

LAWF recommendation implementation status at 12 June 2018

Fully complete	The recommendation has been fully addressed (assuming RLA Bill and Next Steps for FW proposals are implemented).
Complete but not how LAWF intended	The recommendation has been fully addressed but in a different manner to what LAWF recommended
Partially complete	A significant portion of the recommendation has been addressed or is in progress, but significant aspects have not been progressed yet.
Minor progress	Some minor progress. Or no progress towards the recommendation but there is a clear, transparent and timebound plan to give effect to some or all of the remaining issues.
Not done	Not yet addressed. Or work is purportedly occurring but there no transparency about the scope of the work and no timebound plan to give effect to the recommendation.
Rejected	The recommendation has been rejected.
Superseded	The recommendation has been superseded by later recommendations.

Note: While some recommendations are marked as 'fully complete', 'partially complete' or 'minor progress' we have not made any assessment about the quality of implementation.

Note: There are numerous references to MfE's Allocation work programme. The terms of reference for this state that MfE "will look at an overall system change as well as analysing potential changes to the existing allocation system to improve:

- a. Allocation options (initial and re-allocation) including:
 - i. Pricing mechanisms to improve efficiency
 - ii. Reducing over-allocation
 - iii. Creating headroom in areas where fresh water is under significant pressure to allow access for new uses to increase economic benefit
 - iv. Creating an allocation system that avoids over-allocation in catchments that are under-allocated, nearing full allocation or fully allocated.
- b. Short, medium and long term freshwater and discharge transfers;
- c. Incentives for reducing discharges and relevant sanctions;
- d. Incentives for increasing efficiency of use and relevant sanctions."

Report	Rec	Text	Comments	Status
1	1	Central government should define national objectives for the state of our water bodies and set an overall timeframe within which they will be achieved, through instruments (NPS and NES) made under the RMA.	Partially addressed by the NPS-FM-2011 and the National Objectives Framework (NOF) introduced through the NPS-FM 2014 - work is ongoing on attributes and implementation. Objectives are to be set at a regional scale with timeframes decided by local communities. The notion of an overall timeframe for achieving objectives was amended in Rec1, LAWF 2nd report.	Partially complete
1	2	Regional councils must give effect to these national objectives at catchment level taking into account the spatial variation in biophysical characteristics of their water bodies and their current state, and by expressing objectives at a regional level as measurable environmental states, and linking these to standards and limits.	Partially addressed by the NPS-FM 2014 which introduces a process that must be followed - Councils have until 2025 to give effect (or 2030 if they decide they need more time). Apart from broad guidance on Freshwater Management Units, there is little guidance or national consistency on the way that spatial variation needs to be picked up.	Partially complete
1	3	Regional councils must engage with communities including iwi about the way their water bodies are valued, and work collaboratively with relevant land and water users and interested parties throughout the catchment to set specific targets, standards and limits through their Regional Plans, including timeframes for meeting them.	Partially addressed through NPS-FM 2014 Policy CA2. Collaboration is possible including through RLAA but is not mandatory. Some councils have put in place collaborative processes, but none have used the RLAA path. RLAA mana whakahono a rohe agreements and NPS require Councils to engage with iwi and hapu to ensure relationships with water bodies are identified in regional planning and when identifying values and setting objectives.	Partially complete
1	4	Catchment standards and limits must at least meet national level objectives.	Some councils have developed plans in line with the NPS-FM. There has been no national review of the extent to which councils plans are in line with the NPS-FM. Further work is ongoing to populate the NOF.	Partially complete
1	5	Central government should establish uniform processes for accounting for spatial variation of water bodies, defining objectives and standards setting, and implementation by regional councils	Accounting is now required under the NPS-FM 2014 through the Policy CC1, Policy CA2 and Freshwater Management Units, and guidance has been provided but it is unclear whether the guidance addresses spatial variation, and to what extent the guidance establishes uniform processes.	Partially complete
1	6	Both processes and outcomes should be monitored and regularly reported on.	Partially addressed by the NPS-FM 2014 and the Environmental Reporting Act and MfE 2017 review of implementation of the NPS-FM. However, more monitoring of processes is needed.	Partially complete
1	7	Regional councils should employ a range of instruments to ensure that targets and limits they set are met, including voluntary schemes, codes of good management practice (including audited self-management), regulation, and funding. They should do this in collaboration with stakeholders and iwi.	In progress in regions and through industry work on improving practices, but no central government support or work to ensure consistency. The lack of plan agility under the RLAA may limit reference to GMPs in regional plans because of the lack of flexibility to update them. Note this recommendation is to both councils and industry.	Partially complete
1	8	Good management practice in land and water use must be encouraged by regulators, industry and others as an essential tool for improving and maintaining water quality, quantity, and water use efficiency.	Same comment as above in 1.7 Industry groups, with councils, MfE and MPI published the Good Farming Practice Action Plan (GFP) in June 2018.	Partially complete
1	9	Good management practice must operate within the overall framework of standards and limits. Targets and measures included in good management practice programmes need to be tailored towards achieving specific water outcomes.	Same comment as 1.8. Some regions have GMP within a limits framework.	Minor progress
1	10	Regulators and industry should provide incentives, assistance and penalties to improve uptake of good management practice.	Same comment as 1.8	Minor progress
1	11	Good management practice should be continuously improved, including through adaptive management, with wide stakeholder involvement in design and review.	Same comment as 1.8. GFP has been agreed, but not within a national regulatory framework.	Partially complete
1	12	Effective riparian management, including stock exclusion where topography allows, should be prioritised by pastoral industries as an important tool which contributes to enhanced water quality. In those areas where reticulated stock water provision is not possible or practical, and natural surface water is the sole source of water for grazing animals, provision for access to water must be allowed	Sectors have made progress, for example through Clean Streams Accord and Sustainable Dairy Water Accord, but no coordinated progress on riparian management	Partially complete
1	13	Audited self management should be used by industry and regulators to ensure that outcomes are being met.	Directed at councils/industry/government. There has as yet been little systematic use of audited self management, although some land water users (for example, collective schemes) use it.	Minor progress
1	14	A robust policy framework which sets the site-specific objectives for good practice in terms of water outcomes is needed.	Some councils are doing this - for example through the GFP in coordination with industry, MfE and MPI.	Partially complete
1	15	Robust industry standards and audited self-management schemes need to be recognised in the development of regulatory approaches to water quality.	Some councils are doing this - for example through the GFP in coordination with industry, MfE and MPI.	Minor progress
1	16	Central government should provide guidance to regional councils on regulatory design for water quality.	NPS-FM 2014 goes some of the way but is still missing integrated catchment management and spatial variation. Further guidance on many implementation issues is still required.	Minor progress
1	17	Regional councils should ensure that regulatory approaches are as far as possible consistent across catchments and between councils.	Central government has a facilitation role beyond current provisions in the NPS-FM. This recommendation is in progress - Councils are developing regulatory approaches but there is variation across catchments and between plans. It is unclear whether there is central government activity on this issue beyond the plantation forestry NES and the RLAA National Planning Standards and National Environmental Standards. Greater consistency in form - and possibly in content - of plans could be enabled by a National Planning Standards (RLAA s58)	Minor progress
1	18	Provisions for Water Conservation Orders should be amended to achieve an integrated management approach including land use.	There have been no changes to WCO provisions.	Not done
1	19	The proposed National Land and Water Commission should investigate the use of price based measures for improving water quality, identify any law changes required, and provide guidance and assistance to regional councils on their design and the circumstances in which they might be used.	No progress yet on price-based measures (and no LAWC)	Not done
1	20	A fund should be established that would, operating within an overall strategic framework set by the proposed National Land and Water Commission enable clean-up of contaminated water bodies to occur.	The 2017 Freshwater Improvement Fund of \$100 million is a 50% match fund for projects that improve freshwater management according to a set of criteria. There were earlier funds including The Fresh Start for Freshwater Clean-up Fund, Te Mana o Te Wai Fund and Community Environment Fund	Fully complete

Report	Rec	Text	Comments	Status
1	21	Limits are required to protect instream values. Allocation limits (including setting reliability levels) may be established. Both should use the process set out in recommendations 1–5.	Requirement is in place under the NPS-FM; however more guidance is needed. The process set out in LAWF recommendations 1-5 has been Superseded by later recommendations.	Partially complete
1	22	Allocation of water should start at the boundaries of the water body, surface or groundwater.	Links to recommendation 3.30	Not done
1	23	The approach of first-in first-served does not work in an increasing number of catchments where water is fully allocated or approaching full allocation. Regional councils should set a threshold for each catchment. When the amount of water allocated exceeds or threatens to exceed this threshold a more effective allocation system should be put in place.	Further detail on this is found in the Forum's 3rd report. There has been no progress on a new allocation system.	Not done
1	24	Scarce water should be allocated as efficiently as possible, and water allocation methods should not pick winners based on land use.	No government policy on allocative or dynamic efficiency or a new allocation system.	Not done
1	25	The Government should consider three broad options for efficiently allocating scarce water after instream limits have been set: a. continuing existing consents but using consent expiry as an opportunity to make changes to conditions; b. using a different administrative system based on efficiency criteria and community considerations; c. payment, including through the tendering, auction or regular retendering of permits.	No concrete proposals about allocative or dynamic efficiency or changes to the allocation system.	Not done
1	26	A more flexible system for transferring water permits should be put in place only once over-allocation of water has been managed. Each regional council must develop plans to manage any over allocated catchment in its region	No concrete proposals about allocative or dynamic efficiency or changes to the allocation and transfer system.	Not done
1	27	The government should consider options to allow water permits to be transferred more freely, including: a. permits being able to be transferred without financial consideration between cooperating members of the same community; b. permits being able to be freely traded without payment for the permits; c. permits being able to be freely traded but only after payment for the permits; d. the subdivisibility of permits; e. requiring regional councils to define the areas and conditions within which transfers could freely take place, without requiring individual consideration of their site-specific impacts.	No concrete proposals about allocative or dynamic efficiency or changes to the allocation and transfer system.	Not done
1	28	The government should consider establishing a collaborative process to investigate in further detail the allocation and transfer options, including considering water priority use issues and the transitional implications (including equity issues and the risks to existing infrastructure investments) of any changes to the water allocation framework.	This was completed in the 3rd and 4th reports but there has been no government action.	Complete but not how LAWF intended
1	29	The transition to any new system of water allocation should proceed hand in hand with Crown-iwi discussions on iwi rights and interests in water management.	Discussions are In progress but not yet resolved.	Minor progress
1	30	National direction should be given to regional councils to provide: a. a consistent process for developing a scarcity threshold for each catchment; b. guidance for allocation and transfer methods, and the circumstances in which they should be used; c. consistency of approach to setting instream limits and to water allocation, while recognising spatial variability.		Not done
1	31	Regional planning on a collaborative basis must occur so that rural infrastructure can be developed in a way that provides a range of social, economic, cultural and environmental benefits.	Schedule 1 Collaborative planning track is available via the RLAA 2017, but it is questionable whether the incentives to use the collaborative planning track are sufficient. Some councils are developing their own collaborative processes.	Partially complete
1	32	Regional rules should set clearly defined standards and preconditions for the processing of consents for rural water projects over a certain size, including the use of a collaborative approach starting early in the project feasibility stage.	The Forum modified its recommended approach to clarify that the thrust of the collaborative process should be at a plan level, not at consent level, but without ruling out collaborative processes for large consents.	Superseded
1	33	National instruments should be developed to enable and give priority to large scale consents, regional plans and Water Conservation Orders that have undertaken an initial collaborative approach over proposals that have not undertaken this approach.	Collaborative and streamlined plan making tracks available, collaborative track is also available for notices of requirement. However, not available to resource consents or WCOs.	Minor progress
1	34	Both regional councils and holders of consents in cooperative rural infrastructure schemes should be able to withhold water in circumstances where environmental conditions of the consent to take water are not being met.	MfE advises this is possible under the existing RMA general provisions covered by Part 12 of the RMA. If a consent holder is not complying with the conditions of the consent the consent authority can issue an abatement notice, an instant fine, or additionally, a consent authority and/or anyone can seek an enforcement order from the court. Infrastructure schemes have more flexibility in withholding water in these situations as they can withhold water if a broader range of environmental conditions are not met.	Fully complete
1	35	Public funding of rural infrastructure projects should be targeted to early stages of such projects, and linked to the use of collaborative approaches for the proposal design.	The Irrigation Acceleration Fund was established following LAWF1. Its criteria for funding include use of collaborative processes early in the planning phase. Practice is variable, however, for regional and district councils who invest in infrastructure.	Partially complete
1	36	The permissible duration of water permits for rural water infrastructure should be reviewed.	This was addressed in the 3rd and 4th reports but there has been no government action.	Not done
1	37	A non-statutory National Land and Water Commission should be established on a co-governance basis with iwi.	The then Government decided not to progress with the National Land and Water Commission. Cabinet agreed that further work was needed on which functions proposed for the Commission should be implemented as well as the desirability or otherwise for any of them being performed by an autonomous body or bodies. It is unclear whether that further work has occurred or what the outcome was.	Not done
1	38	The Commission should develop and oversee the implementation of a National Land and Water Strategy, and advise Ministers on the management of water resources. The role of the Commission is fully set out in paragraph 171 of this report.	This was further discussed in the Forum's 3rd and 5th reports.	Superseded
1	39	The Strategy should: a. identify opportunities for enhancing cultural, economic, environmental and social value in an integrated way from water resources, including water infrastructure development; b. support links between water resources and other related nationally significant issues and objectives; c. set out expectations and outcomes capable of informing the development of regional water strategies; d. set out needs and priorities for data and knowledge about water; e. recognise the relationship between iwi and the Crown, and iwi expectations for water management.	This was further discussed in the Forum's 3rd and 5th reports.	Superseded
1	40	Collaborative approaches should be mandated for the development of any land and water strategy, or regional water plan.	Collaborative process for plan making is available under Part 4 of Schedule 1, but not for national instruments and not mandated. Some variation from LAWF's preferred approach.	Partially complete
1	41	National direction for regional councils must be given through national policy statements and national environmental standards, and templates on different aspects of water management. Regional Councils should be assisted to resolve capacity issues including through coordination.	NPS-FM is in place. NES Plantation Forestry came into effect 2018. No other NES's underway. There is a need for more national direction. Greater consistency in form - and possibly in content - of plans could be enabled by a National Planning Standard (RLAA change to s58).	Partially complete
1	42	Improvements should be made to the process for developing any National Environmental Standard to ensure the process has a more collaborative option.	Collaborative processes are not mandated for national policy statements and environmental standards.	Not done
1	43	Regional council performance in water and related land use management should be improved through: a. government appointments to regional council committees or councils; b. the development of non-statutory regional water strategies; c. the mandatory development of integrated regional water plans under the Resource Management Act, according to a national template and using a collaborative approach; d. ensuring that iwi have adequate representation in regional committees dealing with water; e. the establishment and maintenance of comprehensive water data sets on a basis consistent with national data; and f. using their existing powers under section 30 of the RMA to control those land uses that impact on water quality.	(a) Rejected (b) Some councils are doing this (c) NPS requires integrated management. Some councils are doing this, but there is no national template (d) Mana Whakahono a rohe agreements introduced to RMA by RLAA 2017 with wide application across all council RMA planning processes, not just water. Though committee representation is not specifically mandated. (e) Being addressed through LAWA, EMaR and NEMS. (f) Some councils are doing this.	Partially complete

Report	Rec	Text	Comments	Status
1	44	Regional councils should have the option of: a. notifying a regional water plan under Schedule 1 of the RMA and following that process in full, or b. after having used a collaborative approach, making a decision on the plan without conducting a hearing as set out in Schedule 1, and having that decision referred directly to the Environment Court if it is challenged by any party.	The Forum's 2nd report provides more detail (2.15 - 2.23). Collaborative approaches provided under Part 4 of schedule 1; however, there are several crucial points of departure from the LAWF recommendations.	Partially complete
1	45	In limited circumstances, with Ministerial approval, moratoria are a possible tool to facilitate strategic planning in areas where it is needed to get better water management outcomes.	See further development in 5th Report - Rec 5.6 and related text.	Not done
1	46	The Forum of regional council and relevant government agency Chief Executives should be strengthened to improve 'whole of government' direction, provide essential links between central and regional government, and focus on removing obstacles to implementing improved water management.	Chief Executives Environment Forum exists but not being used in the way the Forum envisaged.	Minor progress
1	47	The Parliamentary Commissioner for the Environment should be responsible for a rolling system of two-yearly reporting on the effectiveness of each regional council in achieving water management goals and objectives, and a five yearly review on the effectiveness of the system of land and water management.	The Environmental Reporting Act requires pressure-state-impact reporting every three years. The reporting will be done by MfE, not PCE, and it will not assess regional council effectiveness in achieving water management goals and objectives; however, this is also addressed in recs 4.10 and 4.11.	Complete but not how LAWF intended
1	48	The government should: a. promulgate a National Policy Statement for fresh water quickly. The current draft as recommended by the Board of Inquiry is a basis to work from. b. consider changes in the following areas of the current draft – i. the references to Tangata Whenua roles and Māori values and interests ii. drafting changes to policy C1 to include reference to "mitigate" in achieving prescribed standards iii. policy E2 to clarify what contamination means in relation to the objectives iv. drafting changes to the transitional measures to correct a perceived vires problem. c. consider promptly a set of issues which need further work. They include - i. specific measures dealing with use and development ii. recognising the benefits of significant infrastructure iii. making environmental values more specific by adding an objective which protects the values of fishing, swimming and mahinga kai, and iv. providing for allocation efficiency. d. deal with these issues through collaborative processes that consider a suite of national instruments (note: some Forum members think these issues should be addressed in the current NPS; others think they should be dealt with separately).	Many aspects of this recommendation were incorporated in NPS 2011, others have been Superseded by 2014 and 2017 amendments.	Partially complete
1	49	Freshwater science and knowledge (including Mātauranga Māori) is an essential part of governance and should be: a. based on reliable data consistently collected, archived and publicly available; b. made an integral part of the framework of freshwater and land use management, c. including its collaborative and strategic processes; d. disseminated in an accessible form to enhance uptake; e. underpinned by a water research strategy and a land resources and use research strategy which draw on the range of relevant disciplines.	Link to 3.61. Several initiatives are underway including: the Our Land and Water Science Challenge; various central and regional government strategies; LAWA; and on Mātauranga Māori. Coherence across these could be improved. (e) a new water information strategy was developed but never completed	Partially complete
1	50	The way water services infrastructure is managed and organised should be investigated to consider the potential benefits of rationalisation. This includes the possibility of a national regulator with oversight of pricing and performance issues	The 3 Waters Project by LGNZ reviewed the performance of drinking and wastewater assets and services in New Zealand. The Local Government Commission is now looking at the broader issue of council infrastructure, service delivery and rationalisation. DIA 3 Waters review is underway, reports late 2018.	Not done
1	51	Subsequently, the issue of volumetric metering and direct billing should be worked through collaboratively with stakeholders.		Not done
1	52	The government should review legislation relating to drainage to ensure that it is consistent with the need to protect wetlands and biodiversity, and the recommendations contained in this report.		Not done
1	53	The government should investigate the role of greater national direction in flood management, and whether additional extension services are required.	The government is preparing an NPS natural hazard management - delivery timeframe is 2018. Need clarity on its scope to assess whether it is likely to address this recommendation.	Not done
2	1	The government should support and enhance the objectives currently in the National Policy Statement on Freshwater Management (NPS-FM) by: a. the incorporation of the substantive content of the material developed by iwi on (tangata whenua) relationships with fresh water, into the preamble to the NPS-FM, to provide acknowledgement of those relationships and their connections with the formal objectives b. expanding the existing objectives in the NPS-FM to include managing the risks to human health from micro-organisms and toxic contaminants, to apply to all waterbodies.	Note the later development of Te Mana o te Wai concept	Fully complete
2	2	The government should, through a national instrument, direct regional councils to give effect to national objectives at catchment scale taking into account the spatial variation in biophysical characteristics of their waterbodies and their current state, by expressing objectives at a regional level as measurable states. Where possible these objectives should describe the desired state numerically. Regional councils should be required to set resource use limits for the taking of water and the discharge of contaminants as rules in regional plans, to give effect to these objectives for all waterbodies.	Substantially done/in progress except use of Forum's spatial classification system not adopted.	Complete but not how LAWF intended
2	3	In preparing a national instrument, the government should review and, where appropriate, amend relevant legislation, including Schedule 3 and s.69 of the RMA, to ensure consistency.	RLAA amends section 69 to exclude the application of Schedule 3 of the RMA to fresh water. This change aligns the Act with the implementation of the national objectives framework	Fully complete
2	4	The government should, through a national instrument, establish a national framework under which regional councils set freshwater state objectives to give effect to the objectives in the NPS-FM. The national framework should: a. define minimum numeric state objectives (bottom lines) for a limited range of freshwater state parameters b. provide narrative objectives and technical guidance on all other parameters for which regional councils are to set numeric objectives c. calibrate parameters as a series of bands (fair, good and excellent) above bottom lines, to support regional decision making in balancing local values for waterbodies d. provide guidance and options for regional councils to set numeric objectives within the fair, good and excellent bands for particular waterbody types and situations. The indicative list of measurable state objectives includes biometric, physicochemical, physical, human health, and fish productivity indicators. The objectives set under this framework will apply to all waterbodies, urban and rural.	The 'indicative list of measurable state objectives' is not completed. Work to develop the NOF is ongoing. NPS-FM 2017 includes mandatory monitoring of macroinvertebrates as a measure of ecosystem health.	Partially complete
2	5	Further work is required to fully populate and finalise the sets of numeric and narrative objectives. This should be done through a collaborative process involving stakeholders, iwi, and scientists, which the Forum would be pleased to undertake, with government support. The Forum will then, as part of its September 2012 report, provide the technical basis for a national instrument. This further work should review and refine the following: a. the list of parameters and indicators b. the assignment of parameter levels for minimum numeric state objectives and breakpoints between the bands for 'Fair', 'Good' and 'Excellent' categories c. the classification of waterbody types, in particular for lakes, wetlands, estuaries and hydrologically modified catchments d. an analysis of the measurable state objective options against current water quality and quantity state data e. the options for either dealing with wetlands and estuaries through a similar framework, or to continue to deal with these classes through use of tight narrative objectives in regional plans.	The framework is in place. The initial NOF was not developed using a collaborative process but the recent process and governance changes are positive. Not all NOF Reference Group recommendations were reflected in NPS 2014. The full list of parameters and indicators has not been defined and tested. See Forum's suggested list for regional and national-level indicators on pages 15-16 and Appendix 5.	Partially complete
2	6	In respect of NPS-FM Objective A2, the meaning of "maintained or improved" should be further defined. "Maintained" could be defined to mean that, within the national banded framework, a freshwater state objective for any parameter cannot be set in a band lower than that of its current state unless by way of an exception. "Improved" means setting a state objective higher than the existing state, and setting a limit based on that objective. The development of the limits framework and its population with numerical state parameters (as outlined in Recommendation 5), together with catchment case studies, will provide the opportunity to analyse the effectiveness of this regime in practice. This may necessitate a revision of this recommendation on completion of that process.	NPS-FM 2017 refined the meaning of 'maintain or improve', i.e.: - Objective A2 NPSFM to be amended so that maintain or improve overall water quality applies within an FMU, rather than across a region. - Proposed to clarify that to 'maintain' water quality means for an attribute stays within a band or, or if a non NOF attribute - is no worse off. By inference - this means that 'improvement' would mean achieving a higher band. Further work is required as per 5th Report - Rec 10	Fully complete

Report	Rec	Text	Comments	Status
2	7	<p>Freshwater state objectives and related limits set at a regional level must comply with relevant national objectives except in exceptional circumstances. A system for applying for exceptions should be defined nationally, and criteria for exceptions to national objectives should be:</p> <p>a. the inability to meet a minimum state objective due to natural conditions of a waterbody; OR b. a regional decision to set a numeric state objective in a water quality band lower than the current state because:</p> <p>i. an exceptional economic benefit will result from the relevant activity AND ii. a net environmental gain will result, taking into account compensatory actions.</p> <p>The Forum would welcome the opportunity to work with the government in developing a system for applying for exceptions, including on the detail of relevant criteria and processes.</p>	<p>The NPS-FM provides for an exceptions regime - criteria are largely aligned with LAWF recommendations, but there is no requirement for a net environmental gain. NPS-FM 2017 criteria are:</p> <p>a) the existing freshwater quality is caused by naturally occurring processes; or b) any of the existing significant infrastructure (that was operational on 1 August 2014) listed in Appendix 3 contributes to the existing freshwater quality; and i) it is necessary to realise the benefits provided by the listed infrastructure; and ii) it applies only to the waterbody, water bodies or any part of a waterbody, where the listed infrastructure contributes to the existing water quality.</p> <p>However, Appendix 3 and Appendix 4 have not been populated.</p>	Not done
2	8	<p>The government should direct regional councils to identify aquifers and classify them into classes that recognise the following characteristics:</p> <p>a. aquifers that are connected to surface water b. aquifers that are connected to the sea c. confined aquifers (note: aquifers will often be in more than one class)</p>		Not done
2	9	<p>The state objectives and limits for aquifers connected to surface water should be consistent with those of the connected surface waterbody and be developed through a whole of catchment approach. Aquifers that are connected to the sea should be managed to prevent salt water intrusion. Confined aquifers that are not connected to surface water or the sea should be managed on a case-by-case basis. Local values and uses of aquifers, such as for drinking water, should be identified and taken into account.</p>	<p>Recommendations 2.5-2.9 should be read together - This recommendation is therefore directed at central government.</p> <p>No national direction or framework for Integrated Catchment Management beyond the high level requirements in the NPS-FM. Some regional councils are doing this.</p>	Not done
2	10	<p>Central and regional government should, when setting state objectives, consider the constraints in significantly hydrologically altered catchments. These catchments are those that have been modified by long-term major structures for hydro-generation, municipal water supply dams, and irrigation dams. This use category should be accommodated in a waterbody classification system.</p>	<p>Exceptions regime for infrastructure in the NPS-FM is largely aligned with LAWF recommendations, but there is no use of a waterbody classification system and Appendix 3 is yet to be populated.</p>	Not done
2	11	<p>Regional councils should be directed to acknowledge and consider information uncertainty in setting objectives and limits, and to apply precaution where there is potential for irreversible environmental impact. Reversibility should be judged in the context of relevant planning timeframes, and management must be able to adjust and adapt as knowledge improves.</p>	<p>A draft guide to communicating and managing uncertainty when implementing the NPS-FM was published for comment in March 2016. It was due to be released in June 2016 but has still not been finalised.</p>	Partially complete
2	12	<p>The government should, through a national instrument, provide uniform technical processes for defining freshwater state objectives and setting limits in the regional planning process. These processes must take account of spatial variation of waterbodies and the nature of land and water use, and guide the implementation of objectives and limits through regional policy documents. This should include providing guidance on limit setting methodologies, how catchments should be divided for the setting of limits, and the definition of mixing zones. This guidance material should be reviewed at regular intervals.</p>	<p>NOF partly addresses this - but it needs further work. Guidance on FMUs deals with spatial variation at the regional scale. National direction still needed on limit setting i.e. more specificity on what a limit is and how to reflect limits in regional plans. More guidance on spatial variation is needed as well as on limit setting methodologies and the reflection of limits in the regional planning process. Outstanding question about whether guidance material is fit for purpose and timely enough for all councils.</p>	Partially complete
2	13	<p>To control cumulative effects, limits must be binding. To ensure efficiency and flexibility in a planning regime with binding limits, the following should be provided for:</p> <p>a. Once a limit is fully allocated, additional resource use (i.e. discharges of contaminants and the taking of water) should be a prohibited activity. b. An efficient allocation and transfer system is required. c. Any proposed change to a limit should be considered through a regional plan process:</p> <p>i. A simplified process should be provided for technical adjustment of limits (a streamlined plan change) where objectives are not affected (refer to recommendation 29(e)(i)). ii. Changes to limits that imply that state objectives will not be met should require a full plan change process to reconsider objectives (refer to recommendation 29(e)(ii) and (iii)).</p>	<p>Some councils may be doing (a), but there is no central government direction.</p> <p>There has been no progress on b.</p> <p>Provision under the RLAA allows minor or temporary plan breaches without consent. There is a risk that this could be used to undermine a regime of strict limits.</p>	Minor progress
2	14	<p>Regional councils should retain discretion to set timeframes for the adjustments required in land use, the use of water, and the discharging of contaminants appropriate to the circumstances of each case, within bounds of reasonable economic practicality. Where significant adjustment times are required, targets should be set in regional plans at no more than 5 year intervals to ensure progress towards freshwater state objectives, and to provide for timely adjustment of interventions as necessary.</p>	<p>NPS-FM provides for targets but these are different to what the LAWF intended with this recommendation which are milestones or intermediate targets.</p> <p>Regional councils retain discretion to set timeframes for adjustment towards objectives in terms of land/water use/discharge of contaminants. But no requirement to set milestones for the adjustment period as recommended by LAWF here.</p>	Partially complete
2	15	<p>There should be a presumption in statute that a collaborative approach will be used for the development of or change to:</p> <p>a. freshwater-related national instruments b. the freshwater-related components of regional policy statements and related regional plans.</p>	<p>There is no presumption in statute.</p> <p>Collaborative planning track is available (introduced by RLAA 2017) but there is no presumption in favour and it is questionable whether the incentives to use the collaborative planning track are sufficient. RLAA makes collaborative track accessible to all council planning processes, not just regional land and water planning.</p> <p>LAWF has been used for aspects of national instruments.</p>	Not done
2	16	<p>Iwi should be enabled to participate throughout the freshwater objective- and limit-setting process – including in:</p> <p>a. the decision on the commencement of a collaborative process for freshwater objective and limit-setting b. the selection of panel members for any hearings undertaken as part of a collaborative process for freshwater objective- and limit-setting.</p> <p>Iwi should have the option of allocating at least one member to any such hearing panel, and should be able to participate in the final decision of the statutory decision-making authority.</p> <p>Iwi should participate in all relevant collaborative stakeholder processes.</p>	<p>RLAA introduced Mana Whakahono a Rohe arrangements which set out how iwi will be involved in plan making processes (s58L-U). They establish working arrangements between council and iwi on resource management issues.</p> <p>Review Panels must include one person with understanding of tikanga Maori and perspectives of Tangata Whenua after consultation with iwi authorities (cl 65(5) of schedule 1). This is different from what LAWF recommended.</p>	Partially complete
2	17	<p>Iwi values and interests should be addressed on a catchment-by catchment and relationship-specific basis. There needs to be flexibility within freshwater objective- and limit-setting processes to allow mana whenua to express the different roles, interests and relationships that they have with respect to fresh water in a particular rohe.</p>	<p>Objective D1 of the NPS-FM requires councils to provide for the involvement of iwi and hapu and ensure that tangata whenua values and interests are identified and reflected in the management of fresh water.</p> <p>The RLAA includes:</p> <ul style="list-style-type: none"> - Mana Whakahono a Rohe arrangements - Iwi representation on CSGs (under section 40(1)(a) of Schedule 1) - Iwi advice on draft proposed policy statement or plan (s 47) - Consultation with Iwi on a Review Panel appointment (s 65(5)) <p>NPS-FM 2017 includes:</p> <ul style="list-style-type: none"> - Clarification of Te Mana o Te Wai in the NPSFM and moving it from the preamble to the body of the document. - New Objective AA1 to require regional councils to consider and recognise Te Mana o Te Wai in the management of fresh water. <p>MfE's implementation review noted that more work is needed to identify the support iwi and hapu need to engage more effectively; develop measures of matauranga Maori; and develop formal relationship agreements.</p>	Partially complete

Report	Rec	Text	Comments	Status
2	18	<p>Regional councils – with the involvement of iwi – should, following engagement with the community, stakeholders and mana whenua, have the ability to determine to use the Schedule 1 process for preparing, changing or reviewing freshwater related policy statements or plans (including plans that manage the interaction between land and water).</p> <p>In making this determination, the regional council should:</p> <ol style="list-style-type: none"> indicate whether it intends to use a "Schedule 1" or a "collaborative" process publicly notify that intention along with the reasons for it and seek comment from the interested parties after considering these comments, publicly notify its final decision on whether to use a "Schedule 1" or a "collaborative" process. That notice should include the reasons for that decision. 	<p>This needs to be read within the context of rec 2.15a. RLAA: Councils cannot decide on a process that is inconsistent with a mana whakahono a rohe agreement - but there is no requirement to seek feedback from interested parties, before a final decision for public notification of intention, submissions etc, before deciding on the process.</p>	Complete but not how LAWF intended
2	19	<p>The Minister – with the involvement of iwi – should, following consultation with stakeholders and the community, have the ability to determine to use current statutory processes for preparing, changing or reviewing freshwater-related national instruments. The Minister should publicly notify the decision that he or she takes, along with an explanation of the reasons for doing so.</p>	<p>This needs to be read within the context of rec 2.15a. The government has not proposed to specifically provide for collaborative processes for the development of national instruments. There is no statutory mechanism for collaborative development of NPSes and NESes.</p> <p>There is no formal requirement to work with other parties (including iwi) in determining the process for preparing national instruments.</p> <p>There are no formal requirements for the minister to notify their decisions for choosing a particular process or the reasons for that decision.</p>	Not done
2	20	<p>Once a decision has been taken to use a collaborative approach for the development of a national instrument or a regional policy statement or related plan, and once that process has commenced, the relevant authority should not have the ability to revert to an alternative statutory process (e.g. Schedule 1). If, however, the collaborative stakeholder group ceases to progress, the relevant authority should, on the advice of the Chair of the collaborative stakeholder group and following consultation with the group, have the ability to trigger a move to the next step in the process.</p>	<p>The Council can't revert to schedule 1 unless a collaborative group is unable to be appointed or it has breached its terms of reference and dispute resolution mechanisms have failed to resolve the matter. (CI38(2)&(3) to schedule 1)</p> <p>The CSG can include in its report matters that it has not reached consensus on, however the Act is silent on any process or decision making on moving forward where consensus is not reached. This is not precluded from being included in the procedures of the collaborative group on a case-by-case basis (43(3) to schedule 1).</p> <p>Note - not for national instruments.</p>	Partially complete
2	21	<p>There should be flexibility in the regulatory framework to allow participants to develop protocols and adapt procedures through the terms of reference to suit the context within which the collaboration is taking place. Decisions on the detailed design and implementation of collaborative processes for the development and implementation of freshwater-related national instruments, freshwater-related regional policy and related plans under the RMA, should, however, conform to the following principles of collaborative freshwater management which should be expressed in a national instrument.</p> <p>Collaborative freshwater management should be designed and undertaken in such a way as to ensure that it is:</p> <ul style="list-style-type: none"> -participatory and representative -transparent and accountable -supportive of good faith deliberation -impartial -integrative -efficient -adaptive -competent -empowered. 	<p>MfE has published a draft guide to Collaborative Planning Process (to be finalised June 2018) which includes some of these principles, but there is no national instrument to ensure collaborative processes follow the principles in this recommendation.</p> <p>The RLAA allows for flexibility - CI42(3) A collaborative group must determine its own procedure.</p>	Partially complete
2	22	<p>Where a final decision has been taken to follow a collaborative process for freshwater policy and plan-making, a regional council should publicly seek expressions of interest to participate in a collaborative stakeholder group then, after considering expressions of interest, it should notify its preliminary decision on the membership of the collaborative stakeholder group.</p> <p>There should be a right to object to that preliminary decision on the grounds that a party (or parties) has been excluded from the group. Objector(s) should be able to make a case to the council at a hearing that an additional party (or parties) should be allocated to the group. After considering objections, the council should publicly notify its final decision on the membership of the collaborative stakeholder group.</p> <p>The collaborative stakeholder group should be required to notify the regional council if, throughout the process, a party requests access to the collaborative stakeholder group but the group resolves not to accept that request. The group should also be required to inform the regional council of its reasons for not accepting such a request.</p>	<p>The RLAA does not provide for either a process of seeking expressions of interest, or a right to object to the council on a preliminary decision on CSG membership.</p> <p>There is a requirement to publically notified the membership of the CSG (clause 43 to schedule 1).</p> <p>The ToR for the collaborative group must include dispute resolution procedures that include the process for removing and replacing any of the group's members or discharging the group (CI41 (3)(d) to schedule 1). No specific procedures are provided for adding members, on request or otherwise.</p>	Partially complete
2	23	<p>The design and implementation of a collaborative process for the development and implementation of freshwater-related regional policy and related regional plans should proceed in accordance with the following process steps, which should be expressed in a national instrument: (etc.)</p>	<p>See Appendix 1 for comment on this recommendation</p>	Partially complete
2	24	<p>The design and implementation of a collaborative process for the development of freshwater related national instruments should follow the same process steps set out in recommendation 23 above, but with the following changes:</p> <ol style="list-style-type: none"> all references to "regional council" should be replaced by "the Minister" the Ministry would act as the custodian of the submission and hearing process (step 4) rather than the regional council appointments to hearing panels should be made in accordance with existing statutory provisions where they exist no formal mediation should be provided for during the submission and hearing process there should be no appeal rights (other than Judicial Review) on the decision of the Minister. 		Not done
2	25	<p>Hearings (Step 4 of Recommendation 23) on land and freshwater-related regional policy and related plans should be conducted by an independent hearing panel of no less than three but no more than five members appointed by the regional council.</p> <p>Elected representatives from the relevant regional council may be appointed to a hearing panel so long as it has a majority of independent members. An elected representative who participates in the collaborative stakeholder group must not participate in any subsequent council deliberations or decisions relating to the matters under consideration in the collaborative process.</p> <p>In appointing members to the hearing panel the regional council should ensure that appointees are qualified commissioners and that the panel has:</p> <ol style="list-style-type: none"> suitable expertise and experience to conduct a hearing with Environment Court-equivalent rigour, including timetabled pre-circulation of evidence and cross-examination one member as the chairperson, who must be a current, former, or retired Environment Judge or a retired High Court Judge or senior Barrister with extensive Resource Management Act experience one member appointed on the advice of local iwi a suitable degree of knowledge, skill, technical expertise and experience relating to the matter or type of matter that the panel will be considering. 	<p>The review panel is proposed to be comprised of no less than three, but no more than 8 (clause 65(1) of schedule 1)</p> <p>The minister can appointed a member to the Review Panel, including the Chair (proposed clause 65(6) of schedule 1).</p> <p>There is no requirement for the Chair to have certain credentials above other Review Panel members.</p> <p>Elected reps not precluded from decision making on plans that they were involved in collaborative groups for.</p>	Minor progress
2	26	<p>During the development of freshwater-related national instruments and regional policy and related plans:</p> <ol style="list-style-type: none"> decision-makers should have regard to community or catchment-level values and interests those representing or advocating for national values and interests should make a good faith effort to recognise and take into account the implications of objectives and limits for local communities, and vice versa decision-making should be underpinned by a sound base of scientific and technical information and Mātauranga Māori iwi with a relationship to fresh water that is within the scope of a collaborative policy- or plan-making process should be an integral part of value and interest discussions from the beginning. 	<p>Mostly done through RLAA and NPS-FM 2017.</p> <p>MfE draft guidance on Collaborative Planning Processes touches on (b): "Arriving with an open mind and a commitment to find common ground and solutions that benefit all should be one of the criteria for acceptance to the collaborative group."</p>	Partially complete

Report	Rec	Text	Comments	Status
2	27	Judgements on different values and interests during the setting of freshwater objectives at the regional and catchment level should be guided by methods, models and tools that: a. reveal the complexity of the interaction between different values and interests in the given context b. translate technical, Mātauranga Māori and scientific information into easily understandable scenarios in a way that makes the implications of different options and objectives clear to the participants c. match the data, capabilities and resources that are available in a particular context.	Central government has provided limit-setting guidance that addresses some methods, models and tools, and some regions are doing this, but more work is needed. Focus to date has been on immediate data needs, some work has been done on economic values but little on social and cultural. Some technical progress on accounting systems. But areas such as the incorporation of Mātauranga Māori are at early stages of development.	Minor progress
2	28	The Land and Water Forum's 2010 recommendation 43 on government appointments to regional council committees or councils should also apply to unitary authorities.		Not done
2	29	Freshwater-related national instruments and regional policy statements and related regional plans should identify: a. key assumptions and areas of uncertainty in the underlying policy b. characteristics of the freshwater resource that need to be monitored or tracked c. triggers that would prompt a regulatory intervention to either adjust a policy setting, change methods of implementation or review underlying objectives (including the expected range of possible alternative methods or policy responses) d. the parameters within which minor and technical changes can be made in an efficient and timely manner, without need for formal consultation or collaboration, and the process for making such changes e. processes for involving the collaborative stakeholder group and the community in the ongoing evaluation of plan effectiveness and in decisions on whether possible plan changes: i. are consistent with underlying objectives and supported by the community, and therefore do not require further consultation or collaboration ii. are likely to have a limited or localised effect on objectives or the community and therefore require targeted consultation or collaboration iii. are likely to have a material effect on objectives and therefore require a formal plan review.	There are no provisions for plan agility as proposed by the LAWF, or the continuation of the CSG after the policy statement or plan making process is complete. Some progress on (b).	Not done
2	30	Regulatory authorities should have regard to, but avoid referencing Good Management Practice and Audited Self Management documents in regulatory frameworks unless it is essential to do so.	This was superseded by subsequent recommendations in 4th and 5th reports.	Superseded
2	31	The Resource Management Act 1991 should be amended to enable minor and technical updates to documents, methods and models that are incorporated by reference without the need for a plan change process.	There are no provisions for plan agility as proposed by the LAWF. There are provisions in the RLAA that allow for limited notification of certain proposed plan changes, and for a streamlined planning process.	Minor progress
2	32	As the collaborative process moves from plan-making to plan implementation, the members of the collaborative stakeholder group should consider the capacity needed to implement, review and adapt the relevant policy or plan. Any proposals to change the membership of the collaborative stakeholder group during the transition from plan-making to plan-implementation should be made in consultation with the regional council and iwi and should have regard to the importance of: a. facilitating an agile planning response to new information or contextual change b. retaining and deriving maximum benefit from the trust and confidence and institutional knowledge developed through the process of developing the policy or plan.	There are no provisions for plan agility as proposed by the LAWF, or the continuation of the CSG after the policy statement or plan making processes is complete.	Not done
2	33	The following should be part of an implementation package that should be in place at the time collaborative decision-making is introduced: a. guidance on the attributes of successful collaborative processes in New Zealand b. simple user manuals and training programmes on collaborative processes.	There is a section on the MfE website on implementing the NPS-FM which includes case studies on collaboration, criteria for choosing collaboration and guidance on making collaborative groups work: http://www.mfe.govt.nz/fresh-water/nps/implementing-national-policy-statement-freshwater-management-1 . MfE is also running collaborative exchanges for councils - this needs to extend to other groups. Draft Guide to Collaborative Planning Processes to be finalised June 2018. The Making Collaborative Groups Work guidance document notes that MfE is working with a group of council staff to produce some specific guidance about putting collaborative groups' recommendations into council plans and policies. Recommendation 2.21 also noted that the detailed design and implementation of collaborative processes should follow specific principles expressed in a national instrument.	Partially complete
2	34	The government should establish an openly accessible online library of practical experiences with collaborative processes to facilitate shared learning.	There is a section on the MfE website on implementing the NPS-FM which includes case studies on collaboration (which link to relevant web pages), criteria for choosing collaboration and guidance on making collaborative groups work: http://www.mfe.govt.nz/fresh-water/nps/implementing-national-policy-statement-freshwater-management-1	Minor progress
2	35	All regional planning processes that haven't been publicly notified at the time the collaborative approach is passed into legislation should be captured by the presumption in favour of collaboration although the ability for a council to determine to take the Schedule 1 planning process should be provided.	No presumption in favour of collaborative process in RLAA.	Rejected
2	36	The NES on Ecological Flows could be a useful transition tool to promulgate default water take limits in places where there are no existing limits. However, the current material should be reviewed and amended as follows: a. Technical changes are required to the default flow requirements, to avoid unintended consequences, particularly for, but not limited to, significantly hydrologically altered catchments. b. The need for groundwater and wetlands default limits should be reviewed. Particular attention should be given to the groundwater defaults and how they would apply to confined aquifers. c. The flow setting methodology section of the draft NES contains very useful guidance material relevant to the general regime – not just the transition. This should be transferred out of the transition tool and into the general government guidance on limit-setting, and should be updated.	2008 proposed NES on ecological flows was not progressed and material not reviewed or amended.	Not done
2	37	The government should defer the consideration of the need for further transitional tools, including the NES on Ecological Flows, until the Forum has reported in September 2012. In that report, the Forum will consider the risks posed to those catchments where there are no limits, while limits are being set, and report on the need or otherwise for new transition tools.	This recommendation was added to by 3.23 -3.24 on interim regimes - although rec 2.36 remains valid.	Superseded
2	38	Progress on setting objectives and limits, and the addition of further resource loads in heavily used catchments where there are no limits should be monitored by central government, and the need for further transition tools, or national use of existing ones, should be periodically reassessed.	MfE 2017 review of the implementation of the NPS-FM provided a progress report on setting objectives and limits. There is no systematic monitoring of resource loads in heavily used catchments. There has been progress on reassessing tools, but this doesn't appear to be systematic.	Partially complete
3	1	Central government and regional council frameworks for allocating water and managing discharges of contaminants need to be accountable, efficient and fair. They should ensure that: a. freshwater objectives are achieved and limits are met over the time period established by the regional planning process b. water, land and related resource use is efficient, dynamic and maximises long-term economic welfare c. social equity is considered in decision-making.	Rec (a) is partially complete / in progress. Rec (b) and (c) have not been addressed.	Minor progress
3	2	Regional councils should prioritise catchments for planning on the basis of the state of the waterbody relative to the National Objectives Framework, and the risks posed by areas of resource use pressure (quality and quantity).	Not done - no requirement. LAWF intended there be central government direction on this.	Not done
3	3	Regional councils should conduct regional planning in an integrated way in catchments to: a. set freshwater objectives and limits b. manage water takes, land use, and discharges to achieve freshwater objectives and limits having identified key water quality issues and contaminants in the catchment c. manage the water to be allocated to users with long-term economic welfare as the primary driver d. consider the role and opportunities for infrastructure to manage water issues including to provide environmental benefits and greater reliability and supply of water.	NPS-FM has provided on (a) and (b). Central government have not yet provided the tools to do (c).	Partially complete
3	4	The process for setting freshwater objectives and limits should be undertaken together with the consideration of strategies, methods and timelines for achieving them. The process of assessment and deliberation should be repeated to evaluate different scenarios (objectives, limits, methods and timelines) to achieve a clear understanding of the options including their achievability, costs, benefits and consequences.	The process is being followed although not all councils have completed their planning or necessarily evaluating scenarios in this way.	Fully complete
3	5	Regional councils, in addition to setting freshwater objectives and limits, should: a. create catchment strategies for achieving freshwater objectives and limits b. agree plans for sharing responsibilities and costs among stakeholders c. set policies and methods (including rules) in regional plans d. guide related processes (e.g. Audited Self-Management schemes), operational plans and implementation activities.	NPS-FM requires (a) and (c). Recs (b) and (d) remain outstanding.	Partially complete

Report	Rec	Text	Comments	Status
3	6	Regional councils should on an on-going basis: a. undertake monitoring of the state of the environment b. review implementation plans and programmes c. report to the community on progress towards meeting freshwater objectives and limits d. monitor and review regional policy and plan effectiveness e. ensure iwi and wider community values, objectives and data are included in monitoring and review processes.	The NPS-FM requires this of regional councils and further development of the monitoring framework will continue (e.g. Next Steps proposal 1.3, below). As most councils are still embarking on, or are in the early stages of, setting freshwater objectives and limits, it is too early to comment on how well this is happening. NPS-FM 2017 includes a macroinvertebrate measure as a measure of water quality by making it a mandatory method of monitoring ecosystem health.	Fully complete
3	7	Regional councils should specify and provide for the resource requirements of catchment management processes (regulatory and non-regulatory activities) in their financial plans.	Required by the Local Government Act.	Fully complete
3	8	Regional councils should ensure freshwater objectives and limits are achieved through the following steps in the regional planning process: <u>Account</u> a. identify the contaminants of concern in the catchment b. identify the total load of each contaminant of concern, and all sources by way of a catchment contaminant account c. identify the respective contributions to the load from natural background and human-induced sources d. consider temporal and spatial aspects of contaminant management e. consider the inter-relationships between hydrology and water quality <u>Assess and Evaluate</u> f. assess and determine the mix of methods and tools that will achieve the freshwater objectives and limits at the least cost g. encourage and support innovation h. provide incentives for efficient resource use <u>Implement</u> i. assign roles, responsibilities and accountabilities for implementation j. set out the way that sector schemes will operate within the framework and link with other methods and tools k. define and plan for the staff and financial resources, knowledge, skills, and tools required to achieve the -freshwater objectives and limits l. define a timetable for implementation <u>Monitor and Review</u> m. monitor, review and report on regional policy effectiveness, including the effectiveness of the package of interventions to meet limits and achieve freshwater objectives n. review implementation plans and programmes o. initiate regional plan changes in response to policy effectiveness monitoring and review.	The NPS-FM has addressed (a) - (e) and (m) - (o), and has set very high level expectations for some of the rest. More work is needed on (f) - (g) and (j) in particular - central government has a role in setting the overall framework and expectations around these elements of the system. Noting that this still allows for the framework to be tailored to local circumstances.	Partially complete
3	9	To achieve freshwater objectives and limits, regional councils should (in addition to recommendation 14 of LAW2) decide from the full range of management methods and tools available (good management practices, non-regulatory and regulatory approaches, catchment-scale mitigation and economic instruments) that will be implemented to manage the use of land and the discharge of contaminants.	Regional councils are doing this but it is too early to assess the quality of implementation. LAW2 envisaged a role for central government to set consistent expectations on how the overall framework should be applied; noting that this still allows for the framework to be tailored to local circumstances. MfE review of implementation of the NPS-FM provided comments on some aspects of this.	Partially complete
3	10	The particular mix of methods and tools regional councils adopt should be appropriate for: - achieving the freshwater objectives - meeting the limits in the catchment and the timeframes for meeting them - the contaminants to be managed - enabling economic efficiency - the communities of interest - the physical characteristics of the catchment - the range of land uses in the catchment - the existing and anticipated resource use pressures - the level of knowledge and data available - cultural landscapes and iwi tikanga - managing the likely effects of climate change.	Regional councils are doing this but central government have not yet provided the tools to ensure there is a level of consistency. MfE review of implementation of the NPS-FM provided comments on some aspects of this.	Partially complete
3	11	Existing legislation (section 15 in conjunction with section 9 of the RMA) is sufficient to manage and control discharges. All discharges (both point source and non point source) should be able to be managed within the RMA framework. Regulatory tools should be implemented in a way that is most efficient and effective in addressing water quality issues and fits within the agreed catchment management regime.	Regional councils make use of these sections, but not always consistently. There is no central government guidance on the circumstances that these provisions should be use in a water management and limits based environment.	Minor progress
3	12	A threshold (a proportion of the contaminant limit) should be specified in the regional plan to indicate when a water body is coming under resource use pressure, and indicate when a change in the management regime should occur.	No national direction.	Not done
3	13	Once the threshold has been reached, all new discharges, and activities that increase the total discharge, should be explicitly managed to maintain the limit and protect existing rights to discharge from derogation.	No national direction.	Not done
3	14	National direction should be given to regional councils to ensure consistency in the process of developing thresholds for each catchment. The threshold-setting process should recognise spatial variation and the interactions between contaminants and should take into account the: - size of the resource - proportion of the limit that is being used - current and expected rate of uptake of the remaining portion of the limit - likely scale and extent of unmet demand - historic inputs - persistence of contaminants in the environment - lag times.	No national direction.	Not done
3	15	Good Management Practices (GMPs) should be defined and adopted in all catchments. In order to maximise the contribution from GMPs, and ensure their effectiveness as essential methods in achieving limits and freshwater objectives: - regional plans need to incorporate and incentivise GMP - GMP should utilise sector guidelines and practices - management plans (also known as environmental plans, farm plans, effluent management plans, etc.) should be used as a tool - GMP should incentivise continuous improvement - GMP should recognise and integrate good business practice with the treatment of all contaminants - management plans should be reviewed and changed in response to site and catchment responses - sector organisations should enhance their capacity to develop GMP, and provide extension, training and support - GMP should have wide stakeholder involvement in its design and review.	No national framework or system direction provided by central government. Individual councils are doing parts of this. LAW2 proposed that GMPs should be defined and adopted in all catchments. The Good Farming Practice Action Plan progresses some of these elements.	Partially complete
3	16	GMP can be further incentivised through the regulatory framework where the outputs of GMP can be linked to a range of quantified discharges. Where this is possible, activity thresholds (for permitted or controlled or discretionary activity) should be set in regional plans.	Some regional councils are doing parts of this but there is no national framework.	Minor progress
3	17	Regional councils should determine whether allocating discharge allowances (to individuals or groups (legal entities) is an option for managing to a limit for a particular contaminant in individual catchments. The following criteria should apply in making this decision: a. the manageable sources of the contaminant (i.e. excluding natural background sources) can be identified b. the contribution from individual sources is able to be directly measured or estimated by an appropriate repeatable method such as a robust model, and therefore is able to be attributed to individuals or groups c. a transparent compliance and enforcement regime can be established d. the allocation status of the catchment.	Some regional councils are doing parts of this but there is no national framework.	Minor progress
3	18	Where allocation is proposed, the provisions, including the initial allocation process, any transition to another allocation method, and any mechanisms for transfer, should be specified in the regional plan.	Some regional councils are doing parts of this but there is no national framework.	Minor progress
3	19	Central government should develop national guidance for regional councils on appropriate methods of allocating contaminants for managing water quality in order to inform regional plans.		Not done

Report	Rec	Text	Comments	Status
3	20	In over-allocated catchments (where the existing load exceeds the desired limit) regional councils should set both interim limits and targets (a limit to be met at a defined time in the future). Timeframes should: - be well defined - not cause unnecessary economic and social dislocation - not be unnecessarily extended.	Some regional councils are doing parts of this but there is no national framework.	Minor progress
3	21	In addition to setting the time frame for adjustment, regional councils should set out the adjustment policy and methods (to be used to manage to a target) in the regional plan at the time the target (as defined in the NPS-FM) is set. This should describe responsibilities for meeting the target and how the policy will affect land users and others discharging contaminants, including how rules and resource consents will be adjusted.	Some regional councils are doing parts of this but there is no national framework.	Minor progress
3	22	Relevant sector and stakeholder organisations, iwi and regional councils should work together to ensure the integrity of the auditing system, and to ensure consistent practice in recognising and implementing relevant Audited Self Management (ASM) schemes across the country.	Some sectors are working on this but there is no central government direction or guidance.	Minor progress
3	23	Interim regimes should be considered where: -the requirements of national instruments are at risk, and -the catchment has not already been prioritised for early collaborative limit-setting processes, and -the current suite of industry, community and council programmes is assessed as insufficient to manage the risk of significant impacts, and -existing regional plan provisions are not adequate, and -the resource is under pressure from existing or anticipated use.	Some regional councils are doing parts of this but there is no national framework. The previous government and MFE have not prioritised any work on interim arrangements.	Not done
3	24	Any interim measures: -should be established with the involvement of catchment stakeholders and iwi -will be time bound -may use interim limits implemented through a regional plan, national instrument, regulation or moratorium -may take an adaptive management approach -should ensure basic environmental monitoring and information collection is maintained or improved -should manage potential perverse incentives -need to guard against imposing unnecessary constraints on economic development -should build capacity across the region and within the catchment to engage in future planning and management processes.	Some regional councils are doing parts of this but there is no national framework. The previous government and MFE have not prioritised any work on interim arrangements.	Not done
3	25	Water within the allocable quantum needs to be easily transferable between users, to allow it to move to its highest valued use (i.e. to enable society as a whole to obtain the greatest collective value from water resources across the full range of values). The design of the allocation system should remove administrative barriers to enable transfer and trading.	The RLAA introduces new regulation making powers to prescribe form, content and conditions of water permits and discharge permits, but no regulations have been developed. Some transfers already occur. It will take time for proposals to be developed and implemented and, in the interim, it is important that central government provide its view on the overall system framework to ensure that regional processes evolve a way that is consistent with LAWF recommendations.	Not done
3	26	All water takes (excluding fire fighting) should be accounted for within the allocable quantum. This includes those currently permitted by a regional plan, or authorised through section 14(3)(b) of the RMA, and non-consented takes that may not comply with the provisions of section 14(3) or the rules in a plan.	There is no requirement to set an allocable quantum or national direction on how to address takes covered by section 14(3)(b).	Not done
3	27	The new water allocation regime should be underpinned by a transparent accounting and registry system that: a. is consistent across regions b. publicly identifies location of takes and any transfer of takes from place to place or person to person c. includes data management protocols that provide suitable protection for intellectual property and proprietary information.	There is no new allocation regime.	Not done
3	28	There should be a one-time process at the time of transition to the new allocation regime during which unauthorised takes (non-consented takes that may not comply with the provisions of section 14(3) or the rules in a plan) can be dealt with. Decisions on the treatment of unauthorised takes will need to be made through the planning process and should follow a principle that those who have been relying on unauthorised takes will be treated fairly and pragmatically during the transition to the new allocation regime but cannot necessarily expect to be treated on the same basis as authorised takes.	There is no new allocation regime.	Not done
3	29	Catchment-based limits should be set as plan rules that define the quantity and reliability of water that is available for allocation (the allocable quantum) and that take into account any flow and water level fluctuations caused by seasonal or other climate variations.	NPS-FM requires environmental flow limits. Environmental flows must include an allocation limit and a minimum flow (or other flow/s). This limits the total amount of water that can be taken and limits water takes when particular flows are reached. Work is still needed to ensure water reliability is clearly defined for users in all regions.	Partially complete
3	30	Activities other than water takes that nevertheless affect catchment flows and recharge rates may also need to be: a. considered during the planning process b. taken into account in the way that limits are set and the allocable quantum is specified.	No national specification.	Not done
3	31	Changes to the allocable quantum in response to unforeseen circumstances or new information should be made through the regional planning process or national instruments.	There is draft guidance on managing uncertainty but there is no requirement to set an allocable quantum as recommended by LAWF.	Not done
3	32	The regional plan should specify how and when authorisations are to change in response to changes to the allocable quantum. A statutory review process already exists to change consent conditions. Changes to consent conditions should be made as soon as practicable.	Councils can do this, but there is no national framework or allocable quantum and allocation system as recommended by the LAWF.	Not done
3	33	A threshold should be specified in the regional plan to indicate when a waterbody is coming under use and/or demand pressure, and to signal pending scarcity in the available allocable quantum.		Not done
3	34	National direction should be given to regional councils to ensure consistency in the development of scarcity thresholds for each catchment. The threshold-setting process should recognise spatial variation and should take into account the: a. size of the resource b. proportion of the allocable quantum that is being used c. current and expected rate of uptake of the remaining portion of the allocable quantum d. likely scale and extent of unmet demand.	There is some guidance on accounting for (a) and (b), but no direction and no scarcity threshold	Not done
3	35	In catchments that have low demand pressure (are under the scarcity threshold) there is no need to change the way water is allocated.	No change was required, but there is no scarcity threshold on which to assess low demand pressure.	Partially complete
3	36	Once a scarcity threshold has been reached, all new water takes will need to be explicitly managed to maintain the limit and protect existing authorisations from derogation. This includes the cumulative effect of small takes and activities that would dam or divert water to a degree that impacts flow and recharge rates. Regional councils should measure or estimate these takes.	Some councils are attempting to do this within the current framework.	Minor progress
3	37	Once a scarcity threshold has been reached (or at the time of transition to the new allocation regime if the catchment is already fully or over-allocated): a. all existing water takes currently permitted by a plan or through section 14(3)(b) of the RMA should be given a consent, and b. the provision for any additional takes under section 14(3)(b) should then cease for that catchment (except where provided for in recommendation 36). Any further applications to take water should be made in accordance with regional plan provisions.		Not done
3	38	When translating existing water authorisations into new water consents in a catchment, those takes currently provided for as permitted activities or through section 14(3)(b) of the RMA should be able to continue without consent if they don't cumulatively add up to a material proportion of the allocable quantum.		Not done
3	39	Regional councils should include in regional plans policy for managing all water takes in times of drought and severe water shortage, including providing for human health and animal welfare.	Some regions are doing this, but there is no national framework.	Partially complete
3	40	Once a scarcity threshold has been reached (or at the time of transition to the new allocation regime if the catchment is already fully or over-allocated), all existing water authorised takes should be translated into a new consent format that preserves their value. The process of translating an authorised take into a new format should evaluate the take against relevant and agreed measures of reasonable technical efficiency, and, if necessary, adjust it accordingly to address unused paper allocation and clear cases of inefficient use.		Not done

Report	Rec	Text	Comments	Status
3	41	Under the new water allocation regime, consents should be: a. clear so that people can easily tell what they are entitled to now and into the reasonably foreseeable future b. non-derogable so that no new consents should be granted if the act of doing so would undermine the rights of existing holders of authorisations c. easily divisible so that transfer of portions of consents are well understood and enabled. This implies that: d. consents will need to have their site-specific aspects separated from the allocated quantity e. the reliability of access to water conferred by consents will need to be clearly defined and easily understood f. consents will need to be exclusive g. parties will need to have frequent access to high quality monitoring information.	RLAA includes new regulation making powers to prescribe the form, content and conditions of water permits and discharge permits, but no regulations have been developed.	Not done
3	42	Consents should have standard core elements that are designed to enable transfer with minimal transaction costs and regulator involvement. All consents granted by regional councils should conform to requirements specified in a national instrument.	RLAA includes new regulation making powers to prescribe the form, content and conditions of water permits and discharge permits, but no regulations have been developed.	Not done
3	43	Except where short lengths are required for temporary purposes, regional councils should grant water allocation consents for 20 to 35 years once the new water management regime is in place.		Not done
3	44	44A. Within three years of implementing the changes we have recommended to the freshwater management regime, there should be a review by Government – conducted in a manner that is consistent with the Forum’s statement on iwi rights and interests in freshwater – to implement: a. extension beyond 35 years of the permissible consent duration for large-scale projects that have been provided for through collaborative planning processes b. establishment of an expectation that consents will be reissued on expiry provided that incumbents are able to demonstrate compliance with consent conditions. Or 44B. Within three years of implementing the changes we have recommended to the freshwater management regime, there should be a review – undertaken collaboratively by the Forum or a similar national representative stakeholder/iwi group and conducted in a manner that is consistent with the Forum’s statement on iwi rights and interests in freshwater of: a. the effectiveness of the new national water quality and quantity objectives framework in setting consistent and effective limits in regional plans and whether new consents are being issued subject to the ability to immediate review consent conditions in accordance with limits and policies set through collaborative processes in regional plans b. the case for extending beyond 35 years the permissible consent duration for large scale projects that have been provided for through collaborative planning processes c. the case for providing suitable security of tenure by establishing an expectation that consents will be re-issued on expiry provided that incumbents are able to demonstrate compliance with consent conditions.	Neither of these reviews have been carried out. Given that many councils have yet to complete or start planning for catchments, and there is no resolution of iwi rights and interests, it may be too soon to carry out the reviews.	Not done
3	45	The method for allocating the portion of the allocable quantum between the threshold and the limit (full allocation) should be set through the regional planning process. National guidance should be given to regional councils on the range of methods available, and guidance provided on the circumstances in which particular methods might be more or less suitable.		Not done
3	46	When using administrative methods to allocate water between the scarcity threshold and the limit, the regional council should ensure that new applicants receive no more water than is necessary to allow them to undertake the activities to which the consent relates.		Not done
3	47	In all situations, except in relation to recommendation 48, transfer and trading of water consents will be on a voluntary basis and supported by the nationally consistent accounting system and the standard core consent elements.	RLAA includes new regulation making powers to prescribe the form, content and conditions of water permits and discharge permits, but no regulations have been developed.	Not done
3	48	Once a catchment is fully allocated, if more water is required to provide for urban growth, urban water suppliers will either need to increase efficiency, implement demand management activities or obtain more water in a way that does not derogate the rights of other parties or affect limits. If more water is required after these steps have been taken, and the urban water supplier is unable to obtain access to that water through voluntary transfer, there should be a mechanism that allows the urban water supplier to prompt “compulsory transfer” in order to gain access to the necessary water. This would be akin to the “compulsory acquisition” process under the Public Works Act – it would require the urban water supplier to demonstrate that it had: a. implemented suitable technical efficiency and demand management activities and explored all reasonable alternative options for obtaining water b. undertaken a transparent and participatory process with appropriate checks and balances of “compulsory transfer,” which would be accompanied by compensation for affected parties.		Not done
3	49	National guidance should be given to regional councils on the suite of methods for managing over-allocation and central government should provide guidance on the circumstances in which particular methods might be more or less suited.	Guidance on limit-setting includes how to avoid over-allocation, but not how to manage it.	Not done
3	50	Catchment-level policies and rules for managing over allocation should ensure that the allocable quantum meets the interim limits as they come into effect.	Some councils are developing ways to manage over-allocation, but there is no national guidance and no interim limits.	Partially complete
3	51	There should be a principle - expressed in a national instrument - that makes it clear that the objective of changing the water allocation approach where a catchment is over allocated is to establish a resilient and credible water allocation regime that ensures users operate within the limit. In a context of over-allocation, incumbent users should expect reductions in the amount they can take.		Not done
3	52	There should be principles – expressed in a national instrument – that make it clear that catchment level policies and rules for managing over-allocation: a. should not automatically exempt particular sectors or users b. should take effect over a timeframe that is appropriate to the situation c. take into account the potential for transfer and infrastructure solutions to address over-allocation.		Not done
3	53	The approach to transition, including timeframes and methods, will be set in the regional plan.	Some councils are doing this, but central government has not provided guidance or regulation around transition.	Partially complete
3	54	Freshwater-related regulations, policies, plans, and catchment-based limits and management methods (including provision for infrastructure) must be underpinned by a robust understanding of their economic, environmental, social and cultural implications. Central government agencies and regional councils should be required to ensure that: a. social, economic, cultural and environmental evaluation is undertaken as a core part of all section 32 analyses b. the detail of section 32 analyses correspond with the scale and/or significance of the plan or policy under consideration c. section 32 analyses evaluate the effectiveness of a full range of policy options and a full suite of associated methods for achieving objectives and meeting limits d. the results of analyses are fed back into the national and regional collaborative policy- and plan-making process before decisions are made and before draft provisions are agreed by stakeholders e. suitable guidance and training is in place to build capacity in the discipline of benefit cost analysis – particular consideration should be given to the provision of standard templates and approved methodologies f. suitable internal procedures are in place to guarantee the quality of benefit cost analyses.	There is currently no vehicle for requiring central government agencies or regional councils to deliver on this recommendation. Central government is developing guidance on economic analysis for regional councils which is due to be finalised by the end of 2016. (Note: this was contracted, but never published.) Significant effort is being put into council capability building via economics exchanges, training and other initiatives. Treasury has an ongoing programme to improve central government economic analysis. It is too early to comment on the quality of these initiatives. There is no review of whether practice is improving.	Partially complete
3	55	Central government should consider: a. implementing for regional councils a review system analogous to the Regulatory Impact Assessment (RIA) process followed by central government agencies b. including an assessment of the quality of section 32 analyses in the RMA performance monitoring framework, currently under development by the Ministry for the Environment.	RMA amendments in 2013 and 2017 aimed to improve s32 requirements but there is no system analogous to the RIA assessment process.	Not done

Report	Rec	Text	Comments	Status
3	56	Central government should, in collaboration with others, lead a process of identifying and disseminating best practice planning and implementation. This should include: a. guidance material for collaborative catchment management planning b. standards for managing allocation regimes c. standardised core elements for consents relating to water d. how to translate existing authorisations into new water consents e. methods for accounting for very small takes f. approved methods for establishing reasonable technical efficiency g. methods for accounting for sources of contaminants h. as a matter of urgency, criteria for determining the mix of methods and tools to achieve freshwater objectives and limits including whether to allocate contaminant allowances in different catchment circumstances.	Central government has underway various initiatives to facilitate sharing of best practice, especially to support (a), and progress has been made on (f) and (g). However more is needed across recs (b) - (h) and more detail on these was provided in the Fourth report. LAWF noted that rec (h) here was a matter of urgency.	Minor progress
3	57	Through the transition to the new framework, central government should strategically provide support for capacity building including for councils, iwi and stakeholders who will have significant changes in their roles across the entire water management regime.	A variety of capability building initiatives underway, mainly focussed on councils and iwi/hapu, as well as work occurring to understand capability needs across the board. Further work is proposed i.e. Next Steps proposal 3.7 - Government to facilitate and resource programs to support councils and iwi/hapu to engage in freshwater planning and decision making including collaborative planning. Not yet a clear story of capacity constraints across the board.	Minor progress
3	58	Central government should enhance its auditing programme through which council performance is monitored and reported against.	Some aspects (but not council performance) being addressed through the National Monitoring System and Environmental Reporting Act.	Partially complete
3	59	Central government should consider the potential for efficiencies and the advantages of consistency of developing a single model, accounting system, set of guidelines or national standard for the establishment and support of market systems for water management.	Part CC of NPS requires regional councils to establish and operate a freshwater accounting system. These systems will complement existing mechanisms inc metering, EMaR and LAWA. Officials are providing guidance and support. Further regulatory change was not prioritised. There is no single model accounting system, and no support for market systems. See additional LAWF recommendations on a national accounting framework - Impltn review, 5.23	Minor progress
3	60	As a pre-condition of a successful freshwater management system, regional councils should: a. adopt a transparent approach to developing monitoring, compliance, and implementation systems b. take steps to ensure that effective and cost-efficient monitoring, compliance, and implementation capacity -is in place at the time the regime is introduced c. monitor and report on the implementation of the policy.	In theory councils do this now, but quality is variable.	Partially complete
3	61	All parties (including central and local government, iwi, stakeholders and sector organisations) should address a significant shortfall in knowledge (including about Mātauranga Māori and its transmission), skills and capacity for water management, through: a. assessment of current knowledge and capability, needs and gaps b. making provision to improve and strengthen research, information management, economic analysis, training, capacity, technology transfer and outreach services.	A variety of capability building initiatives underway across all parties, as well as work occurring to understand capability needs across the board. Progress also in providing direction for research and science investment through the Water Information Strategy and Our Land Our Water Challenge. Not yet a clear story of capacity constraints across the board. Industry groups are at different stages.	Partially complete
3	62	The existing Water Research and Development Strategy should be reviewed, in light of priorities arising from government water policy reform, and the resultant updated strategy subsequently implemented. The review should draw together relevant research undertaken by all parties and set out how it will be delivered in a co-ordinated and structured way.	MfE developed a draft Water Information Strategy but did not progress it. Our Land and Water Challenge is doing some work and there are a range of other central and local strategies. More needs to be done to deliver research in a coordinated and structured way.	Minor progress
3	63	All parties, central and local government, industry and science providers should continue investment in the development of models (including development and prioritisation of a limited number of interoperable models) and measurement-based monitoring systems for practical application to water quality management. Investment should be based around partnerships and guided by a national strategy that ensures co-ordination of available resources. This should include clear guidance and protocols on how models, monitoring systems and their output data, should be used in the development, implementation and enforcement of water quality policy.	Extra funding for Overseer and ongoing development of various models. But needs coordination as well as development of guidance and protocols. Unclear whether progress has been made on interoperable models (although this is noted as priority for investment in the proposed Water Information Strategy). Our Land and Water is working on inter-operable models.	Minor progress
3	64	Central government with local government and national sector organisations should continue the open source data initiative, and consider as a high priority access to publicly funded data related to the management of land and water. Common management and access protocols should be established across the various central and local government funded databases.	Being addressed through initiatives like LAWA, OGC and the Data Warehouse. But common management and access protocols should be established across the various central and local government funded databases. Access to publicly funded data related to the management of land and water could be further improved.	Minor progress
3	65	Central government should provide guidance and protocols for the use of, and access to, data sourced from land owners and consent holders, while explicitly taking into account privacy and commercial sensitivity issues.		Not done
3	66	Central government should establish a centralised capacity to co-ordinate national expertise and information for water management. A key function would be to draw together and connect existing technical expertise and information resources to accelerate the implementation of a well-informed nationally consistent management system.	The various economics exchanges, collaborative exchanges and guidance work is starting to address this for regional councils. The trend is in the right direction, but there is still a way to go - more capacity is needed. Focus has been largely on information sources - more work is needed to coordinate expertise.	Partially complete
3	67	As a way to consolidate the reform package resulting from Government's response to the Land and Water Forum reports, key statements, documents and information sources should be collected and made available to the public and stakeholders in an accessible way, for instance through a water reforms 'handbook' and/or a water reform web portal. This resource should be regularly updated as new developments and information arise.	MfE has published a number of documents on their website http://www.mfe.govt.nz/fresh-water/technical-guidance-and-guidelines/implementing-national-policy-statement-freshwater	Partially complete
4	1	The government should complete implementing the Forum's recommendations from its three previous reports as soon as possible. Unless otherwise explicitly stated in this report, those earlier recommendations remain unchanged.		Minor progress
4	2	The responsibility for reaching agreement on how to recognise iwi rights and interests in water rests with the Crown and iwi, including agreed allocable quantum and discharge allowances. The responsibility for giving effect to those agreements lies with the Crown. When reaching and giving effect to these agreements the Crown's approach should have regard to the Forum's previous statement on iwi rights and interests in fresh water.		Not done
4	3	To enable agreements between the Crown and iwi to be given effect to, central government should: - require councils to implement any agreements between the Crown and iwi to recognise iwi rights and interests in fresh water - enable councils to allocate authorisations to iwi to deliver any agreements between the Crown and iwi, including by using their plans: - in anticipation of agreements being reached, to reserve for iwi unallocated portions of the allocable quantum and discharge allowances in under-allocated catchments - after agreements have been reached, to provide for iwi over time access to the allocable quantum and discharge allowances in fully- or over-allocated catchments - ensure existing holders of authorisations are fairly compensated should their rights be adversely affected by any agreements made between the Crown and iwi - support councils to make any necessary changes to their planning frameworks to accommodate any agreements made between the Crown and iwi.		Not done

Report	Rec	Text	Comments	Status
4	4	A broad range of mechanisms should be considered for giving effect to agreements between the Crown and iwi. These could include but not be limited to: a. giving iwi priority access to: -unallocated water and discharge allowances in catchments that have not yet reached full allocation -allocable quantum that is created through application of the "reasonable technical efficiency test" on transition to the new freshwater management regime -discharge allowances or load for unallocated contaminants that are created through the application of good management practice requirements on transition to the new freshwater management regime -water, discharge allowances or additional contaminant load created through government investment in infrastructure to generate 'new water' or 'headroom' in quality limits -water or discharge allowances that are voluntarily surrendered -facilitating commercial partnerships and joint ventures between iwi and incumbent holders of authorisations to take water and discharge contaminants -acquiring a portion of the allocable quantum, total available discharge allowance or total contaminant load through: - commercial agreements between the Crown and other users to transfer authorisations to iwi -running a voluntary reverse auction as a means to find the most efficient way for the Crown to access authorisations to transfer to iwi.		Not done
4	5	Central government should work closely with regional councils and territorial authorities, iwi, sector groups, Crown research institutes, Crown entities, NGOs and universities to establish an integrated freshwater management information framework that: -presents a high level stock take and gaps assessment of the data and modelling available that is suited for the purposes of setting and managing within limits -contains criteria for prioritising gaps, and a process to direct filling those gaps, including prioritising relevant research programmes and aligning work to achieve the NPS-FM -includes Mātauranga-derived knowledge to feed into decision-making. Additionally, to encourage interoperability and consistency, the information framework should: -identify opportunities for multi-purpose data and models in order to reduce costs and maximise the benefits of knowledge (e.g. data and models that can be used in multiple catchments and regions, and accounting systems and monitoring networks to be used for both setting and managing within limits) define nationally agreed data standards to: -provide for scaleability and ability to aggregate data to improve decision-making, monitoring and reporting at a national and regional level -lead to a robust national data set for quantifying water quality and quantity state and trends that is resilient and flexible for future water management needs. The framework should be started immediately and established no later than 2017, and be maintained and updated regularly.	While the Our Land and Water National Science Challenge has carried out aspects of this (for example, a stock take and gaps assessment), most of it has not been done. MfE prepared a draft Water Information Strategy in 2016, but has not progressed it.	Minor progress
4	6	Councils' freshwater accounting systems (as required under the NPS-FM) and central government's guidance on freshwater accounting, should be relevant for ongoing phases of water reform, integrated catchment management, and both setting and managing within limits.	The guidance that central government has developed on freshwater accounting systems is helpful, but no single framework has been developed (as subsequently recommended by the Forum). Some councils are establishing their accounting systems to be functional for both setting and managing within limits, this is not universal. There is no national consistency.	Minor progress
4	7	Councils should work collaboratively with relevant groups when commissioning and developing the data and models that are used for decisions on managing within limits in their regions and use co-design where appropriate. Councils' accounting systems, data and modelling should be transparent and accessible for all stakeholders to test and analyse water management decisions.		Minor progress
4	8	As part of limit setting and managing within limits, councils in collaboration with iwi, communities, NGOs and sector groups, should identify and classify within their catchments: -areas that have particular ecological, social or cultural value -current and potential critical source areas for various contaminants -terrain information needed for land and water management purposes, including that required to implement the national stock exclusion regulation. This information should be used to target areas where initial interventions will have the greatest effect.	Requirement in NPS-FM (Policy AA1 and D1) to engage with iwi and communities to identify values. Some regions target critical source areas, but no national expectation set that ensures the information is used to target areas where initial interventions will have the greatest effect.	Partially complete
4	9	As part of catchment planning, councils should: a. investigate the role that infrastructure and catchment-scale mitigations could play in: i. meeting environmental limits ii. creating headroom for economic growth through increasing the amount and reliability of water and/or assimilative capacity iii. providing other economic, environmental, social or cultural benefits b. identify barriers to private investment in and deployment of infrastructure and catchment scale mitigations c. identify what role they should play in the development and provision of infrastructure and catchment-scale mitigations.	Some councils are doing this.	Partially complete
4	10	Councils should be required to produce two-yearly a report card to iwi and their communities on: -progress that the combined interventions being used to manage water quality and quantity are making towards the achievement of objectives, limits and targets set under the NPS-FM -steps the council will take if the combined interventions are not sufficient.	Councils do report to their communities, but there is no requirement to cover these topics two-yearly. The NPS-FM requires councils to take reasonable steps to ensure that information gathered in their monitoring plans is available to the public regularly and in a suitable form.	Partially complete
4	11	Central government should monitor and publicly report on the performance of regions in setting and managing within limits.	MfE undertook a review of the implementation of the NPS in 2017 and undertakes monitoring of water quality (although data is dated). The current emphasis is on monitoring and reporting on progress but this does not include an assessment of performance.	Minor progress
4	12	Improvements in catchment-by-catchment information on the spatial variability in assimilative capacity, particularly groundwater flows, lag times and denitrification potential, should be a high priority for government investment.	Range of projects inc LAWA and EMaR. MfE partners with and funds a wide range of projects that will yield catchment-level information (e.g. clean-up projects, OVERSEER and FIF). Our Land and Water Science Challenge is a work in progress.	Partially complete
4	13	For the purpose of managing within limits, councils should model and quantify the impact of the range of currently and potentially achievable management practices (including GMP) and mitigations for the contaminants of concern (e.g. nutrient losses) in each catchment. Councils should adjust requirements on land and water users, including considering additional mitigations, if monitoring and modelling of the impact of the interventions used shows that the objectives, limits and targets set under the NPS-FM will not be met.	Some councils are doing this (e.g. MGM) but there is no national direction on the role of GMP in the overall framework and how adjustment of requirements on land and water users should be handled. A national framework needs to be further developed as per later Forum recommendations.	Minor progress
4	14	When using modelled numbers in regulation: a. plans should clearly outline when new model versions will take effect in regulation b. the model version used at the activity-scale and the catchment-scale should be updated simultaneously.	Note: relates to plan agility recommendations in 2nd Report - see Rec 2.31	Not done
4	15	Alongside improvements in catchment-scale models, the continued development of OVERSEER should be a priority.	We expect this development to be ongoing.	Fully complete
4	16	Good Management Practice is the minimum requirement for all industries. In developing GMP-related policies and methods, councils should consider in the first instance the national <i>Industry Agreed Good Management Practices related to Water Quality</i> framework and other recognised sector GMPs.	Government is providing development assistance but no explicit system view on the role of GMPs in the regulatory framework. GFP Action Plan sets principles but not policies and methods.	Minor progress
4	17	Discharges should be managed through the Resource Management Act by way of a consent requirement unless the council demonstrates using permitted activity rules will be sufficient for achieving the limits within the agreed timeframes. Whatever approach is used, there must be a transparent process to audit performance, either through an approved independently audited industry self-management scheme and/or a council compliance process that is documented and clear to both land and water users and the groups involved in the planning process.		Not done
4	18	Central government, with input from sector groups, councils, iwi and NGOs, should develop a national process for approval of industry audited self-management schemes and have this process in place by 1 July 2017.		Not done

Report	Rec	Text	Comments	Status
4	19	Regional councils and territorial authorities should prioritise the alignment of the planning, investment and delivery of 'three waters' infrastructure, roads, residential development and land use controls to meet water quality objectives in regional plans for freshwater and coastal environments.	NPS-FM requires integrated management including "encouraging the co-ordination and sequencing of regional and/or urban growth, land use and development and the provision of infrastructure." Some councils are doing this but there is no national direction and little monitoring of progress. The NPS-Urban Development and its guidance does not address integration issues with the NPS-FM.	Minor progress
4	20	A "Water sensitive urban design" process must be adopted in the building and upgrading of stormwater and roading infrastructure and residential urban development (and redevelopment).	Some councils are doing this. MfE is working with councils and sectors on non-binding principles. Nothing in NPS for Urban Development	Minor progress
4	21	Where wastewater systems overflow into stormwater or directly into waterbodies, in either a controlled (designed) or uncontrolled manner, local authorities should be required to report publicly on: -the maximum acceptable frequencies that are set through consent conditions or plan rules, and the actual number of overflows -planning and progress towards phasing out overflows -how overflows will be managed to achieve objectives and limits.		Not done
4	22	Territorial authorities should review or revise trade waste by-laws to encourage or require the pre-treatment and recycling of trade waste before disposal into municipal wastewater systems	Some councils are doing this, but no national requirement.	Minor progress
4	23	For the total contaminant load, the plan must make it clear and the accounting framework must reflect: -the proportion and sources of that load which will not be explicitly managed (for example parts of the Conservation estate that aren't in productive use) -the proportion and sources of that load which is being allocated for use and will be explicitly managed.	Some councils are doing this but no national facilitation or monitoring.	Minor progress
4	24	Over time, and providing the precursor steps to allocation have been met, councils should adopt management approaches which allocate diffuse source discharges to individual entities or groups.	Some councils are doing this but no national direction.	Minor progress
4	25	Councils should take the following precursor steps for all catchments that are, or are likely to become, fully allocated in the foreseeable future or are over-allocated: -ensure that all activities that cumulatively make a more than minor contribution to the catchment load (through point source or diffuse discharges) are directly controlled -ensure that those controls explicitly refer to the full range of discharges that may arise from the relevant activity -account at the individual land or water user level for diffuse discharges from all activities that cumulatively make a more than minor contribution to the catchment load.	Some councils are doing this but no national facilitation or monitoring.	Minor progress
4	26	To facilitate the future adoption of transferable discharge allowance approaches central government should: a. Provide model plan provisions, which enable the easy transfer - in full or in part - of a discharge authorisation for the length of an authorisation or for a temporary duration. i. These model provisions must be developed collaboratively with local government, iwi, sector groups and NGOs, and should provide a template for enabling and managing the transfer of authorisations between or within zones. ii. New consents should be constructed in accordance with this model format. iii. Consent holders should be able to request their consents be reconfigured to make them consistent with these model formats, consistent with the approach suggested in recommendation 46c. b. Specify nationally consistent requirements for discharge allowance registries, and support the development of a common transfer platform. c. Work with early starter councils, iwi, sector groups, NGOs and communities who are considering implementing a transfer regime for discharge allowances to: i. provide guidance and support ii. identify exemplar approaches and/or further opportunities for national guidance, direction or other support.	(a) May be enabled by national planning standards and regulations prescribing resource consent form and contents. Rest of recommendation yet to be addressed.	Not done
4	27	Where transferable discharge allowances have not been, or will not be, introduced councils should: a. support the use of group approaches to discharge management that enable group members to manage discharges amongst themselves (e.g. enabling discharge caps to be averaged across multiple properties or issuing group consents). b. specify in their plans how and when the allocable load will be reduced down to the target or limit in over-allocated catchments. c. specify mechanisms in their plans for enabling access for new uses/users in the future.	This is occurring in some catchments, but there is no national framework or guidance	Minor progress
4	28	When shifting to a transferable discharge allowances regime all existing authorised discharges should be translated into a new consent format. The process of translating any authorised discharge into a new format should evaluate the discharge against relevant and agreed measures of good management practice		Not done
4	29	A national stock exclusion regulation should apply to all those livestock types that can cause significant damage from incursions into waterways, including: - dairy cattle -beef cattle -deer -pigs.	A new regulation was drafted, but not passed, during the development of the Clean Water reforms.	Not done
4	30	In the context of a national stock exclusion regulation, "excluded" should mean effectively barred from access to water and to the banks of waterways either through a natural barrier (such as a cliff) or a fence. For milking platforms a fence must be permanent. Temporary fencing may be used for intermittent, concentrated and short-term grazing near waterways. Permanent deer fencing will be expensive and impractical in certain landscapes, so other approved GMP measures can be used.	There is no national stock exclusion regulation.	Not done
4	31	The national stock exclusion regulation should include a requirement that when permanent fences are erected to exclude stock, they should be placed the appropriate distance back from the waterway. The appropriate setback distance will vary at different points along the waterway and will be determined by an on-farm assessment required as part of GMP, as per recommendation 39 of this report.	There is no national stock exclusion regulation, and the one that was drafted during the Clean Water process contained no riparian setback provisions.	Not done
4	32	Councils should classify the terrain adjacent to waterways in their catchments according to the slope angle to identify where a national stock exclusion regulation applies. Whether the classification should occur at a sub-catchment, property or intra-property level should be determined by public consultation. The classifications are: -plains (0-3 degrees) -lowland hills (rolling hills/down lands) (4-15 degrees) -hill country (16-28 degrees) -steep hill country (>28 degrees).	There is no national stock exclusion regulation, however, some councils have mapped their catchments to see where stock exclusion requirements could/should apply. The main reason the stock exclusion regulation failed to pass was practical difficulties determining the slopes where it should apply.	Minor progress
4	33	Stock of different types and on different terrains should be excluded according to different dates. Table 1 provides an example of how this could be structured that Government should use as a basis for public consultation.	There is no national stock exclusion regulation.	Not done
4	34	Government should: -consult on interim milestones for excluding stock from waterways -require fencing of waterways during significant land use changes to a farm type and on terrain that the proposed national stock exclusion regulation will eventually apply to.	There is no national stock exclusion regulation. However, there was some consultation on timeframes for exclusion in different circumstances during the development of the draft regulation during the Clean Water reforms.	Minor progress
4	35	A national stock exclusion regulation should apply to: -permanently flowing waterways and drains greater than one metre in width and deeper than 30 cm -permanently flowing waterways smaller than those outlined above on the plains. Landowners should be given until at least 2020 to achieve this (i.e. any exclusion dates before 2020 in Table 1 should not apply for smaller waterways) -natural wetlands – as qualified by recommendation 37 of this report -where specific management practices that could result in significant damage to waterways (such as strip-grazing beside a waterway) are being used.	There is no national stock exclusion regulation.	Not done
4	36	Councils should have discretion to exclude stock from waterbodies not included in a national stock exclusion regulation or ahead of the timeframes mandated by it (i.e. those in Table 1). This discretion should be exercised where a waterbody, or part of a waterbody is a critical source area for contaminants or has particular ecological, cultural or social value.	Although there is no national stock exclusion regulation, councils retain discretion to implement their own stock exclusion rules.	Partially complete
4	37	A national stock exclusion regulation should clarify that 'natural wetlands' subject to the regulation are 'wetlands' as defined by the RMA but not including: -wet pasture, damp gully heads, or where water temporarily ponds after rain or pasture containing patches of rushes -effluent ponds -artificial storage facilities and detention dams -artificial water courses such as conveyance and drainage canals -reservoirs for firefighting, domestic or community water supply -engineered soil conservation structures.	There is no national stock exclusion regulation and the need for a coherent definition of wetlands remains unmet.	Not done

Report	Rec	Text	Comments	Status
4	38	Exceptions from national and regional stock exclusion requirements should be provided in limited situations where large costs and significant impracticalities relative to the environmental benefit can be demonstrated. Councils should consider these factors when classifying terrain for stock exclusion purposes.	There is no national stock exclusion regulation.	Not done
4	39	Riparian setbacks and management strategies should be included in GMP requirements, either as part of industry GMP schemes or council GMP rules, where they are an appropriate mitigation.	Some sectors and councils use riparian setbacks as a mitigation in some catchments. Riparian margins are also required by the Forestry NES.	Minor progress
4	40	Government should commission a review and update of existing riparian management assessment tools to produce a new consolidated riparian management assessment tool to assist in identifying and implementing the appropriate riparian setbacks and management strategies across the full range of circumstances.	Government has not progressed this work, although some sector groups have riparian assessment tools - such as the DairyNZ riparian planner.	Not done
4	41	Councils should impose riparian setback and management rules over and above GMP requirements in catchments with specific water quality issues, where this is an effective way of managing a particular issue. Councils should also consider catchment-specific riparian management rules for critical source areas and areas of specific ecological, social or cultural value.	Being done in some regions but no national direction.	Partially complete
4	42	Authorisations to take water must be designed to maintain consistency with plan objectives and limits, and clearly specify: -the expected reliability of access to water they grant users -the circumstances in which the rate, volume and/or duration of abstraction will vary.	Some councils are doing this but no national framework.	Minor progress
4	43	When considering applications to 'renew' authorisations on expiry, consent authorities should be required to give additional weight to the value of sunk capital, and recognise the potential value of continuing to operate and optimise existing infrastructure.		Not done
4	44	For applications to develop new long-lived water infrastructure, consent authorities should be able to specify that the term of an authorisation begins when the authorisation is "given effect to" rather than once it is granted.		Not done
4	45	Once limits have been set, holders of authorisations to take water should be able to easily transfer those authorisations (or a portion of those authorisations) to other users with minimal regulator involvement so long as the act of doing so does not breach a limit, frustrate efforts to reach targets (interim limits) or derogate the rights of others.		Not done
4	46	Government should: a. provide model plan provisions, as described in the text of this report, which enable the easy transfer - in full or in part - of an authorisation to take water for the length of an authorisation or for a temporary duration. These model provisions must be developed collaboratively with local government, iwi, sector groups and interest groups, and should provide a template for enabling and managing the transfer of authorisations between or within zones b. provide model formats for authorisations that distinguish between conditions that relate to the location and quantum (rate or volume) of abstraction and conditions that deal with the site-specific effects of abstracting water, using water or discharging contaminants in a particular location. New consents should be constructed in accordance with this model format c. amend the RMA to enable councils to reconfigure the structure of authorisations to make them consistent with these model formats without requiring or triggering a formal review, providing: i. consent holders agree to having their authorisations reconfigured ii. the reconfiguration does not change the nature of the authorisation or the intent and effect of conditions, or derogate the rights of other users.	Potentially enabled by national planning standards (RLAA s58) and new regulation making powers enable the making of regulations that prescribe the form, content, and conditions of water permits and discharge permits (cl 103). There is no specific requirement for collaborative process to develop these instruments, but neither is collaboration precluded. Given the complexity of this issue and the high level nature of the proposals, it is too early to assess whether the proposals will give effect to the LAWF recommendation.	Not done
4	47	Councils should: a. design plan policies and rules to make the transfer of authorisations to take water (in whole or in part, temporarily or for the duration of an authorisation) as simple as possible. b. clearly define through their plan the extent to which the transfer of a consent to take water (in part or in full) is a relevant matter when: i. determining whether a consent has been "given effect to" ii. considering an incumbent's application for consent on expiry c. implement measures that bring together people who are interested in transferring authorisations to take water (e.g. by developing and operating platforms that make water data publicly accessible so people can identify when and where water may be available).	Potentially enabled by national planning standards (RLAA s58) and new regulation making powers enable the making of regulations that prescribe the form, content, and conditions of water permits and discharge permits (cl 103). Given the complexity of this issue and the high level nature of the proposals, it is too early to assess whether the proposals will give effect to the LAWF recommendation.	Not done
4	48	Lapse provisions in the RMA should be amended to provide for a standard ten year lapse period for long-lived water infrastructure projects and to facilitate councils taking a flexible approach to applying lapse provisions to enable staged development.		Not done
4	49	Government should work with sector groups, councils and other stakeholders and draw on existing industry guidance to specify the methods councils must use for defining technical efficiency standards when: -applying the "reasonable technical efficiency test" on transition to the new water management regime -accounting for takes within a catchment.	GFP Action Plan promotes irrigation efficiency.	Minor progress
4	50	Central government should provide national direction on the management of small takes less than 5 litres/second and not covered by water metering regulations. This direction should set out a progressive approach to managing small takes, stepping from registration and modelling to metering and direct management, and should: -specify that small takes must be modelled, but need not be metered unless they cumulatively add up to a material portion of the limit (allocable quantum) and risk breaching the limit or derogating the rights of others -clarify the nature and accuracy of data that should be collected if small takes require more active management and metering.		Not done
4	51	Water suppliers should meter municipal supply at scales that are appropriate for asset management purposes. Depending on the population and local context of each community, this may be at the household, business, zone, suburb, catchment or district level.	Some councils are doing this - no national framework.	Minor progress
4	52	Additionally, volumetric metering for households on municipal supply should be required in urban areas where the population growth is or is projected to be significant and where increasing demand on municipal supply is creating competition with other water uses, or in over-allocated catchments where the municipal take is a material portion of the water use.		Not done
4	53	Water suppliers must monitor and publicly report on levels of leakage and actions they are taking to mitigate leakage in the potable water system, and should set targets to reduce the water loss from leaks in their networks.	Some councils are doing this - no national requirement.	Not done
4	54	Councils and water suppliers should be required to distinguish between municipal supply that is for essential domestic needs (i.e. drinking and sanitation needs for households, offices, retail, hospitals and education) and municipal supply that is for commercial or industrial production purposes to: -allow for targeted application of restrictions during times of scarcity -treat metropolitan commercial users' access to high reliability water on the same basis as commercial water users outside of municipal supply.		Not done
4	55	When developing catchment-level policies and rules for managing over allocation councils should: -target critical contaminant source areas in the catchment where this will enable efficient reduction of over-allocation -consider the potential for resolving the over-allocation problem through the development of new infrastructure and catchment-scale water quality mitigations -require all land and water users to make a fair and reasonable contribution to the achievement of limits -recognise prior investment in measures that have led to greater efficiency in water use or water quality mitigation measures -clearly specify how measures designed to achieve a limit will impact existing authorisations (e.g. reduced annual take/discharge, reduced instantaneous take or reduced reliability).	Some councils are doing this - no national framework.	Minor progress
4	56	Recommendation 51 of our third report should be read as applying to freshwater quality as well as quantity.		Not done
4	57	The Government should: -monitor the emergence of markets for the transfer of water and discharge consents -consider whether any market dominance or efficiency problems arise -address them through the provisions of the Commerce Act where possible -develop a specific response that targets the problems that arise if they are not able to be dealt with by the Commerce Act.		Not done

Report	Rec	Text	Comments	Status
4	58	Regional councils and territorial authorities, iwi, CRIs, sector groups, Crown entities, NGOs, universities and communities need to be able to share innovative approaches and best practice for managing within limits over time. Central government should work with these groups to establish an information sharing platform, in the form of a website and ongoing workshops. The information sharing platform will need to cover a broad range of issues, including: -exemplar approaches to discharge allocation regimes -innovation in three waters management, in particular, for smaller towns upgrading wastewater systems -the costs and effectiveness of GMP, including various on-farm mitigations -monitoring of actual use compared to allocations (either take or discharge) -the costs and effectiveness of various catchment-scale mitigations -approaches to unbundling consents and standardising consents -different approaches to defining the level of reliability afforded by a consent under a limits based regime. -information on the range of public and private sector funds available to assist with managing within limits, along with information to assist in applying -approaches to riparian setbacks and management practices.	Regional councils website portal developed, but not accessible to all. There are more issues to be included.	Minor progress
4	59	Central government should: -undertake a stocktake of all central government funding that may impact on fresh water -consolidate and rationalise existing central government funds related to freshwater management -provide information on all central government, local government and private funds available, and assistance with applying, on the national learning platform.		Not done
4	60	Central government should: a. Provide additional funding (either through establishing a new fund, or rationalising existing funds) to assist communities with managing over-allocation, legacy effects (e.g. environmental clean-up), and the creation of headroom to generate greater economic activity and provide for new users. The fund should use the central government funding criteria proposed in Appendix 2. b. Improve the science and information base needed to manage within limits, by: i. establishing a national information framework ii. prioritising research into spatial variation in assimilative capacity iii. prioritising research to improve OVERSEER iv. prioritising research into tools for the restoration of highly degraded urban streams. c. Improve the capability/capacity of councils and industry groups, by: i. establishing a national information sharing platform ii. running processes with industry and other stakeholders to develop and approve independently audited industry self-management schemes iii. running processes with industry to develop and approve technical efficiency standards for water use.	\$100M Freshwater Improvement Fund is a 50% match fund (minimum \$200k) projects that support users to move to managing within quality and quantity limits. Our Land and Water work in progress, and prioritising research on assimilative capacity. 2018 Budget included additional funding for OVERSEER development.	Partially complete
NOF	1	The Forum's preference is for MCI to be used as a compulsory monitoring tool to measure progress towards whether the NPS-FM objective to 'maintain or improve' the quality of fresh water is being met in terms of ecosystem health. The mandatory monitoring requirement should have the following features: a) Regional councils to monitor, report and analyse MCI scores and trends b) Regional councils to use monitoring information as a trigger requiring action if there is a downward trend in MCI scores or if MCI is below a particular threshold c) Regional councils to investigate and develop an action plan to either maintain or improve MCI scores in the waterbody. The key points in this process were: i. If the natural state MCI score in a waterbody is below 80, then the requirement is to maintain MCI at that level. ii. If the MCI score in a waterbody is below 80 for human-induced reasons, then the requirement is to develop an action plan to improve the MCI score. iii. If there is a downward trend in MCI in a waterbody, then the requirement is to develop an action plan to reverse the trend. d) Report to the public on the monitoring and actions e) There should be consistency in its application to waterbody types f) There should be good guidance to support implementation (Guidance should include the proposed MCI bands table shown in Appendix 2.) g) Relationship to previous recommendations (The Forum's advice in this matter is contingent on the resolution of an outstanding matter relating to Appendix 3 of the NPS-FM)	Complete except for f & g.	Fully complete
NOF	2	There should be a new requirement in the NPS-FM for councils to set maximum in-stream concentrations for dissolved inorganic nitrogen (DIN) and dissolved reactive phosphorus (DRP), as objectives in regional plans, to support the existing periphyton NOF attribute. This new requirement should make it clear that councils should set these concentrations with regard to downstream receiving environments.	NPS-FM 2017 in line with recommendation.	Fully complete
NOF	3	The Forum endorses mandatory adoption of a decision support tool for councils [<i>when setting objectives for DIN and DRP</i>], which would need to be developed, that is based on the flow chart in Appendix 3	In progress - MfE have tendered for someone to complete this work.	Not done
NOF	4	The NPS-FM should be amended to include explicit language stressing that the nitrate toxicity attribute in the NOF is not a bottom line where there is the potential for problematic plant growths to occur (i.e. periphyton, macrophytes or phytoplankton).	NPS-FM 2017 in line with recommendation - footnote added to the nitrate toxicity attribute.	Fully complete
NOF	5	A multi-variate look-up table for DIN and DRP concentrations should be provided in guidance to give councils and communities a broad idea of what nutrient concentration ranges may be appropriate in a variety of conditions. The look-up table would need to be developed. It would not be scientifically defensible for the look-up table to be used where there are significant abstractions, dams or diversions or where there are nutrient-sensitive downstream receiving environments. The mandatory decision support tool would need to cover when the look-up table should be used or should not be used.	Officials have committed to progressing this if/when it becomes feasible.	Not done
NOF	6	The Forum recommends the following modifications to the way primary contact is dealt with in the NPS-FM (these work as a package and should be implemented together): a) The preamble and objectives A1 and A2 should be strengthened to reflect communities' aspirations for primary contact in waterways. b) A new compulsory national value for primary contact should be inserted into Appendix 1 of the NPS-FM to make it clear that primary contact is of national importance (suggested wording for the new primary contact value is included in Appendix 4). c) Instead of a single E. coli attribute, there should be two – one reflecting a secondary contact E. coli standard and one reflecting a primary contact E. coli standard, so that at those times the infection risk from primary contact is too high, waterways are still managed to an acceptable risk level for secondary contact. d) Subject to testing and agreement from MoH and the relevant scientific experts, the new primary contact E. coli attribute should have a national bottom-line and band levels that vary according to the proportion of time a water body meets a primary contact E. coli threshold. [Note that the Forum has reached no agreement on what the national bottom line or band-levels should be]. e) Alongside these modifications, uniform, systematic sampling, monitoring and reporting regimes for E. coli should be made compulsory. f) In the longer-term, the MfE/MoH Microbiological Water Quality Guidelines for Marine and Freshwater Recreational Areas should be reviewed and updated with close involvement from MoH.	NPS-FM 2017 largely in line with recommendation with some differences: b) has not been done, instead the human health for recreation value has been rewritten. c) has not been addressed, instead the secondary contact bottom line has been removed and the new primary contact standards only apply to rivers 4th order and above and lakes of over 1.5km perimeter. f) has not been addressed.	Partially complete
Commentary on implementation of the NPS-FM (Imp.)				
Imp.	N/A	MfE needs to develop an implementation strategy that: - is clear, consistent and transparent about the timeframe, priority and sequencing of policy and implementation changes and action, and who does what - is clear about policy and its intent - actively coordinates resources to fill knowledge and capacity gaps - involves stakeholders in national policy design - includes their involvement in regional planning to support better implementation - results in more fit-for-purpose and timely technical support.		Not done
Imp.	N/A	Future NPS-FM updates must be transparent and signalled in advance to allow councils and communities to plan for them.		Not done
Imp.	N/A	MfE must exercise stronger regulatory stewardship in ensuring policies are implemented.		Not done
Imp.	N/A	The legislative framework needs to incentivise collaboration	The collaborative track seems to have been disempowered by the RLA Act.	Not done

Report	Rec	Text	Comments	Status
Imp.	N/A	More emphasis must be given to investing in information and improving how best practices are shared. The draft Water Information Strategy addresses many knowledge priorities but it has stalled and MfE needs to finalise and implement it as a matter of urgency.	The Our Land and Water Science Challenge has picked up some aspects of this, but there is still no Water Information Strategy.	Minor progress
Imp.		The government must provide guidance on the information needed at the beginning of all freshwater management planning processes.	Some guidance provided in Making Collaborative Groups Work.	Partially complete
Imp.	N/A	The government needs to publish decision support material on how to identify values and translate them into freshwater objectives in plans.	Cawthron report <i>Tools for working with freshwater values</i> published 2015.	Minor progress
Imp.	N/A	Tools are needed to manage the transition in 'at risk' catchments	The previous government considered this a low priority.	Not done
Imp.	N/A	MfE must develop a standardised base freshwater accounting framework that can be adapted regionally.	Accounting guidance has been produced. No framework though.	Not done
Imp.	N/A	MfE needs to develop more fit-for-purpose technical guidance material to improve the consistency and robustness of freshwater objective and limit-setting.	<i>Draft guide to limits</i> and <i>Draft guide to attributes</i> published March 2018	Partially complete
Imp.	N/A	MfE must expedite work on attributes for sediment, copper and zinc.	Science has been commissioned. Draft bottom lines for suspended and deposited sediment have been developed along with draft attributes for copper and zinc. They need further testing and implementation.	Minor progress
Imp.	N/A	MfE needs to work with councils to accelerate work on urban water quality, and to ensure they set freshwater objectives for sediment, copper and zinc where those issues are relevant in an FMU.	MfE, councils and sectors working on Urban GMP principles	Minor progress
Imp.	N/A	Central government needs to consider a national regulation for vehicle brake pads as a way of controlling copper discharges. It must also identify the best way of managing sources of heavy metals from building materials.		Not done
Imp.	N/A	A spatial classification system that provides for hydrologically modified catchments ought to be developed		Not done
Better Freshwater Management???				
Land and Water Forum advice on improving water quality - preventing degradation and addressing sediment and nitrogen - May 2018				
5	1	Central government to: a) Set up a Land and Water Commission to provide national leadership, direction, oversight and implementation of freshwater management reform. The Commission must be properly resourced and mandated to drive robust change. b) Develop a freshwater management implementation strategy within six months and mandate the new agency to implement it.		
5	2	Central government must, as a priority, work with iwi to reach agreement on how to resolve rights and interests in fresh water.		
5	3	The Minister should consult with regional councils and urgently identify 'at-risk' catchments : a) that exhibit a clear decline in water quality; or b) where water quality is likely to decline as a result (direct or indirect) of existing or anticipated future land use change and/or intensity of use (including urban growth); or c) where a catchment or sub-catchment is vulnerable to irreversible detrimental change.		
5	4	The Minister is to require regional councils to report on how existing plan provisions, the current suite of community, industry and council plans and programmes, and council planning timeframes will manage the decline, with the primary objective of reversing it.		
5	5	Following receipt of this report, the Minister shall: a) identify the extent and severity of the water quality decline b) identify the contaminant(s) and activities that are the key contributors c) assess the extent to which existing actions are sufficient to manage the decline d) assess the capacity of the regional council to reverse the decline and its likely timeframe for doing so e) determine the action that is necessary to ensure that the decline is halted as quickly as practicably possible.		
5	6	The Minister can: a) require regional councils under section 25A of the RMA to prepare a plan, or a plan change or variation to successfully reverse the water quality decline in the at-risk catchment b) appoint a person under section 25 of the RMA to carry out the functions of a regional council where the performance of the council is assessed to be inadequate to prevent further degradation c) introduce interim measures – either prohibited activity status or Ministerial led moratoria – to stop activities which an investigation shows are clearly contributing to a decline in water quality, or are reasonably likely to do so. These should be in place until a new plan has been prepared to address the water quality issue.		
5	7	The NPS-FM be amended to: a) set a nationally consistent criteria and identification process for spatially defining the extent of wetlands, and set out criteria for defining and assessing the 'significant values' of wetlands b) provide that there is no further loss or degradation of wetlands.		
5	8	The NPS-FM be amended to: a) bring forward the requirement under Objective A2 of the NPS-FM that the "overall quality of fresh water within a freshwater management unit is maintained or improved ..." b) strengthen the NPS-FM's MCI monitoring and action requirements, by bringing forward the obligation on councils.		
5	9	The NPS-FM to set out criteria for defining the characteristics of 'outstanding waterbodies', and for defining the 'significant values' of outstanding waterbodies.		
5	10	Central government provide greater clarity on the requirement on Objective A2 of the NPS-FM that 'the overall water quality within a freshwater management unit is maintained or improved', including on greater national consistency in identifying freshwater management units, measurement and monitoring requirements, and how to account for lag times.		
5	11	The NPS-FM be amended to require regional councils to ensure that once a limit is fully allocated, additional resource use activity (e.g. discharges of contaminants and the taking of water) is a prohibited activity.		
5	12	Central government to review the use of certificates of compliance and councils' ability to review consents to ensure compliance with a limit, in a way that improves freshwater management but does not have unintended consequences for their broader use under the RMA.		
5	13	Central government in partnership with industry and stakeholders must co-construct and implement a national policy instrument (NES and/or regulation) that defines GMP in rural and urban environments and which: a) identifies sector-specific practices and minimum standards that can be applied across New Zealand for common activities that pose an environmental risk b) includes sector-specific risk assessments to identify the best management practices in specific circumstances. It must include the elements set out in paragraph 38(b) above c) identifies auditing requirements d) identifies monitoring requirements e) identifies reporting requirements f) requires (a)-(e) above to be implemented through farm plans in the rural context and an appropriate requirement for the urban context g) requires existing and new enterprises to apply GMP and specifies a date by which all existing operations must have a farm plan or have implemented GMPs in an urban context h) enables flexibility, innovation and adaptation i) includes review provisions to allow for review and update of minimum standard GMPs and management practices as technologies develop and improve.		
5	14	Regional councils must identify through modelling the contribution GMP will make to meeting freshwater objectives. Where the implementation of GMP will not achieve freshwater objectives, the regional council must identify any additional actions and mitigations that need to be undertaken so that freshwater objectives can be achieved over time. This may include using allocation tools, as discussed in the allocation recommendations.		
5	15	To support implementation of GMP central government should urgently: a) coordinate the development of a science programme to determine the effectiveness of mitigations. The programme needs to be updated continuously as new practices are identified. b) support building of capacity of persons with the requisite skill set to develop and audit GMP and farm and site management plans.		

Report	Rec	Text	Comments	Status
5	16	The national policy instrument developed for GMP (as per recommendations 13, 14 and 15 of this report), to include the following measures to address sediment in sectors currently unregulated: a) A requirement that all landowners in catchments identified as having significant sediment problems must be part of an FEP/LEP-based soil conservation and erosion control programme. b) Specific rules to control the following practices: - exclusion of stock from waterways and provision of appropriate riparian margins on appropriate terrain – e.g. some intensively farmed lowland areas - hill country cropping - intensive winter grazing - land disturbance caused by the construction of tracks, roads and culverts - earthworks from subdivision and development – as per recommendation 28 of this report - integrated drainage management - management of cultivated land.		
5	17	To assist with implementation, central government should assist with the development of tools and guidance to support the implementation of good management practices identified above in recommendation 16(b).		
5	18	Central government should: a) Publish a multi-objective plan for where to plant the "one billion trees" and seek public comment on it. The plan should include a statement of objectives and principles about where the right tree in the right place for the right purpose is that recognises the value of soil conservation and erosion control, carbon capture, ecosystem health, biodiversity, and social and cultural values, while addressing the need to provide the right incentives to land users for reduction of sediment and carbon emissions. It should recognise: i) the principle that landowners should bear responsibility for the environmental effects of their activities ii) that at sufficiently large scales taxpayer subsidies for land retirement may be justified if such retirement would render the remaining productive land incapable of reasonable use and place an unfair and unreasonable burden on the landowner, as recognised by the principles in Section 85 of the RMA iii) that subject to the law, landowners should retain the choice of how to use their land. b) Review existing government afforestation funds to ensure they are geared to achieve government policy objectives, and restructure them as necessary c) Provide assistance to accelerate farm scale natural resource mapping, and build capacity and capability of soil conservation and land management experts to support implementation of soil conservation and erosion control measures d) Change the ETS to recognise additional carbon stores generated by plantings for soil conservation, erosion control and		
5	19	Attributes for suspended and deposited sediment should be developed. These should then be thoroughly tested for inclusion in Appendix 2 of the NPS-FM by the NOF Reference Group.		
5	20	Where nitrogen discharge allocation limits are currently in a regional plan, are being implemented by the regulator and community, and are reducing nitrogen discharges towards those limits in accordance with a set time-frame, those interim arrangements should continue for the current term of the regional plan or time-frame specified within a regional plan or regional policy statement.		
5	21	Central government amend the NPS-FM to require regional councils to take immediate interim actions to address nitrogen discharges if: a catchment or sub-catchment has been identified as being 'at-risk'; where nitrogen has played or is likely to play a significant role in water quality degradation, including where there is an anticipated 'lag' in effects. In undertaking these interim actions regional councils should: a) prioritise resources to identify the specific location and nature of threats to water quality and ecosystem health, identify controls required to prevent further water quality degradation due to nitrogen discharges and determine land use and practice changes required to comply with agreed GMP b) identify the nitrogen discharging entities within a catchment that have the greatest level of effect on water quality and work with these entities to design and implement targeted programmes to reduce nitrogen discharges as rapidly as possible, additional to what would normally be expected through agreed GMP c) agree, as part of their planning process, the percentage increase in nitrogen discharges available to lower-intensity operations, if any, to facilitate management flexibility and market responsiveness, if any such increases are possible without risking a breach of catchment limits d) seek to simultaneously drive rapid improvements in water quality while achieving co-benefits such as improved biodiversity, greenhouse gas reductions, and increased public access and amenity, through public investment in catchment mitigation, targeted training and capacity-building.		
5	22	While iwi rights and interests remain unresolved and a national allocation framework is not in place: a) any existing nitrogen discharge allowances (whether directly or indirectly allocated) are deemed to be expressly interim, are time-bound and do not confer a property right b) any existing and interim allowances and arrangements for managing nitrogen discharges should include provisions that preserve the flexibility of each entity exercising such nitrogen discharge allowances to make minor alterations to their activity, including to appropriately manage crop rotation across changing parcels of shared, owned and leased land, provided doing so does not breach catchment limits c) central government shall actively participate in regional council processes and court proceedings that set transitional nitrogen discharge allowances in order to ensure accurate and consistent interpretations of national policy direction.		
5	23	Central government rapidly establish the foundational aspects of the limits-based system recommended by the Forum that are not yet in place and that represent a national approach for allocation decisions: a) a standardised contaminant accounting framework to integrate a suite of models and operational protocols, and to ensure transparency of model inputs and assumptions when applied in local planning processes b) a classification system and accountability framework embedded in regulation that: connects land-based activity, practice changes and regulatory actions to effects/outcomes in waterbodies and agreed limits; specifies GMP requirements for reducing nitrogen discharges in urban and rural locations; and specifies monitoring and reporting requirements, compliance protocols and methods, and a robust and transparent enforcement process using approved auditing schemes (including Audited Self-Management) c) a nationally consistent procedural framework for guiding regional council decisions on the allocation of nitrogen discharge allowances, including the timeline for doing so, if allocation is to occur d) a national framework that provides a greater understanding of the effects of transferring nitrogen discharge allowances within a catchment and enables the transfer of nitrogen discharge allowances between users.		
5	24	Immediately after iwi rights and interests have been resolved and the national approach for allocation decisions set out in recommendation 23 is available, where allocation of nitrogen discharge allowances is occurring or is a viable option for effective and efficient management of nitrogen discharges: a) central government should specify a default timeframe for regional councils to implement the policies and processes set out in national framework for allocation decisions b) regional councils should establish an implementation programme and transitional processes in their regional plans to give effect to the policies and procedures set out in the national framework for allocation decisions c) regional councils should be able to request that the Minister for the Environment approve an alternative timeframe for implementing the policies and procedures set out in the national framework for allocation decisions, if exceptional circumstances justify a faster or slower period of transition.		
5	25	Central government to: a) develop human and ecological health objectives, values and attributes for estuaries, and evaluate their costs and benefits through a process similar to that used to develop the NOF in the NPS-FM b) identify and evaluate options for introducing those objectives, values and attributes into the regulatory framework in a way that promotes efficiency and regulatory integration, including through additions to the NOF and/or amendments to the NZCPS.		
5	26	Central government to amend the NPS-FM to prevent further loss of urban streams due to urban expansion (including through channelisation), unless the effects of urban stream loss can be offset in ways that will deliver net improvements in water quality and ecosystem health in the relevant Freshwater Management Unit.		
5	27	Central government to quickly evaluate and publicly report the merits of national regulation to control sources of water quality contamination arising from building practices (e.g. the design and installation of wastewater and stormwater pipes on private land, and septic tanks and small wastewater systems), construction materials (e.g. zinc coated roofing) and vehicle components (e.g. brake pads and tyres).		
5	28	Central government to develop a regulatory tool that specifies: a) standardised best practice requirements for earthworks and urban development b) mandatory additional requirements above good practice for sediment management in proximity to sensitive receiving environments and/or where earthworks impact mobile top soils and land prone to erosion c) standards for discharges from sediment traps for application in high-risk circumstances.		

Report	Rec	Text	Comments	Status
5	29	Central government to: a) specify methods for event based-sampling of water quality to capture the effects of intermittent and short-duration causes of poor water quality in urban environments (e.g. high intensity, short duration rain events) b) develop frameworks to guide the design and operation of remote sensors on stormwater and wastewater networks c) develop frameworks to guide the design and operation of models to complement event-based sampling and longitudinal monitoring, and enable forecasting of risk d) develop standardised monitoring methodologies for urban waterways, and establish protocols for data capture, storage and sharing.		
5	30	Central government, in conjunction with local government and sector representatives, to develop and implement a public education campaign to increase understanding of how urban water networks function, how day to day activities can put pressure on them, and what individuals, households and businesses can do to reduce these pressures.		
5	31	Central government to expand the scope and resourcing of the MfE urban GMP work programme to: a) identify and define urban GMPs as defined by the Forum (not just high level principles) b) assess the existing suite of guidance, codes of practice and standards that relate to urban GMPs and develop a prioritised work programme to address critical gaps c) assess sector capacity and capability to implement urban GMPs, including the coverage and suitability of training programmes d) develop exemplar solutions for water sensitive approaches to urban catchment management, road design and urban design e) develop business case templates for water sensitive solutions f) evaluate options for mandating codes of practice, performance standards and guidance notes, including through rules, bylaws, regulations and other national instruments.		
5	32	Central government to review and amend the criteria for the Housing Infrastructure Fund to ensure government funding supports infrastructure that is designed in accordance with water sensitive principles and is consistent with freshwater outcomes set through regional planning processes.		
5	33	Central and Local government to ensure that resources are available to build the technical capability for overseeing the financial and environmental performance of water network operators.		
5	34	Central government to: a) standardise consenting requirements for urban wastewater and stormwater systems (including templates, data standards, monitoring and reporting protocols) b) devote resources to supporting smaller councils without sufficient in-house capacity to process consents for urban wastewater and stormwater systems in a timely and robust fashion.		
5	35	Central government to investigate incorporating consenting, monitoring and compliance functions for wastewater and stormwater systems within the functions of the new regulator being contemplated following the recommendations of the inquiry into the Havelock North drinking water contamination issue.		
5	36	Central government to encourage councils to use collective environmental management schemes by: a) Issuing group consents to collective environmental management schemes, which shall include collective contaminant loads where appropriate. b) Allowing collective environmental management schemes to allocate to their members responsibility for making practice changes to comply with absolute numerical load limits. c) Ensuring effective compliance and monitoring of performance outcomes. d) Where schemes are operating, applying the same level of administrative/consent requirements, monitoring rigour and regulatory oversight to individual landowners who are not members of a scheme.		
5	37	After being trialled for 2-3 years, central government should evaluate the effectiveness of collective management schemes.		
5	38	Central government to work with sectors, regional councils and science providers to: a) develop a better understanding of groundwater, lag times and attenuation and how they vary within regions b) continue to improve water management data collection and management c) continue to use and improve tools and models (including for example OVERSEER and APSIM) to ensure quicker adoption of environmentally responsive land practices across land types and farming systems. The Government should provide guidance on how they should be used in plans. d) improve understanding about the relationship between in-stream nutrients, flows and aquatic plant growth e) give further consideration to the appropriateness of developing an additional nitrogen attribute that deals with ecosystem health more broadly than the current requirements to derive in-stream DIN concentrations for managing periphyton f) improve the tools and methods used for scenario modelling g) improve the ability of economic models to test a wider range of policy tools and behavioural responses h) provide information to help people understand Te Ao Māori, Mātauranga Māori and Te Mana o te Wai and incorporate them into community freshwater management decisions and planning i) accelerate the development of National Environmental Monitoring Standards j) review approaches to generating information on periphyton cover, dissolved oxygen, deposited sediment and water quality in lakes, estuaries and wetlands k) investigate the establishment of protocols for event-based sampling, water quality modelling and the design and operation of remote sensor networks.		