on water bodies for at least part of its life cycle; and
- (b) meets the criteria for nationally critical, nationally endangered, or nationally vulnerable species in the *New Zealand Threat Classification System Manual*

- (2) Terms defined in the Act and used in this National Policy Statement have the meanings in the Act, except as otherwise specified.

1.5 Application

- (1) This National Policy Statement applies to all freshwater (including groundwater) and, to the extent they are affected by freshwater, to receiving environments (which may include estuaries and the wider coastal marine area).

1.6 Best information

- (1) A requirement in this National Policy Statement to use the best information available at the time is a requirement to use, if practicable, complete and scientifically robust data.
- (2) In the absence of complete and scientifically robust data, the best information may include information obtained from modelling, as well as partial data, local knowledge, and information obtained from other sources, but in this case local authorities must:
 - (a) prefer sources of information that provide the greatest level of certainty; and
 - (b) take all practicable steps to reduce uncertainty (such as through improvements to monitoring or the validation of models used).
- (3) A person who is required to use the best information available at the time:
 - (a) must not delay making decisions solely because of uncertainty about the quality or quantity of the information available; and
 - (b) if the information is uncertain, must interpret it in the way that will best give effect to this National Policy Statement.

1.7 Application of section 55(2A) of Act

- (1) The changes to regional policy statements and regional plans required by the following provisions of this National Policy Statement are amendments referred to in section 55(2) of the Act (which, because of section 55(2A) of the Act, means that the changes must be made without using a process in Schedule 1 of the Act):
 - (a) clause 3.22(1) (Natural inland wetlands)
 - (b) clause 3.24(1) (Rivers)
 - (c) clause 3.26(1) (Fish passage).
- (2) See clause 4.3(3) about changes that merely update wording or terminology.

1.8 Incorporation by reference

- (1) Clause 2(1) of Schedule 1AA of the Act does not apply to any material incorporated by reference in this National Policy Statement.
- (2) All material incorporated by reference in this National Policy Statement is available at: www.mfe.govt.nz/fresh-water/npsfm/documents-incorporated-by-reference.

Part 2: Objective and policies

2.1 Objective

- (1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:
 - (a) first, the health and well-being of water bodies and freshwater ecosystems
 - (b) second, the health needs of people (such as drinking water)
 - (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

2.2 Policies

Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.

Policy 2: Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.

Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change.

Policy 5: Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.

Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.

Policy 7: The loss of river extent and values is avoided to the extent practicable.

Policy 8: The significant values of outstanding water bodies are protected.

Policy 9: The habitats of indigenous freshwater species are protected.

Policy 10: The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.

Policy 11: Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.

Policy 12: The national target (as set out in Appendix 3) for water quality improvement is achieved.

Policy 13: The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.

Policy 14: Information (including monitoring data) about the state of water bodies and freshwater ecosystems, and the challenges to their health and well-being, is regularly reported on and published.

Policy 15: Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.

Part 3: Implementation

3.1 Overview of Part

- (1) This Part sets out a non-exhaustive list of things that local authorities must do to give effect to the objective and policies in Part 2 of this National Policy Statement, but nothing in Part 3 limits the general obligation under the Act to give effect to the objective and policies in Part 2 of this National Policy Statement.
- (2) Nothing in this Part:
 - (a) prevents a local authority adopting more stringent measures than required by this National Policy Statement; or
 - (b) limits a local authority's functions and duties under the Act in relation to freshwater.
- (3) In this Part:
 - (a) subpart 1 sets out how local authorities must implement this National Policy Statement, particularly in relation to giving effect to Te Mana o te Wai
 - (b) subpart 2 sets out the National Objectives Framework for managing freshwater
 - (c) subpart 3 set out additional requirements on regional councils relating to freshwater management.

Subpart 1 Approaches to implementing the National Policy Statement

3.2 Te Mana o te Wai

- (1) Every regional council must engage with communities and tangata whenua to determine how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the region.
- (2) Every regional council must give effect to Te Mana o te Wai, and in doing so must:
 - (a) actively involve tangata whenua in freshwater management (including decision-making processes), as required by clause 3.4; and
 - (b) engage with communities and tangata whenua to identify long-term visions, environmental outcomes, and other elements of the NOF; and
 - (c) apply the hierarchy of obligations, as set out in clause 1.3(5):
 - (i) when developing long-term visions under clause 3.3; and
 - (ii) when implementing the NOF under subpart 2; and
 - (iii) when developing objectives, policies, methods, and criteria for any purpose under subpart 3 relating to natural inland wetlands, rivers, fish passage, primary contact sites, and water allocation; and
 - (d) enable the application of a diversity of systems of values and knowledge, such as mātauranga Māori, to the management of freshwater; and

- (e) adopt an integrated approach, *ki uta ki tai*, to the management of freshwater (see clause 3.5).
- (3) Every regional council must include an objective in its regional policy statement that describes how the management of freshwater in the region will give effect to *Te Mana o te Wai*.
- (4) In addition to subclauses (1) to (3), *Te Mana o te Wai* must inform the interpretation of:
 - (a) this National Policy Statement; and
 - (b) the provisions required by this National Policy Statement to be included in regional policy statements and regional and district plans.

3.3 Long-term visions for freshwater

- (1) Every regional council must develop long-term visions for freshwater in its region and include those long-term visions as objectives in its regional policy statement.
- (2) Long-term visions:
 - (a) may be set at FMU, part of an FMU, or catchment level; and
 - (b) must set goals that are ambitious but reasonable (that is, difficult to achieve but not impossible); and
 - (c) identify a timeframe to achieve those goals that is both ambitious and reasonable (for example, 30 years after the commencement date).
- (3) Every long-term vision must:
 - (a) be developed through engagement with communities and *tangata whenua* about their long-term wishes for the water bodies and freshwater ecosystems in the region; and
 - (b) be informed by an understanding of the history of, and environmental pressures on, the FMU, part of the FMU, or catchment; and
 - (c) express what communities and *tangata whenua* want the FMU, part of the FMU, or catchment to be like in the future.
- (4) Every regional council must assess whether each FMU, part of an FMU, or catchment (as relevant) can provide for its long-term vision, or whether improvement to the health and well-being of water bodies and freshwater ecosystems is required to achieve the vision.

3.4 Tangata whenua involvement

- (1) Every local authority must actively involve *tangata whenua* (to the extent they wish to be involved) in freshwater management (including decision-making processes), including in all the following:
 - (a) identifying the local approach to giving effect to *Te Mana o te Wai*
 - (b) making or changing regional policy statements and regional and district plans so far as they relate to freshwater management
 - (c) implementing the NOF (see subclause (2))

- (d) developing and implementing mātauranga Māori and other monitoring.
- (2) In particular, and without limiting subclause (1), for the purpose of implementing the NOF, every regional council must work collaboratively with, and enable, tangata whenua to:
 - (a) identify any Māori freshwater values (in addition to mahinga kai) that apply to any FMU or part of an FMU in the region; and
 - (b) be actively involved (to the extent they wish to be involved) in decision-making processes relating to Māori freshwater values at each subsequent step of the NOF process.
 - (3) Every regional council must work with tangata whenua to investigate the use of mechanisms available under the Act, to involve tangata whenua in freshwater management, such as:
 - (a) transfers or delegations of power under section 33 of the Act
 - (b) joint management agreements under section 36B of the Act
 - (c) mana whakahono a rohe (iwi participation arrangements) under subpart 2 of Part 5 of the Act.
 - (4) To avoid doubt, nothing in this National Policy Statement permits or requires a local authority to act in a manner that is, or make decisions that are, inconsistent with any relevant iwi participation legislation or any directions or visions under that legislation.

3.5 Integrated management

- (1) Adopting an integrated approach, ki uta ki tai, as required by Te Mana o te Wai, requires that local authorities must:
 - (a) recognise the interconnectedness of the whole environment, from the mountains and lakes, down the rivers to hāpua (lagoons), wahapū (estuaries) and to the sea; and
 - (b) recognise interactions between freshwater, land, water bodies, ecosystems, and receiving environments; and
 - (c) manage freshwater, and land use and development, in catchments in an integrated and sustainable way to avoid, remedy, or mitigate adverse effects, including cumulative effects, on the health and well-being of water bodies, freshwater ecosystems, and receiving environments; and
 - (d) encourage the co-ordination and sequencing of regional or urban growth.
- (2) Every regional council must make or change its regional policy statement to the extent needed to provide for the integrated management of the effects of:
 - (a) the use and development of land on freshwater; and
 - (b) the use and development of land and freshwater on receiving environments.
- (3) In order to give effect to this National Policy Statement, local authorities that share jurisdiction over a catchment must co-operate in the integrated management of the effects of land use and development on freshwater.

- (4) Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.

3.6 Transparent decision-making

- (1) This clause applies to decisions by regional councils relating to:
 - (a) clause 3.4(3) (about mechanisms to involve tangata whenua in freshwater management); and
 - (b) clause 3.15 (about preparing action plans).
- (2) Every regional council must make decisions, record matters considered and the reasons for decisions reached, and publish this as soon as practicable after a decision is reached, unless publication would be contrary to any other legal obligation.
- (3) In this clause, **decision** includes a decision not to decide on, or to postpone deciding, any substantive issue and, in relation to decisions about mechanisms to involve tangata whenua in freshwater management, includes a decision to use or not use a mechanism.

Subpart 2 National Objectives Framework

3.7 NOF process

- (1) At each step of the NOF process, every regional council must:
 - (a) engage with communities and tangata whenua; and
 - (b) apply the hierarchy of obligations set out in clause 1.3(5), as required by clause 3.2(2)(c).
- (2) By way of summary, the NOF process requires regional councils to undertake the following steps:
 - (a) identify FMUs in the region (clause 3.8)
 - (b) identify values for each FMU (clause 3.9)
 - (c) set environmental outcomes for each value and include them as objectives in regional plans (clause 3.9)
 - (d) identify attributes for each value and set baseline states for those attributes (clause 3.10)
 - (e) set target attribute states, environmental flows and levels, and other criteria to support the achievement of environmental outcomes (clauses 3.11, 3.13, 3.16)
 - (f) set limits as rules and prepare action plans (as appropriate) to achieve environmental outcomes (clauses 3.12, 3.15, 3.17).
- (3) The NOF also requires that regional councils:
 - (a) monitor water bodies and freshwater ecosystems (clauses 3.18 and 3.19); and
 - (b) take action if degradation is detected (clause 3.20).

3.8 Identifying FMUs and special sites and features

- (1) Every regional council must identify FMUs for its region.
- (2) Every water body in the region must be located within at least one FMU.
- (3) Every regional council must also identify the following (if present) within each FMU:
 - (a) sites to be used for monitoring
 - (b) primary contact sites
 - (c) the location of habitats of threatened species
 - (d) outstanding water bodies
 - (e) natural inland wetlands.
- (4) Monitoring sites for an FMU must be located at sites that are either or both of the following:
 - (a) representative of the FMU or relevant part of the FMU
 - (b) representative of one or more primary contact sites in the FMU.
- (5) Monitoring sites relating to Māori freshwater values:
 - (a) need not comply with subclause (4), but may instead reflect one or more Māori freshwater values; and
 - (b) must be determined in collaboration with tangata whenua.

3.9 Identifying values and setting environmental outcomes as objectives

- (1) The compulsory values listed in Appendix 1A apply to every FMU, and the requirements in this subpart relating to values apply to each of the 5 biophysical components of the value Ecosystem health.
- (2) A regional council may identify other values applying to an FMU or part of an FMU, and must in every case consider whether the values listed in Appendix 1B apply.
- (3) The regional council must identify an environmental outcome for every value that applies to an FMU or part of an FMU.
- (4) The regional council must include the environmental outcomes as an objective, or multiple objectives, in its regional plan(s).
- (5) The environmental outcomes must:
 - (a) describe the environmental outcome sought for the value in a way that enables an assessment of the effectiveness of the regional policy statement and plans (including limits and methods) and action plans in achieving the environmental outcome; and
 - (b) when achieved, fulfil the relevant long-term visions developed under clause 3.3 and the objective of this National Policy Statement.

3.10 Identifying attributes and their baseline states, or other criteria for assessing achievement of environmental outcomes

- (1) For each value that applies to an FMU or part of an FMU, the regional council:
 - (a) must use all the relevant attributes identified in Appendix 2A and 2B for the compulsory values listed (except where specifically provided otherwise); and
 - (b) may identify other attributes for any compulsory value; and
 - (c) must identify, where practicable, attributes for all other applicable values; and
 - (d) if attributes cannot be identified for a value, or if attributes are insufficient to assess a value, must identify alternative criteria to assess whether the environmental outcome of the value is being achieved.
- (2) Any attribute identified by a regional council under subclause (1)(b) or (c) must be specific and, where practicable, be able to be assessed in numeric terms.
- (3) Every regional council must identify the baseline state of each attribute, using the best information available at the time.
- (4) Attribute states and baseline states may be expressed in a way that accounts for natural variability and sampling error.

3.11 Setting target attribute states

- (1) In order to achieve the environmental outcomes included as objectives under clause 3.9, every regional council must:
 - (a) set a target attribute state for every attribute identified for a value; and
 - (b) identify the site or sites to which the target attribute state applies.
- (2) The target attribute state for every value with attributes (except the value human contact) must be set at or above the baseline state of that attribute.
- (3) The target attribute state for the value human contact must be set above the baseline state of that attribute, unless the baseline state is already within the A band of Tables 9 or 10 in Appendix 2A, as applicable.
- (4) Despite subclauses (2) and (3), if the baseline state of an attribute is below any national bottom line for that attribute, the target attribute state must be set at or above the national bottom line (see clauses 3.31, 3.32, and 3.33 for exceptions to this).
- (5) Every target attribute state must:
 - (a) specify a timeframe for achieving the target attribute state or, if the target attribute state has already been achieved, state that it will be maintained as from a specified date; and
 - (b) for attributes identified in Appendix 2A or 2B, be set in the terms specified in that Appendix; and
 - (c) for any other attribute, be set in any way appropriate to the attribute.
- (6) Timeframes for achieving target attribute states may be of any length or period but, if timeframes are long term:

- (a) they must include interim target attribute states (set for intervals of not more than 10 years) to be used to assess progress towards achieving the target attribute state in the long term; and
 - (b) if interim target attribute states are set, references in this National Policy Statement to achieving a target attribute state can be taken as referring to achieving the next interim target attribute state.
- (7) Every regional council must ensure that target attribute states are set in such a way that they will achieve the environmental outcomes for the relevant values, and the relevant long-term vision.
- (8) When setting target attribute states, every regional council must:
- (a) have regard to the following:
 - (i) the environmental outcomes and target attribute states of any receiving environments
 - (ii) the connections between water bodies
 - (iii) the connection of water bodies to receiving environments; and
 - (b) use the best information available at the time; and
 - (c) take into account results or information from freshwater accounting systems (*see* clause 3.29).

3.12 How to achieve target attribute states and environmental outcomes

- (1) In order to achieve the target attribute states for the attributes in Appendix 2A, every regional council:
- (a) must identify limits on resource use that will achieve the target attribute state, and any nitrogen and phosphorus exceedance criteria and instream concentrations set under clause 3.13, and include the limits as rules in its regional plan(s); and
 - (b) may prepare an action plan; and
 - (c) may impose conditions on resource consents to achieve target attribute states.
- (2) In order to achieve the target attribute states for the attributes in Appendix 2B, every regional council:
- (a) must prepare an action plan for achieving the target attribute state within a specified timeframe; and
 - (b) may identify limits on resource use, and any nitrogen and phosphorus exceedance criteria and instream concentrations set under clause 3.13, and include them as rules in its regional plan(s); and
 - (c) may impose conditions on resource consents to achieve target attribute states.
- (3) In order to achieve any other target attribute state or otherwise support the achievement of environmental outcomes, a regional council must do at least one of the following:
- (a) identify limits on resource use and include them as rules in its regional plan(s)

- (b) prepare an action plan
 - (c) impose conditions on resource consents to achieve target attribute states.
- (4) Where the same attribute provides for more than one value, it is the most stringent target attribute state applying to those values that must be achieved.

3.13 Special provisions for attributes affected by nutrients

- (1) To achieve a target attribute state for periphyton, any other nutrient attribute, and any attribute that is affected by nutrients, every regional council must, at a minimum, set appropriate instream concentrations and exceedance criteria for dissolved inorganic nitrogen (**DIN**) and dissolved reactive phosphorus (**DRP**).
- (2) Where there are nutrient-sensitive downstream receiving environments, instream concentrations and exceedance criteria for DIN and DRP must be set for the upstream contributing water bodies to achieve the environmental outcomes sought for the downstream receiving environments.
- (3) In order to determine instream concentrations and exceedance criteria for DIN and DRP, for upstream contributing water bodies, every regional council must apply the following process, in the order given:
- (a) either:
 - (i) if the FMU or part of an FMU supports, or could support, conspicuous periphyton, derive instream concentrations and exceedance criteria for DIN and DRP to achieve the periphyton target attribute state; or
 - (ii) if the FMU or part of an FMU does not support, or could not support, conspicuous periphyton, consider the instream concentrations (or instream loads) and exceedance criteria for nitrogen and phosphorus needed to achieve any other target attribute state
 - (b) if there are nutrient-sensitive receiving environments, derive the relevant instream concentrations (instream loads) and exceedance criteria for nitrogen and phosphorus needed to achieve the environmental outcomes sought for those receiving environments
 - (c) compare instream concentrations and exceedance criteria for nitrogen and phosphorus derived in steps (a) and (b) and adopt those necessary to achieve the relevant target attribute state and the environmental outcomes sought for the nutrient-sensitive receiving environments as instream concentrations and exceedance criteria for DIN and DRP for the upstream contributing water bodies.
- (4) Examples of attributes affected by nutrients include dissolved oxygen (Appendix 2A, Table 7 and Appendix 2B, Tables 17, 18, and 19), submerged plants (invasive species) (Appendix 2B, Table 12), fish (rivers) (Appendix 2B, Table 13), macroinvertebrates (Appendix 2B, Tables 14 and 15), and ecosystem metabolism (Appendix 2B, Table 21).

3.14 Setting limits on resource use

- (1) Limits on resource use may:
- (a) apply to any activity or land use; and

- (b) apply at any scale (such as to all or any part of an FMU, or to a specific water body or individual property); and
 - (c) be expressed as any of the following:
 - (i) a land-use control (such as a control on the extent of an activity)
 - (ii) an input control (such as an amount of fertiliser that may be applied)
 - (iii) an output control (such as a volume or rate of discharge); and
 - (d) describe the circumstances in which the limit applies.
- (2) In setting limits on resource use, every regional council must:
- (a) have regard to the following:
 - (i) the long-term vision set under clause 3.3
 - (ii) the foreseeable impacts of climate change; and
 - (b) use the best information available at the time; and
 - (c) take into account results or information from freshwater accounting systems.
- (3) Limits on resource use must ensure that the instream concentrations and instream nitrogen and phosphorus exceedance criteria determined under clause 3.13 are achieved.

3.15 Preparing action plans

- (1) Action plans prepared for the purpose of this National Policy Statement may:
- (a) be prepared for whole FMUs, parts of FMUs, or multiple FMUs; and
 - (b) set out a phased approach to achieving environmental outcomes; and
 - (c) be 'prepared' by adding to, amending, or replacing an existing action plan.
- (2) An action plan may describe both regulatory measures (such as proposals to amend regional policy statements and plans, and actions taken under the Biosecurity Act 1993 or other legislation) and non-regulatory measures (such as work plans and partnership arrangements with tangata whenua and community groups).
- (3) If an action plan is prepared for the purpose of achieving a specific target attribute state or otherwise supporting the achievement of environmental outcomes it must:
- (a) identify the environmental outcome that the target attribute state is aimed at achieving; and
 - (b) set out how the regional council will (or intends) to achieve the target attribute state.
- (4) Action plans:
- (a) must be published as soon as practicable; and
 - (b) may be published either by appending them to a regional plan or by publishing them separately.
- (5) Before preparing an action plan, or amending an action plan other than in a minor way, the regional council must consult with communities and tangata whenua.

- (6) Every action plan, or part of an action plan, prepared for the purpose of this National Policy Statement must be reviewed within 5 years after the action plan or part of the action plan is published.

3.16 Setting environmental flows and levels

- (1) Every regional council must include rules in its regional plan(s) that set environmental flows and levels for each FMU, and may set different flows and levels for different parts of an FMU.
- (2) Environmental flows and levels:
 - (a) must be set at a level that achieves the environmental outcomes for the values relating to the FMU or relevant part of the FMU and all relevant long-term visions; but
 - (b) may be set and adapted over time to take a phased approach to achieving those environmental outcomes and long-term visions.
- (3) Environmental flows and levels must be expressed in terms of the water level and flow rate, and may include variability of flow (as appropriate to the water body) at which:
 - (a) for flows and levels in rivers, any taking, damming, diversion, or discharge of water meets the environmental outcomes for the river, any connected water body, and receiving environments
 - (b) for levels of lakes, any taking, damming, diversion or discharge of water meets the environmental outcomes for the lake, any connected water body, and receiving environments
 - (c) for levels of groundwater, any taking, damming, or diversion of water meets the environmental outcomes for the groundwater, any connected water body, and receiving environments.
- (4) When setting environmental flows and levels, every regional council must:
 - (a) have regard to the foreseeable impacts of climate change; and
 - (b) use the best information available at the time; and
 - (c) take into account results or information from freshwater accounting systems.

3.17 Identifying take limits

- (1) In order to meet environmental flows and levels, every regional council:
 - (a) must identify take limits for each FMU; and
 - (b) must include the take limits as rules in its regional plan(s); and
 - (c) must state in its regional plan(s) whether (and if so, when and which) existing water permits will be reviewed to comply with environmental flows and levels; and
 - (d) may impose conditions on resource consents.
- (2) Take limits must be expressed as a total volume, a total rate, or both a total volume and a total rate, at which water may be:

- (a) taken or diverted from an FMU or part of an FMU; or
 - (b) dammed in an FMU or part of an FMU.
- (3) Where a regional plan or any resource consent allows the taking, damming, diversion or discharge of water, the plan or resource consent must identify the flows and levels at which:
- (a) the allowed taking, damming, or diversion will be restricted or no longer allowed; or
 - (b) a discharge will be required.
- (4) Take limits must be identified that:
- (a) provide for flow or level variability that meets the needs of the relevant water body and connected water bodies, and their associated ecosystems; and
 - (b) safeguard ecosystem health from the effects of the take limit on the frequency and duration of lowered flows or levels; and
 - (c) provide for the life cycle needs of aquatic life; and
 - (d) take into account the environmental outcomes applying to relevant water bodies and any connected water bodies (such as aquifers and downstream surface water bodies), whether in the same or another region.

3.18 Monitoring

- (1) Every regional council must establish methods for monitoring progress towards achieving target attributes states and environmental outcomes.
- (2) The methods must include measures of:
 - (a) mātauranga Māori; and
 - (b) the health of indigenous flora and fauna.
- (3) Monitoring methods must recognise the importance of long-term trends, and the relationship between results and their contribution to evaluating progress towards achieving long-term visions and environmental outcomes for FMUs and parts of FMUs.

3.19 Assessing trends

- (1) In order to assess trends in attribute states (that is, whether improving or deteriorating), every regional council must:
 - (a) determine the appropriate period for assessment (which must be the period specified in the relevant attribute table in Appendix 2A or 2B, if given); and
 - (b) determine the minimum sampling frequency and distribution of sampling dates (which must be the frequency and distribution specified in the relevant attribute table in Appendix 2A or 2B, if given); and
 - (c) specify the likelihood of any trend.
- (2) If a deteriorating trend is more likely than not, the regional council must:
 - (a) investigate the cause of the trend; and

- (b) consider the likelihood of the deteriorating trend, the magnitude of the trend, and the risk of adverse effects on the environment.
- (3) If a deteriorating trend that is the result of something other than a naturally occurring process is detected, any part of an FMU to which the attribute applies is degrading and clause 3.20 applies.
- (4) If a trend assessment cannot identify a trend because of insufficient monitoring, the regional council must make any practicable changes to the monitoring regime that will or are likely to help detect trends in that attribute state.

3.20 Responding to degradation

- (1) If a regional council detects that an FMU or part of an FMU is degraded or degrading, it must, as soon as practicable, take action to halt or reverse the degradation (for example, by making or changing a regional plan, or preparing an action plan).
- (2) Any action taken in response to a deteriorating trend must be proportionate to the likelihood and magnitude of the trend, the risk of adverse effects on the environment, and the risk of not achieving target attribute states.
- (3) Every action plan prepared under this clause must include actions to identify the causes of the deterioration, methods to address those causes, and an evaluation of the effectiveness of the methods.

Subpart 3 Specific requirements

3.21 Definitions relating to wetlands and rivers

- (1) In clauses 3.21 to 3.24:

effects management hierarchy, in relation to natural inland wetlands and rivers, means an approach to managing the adverse effects of an activity on the extent or values of a wetland or river (including cumulative effects and loss of potential value) that requires that:

- (a) adverse effects are avoided where practicable; and
- (b) where adverse effects cannot be avoided, they are minimised where practicable; and
- (c) where adverse effects cannot be minimised, they are remedied where practicable; and
- (d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; and
- (e) if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided; and
- (f) if aquatic compensation is not appropriate, the activity itself is avoided

functional need means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment

improved pasture means an area of land where exotic pasture species have been deliberately sown or maintained for the purpose of pasture production, and species composition and growth has been modified and is being managed for livestock grazing

loss of value, in relation to a natural inland wetland or river, means the wetland or river is less able to provide for the following existing or potential values:

- (a) any value identified for it under the NOF process; or
- (b) any of the following, whether or not they are identified under the NOF process:
 - (i) ecosystem health
 - (ii) indigenous biodiversity
 - (iii) hydrological functioning
 - (iv) Māori freshwater values
 - (v) amenity

natural wetland means a wetland (as defined in the Act) that is not:

- (a) a wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former natural wetland); or
- (b) a geothermal wetland; or
- (c) any area of improved pasture that, at the commencement date, is dominated by (that is more than 50% of) exotic pasture species and is subject to temporary rain-derived water pooling

natural inland wetland means a natural wetland that is not in the coastal marine area

specified infrastructure means any of the following:

- (a) infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002)
- (b) regionally significant infrastructure identified as such in a regional policy statement or regional plan
- (c) any public flood control, flood protection, or drainage works carried out:
 - (i) by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1941; or
 - (ii) for the purpose of drainage by drainage districts under the Land Drainage Act 1908

restoration, in relation to a natural inland wetland, means active intervention and management, appropriate to the type and location of the wetland, aimed at restoring its ecosystem health, indigenous biodiversity, or hydrological functioning.

(2) For the purpose of the definition of **effects management hierarchy**:

aquatic compensation means a conservation outcome resulting from actions that are intended to compensate for any more than minor residual adverse effects on a wetland or river after all appropriate avoidance, minimisation, remediation, and aquatic offset measures have been sequentially applied

aquatic offset means a measurable conservation outcome resulting from actions that are intended to:

- (a) redress any more than minor residual adverse effects on a wetland or river after all appropriate avoidance, minimisation, and remediation, measures have been sequentially applied; and
- (b) achieve no net loss, and preferably a net gain, in the extent and values of the wetland or river, where:
 - (i) **no net loss** means that the measurable positive effects of actions match any loss of extent or values over space and time, taking into account the type and location of the wetland or river; and
 - (ii) **net gain** means that the measurable positive effects of actions exceed the point of no net loss

3.22 Natural inland wetlands

- (1) Every regional council must include the following policy (or words to the same effect) in its regional plan(s):

“The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where:

- (a) the loss of extent or values arises from any of the following:
 - (i) the customary harvest of food or resources undertaken in accordance with tikanga Māori
 - (ii) restoration activities
 - (iii) scientific research
 - (iv) the sustainable harvest of sphagnum moss
 - (v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)
 - (vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)
 - (vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or
- (b) the regional council is satisfied that:
 - (i) the activity is necessary for the construction or upgrade of specified infrastructure; and
 - (ii) the specified infrastructure will provide significant national or regional benefits; and
 - (iii) there is a functional need for the specified infrastructure in that location; and
 - (iv) the effects of the activity are managed through applying the effects management hierarchy.”

- (2) Subclause (3) applies to an application for a consent for an activity:

- (a) that falls within any exception referred to in paragraph (a)(ii) to (vii) or (b) of the policy in subclause (1); and
- (b) would result (directly or indirectly) in the loss of extent or values of a natural inland wetland.

- (3) Every regional council must make or change its regional plan(s) to ensure that an application referred to in subclause (2) is not granted unless:

- (a) the council is satisfied that the applicant has demonstrated how each step of the effects management hierarchy will be applied to any loss of extent or values of the wetland (including cumulative effects and loss of potential value), particularly (without limitation) in relation to the values of: ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity value; and
 - (b) any consent is granted subject to:
 - (i) conditions that apply the effects management hierarchy; and
 - (ii) a condition requiring monitoring of the wetland at a scale commensurate with the risk of the loss of extent or values of the wetland.
- (4) Every regional council must make or change its regional plan(s) to include objectives, policies, and methods that provide for and promote the restoration of natural inland wetlands in its region, with a particular focus on restoring the values of ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity value.

3.23 Mapping and monitoring natural inland wetlands

- (1) Every regional council must identify and map every natural inland wetland in its region that is:
 - (a) 0.05 hectares or greater in extent; or
 - (b) of a type that is naturally less than 0.05 hectares in extent (such as an ephemeral wetland) and known to contain threatened species.
- (2) However, a regional council need not identify and map natural inland wetlands located in public conservation lands or waters (as that term is defined in the Conservation General Policy 2005 issued under the Conservation Act 1987).
- (3) In case of uncertainty or dispute about the existence or extent of a natural inland wetland, a regional council must have regard to the Wetland delineation protocols (*see* clause 1.8).
- (4) The mapping of natural inland wetlands must be completed within 10 years of the commencement date, and the regional council must prioritise its mapping, for example by:
 - (a) first, mapping any wetland at risk of loss of extent or values; then
 - (b) mapping any wetland identified in a farm environment plan, or that may be affected by an application for, or review of, a resource consent; then
 - (c) mapping all other natural inland wetlands.
- (5) Every regional council must establish and maintain an inventory of all natural inland wetlands mapped under this clause, and the inventory:
 - (a) must include, at a minimum, the following information about each wetland:
 - (i) identifier and location
 - (ii) area and GIS polygon
 - (iii) classification of wetland type

- (iv) any existing monitoring information; and
 - (b) may include any other information (such as an assessment of the values applying to the wetland and any new information obtained from monitoring).
- (6) Every regional council must:
- (a) develop and undertake a monitoring plan that:
 - (i) monitors the condition of its natural inland wetlands (including, if the council chooses, wetlands referred to in subclause (2)); and
 - (ii) contains sufficient information to enable the council to assess whether its policies, rules, and methods are ensuring no loss of extent or values of those wetlands; and
 - (b) have methods to respond if loss of extent or values is detected.

3.24 Rivers

- (1) Every regional council must include the following policy (or words to the same effect) in its regional plan(s):
- “The loss of river extent and values is avoided, unless the council is satisfied:
- (a) that there is a functional need for the activity in that location; and
 - (b) the effects of the activity are managed by applying the effects management hierarchy.”
- (2) Subclause (3) applies to an application for a consent for an activity:
- (a) that falls within the exception to the policy described in subclause (1); and
 - (b) would result (directly or indirectly) in the loss of extent or values of a river.
- (3) Every regional council must make or change its regional plan(s) to ensure that an application referred to in subclause (2) is not granted unless:
- (a) the council is satisfied that the applicant has demonstrated how each step in the effects management hierarchy will be applied to any loss of extent or values of the river (including cumulative effects and loss of potential value), particularly (without limitation) in relation to the values of: ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity; and
 - (b) any consent granted is subject to conditions that apply the effects management hierarchy.
- (4) Every regional council must:
- (a) develop and undertake a monitoring plan that:
 - (i) monitors the condition of its rivers; and
 - (ii) contains sufficient information to enable the council to assess whether its policies, rules, and methods are ensuring no loss of extent or values of the rivers; and
 - (b) have methods to respond if loss of extent or values is detected.

3.25 Deposited sediment in rivers

- (1) If a site to which a target attribute state for deposited fine sediment applies (see Table 16 in Appendix 2B) is soft-bottomed, the regional council must determine whether the site is naturally soft-bottomed or is naturally hard-bottomed.
- (2) If a regional council determines that a site that is currently soft-bottomed is naturally hard-bottomed, the council must:
 - (a) monitor deposited sediment at the site using the SAM2 method at least once a year (instead of at the frequency required by Table 16 in Appendix 2B); and
 - (b) monitor freshwater habitat in a manner suitable to the current state of the site (that is, as soft-bottomed); and
 - (c) determine whether, having regard to the relevant long-term vision, it is appropriate to return the site to a hard-bottomed state; and
 - (d) if it is appropriate to return the site to a hard-bottomed state, prepare an action plan for how to do that.
- (3) In this clause:

soft-bottomed means a site where the bed has a greater than 50% coverage of deposited fine sediment (grain size less than 2 mm in diameter) as determined using the SAM2 method

hard-bottomed means a site that is not soft-bottomed

naturally, in relation to a site, means its state before the arrival of humans in New Zealand

SAM2 method means the method described at p 17 – 20 of Clapcott JE, Young RG, Harding JS, Matthaei CD, Quinn JM, and Death RG. 2011. Sediment Assessment Methods: Protocols and guidelines for assessing the effects of deposited fine sediment on in-stream values. Cawthron Institute: Nelson, New Zealand (see clause 1.8).

3.26 Fish passage

- (1) Every regional council must include the following fish passage objective (or words to the same effect) in its regional plan(s):

“The passage of fish is maintained, or is improved, by instream structures, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats.”
- (2) Every regional council must make or change its regional plan(s) to include policies that:
 - (a) identify the desired fish species, and their relevant life stages, for which instream structures must provide passage; and
 - (b) identify the undesirable fish species whose passage can or should be prevented; and
 - (c) identify rivers and receiving environments where desired fish species have been identified; and
 - (d) identify rivers and receiving environments where fish passage for undesirable fish species is to be impeded in order to manage their adverse effects on fish populations upstream or downstream of any barrier.
- (3) When developing the policies required by subclause (2) a regional council must:

- (a) take into account any Freshwater Fisheries Management Plans and Sports Fish and Game Management Plans approved by the Minister of Conservation under the Conservation Act 1987; and
 - (b) seek advice from the Department of Conservation and statutory fisheries managers regarding fish habitat and population management.
- (4) Every regional council must make or change its regional plan(s) to require that regard is had to at least the following when considering an application for a consent relating to an instream structure:
- (a) the extent to which it provides, and will continue to provide for the foreseeable life of the structure, for the fish passage objective in subclause (1)
 - (b) the extent to which it does not cause a greater impediment to fish movements than occurs in adjoining river reaches and receiving environments
 - (c) the extent to which it provides efficient and safe passage for fish, other than undesirable fish species, at all their life stages
 - (d) the extent to which it provides the physical and hydraulic conditions necessary for the passage of fish
 - (e) any proposed monitoring and maintenance plan for ensuring that the structure meets the fish passage objective in subclause (1) for fish now and in the future.
- (5) Every regional council must make or change its regional plan(s) to promote the remediation of existing structures and the provision of fish passage (other than for undesirable fish species) where practicable.
- (6) Every regional council must prepare an action plan to support the achievement of the fish passage objective in subclause (1), and the action plan must, at a minimum:
- (a) set out a work programme to improve the extent to which existing instream structures achieve the fish passage objective; and
 - (b) set targets for remediation of existing instream structures; and
 - (c) achieve any environmental outcomes and target attribute states relating to the abundance and diversity of fish.
- (7) The work programme in an action plan must, at a minimum:
- (a) identify instream structures in the region by recording, for each structure:
 - (i) all the information in Part 1 of Appendix 4; and
 - (ii) any other information about the structure, such as the information in Part 2 of Appendix 4; and
 - (b) evaluate the risks that instream structures present as an undesirable barrier to fish passage; and
 - (c) prioritise structures for remediation, applying the ecological criteria described in table 5.1, of the New Zealand Fish Passage Guidelines (*see* clause 1.8); and
 - (d) document the structures or locations that have been prioritised, the remediation that is required to achieve the desired outcome, and how and when this will be achieved; and

- (e) identify the structures that have been remediated since the commencement date; and
 - (f) specify how the ongoing performance of remediated structures will be monitored and evaluated, including the effects of the structure on the abundance and diversity of desired fish species.
- (8) An action plan for fish passage may be part of, or separate from, an action plan prepared for any purpose under this Part, but clause 3.15, about preparing action plans, applies in either case.

3.27 Primary contact sites

- (1) Every regional council must monitor primary contact sites for:
 - (a) their risk to human health; and
 - (b) their suitability for the activities that take place in them (for example, by monitoring whether there is slippery or unpleasant weed growth, and the visual clarity of the water).
- (2) For every primary contact site in an FMU, the regional council must identify one or more monitoring sites representative of the primary contact site or a number of primary contact sites.
- (3) Every regional council must identify, for each primary contact site in its region, a time period (a **bathing season**) during the year when the regional council considers that the site is regularly used, or would be regularly used but for existing freshwater quality, for recreational activities.
- (4) During the bathing season for primary contact sites, every regional council must undertake weekly sampling for *E. coli* at each relevant monitoring site.
- (5) However, if a single sample taken during the bathing season from a monitoring site is greater than 260 *E. coli* per 100 mL, the regional council must (unless the council is satisfied that the elevated result is temporary or the cause is being addressed):
 - (a) increase sampling frequency to daily, where practicable; and
 - (b) take all practicable steps to identify potential causes of microbial contamination.
- (6) If a single sample from a monitoring site is greater than 540 *E. coli* per 100 mL, the regional council must, as soon as practicable, take all practicable steps to notify the public and keep the public informed that the site is unsuitable for primary contact, until further sampling shows a result of 540 *E. coli* per 100 mL or less.
- (7) A regional council may comply with subclause (6) by, for example, erecting signs and publicising the situation, or liaising with an environmental health officer or other relevant body or person to co-ordinate how to inform the public about the situation.

3.28 Water allocation

- (1) Every regional council must make or change its regional plan(s) to include criteria for:
 - (a) deciding applications to approve transfers of water take permits; and

- (b) deciding how to improve and maximise the efficient allocation of water (which includes economic, technical, and dynamic efficiency).
- (2) Every regional council must include methods in its regional plan(s) to encourage the efficient use of water.

3.29 Freshwater accounting systems

- (1) Every regional council must operate and maintain, for every FMU:
- (a) a freshwater quality accounting system; and
 - (b) a freshwater quantity accounting system.
- (2) The purpose of the accounting systems is to provide the baseline information required:
- (a) for setting target attribute states, environmental flows and levels, and limits; and
 - (b) to assess whether an FMU is, or is expected to be, over-allocated; and
 - (c) to track over time the cumulative effects of activities (such as increases in discharges and changes in land use).
- (3) The accounting systems must be maintained at a level of detail commensurate with the significance of the water quality or quantity issues applicable to each FMU or part of an FMU.
- (4) Every regional council must publish information from those systems regularly and in a suitable form.
- (5) The freshwater quality accounting system must (where practicable) record, aggregate, and regularly update, for each FMU, information on the measured, modelled, or estimated:
- (a) loads and concentrations of relevant contaminants; and
 - (b) where a desired contaminant load has been set as part of a limit on resource use, or identified as necessary to achieve a target attribute state, the proportion of the contaminant load that has been allocated; and
 - (c) sources of relevant contaminants; and
 - (d) the amount of each contaminant attributable to each source.
- (6) The freshwater quantity accounting system must record, aggregate, and regularly update, for each FMU, information on the measured, modelled, or estimated:
- (a) amount of freshwater take; and
 - (b) the proportion of freshwater taken by each major category of use; and
 - (c) where a take limit has been set, the proportion of the take limit that has been allocated.
- (7) In this clause, **freshwater take** refers to all takes and forms of water consumption, whether metered or not, whether subject to a consent or not, and whether authorised or not.

3.30 Assessing and reporting

- (1) Every regional council must publish the following annually:
 - (a) actual data, or a link to those data, about each component of the value ecosystem health and the value human contact, as obtained from monitoring sites for the relevant attributes; and if no data has been collected in relation to any attribute, this must be identified
 - (b) actual data, or a link to those data, from any other monitoring done for the purpose of freshwater management
 - (c) a description of any uncertainties associated with the data.
- (2) As part of each review required by section 35(2A) of the Act (which is required at least every 5 years), every regional council must prepare and publish the following:
 - (a) an assessment of the extent to which, in the region:
 - (i) the long-term visions, as identified under clause 3.3, are being achieved; and
 - (ii) this National Policy Statement is being given effect to
 - (b) a comparison of the current state of attributes as compared with target attribute states
 - (c) an assessment of whether the target attribute states and environmental outcomes for each FMU or part of an FMU in the region are being achieved and, if not, whether and when they are likely to be
 - (d) if monitoring shows that an FMU or part of an FMU is degraded or degrading, information on the known or likely causes
 - (e) a description of the environmental pressures on each FMU (such as water takes, sources of contaminants, or water body modification) as indicated by information from the freshwater accounting systems referred to in clause 3.29
 - (f) an assessment of the cumulative effect of changes across multiple sites within an FMU and multiple attributes during the period covered by the assessment
 - (g) predictions of changes, including the foreseeable effects of climate change, that are likely to affect water bodies and freshwater ecosystems in the region
 - (h) an assessment of the actions taken over the past 5 years in the region, whether regulatory or non-regulatory and whether by local authorities or others, that contribute to the implementation of this National Policy Statement.
- (3) At the same time that a regional council publishes the review required by section 35(2A) of the Act, the regional council must publish an ecosystem health scorecard that:
 - (a) reports on and gives a score for the state of each component of the value ecosystem health (as described in Appendix 1A) in each FMU in the region; and
 - (b) identifies where any data or information is missing; and
 - (c) provides a single overall score for ecosystem health for each FMU in the region.
- (4) The ecosystem health scorecard must:
 - (a) be written and presented in a way that members of the public are likely to understand easily; and

- (b) include specific data, or a link to where those data may be viewed.

3.31 Large hydro-electric generation schemes

- (1) This clause applies to the following 5 hydro-electricity generation schemes (referred to as **Schemes**):
 - (a) Waikato Scheme
 - (b) Tongariro Scheme
 - (c) Waitaki Scheme
 - (d) Manapouri Scheme
 - (e) Clutha Scheme.
- (2) When implementing any part of this National Policy Statement as it applies to an FMU or part of an FMU affected by a Scheme, a regional council must have regard to the importance of the Scheme's:
 - (a) contribution to meeting New Zealand's greenhouse gas emission targets; and
 - (b) contribution to maintaining the security of New Zealand's electricity supply; and
 - (c) generation capacity, storage, and operational flexibility.
- (3) Subclause (4) applies if:
 - (a) an FMU or part of an FMU is adversely affected by an existing structure that forms part of a Scheme; and
 - (b) the baseline state of an attribute in the FMU or part of the FMU is below the national bottom line for the attribute; and
 - (c) achieving the national bottom line for the attribute would have a significant adverse effect on the Scheme, having regard to the matters in subclause (2).
- (4) When this subclause applies, the regional council:
 - (a) may set a target attribute state that is below the national bottom line for the attribute, despite clause 3.11(4); but
 - (b) must still, as required by clause 3.11(2) and (3), set the target attribute state to achieve an improved attribute state to the extent practicable without having a significant adverse effect on the Scheme having regard to the matters in subclause (2) of this clause.
- (5) In this clause, **existing structure** means a structure that was operational on or before 1 August 2019, and includes any structure that replaces it, provided the effects of the replacement are the same or similar in character, intensity and scale, or have a lesser impact.

3.32 Naturally occurring processes

- (1) If all or part of a water body is affected by naturally occurring processes that mean that the current state is below the national bottom line, and a target attribute state at or above the national bottom line cannot be achieved, the regional council:

- (a) may set a target attribute state that is below the national bottom line for the attribute, despite clause 3.11(4); but
 - (b) must still, as required by clause 3.11(2) and (3), set the target attribute state to achieve an improved attribute state, to the extent practicable given the naturally occurring processes.
- (2) In any dispute about whether this exception should apply, the onus is on the relevant regional council to demonstrate that it is naturally occurring processes that prevents the national bottom line being achieved.

3.33 Specified vegetable growing areas

- (1) This clause applies only to the 2 **specified vegetable growing areas** identified in Part 1 of Appendix 5.
- (2) When implementing any part of this National Policy Statement as it applies to an FMU or part of an FMU that is in, or includes, all or part of a specified vegetable growing area, a regional council must have regard to the importance of the contribution of the specified growing area to:
 - (a) the domestic supply of fresh vegetables; and
 - (b) maintaining food security for New Zealanders.
- (3) Subclause (4) applies if:
 - (a) an FMU or part of an FMU is adversely affected by vegetable growing in a specified vegetable growing area; and
 - (b) the baseline state of an attribute specified in Part 2 of Appendix 5 in the FMU or part of the FMU where all or part of the specified vegetable growing area is located is below the national bottom line for the attribute; and
 - (c) achieving the national bottom line for the attribute would compromise the matters in subclause (2).
- (4) When this subclause applies, the regional council:
 - (a) may set a target attribute state that is below the national bottom line for the attribute, despite clause 3.11(4); but
 - (b) must still, as required by clause 3.11(2) and (3), set the target attribute state to achieve an improved attribute state without compromising the matters in subclause (2) of this clause.
- (5) When implementing clauses 3.12 to 3.14 in relation to FMUs that include all or part of a specified vegetable growing area, a regional council must ensure that vegetable growers in the area are not exempt from any requirements (such as in limits, action plans, and conditions on resource consents) aimed at achieving target attribute states.
- (6) This clause ceases to apply to a specified vegetable growing area on the earlier of the following dates:
 - (a) 10 years after the commencement date; or
 - (b) the date National Environmental Standards (or other regulations under the Act) come into force that:

- (i) apply to the specified vegetable growing area; and
- (ii) are made for the purpose of avoiding, remedying, or mitigating the adverse effects of vegetable growing on freshwater.

Part 4: Timing and transitionals

4.1 Timing

- (1) Every local authority must give effect to this National Policy Statement as soon as reasonably practicable.
- (2) Local authorities must publicly notify any changes to their regional policy statements, regional plans, and district plans that are necessary to give effect to this National Policy Statement as required under the Act.

4.2 Keeping policy statements and plans up to date

- (1) Once a local authority has made the changes required by clause 4.1, it must continue to make whatever changes to its regional policy statement, regional plan, or district plan are necessary to respond to changes over time in the state of water bodies and freshwater ecosystems in its region or district.

4.3 Existing policy statements and plans

- (1) To the extent that regional policy statements and regional and district plans already (at the commencement date) give effect to this National Policy Statement, local authorities are not obliged to make changes to wording or terminology merely for consistency with it.
- (2) In case of dispute, the onus is on the local authority to show that, despite the different wording or terminology used, their policy statement or plan does implement this National Policy Statement.
- (3) However, if a local authority chooses to amend an operative policy statement or plan by merely changing wording or terminology for consistency with this National Policy Statement, the amendment is to be treated as the correction of a minor error (and therefore, under clause 20A of Schedule 1 of the Act, the amendment can be made without using a process in that Schedule).

Appendices

Appendix 1A – Compulsory values

1 Ecosystem health

This refers to the extent to which an FMU or part of an FMU supports an ecosystem appropriate to the type of water body (for example, river, lake, wetland, or aquifer).

There are 5 biophysical components that contribute to freshwater ecosystem health, and it is necessary that all of them are managed. They are:

Water quality – the physical and chemical measures of the water, such as temperature, dissolved oxygen, pH, suspended sediment, nutrients and toxicants

Water quantity – the extent and variability in the level or flow of water

Habitat – the physical form, structure, and extent of the water body, its bed, banks and margins; its riparian vegetation; and its connections to the floodplain and to groundwater

Aquatic life – the abundance and diversity of biota including microbes, invertebrates, plants, fish and birds

Ecological processes – the interactions among biota and their physical and chemical environment such as primary production, decomposition, nutrient cycling and trophic connectivity.

In a healthy freshwater ecosystem, all 5 biophysical components are suitable to sustain the indigenous aquatic life expected in the absence of human disturbance or alteration (before providing for other values).

2 Human contact

This refers to the extent to which an FMU or part of an FMU supports people being 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 or levels.

Matters to take into account include pathogens, water clarity, deposited sediment, plant growth (from macrophytes to periphyton to phytoplankton), cyanobacteria, other toxicants, and litter.

3 Threatened species

This refers to the extent to which an FMU or part of an FMU that supports a population of threatened species has the critical habitats and conditions necessary to support the presence, abundance, survival, and recovery of the threatened species. All the components of ecosystem health must be managed, as well as (if appropriate) specialised habitat or conditions needed for only part of the life cycle of the threatened species.

4 Mahinga kai

Mahinga kai – kai is safe to harvest and eat.

Mahinga kai generally refers to 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 or harvesting 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 is able to occur about the preparation, storage and cooking of kai. In FMUs or parts of FMUs 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).

In FMUs or parts of FMUs that are valued for providing mahinga kai, customary resources are available for use, customary practices are able to be exercised to the extent desired, and tikanga and preferred methods are able to be practised.

Appendix 1B – Other values that must be considered

1 Natural form and character

The FMU or part of the FMU has particular natural qualities that people value. Natural qualities may include exceptional, natural, or iconic aesthetic features.

Matters contributing to the natural form and character of an FMU are its biological, visual and physical characteristics that are valued by the community, including:

- a) its biophysical, ecological, geological, geomorphological and morphological aspects
- b) the natural movement of water and sediment including hydrological and fluvial processes
- c) the natural location of a water body and course of a river
- d) the relative dominance of indigenous flora and fauna
- e) the presence of culturally significant species
- f) the colour of the water
- g) the clarity of the water.

2 Drinking water supply

The FMU or part of the FMU can meet people's drinking water needs. Water quality and quantity is sufficient for water to be taken and used for drinking water supply.

Matters affecting the suitability of water for drinking include:

- a) physical, chemical, and microbiological contamination (for example, bacteria and cyanotoxins, viruses, protozoa and other pathogens)
- b) any other contaminants identified in drinking water standards issued under the Health Act 1956 or any other legislation
- c) the effects of contamination on drinking water treatment processes and the safety of drinking water, and its aesthetic value (that is, appearance, taste, and smell).

3 Wai tapu

Wai tapu represent the places in an FMU or part of an FMU where rituals and ceremonies are performed, or where there is special significance to tangata whenua.

Rituals and ceremonies include, but are not limited to, tohi (baptism), karakia (prayer), waerea (protective incantation), whakatapu (placing of rāhui), whakanoa (removal of rāhui), and tuku iho (gifting of knowledge and resources to future generations).

In providing for this value, the wai tapu are free from human and animal waste, contaminants and excess sediment, with valued features and unique properties of the wai protected. Other matters that may be important are that there is no artificial mixing of the wai tapu and identified taonga in the wai are protected.

4 Transport and tauranga waka

The FMU or part of the FMU is navigable for identified means of transport.

Transport and tauranga waka generally refers to places to launch waka and water craft, and appropriate places for waka to land (tauranga waka).

5 Fishing

The FMU or part of the FMU supports fisheries of species allowed to be caught and eaten.

For FMUs or parts of FMUs valued for fishing, the numbers of fish are sufficient and suitable for human consumption. In some areas, fish abundance and diversity provide a range in species and size of fish, and algal growth, water clarity and safety are satisfactory for fishers. Attributes will need to be specific to fish species such as salmon, trout, tuna, lamprey, or whitebait.

6 Hydro-electric power generation

The FMU or part of the FMU is suitable for hydro-electric power generation.

Water quality and quantity and the physical qualities of the FMU or part of the FMU, including hydraulic gradient and flow rate, can provide for hydro-electric power generation.

7 Animal drinking water

The FMU or part of the FMU meets the needs of farmed animals.

Water quality and quantity meets the needs of farmed animals, including whether it is palatable and safe.

8 Irrigation, cultivation, and production of food and beverages

The FMU or part of the FMU meets irrigation needs for any purpose.

Water quality and quantity is suitable for irrigation needs, including supporting the cultivation of food crops, the production of food from farmed animals, non-food crops such as fibre and timber, pasture, sports fields and recreational areas. Attributes will need to be specific to irrigation and food production requirements.

9 Commercial and industrial use

The FMU or part of the FMU provides economic opportunities for people, businesses and industries.

Water quality and quantity can provide for commercial and industrial activities. Attributes will need to be specific to commercial or industrial requirements.

Appendix 2A – Attributes requiring limits on resource use

Table 1 – Phytoplankton (trophic state)

Value (and component)	Ecosystem health (Aquatic Life)	
Freshwater body type	Lakes	
Attribute unit	mg chl- <i>a</i> / m ³ (milligrams chlorophyll- <i>a</i> per cubic metre)	
Attribute band and description	Numeric attribute state	
	Annual median	Annual maximum
<p style="text-align: center;">A</p> <p>Lake ecological communities are healthy and resilient, similar to natural reference conditions.</p>	≤2	≤10
<p style="text-align: center;">B</p> <p>Lake ecological communities are slightly impacted by additional algal and/or plant growth arising from nutrient levels that are elevated above natural reference conditions.</p>	>2 and ≤5	>10 and ≤25
<p style="text-align: center;">C</p> <p>Lake ecological communities are moderately impacted by additional algal and plant growth arising from nutrient levels that are elevated well above natural reference conditions. Reduced water clarity is likely to affect habitat available for native macrophytes.</p>	>5 and ≤12	>25 and ≤60
National bottom line	12	60
<p style="text-align: center;">D</p> <p>Lake ecological communities have undergone or are at high risk of a regime shift to a persistent, degraded state (without native macrophyte/seagrass cover), due to impacts of elevated nutrients leading to excessive algal and/or plant growth, as well as from losing oxygen in bottom waters of deep lakes.</p>	>12	>60

For lakes and lagoons that are intermittently open to the sea, monitoring data should be analysed separately for closed periods and open periods.

Table 2 – Periphyton (trophic state)

Value (and component)	Ecosystem health (Aquatic Life)	
Freshwater body type	Rivers	
Attribute unit	mg chl- <i>a</i> /m ² (milligrams chlorophyll- <i>a</i> per square metre)	
Attribute band and description	Numeric attribute state (default class)	Numeric attribute state (productive class)
	Exceeded no more than 8% of samples	Exceeded no more than 17% of samples
A Rare blooms reflecting negligible nutrient enrichment and/or alteration of the natural flow regime or habitat.	≤50	≤50
B Occasional blooms reflecting low nutrient enrichment and/or alteration of the natural flow regime or habitat.	>50 and ≤120	>50 and ≤120
C Periodic short-duration nuisance blooms reflecting moderate nutrient enrichment and/or moderate alteration of the natural flow regime or habitat.	>120 and ≤200	>120 and ≤200
National bottom line	200	200
D Regular and/or extended-duration nuisance blooms reflecting high nutrient enrichment and/or significant alteration of the natural flow regime or habitat.	>200	>200

At low risk sites monitoring may be conducted using visual estimates of periphyton cover. Should monitoring based on visual cover estimates indicate that a site is approaching the relevant periphyton abundance threshold, monitoring should then be upgraded to include measurement of chlorophyll-*a*.

Classes are streams and rivers defined according to types in the River Environment Classification (REC). The Productive periphyton class is defined by the combination of REC “Dry” Climate categories (that is, Warm-Dry (WD) and Cool-Dry (CD)) and REC Geology categories that have naturally high levels of nutrient enrichment due to their catchment geology (that is, Soft-Sedimentary (SS), Volcanic Acidic (VA) and Volcanic Basic (VB)). Therefore the productive category is defined by the following REC defined types: WD/SS, WD/VB, WD/VA, CD/SS, CD/VB, CD/VA. The Default class includes all REC types not in the Productive class.

Based on a monthly monitoring regime. The minimum record length for grading a site based on periphyton (chlorophyll-*a*) is 3 years.

Table 3 – Total nitrogen (trophic state)

Value (and component)	Ecosystem health (Water quality)	
Freshwater body type	Lakes	
Attribute unit	mg/m ³ (milligrams per cubic metre)	
Attribute band and description	Numeric attribute state	
	Annual median	Annual median
	Seasonally stratified and brackish	Polymictic
A Lake ecological communities are healthy and resilient, similar to natural reference conditions.	≤160	≤300
B Lake ecological communities are slightly impacted by additional algal and/or plant growth arising from nutrient levels that are elevated above natural reference conditions.	>160 and ≤350	>300 and ≤500
C Lake ecological communities are moderately impacted by additional algal and plant growth arising from nutrient levels that are elevated well above natural reference conditions.	>350 and ≤750	>500 and ≤800
National bottom line	750	800
D Lake ecological communities have undergone or are at high risk of a regime shift to a persistent, degraded state (without native macrophyte/seagrass cover), due to impacts of elevated nutrients leading to excessive algal and/or plant growth, as well as from losing oxygen in bottom waters of deep lakes.	>750	>800

For lakes and lagoons that are intermittently open to the sea, monitoring data should be analysed separately for closed periods and open periods.

Table 4 – Total phosphorus (trophic state)

Value (and component)	Ecosystem health (Water quality)
Freshwater body type	Lakes
Attribute unit	mg/m ³ (milligrams per cubic metre)
Attribute band and description	Numeric attribute state
	Annual median
A Lake ecological communities are healthy and resilient, similar to natural reference conditions.	≤10
B Lake ecological communities are slightly impacted by additional algal and plant growth arising from nutrient levels that are elevated above natural reference conditions.	>10 and ≤20
C Lake ecological communities are moderately impacted by additional algal and plant growth arising from nutrient levels that are elevated well above natural reference conditions.	>20 and ≤50
National bottom line	50
D Lake ecological communities have undergone or are at high risk of a regime shift to a persistent, degraded state (without native macrophyte/seagrass cover), due to impacts of elevated nutrients leading to excessive algal and/or plant growth, as well as from losing oxygen in bottom waters of deep lakes.	>50
For lakes and lagoons that are intermittently open to the sea, monitoring data should be analysed separately for closed periods and open periods.	

Table 5 – Ammonia (toxicity)

Value (and component)	Ecosystem health (Water quality)	
Freshwater body type	Rivers and lakes	
Attribute unit	mg NH ₄ -N/L (milligrams ammoniacal-nitrogen per litre)	
Attribute band and description	Numeric attribute state	
	Annual median	Annual maximum
A 99% species protection level: No observed effect on any species tested.	≤0.03	≤0.05
B 95% species protection level: Starts impacting occasionally on the 5% most sensitive species.	>0.03 and ≤0.24	>0.05 and ≤0.40
National bottom line	0.24	0.40
C 80% species protection level: Starts impacting regularly on the 20% most sensitive species (reduced survival of most sensitive species).	>0.24 and ≤1.30	>0.40 and ≤2.20
D Starts approaching acute impact level (that is, risk of death) for sensitive species.	>1.30	>2.20
Numeric attribute state is based on pH 8 and temperature of 20°C. Compliance with the numeric attribute states should be undertaken after pH adjustment.		

Table 6 – Nitrate (toxicity)

Value (and component)	Ecosystem health (Water quality)	
Freshwater body type	Rivers	
Attribute unit	mg NO ₃ – N/L (milligrams nitrate-nitrogen per litre)	
Attribute band and description	Numeric attribute state	
	Annual median	Annual 95th percentile
A High conservation value system. Unlikely to be effects even on sensitive species.	≤1.0	≤1.5
B Some growth effect on up to 5% of species.	>1.0 and ≤2.4	>1.5 and ≤3.5
National bottom line	2.4	3.5
C Growth effects on up to 20% of species (mainly sensitive species such as fish). No acute effects.	>2.4 and ≤6.9	>3.5 and ≤9.8
D Impacts on growth of multiple species, and starts approaching acute impact level (that is, risk of death) for sensitive species at higher concentrations (>20 mg/L).	>6.9	>9.8

This attribute measures the toxic effects of nitrate, not the trophic state. Where other attributes measure trophic state, for example periphyton, freshwater objectives, limits and/or methods for those attributes may be more stringent.

Table 7 – Dissolved oxygen

Value (and component)	Ecosystem health (Water quality)	
Freshwater body type	Rivers (below point sources only)	
Attribute unit	mg/L (milligrams per litre)	
Attribute band and description	Numeric attribute state	
	7-day mean minimum (summer period: 1 November to 30th April)	1-day minimum (summer period: 1 November to 30th April)
A No stress caused by low dissolved oxygen on any aquatic organisms that are present at matched reference (near-pristine) sites.	≥8.0	≥7.5
B Occasional minor stress on sensitive organisms caused by short periods (a few hours each day) of lower dissolved oxygen. Risk of reduced abundance of sensitive fish and macroinvertebrate species.	≥7.0 and <8.0	≥5.0 and <7.5
C Moderate stress on a number of aquatic organisms caused by dissolved oxygen levels exceeding preference levels for periods of several hours each day. Risk of sensitive fish and macroinvertebrate species being lost.	≥5.0 and <7.0	≥4.0 and <5.0
National bottom line	5.0	4.0
D Significant, persistent stress on a range of aquatic organisms caused by dissolved oxygen exceeding tolerance levels. Likelihood of local extinctions of keystone species and loss of ecological integrity.	<5.0	<4.0

The 7-day mean minimum is the mean value of seven consecutive daily minimum values.

The 1-day minimum is the lowest daily minimum across the whole summer period.

Table 8 – Suspended fine sediment

Value (and component)	Ecosystem health (Water quality)			
Freshwater body type	Rivers			
Attribute unit	Visual clarity (metres)			
Attribute band and description	Numeric attribute state by suspended sediment class			
	1	2	3	4
<p style="text-align: center;">A</p> <p>Minimal impact of suspended sediment on instream biota. Ecological communities are similar to those observed in natural reference conditions.</p>	≥1.78	≥0.93	≥2.95	≥1.38
<p style="text-align: center;">B</p> <p>Low to moderate impact of suspended sediment on instream biota. Abundance of sensitive fish species may be reduced.</p>	<1.78 and ≥1.55	<0.93 and ≥0.76	<2.95 and ≥2.57	<1.38 and ≥1.17
<p style="text-align: center;">C</p> <p>Moderate to high impact of suspended sediment on instream biota. Sensitive fish species may be lost.</p>	<1.55 and >1.34	<0.76 and >0.61	<2.57 and >2.22	<1.17 and >0.98
National bottom line	1.34	0.61	2.22	0.98
<p style="text-align: center;">D</p> <p>High impact of suspended sediment on instream biota. Ecological communities are significantly altered and sensitive fish and macroinvertebrate species are lost or at high risk of being lost.</p>	<1.34	<0.61	<2.22	<0.98

The minimum record length for grading a site is the median of 5 years of at least monthly samples (at least 60 samples).

Councils may monitor turbidity and convert the measures to visual clarity.

See Appendix 2C Tables 23 and 26 for the definition of suspended sediment classes and their composition.

The following are examples of **naturally occurring processes** relevant for suspended sediment:

- naturally highly coloured brown-water streams
- glacial flour affected streams and rivers
- selected lake-fed REC classes (particularly warm climate classes) where low visual clarity may reflect autochthonous phytoplankton production.

Table 9 – *Escherichia coli* (*E. coli*)

Value	Human contact			
Freshwater body type	Lakes and rivers			
Attribute unit	<i>E. coli</i> /100 mL (number of <i>E. coli</i> per hundred millilitres)			
Attribute band and description	Numeric attribute state			
Description of risk of <i>Campylobacter</i> infection (based on <i>E. coli</i> indicator)	% exceedances over 540/100 mL	% exceedances over 260/100 mL	Median concentration /100 mL)	95th percentile of <i>E. coli</i> /100 mL
<p>A (Blue)</p> <p>For at least half the time, the estimated risk is <1 in 1,000 (0.1% risk).</p> <p>The predicted average infection risk is 1%.</p>	<5%	<20%	≤130	≤540
<p>B (Green)</p> <p>For at least half the time, the estimated risk is <1 in 1,000 (0.1% risk).</p> <p>The predicted average infection risk is 2%.</p>	5-10%	20-30%	≤130	≤1000
<p>C (Yellow)</p> <p>For at least half the time, the estimated risk is <1 in 1,000 (0.1% risk).</p> <p>The predicted average infection risk is 3%.</p>	10-20%	20-34%	≤130	≤1200
<p>D (Orange)</p> <p>20-30% of the time the estimated risk is ≥50 in 1,000 (>5% risk).</p> <p>The predicted average infection risk is >3%.</p>	20-30%	>34%	>130	>1200
<p>E (Red)</p> <p>For more than 30% of the time the estimated risk is ≥50 in 1,000 (>5% risk).</p> <p>The predicted average infection risk is >7%.</p>	>30%	>50%	>260	>1200

Attribute state should be determined by using a minimum of 60 samples over a maximum of 5 years, collected on a regular basis regardless of weather and flow conditions. However, where a sample has been missed due to adverse weather or error, attribute state may be determined using samples over a longer timeframe.

Attribute state must be determined by satisfying all numeric attribute states.

The predicted average infection risk is the overall average infection to swimmers based on a random exposure on a random day, ignoring any possibility of not swimming during high flows or when a surveillance advisory is in place (assuming that the *E. coli* concentration follows a lognormal distribution). Actual risk will generally be less if a person does not swim during high flows.

Table 10 – Cyanobacteria (planktonic)

Value	Human contact
Freshwater body type	Lakes and lake fed rivers
Attribute unit	Biovolume mm ³ /L (cubic millimetres per litre)
Attribute band and description	Numeric attribute state
	80th percentile
<p>A (Blue)</p> <p>Risk exposure from cyanobacteria is no different to that in natural conditions (from any contact with freshwater).</p>	<p>≤0.5 mm³/L biovolume equivalent for the combined total of all cyanobacteria</p>
<p>B (Green)</p> <p>Low risk of health effects from exposure to cyanobacteria (from any contact with freshwater).</p>	<p>>0.5 and ≤1.0 mm³/L biovolume equivalent for the combined total of all cyanobacteria</p>
<p>C (Yellow)</p> <p>Moderate risk of health effects from exposure to cyanobacteria (from any contact with freshwater).</p>	<p>>1.0 and ≤1.8 mm³/L biovolume equivalent of potentially toxic cyanobacteria OR</p> <p>>1.0 and ≤10 mm³/L total biovolume of all cyanobacteria</p>
<p>National bottom line</p>	<p>1.8 mm³/L biovolume equivalent of potentially toxic cyanobacteria</p> <p>OR</p> <p>10 mm³/L total biovolume of all cyanobacteria</p>
<p>D (Orange/Red)</p> <p>High health risks (for example, respiratory, irritation and allergy symptoms) exist from exposure to cyanobacteria (from any contact with freshwater).</p>	<p>>1.8 mm³/L biovolume equivalent of potentially toxic cyanobacteria</p> <p>OR</p> <p>>10 mm³/L total biovolume of all cyanobacteria</p>
<p>The 80th percentile must be calculated using a minimum of 12 samples collected over 3 years. Thirty samples collected over 3 years is recommended.</p>	

Appendix 2B – Attributes requiring action plans

Table 11 – Submerged plants (natives)

Value (and component)	Ecosystem health (Aquatic life)
Freshwater body type	Lakes
Attribute unit	Lake Submerged Plant (Native Condition Index)
Attribute band and description	Numeric attribute state (% of maximum potential score)
A Excellent ecological condition. Native submerged plant communities are almost completely intact.	>75%
B High ecological condition. Native submerged plant communities are largely intact.	>50 and ≤75%
C Moderate ecological condition. Native submerged plant communities are moderately impacted.	≥20 and ≤50%
National bottom line	20%
D Poor ecological condition. Native submerged plant communities are largely degraded or absent.	<20%

Monitoring to be conducted at least once every three years, following the method described in Clayton J, and Edwards T. 2006. *LakeSPI: A method for monitoring ecological condition in New Zealand lakes. User Manual Version 2*. National Institute of Water & Atmospheric Research: Hamilton, New Zealand. (see clause 1.8)

Scores are reported as a percentage of maximum potential score (%) of the Native Condition Index, and lakes in a devegetated state receive scores of 0.

Table 12 – Submerged plants (invasive species)

Value (and component)	Ecosystem health (Aquatic life)
Freshwater body type	Lakes
Attribute unit	Lake Submerged Plant (Invasive Impact Index)
Attribute band and description	Numeric attribute state (% of maximum potential score)
<p style="text-align: center;">A</p> <p>No invasive plants present in the lake. Native plant communities remain intact.</p>	0%
<p style="text-align: center;">B</p> <p>Invasive plants having only a minor impact on native vegetation. Invasive plants will be patchy in nature co-existing with native vegetation. Often major weed species not present or in early stages of invasion.</p>	>1 and ≤25%
<p style="text-align: center;">C</p> <p>Invasive plants having a moderate to high impact on native vegetation. Native plant communities likely displaced by invasive weed beds particularly in the 2 – 8 m depth range.</p>	>25 and ≤90%
National bottom line	90%
<p style="text-align: center;">D</p> <p>Tall dense weed beds exclude native vegetation and dominate entire depth range of plant growth. The species concerned are likely hornwort and Egeria.</p>	>90%

Numeric attribute state to be calculated annually following the method described in Clayton J, and Edwards T. 2006. *LakeSPI: A method for monitoring ecological condition in New Zealand lakes. User Manual Version 2*. National Institute of Water & Atmospheric Research: Hamilton, New Zealand. (see clause 1.8)

Table 13 – Fish (rivers)

Value (and component)	Ecosystem health (Aquatic life)
Freshwater body type	Wadeable rivers
Attribute unit	Fish Index of Biotic Integrity (F-IBI)
Attribute band and description	Numeric attribute state (average)
A High integrity of fish community. Habitat and migratory access have minimal degradation.	≥34
B Moderate integrity of fish community. Habitat and/or migratory access are reduced and show some signs of stress.	<34 and ≥28
C Low integrity of fish community. Habitat and/or migratory access is considerably impairing and stressing the community.	<28 and ≥18
D Severe loss of fish community integrity. There is substantial loss of habitat and/or migratory access, causing a high level of stress on the community.	<18

Sampling is to occur at least annually between December and March (inclusive) following the protocols for at least one of the backpack electrofishing method, spotlighting method, or trapping method in Joy M, David B, and Lake M. 2013. *New Zealand Freshwater Fish Sampling Protocols (Part 1): Wadeable rivers and streams*. Massey University: Palmerston North, New Zealand. (see clause 1.8)

The F-IBI score is to be calculated using the general method defined by Joy, MK, and Death RG. 2004. Application of the Index of Biotic Integrity Methodology to New Zealand Freshwater Fish Communities. *Environmental Management*, 34(3), 415-428. (see clause 1.8)

Table 14 – Macroinvertebrates (1 of 2)

Value (and component)	Ecosystem health (Aquatic life)	
Freshwater body type	Wadeable rivers	
Attribute unit	Macroinvertebrate Community Index (MCI) score; Quantitative Macroinvertebrate Community Index (QMCI) score	
Attribute band and description	Numeric attribute states	
	QMCI	MCI
A Macroinvertebrate community, indicative of pristine conditions with almost no organic pollution or nutrient enrichment.	≥6.5	≥130
B Macroinvertebrate community indicative of mild organic pollution or nutrient enrichment. Largely composed of taxa sensitive to organic pollution/nutrient enrichment.	≥5.5 and <6.5	≥110 and <130
C Macroinvertebrate community indicative of moderate organic pollution or nutrient enrichment. There is a mix of taxa sensitive and insensitive to organic pollution/nutrient enrichment.	≥4.5 and <5.5	≥90 and <110
National bottom line	4.5	90
D Macroinvertebrate community indicative of severe organic pollution or nutrient enrichment. Communities are largely composed of taxa insensitive to inorganic pollution/nutrient enrichment.	<4.5	<90

MCI and QMCI scores to be determined using annual samples taken between December and March (inclusive) with either fixed counts with at least 200 individuals, or full counts, and with current state calculated as the five-year median score. All sites for which the deposited sediment attribute does not apply, whether because they are in river environment classes shown in Table 25 in Appendix 2C or because they require alternate habitat monitoring under clause 3.25 are to use soft sediment sensitivity scores and taxonomic resolution as defined in table A1.1 in Clapcott et al. 2017 *Macroinvertebrate metrics for the National Policy Statement for Freshwater Management*. Cawthron Institute: Nelson, New Zealand. (see clause 1.8)

MCI and QMCI to be assessed using the method defined in Stark JD, and Maxted, JR. 2007 *A user guide for the Macroinvertebrate Community Index*. Cawthron Institute: Nelson, New Zealand (See Clause 1.8), except for sites for which the deposited sediment attribute does not apply, which require use of the soft-sediment sensitivity scores and taxonomic resolution defined in table A1.1 in Clapcott et al. 2017 *Macroinvertebrate metrics for the National Policy Statement for Freshwater Management*. Cawthron Institute: Nelson, New Zealand. (see clause 1.8)

Table 15 – Macroinvertebrates (2 of 2)

Value (and component)	Ecosystem health (Aquatic life)
Freshwater body type	Wadeable rivers
Attribute unit	Macroinvertebrate Average Score Per Metric (ASPM)
Attribute band and description	Numeric attribute states ASPM score
A Macroinvertebrate communities have high ecological integrity, similar to that expected in reference conditions.	≥0.6
B Macroinvertebrate communities have mild-to-moderate loss of ecological integrity.	<0.6 and ≥0.4
C Macroinvertebrate communities have moderate-to-severe loss of ecological integrity.	<0.4 and ≥0.3
National bottom line	0.3
D Macroinvertebrate communities have severe loss of ecological integrity.	<0.3

ASPM scores to be determined using annual samples taken between December and March (inclusive) with either fixed counts with at least 200 individuals, or full counts, and with current state calculated as the five-year median score. All sites for which the deposited sediment attribute does not apply, whether because they are in river environment classes shown in Table 25 in Appendix 2C or because they require alternate habitat monitoring under clause 3.25, are to use soft-sediment sensitivity scores and taxonomic resolution as defined in table A1.1 in Clapcott et al. 2017. *Macroinvertebrate metrics for the National Policy Statement for Freshwater Management*. Cawthron Institute: Nelson, New Zealand. (see clause 1.8)

When normalising scores for the ASPM, use the following minimums and maximums: %EPT-abundance (0-100), EPT-richness (0-29), MCI (0-200) using the method of Kevin J Collier (2008). Average score per metric: An alternative metric aggregation method for assessing wadeable stream health. *New Zealand Journal of Marine and Freshwater Research*, 42:4, 367-378, DOI: 10.1080/00288330809509965. (see clause 1.8)

Table 16 – Deposited fine sediment

Value (and component)	Ecosystem health (Physical habitat)			
Freshwater body type	Wadeable rivers			
Attribute unit	% fine sediment cover			
Attribute band and description	Numeric attribute state by deposited sediment class			
	1	2	3	4
<p style="text-align: center;">A</p> <p>Minimal impact of deposited fine sediment on instream biota. Ecological communities are similar to those observed in natural reference conditions.</p>	≤7	≤10	≤9	≤13
<p style="text-align: center;">B</p> <p>Low to moderate impact of deposited fine sediment on instream biota. Abundance of sensitive macroinvertebrate species may be reduced.</p>	>7 and ≤14	>10 and ≤19	>9 and ≤18	>13 and ≤19
<p style="text-align: center;">C</p> <p>Moderate to high impact of deposited fine sediment on instream biota. Sensitive macroinvertebrate species may be lost.</p>	>14 and <21	>19 and <29	>18 and <27	>19 and <27
National bottom line	21	29	27	27
<p style="text-align: center;">D</p> <p>High impact of deposited fine sediment on instream biota. Ecological communities are significantly altered and sensitive fish and macroinvertebrate species are lost or at high risk of being lost.</p>	>21	>29	>27	>27

The indicator score is percentage cover of the streambed in a run habitat determined by the instream visual method, SAM2 as defined in p. 17-20 of Clapcott JE, Young RG, Harding JS., Matthaei CD, Quinn JM. and Death RG. 2011. *Sediment Assessment Methods: Protocols and guidelines for assessing the effects of deposited fine sediment on in-stream values*. Cawthron Institute: Nelson, New Zealand. (see clause 1.8)

The minimum record length for grading a site is the median of 60 samples taken over 5 years of monthly monitoring, or longer for sites where flow conditions only permit monthly monitoring seasonally.

See Tables 24 and 26 in Appendix 2C for deposited sediment classes and their composition.

This attribute does not apply in river environment classes shown in Table 25 in Appendix 2C, or where clause 3.25 requires freshwater habitat monitoring.

Table 17 – Dissolved oxygen

Value (and component)	Ecosystem health (Water quality)	
Freshwater body type	Rivers	
Attribute unit	mg/L (milligrams per litre)	
Attribute description band and description	Numeric attribute state	
	7-day mean minimum	1-day minimum
A No stress caused by low dissolved oxygen on any aquatic organisms that are present at matched reference (near-pristine) sites.	≥8.0	≥7.5
B Occasional minor stress on sensitive organisms caused by short periods (a few hours each day) of lower dissolved oxygen. Risk of reduced abundance of sensitive fish and macroinvertebrate species.	≥7.0 and <8.0	≥5.0 and <7.5
C Moderate stress on a number of aquatic organisms caused by dissolved oxygen levels exceeding preference levels for periods of several hours each day. Risk of sensitive fish and macroinvertebrate species being lost.	≥5.0 and <7.0	≥4.0 and <5.0
National bottom line	5.0	4.0
D Significant, persistent stress on a range of aquatic organisms caused by dissolved oxygen exceeding tolerance levels. Likelihood of local extinctions of keystone species and loss of ecological integrity.	<5.0	<4.0
The 7-day mean minimum is the mean value of 7 consecutive daily minimum values.		
The 1-day minimum is the lowest daily minimum across the whole summer period.		

Table 18 – Lake-bottom dissolved oxygen

Value (and component)	Ecosystem health (Water quality)
Freshwater body type	Lakes
Attribute unit	mg/L (milligrams per litre)
Attribute description band and description	Numeric attribute state
	Measured or estimated annual minimum
A No risk from lake-bottom dissolved oxygen of biogeochemical conditions causing nutrient release from sediments.	≥7.5
B Minimal risk from lake-bottom dissolved oxygen of biogeochemical conditions causing nutrient release from sediments.	≥2.0 and < 7.5
C Risk from lake-bottom dissolved oxygen of biogeochemical conditions causing nutrient release from sediments.	≥0.5 and < 2.0
National bottom line	0.5
D Likelihood from lake-bottom dissolved oxygen of biogeochemical conditions resulting in nutrient release from sediments.	<0.5
To be measured less than 1 metre above sediment surface at the deepest part of the lake using either continuous monitoring sensors or discrete dissolved oxygen profiles.	

Table 19 – Mid-hypolimnetic dissolved oxygen

Value (and component)	Ecosystem health (Water quality)
Freshwater body type	Seasonally stratifying lakes
Attribute unit	mg/L (milligrams per litre)
Attribute description band and description	Numeric attribute state
	Measured or estimated annual minimum
A No stress caused to any fish species by low dissolved oxygen.	≥7.5
B Minor stress on sensitive fish seeking thermal refuge in the hypolimnion. Minor risk of reduced abundance of sensitive fish and macro-invertebrate species.	≥ 5.0 and <7.5
C Moderate stress on sensitive fish seeking thermal refuge in the hypolimnion. Risk of sensitive fish species being lost.	≥ 4.0 and <5 .0
National bottom line	4.0
D Significant stress on a range of fish species seeking thermal refuge in the hypolimnion. Likelihood of local extinctions of fish species and loss of ecological integrity.	< 4.0
To be measured using either continuous monitoring sensors or discrete dissolved oxygen profiles.	

Table 20 – Dissolved reactive phosphorus

Value (and component)	Ecosystem health (Water quality)	
Freshwater body type	Rivers	
Attribute unit	DRP mg/L (milligrams per litre)	
Attribute band and description	Numeric attribute state	
	Median	95th percentile
A Ecological communities and ecosystem processes are similar to those of natural reference conditions. No adverse effects attributable to dissolved reactive phosphorus (DRP) enrichment are expected.	≤ 0.006	≤ 0.021
B Ecological communities are slightly impacted by minor DRP elevation above natural reference conditions. If other conditions also favour eutrophication, sensitive ecosystems may experience additional algal and plant growth, loss of sensitive macroinvertebrate taxa, and higher respiration and decay rates.	> 0.006 and ≤0.010	> 0.021 and ≤0.030
C Ecological communities are impacted by moderate DRP elevation above natural reference conditions. If other conditions also favour eutrophication, DRP enrichment may cause increased algal and plant growth, loss of sensitive macro-invertebrate and fish taxa, and high rates of respiration and decay.	> 0.010 and ≤ 0.018	> 0.030 and ≤ 0.054
D Ecological communities impacted by substantial DRP elevation above natural reference conditions. In combination with other conditions favouring eutrophication, DRP enrichment drives excessive primary production and significant changes in macroinvertebrate and fish communities, as taxa sensitive to hypoxia are lost.	>0.018	>0.054

Numeric attribute state must be derived from the median of monthly monitoring over 5 years.

Table 21 – Ecosystem metabolism (both gross primary production and ecosystem respiration)

Value (and component)	Ecosystem health (Ecosystem processes)
Freshwater body type	Rivers
Attribute unit	$\text{g O}_2 \text{ m}^{-2} \text{ d}^{-1}$ (grams of dissolved oxygen per square metre per day)

Derived from at least 7 days of continuous dissolved oxygen monitoring to be collected at least once during summer (December to March inclusive), using the method of Young RG, Clapcott JE, Simon K. 2016. Ecosystem functions and stream health. *Advances in New Zealand Freshwater Science*. NZ Freshwater Sciences Society, NZ Hydrological Society. (see clause 1.8)

Table 22 – *Escherichia coli* (*E. coli*) (primary contact sites)

Value	Human contact
Freshwater body Type	Primary contact sites in lakes and rivers (during the bathing season)
Attribute unit	95th percentile of <i>E. coli</i> /100 mL (number of <i>E. coli</i> per hundred millilitres)
Attribute band and description	Numeric attribute state
<p>Excellent</p> <p>Estimated risk of <i>Campylobacter</i> infection has a < 0.1% occurrence, 95% of the time.</p>	≤ 130
<p>Good</p> <p>Estimated risk of <i>Campylobacter</i> infection has a 0.1 – 1.0% occurrence, 95% of the time.</p>	> 130 and ≤ 260
<p>Fair</p> <p>Estimated risk of <i>Campylobacter</i> infection has a 1 – 5% occurrence, 95% of the time.</p>	> 260 and ≤ 540
National bottom line	540
<p>Poor</p> <p>Estimated risk of <i>Campylobacter</i> infection has a > 5% occurrence, at least 5% of the time.</p>	> 540
The narrative attribute state description assumes “% of time” equals “% of samples”.	

Appendix 2C – Sediment classification tables

In this Appendix, **REC groups** refers to the classes and categories described in the New Zealand River Environment Classification User Guide (see clause 1.8), except where those REC groups are further clustered according to table 26.

Table 23 Suspended sediment class composition

Suspended sediment class	Suspended sediment clustered River Environment Classification groups
1	CD_Low_HS; WW_Low_VA; WW_Hill_VA; CD_Low_AI; CW_Hill_SS; CW_Mount_SS; CW_Hill_VA; CD_Hill_SS; CD_Hill_VA; CD_Low_VA; CW_Low_VA; CW_Mount_VA; CW_Mount_HS; CD_Mount_AI; CW_Hill_AI; CW_Mount_AI; WD_Low_AI
2	CD_Low_SS; WW_Low_HS; WW_Low_SS; WW_Hill_HS; WW_Hill_SS; WW_Low_AI; WD_Low_SS; WD_Lake_Any; WD_Low_HS; WD_Low_VA
3	CW_Hill_HS; CW_Lake_Any; CD_Lake_Any; WW_Lake_Any; CW_Low_HS; CW_Low_AI; CD_Hill_HS; CD_Hill_AI; CD_Mount_HS; CD_Mount_SS; CD_Mount_VA
4	CW_Low_SS

Table 24 – Deposited sediment class composition

Deposited sediment class	Deposited sediment clustered River Environment Classification groups
1	WD_Low_HS; WW_Lake_Any
2	CD_Hill_AI; CD_Low_HS; CD_Low_VA; WW_Low_HS; WW_Low_VA; CD_Hill_SS; CD_Lake_Any; CW_Lake_Any; CW_Low_AI; CD_Hill_HS; CW_Hill_VA; CW_Low_SS; CW_Low_VA
3	CD_Low_AI; CD_Low_SS; WW_Hill_SS; WW_Low_SS
4	CD_Hill_VA; CW_Mount_VA; WW_Hill_HS; CW_Mount_SS; CD_Mount_AI; CD_Mount_HS; CD_Mount_SS; CD_Mount_VA; CW_Hill_AI; CW_Hill_HS; CW_Hill_SS; CW_Low_HS; CW_Mount_AI; CW_Mount_HS; WW_Hill_VA

Table 25 – Clustered River Environment Classification groups that are naturally soft-bottomed

WD_Low_AI; WD_Low_VA; WD_Lake_Any; WD_Low_SS; WW_Low_AI

Table 26 – Further clustering of River Environment Classification groups specific to this appendix

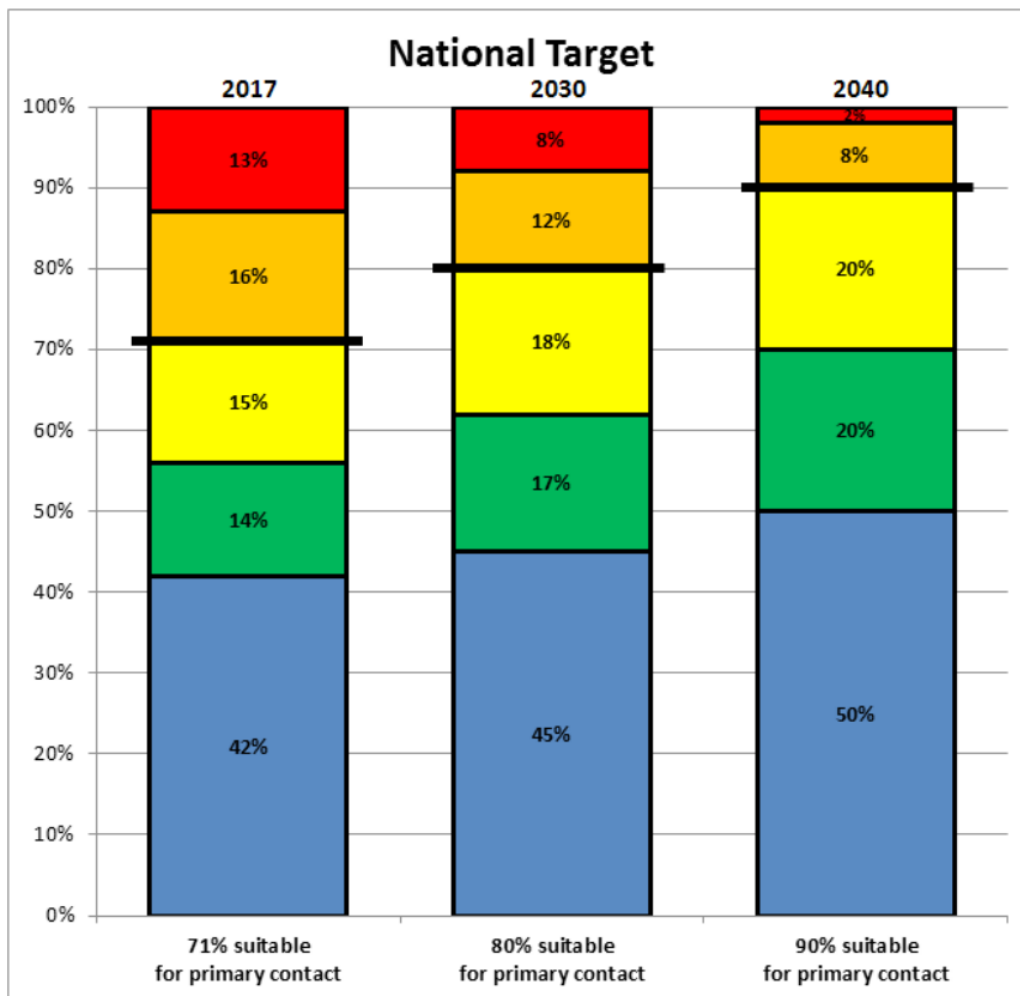
REC variable	REC groups	Clustered REC groups
Climate	Warm-Wet	Warm-Wet (WW)
	Warm-Extremely Wet	
	Warm-Dry	Warm-Dry (WD)
	Cold-Wet	Cold-Wet (CW)
	Cold-Extremely Wet	
	Cold-Dry	Cold-Dry (CD)
Topography (Source of flow)	Lowland	Lowland (Low)
	Lakefed	Lakefed (Lake)
	Hill	Hill (Hill)
	Mountain	Mountain (Mount)
	Glacial Mountain	
Geology	Soft Sedimentary	Soft Sedimentary (SS)
	Plutonic Volcanic	
	Miscellaneous	
	Hard Sedimentary	Hard Sedimentary (HS)
	Alluvium	Alluvium (AI)
	Volcanic Basic	Volcanic (VA)
	Volcanic Acidic	

Appendix 3 – National target for primary contact

The national target is to increase proportions of specified rivers and lakes that are suitable for primary contact (that is, that are in the blue, green and yellow categories) to at least 80% by 2030, and 90% no later than 2040, but also to improve water quality across all categories.

In this Appendix, **specified rivers and lakes** means:

- a) rivers that are fourth order or greater, using the methods outlined in the River Environment Classification System, National Institute of Water and Atmospheric Research, Version 1 (see clause 1.8); and
- b) lakes with a perimeter of 1.5 km or more.



The categories above represent combined improvements in all regions. For each region, this means reducing the length of specified rivers and lakes in the red and orange categories, and increasing the length of specified rivers and lakes in the yellow, green and blue categories.

The categories are based on water quality in terms of the 2 human contact attributes, *E. coli* and *cyanobacteria* (planktonic), in tables 9 and 10 in Appendix 2A.

For rivers and lakes, the target categories are same as the *E. coli* table attribute states. However, the categories do not include the 95th percentile of *E. coli*/100 mL numeric attribute state if there is insufficient monitoring data to establish the 95th percentile.

For lakes, the categories are also based on the cyanobacteria (planktonic) attribute states. However, to provide additional granularity for tracking improvements over time, the D band has been split into 2 categories (orange and red) as follows:

- a) **orange** means the lake has between 1.8 and 3.0 mm³/L biovolume of cyanobacteria (planktonic), using an 80th percentile
- b) **red** means the lake has more than 3.0 mm³/L biovolume of cyanobacteria (planktonic), using an 80th percentile.

For lakes, the lowest category for either *E. coli* or cyanobacteria (planktonic) applies.

Appendix 4 – Details for instream structures

Part 1: Required information

For all structures

- a) geographical co-ordinates of the structure
- b) date and time of survey
- c) flow when survey was completed (no flow, low, normal, high, unknown)
- d) whether the stream is tidal where structure is located (yes, no, unknown)
- e) the width of the river at the water's surface and the width of the bed of the river
- f) structure type
- g) photos viewed upstream and downstream at both ends of the structure

For all culverts

- a) number of culvert barrels
- b) culvert shape, length, width and height or diameter
- c) mean water velocity through the culvert
- d) whether low velocity recirculation zones are present (yes, no, unknown)
- e) culvert water depth
- f) culvert substrate
- g) whether wetted margins present in the culvert
- h) structure outlet drop height
- i) structure outlet undercut length (if applicable)
- j) whether add-ons present and add-on type

For all weirs

- a) weir type
- b) weir crest shape
- c) weir height
- d) weir substrate
- e) whether wetted margins present
- f) weir slope (degrees)
- g) whether add-ons present and add-on type

For all fords

- a) ford drop height
- b) ford substrate
- c) whether add-ons present and add-on type

For all dams

- a) dam height
- b) whether spillway present
- c) whether add-ons present and add-on type

For all aprons

- a) apron drop height
- b) apron water depth
- c) apron substrate type

For all ramps

- a) ramp surface
- b) ramp length
- c) ramp slope (degrees)
- d) whether wetted margins present on the ramp

For all flap gates

- a) gate type
- b) number of flap gates on the structure
- c) whether add-ons present and add-on type

Part 2: Additional optional information

For all structures

- a) owner of the structure (NZTA, KiwiRail, Department of Conservation, regional council, territorial authority, private, other, or unknown)
- b) asset ID (if known)
- c) any fish passage observations (for example, does the structure protect desired species or their habitats)
- d) effectiveness of fish passage remediation if fish passage improvement present (for example, rock ramp, artificial ramp, fish passage)
- e) risk of structure to fish passage class (if known) (very low, low, medium, high risk, very high risk, not assessed)

For all culverts

- a) structure slope
- b) structure alignment with the stream
- c) structure material
- d) number of flap gates (if present)
- e) flap gate type and material

For all weirs

- a) weir width
- b) backwater distance
- c) weir material

For all fords

- a) ford width
- b) ford length
- c) ford material

For all aprons

- a) apron material
- b) apron length
- c) apron water velocity

For all flap gates

- a) gate height and width
- b) gate material

Appendix 5 – Specified vegetable growing areas

Part 1 – Description of specified vegetable growing areas

Pukekohe specified vegetable growing area:

Western boundary

From the point that the Waiuku River meets the Waiuku Stream at NZTM2000 1753472 5876259, up the Waiuku Stream to Waiuku Road to the boundary at NZTM2000 1755854 5875779.

Southern boundary

The north bank of the Waikato River, from the end of Crouch Road at NZTM2000 1756420 5868522 to the end of Bluff Road at NZTM2000 1778986 5871955.

Eastern boundary

From the arm of the Pahurehure inlet at NZTM2000 1771949 5896064, eastwards along Elliot Street until it becomes Broadway, along Clevedon Road which becomes Papakura-Clevedon Road until the point at which the national grid transmission lines cross the road at NZTM2000 1778853, 5900012. Following in a southward direction the transmission line to the Auckland Council and Waikato Regional Council regional boundary at NZTM2000 1788858, 5882363.

Northern boundary

From the mouth of the Waiuku river NZTM2000 1753472 5876259 to the north following the coastline of the Manukau Harbour to the eastern most arm of Pahurehure Inlet at NZTM2000 1771949 5896064.

Horowhenua specified vegetable growing area:

Lake Horowhenua (Hoki_1a) Water Management Subzone

Whole lake catchment above Lake Horowhenua outlet (at approx. NZTM2000 1789400 5502450). From the lake outlet, crossing Moutere Road to the north-west, and as far west as the eastern edge of the Waitarere Forest, and as far north as Waitarere Beach Road. As far east as Gladstone Road, near Gladstone Reserve, crossing Roslyn Road, Denton Road. To the south as far as Tararua Road, and crossing Kimberley Road, Buller Road, Hokio Sand Road, then north to Lake Horowhenua outlet.

Hoki (Hoki_1b) Water Management Subzone

Hokio Stream catchment downstream of Lake Horowhenua outlet (approx. NZTM2000 1789400 5502450). Extending north to cross the Moutere Road, north of the bridge that crosses the Hokio Stream, and extending south to south of the landfill off Hokio Beach Road. Excluding the mainstem of the Hokio Stream from the cross-river Coastal Marine Area boundary at NZTM2000 1784949 5504086, at the western end of Muaupoko Street, and seawards.

Part 2 – Attributes

Attributes for the purpose of clause 3.33:

- (a) phytoplankton (Appendix 2A, Table 1)
- (b) periphyton (Appendix 2A, Table 2)
- (c) total nitrogen (trophic state) (Appendix 2A, Table 3)
- (d) ammonia (toxicity) (Appendix 2A, Table 5)
- (e) nitrate (toxicity) (Appendix 2A, Table 6)
- (f) dissolved oxygen (Appendix 2A, Table 7, Appendix 2B, Tables 17, 18 and 19)
- (g) cyanobacteria (Appendix 2A, Table 10)
- (h) macroinvertebrates (Appendix 2B, Tables 14 and 15)