

# Exemption Decision Paper

Exemption Number	EXE-00001036
Exemption Type	General Exemption
Supply Name	Makarora Field Base; Pipiriki Field Base; William Hartree House
Date	5 February 2025
Submitted by	Department of Conservation Te Papa Atawhai
Exemption Team	Alice Liddell, Senior Solicitor Jim Graham, Chief Advisor Water Science

## Recommendation

For the reasons set out in this paper, the Exemption Team recommends that you:

1. **Grant** a general exemption to the Department of Conservation in relation to the following drinking water supplies:
  - (a) Makarora Field Base
  - (b) Pipiriki Field Base.
  
2. **Grant** the general exemption **subject to the following conditions:**

The Department of Conservation must ensure:

  - (a) Adequate signage advising consumers to boil drinking water is installed in a visually prominent place at each site; and
  - (b) Maintenance checks are carried out and documented annually to ensure the following:
    - (i) Boil water signage remains in place:
    - (ii) Any tanks are secure from animal or bird access:
    - (iii) Any guttering, pipes and screens that are part of the drinking water supply remain intact and functional; and
  - (c) Adequate written procedures are in place along with training to ensure that Department of Conservation staff or agents can competently carry out maintenance checks; and
  - (d) Any necessary maintenance or replacement work identified during maintenance checks, or that the Department of Conservation otherwise becomes aware of, is carried out as soon as reasonably practicable.
  
3. **Do not grant** an exemption for William Hartree House/Lodge as it appears to be a domestic self-supply rather than a drinking water supply, meaning the Department of Conservation does not have any duties in relation to it that can be the subject of an exemption.

## Executive summary

4. On 22 October 2024, the Department of Conservation (**DOC**) applied for a general exemption in relation to three drinking water supplies where it asserted it would be impracticable to install and operate drinking water treatment equipment. The application was made under section 57 of the Water Services Act 2021 (the Act).
5. The Exemption Team considers that it would be impracticable, and disproportionate to the risks involved, for DOC to operate the supplies in a way that satisfies all of its duties under the Act.
6. The Exemption Team recommends that a general exemption be granted for two of these supplies, namely the Makarora and Phipiriki Field Bases, subject to conditions that require:
  - Signage to be installed and maintained at each site to advise consumers to boil their water before drinking. The understanding is that signage is currently in place at these sites. The conditions will confirm the current situation and provide for an ongoing requirement to maintain such signs.
  - Regular maintenance checks of the key components of water supplies. Documented checks will ensure the ongoing integrity of infrastructure and mitigate the risks of large debris, birds or pest animals like rats and possums getting into water tanks. These checks should be annual as field bases do not have the same access challenges that huts have.
  - Adequate written procedures to be in place to ensure any staff or agents can competently carry out maintenance checks.
  - Any necessary repairs, whether identified through maintenance checks or coming to DOC's attention in other ways, to be carried out as soon as reasonably practicable. The reasonably practicable element acknowledges that it may be difficult to carry out repairs immediately if materials need to be carried in or special skills are needed.
7. The third facility, William Hartree Lodge, that is subject to this application is considered not to be a drinking water supply under the Act as it falls within the scope of the definition of a domestic self-supply.

## Supply information

8. DOC has a substantial portfolio of assets including huts, campsites, visitor centres, villages and offices across Aotearoa New Zealand. Many of these sites include their own drinking water supply. DOC sites have a broad range of drinking water supply arrangements.
9. An exemption was granted in June 2024 that covered 686 huts and campsites that meet certain criteria including lacking sufficient power to operate a drinking water supply (see [Exemption No. 003](#)).
10. Further sites were identified by DOC that do not fit the criteria of Exemption No. 003 but cannot meet another compliance pathway under the Act.

## Field bases

11. Within DOC's property network, a field base is a site used for storage and as a base for short-term work by DOC staff.
12. Both Makarora and Pipiriki field bases use groundwater as sources and are described in the application as having fenced bores.
13. Both field bases have no permanent population and may have a temporary population of around 5 people from time to time.
14. Pipiriki Field Base is currently registered on the public register of drinking water supplies and Makarora Field Base is not.
15. In the registration details for 'PIP001 Pipiriki, DOC Field Office', the abstraction point/source is listed as 'Pipiriki Spring'. GPS coordinates for Pipiriki Spring indicate that it is close to Pipiriki village.
16. Pipiriki Field Base is located in Whanganui National Park. Makarora Field Base is located in Mount Aspiring National Park. Information about access is not available for either site.

## Accommodation

17. William Hartree Lodge (referred to as William Hartree House in the application) is a bookable accommodation site located about one hour from Napier. On the DOC website, it is described as "sole occupancy" which means that only one group can book it at a time.<sup>1</sup> According to the DOC website, it sleeps up to 10 people, is accessible by car, and has mains power. The website contains advice that "water is not treated and is sourced from several tanks, we recommend you boil water before drinking or bring safe drinking water from home." A boil water sign is visible in the kitchen in the photograph on the website.
18. It is not currently a registered drinking water supply.

## Information provided by applicant

19. DOC's application form was accompanied by a document setting out a proposed compliance pathway for 21 other sites and this application for exemption for these three sites, which included:
  - DOC's reasons and rationale for seeking an exemption
  - A brief description of the site categories "Field base" and "Accommodation"
  - A list of the supplies that an exemption is sought for with registration status, site type, water source, permanent and variable population and risk
  - Proposed conditions which are the same as those for Exemption No. 003.

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<sup>1</sup> [William Hartree Memorial Lodge:](#)

20. DOC advised in their application that preventative maintenance and regular inspections are carried out at the field bases to ensure that the water system is ready for use when the bases are to be occupied.
21. Information about the sites in DOC's application was limited to: their description as field bases, identification of the supply sources as fenced bores; and that each field base has a variable population of 5. No photographs or descriptions of the configuration of the drinking water supplies were provided. DOC has described the catchments as well-understood and well-managed and classified as low or very low risk.
22. Taumata Arowai usually expects more descriptive information about supplies to be provided with an exemption application to make a fulsome assessment of the supply and the risks associated with. The information applicants should provide is listed on the Taumata Arowai website.
23. Given that these supplies are only used by a very small temporary population (predominantly trained DOC staff), and the scale, complexity, and risk profile of the supplies is very low, this assessment has proceeded based on the limited available information.

### Eligibility for exemption

24. There is a question of whether the supplies that are subject of the application are domestic self-supplies and therefore excluded from the definition of drinking water supplier under the Act, meaning DOC does not owe statutory duties in relation to them under the Act and is consequently ineligible for an exemption.
25. As defined in s 10 the Act, a "domestic self-supply" is a stand-alone domestic dwelling that has its own supply of drinking water, relevantly:
  - **domestic dwelling** means a building used as a single household unit whether or not it is tenanted on a long- or short-term bases or occupied permanently or temporarily
  - **household unit** is defined in s 7 of the Building Act as a building used, or intended to be used, only or mainly for residential purposes and occupied, or intended to be occupied, exclusively as the home or residence of not more than 1 household, it does not include a boarding house or hostel
  - an **example** of a domestic self-supply listed in s 10 is a "single holiday house that is supplied by a rainwater tank and is rented to tourists on a short-term basis."
26. If William Hartree Lodge is sole occupancy as described on the DOC website, it is a domestic self-supply. If DOC plan to allow multiple groups to book it, then it could be included in the exemption on the same conditions as the field bases, with the addition of a condition to keep boil water information on the website.
27. By way of contrast, DOC huts are not considered to be domestic self-supplies because people can book a single bed and stay with others who they do not know. This is akin to a boarding house situation where occupants are not living together as a household during their stay.

28. The two field bases are considered workplaces and are not domestic self-supplies.
29. Ranger accommodation that is solely for accommodation purposes would be a domestic self-supply.

### Available compliance pathways

30. Pipiriki Field Base is currently registered on the public register of drinking water supplies and Makarora Field Base is not.
31. Drinking water supplies that were registered prior to November 2021 currently need to provide a drinking water safety plan which complies with the Act. Drinking water supplies that were unregistered do not need register and provide a drinking water safety plan yet, but they are still subject to a duty to supply safe drinking water.
32. Acceptable Solutions provide an alternative compliance pathway for some small drinking water supplies. The Drinking Water Acceptable Solution for Spring and Bore Water Supplies provides a compliance pathway for bore water supplies with a population of under 500 people.
33. Alternatively, DOC could prepare a drinking water safety plan for the Pipiriki supply (and in time Makarora) and seek to demonstrate compliance with the Drinking Water Quality Assurance Rules (DWQAR). Both supplies would be categorised as a Very Small Community supply, which is:

*Drinking water supplies of any configuration or arrangement (excluding domestic self-supplies) that provide drinking water to a population of up to 25 people. In circumstances when the population supplied fluctuates, the population supplied may increase to up to 50 people for up to 60 days in any 12-month period.*
34. Compliance against the Very Small Communities Rules would require testing the distribution system of the water supply every six months for total coliforms and *E. coli*. Due to the lack of disinfection, it could be reasonably anticipated that some, if not all of those results would be positive, indicating contamination of the supply and the provision of unsafe and non-compliant drinking water in breach of ss 21(1) and 22(1) of the Act. It may be challenging for DOC to arrange the transport of samples for microbiological testing from many of its supplies within the appropriate timeframes and conditions for acceptance by an accredited laboratory.
35. Compliance with any of these options, and the statutory duties that sit behind them, is not proportionate to the scale and risk of these supplies. A general exemption would address this by excluding the application of the following duties (references to the Act in brackets):
  - (a) to supply safe drinking water (s 21)
  - (b) to comply with drinking water standards (s 22)
  - (c) to take reasonable steps to provide aesthetically acceptable drinking water (s 24)
  - (d) to provide a sufficient quantity of drinking water to consumers at each point of supply (s 25)

- (e) to protect against the risk of backflow (s 27)
  - (f) requirements relating to end-point treatment (s 28)
  - (g) to have a drinking water safety plan (s 30)
  - (h) to keep certain records (s 37), and
  - (i) to provide information to consumers (s 38).
36. Due to low occupancy and low maximum populations, the Exemption Team considers that it is not reasonably practicable for DOC to comply with an Acceptable Solution or the DWQAR for the drinking water supplies subject to this general exemption application.

### Assessment factors

37. DOC's application has been assessed against the relevant factors arising under the Act, Taumata Arowai policy and guidance material in relation to exemption applications, and other considerations relevant to decision-making by Taumata Arowai and its staff.
38. Those factors, which shape the structure of the remainder of this paper, are:
- Consistency with the main purpose of the Act: i.e. to ensure that drinking water suppliers provide safe drinking water to consumers. In accordance with s 57(4)(a) of the Act, a general exemption can only be granted if the decision-maker is satisfied that the exemption is consistent with the main purpose of the Act.
  - Te Mana o te Wai, to the extent it applies to DOC's application and the associated decision-making of Taumata Arowai.
  - The scale, complexity and risk profile of the drinking water supplies, which go both to the assessment of drinking water safety risks and also to the proportionality of regulation under the Act.
  - The Taumata Arowai Compliance, Monitoring and Enforcement Strategy 2022-2025 (**CME Strategy**). This is a matter that the Taumata Arowai Chief Executive, and any delegate of the Chief Executive, must have regard to when determining exemption applications.<sup>2</sup>

### Consistency with the main purpose of the Water Services Act 2021

39. Section 57 of the Act states that the chief executive must not grant an exemption unless satisfied that the exemption is consistent with the main purpose of the Act (other than the duty to have a drinking water safety plan).
40. The main purpose in s 3(1) is to ensure that drinking water suppliers provide safe drinking water to consumers.

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<sup>2</sup> Water Services Act 2021, s 136(7); Taumata Arowai-the Water Services Regulator Act 2020, s 11(2)(b).

41. One of the things a general exemption excludes is the duty to supply safe drinking water, which may appear to cut across the main purpose of the Act. However, a general exemption can still be consistent with the main purpose of the WSA. To achieve this, measures are required – including potentially the provision of information – to ensure consumers only consume safe drinking water (so they are unlikely to suffer death, injury, or illness from drinking it), even if it is unsafe when supplied. In some situations, it is considered consistent with the purpose of the Act for drinking water to be made safe beyond the point of supply.
42. In the Exemption Team’s view, it is not reasonable and proportionate to the risk for DOC to operate these drinking water supplies in accordance with the Act without a general exemption. For a general exemption to be granted and consistent with the main purpose of the Act, conditions would need to be imposed on the DOC that would ensure that risks are mitigated so far as practicable and water provided to consumers is able to be made safe to drink by boiling.

### Conditions

43. A full analysis of appropriate conditions to ensure consistency with the main purpose of the Act was discussed in the decision paper for Exemption No. 003. Similar reasoning applies here, however the key differences are that field bases are generally easier to access than remote huts and campsites and will be occupied predominantly by DOC staff.
44. As with Exemption No 003, conditions requiring treatment, microbiological monitoring and testing of water quality have not been recommended.
45. The recommended conditions have been adapted from the conditions for Exemption No. 003. The key differences are:
  - Website information is not required for sites that are occupied by DOC staff and not members of the public.
  - Maintenance checks are required to be annual, as these sites do not have the accessibility challenges that remote huts and campsites have.
46. The same conditions regarding boil water signage and maintenance are recommended for the exemption. These conditions can be applied as relevant, for example it is not known to Taumata Arowai if these supplies have storage tanks, but if they do, they will need to be checked annually.

### Te Mana o te Wai

47. Section 14(2) of the Act requires a person to give effect to Te Mana o te Wai when exercising or performing a function, power, or duty under the Act, to the extent that Te Mana o te Wai applies to the function, power, or duty.
48. For the purposes of the Act, Te Mana o te Wai is defined in the National Policy Statement for Freshwater Management 2020. Everyone exercising or performing a function, power, or duty under the Act must give effect to Te Mana o te Wai when doing so, to the extent it applies to the function, power, or duty.

49. Te Mana o te Wai is a water-centric concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.
50. The framework for Te Mana o te Wai involves 6 principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, coupled with a hierarchy of obligations that prioritises:
- first, the health and well-being of water bodies and freshwater ecosystems;
  - second, the health needs of people (such as drinking water); and
  - third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
51. Te Mana o te Wai is likely to have relatively limited application in the context of DOC's general exemption application which is largely focussed on the circumstances of the supplies and practicalities meeting the requirements of the Act. However, each application must be assessed on its facts and the extent of application of Te Mana o te Wai determined.
52. In this instance, DOC has not provided any information or commentary on the implications of its general exemption application specifically from the perspective of Te Mana o te Wai. Some relevant information was provided with Exemption No. 003 which is also applicable here.
53. Where water for DOC sites is abstracted ground water, it is abstracted only for minimal human consumption and sanitary uses and the impact on the environment is minimal.
54. Similarly, any discharges from water supply systems are likely to only be minor overflows of untreated water, which is not expected to have any material impact on water bodies, freshwater ecosystems, or human health.

### **Scale, complexity, and risk**

55. The relative scale, complexity and risk of the supplies have been factored into the Exemption Team's assessment of DOC's application and the commentary and recommendations in this paper.
56. The overall public health risk is low due to the extremely low number of occupants and temporary occupancy of the sites. It is a reasonable expectation that DOC staff and contractors will boil their water when using these sites.

### **Source water risk management**

57. The characteristics of the source waters for these supplies are not known. The only information provided for the field bases is that water is sourced from a fenced bore.
58. DOC facilities are generally in remote areas away from industrial or agricultural activities and the contaminants they can introduce into the environment. They are however in sometimes densely



bushed areas which introduce a risk of microbiological contamination from wild animals and birds. Animal and bird droppings or carcasses can cause microbiological contamination of source water, or water collection and storage infrastructure.

59. The risks of contamination of water sources are low in more remote areas, but not completely absent. The requirement to boil water from these supplies can address microbiological risks.
60. Chemical contaminants cannot be managed by boiling water. However, unless present in extremely high concentrations, the risk that most chemical contaminants present is through a lifetime of consumption. The typically short stays of consumers significantly reduce associated health risks.

## Compliance, Monitoring and Enforcement Strategy

61. The Compliance Monitoring and Enforcement (CME) Strategy outlines the approach Taumata Arowai will take to exemption applications. It provides part of the backdrop for the more detailed provisions in other Taumata Arowai policy and guidance material.
62. Amongst other things, the CME Strategy provides that Taumata Arowai will be guided by the following principles when determining exemption applications:
  - consumption of safe drinking water by consumers is paramount; and
  - the scale, complexity and degree of risk associated with a drinking water supply will affect the assessment of whether an exemption would be consistent with the main purpose of the Act, to ensure that drinking water suppliers provide safe drinking water to consumers.
63. The Exemption Team has had regard to the relevant parts of the CME Strategy when conducting its assessment and preparing this paper. The principles recorded in the CME Strategy are reflected in the discussion above.

## Additional comments

64. The Exemption Team considers that it is not reasonably practicable for DOC to comply with the ordinary requirements of the Act in respect of the sites within the scope of the proposed exemption.
65. The recommended conditions will ensure that the proposed exemption is consistent with the main purpose of the Act.

## Approval

The Exemption Team recommends that you:

- (1) **note** the Exemption Team's view that, having regard to the scale, complexity and risk profile of the Department of Conservation supplies, a general exemption is consistent with the main purpose of the Water Services Act 2021 (other than the duty to have a drinking water safety

plan) and that it is otherwise impractical for the Department to comply with the statutory duties that would otherwise apply;

(2) **agree** to grant a general exemption under s 57 of the Water Services Act 2021 for the Department of Conservation, in relation to the following drinking water supplies:

- (a) Makarora Field Base
- (b) Pipiriki Field Base

**Yes/No**

(3) **agree** to grant the exemption subject to the following conditions:

The Department of Conservation must ensure:

- (a) Adequate signage advising consumers to boil drinking water is installed in a visually prominent place at each site; and
- (b) Maintenance checks are carried out and documented annually to ensure the following:
  - (i) Boil water signage remains in place;
  - (ii) Any tanks are secure from animal or bird access;
  - (iii) Any guttering, pipes and screens that are part of the drinking water supply remain intact and functional; and
- (c) Adequate written procedures are in place along with training to ensure that Department of Conservation staff or agents can competently carry out maintenance checks; and
- (d) Any necessary maintenance or replacement work identified during maintenance checks, or that the Department of Conservation otherwise becomes aware of, is carried out as soon as reasonably practicable.

**Yes/No**

(4) **agree** that William Hartree Lodge is a domestic self-supply and ineligible for an exemption.

**Yes/No**



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Date: 5 February 2025

Sara McFall  
Head of Systems, Strategy & Performance