



Hastings District Council

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OPEN

A G E N D A

HDC-TANGATA WHENUA WASTEWATER JOINT COMMITTEE MEETING

Meeting Date: **Friday, 2 August 2019**

Time: **9.00am**

Venue: **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

Committee Members	Chair: Heaps <i>Ex Officio: Mayor Hazlehurst</i> Councillors Barber, Lyons, Travers and Watkins Mr Peter Paku, Mrs Evelyn Ratima and Tania Kupa Huata (<i>Quorum=6 including 3 Councillors</i>)
Officer Responsible	3 Waters Services Manager, Brett Chapman
Committee Secretary	Carolyn Hunt (Ext 5634)

Hastings District Council : Tangata Whenua Wastewater Joint Committee Terms of Reference

This is established between Hastings District Council and representation of Tangata Whenua.

Fields of Activity

To be actively involved in developing the Hastings District Council's wastewater treatment and disposal system policies, receiving, reviewing and recommending action on reports concerning the operation and performance of the Council's wastewater disposal system and ocean discharge including alternative treatment and disposal options, and, in particular, providing advice in regard to the Trends, Technology, Discharge, Environmental and Monitoring Nine Yearly Review, in accordance with the Resource Management Act 1991 and Policies and Plans under the Act, and in particular, to recognise the role of Tangata Whenua as kaitiaki, and, to satisfy their cultural concerns.

To receive, review and recommend action on wastewater reports.

To recommend the commissioning of reports and future Hastings District Council actions on wastewater issues including:

- Options for further treatments
- Options for methods of disposal
- Monitoring effects on the environment

To coordinate and oversee education of the community on wastewater issues.

Membership

Chairman appointed annually by the Joint Committee from its members annually to alternate between the Council and Tangata Whenua representatives.

5 Councillors and 5 Tangata Whenua representatives, appointed by the Council

Quorum – 6 members including not less than 3 Councillor representatives.

DELEGATED POWERS

Recommendation to Council on matters within the Committee Fields of Activity.

The chairperson shall not have a casting vote.

HASTINGS DISTRICT COUNCIL
HDC-TANGATA WHENUA WASTEWATER JOINT
COMMITTEE MEETING

FRIDAY, 2 AUGUST 2019

VENUE: Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings

TIME: 9.00am

A G E N D A

1. Apologies

At the close of the agenda no apologies had been received.

At the close of the agenda no requests for leave of absence had been received.

2. Conflict of Interest

Members need to be vigilant to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to scan the agenda and assess their own private interests and identify where they may have a pecuniary or other conflict of interest, or where there may be perceptions of conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the relevant item of business and withdraw from participating in the meeting. If a Member thinks they may have a conflict of interest, they can seek advice from the General Counsel or the Democratic Support Manager (preferably before the meeting).

It is noted that while Members can seek advice and discuss these matters, the final decision as to whether a conflict exists rests with the member.

3. Confirmation of Minutes

Minutes of the HDC – Tangata Whenua Wastewater Joint Committee Meeting held Friday 28 June 2019.

4. **Tangata Whenua Appointment Process to the HDC: Tangata Whenua Wastewater Joint Committee**
5. **Additional Business Items**
6. **Extraordinary Business Items**



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MINUTES

HDC–TANGATA WHENUA WASTEWATER JOINT COMMITTEE

Meeting Date: **Friday, 28 June 2019**

**Minutes of a Meeting of the HDC–Tangata Whenua Wastewater Joint
Committee held on 28 June 2019 at 9.25am**

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HASTINGS DISTRICT COUNCIL

MINUTES OF A MEETING OF THE HDC–TANGATA WHENUA WASTEWATER JOINT COMMITTEE HELD IN THE LANDMARKS ROOM, GROUND FLOOR, CIVIC ADMINISTRATION BUILDING, LYNDON ROAD EAST, HASTINGS ON FRIDAY, 28 JUNE 2019 AT 9.25AM

PRESENT: Chair: Councillor Heaps
Councillors Barber, Travers and Watkins
Mrs Evelyn Ratima and Tania Kupa Huata

IN ATTENDANCE: 3 Waters Services Manager (Mr B Chapman)
Wastewater Manager (Mr D James)
Principal Advisor: Relationships, Responsiveness and
Heritage – (Dr James Graham)
3 Waters Process Engineer (Mr K Sevaratnam)
3 Waters Consents Management Officer (Mr S Taylor)
3 Waters Service Assurance Manager (Mr Wojtek
Dziubek)
Wastewater Treatment Plant Assistant (Mr A Baker)
General Counsel (Mr S Smith)
Committee Secretary (Mrs C Hunt)

AS REQUIRED: Mr Mark von Dadelszen, Legal Counsel
Mr Grant Russell, Planning Consultant, Stantec

MINUTE'S SILENCE

The Committee paid tribute to Bob McWilliams (9 April 2018), who had been employed at the Wastewater Treatment Plant for 27 years and was instrumental in the development of the biological trickling filter system, which saw raw human sewage no longer being discharged into the sea.

The Committee also paid tribute to Gordon Paku, who passed away on 15 October 2018, and had been a member of the HDC Tangata Whenua Joint Wastewater Committee since 2003. The Committee acknowledged the dedicated support and work Gordon had contributed for the last fifteen years, towards a solution for a sustainable waste water management system (the biological trickling filter system) installed at East Clive. Gordon would also be remembered for his great sense of humour.

The Chair then requested a Minute's Silence to recognise the passing of both Bob McWilliams (Wastewater Treatment Manager) and Gordon Paku (Committee Member).

1. APOLOGIES

Councillor Watkins/Councillor Travers

That an apology from Mr Peter Paku be accepted.

CARRIED

Leave of Absence had previously been granted to Councillor Lyons.

2. CONFLICTS OF INTEREST

There were no declarations of conflicts of interest.

3. CONFIRMATION OF MINUTES

Councillor Heaps/Councillor Watkins

That the minutes of the HDC – Tangata Whenua Wastewater Joint Committee Meeting held Thursday 1 March 2018 be confirmed as a true and correct record and be adopted.

CARRIED

4. GOING FORWARD - TANGATA WHENUA WASTEWATER JOINT COMMITTEE

(Document 19/481)

Queens Birthday Honours 2019 - The Principal Advisor: Relationships, Responsiveness and Heritage, Dr James Graham, prior to addressing the report, congratulated Evelyn Ratima on being awarded the Queen's Service Medal (QSM) in recognition of supporting and transforming the community of Whakatu.

Dr Graham advised that the purpose of the report was to seek guidance regarding the two vacant tangata whenua representative roles on the Committee. The two vacancies have resulted in the passing of Tipu Tareha (2013) and Gordon Paku (2018).

It is important that as old members depart and new members are appointed that the journey that the Committee has been on is not lost. The knowledge and understanding is intergenerational for the continuation of the journey,

Dr Graham advised that previously the Tangata Whenua representatives would be nominated by two Māori Executives. However, these organisations were created under the auspices of the New Zealand Māori Council, which had recently changed its structural approach and these executives no longer existed.

The New Zealand Māori Council structure had changed and its "local" representative body was more regional by nature and was constituted as the Takitimu District Māori Council.

Legal Counsel, Mr von Dadelszen advised that the new consent was not as prescriptive as previously and allowed for more scope and that if the Committee wanted to include the three waters (stormwater, drinking water

and wastewater) there was no reason why it could not be done. Any change would require Council agreement to include in a condition as the Committee had 50/50 representation. The current consent does not allow a casting vote for the Chair.

The meeting agreed that they did not want to broaden the scope of the Committee to include other than wastewater.

The new consent did not prescribe how tangata whenua were chosen and guidance for consultation and engagement with the correct communities and bodies.

The meeting agreed that they did not want appointees to be “handpicked” and that a fair and transparent process occur.

It was agreed that a workshop be held to discuss and establish a process for appointment of Tangata Whenua representatives to the Committee.

Ms Huata-Kupa/Councillor Travers

- A) **That the report of the Wastewater Manager titled “Going Forward - Tangata Whenua Wastewater Joint Committee” dated 28/06/2019 be received.**
- B) **That the Committee establish a process to appoint tangata whenua members to the HDC : Tangata Whenua Wastewater Joint Committee to fulfil the provisions of Condition 29 of the District Council’s Wastewater Discharge Consent granted on 25 June 2014.**
- C) **That a Committee Workshop be held on 12 July 2019 to review a process on a method of appointments and report back to the HDC : Tangata Whenua Wastewater Joint Committee by 2 August 2019.**

CARRIED

5. 2017/18 ANNUAL WASTEWATER TREATMENT RESOURCE CONSENT COMPLIANCE REPORT
(Document 19/594)

The **Wastewater Manager, Mr James** spoke to the Annual Wastewater Resource Consent Compliance report and updated the Committee on key wastewater activities for the period ending June 2017.

The **Process Engineer, Mr Sevaratnam** spoke to the powerpoint presentation (WAT-5-09-4-19-11) providing an overview of the 2017 annual discharge consent compliance summary.

Despite a minor malfunction of the drogue being highlighted against Condition 17 in that it failed to collect data during the fourth quarter and was unable to determine the current. The consent was compliant.

Officers did not foresee that the malfunction of the drogue would be a major issue and they were in regular contact with the Hawke's Bay Regional Council.

The following works were underway at the wastewater plant:

- Replacement of the dewatering system in the Milliscreen building.
- Replacement of one of the domestic step screens with a Centre-Flo band screen.
- Upgrade of the plant control system (PLC).
- Outfall pump station manifold renewal planning.
- Emergency beach overflow chamber renewal.

Grant Russell, Planning Consultant, Stantec advised that there were some minor administrative matters in the review of the consent conditions that would be undertaken.

Condition 27 of the long term 35 discharge consent required Council to undertake a Nine Yearly Review. Investigations and studies were likely to commence in 2021/22.

During the first review there would be an increase in engagement and contribution from the Committee with the following being considered:

- Population and industry trends assessment
- Wastewater flows and loads trends assessment
- Trade waste profile assessment
- Assessment of environmental guidelines and standards for treated wastewater
- Assessment of operational aspects and changes in wastewater treatment technology and potential opportunities for beneficial reuse
- Undertake benthic review, hydrodynamic study and public health impacts assessments

An Open Day of the Wastewater Treatment Plant was held on 24 November 2018. A condition of the Consent stated that an advertisement of the Open Day be included in the Rates Notice. However, radio advertising was undertaken as well which proved to be highly effective and far reaching.

Mr Russell advised that in order to preserve the journey of discovery (1999-2000) of the HDC : Tangata Whenua Wastewater Joint Committee with members departing it had been decided to put together a short video clip (CG-14-15-00008) which was displayed. To view open the hyperlink below: <https://drive.google.com/a/grundyproductions.co.nz/file/d/18cr-rhaS2DQa4hSAyYop68rLIP2Vy1X6/view?usp=sharing>

It was noted that in recognition and memory of Bob McWilliams and the pivotal role he had played in the development of the biofilter trickling system that a memorial plaque at the East Clive Treatment Plant would be appropriate.

The Chair advised the meeting that David James had resigned his position after eight years to embark on new ventures and on behalf of the Committee wished him well for the future.

Councillor Travers/Councillor Watkins

- A) That the report of the Wastewater Manager titled “2017/18 Annual Wastewater Treatment Resource Consent Compliance Report ” dated 28/06/2019 be received.**

With the reasons for this decision being that the objective of the decision will contribute to meeting the current and future needs of communities for good quality local infrastructure.

CARRIED

6. ADDITIONAL BUSINESS ITEMS

There were no additional business items.

7. EXTRAORDINARY BUSINESS ITEMS

There were no extraordinary business items.

The meeting closed at 11.15am

Confirmed:

Chairman:

Date:

REPORT TO: HDC-TANGATA WHENUA WASTEWATER JOINT COMMITTEE

MEETING DATE: FRIDAY 2 AUGUST 2019

FROM: POU AHUREA MATUA - PRINCIPAL ADVISOR: RELATIONSHIPS, RESPONSIVENESS AND HERITAGE DR JAMES GRAHAM

SUBJECT: TANGATA WHENUA APPOINTMENT PROCESS TO THE HDC: TANGATA WHENUA WASTEWATER JOINT COMMITTEE

1.0 SUMMARY

1.1 The purpose of this report is to:

- A) Present back to the Committee on the appropriate appointment process for appointing Tangata Whenua representatives to this Council Committee, a Committee that is required to be established and maintained under the provisions of condition 29 of the Hastings District Council's Wastewater Discharge Consent granted on 25th of June 2014; and,
- B) Present back nominations of individuals to the committee for consideration as replacements for the two current Tangata Whenua vacancies that exist on the Committee.

1.2 The Council is required to give effect to the purpose of local government as prescribed by Section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by, and on behalf of, communities

1.3 While this decision is principally administrative and relates to Council's governance and decision-making arrangements in carrying out the purpose of local government, in particular this decision addresses the intent to maintain and improve opportunities for Māori to contribute to local government decision-making processes, and to facilitate participation by Māori in local authority decision-making processes.

1.4 This report concludes by recommending that the Committee accept the report.

2.0 BACKGROUND

2.1 The Hastings District Council established a Committee known as the HDC: Tangata Whenua Wastewater Joint Committee on 14 August 2000. The Committee has its Terms of Reference and explicit purpose, and is intended to assist the Council to address and recognise the role of Tangata Whenua as mana whenua and kaitiaki, and to address cultural concerns that may be held, particularly in respect to human waste in the waste stream.

2.2 The history leading up to formation of the HDC: Tangata Whenua Wastewater Joint Committee goes back a long way to the 1990s when Council first made an application to continue with the milli-screen discharge. Tangata Whenua

and members of the community opposed this approach and this led to a reconsideration of the future way forward.

- 2.3 An important part of the reconsiderations was the journey of discovery Council and Tangata Whenua representatives embarked upon to find a new wastewater treatment approach. This journey included a 'hīkoi' that looked at a number of treatment and disposal systems in New Zealand as well as in England and Spain.
- 2.4 The outcome of this journey was the genesis of the Biological Trickling Filter (BTF) treatment process including the design and construction of the Rokahori rock passage as part of the treatment process.
- 2.5 The establishment and maintenance of that Committee was seen as critical to ensuring that an appropriate treatment process was established and able to be developed. The Committee included five Council representatives and five Tangata Whenua representatives; three representatives were to be nominated by the Heretaunga Māori executive and two representatives nominated by the Ahuriri Māori executive.
- 2.6 The Council's wastewater discharge consent included a requirement to maintain the Committee and the Terms of Reference to reflect the requirements of that consent.
- 2.7 As set out above the Tangata Whenua representatives were to be nominated by two Māori Executives that having served a purpose and time, no longer exist as entities.
- 2.8 The Committee lost two tangata whenua members who have passed on in recent years and who up to this juncture, had not been replaced as yet.
- 2.9 Consequently, the Committee has been down two of its five tangata whenua members for nearly one year come October 2019. Tipu Tareha passed away in 2013 and Gordon Paku passed away in 2018.

3.0 CURRENT SITUATION

- 3.1 The 2014 consent embodies new conditions related to a Committee similar to that which previously existed. Condition 29 of the new consent provides for the Council to establish and maintain a Committee that has a range of functions that are not dissimilar to the existing requirements but are different and require the Council to adopt new terms of reference.
- 3.2 The consent requires Tangata Whenua representatives where there are some caveats around the representatives in particular.
- 3.3 The consent (condition 29) explicitly refers to the principles of the Treaty of Waitangi (especially those of partnership and consultation) and recognising the role of Tangata Whenua as kaitiaki. This implies a need to ensure that the selection of those representatives also has alignment with the principles of partnership and consultation and the role as kaitiaki.
- 3.4 The implication is that selection of the representatives requires some consultation and potentially nomination of those representatives to the Committee. It is also implied that there is a need to consider who rightfully

- fulfils the role as kaitiaki, which suggests that those who exercise that role have not only Tangata Whenua status but Mana Whenua status too.
- 3.5 On July 12 2019, the Committee held a workshop where discussion also centred on the evolution of the appointment process from the former and respective Heretaunga Māori and Ahuriri Māori Executives to the new landscape that was now inclusive of the Post-Settlement Governance Entities (PSGEs) and two Taiwhenua (Heretaunga and Te Whanganui-a-Orotū). Given the geography associated with the Wastewater Plant, two of the regions six PSGEs were directly linked - Heretaunga Tamatea Settlement Trust (HTST) and Mana Ahuriri Trust (MAT).
- 3.6 It was clear that Council could not and cannot tell Māori how to appoint Tangata Whenua to the Committee rather, that was for Tangata Whenua to decide.
- 3.7 It was advised as with any committee of Council that future appointees be provided with appropriate training and information for the Committee including that, decision-making needed people with the right skills; as opposed to a committee where Maori representatives did not have the appropriate skills or capacity to participate.
- 3.8 The role of Tangata Whenua representatives is to provide a conduit to the diversity of local Māori communities where the role of the representative was not necessarily to make decisions on behalf of a community but how to address topical issues.
- 3.9 That is, Tangata whenua representatives are seen and viewed as a voice for discussion where such discussions and information can be taken back to a/ the community.
- 3.10 The meeting agreed that Dr Graham facilitate discussion with Peter Paku, Tania Kupa-Huata and Marei Apatu to discuss:
- (i) Who will make the appointments;
 - (ii) Two replacement tangata whenua representatives;
 - (iii) The size of the Committee; and,
 - (iv) The term of office on the Committee;
- 3.11 As agreed in the Workshop in order to move forward on the process of tangata whenua appointments to the HDC: Tangata Whenua Joint Wastewater Committee it was important for the tangata whenua members to agree on the appropriate way forward. Consequently, the following was agreed upon:
- (i) The two PSGEs will be responsible for their respective appointments to the Committee; three from Heretaunga Tamatea Settlement Trust (given that the main jurisdiction and demographic resides within HTST) and two from Mana Ahuriri Trust. These nominations are then put forward to the Committee, then go to Council for ratification.
 - (ii) With the two current vacancies, the HTST through Te Taiwhenua o Heretaunga have put forward Marei Apatu and Beverley Te Huia to be appointed as Tangata Whenua representatives on the HDC: Tangata

Whenua Joint Wastewater Committee. Both nominated appointees have the necessary skills, attributes and capacity to participate on the Committee and fulfil the necessary obligations and responsibilities.

- (iii) The size of the Committee would see the status quo remain in place and so the Committee will comprise of five Councillors and five Tangata Whenua representatives.
- (iv) The term of office on the Committee would also support the status quo where Councillors would be appointed at the beginning of a new triennium.
- (v) The Terms of Reference for the HDC: Tangata Whenua Joint Wastewater Committee shall be subject to review by the Joint Committee at its first meeting following each local government triennial election.

4.0 SIGNIFICANCE AND ENGAGEMENT

- 4.1 This matter is likely to be of some public interest, however seeking any further community views at this juncture is not considered necessary and this matter can be determined following further guidance and advice from this Committee.

5.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Pou Ahurea Matua - Principal Advisor: Relationships, Responsiveness and Heritage titled "Tangata Whenua Appointment Process to the HDC: Tangata Whenua Wastewater Joint Committee" dated 2/08/2019 be received.**
- B) That moving forward, the two Post-Settlement Governance Entities of Heretaunga Tamatea settlement Trust and Mana Ahuriri Trust will be responsible for appointing their respective nominations to the Committee.**
- C) That Marei Apatu and Beverley Te Huia's nominations be accepted from Heretaunga Tamatea Development Trust as replacements for the two current Tangata Whenua vacancies on the Committee for a period three years.**

Attachments:

There are no attachments for this report.