



Water New Zealand commentary on the discussion document – *Proposed amendments to the National Policy Statement for Freshwater Management 2011.*

A not for profit incorporated society, Water New Zealand promotes and enables the sustainable management and development of the water environment. With 1500 corporate and individual members Water New Zealand's membership is large and diverse, including Territorial Local Authorities, Council Controlled Organisations, water and wastes services providers, the major consultancies involved in providing engineering, planning and research services to the industry, Crown and other research institutes involved in the water and wastes environment, academia, members of the legal fraternity and training providers.

Introduction

Water New Zealand is one of the foundation members of what became the Land and Water Forum (LAWF) and have been a full and active participant in the Small Group of that body since its inception. We concur with the bulk of the introductory comments in the discussion document, but would note and reiterate our previous concern that giving councils until 2030 to comply with the requirements of the NPS-FM would seem an inordinately long time.

The comments in Section 2 of the discussion document explaining the rationale for amending the NPS-FM would seem to support comments that have been made by numerous other parties for some time, namely the current institutional arrangements for water management in this country are less than optimal. As the discussion document notes, decisions are being made with insufficient information, community and iwi values are not being adequately recognised, there is unnecessary duplication of costly scientific investigations, there is an absence of national consistency in defining acceptable states of water quality, tangata whenua values for freshwater water are not adequately defined, and there is a need to monitor and address progress in achieving the desired objectives for freshwater management.

Elsewhere in Section 2 reference is made to the variability of, *“resource pressures, capability, capacity, and data availability of regional councils”*, and the differing approaches currently being taken in reference to accounting for contaminant sources. The document also reports that the 2012 survey of regional councils showed that, *“All councils cited difficulties with ‘defining life-supporting capacity’ and seven (out of 16) councils cited uncertainty regarding the difference between numeric freshwater objectives and limits. Half of all councils cited issues with capability and capacity for resourcing the technical investigations and science required to inform freshwater objective and limit setting.”*

These comments are viewed with considerable concern. Both Government and the general public have often stated their belief in the critical importance of freshwater and its management to society's health and well-being, the environment it exists in, and the growth and prosperity of the nation at large.

If such comments were expressed in an official document such as this in reference to roading or the air transport system, they would very likely trigger a high level review of the overall management system, with serious questions asked over the capacity and capability of the existing regime to deliver policy objectives.

Options for providing further national direction

Four options for providing further national direction were assessed. We support the use of the NPS-FM.

Accounting for water quality and quantity

Robust information is a fundamental element of good decision making and the fact it will only be required by amendment to the NPS-FM again raises questions over the efficacy of the existing freshwater management system.

An effective system does require accounting for all water takes and all sources of contaminants and we therefore support this requirement.

Regarding the balance between national prescription and regional flexibility question, and given the issues the discussion document has highlighted around the current management system, firm national direction is required to remove the problems associated with regional variability and lack of consistency.

Two years is a more than adequate time period for accounting systems to be established and back-sliding in this regard needs to be deemed unacceptable.

National Objectives Framework

The concept of a National Objectives Framework (NOF), along with a set of national values is supported. It is accepted such a framework cannot be instantly arrived at given both the variability of catchments and the paucity of information in some areas.

Using science to determine attributes and attribute states is strongly supported. It provides a robust evidence base and will lead to more consistent management of freshwater across the whole country.

It is however of concern that the attributes list in the discussion document has so few actually confirmed. It was LAWF's clear intent that the initial NOF would be reasonably comprehensive to offer communities a good information base for decision making. We question the adequacy of what has been provided to date.

The discussion document comments, *"Ecosystem health currently includes attributes for rivers and lakes. There are some critical attributes for ecosystem health that are not yet populated such as sediment and macro-invertebrate community measures. Work will continue to develop these attributes so they can be included"*.

As a member of the Small Group of LAWf we are aware of the process issues that occurred in developing the attributes list for the ecosystem health, human health-secondary contact and mahinga kai values. We share, in particular, the concerns expressed that such a robust, well-used and understood attribute as the Macroinvertebrate Community Index, or MCI, has not been included.

The establishment of a NOF was a key recommendation of LAWf and considerable effort, through a working group, were made to identify a framework for it. There was also an expectation that LAWf would oversee the population of that framework. This did not occur and while we support the inclusion of the list of Compulsory National Values in the amended NPS-FM we would hope that LAWf would be far more closely involved in populating the attributes for those values than has been the case to date.

While the he two identified compulsory values concerning ecosystem health and human health are supported, we would urge consideration be given to removing the reference to 'secondary' in Objective A1 (b) if the local community so desires. With this proviso, the national bottom lines for these two values, as detailed in Appendix 2, are also supported.

Exceptions to national bottom lines

Regional councils have shown considerable inconsistencies in addressing breaches of discharge consents. It has often been commented that they are not slow in taking punitive action against rural landowners who breach 'bottom lines' but exhibit considerable reticence in taking similar action when municipal sources of contaminants are clearly in breach.

The discussion document details a set of criteria that Government, not a council, will use to assess whether or not an exception is allowable in reference to significant existing infrastructure. It would be desirable, and demonstrate consistency, if any proposed exception is similarly a decision by Government.

Articulating tangata whenua values

The inclusion of Te Mana o te Wai as a compulsory national value, through the health and mauri of water, the health and mauri of the people, and the health and mauri of the environment is supported. Adding it to the requirements in Objective A1 to safeguard the life-supporting capacity of freshwater and human health would hopefully lead to a more informed discussion when decisions are being taken.

Monitoring

The proposal to include a requirement for monitoring plans is supported. Robust reporting on implementation cannot occur without adequate monitoring of progress in reaching the desired freshwater objective.

Implementation

We welcome the intent to develop further guidance materials as detailed in the discussion document.

Regarding giving effect to the amended NPS-FM, we note improved management of water resources, and in particular water quality, is an issue of significant public concern. The

Cabinet Paper, *Water Reform Paper Two: Objective and Limit Setting under the National Policy Statement for Freshwater Management 2011* notes in Annex B that only three of the 16 regional councils consider its notified plans will fully reflect the existing NPS-FM by 2014. The remainder suggest compliance will not occur until sometime between 2020 and 2030.

If the amended NPS-FM and the introduction of the NOF are permitted to display a similar inconsistent and protracted implementation programme it will only serve to discredit the scope and 'once in a generation' vision of the reforms intended. Improved management of this key strategic resource is a high national priority, and requires far tighter and robust implementation than has been the case to date.

We understand a discussion is ongoing with regional councils on the costs associated with the proposed reforms. While this is important it is equally important to consider the costs for the full spectrum of resource users. The Southland and Waikato studies cited in the document did cover this area, but the Cabinet papers and this discussion document are silent on the question of the implementation of the reforms in urban environments. The Third Report of the Land and Water Forum addressed this issue and noted the potential costs in addressing water pollution in both urban and rural environments, particularly in relation to legacy issues. We stress the need for Government to address the implementation issues in a broader context than is suggested through the amended NPS-FM.

We look forward to further opportunities to comment on freshwater management reforms as they are advanced.

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