



# Cabinet Environment, Energy and Climate Committee

## Minute of Decision

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### Changes to the NES for Sources of Human Drinking Water: Consultation

Portfolio Associate Environment (Hon Kiri Allan)

On 9 December 2021, the Cabinet Environment, Energy and Climate Committee:

- 1 **noted** that protection of the water body from which drinking water is taken provides a crucial barrier to protect drinking water from contamination;
- 2 **noted** that the intent of the National Environmental Standards for Sources of Human Drinking Water (NES-DW), introduced in 2007 was to protect source water, but that the Havelock North Drinking Water Inquiry (HNI) and Ministry of Environment (the Ministry) review found it had not achieved its intended purpose;
- 3 **noted** that the proposed amendments to the NES-DW are part of other improvements to drinking water and freshwater management, implemented through the Three Waters Review and Essential Freshwater programmes;
- 4 **noted** that:
  - 4.1 proposals have been developed through submissions on high-level proposals to amend the NES-DW through the *Action for Healthy Waterways* discussion document [CAB-19-MIN-0414], through officials-led targeted engagement with key stakeholders, including regional councils, water suppliers, primary sector groups and iwi/Māori;
  - 4.2 refinements have also included expert advice from a technical advisory group;
- 5 **noted** that proposed amendments to the NES-DW include:
  - 5.1 Proposal 1: prescribing a consistent national approach for defining 'source water risk management areas' (SWRMAs), establishing three categories of land in terms of proximity to a source water take, and therefore risk to water quality;
  - 5.2 Proposal 2: updating and strengthening requirements for activities that pose risks to source waters in RMA plans and consenting decisions based on SWRMA;
  - 5.3 Proposal 3: providing a staged approach for application of the requirements to all registered water supplies;

- 6 **noted** that the Associate Minister for the Environment (Hon Kiri Allan) (the Minister):
- 6.1 directed officials to work on a joint implementation plan with Department of Internal Affairs and Taumata Arowai to ensure alignment of these proposals with wider Three Waters reforms;
  - 6.2 will report back on this implementation plan once final Cabinet decisions on these proposals are made;
- 7 **noted** that with regard to small private water supplies:
- 7.1 the Department of Internal Affairs is setting up a working group on rural water supply issues, including for small suppliers, as part of ongoing work on Three Waters reform;
  - 7.2 issues pertaining to the NES-DW that affect those types of supplies will be discussed with this working group, to a sensible extent;
  - 7.3 in reporting to Cabinet on issues arising from Select Committee consideration of the Three Waters reform, Department of Internal Affairs officials will pay particular attention to the effects of the reforms (including the NES-DW) on small suppliers;
  - 7.4 Ministry for the Environment officials will include an assessment of the effect of including small supplies in the NES-DW as part of its report on submissions received;
  - 7.5 Ministry for the Environment and Taumata Arowai officials will work together to build a clearer picture of small supplies, to inform their respective work programmes and take a tailored approach to implementation;
- 8 **agreed** to release the consultation document *Improving the protection of drinking-water sources* and regulatory impact statement, attached under ENV-21-SUB-0070, for the purposes of public consultation;
- 9 **agreed** that public consultation on the proposed amendments is scheduled to commence on 10 January 2022, for a period of 8 weeks;
- 10 **authorised** the Minister to make any final minor or technical changes to the consultation document prior to release;
- 11 **noted** that in mid-2022, the Minister intends to report back to the Cabinet Environment, Energy and Climate Committee with any amendments to the policy proposals resulting from consultation and seeking approval to issue drafting instructions.

Vivien Meek  
Committee Secretary

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**Present:**  
Hon Grant Robertson (Chair)  
Hon Nanaia Mahuta  
Hon Damien O'Connor  
Hon Stuart Nash

**Officials present from:**  
Officials Committee for ENV