

Title: Overview of the National Policy Statement for Freshwater Management 2014

Purpose: To assist the Te Awarua o Porirua Whaitua Committee in understanding the National Policy Statement for Freshwater Management and its importance for their work identifying values and setting objectives and limits for fresh and coastal water

Author: Hayley Vujcich

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Contact Te Awarua o Porirua Whaitua Committee

PO Box 11646, Wellington 6142

poriruawhaitua@gw.govt.nz

T 0800 496 734

F 04 385 6960

Overview of the National Policy Statement for Freshwater Management 2014

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1. Introduction

1.1. Purpose of this paper

This paper explains the NPS-FM and how it is relevant to the work of Te Awarua o Porirua Whaitua Committee. It covers the key requirements of the NPS-FM and important policy directions and terminology. The report also provides an explanation of the National Objectives Framework – a new approach to apply when developing objectives for managing fresh water – and briefly describes how GWRC will be implementing other parts of the NPS-FM.

It is the task of each whaitua committee to work with their communities to identify the values and objectives their community holds for water. This work leads to the development of a Whaitua Implementation Plan (WIP) which will describe how to manage land and water in Te Awarua o Porirua catchment so that we can meet the aspirations of the community and the requirements of the NPS-FM into the future.

1.2. Background

The NPS-FM provides direction to all regional councils on the management of fresh water in New Zealand. Under the Resource Management Act 1991 (RMA), regional councils must ‘give effect to’ the objectives and policies in a national policy statement. ‘Give effect to’ is a strong policy direction and requires active and positive implementation of the NPS-FM.

Initially produced in 2011, the NPS-FM was updated in mid-2014. The amendments set out very specific objectives and policies for managing freshwater quality and quantity. Regional councils have until 2025 to develop plans to implement the requirements of the NPS-FM.

The NPS-FM has been developed over a period of years by a range of stakeholders, including iwi, scientists, industry and sector groups and central and local government. The Land and Water Forum (LAWF) – a collaborative group comprising key stakeholders in freshwater management at the national scale– produced three reports that provided much of the context for the development of the NPS-FM and the subsequent 2014 amendments.¹ Background documents to development of the 2014 version NPS-FM can be found at the Ministry for the Environment website.²

¹ These are valuable documents to be familiar with and can be found at www.landandwater.org.nz

² See <http://www.mfe.govt.nz/fresh-water/national-policy-statement/developing-2014-nps>

2. Key requirements of the NPS-FM

The NPS-FM identifies a series of requirements that all regional plans (and therefore all communities) need to implement for managing fresh water. Fresh water means the water in streams, rivers, groundwater (aquifers), lakes and wetlands. Importantly for Te Awarua o Porirua, the NPS-FM also requires the consideration of the connections between fresh and coastal water.

2.1. Key objectives

The first objective of the NPS-FM is to safeguard all fresh water for what are described as the two 'national compulsory values':

- the life-supporting capacity of rivers, lakes, wetlands and aquifers, and
- the health of people when in 'secondary contact' with fresh water³

The other key objectives of the NPS-FM are to:

- Maintain or improve overall water quality within a region
- Ensure tangata whenua values are identified and reflected in the management of fresh water
- Set, in regional plans, objectives for water quality and limits to meet those objectives in all freshwater bodies
- Use national 'bottom-lines' and local values to set objectives for improving water quality
- Improve integrated catchment management, including connections between land, fresh water and coastal water
- Protect outstanding water bodies and the significant values of wetlands
- Avoid over-allocation and remedy over-allocation where it has already occurred
- Achieve efficient allocation and use of water

Water quality must be maintained or improved overall within the region

Water must safeguard ecosystem health and be suitable for people to have 'secondary contact' with water

The management of fresh water must reflect tangata whenua values

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³ Secondary contact with water is defined in the NPS-FM as "... people's contact with fresh water that involves only occasional immersion and includes wading or boating (except boating where there is high likelihood or immersion)".

3. The process to follow

The NPS-FM specifies a process to be followed to set limits and identify methods of achieving those objectives. This section covers the key steps.

To summarise the process, the NPS-FM requires that national, regional and local values of fresh water are identified for water bodies. Values for coastal water should also be identified as these may drive catchment management decisions. Objectives that describe the environmental state required to enable community values to be achieved are then developed. Limits, timeframes for meeting them and management methods are then developed in order to reach the catchment objectives. While Figure 1 makes this appear straightforward, the process of setting objectives, limits and methods is likely to be an iterative process of revisiting decisions as the Committee develops knowledge of the impacts of particular choices.

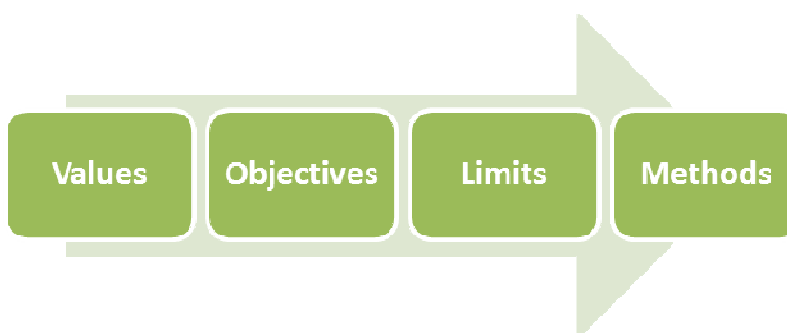


Figure 1. The process for achieving objectives for fresh water

3.1. Values

National values

Appendix 1 of the NPS-FM describes a set of ‘national values’. This set of values is not intended to be exhaustive but does provide a nationally recognised description of nine values. The lists are divided into ‘compulsory national values’ and ‘additional national values’ (shown in Table 1 below). A description of these values can be found on page 20 of the NPS FM.

Table 1. National values described in the NPS-FM

Compulsory national values	Additional national values
Te Hauora o te Wai/the health and mauri of water Te Hauora o te Tangata/the health and mauri of people	Te Hauora o te Taiao/the health and mauri of the environment Mahinga kai/food gathering, places of food Mahi mara/cultivation Wai tapu/sacred waters Wai Māori/municipal and domestic water supply Au Putea/economic or commercial development He ara haere/navigation

For the compulsory national values, the NPS-FM requires that fresh water is managed to at least a 'minimum acceptable state' in order to safeguard ecosystem and human health. The minimum acceptable state and 'national bottom line', below which you are not able to set an objective, is described in the National Objectives Framework (NOF). For both compulsory and non-compulsory values, if it is described in the NOF, it must be managed to at least the NOF 'minimum acceptable state'. The NOF is explained in section 4 below.

Values at smaller scales

Values can also be articulated at scales smaller than the national. The values identification process for each whaitua should consider regional and whaitua -specific community values.

At the regional scale, the Regional Policy Statement for the Wellington region (the RPS) and draft Natural Resources Plan for the Wellington region (the draft Plan) include direction on a range of values and objectives that require particular values to be provided for in both fresh and coastal water bodies in the Wellington region. These are:

- Contact recreation⁴ and Māori use⁵
- Ecosystem health and mahinga kai
- Health needs of people⁶ (for fresh water only)

The RPS and draft Plan also provide direction on regionally significant indigenous biodiversity, mana whenua, contact recreation and historic heritage values. Other documents such as the Porirua Harbour and Catchment Strategy provide additional direction on values and objectives for the whaitua.

The whaitua committee needs to identify the mix of local, regional and national values for water in Te Awarua o Porirua

The Whaitua Implementation Plan should describe how to balance these values in order to underpin the rest of the land and water management framework

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⁴ Contact recreation means the ability of people to use water for recreation purposes, from paddling and swimming to fishing and boating.

⁵ Māori use is defined in the draft Plan as: the interaction of Māori with fresh and coastal water for cultural purposes. This includes the cultural and spiritual relationships with water expressed through Māori practices, recreation and the harvest of natural materials.

⁶ The ability of people to access water for drinking and other domestic needs, but not for non-domestic needs like car washing

3.2. Objectives

Freshwater objectives

Freshwater objectives describe “an intended environmental outcome” in words or in numbers. The NOF has already described a range of objectives for values relating to ecosystem and human health. Outside of national values identified in the NOF, a community may choose to express or describe a freshwater objective in the way they wish.

Freshwater management units

To set an objective, you need to first know the area or areas in which that objective will apply. In the NPS-FM, this spatial unit is known as a ‘freshwater management unit’ or FMU. It is up to communities to decide the size and location of FMUs. In deciding on how a FMU should be set, consideration should be given to:

- The cost and feasibility (eg. access, equipment availability) of monitoring the FMU, including of monitoring multiple FMUs across a region or a catchment
- How meaningful the delineation of the FMU is to the community
- Whether FMUs should be set differently for different types of values

FMUs may be of different sizes and overlap between different values, depending on how the community wishes to manage water.

3.3. Limits

Limits

Once freshwater objectives and FMUs are identified, the NPS-FM Policies A1 and B1 also require that ‘limits’ are set in order to meet those freshwater objectives. Limits are defined in the NPS-FM as “the maximum amount of resource use available, which allows for a freshwater objective to be met”. A limit could be the total amount of water that can be taken out of a FMU, or the total amount of contaminants that can be discharged into it that allows the freshwater objective to be met.⁷

Away from this planning language, the term ‘limit’ is often used to describe the maximum extent to which something should be polluted, or as a description of an in stream state (eg. the maximum amount of algae that is allowed in a river). However, in the language of the NPS-FM, this is described as a freshwater objective. The limit related to this freshwater objective would be the maximum load of a contaminant for the FMU which means that the objective could be met. In the case of algae, a likely limit would be for a maximum load of nitrate and/or phosphorus.

⁷ For water quality, a limit is based on the assimilative capacity of the waterbody, or the amount of a contaminant a waterbody can deal with without adverse effects on the values that a community has for that waterbody (eg. on aquatic life or the people that use the waterbody).

Targets

The NPS-FM also uses the term ‘targets’. This term is used when a freshwater objective is set and a limit identified but that objective is currently not met and the limit is already exceeded. This is also known as ‘over allocation’. An example of over-allocation might be when too much water is allowed to be taken from a river meaning that the flow left in the river no longer allows for ecosystems to function. Where over-allocation occurs, the NPS-FM requires that targets with specified timeframes are set to reach the objective. Having time-bound targets is a critical part of meeting objectives particularly if the costs of change are very high.

3.4. Methods

Finally, the NPS-FM requires that management methods are established to achieve the freshwater objectives and limits that have been identified by the community. These can include regulatory means (eg. through setting rules under the RMA or the Local Government Act 2002) or non-regulatory means (eg. education programmes). Methods can be recommended to the regional council for inclusion in the regional plan, to city or district councils for inclusion in a district plan or to any other organisation or group for inclusion in their work programme and priorities.

3.5. Other requirements

There are a number of other important directives in the NPS-FM that are important to determining freshwater objectives and limits.

Considerations in setting objectives

Policies A1 and B1 the NPS-FM direct that, when setting water quality and quantity objectives, regard must be given to:

- The reasonably foreseeable impacts of climate change, and
- The connections between freshwater bodies, and
- The connections between freshwater bodies and coastal water

These must be considered and given appropriate weight according to their relevance to each FMU.

The whaitua committee must identify freshwater objectives, the timeframes for reaching these objectives and the ways of getting there

You may have to repeatedly identify goals, test the methods of reaching them and revisit the goals

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Connections to coastal water

An important consideration for Te Awarua o Porirua whaitua committee is the connection between fresh and coastal water and the way that land use ultimately impacts the health of the two arms of the Harbour, Onepoto and Pauatahanui.

The NPS-FM directs the setting of objective for freshwater bodies – these are rivers, streams, natural wetlands, lakes and aquifers. Coastal waters, including estuaries, harbours and the open coast, are considered part of the coastal marine area and consequently are not covered by the requirements of the NPS-FM.

Exceptions to meeting bottom lines

The NPS-FM does not require all waterbodies to meet all national bottom lines. Policy CA3 allows for exceptions where there are natural conditions that mean an objective cannot be met (eg. bird roosting areas meaning high faecal contamination) or where existing infrastructure (eg. a hydrodam) means an objective cannot reasonably be met. A specific process must be followed to except a waterbody from any national bottom line.

It is not anticipated that any waterbodies will need to be exempted from meeting a national bottom line. To date no exceptions have been identified in the Wellington region. Where a waterbody does not meet a limit or objective, it may be more desirable to require improvement across a very long timeframe rather than excepting that waterbody from meeting a bottom line.

4. National Objectives Framework

The National Objectives Framework (the NOF), in Appendix 2 of the NPS-FM, describes a nationally consistent framework for setting objectives for freshwater quality. The NOF has been determined using the latest science and will be updated to more fully describe attributes for different values in the future. Currently the NOF only contains descriptions of attributes for ecosystem health and human health values.

The NOF has two key roles:

- To describe national bottom lines for water quality ‘attributes’ above which all freshwater bodies must be managed, and
- To set out a range of ‘states’ that describe the relative health of a freshwater body to help communities better understand the health of their local waterbodies.

4.1. Requirement to use the NOF

Where a value is identified in NOF, the attributes for that value must be used when setting a freshwater objective. However, the NOF framework also allows communities and regional councils to use attributes other than just those listed in the NOF.

4.2. Key terms

The NOF uses a number of specific terms that it is useful to be aware of.

Term	Explanation	Example
Attribute	A characteristic of a water body. It may be biological, chemical or physical. Often used interchangeably with indicator.	Total nitrogen
Attribute state	The level to which an attribute is provided. This is effectively an objective. The NOF presents these in four bands A to D, which are effectively the equivalent of excellent, good, fair and poor categories.	'A' band
Narrative attribute state	Describes in words an attribute state. Depending on knowledge, it may be possible to only describe an attribute in a narrative way	'A' band = Lake ecological communities are healthy and resilient, similar to natural reference conditions
Numeric attribute state	Describes in numeric or measurable terms an attribute state.	'A' band = $160\text{mg}/\text{m}^3$ annual median
Minimum acceptable state	The minimum level at which an objective may be set.	Bottom of 'C' band = $750\text{mg}/\text{m}^3$ annual median
National bottom line	Similar to minimum acceptable stage, describes the level below which all water quality must be improved (unless an exception is made)	$750\text{mg}/\text{m}^3$ annual median

An iterative process!

The image on the final page of this report brings together the various stages of setting objectives and limits for water quality and quantity, and shows how this may be a process of repeated testing of options, revisiting issues and agreements and reviewing priorities.

5. Implementing the NPS-FM

Te Awarua o Porirua Whaitua Committee's recommendations will be contained within a WIP. The recommendations will address the requirements discussed above, including identifying:

- Objectives for fresh water and coastal water
- Tangata whenua values and reflecting these in the management of fresh water
- Limits and targets that control the taking of water and the discharge of contaminants to meet those objectives
- Programmes, activities and actions that support or contribute to reaching the WIP objectives, limits and targets
- Opportunities for the integration of existing programmes and plans

Parts of the WIP that relate to regulation will be used to propose changes to the Wellington regional plan to relate to activities within Te Awarua or Porirua. Other actions recommended in the WIP, such as education or extension work programmes and recommendations on city and district councils bylaws, will be recommended for implementation by the relevant authorities, organisations or community groups.

Report prepared by

Hayley Vujcich
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Report approved by

Alastair Smaill
30 March 2015

Managing fresh water in New Zealand

