Appendix 1. Input from Local Boards, Watercare Services Ltd

Puketapapa Local Board

19 September 2019

32 Feedback on central government's 'Action for Healthy Waterways' discussion document

– Local Board Advisor was in attendance to speak to this report.

Resolution number PKTPP/2019/206

MOVED by Chairperson, seconded by Member

That the Puketāpapa Local Board:

a) support in principle the National Policy Statement for Fresh Water Management that sets objectives for the state of fresh water bodies and sets limits on resource use to meet these objectives.

b) thank for his attendance.

CARRIED
Context

1. Central government have publicly released their discussion document entitled Action for Healthy Waterways, which is a key outcome of the Essential Freshwater work programme.

2. The Essential Freshwater Package covers three instruments:
   - National Policy Statement Freshwater Management (NPS FM)
   - National Environmental Standards Freshwater Management (NES FM)
   - 3 Waters Review.

3. The discussion document places significant emphasis on improving freshwater outcomes through regulatory and non-regulatory actions. The National Policy Statement for Freshwater Management is the primary regulatory instrument being reviewed, with introduction of other measures through a new National Environmental Standard for Freshwater Management.

4. Proposals include greater emphasis on Te Mana o te Wai, ecosystem health attributes, and reducing the effects of rural activities.

5. There is an interrelationship with wastewater and stormwater consenting and discharge management through the Three Waters Review. National Environmental Standards are being developed by central government to improve consistency, transparency and national oversight for human drinking water, as well as for wastewater discharges and overflow management.

6. The Essential Freshwater package will work with other initiatives from central government including a National Policy Statement on Highly Productive Land and National Policy Statement for Urban Development.

7. At the Maungakiekie-Tāmaki Local Board’s 27 August 2019 business meeting, it delegated authority to Chairperson, Chris Makoare and Deputy Chair, Debbie Burrows to input into Auckland Council’s submission on the Ministry for Primary Industries and the Ministry for the Environment proposed National Policy Statement on Highly Productive Land (resolution: MT/2019/134).
8. Due to the coordinated nature between the National Policy Statement on Highly Productive Land with the National Policy Statement on Urban Development and the Essential Freshwater package, the delegation for the Chair and Deputy Chair to provide local board feedback has been extended to enable the local board to input into the Auckland Council submission.

9. The due date for submissions to Central Government is 17 October 2019. On 19 September 2019 there was a workshop with the Planning Committee and Local Board Chairs to discussing the three national directions that have been proposed (NPS on Highly Productive Land, Urban Development and Fresh Water). To meet these timeframes local board feedback is due by 10 October 2019.

Relevance to the Local board

10. Local boards are responsible for decision-making on local issues, activities and services and providing input into regional strategies, policies and plans. Local boards also have a role in representing the views of their communities on issues of local importance.

11. Every three years local boards set their strategic direction through a local board plan. Central government’s proposed Essential Freshwater package, has relevance to the following outcomes and objectives the 2017 Maungakiekie-Tāmaki Local Board Plan:

<table>
<thead>
<tr>
<th>Outcomes</th>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maungakiekie-Tāmaki is a community that cares about its environment</td>
<td>Demonstrate environmental leadership and support community sustainability initiatives. Clean, beautiful waters and waterside areas.</td>
</tr>
<tr>
<td>Maungakiekie-Tāmaki is the place to be</td>
<td>Our suburbs and town centres are sought-after destinations to live, work and play.</td>
</tr>
<tr>
<td>Maungakiekie-Tāmaki has quality infrastructure to match growth</td>
<td>Other infrastructure needs.</td>
</tr>
</tbody>
</table>

Maungakiekie-Tāmaki Local Board feedback on the Central government’s proposed Essential Freshwater package:

The Maungakiekie-Tāmaki Local Board provides the following input:

a) note that the Maungakiekie-Tāmaki Local Board area is bordered by two bodies of water, the Manukau Harbour and the Tāmaki Estuary. The health of our waterways is important to the Maungakiekie-Tāmaki community and a key objective in the Maungakiekie-Tāmaki Local Board Plan 2017

b) endorse in principle the Essential Freshwater package as it aims to strengthen the health of our waterways

c) endorse upholding Te Mana o te Wai in the management of water; the integrated and holistic health and wellbeing of water

d) recommend ensuring that the level of compliance is achievable and if implemented central government provides further funding to support local authorities to enforce regulatory matters
Memo

To: Senior Policy Advisor
From: Local Board Advisor
Subject: Approval of Waiheke Local Board regarding feedback on the government’s Essential Freshwater Package

Purpose

The purpose of this memo is to seek approval from the Chair for the board’s formal feedback on the Essential Freshwater Package.

Background

The Ministry for the Environment is consulting on a proposed “Essential Freshwater Package” which comprises:

- a rewritten National Policy Statement for Freshwater Management (NPS-FM);
- a new National Environmental Standard for Freshwater Management (NES-FM); and
- specific (stock exclusion) regulations made under s 360 of the Resource Management Act 1991

Central government is seeking a stronger response to achieving water quality with interim proposals that serve to ‘hold the line’ until all councils have in place plan changes by 2025. Local Boards were invited to contribute feedback on the proposed scheme for inclusion in the Auckland Council submission and the Waiheke Local Board’s feedback is attached. Staff will present the Final Auckland Council submission to the chair of the Planning Committee and Deputy Mayor for their approval on 11 October 2019.

Resolution

The board resolved at its meeting on 26 September 2019 the following:
That the Waiheke Local Board:

a) retrospectively adopt the feedback submitted on the following:
   i. the proposed changes to the Auckland Film Protocol.
   ii. the New Zealand Biodiversity Strategy - Te Kioa o te Koiora.
   iii. the proposed priority product stewardship scheme guidelines and proposed priority projects.
   iv. the proposed national policy statement (NPS) on highly productive land.

delegate approval of the local board’s feedback on central government’s Essential Freshwater package to the Chair following discussion with the local board members.

Approved
Chair Waiheke Local Board
The Waiheke Local Board is a strong advocate for clean freshwater, and this is reflected in its Local Board Plan 2017-2020. The board has as key objectives to:

*Restore and protect our natural environment in partnership with our community and in particular to continue to deliver wetland and ecological restoration and regeneration projects, working with local schools, the community and other agencies (page 25).*

*Ensure the Auckland Transport work programme is developed in consultation with the board and in collaboration with the Healthy Waters team, ensuring water sensitive design is prioritised (page 37).*

The Waiheke Local Board is supportive of the direction of the Essential Freshwater Package and makes the following comments in respect to freshwater on Waiheke. These points are generally relevant to other island environments and rural areas.

**A Māori Perspective – Te Mana o te Wai**

For Aotearoa New Zealand this must be founded upon the Māori world view of water as sacred, life-giving and requiring the utmost protection. Its purity is paramount.

**Freshwater regulations through amendments to the Resource Management Act 1991 (RMA)**

1. On Waiheke we need much stronger protections under the RMA where landowners installing or maintaining onsite wastewater systems are responsible for ensuring that no contaminants reach streams or aquifers.

2. Councils should be given stronger powers and resources to ensure that landowners with failing systems act to stop contamination of waterways and aquifers.

3. That there is a joined-up council approach between resource consenting and catchment management by ensuring that wastewater and stormwater consents are approved by senior water engineers.

**Set and clarify policy direction to bring our freshwater to a healthy state within a generation in a new National policy Statement for Freshwater Management (NPS-FM)**

4. The objective of the proposed National Policy Statement 2019 is to ensure that resources are managed in a way that prioritises:
   - first, the health and wellbeing of waterbodies and freshwater ecosystems; and
   - second, the essential health needs of people; and
   - third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future.

5. The board believes that to achieve a holistic approach to managing freshwater, the NPS-FM needs to involve the communities which use, and are sustained by, freshwater. People need to value freshwater as a finite resource, which must be used sparingly and discharged with care. This can be achieved by developing water catchment committees to monitor water quality, educate local residents, keep streams clean and detect sources of pollution. Waikato Regional Council has a similar concept called Zone Catchment Committees which should be promoted through the NPS-FM or RMA.
6. The board strongly supports the need for an achievable and transparent public goal for freshwater quality. For treasured island environments, like Waiheke, council and community should aim for all streams and beaches to be suitable for primary contact by 2030. The goal and targets for E. coli/campylobacter levels need to be understood and accepted by the affected communities.

7. In terms of protection of streams and wetlands, a consistent approach between the planners and water catchment engineers is essential. Small streams, wetlands and overland flow paths which are not marked on the district planning maps are part of water catchments and need protection from building works, associated stormwater and wastewater interventions and from the threat of being piped.

8. There is strong support from the board for measures which enable fish passage to and from the sea for breeding purposes.

The delivery of safe drinking water through amending the National Environmental Standard for Sources of Drinking Water

9. For communities using rain water tanks, the standards should include minimum safe levels for likely contaminants from roofs and gutters. Measures which protect against these contaminants should be included in appropriate RMA and Building Act requirements.

10. Stronger measures need to be in place to protect artesian water systems from overuse and contamination from terrestrial sources and seawater e.g. more robust testing regimes for water carriers to ensure that no contaminated drinking water is delivered.

11. The board would encourage greater use of rainwater tanks in urban environments to conserve potable water supplies during times of drought.

Better management stormwater and wastewater to stop things getting worse and improve freshwater health in a generation through new regulations and potentially new legislation.

12. The board strongly supports best practice water sensitive design which should not only be applied to residential and subdivision consents but also to infrastructure developments such as works in the road corridor. These must be related back to the relevant catchment management plans.

13. There is support for the concept of stormwater network operators being required to prepare risk management plans and to report on a set of nationally prescribed environmental performance standards.

14. The board supports the use of fully compliant onsite wastewater systems in rural areas as a safe solution to wastewater disposal, and further, supports the introduction of a National Environmental Standard for wastewater discharges and overflows to bring a consistent level of protection in place across the country.

Improved Farming Practices

15. The board supports introducing planting boundaries adjacent to streams on low lying land to exclude stock and the effluent they produce from waterways.

16. It also supports a mandatory approach to farm environmental planning to ensure that farms monitor and manage contamination of on-farm waterways.

17. The board agrees that stock holding areas should be managed by suitable consenting rules.
Aotea / Great Barrier Local Board feedback on the Essential Freshwater package

Context

- Aotea Great Barrier Island lies 90km east of Auckland City in the Hauraki Gulf and is Auckland Council’s most remote and isolated area.
- Over 60% of the island is Department of Conservation (DoC) estate; 43% of which is the Aotea Conservation Park.
- The island has a permanent population of 936 residents (2018 Census).
- The island has no reticulated power nor water.

Feedback

1. Aotea / Great Barrier Local Board is supportive of the direction of the Essential Freshwater Package.
2. We are strong advocates for clean freshwater. This is reflected in our Local Board Plan 2017-2020 with a key objective ‘All our freshwater streams will be healthy’.
3. The island is ‘off the grid’ and does not have reticulated water. We are supportive of minimising risks for drinking water sources and are currently investigating the emergency supply of clean drinking water.
4. We are supportive of initiatives that incentivise, or better enable, roof water harvesting or collection and storage. We encourage greater use of rainwater tanks to conserve potable water supplies during times of drought.
5. We are supportive of education and assistance for landowners to install and maintain their onsite wastewater systems to ensure no contaminants reach streams or aquifers.
6. We strongly support our culverts enabling fish passage to and from the sea for breeding purposes.
7. We are supportive of riparian fencing/planting on boundaries adjacent to streams on low lying land to exclude stock and the effluent they produce from waterways.
8. We are supportive of alternative energy systems including hydro-electric (not to the detriment of the environment) in order to achieve renewable energy targets.
9. We strongly support remote, off-grid areas like ours being given plenty of scope for new emerging/creative solutions for drinking water provision and waste water disposal.
10. We highlight the necessity for a specific budget to be allocated by Central Government to enable or assist council to improve freshwater quality.
Franklin Local Board urgent decision on feedback for inclusion in the Auckland Council submission on the proposed Essential Freshwater Package

Te take mō te pūrongo
Purpose

1. To seek an urgent decision from the chair and deputy chair to provide formal local board feedback for inclusion in the Auckland Council submission on central government’s proposed Freshwater package.

Te tikanga whakatau-kaupapa wawe
Urgent decision-making process

2. At its meeting on 22 November 2016 the Franklin Local Board resolved (FR/2016/1) the following in relation to urgent decision-making:

   That the Franklin Local Board:
   a) delegate authority to the Chair and Deputy Chair or any person acting in these roles to make an urgent decision on behalf of the local board.
   b) adopt the following urgent decision process for matters that require a decision where it is not practical to call the full board together and meet the requirement of a quorum:
   • Confirmation that the local board has the delegation to make the decision.
   • Consideration of advice provided that meets the quality advice standards, including the significance of the decision and whether the urgent decision process is appropriate.
   • Authorisation by the Relationship Manager to commence the process.
   • Joint approval of the decision by the Chair and Deputy Chair, or any person acting in these roles.
   • The urgent decision is reported to the next ordinary meeting of the local board for information.

3. The relationship manager has approved the use of the urgent decision-making process on this matter on Monday 21 October 2019.

Te take me whakawawe
Reason for urgency

4. The board expressed interest through an email on 18 October 2019 to provide formal local board feedback for inclusion in the Auckland Council submission on the proposed Essential Freshwater Package.

5. The deadline for providing feedback is Monday 21 October 2019.

6. The board’s next scheduled business meeting is Tuesday 26 November 2019.

7. An urgent decision is required because the deadline for providing feedback to be considered for inclusion in the Auckland Council submission is prior to the next scheduled business meeting.
Te horopaki

Context

8. Central government have publicly released their discussion document entitled Action for Healthy Waterways, which is a key outcome of the Essential Freshwater work programme.

9. The Essential Freshwater Package covers three instruments:
   - National Policy Statement on Freshwater Management (NPS FM)
   - National Environmental Standards on Freshwater Management (NES FM)
   - 3 Water Review.

10. The Essential Freshwater package will work with other initiatives from central government including a National Policy Statement on Highly Productive Land and a National Policy Statement for Urban Development.

11. On 19 September 2019 there was a Planning Committee workshop, attended by the Franklin Local Board Chair, where the three national directions were discussed.

12. Local boards are responsible for decision making on local issues, activities and services. They are also responsible for providing input into regional strategies, policies and plans. Local boards have a role in representing the views of their communities on issues of local importance.

13. Every three years local boards set their strategic direction through a local board plan. Central government’s proposed Essential Freshwater package has relevance to the following outcomes and objectives in the 2017 Franklin Local Board Plan:
   - Outcome 1: A well-cared for natural environment - Enhance, protect and maintain our diverse natural environment and make sure it’s able to be enjoyed.
   - Outcome 2: A thriving local economy - Franklin has a strong economy and attracts people to live, work locally and visit its attractions.
   - Outcome 4: Growth is dealt with effectively - Make full use of existing outdoor space and community facilities before developing new.

14. Local boards are invited to provide feedback to be considered for the Auckland Council submission.

15. The final council submission, including local board feedback, will be signed off by delegated councillors by 21 October 2019.

Tātaritanga me nga tohutohu

Analysis and advice

16. The discussion document places significant emphases on improving freshwater outcomes through regulatory and non-regulatory actions. The National Policy Statement for Freshwater Management is the primary regulatory instrument being reviewed, with the introduction of other measures through a new National Environmental Standard for Freshwater Management.

17. Proposals include greater emphasis on Te Mana o te Wai, ecosystem health attributes, and reducing the effects of rural activities.

18. The discussion document has a focus on improving farming practices through introducing new regulations for rural land use.
19. Rural land use is particularly important in Franklin, which contains significant commercial vegetable growing areas and pastoral systems.

20. The board considered the information and provided their feedback to ensure the rural perspective was adequately represented, and agreed that they would formalise their position through this urgent decision.

**Ngā mahi ā-muri**

**Next steps**

21. If the recommendations are adopted the next steps are:
   
a) for the recommendations to be forwarded as feedback to Dave Allen, Manager Natural Environment Strategy, for incorporation into or attachment to the Auckland Council submission.

b) to report to the next business meeting for information the associated authorisation memo and this urgent decision.

**Ngā tūtohunga**

**Recommendation/s**

That the Franklin Local Board:

a) support Auckland Council's submission to the Ministry for the Environment’s Essential Freshwater – Action for Healthy Waterways discussion document

b) suggest adding the word ‘agriculture’ to line 215 e), so that it reads ‘reliance on Overseer, which is inappropriate to measure contaminants for horticulture and agriculture’

c) suggest a consistent approach across all sectors when setting compliance timeframes. For example, the discussion document sets a timeframe for compliance for the agriculture sector, and therefore wastewater operators should be set a timeframe for compliance too.
The chair and deputy chair acting under delegated authority (FR/2016/2) confirm they have made this urgent decision of behalf of the Franklin Local Board.

**Authorised for release:**

Personal details removed

Signed by Personal details removed
Relationship Manager, Franklin Local Board Date

**Signatories**

Personal details removed

Date
Chair, Franklin Local Board

Personal details removed

Date
Deputy Chair, Franklin Local Board
1. **SUMMARY**

1.1 Watercare is pleased to have the opportunity to submit on the Ministry for the Environment’s "Action for Healthy Waterways – Discussion document" ("Discussion Document"), the amended National Policy Statement for Freshwater Management ("Draft NPS-FM"), and the proposed National Environmental Standard for Freshwater ("Draft NES-F") (together, the "Freshwater Policy Documents").

1.2 Watercare strongly supports the primary objectives of the Freshwater Policy Documents, which are to stop further degradation to our freshwater resources and to start improving the quality of those resources.

1.3 Watercare is also supportive of greater national guidance and consistency for the management of freshwater. Watercare takes water, and discharges treated wastewater, within two regional government jurisdictions – Auckland and Waikato. For example, the majority of Auckland’s metropolitan water supply – around 60 per cent – comes from the Waikato Region. Providing national direction for freshwater planning by regional authorities is therefore important for achieving consistency across regional boundaries.
1.4 While supportive of the general direction of the Freshwater Policy Documents, Watercare seeks amendments to the Freshwater Policy Documents to ensure they achieve the intended policy outcomes. These amendments are also required to ensure the delivery of Watercare's water and wastewater services is not unnecessarily compromised.

1.5 In summary, Watercare:

(a) Seeks amendments to ensure the impacts of climate change and population growth are appropriately recognised in the Freshwater Policy Documents.

(b) Recommends that the Government provides greater direction through the NPS-FM for water and wastewater service providers to adopt the Integrated Water Management approach to infrastructure planning.

(c) Seeks amendments that would ensure that water supply reservoirs and wastewater treatment ponds would be exempted from the Draft NPS-FM's requirements.

(d) Supports the development of an NES for Wastewater Discharges and Overflows ("Proposed NES-WDO"), but recommends that any minimum standards are carefully developed in consultation with wastewater service providers so that they are fit for purpose.

(e) Supports improvements to the NES for Sources of Human Drinking Water ("NES-DW"), subject to the development of standards in consultation with drinking water providers to ensure those improvements are appropriate in different contexts.

(f) Recommends that the Government take more active steps to ensure freshwater reform process is aligned with, and not progressed in isolation from, other RMA reform processes currently underway.

1.6 We address each of these submissions in more detail below.

1.7 This submission focuses on the impacts that the Freshwater Policy Documents may have on Watercare's water supply and wastewater conveyance and treatment options. It should be read in conjunction with Auckland Council's submission on the reform proposals.

2. WATERCARE – OUR PURPOSE AND MISSION

2.1 Watercare is New Zealand's largest provider of water and wastewater services. We are a substantive council-controlled organisation under the Local Government Act 2002 ("LGA") and are wholly owned by Auckland Council.

2.2 Watercare provides integrated water and wastewater services to approximately 1.6 million people in the Auckland region. In the 2018/19 financial year, Watercare treated 437 million litres of drinking water each day at 15 water treatment plants, and distributed that water via 85 reservoirs and 94 pump stations to 450,000 households, hospitals, schools, commercial and industrial properties. Watercare's water distribution network includes more than 9,000 km of pipes.
2.3 Watercare's wastewater network collects, treats and disposes of wastewater at 18 treatment plants. It also includes 7,900 km of sewers.

2.4 Under both the LGA and the Local Government (Auckland Council) Act 2009, Watercare has certain obligations. For example, Watercare must achieve its shareholder's objectives as specified in our statement of intent, be a good employer, and exhibit a sense of social and environmental responsibility.¹

2.5 Watercare is also required to manage our operations efficiently with a view to keeping overall costs of water supply and wastewater services to our customers (collectively) at minimum levels, consistent with effective conduct of the undertakings and maintenance of long-term integrity of our assets.²

2.6 Watercare's objective is to be a leader in sustainability, environmental impact and operational excellence. To this end, Watercare has initiated a "40/20/20" vision for our capital works programme. Our vision is to reduce our infrastructure carbon by 40 per cent, reduce costs by 20 per cent and have a 20 per cent year-on-year improvement in health and safety. Watercare is also investing in new and innovative projects to respond to the challenges of climate change, including the 1MW floating solar array at the Rosedale Wastewater Treatment Plant. This will be operational in nine months and will be the largest array in New Zealand.

3. PROPOSED FRESHWATER POLICY DOCUMENTS

3.1 As New Zealand's largest water and wastewater services provider, Watercare has a significant interest in the Freshwater Policy Documents. Our submission focusses on the potential impacts that the reform proposals may have on the current and future delivery of these services.

Impacts of climate change and population growth

3.2 Two key challenges for water and wastewater service providers are the potential impacts of climate change, and population growth. These are having significant impacts on Watercare's operations within the Auckland region.

3.3 Watercare is concerned that these challenges are not appropriately recognised in the Freshwater Policy Documents. In the Draft NPS-FM, climate change is only mentioned in the context of setting target attribute states under clause 3.9. There is nothing in the objective and policies explicitly directing regional authorities to plan appropriately for the impacts of climate change and population growth in managing their region's freshwater resources.

3.4 Watercare recommends the Government amend the policy framework in the Draft NPS-FM so that the impacts of climate change and population growth must be considered. This will ensure these challenges are addressed by regional authorities in the development of their regional freshwater plans.

3.5 The policy framework should also encourage flexibility and innovation in the responses regional authorities can adopt to these challenges. The impacts of these challenges will be different across New Zealand. This will necessitate different

¹ LGA, s 59.
² Local Government (Auckland Council) Act 2009, s 57.
responses by regional authorities in the context of managing their particular freshwater resources, and the Draft NPS-FM must enable that.

3.6 Part of Watercare’s response to the dual challenges of climate change and population growth has been to change the way we plan our infrastructure investment. Traditionally, infrastructure planning has attempted to predict future population and demand and then designed and constructed infrastructure to meet this.

3.7 Within Watercare’s planning, Watercare uses an approach that is consistent with what is commonly referred to as Integrated Water Management (“IWM”) to plan its infrastructure investment. The IWM approach requires consideration of the “whole of water cycle framework”, as opposed to managing each individual element of the cycle separately. This incentivises consideration of innovative options for water recycling (such as wastewater reuse), and greater water use efficiencies through use of exchanges.

3.8 Watercare recommends the NPS-FM is amended to require water and wastewater service providers to adopt the IWM approach in their infrastructure planning. This would assist regional council's in achieving the policy intent of the freshwater reform package, by facilitating service providers to develop innovative solutions in response to the increasing pressures of climate change and population growth.

**Application of the Draft NPS-FM**

3.9 Drinking water source reservoirs and wastewater treatment ponds impound water behind a dam, creating an artificial waterbody. The Draft NPS-FM appears to apply to these artificial waterbodies, through the broad definitions used for “freshwater”, “water”, “waterbody”, and “lake”.

3.10 This appears to be unintended. From a policy perspective, the Freshwater Policy Documents are directed at ensuring New Zealanders can swim, fish, gather mahinga kai and enjoy our freshwater resources, as well as to support the safe delivery of drinking water. For the reasons explained below, these policy outcomes will not be achieved by applying the NPS-FM to drinking water source reservoirs and wastewater treatment ponds.

3.11 Wastewater treatment ponds are part of the wastewater treatment process. They can never support recreational or food-gathering activities because of the risks to human health. They are managed in a way that prevents any unnecessary human contact.

3.12 Water source reservoirs are the first stage in the water treatment process. The size, depth and prevailing calm conditions in such reservoirs allow suspended solids to settle, with the water from the top layers (where there is less sediment following settlement) abstracted for further treatment.

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3 Defined in the RMA, s 2 as "all water except coastal water and geothermal water".
4 Defined in the RMA, s 2 as "(a) means water in all its physical forms whether flowing or not and whether over or under the ground; (b) includes fresh water, coastal water, and geothermal water; and (c) does not include water in any form while in any pipe, tank, or cistern".
5 Defined in the RMA, s 2 as "fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area". However, the Draft NPS-FM provides that “geothermal water” is excluded for the purposes of the NPS-FM.
6 Defined in the RMA, s 2 as "a body of fresh water which is entirely or nearly surrounded by land".
3.13 Water quality within Watercare’s water source reservoirs is the result of two naturally occurring processes – the trapping (and subsequent settling) of sediment and nutrients, and thermal stratification. These processes occur within Watercare’s water source reservoirs within the Hunua and Waitakere Ranges, where the receiving catchment is high-quality native bush.

3.14 To provide an example, the receiving catchment for Watercare's Hunua Ranges reservoirs consists of over 20,000ha of native forest. This is predominately tawa-podocarp, with kauri-hard beech at lower elevations and an area of submontane forest (which is unique in the Auckland region) above 600m. Even in this pristine receiving catchment, the natural processes described above affect water quality, such that the draft attribute states proposed in the NPS-FM could not be met in some instances.

3.15 Discharges of water from these water supply reservoirs, which occur either as "spill water" or as "environmental flows" required under the conditions of Watercare's regional resource consents, are also limited. The vast majority of water within Watercare's water source reservoirs is abstracted for further treatment. As such, the limited discharges from these reservoirs do not have material effects on downstream receiving environments.

3.16 The Draft NPS-FM contains an exception (clause 3.23) for waterbodies affected by naturally occurring processes. However, this exception only applies to the setting of target attribute states under clause 3.9, and requires regional authorities to set a target attribute state to achieve improvement where feasible.

3.17 Watercare is concerned this type of exception is not appropriate for water supply reservoirs and wastewater treatment ponds. This is because, even where the exception is applied, improvements in water quality in these waterbodies will still be required under the NPS-FM.

3.18 The provisions of the Draft NPS-FM requiring the development of "action plans" by regional councils (clause 3.14) are insufficient to address Watercare's concerns. The proposed "action plans" provisions relate to where there is a deterioration in an attribute state, or a failure to achieve an identified outcome, and require a regional authority to prepare an action to plan to halt (and if possible reverse) that deterioration. Applying this to a water source reservoir, there would still be a requirement to maintain, and if possible enhance, the water quality of that reservoir under the action plan developed.

3.19 Overall, Watercare is concerned that the application of the Draft NPS-FM to water impounded within water supply reservoirs and wastewater treatment ponds is not appropriate or justified, as it will not achieve the policy intent of the freshwater reform package. As explained above, this is because the vast majority of the water within water supply reservoirs is further treated and then consumed as part of municipal supplies, while water within wastewater treatment ponds is subject to specific treatment processes before being discharged.

3.20 In addition, imposing the obligations within the Draft NPS-FM on water supply reservoirs and wastewater treatment ponds will impose significant additional costs on Watercare, and all other providers throughout New Zealand that deliver water and wastewater services.
Therefore it is requested that water supply reservoirs and wastewater treatment ponds are appropriately exempted from the draft NPS-FM's requirements.

**Proposed National Environmental Standard for Wastewater Discharges and Overflows**

The Freshwater Policy Documents suggest a Proposed NES-WDO to provide standardised minimum requirements for wastewater treatment plant discharges and overflows. This is expected to be released for consultation in mid-2020.

Watercare supports providing standardised minimum requirements for wastewater treatment plant discharges and overflows. However, any minimum standards will need to be carefully developed, to ensure they are appropriate and fit for purpose.

In particular, there is a risk that any minimum treatment standards may not be appropriate in certain instances. The achievable treatment standards for a particular discharge point are dependent on the particular receiving environment and its assimilative capacities, relative to the discharge loadings and concentrations. A "one size fits all" approach across New Zealand for minimum treatment standards will be inappropriate.

Subject to the concern above, Watercare considers that standardised requirements for monitoring and reporting would be beneficial for wastewater treatment plant discharges.

In addition, Watercare supports the development of standardised requirements for wastewater overflows on a network basis (rather than individual overflow points). Minimum technical standards for network-wide sampling, monitoring and reporting would also be beneficial, to improve the consistency and quality of data available.

We request that the Government closely engages with Watercare and other wastewater service providers on the Proposed NES-WDO and any minimum standards that it may set out, to ensure that any such standards will be fit for purpose including in different contexts.

**Proposal to amend the National Environmental Standard for Sources of Human Drinking Water**

The obligations on regional and territorial authorities for managing risks to source waters are proposed to be strengthened through amendments to the NES-DW. A detailed proposal is likely to be released for consultation in mid-2020.

Watercare supports improving the NES-DW. In particular, Watercare supports providing national direction in the NES-DW on setting "water source risk management areas", which will spatially define the areas of land to which the NES-DW would apply. However, Watercare also supports the application of a "bespoke" approach, where the water supplier has sufficient data to show the default water source risk management areas are not appropriate.

Any other improvements to the NES-DW will need to be carefully considered, to ensure they are appropriate in different contexts. For example, the types of activities that can affect ground water takes are different from the activities that can affect surface water takes. Surface water takes will always require a prudent
approach where the water is treated to appropriately high treatment standards. As with the Proposed NES-WDO, Watercare therefore recommends that the Government closely engage with water providers in developing any improvements to the NES-DW.

Other Technical Points

Draft NES-FM rules relating to culverts

3.31 Draft NES-FM – Rule 21(1)(c) relating to permitted activity culverts states that:

the mean cross-sectional water velocity in the culvert is equal to or less than the mean cross-sectional water velocity found in immediately adjoining stream reaches;

3.32 The reasoning for this permitted activity rule is unclear, as is the freshwater quality issue it is directed at resolving. From a technical perspective, it will also be difficult to achieve the required water velocity within culverts in many circumstances. As such, Watercare recommends the Rule be amended to provide more flexibility where it may not practicable to achieve the proposed water velocity.

Draft NES-FM rules relating to water takes

3.33 Draft NES-FM – Rule 17 relating to water takes (for both discretionary and non-complying activities) includes a reference to where the water take will:

result in a greater than 0.1 m change beyond the natural wetland’s annual median water level.

Discussion Document proposals relating to water use reporting

3.34 Section 5.12 of the Discussion Document relates to real-time reporting of water use. This includes a proposal to amend the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 ("Regulations"), to require every consumptive consented water take over 5 litres per second to measure water use every 15 minutes and transmit daily electronic records.

3.35 Watercare is concerned that this frequency of reporting is inappropriate for municipal water suppliers, and recommends a lesser frequency is adopted. This is because changes in the rate of water use from consented takes for municipal supply purposes are typically slow and usually occur over a period of days.

3.36 In addition, the Discussion Document does not include any proposal to provide for outages of water-measuring devices, which can occur due to a number of reasons. Auckland Council allows for "reasonable endeavours" to be employed to provide water use data for consented takes, which recognises there may be legitimate reasons for occasions of periodic data loss.

3.37 Watercare recommends that any amendments to the Regulations are carefully considered, to ensure they do not impose unnecessary reporting requirements (and therefore costs) on municipal suppliers like Watercare, and also provide a reasonable level of flexibility where recording device outages may occur.
4. ALIGNMENT WITH OTHER NATIONAL DIRECTION AND RMA REFORM

4.1 The Ministry is currently consulting on, or about to commence consultation on, a wide range of proposals to reform New Zealand’s resource management system. This includes sub-ordinate RMA documents relating to freshwater, indigenous biodiversity and air quality, as well as amendments to the RMA itself.  

4.2 Watercare has a significant interest in all of these reforms, as each will impact on our existing and future operations. From Watercare's perspective, it is crucial that these reforms are not developed in isolation. It is crucial that each of these environment policy processes are "joined up" in terms of how they provide for critical matters such as climate change, freshwater and significant infrastructure (including water and wastewater).

5. NEXT STEPS

5.1 Watercare would appreciate the opportunity to engage further with MfE on the matters set out in this submission in finalising the Freshwater Policy Documents.

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