

Submission

**TAUMATA AROWAI – THE WATER SERVICES
REGULATOR BILL**

March 2020



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By: Waipa District Council

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INTRODUCTION

Waipa District Council (our Council) welcomes the opportunity to provide comment on the Taumata Arowai – the Water Services Regulator Bill.

Our council supports the Government’s decision to create a new regulatory body to oversee, administer, and enforce the drinking water regulatory system, and to progress a Water Services Bill which will give effect to decisions to implement system-wide reforms. In response to the work done to date, our council has kept apprised of the signals which have been released to the sector, and has commenced work on a risk based approach to providing potable drinking water to our community. It is agreed that the clear leadership signalled by this bill is required to support the sector in our endeavours to meet our communities’ expectations.

A number of initiatives within the Waikato Region have commenced as a result of our council, alongside other local authorities, recognising that we have to work together to ensure the effective and efficient delivery of waters services to our communities. These initiatives include: participation in a shared services entity with Hamilton City and Waikato District Councils for water sampling, trade waste management, and water conservation education; the expansion of RATA (Regional Asset Technical Accord – a collaboration between the local authorities within the Waikato in the areas of strategic activity management) to include waters activities; and discussions to pursue the investigation of sub-regional opportunities for infrastructure provision (initially involving waste water treatment plant provision).

Waipā submits that the Bill make provision for the establishment of a *Drinking Water Advisory Group*. This is to ensure that the regulator has access to the knowledge that is held in the local government sector on waters management and community well-being, and this is utilised in Taumata Arowai’s decision making and regulation setting.

Our council submits the following to highlight areas of concern or where additional commentary is requested.

PART 1: PRELIMINARY PROVISIONS

SUBMISSION POINT 1.1

Part 1 Interpretation

Drinking water supplier – the requirement for the “drinking water supplier” definition to cover all those who are not a “domestic self-supplier”. The implications of this are not clear in the bill but it is assumed that in changing the definition of a drinking water supplier to include properties such as where a separate dwelling on a farm receives drinking water from a farm bore, that Council will inevitably be required to assume a level of oversight as to the quality and safety of the water provided. This places a significant burden on the Waipā community if it is required to commence water safety actions for numerous rural properties. Clarity is sought on the intentions and implications of this, as although it is anticipated that this will be included in the subsequent Water Services Bill, it is seen as a significant issue, that is triggered by the interpretations applied to this bill..

It is noted that a “storm-water network” does not include drainage works in a “non-urban” area. Clarity is sought on the definition that is to be applied for “non-urban”.

Further, it is noted that a road controlling authority (RCA) is included in this clause for when an RCA operates a stormwater network. In almost all cases, a RCA will manage a portion of a stormwater network (catch-pits, soakage facilities, swales) to capture storm water run-off from the formed road, therefore a definition of a “stormwater network” may be helpful to determine whether a portion of a system (such as in the case of the partial capture of road run-off which is then captured into a wider catchment system) is included.

PART 2: ESTABLISHMENT, OBJECTIVES, FUNCTIONS, AND OPERATION OF TAUMATA AROWAI – THE WATER SERVICES REGULATOR

SUBMISSION POINT 2.1

Clause 10a

Our council supports the stated intention for both **protect** and **promote** public health outcomes. This is seen as a strong signal of leadership within Taumata Arowai.

Clause 10c, 11g and 18c

Our council recognises the challenges this sector is facing in having the right level of capacity and capability within our staff and supplier resources to provide good quality services to our communities. Therefore we strongly support the requirement for the regulator to “build and maintain capability among drinking water suppliers and across the wider industry”. Waipā District Council has joined with other Waikato local councils to support an expansion of RATA (Regional Asset Technical Accord) into three waters activities as we recognise that there is a need to collaborate to meet the current and future needs for our communities to provide services which are increasingly complex.

Clause 11b

Our council has a growing concern around the range of emerging contaminants now able to be identified in our drinking water sources. It is pleased to see that this will be investigated as a national issue by the regulator to support councils to appropriately respond.

Clause 11d

Our council seeks the inclusion of collaborative development of standards into this clause, rather than the regulator only provision.

Clause 11i

Our council seeks a minor change to the wording of this statement from “identify, prepare, or promote...” to “identify, prepare, and promote...”.

Sub-Part 3 Operations of Taumata Arowai : Clause 18

The objectives of Taumata Arowai will be guided by operating principles which our council supports, again specifically noting that development of sector capability, collaboration promotion, education and training, are essential to support the sector to appropriately respond to the challenges we are facing.

PART 3: MISCELLANEOUS PROVISIONS

SUBMISSION POINT 3.1

Clause 3

In transferring information from current agencies to Taumata Arowai, there is a risk that current good practice may not be adequately valued and maintained. Whilst the sector acknowledges a number of challenges and significant issues associated with the supply of three waters services, a culture of continuous improvement; building on areas of good practice and always striving for better, using a risk based approach, is critical. Where organisations have adopted a transformational response to sector challenges, these have generally not been successful and few of the forecast benefits have been realised.

Further, it is noted in clause 11c that the regulator will “develop” standards rather than “review or improve” the same.

It is also noted that the Bill does not provide clarity on the relationship with the Medical Officer of Health (MoH) role and how the regulator will work with them. Waipa DC seeks clarity on the role of the MoH, and in particular, how this role will interface specifically with the proposed role of Chief Drinking Water Inspector.

Waipā is supportive of the Māori Advisory Group. Waipā is supportive of the intent to engage iwi and the role of developing and maintaining a framework that guides interpretation on giving effect to Te Mana O Te Wai, enabling maatauranga Māori, and the exercise of tikanga and kaitiakitanga.

Meta-data standards are a critical key to standardising process and data transfer. Waipā seeks clarity on what the regulator’s role will be in supporting the goals and objectives of the recent and ongoing data standards work.



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