

NPS Freshwater Management Changes Announced

On 3 July the Minister for the Environment Hon Amy Adams and Minister for Primary Industries Nathan Guy announced the changes to the [National Policy Statement for Freshwater Management](#) (NPS), involving the establishment of a National Objectives Framework (NOF) relating to water quality. The changes take effect on 1 August 2014. The NPS, which came into effect in 2011, sets out the policy framework guiding regional councils' management of freshwater. The proposed changes were notified for public submissions back in November 2013, and were flagged back in March 2013, as part of the government's wider water reform package [Freshwater Reforms Discussion Document](#).

Changes to the NPS 2011

The new NOF includes a suite 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 and hydro-electric power. As well as optional national values, there are two compulsory national values, being "ecosystem health" and "human health for recreation".

The NOF sets out "water quality attributes" that are to be managed for the two compulsory values. The attributes 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 may be aggregated, allowing for decline in some parts and improvement in others.

Regional councils must now 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.

In addition to the NOF framework, the changes to the NPS include a new section requiring that, two 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.

Changes compared to notified version

The amended NPS is largely unchanged from that as notified in November 2013. There are minor changes from the notified version arising from submissions relating to:

- water quality impacted by existing infrastructure (policy CA3)
- removal of the proposed objective that freshwater accounting data be capable of aggregation for regional and national management and monitoring purposes (proposed objective CC1 (c) deleted)
- the proposed requirements for one and five yearly reporting from regional councils is amended to a requirement to report "regularly" (policy CC2)
- the implementation requirements have been amended in policy E1, requiring either full implementation by December 2015, staged implementation to December 2025, or staged implementation to December 2030 under certain circumstances
- the descriptions of the two national values, ecosystem health and human health for recreation have been amended

What happens next?

What this means for planning processes is that regional councils must implement the amended NPS by either December 2015 or in a staged fashion, by changing regional plans so that plans:

- identify "freshwater management units" for all water bodies
- include the compulsory national values, and other values for each of the freshwater management units
- assign "attribute states" A - D for each of the freshwater management units based on the value

By August 2016 regional councils must also have established the freshwater quality and quantity accounting schemes.

Anderson Lloyd is New Zealand's leading law firm on freshwater issues. If you have any questions in respect of the NPS please contact [Maree Baker-Galloway](#) or [Jen Crawford](#).