

QLDC Council  
18 March 2021

Report for Agenda Item | Rīpoata moto e Rāraki take: 8

Department: Corporate Services

Title | Taitara Submission on the Water Services Bill

**PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO**

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The purpose of this report is to present the submission on the Water Service Bill, and seek the Council's feedback and retrospective approval of its content. This submission was made to the Health Committee on 2 March 2021.

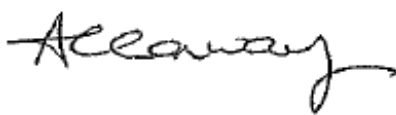
**RECOMMENDATION | NGĀ TŪTOHUNGA**

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That Council:

1. **Note** the contents of this report; and
2. **Approve** retrospectively the contents of the attached submission.

Prepared by:



Alice Conway  
Policy & Performance Advisor

4/03/2021

Reviewed and Authorised by:



Meaghan Miller  
GM Corporate Services

5/03/2021

## CONTEXT | HOROPAKI

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- 1 The Water Services Bill contains the details of the new drinking water regulatory system that gives the new water services regulator, Taumata Arowai the powers to regulate drinking water safety.
- 2 QLDC's first submission on the suite of water reforms took place in March 2020 where QLDC Officers submitted on Taumata Arowai – the Water Services Regulator Bill. This was a short submission that primarily lent support to the position taken by Water NZ and Taituarā (previously SOLGM) clarifying definitions within the Bill and specifying the need for board members to be experienced in the operation of water services and in community engagement. This submission was approved by the Chief Executive.
- 3 This second submission addresses the next act in the reforms process - the Water Services Bill. The main purpose of the Water Services Bill is to ensure that drinking water suppliers provide safe drinking water to consumers by:
  - providing a drinking water regulatory framework that is consistent with internationally accepted best practice...; and
  - providing a source water risk management framework that... enables risks to source water to be properly identified, managed, and monitored; and
  - providing mechanisms that enable the regulation of drinking water to be proportionate to the scale, complexity, and risk profile of each drinking water supply; and
  - providing mechanisms that build and maintain capability among drinking water suppliers and across the wider water services sector; and
  - providing a framework for the continuous and progressive improvement of the quality of water services in New Zealand.
- 4 QLDC has made an individual submission to the process and has also participated in the development of a submission on behalf of an Otago Southland local government collective.
- 5 Submissions on the Bill were due to the Health Select Committee (Health Committee) by 2 March 2021.
- 6 Due to the timing of the submission response period there was insufficient time to seek Council approval prior to the submission due date, however Councillor feedback was sought through workshops and draft versions of the submission. This submission was approved and submitted by the Chief Executive and the Mayor.

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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- 7 QLDC supports the intent of the Water Services Bill to ensure that drinking water supplies across the country are safe and reliable and is broadly supportive of the steps that have been outlined within the Bill.
- 8 However QLDC believes there is insufficient information currently available for the Council to determine its position as to whether or not it fully supports the overarching model of reform proposed.
- 9 The key points made in the submission are:
  - **Definition of Drinking Water:** The Bill defines drinking water as “water used for human consumption, oral hygiene, preparing food and drink or other products for human consumption and washing utensils used for eating, drinking or preparing, serving or storing food or drink for human consumption”. The community expects that a supplier meet other household water requirements, as it is artificial to separate this within the current model.
  - **Liability of Elected Officials:** The Bill seeks to outline parameters of liability that provide broad exemption for elected members of Council. QLDC recommends that this section is given far greater consideration before being finalised and that alternative models of shared liability are considered.
  - **Concerns over Available Resources:** The administrative burden on local authorities with multiple large water supplies will lead to resourcing issues given the timeframe given for compliance. QLDC has recommended a risk-based approach to alleviate the administrative and financial burden.
  - **Private Supplier Resources and Expertise:** QLDC interprets the Bill having been written in a way that will lead to smaller private suppliers being unable to comply with the regulations due to compliance and financial obligations. This may lead to Council intervention as per the regulations within the Bill. This is an unknown financial and resource allocation risk to Council at this stage due to private water schemes being classed as a ‘permitted activity’ within Regional or District Plans.
  - **Exemption Powers:** Further information and explanation is required on when and how exemptions powers contained in the Bill will be used. Exemption powers should sit with an appropriately skilled board.
  - **Fluoridation and Aesthetic Values:** QLDC supports the general position that fluoridation of water supplies should not be a requirement and supports the requirement to issue or adopt aesthetic values.
- 10 Option 1: to retrospectively agree the contents of the attached submission.

*Advantages:*

11 The submission will remain in the Health Committee process and QLDC will have partaken in the submissions process.

*Disadvantages:*

12 There are no clear disadvantages to this option.

13 Option 2: to request the withdrawal of the attached submission from the Health Committee process.

*Advantages:*

14 The submission will be withdrawn from the Health Committee process and any inaccurate representations of QLDC's position will not be considered.

*Disadvantages:*

15 No aspect of QLDC's position will be represented in the process.

16 This report recommends **Option 1** for addressing the matter because Councillors have had opportunity to view and comment on the attached submission prior to its inclusion in the Health Committee process and therefore will be reflective of the Council's position.

## CONSULTATION PROCESS | HĀTEPE MATAPAKI:

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### > SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

17 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because the introduction of this proposed legislation is not within the direct control of QLDC. However, this legislation deals with a matter of interest to a range of individuals, organisations, groups and sectors in the community.

18 The persons who are affected by or interested in this matter are residents/ratepayers of the Queenstown Lakes District community, land owners, developers, infrastructure providers and persons involved in planning matters.

### > MĀORI CONSULTATION | IWI RŪNANGA

19 Iwi has not been consulted during the drafting of the attached submission.

## 20 RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

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21 This matter relates to the Strategic/Political/Reputation It is associated with RISK00038 within the QLDC Risk Register. This risk has been assessed as having a moderate inherent risk rating.

22 The approval of the recommended option will support the Council by allowing us to implement additional controls for this risk. This shall be achieved by supporting the introduction of new water services legislation, in particular addressing those issues that directly affect QLDC and the Queenstown Lakes District community.

**FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA**

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23 There are no financial implications.

**COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA**

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24 The following Council policies, strategies and bylaws were considered:

- The outcomes and principles of the Vision Beyond 2050, in particular - Thriving people and Deafening Dawn Chorus
- Stages 1, 2 and 3 of the Proposed District Plan
- 2018-2028 Ten Year Plan
- 2019-2020 Annual Plan
- Master Plans
- Asset Management Plan
- 30 Year Infrastructure Strategy.

**LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA**

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25 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by contributing to the development of a more effective and robust water services model.
- Can be implemented through current funding under the Ten Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

**ATTACHMENTS | NGĀ TĀPIRIHANGA**

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| A | QLDC Submission: The Water Services Bill |
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