



## **SUBMISSION ON THE COVID-19 RECOVERY (FAST-TRACK CONSENTING) BILL**

**TO: THE ENVIRONMENT COMMITTEE**

**SUBMITTER: WATER NEW ZEALAND**

### **INTRODUCTION AND OVERVIEW**

1. Water New Zealand (**Water NZ**) is a national not-for-profit sector organisation comprising approximately 1,900 corporate and individual members in New Zealand and overseas. Water New Zealand is the principal voice for the water sector, focusing on the sustainable management and promotion of the water environment including drinking water, wastewater, and stormwater.
2. Water NZ understands that the COVID-19 Recovery (Fast-track Consenting) Bill (**the Bill**) is intended to urgently promote employment growth to support New Zealand's recovery from COVID-19 by establishing new fast-track consenting and designation processes for infrastructure and development projects and enabling specific work on existing infrastructure to occur without the need for resource consents.
3. Water NZ supports the general intent of the Bill however as drafted the Bill does not appropriately provide for:
  - (a) Appropriate representation from the water sector;
  - (b) Consideration of water-related matters, especially in relation to the need to plan for a growing population and economy, the demand for increasing levels of service, and, anticipating the projected effects of climate change; and
  - (c) The integration of water infrastructure and services into the proposed projects and processes resulting from the Bill.
4. Water NZ is concerned this lack of appropriate representation from the water services sector and the lack of consideration of water-related matters could lead to the development of infrastructure which will not include adequate consideration of, or integration with, existing or future water infrastructure and services. This, in turn, could impede the ability and capacity, now and into the future, for water service providers to deliver appropriate, and timely, water infrastructure and services through the lack of integration of water into fast-tracked projects.

5. In order to address these concerns Water NZ seeks changes to:
  - (a) ensure there is a requirement for representatives of the water service sector to be heard and considered in the assessment of fast-track consents; and
  - (b) require proper consideration and integration of water infrastructure and services in the design and delivery of proposed fast-tracked projects.
6. In the context of this submission water services refers to water supply, wastewater and stormwater.
7. All water services are delivered in New Zealand either directly from councils or via council organisations (such as Watercare Services Limited and Wellington Water). While the Bill contemplates interaction with councils it does not specifically refer to the water services function of councils. With the changes signalled by the Government in relation to water services (the Taumata Arowai – Water Services Regulator legislation) Water NZ considers it imperative that the separate identification of water services is included in the Bill so this essential infrastructure provider is not inadvertently over-looked, and therefore, discounted.
8. Some water services projects may well qualify to use the fast-track process and generally the provisions have been drafted to facilitate that use. In the tight timeframes for submissions, Water NZ does not focus on this aspect of the Bill as it fully expects others to so.

## **WATER SERVICES CONTEMPLATED IN THE BILL**

9. The Bill's purpose, as set out in s 4, is to:
 

*... urgently promote employment growth to support New Zealand's recovery from the economic and social impacts of COVID-19 15 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources.*
10. The Bill sets out that the Minister may consider any of the following matters when deciding whether a project will help achieve the purpose of the Act:
 

*(b) the project's effect on the social and cultural wellbeing of current and future generations:*

...

*(d) whether the project may result in a public benefit by, for example,— ...*

  - (iii) contributing to well-functioning urban environments:*
  - (iv) providing infrastructure in order to improve economic, employment, and environmental outcomes, and increase productivity:*
  - (v) improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity:*
  - (vi) minimising waste:*
  - (vii) contributing to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy ...*

*(ix) strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change*

11. As noted above it is expected that some water services projects may qualify to use the process. While water services infrastructure is not specifically mentioned it is clearly contemplated as being part of (d)(iv).

#### **APPROPRIATE REPRESENTATION FROM WATER SERVICES SECTOR**

12. It is considered that, in addition to the list of organisations that have a right to have input into the fast-track process, appropriate representation from the water-services sector is required to ensure the importance of water to the purposes and considerations in the Bill is properly communicated and appreciated in decision-making processes. As noted above, while all water services providers are either directly within councils or in a council organisation, it is important that they are separately noted to ensure their input is not diluted by the many other matters that a council, as a whole, may be concerned about when considering the implications to a council of a fast-track project.
13. Water NZ seeks the following changes to the Bill to ensure that appropriate representation results in a robust and thorough understanding and consideration of water needs, demands, restrictions, and other factors, in decisions made under the auspices of the Bill.

#### **Change Sought: written comments from the relevant water services provider**

14. Water NZ seeks the inclusion in the Bill of a provision that the Minister must invite written comments from relevant water services sector organisation after receiving an application.
15. Water NZ proposes suggested alterations to s 21 in **Appendix A**.

#### **Change Sought: expert in water matters included in expert consulting panel**

16. Water NZ seeks the inclusion in the Bill of a provision that the expert consenting panel must include a person with expertise in infrastructure provision, including in water services.
17. Water NZ proposes suggested alterations to schedule 5, sections 3 and 8, in **Appendix A**.

#### **Change Sought: requirement to seek comment from the relevant water services provider**

18. Water NZ seeks the inclusion in the Bill of a requirement that the panel must invite comment from the relevant local authorities including in relation to water matters on a consent application or notice of requirement.
19. Water NZ proposes suggested alterations to schedule 5, section 17 in **Appendix A**.

## **CONSIDERATION AND INTEGRATION OF WATER INFRASTRUCTURE AND SERVICES**

20. Water infrastructure and services are central to purpose behind the Bill, and as such consideration of, and provision for, water infrastructure and services are central to the purpose and central assessment of projects under the Act.
21. Water NZ seeks the following changes to the Bill to ensure the centrality of water infrastructure and services continues through all considerations made under the auspices of the Bill.

### **Change Sought: requirement for consideration of integration of proposals with water infrastructure and services**

22. Water NZ seeks the inclusion in the Bill of a requirement that any application for referral must include information on how the proposed project will interact with water infrastructure and services.
23. Water NZ proposes suggested alterations to s 20 in **Appendix A**.

### **Change Sought: requirement for inclusion of information considering water infrastructure and services**

24. Water NZ seeks the inclusion of a requirement that the information for consent applications includes consideration of the impact of the proposal on water infrastructure and services. Information should also be included in relation to the greenhouse emissions caused by the construction and operation of the proposed project, and the projects designed ability to adapt to the projected effects of climate change.
25. Water NZ proposes suggested alterations to schedule 6, part 1, sections 9, 10, and 11 in **Appendix A**.

## **SUBMISSION**

26. Water NZ appreciates the opportunity to provide a submission on the Bill.
27. Water NZ **does not** wish to be heard in support of this submission.

**Kelvin Hill**  
President

**Helen Atkins**  
President-Elect

Water New Zealand

21 June 2020

## APPENDIX A – CHANGES SOUGHT BY WATER NZ

Provision	Comment
<p><b>20 Application for referral</b></p> <p>(1) Any person may apply to the Minister for a project to be referred to an expert consenting panel.</p> <p>(2) The application—</p> <p style="margin-left: 20px;">(a) must include the information specified in subsection (3); but</p> <p style="margin-left: 20px;">(b) need only provide a general level of detail, sufficient to inform the Minister’s decision on the application, as opposed to the level of detail that an expert consenting panel would require to be provided in applications for resource consents or notices of requirement for designations.</p> <p>(3) The information to be included in the application is as follows: ...</p> <p style="margin-left: 20px;"><u>(x) detail on the integration of the project with water infrastructure where applicable</u></p>	<p>Require information to be provided on how proposed projects integrate with water systems</p>
<p><b>21 Process after Minister receives application</b></p> <p>(1) This section applies if the Minister receives an application under section 20.</p> <p>(2) Unless the Minister decides to decline the application before inviting comments (see section 23), the Minister must copy the application to, and invite written comments from,—</p> <p style="margin-left: 20px;">(a) the relevant local authorities; and</p> <p style="margin-left: 20px;">(b) the relevant Ministers; <u>and</u></p> <p style="margin-left: 20px;"><u>(c) relevant water services sector organisation</u></p> <p>(3) The Minister may also copy the application to, and invite written comments from, any other person.</p>	<p>Require that that the water services sector be asked to provide written comment</p>
<p><b>Schedule 5 Expert consenting panel</b></p> <p><b>1 Purpose of expert consenting panels</b></p> <p>(1) The purpose of an expert consenting panel appointed under this schedule is to ensure that decisions are made on—</p> <p style="margin-left: 20px;">(a) consent applications for listed and referred projects; and</p> <p style="margin-left: 20px;">(b) notices of requirement for designations or to alter a designation for listed and referred projects.</p> <p>(2) A panel must determine consent applications and notices of requirement in accordance with the provisions of this Act.</p> <p>...</p> <p><b>3 Membership of panels</b></p> <p>(1) Up to 4 persons may be appointed to be members of a panel set up to determine—</p> <p style="margin-left: 20px;">(a) applications for resource consents for listed or referred projects; and</p> <p style="margin-left: 20px;">(b) requirements for designations or alterations of designations for listed or referred projects.</p> <p>(2) The membership of a panel must include—</p> <p style="margin-left: 20px;">(a) 1 member of the relevant local authorities or a person nominated by those local authorities; and</p> <p style="margin-left: 20px;">(b) 1 person nominated as the representative of the relevant iwi authorities; <u>and</u></p> <p style="margin-left: 20px;"><u>(c) 1 person with expertise in infrastructure provision, including but not limited to water services.</u></p>	<p>Require that the expert consenting panel include an expert in infrastructure including but not limited to water services</p>

<p><b>Schedule 6 Applications and decision making for listed and referred projects</b></p> <p><b>Part 1 Applications for resource consents and notices of requirement for designations</b></p> <p><b>S9 Information required in consent applications</b></p> <p>(1) Every consent application for a listed or a referred project made under clause 2 must include the following:</p> <ul style="list-style-type: none"> <li>(a) a description of the proposed activity; and</li> <li>(b) a description and map of the site at which the activity is to occur; and</li> <li>(c) confirmation that the consent application complies with clause 3(1); and</li> <li>(d) the full name and address of every person who, after reasonable inquiry, is known by the consent applicant to be an owner or occupier of the site; and</li> <li>(e) a description of any other activities that are part of the proposal to which the consent application relates; and</li> <li>(f) a description of any other resource consents, notices of requirement for designations, or alterations to designations required for the proposal to which the consent application relates; and</li> <li>(g) an assessment of the activity in light of— <ul style="list-style-type: none"> <li>(i) Part 2 of the Resource Management Act 1991; and</li> <li>(ii) the purpose of this Act; and</li> <li>(iii) the matters set out in section 19 (whether project helps to achieve purpose of Act); and</li> </ul> </li> <li>(h) an assessment of the activity against any relevant provisions in any of the documents listed in subclause (2); and</li> <li>(i) information about any Treaty settlements that apply in the project area, including— <ul style="list-style-type: none"> <li>(i) the identification of the relevant provisions; and</li> <li>(ii) a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area; and</li> </ul> </li> <li>(j) the conditions that the applicant proposes for the resource consent; <u>and</u>  <u>(x) consideration of the impact of the proposal on water infrastructure and services.</u>  <u>(xi) Information should also be included in relation to the greenhouse emissions caused by the construction and operation of the proposed project, and the projects designed ability to adapt to the projected effects of climate change.</u> </li> </ul> <p>...</p> <p>(4) A consent application must also include an assessment of the activity's effects on the environment that—</p> <ul style="list-style-type: none"> <li>(a) includes the information required by clause 10; and</li> <li>(b) covers the matters specified in clause 11.</li> </ul>	<p>Include a requirement that consents must include information on the impact of water</p>
<p><b>10 Information required to assess environmental effects</b></p> <p>(1) An assessment of an activity's effects on the environment under clause 9(4) must include the following information:</p> <ul style="list-style-type: none"> <li>(a) an assessment of the actual or potential effects on the environment;</li> <li>(b) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use;</li> <li>(c) if an activity includes the discharge of any contaminant, a description of— <ul style="list-style-type: none"> <li>(i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and</li> <li>(ii) any possible alternative methods of discharge, including discharge into any other receiving environment:</li> </ul> </li> </ul>	<p>Include requirement to consider water matters more explicitly</p>

<p>(d) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity:</p> <p>(e) identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal:</p> <p>(f) if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision:</p> <p>(g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved:</p> <p>(h) an assessment of any effects of the activity on the exercise of a protected customary right-; <u>and</u>  <u>(x) an assessment of the effects of the proposal on the existing and reasonably anticipated future water infrastructure and services.</u></p>	
<p><b>11 Matters to be covered in assessment of environmental effects</b></p> <p>The assessment of an activity's effects on the environment under clause 9(4) must cover the following matters:</p> <p>(a) any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects:</p> <p>(b) any physical effect on the locality, including landscape and visual effects:</p> <p>(c) any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity:</p> <p>(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:</p> <p>(e) any discharge of contaminants into the environment and options for the treatment and disposal of contaminants:</p> <p>(f) the unreasonable emission of noise:</p> <p>(g) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations-;</p> <p><u>(x) consideration on the possibility for integration, upgrade, support, and enhancement of existing and reasonably anticipated future water infrastructure and services;</u></p> <p><u>(xi) consideration of whether the activity has any greenhouse emissions caused by its construction and operation; and</u></p> <p><u>(xii) consideration of the activity's ability to adapt to the projected effects of climate change.</u></p>	<p>Specify that there must be consideration of the water infrastructure requirements and of the effects of the project in terms of greenhouse emissions and the design resilience of the project in terms of climate change effects.</p>
<p><b>Processing of consent applications and notices of requirement</b></p> <p><b>17 ...</b></p> <p><b>Persons that must or may be invited to comment on listed project</b></p> <p>(5) A panel may invite written comments from any other person the panel considers appropriate. Persons who must or may be invited to comment on referred project</p> <p>(6) For a referred project, a panel must invite comments on a consent application or notice of requirement before it from the following:</p> <p>(a) the relevant local authorities <u>including in relation to water services;</u></p>	<p>Include a requirement that the panel must invite comment from relevant local authorities explicitly in relation to water services.</p>