

Proposed changes to the NES Drinking Water

National-level RMA policy | May 2022

Background - the current policy settings

The National Environmental Standards for Sources of Human Drinking Water 2007 (NES-DW) came into effect on 20 June 2008, to reduce the likelihood water bodies used for community drinking water supply contain contaminants that adversely affect the safety of a drinking water supply.

Registered drinking water supplies that provide 501 or more people with drinking water ≥60 days a year:

Councils cannot grant a water permit, discharge permit, or have a permitted activity rule for an activity upstream - if it is likely to affect water quality such that after treatment the water no longer meets water quality standards or exceeds aesthetic guidelines (or increases exceedance of these standards).

Registered drinking water supply that provides 25 or more people with drinking water for ≥60 days a year:

Notification requirement (if an event were to occur, e.g. a spill) with the potential to affect have a significant adverse effect on that supply, a consent condition must require a notification requirement

Proposed amendments to the NES-DW

The Ministry for the Environment consulted on proposed changes to the NES-DW in early 2022 (closed 6 March) – [‘Kia kaha ake te tiakina o nga puna wai-inu: Improving the protection of drinking-water sources’](#).

At a high-level, the changes proposed included:

- Introducing default spatial delineation of source water risk management zones (SWRMA) 1, 2 and 3
- Application to all registered drinking water supplies (NB: Water Services Act recently broadening the definition of drinking water supplier and therefore who will need to be registered)
- Strengthened regulation of activities within the SWRMA, including broadening the scope of activities to be managed to include land uses (in addition to discharges and water takes).

HortNZ's submission and key concerns

HortNZ made a submission on the proposed changes ([linked here](#)).

HortNZ support the intent of ensuring people have safe drinking water, however raised concerns about the policy proposals, including:

- **The management approach is too 'broad-brush' in the activities proposed to be managed through consents (or prohibited) in SWRMA 1 and 2.** HortNZ's view is that there has not been sufficient cost/benefit analysis to warrant the proposed approach; a more risk-based, effects-based approach to management of activities within SWRMA areas is required. For example, HortNZ seek that the focus of the SWRMA 1 be refined to managing activities which present a direct risk to the drinking water source/intake (linked to a clear management outcome).
- **HortNZ is particularly concerned about the proposed approach to the management of agrichemicals** (reflected in the case study report) - the justification for requiring costly consents for an already highly regulated activity has not been provided. This will have a significant impact on productive land across the country.
- **There will likely be unintended consequences from the proposals as proposed** - e.g. potential negative impacts on freshwater and terrestrial environments through restriction of pest control activities, large numbers of unnecessary consents for Councils to process, practical implications of consultation/engagement with drinking water supplier's given the scope of the proposals.
- **There is a lack of integration with other policy directions (particularly the NPSFM 2020 and Freshwater Farm Plans)** - there needs to be greater consideration of how these policy directions interact to avoid a) unnecessary duplication and b) conflicts arising between different processes/policies.
- **The (lack of consideration) in the approach to 'new' drinking water supplies (and potentially retrospective application new requirements) risks creating a new type of 'reverse sensitivity' effect** impacting on the ability to use highly productive land for a productive purpose. New drinking water supplies need to be appropriately located.

In addition, HortNZ do not consider that there was sufficient clarity on the consultation document to fully assess the effects of the proposal, we call for further detailed engagement on the proposed policy amendments to ensure any changes are workable and fit-for-purpose. The vast spatial application of the policy proposals mean it is critical to get the settings right.

Our concern is the likely impacts of the proposals on growers - increasing costs, and consenting requirements (in isolation of other freshwater policy processes) for likely limited benefit for the management of drinking water in many cases.