

Proposed amendments to the National Policy Statement for Freshwater Management 2011



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Personal details

If you are making this submission as a representative for an organisation, the name of that organisation will be used in any reports on the submissions, but your name will be withheld. If you are making this submission as an individual, your name will be used in any reports on the submissions unless you request otherwise.

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I give permission to publish my details

Why do we need to amend the NPS-FM?

1. Have we correctly identified the problems currently associated with implementing the NPS-FM? No

2. If not, what problems, if any, you have faced with implementation?

I have answered no because I wish to add a comment and there is no way to add a comment by answering yes. There should be space to add a comment regardless of the answer given by providing a comment box as in question 3 below. Also, there should be at least a third option to this question (rather than a simplistic YES/NO choice - ideally a likert scale). I agree with the problems identified. There are other factors that have influenced implementation. One is the competing roles that some councils take on such as promoting large scale water storage designed to lead to land use intensification whilst at the same time seeking to address water quality but allowing water quality to deteriorate. Another is the lack of capability in councils relating to participatory natural resource management and planning

Options for providing further national direction

3. Do you agree that amending the NPS-FM would solve the problems identified in section 2? No

Comment

Amending the NPS-FM is necessary for addressing the many problems with implementation but achieving the goals of ecosystem health and human health will require sustained effort and resourcing beyond what is provided for in the draft amendments. In particular, there needs to be more resourcing of freshwater science and resourcing of capacity-building for collaborative planning, along with a robust framework for monitoring and evaluation of implementation of the NPS-FM. I am not confident the the monitoring proposals in the discussion document are adequate.

4. If not, would additional guidance be sufficient to solve the problems identified?

Comment

Guidance can be helpful (including guidance on the design and conduct of collaborative planning processes in relation to freshwater) but a strong regulatory framework and ongoing investment in freshwater science is required

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as well as resourcing of the continuation of the Land and Water Forum to review progress and ensure that new scientific knowledge and evolving community perspectives are integrated into decision-making.

5. Is there another solution to the problems? Why would that be preferable? No

Comment

The NPS-FM is a necessary policy instrument but the proposed amendments to the current NPS-FM are weak at best and in some cases will lead to much reduced water quality. For example, the proposed national standards are set so low that most rivers will be above the new weakened standards and the quality of some rivers will be allowed to get worse. Even with much stronger minimum acceptable states and shorter timeframes for their achievement, the NPS-FM will not be effective unless fully implemented as intended.

Proposed amendments to the NPS-FM: accounting

6. Do you agree with requiring councils to account for all water takes? Yes

Comment The information should be publicly available in an easily accessible format.

7. Do you agree with requiring councils to account for all sources of contaminants? Yes

Comment The information should be publicly available in an easily accessible format.

8. Do you think that the requirements in policies CC1 and CC2 of the proposed NPS-FM amendments have the right balance between national prescription and regional flexibility? No

Comment

9. Do you think the time period allowed for councils to develop accounting systems is appropriate? No

Comment

Proposed amendments to the NPS-FM: NOF values

10. Should there be a national set of values as outlined in appendix 1 of the proposed NPS FM? No

Comment

Yes there should be a set of national values and many of those outlined in appendix 1 are appropriate but not the human health objective based on secondary contact recreation. I support the attempt to represent these national values in te reo Maori as well as English language terms although I am not sure that this has been accurately done in the case of the human health value.

11. Are there any additional values that should be included? Why are these values nationally significant/important (recognising that councils can use other values if they wish)? Yes

Comment

Human health for primary contact recreation. It is part of the heritage of New Zealanders to be able to swim and kayak and water ski in our freshwater.

12. Are there any values that should be deleted from appendix 1 of the proposed NPS-FM and why? Yes

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Comment

The ranking of the values needs to be revised with primary contact recreation replacing secondary contact as a compulsory national value.

13. Do you agree with the descriptions of the national values in appendix 1 of the proposed NPS FM? Yes

Comment

While the descriptions are unproblematic as descriptions, primary contact recreation should be included as a compulsory national value.

Proposed amendments to the NPS-FM: NOF attributes

14. Do you agree with the attributes associated with the values in appendix 2 of the proposed NPS FM? No

Comment

I am not confident that there is sufficient scientific consensus surrounding these attributes. As well, there is not sufficient evidence that these attributes will deliver the outcomes of maintaining and improving water quality.

15. Do you agree with the numeric attribute states in appendix 2 of the proposed NPS FM? No

Comment

I am not confident that there is sufficient scientific consensus surrounding these attributes. As well, there is not sufficient evidence that these attributes will deliver the outcomes of maintaining and improving water quality.

16. Do you agree with the narrative attribute states in appendix 2 of the proposed NPS FM? No

Comment These need further work.

Proposed amendments to the NPS-FM: Timing of putting NOF in place

17. Do you agree with putting a NOF in the NPS-FM now, including only the attributes for which there is adequate evidence, and updating it as the scientific basis for further attributes and states become available? No

Comment

The overall intention of having a NOF within the NPS-FM is supported but there needs to be more guidance about parameters relating to attributes where there is not adequate evidence.

18. Or should the Government delay putting the NOF into place until a more comprehensive set of attributes has been developed? No

Comment

The NOF needs to reflect current freshwater science more than it currently does. The attribute tables in Appendix 2 are not based on sufficiently broad consensus among scientists as will be evident from submissions.

Proposed amendments to the NPS-FM: Processes for freshwater objective setting

19. Do you agree with having the process requirements to link values and freshwater objectives directed in policy

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CA1 in the proposed amendments? If not, why not? No

Comment The national values as currently proposed are not sufficiently rigorous.

20. Do you think the process outlined will work? If not, why not? No

Comment

The process as outlined does not recognise inequalities in different participants' ability to engage in a stakeholder process. If these inequalities are recognised and addressed, there is much greater prospects for the process to work. As well, there need to be strong requirements for openness and inclusion so as to ensure that all interested parties have information about and access to the process. It is not clear how residents from outside a region would be able to participate in a collaborative planning process.

21. Do you agree with the proposed matters in policy CA1(e) that must be considered when establishing freshwater objectives? If not, why not?

Comment

The matters in CA1(f) may need to be ranked or weighted There needs to be a strong justification for the selection of a particular spatial scale and the definition of a freshwater management unit must not be such that it allows greater degradation than a higher unit unless that is the outcome of a very transparent and rigorous decision-making process. The definition of units must not undermine integrated water catchment management and effective management of cumulative impacts.

22. Is it clear that setting freshwater objectives is an iterative process which involves consideration of the impacts of the limits, management methods, and timeframes required to meet a potential freshwater objective? Yes

Comment

Whilst setting freshwater objectives is in some respects an iterative process, the iterative nature of the process must also be accompanied by some continuity and stability and there needs to be clear information about parameters that must be adhered to within the process.

23. Do you agree that regions should have discretion to determine timeframes for meeting freshwater objectives? No

Comment

It concerns me that regional councils have up until 31 December 2030 (more than 16 years) to fully implement the policies in the NPS.

24. Are there any aspects of the process that are not clear? Yes

Comment

It is not clear if this is a timeframe for achieving national bottom lines or putting a plan in place. It needs to be clear that this is for achieving national bottom lines.

Proposed amendments to the NPS-FM: Compulsory values

25. Do you agree that ecosystem health should be a compulsory value? Yes

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Comment

26. Do you agree that human health for secondary contact recreation (such as boating and wading) should be a compulsory value? Yes

Comment

But this should not be an alternative to a compulsory value related to human health for primary contact recreation.

27. Do you think there should be more compulsory values? If so, what should they be, and why? What attributes should be associated with them? Yes

Comment A compulsory value should be human health for primary contact recreation.

Proposed amendments to the NPS-FM: National bottom line

28. Should there be numeric bottom lines for attributes of the compulsory values? Yes

Comment

29. Do you agree with the proposed level at which bottom lines would be set for each attribute of ecosystem health? If not, at what level should they be set? No

Comment

The proposed level allows significant further degradation of many (most) freshwater bodies in New Zealand. Attributes for ecosystem health need to recognise invertebrates and fish, as well as the variations in dissolved oxygen.

30. Do you agree with the proposed level at which bottom lines would be set for each attribute of human health for secondary contact recreation? If not, at what level should they be set? No

Comment Human health for secondary contact recreation is not a sufficient bottom line.

31. Do you agree that transitional arrangements should be provided to allow councils and communities to set objectives below a national bottom line for a short time? No

Comment

This should not be a matter for councils and communities but should be a matter where there is clear guidance.

Proposed amendments to the NPS-FM: Exceptions to bottom lines

32. Do you agree that there could be exceptions where the natural state of the freshwater management unit breaches bottom lines? Where in your region do you think this type of exception might apply?

Comment

Exceptions need to be minimised and agreed by a deliberative panel that incorporates expert, iwi and other community views (similar to the Land and Water Forum or the Forum itself with sufficient representation stakeholders).

Where in your region do you think this type of exception might apply? No

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Comment The aim should be to address both historical and current degradation.

34. Do you agree that there could be exceptions for significant existing infrastructure (eg, dams), where a choice is made to manage a freshwater management unit below bottom lines? Where in your region do you think this type of exception might apply? No

Comment

The term "existing infrastructure" also needs to be defined. It should include only infrastructure that was existing at the time of the discussion document's publication. New infrastructure proposed and developed since November 2013 should be expected to accommodate the proposed NOF as contained in this discussion document until any further refinement is available. If and when there is a further refinement the details should be reflected in the design of new infrastructure.

35. Do you agree that freshwater management units eligible under the first two exceptions above should be decided by regional councils? No

Comment

36. Do you agree that freshwater management units eligible for an exception due to the effects of significant existing infrastructure should be decided at a national level and included in appendix 3 of the NPS-FM? No

Comment

Yes and no. Decision-making should be at the regional level as it is the regional and local community that is most directly affected but there needs to be a robust process which is characterised by openness, high quality public engagement, and independence (i.e. if the regional decision-making body is a regional council that has a direct involvement in the management of existing infrastructure then that would not be appropriate). Yes exceptions should be included in Appendix 3.

37. What should the criteria be for allowing exceptions based on significant existing infrastructure?

Comment

There is not a yes/no answer to this question. Any exceptions for significant existing infrastructure should be dependent on an aquatic ecology restoration plan that is developed through a public process and implemented with monitoring by a stakeholder forum.

Proposed amendments to the NPS-FM: T?ngata whenua values

38. Do you think the proposed NPS-FM adequately provides for Te Mana o te Wai? No

Comment

I understand Te Mana o te Wai to be not just a value of a particular group (tangata whenua) but a condition/state of water that recognises the innate relationship between the health and mauri of water and the health and mauri of the environment which together sustain people. This connection is something that many New Zealanders (Maori and non-Maori) recognise and value and want the NPS-FM to adequately provide for. The proposed amendments do not sufficiently provide for this because of the scope for further degradation and over-allocation of water.

39. Do you agree with the way t?ngata whenua values are described in proposed appendix 1 of the NPS-FM?

Comment

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I think this is a matter for tangata whenua to determine. These values also map onto values that many non-Maori hold.

40. Do you support adding Te Mana o te Wai to objective A1 of the amended NPS FM as a matter that must be safeguarded? What would be the implications of adding this to objective A1 in the NPS-FM? Yes

Comment

My understanding is that the NPS-FM would safeguard the hauora and mauri of water and its innate relationship to the health and mauri of the environment whilst sustaining people (as set out on page 29 of the discussion document).

Proposed amendments to the NPS-FM: Monitoring

41. Do you agree with the new section in the NPS-FM requiring monitoring plans? If not, why not?

Comment

I agree with having a section in the NPS-FM requiring monitoring plans. Implementation of the amended NPS-FM needs to be reviewed three yearly.

Other comments

42. Is there anything else you would like to tell us about the issues and proposals in this document?

It is concerning that the the bottom line for human health is so low and timeframes so lengthy. I strongly support this being set at primary rather than secondary contact recreation.

The inclusion of the coastal receiving environment is important and should be retained. However, it is not enough simply to refer to the NZCPS as there are no environmental bottom lines or standards for estuaries within the NZ Coastal Policy Statement 2010.

Groundwater quality needs to be included in the amended NPS-FM. and monitored, particularly for nitrate toxicity.

More clarification is needed of terminology such as "overall" and "within a region". Most of New Zealand's regions are large enough to have significant intra-regional variation of landscape, water bodies and communities and freshwater quality/quantity in one part of a region should not be compromised in the process of achieving an "overall" water quality.

It is important to remove ambiguity and to also indicate clearly what the basis of consensus is. The reference group membership, the names of the scientists from whom consensus was sought, the process and the level of consensus need to be clear, as well as any minority views. The proposed NOF should be independently reviewed by international experts. Where scientific evidence is not available a precautionary approach is needed.

The amended NPS-FM must strengthen the ability of regional councils to perform its functions as set out in Section 30(1)(c)(ii), (iii) and (iiia) as well as Section 5(2)(b) of the RMA in relation to safeguarding the life-supporting capacity of water, soil, and ecosystems.