

**Briefing Note from the Chair of the Land and Water Forum – 9 June 2017**

## **Implementation of the National Policy Statement on Freshwater**

The Land and Water Forum (LAWF) has been invited to provide commentary on how the NPS-FM is being implemented. This commentary accompanies LAWF comments on a separate NPS-FM implementation review undertaken by the Ministry for the Environment (MfE).

The NPS-FM is relatively new and therefore it is timely to be reviewing to ensure the long-term success of the policy. LAWF has four **overall conclusions**:

- Given the NPS-FM is a major new policy direction for freshwater management in New Zealand and because the policy is implemented in a de-centralised way, there needs to be stronger and more robust central government engagement and direction.
- There needs to be more investment in information, monitoring and promulgating best practice to create a common understanding of trends in quality and use, and effective mitigations.
- Councils are using different approaches to involving their communities in setting freshwater objectives – some are more collaborative than others – and the quality of engagement varies. This could be improved, with better outcomes for freshwater management and community cohesion.
- Sediment, copper and zinc are the most important attributes missing from the National Objectives Framework. They should be worked on immediately and at the same time MfE should ensure there are appropriate objectives set for these contaminants in plans where they are relevant in freshwater management units.

The **detail of LAWF's review** says:

Considerable progress has been made on establishing a framework for freshwater objectives and limits, and many councils have established processes for implementing the NPS-FM in regional plans. However, implementation itself has been slow, variable and uncoordinated.

To address the implementation issues, greater central government leadership is essential. The Forum recommends that MfE develop a *freshwater reform implementation strategy* that:

- describes the desired end state for the freshwater management system
- outlines the priorities, timeframes, and sequencing of policy changes, implementation actions, and key investments
- allocates responsibility for completing the tasks involved
- identifies and addresses gaps in information, tools, capability and capacity
- results in the timely provision of fit-for-purpose technical support material
- articulates policy intent on important matters to help guide implementation
- clarifies how freshwater priorities relate to other nationally significant policy areas such as climate change, economic development, urban development, energy security and biodiversity
- does not delay existing implementation activities.

Future NPS-FM updates must be transparent and publically-signalled in advance to allow councils and communities to plan for them.

Councils are using different approaches to involve their communities in setting freshwater objectives, policies and limits; some are more collaborative than others.

Collaborative processes are resource-intensive but early indications are that the outcome is a more engaged community and a better quality plan.

Getting the details of collaborative processes right matters: this includes membership, how decisions will be made, the role of collaborative groups in plan writing and implementation, making sure that resourcing issues are addressed, and arrangements for iwi participation.

While the Resource Legislation Amendment Act 2017 has a formal collaborative planning track, the Forum does not think it will be widely used because it is relatively onerous.

More emphasis must be given to investing in information and improving how best practices are shared. The draft Water Information Strategy addresses many knowledge priorities but it has stalled. MfE must urgently finalise and implement it.

MfE must develop a standardised freshwater accounting framework that can be adapted regionally. This will ensure consistency, comparability, avoid rework, and lessen the likelihood of legal or other debates.

Sediment, copper and zinc are the most important contaminant attributes missing from the NOF. MfE must expedite attribute development work for them. In the interim, MfE needs to work with councils to ensure they set appropriate freshwater objectives in plans for sediment, copper and zinc where those issues are relevant in an FMU. Alongside this, central government should consider national regulation for vehicle brake pads and building materials to manage copper and zinc at source.

The preamble of the NPS-FM stated that the Minister would seek “an independent review of the implementation and effectiveness of this national policy statement in achieving all of its objectives and policies and in achieving the purpose of the Act, no later than 1 July 2016.” Neither the Ministry’s review, nor the Forum’s commentary should be considered an independent review of the type envisaged in the NPS-FM.

**MfE’s review** is strongest in commenting on the way that councils are undertaking plan development through community and iwi engagement, and the way that territorial authorities are responding (or not) to the NPS-FM. It provides a range of valuable observations about implementation issues, and some ‘where to next’ suggestions.

There are several areas where the views of the MfE report and the Forum align (for example, urban water quality not having a high priority, the focus on nutrients as opposed to other contaminants, the problems caused by the varying interpretations of how to set limits). There are also differences of emphasis - MfE’s review underplays the importance of central government leadership, support and direction, which the Forum believes must be improved.

MfE’s review does not provide:

- a systematic analysis of how councils are addressing each of the NPS-FM’s objectives and policies.
- an assessment of whether implementation of the NPS-FM is ‘on track’, and what critical issues are preventing that occurring.
- an analysis of the effectiveness of the NPS-FM itself and whether there are any problems with it that might cause implementation difficulties.

LAWF considers that there *would* be benefit in an independent review with these features.