

Submission to the Finance and Expenditure Select Committee on

WATER SERVICES ENTITIES BILL



22 July 2022

Introduction

1. The Timaru District Council thanks the Finance and Expenditure Select Committee for the opportunity to submit on the Water Services Entities Bill.
2. This submission is made by the Timaru District Council, 2 King George Place, Timaru and is authorised by the Mayor, Nigel Bowen who has the unanimous support of all Councillors on the issue of Three Waters reform.
3. The contact person regarding the submission content is Bede Carran, Chief Executive, Timaru District Council (bede.carran@timdc.govt.nz and 03 687 7275).
4. Timaru District Council (Council) wishes to speak to its submission. We invite the Select Committee to visit the Timaru District and would be pleased to host the Committee to enable it to hear directly from the communities and people impacted.

The Water Services Entities Bill

5. We acknowledge the purpose of the Bill to:
 - establish the ownership, governance and accountability arrangements for water service entities (WSEs); and
 - provide for the transition arrangements during the establishment period so that WSEs can commence service delivery from 1 July 2024 or earlier by Order in Council.
6. Given the Government's reform programme, we also acknowledge a further Bill will follow later in 2022 to transfer assets and liabilities from local authorities and establish the specific powers and functions of WSEs regarding the provision of water services, should they go ahead as planned.

Council's position on the Water Services Entities Bill

7. Council is fundamentally opposed to the Water Services Entities Bill and fully endorses and supports the submission of Communities for Local Democracy (C4LD).
8. Council endorses and supports the proposed alternative approach outlined in the C4LD submission and urges the Select Committee to recommend the Bill be stopped and the reforms reconsidered built on the proposed C4LD 10-point plan.

9. Council believes, based on the feedback it has received from the community, that this view is representative of the majority of residents in the Timaru District.
10. Council believes the analysis and modelling provided as the basis for the reform solutions is flawed, as borne out in the C4LD analysis. Council's own independent analysis¹ makes it evident that the potential future cost per household is considerably less than that assumed by the WICS Analysis provided to the Government as a basis for the reform. Council is deeply concerned that such major and far reaching reform is proceeding on the basis of this widely disputed analysis, particularly given that the Government's analysis is being challenged with empirical and evidence based data and information. Council remains unconvinced at the affordability assumptions parried by the reform proposals.
11. Council supports the proposed 10-point process outlined in the C4LD submission. Potentially this model could be implemented on a more sub-regional basis with a Central South Island collaborative approach leading to a more workable and locally focused solution with sufficient economies of scale (approximately 100,000 population). Council had, in conjunction with other neighbouring councils, commenced scoping the options for a sub-regional model. Apropos of that options analysis, Council notes with some disappointment that when it applied to the Department of Internal Affairs, back in early 2020 for funding, ostensibly promoted by the Department to support such options analysis, it was declined funding on the basis anything smaller than a regional model would not be considered. Such an approach stretching back so far underscores, in Council's view, the pre-determination that has characterised much of the reform process.
12. Council is fully supportive of the continued delivery of safe, high quality and affordable Three Water services. There is no question that this should continue to be provided to our communities. Council acknowledges that significant further investment will be required in Three Waters services into the future.
13. Council has delivered excellent Three Waters services to its community for many years. This has been summarised in Appendix 1: Timaru District's delivery of Three Waters services. Council considers that the Government is seeking to create the perception, particularly when one considers the ill-informed publicity campaign in 2021 that all water services' providers are failing to deliver acceptable Three Waters services when this is demonstrably not the case. Council has been clear, as have many other councils, including those that are part of the C4LD, that it supports a strengthening of the regulatory and policy framework and the role of Taumata Arowai to lift performance nationally across the Three Waters domains.
14. Despite the Government's endeavours to date, Council remains unconvinced that the degree of structural reform proposed to fix the Three Waters challenges is necessary, or desirable particularly when considered in the context of delivering the 4 well-beings for our communities. Council believes these reforms will remove democratic accountability for Three Waters services and enable significant

¹ Refer Appendix 2: Advice on Water Reform: Report to Timaru District Council, Castalia, September 2021

centralisation of power and decision-making which will lead to poorer outcomes for local communities. Decades of investment by our communities into the infrastructure and services provided will be handed to an entity with a governance structure that is complicated and diffuses accountability to a level that renders it practicably meaningless for consumers and stakeholders alike.

15. The entity created by the proposed reforms means that effectively Timaru District will have a 'community of interest' with the rest of the South Island. For example, hearing the voices of the communities of Pleasant Point, Temuka, Geraldine and other rural communities will compete with the voices of the likes of NZ's second largest city, Christchurch. In addition to removing democratic accountabilities from communities it undermines the importance of regional investment that the Government has strongly promoted as part of its policy to support productive and sustainable growth across New Zealand.
16. Council believes in a model which combines improved regulation with a more sustainable funding model and which continues to maintain the benefits of local delivery. As noted above, this is set out in the C4LD alternative model approach.
17. Council believes a revised approach based on the C4LD plan would enable the design of a more logical and integrated set of local government reforms, including the Resource Management Act reform and the Future for Local Government work programme currently underway. Currently there are poor connections between the reforms, and Council believes the reforms have occurred in the wrong order. Stepping back and re-evaluating how these reforms are progressing and interconnected would enable a more logical, intertwined and improved outcome, leading to a more sustainable, future-focused and progressive solution for local communities.
18. Council acknowledges the first substantive change associated with the Three Waters Reforms, being the creation of Taumata Arowai. This regulatory agency has a key role to play in lifting both the content of the Drinking Water Standards and the achievement of compliance with those standards. The full impact of the new regulatory regime will not become apparent until the updated Drinking Water Standards are promulgated later this calendar year, and when Taumata Arowai commences its overview role of wastewater and stormwater compliance. In alignment with the conclusions and advice of the Productivity Commission in its report on Local Government Funding and Financing (November 2019), the Government should first ensure, through Taumata Arowai, rigorous enforcement of minimum standards and secondly encourage existing water suppliers to determine the optimal structure for achievement and delivery on those standards. We note at this point there are no national standards for wastewater discharges, with the consenting regime being via the Resource Management Act administered by Regional Councils and the National Coastal Policy Statement administered by the Minister of Conservation.

19. Council acknowledges there needs to be a lift in Three Waters services suppliers' performance nationwide. The advent of Taumata Arowai is appropriate and welcomed and will result in an immediate application of greater diligence in meeting compliance requirements for Drinking Water. In time, the same will be said for wastewater and stormwater services.
20. It is the structure for delivery of the lift in performance standards that so gravely concerns Council. The Government's proposal is fatally flawed in its design and does not align with community well-beings and communities finding their own solutions to the expected standards of performance. As history has so often revealed, 'solutions' imposed without a social licence and with poor design will fail to deliver on their objectives. The Government's model will further disenfranchise provincial and rural communities without delivering the projected benefits while at the same time imposing considerably greater costs on all. It is difficult to see how such a reform proposal can proceed in the face of such stark warnings. Further, it is difficult to fathom how the Government, in such a perfunctory manner, dismisses even the notion of pausing and permitting a genuinely independent and objective testing of the concerns raised by so many well informed stakeholders who are fully committed to improved Three Water performance at all levels.

Specific Bill Issues for Comment

21. While Council's fundamental position is to oppose the reforms in their current form, it has the following comments on specific elements of the Bill as proposed, outlined below.

Ownership

22. Despite the Government's assurances that these assets will remain in local's hands, Council does not accept that the mechanisms proposed provide anything like sufficient protection. Future commercialisation of the Three Waters assets and the revenue streams that can be generated from them will remain an ever present risk. The history of New Zealand's bundling of networked infrastructure assets into consolidated entities has been one of inevitably permitting privatisation and commercial entities a right to purchase future income streams for commercial returns.
23. Timaru District residents, businesses and ratepayers have over many generations contributed to the upkeep and development of its Three Waters assets. This ownership has ensured that locals can contribute to local strategy about how these assets should be managed, maintained and developed. The ownership model will strip away this opportunity and restrict local input into prioritising development of Three Waters assets that provide a vital contribution to the wellbeing of Timaru District and its residents.

Representation and Local Voice

24. In Council's view, the Bill offers limited mechanisms for local voice in water services delivery and does not guarantee Timaru District (or any other district or region) representation on the Regional Representation Group (RRG) or the Regional Advisory Panel (RAP).
25. Under the proposals, a Regional Representation Group will be created for the Southern Water Services Entity. The RRG will include 12-14 members, with half of these appointed from mana whenua. Given the Southern Water Services Entity will represent the interests of over 20 Councils in the South Island, this means that most will not have direct representation on the RRG, despite being direct owners of the Three Waters services. These members may be elected members, chief executives or senior managers of a Territorial Authority (TA) owner.
26. Further, the Bill allows a Water Services Entity to create one or more Regional Advisory Panels, made up of an equal number of TA and mana whenua panel members. Panels are purely advisory and designed to support the work of the RRG, which can choose to ignore their advice. This model provides no accountability back to these groups from the RRG and renders nugatory the notion of meaningful community participation in the water services entities they purportedly own.
27. Despite these attempts to improve local representation, Council believes these measures do not go far enough. Conceivably, vast areas of the Southern Water Services Entity could be without direct representation to influence decision-makers making decisions on the Three Waters assets they own.
28. We believe this is unacceptable and the mechanism should be designed to ensure representation from all TAs that are owners of the Three Waters services.
29. The current design of 'local input' means there is no requirement for either body to have direct representation from Timaru District, nor does it require any direct consultation with local communities. This places local projects at risk, when considered against projects in other localities throughout the Southern Water Services Entity, including those already underway or planned. Given a lack of guarantee of funding or commitment to these local projects, this could have a demonstrable impact on the Timaru District economy and resilience in the face of natural disasters and climate change.

Conclusion

30. Council is fundamentally opposed to the Bill on the simple principle that it simply will not deliver the objectives and projected benefits and will likely be counter-productive to the stated aims of the Government.
31. C4LD in its submission charts a robust well founded alternative model that will meet all of the Government's objectives. Additionally and importantly the C4LD alternative model achieves the Government's objectives without undermining the four well-beings that the Government itself reintroduced into the Local Government Act 2002.

32. For the reasons set out above Council is strongly supportive of the C4LD submission and its alternative model and accordingly urges the Select Committee to reconsider the reforms based on the C4LD model.



Nigel Bowen

Timaru District Mayor

Appendix 1: Timaru District's delivery of Three Waters services

33. The Timaru District Council is a local authority in the South Island serving over 48,000 people in South Canterbury. The Timaru District is within the Canterbury Region with the main settlement being Timaru, with other smaller settlements of Geraldine, Pleasant Point and Temuka.
34. Timaru District Council is a foundation member of the Community for Local Democracy (C4LD) group which was established in response to the Government's water reforms to demand better reforms, that mean our communities continue to have a say on how the assets they have paid for over generations are used to achieve better health, environmental and community outcomes.
35. The purpose of the discussion below is to summarise Council's current delivery of Three Waters services, including scope, projects, planning and performance. It is intended to highlight that Council has and continues to meet the challenges facing Three Waters services.
36. The scope of Timaru District's delivery of Three Waters services is provided below:
 - i. The Timaru District Council provides the full suite of Three Waters services to the community.
 - ii. Drinking water is provided to all urban areas. Rural water is provided for both stock and drinking to most rural communities. There are 21,447 (19,576 residential and 1871 non-residential) connections to the nine drinking water schemes which serve an estimated population of 46,000 across 21,453 properties.
 - iii. Networked sewer services are provided to Geraldine, Pleasant Point, Temuka and Timaru urban areas with an estimated population of 37,000 being served via 15,331 residential connections and 1,101 non-residential connections.
 - iv. Stormwater services are provided to the same urban areas as sewer and to a very limited extent in some rural localities.
 - v. Timaru District's Three Waters services are valued, at 30 June 2021, at over \$828m, with debt of approximately \$58m.
 - vi. There are approximately 100 resource consents held by Council to enable the delivery of these Three Waters services to the communities in the Timaru District.
 - vii. For clarification, it should be noted that Environment Canterbury is responsible for the management of rivers and for flood control in the Timaru District area.
37. The key Three Waters services projects delivered over the last 15 – 20 years cover the full spectrum of storage, reticulation, treatment and disposal. In particular, we wish to make the Committee aware of the following substantive projects:

- i. *Wastewater Treatment and Disposal Strategy Implementation, 2002-2016 (Cost: \$62m)*

This highly successful and internationally award winning project has resulted in the total removal of treated wastewater discharges from inland waterways and provides separate treatment for the domestic and industrial waste streams.

- ii. *Downlands Rural Water Scheme Abstraction, Storage, Treatment and Reticulation Upgrade, 2018-2022 (Cost: \$21m)*

This large rural water scheme provides stock and household water to land within the Mackenzie, Timaru and Waimate Districts (approx. 78,000 hectares and over 2,200 connections). The new water treatment plant is currently being commissioned and will ensure the water scheme meets the current and proposed new Drinking Water Standards.

- iii. *Timaru Bulk Supply Pipeline Replacement, 2019-2022 (Cost: \$24m)*

The 42km replacement pipeline is due for completion in the third quarter of 2022. The pipeline replaces a 1930s pipe that is now at the end of its useful life and provides Timaru with 60% of its bulk water on an annual basis.

- iv. *Temuka Bulk Supply Pipeline Replacement and new Pump Station with Reservoir Storage, 2018-22 (Cost: \$6.9m)*

Following the urgent replacement of the 12km long trunk water main in 2018, it was agreed to construct a new pump station and service reservoir adjacent to the Temuka Township. This is primarily a risk mitigation measure to ensure the continuous supply of water to Temuka.

- v. *Te Moana Rural Water Treatment Plant and Pipelines Construction, 2020-22 (Cost: \$5m)*

Due to be commissioned in the third quarter of 2022 at a cost of \$5m, this new water treatment and associated pipelines will ensure the rural community surrounding Geraldine will be supplied with water that meets the current and proposed new Drinking Water Standards.

- vi. These projects (and many more of lesser scale) illustrate that the Timaru District Council is fully aware of its obligations as a utility service provider to meet its mandated statutory requirements. Fully compliant wastewater treatment and disposal services are currently provided and the major construction of new water treatment plants and replacement trunk pipelines will facilitate compliant drinking water to all water network consumers.

38. Council continues to plan for future investment in Three Waters services. The Timaru District Infrastructure Strategy was updated in 2020-21 as a foundation document of the 2021-31 Long Term Plan. The Infrastructure Strategy is a statutory document that provides information relating to infrastructure management, proposed projects, and funding requirements for the next 30 years.

Within the Three Waters context, the strategy details the following significant capital projects and associated funding requirements planned for the 2021/2051 period.

- i. Treatment upgrades as required to meet expected increased standards with the establishment of Taumata Arowai. This includes the completion of the new Downlands water treatment plant in 2022, followed by upgrades to the other supplies from 2031-2035, once the new water standards are known.
 - ii. Upgrade of the Timaru urban water treatment plant at Claremont to provide a further barrier within the water treatment process to provide enhanced resilience to the water supply as part of adapting to effects of climate change.
 - iii. Universal Water Metering for all urban areas from 2025.
 - iv. Investigation and development of new water sources and treatment to maintain resilience of supply.
 - v. Upgrade of the Te Moana water scheme, now well underway.
 - vi. Seadown rural water supply scheme reconfiguration from an 'on demand' scheme to a scheme with high sustainability.
 - vii. Sewer consent renewal and ongoing pond desludging
 - viii. In addition to the projects outlined above, consideration is given to many future Three Waters projects that will cover a wide range of risk mitigation measures, climate change adaptation and infrastructure to address potentially new environmental standards. The value of such projects is estimated to be in the range of \$500m to \$900m over the 30 year period. Work is ongoing in development of these future projects and given uncertainties on scope, cost and funding, they will be included in future infrastructure strategies.
39. Council has already, through its past two Long Term Plans, commenced significant discussions on the key current and future issues facing the effective delivery of Three Waters service delivery across the Timaru District which recognises the changing environmental standards, cost of capital works, the impact of climate change, resourcing of the activity management function (particularly for stormwater), and the funding of these projects and work streams while meeting financial prudence requirements.
40. The Timaru District is very mindful that customer expectations for the local delivery of three water services is exceedingly high. Council has determined that activity management is core work and employs a specialist team to provide activity and asset management, technical management, customer responses and associated support roles. Following a transparent and competitive procurement process, a long term operations and maintenance contract has been entered into with a nationwide competent contractor. The contract is for the day to day

responsiveness to reticulation network issues, pro-active network maintenance, maintenance related renewals and emergency responses 24/7.

41. Council's performance in the delivery of Three Waters services continues to be positive, including meeting targets for mandatory performance measures, ongoing high resident and user satisfaction levels and compliance with resource consents and standards.

**Appendix 2: Advice on Water Reform: Report to Timaru District Council, Castalia,
September 2021**



Advice on Water Reform

Report to Timaru District Council

SEPTEMBER 2021

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Definitions

DIA	Department of Internal Affairs
IPART	Independent Pricing and Regulatory Tribunal
LGNZ	Local Government New Zealand
RFI	Request for Information
TDC	Timaru District Council
WICS	Water Industry Commission for Scotland

Executive summary

The government is proposing to reform the drinking, waste and storm water (three waters) sector. The reform will involve amalgamating the water services of the 67 local authorities into four new regional statutory corporations, with centralised management and a new governance structure. The structure will have indirect Board appointment rights for local authorities to be shared with mana whenua representatives.

The government proposes to amalgamate the water services of Timaru District Council (TDC) into a new statutory corporation called “Entity D” together with the water services of Ashburton, Buller, Central Otago, Christchurch, Clutha, Dunedin, Gore, Grey, Hurunui, Invercargill, Kaikoura, Mackenzie, Queenstown Lakes, Selwyn, Southland, Waimakariri, Waimate, Waitaki and Westland (the Reform Scenario).

The government has given TDC two choices, join the Reform Scenario or Opt-Out. TDC, along with other local authorities, has been asked by the government to consider the evidence and whether the government’s proposal to reform the water sector will deliver benefits to its residents. The government also committed to providing Timaru with \$19.9 million in funding under the “better off” package, an additional \$3 million¹ for stranded overhead costs under the “no worse off” package, and further compensation for any loss in TDC’s debt headroom. These amounts are to be part-funded from the balance sheet of the new entity.

Key question: will the Reform Scenario deliver the claimed benefits?

The key question for this report is whether the benefits for TDC that are claimed by the government are robust, and whether the Timaru community is likely to be better off with the Reform Scenario.

The Reform Scenario uses analysis provided by Water Industry Commission for Scotland (WICS), the Scottish government’s regulator of its monopoly water provider Scottish Water. The WICS analysis and modelling underpins the case for reform. The government has relied on WICS for the claims that significant capital investment is needed in the New Zealand water sector, and that amalgamation into four separate entities with accompanying institutional changes is the only way to achieve the cost-efficiencies to make the reform affordable.

The government is promising that household bills will be four times lower in Reform Scenario than in Opt-Out

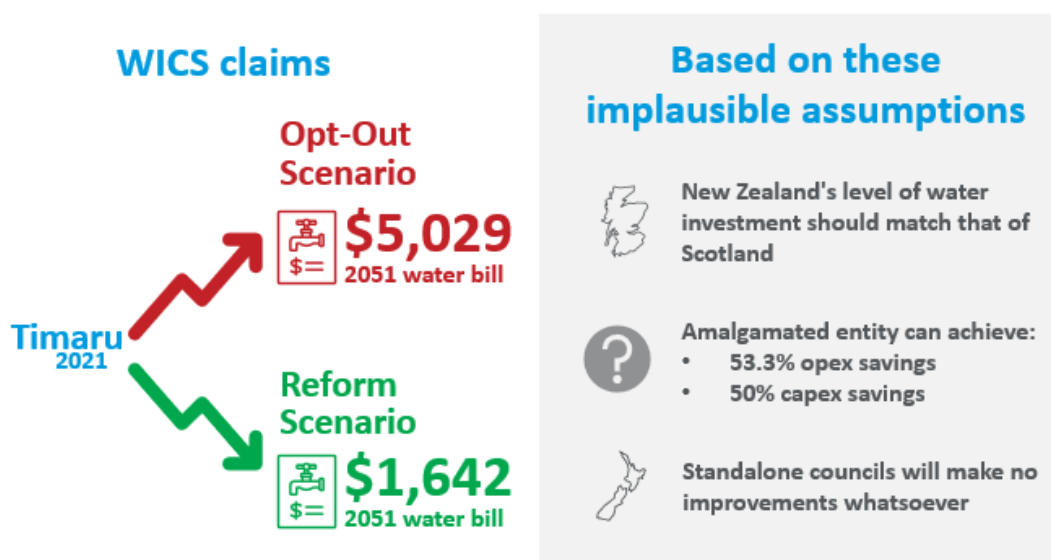
The government is promising that the Reform Scenario will deliver household bills that are about half the amount that would exist in the Opt-Out Scenario. The government claims that the Reform Scenario will deliver Timaru residents:

- Household bills that average \$1,642 by 2051
- Improvements in service delivery and affordability
- Improvement in the ability to raise finance.

In contrast, the government’s WICS analysis claims that if TDC provides water services as an opt-out provider, household bills will rise to \$5,029 by 2051.

¹ We were advised of this number by TDC.

Figure 0.1: Government’s predicted outcomes in Reform Scenario and Opt-Out Scenario



Reform Scenario is based on faulty assumptions and flawed analysis

The Reform Scenario is based on faulty assumptions and flawed analysis. The government has not shown with sufficient certainty to TDC that the claimed benefits of the Reform Scenario will materialise.

The benefits of the Reform Scenario rest on three key claims:

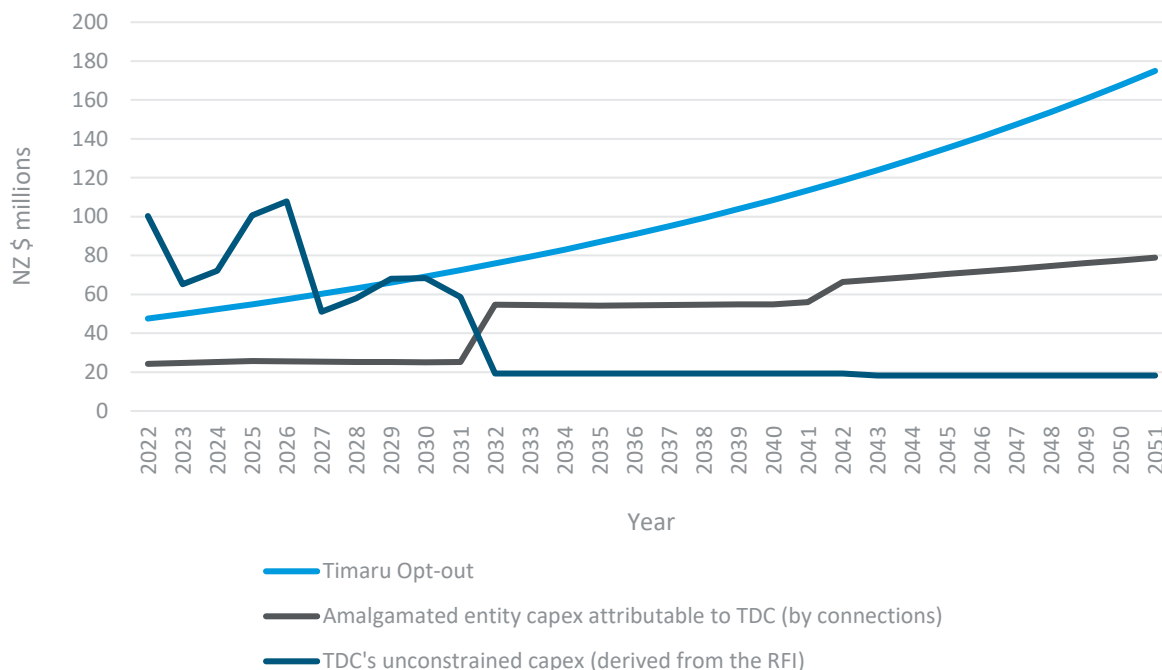
- That TDC (and New Zealand as a whole) needs to invest to match Scottish levels of water sector capital stock per resident
- The amalgamated entity will be able to achieve up to 53.3 percent in opex efficiency and up to 50 percent in capex efficiency compared to existing opt-out entities
- TDC as an opt-out entity will not improve over the next 30 years.

Required investment for TDC and for New Zealand as a whole is overstated

The Reform Scenario rests on WICS’ modelling and manual adjustments that assume New Zealand will need significantly higher levels of capital investment over the next 30 years than is currently estimated in local authorities’ own 10-year plans. The required capital investment, compared to TDC’s own planned investment is illustrated below.

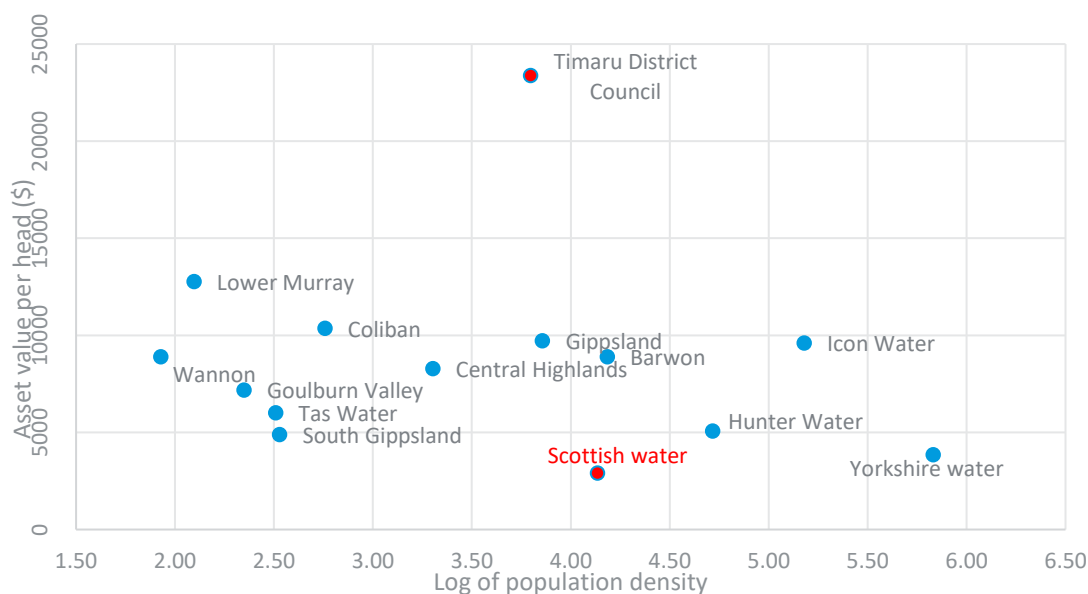
Figure 0.2 shows how WICS models a significant difference in net investment for TDC in the Opt-Out Scenario compared to TDC’s own planned capital investment.

Figure 0.2: Net investment scenario for TDC under WICS models and TDC’s own plan



However, in modelling the Opt-Out Scenario, WICS claims that TDC needs large capital investment increases from 2021 because WICS mechanistically applies a model based on Scotland, that WICS suggests shows that New Zealand requires water asset capital stock of up to \$70,000 per capita. However, there is no strong evidence that Scottish asset levels are relevant to New Zealand in general, or to Timaru in particular. When we compare asset levels per capita to a wider range of water entities in Australia, which has closer similarities to New Zealand’s urban geography than Scotland, the choice of the Scottish model is less clear.

Figure 0.3: Asset value per connected citizen for selected water utilities



Note: Castalia could not reconcile WICS' estimated asset value per connected citizen for Scottish Water and Yorkshire Water based on those entities' annual reports. It is possible that WICS may be using undepreciated replacement values for the assets of those entities. For our analysis, we used asset values from the relevant entities' annual reports. As a result, the asset value per connected citizen in this figure for Scottish Water and Yorkshire Water do not match the WICS figures illustrated in Figure 0.3. We included all vertically integrated Australian water utilities where recent replacement values were available.

Efficiency assumptions are implausible

WICS' modelling makes implausible assumptions about the efficiency in the Reform Scenario. The government assumes that the Reform Scenario will deliver 50 percent capital expenditure (capex) savings and 53.3 percent operating expenditure (opex) savings.

The capex saving is not grounded in any actual evidence, but rather on WICS' observations. The implausibility of capex savings has also been addressed in previous analysis by Castalia for Local Government New Zealand and the Joint Steering Committee. Economies of scale in capex are not available in New Zealand water services, except for minor potential cost savings in procurement.

The opex saving is also derived from Ofwat and Scottish observations. However, for TDC the opex efficiency is implausible because TDC already has comparable opex to the largest and most corporatized water provider Watercare in Auckland. Given the profile of TDC's opex, it seems unlikely that savings of 53 percent are possible.

TDC is likely to improve water service delivery if it opts out, yet WICS assumes no such improvements

In any case, TDC is likely to improve its services over the next 30 years, yet WICS' modelling assumes that TDC will make no efficiency gains under the Opt-Out scenario. As a result, the Opt-Out scenario, as modelled by WICS, likely overstates TDC's costs.

TDC will be subjected to water quality regulation, and obtain guidance and expertise from Taumata Arowai. Corporatisation and improved performance of other water service providers will lead to changes at TDC that drive better performance as TDC seeks to match the benchmarks set.

Economic regulation is likely to apply across the sector, not just to four amalgamated entities. The government's assumption that it cannot regulate all council-owned water services is inconsistent with the Commerce Commission's regulation of electricity distribution businesses and inconsistent with the experience in multiple overseas jurisdictions where economic regulators are capable of regulating many entities. Economic regulation is also likely to enable benchmarking and comparisons.

Financing changes would make significant impact to household water bills in Opt-Out and Reform Scenario

The 2051 water bill levels claimed by WICS change significantly with changes in the assumptions about the borrowing capacity of water service providers in the Opt-Out or Reform Scenario. In some parts of New Zealand, council balance sheet strength, LGFA limits and aversion to debt can limit efficient borrowing for long-lived infrastructure. Long-term debt instruments that match the life of the assets they finance is generally an efficient way to ensure that the beneficiaries of infrastructure bear its costs. The debt limit assumptions used by WICS for the Opt-Out Scenario have a material impact on the level of 2051 household bill. The 2051 bills would be 42 percent lower if WICS had assumed a higher debt-to-revenue limit. This is illustrated in Figure 0.4 below.

Figure 0.4: Average WICS bill per household under different financing options for TDC (Opt-out scenario)

	Average bill per household (\$, 2051)	Average bill per household (\$, 2021)	% Change (Decrease in bills)
250 % debt to revenue Limit (WICS model assumption)	9,872	5,029	-
280 % debt to revenue Limit	9,0938	4,633	7.89
500 % debt to revenue Limit	5,758	2,933	41.67

TDC should examine how it can provide a constructive counter-proposal to the government

The government's evidence base and analysis does not establish if the reforms provide a net benefit to TDC. We recommend that TDC carry out a proper net benefit analysis, potentially with other local authorities that have a similar viewpoint. This is likely to be many councils, since the WICS analysis has consistent faults that apply to all local authorities.

Water services are critical to wellbeing, so it is very important that the full range of options are considered that are locally appropriate. Other than opting out, the Reform Scenario is the only option that has been presented to TDC and other local authorities.

We recommend that TDC carry out a net benefit analysis that includes the full range of options together with transparent data, sound and contestable analysis so these options can be properly evaluated.

There is plenty of analysis, evidence and now a rich data set in the RFI responses for TDC and like-minded local authorities to be able to identify alternative and better reform options. TDC could prepare a constructive counter-proposal that achieves desirable objectives, while avoiding the risks and costs of the Reform Scenario.

1 Introduction

The New Zealand government is proposing to reform the drinking, waste and storm water (three waters) sector. It proposes to amalgamate the three waters services of the 67 local authorities into four regional public corporations.

The government is proposing to amalgamate TDC's water services into a new statutory corporation called "Entity D" together with the water services of Ashburton, Buller, Central Otago, Christchurch, Clutha, Dunedin, Gore, Grey, Hurunui, Invercargill, Kaikoura, Mackenzie, Queenstown Lakes, Selwyn, Southland, Waimakariri, Waimate, Waitaki and Westland (the Reform Scenario). The government has presented the only alternative to the Reform Scenario as being a situation where TDC remains as a standalone water service provider under council control (the Opt-Out Scenario).

This report analyses the evidence underpinning both the Reform Scenario and the Opt-Out Scenario as follows:

- The Reform Scenario is analysed, and its underlying assumptions tested to determine whether the stated level of household bills is robust (section 2). Specifically the analysis reviews:
 - The estimates of the required level of assets for the Reform Scenario (section 2.1)
 - The estimated efficiencies apparently available in the Reform Scenario (section 2.2)
 - Other aspects of the methodology that raise questions (section 2.3).
- The Opt-Out Scenario is analysed and its underlying assumptions tested to determine whether the stated level of household bills is robust (section 3)
- Finally, the risks and costs to the TDC community with the Reform Scenario are examined (section 4).

2 Government's Reform Scenario produces implausible household bill estimates

The Reform Proposal predicts household bills for 2051. The WICS analysis rests on two key assumptions: First, that the capital stock invested in New Zealand water services needs to increase by a very large amount. Second, that the Reform Scenario will deliver large efficiency gains compared to the Opt-Out Scenario. In our view, WICS' assumed scale of required increase in capital stock, and of the achievable efficiency gains under the reforms, are both implausible.

2.1 Required investment estimate is overstated

The government's case for reform rests on a claim that New Zealand water services require a significant capital investment over the next 30 years. The government relies on WICS advice and analysis to set the level of investment for the Reform Scenario from 2021 to 2051.

WICS' modelling is entirely based on a top-down, New Zealand-wide assumption that a massive nationwide investment programme is necessary for all council water services. This is despite TDC and all other local authorities submitting detailed bottom-up information about planned capital investment.

Capital investment is needed in some parts of New Zealand now and in the next 30 years to meet the demands of growth and due to historical deferred and underinvestment. There have been high-profile asset failures. However, it is not clear that the investment is needed in all places, at the scale WICS claim.

WICS are selective in estimating the nationwide required investment amount. WICS also use inappropriate Scottish comparators to support its claim that New Zealand needs to invest at equivalent levels. WICS' estimate of required investment is significantly higher than the levels of investment that asset-owner TDC has estimated will be required.

WICS used projected investment requirements across three investment types that include replacement or renewal investment, enhancement investment, and growth investment projections. These projections are based on assumptions relating to asset lives, replacement costs, inflation, population density, and projected connections growth.

2.1.1 WICS approach to estimating required investment is unsound

In order to estimate the required investment, WICS uses English and Scottish comparators. WICS allocated New Zealand-wide investment requirements for councils based on statistical relationships and observed experiences in England and Scotland. The total investment required is made up of two key components that include 'enhancement and growth' and 'asset replacement and refurbishment'.

WICS modelled the required investment using three approaches. WICS then cross-checked the modelled investment against information gathered from councils' RFI responses. The modelled investment from the three approaches, plus investment specified in councils' RFI responses are summarised in Table 2.1.

WICS took three steps with each of its three modelling approaches:

- Step 1 is to apply econometric models to predict New Zealand's investment needs
- Step 2 is to manually adjust the Step 1 estimate for differences in growth
- Step 3 is to apply a cap of \$70,000 to reflect an assumption about the ability to pay for the investment.

Table 2.1: WICS modelling approaches for required investment

Approach	Enhancement and Growth Investment (\$ billions)			Asset replacement and refurbishment (\$ billions)	Total Investment 2 (\$, billions)
	Step 1: Unadjusted model output (NZ \$, billions)	Step 2: Manual adjustment for "differences in growth"	Step 3: Apply cap of \$70,000 per connected citizen		
1 Great Britain comparative Models	49 – 69	63-83	57-77	63-77	120-154
2 Scotland only comparative models (WICS preferred)	73- 99	87 -113	77-100	70-86	148-185
3 Asset value comparisons with UK ³	52-57	81-85	77-81	70-79	148-160
Information included in councils' RFI	53	N/A	N/A	61-69	115-122

Source: WICS Final Report

WICS makes no adjustment for the overlapping nature of growth and replacement investment

We note that, in practice, when enhancement and growth investment takes place, the new upgraded assets often replace at least some ageing assets, thus reducing the need for replacement expenditure. WICS' approach appears to have made no adjustment for this, since the total investment is calculated as the simple sum of 'enhancement and growth' and 'asset replacement and refurbishment', and the estimates for the two categories are derived separately, with no consideration of interaction between the two. This means that WICS' total investment estimate will be overstated.

WICS' preferred model appears highly selective

WICS' models in approaches '1' (Great Britain comparative) and '3' (comparing asset values) produce a level of enhancement and growth investment in Step 1 that is broadly consistent with councils' RFI responses.

Yet despite the consistency with councils' own estimates of investment, WICS' preferred model is approach '2'. Approach '2' reports significantly higher required levels of investment.

² Total investment is calculated adding enhancement and growth estimates taken from estimates after applying a cap of NZ\$70,000 per connected citizen and the asset replacement and refurbishment expenditures. The range represents the modelled low and high values of investment requirements.

³ This approach is briefly explained by WICS to use projected investment that is required to match the levels of asset values per connected citizen in the UK and Scotland for 2020 after adjusting for depreciation and connection differences.

WICS Step 2 and Step 3 adjustments to its models are unsound

WICS' 'enhancement and growth investment' models in approaches '1' and '2' are apparently driven by population density.⁴ That is to say, the models should automatically predict the required level of investment, given population density in New Zealand. However, WICS has manually increased the required level of investment to "adjust for differences in growth".

WICS then make a further manual adjustment and impose an investment constraint cap of \$70,000 per connected citizen due to affordability concerns, because mechanically applying the Scotland comparator (Step 1) and manual adjustments (Step 2) leads to even higher and even more implausible levels of investment.

WICS ignored local authorities' own estimates of required investment

All local authorities in New Zealand agreed to provide the government with comprehensive information about water services during the Request for Information (RFI) phase in mid-2020. The RFI responses included a full picture of all local authorities' planned water sector investment.

Local authorities, as asset owners with accountability to local communities, have a sound understanding of the investment needs required in three waters' services. WICS could have used this detailed and rich data source to estimate the required investment levels. WICS could have made adjustments to the RFI data to account for any conservatism, or to account for differences in the sophistication of management in estimating investment needs. However, WICS preferred top-down modelling using overseas comparators.

2.1.2 Required investment level is based on inappropriate Scottish comparators

WICS estimate of New Zealand's water investment needs is based on an assumption that it must match investment levels in Scotland. This is justified on the grounds that NZ has a relatively lower level of urbanisation.⁵ However, WICS does not use urbanisation figures in its analysis. Instead, it uses population density, which is a different concept.

WICS concludes that Scotland is the most appropriate guide for the required level of investment because of New Zealand's low population density compared to other areas in the United Kingdom.

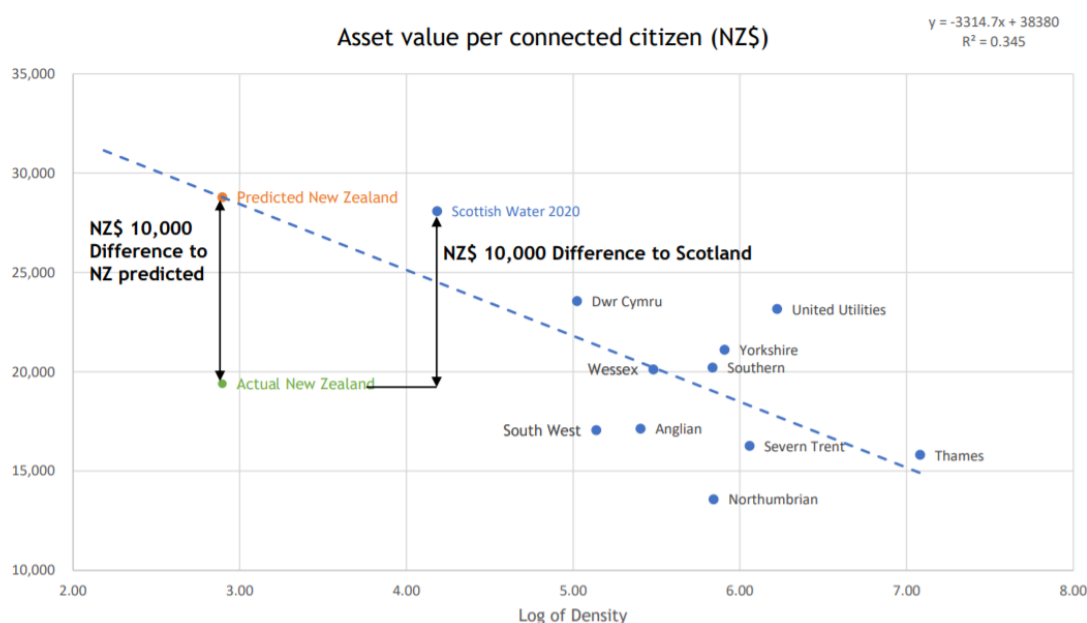
WICS predicts New Zealand's water investment needs based on correlation with population density

WICS identifies a correlation between English and Scottish drinking water and wastewater asset value levels and population density. This is illustrated in Figure 2.1, which we reproduced from WICS report. Based on the correlation between asset value levels and population density, WICS suggests that NZ investment needs to rise significantly. According to this correlation, New Zealand's top-down, national-level required investment is \$10,000 lower than it should be.

⁴ WICS supporting material 1 – required investment (slide 33), [https://www.dia.govt.nz/diawebsite.nsf/Files/Three-waters-reform-programme/\\$file/wics-supporting-material-1-required-investment.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/Three-waters-reform-programme/$file/wics-supporting-material-1-required-investment.pdf)

⁵ WICS supporting material 1 – required investment (slide 19), [https://www.dia.govt.nz/diawebsite.nsf/Files/Three-waters-reform-programme/\\$file/wics-supporting-material-1-required-investment.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/Three-waters-reform-programme/$file/wics-supporting-material-1-required-investment.pdf)

Figure 2.1: New Zealand’s asset gap according to WICS



Source: WICS final report

Population density is not a good predictor of required asset value levels

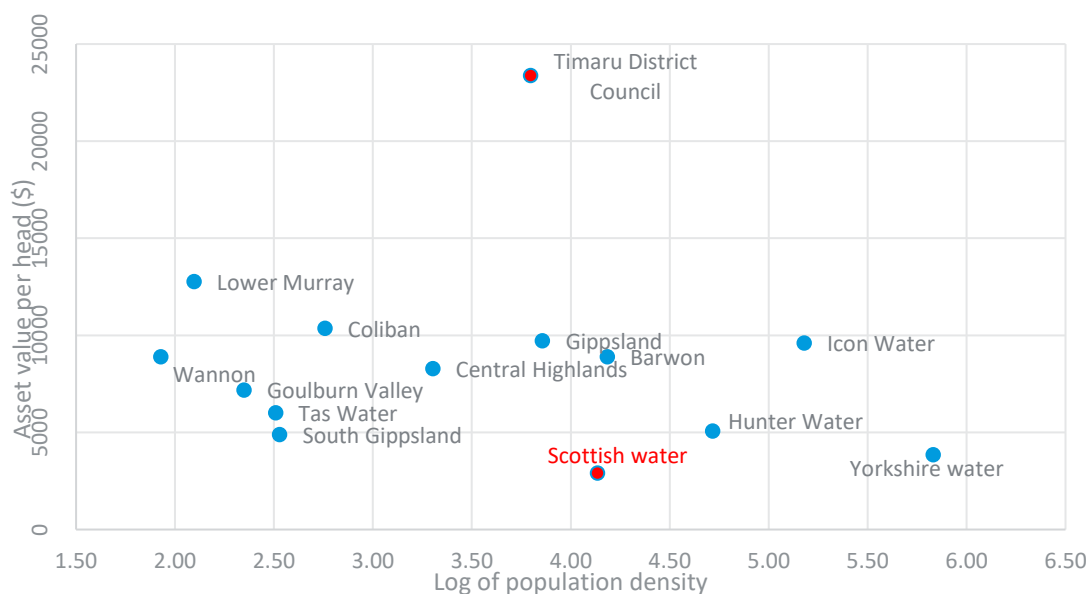
However, WICS does not show how the weak correlation in Scotland and England might predict water investment needed in New Zealand. No causal link is drawn. We were also unable to reconcile WICS’ Asset value per connected citizen figures for Scottish Water and Yorkshire. They are much higher than what is implied by the asset values listed in those entities’ annual accounts. It is possible that WICS may be using undepreciated replacement values for the assets of those entities, which should not be compared to the optimised depreciated replacement values submitted by TDC.

We analysed other regulated water utilities, including in Australia, to determine whether there was a clear relationship between asset level per connected citizen and population density. Australia has some similarities with New Zealand in that its population is highly urbanised, but overall population density is quite low, because towns are far from each other. Australia’s towns developed at a similar time to New Zealand’s and therefore follow the same typical geography (detached houses on suburban sections). Figure 2.2 shows a plot of asset value per connected citizen for water utilities in Australia, Scottish Water, Yorkshire Water and TDC.

For our analysis, we used asset values from the relevant entities’ annual reports. As a result, the asset value per connected citizen in this figure for Scottish Water and Yorkshire Water do not match the WICS figures in Figure 2.1.

There is a very weak relationship between population density and asset value per connected citizen as identified by WICS. Figure 2.2 shows that by adding or removing comparator water providers, the correlation line could change markedly.

Figure 2.2: Asset value per connected citizen for selected water utilities



Note: Castalia could not reconcile WICS' estimated asset value per connected citizen for Scottish Water and Yorkshire Water based on those entities' annual reports. It is possible that WICS may be using undepreciated replacement values for the assets of those entities. For our analysis, we used asset values from the relevant entities' annual reports. As a result, the asset value per connected citizen in this figure for Scottish Water and Yorkshire Water do not match the WICS figures illustrated in Figure 2.1. We included all vertically integrated Australian water utilities where recent replacement values were available.

There are significant differences between Scotland and New Zealand geographies

Scotland is not a relevant comparator for New Zealand water services because of fundamental differences between the two countries' geography. In water services, geography is important for the cost and quality of service. Denser urban areas tend to have lower average costs of service. Water services with more dispersed customers have to distribute drinking water, and pump wastewater over longer distances with more pipes, dispersed treatment infrastructure and higher costs. Aside from some high-level discussion of available water sources, and similar populations, WICS has not investigated why Scotland's geography is a good predictor of New Zealand's water investment needs.

The total land area and the geographical distribution of the populations are very different. WICS incorrectly assumes that lower population density in New Zealand implies lower levels of urbanisation. Table 2.2 illustrates how New Zealand's population is more urbanised than Scotland's, but despite this, New Zealand still has a lower population density. A larger majority of New Zealand's population live in urban areas and the urban population is more likely to grow in New Zealand as compared to Scotland.

Table 2.2: Urban population statistics of New Zealand and Scotland

	Population density (people per sq. km of land area)	Urban population (% of population)	Population in the largest city (% of urban population)	Urban population growth (annual %)
New Zealand	18.6	86.7	36.4 (Auckland)	2.2
Scotland	65	83.04 ⁶	11.6 (Glasgow)	-0.06 ⁷

Source: World Bank Indicator Database, 2020

2.1.3 WICS' required investment estimate is higher than TDC's investment plans

TDC's investment plans in its 10-year plan and longer-term investment planning are significantly lower than the WICS estimates for the Opt-Out Scenario. TDC's RFI response revealed to WICS that its planned investment is significantly below the level that WICS' model predicts. This is despite the TDC having a higher level of asset value per connected property as Auckland's Watercare, the largest water provider and, according to WICS, the most sophisticated and corporatised. The net assets per connected property was \$23,732 for Auckland and \$40,324 for TDC in 2020.⁸ Moreover, TDC compares even more favourably than Scottish Water in terms of asset values per connected citizen, as illustrated in Figure 2.2 Some of this difference may be explained by the larger proportion of commercial and industrial water consumers in Timaru. These customers typically have significantly higher demand than residential customers, which increases the net assets per connected property. For water services, 87 percent of TDC's connections are residential compared to 93 percent for Watercare's connections.

Figure 2.3 illustrates the difference between WICS' modelled net investment needs for TDC, and TDC's own planned capital investment.⁹ TDC disclosed a level of investment that is higher in the near term. We also calculated the capital investment attributable to TDC in Entity D using WICS' model and find that it is lower and comparable to TDC's own investment plans.¹⁰

⁶ <https://www.gov.scot/publications/rural-scotland-key-facts-2018/pages/2/>

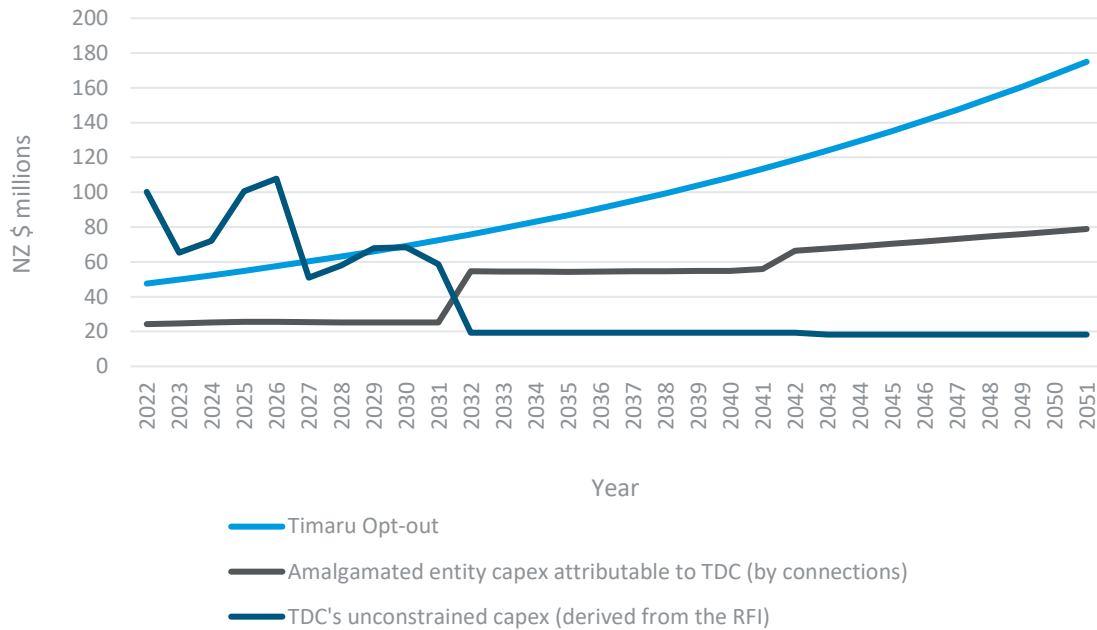
⁷ Urban population as a percent of total population has decreased by 0.06 percent between 2018 and 2019. <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/2011-based-special-area-population-estimates/population-estimates-by-urban-rural-classification>

⁸ Calculated from TDC's RFI response and Auckland Council Information.

⁹ Total investment for unconstrained scenario is derived from its Long-Term Plan and internal capital investment planning to 2051.

¹⁰ Amalgamated entity investment attributable to TDC has been calculated by attributing the net investment from the WICS models for Entity C proportionate to the total number of connections for TDC.

Figure 2.3: Net investment scenario for TDC under WICS models and TDC's own plan



2.2 Efficiency estimates for Reform Scenario are implausible

WICS uses efficiency assumptions in its analysis of the amalgamated entity (Entity D). The efficiency assumptions drive significant cost savings for the Reform Scenario. WICS assumes that:

- Capital expenditure (capex) efficiency will reach 50 percent
- Operating expenditure (opex) efficiency will reach 53.3 percent

It also assumes a total factor productivity efficiency improvement of 0.4 percent per annum for the Reform Scenario but not for TDC as an opt-out entity. These efficiency estimates are highly implausible.

2.2.1 Capex efficiency estimates are implausible

WICS claims that the Reform Scenario will result in 50 percent lower capital costs. WICS claims that Entity D will progressively improve its capex efficiency so that by 2041 it is saving 50 percent per annum. That is, by 2041, for each \$0.50 invested, Entity C will get \$1.00 of capex value. This is an implausible assumption for the following reasons:

- The assumption is not sourced to any credible authority or from any observed experience that is relevant to New Zealand
- WICS has not shown how Scottish Water capex has any bearing on New Zealand water services and geography
- Entity D councils have already achieved available economies of scale
- Only very minor economies of scale are available in New Zealand water services

- The assumption has been criticised by government-appointed peer reviewers
- The assumption does not consider diseconomies of scale.

The Entity D model results are highly sensitive to this assumption, so if it is wrong, the benefits of the Reform Scenario change drastically.

WICS capex efficiency is based on a single source of information

WICS capital expenditure assumption is based solely on a belief that it “seems reasonable to expect a reformed three waters industry in New Zealand to match the efficiency improvement of the industry in Scotland and by the water and sewerage companies in England and Wales.” The only quantitative analysis WICS says it has undertaken to support this belief is an observation that Scotland improved capital expenditure efficiency from 2002-2021. This quantitative analysis has not been substantiated in any documents released to TDC. There are many reasons why Scottish Water may have improved reported capital expenditure efficiency. These reasons are likely to be specific to Scottish Water. Decision-makers need an explanation of those reasons to understand whether the same improvements can be achieved in New Zealand entities. WICS provides no such explanation.

The citation used in the Entity D model¹¹ is also misleading. WICS incorrectly cites the source for the capital efficiency improvement as “based on observed experience from GB”. However, the actual source of WICS’ capital efficiency assumption is not Great Britain at all. Rather WICS cites¹² the single observation of claimed efficiency improvements by Scottish Water from 2002-2021.

WICS claims that the capex efficiency will come from:

- Economies of scale
- Clarity of policy priority
- Robust water quality and environmental regulation
- Economic regulation
- Excellence in management.

WICS does not disclose the relative contribution of these factors to the total 50 percent efficiency gain. In section 3 below, we discuss how water service providers in the Opt-Out Scenario are likely to improve as a result of the improved water quality regulatory regime, how management may improve, and how it is possible that economic regulation could apply to other water services (not just the amalgamated entities).

Scotland is an inappropriate model for Entity D

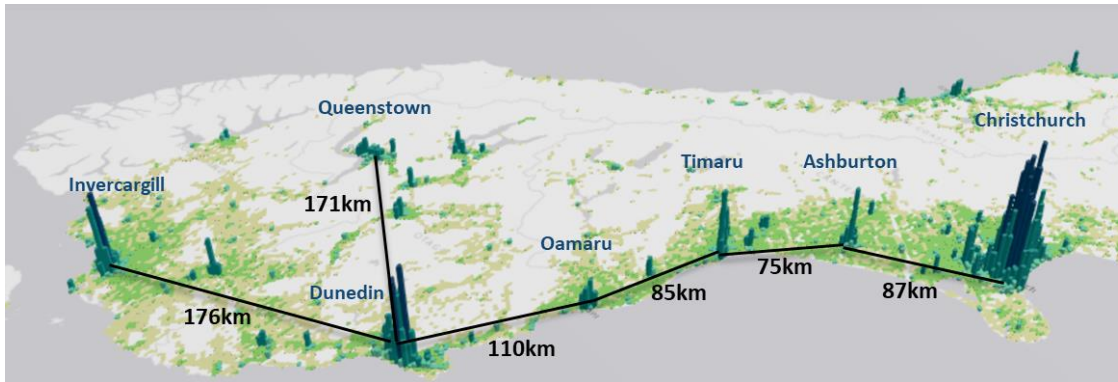
The population within the Entity D boundaries live across a large geographic area, in a mixture of mostly urban settings. There are significant distances between each urban area. TDC’s neighbouring councils are Ashburton in the North, Mackenzie to the West and Waimate in the South and Waitaki beyond that.

¹¹ And in the models for Entity A, Entity B and Entity C.

¹² WICS slidedeck “Entity D: the use and analysis of the RFI information and other benchmarks”, available at: <https://www.dia.govt.nz/Three-Waters-Reform-Individual-council-models-and-slidepacks>

Within Entity D there are cities (Christchurch, Dunedin, Queenstown, Invercargill, Timaru) and urban townships which almost all have significant distances between them. The two main cities, Christchurch and Dunedin, are separated by over 300km.

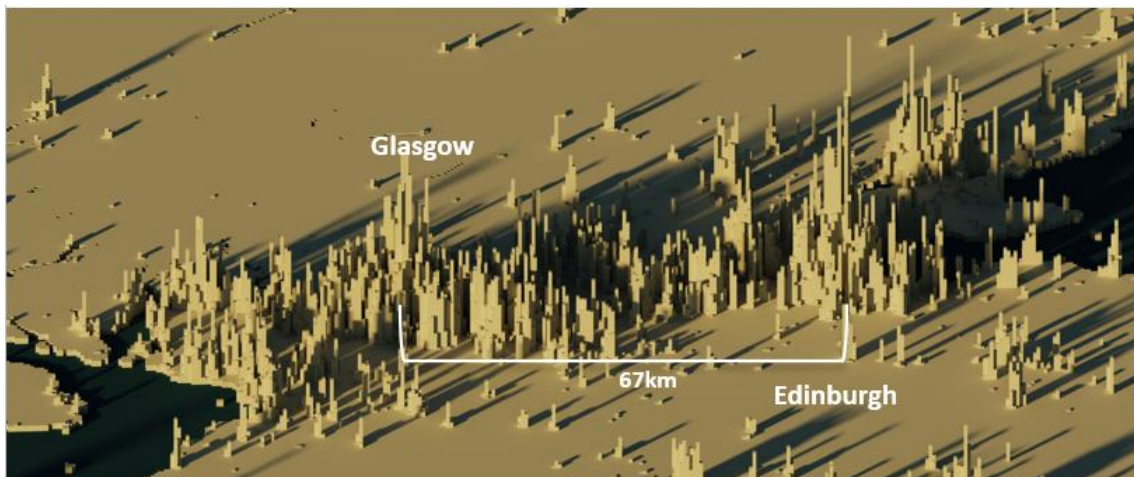
Figure 2.4: Population densities in Entity D area



Statistics NZ, available at: <https://statsnz.maps.arcgis.com/>

This is different from Scotland, where most of the population lives in the narrow band that is between and around Glasgow and Edinburgh (Figure 2.5). There is potential for agglomeration efficiencies and for networks to achieve some scale benefits based on proximity alone.

Figure 2.5: Population density (persons per square kilometre) in Scotland



Data Source: <https://www.worldpop.org/> (3D map generated by Castalia)

In contrast, the population of proposed Entity D live in urban areas with reticulated networks, or rural areas with rural water schemes or self-supply. There are significant distances between the urban towns. This means that the “asset optimisation” potential (that is, the ability to consolidate water networks between towns) is likely to be much lower than as claimed by WICS due to significant distances between New Zealand towns. This means the claimed capex savings are unlikely.

Economies of scale are not available in water services from amalgamations at the level WICS claims

Castalia has previously advised DIA, LGNZ and the Joint Steering Committee that the economies of scale claimed in WICS' 2020 slidedecks from administrative amalgamations were implausible. In New Zealand, only minor economies of scale are achievable through institutional reform, and these will be mostly in management and procurement (not infrastructure capex).¹³ Castalia showed that economies of scale are unlikely to be available in New Zealand on the basis of the evidence presented by WICS, Frontier Economics and in the economic literature relied on by the government. The findings in Castalia's 2020 Economies of Scale report have not been rebutted.

WICS claims that the 50 percent capex efficiency gain emerges when water entities achieve a population of 800,000 or more. It also claims that entities serving a minimum population of 59,000 increase capex efficiency as they approach the 800,000 population number. This claim has no basis in the economic literature.

In fact, the literature that looks at the specific question of whether economies of scale are available from administrative amalgamations find that there are none except in highly specific circumstances, not present in New Zealand. Economies of scale estimate is based on non-credible evidence

When preparing the 2020 Economies of Scale report, Castalia reviewed the WICS 2020 slidedecks. Access to the underlying models and assumptions was refused. In the 2020 Economies of Scale report, we were advised¹⁴ that the economies of scale assumption was based on England, Wales and Scotland observations. However, we now know that the supporting evidence for the 50 percent capex efficiency is a single Scottish observation from 2002-2021.¹⁵

WICS economies of scale claims are rejected by peer reviewers FarrierSwier

FarrierSwier peer-reviewed WICS' approach and had access to the underlying models. It found that "WICS analysis cannot be used to definitively conclude that amalgamation in and of itself will lead to material efficiency gains in New Zealand"¹⁶

FarrierSwier also state "significant care should be taken when relying on the capital efficiency gaps estimated by WICS. This is particularly important, given the significant step up in investment forecast for the 30-year period and the role that the capex efficiency assumption plays when estimating benefits from amalgamation and associated reform." Like Castalia, FarrierSwier express concern with the sensitivity analysis approach.

Diseconomies of scale not considered

Diseconomies of scale can emerge from administrative amalgamations in water services. This was not considered in WICS' modelling.

WICS has overlooked a relevant case from Australia. In 1992, Melbourne and Metropolitan Board of Works merged with several smaller urban water authorities to form Melbourne

¹³ Castalia (2020), Analysing Economies of Scale in New Zealand Water Services: Report to Local Government New Zealand

¹⁴ Conference call between Castalia and WICS (Alan Sutherland) on 20 August 2020

¹⁵ WICS (2021), Slidedeck "Entity C: the use and analysis of the RFI information and other benchmarks", available at: <https://www.dia.govt.nz/Three-Waters-Reform-Individual-council-models-and-slidepacks>

¹⁶ FarrierSwier (2021), Three Waters Reform: Review of the methodology and assumptions underpinning economic analysis of aggregation, page 29

Water. However, in 1995, the entity was disaggregated, and Melbourne Water reformed to become a wholesale water company only. City West Water, South East Water and Yarra Valley Water became separate retail water companies.¹⁷ Several studies confirm that the three disaggregated retail water entities achieved significant cost efficiencies and service level improvements compared to Australian and international water companies since the disaggregation of Melbourne Water.¹⁸ A benchmarking analysis using data from 2002-2003 concluded that the three separate retailers performed “at or near the determined efficiency frontier”.¹⁹ It also made major improvements in customer services in comparison to major urban water authorities in Australia. Melbourne’s disaggregated water entities even performed better than UK water companies, according to Ofwat.²⁰

2.2.2 Opex efficiency estimates are implausible

Efficiency estimates derived from econometric studies in the UK are used in the Reform Scenario to drive a claimed 53.3 percent saving in opex.

WICS use econometric models to claim that opex efficiencies of 53.3 percent are possible

WICS has used an Ofwat 2004 econometric model to estimate that, after reform, Entity D can achieve up to a 53.3 percent efficiency improvement to operating expenditure (opex).

To estimate the opex efficiencies, WICS combined 2003-2004 data from the UK with recent data from New Zealand councils to estimate a performance baseline to measure New Zealand water entities against. To ensure compatibility of the estimates with New Zealand’s operating environment, the gaps in efficiency between New Zealand entities and the benchmark were adjusted with ‘special factors’ related to regulatory, geographic and environmental factors that were considered unique to New Zealand.

Based on observed efficiency gains from UK water reforms, WICS assumes that New Zealand water reforms may achieve the same operating efficiency results – roughly a 53.3 percent improvement.

It is important to note that these estimates are an assumed benchmark that provides a guide to what might be possible based on experiences in the UK water sector but, as peer reviewer FarrierSwier notes, care needs to be taken as it is not possible to conclude that those efficiencies can be realised.²¹

From observations of UK data, larger water entities – those serving populations greater than 800,000, realised larger efficiency improvements than smaller entities. As such, WICS assumes that given the small size of individual councils in New Zealand, the councils will not be able to fully realise the predicted efficiency improvements if they do not amalgamate.

¹⁷ Melbourne Water website, accessed in August 2021, available at: <https://www.melbournewater.com.au/water-data-and-education/water-facts-and-history/history-and-heritage/timeline-our-history>

¹⁸ Water Ways: Inquiry into Reform of the Metropolitan Retail Water Sector (2007).

<https://www.dtf.vic.gov.au/sites/default/files/2018-02/reform-of-the-metropolitan-retail-water-sector-inquiry.pdf>

¹⁹ Coelli and Walding (2006), "Performance measurement in the Australian water supply industry: A preliminary analysis." Performance measurement and regulation of network utilities, 29-61.

²⁰ Annual Report 2007-08 (Ofwat)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/250280/0589.pdf

²¹ FarrierSwier (2021), Three Waters Reform: Review of the methodology and assumptions underpinning economic analysis of aggregation, page 60

TDC does not appear to have significant opportunity for opex savings

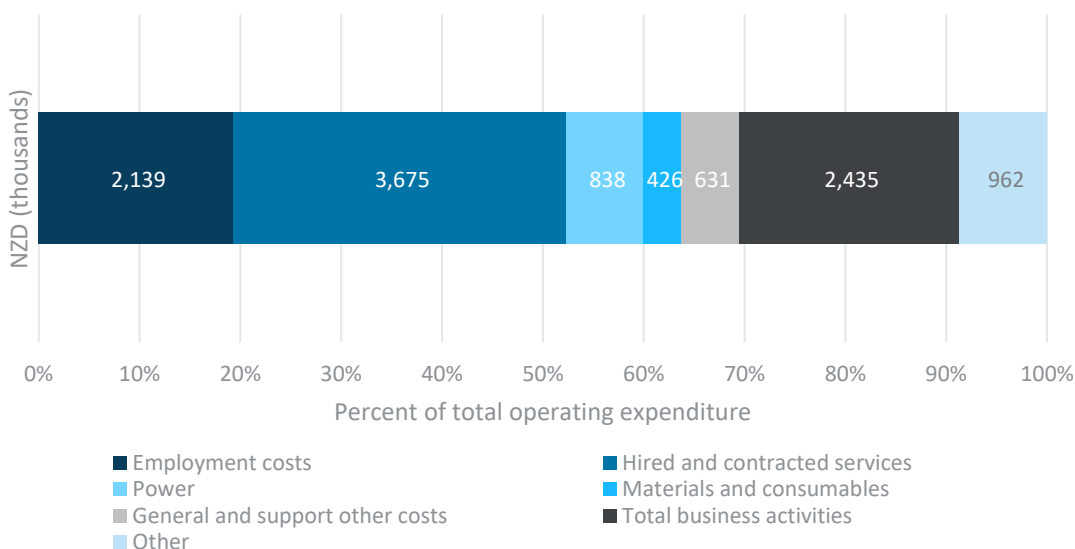
A 53.3 percent reduction in TDC’s opex costs appears implausible given the nature of those costs. Approximately 19 percent of TDC’s opex is employment costs. 33 percent of opex costs are for hired and contracted services. 10 percent is spent on power and materials and consumables.

Labour cost reductions, including direct employment costs and hired and contracted services, would not be expected to decrease, based on promises of no job losses from government representatives and Three Waters Steering Committee members:

- Rachel Reese, Mayor of Nelson and Three Waters Steering Committee member stated: “all of our staff in our organisations... you will have a guaranteed role in the new service entities. The role will retain the features of your current role; your salary, your terms, and your location.”²²
- Grant Robertson, Minister of Infrastructure said, “The recognition of the workforce... the current workforce involved in this space... this is more work here, more jobs here, higher paid jobs here, that transitional process must include that workforce and must include you, and I want to give that commitment to you today.”²³

Power costs will not reduce significantly as a result of administrative amalgamations. Some minor cost savings are possible for materials and consumables in the Reform Scenario (for example, as a result from buying in bulk). However, none of the opex costs are likely to fall by 53 percent. Figure 2.6 illustrates the opex breakdown.

Figure 2.6: TDC three waters operating expenditure breakdown



Source: Timaru District Council RFI, averaged data from 2019-2021
 ‘Other’ includes Local Authority Rates, Service Charges and Other Direct Costs

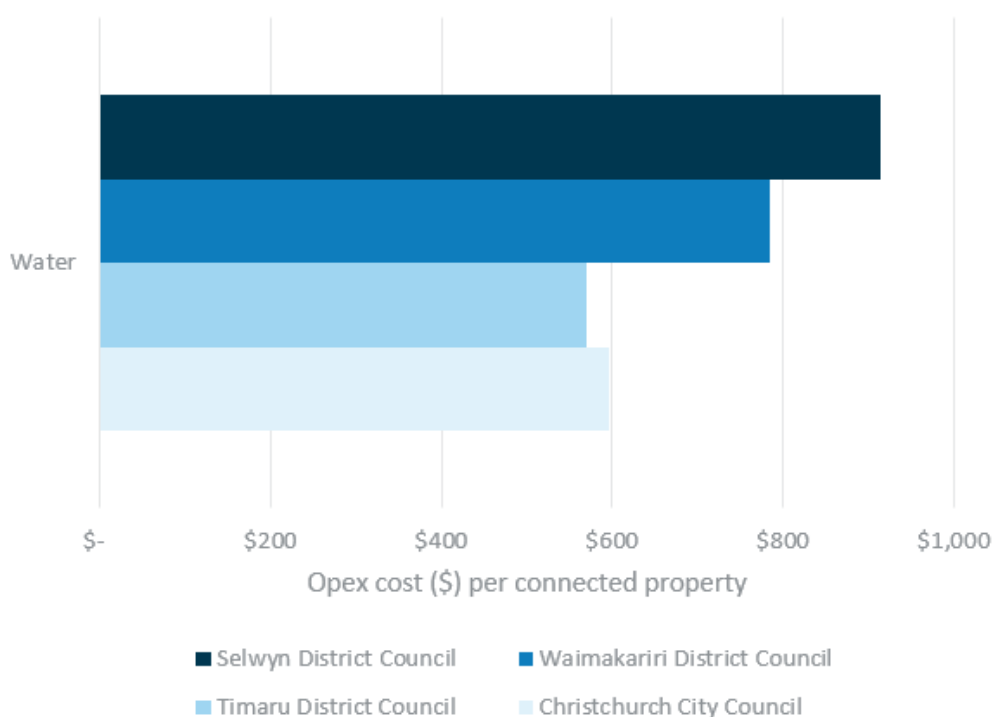
²² Rachel Reese, Mayor of Nelson and Three Waters Steering Committee member – Thursday 15th July 2021, LGNZ Conference Speech [00:23:12:00], available at <https://www.lgnz.co.nz/about/lgnz-conference/2021-lgnz-conference/videos-conference-2021/>

²³ Grant Robertson, Minister of Infrastructure – Thursday 15th July 2021, LGNZ Conference Speech [00:33:40:00], available at <https://www.lgnz.co.nz/about/lgnz-conference/2021-lgnz-conference/videos-conference-2021/>

TDC's opex costs are similar to Watercare's suggesting TDC is already performing efficiently

It is useful to compare TDC's opex to other water service providers in New Zealand. In Figure 2.2 we see that compared to the largest and most corporatised water service provider in New Zealand, Watercare in Auckland, TDC has comparable opex. Despite serving a significantly smaller customer base compared to Auckland (~19,500 compared to ~525,000 connected properties) TDC has similar opex per connected property as Watercare in Auckland: \$570 compared to \$528. Compared to Christchurch City Council, the largest water provider in Entity D with approximately 143,000 connected properties, TDC has a lower opex per connected property: \$570 compared to \$596 in Christchurch. This suggests that TDC is already operating to a level of efficiency comparable to that of Christchurch City Council and Watercare, which ought to both be achieving some opex efficiencies due to size under WICS' logic.

Figure 2.7: Water opex per connected property for different water service providers in South Island



Source: Timaru and Auckland RFI, WICS Christchurch City Council: the use and analysis of the RFI information and other benchmarks

TDC, and other local authorities already outsource operational capability to scale providers

Many New Zealand water companies already outsource operational capability to specialist providers. Several large-scale providers deliver services across all of New Zealand, such as Downer, CityCare Water and Veolia (a global specialist water services company). Other large-scale providers operate on a regional basis, such as Watercare (which provides services around Auckland). TDC contracts CityCare Water to maintain its water reticulation assets.²⁴

As detailed above, outsourced services amount to around a third of TDC's annual opex costs. Outsource providers already achieve economies of scope and scale across regions and

²⁴ CityCare water website: <https://www.citycare.co.nz/news-and-views/supporting-timaru/>

New Zealand. This is because outsourced service providers can offer specialist expertise on a contracted basis, where full-time employment of staff may not be warranted. Outsource providers also compete with one another for council contracts. This ensures prices tend towards costs and it incentivises efficiency improvements. Cost reductions of up to 50 percent in the already competitive outsource service provider market is implausible.

2.3 WICS analytical approach has other methodological flaws

WICS' analytical approach has a range of other flaws.

WICS uses an unconventional method that back-solves the revenue path

Typical best practice for calculating the cost of service and tariff levels for water utilities and other regulated services in developed and developing countries is to use the “building blocks approach”. The building blocks approach is used by the New Zealand Commerce Commission for a range of regulated infrastructure industries, Australian water economic regulators such as IPART and Essential Services Commission, and by Ofwat in the UK. The building blocks approach reveals a more accurate cost of service, and therefore the revenues required to meet costs.

However, WICS uses a novel method to estimate household bill levels. The projected revenues which result in the “household bills” are calculated based on a hard coded revenue path. Typically, a model used to predict costs (and therefore revenues required to cover costs) should determine the revenue path as an output of the model, informed by the assumptions. However, the revenue path is back solved and has been hard-coded to align with the debt ratios (250 percent of revenue for the Opt-Out Scenario).

Key discretionary assumptions made by WICS inevitably lead to the Reform Scenario demonstrating superior results

WICS modelling approach uses a number of key discretionary assumptions that are highly favourable for the Reform Scenario and highly unfavourable for the Opt-Out Scenario. With such assumptions, it was inevitable that WICS modelling would reach the conclusions that it did.

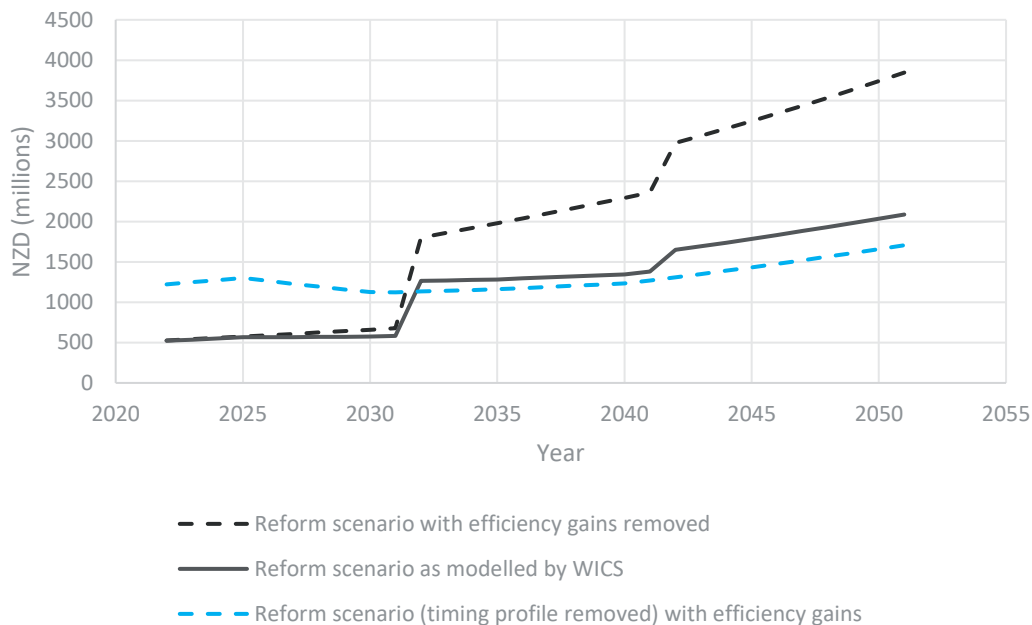
The model assumes that capex efficiency can only begin to be realised if the council's population size is greater than 59,000. The efficiency factor increases progressively to 50 percent when a threshold of 800,000 population is crossed. This 'limit' set by WICS automatically assumes that many councils, including TDC, will not realize any efficiency gains, while every amalgamated entity will realize efficiency gains of over 50 percent.

Further, the net investment profile is modelled differently in the Reform Scenario compared to the Opt-Out Scenario. In the Reform Scenario, WICS has only included the large investment requirements after 2031. Yet, in the Opt-Out Scenario, WICS included the large investment requirements from 2021. The effect is that, in the Reform scenario, the benefits of the new investment are delayed by up to a decade, while the costs arrive just in time to be reduced by the maximum efficiency gains assumed in the model. We note that 2031 is the first year when the WICS model allows maximum efficiency gains to be realised.

The figure below demonstrates the effect of WICS' time-profile adjustment on the Reform Scenario. The solid black line shows WICS' stated new investment path, while the blue dashed line shows what that path would have been without the manual adjustment WICS made to the

time-profile of the investment. For illustrative purposes, the black dashed line also shows what the new investment path looks like before WICS applies efficiency gains.

Figure 2.8: Impact of time-profile adjustment on new investment path under the reform scenario



3 TDC’s Opt-Out household bills are likely to be much lower than government estimates

The government’s analysis of the benefits of reform compares the Reform Scenario to a situation where no reform and no service improvement occurs (the Opt-Out Scenario). This is an incorrect assumption and leads to significant overstatement of the modelled and claimed benefits. In the Opt-Out Scenario, several factors are likely to lead to improved water services, as well as efficiencies, even if more investment is required.

3.1 WICS overlooks TDC’s current high relative performance

WICS has not evaluated TDC’s current performance relative to other water service providers across a range of measures. Because WICS’ analysis is conducted at a top-down, national level, it does not incorporate TDC’s current relative performance into its model. WICS prediction of TDC’s performance under the Opt-Out Scenario is worse than the performance TDC would expect to deliver, given its track record.

TDC is performing well compared to other Entity D water providers

TDC has committed to meeting higher performance standards for drinking water quality, environmental outcomes, and economic performance. TDC committed to improving the resilience of its water supply systems in its 2021-31 Long Term Plan.²⁵ This includes over \$13.7 million of investment to upgrade the Pareora pipeline and over \$5.9 million of investment for Washdyke Watermain Network Improvements by 2023. During 2019/20, over \$2.2M of work was carried out on the water supply network. In 2020 TDC maintained excellent water supply network services, reducing its real water loss from networked reticulation systems by over 5% compared to 2018/19. TDC delivered water services according to required environmental standards with no non-compliance identified in 2019/20.²⁶ TDC is also prioritising its stormwater management plan. TDC has utilized private sector participation and is currently constructing Washdyke Flat Road stormwater basin in collaboration with private developers. In 2019/2020 Timaru met all of its stormwater service performance targets. This included delivering stormwater services according to the required environmental standards. TDC has demonstrated prompt and effective responses to problems. In late 2017, asbestos was detected in the Temuka water network. Within 119 days, a new 9 kilometre trunk water main was installed to resolve the problem, and during the construction period, temporary filtration systems ensured minimised service disruption.²⁷ TDC was recognised with an international award.²⁸

TDC has public support for water metering and plans implementation from 2023/24

TDC has planned the implementation of water meters in 2024/25 and budgeted \$16 million of spending by 2029.²⁹ Water meters enable service providers to monitor consumption, detect leaks, and target investment where it is most needed. Water meters enable opex efficiency savings and can lower overall capex. Demand management initiatives are enabled. Demand management can include peak demand pricing or pricing during periods of drought or other water scarcity. Demand-side management can reduce a provider's need to invest in additional capacity, thereby reducing overall investment requirements.

Scotland has almost no water metering, making it a poor comparator

Very few households have water meters in Scotland. 2016/17 data reported to the Scottish Parliament states that only 0.016 percent of all households in Scotland had water meters (400 out of 2.4 million households).³⁰ In England (which has been subject to regulation and a privatised sector since 1989) and Wales (subject to regulation, owned by a not-for-profit corporation), only around half of all households have water meters.³¹ Therefore, the claim that

²⁵ TDC 2021-2031 Long Term Plan, available online at: <https://www.timaru.govt.nz/council/publications/plans/long-term-plan>

²⁶ TDC annual report: https://www.timaru.govt.nz/_data/assets/pdf_file/0005/487904/TDC-ANNUAL-REPORT-2020_MASTER-Final-for-website.pdf

²⁷ International of Public Works Engineering Conference, 2019, Conference paper on Temuka water event (asbestos), available at: <https://www.ipwea.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=26287b16-ce21-4e95-4cc3-2b87849993ed&forceDialog=0>

²⁸ Stuff, 4 September 2019, *District council's response to Temuka asbestos scare wins award*, available at: <https://www.stuff.co.nz/timaru-herald/news/115521600/district-councils-response-to-temuka-asbestos-scare-wins-award>

²⁹ TDC 2021-2031 Long Term Plan, available online at: <https://www.timaru.govt.nz/council/publications/plans/long-term-plan>

³⁰ Committee on Climate Change (2016), *Scottish Climate Change Adaptation Programme: An Independent Assessment for Scottish Parliament*, available at: <https://www.climatechange.org.uk/media/3578/bw-briefing-note-uptake-of-water-metering-2018.pdf>

³¹ Water UK website: <https://www.water.org.uk/advice-for-customers/water-meters/>

TDC cannot match the improvements WICS claims to observe in Scotland and elsewhere in the UK is likely wrong.

3.2 Improved regulatory regimes will incentivise improved performance by TDC

The New Zealand regulatory regime for water services has been suboptimal. The government is reforming water quality regulation to improve compliance and lift the performance of water providers. The Reform Scenario also proposes to create a new economic regulator. Environmental outcome regulation will remain the responsibility of regional councils.

The government and WICS have assumed that TDC and other councils that opt-out of the Reform Scenario will not improve performance because of the new regulatory regimes, or that regulation will not apply. These underlying assumptions are flawed.

3.2.1 Water quality regulation will likely lead to improved performance by TDC

The New Zealand water reforms also involve a significant change to the water quality regulatory regime. The Ministry of Health has been responsible for water quality regulation over the past 60 years (and pursued a solitary prosecution). The government introduced the Water Services Bill in July 2020. It is at the second reading stage. The Bill will formally establish the drinking water quality regulator Taumata Arowai.

The governments' objective for the Bill is to set a clear national policy direction for the three waters sector, ensure people can access water that is safe to drink, effectively manage risks to drinking water safety, and strengthen compliance, monitoring and enforcement.³²

The government claims the new regulator will provide sector leadership, technical and scientific expertise, greater clarity on what is expected of councils, and increased support for compliance. Specifically, the government claims that TDC and other water service providers will improve performance as a result of Taumata Arowai's assistance and intervention. The government notes that Taumata Arowai will:

- be “responsible for oversight and monitoring of drinking water safety, public communications, ensuring coordination across the sector, leading or overseeing the response to drinking water emergencies, and emergency response planning.”³³
- “strengthen the approach to drinking water compliance, monitoring and enforcement” by centralising these functions and responsibilities, leading to more consistent application.³⁴

³² Cabinet Paper, 1 July 2019: Strengthening the Regulation of Drinking Water, Wastewater and Stormwater, Offices of the Ministers of/for Local Government, Health and Environment, pg 2, available at: [Cabinet-Paper-and-minute-Strengthening-regulation.pdf \(dia.govt.nz\)](#)

³³ Cabinet Paper, 1 July 2019: Strengthening the Regulation of Drinking Water, Wastewater and Stormwater, Offices of the Ministers of/for Local Government, Health and Environment, page 24

³⁴ Cabinet Paper, 1 July 2019: Strengthening the Regulation of Drinking Water, Wastewater and Stormwater, Offices of the Ministers of/for Local Government, Health and Environment, page 16

- “work with suppliers and training providers to ensure suitable training is available and being taken up, and ensure the sector has sufficient capability to fulfil its responsibilities.”³⁵
- “become a centre of technical and scientific expertise. It would provide best practice advice and guidance to suppliers, councils, and other entities involved in drinking water safety, supply and management; and facilitate research into drinking water science.”³⁶

The government also notes that it will ensure the new regulator “has the powers and resources needed to perform these functions consistently and effectively.”³⁷

Water quality regulation will improve the performance of TDC and other councils in supplying water services. There will be greater clarity regarding what requirements TDC must fulfil and resources to assist TDC in meeting these requirements.

3.2.2 Possible improvements from economic regulation regime have been overlooked

The proposed economic regulation regime could improve TDC’s performance. Economic regulation, if well-designed, can enable benchmarking between providers and incentivise water service providers to improve service quality and lower costs. The details of the economic regulation regime have not been designed, and only high-level descriptions of the regime are available.

However, the government and WICS have assumed that the proposed economic regulation regime either cannot apply to councils that opt-out of the Reform Scenario, or will have no material effect on the performance of those councils. This assumption is flawed. Even if TDC is not subjected to economic regulation, it is likely to make improvements based on benchmarking and performance comparisons.

Government’s assumption that economic regulation cannot apply to numerous council-owned water services is flawed

The government assumes that it is not feasible to regulate 67 water service providers. The government and its advisors at the Ministry of Business, Innovation and Employment and the Department of Internal Affairs have not identified a maximum number that would be feasible.³⁸

The government and its advisors have overlooked the global evidence of effective regulation applied to multiple water service entities. Some examples include:

- In Florida, the Public Service Commission regulates 147 investor-owned water utilities.³⁹

³⁵ Cabinet Paper, 1 July 2019: Strengthening the Regulation of Drinking Water, Wastewater and Stormwater, Offices of the Ministers of/for Local Government, Health and Environment, page 25

³⁶ 1 July 2019, Cabinet Paper: Strengthening the Regulation of Drinking Water, Wastewater and Stormwater, Offices of the Ministers of/for Local Government, Health and Environment, page 25

³⁷ 1 July 2019, Cabinet Paper: Strengthening the Regulation of Drinking Water, Wastewater and Stormwater, Offices of the Ministers of/for Local Government, Health and Environment, page 16

³⁸ Castalia email correspondence with MBIE and DIA 2020-2021.

³⁹ Florida Public Service Commission Annual Report (2020), available at www.floridapsc.com/Files/PDF/Publications/Reports/General/Annualreports/2020.pdf

- In Victoria, the Essential Services Commission regulates 15 businesses providing urban water and sewerage services to residential customers.⁴⁰
- In Western Australia, the Economic Regulation Authority regulates 30 licensed water service providers.⁴¹
- Columbia has a regulatory regime spanning 1,122 municipalities that provide water services either directly or via public service companies. It is a much less developed country than New Zealand, with a GDP per capita of just over US\$5,300.⁴², and has experienced benefits of economic regulation. The resources available for investment in the water service provisions have increased significantly over the last 15 years since regulation began.⁴³

New Zealand's Commerce Commission already has experience regulating multiple electricity distribution businesses. The Commerce Commission regulates electricity distribution under Part 4 of the Commerce Act 1986. It sets price and quality controls for 17 local lines companies and sets quality standards in the form of annual limits for the average number and duration of power outages across the region. The Commission applies information disclosure regulation to a further 12 consumer-owned lines companies, thus having oversight for 27 entities. In the period following the electricity reforms of the late 1990s until 2006, the Commission undertook price regulation of all electricity distribution businesses (even consumer-owned ones).

The Commerce Commission is likely to be the institution that regulates the water sector (adding to electricity distribution, gas pipelines, airports, dairy and telecommunications). It has demonstrated an ability to regulate more than four entities concurrently, and therefore the assumption that it could not regulate more than the four proposed water entities is mistaken.

Benchmarking and performance comparisons with regulated water corporations possible

Even if regulation is not applied to TDC and other councils that opt-out, benchmarking and performance comparisons will be possible. Until now, the only benchmarking tools available to council-owned water providers have been WaterNZ's annual performance report and high-level financial reporting in annual reports and statutory reporting to DIA. With a dedicated economic regulator collecting a wider range of standardised financial performance information and with Taumata Arowai collecting performance information, TDC will be able to better assess the performance of its water services. This is likely to lead to improvements in performance over time.

3.2.3 TDC management and operational competence likely to improve with competition between entities for staff

The government has noted that larger, corporate water entities are likely to improve management and operational competence. If this is the case, then one should expect TDC to also lift the competence of its management and operations. This is because TDC will have to

⁴⁰ ESC website, <https://www.esc.vic.gov.au/water/water-prices-tariffs-and-special-drainage/average-household-water-bills-victoria>

⁴¹ On Tap: Water Consumers Guide - Economic Regulation Authority Western Australia (erawa.com.au)

⁴² World Bank Data (2020), Available at: <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=CO>

⁴³ World Bank Report, charting a New Course: Structural Reforms in Colombia's Water Supply and Sanitation Sector (2010), edited by Luis A. Andres, David Sisen and Philippe Marin, Bogota, Colombia

match the working conditions at the larger corporate entities, leading to improvements in performance over time.

3.3 TDC can increase access to finance to lower short-term costs

WICS' base assumption is that TDC's financing headroom is 2.5 times revenue. In fact, the Local Government Funding Authority has approved KCDC (and other local authorities with a credit rating of A equivalent or above) to borrow up to 2.8 times revenues.⁴⁴ Furthermore, the Opt-Out Scenario assumes that TDC can make no improvements to its financing arrangements.

Efficient use of finance can lower costs of service

Efficient financing is an important consideration in investment planning for water utilities. The term of loans should ideally match the useful life of the asset the loans are financing. If the loan is repaid over a shorter period of time, then water bills after the loan is repaid will be lower than they otherwise would be.

WICS assumes that amalgamated entities have greater access to financing and can make more efficient use of finance to lower the cost of service. We tested the change in average cost per household for 2051 across different financing option scenarios for both TDC in the Opt-Out Scenario and for the Reform Scenario (amalgamated entity). Table 3.1 and Table 3.2 show that a significant proportion of the claimed reduction in average cost per household for the Opt-Out Scenario compared to the Reform Scenario is due to changing the financing requirements.

Table 3.1: Average bill per household under different financing options for TDC (Opt-out scenario)

	Average bill per household (\$, 2051)	Average bill per household (\$, 2021)	% Change (Decrease in bills)
250 % debt to revenue Limit (WICS model assumption)	9,872	5,029	-
280 % debt to revenue Limit	9,0938	4,633	7.89
500 % debt to revenue Limit	5,758	2,933	41.67

Table 3.2: Average bill per household under different financing options for reform scenario (Entity D)

	Average bill per household (\$, 2051)	Average bill per household (\$, 2021)	% Change (Increase in bills)
642% debt to revenue limit (Actual Modelled)	3,225	1,642	
280 % debt to revenue Limit	6,297	3,208	95.26
250 % debt to revenue Limit	6,837	3,483	112

⁴⁴ LGFA Annual Report (2020), page 53, available at: https://www.lgfa.co.nz/files/documents/LGFA_AnnualReport_2020_web%20version.pdf

Changes to financing arrangements for the Opt-Out Scenario cannot be ruled out

There are other ways that access to finance by New Zealand water providers can be improved. The government's Opt-Out Scenario does not consider these other options. Currently, almost all three waters services are provided by local authorities. Local authorities' borrowing limits, whether imposed by LGFA or due to ratings agency policies, are generally considered to impose limits on optimal investment planning in the water sector. In the Reform Scenario, the new statutory corporations will have separate balance sheets to local authorities, and will be able to raise finance without being impacted by these borrowing limits.

A number of other financing arrangements are already available for the water sector and could apply in the Opt-Out Scenario. Other financing changes could be implemented with law and other institutional reform:

- Central government has recently introduced the Infrastructure Financing Facility,⁴⁵ which enables finance to be raised from the private sector, ring-fenced from eligible local authorities' balance sheets
- Long-term concession contracts have been used in New Zealand (in Papakura, signed by Papakura Council prior to the creation of Auckland Council). A third party provides water services for a fixed term (30 years in Papakura) then collects water rates or tariffs directly from customers. Usually, the concession contract requires the third party to invest in and maintain the water assets and network and meet certain performance metrics. The third-party provider accesses private capital markets to finance the capital investment needs (growth, renewals and maintenance)
- Revenue bonds are a common way for municipal government entities in the United States to raise finance for infrastructure investment, often in the water sector. Investors in these bonds are repaid from income created by the projects the bonds fund. These are separate from the general obligations debt raised by the municipal government.

4 TDC residents face risks and costs from Reform Scenario

There are risks and costs to the Timaru Coast community from the Reform Scenario.

4.1 Local accountability for significant public asset and public service will be lost

Accountability to customers is important for water service performance. Under the Reform Proposal, Timaru water customers will lose the ability to hold those tasked with governing water services to account. Elected councillors are accountable to voters, and water issues can be election issues.

⁴⁵ Minister for Urban Development statement, 24 July 2020: <https://www.beehive.govt.nz/release/law-help-infrastructure-financing-passes>

Under the Reform scenario, local government's autonomy to appoint board members to water utilities will be constrained, thus accountability to customers and coordination in planning will be mostly lost. It is more difficult for the local community to have any issues heard at the regional or national political level in the Reform Scenario. If there are management or governance problems, it is more difficult for the Timaru community to influence the indirectly appointed board. Timaru's representation for water services will be diluted.

4.2 Local variability in service and quality levels will be lost

The regional Entity D is likely to be managed from Christchurch. This reduces the ability for the service provider to reflect local differences in service expectations. Wastewater services often need to consider local needs. There are different options of treating and discharging treated wastewater. Some communities, including local Iwi and Hapū, may have different expectations and needs in respect of wastewater. A water services entity headquartered in urban Christchurch is unlikely to have the same ability to reflect these local variations in demands.

4.3 Loss of economies of scope increases average cost of remaining council services by \$2 million per annum

TDC currently incurs a range of costs shared across a range of services (water, transport, parks and recreation, and other services). TDC achieves economies of scope by providing these services together; it lowers costs for TDC to provide all the services together compared to if these were provided separately. Following reform, TDC will continue to incur fixed costs related to non-water council services.

TDC's RFI reports that for FY 2020, the total operating cost for water services was \$12,006,000. There are multiple overhead cost items that will not reduce even when TDC provides no water services. As estimated from the RFI, these include nine indirect general management and support employees and 600 square metres of office. This shared overhead cost amounts to \$2 million dollars⁴⁶ per annum.

5 Recommended next steps

This report has shown that the Reform Scenario and comparison to the Opt Out Scenario is founded on unsound evidence and faulty analysis. The promised benefits of reform are unlikely to materialise. There are risks to the Timaru and surrounding community from losing control of water services, and accountability of those tasked with governance to local customers.

Water services are critical to wellbeing, so it is very important that the full range of options are considered that are locally appropriate. Other than opting out, the Reform Scenario is the only

⁴⁶ Assumed average salary for TDC employee = NZ\$ 100,000
 Cost of each employee = 2*100,000
 Assuming annual rent of \$300 per sq. m.
 Economies of scope lost = 2,00000*9 + 300*600 = NZ\$ 1,980,000

option that has been presented to TDC and other local authorities. Water services should be safe, resilient, reliable, and customer responsive, at least cost. Some reform of the sector is necessary in some parts of New Zealand. However, the analysis needs to be done to determine where water services fall short of this objective, and for what reasons.

We recommend that TDC carry out a proper net benefit analysis, potentially with other local authorities that have a similar viewpoint. This is likely to be many councils, since the WICS analysis has consistent faults that apply to all local authorities. Such an analysis should include the full range of options together with transparent data and sound and contestable analysis so these options can be properly evaluated. There is plenty of analysis, evidence and now a rich data set in the RFI responses for TDC and like-minded local authorities to be able to identify alternative and better reform options. TDC could prepare a constructive counterproposal that achieves desirable objectives, while avoiding the risks and costs of the Reform Scenario.



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WASHINGTON, DC

1747 Pennsylvania Avenue NW, Suite 1200
Washington, DC 20006
United States of America
+1 (202) 466-6790

SYDNEY

Suite 19.01, Level 19, 227 Elizabeth Street
Sydney NSW 2000
Australia
+61 (2) 9231 6862

AUCKLAND

74D France Street, Newton South
Auckland 1010
New Zealand
+64 (4) 913 2800

WELLINGTON

Level 2, 88 The Terrace
Wellington 6011
New Zealand
+64 (4) 913 2800

PARIS

64-66 Rue des Archives
Paris 75003
France
+33 (0)1 84 60 02 00

enquiries@castalia-advisors.com
castalia-advisors.com