



HAWKE'S BAY REGIONAL COUNCIL

**NPS Freshwater Management
2020 (NPSFM) Comparison With
TANK Plan Change 9 (PC9)**

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REPORT INFORMATION

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1. PURPOSE

The primary purpose of this comparison table is to inform whether or not PC9 gives effect to the NPSFM.

2. METHODOLOGY

The methodology adopted to populate the table has involved a series of analyses conducted on the content of PC9 to determine to what extent it gives effect to each individual clause, and in some cases, individual sub-clauses of the NPSFM. This is the key question posed in Column (E) of the comparison table. Given the content within PC9 is intended to form part of the RRMP, in some cases, it was not sensible to be drawing conclusions about whether or not PC9, on its own, gives effect to specific NPSFM provisions. Consequently, the exercise also required content analysis of both PC9 and the RRMP in some instances.

In addition, noting that a large proportion of the NPSFM is made up of directives that are not strictly required to form part of a Regional Plan, but instead anticipate various implementation processes, relationships, activities, companion documents and information systems that collectively support and achieve the direction of the NPSFM, the table also classifies each NPSFM clause (and where relevant, sub-clause) by their policy directive type or types. These typologies are listed in the key below.

Table Key: NPSFM Provision Typologies

Type 1: Goal, Target or Objective

Type 2: PC9 and/or PC9 and RRMP Content Directive

Type 3: RPS Content Directive

Type 4: Non-Regional Plan Process or Procedure

Type 5: Relationship Directive

Type 6: Other Action

Type 7: Guidance or Contextual

Column (C) of the comparison table records the typology for each NPSFM clause, and where relevant, sub-clause.

To achieve the primary purpose of this comparison exercise, of most importance, are the assessments of Type-2 NPSFM directives (i.e. those classified as “PC9 and/or PC9 and RRMP Content Directives”). In these instances, a judgement is made as to what extent PC9, or PC9 in conjunction with the RRMP, gives effect to the NPSFM. These assessments are discussed in Column (D) of the comparison table while conclusions are recorded in Column (E) as either “Yes”, “Partially” or “No” - respectively denoting full, partial or no level of effect given. Concluding comments are also set out in Column (F) if relevant.

For all other NPSFM directive types (i.e. those other than Type-2) a “Not Applicable” assessment is recorded in Column (E) since these provisions are not strictly required to form part of Regional Plans. Notwithstanding, discussion and recommendations are provided in Columns (D) and (F) if relevant, or if considered helpful to the Council in its duty give effect to the NPSFM more generally.

Regional Council staff have indicated that they intend to adapt the comparison table (i.e. by adding an additional column (G)) to document changes they are recommending to PPC9 and to show how these changes align with the NPSFM2020.

3. NPSFM IMPLEMENTATION

The bulk of the comparison table comprises analyses of provisions within Part 3 of the NPSFM which address the Council's implementation obligations. It is important to highlight that Part 3 of the NPSFM is not a 'recipe' for resource management. Moreover, it forms only part of the picture in giving effect to the NPSFM and Te Mana o te Wai. It does, however, set minimum expectations of Council – many of which can be undertaken separate from any obligations codified within Regional Plans including PC9. To this extent, the section of the comparison table dealing with Part 3 includes commentary that often focusses on non-PC9 and non-regional plan matters.

4. FRESHWATER MANAGEMENT UNITS (FMUS)

FMU's are a key component of the National Objectives Framework set out in the NPSFM. Although the slightly different term "Freshwater Quality Management Unit" is used in PC9, it is noted that the Council has not yet made a final decision on how many FMUs are in TANK. It is understood that Council staff are currently favouring a regional approach to FMUs and will soon be requesting a determination from its Regional Planning Committee accordingly. So as not to presuppose this outcome, the Term TANK Areas is used in the Table.

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations Section 42A [HBRC Reporting Team has added this column]
Part 1: Preliminary Provisions						
Part 2: Objectives and Policies						
2.1 Objective	<p>(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:</p> <p>(a) first, the health and well-being of water bodies and freshwater ecosystems</p> <p>(b) second, the health needs of people (such as drinking water)</p> <p>(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.</p>	<u>Type-1: Goal, Target or Objective</u>	<p><u>Notes on Previous NPSFM</u></p> <p>The PC9 s32 evaluation included detailed assessment against the previous NPSFM 2014 (inclusive of August 2017 amendments). The objectives framework within that version of the NPSFM comprised a total of 15 separate objectives – each relating to specific water management aspects.</p> <p>The NPSFM 2020 now only contains one objective. This single objective calls for and sets out a hierarchy of priorities for how natural and physical resources are to be managed in respect of freshwater. In terms of the prioritisation hierarchy, this presents a new ideological focus compared to the 2017 version which is reinforced in part (5) of Policy 1 (hierarchy of obligations in Te Mana o te Wai).</p> <p>Section 67(3)(a) of the RMA requires regional plans to give effect to National Policy Statements. It follows that objective 2.1 will be implemented by specific policies in the new NPSFM. Therefore, PC9 is required to give effect to these policies (if they have not already been given effect to by the RPS).</p> <p>There is some correlation with the NPSFM 2020 objective in regard to water quantity allocation if it is accepted that setting allocation limits prioritises the well-being of the water body. In that event, OBJ TANK 16 sets a water quantity allocation priority order which includes the essential needs of people followed by economic uses. Whether or not the allocation limits appropriately prioritise the well-being of the water body may however be subject to debate.</p>	Not Applicable	<p>Assessment of whether PC9, in combination with the RRMP, gives effect to the individual policies that implement this objective are set out below.</p> <p>In respect of the active prioritisation required by the NPSF’s objective, overall, this is considered to be partially achieved by relevant PC9 and RRMP provisions.</p>	
Policy 1:	<p>Freshwater is managed in a way that gives effect to Te Mana o te Wai.</p> <p>Fundamental concept – Te Mana o te Wai</p>	<u>Type 2: PC9 and/or PC9 and RRMP Content Directive</u>	<p><u>Notes on Previous NPSFM</u></p> <p>Objective AA1 of the previous NPSFW directed the following:</p>	Partially	Noting that PC9 objectives and policies are heavily weighted towards managing land use and water resources in the TANK Areas	It may be possible to reorder the clauses in objectives 10 – 15 so that they are in priority order to give better effect. Possibly outside

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	<p><i>Concept</i> (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.</p> <p>(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.</p> <p><i>Framework</i> (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.</p> <p>(4) The 6 principles are:</p> <p>(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</p> <p>(b) Kaitiakitanga: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations</p> <p>(c) Manaakitanga: the process by which tangata whenua show respect, generosity, and care for freshwater and for others</p> <p>(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</p> <p>(e) Stewardship: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations</p>		<p><i>“To consider and recognise Te Mana o te Wai in the management of freshwater”.</i></p> <p>The previous version of the NPSFM also provided very little interpretive guidance on Te Mana o te Wai. Assistance in this regard was limited to the following:</p> <p><i>“Te Mana o te Wai is the integrated and holistic well-being of a freshwater body.”</i></p> <p><i>“Upholding Te Mana o te Wai acknowledges and protects the mauri of the water. This requires that in using water you must also provide for Te Hauora o te Taiao (the health of the environment), Te Hauora o te Wai (the health of the waterbody) and Te Hauora o te Tangata (the health of the people).”</i></p> <p><i>“Te Mana o te Wai incorporates the values of tangata whenua and the wider community in relation to each water body.”</i></p> <p><u>New NPSFM Comparison</u></p> <p>Policy 1 of the new NPSFM sets a higher imperative than the previous NPSFM, whereby freshwater is now to be managed so as to “give effect” to Te Mana o te Wai. In this respect, not only does PC9 require consideration and recognition of Te Mana o te Wai, it now also requires tangible and related action.</p> <p>The introduction section of PC9 (Section 5.10) highlights at the very outset that it:</p> <p><i>“recognises Te Mana o te Wai”.</i></p> <p>In line with the previous NPSFM guidance, it also describes the interpretation applied to Te Mana o te Wai as:</p> <p>putting <i>“the mauri of the waterbody and its ability to provide for te hauora o te tangata (the health of the people), te hauora o te taiao (health of the environment) and te hauora o te wai (the health of the waterbody) to the forefront of freshwater management.”</i></p>		<p>to improve and protect the health of water (i.e. the cornerstone concept of Te Mana o te Wai), and given a number of these include specific and tangible actions to achieve this outcome, in these respects, it is considered that PC9 “gives effect” to Policy 1.</p> <p>However, turning to part 5 of Policy 1, and by connection, the over-riding NPSFM Objective 2.1, PC9 does not attempt to set out, or require, any concrete action that will achieve prioritisation of:</p> <p><i>“(a) first, the health and well-being of water bodies and freshwater ecosystems</i> <i>(b) second, the health needs of people (such as drinking water)</i> <i>(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.”</i></p> <p>This is not surprising since this prioritisation directive did not feature in the 2017 version of the NPSFM.</p> <p>Fundamentally it is considered that the six principles encompassing Te Mana o te Wai are represented in meaningful ways within PC9, the RRMP and through various Council processes. To this extent, it is concluded that PC9 does not fail in its requirement to achieve Policy 1.</p> <p>In addition, Clause 3.2 of the NPSFM (discussed in more detail below) requires the Council to engage with communities and</p>	<p>scope of plan change and submissions received.</p>	

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	<p>(f) Care and respect: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.</p> <p>(5) There is a hierarchy of obligations in Te Mana o te Wai that prioritises:</p> <p>(a) first, the health and well-being of water bodies and freshwater ecosystems</p> <p>(b) second, the health needs of people (such as drinking water)</p> <p>(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.</p>		<p>The introduction also includes some effort to highlight the core cultural values that have been recognised and used to make various water management decisions manifested in PC9. Although these values do not correspond exactly with the Te Mana o te Wai key principles as set out in NPSFM Policy 1, they broadly canvass their descriptions, albeit through the use of alternative Māori terminology. These include;</p> <ul style="list-style-type: none"> • Kaitiakitanga – guardianship • Kaupapa – philosophy • Kawa – appropriate etiquette • Mauri – vital essence of life • Pono – harmony • Tikanga – māori customs • Uu – values within water • Waahi taonga – sacred places • WaiMāori – cultural view of rivers • Wairua – spirit • Whakapapa - / Ki Uta, Ki Tai – genealogy / mountains to sea. <p>As required by the previous NPSFM, the assertion that PC9 recognises Te Mana o te Wai is evidenced strongly throughout its various provisions¹, however, it is a more difficult task to determine whether the higher imperative of “giving effect” to Te Mana o te Wai is satisfied.</p> <p>I note from submissions, Ngati Kahungunu Iwi Incorporated do not consider PC9 gives effect to Te Mana o Te Wai. To this extent, it is likely that, at the end of the day, relevant Hearings Panel, Environment Court and/or High Court decision-makers will determine whether or not PC9 achieves Policy 1.</p> <p>Notwithstanding, a high level, and somewhat literal, examination of how PC9 gives effect to Te Mana o te Wai is presented below, noting a more robust assessment may be required by a cultural expert to provide greater certainty if required.</p> <p><u>Tangible actions</u></p>		<p>tangata whenua to determine how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the region. HBRC has not yet undertaken this engagement to the extent expected. As a result, although PC9 and its development “recognises” Te Mana o te Wai, it is considered that PC9 cannot give full effect to the true intent of the NPSFM until this engagement has occurred and the local approach to giving effect to Te Mana o to Wai has been determined.</p>			

¹ Examples include: 5.10.1 Tank Objectives: OBJ TANK 1, OBJ TANK 2 (a) and (c), OBJ TANK 5, OBJ TANK 18, 5.10.2 Policies

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			<p>Protection of the health of freshwater sits at the heart of the concept of Te Mana o te Wai. Therefore, to get a sense of the degree that PC9 gives effect to this concept, an assessment of the presence of quantifiable actions required by PC9 to protect the health of freshwater assists. In this respect, the following initial observations are made:</p> <ul style="list-style-type: none"> • The act of preparing and notifying the TANK plan change, in itself, can be construed to be a concrete move towards protecting the health of freshwater. • Although PC9 objectives and policies predominantly utilise language requiring different forms of resource “management” as opposed to resource “protection”, most management methods described are fundamentally designed to maintain or improve freshwater quality². To that extent, if implemented, they will require and involve tangible actions that will contribute to health improvements for freshwater in the TANK Areas. <p><u>Key Principles of Te Mana o Te Wai</u></p> <p>Mana whakahaere:</p> <p>It is not entirely clear to what extent PC9 encompasses the principle of mana whakahaere, particularly insofar as it relates to “the power authority and obligations of tangata whenua to make decisions”. The following observations are nevertheless helpful in this respect:</p> <ul style="list-style-type: none"> • The views of tangata whenua were sought and considered in the preparation of PC9 by virtue of having tangata whenua representation on the TANK collaborative group; • PC9 generically signals various opportunities for tangata whenua involvement in water management³ and for tangata whenua to be consulted; • The RRMP includes directive to consult with Māori in a manner that creates effective resource management outcomes (OBJ 35), and to show regard for that consultation in its decisions; 				

² Examples of tangible actions include: 5.10.1 Tank Objectives: OBJ TANK 4, Policy 22 (Stock Exclusion), Milestones in Policy 27, Mitigation targets in Policy 28, Allocation management policy for Heretaunga Plains Groundwater (Policies 36-38), Phasing out over-allocation (Policy 52), imposition of new TANK rule framework.

³ OBJ TANK 2 (c) and 5, Schedule 26 references to kaitiakitanga and “placeholder” for matauranga Māori attributes yet to be developed.

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			<ul style="list-style-type: none"> The role of the Regional Planning Committee to oversee the review and development of Regional Council’s policy statement and plans, and the fact that it comprises an equal number of regional councillors and post settlement governance entity representatives, all with full speaking and voting rights, is evidence of mana whakahaere being observed; and It is also understood that Regional Council’s standard practice incorporates the appointment of tangata whenua representation on consent hearing panels, particularly where development or resource use proposals involve important cultural issues. <p>Kaitiakitanga</p> <p>Although there is no exact science available for determining whether PC9 includes the principle of kaitiakitanga to the extent of giving effect to Te Man o te Wai, it is noted that kaitiakitanga features in a number of objectives and policies throughout the document and within Schedules 26 and 27. The key is whether or not these references provide tangible opportunity for tangata whenua to exercise this principle. Overall, it is considered PC9 does sufficiently encompass the principle of kaitiakitanga. This is also supported by the observations listed above regarding mana whakahaere.</p> <p>Other principles</p> <p>PC9’s inclusion of the principles of manaakitanga, stewardship and care and respect, is considered to be achieved inherently through the collective framework of PC9 objectives, policies and rule framework.</p> <p>PC9’s inclusion of the principle of governance is considered to be achieved by the same general reasoning supporting the position that PC9 encompasses related principles of mana whakahaere and kaitiakitanga discussed above.</p> <p>In addition, if the Council has transfers or delegations of power agreements in place under section 33 of the Act, or any joint management agreements or mana whakahono a rohe arrangements in existence under subpart 2 of Part 5 of the Act, these too would help to give effect to Te Mana o te Wai.</p>				

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			<p><u>Te Mana o te Wai Hierarchy of Obligations</u></p> <p>In terms of giving effect to the prioritisation of obligations in part (5) of NPSFW Policy 1 (that mirror the overall NPSFM objective), although this prioritisation is observed in some areas of PC9, on the whole, these three obligation areas are not distinctly or overtly prioritised. Rather, they are predominantly all lumped together under various objective and policy directives, without any obvious weighting apportionment or prioritisation.</p> <p>For example, Catchment Objectives OBJ TANK 10 through OBJ TANK 13 each seek to manage water within respective catchments to enable the following outcomes absent of any preference or priorities:</p> <ul style="list-style-type: none"> • healthy ecosystems; • people and communities to safely meet their domestic water needs; • primary production water for community social and economic well-being. <p>Another example includes Priority Management Approach Policy 1 (Section 5.10.2) where equal focus is afforded to both water quality improvements in sub-catchments and protection of water quality for domestic and municipal water supply.</p> <p>Conversely, OBJ TANK 16 <u>does</u> set an order of priority for allocation management, however, sitting at the top of this priority list is ensuring water allocation for the essential needs of people. Ensuring water for the health and well-being of water bodies and freshwater ecosystems does not feature on this list. Notwithstanding, it should be acknowledged that the effect of OBJ TANK 16 is to ensure that any water that becomes available within the interim allocation must not to be re-allocated, but rather 'returned' to the waterbody. This will undoubtedly result in water body and associated ecosystem health improvements.</p>				
Policy 2:	Tangata whenua are actively involved in freshwater management (including decision-making processes),	Type 2: PC9 and/or PC9 and	<u>Notes on Previous NPSFM</u>	Yes			

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	and Māori freshwater values are identified and provided for.	RRMP Content Directive Type 4: Non-Regional Plan Process or Procedure Type 5: Relationship Directive	<p>Part D of the previous NPSFM required local authorities to involve tangata whenua in freshwater management, work with them to identify values and interests and to reflect these in decision making. It did not specifically require tangata whenua involvement in decision-making processes.</p> <p><u>New NPSFM Comparison</u></p> <p>As key members of the TANK Collaborative Group, tangata whenua were actively involved in the formulation of PC9.</p> <p>As mentioned above, PC9 signals opportunities for tangata whenua involvement by working together with Council and the urban and rural communities in water management⁴.</p> <p>The RRMP includes directive to consult with Māori in a manner that creates effective resource management outcomes (OBJ 35), and to show regard for that consultation in its decisions.</p> <p>The role of the Regional Planning Committee, comprising equal numbers of regional councillors and post settlement governance entity appointees, to oversee the review and development of Regional Council’s policy statement and plans helps achieve Policy 2.</p> <p>Appointment of tangata whenua representation on culturally important consent application hearing panels also helps achieve Policy 2.</p> <p>In terms of the second limb to this policy, it is considered that Māori freshwater values are identified and provided for by PC9 (refer discussion above regarding Policy 1). These values feature in a number of objectives and policies throughout PC9 - most notably in; OBJ TANK 2 (c), 5, 8, 10—15 and 18, and Schedules 26 and 27 (Mauri and Kaitiakitanga). There is, however, some disagreement on this point noted in Ngati Kahungunu Iwi Incorporated’s submission (and other Māori cultural values based submissions) where they cite various cultural values not being taken into account.</p>				

⁴ OBJ TANK 1, OBJ TANK 2 (c) and 5, Schedule 26 references to kaitiakitanga and “placeholder” for matauranga Māori attributes yet to be developed.

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			On balance, PC9, in combination with the RRMP and other Council processes, gives effect to Policy 2.			
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.	Type 2: PC9 and/or PC9 and RRMP Content Directive	<p><u>Notes on Previous NPSFM</u></p> <p>Integrated management of freshwater was a key directive of the previous 2017 NPSFW, manifested through Part C including requirements to recognise the interactions, ki uta ki tai (from the mountains to the sea) between freshwater, land, associated ecosystems and the coastal environment and to manage freshwater, land use and development in catchments in an integrated way.</p> <p><u>New NPSFM Comparison</u></p> <p>Integrated management and ki uta ki tai feature strongly within PC9⁵. This flows on from Chapter 3, Section 3.1A of the RRMP (Integrated Land Use and Freshwater Management).</p> <p>PC9's coverage of the four TANK Areas also aligns with Policy 3's directive to consider effects on a whole of catchment basis.</p>	Yes		
Policy 4:	Freshwater is managed as part of New Zealand's integrated response to climate change.	Type 2: PC9 and/or PC9 and RRMP Content Directive	<p><u>Notes on Previous NPSFM</u></p> <p>The previous NPSFM required every regional council to "have regard" to "the reasonable foreseeable impacts of climate change" when giving effect to its objectives regarding water quality (Policy A1) and water quantity (Policy B1).</p> <p><u>New NPSFM Comparison</u></p> <p>The new NPSFM now requires a slightly wider scope for action in terms of freshwater management and climate change. Such matters now require consideration of the nation's response to climate change so as to ensure a nationally integrated approach is achieved.</p> <p>PC9 identifies difficulties in accounting for climate change as a key issue for the TANK Areas (Issue 8). Climate change is also recognised as a complicating factor when managing water</p>	Partially	Better alignment could be gained by ensuring integration with New Zealand's response to climate change ⁶ is included as a matter to take into account during land and water management decision making.	A new Policy to guide decision making in relation to climate change has been included

⁵ OBJ TANK 2 (a), Policy 28 (a), Policy 31 (f) and (h), Integrated Catchment Management Plan policy 32, Policy 60 (f), Rule TANK 21, Schedule 27 (Long-term Freshwater Quality Objectives)

⁶ <https://www.mfe.govt.nz/climate-change/climate-change-and-government/climate-change-programme>

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			demand (Issue 5). OBJ TANK 3 specifically addresses these issues and overtly sets out the various climate change related factors that will be taken into account during land and water management decision making. This is reinforced within a number of relevant policies. The scope of these considerations does not explicitly cover consideration of “New Zealand’s response to climate change” nor how the regions decisions should integrate with this response.			
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.	Type 2: PC9 and/or PC9 and RRMP Content Directive	<p><u>Notes on Previous NPSFM</u></p> <p>The previous NPSFM required every regional council to:</p> <ul style="list-style-type: none"> • establish freshwater objectives for national values (prescribed), and any other values. • identify freshwater management units that include all freshwater bodies within its region. • Through consultation, develop freshwater objectives for all freshwater management units: <ul style="list-style-type: none"> a) considering all the prescribed national values and how they apply to local and regional circumstances; b) identifying the values for each freshwater management unit, c) identify the attributes (listed in Appendix 2) applicable to each value identified for the freshwater body type; d) identify any other attributes considered appropriate for each value identified under for the freshwater body type; and e) assign attribute states at or above the minimum acceptable state for that attribute; f) in numeric terms (where practicable), and in accordance with a complex set of prescribed rules and requirements, to improve or maintain overall water quality and quantity management. <p>Overall, PC9 was developed in accordance with and gave effect to the NOF process set out in the previous NPSFM.</p> <p><u>New NPSFM</u></p> <p>The revised NOF process introduces new terminology and slightly amended processes. It now requires regional councils to undertake the following steps:</p>	Partially	See detailed discussion and conclusions below at Part 3: Implementation: Sub Part 2 National Objectives Framework.	Schedule 26, which contains the targets and objectives for freshwater quality, has been amended to align as far as possible with the NPSFM2020

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			<p>(a) identify FMUs in the region (no significant change) (b) identify values for each FMU (no significant change) (c) set environmental outcomes for each value and include them as objectives in regional plans (a new requirement) (d) identify attributes for each value and set baseline states for those attributes (slightly altered requirement) (e) set target attribute states, environmental flows and levels, and other criteria to support the achievement of environmental outcomes (slightly different requirement in that there is a linkage required between target attribute states and the newly required environmental outcomes) (f) set limits as rules and prepare action plans (as appropriate) to achieve environmental outcomes (explicit reference to preparing “action plans” is new).</p> <p><u>New NPSFM Comparison</u></p> <p>See discussion below at Part 3: Implementation: Sub Part 2 National Objectives Framework.</p>					
Policy 6:	There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.	Type 2: PC9 and/or PC9 and RRMP Content Directive	<p><u>Notes on Previous NPSFM</u></p> <p>Objective A2 of the previous NPSFM required the overall quality of fresh water within a freshwater management unit be maintained or improved while “protecting the significant values of wetlands”. In addition, Objective B2 was “to protect significant values of wetlands and of outstanding freshwater bodies”.</p> <p><u>New NPSFM Comparison</u></p> <p>Protection of wetlands and wetland values is given effect through a number of objectives and policies within the RRMP. The RRMP also includes a number of provisions that encourage and support the preservation and enhancement of wetlands.</p> <p>In terms of wetlands, TANK PC9 Objective and Policy and Rule frameworks also promotes the protection and</p>	Yes	<p>Existing RRMP and PC9 provisions in conjunction with the mandatory application of specific policy at clause 3.22 of the NPSFM effectively results in full effect being given to Policy 6.</p> <p>For the avoidance of doubt, policy at clause 3.22 should be included in the RRMP as soon as practicable. This is able to be achieved without a Schedule 1 process.</p>			

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column] Section 42A
			<p>enhancement of these wetland resources⁷, however, although it may be implied, there is no specific directive to require no further loss of wetland values or extent.⁸</p> <p>The mandatory policy at clause 3.22 of the NPSFM⁹ gives full effect to Policy 6.</p>			
Policy 7:	The loss of river extent and values is avoided to the extent practicable.	Type 2: PC9 and/or PC9 and RRMP Content Directive	<p><u>Notes on Previous NPSFM</u></p> <p>Policy direction within the previous NPSFM was focussed on improving water quality within rivers. No directives required practicably avoiding any loss of river values nor avoiding the loss of river extent.</p> <p><u>New NPSFM Comparison</u></p> <p>There is nothing within the TANK framework explicitly requiring avoidance of any loss of river extent.</p> <p>TANK Schedule 26 is linked to objectives that seek water quality to meets the needs of the values identified and to OBJ TANK 4 which provides the timeframe within which water quality must be improved. In addition, OBJ TANK 4 requires that, for any specific water body where the attribute state for the values identified is found to be higher than that given in Schedule 26, then the higher state is to be maintained. To this extent, achieving OBJ TANK 4 results in the avoidance of further loss of river values, in turn, giving effect to NPSFM Policy 7.</p>	Yes	<p>PC9 provisions in conjunction with the mandatory application of specific policy at clause 3.24¹⁰ of the NPSFM effectively results in full effect being given to Policy 7.</p> <p>For the avoidance of doubt, policy at clause 3.22 should be included in the RRMP as soon as practicable. This is able to be achieved without a Schedule 1 process.</p>	This aspect not within scope of PC9
Policy 8	The significant values of outstanding water bodies are protected.	Type 2: PC9 and/or PC9 and RRMP Content Directive	<p><u>Notes on Previous NPSFM</u></p> <p>Objective A2 of the previous NPSFM required the overall quality of fresh water within a freshwater management unit be maintained or improved while “protecting the significant values of outstanding freshwater bodies”.</p>	Yes		

⁷ Examples include Policies 14, 15 and 27.

⁸ Rather the wording of policy 15 is “...Council will support and encourage the restoration and extension of natural wetlands...”

⁹ Wording commences: “The loss of extent of natural inland wetlands is avoided...”

¹⁰ Wording commences: “The loss of river extent and values is avoided...”

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Section Recommendations [HBRC Reporting Team has added this column]	42A
			<p>In addition, Objective B4 was “to protect significant values of wetlands and of outstanding freshwater bodies”.</p> <p><u>New NPSFM Comparison</u></p> <p>The directive of Policy 8 seeks to achieve the same outcome as the previous NPSFM.</p> <p>PC7 is the primary Plan Change process that will give effect to national policy direction regarding outstanding water bodies.</p> <p>The TANK Plan Change is consistent with PC7 and with overriding Policy 8 of the NPSFM¹¹. It is, therefore, considered to give effect to Policy 8 in relation to protection of significant values of outstanding water bodies.</p>				
Policy 9:	The habitats of indigenous freshwater species are protected.	Type 2: PC9 and/or PC9 and RRMP Content Directive	<p><u>Notes on Previous NPSFM</u></p> <p>Objectives A1 and B1 (water quality and water quantity respectively) were to safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of freshwater.</p> <p><u>New NPSFM Comparison</u></p> <p>The directive of Policy 9 of the new NPSFM essentially seeks to achieve the same outcomes for indigenous freshwater species as that of the previous NPSFM.</p> <p>Notably, OBJ TANK 4 and 8 and Policies 12, 14 and 20 in conjunction with Schedules 26 and 27, act together to protect habitats of indigenous freshwater species (predominantly referred to as indigenous biodiversity).</p> <p>Additionally, the example of establishing a minimum flow for Ngaruroro to provide 44% habitat protection for torrentfish is noted.</p>	Yes			
Policy 10:	The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.	Type 2: PC9 and/or PC9 and	<p><u>Notes on Previous NPSFM</u></p>	Yes			

¹¹ OBJ TANK 2(e) (setting objectives, limits and targets)

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section 42A
		RRMP Content Directive	<p>Trout and salmon habitat was indirectly protected by the previous NPSFM via the inclusion of salmon and trout within the scope of “fishing” as a national value.</p> <p><u>New NPSFM Comparison</u> Policy 10 of the new NPSFM makes the protection of trout and salmon as an outcome more explicit. It also qualifies this outcome so as to eliminate any favour being applied over indigenous freshwater species.</p> <p>Trout fishery values are captured in Schedule 26 and are also referenced in OBJ TANK 11 and 12 regarding the Ngaruroro and Tūtaekuri Rivers respectively. For some water quality attributes (turbidity, water clarity) trout fishery value has the highest water quality demand for that attribute. In this respect, it is noted that if the needs of the trout fishery value are met, then the needs of other values, such as ecosystem health for indigenous freshwater species, will also be met.</p> <p>Overall, PC9 gives effect to Policy 10 of the NPSFM.</p>				
Policy 11:	Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.	Type 2: PC9 and/or PC9 and RRMP Content Directive	<p><u>Notes on Previous NPSFM</u></p> <p>The previous NPSFM Objectives included:</p> <ul style="list-style-type: none"> • avoid any further over-allocation of fresh water and phase out existing over-allocation • improve and maximise the efficient allocation and efficient use of water <p><u>New NPSFM Comparison</u></p> <p>Policy 11 of the new NPSFM embodies the same allocation related directives as the previous NPSFM.</p> <p>Addressing over-allocation and ensuring efficient water allocation are key focus areas of the PC9 framework¹². The rule framework set out in Section 6.10.2 (TANK rules 7 – 18) is specifically designed to phase out over-allocation in TANK Areas where this occurs, avoid further over-allocation, and achieve efficient water allocation and use in future.</p>	Yes			

¹² OBJ TANK 16, 17 and 18, Policies 36, 37, 38, 42, 46, 47, 49, 50, 52 and Schedules 31 and 32.

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Section Recommendations [HBRC Reporting Team has added this column]	42A
Policy 12:	The national target (as set out in Appendix 3) for water quality improvement is achieved.	Type-1: Goal, Target or Objective	<p><u>Notes on Previous NPSFM</u></p> <p>The national target was (and still is) to increase proportions of specified rivers and lakes that are suitable for primary contact to at least 80% by 2030, and 90% no later than 2040, but also to improve water quality across all categories.</p> <p>The effect of Policy A6 of the previous NPSFM was that by the end of 2018, councils needed to set regional targets to improve water quality for primary contact, so that it is clear how each region will contribute to achieving this national target.</p> <p><u>New NPSFM Comparison</u></p> <p>Policy 12 of the new NPSFM more directly clarifies the expectation to meet the prescribed 2030 and 2040 national targets for specified rivers and lakes suitability for primary contact.</p> <p>OBJ 27 of the RRMP is to ensure “water quality in rivers, lakes and wetlands is suitable forcontact recreation purposes where appropriate”</p> <p>POL LW1 requires that the microbiological water quality in rivers and streams is safe for contact recreation where that has been identified as a value under Policy LW1.2 or Policy LW2 Table 2A.</p> <p>Table 2A lists Amenity for contact recreation (including swimming) as a secondary value for the lower Ngaruroro River, Tutaekuri River and Ahuriri Estuary and Lower Tukituki.</p> <p>Although there is limited policy direction requiring suitable water quality for contact recreation (where appropriate or where identified as a value), neither the RRMP or the TANK plan change provide any notable policy or action plans detailing how the national target set out in Appendix 3 of the new NPSFM will be achieved. There is also currently no known register of primary contact sites within the Hawke’s Bay Region – a requirement of clause 3.8(3) of the NPSFM (refer below). However HBRC has a network of 38 beach and river sites that are checked regularly as part of the bathing survey.</p>	Not Applicable	<p>To improve overall alignment with Policy 12, consider specific Council action planning that details how the national target set out in Appendix 3 of the new NPSFM will be achieved.</p> <p>Also consider the preparation of a register of primary contact sites within the Hawke’s Bay Region – a requirement of clause 3.8(3) of the NPSFM (refer below).</p>	Tables 9 and 22 from the NPSFM2020 are now applied in Schedule 26 of the Plan. Methods target better riparian management to improve water quality. NES for and stock exclusion also relevant for meeting national target.	

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			It is noted however, that from 1 November to 31 March, the Regional Council checks E.Coli levels at 38 “beach and river sites” across Hawke's Bay. Results are reported through LAWA and made available on the Council’s website. ¹³				
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.	Type 4: Non-Regional Plan Process or Procedure	<p><u>Notes on Previous NPSFM</u></p> <p>The previous NPSFM required an approach to the monitoring of progress towards, and the achievement of, freshwater objectives and the values identified as part of the NOF policies, and required every regional council to establish methods, for example, action plans, for responding to monitoring that indicates freshwater objectives will not be met and/or values will not be provided for in a freshwater management unit.</p> <p><u>New NPSFM Comparison</u></p> <p>New NPSFM Policy 13 is more general in terms of the monitoring scope but more specific in terms of action plans - insofar as they are required to achieve the reversal of any deterioration.</p> <p>Monitoring, reporting and review is required and supported through a number of TANK PC9 provisions. Policies 33, 34 and 35 describe the overall approach the Regional Council will adopt in these respects. Policy 42 requires monitoring and review of quantity provisions and Policy 46 requires water metering and ongoing data collection.</p> <p>Although monitoring is a strong focus throughout PC9, less apparent is the inclusion of clear policy or methods describing the actions that will be taken when monitoring shows ongoing degradation. Notwithstanding, such actions are not necessarily required to form part of PC9 or the RRMP.</p>	Not Applicable	Additional Council methods detailing actions to be taken in response to monitoring data showing continued freshwater deterioration would improve support of Policy 13.	Plan provisions including for land use change aimed at halting further degradation. See also Pol 35 where issues arising (including in relation to degrading trends) are addressed.	
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.	Type 4: Non-Regional Plan Process or Procedure	<p><u>Notes on Previous NPSFM</u></p> <p>The previous NPSFM required annual public reporting of the extent to which the regional council had implemented the NPSFM. Additionally, a 5-yearly report was required following</p>	Not Applicable	A greater degree of alignment between implementation requirements of clause 3.30 (Assessing and reporting) and the scope of reporting and accessibility	Cl 3.30 applies regardless of the PC9 provisions and need not be duplicated. Baseline states now included in Schedule 26 and will be referred to in SOE reporting	

¹³ <https://www.hbrc.govt.nz/hawkes-bay/swimming/>

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			<p>a review of the improvements to specified rivers and lakes, and primary contact sites.</p> <p><u>New NPSFM Comparison</u></p> <p>State of the environment summary reports are published monthly, however, these are absent any actual data or links to actual data (refer Clause 3.30 below).</p> <p>Annual report cards are also published for various resources including groundwater, lake water, river ecology, river flow, wetlands and for recreational water quality. These provide limited amounts of raw data.</p> <p>More detailed presentation of scientific data and analysis is included in 5-yearly state of our environment reports.</p>		of raw data would demonstrate more support of Policy 14.		
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.	Type 2: PC9 and/or PC9 and RRMP Content Directive	<p><u>Notes on Previous NPSFM</u></p> <p>Objective A4 of the previous NPSFM was to enable communities to provide for their economic well-being, including productive economic opportunities, in sustainably managing freshwater quality, within limits.</p> <p>Policy A7 required that, when giving effect to the NPSFM, every regional council considered how to enable communities to provide for their economic well-being, including productive economic opportunities, while managing within limits.</p> <p><u>New NPSFM Comparison</u></p> <p>Policy 15 of the new NPSFM seeks the same outcome as the previous NPSFM.</p> <p>Section 7 of the Tank Plan Change s32 Evaluation Report sets out a detailed assessment of each TANK Objective against relevant RMA instruments including the previous NPSFM, while section 8 of that report assesses the appropriateness of the TANK provisions in achieving the objectives. In making this assessment it draws on various technical economic</p>	Yes			

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section 42A
			<p>impact assessment reports¹⁴ and social and cultural impact reports¹⁵ that were commissioned as part of the preparation of PC9. It concluded that the TANK Objectives were appropriate in achieving the purpose of the RMA and that the most appropriate provisions have been included for achieving the objectives. It follows that the TANK objectives and provisions promote the sustainable management of freshwater and appropriately enable people and communities to provide for their social, economic, and cultural well-being.</p> <p>Since there is no fundamental change in these respects following the new NPSFM coming into force, this conclusion still holds.</p>				
Part 3: Implementation:							
<p>Sub Part 1 Approaches to implementing the National Policy Statement</p> <p><u>Note:</u> This subpart sets out how the Council must implement this National Policy Statement, particularly in relation to giving effect to Te Mana o te Wai.</p>							
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.	<p>Type 4: Non-Regional Plan Process or Procedure</p> <p>Type 5: Relationship Directive</p>	<p>To the extent that they relate to the TANK Areas, the values diagrams presented as Figures 1 and 2 within PC9 reinforces the distinct Māori world view established as a result of tangata whenua engagement by the Regional Council. PC9 objectives refer to specific types of values incorporated in these Māori values diagrams, including mauri and mahinga kai. Ecosystem targeted objectives and protections set out in PC9 are understood to align with; the Māori world view of Te Mana o te Wai, the concept of mauri, and the concept that the awa comes first, altogether meaning fundamental protection of the ecosystem, however, it is noted that this assertion only applies in respect of the TANK Areas and at a time prior to the coming into force of the NPSFM 2020.</p> <p>Ongoing Council engagement is likely to refine the tangata whenua view of how Te Mana o te Wai applies, and it should</p>	Not Applicable	<p>Since the NPSFM2020 came into force, the Council has not engaged with communities or tangata whenua to determine how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the region.</p> <p>Accordingly, the obligation prescribed in Clause 3.2 (1) cannot be met in PPC9 or any other future relevant plan changes until this engagement has occurred.</p>		

¹⁴ 'Part 2 of the TANK Catchment Economic, Social and Ecological Impact Assessment: Water Management & Land Management Policy Options', Agfirst, March 2018; Modelling Water Restrictions and Nutrient Losses for Horticulture in the TANK Catchment – AN Economic Analysis', Agfirst (May 2018); 'Direct Economic Impact of the TANK', Nimmo-Bell (June 2018); and Economy-wide Impacts of Proposed Policy Options for the TANK Areas, Market Economics, August 2018.

¹⁵ Tangata Whenua Values to Attributes and Management Priorities for the Ngaruroro River, Te Tira Wai Tuhi, October 2016; and TANK Social and Cultural Impact Assessment Report – Community Reference Group feedback on the draft TANK plan', Anthony Cole, Joella Brown and Rhonda Cole, August 2018.

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Section Recommendations [HBRC Reporting Team has added this column] 42A
			<p>be recognised that it may never be possible to get wholesale agreement on this across all tangata whenua. This is evidenced by a relatively large number of submissions in general opposition to PC9 from Māori organisations and individuals on the basis of insufficient recognition of cultural values including Te Mana o te Wai.</p> <p>It is noted that community and tangata whenua engagement on how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the wider region has not been undertaken since the NPSFM2020 came into force. The outcome of this engagement may not necessarily align with the concept and framework of Te Mana o te Wai as written within clause 1.3 of the NPSFM. To this extent, it may be difficult to give full effect to Policy 1 while also satisfying the clause 3.2.1 obligation.</p>			
	<p>(2) Every regional council must give effect to Te Mana o te Wai, and in doing so must:</p> <p>(a) actively involve tangata whenua in freshwater management (including decision-making processes), as required by clause 3.4; and</p> <p>(b) engage with communities and tangata whenua to identify long-term visions, environmental outcomes, and other elements of the NOF; and</p> <p>(c) apply the hierarchy of obligations, as set out in clause 1.3(5):</p> <p>(i) when developing long-term visions under clause 3.3; and</p> <p>(ii) when implementing the NOF under subpart 2; and</p> <p>(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</p> <p>(d) enable the application of a diversity of systems of values and knowledge, such as mātauranga Māori, to the management of freshwater; and</p> <p>(e) adopt an integrated approach, ki uta ki tai, to the management of freshwater (see clause 3.5).</p>	<p>Type 3: RPS Content Directive</p> <p>Type 4: Non-Regional Plan Process or Procedure</p> <p>Type 5: Relationship Directive</p>	<p>For the same reasons described above in relation to Policy 2, on balance, PC9, in combination with the RRMP and other Council processes, achieves Clause 3.2(2)(a).</p> <p>Schedule 27 achieves to part (b) of this clause by identifying future water quality objectives - reflecting cultural and social needs for a long-term approach to the way freshwater is managed. However, the existence of “long-term visions” as defined in the NPSFM is not apparent within the RPS as is required in accordance with clause 3.3 of the NPSFM (see below).</p> <p>In terms of applying the hierarchy of obligations, as set out in clause 1.3(5), as discussed already, on the whole, these obligation areas are not distinctly or overtly prioritised. Rather, they are predominantly lumped together under various objective and policy directives, thereby drawing equal weighting.</p> <p>There is nothing obvious that places limitation on enabling the application of a diversity of systems of values and knowledge, such as mātauranga Māori, therefore PC9 is considered to fulfil part (d) of this clause.</p> <p>The obligation to adopt an integrated approach (part (e) of this clause) is also considered to be fulfilled (see comments above in relation to Policy 3).</p>	Not Applicable	Obligation largely fulfilled, however, there is no clear evidence of the hierarchy of obligations being applied when giving effect to Te Mana or te Wai.	

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section 42A
	(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.	Type 3: RPS Content Directive	OBJ TANK 2 (a) requires that Te Mana o te Wai and integrated mountains to the sea, ki uta ki tai principles are upheld when setting objectives, limits and targets. It is noted that PC9 forms part of the regional plan section of the RRMP rather than the regional policy statement section. The section of the RPS that addresses integrated land use and freshwater management (section 3.1A) is the result of Change 5 which predated the NPSFM2017 so has no reference to Te Mana o te Wai.	Not Applicable	The RPS section of the RRMP does not achieve this requirement.	Not applicable in PPC9	
	(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.	Type 7: Guidance or Contextual	Guidance only.	Not Applicable			
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.	Type 3: RPS Content Directive	Long-term vision means a long-term vision developed under clause 3.3 and included as an objective in a regional policy statement. A detailed assessment of the RPS against this obligation is not presented here. However, it is noted that the RPS objectives collectively set out the desired direction of travel with respect to the region's freshwater resources in section 3.1A, although it is noted that these objectives perhaps fall short of qualifying as being derived from distinct long-term visions as defined by the NPSFM2020. Insofar as it relates to the TANK Areas, support for this obligation is provided through OBJ TANK 4 and 6 and the inclusion of Schedules 26 and 27 within PC9, which together signal long-term visions in respect of the water quality within these catchments.	Not Applicable	RPS objectives are considered to fall short of qualifying as long-term visions as defined by the NPSFM.		
	(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	Type 3: RPS Content Directives	A detailed assessment of the RPS against this obligation is not presented here, however, this obligation is considered not to be met since there are no long-term visions as defined by the NPSFM. Insofar as this obligation relates to the TANK Areas, freshwater objectives within PC9 are set at FMU levels. Objectives within Schedules 26 and 27 are considered difficult	Not Applicable	It is considered these obligations are not met since there are no long-term visions as defined by the NPSFM.	To be addressed with next regional Plan Change	

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section	42A
	(c) identify a timeframe to achieve those goals that is both ambitious and reasonable (for example, 30 years after the commencement date).		but not impossible to achieve, and Schedule 26 includes 2040 as the timeframe for achieving the objectives set out within it. Schedule 27 does not set a timeframe for achieving the objectives within it. Instead, OBJ TANK 6 is to simply achieve these through future plan changes.					
	(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.		Again, this obligation is considered not to be met since there are no long-term visions as defined by the NPSFM. Insofar as this obligation relates to the TANK Areas, it is noted that, vast amounts of scientific information has been utilised as part of the TANK plan change preparation process (as is referenced throughout section 8 of the S32 Report), and although the freshwater quality objectives are not likely to satisfy all stakeholders involved in the TANK Group, it is considered that the Council has made a best endeavours attempt to satisfy this obligation throughout this collaborative process.					
	(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.		Again, this obligation is considered not to be met since there are no long-term visions as defined by the NPSFM.					
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.	Type 4: Non-Regional Plan Process or Procedure Type 5: Relationship Directive	Insofar as part (1) of this obligation might be supported by PC9, and in terms of parts (a) and (b) of this clause, as key members of the TANK Collaborative Group, tangata whenua were actively involved in the formulation of PC9 including the development of values representing their views of Te Mana o te Wai. Also of relevance is the role the Regional Planning Committee took in overseeing the review, and in the development and authorising the notification of PC9. Nothing within PC9 constrains the Regional Council from meeting obligations set out in parts (c) or (d).	Not Applicable	Current Council processes and methods achieve these obligations to involve tangata whenua in freshwater management - as demonstrated, by way of example, through the development of PC9.			
	(2) In particular, and without limiting subclause (1), for the purpose of implementing the NOF, every regional	Type 4: Non-Regional Plan	Insofar as part (2) of this obligation might be supported by PC9, as key members of the TANK Collaborative Group,					

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section 42A
	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.	Process or Procedure Type 5: Relationship Directive	tangata whenua were actively involved in the formulation of PC9 including identification of Māori freshwater values that applied to the TANK waterbodies. It is assumed the Regional Council will continue to work collaboratively with tangata whenua regarding freshwater management and the implementation of the NOF, including any decision-making processes relating to Māori freshwater values.				
	(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.	Type 4: Non-Regional Plan Process or Procedure Type 5: Relationship Directive		Not Applicable	This obligation is considered a matter that Regional Council staff are better suited to assess.		
	(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.	Type 7: Guidance or Contextual	Guidance only.	Not Applicable			
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	Type 2: PC9 and/or PC9 and RRMP Content Directive Type 4: Non-Regional Plan Process or Procedure	OBJ TANK 2 requires that Te Mana o te Wai and integrated mountains to the sea, ki uta ki tai principles are upheld when setting objectives, limits and targets. PC9 defines Ki uta ki tai to mean <i>“the movement of water from mountains to sea, through the landscape and the numerous interactions it may have on its journey. Ki uta ki tai acknowledges the connections between the atmosphere, surface water, groundwater, land use, water quality, water quantity, and the coast. It also acknowledges the connections between people and communities, people and the land, and people and water.”</i>	Yes	Overall, the obligations set out in parts (a) and (b) are considered fully met.		

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Section Recommendations [HBRC Reporting Team has added this column]	42A
	water bodies, freshwater ecosystems, and receiving environments; and (d) encourage the co-ordination and sequencing of regional or urban growth.		Integrated management and ki uta ki tai feature strongly within PC9 ¹⁶ . This flows on from Chapter 3, Section 3.1A of the RRMP (Integrated Land Use and Freshwater Management) to various PC9 policies and rules that recognise the critical connectedness between freshwater resources. Good examples of this include the provisions relating to the development and use of the Heretaunga Plains Water Management Unit, which highlight Council's active recognition of the interconnectedness of groundwater and surface water.				
	(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.	Type 3: RPS Content Directives	A detailed assessment of the RPS against this obligation is not presented here given the focus of this report.	Not Applicable			
	(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.	Type 2: PC9 and/or PC9 and RRMP Content Directive Type 4: Non-Regional Plan Process or Procedure Type 5: Relationship Directive Type 6: Other Non-Statutory Action	Insofar as this obligation relates to PC9, Hastings District and Napier City Councils were represented in the TANK collaborative group. Evidence of co-operation is also provided by Policies 30 and 31. Policy 35 requires annual reporting on progress towards the improvement of the stormwater network, including reporting on the preparation of Site Management Plans for activities at risk of contaminating stormwater in urban areas. The provisions relating to drinking water source protection ¹⁷ are also evidence of such co-operation. There are also various other non-regulatory and non-RMA initiatives in place between local authorities. District Plans and associated processes also support the achievement of this obligation.	Yes	In addition to relevant RPS, PC9 and RRMP content, this obligation is met through a variety of initiatives in place between local authorities.		

¹⁶ OBJ TANK 2 (a), Policy 28 (a), Policy 31 (f) and (h), Integrated Catchment Management Plan policy 32, Policy 60 (f), Rule TANK 21, Schedule 27 (Long-term Freshwater Quality Objectives)

¹⁷ OBJ TANK 14, Policies 6 – 9 and various rule references.

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column] Section 42A
	(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.	Type 6: Other Non-Statutory Action	Not assessed as not relevant to PC9.	Not Applicable		
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).	Type 7: Guidance or Contextual	Context only	Not Applicable		
	(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.	Type 4: Non-Regional Plan Process or Procedure	Council decision making processes are not examined here. Council decision making processes are not examined here.	Not Applicable		
	(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.					
Part 3: Implementation: Sub Part 2 National Objectives Framework						
<u>Note:</u> This subpart sets out the National Objectives Framework for managing freshwater that every regional council must adopt to give effect to Policy 5.						
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).	Type 2: PC9 and/or PC9 and RRMP Content Directive Type 4: Non-Regional Plan Process or Procedure	The TANK Collaborative Group, comprised of key community and tangata whenua stakeholders. This group has been engaged in the NOF process to date. To this extent, the obligation set out in part (a) of this clause is considered to have been met. The hierarchy of obligations was not applied during the TANK process since it didn't exist at the time.	Partially	Although appropriate engagement occurs, the hierarchy of obligations was not applied during the TANK process.	PPC9 does however include measures to improve water quality, reduce allocation and amend minimum flows to better provide for the health of the water bodies.

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Section Recommendations [HBRC Reporting Team has added this column] 42A
	<p>(2) By way of summary, the NOF process requires regional councils to undertake the following steps:</p> <p>(a) identify FMUs in the region (clause 3.8)</p>	<p>Type 2: PC9 and/or PC9 and RRMP Content Directive</p> <p>Type 4: Non-Regional Plan Process or Procedure</p>	<p>Although the NPSFM does not specifically require identification of FMUs, freshwater values or attributes etc to be included in Regional Plans, since Regional Plans are a logical and sensible place to document these matters, the following discussion assumes this to be the case. For the avoidance of doubt, this assumption has been made solely for the purpose of this comparison exercise.</p> <p>In respect of part (a):</p> <p>“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.</p> <p>Schedule 26 of PC9 refers to Freshwater Quality Management units. It is noted that this terminology is slightly misaligned with the NPSFM. Nevertheless, these comprise: Upper and lower Tūtaekurī, Upper and lower Ngaruroro, Lowland Tributaries (including Karamu Stream and its tributaries and Ahuriri Estuary tributaries), and Groundwater (all areas).</p> <p>For water allocation, Schedule 31 of PC9 lists the various surface and groundwater management units applied in this respect.</p> <p>Despite the terminology used in Schedules 26 and 31, it is important to highlight that the Council has not yet made a final decision on how many FMUs are in TANK. It is understood that Council staff are currently favouring a regional approach to FMUs and will soon be requesting a determination from its Regional Planning Committee accordingly. If this regional approach is endorsed, all TANK Areas will constitute a single FMU, and the Freshwater Quality Management units set out in Schedule 26 will likely become “parts of this FMU”.</p>	<p>Partially</p>	<p>Terminology differences and slight process differences create some ambiguity in determining whether the Council has undertaken the NOF process steps. This is a consequence of the new NPSFM adopting a slightly different methodology.</p> <p>In some instances, differences in terminology may be addressed through clause 4.3 (see further below in this table). Clause 4.3 deals with when a Council need not amend its policy statement and plans to address differing terminology.</p> <p>More fundamental deviations between PC9 and the new NOF process include:</p> <ul style="list-style-type: none"> • Identification of FMUs within the region has not yet been undertaken (although it is understood a decision in this regard is imminent); and • PC9 doesn't clearly specify attributes for each value identified (see clause 3.10). 	<p>Schedule 26 has more clarity around values and relevant attributes. Review also to align terminology with the NPSFM2020. Other steps of NOF process also now more aligned</p>

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Section Recommendations [HBRC Reporting Team has added this column]	42A
	<p>(b) identify values for each FMU (clause 3.9)</p> <p>(c) set environmental outcomes for each value and include them as objectives in regional plans (clause 3.9)</p>		<p>In any event, whether the management units within Schedule 26 are adopted, or a more regional approach is adopted, either outcome would satisfy the intent of obligation 3.7(2)(a).</p> <p>In respect of part (b):</p> <p>Based on the assumption that the Freshwater Quality Management units set out in Schedule 26 of PC9 constitute FMUs, values are listed for these in the last two columns of Schedule 26. However, instead of identifying particular values for each, the linkage is made to specific water quality attributes applying to each FMU. It then links lists of values that each attribute can impact in relation to that FMU or groups of FMUs. Despite this slight difference, the information required from this part of the NOF process is nevertheless extractable from Schedule 26 albeit in reverse order. That is, the information in the last two columns of Schedule 26, on the whole, enables the identification of values for each FMU. To this extent, it may be argued that obligation 3.7(2)(b) is met.</p> <p>If a regional approach is adopted to FMUs, and all TANK Areas become a single FMU, then the obligation to meet 3.7(2)(b) is significantly more clear-cut since all values for the TANK Areas have been identified.</p> <p>In respect of part (c):</p> <p>“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).</p> <p>Because “environmental outcome” is a new defined term that was absent from the previous NPSFM, they are not overtly documented within PC9 for each individual value¹⁸. Nevertheless, it is considered that the PC9 Objectives that are related to specific water bodies effectively set environmental outcomes within the objective.</p>				

¹⁸ The only reference to Environmental Outcomes is in relation to this is a requirement of a Catchment Collective or Industry Program (Schedule 30)

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Section Recommendations [HBRC Reporting Team has added this column] 42A
	(d) identify attributes for each value and set baseline states for those attributes (clause 3.10)		<p>In terms of desired water quality outcomes, objectives are set for each water quality attribute. These objectives are provided in Schedule 26 (Note: this is in line with the NOF process prescribed in the previous NPSFM). Then, in accordance with OBJ TANK 4, the quality of each freshwater management unit is either maintained, where objectives are currently being met, or in degraded waterbodies, is improved so that they meet the specified (target) quality by 2040 (also in line with the previous NPSFM).</p> <p>In respect of part (d):</p> <p>Schedule 26 doesn't specifically identify attributes for each value. Rather, it sets out the range of values, including the critical values (being the value most sensitive to each attribute), relevant to each attribute across individual Freshwater Quality Management Units. It is noted that Table 1 of the document titled "Freshwater values and attributes – water quality recommendations to support mana whenua values for the TANK catchment" (which forms Appendix 2 of the s32 evaluation report) clearly identifies attributes for each value as anticipated by part (d) of this clause. It is understood, however, that this information was prepared too late to be incorporated in proposed PC9.</p> <p>"Baseline state", in relation to an attribute, means the best state out of the following:</p> <ul style="list-style-type: none"> (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 <p>The Regional Council has established the "current state" of the TANK freshwater bodies. This is summarised in Figure 5 of the s32 Evaluation Report whereby the current state of the TANK catchment freshwater bodies is compared against the water quality attributes incorporated within Schedule 26. In effect, this provides a snapshot of the water quality gap between the current (or baseline) state and each target attribute state for respective water bodies. It is considered</p>			

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section 42A
	<p>(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)</p> <p>(f) set limits as rules and prepare action plans (as appropriate) to achieve environmental outcomes (clauses 3.12, 3.15, 3.17).</p>		<p>this process provides baseline states required by part (d) of this clause albeit via interpretation rather than directly.</p> <p>In respect of part (e):</p> <p>Although terminology adopted in PC9 is slightly mismatched to the new NPSFM, obligation 3.7(2)(e) is considered to be partially met through the setting of freshwater quality objectives for each attribute of each freshwater management unit (as relevant) in Schedules 26 and 27, and through the setting of flows, levels and allocation limits in Schedules 31 and 32.</p> <p>In relation to meeting obligation 3.7(2)(f), although limits are prescribed as rules in some cases (for example, rules TANK 9-11 which link to Schedule 31 specifying the flows at which water abstraction is subject to restrictions or requirements (minimum flows), and PC9's rule framework that includes limits placed on: use of production land, stock access to surface water, water takes and stormwater activities), there are no specific documented "environmental outcomes" included in PC9 (as defined by the NESFM) that link to the Rule framework. However, descriptions of such desired outcomes are considered optional inclusions for Regional Plans, while perhaps of more relevance in this respect are the PC9 Objectives. TANK rules, and limits within these, are designed to achieve the TANK Objectives.</p>				
	<p>(3) The NOF also requires that regional councils:</p> <p>(a) monitor water bodies and freshwater ecosystems (clauses 3.18 and 3.19); and</p> <p>(b) take action if degradation is detected (clause 3.20).</p>	Type 4: Non-Regional Plan Process or Procedure	Refer specific assessment discussion below at clauses 3.18, 3.19 and 3.20)	Not Applicable	Refer conclusions below at clauses 3.18, 3.19 and 3.20.		
3.8 Identifying FMUs and special sites and features	<p>(1) Every regional council must identify FMUs for its region.</p> <p>(2) Every water body in the region must be located within at least one FMU.</p>	Type 2: PC9 and/or PC9 and RRMP Content Directive	Although the NPSFM does not specifically require identification of FMUs to be included in Regional Plans, since Regional Plans are a logical and sensible place to document these things for the public, the following discussion assumes this to be the case. For the avoidance of doubt, this assumption has been made solely for the purpose of this comparison exercise.	No	<p>FMUs are not yet identified for TANK or the wider region.</p> <p>It is understood that Council staff are currently favouring a regional approach to FMUs and that they will soon be requesting a determination from its Regional Planning Committee to this effect.</p>	Identified now in Schedules	

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section	42A
<p>(3) Every regional council must also identify the following (if present) within each FMU:</p> <p>(a) sites to be used for monitoring</p> <p>(b) primary contact sites</p> <p>(c) the location of habitats of threatened species</p> <p>(d) outstanding water bodies</p> <p>(e) natural inland wetlands.</p>	<p>Type 4: Non-Regional Plan Process or Procedure</p>	<p>In respect of part (a), the Regional Council’s freshwater monitoring programme includes numerous sites within TANK Areas and non-TANK Areas.</p> <p>In respect of part (b), 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 water sports, and particularly for activities where there is a high likelihood of water or water vapour being ingested or inhaled.</p> <p>Primary contact sites are not specifically identified as such within TANK Areas, however, the Regional Council, checks E.Coli levels at 38 “beach and river sites” across Hawke’s Bay between 1 November to 31 March. Some of these sites are located within TANK Areas¹⁹. Results are reported through LAWA.²⁰</p> <p>In respect of part (c) the Regional Council has not identified habitat locations for threatened species.</p> <p>In respect of part (d), plan change 7 (not yet operative) addresses outstanding water bodies and their locations.</p> <p>In respect of part (e), it is understood that, although HBRC has done extensive work to identify and map wetlands throughout the region, further technical work is still required to fulfil this obligation due to the complexities associated with delineating “natural inland wetlands” in accordance with relevant definitions and other requirements within the National Environmental Standard for Freshwater (2020) including Clause 3.22.</p>	<p>Not Applicable</p>	<p>The Council’s monitoring programme includes numerous sites within TANK Areas and within non-TANK Areas (part (a)), however, primary contact sites are not specifically identified as such across the region (part (b)), nor has there been habitat locations identified for threatened species (part (c)).</p> <p>PC7 deals with identification of outstanding water bodies (part (d)), and although the Council has done extensive work to identify and map wetlands throughout the region, meeting the obligation in part (e) (identification of natural inland wetlands), still requires some effort due to the very small wetland area threshold prescribed in the NPSFM (refer Clause 3.22).</p>	<p>PC9 now incorporates Table 22 for primary contact sites and aligns this with Table 9.</p>			
<p>(4) Monitoring sites for an FMU must be located at sites that are either or both of the following:</p> <p>(a) representative of the FMU or relevant part of the FMU</p> <p>(b) representative of one or more primary contact sites in the FMU.</p>	<p>Type 4: Non-Regional Plan Process or Procedure</p>	<p>In respect of part (a), monitoring sites for the TANK catchments are representative of their relevant parts.</p> <p>In respect of part (b) some “beach and river sites” monitored for contact recreation purposes are located in TANK Areas.</p>	<p>Not Applicable</p>	<p>Obligation met.</p>				

¹⁹ Clive River Boat Ramp, Ngaruroro River Chesterhope, Tutaekuri River Expressway Bridge

²⁰ <https://www.hbrc.govt.nz/hawkes-bay/swimming/>

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column] Section 42A
	(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.	Type 4: Non-Regional Plan Process or Procedure	There are no sites specifically set up to monitor Māori values, however information collected at monitoring sites can be used to monitor Māori values. The last column in Schedule 26 of PPC9 states what values are relevant to the water quality attribute.	Not Applicable	Obligation met.	
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.	Type 2: PC9 and/or PC9 and RRMP Content Directive	<p>The compulsory values listed in Appendix 1A include:</p> <ul style="list-style-type: none"> • Ecosystem health; • Human contact; • Threatened species; and • Mahinga kai. <p>The 5 biophysical components that contribute to the freshwater “Ecosystem health” value are:</p> <ul style="list-style-type: none"> • Water quality; • Water quantity; • Habitat; • Aquatic life; and • Ecological processes. <p>TANK values are shown diagrammatically arranged in Figure 1 of PC9 and in Schedule 26. Although these values cover the general themes of the compulsory values listed in Appendix 1A, they are not an exact match. Mahinga kai is specifically listed as a value. Recreation activities and human health and well-being TANK values arguably cover the Human Contact compulsory value. Ecosystem Health and Threatened Species compulsory values are loosely captured by TANK values such as Habitat, Indigenous Biodiversity, Water Quality and life-supporting capacity.</p>	Partially	Although values identified for the TANK Areas cover the general themes of the compulsory values listed in Appendix 1A, they are not an exact match.	PC9 amended to align as much as possible – some data gaps for baseline information. Some mis-alignment between NPSFM attributes states and existing water quality and water body values (especially relevant for sediment attributes) Some issues with validity of NPSFM use of REC.
	(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.	Type 2: PC9 and/or PC9 and RRMP Content Directive	TANK values identified extend well beyond the compulsory values listed in Appendix 1A and in fact include all other values listed in Appendix 1B that must be considered.	Yes		
	(3) The regional council must identify an environmental outcome for every value that applies to an FMU or part of an FMU.	Type 2: PC9 and/or PC9 and RRMP Content Directive	As discussed above, PC9 does not clearly identify specific values for each TANK catchment.	Partially		Amendments to Schedule 26 to align NPSFM2020

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Section Recommendations [HBRC Reporting Team has added this column] 42A				
			Because “environmental outcome” is a new defined term that was absent from the previous NPSFM, they are not overtly documented within PC9 for each individual value ²¹ . Despite this, descriptions of such desired outcomes are considered optional inclusions of Regional Plans and instead, the PC9 Objectives effectively set out the desired environmental outcomes.							
	(4) The regional council must include the environmental outcomes as an objective, or multiple objectives, in its regional plan(s).	Type 2: PC9 and/or PC9 and RRMP Content Directive	As discussed above, PC9 does not clearly specifically identify environmental outcomes (as defined in the NPSFM and in accordance with clause 3.9(5)) for identified TANK values. Despite this, descriptions of such desired outcomes are considered optional inclusions of Regional Plans, and instead the PC9 Objectives effectively describe these.	Yes						
	(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.	Type 2: PC9 and/or PC9 and RRMP Content Directive Type 3: RPS Content Directive	As discussed above, there are no environmental outcomes (as defined in the NPSFM and in accordance with clause 3.9(5)) for the TANK values identified in Schedule 26. Despite this, descriptions of such desired outcomes are considered optional inclusions of Regional Plans, and instead the PC9 Objectives effectively set these out. Applying this assertion to Clause 3.9 (5) (a), it is considered that the TANK Objectives, as a whole, provide a coherent description of the environmental outcomes sought across all values identified for TANK Areas. Additionally, there are also no apparent long-term visions within the RPS (as defined in the NPSFM) that have been developed under clause 3.3.	Yes		Specific environmental outcomes now included in schedule 26				
3.10 Identifying attributes and their baseline states, or other criteria for assessing achievement of environment	(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	Type 2: PC9 and/or PC9 and RRMP Content Directive	As discussed above, PC9 doesn't clearly specify attributes for each value identified. Rather the predominant linkage is between attributes and FMU's while relevant values are listed or grouped for each case. There is also no special treatment of compulsory values. Notwithstanding, the table below assesses PC9's level of alignment with the scope of attributes referenced in part (a) of this clause. <table border="1" data-bbox="1095 1654 1733 1787"> <thead> <tr> <th data-bbox="1095 1654 1516 1717">Appendix 2A and 2B</th> <th data-bbox="1516 1654 1733 1717">Covered in Schedule 26?</th> </tr> </thead> <tbody> <tr> <td data-bbox="1095 1717 1516 1787">Table 1 – Phytoplankton (trophic state)</td> <td data-bbox="1516 1717 1733 1787">Not included</td> </tr> </tbody> </table>	Appendix 2A and 2B	Covered in Schedule 26?	Table 1 – Phytoplankton (trophic state)	Not included	Partially	The table in Column D sets out PC9's level of alignment with the scope of compulsory attributes. Green coloured cells denote full alignment, orange coloured cells denote partial alignment and red coloured cells denote no alignment.	Table 1, 3, 4, 5, 9, 10, 11, 12, 18, 19 not included for lakes and wetlands. All other attributes except for indigenous fisheries are included. Macrophytes targeted for management in lowland streams – riparian shading with provide competitive advantage for native species.
Appendix 2A and 2B	Covered in Schedule 26?									
Table 1 – Phytoplankton (trophic state)	Not included									

²¹ The only reference to Environmental Outcomes is in relation to this is a requirement of a Catchment Collective or Industry Program (Schedule 30)

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Section Recommendations [HBRC Reporting Team has added this column] 42A																										
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	(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.	Type 4: Non-Regional Plan Process or Procedure	<p>Schedule 26 includes temperature, BOD, heavy metals, pesticides, organic contaminants and radioactive contaminants as additional attributes identified under subclause (1)(b) or (c). These additional attributes are considered to meet the criteria of part (2) of clause 3.10.</p> <p>Matauranga Māori attributes are also identified as a placeholder at this stage - additional to those in Appendix 2A and 2B.</p>	Not Relevant	Obligation met for TANK Areas.																		
	(3) Every regional council must identify the baseline state of each attribute, using the best information available at the time. 53	Type 4: Non-Regional Plan Process or Procedure	The Regional Council has established the “current state” of the TANK freshwater bodies for each attribute listed in Schedule 26. This is summarised in Figure 5 of the s32 Evaluation Report.	Not Relevant	Obligation met for TANK Areas.	Baseline state where available now included for TANK monitoring sites																	
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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.	Type 4: Non-Regional Plan Process or Procedure	As discussed above, PC9 does not clearly identify environmental outcomes, however, the PC9 Objectives effectively set these out as objectives. Schedule 26 identifies attributes for each FMU and assigns water quality objectives or targets to each attribute. Rather than specify a site or sites where these targets apply, Schedule 26 more broadly identifies which TANK Areas the targets apply to.	Not Relevant	Obligation considered partially met for TANK Areas.	Reporting sites now included in addition to all monitoring sites. Environmental outcomes now included in schedule 26	
	(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.	Type 4: Non-Regional Plan Process or Procedure	There is no data available to check compliance with this requirement. Staff at council have confirmed that baseline attribute states have been determined and that the targets are above the baseline state. However, this cannot be confirmed until the baseline states are shown It is assumed that the TANK group will not have set an objective or target within Schedule 26 that is lower than the baseline state of an attribute for any of the FMUs, however, there is no data available to check compliance with this requirement.	Not Relevant	Recommend baseline states are documented in PC9.	Baseline state information now include in schedule 26	
	(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.	Type 4: Non-Regional Plan Process or Procedure	Given the way Schedule 26 is presented, there is no specific target attribute states assigned to individual values (including the value for human contact). Notwithstanding, targets for the Ecoli attribute are listed for all TANK Areas in Schedule 26. Data is not available to determine whether these targets are above the baseline state as required by this clause. Staff at council have confirmed that targets are above the baseline state. However, this cannot be confirmed until the baseline states are shown.	Not Relevant	Recommend baseline states are documented in PC9.	As above. Critical value approach still relevant to make decisions about desired attribute state.	
	(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).	Type 2: PC9 and/or PC9 and RRMP Content Directive	It is not clear from the information available for this assessment whether any baseline states were below relevant National Bottom Lines. As a guide, the table below assesses whether Schedule 26 Objectives / Targets are set at or above relevant National Bottom Lines irrespective of whether the baseline state was lower.	No	The table in Column D assesses whether PC9 Schedule 26 Objectives / Targets are set at or above relevant National Bottom Lines. Green coloured cells denote full compliance, orange coloured cells	As above for lakes. All other targets are set above the bottom line.	

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	<p>already been achieved, state that it will be maintained as from a specified date; and</p> <p>(b) for attributes identified in Appendix 2A or 2B, be set in the terms specified in that Appendix; and</p> <p>(c) for any other attribute, be set in any way appropriate to the attribute.</p>	RRMP Content Directive	<p>simply listed or grouped for each case. There is also no special treatment of compulsory values. Notwithstanding, the table below assesses PC9's level of alignment with the scope of attributes referenced in part (a) of this clause.</p> <p>The table below also examines the level of compliance with parts (b) and (c) of this clause.</p> <p>In summary, a number of Schedule 26 attributes use different terms and units to those set out in Appendix 2A or 2B. As a result, for attributes where there is poor alignment, it will be difficult to determine compliance with relevant National Bottom Lines. This is compounded where Schedule 26 has an absence of specific Appendix 2A or 2B attributes altogether.</p> <table border="1" data-bbox="1095 982 1733 1883"> <thead> <tr> <th>Appendix 2A and 2B Attribute and Terms</th> <th>Terms specified in Schedule 26?</th> </tr> </thead> <tbody> <tr> <td>Table 1 – Phytoplankton (trophic state). Terms: Annual Median & Maximum. Units: mg chl-a/ m³</td> <td>Not aligned (Not included)</td> </tr> <tr> <td>Table 2 – Periphyton (trophic state). Terms: Default and Productive Classes. Units: mg chl-a/m²</td> <td>Not totally aligned (slightly different terms and units)</td> </tr> <tr> <td>Table 3 – Total nitrogen (trophic state) – Lakes. Terms: Annual Median & Maximum. Units: mg/m³</td> <td>Not aligned (Not included for lakes)</td> </tr> <tr> <td>Table 4 – Total phosphorus (trophic state) Lakes. Numeric Attribute State. Units: mg/m³</td> <td>Not aligned (Not included for lakes)</td> </tr> <tr> <td>Table 5 – Ammonia (toxicity). Terms: Annual Median and Maximum. Units: mg NH₄-N/L.</td> <td>Well aligned. Same terms and units.</td> </tr> <tr> <td>Table 6 – Nitrate (toxicity). Terms: Annual Median and 95th %ile. Units: mg NO₃ – N/L</td> <td>Well aligned. Same terms and units.</td> </tr> <tr> <td>Table 7 – Dissolved oxygen (Rivers: below point sources only). Terms: Summertime 7-day mean & 1-day minimum. Units: mg/L.</td> <td>Not aligned (Not included for below point sources only)</td> </tr> <tr> <td>Table 8 – Suspended fine sediment. Terms: Visual clarity by suspended sediment class (x4). Units: m.</td> <td>Well aligned. Water clarity and Turbidity</td> </tr> </tbody> </table>	Appendix 2A and 2B Attribute and Terms	Terms specified in Schedule 26?	Table 1 – Phytoplankton (trophic state). Terms: Annual Median & Maximum. Units: mg chl-a/ m ³	Not aligned (Not included)	Table 2 – Periphyton (trophic state). Terms: Default and Productive Classes. Units: mg chl-a/m ²	Not totally aligned (slightly different terms and units)	Table 3 – Total nitrogen (trophic state) – Lakes. Terms: Annual Median & Maximum. Units: mg/m ³	Not aligned (Not included for lakes)	Table 4 – Total phosphorus (trophic state) Lakes. Numeric Attribute State. Units: mg/m ³	Not aligned (Not included for lakes)	Table 5 – Ammonia (toxicity). Terms: Annual Median and Maximum. Units: mg NH ₄ -N/L.	Well aligned. Same terms and units.	Table 6 – Nitrate (toxicity). Terms: Annual Median and 95 th %ile. Units: mg NO ₃ – N/L	Well aligned. Same terms and units.	Table 7 – Dissolved oxygen (Rivers: below point sources only). Terms: Summertime 7-day mean & 1-day minimum. Units: mg/L.	Not aligned (Not included for below point sources only)	Table 8 – Suspended fine sediment. Terms: Visual clarity by suspended sediment class (x4). Units: m.	Well aligned. Water clarity and Turbidity		Green coloured cells denote full compliance, orange coloured cells denote partial compliance and red coloured cells denote non-compliance	<p>Schedule 26 contains a 2040 target and milestones for specified mitigation measures.</p> <p>No ten year interim targets specified and no long term timeframe .</p> <p>Theses requirements to be met with next Plan Change (if information is available)</p>
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			Table 12 – Submerged plants (invasive species). Terms: Invasive Impact Index. Units: % of max potential score)					
			Table 13 – Fish (rivers)	Not included				
			Table 14 – Macroinvertebrates (1 of 2). Terms: MCI and QMCI.	Partially aligned. Use of MCI terms only.				
			Table 15 – Macroinvertebrates (2 of 2). Terms: ASPM	Not included				
			Table 16 – Deposited fine sediment by suspended sediment class (x4). Units: % fine sediment cover.	Well aligned. Same units.				
			Table 17 – Dissolved oxygen (Rivers). Terms: 7-day mean & 1-day minimum. Units: mg/L.	Well aligned. Same terms and units.				
			Table 18 – Lake-bottom dissolved oxygen. Terms: Annual Minimum. Units: mg/L	Not aligned. Not included specific to lakes				
			Table 19 – Mid-hypolimnetic dissolved oxygen. Terms: Annual Minimum. Units: mg/L	Not aligned. Not included specific to lakes				
			Table 20 – Dissolved reactive phosphorus. Terms: Median & 95 th %ile. Units: mg/L.	Well aligned. Same terms and units.				
			Table 21 – Ecosystem metabolism (both gross primary production and ecosystem respiration).	Not aligned. Not included				

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section 42A
			Table 22 – Escherichia coli (E. coli) (primary contact sites). Terms: 95 th %ile. Units: E.Coli / 100ml.	Partially aligned. Variable thresholds used. Same units.			
	(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.	Type 2: PC9 and/or PC9 and RRMP Content Directive	Timeframes set out in Schedule 26 are not considered long term, therefore, not applicable to this clause. Timeframes in Schedule 27 are considered long-term. There are no interim target attribute states set out in Schedule 27.	No	Consider inclusion of interim target attribute states (set for intervals of not more than 10 years) in Schedule 27.	As above – none set. Tools not available to accurately establish ten year targets. To address with next plan change	
	(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.	Type 1: Goal, Target or Objective	The PC9 Objectives effectively set out the environmental outcomes desired. Applying this assertion to Clause 3.11 (7), it is considered that the target attribute states listed in Schedules 26 and 27 of PC9 will achieve the TANK Objectives, thereby fulfilling this part of the obligation. However, since no specific long-term visions are documented for relevant freshwater values, it is considered this obligation is not met in this respect.	Not Relevant	Obligation partially met for TANK Areas.		
	(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).	Type 4: Non-Regional Plan Process or Procedure	The PC9 Objectives effectively set out the environmental outcomes for TANK Areas. Applying this assertion to Clause 3.11 (8), it is considered that the target attribute states listed in Schedules 26 and 27 of PC9 have been set while having regard to these objectives (Part (a) (i)), thereby fulfilling this part of the obligation. Parts (a)(ii), (a) (iii) and (b) are assumed to have occurred. It is also assumed that the Regional Council's water quantity accounting system was incorporated in the consideration of target attributes, however, it is not clear that the Council operates a water quality accounting system, therefore, this aspect of implementation may not have occurred.	Not Relevant	Obligation partially met for TANK Areas.	Schedule 26 amended to better reflect information available.	
3.12 How to achieve target attribute	(1) In order to achieve the target attribute states for the attributes in Appendix 2A, every regional council:	Type 2: PC9 and/or PC9 and RRMP Content Directive	In general, noting PC9's rule framework includes limits placed on: use of production land, stock access to surface water, water takes and stormwater activities, it is considered this constitutes compliance with part (a) of this clause.	Yes		PPC9 includes both regulatory provisions and limits on resource use as well as non-regulatory provisions that are being	

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column] Section 42A
states and environmental outcomes	(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.		Parts (b) and (c) are voluntary.			considered similar to the action plan approach provide for in the NPSFM2020. There is also an implementation plan which contributes to the action planning direction provide by the NPSFM.
	(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.	Type 4: Non-Regional Plan Process or Procedure	Insofar as this obligation relates to the target attribute states set out in PC9, there is no known specific action plans for achieving these for all Appendix 2B attributes. However, Appendix 4 of the s32 evaluation report includes a draft TANK implementation plan. This sets out various agency tasks and timeframes to support the achievement of broad freshwater improvements to water quality, ecosystems and water management. Although not specifically targeted to the scope of attributes in Appendix 2B, broadly speaking, it is considered these action plans will help to achieve the targets and objectives in Schedule 26 by 2040. To this extent, this implementation obligation is met.	Not Relevant	Obligation met for TANK Areas	As above
	(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.	Type 2: PC9 and/or PC9 and RRMP Content Directive	This implementation obligation is met through PC9's rule framework which includes limits placed on: use of production land, stock access to surface water, water takes and stormwater activities. The imposition of conditions on resource consents and the implementation of the draft implementation (action) plans (discussed above) will also assist with meeting this obligation.	Yes		As above
	(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.	Type 4: Non-Regional Plan Process or Procedure	It is considered this obligation is met through the prescription of critical values within Schedule 26. These are the values most sensitive to the attribute. If the target attribute state meets the needs of the critical value, then part (4) of this clause is achieved.	Not Relevant	Obligation met for TANK Areas	
3.13 Special provisions	(1) To achieve a target attribute state for periphyton, any other nutrient attribute, and any attribute that is		Insofar as this obligation relates to PC9, Schedule 26 includes objectives or targets for both DIN and DRP for all TANK	Not Relevant	Obligation not met for TANK Areas.	DIN and DRP target attribute states included in Schedule 26

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section 42A
for attributes affected by nutrients	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).	Type 4: Non-Regional Plan Process or Procedure	<p>catchments as instream concentrations, however, it is not considered the NPSFM intended target attributes to double as “appropriate instream concentrations”.</p> <p>Policy 71 of the RRMP includes water quality guidelines, however, nothing is prescribed for DIN. In any event, PC9 seeks to strike out TANK Areas from these guidelines.</p> <p>No exceedance criteria are specified.</p>				
	(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.		See above.				
	<p>(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:</p> <p>(a) either:</p> <p>(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</p> <p>(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</p> <p>(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</p> <p>(c) compare instream concentrations and exceedance criteria for nitrogen and phosphorus derived in steps (a) and (b) and adopt those necessary to achieve the</p>	Type 4: Non-Regional Plan Process or Procedure	No available information indicates this process for determining instream concentrations and exceedance criteria for DIN and DRP has occurred.	Not Relevant	Obligation not met for TANK Areas.		

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section 42A
	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).	Type 7: Guidance or Contextual	Guidance only.	Not Relevant			
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.	Type 7: Guidance or Contextual	Guidance only.	Not Relevant			
	(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.	Type 2: PC9 and/or PC9 and RRMP Content Directive Type 4: Non-Regional Plan Process or Procedure	As discussed above (at Clause 3.3), there is no long-term vision within the RPS that strictly meets the required definition. Consideration of climate change forms part of PC9's response to dealing with water demand (Issue 5) and is addressed more specifically at Issue 8 and OBJ TANK 3. Mitigating the effects of climate change is also referenced in policies 20, 28, 49, 56 and 57 and rule TANK 21 (in its standards).	Partially		Long term vision to be addressed in future plan change process. Climate change accounted for in decision making.	

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section	42A
	(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.	Type 2: PC9 and/or PC9 and RRMP Content Directive	Limits on resource use prescribed in PC9 are tagged to achieving target attribute states in Schedule 26 (by way of including this consideration as a matter of control / discretion for relevant TANK rules). There are no instream concentrations or instream nitrogen and phosphorus exceedance criteria in PC9 or the RRMP.	No		DIN and DRP target concentrations included and production land subject to resource limits		
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.	Type 7: Guidance or Contextual	Guidance only. It is noted, however, that draft TANK Implementation Plans (at Appendix 4 of the s32 evaluation report) are not structured to apply to specific TANK Areas or parts thereof. Moreover, they apply to the TANK area more generally.	Not Relevant		PC9 considered to include both action plan elements as the non-regulatory methods and implementation plan as well as resource limits including through the amendments to Schedule 26.		
	(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).	Type 7: Guidance or Contextual	Guidance only. It is noted, however, that draft TANK Implementation Plans (at Appendix 4 of the s32 evaluation report) include predominantly non-regulatory measures.	Not Relevant		As above		
	(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.	Type 7: Guidance or Contextual	Guidance only.	Not Relevant		As above		
	(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.	Type 4: Non-Regional Plan Process or Procedure	Insofar as this obligation relates to PC9, it is noted that a TANK Implementation Plan was appended to the TANK plan change s32 evaluation report (albeit in DRAFT).	Not Relevant	Obligation considered partially met for TANK Areas	As above		
	(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.	Type 4: Non-Regional Plan	Insofar as this obligation relates to PC9, the draft TANK Implementation Plans (at Appendix 4 of the s32 evaluation report) was developed alongside the Plan Change with input	Not Relevant	Obligation considered met for TANK Areas	As above		

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Section Recommendations [HBRC Reporting Team has added this column] 42A
		Process or Procedure Type 5: Relationship Directive	by the TANK Group members comprising community stakeholder groups 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.	Type 4: Non-Regional Plan Process or Procedure	Due to the prescribed 5-year timeframe within this clause, there is no need for the Council to repeat this in any of its plans.	Not Relevant		As above
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.	Type 2: PC9 and/or PC9 and RRMP Content Directive	Rules TANK 9-11 link to Schedule 31 which specifies the flows at which water abstraction is subject to restrictions or requirements (minimum flows). These are set for each water management unit, including any tributaries. There are no environmental (minimum) levels set out in PC9 for these water management units, however, it is assumed these could be easily derived using minimum flow and river / stream channel profile information at each location.	Partially		The minimum flows are when abstraction ceases. Minimum levels refer to groundwater or aquifer levels – allocation limits with fixed annual (or seasonal amounts constitute required environmental limits.
	(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.	Type 2: PC9 and/or PC9 and RRMP Content Directive	Minimum flows set out in Schedule 31, and the rules that enforce them, are designed to achieve relevant TANK Objectives. The TANK Objectives effectively set out the desired environmental outcomes. Applying this assertion to Clause 3.16 (2), it is considered that the minimum flows and rules within PC9 generally assist to fulfil the intent of the prescribed requirements. However, because there are no long-term visions, this clause is not given full effect.	Partially		Only missing aspect is long term vision.
	(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	Type 2: PC9 and/or PC9 and RRMP Content Directive	PC9 environmental (minimum) flows in Schedule 31 are expressed as a flow rate. There are no environmental (minimum) levels set out in PC9 for lakes or groundwater, however, their absence does not result in any failure to give effect to this clause.	Yes		Allocation limit for groundwater established and abstraction ceases when annual (or seasonal) amount is abstracted

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations Section 42A [HBRC Reporting Team has added this column]
	(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.	Type 2: PC9 and/or PC9 and RRMP Content Directive Type 4: Non-Regional Plan Process or Procedure	Consideration of climate change forms part of PC9's response to dealing with water demand (Issue 5) and is addressed more specifically at Issue 8 and OBJ TANK 3. The Council and the TANK Group had access to the best information available including flow accounting and allocation information.	Yes		
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.	Type 2: PC9 and/or PC9 and RRMP Content Directive	Rules TANK 9-11 link to Schedule 31 which specifies the amount of surface and groundwater that may be authorised for abstraction from water management units (allocation limits). This complies with subparts (a) and (b) of this clause. In relation to subpart (c), there are no statements in PC9 or in the RRMP confirming whether existing surface water permits will be reviewed to comply with environmental flows and levels. TANK Policy 38 establishes a timeline for review of all groundwater takes from the Heretaunga Water Management Unit. Rules (including controlled and restricted discretionary rules) allow for the imposition of resource consent conditions to enforce these allocation limits.	Partially		Reallocation process for existing consents will ensure compliance with new limits, flows and levels. Expiry dates also imposed to allow review in timely manner
	(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	Type 2: PC9 and/or PC9 and RRMP Content Directive	Allocation limits in Schedule 31 are expressed as litres per second for surface water and m ³ per annum for groundwater. Compliance is achieved.	Yes		

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section	42A
	(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.	Type 2: PC9 and/or PC9 and RRMP Content Directive	PC9 includes detailed guidance and prescription for when water takes, and/or diversions to water storage, become restricted and/or require mitigation flows, including, in the case of the Heretaunga Plains Water Management Unit, requirements for schemes that provide stream maintenance and habitat enhancement to mitigate stream depletion.	Yes				
	(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.	Type 2: PC9 and/or PC9 and RRMP Content Directive	The matters set out in subclause (4) are holistically recognised within the Tank Issues discussion and the TANK Objectives and Policies. OBJ TANK 2 is specific to the Council's considerations when setting objectives, limits and targets. Although the wording used in this objective is more general than that used here in subclause (4), in combination with relevant Policies and Rules TANK 7 – 15, which among other things, prescribe water take limits, they collectively strive to achieve the safeguarding of TANK water bodies' (connected or otherwise) ecosystem health and provide for the life cycle needs of aquatic life within them.	Yes				
3.18 Monitoring	(1) Every regional council must establish methods for monitoring progress towards achieving target attributes states and environmental outcomes.	Type 4: Non-Regional Plan Process or Procedure	Insofar as this obligation relates to PC9, Policy 35 is the main provision confirming how the Council will monitor and report on the effectiveness of the TANK water quality management policies and rules. These include various monitoring, reporting and collaborative activities. In terms of monitoring, Policy 35 confirms the Council will: a) continue to monitor instream water quality and review and report on the progress towards and achievement of the water quality objectives in Schedule 26 and according to Objectives 2 and 3 of this Plan in its regular State of the Environment monitoring; b) monitor and report on the state of riparian land and wetlands, and carry out regular ecosystem habitat assessments, including native fish monitoring and through the application of mātauranga Māori tools and approaches when they are developed;	Not Relevant	Obligation met.			

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Section Recommendations [HBRC Reporting Team has added this column]	42A
			<p>c) monitor the progress towards the milestones listed in Policy 27, according to timeframes specified in Schedule 28 and collate and report annually on information about;</p> <ul style="list-style-type: none"> (i) the nature and extent of the mitigation measures being adopted to meet water quality and/or quantity outcomes through Catchment Collectives, Industry Programmes and Farm Plans; (ii) the establishment of Catchment Collectives and assess progress in implementing the measures specified in their environment plans; <p>In addition, PC9 Policy 18 states that:</p> <p>“The Council will achieve or maintain the freshwater targets or freshwater objectives in Schedule 26 by;</p> <ul style="list-style-type: none"> a) gathering information to determine sustainable nutrient loads; b) developing nutrient limits and a nutrient allocation regime if the management framework in Policy 17 is not leading to improved attribute states by the time this plan is reviewed; c) regulating land use change where there is a significant risk of increased nitrogen loss; d) gathering and assessing information about environmental state and trends and the impact of land use activities on these; e) working with industry groups, landowners and other stakeholders to undertake research and investigation into; <ul style="list-style-type: none"> (i) nutrient pathways, concentrations and loads in rivers and coastal receiving environments; (ii) nutrient uptake and loss pathways at a property scale; (iii) measures to reduce nutrient losses at a property as well as catchment scale including those delivered through industry programmes. <p>These policies provide clear evidence of how the Council intends to monitor progress towards achieving target attributes in Schedule 26.</p>				

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section	42A
			Furthermore, it is noted that the Council maintains a comprehensive monitoring freshwater programme across the wider Hawke's Bay region.					
	(2) The methods must include measures of: (a) mātauranga Māori; and (b) the health of indigenous flora and fauna.	Type 4: Non-Regional Plan Process or Procedure	PC9 Policy 33 confirms that the Council will recognise and support monitoring according to mātauranga Māori and will recognise and support local scale monitoring to assess ecosystem health and mauri including water quality in relation to identified values. PC9 Policy 35 (b) confirms that indigenous flora and fauna resources forms part of the Council's monitoring programme.	Yes	Obligation met for TANK Areas.			
	(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.	Type 4: Non-Regional Plan Process or Procedure	The importance of long-term trends is inherently recognised within the Council's regular State of the Environment monitoring. The draft Implementation Plan at Appendix 5 of the TANK s32 Evaluation Report was created with the involvement of community and tangata whenua stakeholders. This plan includes various monitoring aspects linked to freshwater values and TANK objectives. This demonstrates some tangible connections being made between monitoring and desired outcomes.	Not Relevant	Obligation met for TANK Areas			
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.	Type 4: Non-Regional Plan Process or Procedure	No assessment has been undertaken in respect of this subclause. If not already included, this information should be included in Council's state of the environment monitoring and reporting methodologies as appropriate.	Not Relevant				
	(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.							

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column] Section 42A
	(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.	Type 4: Non-Regional Plan Process or Procedure	No assessment has been undertaken in respect of this subclause. If not already included, this information should be included in Council's state of the environment reporting and response methodologies as appropriate.	Not Relevant		
Part 3: Implementation: Sub Part 3 Specific Requirements						
<u>Note:</u> This subpart sets out additional requirements on regional councils relating to freshwater management						
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:	Type 6: Other Action	Although this policy is not included in the RRMP nor PC9, it can be inserted without using a Schedule 1 RMA process. The task of including this is an administrative action yet to be completed by the Council.	Not Relevant	When making decisions on resource consent applications, the Council needs to apply this policy as if it were included in its Regional Plan, and in any case, must include it as soon as reasonably practicable.	

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section 42A
	<p>(i) the customary harvest of food or resources undertaken in accordance with tikanga Māori</p> <p>(ii) restoration activities</p> <p>(iii) scientific research</p> <p>(iv) the sustainable harvest of sphagnum moss</p> <p>(v) the construction or maintenance of wetland utility structures (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)</p> <p>(vi) the maintenance or operation of specified infrastructure, or other infrastructure (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020)</p> <p>(vii) natural hazard works (as defined in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020); or</p> <p>(b) the regional council is satisfied that:</p> <p>(i) the activity is necessary for the construction or upgrade of specified infrastructure; and</p> <p>(ii) the specified infrastructure will provide significant national or regional benefits; and</p> <p>(iii) there is a functional need for the specified infrastructure in that location; and</p> <p>(iv) the effects of the activity are managed through applying the effects management hierarchy.”</p>		<p>Although not included, previous guidance issued by MfE²² confirms that policies such as 3.22 should be immediately applied when making decisions on resource consent applications as if they were included in the regional plan - even if they have not yet been inserted.</p> <p>Given this policy is a directive within an NPS, any inconsistencies with this policy contained within existing Regional Plan objectives, policies or rules (such as those via PC9) should be addressed as soon as reasonably practicable.</p>				
	<p>(2) Subclause (3) applies to an application for a consent for an activity:</p> <p>(a) that falls within any exception referred to in paragraph (a)(ii) to (vii) or (b) of the policy in subclause (1); and</p> <p>(b) would result (directly or indirectly) in the loss of extent or values of a natural inland wetland.</p>	Type 7: Guidance or Contextual	Context and clarification	Not Relevant			

²² Regarding NPSFM 2014 (amended 2017) (which also included policies that were required to be inserted into regional plans)

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section 42A
	<p>(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:</p> <p>(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</p> <p>(b) any consent is granted subject to:</p> <p>(i) conditions that apply the effects management hierarchy; and</p> <p>(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.</p>	Type 6: Other Action	Refer part (1) of this clause (above)	Not Relevant	Refer part (1) of this clause (above)		
	<p>(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.</p>	Type 2: PC9 and/or PC9 and RRMP Content Directive	<p>Although this clause signals future Council requirements, it is noted that PC9 includes provisions relating to the management of wetlands in OBJ TANK 15, policies 3, 14, 15 and 27 and various rules.</p> <p>However, it appears overall that the balance of focus afforded to wetlands in the NPSFM is not matched within PC9. To this end, it would seem appropriate to elevate this focus as soon as reasonably practicable (and no later than in a proposed plan by 31 Dec 2024).</p>	Yes	<p>Although it is concluded this clause is achieved by PC9, it appears overall that the level of focus afforded to wetlands in PC9 is less than that within the NPSFM. To this end, it would seem appropriate to elevate the focus on wetlands in Regional Plans as soon as reasonably practicable (and no later than in a proposed plan by 31 Dec 2024).</p>	PC9 has high focus on wetlands and wetland protection. Existing RRMP provisions which provide for wetland protection also relevant.	
3.23 Mapping and monitoring natural inland wetlands	<p>(1) Every regional council must identify and map every natural inland wetland in its region that is:</p> <p>(a) 0.05 hectares or greater in extent; or</p> <p>(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.</p> <p>(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</p>	Type 4: Non-Regional Plan Process or Procedure	<p>It is understood that this mapping exercise is not complete within the Hawke's Bay Region.</p> <p>Wetland mapping will need to be completed in accordance with the timeframes set out in part (4) of this clause.</p>	Not Relevant	Wetland mapping will need to be completed in accordance with the timeframes set out in part (4) of this clause.		

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Section Recommendations [HBRC Reporting Team has added this column]	42A
	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).	Type 7: Guidance or Contextual	Guidance only. In its effort to achieve compliance with part (1) of Clause 3.23, the Council will need to consider the Wetland delineation protocols where appropriate.	Not Relevant			
	(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.	Type 4: Non-Regional Plan Process or Procedure	It is understood that this mapping exercise is not complete within the Hawke's Bay Region. Wetland mapping will need to be completed in accordance with part (4) of this clause.	Not Relevant	Wetland mapping will need to be completed in accordance with the timeframes set out in part (4) of this clause and an inventory maintained in accordance with part (5).		
	(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	Type 4: Non-Regional Plan Process or Procedure	Although monitoring of significant TANK wetlands occurs, it is anticipated that no monitoring plan for the region's natural inland wetlands is implemented in full accordance with part (6) of this clause.	Not Relevant	The Council's current wetland monitoring plan will likely need to be extended to align with the scope of this clause.		

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section 42A
	<p>methods are ensuring no loss of extent or values of those wetlands; and</p> <p>(b) have methods to respond if loss of extent or values is detected.</p>						
3.24 Rivers	<p>(1) Every regional council must include the following policy (or words to the same effect) in its regional plan(s):</p> <p>“The loss of river extent and values is avoided, unless the council is satisfied:</p> <p>(a) that there is a functional need for the activity in that location; and</p> <p>(b) the effects of the activity are managed by applying the effects management hierarchy.”</p>	Type 6: Other Action	<p>Although this policy is not included in the RRMP nor in PC9, it can be inserted without using a Schedule 1 RMA process. The task of including this is an administrative action yet to be completed by the Council.</p> <p>Although currently absent, previous guidance issued by MfE²³ confirms that policies such as 3.24 should be immediately applied when making decisions on resource consent applications as if they were included in the regional plan - even if they have not yet been inserted.</p> <p>Given this policy is a directive within an NPS, any inconsistencies with this policy contained within existing Regional Plan objectives, policies or rules (such as those via PC9) should be addressed as soon as reasonably practicable.</p>	Not Relevant	When making decisions on resource consent applications, the Council needs to apply this policy as if it were included in its Regional Plan, and in any case, must include it as soon as reasonably practicable.		
	<p>(2) Subclause (3) applies to an application for a consent for an activity:</p> <p>(a) that falls within the exception to the policy described in subclause (1); and</p> <p>(b) would result (directly or indirectly) in the loss of extent or values of a river.</p>	Type 7: Guidance or Contextual	Guidance only.	Not Relevant			
	<p>(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:</p> <p>(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</p>	Type 6: Other Action	Refer part (1) of this clause (above)	Not Relevant	Refer part (1) of this clause (above)		

²³ Regarding NPSFM 2014 (amended 2017) (which also included policies that were required to be inserted into regional plans)

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column] Section 42A
	(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.	Type 4: Non-Regional Plan Process or Procedure	Current state of the environment monitoring applied to TANK rivers fulfils part (4) of clause 3.24.	Not Relevant	Obligation met.	
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.	Type 4: Non-Regional Plan Process or Procedure	It is assumed that, given the short amount of time since the NPSFM came into force, the soft versus hard bottomed analyses and associated monitoring activities required by part (1) of Clause 3.25 for TANK rivers has not been undertaken or implemented.	Not Relevant	Undertake soft versus hard bottomed analyses and associated monitoring activities required by Clause 3.25.	Schedule 26 amendments considered in respect of NPSFM directions for managing deposited sediment have identified need for further information to determine if some water bodies naturally soft or 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.					
3.26 Fish passage	(1) Every regional council must include the following fish passage objective (or words to the same effect) in its regional plan(s):	Type 6: Other Action	Although neither the RRMP nor PC9 includes this objective, it can be inserted without using a Schedule 1 RMA process. The task of including this is an administrative action yet to be completed by the Council.	Not relevant	The Council needs to adopt this objective as if it were included in its Regional Plan, and in any case, must include it (or words to the	

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section 42A
	“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.”				same effect) as soon as reasonably practicable.		
	(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.	Type 6: Other Action	Currently the Regional Plan or PC9 does not include policies or policy making considerations that comply with the full extent of fish passage requirements set out in parts (2) and (3) of clause 3.26.	Not Relevant	The Council needs to develop policies in line with clause 3.26 (2) as soon as reasonably practicable.		
	(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.	Type 4: Non-Regional Plan Process or Procedure		Not Relevant	The Council will need to comply with the procedure set out in Clause 3.26 (3) when developing fish passage policies under Part (2) of this clause.		
	(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	Type 6: Other Action	Currently the Regional Plan or PC9 does not include these assessment criteria for consent application considerations.	Not Relevant	When making decisions on relevant resource consent applications, the Council needs to carry out the considerations set out in Clause 3.26(4) as if they were included as assessment criteria in its Regional Plan, and in any case, must include these criteria as soon as reasonably practicable.		

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section 42A
	(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.	Type 6: Other Action	Currently the Regional Plan or PC9 does not include this prioritisation.	Not Relevant	The Council will need to implement Clause 3.26 (5) when developing fish passage policies under Part (2) of this clause.		
	(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.	Type 4: Non-Regional Plan Process or Procedure	Currently there is no specific fish passage action plan for TANK or other areas of the Region.	Not Relevant	The Council needs to develop an action plan in line with the scope and requirements of Clause 3.26 (6) as soon as reasonably practicable.		
	(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	Type 4: Non-Regional Plan Process or Procedure		Not Relevant	The Council will need to incorporate the minimum requirements set out in Clause 3.26 (7) as part of its action plan required under part (6) of this clause.		

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section 42A
	(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.	Type 7: Guidance or Contextual	Guidance only.	Not Relevant			
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).	Type 4: Non-Regional Plan Process or Procedure	Primary contact sites are not specifically identified by the Regional Council, however, from 1 November to 31 March, the Council checks E.Coli levels at 38 “beach and river sites” across Hawke's Bay. Results are reported through LAWA. ²⁴	Not Relevant	Although monitoring occurs, this obligation is considered partially met since no primary contact sites are not specifically identified.	Primary contact sites for recreation now included in Schedule 26 (Clive River, Ngaruroro and Tūtaekuri Rivers). Estuary provisions also include recreational site at Pandora.	
	(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.	Type 4: Non-Regional Plan Process or Procedure	Insofar as this obligation relates to TANK, river sites monitored as representative quasi primary contact sites within the TANK Areas include: <ul style="list-style-type: none">• Clive River Boat Ramp;• Ngaruroro River Chesterhope; and• Tutaekuri River Expressway Bridge.	Not Relevant	Obligation is considered met for TANK assuming monitoring sites qualify as primary contact sites.	As above	
	(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.	Type 4: Non-Regional Plan Process or Procedure	Information to this level of detail is not available, however, it is noted that human health risk at identified river and beach sites is monitored from 1 November to 31 March – indicative of a bathing season.	Not Relevant	Obligation is considered met assuming 38 “beach and river sites” monitoring sites qualify as primary contact sites.		

²⁴ <https://www.hbrc.govt.nz/hawkes-bay/swimming/>

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section 42A
	(4) During the bathing season for primary contact sites, every regional council must undertake weekly sampling for <i>E. coli</i> at each relevant monitoring site.	Type 4: Non-Regional Plan Process or Procedure	Monitoring is undertaken weekly at the TANK monitoring sites during the period from 1 November to 31 March.	Not Relevant	Obligation is considered met assuming 38 “beach and river sites” monitoring sites qualify as primary contact sites.		
	(5) However, if a single sample taken during the bathing season from a monitoring site is greater than 260 <i>E. coli</i> 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.	Type 4: Non-Regional Plan Process or Procedure	Water quality contingency or response plans have not been reviewed as part of this assessment.	Not Relevant			
	(6) If a single sample from a monitoring site is greater than 540 <i>E. coli</i> 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 <i>E. coli</i> per 100 mL or less.	Type 4: Non-Regional Plan Process or Procedure	Water quality contingency or response plans have not been reviewed as part of this assessment.	Not Relevant			
	(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.	Type 4: Non-Regional Plan Process or Procedure	Water quality contingency or response plans have not been reviewed as part of this assessment.	Not Relevant			
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).	Type 2: PC9 and/or PC9 and RRMP Content Directive	TANK Policy 48 deals specifically with the considerations Council will undertake when deciding any application to change the water use specified by a water permit, or to transfer a point of take to another point of take. Controlled activity Rules 61, 62 and new Rule 62a of the RRMP all set out clear criteria for deciding on water transfer applications (in the form of matters for control). Policy 52 (Over Allocation) sets out allocation management options (including transfers) to achieve improved efficiency in the allocation of water.	Yes	Obligation is met for TANK		

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section 42A
	(2) Every regional council must include methods in its regional plan(s) to encourage the efficient use of water.	Type 2: PC9 and/or PC9 and RRMP Content Directive	OBJ TANK 17 strives for allocation and use of water that results in, among other things, its efficient use. Policies 46 and 47 are specifically focussed on ensuring efficient management and use of water. TANK rules appropriately identify efficient water use as a matter for control or discretion. ²⁵	Yes			
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.	Type 4: Non-Regional Plan Process or Procedure	An accounting system is in place for freshwater quantity enabling allocation monitoring. The council has advised that they are creating a freshwater accounting system that will comply with the NPSFM2020, however, this is still a work in progress.	Not Relevant	Obligation is partially met for TANK. Completion of a freshwater accounting system that fully complies with the NPSFM would fulfil this obligation.		
	(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).	Type 7: Guidance or Contextual	Insufficient knowledge of HBRC's accounting systems prevents an assessment of this part of clause 3.29.	Not Relevant			
	(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.	Type 7: Guidance or Contextual	Insufficient knowledge of HBRC's accounting systems prevents an assessment of this part of clause 3.29.	Not Relevant			
	(4) Every regional council must publish information from those systems regularly and in a suitable form.	Type 4: Non-Regional Plan Process or Procedure	Insufficient knowledge of HBRC's accounting systems and associated information sharing protocols prevents an assessment of this part of clause 3.29.	Not Relevant			
	(5) The freshwater quality accounting system must (where practicable) record, aggregate, and regularly	Type 4: Non-Regional Plan	Insufficient knowledge of HBRC's accounting systems prevents an assessment of this part of clause 3.29.	Not Relevant			

²⁵ Restricted Discretionary TANK Rules 8, 9 and 10 and RRMP Controlled Activity Rules 61 and 62.

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Section Recommendations [HBRC Reporting Team has added this column]	42A
	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.	Process or Procedure					
	(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.	Type 4: Non-Regional Plan Process or Procedure	Insufficient knowledge of HBRC's accounting systems prevents an assessment of this part of clause 3.29.	Not Relevant			
	(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.	Type 7: Guidance or Contextual	Guidance only	Not Relevant			
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.	Type 4: Non-Regional Plan Process or Procedure	State of the environment summary reports are published monthly. These are absent any actual data or links to actual data. Annual report cards are also published for various resources including groundwater, lake water, river ecology, river flow, wetlands and for recreational water quality. These provide limited amounts of raw data. More detailed presentation of scientific data and analysis is included in 5-yearly state of our environment reports. The scope of reporting and accessibility of raw data are considered to fall short of the requirements of part (1) of clause 3.30.	Not Relevant	This obligation is considered partially met. The scope of reporting and accessibility of raw data are considered to fall short of the requirements of part (1) of clause 3.30.		

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Section Recommendations [HBRC Reporting Team has added this column]	42A
	<p>(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:</p> <p>(a) an assessment of the extent to which, in the region:</p> <ul style="list-style-type: none"> (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 <p>(b) a comparison of the current state of attributes as compared with target attribute states</p> <p>(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</p> <p>(d) if monitoring shows that an FMU or part of an FMU is degraded or degrading, information on the known or likely causes</p> <p>(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</p> <p>(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</p> <p>(g) predictions of changes, including the foreseeable effects of climate change, that are likely to affect water bodies and freshwater ecosystems in the region</p> <p>(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.</p>	Type 4: Non-Regional Plan Process or Procedure	Not assessed.	Not Relevant	Aspects prescribed in part (2) of clause 3.30 will need to form part of the Council's next 5-yearly report on the efficiency and effectiveness of policies, rules, or other methods in its policy statement or its plan.		
	<p>(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:</p>	Type 4: Non-Regional Plan Process or Procedure	Not assessed.	Not Relevant	A scorecard as prescribed in part (3) of clause 3.30 will need to form part of the Council's next 5-yearly report on the efficiency and effectiveness of policies, rules, or		

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section 42A
	(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.				other methods in its policy statement or its plan.		
	(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.	Type 7: Guidance or Contextual	Guidance only	Not Relevant			
3.31 Large hydro-electric generation schemes	Not Applicable			Not Relevant			
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.		Not applicable	Not Relevant			
	(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.		Not applicable	Not Relevant			
3.33 Specified vegetable	Not Relevant		Not applicable	Not Relevant			

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Section Recommendations [HBRC Reporting Team has added this column]	42A
growing areas							
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.		Not assessed	Not Relevant			
	(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.		Not assessed	Not Relevant			
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.		Not assessed	Not Relevant			
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.	Type 7: Guidance or Contextual	<p>This clause may be relevant in respect of the following terminologies within the NPSFM and relevant Hawke’s Bay Regional Council’s documents:</p> <ul style="list-style-type: none"> • “Primary contact sites” vs “River and Beach sites”; • “Target Attribute States” vs “Water Quality Objective or Target” in Schedule 26; • “Action Plans” vs “Implementation Plans”; • “Environmental flows and levels vs “minimum flows” and/or “allocation limits”; • “Baseline State” vs “Current State”; and • “Natural inland wetlands” vs “Wetlands”. <p>This comparison assessment has applied the above interchangeability of terms as provided by clause 4.3.</p> <p>Notable NPSFM terms identified as having no equivalent term within Hawke’s Bay Regional Council’s planning documents include:</p> <ul style="list-style-type: none"> • “Long-Term Visions”; and • “Environmental Outcomes” 	Not Relevant			

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section 42A
	(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.		Neither the Hawke's Bay Regional Council's policy statement or plan include Long-Term Visions (as defined in the NPSFM). Therefore, it is considered there is no basis to argue the implementation of this aspects of the NPSFM is achieved. It should be noted, however, that a different assessment is required before making the more general determination as to whether, as a whole, the Hawke's Bay Regional Council's policy statement or plan (including PC9) implements this NPSFM.				
	(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).	Type 7: Guidance or Contextual	This decision will be at the discretion of Council.	Not Relevant			
Appendices							
Appendix 1A – Compulsory values	<u>Summary</u> 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 Water quantity Habitat Aquatic life Ecological processes 2 Human contact 3 Threatened species 4 Mahinga kai		Referred to as relevant above.	Not Relevant			

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section	42A
Appendix 1B – Other values that must be considered	1 Natural form and character 2 Drinking water supply 3 Wai tapu 4 Transport and tauranga waka 5 Fishing 6 Hydro-electric power generation 7 Animal drinking water 8 Irrigation, cultivation, and production of food and beverages 9 Commercial and industrial use		Referred to as relevant above.	Not Relevant				
Appendix 2A – Attributes requiring limits on resource use	Table 1 – Phytoplankton (trophic state) Table 2 – Periphyton (trophic state) Table 3 – Total nitrogen (trophic state) Table 4 – Total phosphorus (trophic state) Table 5 – Ammonia (toxicity) Table 6 – Nitrate (toxicity) Table 7 – Dissolved oxygen Table 8 – Suspended fine sediment Table 9 – Escherichia coli (E. coli) Table 10 – Cyanobacteria (planktonic)		Referred to as relevant above.	Not Relevant				
Appendix 2B – Attributes requiring action plans	Table 11 – Submerged plants (natives) Table 12 – Submerged plants (invasive species) Table 13 – Fish (rivers) Table 14 – Macroinvertebrates (1 of 2) Table 15 – Macroinvertebrates (2 of 2) Table 16 – Deposited fine sediment Table 17 – Dissolved oxygen Table 18 – Lake-bottom dissolved oxygen Table 19 – Mid-hypolimnetic dissolved oxygen Table 20 – Dissolved reactive phosphorus Table 21 – Ecosystem metabolism (both gross primary production and ecosystem respiration) Table 22 – Escherichia coli (E. coli) (primary contact sites)		Referred to as relevant above.	Not Relevant				
Appendix 2C – Sediment classification tables	Tables 23 - 26			Not Relevant				

(A) NPS-FW Clause	(B) NPSFM Directive	(C) NPSFM Directive Types (Refer Table Key above)	(D) PC9 + RRMP / NPSFM Comparison Discussion	(E) Does PC9, in combination with the RRMP, give effect to this NPSFM directive?	(F) Other concluding comments / recommendations	(G) PPC9 Recommendations [HBRC Reporting Team has added this column]	Section 42A																													
Appendix 3 – National target for primary contact	<table border="1"> <caption>National Target Data</caption> <thead> <tr> <th>Year</th> <th>Blue</th> <th>Green</th> <th>Yellow</th> <th>Orange</th> <th>Red</th> <th>Suitability for primary contact</th> </tr> </thead> <tbody> <tr> <td>2017</td> <td>42%</td> <td>14%</td> <td>15%</td> <td>16%</td> <td>13%</td> <td>71%</td> </tr> <tr> <td>2030</td> <td>45%</td> <td>17%</td> <td>18%</td> <td>12%</td> <td>8%</td> <td>80%</td> </tr> <tr> <td>2032</td> <td>50%</td> <td>20%</td> <td>20%</td> <td>10%</td> <td>0%</td> <td>90%</td> </tr> </tbody> </table>			Year	Blue	Green	Yellow	Orange	Red	Suitability for primary contact	2017	42%	14%	15%	16%	13%	71%	2030	45%	17%	18%	12%	8%	80%	2032	50%	20%	20%	10%	0%	90%		Not Relevant		Schedule 26 has included recreational swimming quality targets	42A
Year	Blue	Green	Yellow	Orange	Red	Suitability for primary contact																														
2017	42%	14%	15%	16%	13%	71%																														
2030	45%	17%	18%	12%	8%	80%																														
2032	50%	20%	20%	10%	0%	90%																														
Appendix 4 – Details for instream structures	Lists of required and optional information required for various in-stream structures				Not Relevant																															