

Date: Thursday 29 February 2024
Time: 9.00am
Meeting Room: Reception Lounge
Venue: Auckland Town Hall
 301-305 Queen Street
 Auckland

Tira Hautū / Governing Body

OPEN ATTACHMENTS

ADDITIONAL ATTACHMENTS
 UNDER SEPARATE COVER

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Note: The attachments contained within this document are for consideration and should not be construed as Council policy unless and until adopted. Should Councillors require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.

Hon Simeon Brown

MP for Pakuranga
Minister for Energy
Minister of Local Government
Minister of Transport

Minister for Auckland
Deputy Leader of the House



Mayor Wayne Brown
Auckland Council

CC: Phil Wilson, Chief Executive

Dear Wayne

New direction for water services delivery

This morning I announced that earlier this week Cabinet agreed to repeal the previous government's water services legislation. I also signalled next steps for implementing our plan for water services, Local Water Done Well.

I wish to provide you with further information about three key aspects of our plan, to ensure you have the clarity and certainty you need as you develop your council's 2024-34 long-term plan and prepare for your next financial year:

1. Repeal of the previous government's water services legislation
2. Options to help your council complete its 2024-34 long-term plan
3. Local Water Done Well – key principles of our future direction for water services.

I want to acknowledge that councils across the country are facing multiple challenges, including pressures with water infrastructure. I also want to acknowledge that many councils have done a good job of managing their water infrastructure, and that there is not a one size fits all solution to moving to more financially sustainable water services.

The Government is committed to addressing the longstanding challenges this country is facing with our water services infrastructure.

Our Local Water Done Well approach recognises the importance of local decision making and flexibility for communities and councils to determine how their water services will be delivered in future. We will do this while ensuring a strong emphasis on meeting rules for water quality and investment in infrastructure.

1. Repealing the previous Government's water services legislation

Cabinet has agreed to introduce a repeal bill that will restore council ownership and control of water infrastructure and services. The bill makes the following changes:

- All legislation relating to water services entities will be repealed (Water Services Entities Act 2022, Water Services Entities Amendment Act 2023, and Water Services Legislation Act 2023).
- Previous legislation related to the provision of water services will be reinstated (including local government legislation). This will restore continued council ownership and control of water services, and responsibility for service delivery.
- The Northland and Auckland Water Services Entity (the only entity that had been legally established under the Water Services Entities Act 2022) will be disestablished and any outstanding work on the entity's set-up will cease.

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- Councils will need to add and integrate information about water services into their 2024 long-term plans. Some transitional support options are available to assist you (below).

The repeal bill is expected to be introduced in February 2024 and enacted as soon as possible. I am committed to a swift parliamentary process to ensure the Northland and Auckland entity is disestablished well in advance of its operational start date of 1 July 2024.

2. Options to help your council complete its 2024-34 long-term plan

I am aware that current legislation precludes Auckland and Northland councils from including any water services material in your long-term planning documents.

Through the repeal bill I am seeking to rectify this as soon as possible, to ensure you are able to plan for and finance water services, to reflect the continuation of your responsibilities.

To provide flexibility for different councils' local circumstances and preferences, Cabinet has agreed the repeal bill will include temporary modifications to local government legislation for the transitional period affecting the 2024 long-term plans. Once the bill is passed, these options will be available for councils to use as appropriate.

If your council is...	Options available
<p>Starting to prepare or consult on long-term planning material that includes water services information – ahead of the repeal bill being enacted</p>	<p>The enacted provisions clarify that the council can include water services material in the final plan, without re-consulting, but:</p> <ul style="list-style-type: none"> • Must include new/updated information on water services in its final plan – to reflect the continuation of its responsibilities; • Must consider the views and preferences of affected and interested persons as it considers appropriate; and • Does not have to delay the adoption of its long-term plan past 30 June 2024 (in order to provide opportunities for public consultation on its revised proposals). <p>Transitional provisions will also help ensure the risks of future legal challenge (associated with concerns about possible issues in process) will be minimised.</p>
<p>Needing more time to develop and consult on long-term planning material</p>	<p>The statutory deadline by which the 2024 long-term plan must be adopted will be extended by three months – to 30 September 2024.</p> <p>I understand you may not choose this option given you have indicated your preference to adopt by 30 June 2024.</p> <p>However, this flexibility may be desirable to smaller councils with fewer resources, or those councils that would prefer to wait until the repeal legislation is enacted before starting consultation.</p> <p>The deadline for adopting the 2023/24 annual reports will also be extended, to reflect the possible overlap in auditing processes if councils are taking longer than usual to finalise the long-term plan.</p>

If your council is...	Options available
	<p>Councils will be permitted to have unaudited long-term plan consultation documents.</p> <p>This would allow auditing of the final long-term plan to proceed in tandem with consultation, to help achieve statutory deadlines.</p>

3. Local Water Done Well – key principles of our future direction for water services

With Local Water Done Well we are going to do things in a way that recognises the importance of local decision making and flexibility for communities and councils to determine how their water services will be delivered in future. We will do this while ensuring a strong emphasis on meeting rules for water quality and investment in infrastructure.

We want to enable councils and communities to determine what works best for them, while establishing clear expectations and bottom lines.

Key principles of our future plan for the delivery of water services include:

- Introducing greater central government oversight, economic and quality regulation.
- Fit-for-purpose service delivery models and financing tools, such as improving the current council-controlled organisation model and developing a new class of financially separate council-owned organisation.
- Setting rules for water services and infrastructure investment.
- Ensuring water services are financially sustainable. Financial sustainability means revenue sufficiency, balance sheet separation, ring-fencing and funding for growth.

I intend to work with all councils on the development of our Local Water Done Well policy to ensure it reflects your local needs and circumstances.

I look forward to working with you in the New Year to refine our approach to water services delivery.

Yours sincerely,



Hon Simeon Brown
Minister of Local Government

For Action

MEMO TO: Sandra O'Toole - Kaiarataki Kapa Tohutohu Mana Whakahaere /
Team Leader Governance Advisors

COPY TO:

FROM: Claire Bews - Democracy Advisor

DATE: 21 December 2023

MEETING: Whau Local Board Meeting of 13/12/2023

Please note for your action / information the following decision arising from the meeting named above:

WH/2023/194 **Acknowledgements - Palestine Ceasefire**
FILE REF
AGENDA ITEM NO. 6.1

6.1 Acknowledgement - Palestine Ceasefire

Resolution number WH/2023/194

MOVED by Member S Paterson-Hamlin, seconded by Member R Clow:

That the Whau Local Board:

- a) **mihia / acknowledge support for a permanent and immediate ceasefire by Israel and Hamas and support for Auckland Council Governing Body and the New Zealand Government to likewise demonstrate their support for a ceasefire.**

CARRIED

SPECIFIC ACTIONS REQUIRED:

