

Submission

Water Services Legislation Bill

February 2023

NAME OF SUBMISSION

By: Waipā District Council

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<https://legislation.govt.nz/bill/government/2022/0210/latest/LMS794055.html>

Water Services Legislation Bill

By: Waipā District Council

Introduction

Waipā District Council (the Council) welcomes the opportunity to provide comment on the Water Services Legislation Bill (the Bill). It is noted that the submission period for this legislation has been challenging for Council to respond to. As such the points raised are those that are considered particularly critical and of significant concern.

Waipā District Council also acknowledges and endorses the Communities 4 Local Democracy submission.

General Comments

The Waipā District Council Strategic Policy and Planning Committee considered this submission at their meeting held on 7 February 2023. The following recommendations arose from consideration of the Bill as contained in a report to the Committee. A copy of that report is available at:

<https://www.waipadc.govt.nz/our-council/agendas-and-minutes?item=id:2k7s9dcm1cxbywni84e>

Following are the recommendations arising from that consideration –

Recommendation

That the Select Committee considers providing consistent terms in the Act with respect to “drainage”, “land drainage” and “stormwater drainage”. It is unclear in the Bill exactly what the difference is intended between the terms. The term “water services” does not align with the definitions of “water services infrastructure”.

Recommendation

That the Select Committee amends clause 40(2), schedule 1 to require that any Ministerial amendments to the allocation schedules submitted under clause 40(1), schedule 1 be forwarded to local authorities for comment within 14 days of receipt.

Recommendation

That the Select Committee removes the requirements from Section 200 of the Bill with respect to the requirements of the Water Services Entities (WSE) when carrying out work in relation to water services infrastructure on or under land. It is recommended that this should revert to the position in section 181 of the LGA, such that work on existing assets is in line with current practice.

Recommendation

That the Select Committee includes a provision in the Bill (clause 334) ensuring that WSE charges are assessed and invoiced on a document that is independent of any rating notice.

That clause 336(4) be amended to require the Minister to make a determination as to the amount of collection of costs where this is one of the matters referred to the Minister.

Recommendation

That the Select Committee requires that the Regional Representative Groups (RRGs) have to endorse or mandate any charging standardisation policy before it can be implemented, and that “different classes of customer” be defined in the legislation.

Recommendation

That the Select Committee amends clause 279 to clarify that service agreements are deemed or implied and do not require the signature of both parties, and further, that further requirements be added for communication during engagement on the first/transitional service agreements with those who will be liable to pay WSE charges.

That a requirement be added to the Bill to notify in writing those who will become liable to pay WSE charges as to where they can find the first/transitional service agreement.

Recommendation

That the Select Committee clarifies what the obligation is on Councils to “work with” the WSE on development of the stormwater network management plans, that the obligations of clause 257 be extended to all public stormwater network operators, and that urban transport stormwater networks be included in the WSE’s stormwater network management plans.

Recommendation

That the Select Committee amends clause 270 as there should also be provision to include exemptions for “trade waste” that does not require a permit if certain conditions are met. For example, low-risk waste using a grease trap or sink strainer.

Recommendation

That the Select Committee amends clause 346 to specify the minimum and maximum periods for capital expenditure to be included in a WSE Infrastructure Charging Policy.

That clause 348 be deleted, that is, that the Crown **WILL** be liable for infrastructure connection charges.

Recommendation

That the Select Committee amends the Bill (Part 6) to include a requirement for WSE to comply with the Utilities Access Act 2010, and all other duplication or conflicting requirements be removed from the Water Services Legislation Bill, and that the Water Services Entities be nominated as Utility Organisations as defined in the Utilities Access Act 2010.

Recommendation

That the Select Committee amends the Bill to require WSE to publish water services infrastructure plans (showing the location of the connection points and pipes in its water services infrastructure), to keep these plans updated, and that these plans are available electronically, searchable, freely accessible and available to the public.

Recommendation




That the Select Committee amends the Bill to require the WSE to provide the information needed for a Land Information Memorandum or a Project Information Memorandum in accordance with the requirements of LGOIMA that Councils are required to adhere to. Waipā District Council believes that there should also be liability protection for Councils for any incorrect or incomplete information provided by a WSE or, preferably, that WSE are made responsible in their own right for the provision of the specified water services information, instead of Councils.



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