

1 June 2022

***Three Waters and Communities 4 Local Democracy***

***1. Has the Council adopted a position on the Three Waters policy?***

***a. If so, what motion or motions were agreed to?***

***b. If so, how did each member of the Council vote on the motion or motions?***

***2. Has the Council voted on whether to join the Communities 4 Local Democracy?***

***a. If so, what motion or motions were voted on?***

***b. If so, how did each member of the Council vote on the motion or motions?***

***1. Has the Council adopted a position on the Three Waters policy?***

***a. If so, what motion or motions were agreed to?***

**Response: Position decision / resolution is provided below.**

At the 20 September 2021 Waitaki District Council Meeting, it was resolved as follows:

**6.1 THREE WATERS REFORM - RATIFICATION OF WDC'S FEEDBACK TO CENTRAL GOVERNMENT**

**RESOLVED WDC 2021/137**

Moved: Cr Bill Kingan

Seconded: Deputy Mayor Melanie Tavendale

That Council:

1. Notes the Government's 30 June and 15 July 2021 Three Waters Reform announcements.
2. Notes the officer's advice on the accuracy of the information provided to Council in June and July 2021 as a result of the RFI and WICS modelling processes.

3. Notes the officer's analysis of the impacts of the Government's proposed three water service delivery model on the Waitaki community and its wellbeing, including the impacts on the delivery of water services and water related outcomes, capability and capacity, on Waitaki District Council's sustainability (including rating impact, debt impact, and efficiency).
4. Notes the analysis of three waters service delivery options available to Council at this time provided.
5. Notes that a decision to support the Government's preferred three waters service delivery option is not lawful (would be ultra vires) at present due to section 130 of the Local Government Act 2002 (LGA), which prohibits Council from divesting its control in a water service except to another local government organisation, and also what we currently know (and don't know) about the Government's preferred option.
6. Notes that Council cannot make a formal decision on a regional option for three waters service delivery without making a Long-Term Plan (LTP) amendment and ensuring it meets section 130 of the LGA unless there is a change of legislation.
7. Notes that the Government intends to make further decisions about the three waters service delivery model after 30 September 2021.
8. Notes that it would be desirable to gain an understanding of our community's views once Council has further information from the Government on the next steps in the reform process.
9. Requests that the Chief Executive gives feedback to the Government on:

**a. Areas of the Government's proposal that Council supports:**

- i. The case for change on the basis that not all parts of the system that deliver three waters services have worked well together in the past,
- ii. The commitment required to deliver three waters services to higher standards  
and to achieve better environmental outcomes,

based on the qualifiers that the delivery of three waters services is on an "as needs" basis and is undertaken in a cost-efficient manner.

**b. Areas of the Government's proposal that Council does not support:**

- i. The number of unknown factors associated with the timing of the water reforms in the context of the Government's wider reform programme (in particular, the review around the Future for Local Government).
- ii. The financial case for change, as it is flawed and likely overstated.
- iii. The Government's figures and their underlying or implied assumptions, as they are misleading.
- iv. The projected efficiencies that Government anticipated under their preferred water services delivery model, as they are not well stated.
- v. The aspiration to connect all individual households across New Zealand (urban and rural) to a reticulated water and wastewater system, as we do not believe that is sustainable, practical or reasonable in the New Zealand context.

- vi. The governance model as presented by Government as it does not clearly indicate how the voice of communities will be heard or provide strong connections between infrastructure planning and spatial planning at the regional and local level.
- vii. The anticipated application of the Te Mana o Te Wai concept under the Government's preferred three waters reform model as it is directed by mana whenua only and not in partnership with Council and communities.

**c. Areas of the Government's proposal that Council needs more information on:**

- i. Details around the projected efficiencies that Government anticipates under the preferred three waters delivery model.
  - ii. New national three waters legislative directions – details and timing.
  - iii. Local community engagement opportunities – details and timing.
  - iv. Details around the transitional arrangements, including timing.
10. Notes that the Chief Executive will report back to Council once further information and guidance has been received from Government, LGNZ and Taituarā on what the next steps look like and how these should be managed.
11. In noting the above, agrees it has given consideration to sections 76, 77, 78, and 79 of the Local Government Act 2002 and, in its judgment, considers it has complied with the decision-making process that those sections require (including, but not limited to, having sufficient information and analysis that is proportionate to the decisions being made).
12. Notes that it is working with other councils in Entity D and with mana whenua to propose a revised model of governance that will support delivery of national, regional and local outcomes.

**CARRIED**

**A copy of Waitaki District Council's feedback letter to Local Government Minister Mahuta is attached with this response.**

**[end of response to question 1(a)]**

***b. If so, how did each member of the Council vote on the motion or motions?***

**Response:** There were no abstentions recorded. Divisions were not called by the Chair and therefore individual member votes did not need to be, and were not, recorded, in accordance with Council's Standing Orders.

***2. Has the Council voted on whether to join the Communities 4 Local Democracy?***

**Response: No.**

*a. If so, what motion or motions were voted on?*

**Response: Not applicable**

*b. If so, how did each member of the Council vote on the motion or motions?*

**Response: Not applicable**



# Waitaki

DISTRICT COUNCIL  
TE KAUNIHERA Ā ROHE O WAITAKI

*Growing strong communities.*

*Office of the Mayor*

3 November 2021

Minister Mahuta  
Minister of Local Government  
Parliament Buildings  
Wellington 6160

Dear Minister,

On behalf of our Waitaki District Councillors, I write to express our strong disappointment with the government's decision to mandate the three waters reforms.

We are a Council that is open to change and indeed we are leading change locally to advance the well-being of our district and our communities. We embraced the partnership that you outlined at the LGNZ conference in July this year as the right and mature way for different levels of government to find the best solution for local communities and the country.

Our Council has continued to act in good faith doing what we can to work with the government, both as an individual Council and as part of a number of local government groups – the Otago Mayoral Forum, the Canterbury Mayoral Forum, the Otago/Southland Councils, the South Island Councils, and the Entity D/Ngai Tahu Takiwā Councils.

As the elected representatives of the Waitaki District, we have continued to work as responsible governors for our people, keeping an open mind on the reforms and how they might help deliver better water services within our rohe. We received the Tranche 1 funding and have used it wisely to help our smaller communities by upgrading their infrastructure. We have engaged widely in the various fora we are party to, and our Councillors are amongst the best-informed Councillors in New Zealand when it comes to the three waters reform.

In response to the government's request to give our feedback over the recent eight-week period, our Council team put together what we thought was a constructive list of the aspects we agreed with, those which we disagreed with, and a list of the issues where we needed more information.

Throughout this process, we took the government at its word when it said we would have an opportunity to properly engage with our community and get their feedback to help us decide on whether we would opt in or opt out of the reform process. Sadly, that key tenet of local democracy has been torn from our grasp, and our people have had their voices silenced on the future of their services and the assets they have paid for.

Our central government has acted cynically and prematurely, trampling on our previous cooperation and partnership. Local government has once again been treated as the subservient lackey by central government.

Minister, I have no doubt that you personally have the desire to do good by the sector, but this is a very wrong step on the pathway to a relationship of true partnership. It signals to all of the local government sector that we will never be seen as true partners by central government. This risks the real potential gains in the well-being of our communities and in particular, the most disadvantaged, not being realised in the opportunity of reform ahead of us.

*Whitestone Waitaki - naturally better*

We have done our best to get the message across to our community that there are problems with our three waters as they are currently and that those problem will increase once new standards are introduced for wastewater and stormwater. We have repeatedly said that there is a case for change, though due to numerous flawed assumptions made by WICS and repeated by Farrierswier, we cannot go to our community and tell them that the size of the problems in Waitaki is anything remotely close to the numbers promoted by the government.

We have made multiple requests to meet with yourself and with DIA to give us a chance to discuss why our reasonably good water infrastructure assets apparently require an incredible \$1,500,000,000 to be spent on them over the next thirty years. In a further slap to our face, that simply hasn't happened. The government's well-used figure of \$120b – \$185b is based on these WICS figures and if even half of the Councils' estimates from WICS are out by as much as we believe ours is, the whole reform has been built on a very flawed foundation. The opportunity to discuss alternative solutions to the three waters issue was taken from us earlier in the process, although we still believe those options should be considered.

We are open to change and believe a case for change exists, but it is with regret that after all of this time and the hundreds of meetings and discussions we have had,7 the Waitaki District Council opposes the three waters solution mandated by the government.

Yours sincerely



Gary Kircher  
**Mayor for Waitaki**