

Hon Simeon Brown

MP for Pakuranga

Minister for Energy
Minister of Local Government
Minister of Transport

Minister for Auckland
Deputy Leader of the House



Mayor Wayne Brown
Auckland Council

CC: Phil Wilson, Chief Executive

Dear Wayne

New direction for water services delivery

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

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

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

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

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

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

1. Repealing the previous Government's water services legislation

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

- All legislation relating to water services entities will be repealed (Water Services Entities Act 2022, Water Services Entities Amendment Act 2023, and Water Services Legislation Act 2023).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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours sincerely,



Hon Simeon Brown
Minister of Local Government

Document 2

Hon Simeon Brown

MP for Pakuranga

Minister for Energy
Minister of Local Government
Minister of Transport

Minister for Auckland
Deputy Leader of the House



Mayor Moko Tepania
Far North District Council

CC: Blair King, Chief Executive

Mayor Craig Jepsen
Kaipara District Council

CC: Jason Marris, Chief Executive

Dear Moko and Craig,

New direction for water services delivery

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

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

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

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

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

1. Repealing the previous Government's water services legislation

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

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

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

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

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

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

I recognise that your councils have already been given some relief around the preparation of your LTPs in response to the weather events earlier this year. As such, some of the proposed modifications may be less relevant to you.

If your council is...	Options available
<p>Starting to prepare or consult on long-term planning material that includes water services information – ahead of the repeal bill being enacted</p>	<p>The enacted provisions clarify that the council can include water services material in the final plan, without re-consulting, but:</p> <ul style="list-style-type: none"> • Must include new/updated information on water services in its final plan – to reflect the continuation of its responsibilities; • Must consider the views and preferences of affected and interested persons as it considers appropriate; and • Does not have to delay the adoption of its long-term plan past 30 June 2024 (in order to provide opportunities for public consultation on its revised proposals). <p>Transitional provisions will also help ensure the risks of future legal challenge (associated with concerns about possible issues in process) will be minimised.</p>
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	councils are taking longer than usual to finalise the long-term plan.
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3. Local Water Done Well – key principles of our future direction for water services

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

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

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

- Introducing greater central government oversight, economic and quality regulation.
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I intend to work with all councils on the development of our Local Water Done Well policy to ensure it reflects your local needs and circumstances.

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

Yours sincerely,



Hon Simeon Brown
Minister of Local Government

Document 3
Hon Simeon Brown

MP for Pakuranga

Minister for Energy

Minister for Auckland

Minister of Local Government

Minister of Transport

Deputy Leader of the House



Mayor Vince Cocurullo
Whangārei District Council
Email: mayor@wdc.govt.nz

cc. Simon Weston
Email: Simon.Weston@wdc.govt.nz

Dear Vince,

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

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

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

Yours sincerely,



Hon Simeon Brown
Minister of Local Government

Document 4
Hon Simeon Brown

MP for Pakuranga

Minister for Energy

Minister for Auckland

Minister of Local Government

Minister of Transport

Deputy Leader of the House



Mayor Sandra Hazlehurst
Hastings District Council
Email: sandra.hazlehurst@hdc.govt.nz

cc. To'osavili Nigel Bickle Chief Executive
Email: nigelb@hdc.govt.nz

Dear Mayor Hazlehurst

New direction for water services delivery

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

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

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

The repeal bill is expected to be introduced in February 2024 and enacted as soon as possible.

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

I have heard that councils are seeking legislative certainty for your 2024-34 long-term plan and are seeking direction and support for how to continue to plan for and finance water services.

I am also conscious that different councils will have different needs and preferences and will be at various stages of developing their long-term plans.

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

I recognise a few councils are preparing an unaudited three-year plan, with a focus on cyclone recovery, rather than a standard 10-year plan. As such, some of the proposed modifications may be less relevant to you.

If your council is...	Options available
<p>Starting to prepare or consult on long-term planning material that includes water services information – ahead of the repeal bill being enacted</p>	<p>The enacted provisions clarify that the council can include water services material in the final plan, without re-consulting, but:</p> <ul style="list-style-type: none"> • Must include new/updated information on water services in its final plan – to reflect the continuation of its responsibilities; • Must consider the views and preferences of affected and interested persons as it considers appropriate; and • Does not have to delay the adoption of its long-term plan past 30 June 2024 (in order to provide opportunities for public consultation on its revised proposals). <p>Transitional provisions will also help ensure the risks of future legal challenge (associated with concerns about possible issues in process) will be minimised.</p>

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<p>Needing more time to develop and consult on long-term planning material</p>	<p>The statutory deadline by which the 2024 long-term plan must be adopted will be extended by three months – to 30 September 2024.</p> <p>This flexibility may be desirable to smaller councils with fewer resources, or those councils that would prefer to wait until the repeal legislation is enacted before starting consultation.</p> <p>The deadline for adopting the 2023/24 annual reports will also be extended, to reflect the possible overlap in auditing processes if councils are taking longer than usual to finalise the long-term plan.</p>
	<p>Councils will be permitted to have unaudited long-term plan consultation documents.</p> <p>This would allow auditing of the final long-term plan to proceed in tandem with consultation, to help achieve statutory deadlines.</p>

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

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

- Introducing greater central government oversight, economic and quality regulation.
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I intend to work with all councils on the development of our Local Water Done Well policy to ensure it reflects your local needs and circumstances.

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

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Simeon Brown', written in a cursive style.

Hon Simeon Brown
Minister of Local Government

Document 5

Hon Simeon Brown

Minister for Energy
Minister of Local Government
Minister of Transport
Minister for Auckland
Deputy Leader of the House



20/12/2023

Campbell Barry
Chair
Wellington Water Committee
campbell.barry@huttcity.govt.nz

Dear Campbell

Thank you for making time to meet with me and Taumata Arowai to discuss the provision of water in the Wellington region, and recent modelling that suggests demand may exceed supply in January and February 2024.

My expectation is that councils in the region will work together via Wellington Water to address the possible water shortage. This includes actively considering how to fix leakage issues, increasing supply, and how the short- and medium-term activity will be funded.

I would like to know what actions councils in the Wellington region are taking in the short- to medium-term to address the water shortage, and future plans. I would welcome a response by 31 January 2024.

Should you have any questions please contact my office, or Warren Ulusele, Partnership Director by email at warren.ulusele@dia.govt.nz or on 021 227 8187.

Yours sincerely,

A handwritten signature in blue ink that reads "Simeon Brown".

Hon Simeon Brown
Minister of Local Government

Document 6

Hon Simeon Brown

Minister for Energy
Minister of Local Government
Minister of Transport
Minister for Auckland
Deputy Leader of the House



16/01/2024

COR089

Mayor Neil Holdom
New Plymouth District Council
Neil.holdom@npdc.govt.nz

Dear Mayor Holdom

Thank you for your email of 1 December and letter of 12 December 2023 offering your support of and expressing your views on implementing Local Water Done Well.

Last December I announced that Cabinet agreed to repeal the previous government's water services legislation and signalled next steps for implementing our plan for water services: Local Water Done Well.

I trust you received my letter by email on the day of the announcement, which outlined the Government's new direction for water services delivery starting with the repeal of the previous Government's water services legislation early this year. The letter also outlined options that will be available to councils once the repeal bill has passed, to support them to prepare their 2024 long-term plans (LTPs).

This includes enabling councils to continue to consult on their LTP under previous policy settings and include water services material in the final plan, without re-consulting (but they must consider the views and preferences of affected and interested persons as they consider appropriate). For those councils needing more time to develop and consult on long-term planning material, the statutory deadline by which this must be adopted will be extended by three months to 30 September 2024, and they will also be permitted to have unaudited LTP consultation documents.

With Local Water Done Well, we are going to do things in a way that recognises the importance of local decision making and flexibility for communities and councils to determine how their water services will be delivered in the future. I note your intention to explore the potential establishment of a Council Controlled Organisation (CCO) to manage and deliver water services in your region. I understand you have been in contact with officials from the Department of Internal Affairs (DIA) on this matter and I encourage you to continue this engagement. I look forward to updates on how these discussions progress from yourself and officials.

I also understand you have developed thinking around the best way to achieve effective CCOs particularly through good economic regulation. My colleague Hon Andrew Bayly, Minister of Commerce and Consumer Affairs will be leading the development of the economic regulation regime, and I will be working closely with him on these matters. My officials at DIA will be liaising with both the Commerce Commission and the Ministry for Business, Innovation and Employment as this work is progressed. I encourage you again to continue your discussion with DIA to best enable your views to be considered in this work.

I appreciate your offer of support and look forward to our discussions when we meet in New Plymouth on 24 February 2024.

Yours sincerely,

A handwritten signature in blue ink, consisting of the letters 'S' and 'B' connected by a horizontal line, with a long horizontal stroke extending to the right.

Hon Simeon Brown
Minister of Local Government

Document 7
Hon Simeon Brown

Minister for Energy
Minister of Local Government
Minister of Transport
Minister for Auckland
Deputy Leader of the House



19 January 2024

Tory Whanau
Mayor
Wellington City Council

By email: mayor@wcc.govt.nz

Dear Tory

I wrote to the chair of the Wellington Water Committee on 20 December 2023 asking what action shareholder councils are taking in the short- to medium-term to address potential water shortages, and future plans to protect water supplies. My letter was in response to concerns raised by Taumata Arowai that modelling by Wellington Water and the Greater Wellington Regional Council showed that demand will exceed supply in January and February this year.

I understand the chair of Wellington Water asked your council to provide the required information to him by 17 January 2024. I am disappointed that you have not met this deadline or provided any update to my office.

Water shortages in our capital city will have significant impacts on communities and businesses. I expect councils to take their obligations to residents and ratepayers seriously and implement all mitigations necessary to avoid cuts or limits on water supplies.

As Minister of Local Government, I have a range of options under Part 10 of the Local Government Act in relation to local authorities. Under section 257 I can require a local authority to provide information to me about the problem and its plans to address it.

Based on your failure to respond to the chair of the Wellington Water Committee, modelling prepared by Wellington Water, and ongoing public concerns that a state of drinking water emergency may be declared this summer period, I believe a problem may exist with your Council's ability to meet its obligations regarding supply of drinking water and you are unwilling or unable to address it.

It is on this basis that I am making a formal request for more information, under section 257 of the Local Government Act 2002.

I require the following information to understand how you are addressing or planning to address the problem:

- a summary of all actions taken by your council in the last ten years to prevent water shortages, including investment in water network infrastructure and asset management;
- a summary of all funding provided by your council in the last ten years for condition assessments of water network infrastructure;
- detail of all depreciation accrued against your water network infrastructure versus the level of capital investment to be outlined in the first three years of your 2024-34 Long Term Plan;

- a summary of all advice received by your council from Wellington Water in relation to necessary investment levels and actions taken by your council in response to this;
- evidence your council intends to make necessary investments in the first three years of the 2024-34 Long Term Plan in water loss management activities, and increasing capacity and storage;
- evidence your council is committed to supporting the recommendations made at the Wellington Water Summit in September 2023;
- any other documentation that would give me assurance your Council is taking action to address the risk of water shortages this summer and into the future.

Please submit the information requested to my office in writing by 1 February 2024.

Under section 257(4) of the Local Government Act 2002, you must respond to this notice by this date, unless I have agreed otherwise.

Should you have any questions about this process, or any questions regarding my decision, please contact my office.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Simeon Brown'.

Hon Simeon Brown
Minister of Local Government

Copy to: Barbara McKerrow
Chief Executive
Wellington City Council

Document 8

Hon Simeon Brown

Minister for Energy
Minister of Local Government
Minister of Transport
Minister for Auckland
Deputy Leader of the House



20 January 2024

Tory Whanau
Mayor
Wellington City Council

By email: mayor@wcc.govt.nz

Dear Tory

Thank you for your letter of 20 January 2024.

I appreciate your prompt reply and the initial information you have provided. I share your concerns about the potential for water shortages in the Wellington region and I look forward to getting that additional information.

I agree that we should meet to discuss these matters that have a significant impact on the well-being of your city. I have instructed my office to arrange a time to meet as soon as our diaries allow.

Yours sincerely,

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