

Submission on the Proposed Amendments to the National Policy Statement for Freshwater Management 2011

Terry Kelly
[withheld]

1. I appreciate this opportunity to submit on the Proposed Amendments to the National Policy Statement for Freshwater Management 2011. Currently, I am a small-scale fruit and vegetable grower on the edge of Hastings. Previously, I was a lecturer in Natural Resource Management and sustainable agriculture and am reasonably familiar with current issues surrounding freshwater management in New Zealand, and more importantly, I have expertise in the relationships between land use/management and freshwater quality. I am a water user and a river user.
2. In the development of any legislation on freshwater management, it is important to remember the three principles of long-run sustainability: a) renewable resources can only be used to the extent that they are renewable; b) non-renewable resources can only be used to the extent that they can be replaced by renewable resources; and c) pollutants can only be emitted to the extent that they can be assimilated by the environment. While all three are fundamental, the third principle is most relevant to this document on freshwater reform, and key to discussion here.
3. I support in principle national bottom lines on water quality and riverine ecosystem health. Care must be taken that they are robust and enduring, and not subject to local political whims or national political cycles. National bottom lines must be strong and enforceable. I view national bottom lines as the only protection afforded to future generations (five, six, seven generations hence) who cannot be part of or represented in collaborative processes, and therefore are unaccounted for in any other way.
4. I support in principle the introduction of the National Objectives Framework (NOF) to the NPS-FM. The NOF has the potential at least to guide councils in developing better links between values and objectives. However, I do have some concerns, which I attempt to articulate below.
5. The proposed amended NPS-FM is counter to what the Land and Water Forum (LWF) actually recommended to Government. A key concern of the Land and Water Forum's third report (LWF3) was that if the government was to cherry pick aspects of it whilst rejecting the whole package, this would substantially reduce its value. The LWF reforms only work if taken as a whole. In the case of the proposed amended NPS-FM, many of the LWF reforms have been dropped. Given the breadth of knowledge and experience represented on the forum and their general consensus on its recommendations, the proposed amended NPS-FM should reflect the LWF reforms in total.
6. In general, I support the discussion of the issues and challenges regarding freshwater management in this document. However, the proposed amendments to the National Policy Statement for Freshwater Management are inadequate, and the objectives are too weak. It is important to me, and to many New Zealanders I'm sure, that the amended NPS-FM ensures our rivers and lakes are clean enough to swim in, and this should be a compulsory national standard for councils, not optional.
7. I support objectives A1a and A1c, but objective A1b is too weak and doesn't adequately protect the value of swimmable freshwater bodies (contact recreation or primary contact with freshwater). The word 'secondary' must be replaced by 'primary' in objective A1b, and

everywhere else in the document as appropriate, and primary contact with freshwater must be defined in the Interpretation section to mean contact with freshwater that involves immersion and includes swimming.

8. Objective A2 should be rewritten to read, The quality of all freshwater is maintained or improved while..., and the word significant should be removed from A2a and A2b; the quality of each freshwater management unit must not degrade, and all the values of outstanding freshwater bodies and wetlands must be protected.
9. Following on from this, it is important that we don't permit a 'race to the bottom' regarding our water quality limits and standards. Research has shown that standards can tend to become defaults that quality trends towards; it is vitally important that we don't allow this to happen, that we don't allow any water body to further degrade, even if it is currently above a standard. With respect to the NOF, we were told at the MfE meeting in Hastings (19 March, 2013) that it would not be permissible to move down the bands for an attribute (i.e., from A to B for example in Appendix 2). I strongly support this as it is essential to avoid further degradation of our freshwaters, and this needs to be specified clearly in the amended NPS-FM.
10. In the policies under objectives A, I support the inclusion of the connections with coastal waters, but estuaries should also be included, and there needs to be regard for the interactions between freshwater bodies and groundwater.
11. In policy A4 paragraphs 3 and 4, consent first lodged should be changed to consent granted. In reality, developers and builders of infrastructure should be very aware that their endeavours must meet contemporary expectations regarding impacts on water quality, so there is no excuse to allow further development that doesn't meet these expectations.
12. The proposed exceptions to the national bottom lines are too broad and inadequately defined. Exceptions either must be listed in the NPS-FM, or minimum criteria for exceptions need to be specified in the document.
13. I submit that the bands defining attribute states in the Attribute tables are too lenient. The National Bottom Lines should be defined by 'slightly impacted' rather than 'moderately impacted'; '95% species protection' rather than '80% species protection'; 'minor stress' rather than 'moderate stress'; and 'low risk' rather than 'moderate risk'.
14. Ecosystem health is a holistic concept and must be monitored as such. Additional attributes to monitor ecosystem health must include the Macro-invertebrate Community Index (MCI), which is a well-used and understood measure of river and stream health; a limit on deposited sediment; a measure for dissolved oxygen across a river, not just in relation to point source discharges; measures for estuaries; and reduced limits on nitrogen, phosphorous, and other nutrient loadings. Measurements of dissolved oxygen must account for its cyclical nature over a 24hr period.
15. National indicators ("attributes") for human health (primary contact recreation) must be adjusted to account for this higher standard, and should include water clarity and periphyton cover, which is a measure of how much algae, bacteria and detritus is covering the river bed.
16. A couple of further comments regarding managing within limits; experience shows us that farmers and other producers are very good at adapting when they need to – we need to send the correct signals now so that adaptation times are minimised; and when information is incomplete or disputed, we must follow the precautionary principle. Finally, to get things right, there will be some public costs (e.g., buying back permits), but such costs should not continue indefinitely into the future – costs to adhere to limits must, in the long run, be borne by the producers.

17. Finally, 2030 is too long a timeframe for councils to set freshwater objectives. These must be set in the next few years – there is no good reason to delay this; however, achievement may take longer. But the signals to decision-makers must be in place as soon as possible in order to more quickly achieve sustainability, and realise the values most of us have for our freshwater.
18. All New Zealand waters should be swimmable and suitable for food gathering; the NPS-FM must include measurable parameters that directly relate to these values.

Thank you for considering my submission on the Proposed Amendments to the NPS-FM 2011.

Terry Kelly

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