

National Policy Statement Freshwater Management 2011

The Government has recently released the much anticipated National Policy Statement for Freshwater Management ("the NPS"). The NPS was gazetted on 12 May 2011.

Key dates

The NPS includes some specific implementation milestones.

It takes effect on 1 July 2011. Decision makers must give effect to the NPS from this date.

Regional councils will then have until 31 December 2014 to implement the NPS. If it is impracticable for a regional council to fully implement the policy by this date, the alternative is to adopt a programme implementing the NPS in stages. If such a programme is adopted it must be publicly notified and must fully implement the NPS by 31 December 2030.

Topics

The NPS covers a number of topics. These are water quality, water quantity, integrated management, tangata whenua roles and interests and provision for a Progressive Implementation Programme.

In respect of water quality, Objective A2 provides that the overall quality of fresh water within a region is to be maintained or improved while protecting the quality of freshwater bodies, protecting the significant values of wetlands and improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.

The NPS requires regional councils to amend their regional plan to establish fresh water objectives and quality limits for all bodies of fresh water in the region. Where these objectives are not being met, the regional council must specify targets and implementation methods.

In respect of water quantity, the NPS sets objectives to avoid over-allocation of fresh water, improve the efficient use of water and to protect the significant values of wetlands. The NPS also requires regional councils to set environmental flows for the fresh water bodies in the region, not over-allocate the water in a water body, and create a timeframe and methods in their regional plans by which over-allocation of water will be phased out.

Part D of the NPS relates to tangata whenua roles and interests. Objective D1 provides for the involvement of iwi and hapu, and seeks to ensure that tangata whenua values and interests are identified and reflected in the management of fresh water. There is specific provision for these matters to be reflected in decision-making regarding fresh water planning, including how all other objectives of the NPS are given effect to.

Comment

While the NPS provides overall objectives aimed at improving water quality and avoiding over allocation of fresh water it does not contain standards relating to water quality and water quantity that water bodies need to meet.

Rather, it will be left to the relevant regional council to set standards for the water bodies in its region. Without such standards it is likely that litigation will ensue as the standards set by regional councils for water quality and water quantity are contested by relevant stakeholders.

Some parties have called for the Government to introduce a National Environmental Standard that provides what standards have to be met. A National Environmental Standard would reduce the amount of litigation on appropriate water quality and quantity and would provide all relevant stakeholders with more certainty.

The Government has not yet indicated whether it will create a National Environmental Standard. We believe that while the NPS sets some laudable objectives, until appropriate standards are set we expect the debate over fresh water to continue.

If you have any specific questions on the NPS or wish to discuss the issues surrounding sustainable management of fresh water, please contact:

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