

Submission on Proposal for National Policy Statement for Freshwater Management

Section 49 of the Resource Management Act 1991.

To: the Chairperson
Board of Inquiry

This is a submission on the following proposed national policy statement (the proposal):
Proposed national policy statement for freshwater management.

The specific provisions of the proposal that my submission relates to are:
the statement in general, Objectives One-Nine, Policy Seven, and Policies in general

Our submission is:
set out in the following document

We do not wish to be heard in support of my submission.
If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Associate Professor Angus McIntosh
on behalf of five people representing the University of Canterbury, 15 January 2009

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University of Canterbury submission on Proposal for National Policy Statement for Freshwater Management

This submission has been put together by Angus McIntosh (Associate Professor & Freshwater Ecologist, School of Biological Sciences), Kristy Hogsden (PhD student, Freshwater Ecology, School of Biological Sciences), John F. Raffensperger (Senior Lecturer in Management Science), Mark Milke (Associate Professor, Civil and Natural resources Engineering) and Tom Cochrane (Senior Lecturer, Civil and Natural Resources Engineering) representing the University of Canterbury.

This submission has been made at the request of the Acting Vice-Chancellor on behalf of the University. However, it does not necessarily reflect the diverse views of all of the University nor does it necessarily reflect the official view of the University of Canterbury.

It should also be noted that it has also been put together without any input or comment from Dr Jon Harding of the School of Biological Sciences who is a member of the Board of Inquiry.

Main comments

- The proposed National Water Policy should prescribe the use of best science practice.
- The definition of Freshwater Resources is too narrow and should be expanded.
- The Policy should require that degraded waterways be improved to national standards.
- The Policy should take care not to imply subsidy of business.

Objective One

This objective recognises the needs of the current inhabitants of New Zealand, but ignores the needs of future generations. The words 'sustainable' should be included to incorporate the needs of future generations and the need for resilience to changing global conditions (both environmental and economic).

The definition of Freshwater Resources is too narrow. Ephemeral streams incorporate important freshwater biodiversity, so should be included. Moreover, in some locations the natural stream network has been usurped by artificial stream networks. Many of the natural first and second order streams on the Canterbury Plains, for example, have historically been diverted or used as part of the water and irrigation race system. This means it is now difficult to determine what is natural and what is artificial. In practice these waterways are being managed as artificial streams because they are connected to a water race network. However, this approach will result in further degradation and loss of freshwater values. The definition of Freshwater Resources should incorporate anything connected to or including a natural stream network.

The definition of Freshwater Resources should explicitly include geothermal freshwaters, since these waters have significant cultural, environmental and social value.

Objective Two

Effective integrated management of effects on fresh water can be achieved only if decision making and processes are informed and of a high standard. Thus, this objective must specify the need for best scientific practise to underpin management. Best scientific practise should include national standards for the methodologies and processes used by management agencies to guide their decisions.

The phrase “with investment” in this objective is ambiguous. It should be removed, as it could be interpreted to mean that the Government should provide infrastructure for commercial water users. This is inappropriate, because it would be a public subsidy of business.

The phrase “discharges of contaminants” in this objective (and later in objective 5) needs to be clearly defined to include non-point source pollution.

Establishing national water quality standards would be a suitable approach to ensure water quality meets acceptable levels across the country. District and Regional Councils should be required to implement standard sampling protocols. These protocols should be scientifically rigorous and based on current best practices, so that water quality data collected across the country is comparable. If necessary, regionally appropriate standards can be adopted to reflect differences in underlying geology, hydrology, etc.

Objective Three

The first part of this objective is too general, and the later part is open to multiple interpretations. “Progressive enhancement” should be judged on the basis of national and regionally-appropriate standards.

With respect to the second part, “appropriate” is a qualitative term; the swimmable standard applies only to a few waterways. Standards should be applied to reflect the uses of the waterway (e.g., drinking, recreational use, protection of aquatic life). The end use is important, economically, socially, culturally, and ecologically.

The goals for the overall quality of Freshwater Resources should be defined for all freshwater resources with respect to national standards.

Objective Four

This objective should be modified to incorporate protection from threats (e.g., invasive species and climatic warming). The wording of the objective should be changed to more clearly indicate a directive to do something proactive. The terms “recognised” and “protected from” are not specific enough to ensure life supporting capacity is sustained.

The term “inappropriate” should be removed, because it is a qualitative subjective term open to multiple interpretations (i.e., don’t contaminate the Objective with caveats). The preamble should state that some objectives will need to be traded-off against others.

The term “development” should be removed, as it implies that regulations and policies will cover only future developments and will not address existing land-uses. Monitoring should be integrated, i.e., it should include social and cultural values and should be designed so that the impacts of water management policy itself can be evaluated.

Objective Five

This objective implies that Land-use Development and discharges of contaminants are the only forces of degradation. It is important to consider and include other forces (e.g., invasive species, impervious surfaces) that can degrade aquatic habitats. As with Objective Four, this objective should include management of current land uses and the intensification of existing land-use activities.

Degraded freshwater resources should be restored to meet national standards. This (or another) objective should specify the need to repair, rehabilitate or reverse the existing effects of Land-Use Development and discharges of contaminants that have degraded Freshwater Resources.

Objective Six

The scope of this objective should be expanded to include expected effects of climate change.

This objective appears to promote reducing risks for business; we think business should manage its own risks. To clarify this objective, the section of point (b) inside the parentheses should be removed.

The most obvious point about demand for water is that we should use less and be more efficient in water use. This objective or another new objective should specifically promote that intention.

Objective Seven

The meaning of (c) is unclear. Perhaps this objective should explicitly state that efficient use of water is necessary in home, business, farming, and industry

Objective Nine

This should be undertaken to a standard prescribed by national scientific standards. It should rely on current best practices for sampling and analysis (see comments under Objective Two).

Policy Seven

This appears to give Regional Councils the opportunity to avoid regulatory pathways, and use only non-regulatory pathways. The wording should be changed to state ‘as well as’.

Policies in general

Please add policies to assess the effectiveness of the NPS.

The Policy Statement should specify that Regional Councils enforce compliance and prosecute those who break rules.