

IrrigationNZ submission on proposed changes to the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (NES-DW)

20th March 2022

Address to:-

Improving the protection of drinking-water sources
Urban Water team
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Submitted online at: nesdw.consultation@mfe.govt.nz

Please find below the IrrigationNZ submission to the Ministry for the Environment (MfE) on proposed changes to the NES-DW.

In our submission we have also considered the Cost-Benefit Analysis of the Proposed Changes to the NES-DW Marae and Rural Water Supply Case Studies prepared for Ministry for the Environment by Beca Limited circulated on 2 March 2022.

We would appreciate the opportunity to discuss the responses in our submission or to provide additional information.

Please, direct any inquiries to:

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About IrrigationNZ

Irrigation New Zealand (IrrigationNZ) represents over 3,800 members nationally, including irrigation schemes, individual irrigators, and the irrigation service sector across all regions of New Zealand.

Our irrigator members include a wide range of farmers and growers – sheep and beef, dairy and cropping farmers, horticulturalists, winegrowers, as well as sports and recreational facilities and councils. We also represent over 120 irrigation service industry members – manufacturers, distributors, irrigation design and install companies, and irrigation decision support services for both freshwater and effluent irrigation.



We are a voluntary-membership, not-for-profit organisation whose mission is to create an environment for the responsible use of water for food and fibre production for local and international consumers and to sustain the wellbeing of communities.

As an organisation we actively take a technical leadership role in promoting best practice irrigation and carry out a range of training and education activities associated with freshwater management. Over the last five years, we have trained over 3,000 irrigators on various aspects of irrigation best practices to improve water use efficiency (lowering consumption) and better manage environmental effects (improved soil moisture and surface water management).

IrrigationNZ members share many of the same goals as other New Zealanders:

- Reduce their environmental footprints and see improvements in the health of the natural environment,
- Contribute to the wellbeing of their communities, and
- Provide for a sustainable future for New Zealand.

IrrigationNZ General Statements of Principle

We note that there is already legislation and a regulatory body set up to manage and enforce a set of national regulations on drinking water, Taumata Arowai. We strongly recommend that the Ministry for the Environment remove the proposed NES–DW and commit to the drinking water authority to manage drinking water standards and regulations to avoid another Havelock North scenario where responsibility was confused.

- We agree all drinking water should be safe and healthy at point-of-use for all our population. Keeping in mind that most fresh water is used for other purposes, such as food production, stock water, power generation, recreation, fishing, and swimming.
- We support the need for freshwater national settings and clear direction has been provided under the Te Mana o te Wai framework, ensuring first priority is the health and lifeblood of the water body. This framework already exists and if further changes are needed for managing freshwater, changes to the NES-Freshwater (NES-F) should be considered.
- Drinking water sources fall within the Water Services Bill (Water Services Act 2020). The proposed amendment to the NES-Drinking Water 2007 is to correct a previously unworkable and poorly defined set of regulations. However, it is effectively proposing legislation to govern land use that is unnecessary when the authority Taumata Arowai already exists, having taken over the regulator role from the Ministry of Health.
- Imposing the NES-DW for Drinking Water Sources builds confusion over roles and responsibilities for water suppliers, Taumata Arowai and Regional Councils.
- The overlapping legislation implies drinking water is of higher priority in a catchment than any other resource use – be that fruit and vegetable growing, industry, recreation, boating and fishing, or gathering of mahinga kai.
- All of these can and are being maintained within the community determined values and objectives for the health of the water body. These values and objectives may be set on a case by case and location specific set of criteria the expectations of the water within the water body being fit for drinking at an appropriate scale for the population concerned under existing or other proposed regulations.

- Allowing water suppliers such as district councils to have a say in land use activities up to 8 hours upstream, could allow them to shift responsibility resulting from historical underinvestment in infrastructure, while having a significant economic impact on food and energy generation.
- IrrigationNZ recommends MfE leave the setting of standards and management of drinking water regulations to Taumata Arowai. We recommend MfE, as the authority for the environment, focuses on the refinement and management of regulations to manage the health of the water body for the environment, instead of for human health.
- The NES-DW consultation document does not provide an adequate definition of a number of key terms. In particular, delineation of a catchment SWRMA using a time-based measurement, potential versus actual contaminant events, the nature of the contaminant(s), the characteristics of the catchment, the population at risk, and the methods used to determine that risk in terms of immediate versus medium time frames. Our submission suggests all of these must be assessed through a structured and cases by case risk-based approach.
- We submit that rather than imposing an extra layer of bureaucracy through confused and overlapping legislation that the Taumata Arowai regulatory framework, where water at the point of consumption or supply is assessed and mitigating solutions are applied, is more cost effective, impactful, and will ensure quality standards can still be managed. This approach will be conducive to the development of effective training and accreditation programs that will provide adequate protection of drinking water points of supply.

Cost-Benefit Analysis of the Proposed Changes to the NES-DW Marae and Rural Water Supply Case Studies

This additional report warranted specific responses due to its reference within the main consultation document as summaries of these case studies. We are genuinely concerned about matters raised in the BECA report indicating a reinforcement of an arbitrary approach to drinking water regulations and inequitable costs arising from the regulations.

- The five drinking water supplier case studies in the BECA report seem to align with the summary case studies in the NES-DW consultation document.
- In many of the BECA analysis tables the existing regional land and water plans, especially associated with Farm Environment Plans, are highlighted as already setting clear and adequate restrictions on land use that are better defined than the NES-DW approach being proposed.
- The “scenarios” in the NES-DW are different and take a somewhat confused approach to definitions of impacted activities.
- Specifically, we highlight the divergence in conclusions between the NES-DW Scenario 2 Agrichemicals and the BECA case study analysis. Concerningly, the case study summary used in the NES-DW consultation document understates the impact of the amendments on upstream landowners compared to the more detailed analysis set out in the BECA report.

NES-DW Scenario 2 Agrichemicals extract from text

- *When used on land, if not applied appropriately, these chemicals can enter waterways and pose significant risks to ecosystems and human health. Some of these chemicals can persist in the environment for a very long time, affecting the quality of drinking water sources. For this reason, it is important to limit the risk of agrichemicals getting into water sources.*

- *Matiu will no longer be able to apply herbicide in SWRMA 1, and will need a resource consent to apply herbicide in SWRMA 2, because there is a risk that within 8 hours of its application, the herbicide-impacted water could be drawn in through the supply's source water abstraction point.*
- **...no anticipated additional costs resulting from the proposed amendments in SWRMA 2, for onsite effluent discharges, pastoral farming activities and application of fertiliser and agrichemicals**

BECA case studies extract

- *However, the proposed amendments to the NES-DW will also require strict standards and resource consent for application of agrichemicals (but not fertiliser) within SWRMA 2 and we have assumed that the Resource User will apply for a resource consent to continue this activity should it be occurring.*
- **Cost assessment up to \$60,000 per consented activity to be allowed to apply agrichemicals in SWRMA2**
- Neither BECA, nor MfE, acknowledge other industry programs such as NZGAP, Growsafe and normal H&S legislation that address good agrichemical practice for handling, application, and accidental spillage response.
- What is quite alarming is that BECA do not highlight that in their analysis the most significant costs lie with landowners (they call them resource users) upstream unrelated to or even aware of the existence of the drinking water user downstream.
- Nothing suggests any costs would fall to the drinking water supplier or that they should amend their situation instead it is suggested (in the extract below) **the upstream land user will have no option under the restrictions imposed by the regulations other than to change their land use to accommodate the drinking water supplier.**

4.3.5 Horticulture

The areas covered by SWRMA1 and SWRMA2 for this water supply are large and encompass many land parcels, although the majority of land use appears to be pastoral as opposed to horticultural in this area². Currently, application of fertiliser and agrichemicals in the area around this water supply are permitted activities. The proposed amendments to the NES-DW would make application of fertiliser and agrichemicals in SWRMA 1 restricted and possibly prohibited activities, and the application of agrichemicals within SWRMA2 require strict controls and a resource consent.

As for pastoral farming above we have assumed that resource users will change the farm management practices to avoid the application of fertiliser and agrichemicals within SWRMA1, and to apply for resource consent for the application of agrichemicals within SWRMA2.

As for pastoral farming, we have assumed that resources users would apply for resource consents and carry out risk assessments for the construction of new bores in SWRMA1 and SWRMA2.

We do not consider it likely that the Regional Council would require mitigation measures to be applied for these activities since the activity is better controlled by restricting volumes or requiring buffer zones, or for the activity to be so restricted as to make the existing resource user consider a change in land use.

- The cost of the suggested land use change is not set out and yet would have a devastating impact on landowners, their families, the community they live in and the ability to meet requirements for food production. This is totally disproportionate to a case-by-case risk-based approach to protect human drinking water standards.
- Within the BECA report the conclusions drawn are a result of broad, poor, or missing definitions in the amended NES-DW and its arbitrary approach to setting the regulated activities.
- It is noted that BECA are forced to make some big assumptions to be able to define SWRMA 2. They fail to highlight in their report that this was a potential for error in their conclusions. BECA clearly found that using a time-based delineation meant they had to arbitrarily deduce what the flow speed was for the given situation to work out how far away SWRMA 2 ends. In one case the border of the SWRMA was the coastline

which is an example of how far reaching an arbitrary delineation of risk area could capture unrelated land users in this approach.

- Overall, this would suggest a limited breadth of understanding of the primary sector has been applied in the preparation of the BECA case studies.

Responses to questions with the NES-DW consultation document

The default method for delineating source water risk management areas (SWRMA)

1. Domestic and international evidence suggests that delineating three at-risk areas is a good approach for protecting sources of drinking water. Do you think this is a good approach for protecting our source waters? What other approach can you think of that could contribute to protecting our drinking water sources? Do you think that three areas (and therefore levels of control) are sufficient to protect our drinking water sources?

IrrigationNZ does not agree with the proposal for delineating SWRMA. We believe the approach to delineate drinking water protection zones is at odds with more appropriate regulatory tools that are taking a location-specific approach that identify local community values and objectives in an inclusive way, such as within the NES-F) and the better articulated process set down in the Fresh Water Farm Plan proposal. This NES-DW introduces arbitrary distances and times in defining the extent of boundaries that encroach onto landowners upstream of a point of take for drinking water. This leaves both the landowner and the drinking water supplier open to undefined and thus unmanageable risks. The SWRMA proposal is a non-catchment specific approach that is not scaled to either the risk to population nor the nature of the catchment (physical, biological and use). We do not believe this NES-DW is necessary to protect drinking water sources as an additional legislative standard over and above the current NES-F.

2. In your view, is the method to determine each SWRMA, for each type of water body, the best option?
 - Should other factors be considered in determining size?
 - What challenges can you foresee in delineating SWRMAs?
 - Do you have any comments or feedback on the detail contained in the technical guidance materials?
 - Should SWRMA for all aquifers be bespoke so their unique features, depth and overall vulnerability can be considered?

Referring to the answer above, having a fixed SWRMA delineation based on a prescribed distance upstream and into the surrounding land is arbitrary and unworkable. In considering the potential number of currently unregistered small and very small drinking water sources, estimated by Taumata Arowai to be in excess of 75,000, the designation of catchments upstream of all these points of take will likely capture the majority of all water catchments in all regions across Aotearoa New Zealand. This is illogical from a point of capacity to manage the extent of areas, misaligned with a community values approach and unrepresentative of the geomorphology of the vastly different catchments. At best a bespoke approach is required but rather than using distance and time of flow, the delineation should be first informed by a risk-based assessment that considers the population at risk within a likelihood and consequence matrix.

3. For lakes, do you agree that SWRMA 2 should include the entire lake area?
 - What might be an alternative approach?

No, referring to our answer to question 2, a risk-based approach would be needed to determine the extent of any lake water source management area that is not already covered by the proposal in the NES-F and FW-FP model.

4. SWRMA 1 for lakes and rivers is proposed to extend 5 metres into land from the river/lake edge. This contrasts with 3 metres setback requirement of the Resource Management (Stock Exclusion) Regulations 2020. SWRMA 1 is proposed to be used as a basis for controlling activities close to source water intakes and applies to a wide range of activities. Do you think these differing setbacks will cause confusion or result in other challenges?

Yes, having two different approaches to setbacks will cause confusion, administrative inefficiency, and provides no certainty for landowners. The arbitrary approach being proposed by the NES-DW is at odds with the community-based risk and values objectives proposed under the FW-FP approach.

5. There is evidence suggesting that a 10–30-metre radius around source water bores is a preferable way to delineate the area where activities would be heavily restricted (SWRMA 1). However, expert advice suggests a 5-metre radius is the most workable option.
 - Do you agree that a 5-metre radius around a source water bore gives enough protection? Why or why not?
 - If not, what alternative would you suggest?

Any risk management approach applied to bores used for drinking water should first address updating the NZS 4411:2001 for construction and management of bores and ensuring requirements for adoption of the fundamentals of this standard. Requirements imposed on well drillers are already set out in this NZS to protect the source water. Therefore, any additional arbitrary distance needs to be considered in respect to the population at risk and not simply be a mapping exercise conducted in isolation of understanding how the bore is constructed, operated and the scale of risk to the community it supplies.

6. While water takes from complex spring systems or wetlands may require a bespoke SWRMA to ensure consideration of any contamination pathways present, a default method is necessary to ensure interim protection. Do you think a default method is practicable in most situations?
 - Do you think a regional council should determine (on a case-by-case basis) the most applicable default method: for a river, lake, or aquifer, or is a different default approach necessary?
 - If so, what alternative would you suggest?

The designation, management and protection of wetlands is already highly prescribed in the NES-F and applying a further arbitrary set of standards for drinking water is counterproductive for effective engagement of landowners in setting values, objectives, and management interventions.

Regional council mapping of SWRMA

7. How long do you think is necessary for regional councils to delineate SWRMAs for currently registered water supplies in each region, using the default method?

We do not support the proposed default method to delineate SWRMAs. Instead, regional councils should be given the necessary time to consider a bespoke risk-based approach to protecting drinking water sources.

8. What challenges do you foresee in delineating SWRMAs, when previously unregistered supplies are registered with Taumata Arowai (see Proposal 3 for more details)?

Information presented by Taumata Arowai suggests in excess of 75,000 small and very small, mostly rural, supplies are currently unregistered, meaning any method of mapping will be an extensive and unwarranted method of assessing and managing drinking water supply risk.

9. What support could enable regional councils to delineate SWRMAs within shorter timeframes?

We recommend a bespoke risk-based approach is applied to protecting all drinking water sources in place of a broad and rigid system that imposes three default areas. Regional councils should implement restrictions in the vicinity of drinking water sources as part of the freshwater planning process to give effect to the NES-F and the FW-FP process.

10. Do you think consideration should be given to mapping currently unregistered supplies as they register (but before the four-year deadline provided under the Water Services Act), or do you think that waiting and mapping them all at the same time is a better approach?

As per our response to question 8, mapping will be an unwarranted use of resources for assessing and managing drinking water supply risk.

Bespoke method for delineating SWRMA

11. If a regional council has already established local/regional source water protection zones through a consultative process, should there be provision to retain that existing protection zone as a bespoke method without further consultation or consideration against new national direction?

IrrigationNZ supports the concept of a bespoke approach to the assessment and management of risk to populations consuming drinking water. A structured approach should be taken similar to that within the NES-F that invites the participation of councils, iwi, and communities in the setting of values, objectives and interventions that can easily include the use of freshwater sources for drinking supplies. The approach taken by Taumata Arowai in assessing risk from small and very small rural supplies with the adoption of Acceptable Treatment barriers in a multibarrier approach is commended and should be included in any bespoke solution looking at catchment risk and management. This will avoid confusion of standards applied and prevent adding unnecessary layers of administrative and legislative complexity.

SWRMA 1 controls

12. Do you think national direction on activities within SWRMA 1 is necessary?
 - If so, what activities should it address?
 - How restrictive should controls be in SWRMA 1, for resource users other than water suppliers?
 - Are there any activities you believe should be fully prohibited in this area?
 - Are there any activities you believe should be permitted or specifically provided for or acknowledged in this area?

No, there are already substantial land-use restrictions that apply to the management of potential contaminant discharges to water bodies within regional land and water plans, as well as the proposed NES-F and the FW-FP models. Establishing additional controls with standards that vary from these instruments will create confusion.

13. For water suppliers, are there any other activities beyond intake maintenance/management that should be provided for?

Yes, Taumata Arowai have been working on well-considered multi barrier approaches. When fully developed with the assistance of expert advisors these will carefully consider the scale of risk and address solutions to potential contaminations within acceptable solutions that include assessment of source risks.

14. In and around freshwater, control of pest species (including aquatic pest species) may be necessary, including through physical control (removal, that may include bed disturbance) or chemical control (discharge).

- How much of an issue is this in and around abstraction points?
- How critical is that work?
- How often is this work mandated by other regulation or requirements?
- How frequently is this work undertaken by parties other than the drinking-water supplier (or their contractors)?

We believe a single solution or approach is not the correct focus for developing legislative tools. Only a bespoke approach for each intake situation will be appropriate. This needs to take into account the risk to population, the nature of the catchment and existing pest management regulations. Arbitrary limitations placed on potential agrichemical use and disturbances for one location, for example a small stream, may be entirely ineffective for a different situation, such as a large lake. There are already adequate legislative tools in place that address this sort of activity in freshwater bodies.

SWRMA 2 controls

15. Do you think national direction on activities within SWRMA 2 is necessary?

- If so, what activities should it address?

The definition of the SWRMA 2 is inadequate to be able to answer this question with any certainty. The definition that uses transit time of water will vary greatly between, for example, the Waikato River and a small rural stream under normal flow and say flood flow situations. Having national directed control is therefore an inadequate way to protect human drinking water sources.

16. In your view, how much will this proposal impact the current situation in your region?

- What discharges to water are currently permitted?
- Should provision be made to continue to permit those activities? What controls are typically used to ensure potential adverse effects are managed?

There are already adequate proposals for legislation that address potential contamination in wide catchments areas within the NES-F and proposed FW-FP model. It is unnecessary to add further conflicting layers of standards across the same land holdings looking at the same potential contaminants. Adding the NES-DW will create widespread confusion for landowners and drinking water suppliers.

17. Are there any other activities that should not be permitted within SWRMA 2?

This is already addressed in proposed legislative tools related to the NES-F and under the FW-FP model that will look at catchment values, objectives, and implementation actions.

18. The original intent of SWRMA 2 was to manage microbial contamination. However, there are indications that protections against other contaminants may be required. What contaminants do you think should be controlled in SWRMA 2?

It is implausible to suggest that a SWRMA approach would have managed microbial contamination through adoption of an arbitrary land area designation and standard that sits in conflict with other legislative tools and the risk-based approach from Taumata Arowai.

19. What other challenges do you see when making a consent application within SWRMA 2?

The NES-DW introduces complicated standards for a drinking water take that under most situations is a permitted activity and therefore does not require a consent. This consultation document creates confusion with the suggestion of coupling land-use consents in upstream catchments that are unrelated to the taking of drinking water which in most cases is a permitted activity.

SWRMA 3 controls

20. Do you think any additional controls, other than broad consideration of the effects of the activity on source water, are required in SWRMA 3?

No, adequate provisions exist under existing and proposed legislative tools to consider such a wide area of water catchments across New Zealand. Proposed new standards conflict with a land-use management process for undefined contamination events which will create unwarranted confusion.

Groundwater bore management

21. What is your view on how to address issues with bores – should it be enough to amend the NZS 4411:2001 (with reference to that standard in the NES-DW), or should greater direction be given in the NES-DW itself?

Yes, the NZS4411:2001 is an adequate mechanism for managing the development, operation, and decommissioning of water bores, especially those used for drinking water. However, this standard needs reviewing to introduce current best practice and innovations where appropriate. It is highly recommended that this standard is reviewed and amended with the assistance of qualified expertise in this area focused on pragmatic mechanisms for the protection of drinking water sources. We recommend that the NZS4411:2001 is not entrenched in the NES-DW as a regulatory mechanism in any way that could prevent future updates of this standard.

22. For existing bores:

- What is your view on requiring unused bores to be decommissioned?
- Should bores of poor quality be required to be upgraded or decommissioned? What timeframe might be reasonable to do this?
- For many older bores there are no records. What sort of evidence could be used to support the ongoing use of these bores, or demonstrate they pose a low risk to the security of the aquifer?

The definition of an unused or poor-quality water bore is not provided. This needs a risk-based approach to determine if there is any real risk to aquifers compared to the complexity of addressing any shortcomings of the infrastructure. The NZS4411:2001 should be amended to address the maintenance approaches for all bores. In terms of preventing risk to drinking water sources, there are likely better uses of council resources than producing a database of any unaccounted-for bores, of which there will be many. The definition of "old" is inadequate in the proposed NES-DW as this is not an adequate determination of the infrastructure condition or is risk to drinking water quality. The Taumata Arowai regulatory framework will address registered drinking water suppliers and the management of their groundwater bore infrastructure.

23. What is your view on prohibiting below-ground bore heads?

The NZS4411:2001 should be amended to address this infrastructure solution, which is necessary for some ground water pumping situations. It is not just the nature of the well head that introduces risk to drinking water, rather, it is the way in which bores are built, operated, and maintained within a risk management process. In some cases, a below ground bore head may be an inappropriate solution for a drinking water source when associated with an assessed risk, but an arbitrary decision on prohibiting this style of construction is not recommended.

24. Regional councils are responsible for control of the use of land for the purpose of maintenance and enhancement of the quality of water in water bodies (RMA section 30(1)(c)(ii)). Do you think territorial authorities have a role in land management over aquifers, and if so, what is that role?

For clarification, our interpretation is that the NES-DW consultation document sets out the role of regional councils, who have a responsibility for land management, as being different to a territorial authority, such as a district or city council. We agree with this demarcation of roles. It is inappropriate for two authorities to have authority over land use and water resource management as existing legislative tools and in some cases consented activities are already in place. Territorial authorities such as district and city councils should focus on appropriate risk-based asset management of their water infrastructure.

Identifying and managing activities over vulnerable aquifers

25. It is not clear which approach might be best for ensuring risk to vulnerable aquifers is appropriately managed. Do you think that an NES-DW is the right channel for addressing this? If not, what approach might be better?

No, the NES-DW introduces confusion with a different layer of standards where existing legislative tools already exist to manage freshwater resources and address land management over aquifers. The definition of "vulnerable" is inadequate.

26. Would it be helpful if guidance on vulnerable aquifers was provided to support freshwater planning as the NPS-FM is given effect?

Yes, as part of the council, iwi and community process of setting values, objectives and implanting actions information should be provided on this as an aspect of consideration of land, water, and potential contamination events management. The NES-F and FW-FP are appropriate tools.

Retrospective application of the NES-DW to existing activities

27. What activities do you believe the NES-DW should retrospectively apply to / not apply to, and why?

The application of any regulations retrospectively should be avoided, especially those that overlap with current land-use consents or permitted activities, such as on-site wastewater disposal from septic tanks and bioreactors, which have already been addressed through existing standards and regional plans.

28. In your view, what are the key challenges and benefits to retrospective application?

Retrospective application of arbitrary standards with poorly defined catchment areas is going to conflict with a more reasonable risk-based approach to assessing and managing drinking water sources and supplies. Given these sources have been largely unregulated for decades it is not sensible to try to correct an unregulated situation with backwards looking standards.

Criteria when considering effects on source water

29. Do you agree with the proposed list of criteria?
– Are any additional criteria needed, or clarification?

The NES-DW should not amend previous legislation related to land and water management by introducing new criteria that relate solely to a standard set for drinking water. The proposed NES-F and the FW-FP already address these in a structured assessment of risk. The definition of "potential contaminant pathway" is inadequate as it is case by case and site specific.

Proactive response planning

30. What types of activity might pose a significant risk to a water supply in an accident, emergency, or other natural event?

The consultation document does not provide an adequate definition of a number of key terms such as a potential contaminant event. The nature of the contaminant and the nature of the catchment must be assessed through a risk-based approach, and in an emergency situation is normally managed by multi agency approach. Establishing an arbitrary list of contaminants is pointless without appropriate context.

31. Do you think it is reasonable to require all activities with some potential to affect source water to undertake response planning, or just those with a higher risk (likelihood and consequence)?

No, placing arbitrary requirements on all activities that may at some stage impact an undefined water source is implausible.

Water supplier involvement

32. Do you agree that resource users should engage with water suppliers in consenting matters, within SWRMA 1 and 2?

Only reasonably affected parties should be involved in a consent process, and it is unreasonable for a drinking water supplier to be introduced as a higher status than defined in already proposed legislation. Suggesting that a drinking water supplier's objective would arbitrarily preside over a land-use application would be unacceptable where the NES-F and FW-FP have already established the values, objectives and implementation actions for that land and water consideration.

33. What hurdles do you see in promoting this engagement with water suppliers?

This opens the door to vexatious and inappropriate objections to land-use consents that would otherwise be considered under existing establish land and water plans.

34. What support might small water suppliers need to effectively engage in the consent process?

Small water suppliers need to be supported to ensure they understand their role in the regulatory process to ensure safe water is provided. Any input from small water suppliers to a resource consenting process not directly related to their extraction of water needs to be strictly defined and only should only be included where there is an quantifiable risk of contamination from an upstream activity.

General matters relating to managing source-water risks

35. A National Environmental Standard is a regulation under the Resource Management Act 1991 (RMA) that requires, among other things, that regional councils make changes to their regional plan rules. Making these changes can add costs (e.g., financial, administrative) for regional councils.

- In your view, how might regional councils be affected by the NES-DW's new requirements to change regional plan rules?
- Do these effects outweigh the expected benefits of better source water protection?

Regional councils can adequately consider protection of freshwater bodies under existing environmental standards, and the proposed NES-F and FW-FP. Arbitrary consideration of poorly delineated SWRMA zones within complex retrospective processes applied over existing legitimate land uses that have been consented would be an unmanageable regulatory situation.

36. In your view, how could the amendments to the NES-DW better align with farm plans?
- Is reliance on the NPS-FM, NES-F and Stock Exclusion Regulations enough to manage the long-term effects of farming activities on underlying aquifers and waterbodies?
 - Can you identify potential duplication between the NES-DW and other regulations that control land use?

The NES-DW is an unnecessary complication that is already adequately addressed through the NES-F that sets out a process already under consideration for an integrated approach to FW-FP.

37. If you are a water supplier, do you think these amendments will affect your ability to supply water (positively or negatively)? Would they influence whether you continue to provide water?

IrrigationNZ represents organisations who may become registered drinking water suppliers under the Taumata Arowai regulations and will be required to implement the multi barrier approach for ensuring drinking water safety. It is an unnecessary complication to introduce the NES-DW to this process and will negatively affect these organisations' ability to supply water.

38. If you are a resource user, do you think these amendments will affect how you currently use your land or undertake activities? Will you have to change how you do things as a result?

IrrigationNZ represents landowners who already undertake legitimate land-use activities under a highly regulated environment. This NES-DW is poorly defined and suggests arbitrary rules being applied retrospectively across large areas of land merely delineated by their proximity to a drinking water point of take. It will be unmanageable for these landowners to comply to poorly defined standards.

Which water supplies should be protected by the NES-DW?

39. Do you think the protections of the NES-DW should apply to all registered water supplies?
- If not, what types of supplies should be included, and why?

No, the NES-DW as proposed is poorly defined and suggests arbitrary mechanisms that are not bespoke to the risk to population and are therefore not appropriate for registered suppliers. The risk process needs to be considered under a sensible scaled approach.

40. The WSA has a registration timeframe of four years for currently unregistered supplies.
- Do you agree with aligning application of the NES-DW with the WSA? If not, why?
 - In your view, what are the challenges resulting from including these newly registered supplies within the NES-DW framework?

IrrigationNZ agrees with the four-year period for unregistered supplies to register with the drinking water authority or amend their operations to become a sole residential supplier. There is then a further three years before a registered supplier is required to comply with those regulations and adopt a suitable drinking water safety approach that includes a risk assessment of the source risk. The NES-DW is an unnecessary and confusing additional legislative tool.

Other comments

41. Do you have any other comments you wish to make?

See our General Statements of Principle.