



KAIPARA

30 September 2021

Nanaia Mahuta

Minister

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/Maori 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 coordination 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/Maori 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 the: 1) potential impacts of the proposed reform; and 2) 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 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 <p>Feasibility of achieving proposed reforms and their associated requirements by 2024</p> |
|---|---------------------------------|--|

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 9(2)(a) or email 9(2)(a).

Ngā mihi,



Sarah Ihaia-Chapman
 Chief Executive
 Ngā Maunga Whakahii o Kaipara Development Trust

TE TAU IHU IWI CHAIRS FORUM

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

Hon Nanaia Mahuta
Minister of Local Government

By email only to:
n.mahuta@ministers.govt.nz
info@taumataarowai.govt.nz

15th November 2021

Tēnā koe e te rangatira,

Three Waters Reform Programme

As the collective iwi of Te Tauihu, we are writing to express our concern that as your Te Tiriti partners and as iwi entities with which you have significant post-settlement obligations, we have not been adequately consulted nor listened to regarding the Three Waters Reform programme.

As mentioned in previous discussions with you and your officials, we do not agree with Te Tauihu being included in the entity as currently proposed, and our expectation is that we remain within an entity that includes the whole of Te Waipounamu.

As you will be aware the Crown has important duties, including the responsibility of full and adequate consultation with Iwi. Our expectation is that we are consulted about these matters in detail, prior to any decisions being made about our region. We are concerned that the decision to split Te Tauihu away from the rest of Te Waipounamu has been made without adequate consultation and disregards our collective position as manawhenua iwi.

Of equal concern to us is that the current proposal is based on boundary line assumptions that do not consider, nor reflect, Te Tauihu interests. This approach is extremely disappointing and unacceptable from our Te Tiriti partner who has legal obligations which are reflected in our deeds of settlement as well as in Te Tiriti itself.


We welcome an open discussion directly with you on this matter.

Nā mātou noa, ngā iwi o Te Tauihu



Nā Anthony Little
Chair, Ngāti Tama ki Te Waipounamu Trust





Nā Rachel Hāte
Chair, Te Ātiawa o Te Waka-a-Māui



Nā Olivia Hall
Chair, Te Rūnanga o Ngāti Rārua



Nā Melanie McGregor
Chair, Ngāti Koata Trust



Nā Callum Katene
Chair, Ngāti Toa Rangatira



Ngāti Toa Rangatira

Nā Waihaere Mason
Chair, Te Rūnanga o Ngāti Kuia



Ngāti Kuia
Te Iwi Pakohe

Nā Hinemoa Connor
Chair, Ngāti Apa ki Te Rā Tō



Nā Calvin Hart
Co-Chair, Rangitāne o Wairau



Rangitāne
Te Rūnanga a Rangitāne o Wairau

Nā Janis de Thierry
Co-Chair, Rangitāne o Wairau



Rangitāne
Te Rūnanga a Rangitāne o Wairau

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



31 January 2021

Sarah Jones
Secretariat
Te Taihū Iwi Chairs Forum
secretariat@twam.maori.nz

Tēnā koutou ngā rangatira

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

Thank you for your email of 15 November 2021 regarding the Three Waters Reforms (the Reforms). I also want to thank you for sharing the concerns of ngā iwi o Te Taihū with me and detailing your preference regarding the boundary of the proposed the Water Service Entities (WSEs). The obligations of the Crown when it comes to the Treaty of Waitangi and Treaty settlements has been a driving force in the progress of the Reforms and the development of several of the proposed mechanisms.

I recall from our earlier Zoom and in person discussions that you have raised these issues with me and my officials. The boundaries of all the proposed WSEs are of interest to several parties, both Councils and iwi. I felt that our most recent discussions of the proposed boundaries had developed from the earlier hui, noting that the later discussions focused on developing an understand of the practical components of how working across the boundaries would occur.

I have considered a range of factors to determine the number of proposed WSEs and their boundaries. The key considerations have been to establish entities that:

- have a sufficient asset and customer base to be financially sustainable, operate at an economically efficient scale, and deliver water services at an affordable price;
- operate effectively in relation to water catchments and achieve desired environmental outcomes, which is dependent on containing entire catchments within the boundaries of entities. This will enable effective catchment planning and management of associated infrastructure;
- understanding of rohe/takiwā boundaries and the importance of considering a Te Ao Māori expression of kaitiakitanga through ki uta ki tai – the passage of water from the mountains and great inland lakes, down the rivers to hāpua/lagoons, wahapū/estuaries, and to the sea;
- understand and reflect relevant community interests, particularly where there are existing economic or functional relationships or a shared identity between neighbouring communities; and
- have access to a skilled local workforce.

As you are aware I recently announced the establishment of a Working Group on Representation, Governance and Accountability of new Water Services Entities, with Olivia Hall, Chair of Te Rūnanga o Ngāti Rāua as one of the iwi representatives. The role of this Working Group is to examine the proposed representation, governance and accountability arrangements for the new entities. The Working Group will help develop solutions to concerns relating to representation and accountability, and other critical issues. It will report back in March 2022, which ensures there is time for the advice and recommendations to inform the final entity design.

Thank you for extending me the opportunity to have an open discussion on this matter. I happily accept your offer to engage and discuss the Reform and other aspects of your feedback. I will direct my office to work with the Secretariat to organise a date in the new year for this to occur.

I do see a path forward to address your concerns and finding a solution that is practical and effective. I hope our continued engagement and the Working Group can provide direction for these solutions, that are informed by your perspective.

Thank you again for writing.

Nāku noa

A handwritten signature in black ink, appearing to read 'N. C. Mahuta', with a long horizontal stroke at the end.

Hon Nanaia Mahuta
Minister of Local Government

Released under the Official Information Act 1982

Statement of Support: Iwi/Māori Members of Three Waters Working Group

9 March 2022

The Working Group on Representation, Governance and Accountability of the Proposed New Water Services Entities (**Working Group**) has provided its report and recommendations (**Report**) to the Minister of Local Government (**Minister**). This supporting paper is issued by the iwi/Māori members of the Working Group (**Iwi/Māori members**).

The Iwi/Māori members wish to reconfirm their support of the Working Group's Report and its recommendations. We believe that the recommendations in the Report will support the provision of equitable, affordable, and high-quality water services for everyone while protecting human health and ensuring the health and wellbeing of the environment.

It is disappointing that much of the public commentary regarding Three Waters has been focused on misunderstanding and misinformation regarding the issue of ownership. Contrary to some views that have been expressed, the proposed reforms do not involve the seizure of assets or disenfranchisement of communities. Iwi/Māori know all too well what that looks like. Like the wider community, iwi/Māori are concerned about any suggestion of the privatisation of water services, and this was a bottom line of our position as part of the Working Group. These are legacy assets that must remain publicly owned for the benefit of both current and future generations. To this end, we have supported the recommendation of the Working Group that such public ownership is reflected by councils being the shareholding owners on behalf of their communities of the water service entities and their assets.

The issue of the ownership of water was also an area of focused concern for iwi/Māori and again inaccurate statements have been made in some quarters. It is correct that there are unresolved issues of iwi/hapū rights and interests in freshwater, however, those are separate matters to be addressed between the Crown and iwi/Māori and are unconnected to these reforms. We therefore made it clear to the Working Group, and this is reflected in the Group's recommendations, that the legislation should be explicit that nothing in the reforms creates or transfers a proprietary interest in water or adversely affects iwi/hapū rights and interests in water.

As part of the Working Group, we have also actively promoted the addition of mechanisms that will further enable and ensure the participation and input of our communities, both Māori and Pākehā, in the governance of our water services. Co-governance by councils and iwi/hapū is enabled through the establishment of regional representative groups for each water services entity, with the recommendation of sub-regional advisory groups that will enable an increased input by councils, communities and iwi/hapū to issues at place.

These co-governance mechanisms are not only consistent with the principle of partnership under Te Tiriti o Waitangi, but they will enable the skills, governance experience and local knowledge of councils and iwi/hapū to contribute to the improved delivery of water services. Iwi/Māori members held a shared many other Working Group members that current and past problems in

relation to water services, which have adversely affected the environment and human health in several regions, could have been avoided by making better use of the knowledge, skills and mātauranga available within communities.

Consistent with the objective of working together with the common goal of improved water services, we also strongly advocated for a governance model based on consensus decision-making, and we are pleased that this recommendation was adopted by the Working Group in its Report.

The central importance of Te Mana o te Wai is another matter on which the universal agreement within the Working Group. Te Mana o te Wai is the fundamental principle that the health and wellbeing of our communities (including the provision of safe drinking water and the social, cultural, and economic needs of our regions) are dependent on the future health and wellbeing of our waterways. To this end, the Working Group has recommended Te Mana o te Wai as the overarching korowai (cloak) for the delivery of water services under the new regime.

The application of Te Mana o Te Wai at all levels of the new framework, and input from iwi/hapū through Te Mana o te Wai statements, will ensure that water services will be planned and delivered with a new focus on the health and wellbeing of our regional waterways and their interconnected ecosystems which demands improved efficiency and resilience in our Three Waters infrastructure. This is a key consideration for iwi/Māori, but is also an expectation and necessity for contemporary Aotearoa New Zealand as a whole as we rise together to meet the challenges of the 21st Century. It represents a significant step-change towards ensuring community wellbeing, environmental protection, and sustainable regional development for both present and future generations.

While we endorse the recommendations in the Working Group's Report, there were three areas where the Iwi/Maori members considered further measures were required, although consensus could not be achieved around the table on these matters. Those three additional elements are:

1. that the 50/50 representation between councils and mana whenua on the regional representative groups should also extend to the appointment of board members to each water service entity;
2. that the boards of water service entities should operate on the basis of consensus decision-making (with provision for a supermajority, if consensus cannot be reached); and
3. that all persons exercising powers and functions under the Water Services Entities legislation (including regional representative groups and water service entities) should be required to give effect to Te Tiriti o Waitangi and its principles.

We maintain these additional measures would result in better outcomes for all communities and for Aotearoa New Zealand. We therefore commend the Minister, when considering the Report and recommendations of the Working Group, to also give careful consideration to the three additional elements that we have identified above.

Finally, we wish to acknowledge that this process has been difficult, but rewarding. The discussions within the Working Group were frank and robust and we all benefited from the information and perspectives that were shared. Many voices were heard and options considered and, while we did not agree on every issue, there was a clear agreement from everyone, including council representatives, that the status quo is not working and that things must change to ensure the long-term, safe and sustainable maintenance and delivery of water services throughout the country. We firmly believe the adoption of the Working Group's recommendations will be a significant step towards achieving this goal for the benefit of waterways, our communities, iwi/Māori, and Aotearoa New Zealand as a whole. As a nation, iwi/Māori and Pākehā, we simply cannot afford to miss the opportunity for transformative change provided through these reforms.

***Kotahi te kōwhao o te ngira e kuhuna ai te miro mā,
te miro pango me te miro whero***

*There is only one eye of the needle through which the white,
black and red threads must pass*

Pōtatau Te Wherowhero, 1858

Nā mātou katoa

**Iwi/Māori Members of the Working Group on Representation, Governance and Accountability
of new Water Services Entities**



Ngarimu Blair



Tukoroirangi Morgan



Karen Vercoe



Olivia Hall



Gabrielle Huria



Huhana Lyndon



Jamie Tuuta



Ngahiwi Tomoana



Barry Bragg

Ngāti Manuhiri Settlement Trust
P.O Box 117. Warkworth 0910
2-4 Elizabeth Street, Warkworth, Auckland 0910
0508 MANUHIRI
info@ngatimanuhiri.iwi.nz
<https://ngatimanuhiri.iwi.nz>



30 September 2021,

Nanaia Mahuta

Minister

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5. Improve the coordination of resources and unlock opportunities to consider New Zealand's water infrastructure needs at a larger scale and alongside wider infrastructure and development needs
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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 |
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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 and environmental aspirations of both partners and it needs to be founded on a robust framework for success
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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 9(2)(a) or email 9(2)(a)

Nгаа mihi,



Terrence (Mook) Hohneck
Chairman
Ngāti Manuhiri Settlement Trust

22 February 2021

Hon Nanaia Mahuta
Minister of Local Government
Parliament Buildings
Wellington

n.mahuta@ministers.govt.nz

Tēnā koe e te Minita

Three Waters Reform - Consultation

The Canterbury Mayoral Forum and Ngāi Tahu are partnering in a review of the Three Waters service delivery arrangements across Canterbury in response to the Governments Three Waters Reform agenda. The review has been commissioned to provide councils and mana whenua with a clear understanding of the Three Waters assets within the region, and the options available to them for Three Waters service delivery and funding arrangements.

Simultaneously all Canterbury councils have opted in for the first tranche of the Three Waters Services Reform Programme and are engaging proactively in this first phase of reforms. Five of the ten Canterbury councils have responded to DIA's detailed request for information.

The Canterbury Mayoral Forum and Ngāi Tahu are very concerned about the lack of true engagement with both local government and iwi in the reform programme, and in particular the news that the next round of consultation, scheduled for March, is unlikely to include the detailed analysis that is being prepared, and that there is unlikely to be further consultation before advice is provided to Ministers in mid-2021.

The agenda for the engagement scheduled for March, clearly shows a significant level of detail for attendees to absorb, and then comment on. There needs to be time for attendees to take this information away and discuss with their councils and/or iwi before being able to comment in a meaningful way. We are also aware that the dates proposed for engagement do not suit a number of critical attendees as they clash with council meetings and other commitments.

Mayors standing together for Canterbury.

Secretariat, E: secretariat@canterburymayors.org.nz W: www.canterburymayors.org.nz
C/- Environment Canterbury, PO Box 345, Christchurch 8140 T: 03 345 9323

The Canterbury Mayoral Forum and Ngāi Tahu request that there is an opportunity for further engagement following the March dates, which provides for councils and Ngāi Tahu to respond to the information provided and also engage on options for Three Waters that come from the review being undertaken by The Canterbury Mayoral Forum and Ngāi Tahu.

We would welcome a meeting with you to further discuss our concerns.

Ngā mihi



Sam Broughton (Mayor Selwyn District)
Chair, Canterbury Mayoral Forum



Dr Te Maire Tau
Ūpoko
Ngāi Tuāhuriri

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