

30 September 2021

Hon Nanaia Mahuta

Minister for Local Government

Email: n.mahuta@ministers.govt.nz

Copy to: Allan.Prangnel

Email: allan.prangnell@dia.govt.nz

Copy to: Stuart Crosby, President LGNZ

Email: Stuart.Crosby@boprc.govt.nz

Tēnā koe Nanaia

RE: PRELIMINARY FEEDBACK ON THE THREE WATERS REFORM

Thank you for the opportunity to provide preliminary feedback on the Three Waters Reform. We understand the Department of Internal Affairs is currently seeking preliminary feedback on the Three Waters Reform Package.

Our Understanding of Key Drivers and Core Objectives

We understand the Government launched a programme to reform local government three waters service delivery arrangements in July 2020. Currently, 67 different councils own and operate the majority of the drinking water, wastewater, and stormwater services on behalf of their communities; and that the Government proposed to establish four new publicly owned multi-regional entities (four) to deliver these services.

Reviews into the delivery of three waters services in New Zealand have identified significant ongoing challenges and a considerable level of underinvestment in three waters infrastructure.

We also understand that the reform programme is being progressed through a voluntary partnership-based approach with the local government sector, alongside iwi/Māori as the Crown's Treaty Partner. The Three Waters Reform Programme is a major intergenerational project.

The over-arching aim is to ensure that New Zealand's three waters – our drinking water, wastewater, and stormwater – infrastructure and services are planned, maintained, and delivered in a way that improves the health and wellbeing outcomes to benefit all communities in New Zealand and to ensure that these networks are affordable and fit for purpose.

Specifically, to:

1. Improve the safety, quality, and environmental performance of water services
2. Ensure all New Zealanders have access to affordable three waters services
3. Move the supply of three waters services to a more financially sustainable footing, and address the affordability and capability challenges that currently exist in the sector
4. Improve transparency about, and accountability for, the delivery and costs of three waters services
5. Improve the co-ordination of resources and unlock opportunities to consider New Zealand's water infrastructure needs at a larger scale and alongside wider infrastructure and development needs
6. Increase the resilience of three waters service provision to both short and long-term risks and events, particularly climate change and natural hazards
7. Provide mechanisms for enabling iwi/Māori rights and interests

Following extensive work since July 2020, we understand the Government has decided to pursue an integrated and extensive package of reform to the current system for delivering three waters services and infrastructure. The package comprises the following core components:

1. Establish four statutory, publicly owned water services entities to provide safe, reliable, and efficient water services
2. Enable the water services entities to own and operate three waters infrastructure on behalf of local authorities, including transferring ownership of three waters assets and access to cost-effective borrowing from capital markets to make the required investments
3. Establish independent, competency-based boards to govern each water service entity
4. Set a clear national policy direction for the three waters sector, including expectations relating to the contribution of water services entities to any new spatial / resource management planning processes
5. Establish an economic regulation regime to ensure efficient service delivery and to drive the achievement of efficiency gains, and consumer protection mechanisms
6. Develop an industry transformation strategy to support and enable the wider three waters industry to gear up for the new water services delivery system

We also understand the Government has committed to working closely with local government and treaty partners to help increase chances for success and ensure the new water service entities are operational by 1 July 2024. Further to the initiatives (above), we also understand that in mid-July 2021, the Prime Minister and Minister of Local Government announced a comprehensive \$2.5 billion three waters support package. The package has three financial components.

- 1) Support for local government to invest in communities' wellbeing. This part of the investment totals \$2billion, with \$500 million being available from 1 July 2022. It will be allocated between councils according to a nationally consistent formula, reflecting population (75%), deprivation (20%), and land area (5%).

- 2) Targeted support to ensure that no councils are financially worse off as a result of transferring their three waters assets. This is designed to protect councils from any negative financial consequences of the asset transfer.
- 3) Cover of reasonable transition costs. This is intended to make sure council service delivery (including water services) during the transition isn't compromised by the work needed to make the transition happen.

We understand that no formal decisions are required at this stage. However, that the Department of Internal Affairs is seeking preliminary feedback on:

- 1) the potential impacts of the proposed reform; and
- 2) the how it could be improved.

Our Approach and Methods

To evaluate requirements, we are currently undertaking a comprehensive package of works that includes undertaking a detailed literature review of local government legislation and requirements relating to the management of water and wastewater (Watercare Services Limited) and stormwater in the Auckland Region; and review the efficacy of water, wastewater, and stormwater delivery in Northland ie areas pertaining to the proposed "Entity A." We are currently working closely with all Mana Whenua Entities in the Auckland Region (19), and Auckland Council. Our intention is to broaden our discussions with Te Tai Tokerau and Waikato over the coming weeks.

Our Preliminary Feedback

Given the breadth of the Three Waters Reform Programme, we are *currently* focusing our feedback on four Potential Impacts and associated Areas for Improvement (see **Table 1** below).

Important Note: These Potential Impacts and Areas for Improvement (also see **Table 1** below) are based on our *preliminary* work; and we anticipate identifying additional feedback areas as we work through the proposal.

Table 1: Identified Potential Impacts and Areas for Improvement

Potential Impacts	Topic	Areas for Improvement
1	Governance and Entity Boundaries	<ul style="list-style-type: none"> • Partnership arrangements • The degree to which Iwi Mana Motuhake has been acknowledged • The degree to which water is recognised as a taonga • The degree to which the reforms protect Treaty Settlements and initiatives • Rectifying inherent flaws in the broader Strategic Management Framework • Boundary issues and rationale relating to Entity A – Tāmaki Makaurau and Te Tai Tokerau • Boundary issues need to consider water supply

		<ul style="list-style-type: none"> Assumptions underlying development of the Entities are fundamentally flawed Engagement to date has been poor, the expectation is that the Crown will work closely with Mana Whenua entities Will need to make provision for significant resourcing to help ensure the proposed model is workable
2	Te Mana o te Wai	<ul style="list-style-type: none"> Statutory, regulatory, and policy definition of Te Mauri / Te Mana o te Wai Engagement with mana whenua relating to the National Policy Statement - Freshwater
3	Proposed Reform Alignment and Intent	<ul style="list-style-type: none"> The degree to which proposed reforms work together to achieve desired outcomes Scoping Key Drivers (and related constraints and opportunities)
4	Operational Preparedness	<ul style="list-style-type: none"> Three Waters servicing outcomes Management of constraints and opportunities Lack of engagement with mana whenua to help manage change Feasibility of achieving proposed reforms and their associated requirements by 2024

Key Messages

Please note our key messages:

1. Water as a taonga needs to be central to all decision-making
2. The Three Waters Reform need to be founded on a holistic framework that captures social, economic, cultural, and environmental aspirations of both partners and it needs to be founded on a robust framework for success
3. We are keen to work closely with the Department of Internal Affairs as Treaty Partners to achieve mutually beneficial outcomes, please contact us directly
4. We expect to be adequately re-imbursed for our time and resources to work with you on developing mutually beneficial outcomes.

Next Steps

It is our intent that we form a highly collaborative working partnership with the Department of Internal Affairs for the benefit of people and the environment. We expect your staff to make direct contact with us.

To this end, please contact us anytime to discuss how we can move forwards. Please feel very welcome to contact me if you have any queries. The best way to contact me is via mobile _____ or email

Ngā mihi



Alan Riwaka
Manahautū
Te Rūnanga o Ngāti Whātua

Released under the Official Information Act 1982

Office of Hon Nanaia Mahuta

MP for Hauraki-Waikato

Minister of Foreign Affairs

Minister of Local Government

Associate Minister for Māori Development



30 May 2022

Mayor Anita Baker

mayor@porirua.govt.nz

Tēnā koe Anita

I am writing to thank you and your officials for hosting our recent announcement on changes to the three waters reforms following the recommendations of the Working Group on Representation, Governance and Accountability.

In particular, I acknowledge the mahi of Wendy Walker and Dougal List for making the event a success.

I'm also grateful for your ongoing engagement with the reforms, which will enable a world-class water system, supported by a local government sector with communities at its heart.

Thank you again.

Nāku noa

A handwritten signature in black ink, appearing to read 'N. C. Mahuta'.

Hon Nanaia Mahuta

Minister of Local Government

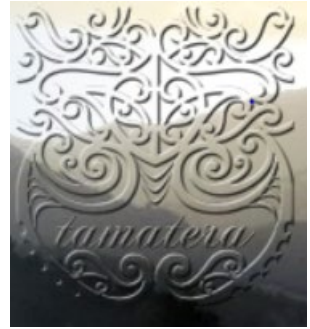
Ngāti Tamatera Treaty Settlement Trust



Mobile: |

Email: chair@tamatera.iwi.nz

Website: <https://tamatera.co.nz/>



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Nanaia Mahuta

Minister

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Reviews into the delivery of three waters services in New Zealand have identified significant ongoing challenges and a considerable level of underinvestment in three waters infrastructure

We also understand that the reform programme is being progressed through a voluntary partnership-based approach with the local government sector, alongside iwi/Maori as the Crowns Treaty Partner. The Three Waters Reform Programme is a major intergenerational project.

The over-arching aim is to ensure that New Zealand's three waters – our drinking water, wastewater, and stormwater – infrastructure and services are planned, maintained, and delivered in a way that improves the health and wellbeing outcomes to benefit all communities in New Zealand and to ensure that these networks are affordable and fit for purpose

Specifically, to:

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Region; and review the efficacy of water, wastewater, and stormwater delivery in Northland ie areas pertaining to the proposed “**Entity A.**” We are currently working closely with all Mana Whenua Entities in the Auckland Region (19), and Auckland Council. Our intention is to broaden our discussions with Te Tai Tokerau and Waikato over the coming weeks.

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Table 1: Identified Potential Impacts and Areas for Improvement

Potential Impacts	Topic	Areas for Improvement
1	Governance and Entity Boundaries	<ul style="list-style-type: none"> Partnership arrangements The degree to which Iwi Mana Motuhake has been acknowledged The degree to which water is recognised as a taonga The degree to which the reforms protect Treaty Settlements and initiatives Rectifying inherent flaws in the broader Strategic Management Framework Boundary issues and rationale relating to Entity A – Tāmaki Makaurau and Te Tai Tokerau Boundary issues to Mana Whenua within both Entity A and Entity B Boundary issues need to consider water supply Assumptions underlying development of the Entities are fundamentally flawed Engagement to date has been poor, the expectation is that the Crown will work closely with Mana Whenua entities Will need to make provision for significant resourcing to help ensure the proposed model is workable
2	Te Mana o te Wai	<ul style="list-style-type: none"> Statutory, regulatory, and policy definition of Te Mauri / Te Mana o te Wai Engagement with mana whenua relating to the National Policy Statement - Freshwater
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Key Messages

Please note our key messages:

1. Water as a taonga needs to be central to all decision-making
2. The Three Waters Reform need to be founded on a holistic framework that captures social, economic, cultural, environmental, and sustainable aspirations of both partners and it needs to be founded on a robust framework for success
3. We are keen to work closely with the Department of Internal Affairs as Treaty Partners to achieve mutually beneficial outcomes, please contact us directly
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To this end, please contact us anytime to discuss how we can move forwards. Please feel very welcome to contact me if you have any queries. The best way to contact me is via mobile 021 431 848 or email chair@tamatera.iwi.nz.

Ngaa mihi,



Antony Royal
Chairperson
Ngāti Tamaterā Treaty Settlement Trust

04 October 2021



TE URI O HAU

SETTLEMENT TRUST

Minister of Local Government
Hon Nanaia Mahuta
Parliament Buildings
Wellington 6140
New Zealand

SENT BY EMAIL

n.mahuta@ministers.govt.nz

Tena koe Hon Nanaia Mahuta

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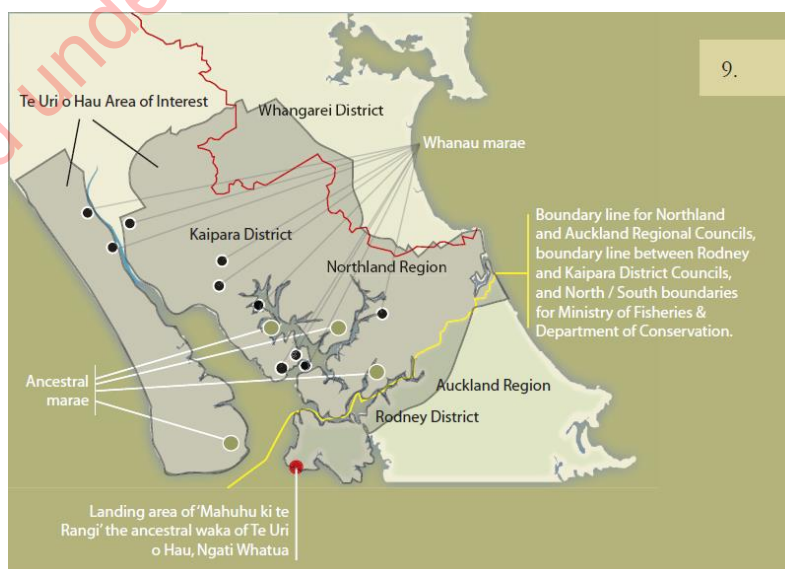
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We understand that no formal decisions are required at this stage. However, that the Department of Internal Affairs is seeking preliminary feedback on the: **1)** potential impacts of the proposed reform; and **2)** how it could be improved?

Our Settlement

Te Uri o Hau, a hapū of the Ngāti Whātua tribe, is located in the North Island embraced by the Mangawhai and Kaipara Harbours, and coastal marine area. Te Uri o Hau is represented by approximately 8000+ beneficiaries, who are the tangata whenua and kaitiaki of natural resources within the statutory area of Te Uri o Hau.



Te Uri o Hau were formally acknowledged by the Crown in 2000 for the loss of their natural resources. This was legislated in 2002 and became known as the 'Te Uri o Hau Claims Settlement Act 2002', legally formalising Te Uri o Hau Settlement Trust. The responsibility of Te Uri o Hau Settlement Trust is to provide for the environmental, cultural, social and economic well-being of Te Uri o Hau hapū, marae and whānau. These marae include:

Table 1: Te Uri o Hau marae

Waikaretu	Ancestral marae	Poutō Penisular
Ripia	Whānau marae	Te Kōpuru
Ōturei	Whānau marae	Aratapu
Waihaua	Ancestral marae	Hukatere Penisular
Naumai	Whānau marae	Ruawai
Te Kōwhai	Whānau marae	Ruawai/Tinopai
Parirau	Whānau marae	Matakohe
Rāwhitiora	Whānau marae	Hukatere
Ngātai Whakarongorua	Whānau marae	Tinopai
Waiohou	Whānau marae	Tinopai
Waiahau	Whānau marae	Tinopai
Ōtamatea	Ancestral marae	Maungatūroto
Te Pounga	Whānau marae	Kaiwaka
Ōruawharo	Ancestral marae	Te Hana

Our Approach and Methods

To evaluate requirements, we have engaged with DIA via TUOH Marae Kaitiaki Forum zoom August 2021. We have a representative Grace Le Gros who has the mandate to sit at the table to ensure that our voices have been heard and to report back to our marae at a National Level. Environs supports weekly TUOH Marae kaitiaki forums and monthly marae hui. Meeting with Auckland Council to seek comments from one mana whenua entity about the reform via zoom with TUOH Marae Kaitiaki from marae. A planned evaluation & monitoring review back from Auckland Council will be held at a marae.

Our Preliminary Feedback

Given the breadth of the Three Waters Reform Programme, we are *currently* focusing our feedback on four Potential Impacts and associated Areas for Improvement (refer to **Table 2** below).

Important Note: These Potential Impacts and Areas for Improvement (refer to **Table 2** below); and we anticipate identifying additional feedback areas as we work through the proposal.

Table 2: Identified Potential Impacts and Areas for Improvement

Potential Impacts	Topic	Areas for Improvement
1	Governance and Entity Boundaries	<p>To give effect to Partnership arrangements.</p> <p>The degree to which Iwi Mana Motuhake has been acknowledged</p> <p>The degree to which water is recognised as a taonga</p> <p>The degree to which the reforms protect Treaty Settlements and initiatives</p> <p>Rectifying inherent flaws in the broader Strategic Management Framework i.e. No infrastructures to our 14 marae.</p> <p>Assumptions underlying development of the Entities are fundamentally flawed.</p> <p>Engagement to date has been poor, the expectation is that the Crown will work closely with Mana Whenua entities</p> <p>Will need to make provision for significant resourcing to help ensure the proposed model is workable</p> <p>Adequate recognition of Te Mana o Te Wai Statements from whānau, marae, hapū and iwi.</p>

		Major impact is that our 14 marae don't have infrastructure support.
2	Te Mana o te Wai	Statutory, regulatory, and policy definition of Te Mauri / Te Mana o te Wai. i.e., how are they going to be upheld for whānau, hapū and marae? Engagement with mana whenua relating to the National Policy Statement – Freshwater. Protection of our aquifers, springs and wetlands. Individual marae have Mana Motuhake, and supported with resources to do this.
3	Proposed Reform Alignment and Intent	The degree to which proposed reforms work together to achieve desired outcomes to be negotiated with mana whenua Scoping Key Drivers (and related constraints and opportunities)
4	Operational Preparedness	Three Waters servicing outcomes that will meet the aspirations for individual marae. Management of constraints and opportunities Lack of engagement with mana whenua to help manage change. Feasibility of achieving proposed reforms and their associated requirements by 2024

Key Messages

Please note our key messages:

1. Water as a taonga needs to be central to all decision-making with mana whenua at the forefront.
2. The Three Waters Reform need to be founded on a holistic framework that captures social, economic, cultural and environmental aspirations of both partners and it needs to be founded on a robust framework for success the will maintain the health & well-being for our communities.
3. We are keen to work closely with the Department of Internal Affairs as Treaty Partners to achieve mutually beneficial outcomes, please contact us directly.
4. We expect to be adequately re-imbursed for our time and resources to work with you on developing mutually beneficial outcomes.
5. To enable our Ngā Kaitiaki from their respective marae to ensure safety mechanism are monitored regularly.
6. The inclusion of the marae makes sense that we want the mana over our wai and that we have the right to be at every table making decisions in our area of interest.

Next Steps

It is our intent that we form a highly collaborative working partnership with the Department of Internal Affairs for the benefit of people and the environment. We expect your staff to make direct contact with us.

To this end, please contact us anytime to discuss how we can move forwards. Please feel very welcome to contact me if you have any queries. The best way to contact me is via email

Naku noa,



na, Anthony Thompson
Chairperson

On behalf of Te Uri o Hau Settlement Trust

Cc:

Partnership Director, Department of Internal Affairs
Allan Prangnell
PO Box 805
Wellington 6140
allan.prangnell@dia.govt.nz

President, Local Government New Zealand
Stuart Crosby
PO Box 1214
Wellington 6140
stuart.crosby@boprc.govt.nz

TE TAU IHU

IWI CHAIRS FORUM

C/- Te Taihu Iwi Chairs Secretariat
Suite 1/23 Alma Street, Nelson, 7040
secretariat@twam.maori.nz

31 March 2022

Hon Nanaia Mahuta
Minister of Local Government
By email only to: n.mahuta@ministers.govt.nz

Tēnā koe e te Minita

Three Waters Reform Programme

Thank you for your letter of 31 January 2022 (which was dated 31 January 2021) in relation to the Government's Three Waters Reform Programme.

In our previous discussions, Te Taihu iwi have been clear: our preference, in the circumstances presented, was for a whole of South Island water supply entity. We are disappointed that, from the outset of our discussions, this option does not appear to have been given meaningful consideration by you or your officials. The resulting decision, as it stands, creates significant challenges for some Te Taihu iwi in terms of the impact this has across their respective takiwā/Area of Interest. Inevitably, it would seem likely that the Crown will fail to meet its Treaty obligations to iwi, particularly where there are areas of overlapping interests between iwi.

A significant amount of iwi resource has been put into engagement with both Crown representatives and with our whānau on this major reform programme. It appears likely that as a result of the decisions the Crown has made in relation to the entity boundaries, there will be a need for continued and extensive discussions to protect and maintain our interests.

We thank you for the opportunity to meet once again to discuss this programme of reform, however, it is our view that such a meeting would not be of use at this time. There have been significant decisions already made, contra to the views that we have expressed. On that basis, for now, our view is that our engagement is best directed at an officials level, to try and find a meaningful way forward on the issues that have been created as a result of the Crown's decisions around entity boundaries.

Ngā manaakitanga,



Presiding Chair

Callum Kātene
Chair, Ngāti Toa Rangatira

On behalf of Te Taihu Iwi Chairs Forum

Minister of Local Government

Wellington

23th May 2022

To: Hon. Nania Mahuta

Ngā Wai e Toru / Three Waters Reform Transition

E mihi ana mātou ki a koe i runga i te āhuratanga ki ō tātou mate. Kei te tangi tonu te ngākau mo ngā tino rangatira kua wehe atu nei, me te aroha nui ki a tātou te hunga ora kua mahue iho nei ki te ao hurihuri. Nō reira he kupu whakamārama tēnei mo tō mātou tirohanga me ngā mahi i oti i a mātou kia hikina ake tēnei kaupapa.

Tena koe Minita Mahuta,

We would like to extend many thanks for your leadership towards advancing the three waters reform. It has been long overdue and in much need of addressing water assets, management and provisions for the benefit of all. We also acknowledge the other related reforms that government is advancing including the introduction of Māori wards, NPSFM, RMA Reforms and Wai 262 initiatives. He mihi tonu ki a koe mo ēnei whakaritenga, nau anō i whakatūtuki.

The recommendation to move towards a centralisation of four governance entities to oversee water management and governance has been met with careful consideration from te iwi Māori. Particularly from our Northern rural communities such as Te Hiku o te Ika who are located in the Far North where water supply, provision and allocation requires responsive and adaptive management strategies. We believe that the new structure will be vastly superior to existing arrangements through the incorporation of the policy, Te Mana o Te Wai as a priority for all concerned.

I am pleased to inform you that myself along with like-minded iwi leaders and experts have come together to participate and engage in the reform processes led by the Department of Internal Affairs in order to better understand the reforms and their implementation. We have engaged with Northern Waters - Te Wai Ora Mai Tāmaki ki Te Rerenga Wairua which was established in June 2021 as a voluntary coalition of senior managers from the five councils and Watercare in the Entity A region to prepare for the establishment of the new entity A.

The Northern Waters group has engaged with iwi across the area of Entity A specifically on the operational implications and opportunities of the reform. It is pleasing to see engagement with Māori continues to grow, however of concern is ensuring that all voices inclusive of iwi and hapu are fully expressed and heard. This is to ensure the vital incorporation into the operational design and delivery of the new entity.

Tame Te Rangi, Mariameno Kapa Kingi, Nicola MacDonald and I, in our capacity as iwi leaders, are working with the Northern Waters group to support the process of generating an operational partnership with iwi underpinned by Te Mana o Te Wai and Te Tiriti o Waitangi. We are positively encouraging more iwi and hapu to engage in the process and view our roles as transitional and assisting with the interface between government and our people while getting the wheels turning at the regional level.

I would like to take this opportunity to introduce to you the Northern Waters - Te Wai Ora Mai Tāmaki ki Te Rerenga Wairua key Iwi priorities and kindly advise we are available at any time to discuss this further with you.

Iwi Priorities

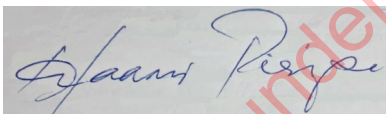
- a. Asset Management Plan
 - Marae (and other communal institutions of a similar nature)
 - Papakainga developments (existing and planned)
 - Water bodies restoration as a part of Three Waters infrastructure (streams, rivers, lakes, wetlands, aquifers, and estuaries - a pepehā/catchment approach)
 - Issues emerging from existing wastewater, drinking water and storm water reticulation systems
 - Exploring alternate wastewater treatment methods and innovative options for drinking water access and quality.
- b. Iwi/hapu/marae/pepehā/catchment/rohe Three Waters integrated planning
- c. Capital and maintenance procurement opportunities for iwi/Māori
- d. Workforce development (internal and external)
- e. Promoting the importance of the kaitiaki role and advocacy of iwi/hapu and marae
- f. Developing water quality standards and monitoring (application of Te Mana o Te Wai)
- g. Examining water infrastructure ownership opportunities and risks

We would appreciate an opportunity to engage with you and share what we are doing in support of the reform and discuss any other matters that may come up from time to time that need attention.

Ngā mihi.

On behalf of the Northern Waters - Te Wai Ora Mai Tāmaki ki Te Rerenga Wairua.

Haami Piripi (Chair Te Runanga O Te Rarawa)



Andy Finch (Chair)



Out of Scope

From: Helmut Modlik | _____

Sent: Tuesday, 23 November 2021 5:42 PM

To: N Mahuta (MIN) <@..>

Cc: Barbara Edmonds <@..>

Subject: Ngāti Toa 3-Waters Investment

Importance: High

Tēnā koe e te Minita Māhuta,

Please find attached a letter from Ngāti Toa Rangatira to you in connection with our desire to directly invest in urgent 3-Waters renewal and remediation work. I would appreciate the opportunity to discuss the matter with you at your earliest convenience.

Ngā mihi

Helmut Karewa Modlik

Kaiwhakahaere Matua |

CEO

E | _____

M | _____ W www.ngatittoa.iwi.nz <<http://www.ngatittoa.iwi.nz/>>

A 2/4 Nohorua Street, Porirua

TE AO TŪROA

|

OHANGA

|

ORANGA

|

WHAI MANA

|

NGĀTI TOA RANGATIRATANGA

Released under the Official Information Act 1982



TE RŪNANGA O TOA RANGATIRA

Ā UPANE KA UPANE WHITI TE RA

23 November 2021

Hon Minister Nanaia Māhuta
Parliament Buildings
Wellington 6160
New Zealand

By email: n.mahuta@ministers.govt.nz

Re: Ngāti Toa Rangatira investment in 3-Water remediation

Tēnā koe e te Minita Māhuta,

E mihi kau atu ki a koe i raro i te taumahatanga o tou tūranga i tēnei wā uaua, hei rangatira o te motu nei.

Thank you and your government for your leadership during these very challenging times.

Ngāti Toa has publicly supported without qualification your government's efforts to reform the 3-Waters sector. This is because the degraded state of our treasured waterways is insufferable, especially here in Porirua, and its urgent remediation is essential to the wellbeing of our people. We have also therefore decided to directly invest in achieving that outcome as soon as possible, and not wait until July 2024 or beyond.

To that end, Ngāti Toa is currently acquiring a major civil contracting business and partnering with Māori Infrastructure business - Te Aratika Drilling Limited – to stand up a broad-based water infrastructure company to undertake priority remediation and renewals work in the Porirua catchment area. Te Aratika is renowned for its high-quality work and workforce training, and our partnership will attract, and train Māori men and women needed to deliver required works.

We have also reached agreement in principle with Wellington Water and Porirua City Council, to deliver priority remediation work under contract – the scope of which is still to be finalised. The plan is that Wellington Water will contract and fund Ngāti Toa to deliver works currently budgeted for. In addition, Ngāti Toa will do as much as possible, as soon as possible, including potential Treatment Plant remediation, and is prepared to fund and ensure delivery of all such work, so long as we can be repaid once the reforms are implemented in July 2024. We are happy to run a transparent cost / operating model to that end.

What I am writing to ask you Minister, is whether your government is willing to consider confirming Ngāti Toa would be repaid (by Entity 3?) for Wellington Water-approved 3-Water remediation work completed prior to July 2024, over and above that currently budgeted and funded by Wellington Water and Porirua City Council.

I would appreciate the opportunity to meet to discuss this proposal with you. We can either come to you at the Beehive, or host you here at Takapūwāhia, including a brief tour of the Titahi Bay Water Treatment Plant if you wanted some publicity around this kaupapa.

Lastly FYI I have consulted and advised our local MP – Barbara Edmonds – and other relevant Council and Wellington Water leaders that I am seeking government support for this proposal, and we look forward to hearing back.

Ngā mihi

A handwritten signature in black ink, appearing to read 'H. Modlik'.

Helmut Modlik
Chief Executive

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Office of Hon Nanaia Mahuta

MP for Hauraki-Waikato

Minister of Foreign Affairs

Minister of Local Government

Associate Minister for Māori Development



18 January 2022

Helmut Modlik
Chief Executive
Te Rūnanga o Toa Rangatira

Tēnā koe e te rangatira

Ānei e whai ake nei ko tāku whakautu ki tō reta i tukuna mai i te (23 Māramatahi 2021) e hāngai ana ki ōu nā whakaaro take Three Waters reform.

Thank you for your letter of 23 November, it gives me great confidence to hear of the continued support of Ngāti Toa Rangatira regarding the Three Waters Reforms (the Reforms). I also want to thank you for sharing your concerns with me regarding the performance of the three waters infrastructure in Porirua.

The approach you are taking regarding the Reforms is something I hope can be replicated across the country, there are significant economic and employment opportunities for all New Zealanders. The dialogue you have had with Wellington Water and Porirua City Council should lay the foundations as the Reforms progress and the Water Services Entities (WSEs) go live in 2024.

Regarding the Government confirmation of repayment for remediation works, neither the Government nor I can provide such a confirmation. Our intention regarding the Reforms, is that existing three waters contracts held by Councils (shared service organisations or council-controlled organisations) will be transferred to the new WSEs.

These contracts will be honoured by the WSEs along with the terms and conditions. We also intend to ensure that any new three waters contracts will not significantly prejudice the reorganisation of water services or be inconsistent with the transition objectives or Government ambitions for the Reforms.

Thank you for the generous offer to meet and discuss this proposal, however I must decline this invitation. I believe my officials would be better placed to respond to your queries. I am directing them to reach out to you and organise a time to discuss the proposal and the details regarding the transfer of contracts with you.

I do plan on meeting with the iwi within each entity this year, I will be in contact with you in due course to provide further information.

Thank you again for writing.


Nāku noa

Hon Nanaia Mahuta
Minister of Local Government


Wairarapa office

06 377 7186

157 Queen Street, Masterton

 /McAnultyLabour @Kieran_McAnulty

1 November 2021

Hon Nanaia Mahuta MP
Minister for Local GovernmentBy email: 

Dear Minister

THREE WATERS – JOINT WORKING GROUP

Further to your announcement last week of the Government's intentions with respect to requiring all councils to be part of the Three Waters reform and to establish a joint working group to work through governance, representation and accountability issues that are of concern to the local government sector, I would like to nominate the long-serving Masterton Mayor Lyn Patterson to be a member of the working group.

Mayor Patterson is in her third-term and is widely respected throughout the Wairarapa for her collaborative approach and constructive engagement with local iwi. She is a leading and considered voice in the rural and provincial sector of local government and has the trust and confidence of her fellow local government leaders.

As you will be aware from my previous representations to you, there are concerns among the communities I represent around governance arrangements for the proposed four entities as well as a desire to ensure those entities are responsive to local needs, particularly for those of us who live in the regions. I believe Mayor Patterson would be a strong and effective voice to ensure these local interests and concerns of regional and rural communities like ours are brought to the table for consideration by the working group.

Yours sincerely

Kieran McAnulty
MP for Wairarapa

**Te Whakaminenga O Te
Hikutu Hapu Whanau.**

Email: tehikutu.hapu@gmail.com



17 November 2021

Hon Nanaia Mahutu
Minister of Local Government
Delivered by email
n.mahuta@ministers.govt.nz

Hon Kelvin Davis
Minister of Crown -Maori
Relations
Delivered by email
k.davis@ministers.govt.nz

Tena Korua.

SUBJ: THREE WATERS REFORM.

At our Te Whakaminenga O Te Hikutu Hapu Whanau Hui on 6 November 2021 held at Moria Marae Whirinaki, South Hokianga.

Our Hapu unanimously hereby state "That we oppose Three Waters Reform in its entirety"

Nga mihi nui

Kahu Morunga

Te Hikutu Kaumatua

Released under the Official Information Act 1982

NM3509 Keir Volkerling, Ngātiwai Trust Board

Printed from Asana

NM3509 Keir Volkerling, Ngātiwai Trust Board

Priority: Medium

From: Keir Volkerling [mailto:]

Sent: Thursday, 30 September 2021 3:57 PM

To: N Mahuta (MIN) <n.mahuta@ministers.govt.nz>; allan.pragnell@dia.govt.nz; stuart.crosby@boprc.govt.nz

Cc: raukura@ngatiwai.iwi.nz

Subject: Three Waters - Preliminary Feedback

Tēnā koutou

You have asked for preliminary feedback on the Three Waters proposals. This feedback is provided on behalf of the Ngātiwai Trust Board.

Our primary concerns are:

While there is a stated intent to give effect to Te Mana o te Wai, the proposal does not currently give any assurance that will happen.

The individual tangata whenua Mana o te Wai Statements need to have "a response" from the Management Entity. There is no process stated to ensure that the Management Entity actually gives effect to Te Mana o te Wai, or how any differences and disputes will be resolved.

These individual Mana o te Wai Statements are intended to enable individual tangata whenua entities to address local issues, such as for specific water bodies or for specific infrastructure management. There is nothing in the proposal for an over-riding high level statement developed collectively by tangata whenua of the area to direct the policies and operations of the various entities. This will be needed to ensure giving effect to Te Mana o te Wai, and would provide criteria for appropriate policy and delivery.

The Representative Group will have six council members and six mana whenua members. If the area for management is to include the Auckland and Northland regions, then a large number of mana whenua entities could be considered as eligible to be considered. There are 19 mana whenua entities defined in the Auckland Council legislation. A similar number could claim eligibility in the Northland Region. No processes are identified for determining the membership of the Representative Group from this large set of entities. We wish to be engaged in further development of the Three Waters proposals.

Keir Volkerling

[Redacted]

Ph: [Redacted]

Out of Scope

[Redacted]

4 August 2021



Hon Nanaia Mahuta
Minister for Local Government
Parliament Buildings
Private Bag 18401
WELLINGTON 6160

E te Minitaa, teenaa koe,

THREE WATERS REFORMS – WAIKATO-TAINUI RAUPATU CLAIMS (WAIKATO RIVER) SETTLEMENT ACT 2010

*Tooku awa koiora me oona pikonga, he kura tangihia moo te maataamuri.
The river of life, each curve more beautiful than the last*

Waikato-Tainui acknowledges the ambition of this government to comprehensively reform the drinking water regulatory system and improve the regulation and performance of wastewater and stormwater networks. Having said that, we wonder whether the Government has explored future possibilities that are not based on dilution that would require more fundamental reform. In relation to current Government proposals, we reiterate our expectation that any legislative reforms to achieve improved outcomes must be progressed in accordance with the Crown's obligations under our River Settlement and Settlement Act and, more generally, under Te Tiriti o Waitangi and the United Nations Declaration on the Rights of Indigenous Peoples.

Further to our meeting in July, the purpose of this letter is to express our concerns in relation to the ongoing release of information about the establishment of entities in the proposed three waters reforms and propose solutions. We will continue to engage in the reform process as best we can, and I would welcome the opportunity to meet more regularly with you, to continue to discuss and work through the issues raised in this letter.

In essence, we are genuinely concerned that the proposed reforms will undermine the co-governance, co-management and policy redress mechanisms embodied in our settlement instruments. We seek to be the appointers of governors on the entity boards, and express legislative references to our settlement mechanisms in the proposed reforms. We are concerned that the reforms may lead to privatisation of water. Accordingly, we seek express legislative commitments that nothing in the reforms shall amount to privatisation of water or related assets.

Mana whakahaere

In recognition of the inextricable relationship between our Iwi and all environmental taonga in our rohe, including in particular, our tupuna awa, our River settlement affords Waikato-Tainui the right to exercise mana whakahaere within our rohe. Mana whakahaere embodies the authority to exercise control, access to and management of Te Awa o Waikato, and all that the Awa embraces, in accordance with tikanga.

Co-governance

The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (the **River Settlement Act**) marked the genesis of the Crown's statutory recognition of mana whakahaere and the establishment of a co-governance and co-management approach between Waikato-Tainui and the Crown regarding matters relating to our Awa.

This Act and the Kiingitanga Accord states that to be effective, co-management must be implemented and achieved at a number of levels and across a range of bodies, including in the development of legislation that may impact on the health and wellbeing of the Waikato River. The three waters reforms will clearly impact the health and wellbeing of the awa.

In terms of decision making, Waikato Tainui seeks the authority to make direct appointments to the Boards for both Entity B and Entity A. We also seek that the Waikato-Tainui representative be the Chair for Entity B, and that the Waikato River Authority be invited to make direct appointments to the Board for Entity B.

The overall membership of the Water Services Entity must reflect the partnership intended in Te Tiriti o Waitangi and include 50% iwi and 50% Crown appointees. This is also consistent with the Governance models in the Waikato River settlement, where the Waikato River Authority reflects the Treaty partnership with equal membership of Crown and Iwi and the commitment to work together to restore our Awa Tuupuna.

Prevent privatisation

The Crown agreed not to develop policy or introduce any legislation which would amount to the privatisation of the waters of the Waikato River without first engaging in good faith with Waikato-Tainui (clause 3.5 of the Kiingitanga Accord).

The Government has stated that "continued public ownership of three water services and infrastructure is a bottom line for the Government". Waikato-Tainui considers the proposed measures to prevent privatisation are insufficient and the legislation for the three waters reform should expressly provide that the entities cannot undertake anything which in effect amounts to the privatisation of water or related assets.

Separate schedules for each entity including a requirement to give effect to Te Mana o te Awa and Te Ture Whaimana for Entities B and A

Waikato-Tainui seeks separate schedules in the relevant legislation for each entity which would contain bespoke and tailored objectives that reflect the local context and already agreed statutory directions and requirements. In the context of Waikato-Tainui this includes reflecting the following statutory directions, legislation, and agreements which recognise Waikato-Tainui's significant relationship with Te Awa o Waikato:

- Te Mana o te Awa
- Te Ture Whaimana
- River Settlement Act and related Deed of Settlement
- Kiingitanga Accord

Give effect to “Te Mana o te Awa”

The Government proposes a statutory objective for the water services entities to “give effect to Te Mana o te Wai.” The River Settlement and the Kiingitanga Accord recognise Te Mana o te Awa, which is at the heart of the relationship between Waikato-Tainui and our ancestral river.

In a presentation from the Department of Internal Affairs to Waikato-Tainui it was identified that the proposed Te Mana o te Wai Statement “would be prescribed by Waikato-Tainui and other iwi whose rohe lie within the area of the Waikato-centred entity and could reflect Te Mana o te Awa.” The issue with this approach is they are two different concepts, with Te Mana o te Awa being a broader concept than Te Mana o te Wai. This means the water service entities could argue they are not legally required to give effect to Te Mana o te Awa.

Therefore, Waikato-Tainui seeks an express requirement in the legislation for Entities B and A to “give effect to Te Mana o te Awa”, and the related statement would be a “Te Mana o te Awa Statement” in the context of the Waikato River (instead of Te Mana o te Wai).

Give effect to Te Ture Whaimana (the Vision and Strategy)

The River Settlement includes Te Ture Whaimana which is the Vision and Strategy to achieve the holistic restoration and protection of the health and wellbeing of the Waikato River for present and future generations. The Vision and Strategy is the primary direction setting document for all decisions relating to the health and wellbeing of the awa and prevails over other planning instruments.

The Crown agreed that in the development and drafting of any relevant new legislation it will consider whether such new legislation should also include express legislative recognition of the Vision and Strategy (clause 3.4 of the Kiingitanga Accord).

Waikato-Tainui seeks an express requirement in the legislation for Entities B and A to “give effect to Te Ture Whaimana”.

In order to implement Te Ture Whaimana effectively, Waikato-Tainui seeks that adequate funding and resourcing be made available to the Entities.

Strengthen implications of the “Te Mana o te Awa Statement”

Waikato-Tainui considers the proposal for the water service entities to issue a “Statement of Response” in relation to the “Te Mana o te Awa/ Te Mana o te Wai Statements” is a weak mechanism and fails to ensure the relevant statements will be given effect to. We note the Cabinet paper states that: “Design of mechanisms to give effect to Te Mana o Te Wai need to carefully balance iwi/hapuu/whaanau input with the need for the water services entity to undertake investment activities to address the significant infrastructure deficit and consistent with the new economic regulatory regime.” This highlights Waikato-Tainui’s concern that there is a risk the “Te Mana o te Awa/ Te Mana o te Wai Statements” will effectively be ignored by the water service entities.

Instead, Waikato-Tainui proposes the legislation adopts a transitional approach with a requirement to fully achieve the “Te Mana o te Awa/ Te Mana o te Wai Statements” in the long-term. The water service entities “Statement of Response” should include targets and

interim milestones for fully achieving the statement. The water services entities should be required to develop and implement a programme of action to achieve the targets and interim milestones.

This reflects what is provided for through Te Ture Whaimana in the River Settlement Act. The agreed targets and actions for Te Ture Whaimana (which is to be reviewed) could be used by Entities B and A in relation to the Waikato River. Analogies can also be drawn with the Government's approach to climate change.

Relationship with land use and spatial strategy decisions

Waikato-Tainui seeks a path where cultural, social, environmental, and economic aspirations work hand in hand. For example, the plan for Hei Awarua ki te Oranga, the corridor for wellbeing (also known as H2A / Future Proof) includes identified growth areas and related three waters upgrades. It differs from other plans because it was produced through a partnership involving Waikato-Tainui, central and local government organisations, and other iwi. The plan reflects a strategic assessment of the corridor, rather than enabling and supporting new growth everywhere. Waikato-Tainui seeks that there be a statutory requirement for the plan to be implemented by Entities B and A.

The proposals state the water services entities will be required to identify and make provision for infrastructure to support growth and development identified in relevant plans "including meeting the three waters needs of all new housing development, and commercial and industrial customers." Waikato-Tainui seeks this be qualified by the statement: "unless it would be inconsistent with the entity's objective to give effect to Te Mana o te Awa" (in the context of the Waikato River). Otherwise, it could adversely affect the awa and the water service entities' commercial objectives if *all growth* has to be serviced by the entities.

Resource Management Reforms

Waikato-Tainui are also concerned about the alignment of both timeframes and content in terms of the work programme for the Three Waters Reforms and the work programme for the Resource Management Reforms and related Freshwater 'rights and interests' work.

In particular, Waikato-Tainui are concerned about the potential for substantive issues to be determined in the context of the development of the Three Waters which pre-determine, prejudice and/or materially limit the scope of options that we are able to identify and discuss within the Freshwater work programme.

We seek your assurances that the various key elements of both programmes, including allocation, governance, and decision-making aspects of the reforms, will support and provide for the rights, interests and responsibilities of iwi and hapuu in relation to freshwater and other natural resources.

Resourcing and participation in Three Waters Reforms

With respect, Waikato-Tainui considers that the process that has been followed in developing Three Waters reforms as a whole has not been conducted in good faith, in accordance with the principles of co-management, or consistently with the Crown's obligations under the River Settlement, the Settlement Act and Te Tiriti o Waitangi. We

are encouraged by the more recent engagement, but there needs to be adequate resource to ensure our iwi and hapuu are meaningfully engaged and can participate in all aspects of the new system.

Finally, I have attached a diagram depicting the above changes to the three waters reforms. We would welcome the opportunity to meet with you to discuss the outcomes sought by our iwi in relation to the Three Waters Reforms.

Taaria te waa ka koorero tahi i ngaa kaupapa kua whakatakotonga. Heoi anoo raa, kia tau te manaakitanga a te Runga Rawa ki runga ki a koe, otiraa, ki a taatou katoa, Pai maarire.

Naaku noa, naa



Linda Te Aho
**CHAIR, TE ARATAURA
TE WHAKAKITENGA O WAIKATO**



cc: Hon Kelvin Davis, Minister of Maaori/Crown relations
Hon David Parker, Minister for the Environment
Hon Kiritapu Allan, Associate Minister for the Environment

Office of Hon Nanaia Mahuta

MP for Hauraki-Waikato

Minister of Foreign Affairs

Minister of Local Government

Associate Minister for Māori Development



2 September 2021

Linda Te Aho
Chair, Te Arataura
Te Whakakitenga o Waikato
Waikato-Tainui

Kia māturū iho mai te tōmairangi atawhai ki runga i a Kīngi Tūheitia Pōtatau Te Wherowhero Te Tuawhitu, tātū iho ki tōna Whare Kāhui Āriki

Rire, rire, hau - Pai Mārire.

Ānei e whai ake nei ko taku whakautu ki tō reta i tukuna mai i te (4 Maramawaru 2021) e hāngai ana ki ōu nā āwangawanga ka rawekehia ōu ritenga whakataunga take tiriti mō Te Mana o Te Awa o Waikato.

As you are aware, the Government has set an ambitious reform agenda to significantly improve the safety, quality, natural hazards and climate resilience, accessibility, and performance of three waters services, in a manner that is efficient and affordable for New Zealanders. As part of that work, we have also been focussed on taking a system-based approach to considering how we can achieve a step change improvement in outcomes for Māori over the status quo. Our work has focused on developing reform proposals in a manner that provides recognition of the rights and interests of iwi/Māori in three waters service delivery.

Your letter raised several issues, and I would make comment on the most material of these in turn. In addition to the Kiingitanga Accord, I specifically acknowledge the Local Government Accord, signed by the Minister of Local Government on 18 June 2010, and the obligations this specific deed places on myself as the Crown's representative. I hope that my responses will help shape future discussions with Waikato-Tainui and provide guidance to my officials on their engagement and partnership with your team. If you are amendable, I anticipate that this engagement could occur over the next few months and continue as we move into the legislative and establishment phases.

Interactions with the reform of resource management

At the outset, I will acknowledge that many of the issues you raise in your letter make it difficult to separate the impact of reform of three water services from the parallel reform of the resource management system. It is important to emphasise that a common objective of both reform programmes is to see much greater alignment between current systems and Te Ao Māori perspectives on a Treaty/Te Tiriti based approach. However, the three waters reform is primarily related to the delivery of services and infrastructure management, rather than management of natural resources. Three waters reform could occur within the current resource management system, or a future reformed system, and still offer the same broad benefits for the delivery of water services. Water services entities will need to operate within the relevant natural resource regulatory regime. The water services entity legislation will not allocate water, nor impose or alter any standards for fresh water.

I recognise that the combined effect of these reforms may create a degree of uncertainty in terms of the interaction with the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act (River Settlement Act) and the associated co-governance and co-management mechanisms that have been put in place. It is important to us that we work to design a new system that can ensure that Treaty settlement legislation continues to have effect.

I accept that Waikato-Tainui is seeking greater confidence that the specific provisions of the River Settlement Act are appropriately reflected in any legislation to support three waters services reform. It is proposed that the first Bill will include a provision specifying that the Bill will not affect any Treaty settlement legislation.

You have suggested an entity specific schedule that clearly sets out relevant obligations for that specific water services entity. I am attracted to the option of a specific legislative schedule for each water service entity to reflect the more specific context of each entity. If you are agreeable, I would like my officials to work through this approach with you, specifically with respect to Waikato-Tainui but anticipating this approach may provide a model for a wider approach across the other entities.

Governance and oversight

The proposed governance and oversight mechanisms are only one aspect of the approach to recognise rights and interests. From my perspective, our work has sought to uphold the Crown's responsibilities under the principles of the Treaty/Te Tiriti and protect and promote the relationship between the Crown and iwi/Māori.

You have raised the issue of the ability for Waikato-Tainui to directly appoint directors to the boards of the water services entities and that these Boards have a co-chair approach for Entity B.

As you are aware, the current proposal anticipates that Waikato-Tainui will have an opportunity to participate in the appointment of regional representatives. This oversight mechanism sets requirements for the water services entities through a Statement of Strategic Performance Expectations. Such a Statement of Performance expectation could directly link to the core documents that underpin the river settlement arrangements.

I must signal to you that appointment of water service entity boards on any basis other than competency would represent a significant departure from the proposed model. Our current approach is that water services entity boards are competency based, including:

- general collective competence in understanding the principles of the Treaty/Te Tiriti and mātauranga Māori, tikanga Māori, and te ao Māori; and
- members with specific expertise in supporting and enabling the exercise of mātauranga Māori, tikanga Māori, kaitiakitanga, and te ao Māori with respect to the delivery of water services.

I recognise that Waikato-Tainui will have a significant role in setting expectations about these competencies particularly, but not exclusively, mātauranga.

Notwithstanding these issues, I am open to considering refinements to the proposed governance and oversight arrangements over the next few months. If we are to work together in more detail on understanding the application of the River Settlement Act, then I think both sides will have greater clarity on how the River Settlement Act warrants further consideration of governance and oversight of the water services entities.

Te Mana o Te Awa and Te Mana o Te Wai Statements

I acknowledge that Te Mana o te Awa, as set out in the settlement legislation is different and broader than a Te Mana o Te Wai statements mechanism contained within the proposed three waters services reform. The rationale behind the proposed mechanism was to enable a local expression of mana whenua to have a more direct influence on the day to day activities of the water services entities in relation to a body of water. This mechanism does not replace Te Mana o te Awa obligations and needs to be seen as in addition to broader resource management related mechanisms and other expressions of mana whakahaere including settlement legislation.

Statutory recognition of Te Mana o Te Awa and how it interacts with other requirements of the regime will require further consideration that I think is best informed by working through the detail specifically. However, as signalled above, it is important to arrive at these conclusions together. At this stage we have more work to do on the policy side, particularly on the relationship with the resource management and planning system. Once we have clarified these concepts and relationships, we would like work with you to determine how these mechanisms could work.

Funding capacity of water services entities

You have indicated that to implement Te Ture Whaimana effectively, water services entities will need to be adequately funded to undertake appropriate levels of investment. In your rohe, this would also include funding for Hei Awarua ki te Oranga, the corridor for wellbeing (also known as H2A / Future Proof) to be implemented by Entities B and A.

As you know, one of the benefits of the reform is the significant balance sheet strength that will come from dedicated entities. Based on our current modelling, we do not consider that there will be a need to contemplate additional Crown support.

However, you have made a point about the appropriate hierarchy of obligations that should apply with respect to settlement obligations, water quality regulation and economic regulation to ensure water services entities place appropriate priority on investment. To assist this, I have also copied this response to the Minister of Commerce and Consumer Affairs, whose officials are currently working on the development of the economic regulation that will be part of the three waters reform, for his consideration.

Preventing privatisation

You have suggested that the mechanisms to prevent privatisation are insufficient. I can assure you that we are aligned in wanting to ensure these entities remain in public ownership. I am proposing a range of mechanisms to safeguard against privatisation, including prohibition on dividends, restrictions on asset sales and transfers, super majority vote by the Regional Representative Group, and a referendum by eligible electors (75% majority is proposed to be required). I have asked my officials to specifically test any draft provisions with you to seek your view on their robustness. I would be particularly interested in your view about how such mechanisms should interact with mana whenua, including Waikato-Tainui specifically, to ensure further safeguards.

Further engagement

Finally, you have asked about the extent to which the Crown intends to make funding available to support this engagement, iwi/Māori participation and development of the reform proposals. I am in the process of looking at options to do this and hope to expedite decisions, within appropriate guidelines, as soon as possible. We anticipate that long-term

funding is expected to be provided on a sustainable basis by the water services entities for this purpose.

In conclusion, I would like to thank you and acknowledge the leadership role you have played in progressing iwi/Māori contribution to the reform including working with local government to ensure they have a sophisticated understanding of a Te Tiriti based approach. I see a range of important milestones ahead including continued refinement of the reform proposals, development of legislation, and preparation for transition and establishment. I welcome your involvement in these key stages.

Ka whanga noa atu ngā kaimahi a Te Tari Taiwhenua ki āu nā tono kia hui anō ai.

Ngā manaakitanga,



Hon Nanaia Mahuta

Minister of Local Government

Copy to: Hon Kelvin Davis, Minister for Māori Crown Relations: Te Arawhiti
Hon David Parker, Minister for the Environment
Hon Kiritapu Allan, Associate Minister for the Environment
Hon David Clark, Minister of Commerce

Released under the Official Information Act 1982

15 November 2021

Honourable Nanaia Mahuta
Minister for Internal Affairs
Parliament Buildings
Private Bag 18041
WELLINGTON 6160

BY EMAIL

E te Minitaa, teenaa koe,

THREE WATERS REFORMS AND REPRESENTATION

Tooku awa koiora me oona pikonga, he kura tangihia moo te maataamuri

1. As noted in our Deed of Settlement in respect of the Waikato River, in the changing legal and political landscape of New Zealand, Waikato-Tainui have always maintained the importance of our unique relationship with our tupuna awa, and our role as kaitiaki in advocating for overarching purpose of restoring and protecting the health and wellbeing of the awa for current and future generations.
2. I write in response to your announcement of the arrangements to establish a 20-member Working Group on Representation, Governance and Accountability that will be tasked with recommending an stronger approach to representation, governance, and accountability of the new water entities than the initial model that was proposed under the Government's Three Water's reforms
3. Waikato-Tainui has been cautious in our support for the proposed reforms. We support the need for transformative change in relation to governance and management of freshwater. As is often said in the context of proposed transformative law reform, the devil is in the detail. We have maintained and expressed a consistent position – as articulated at the Kiingitanga Accord hui and in subsequent correspondence to both yourself and Ministerial colleagues – that we seek to be active participants at every level of influence in reform processes which are relevant to the health and wellbeing of our people and the health and wellbeing of our environment. In view of our role and responsibilities as kaitiaki, this is particularly so when reforms interrelate with our tupuna river, which is the case with Three Waters.
4. Waikato-Tainui is appreciative of the 'no surprise' approach that you adopted in advising us prior to the announcement on the composition of membership of the Working Group. That said, I wish to formally express our

extreme disappointment that we have been excluded from representation on Working Groups notwithstanding that Waikato-Tainui has substantive rights, interests and responsibilities within the proposed areas for both Entity A and Entity B and that our tupuna awa is a significant source of domestic and municipal water supply for both Taamaki Makaurau and the Waikato region. Without representation, we will be alienated from participating in shaping recommendations on such significant issues of governance and accountability that will impact upon our tupuna awa and the future health and wellbeing of both our people and our tribal rohe as a whole.

5. Earlier in the reform process, I had expressed my concern to you about two separate entities being proposed to operate in our tribal rohe; noting that the area for Entity B is just too vast, incorporating the largest number of iwi groupings, and councils. In these circumstances, and noting also our interests within the area for Entity A, the absence of representation on the Working Group raises serious concerns about our ability to exercise our rights and responsibilities of rangatiratanga, kaitiakitanga and mana whakahaere, now and into the future.
6. We appreciate your intention for 50/50 composition (Iwi/Council) on the Working Group as a reflection of partnership intended in Te Tiriti o Waitangi and understand the difficulty in ensuring appropriate representation. However, we see our exclusion as a lack of good faith on the Crown's part and an affront to the principles of co-management and co-governance that form the foundation of the relationship between Waikato-Tainui and the Crown under the Waikato River Settlement, which were expressly designed to realise that partnership under Te Tiriti.
7. We are a River Iwi. The Waikato River is central to our identity. We led the way in developing a new way integrated approach at the highest level through our River Settlement, centred on Te Ture Whaimana and the principles of Te Mana o Te Awa and mana whakahaere. Our experience, leadership and contribution to date, our population, and the sheer size of our tribal rohe should have ensured our inclusion on the Working Group.
8. Through consultancy services that have been recently engaged to contribute to the government's policy work relating implementation and establishment of the entities, we acknowledge that there is some Waikato-Tainui experience and expertise. However, that is not an independent, representative role for the Waikato-Tainui. While such a contribution to the work being done by you and your officials will be very valuable in advancing the reforms generally, it is fundamentally important that Waikato-Tainui are represented at governance and leadership level through membership of the Working Group.
9. In these circumstances, Minister, I respectfully invite you to reconsider the appointment of Waikato-Tainui nominee as a member of the Working Group, either as an additional member or an appointment to any of the remaining places on the Working Group that are yet to be filled. I also signal here our

longer term expectations of Waikato-Tainui representation on both Entity A and Entity B once they are established, with Waikato-Tainui having the role of chairing or co-chairing Entity B on its establishment.

10. As a final and additional point, I also wish to briefly note our ongoing concern regarding the failure to date to ensure that both the Taumata Arowai—the Water Services Regulator Act 2020 and the Water Services Act 2021 were added to the statutes listed in section 17 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. As you know, section 17 provides that a person carrying out functions or exercising powers under an statute specified in that section (which includes the Local Government Acts 1974 and 2002) must have particular regard to Te Ture Whaimana when the functions or powers relate to the Waikato River or activities in the catchment that affect the Waikato River.
11. As the Three Waters reforms are establishing a new regime that will see certain existing local authority responsibilities now carried out under the new Three Waters legislation, we consider that those new statutes should properly be added to section 17. This is a point that we recently made to the Select Committee considering the Water Services Bill, but unfortunately and without any explanation in the Select Committee's report our submission was not acted upon. We consider that there remains an opportunity to redress this when the final piece of legislation establishing the new water service entities is developed and sincerely hope that this issue will not be overlooked in that legislation.
12. I would welcome the opportunity to meet with you to discuss the issues raised above.

Taaria te waa ka koorero tahi i ngaa kaupapa kua whakatakotongia.

Heoi anoo raa, kia tau te manaakitanga a te Runga Rawa ki runga ki a koe, otiraa, ki a taatou katoa,

Pai maarire



Linda Te Aho
Te Whakakitenga o Waikato Incorporated
Te Arataura Chair



Office of Hon Nanaia Mahuta

MP for Hauraki-Waikato

Minister of Foreign Affairs

Minister of Local Government

Associate Minister for Māori Development



27 November 2021

Linda Te Aho

Tēnā koe Linda

Thank you for your letter dated 15 November. I have taken some time to consider the points you have made, and can now confirm that Tukuroirangi Morgan has accepted an invitation to take up a seat on the Working Group to represent Entity B.

I am sure you will agree that Tukuroirangi will bring an excellent understanding of the arrangements as they pertain to the Waikato Awa and governance more generally. My understanding is that officials in the Three Waters team will be working with the relevant representatives to ensure that their technical advisors are informed to support where appropriate.

Thank you for drawing my attention to your desire for the Water Services Act 2021 and the Taumata Arowai – the Water Services Regulator Act 2020 in Section 17 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. There are a range of issues related to interactions between the Settlement Act and the proposed water services legislation that also warrant close examination.

In that regard, I would like to confirm that early in the New Year officials will look to actively work with Waikato-Tainui to identify how your Settlement Act interacts with proposed water services legislation. I acknowledge that your proposal is one approach, however I need further advice from my officials on this treatment in the context of the other mechanisms to protect existing settlements that are being considered. This will require working closely with you to ensure protections are thoroughly worked through so as to safeguard the intent of your Settlement legislation.

Nāku noa

A handwritten signature in black ink, appearing to read 'N. C. Mahuta'.

Hon Nanaia Mahuta
Minister of Local Government



7 May 2020

Hon Nanaia Mahuta
Minister of Local Government
Executive Wing, Parliament Buildings
Wellington 6011
n.mahuta@ministers.govt.nz

E te Minita, tēnā koe,

Three Waters Reform – Co-design Partnership

In advance of our hui with you and our council partners next Wednesday, we write to update you on, and seek your support for, several matters relating to a proposed co-design partnership for the Ngāi Tahu Takiwā.

Mandate for co-design partnership

We understand that Cabinet papers covering a number of aspects of the Three Waters reform are currently being finalised. It is our strong preference that Ngāi Tahu and DIA officials receive a mandate from any up-coming Cabinet decisions to continue progressing the co-design partnership approach in our Takiwā. This would provide us with crucial certainty moving forward.

The co-design partnership between the Crown and Ngāi Tahu is intended to:

- build on the constructive interactions we have had, and continue to have, with DIA officials on Three Waters reform;
- complement and support the Crown's objectives and timelines;
- focus in on areas of key importance to Ngāi Tahu. This includes positions in relation to governance and accountability, environmental impacts and social and economic impacts on communities in the Takiwā.

We envisage a three-year partnership continuing throughout the next phases of the reform process, with varying levels of involvement from Ngāi Tahu depending on each reform area. We are discussing with your officials options for minimising costs and potential disruptions to the reform timetable such as secondments and sharing advisors. We have also discussed funding. Ngāi Tahu have provided considerable resource in progressing this partnership to date and

funding support will be important to ensure we can continue to participate in a meaningful manner over the next three years.

As we work more closely with your officials, it would be useful for us to have access to draft versions of relevant Cabinet paper provisions as they are developed. A shared understanding of the analysis and thinking underpinning the fundamental parameters of the reforms will be crucial to the quality and efficiency of co-design for our Takiwā. We acknowledge that any draft material would be provided in complete confidence and solely for the purpose of progressing discussions with DIA officials.

Next steps

Your officials continue to be supportive of our approach including agreeing to attend a hui with our Papatipu Rūnanga on Monday 10 May. We appreciate this commitment and the constructive relationship it has helped build between us to date.

Prior to our meeting with you next week, Ngāi Tahu will hui with our council partners to discuss the proposed co-design approach and how we can work together. The aim is to create a sound basis for a connected and cooperative Takiwā entity. We intend for you to leave our hui next Wednesday confident in the strength of the partnership between Ngāi Tahu and our Council partners throughout the Takiwā, and in our ability to deliver.

Please contact us at any time if there is further information you require to consider the matters contained in this letter. We look forward to seeing you next Wednesday.

Nāhaku noa, nā,



Lisa Tumahai
Kaiwhakahaere, Te Rūnanga o Ngāi Tahu
Co-Chair, Te Kura Taka Pini Ltd



Te Maire Tau
Upoko, Ngāi Tūāhuriri
Co-Chair, Te Kura Taka Pini Ltd



Te Rūnanga o NGĀI TAHU

29 April 2021

Hon Nanaia Mahuta

Minister of Local Government
Executive Wing, Parliament Buildings
Wellington 6011
n.mahuta@ministers.govt.nz

E te Minita, tēnā koe,

Three Waters Reform

Ngāi Tahu has shared its concerns about the status quo of wai māori for some time and in various fora. Systemic failure has had significant impacts on the communities in our takiwā, and the most vulnerable in these communities continue to be disproportionately affected. While it is important to acknowledge that three waters reform does not resolve all of the issues with wai māori management currently, it marks the beginning of much needed transformational change not limited to water infrastructure.

Ngāi Tahu view this reform as an opportunity to improve the delivery of safe, equitable and sustainable water services. We also view the changes as an opportunity to support regional economic development through local innovation, creating jobs, training and procurement opportunities. Developing a system that takes the built and natural environment together is an important step in bringing the health of our ecosystems to the fore. The reform must also safeguard against privatisation.

Throughout the reform process to date, Ngāi Tahu has been engaging in good faith with councils within the Ngāi Tahu takiwā and with your Internal Affairs Officials.

We have had two constructive interactions with your Officials this month. We are conscious that several matters we discussed with your officials will now be the subject of Cabinet discussion and decisions and write to ensure you are aware of the position of Te Rūnanga o Ngāi Tahu on these matters.

First, we have been working closely with DIA on an entity that matches the boundaries of the Ngāi Tahu takiwā. We consider this would provide significant economies of scale and best respect and leverage existing relationships between Papatipu Rūnanga and local government throughout our takiwā.

Secondly, we would if necessary support the Crown mandating local government entry into a new Three Waters model. It is our view that this would provide a smoother and more certain

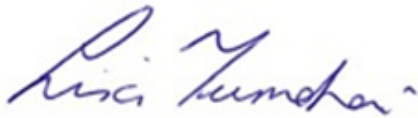
Te Rūnanga o Ngāi Tahu
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transition for both councils and communities, towards the improved environmental, community and economic outcomes sought by the reforms.

Finally, we have had intensive discussions with your officials about engaging in a co-design process consistent with Cabinet Circular 19 (5) (Treaty of Waitangi guidance) to agree the details of the entity, operational design, and legislation. Our proposed approach is complementary and supportive of the Crown's objectives and timeline, and we are encouraged by the discussions we have had to date. We also note that the announcement about the Local Government review made last week is of interest to Ngāi Tahu. It is our view that the important work that both DIA and Ngāi Tahu are doing in Three Waters includes elements that could be useful for local government reform as well.

We appreciate that you have considered our request made many months ago in our previous phone call to you - that a potential entity could be a Ngāi Tahu takiwā entity. Thank you for hearing us. We invite further engagement with you on these matters to discuss how we and your officials can work together to progress this important work.

Nāhaku noa, nā,



Lisa Tumahai

Kaiwhakahaere, Te Rūnanga o Ngāi Tahu
Co-Chair, Te Kura Taka Pini Ltd



Dr Te Maire Tau

Upoko, Ngāi Tūāhuriri
Co-Chair, Te Kura Taka Pini Ltd



Te Rūnanga o NGĀI TAHU

29 September 2021

Hon Nanaia Mahuta
Minister for Local Government
Parliament Buildings
Wellington 6011
n.mahuta@ministers.govt.nz

E te minita, tēnā koe,

Three Waters Reforms

Unlike many letters you receive, this letter is not requesting anything from you or from your officials. Instead, it is a short note to applaud the leadership you are providing on the Three Waters reforms, and the evolving Treaty relationship between the Crown and Māori.

Ngāi Tahu has been involved in enough policy reforms over the years to know the courage it can take, not only to instigate change, but to see it through, often in the face of significant opposition from vested interests. We know that the intensity of effort required, along with the level of criticism, can take a personal toll.

So, on behalf of Te Rūnanga, I thank you for your mahi and your engagement with us, for the scope of the reforms you are undertaking and for your determination to see them through. Your father was a trail blazer in a number of spheres, including in leading the way for iwi in settlement negotiations. You are continuing this tradition through a vision and tenacity to drive change that will benefit all New Zealanders. You have taken the stand that the status quo is not acceptable and have set a path of improvement.

It is my belief that because of this approach, and our confidence in the intention, we have been able to achieve positive outcomes, particularly the proposed Entity D boundary. Whatever the final shape of the reforms, the takiwā boundary will lay the foundations for a successful entity, designed and operating in true partnership between the Crown and Ngāi Tahu as its Treaty partner.

Te Rūnanga o Ngāi Tahu
15 Show Place, Addington, Christchurch 8024
PO Box 13-046, Christchurch, New Zealand
Phone + 64 3 366 4344, 0800 KAI TAHU
Email: info@ngaitahu.iwi.nz
Website: www.ngaitahu.iwi.nz

Finally, we are conscious that the constructive approach taken by your DIA officials has only been possible because of your approach as their Minister. We hope that, eventually, Te Arawhiti will be able to use the process you have followed as an exemplar to help other Government departments engage on policy decisions in a similarly effective and Treaty-compliant manner.

I finish by emphasising that Ngāi Tahu stands ready to support you in pushing your reforms through their final hurdles, so future generations will experience a cleaner environment and equitable access to three water services.

Nāhaku noa, nā,

A handwritten signature in blue ink, appearing to read 'Lisa Tumapai'.

Lisa Tumapai

**Kaiwhakahaere
Te Rūnanga o Ngāi Tahu**

Office of Hon Nanaia Mahuta

MP for Hauraki-Waikato

Minister of Foreign Affairs

Minister of Local Government

Associate Minister for Māori Development



26 October 2021

Lisa Tumahai
Kaiwhakahaere, Te Rūnanga o Ngāi Tahu
Co-Chair, Te Kura Taka Pini Ltd

Tēnā koe e rangatira,

Ānei e whai ake nei ko taku whakautu ki tō reta i tukuna mai i te (15 Maramatekau 2021) e hāngai ana ki ōu nā whakaaro take Three Waters reform.

Thank you for your 15 October letter, recommending two Ngāi Tahu appointments to the Establishment Board overseeing the transition to Entity D. I am pleased to hear that Ngāi Tahu are committed to continuing engagement throughout the establishment and transition phase for the 'Entity D' water services entity.

You'll be aware that Cabinet is considering feedback and next steps on government proposals for reform of our three waters services. Following Cabinet decisions, I will be in a position to consider your recommendations in light of the pathway for reform proposals. I know my officials will continue to work alongside Te Rūnanga o Ngāi Tahu and Te Kura Taka Pini as a Treaty partner.

Nō reira e rau rangatira mā.

Nāku noa

Hon Nanaia Mahuta
Minister of Local Government

Office of Hon Nanaia Mahuta

MP for Hauraki-Waikato

Minister of Foreign Affairs

Minister of Local Government

Associate Minister for Māori Development



9 November 2021

Lisa Tumahai
Kaiwhakahaere
Te Rūnanga o Ngāi Tahu

E te rangatira, tēnā koe,

Tēnei anō te mihi ki a koutou Te Rūnanga o Ngāi Tahu i ngā pūāwaitanga o tēnei ritenga mahitahi.

These reforms, as you know, represent a step-change in the way iwi/Māori rights and interests are recognised and Te Mana o Te Wai is considered in the delivery of these services. I am grateful for your support in this, and I am confident that together we can ensure that all of our whānau, hapū and communities for generations to come will enjoy a cleaner environment and more equitable water services.

I would also like to thank you for the continued leadership you have shown in working with local councils across your takiwā. The approach you have taken within Entity D in developing shared priorities is encouraging and represents a strong foundation for success moving forward.

I look forward to continuing to work alongside you as the reforms progress.

Nō reira e rau rangatira mā,

Nāku noa

Hon Nanaia Mahuta
Minister of Local Government



Te Rūnanga o NGĀI TAHU

14 March 2022

Rt Hon Jacinda Ardern
Prime Minister
Executive Wing, Level 9
Parliament Buildings
WELLINGTON 6011

Email: j.ardern@ministers.govt.nz

E te Pirimia, tēnā koe,

Three Waters Reforms

I write on behalf of Te Rūnanga o Ngāi Tahu to express our continuing support for the Government's Three Waters reforms. The Government and Ngāi Tahu have many shared objectives in these reforms. Above all, we share a deep concern about the access of all New Zealanders to safe drinking water, whether they live in cities or in remote communities. Last year's contamination scare in two towns in Otago underscored the urgency of change. As you said in your statement to Parliament on 8 February, to delay will only push the problem on.

We recognise that the present political environment is challenging, and that opponents of the reforms have attracted a measure of support from a number of councils around the country. We are deeply disappointed that many opponents of the reforms have engaged in scaremongering and personal attacks rather than discussing the detail.

As I said to Minister Mahuta in a letter last year, Ngāi Tahu has been involved in enough policy reforms over the years to know the courage it can take, not only to instigate change, but to see it through, often in the face of significant opposition from vested interests. We know that the intensity of effort required, along with the level of criticism, can take a personal toll.

I take this opportunity to thank you for the Government's work on the reforms, and pay tribute to Minister Mahuta, who has engaged with us as Treaty partners through all stages of the policy development process, and most recently through the Governance Working Group, whose report I understand Cabinet will shortly consider.

We will continue to work constructively with the Government as you cross the final hurdles in this crucial reform programme.

Te Rūnanga o Ngāi Tahu
15 Show Place, Addington, Christchurch 8024
PO Box 13-046, Christchurch, New Zealand
Phone + 64 3 366 4344, 0800 KAI TAHU
Email: info@ngaitahu.iwi.nz
Website: www.ngaitahu.iwi.nz

Nāhaku noa, nā,

A handwritten signature in blue ink, appearing to read 'Lisa Tumahaere'.

Lisa Tumahaere
Kaiwhakahaere

Cc: Hon Grant Robertson, Minister of Finance
Hon Nanaia Mahuta, Minister of Local Government

Released under the Official Information Act 1982



NGĀTI WHĀTUA ŌRĀKEI

29 September 2021

Hon Nanaia Mahuta
Minister for Local Government
Private Bag 18888
Parliament Buildings
Wellington 6160

By email: nanaia.mahuta@parliament.govt.nz

Tēnā koe e te Minita

Re: Three Waters Reform – Support and Mana Whenua Representation

We are writing to express our support for the Three Waters Reform programme and to emphasise the importance of giving life to the principle of partnership in Te Tiriti by including the appropriate mana whenua representation in the make-up of the governance structure for each of the four entities.

Ngāti Whātua Ōrākei is fully supportive of the Government's ambitions for the Three Waters Reform programme. We consider the reform has the potential to deliver on those ambitions over time, creating much needed improvements across a number of significant kaupapa for all of Aotearoa.

We welcome and endorse the Government's ambition to deliver on its Treaty related obligations and to enable Māori greater strategic influence to exercise rangatiratanga over the delivery of three waters services. This ambition would be most fully realised with appropriate mana whenua representation at the governance level of each of the proposed four entities, being a model which includes representation from the hāpu / iwi who are the ahi kā and mana whenua of the rohe which constitute each entity.

Ngāti Whātua Ōrākei hold ahi kā and are the mana whenua of the central isthmus of Auckland. Given this, it is appropriate that Ngāti Whātua Ōrākei has representation at the governance level of entity A. This is the only way to embody the Government's stated ambition of Treaty partnership and to fully realise the benefit of meaningful partnership relationships under Te Tiriti for the delivery of three waters services. We acknowledge voice of mataawaka needs to be heard but consider this should be achieved through other means.

Ensuring a role at the governance level for the hāpu / iwi who hold ahi kā and are mana whenua for each of the four proposed entities is not going to be an easy task, but it is a necessary task if the Government genuinely wishes to deliver on its Treaty obligations. The task of achieving local government support for the reform is also a difficult task and it is not one the Government is shying away from. Both of these tasks are necessary to achieve the Government's ambitions for the Three Waters reform.

Finally, we understand it is not yet settled which entity Hauraki is to be included within. We support Hauraki's inclusion in Entity B because, to put it bluntly, with the exception of Ngāti Paoa, Hauraki tribes belong in Hauraki. Of late, we have seen Hauraki tribes using administrative vehicles to attempt a line of influence which is wholly inappropriate and has no base in tikanga. We would not wish to see the Three Waters Reform being hijacked in this manner.



NGĀTI WHĀTUA ŌRĀKEI

We would welcome the opportunity to kōrero further with you and your team about this. Please let us know when you or your team is available for online hui.

Nāku noa, nā

Marama Royal
Chair
Ngāti Whātua Ōrākei Trust

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