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[ **withheld**

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Freshwater Reform  
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### **Why do we need to amend the NPS-FM?**

1. Have we correctly identified the problems currently associated with implementing the NPS-FM?

- Yes  
 No

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

Lack of reference as to how freshwater resources should be managed in the urban environment. The biggest threat to water in and adjacent urban areas is from land development, yet regional councils generally do not have authority to require changes in land use activities, which are linked to increased threats of water pollution, such as sedimentation during the period of construction and increased stormwater runoff from an increase in impervious surfaces.

Challenges faced in managing water quality in urban areas is distinct from those in rural areas. The NPS is predominantly geared towards the management of rural activities, such as irrigation and dairying. Controlling urban activities requires a different response.

Problems with water quality management in urban areas is elaborated on, in the attached report, which forms part of this submission. The need to specifically look at water management in urban areas was raised by the Office of the Parliamentary Commissioner for the Environment back in 1998.

### **Options for providing further national direction**

3. Do you agree that amending the NPS-FM would solve the problems identified in section 2?

- Yes  
 No

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

- Yes  
 No

#### Comment

There needs a national strategy on the management of urban stormwater, which supports the ability of territorial authorities to require changes to land use activities, to either minimises the use of impervious surfaces or addresses problems caused by additional stormwater runoff (such as improving storm water storage, collection, and discharge and treating stormwater to remove contaminants).

National guidance/policy on surface water management should follow earlier examples set by the:

- Australian National Water Quality Management Strategy including Guidelines for Urban Stormwater Management 2000 by the Agriculture and Resource Management Council of Australia and New Zealand and the Australian and New Zealand Environment and Conservation Council;
- State Environment Planning Policy 4/10 2010 Healthy Waters by the Queensland Government;
- Surface Water Management Plan Technical Guidance 2010 by the English Department for Environment, Food and Rural Affairs (DEFRA);
- Urban Stormwater Quality Planning Guidelines 2010 by the Queensland Department of Environment and Heritage Protection;
- South East Queensland Healthy Waterways Strategy 2007-2012 by the South East Queensland Healthy Waterways Partnership;
- VPP Practice Note 2006 on Clause 56 – Residential Subdivision by the Victorian Government;
- Guidance on Managing Urban Stormwater, Harvesting and Reuse 2007 by the New South Wales Department of Environment and Conservation;
- Urban Stormwater, Best Practice Environmental Management Guidelines 2006 by the Commonwealth Scientific and Industrial Research Organisation (CSIRO Australia).

5. Is there another solution to the problems? Why would that be preferable?

- Yes  
 No

#### Comment

International research on water quality and urban stormwater have revealed a direct linkage between increases in impervious surfaces and a decline in water quality. These effects are only likely to be successfully managed by a control over land use activities, particularly urban expansion.

Preventing water quality problems before they occur (via a control on land use activities) is likely to be far cheaper than trying to solve problems after damage has occurred.

#### **Proposed amendments to the NPS-FM: accounting**

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

- Yes

No

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

Yes

No

Comment

I agree with the principle of requiring regional councils to account for all sources of contaminants, but have concerns that this may be unfeasible. I have doubts as to whether all sources of contamination can be measured and accounted for. It is anticipated that stormwater flows over land, before reaching watercourses would be difficult to monitor and measure. It is also anticipated to be difficult to distinguish between different types of wastewater, if stormwater collected from roofs and waste water generated by households (eg. From dishwashers/washing machines/showers) are able to enter the sewer network.

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?

Yes

No

Comment

There needs to be bottom line regarding the health of all water courses, not just significant watercourses or rivers or entire water catchments.

9. Do you think the time period allowed for councils to develop accounting systems is appropriate?

Yes

No

Comment

Councils are likely to need more proactive forms of assistance of developing accounting systems. It would be irresponsible to place additional responsibilities on Councils, without a clear indication of how expectations can be fulfilled. Proactive assistance could require financial assistance.

### **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?

Yes

No

Comment

National values and bottom-line requirements are fairly minimal.

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
- No

Common sources of pollutants such as nitrogen and phosphorous need to be monitored in all watercourses. Or at least monitored and measured in such a way, that conclusions can be reasonably drawn on the health of particular a watercourse (eg. Random sampling of watercourses in an area).

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

- Yes
- No

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

- Yes
- No

No Comment

**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?

- Yes
- No

No Comment

15. Do you agree with the numeric attribute states in appendix 2 of the proposed NPS FM?

- Yes
- No

No Comment

16. Do you agree with the narrative attribute states in appendix 2 of the proposed NPS FM?

- Yes
- No

No Comment

**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?

- Yes
- No

Comment

Question has 2 parts and should be split into two questions. I agree with putting a national objective framework in the National policy statement now, so people are aware of minimum future requirements.

I agree with the principle of being able to review attributes and minimum bottom lines in the future as more scientific knowledge becomes available.

18. Or should the Government delay putting the NOF into place until a more comprehensive set of attributes has been developed?

- Yes
- No

Comment

Something is usually better than nothing. It is better to start small and build up then have a very long debate and potentially never start at all.

**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 CA1 in the proposed amendments? If not, why not?

- Yes
- No

No Comment

20. Do you think the process outlined will work? If not, why not?

- Yes
- No

Comment

Policy largely addresses the rural environment and there is no certainty that water quality in the urban environment will be better managed. Potentially some popular swimming/boating/fishing spots in and near urban areas will receive greater protection from contamination sources. However, I don't believe the proposed changes will maintain current levels of water quality in expanding urban areas.

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

- Yes  
 No

No Comment

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  
 No

Comment

However, what is not clear is whether the regional council has the authority to ensure that limits and management measures within the required timeframes are put in place.

23. Do you agree that regions should have discretion to determine timeframes for meeting freshwater objectives?

- Yes  
 No

Comment

Depends on circumstances. Generally yes. But there needs to be mechanism to ensure that some regional councils do not unduly drag their feet, because of the need to make difficult decisions.

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

- Yes  
 No

Comment

How water quality in urban expansion areas can be maintained or improved.

### **Proposed amendments to the NPS-FM: Compulsory values**

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

- Yes  
 No

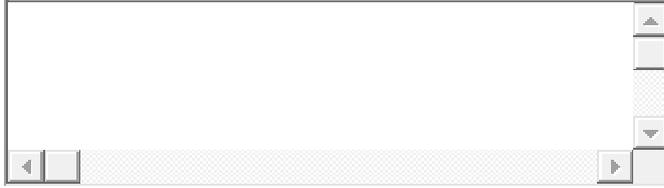
No Comment

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

- Yes

No

No Comment



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

No

Comment

Needs to be a bottom line for all types of watercourses. Use of averages can disguise a decline in some areas.

Regional councils should at least report on statistics regarding water quality in swimming spots.

### **Proposed amendments to the NPS-FM: National bottom line**

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

Yes

No

Comment

A bottom line is needed to ensure that values do not go below this bottom line, as a result of future activities. Without a bottom line, it is possible that economic gain will be pursued, regardless of environmental harm. Bottom lines are needed to give teeth to environmental legislation.

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?

Yes

No

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?

Yes

No

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?

- Yes  
 No

Comment

I agree with the principle of allowing for transition and recognition that activities may have already occurred, which make it very difficult to achieve bottom lines in the short-term. Use of transition provisions needs to be monitored.

### **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?

- Yes  
 No

Comment

I only support breaches as a result of damage from previous activities. Exceptions may be appropriate in higher density urban areas.

33. Do you agree that there could be exceptions where historical activities have created impacts on water quality and the reversal of those impacts is not reasonably practicable, either physically or ecologically, even in the long term?

Where in your region do you think this type of exception might apply?

- Yes  
 No

Comment

Nevertheless, there needs to a record and review of exceptions, to ensure their use is not unreasonable.

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?

- Yes  
 No

Comment

Nevertheless, there needs to a record and review of exceptions, to ensure their use is not unreasonable.

35. Do you agree that freshwater management units eligible under the first two exceptions above should be decided by regional councils?

- Yes  
 No

Comment

This decision should be done following public consultation and consultation tailored to territorial authorities and utility companies/infrastructure providers.

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?

- Yes  
 No

Comment

I agree with identification at a national level, but seek a level of separation from political decision making by the government of the day. I would support identification by the EPA, Land and Environment, Board of Inquiry or Parliamentary Commissioner for the Environment (or similar). I am concerned regarding a potential conflict of interest, that could occur if items are specified by government departments.

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

- Yes  
 No

No Comment

### **Proposed amendments to the NPS-FM: Tāngata whenua values**

38. Do you think the proposed NPS-FM adequately provides for Te Mana o te Wai?

- Yes  
 No

No Comment

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

- Yes  
 No

Comment

Issues need to go beyond description. It is difficult to understand how such values should be applied in practice, in terms of how regional councils comply with the national policy statement.

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  
 No

Comment

I support reference to Maori values and the inclusion of language which seeks to incorporate these values. However, it is unclear how this value is to be safeguarded. The quality of water is threatened by a number of factors. Not all of which, I think the NPS addresses. Neither am I convinced that the Maori community fully understand all sources of water threats and methods of improving water quality. This particularly applies to threats associated with increased impervious surfaces and the benefits of low impact urban drainage solutions/sustainable drainage solutions/total water catchment management/green engineering.

#### **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?

- Yes  
 No

No Comment

#### **Other comments**

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

Please read the attached report, which I spent many hours researching for.