

Bottom Lines Recommended for Water Quality

Today, 7 November, the Minister for the Environment Hon Amy Adams announced proposed changes to the National Policy Statement for Freshwater Management (NPS), involving the establishment of a National Objectives Framework (NOF) relating to water quality. The NPS, which came into effect in 2011, sets out the policy framework guiding regional councils' management of freshwater. The Minister's recent announcement was flagged earlier this year in March, as part of the government's wider water reform package [Freshwater Reforms Discussion Document](#).

According to the Minister the NOF is intended to support and guide the setting of freshwater objectives in regional plans, a process which many councils already have underway in order to give effect to the NPS. The proposed NOF includes a choice of national values for regional councils to apply to freshwater bodies. The proposed national values include mahinga kai, water supply, fishing, animal drinking water, irrigation, hydro electric power generation and contact recreation. As well as optional national values, there are 2 proposed compulsory national values, being "ecosystem health" and "human health for secondary contact".

The proposed NOF then sets out the water quality attributes that are to be managed for each of the values. While still incomplete, the attributes contained in the notified draft include matters such as total nitrogen and phosphorous, nitrate toxicity, Dissolved Oxygen, periphyton and *E. coli*. The NOF identifies a scale from A through to D for each attribute, with D representing the "national bottom line". By way of example, the national bottom line for *E. coli*, an attribute of the human health (secondary contact recreation) value is an annual median of 1000mL, which is defined as sitting between a moderate and high risk of infection from exposure to water used for wading or boating (excluding immersion).

The focus for managing water quality has changed from being on a "water body" basis, to being instead on a "freshwater management unit" basis. This is defined as either a water body, multiple water bodies or a part of a water body, depending on the appropriate spatial scale. The implication of this change in focus is that water quality over the whole unit will be aggregated, allowing for decline in some parts and improvement in others.

Regional councils will be required to identify what national values each freshwater management unit supports and set the "attribute state" (A through to D) for each attribute. Where a freshwater management unit is below the national bottom line state of D for either of the compulsory national values, it may either qualify to be excluded from complying, or may be required to, on a transitional basis, comply. However the process for this transition has not been specified in the notified version of proposed changes to the NPS. Nor is there an immediate impact of the attribute states on issuing of resource consents for example. The proposed NOF will not have the effect of a rule and will not act as an automatic bar to the issuing of consents that breach attribute states.

In addition to the NOF framework, the proposed changes to the NPS include a new section requiring that, 2 years after the NPS amendments take effect, regional councils have in place freshwater quality and quantity accounting systems sufficient to monitor progress in respect of freshwater objectives.

The NOF related changes to the NPS are complex, technical and have wide ranging implications for the ability of regional councils to effectively manage water use and water quality. Interested and affected people are advised to assess the impact of the NOF proposals on their interests. Do the national values identified reflect an appropriate range of interests? Have the right attributes been identified to protect the values? How will enforcement of the attribute values affect use of water, and water quality? The question of whether or not it is possible to trade off losses in one water body against improvement in another within a "freshwater management unit" will also be hotly debated.

Details and discussion in respect of the proposed amendments are contained in the discussion document "[Proposed amendments to the National Policy Statement for Freshwater Management 2011](#)".

Submissions are due on 4 February 2014 and if you would like assistance please contact Maree Baker-Galloway or Jen Crawford.

Contact Us



Maree Baker-Galloway, Partner Owner

P: 03 471 5447

M: 027 295 4704

E: maree.baker-galloway@andersonlloyd.co.nz



Jen Crawford, Partner Owner

P: 03 335 1265

M: 027 436 6040

E: jen.crawford@andersonlloyd.co.nz