

He hui e whakahaeretia nei e Te Kaunihera ā-Rohe o Heretaunga Administered by Hastings District Council

HDC: Tangata Whenua Wastewater Joint Committee Meeting

Kaupapataka

Open Agenda

Te Rā Hui:

Meeting date:

Thursday, 3 December 2020

Te Wā:

Time:

10.00am

Wastewater Treatment Plant

Richmond Road

Te Wāhi:

Clive

Venue:

Hastings

Te Hoapā:

Democracy and Governance Services

Contact:

P: 06 871 5000 | E: democracy@hdc.govt.nz

Te Āpiha Matua:

Responsible

3 Waters Manager - Brett Chapman

Officer:

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

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

Fields of Activity

To be actively involved in developing and monitoring 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.
- Ocean discharge including alternative treatment and disposal options.
- Provision of 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.
- To recognise and respect 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 Council actions on wastewater issues including;

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

To co-ordinate and oversee education of the community on wastewater issues.

Membership

- Chair appointed annually by the Joint Committee from its members. The Chair position is to alternate annually between the Council and Tangata Whenua representatives.
- 5 Councillors.
- 5 Tangata Whenua representatives, appointed by Council.

Quorum - 6 members including not less than 3 Councillor Representatives.

DELEGATED POWERS

Recommendation to Operations & Monitoring Committee on matters within the Fields of Activity.

The Chair shall not have a casting vote.



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HDC: Tangata Whenua Wastewater Joint Committee Meeting

Kaupapataka

Open Agenda

Heamana

To be appointed (Chair)

To be appointed (Deputy Chair)

Ngā Mema o te Komiti

Committee Members:

Ngā KaiKaunihera

Councillors: Councillors Simon Nixon, Henare O'Keefe, Peleti Oli, Sophie

Siers and Kevin Watkins

Evelyn Ratima, Tania Huata-Kupa, Marei Apatu and Beverley Te Huia

1 Vacancy

Tokamatua:

6 - not less than 3 Councillors

Quorum:

Apiha Matua

Officer Responsible:

3 Waters Manager - Brett Chapman

Te Rōpū Manapori me te

Kāwanatanga

Democracy &

Lynne Cox (Ext 5632)

Governance Services:



Te Rārangi Take

Order of Business

Apologies & Leave of Absence – Ngā Whakapāhatanga me te Wehenga ā-Hui

- 1.0 Apologies from Councillor O'Keefe and Councillor Watkins have been received.
 At the close of the agenda no requests for leave of absence had been received.
- **2.0 Conflict of Interest** He Ngākau Kōnatunatu

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 Manager: Democracy and Governance (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.

3.0 Confirmation of Minutes – Te Whakamana i Ngā Miniti

There are no minutes to confirm.

- 4.0 Election of Chair to HDC: Tangata Whenua Wastewater Joint Committee 7
- 5.0 Tangata Whenua Appointment to the HDC: Tangata Whenua Wastewater

 Joint Committee

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- 6.0 Annual Report 2020 13
- **7.0** Minor Items Ngā Take Iti



8.0 Urgent Items – Ngā Take Whakahihiri



Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: HDC: Tangata Whenua

Wastewater Joint Committee Meeting

Te Rārangi Take

Report to HDC: Tangata Whenua Wastewater Joint Committee

Nā:

From: Lynne Cox, Democracy and Governance Advisor

Te Take:

Election of Chair to HDC: Tangata Whenua Wastewater Joint

Subject: **Committee**

1.0 PURPOSE AND SUMMARY - TE KAUPAPA ME TE WHAKARĀPOPOTOTANGA

- 1.1 The purpose of this report is for the HDC: Tangata Whenua Wastewater Joint Committee (Joint Committee) to elect an appointed Joint Committee member as Chair of the Joint Committee in accordance with the Joint Committee's Terms of Reference from the four appointed Tangata Whenua members of the Committee.
- 1.2 This issue arises from the Joint Committee's Terms of Reference requiring that the Chair position be appointed annually by the Joint Committee to alternate between the Council and Tangata Whenua representatives.

2.0 BACKGROUND – *Te Horopaki*

- 2.1 The Joint Committee was established as a result of a judicial direction by the Environment Court, further to proceedings by the New Zealand Māori Council: Heretaunga Māori Executive and Ahuriri Māori Executive.
- 2.2 The Terms of Reference for the HDC: Tangata Whenua Wastewater Joint Committee provide that the Chair shall be elected annually and alternate between the Hastings District Council and Tangata Whenua members.

- 2.3 The last election for a Chair was in December 2018 at which time Councillor Rod Heaps was elected to the position. It is therefore appropriate that an appointed representative now be elected to the position.
- 2.4 The appointed Deputy chair will be elected from the Councillors of the Joint Committee.

OPTIONS IN THE CASE OF AN ELECTION

- 2.5 The Local Government Act 2002 provides that where an election is necessary in respect of the election of the Chair of a Committee one of two systems may be used, either system A or system B. If only one person is nominated of course no election will be necessary, and this section can be ignored.
- 2.6 System A provides that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority present and voting where:
 - (i) there is a first round of voting for all candidates; and
 - (ii) if no candidate is successful in getting a majority in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
 - (iii) if no candidate is successful in the second round there is a third, and if necessary subsequent round of voting in the previous round is excluded; and
 - (iv) in any round of voting if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.
- 2.7 System B provides that a person is elected or appointed if he or she receives more votes than any other candidate where:
- 2.8 (i) there is only 1 round of voting; and
 - (ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot.

System A provides greater scope for members to express their preferences and is the one preferred by the Council.

3.0 RECOMMENDATIONS - *NGĀ TŪTOHUNGA*

- A) That the HDC : Tangata Whenua Wastewater Committee receives the report titled Election of Chair to HDC : Tangata Whenua Wastewater Joint Committee.
- B) That Tangata Whenua member be appointed as Chair of the HDC: Tangata Whenua Wastewater Joint Committee, effective from the 3 December 2020 meeting.
- C) That Councillor be appointed as Deputy Chair of the HDC : Tangata Whenua Wastewater Joint Committee, effective from the 3 December 2020 meeting.
- D) That the Chair role be reviewed annually in accordance with the HDC : Tangata Whenua Wastewater Joint Committee's terms of Reference.

Attachments:

There are no attachments for this report.



Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: HDC: Tangata Whenua

Wastewater Joint Committee Meeting

Te Rārangi Take

Report to HDC: Tangata Whenua Wastewater Joint Committee

Nā: Dr James Graham, Pou Ahurea Matua - Principal Advisor:

From: Relationships Responsiveness and Heritage

Te Take: Tangata Whenua Appointment to the HDC: Tangata Whenua

Subject: Wastewater Joint Committee

1.0 Executive Summary – Te Kaupapa Me Te Whakarāpopototanga

- 1.1 The purpose of this report is to present back a nomination to the committee for consideration as a replacement to the Tangata Whenua vacancy that currently exists 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.

2.0 Recommendations – Ngā Tūtohunga

- A) That the HDC: Tangata Whenua Wastewater Joint Committee receives the report titled Tangata Whenua Appointment to the HDC: Tangata Whenua Wastewater Joint Committee dated 3 December 2020.
- B) That the Committee endorse the nomination of Joella Brown by Heretaunga Tamatea Settlement Trust for the current Tangata Whenua vacancy on the HDC: Tangata Whenua Wastewater Joint Committee.

3.0 Background – *Te Horopaki*

- 3.1 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.
- 3.2 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.
- 3.3 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.
- 3.4 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.
- 3.5 The establishment and maintenance of this 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.
- 3.6 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.
- 3.7 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 under those respective mantles.
- 3.8 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 region's six PSGEs were directly linked Heretaunga Tamatea Settlement Trust (HTST) and Mana Ahuriri Trust (MAT); who are now the Tangata Whenua Committee member appointees.
- 3.9 The Committee lost one tangata whenua member at the end of 2019 through resignation, Peter Paku, who was confident of the timing to step down from his role and association with the Committee, and indeed to the wider kaupapa across many decades. Appointing a replacement for Peter will see the Committee back up to full capacity.

3.10 Heretaunga Tamatea Settlement Trust have forwarded the nomination (through being invited to submit an expression of interest) of Joella Brown. Joella has both professional and cultural experience, and credentials with respect to te taiao (environment) and all that this entails, including water, cultural place-based issues, and other related environmental issues.

4.0 Discussion – Te Matapakitanga

- 4.1 It has been 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 members did not have the appropriate skills or capacity to participate.
- 4.2 The role of Tangata Whenua members is to provide a conduit to the diversity of local Māori communities where the role of the member was not necessarily to make decisions on behalf of a community but on how to address topical issues too. That is, Tangata whenua members are seen and viewed as a voice for discussion where such discussions and information can be taken back to the community.
- 4.3 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.
- 4.4 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.
- 4.5 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.

Attachments:

There are no attachments for this report.

Summary of Considerations - He Whakarāpopoto Whakaarohanga

Fit with purpose of Local Government - *E noho hāngai pū ai ki te Rangatōpū-ā-Rohe*

The Council is required to give effect to the purpose of local government as set out in 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, and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.

Link to the Council's Community Outcomes – *Ngā Hononga ki Ngā Putanga ā-Hapori*

This proposal promotes the wellbeing of communities across Heretaunga both in the present and for the future with respect to wastewater and cultural issues.

Māori Impact Statement - Te Tauākī Kaupapa Māori

This report is timely and will enable the HDC: Tangata Whenua Waste Water Joint Committee to run at full capacity should Joella's nomination be endorsed and forward to Council for ratification. After workshopping Tangata Whenua representation in 2019, officers were endorsed and given support to build up the capacity

of the Committee given that it was two members short, and had been so for a long period. Accordingly, this same process has been applied to seeking nominations for the current vacancy that exists through Peter's resignation where given there was a 'Heretaunga' vacancy, the Heretaunga body - Heretaunga Tamatea Settlement Trust was approached for expressions of interest.

Sustainability - Te Toitūtanga

N/A.

Financial considerations - Ngā Whakaarohanga Ahumoni

N/A.

Significance and Engagement - Te Hiranga me te Tūhonotanga

This decision/report has been assessed under the Council's Significance and Engagement Policy as being of significance as highlighted above in terms of Community Outcomes and the Māori Impact Statement.

Consultation – internal and/or external - Whakawhiti Whakaaro-ā-roto / ā-waho

Yes; with Heretaunga Tamatea Settlement Trust.

Risks

Opportunity: N/A

REWARD – Te Utu	RISK – Te Tūraru
[State the benefit, opportunity, innovation of the outcome & whether it benefits; Safety (public/ staff/ contractors), Finances, Service Delivery, Legal compliance, Reputation.]	[State the significant risks or threats (4 or 5 max) to the objective & whether they affect; Safety (public/ staff/ contractors), Finances, Service Delivery, Legal compliance, Reputation.]

Rural Community Board – Te Poari Tuawhenua-ā-Hapori

N/A



Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: HDC: Tangata Whenua

Wastewater Joint Committee Meeting

Te Rārangi Take

Report to HDC: Tangata Whenua Wastewater Joint Committee

Nā:
From: David Mackenzie, Wastewater Manager

Te Take: Subject: Annual Report 2020

1.0 Executive Summary – Te Kaupapa Me Te Whakarāpopototanga

- 1.1 The purpose of this report is to present the 2019-2020 Annual Wastewater Compliance Report required by the wastewater discharge consent (CD130214W) to the Committee and to update the Committee on key wastewater activities.
- 1.2 This report has been prepared as a result of the ongoing operation of Council's East Clive Wastewater Treatment Plant and the need to comply with consent requirements of the wastewater discharge consent CD130214W under the Resource Management Act 1991.
- 1.3 This report concludes by recommending that the Committee receive the report.

2.0 Recommendations – Ngā Tūtohunga

A) That the HDC: Tangata Whenua Wastewater Committee receives the report titled Annual Report 2020 dated 3 December 2020.

3.0 Background – Te Horopaki

- 3.1 In June 2014 Hastings District Council (HDC) was granted a new 35 year long-term consent for the discharge of treated Domestic and Non-Separable Industry (DNSI) wastewater and treated Separated Industrial wastewater from the East Clive Wastewater Treatment Plant, through the long ocean outfall into Hawke Bay (discharge consent CD130214W). The consent expires on 31 May 2049.
- 3.2 A requirement of the wastewater discharge consent (Condition 29) is that HDC to establishes, and retains the Tangata Whenua Wastewater Joint Committee, as a committee of the Hastings District Council under Clause 31, Schedule 7, Local Government Act 2002, a Council Committee, half of the members of which shall be Tangata Whenua representatives, whose functions include but are not limited to the receiving, reviewing and recommending action on reports such as the Annual Wastewater Compliance Report, involvement in the Nine Yearly Consent Review and more.
- 3.3 HDC's wastewater system has been operating under the wastewater discharge consent (CD130214W) for six years. In accordance with the consent conditions the Annual Wastewater Compliance Report was completed, peer reviewed and submitted to the Hawkes Bay Regional Council.

4.0 Discussion – Te Matapakitanga

ANNUAL COMPLIANCE REPORT

- 4.1 A requirement of the wastewater discharge consent is the preparation of the Annual Wastewater Compliance Report (Condition 24). The purpose of the Annual Wastewater Compliance Report is to assess compliance with the conditions of the wastewater discharge consent (CD130214W).
- 4.2 The wastewater discharge consent conditions cover a range of performance and quality parameters that need to be adhered to.

Consent Performance Overview

- 4.3 The Domestic and Non-Separable Industry (DNSI) treatment system's Biological Trickling Filter (BTF) continues to operate well and meet treatment expectations.
- 4.4 The Final Combined Wastewater (FCW) that is being discharged complies with the consent and the ANZEEC 2000 & ANZG 2018 guidelines for fresh and marine quality water. The Final Combined Wastewater is of low toxicological risk when discharged into the marine environment of Hawke Bay.
- 4.5 The receiving water within the mixing zone shows some effects from the outfall discharge, the effects are only minor. Outside of the mixing zone the receiving waters characteristics are very similar to those of the surrounding marine waters.
- 4.6 The sediments show minor effects in the vicinity of the outfall which is reflected in higher concentrations close to the outfall diffuser. All sediment results were below the ANZEEC 2000 ISQG-Low trigger levels. There is no indications of accumulation of metals around the outfall.
- 4.7 The Annual Wastewater Compliance Report concludes that the current treatment and discharge through the long ocean outfall is compliant with the wastewater discharge consent conditions and provides a culturally and environmentally acceptable solution for wastewater treatment for the Hastings District.
- 4.8 The 2019-2020 Annual Wastewater Compliance Report has been submitted to Hawkes Bay Regional Council (HBRC) and we are awaiting HBRC's consent compliance assessment report.
- 4.9 A powerpoint presentation will cover aspects of the Annual Compliance Report and the ongoing performance of the treatment systems and the outfall discharge.

CONSENT CONDITIONS REVIEW

- 4.10 HDC has the opportunity under section 127 of the Resource Management Act (RMA) to instigate revisions of the wastewater discharge consent documentation.
- 4.11 There are a number of minor consent conditions revisions that HDC is working through with HBRC. The revisions focus on improvements to the conditions based on the past six year's operation under the wastewater discharge consent.
- 4.12 The consent revisions under consideration are:
 - Condition 6: Amendment to wording "Ammonia" to "Total Ammoniacal" nitrogen
 - Condition 13: Removal of condition This condition was used to ascertain the composition of the biomass flushing cycles as well as normal operation during the first 12 months of operation from the start of this consent
 - Condition 15: Amendment to toxicity testing frequency from quarterly to annually
 - Condition 24 (d): Requests the footnote is written in full
 - Condition 25: Amendment of wording to better reflect the availability of the Annual Wastewater Compliance Report in a timely manner to the wider public
 - Condition 26: Amendment of wording to better reflect the choice of a Regional Council Compliance Officer to attend, or not, the open day at the East Clive Wastewater Treatment Plant

NINE YEARLY CONSENT REVIEW

4.13 A requirement of the wastewater discharge consent is the Trends, Technology, Discharge, Environmental and Monitoring Nine Yearly Review (Condition 27). We are currently in the sixth year of the consent and will start the review next financial year (2021/22) with the completion of the report by June 2023.

The review will consider the following;

- Population and industry trends assessment
- Wastewater flows and loads trends assessment
- Trade waste profile assessment
- Assessment of environmental guidelines and standards for the discharge of 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
- Consultation with Tangata Whenua and the community

TREATMENT PLANT OPERATIONS UPDATE

- 4.14 The East Clive Wastewater Treatment Plant continues to operate effectively with no major issues being experience. Routine maintenance and renewals planning continues to be a big part of the ongoing operation of the wastewater treatment plant. Routine monitoring and sampling is being undertaken on a quarterly basis.
- 4.15 The following projects have been completed recently or are currently underway at the wastewater treatment:

- Replacement of the 3 domestic screens that remove gross solids prior to the BTF's 2nd screen replacement is underway
- Replacement of key components of the domestic and industrial screening equipment solids removal processes
- Replacement of the Programmable Logic Controller (PLC) system that controls many key plant processes
- Emergency Beach Outfall Gate installation to ensure the operability of the emergency beach outfall
- Outfall pump station steel manifold renewal planning is underway with construction planned for 2021/2022
- Replenishment of groyne rock structure (revetment) that protects the outfall structures construction planned for 2021

TRADE WASTE UPDATE

4.16 The trade waste management processes under the Council Consolidated Bylaw is running well.

HDC's Trade Waste Officer and the trade waste industries continue to work together to ensure

Trade Waste Approval compliance is maintained at high levels. Industries continue to adhere to the

conditions for discharges to the separate trade waste network and for those industries that

discharge to the domestic system.

Attachments:

There are no attachments for this report.

Summary of Considerations - He Whakarāpopoto Whakaarohanga

Fit with purpose of Local Government - E noho hāngai pū ai ki te Rangatōpū-ā-Rohe

The Council is required to give effect to the purpose of local government as set out in 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, and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.

<u>Link to the Council's Community Outcomes</u> – Ngā Hononga ki Ngā Putanga ā-Hapori

The purpose of this report is relevant to the provision of good quality wastewater infrastructure that is efficient, effective and appropriate which relates to the ongoing consideration of the environmental, cultural, and economic wellbeing of communities in the present and future.

Māori Impact Statement - Te Tauākī Kaupapa Māori

A requirement of the wastewater discharge consent (Condition 29) is that HDC to establishes, and retains the HDC: Tangata Whenua Wastewater Joint Committee, as a committee of the Hastings District Council under Clause 31, Schedule 7, Local Government Act 2002, a Council

Committee, half of the members of which shall be Tangata Whenua representatives, whose functions include but are not limited to the receiving, reviewing and recommending action on reports such as the Annual Wastewater Compliance Report, involvement in the Nine Yearly Consent Review and more.

Sustainability - Te Toitūtanga

N/A:

Financial considerations - Ngā Whakaarohanga Ahumoni

N/A:

Significance and Engagement - Te Hiranga me te Tūhonotanga

This decision/report has been assessed under the Council's Significance and Engagement Policy as being of low significance.

Consultation – internal and/or external - Whakawhiti Whakaaro-ā-roto / ā-waho

The Annual Report presentation to the HDC: Tangata Whenua Wastewater Joint Committee is a requirement of the conditions and the recommendations of this Committee are reported to the Council.

Risks

Opportunity:

REWARD – Te Utu	RISK – Te Tūraru
Tangata Whenua relationships are maintained through their involvement and direction in regard to wastewater treatment and disposal initiatives that deliver improved health, environmental and cultural outcomes.	The Committee is not updated on key aspects of the treatment plant and its performance and are unable to influence and direct Maori aspirations in respect of the treatment and disposal of the District's wastewater.

Rural Community Board – *Te Poari Tuawhenua-ā-Hapori*

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