

4 August 2021

Chair
Environment Committee
Parliament Buildings
Wellington

Dear Sir/Madam,

SUBMISSION FOR WATER NEW ZEALAND ON THE
NATURAL AND BUILT ENVIRONMENTS BILL EXPOSURE DRAFT

INTRODUCTION AND OVERVIEW

1. Water New Zealand ("Water NZ") appreciates the opportunity to provide a submission for the inquiry on the Natural and Built Environments Bill exposure draft ("Bill").
2. Water NZ is a national not-for-profit organisation which promotes the sustainable management and development of New Zealand's three waters (drinking water, wastewater and stormwater). Water NZ is the country's largest water industry body, providing leadership and support in the water sector through advocacy, collaboration and professional development. Its ~2,500 members are drawn from all areas of the water management industry including regional councils and territorial authorities, consultants, suppliers, government agencies, academia and scientists. Water NZ is the leading voice for the three waters sector in New Zealand.
3. Water NZ is interested in the entire Bill. Whilst this submission makes comments supporting or opposing particular provisions, this does not limit the generality of the overall interest in the Bill.
4. Water NZ generally supports the Bill but notes that the substantive effect of the Bill heavily relies on how it sits in the context of the rest of the Natural and Built Environments Act and the wider Resource Management legislative framework.
5. In particular, issues not included in the Bill related to consenting, existing use rights, allocation of resources and economic instruments, compliance, monitoring and enforcement are of critical importance to the future of water management in New Zealand and will necessarily require clear direction on issues related to freshwater rights and interests.
6. A clear and suitable consultation timeline will be required for the sector to adequately understand, reflect and respond to the remainder of this Bill and how it will interact with the proposed Strategic Planning and Climate Change legislation, and three waters reform proposals.

COMMENTS ON SPECIFIC PROVISIONS

7. Water NZ wishes to make a number of comments on specific provisions in the Bill.

Interpretation

8. There are multiple definitions which affect the interests of Water NZ.
 - a) **Infrastructure** – It is noted that this is a placeholder definition but Water NZ wishes to make clear that it is expected this definition will include water services infrastructure.
 - b) **Lake** – There is a concern that this definition is too wide, capturing bodies of water that are not intended within the definition. Specific exclusions are necessary, particularly for reservoirs that are used as sources of public drinking water supply and wastewater treatment ponds.
 - c) **Mitigate** – Water NZ supports the inclusion of offsetting and compensation in the definition of mitigate to enable consideration of the needs and benefits of water services infrastructure in the consenting process.
 - d) **Water** – The proposed definition of "water" provides an exclusion for "water in any form while in any pipe, tank or cistern" which is supported. However, this exclusion should be extended to specifically exclude water impounded for infrastructure services such as within reservoirs that are used as sources of public drinking water supply and water that is impounded within wastewater treatment or irrigation ponds. These exclusions should also apply to the definition of "lake" as covered above.

Purpose

9. The purpose of the Act is generally supported by Water NZ, however we would welcome further clarification on to enable a clearer legal interpretation.
10. In particular, Water NZ supports the provision for the use of the environment in a way that supports the well-being of present generations without compromising the well-being of future generations.

Te Tiriti

11. Water NZ supports the provision requiring persons to give effect to the principles of Te Tiriti o Waitangi but would seek clearer explanation of what this involves.

Environmental Limits and Outcomes

12. Water NZ supports clear and effective environmental limits but notes that these limits should adequately provide for existing and future water services infrastructure which may need to operate in sensitive environments. Indeed, Water NZ perceives a potential risk that unless a clear consenting or re-consenting pathway is provided, significant issues could arise for the ongoing maintenance, renewal or upgrading of water services related infrastructure where such infrastructure and operations are located, especially within sensitive environments.
13. The outcomes are also supported but notes that provision for infrastructure services to support the well-being of people and communities needs to be expressed more explicitly than as is provided for in section 8(o).
14. Whilst the formulation and content of these limits is not yet included in the Bill, Water NZ submits that the Bill should be amended to include the exclusions and clarifications necessary to provide for the protection, maintenance and enablement of infrastructure to meet the needs of people and communities.

15. Further, Water NZ recommends that the NBA's provisions for offsetting and compensation should be strengthened, since these can provide a useful "backstop" for activities which cannot avoid effects, but ensure that overall environmental outcomes can still be met.

National Planning Framework and Environment Plans

16. These frameworks and plans must also adequately provide for existing and future water services infrastructure, some of which may need to operate in sensitive environments. As above, Water NZ submits that this needs to be made more explicit.

COMMENTS GENERALLY

17. It is accepted that the Bill only covers a small portion of the eventual Act with placeholder sections that may eventually provide clarity on the pathway for allowing the maintenance and development of existing and future essential water services infrastructure.
18. Water NZ wishes to make clear that it is imperative that industry bodies and other infrastructure operators be heavily consulted throughout the process to ensure that the eventual system is workable and fit for purpose.
19. Further, Water NZ recommends that the resource management reform process be fully integrated with, and cognisant of the Three Waters reforms, as well as with the climate change related reforms.

CONCLUSION

20. Water NZ thanks the Committee for the opportunity to provide comments on the Bill and **wishes to be heard in support of its submission.**
21. Water NZ welcomes any opportunity to answer questions arising from this submission or to otherwise engage in the development of the Bill.

Ngā mihi nui



Gillian Blythe
Chief Executive

M: +64 21 388 469

E: gillian.blythe@waternz.org.nz