

Three Waters Review

Update on emerging regulatory proposals for Iwi/Māori

April 2019



Drinking water



Wastewater



Stormwater

**NOT GOVERNMENT
POLICY**



Te Tari Taiwhenua
Internal Affairs



Ministry for the
Environment
Manatū Mo Te Taiao

New Zealand Government



The case for change

- August 2016 – outbreak of gastroenteritis in Havelock North’s drinking water
- Up to 5500 people ill, four associated deaths
- Resulting extensive Inquiry found widespread systemic failure of water suppliers to ensure safe supply of drinking water
- Inquiry made significant recommendations:
 - overhaul regulation of drinking water
 - require mandatory compliance with drinking water standards
 - change how water services are provided



NEW ZEALAND / ENVIRONMENT

The case for change

New Zealand's drinking water 'a mess'

4:15 pm on 6 December 2017

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NEW ZEALAND

Report links fourth death to Havelock North water crisis

8 Dec, 2017 6:27am

© 4 minutes to read

THE COUNTRY | Environment

HAWKE'S BAY TODAY

Risky water supply divides coastal Hawke's Bay town

22 Jul, 2017 8:00am

Waitangi hīkoi focuses on Hokianga Harbour water quality

4 mi THE COUNTRY | E 6 Feb, 2019 5:45pm

Marae advised not to use bore water after E.coli found in Lower Hutt water

Nicholas Boyack · 13:01, May 08 2017

Raupunga community digs in for reliable water supply

2 Dec, 2017 12:00pm

3 minutes to

Unsafe drinking water affects dozens of Far North residents

Bayley Moor · 13:01, Jul 12 2018

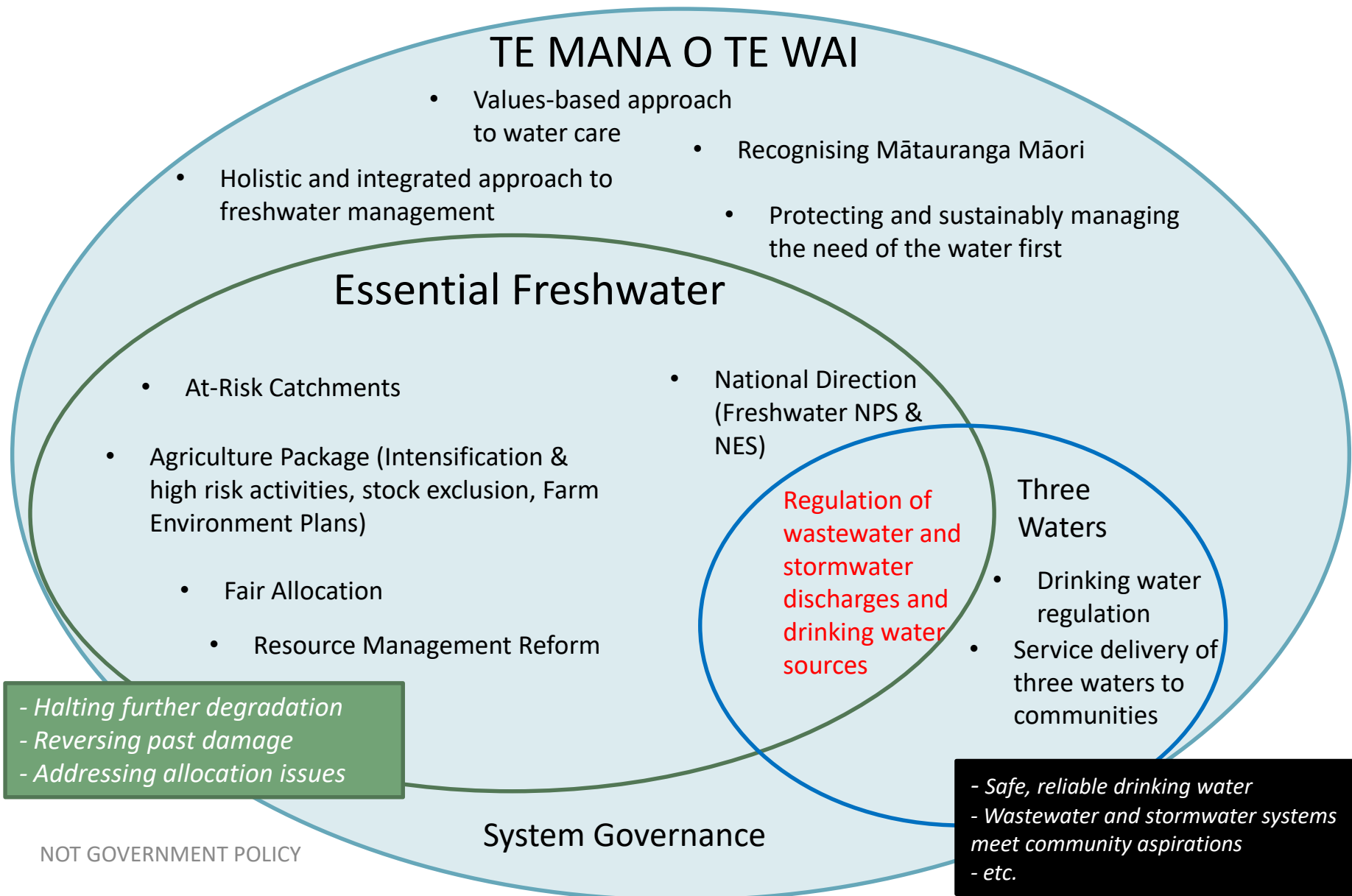
NOT GOVERNMENT POLICY



Why Three Waters?

- Three Waters Review was established in mid-2017
- Review tasked with looking at issues across the Three Waters
 - Drinking water can't be seen in isolation. Drinking water, wastewater and stormwater are an interrelated system, from source to tap and back again
- Initial findings were consistent with many of Havelock North Inquiry's findings – significant concerns with safety of New Zealand's drinking water system
- Across all three waters, we see issues with funding and affordability, infrastructure quality, governance and capability of water service providers

How the Three Waters Review and the Essential Freshwater programme align



Three Waters Review and the Essential Freshwater programme

Upholding Te Mana o Te Wai

Essential Freshwater programme

- Broad Essential Freshwater programme focused on upholding & safeguarding the health of the water, ecosystem & people
- Creating an integrated & holistic freshwater management system that ensures all discharges and water uses are contributing to better outcomes
- Considering water allocation/rights
- Māori rights & interests in freshwater

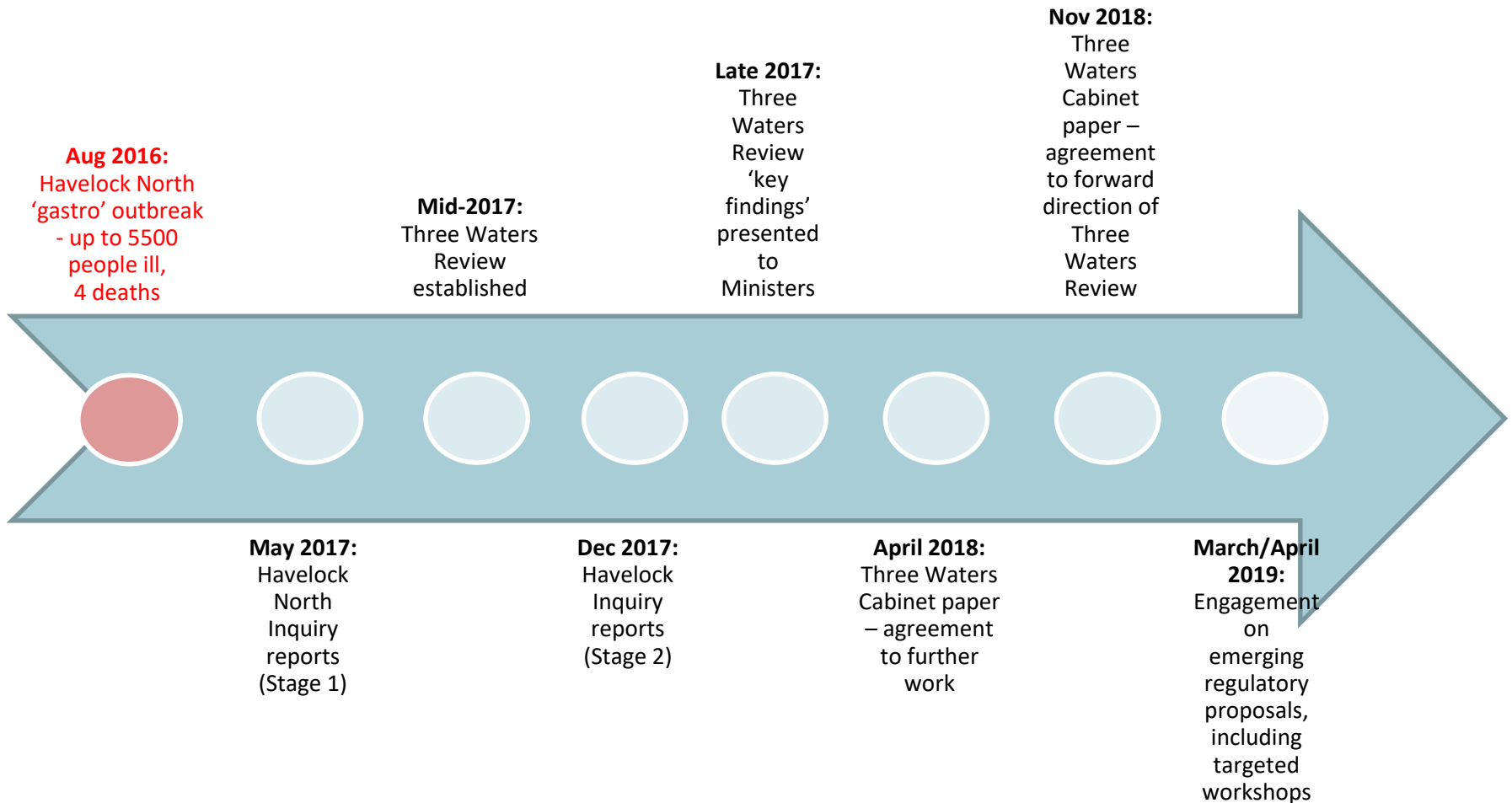
Three Waters Review

- Targeted initiative confined to regulation and service delivery of (mainly) municipal three waters systems
- Addressing immediate concerns about drinking water safety, and performance of wastewater & stormwater systems
- Proceeding on a separate timeframe due to public safety concerns
- Cross agency project team involving DIA, MfE & Health

Both workstreams improving Te Mana o Te Wai and closely aligned to ensure consistent outcomes



Three Waters Review: timeline to date





Three Waters Review: next steps

April-June 2019:
Further regional & national level engagement with iwi/Māori on emerging regulatory proposals

Late 2019: Cabinet to consider issues & options relating to Three Waters service delivery & funding arrangements

2020: Possible legislation enacted (regulatory regime)

June/early July 2019: Cabinet to consider policy proposals for new regulatory arrangements

By end of 2019: Possible legislation introduced (regulatory regime)

Throughout 2019 & beyond: Discussion with iwi/Māori, councils and others on how to improve Three Waters service delivery (not covered in this presentation)



Emerging regulatory proposals

- We're working to **incorporate iwi/Māori interests throughout the regulatory proposals** – this is ongoing
- **Te Mana o Te Wai is the overriding priority**, which all the proposals need to uphold
- Objective is to put **Māori and the Crown in the strongest position** for broader conversations about rights and interests in freshwater
- Areas of interest and alignment include:
 - Stewardship of the three waters system – **opportunities to align with / support Kāhui Wai Māori work**
 - Administration of legislation and regulation – **consistent with Māori/Crown relationship**
 - Development of water regulator – **iwi/Māori interest/involvement in design and operation of a proposed regulator** (form and functions)
 - **Reflecting mātauranga and values** throughout the three waters system



Drinking water - immediate response to Havelock North Inquiry

- Urgent measures, led by the Minister of Health, already in place or in development:
 - Urgent and minor changes to the Drinking Water Standards
 - Strengthening Water Safety Plan requirements
 - Review criteria for Drinking Water Assessors
 - Drinking Water Advisory Group (now established)
 - Urgent amendments to the Health Act (currently being considered by Parliament)



Emerging proposals – drinking water suppliers

- Expand the scope of the regulatory system, so **everyone who supplies water to other people would be regulated (“suppliers”)**. This includes a range of suppliers, from local authorities, **to small community suppliers such as marae**. Single household self-suppliers would not be included
- Clear statutory requirement that **all suppliers will have to consistently provide safe drinking water**
- Suppliers would **manage drinking water safety** using **water safety plans**
- Suppliers would have stronger obligations relating to drinking **water safety plans and risk management – including managing the risks to source waters**
 - Greater focus on preventative measures, and assessing and managing risks to source waters, in cooperation with regional councils, territorial authorities and iwi/hapū
 - **A regulator** would be responsible for auditing plans and taking action in cases of non-compliance



Drinking water suppliers – mandatory treatment

Suppliers would be required to include residual disinfection as part of a multi-barrier approach to drinking water safety, with limited exceptions

- Proposal to introduce requirement that **all drinking water suppliers must adopt a multi-barrier** approach, including residual treatment of drinking water, such as chlorine
- The **regulator could grant exemptions from these requirements, if a supplier can demonstrate that all risks are being managed appropriately without residual disinfection**
 - This power would be used primarily in situations where suppliers wish to provide unchlorinated water in the distribution system, and can show that all risks are being managed without chlorine
 - The **burden of proof would lie with suppliers** and they would have to meet a high bar – the decision would sit with the regulator



Emerging proposals – a Drinking Water Regulator

Key features include:

- **Responsibilities for compliance, monitoring and enforcement would lie with a central regulator**
- **Enforcement would be managed directly by the regulator**
 - Regulator would employ enforcement officers directly
 - Drinking water assessor function would be centralised
- **A wider range of penalties** would be available for offences
- The regulator would adopt an approach to compliance that is **tailored to the capability and characteristics of suppliers**

Māori interests:

- Iwi/Māori contribution/advice/input in the design of the regulator – form and functions
- Inclusion of Mātauranga Māori
- Over-arching principles under which the regulator operates
- Capability to work with iwi/hapū, Māori communities
- Flexibility to adapt to different kawa of mana whenua in different rohe
- Individual catchment-based approaches

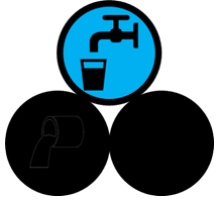
Do we have this right? What are we missing?



Emerging proposals – new obligation on local authorities

Local authorities will need to ensure communities have access to safe drinking water

- This would involve:
 - An **express obligation for councils to inform themselves about the supply of drinking water** to communities throughout their districts – including non-council community supplies such as marae
 - An explicit requirement that, if problems are identified with non-council supplies, the **council would work collaboratively with the existing supplier and its consumers to identify a solution**
 - If a solution cannot be agreed, or if the supplier exits, there would then be an **obligation on the council to ensure water continues to be provided**
 - There may be a **range of options for discharging this obligation** – does not mean the council has to become the supplier or that the supply must involve a reticulated network
- Councils would have the ability to charge for services
- This approach would be consistent with existing local government roles/responsibilities relating to public health and safety, and providing for community wellbeing



Drinking water proposals – impact on iwi/Māori

- Iwi, hapū and whānau as small community suppliers of drinking water, marae & rural communities – will be “suppliers” ie brought into the system
 - Would be subject to regulation but also local authority has obligation to ensure access to drinking water
- Could play kaitiaki role in source water protection through water safety plans (slide 11)
- Opportunity for iwi/Māori input/mātauranga Māori in Drinking Water Standards & proposed water regulator
- Role of iwi/hapū – setting standards; monitoring and compliance. What else?



Environmental regulation (stormwater and wastewater)

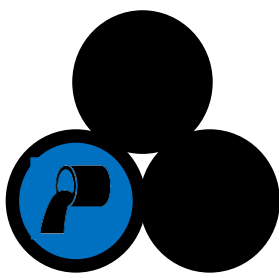
Aiming for better environmental outcomes from our stormwater and wastewater systems to promote and support **Te Mana o Te Wai** (system-wide approach)

- Stronger regulation of discharges and overflows from wastewater systems
- Nationally consistent monitoring & reporting requirements for wastewater & stormwater, to provide greater transparency & give people confidence in these systems

Māori values and interests:

- Improving water quality & returning the Mauri and the Wairua of Te Wai
- Interconnection of water and the environment – aiming for a holistic & integrated all-of-catchment approach
- Opportunity to uphold Māori values such as impact of wastewater discharges on taonga waterways
- Protection of the health of the water, ecosystem and people
- **Different catchments require different solutions**

There are opportunities to include iwi/Māori values, expertise, mātauranga Māori



Emerging proposals – wastewater

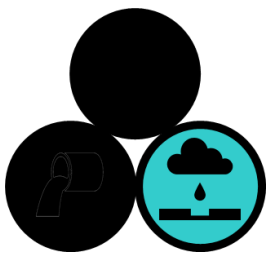
*Opportunity to include iwi/Māori values and expertise

Lifting performance of wastewater

- **New national standards*** for treatment of wastewater discharges and management of wastewater overflows
 - Regional councils able to set higher standards where needed to meet national objectives for fresh and coastal waters and provide for community and iwi/hapū/Māori values and interests in freshwater

Improving transparency

- New obligations on wastewater network operators to implement a **certified risk management plan** that specifies how they will:
 - operate and maintain networks to meet regulatory requirements, e.g. freshwater objectives and limits
 - proactively manage risks to public health and environment
 - address community and Māori cultural expectations for wastewater disposal
- Wastewater network operators to report on **nationally prescribed environmental performance measures***, and compliance with national standards



Emerging proposals – stormwater

*Opportunity to include iwi/Māori values, expertise, mātauranga Māori

Lifting performance

- **Promote national good practices*** for stormwater network design and management. Ensures network operators are adopting industry good practices and minimising risks to public health and the environment, while meeting local community/iwi values

Improving transparency

- New obligations on stormwater network operators, territorial authorities, and transport agencies to implement a **certified risk management plan** that specifies how they will:
 - Operate and maintain networks to meet current and future regulatory requirements; e.g. freshwater objectives and limits
 - Proactively manage risks to public health and environment
 - Support integrated planning of stormwater networks and land-use
- Stormwater network operators to report on **nationally prescribed environmental performance measures***, and compliance with national standards

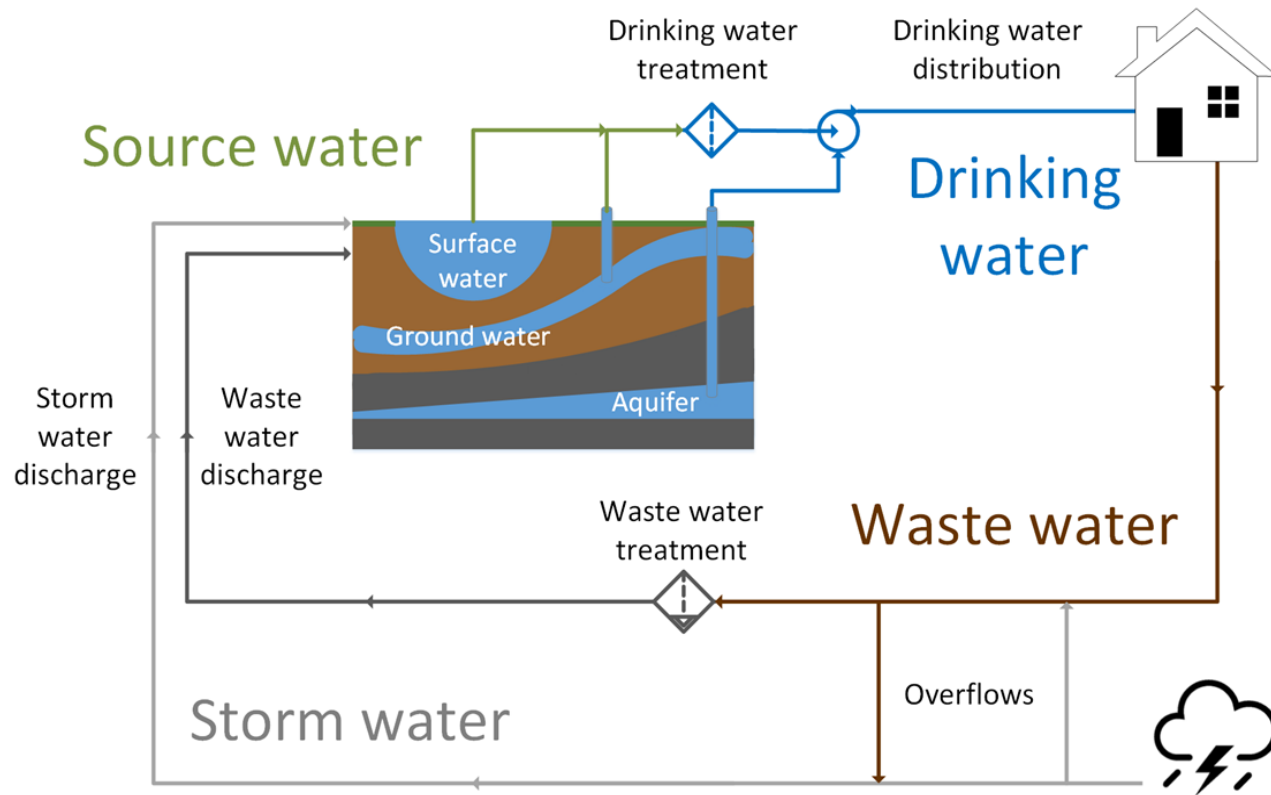


Stormwater & wastewater – Stronger central government oversight

- Provide national-level leadership and support (possibly through a new regulatory body) to:
 - Publish and audit wastewater and stormwater performance information
 - Certify and audit wastewater and stormwater risk management plans
 - Set clear expectations for the monitoring and enforcement of regulatory requirements
 - Support industry training and certification schemes (include kaitiaki/marae caretakers)
 - Develop a nationally-coordinated approach for addressing emerging contaminants
 - Commission science and technical advice including mātauranga Māori



We're taking a holistic, integrated, catchment-based approach





Update on engagement

- We're currently testing the emerging regulatory proposals through:
 - Targeted workshops throughout New Zealand including 'break-out' sessions for iwi/Māori
 - Case studies of selected Māori communities facing three waters issues
 - Engagement with national Māori organisations, advisory groups and iwi representatives
- Striking a balance between targeted engagement, supported by broad inclusive communications
- We'll be having a longer conversation with iwi/Māori, local government and others about water service delivery throughout 2019 and beyond



What we're hearing from Māori

- Many marae can no longer access springs or longstanding sources of water. This impacts on traditions and connections with historic sites and disrupts tikanga
- Water reservoirs are often located on land acquired under the Public Works Act in an iwi's rohe. The water is piped past marae, yet marae are unable to access it
- Thought needs to be given to how the emerging proposals will impact on iwi/Māori models such as papakāinga housing
- For council processes – iwi/Māori want partnership, co-design and early involvement in engagement, but need resourcing to engage
- Concerns about the cost impact of the emerging proposals on iwi/hapū
- Different circumstances and kawa across the country require different responses and solutions



Discussion

- What are the three waters problems you see in your communities
- What do you think of the “emerging proposals”?
- What impact will the “emerging proposals” have on you and your communities?
- What are we missing? What would you add or change?