



Hastings District Council

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OPEN A G E N D A

COUNCIL MEETING

Meeting Date: Thursday, 28 March 2019

Time: 1.00pm

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

Council Members	Chair: Mayor Hazlehurst Councillors Barber, Dixon, Harvey, Heaps, Kerr, Lawson, Lyons, Nixon, O'Keefe, Poulain, Redstone, Schollum, Travers and Watkins
Officer Responsible	Chief Executive – Mr N Bickle
Council Secretary	Mrs C Hunt (Extn 5634)

HASTINGS DISTRICT COUNCIL

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Ground Floor
Civic Administration Building
Lyndon Road East
Hastings

TIME: 1.00pm

A G E N D A

1. Prayer

2. Apologies & Leave of Absence

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.

3. Seal Register

4. 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.

5. Confirmation of Minutes

Minutes of the Council Meeting held Tuesday 12 March 2019 (Cornwall Park Reserve Management Plan).
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REPORT TO: COUNCIL

MEETING DATE: THURSDAY 28 MARCH 2019

**FROM: GROUP MANAGER: COMMUNITY FACILITIES & PROGRAMMES
ALISON BANKS**

SUBJECT: KIMI ORA COMMUNITY SCHOOL OPEN SPACE DEVELOPMENT

1.0 SUMMARY

- 1.1 This report contributes to the Council's strategic and community outcomes by providing local infrastructure by creating places for arts, culture and learning.
- 1.2 The purpose of this report is to obtain a decision from the Council to support the Kimi Ora Community Schools, Te Puna Taiao project to full detail design and completion of a Feasibility Study.
- 1.3 This request arises from Kimi Ora Community School identifying several funding opportunities for the capital build part of the project but to get to application phase a full detailed construction plans/design is required.
- 1.4 Students from Kimi Ora Community School will be presenting Te Puna Taiao – creating spaces that thrive to Council over lunch (12pm to 1pm) and then presenting to the full Council meeting.
- 1.5 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 meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. Good quality means infrastructure, services and performance that are efficient and effective and appropriate to present and anticipated future circumstances.
- 1.6 This report concludes by recommending that Council supports Kimi Ora Community School and fund the development of the facility design from concept to detailed construction plans and the feasibility study.

2.0 BACKGROUND

- 2.1 Kimi Ora Community School in Flaxmere West, Hastings will be shortly starting the \$6.5m rebuild of the entire school due to be completed in February 2020.
- 2.2 Planning is well underway for the Waingakau Village development on neighbouring land, and the school community have seen an amazing opportunity to build something beautiful and transformative for the whole community for generations to come.
- 2.3 Te Puna Taiao – creating spaces that thrive aims to transform the school's grounds to become a true community taonga that is used extensively by kura

during the school day and by the Flaxmere West and wider Hastings communities after school hours, weekends and during holiday periods.

- 2.4 The schools community want to create a beautiful greenspace area that people can bring their whānau for free to enjoy the many benefits of the carefully designed play, learning and garden spaces. The vision is to create a multi-use outdoor, whole of whānau-friendly recreational facility.
- 2.5 With Te Puna Taiao, the school community needed to completely re-think and re-design the school's outdoor spaces from what they are now and outlined the following:

We want to change this	To this:
Largely flat open fields and concreted surfaces	Diverse use spaces and separated spaces, with, hills pathways and varied vegetation
All classrooms indoors	Outdoor classroom/s
Plastic play equipment all rigid and fixed	Loose parts to inspire creative play
Vegetable gardens and other basic gardens	A range of gardens; traditional use, fruit, scented, flowering, etc with kids and community members leading all aspects of their care
Little to invoke the senses	Sensory areas, including musical areas, water play areas, beautiful gardens
Little to connect with Te Ao Māori and Pasifika	Clear connections and references to Te Ao Māori and Te Ao Pasifika throughout the design, and opportunities to learn important tikanga and kawa

- 2.6 On Thursday 14 March 2019 students held a hui and presented their project with a focus on improving the hauora (mental and physical health) of tamariki and community and setting them up with the skills they need for the future.
- 2.7 A particular focus was on ensuring tamariki and whānau Māori and Pasifika are given a more culturally-enriched space to foster mana whenua and resilience. Also to allow each person to participate fully and reach their full potential in an environment that caters to the diverse range of needs. It will be an investment for social wellbeing.

- 2.8 Oversight of the project as a whole will be carried out by the School's principal, Matt O'Dowda, and the School's Board of Trustees.
- 2.9 The Principal and Board have a strong and collaborative working relationship and provide excellent governance and strong financial management of the school. They have a shared vision about creating a multi-use community facility on the site of the school grounds for the benefit of the whole community. They are committed to working together with our community to make the project a reality.

3.0 CURRENT SITUATION

- 3.1 Over the past few months Kimi Ora Community School has been undertaking significant engagement with the community to assess the need for and support of this project, and the feedback has been both universal and loud. The community has clearly articulated that this project is vital and is now working hard to make it happen with key partners.
- 3.2 A key partner and a close neighbour, Te Aranga Marae is fully supportive of the project and is looking to create even stronger physical links to the school and community. The school perform all powhiri for the marae and spend a lot of time there learning and supporting the kaupapa.
- 3.3 Another key partner Ngāti Kahungunu, has offered to help shape the curriculum around the stories told through the outdoor spaces. The opportunity to profoundly affect culture, language and identity is a shared kaupapa. The project will tie children back to the things that are truly important to the wider community; culture, language and identity.
- 3.4 Te Taiwhenua is responsible for the wider Waingakau Village project. The close interrelationship of both projects is of upmost importance as they will complement each other and strengthen the community.
- 3.5 Te Puna Taiao Charitable Trust is supporting the project by capturing community aspirations, project planning, community engagement, communications, securing funding and design considerations.
- 3.6 4Sight Consulting, led by Renee Davis and Claudia Boyo has been identified as the preferred provider in the development of the design. The Project Team is confident that this team will work to really understand the stories of our whenua and people to create a blueprint that elevates the school and community.
- 3.7 The project team has identified several funds that align with the project and intend to apply for funding for capital build of the project (implementing the open space design) and is confident that the proposal could attract financial support.
- 3.8 However, to get to application phase the project team need to provide two key scoping related aspects/documents of the project, namely:
 - Facility design - \$76,000 + GST (this includes all design, from concept through to detailed construction plans)
 - Feasibility Study – approx \$20,000 + GST

- 3.9 The project is on Ministry of Education land and \$6.5m has been committed for the rebuild of the entire school, however this does not and will not extend to fund such a creative, innovative learning play environment.

4.0 OPTIONS

- 4.1 To commit the requested funding of \$96,000plus GST to invest in a feasibility study and full architectural design for the Te Puna Taiao project.
- 4.2 Not to support the initiative.

5.0 SIGNIFICANCE AND ENGAGEMENT

- 5.1 This matter is not significant when considered in line with Council's Significance and Engagement Policy.

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 Option 1 - investing for the Social Wellbeing of the community puts people at the heart of everything we do. It is inclusive, and treats everyone with dignity and respect. The students and school community of Kimi Ora Community School have identified and are working towards a solution that will:
- ensure tamariki and whānau Māori and Pasifika are given a more culturally-enriched space to foster mana whenua and resilience.
 - improving the hauora (mental and physical health) of tamariki and community and setting them up with the skills they need for the future.
 - creating a carefully designed a whānau-friendly, recreational facility with multi-use outdoor space for learning, play relaxation.
- 6.2 This project is an excellent example of a community lead approach that puts people at the heart of the approach. It ensures the views of the school community (Māori and Pacifica), and tamariki are meaningfully included with a focus that the community will thrive.
- 6.3 Option 2 - not committing any funding to this project will put the delivery of this project at risk. While there is some sentiment that investing Council funds on Ministry of Education land is not appropriate, in this situation the school has very little funding options and the benefits that the Te Puna Taiao project will provide are wider than the school community.
- 6.4 **Funding Options**
- 6.5 While there is \$250,000 allocated to a Flaxmere West Community facility, it is loan funding and therefore not an appropriate source of funds to cover the costs associated with the design and feasibility study.
- 6.6 There is the Flaxmere Land Development Reserve which currently has a balance of \$2.4m. Council has previously resolved that this reserve be available for land development opportunities in Rating Area One. However, in practice this has been constrained to Flaxmere. While the purpose of this reserve does not necessarily support this request for funding, Council can determine to allocate funds from this reserve if it considers the outcomes that will come from this investment are appropriate.

- 6.7 The preferred funding option is that this expenditure be treated as unbudgeted expenditure in the Community Assistance activity of Council with the Flaxmere Land Development Reserve used as a fund of last resorts should the Community Facilities and Programmes Group not have sufficient budget at year end to accommodate this expenditure.

7.0 PREFERRED OPTION/S AND REASONS

- 7.1 Implementation of the Te Puna Taiao project will be an important contribution to improving access and participation for Flaxmere West communities. It will help people to foster connections that add to their feeling on safety and connectedness and make Flaxmere West a better place to live. The school community want to work with the Hastings District Council to make this happen.
- 7.2 Kimi Ora Community School is a decile “one A” school where the lowest rating attracts extra funding. However, the community school is a free school to those students who attend. This means any extra government funding supports the students by supplying books, stationary and other schools supplies, sports equipment, meals and teacher aids to name but a few.
- 7.3 As an organisation we are well aware of the complexity of the lives of our tamariki and whanau living in Flaxmere West. Supporting Kimi Ora Community School may be the catalyst and an enabler to build an inclusive, equitable and prosperous community.
- 7.4 For the school to try and attract the required funding by other means would take a lot of work and a lot of time, leaving the school looking unfinished when the (new class rooms) redevelopment works are completed.
- 7.5 For Council to invest \$96,000 to support the Kimi Ora Community School to get this significant project across the line will not only have a significant financial value but also a momentous social value.

8.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Group Manager: Community Facilities & Programmes titled “Kimi Ora Community School Open Space Development” dated 28/03/2019 be received.
- B) That Council supports Kimi Ora Community School and fund \$96,000 (excluding GST) for the development of the facility design from concept to detailed construction plans and the feasibility study.
- C) That \$96,000 (excluding GST) be made available as unbudgeted expenditure with the Flaxmere Land Development Reserve to be used as a fund of last resort should insufficient budget be available through the Community Facilities and Programmes Group of activities at year end.

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 by providing an opportunity to create a place and space for arts, culture and learning in West Flaxmere.

Attachments:

There are no attachments for this report.

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 28 MARCH 2019

**FROM: PROJECT ADVISOR
ANNETTE HILTON**

SUBJECT: PRESENTATION - ANTOINETTE HAPUKA-LAMBERT

1.0 SUMMARY

- 1.1 Leadership development programme is an intentional, long term, intergenerational approach to develop the leadership capacity of young Māori in communities throughout New Zealand. This programme involves local Mayors selecting a young Māori from the district to mentor on a one-to-one basis to encourage and enhance leadership skills.
- 1.2 It is envisaged the young person will be mentored on a monthly basis, involving both informal meetings and formal occasions that will assist their development as a local leader.
- 1.3 The relationship also provides both partners with the opportunity to gain a deeper insight into inter-generational issues, cultural values and experiences.
- 1.4 They are expected to undertake and record a 100 hour community service project in their community which will provide them with an opportunity to share their experiences, practice new strategies and demonstrate leadership.

2.0 BACKGROUND

- 2.1 Antoinette has attend five wānanga throughout the year which encompassed five different concepts of learning within Māoritanga. Each wānanga were strategically located and share messages that everyone reflected differently.
- 2.2 Each and every wānanga provided Antoinette with new learnings to incorporate within either her community, whanau, herself or even in her classroom, as a primary school teacher.
- 2.3 Antoinette's first year with TUIA was enlightening and now shes strive to live life to my fullest, continue to absorb matauranga Māori and empower the rangatahi who are our future.

3.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Project Advisor titled "Antoinette Hapuka-Lambert" dated 28/03/2019 be received.

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 28 MARCH 2019

**FROM: POU AHUREA MATUA - PRINCIPAL ADVISOR:
RELATIONSHIPS, RESPONSIVENESS AND HERITAGE
DR JAMES GRAHAM
CHIEF EXECUTIVE
NIGEL BICKLE**

**SUBJECT: REVIEW OF MĀORI PARTICIPATION IN COUNCIL
DECISION MAKING**

1.0 SUMMARY

- 1.1 This report contributes to the achievement of the Council's community outcomes and specific Council objectives as set out in the Long Term Plan 2018 – 28 by seeking to improve effective working relationships with mana whenua.
- 1.2 The purpose of this report is to obtain a decision from Council on a recommendation from the HDC: Māori Joint Committee regarding Māori participation in Council decision-making, and in particular, on the appointment of a HDC: Māori Joint Committee tangata whenua member to each of the four Council Standing Committees.
- 1.3 The Council is required to give effect to the purpose of local government as prescribed by Section 10 of the Local Government Act 2002.
- 1.4 The objectives of this decision relevant to the purpose of Local Government the inclusion of Māori in the Council's decision-making processes of Council in order to recognise and respect the Crown's responsibility to take appropriate account of the Principle of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision making processes.
- 1.5 This report concludes by recommending that the Council appoints the named HDC: Māori Joint Committee tangata whenua members to the respective Hastings District Council Standing Committees.

2.0 BACKGROUND

- 2.1 **Heretaunga haukūnui, Heretaunga ararau, Heretaunga haaro te kaahu, Heretaunga raorao haumako, Heretaunga ringahora, Heretaunga takoto noa, Tihei Heretaunga!**

The whakataukī (proverb) above is inspired by and reflective of the cultural narratives (metaphors, idioms, local sayings) and their intrinsic connection and relationship to Heretaunga or Hastings district as the extrapolation of each line of this whakataukī describes, and are listed as follows:

Heretaunga haukūnui - Heretaunga of the life-giving dew and waters
 “Heretaunga haukūnui” describes the thick fog that hovered/hovers over Heretaunga and the heavy dew from when the first arrivals landed here centuries ago right up to today in the 21st century. The fog was and remains a symbol of warm land, life enriching waters and a veritable breeding ground of fish, fowl, livestock, produce and fruit to support a huge and diverse community including communities across the nation, indeed globally. The translation of this line refers to the lifeblood from the awa (rivers), manga (streams), reporepo (swamps), roto (lakes) and the muriwai hou (aquifers) including the haukūnui (heavy mists). This, the lifeblood is what gives the Heretaunga and the Hastings district the fertility that is renowned for as being amongst the best lands in Aotearoa New Zealand.

2.2 **Heretaunga ararau - Heretaunga of converging pathways**

“Heretaunga ararau” is a further saying about the myriad of pathways both on land and by water (rivers were once a method of getting from place to place) that all converge on Heretaunga due to this fertile oasis that is the Hastings district. Ararau also speaks of diversity, discourse, innovation, collision and a collusion of ideas, identity, and interpretation. These descriptors all refer to the productivity from the notion of ‘ararau’, which lends itself to great diversity and ultimately sustenance and production from the ‘ararau’ of Heretaunga.

2.3 **Heretaunga haaro te kaahu - Heretaunga from the eye of the hawk**

“Heretaunga haaro te kaahu” refers to the amazing beauty of the land and waterways, which once upon a time could only be seen by the sharp eye of the hawk in full flight. Today we have the luxury of drones, aircraft and other means to view the magnificent vista and landscape that is our home. Features of this landscape too are recognised and acknowledged today by their respective status including as ‘outstanding natural landscapes’ and ‘outstanding natural landscape features’. The kaahu soars above the landscape to scope its prey but in doing so has a beautiful backdrop that we are inherently part of and that is Heretaunga.

2.4 **Heretaunga raorao haumako - Heretaunga of the fertile plains**

“Heretaunga raorao haumako” pays homage to the lowlands or plains that are rich and fertile lands that produce the vast range of horticultural and viticultural produce and fruits as well as the agricultural livestock that the lands nurture and grow. Papatūānuku (Earth mother) is the whenua (land) that nurtures and ends to the fertility of Heretaunga, as provided for too, by the haukūnui that sustains life, the people and not only locally but globally; through the quality export products that the land produces.

2.5 **Heretaunga ringahora - Heretaunga of its hospitality and open arms**

“Heretaunga ringahora” refers to the hospitality and or the manaaki that the district is renowned for and has been known for since the mid-19th century when European settlement was first welcomed by the hapū (tribes) and rangatira (chiefs) of Heretaunga. Ringahora is a metaphorical representation that symbolises manaaki with open hands and an acknowledgement of the

welcome extended by tangata whenua (local people) to settlers and visitors to Heretaunga at the start of the 19th century, where this legacy continues today not only from tangata whenua but from the wider established and diverse community that comprises Heretaunga today.

2.6 **Heretaunga takoto noa - Heretaunga of the departed chiefs**

“Heretaunga takoto noa” is in reference to Heretaunga of the many departed chiefs, only the land endures while people come and go therefore strong leadership is needed to ensure that the land is safe for generations to come. Heretaunga heritage sets the scene for greater leadership over the challenges ahead. The plains and wetlands were traditionally the common domain for all hapū although specific areas were the preserve of specific hapū or rangatira.

- 2.7 Today, Heretaunga, the Hastings district is the home for 81 000 people, where everyone has a role to play in being custodians of Heretaunga for future generations to come. Governance, management and leadership that aspires to handing the land over in good condition to the ensuing generation will continue the legacy set as this whakataukī alludes to and highlights.

Tangata Whenua

- 2.8 Tangata Whenua have cultural, spiritual, historical and traditional association with, and customary rights to the land and resources of Heretaunga, the Hastings district. The district has an extensive history of ancestral settlement, particularly in the former wetlands, waterways and coastal areas where food resources were abundant and extensive cultivations flourished. In pre-European times the people of Heretaunga and their predecessors were renowned for the abundance of their food gathering and cultivations. These aspects remain specific to the identity of Heretaunga, the Hastings district today and especially to the nature of its land, landscapes, history and sense of community.
- 2.9 Approximately 25% of the 81 000 population of Hastings district identify as Māori with the majority belonging to the Ngāti Kahungunu iwi (tribe). Ngāti Kahungunu are the 3rd largest iwi by population and account for 10% of the entire Māori population; only Ngāpuhi (1st) and Ngāti Porou (2nd) are larger. Ngāti Kahungunu Iwi Incorporated is a mandated iwi organisation with the authority to represent the people of Ngāti Kahungunu, and is the governing body for all aspects of iwi development.
- 2.10 Land, humanity and the supernatural were and remain co-dependent entities among local [Heretaunga] Māori traditions; they co-exist and do so by a sequenced network of relationships (whakapapa) linking each entity, and that are maintained and strengthened by similar yet distinct cultural narratives and traditions of Heretaunga. Despite this cultural diversity amongst the tangata whenua of Heretaunga, Māori have a unique spiritual relationship with ‘place’ and with Heretaunga that underpins a commonly shared belief; an impression of unity and harmony with land and the environment; as tangata whenua.

Te Tiriti o Waitangi - Treaty of Waitangi

- 2.11 The assumptions of this innate connection to land assume that, like other large natural groupings throughout Aotearoa New Zealand, tangata whenua of Heretaunga connect with their respective landscapes. So, while much land has physically been lost or passed over in terms of ownership since 1840, Kahungunu and Heretaunga traditions associated with the land remain entrenched in tribal lore, traditions and narratives; tribal lore for instance, reflected in old traditional oriori (songs) such as '*Pinepine te kura*' that celebrate tribal heritage and the importance and significance of notions of place.
- 2.12 The Treaty of Waitangi (1840) paved the foundations of biculturalism for Aotearoa New Zealand including the bicultural relationships as espoused through the guiding principles of partnership, participation and protection. In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi, and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, the requirements for councils are intended to facilitate participation by Māori in local government decision-making processes.

Te Kura Nui - The HDC Māori Responsiveness Framework

- 2.13 The Hastings District Council Māori Responsiveness Framework, named Te Kura Nui after '*Pinepine te kura*', highlights the 'kura' as a localised cultural construct and one that is normalised through a Heretaunga 'gaze'. In this way, the 'kura' is reflected upon, analysed, and framed in order that it is viewed as a vessel that houses a Heretaunga philosophy; a Heretaunga way of knowing, of being and of doing. It is this philosophy that has manifest as a framework that aims to strengthen cultural responsiveness here at the Hastings District Council. Te Kura Nui is the organisational cultural framework that aims to capture the needs and aspirations that represent Heretaunga understanding and framing of the HDC workforce's growth and development as well as the organisation's aspirations to celebrate culture and recognise the history and narratives that are vital components of a vital, caring and culturally connected territorial authority.

HDC: Māori Advisory Standing Committee

- 2.14 On 24 June 1991, in partnership with tangata whenua, the Hastings District Council established the Māori Advisory Standing Committee (MASC). Instrumental in this significant gesture of partnership was the Mayor at the time, the late Jeremy Dwyer and local kaumātua, the late Eru Smith. Council originally approved 8 members to MASC; five from Heretaunga, three from Ahuriri and two Councillors. This number was in due course increased to 12 members, then finally to 23 members.
- 2.15 The fourteen years of the MASC's existence (1991 - 2005) was an interesting and revealing experience, for both Council and Māori. Ultimately, the MASC's membership came to represent the differences between council and tangata whenua, rather than the things held in common (aspirations, objectives and or

experiences). While not necessarily a negative thing, this division at the time did highlight the need for a more positive formal working relationship between Council and tangata whenua; the transformation of the mere advisory function of MASC to one with more ability to help the decision making process within Council resulted in the establishment of the HDC: Māori Joint Committee on 13 October 2005 with 6 Māori (or tangata whenua) appointees and 6 Councillors.

Māori Wards

- 2.16 In 2014, the HDC: Māori Joint Committee made a recommendation to Council to consider a Māori Ward with the Council eventually passing a resolution regarding a Maori Ward at its extraordinary meeting held 18 November 2014. The Council resolved: "That the Council not undertake any action to introduce a Māori Ward for the 2016 triennial election, but it confirm that if the local government reorganisation of Hawke's Bay does not proceed it will, as soon as the matter has been concluded, initiate the appropriate process with a view to ensuring, subject to the poll provisions of the Local Electoral Act 2001, that a Māori Ward can be put in place for the 2019 triennial election.
- 2.17 In 2015 the New Plymouth District Council decided to introduce Māori wards. This decision was challenged via a petition and, in the resulting referendum, was defeated by a majority (83% - 17%) The decision and the referendum created significant controversy and division within the community. Māori Wards from five other territorial authorities were rejected in binding referendums similar to New Plymouth's: Manawatū, Western Bay of Plenty, Palmerston North, Kaikoura and Whakatāne.
- 2.18 In 2016, a referendum was held on a decision to introduce Māori wards in the Wairoa District. The decision to approve Māori wards was approved by a slim majority (54%-46%); Wairoa has a majority Māori population.
- 2.19 Hastings District Council's position at the time was that it considered it unfair that Māori wards are the only part of the representation process, which is subject to poll provisions, as this effectively prevents, in most communities, Māori from pursuing the representation arrangements that best suit them.
- 2.20 In April 2016 the Māori Party co-leader Te Ururoa Flavell, presented a petition on this issue to Parliament at the urging of New Plymouth Mayor, Andrew Judd. Mr Flavell commented in the NZ Herald as follows: "A change is long overdue. The fact that 5% of the voting public can challenge any decision related to Māori representation is disheartening and means Māori will almost always be defeated in the process. How is it fair that mechanisms such these can apply?"
- 2.21 In April 2017 the HDC: Māori Joint Committee made a majority decision to recommend to the Council that it resolve **not** to introduce a Māori Ward at the 2019 election. In reaching a decision **not** to adopt Māori wards in April 2017, a significant concern for both Hastings District Council and its Māori Joint Committee was that the outcome of a poll would not achieve Māori wards and could potentially cause conflict, create divisions and harm relationships with Māori.

- 2.22 The Committee also recommended that the Chief Executive be asked to report back to the HDC: Māori Joint Committee and Council on options for increasing Māori participation in Council governance and decision-making. This decision paper today is another stage in this two-year long process of the HDC: Māori Joint Committee expounding the notion of Māori participation in Council governance and decision-making.

3.0 CURRENT SITUATION

Strategic Intent

- 3.1 The Hastings District Council aspires to kaitiakitanga (care and stewardship) of its whole community conducted in good faith at all times with respect to the aspirations and expectations of tangata whenua. Just as 'haaro o te kaahu', represents the kaitiaki (custodian) for Heretaunga flying above and around the district to monitor, guide and protect us all, so too does the Hastings District Council take seriously its responsibility to tangata whenua, so that whānau, hapū (sub-tribes), marae and iwi develop joyously and positively to contribute to and be connected with a vibrant and positive Hastings district community as a whole. To realise the strategic intent of this commitment to community, the Hastings District Council Mission, Vision and Values along with Te Kura Nui (the Māori Responsiveness Framework) exist and provide the foundation from which Hastings District Council functions.
- 3.2 **Hastings District Council Mission**
- Te mutunga kē mai o te oranga, i tēnei rā, āpōpō hoki - Great living, today and tomorrow.
- 3.3 **Hastings District Council Vision**
- E mahi ngātahi ana i te hāpori whānui kia ekengia ki te taro o te ora - Working with our people towards a progressive and proud community.
- 3.4 **Hastings District Council Values**
- Te Hiranga - Excellence
 - Te Mana-ā-kī - Integrity
 - Manawa Rahi - Commitment
 - He Kauanuanu – Respect
- 3.5 **Te Kura Nui - Hastings District Council Māori Responsiveness Framework**
- Kāwanatanga me te Whanaungatanga - Governance and Relationships
 - Ngā Tikanga-ā-iwi me te Tuakiri - Culture and Identity
 - Te Taurikura me te Oranga - Prosperity and Wellbeing
 - Ngā Rauemi me Ngā Hanganga - Resources and Infrastructure
- 3.6 Te Kura Nui recognises the Treaty of Waitangi as the founding document of our nation and the Council's statutory obligations to tangata whenua. Importantly this framework articulates the Council's role in enabling opportunities for tangata whenua to flourish and participate in a thriving

community. Accordingly, the framework also recognises that in order to foster effective Māori participation in democracy and to build strong Māori communities, an empowered Council organisation is needed, one which places emphasis on developing staff to enhance the organisation's ability to respond more effectively to Māori.

3.7 Te Kura Nui is a tool:

- To support Council to fulfil its responsibilities and obligations to tangata whenua and to the Treaty of Waitangi;
- To support Council to take appropriate account of the principles of the Treaty of Waitangi;
- To improve and maintain opportunities for tangata whenua to contribute to local government decision-making processes;
- To facilitate participation by tangata whenua in local government decision-making processes;
- To enable the assessment of Council performance where the underlying objective is to integrate in a mutually appropriate way, Māori responsiveness, into the organisation's culture, and practices.

4.0 SUMMARY

- 4.1 Since 2017 the HDC: Māori Joint Committee has been researching the nature and purpose of their role and how Māori participation can be increased to be more effective in Council decision-making. Officers have undertaken site visits to other councils, and researched other models to gain an understanding of how Māori participation may be taken into account. There are many different models) and a good number of Councils throughout Aotearoa New Zealand do have Māori appointments to standing committees with full voting rights.
- 4.2 Some Councils form relationships or Memoranda of Understanding, or Terms of Reference that provide for nomination to Council Committees or other bodies from hapū, tribal or mandated Māori trusts with particular purposes; for example, wāhi tapu. Others appoint an appointed member of a Council Māori committee to each of their respective standing committees. Kapiti Coast District Council Partnership Committee appoints tangata whenua to their Kapiti Coast Council Standing Committees.
- 4.3 No two local authorities are alike in their history, their inter hapū relationships, or 'personality in the large'. It is not predictable that what works in one local authority will work in another, yet comparison between Councils may yield particular practices that may be adopted anew by a Council.
- 4.4 The appointed HDC: Māori Joint Committee members expressed a preference to not be confined in their focus to Māori matters alone, rather to be considered for a wider brief of engagement with all of Council's activities. A wider and increased Māori worldview will only add value to Council decision-making.
- 4.5 As a part of this review process it was considered that the membership and terms of reference for the HDC: Māori Joint Committee should be revised accordingly and refreshed for the 2019-22 triennium. This work is yet to be undertaken.

5.0 APPOINTMENTS OF NON-ELECTED MEMBERS TO COUNCIL COMMITTEES

- 5.1 The Local Government Act (LGA) 2002 Part 6 provides for:
 “Section 81 - Contributions to decision making processes by Māori:
 (1) A local authority must-
- a. Establish and maintain processes to provide opportunities for Māori to contribute to the decision making processes of the local authority; and
 - b. Consider ways in which it may foster the development of Māori capacity to contribute to decision making processes of the local authority;
 - c. Provide relevant information to Māori for the purposes of (a) and (b)”
- 5.2 This is a specific requirement to address the Treaty of Waitangi that does not exist for other ethnicities in local government.

Role of an elected member

- 5.4 The LGA 2002 provides guidance on the question about whether elected members act on behalf of their wards or on behalf of the district as a whole, by requiring all elected members to swear an oath before taking up their role.
- 5.5 All elected members swear an oath at the inaugural meeting of the council, which states:-
- I [name] declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, **in the best interests of [name of region district, city, local or community board]**, the powers, authorities and duties vested in, or imposed upon me as a member of the [name of local authority] by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act”
- 5.6 The oath makes it clear that despite the fact that members may have been elected by a ward, they must make decisions in the interests of the district as a whole. Elected members are drawn from all sections of the community, the Council provides training and support to its governors throughout the political triennium to ensure that they have the skills, attributes and knowledge to participate in good decision making.
- 5.7 The appointed HDC: Māori Joint Committee members also swear the same oath at the first meeting of the Committee following their appointment by resolution of Council at its inaugural meeting.

LGA 2002 Schedule 7 Section 31 (3) states:

“The members of a committee or subcommittee may, but need not be, elected members of the local authority, and a local authority or committee may appoint to a committee or subcommittee a person who is not a member of the

*local authority or committee, if, in the opinion of the local authority, that person has the **skills, attributes, or knowledge** that will assist the work of a committee or subcommittee”.*

- 5.9 It will be important for the Council and appointees to ensure that decision making is free of any conflicts of interest that may arise between an appointee’s relationship with their iwi authority and the Council’s obligation to make decisions in the best interest of Hastings District as a whole. It is also essential to not “muddy the water” in terms of the Council’s separate obligation to consult or otherwise work with Māori in particular circumstances.
- 5.10 There are four Standing Committees of Council:
- Community Development
 - Finance and Risk
 - Strategy Planning and Partnerships
 - Works and Services
- 5.11 There are also Māori/tangata whenua appointments to a number of other regulatory and statutory subcommittees.

6.0 IMPLICATIONS FOR COUNCIL

- 6.1 Many Councils have Standing Committees with Māori appointments. Māori members can be full members with voting rights, or be observers, who generally have the right to speak but not vote. Although voting appointments can be made to committees and subcommittees, the legislation does not allow for non-elected members to have a vote at full Council. (Section 41 of the Local Government Act 2002).

Masterton District Council

- 6.2 Mayor Lyn Patterson has on behalf of the Masterton District Council made the following observations to demonstrate the path that they have followed, as bulleted below:
- I am proud that Masterton District Council made the decision to appoint iwi representatives to our Standing Committees and support the work that Hastings District Council is doing in terms of looking at ways to further strengthen Māori participation in Council decision-making;
 - I believe it has been a positive step in terms of creating a more genuine partnership with Rangitāne o Wairarapa and Kahungunu ki Wairarapa;
 - We have an iwi representative from both Rangitāne o Wairarapa and Kahungunu ki Wairarapa appointed to the Infrastructural Services Committee, Community Wellbeing Committee and the Strategic Planning Policy Committee with full speaking and voting rights. Both representatives attend our Council meetings and have full speaking rights, but obviously not voting rights (as not allowed for in legislation);
 - The iwi representatives were recommended by iwi through their processes and came to Council for approval;
 - The iwi appointments add a high level of value and richness to our discussions and decision-making;

- They bring a lot to the table - an iwi perspective, te ao Māori perspective, mātauranga Māori and kaupapa Māori frameworks;
- In addition to this, both of our iwi representatives bring a wealth of knowledge and experience in terms of their respective backgrounds (for example, environmental development, community development, governance, and youth development);
- Our Council's decision to include iwi representatives at the table was to honour and recognise our obligations under the Treaty of Waitangi, the Local Government Act and importantly, a sincere desire to work in partnership with Māori.

6.3 A critical point to be considered is the matter of accountability: to whom are appointed members accountable? If appointments are made to reflect sectors of the community, it is notable that once selected for appointment the focus of participation is to benefit the whole community, not just their interest group or be at risk of conflict of interest. So it is with elected members: once they are elected to Council they are there to benefit the community as a whole.

6.4 This does not detract or impede the purpose for the appointments; which is to provide for a Māori perspective into Council decision-making. It is this perspective, if not otherwise reliably present, which strengthens the make-up of the decision-making processes of the Council, and broadens the range of perspective being considered.

Appointment process

6.5 The HDC: Māori Joint Committee full Council workshop discussed and largely supported the principle of the appointment of tangata whenua members to Council's standing committees.

6.6 The HDC: Māori Joint Committee see a real benefit that these appointments will increase the voice, mana and resilience of the committee, and will strengthen and support the council to make more effective and inclusive decisions for the whole community.

6.7 The HDC: Māori Joint Committee tangata whenua members consider that the appointments should be made from members of the committee for the following reasons:

- A sound understanding of issues facing council;
- Skills, experiences and knowledge of te ao Māori/a Māori worldview;
- An understanding of the way council works; and,
- Representation across the geographical and hapū boundaries of Council.

6.8 The advantage of making the appointments effective immediately would be to demonstrate the vision and commitment of Council to Māori engagement in decision-making.

6.9 The significance of these appointments will enable the Council to move forward in its stated aim to engage more effectively with Māori, and future proof Council's relationships with tangata whenua.

6.10 HDC: Māori Joint Committee members currently receive the same payments as Rural Community Board Members as agreed by full Council at its inaugural meetings on 31 October and 7 November 2016. This is an annual payment rather than an attendance allowance for each meeting. It is not proposed to vary this arrangement for the remainder of the triennium. Consideration will need to be given to appropriate remuneration for all appointed committee members under any new governance structure proposed by the incoming Mayor after the 2019 local elections.

7.0 SIGNIFICANCE AND ENGAGEMENT

7.1 Although this decision is significant in terms of Council governance, it does not trigger the Council's Significance and Engagement Policy.

7.2 Under Schedule 7 cl 31 (3) the Council can appoint a person or persons to a committee or subcommittee, if in the opinion of the local authority that person has the skills, attributes and knowledge that will assist the work of the committee. The Council already has a number of appointed members on its committees and subcommittees with specialist skills and knowledge who assist the council to make effective decisions.

8.0 OPTIONS

8.1 **Option 1** - To support the recommendation of the HDC: Māori Joint Committee to appoint one tangata whenua member of the Committee to each of the Council's four standing committees as listed in Paragraph 9 (A) below.

8.2 **Option 2** – To retain status quo.

9.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

9.1 The Council is recommended to endorse the recommendations of the HDC: Māori Joint Committee to strengthen and support the council to make more effective and inclusive decisions for the whole community.

10.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Pou Ahurea Matua: Principal Advisor Relationships, Responsiveness and Heritage and the Chief Executive titled "Review of Māori Participation in Council Decision Making" dated 6/03/2019 be received.
- B) That the HDC: Māori Joint Committee recommend to Council that it agrees to the appointments of tangata whenua members, with voting rights to the Hastings District Council Standing Committees.
- C) That the HDC: Māori Joint Committee recommend to Council that the following tangata whenua members be appointed to the following Standing Committees from 28 March 2019:

Community Development	Evelyn Ratima
Finance and Risk	Ngaio Tiuka
Strategy, Planning and Partnerships	Tracee Te Huia
Works and Services	Te Rangihau Gilbert

- D) That the HDC: Māori Joint Committee review the current Terms of Reference and Membership for the 2019-2022 triennium.

With the reason for these decisions being that the objective of the decisions will contribute to meeting the current and future needs of communities for local public services in a way that is most cost-effective for households and business by improving Māori engagement in the Council's governance and decision-making processes.

Attachments:

There are no attachments for this report.

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 28 MARCH 2019

**FROM: HEALTH AND SAFETY MANAGER
JENNIE KUZMAN
PROJECT MANAGER
DAVID BISHOP
RISK AND CORPORATE SERVICES MANAGER
REGAN SMITH
GROUP MANAGER: ASSET MANAGEMENT
CRAIG THEW**

**SUBJECT: CAPE KIDNAPPERS - INTERIM HEALTH & SAFETY
CONTROL MEASURES**

1.0 SUMMARY

- 1.1 The purpose of this report is to obtain a decision from Council on proposed interim Health and Safety Control Measures for Cape Kidnappers.
- 1.2 This proposal arises from the Council resolution regarding the Cape Kidnappers Hazard Management Report at the Council Meeting held on 5 March 2019.
- 1.3 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 in a way that is most cost-effective for households and business by balancing public safety with public access.
- 1.4 This report concludes by recommending Council adopt Option 1 which would give effect to 5 March 2019 Council resolution to implement reasonable control measures and remove the temporary road closure restriction, prior to the Quantitative Risk Assessment for the entire beach being undertaken.

2.0 BACKGROUND

- 2.1 The Council resolution from the 5th March 2019 states:
 - A. That the report of the Group Manager: Asset Management titled "Cape Kidnappers Hazard Management" dated 5/03/2019 be received.
 - B. That the Chief Executive be delegated authority to negotiate and enter into a contract with suitably qualified professionals to undertake a Quantitative Risk Analysis of the landslide hazard posed by the cliffs from Clifton beach to Cape Kidnappers, acknowledging that this will be unbudgeted expenditure.
 - C. That the Chief Executive be delegated authority to negotiate and enter into cost sharing arrangements for the Quantitative Risk Analysis with other relevant stakeholders to achieve the most reasonable balance in costs for Council.

- D. That the existing temporary road closure notice under s342 and the tenth schedule of the Local Government Act 1974 is removed after implementation of reasonable control measures, with urgency as outlined in Option 1.
- E. Officers continue to investigate known risks and minimise, where practical, and regularly report back to Council
- 2.2 The current HDC Risk Policy sets the following objectives which are particularly relevant to the current situation:
- HDC seeks to protect personal safety in all undertakings.
 - All sources of risk are assessed before undertaking any activity.
 - Risks are managed within the risk criteria established for the activity.

3.0 CURRENT SITUATION

3.1 Preliminary Qualitative Risk Assessment

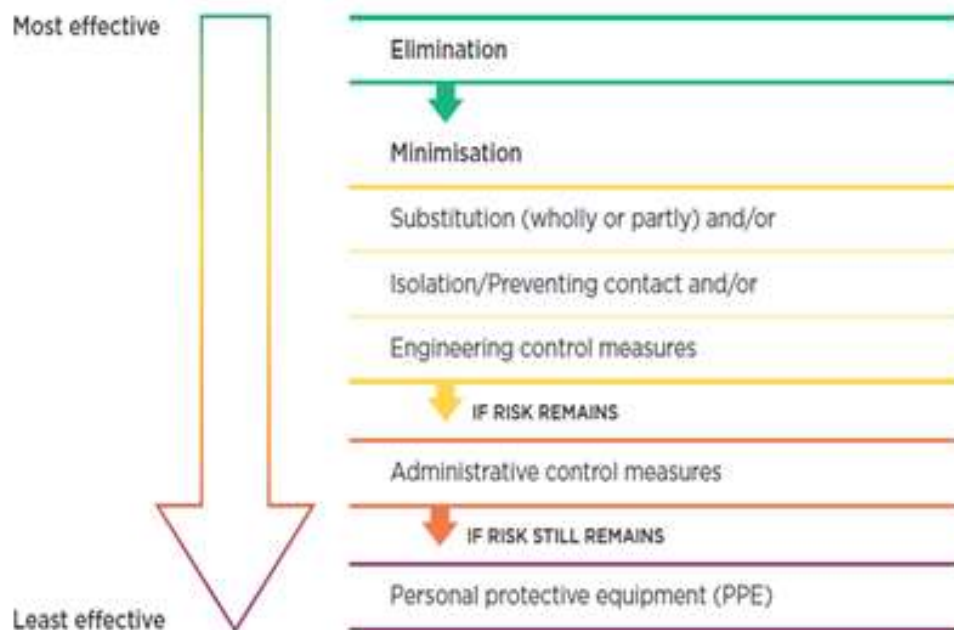
- 3.2 In order to implement the 'reasonable control measures' as required by the resolution, officers have undertaken a preliminary risk assessment in line with the Health and Safety legislative framework.
- 3.3 A number of limitations and assumptions regarding the risk of harm to persons accessing the beach were noted during the preliminary risk assessment due to the limited information available.
- 3.4 Whilst the potential impact (consequences) are understood and classed as 'severe' (potential for loss of life and/or serious injury to person/s) the likelihood of this occurring is less well understood as officers do not have quantitative data in order to quantify likelihood.
- 3.5 Given recent events (two people were seriously injured) and ongoing landslide activity, the assumption taken is that the likelihood of death or serious injury occurring is 'possible' (temporal and special factors considered).
- 3.6 Utilising the HDC Risk Matrix (below), a likelihood of 'possible' and an impact of 'severe', the resultant risk is assessed as 'High'.

9.3. Risk Matrix and Heat Map

Likelihood	Impact				
	Insignificant 5	Minor 20	Moderate 40	Major 80	Severe 100
Almost Certain 0.7	Low 3.5	Medium 14	High 28	Extreme 56	Extreme 70
Probable 0.45	Low 2.25	Medium 9	High 18	Extreme 36	Extreme 45
Likely 0.3	Low 1.5	Low 6	Medium 12	High 24	Extreme 30
Possible 0.2	Low 1	Low 4	Medium 8	Medium 16	High 20
Rare 0.17	Low 0.85	Low 3.4	Low 6.8	Medium 13.6	High 17

3.7 **Proposed Interim Health and Safety Control Measures**

- 3.8 Health and Safety legislation requires organisations to consider the hierarchy of controls when implementing control measures (see diagram below from WorkSafe).
- 3.9 The controls are to be assessed in order of most effective through to least effective. Therefore the first step is consider if the risk can be eliminated. If it is not reasonably practicable to do so, then the risk must be minimised as low as reasonably practicable.



- 3.10 Officers have considered the options available within the constraints of the Council resolution and were unable to consider any viable options to eliminate or minimise via substitution, isolation, or use of engineering control measures.
- 3.11 Therefore officers reviewed options available under Administrative Control Measures and consider that the following options are appropriate:
- Development of an interim Operations Manual
 - Development of education and communications measures
- 3.12 The interim Operations Manual will include emergency response measures, monitoring requirements and interim reporting measures. For example, if there's been a significant weather event or earthquake then it will include what steps are to be taken (e.g. some events may trigger short term closures). This manual is currently being written and will be made available to Councillors for their information once completed (first draft by early April).
- 3.13 In regards to education and communication measures the objectives are to:
- Reduce exposure by discouraging use (fewer people = lower risk).
 - Inform users, so those who choose to proceed have a better appreciation of the hazards.

- 3.14 The communications plan is also under development. It will note the various mechanisms and messages to be used to inform the users.
- 3.15 Additionally the plan recommends the deployment of Kaitiaki (during daylight hours for low tide (approx. four hours per day), 7 days per week) for the initial opening period (ongoing use to be reviewed). The Kaitiaki would be stationed at the end of the motor camp, just before users enter the cliff face beach section.
- 3.16 The role of Kaitiaki will be to:
- Reinforce educational messages and provide information to public entering the beach (particularly tourists)
 - Observe / survey those entering to gain further information regarding demographics and reasons for access
 - Monitor the effectiveness of signage and messaging
- 3.17 It is also necessary to consider the upcoming Easter and school holiday period (ends 28th April). It is likely that this period would provide a situation of higher usage and therefore an increased risk if the beach was open.
- 3.18 Health and Safety legislation also requires that risk control measures are regularly monitored and reviewed for effectiveness.
- 3.19 It is proposed that CCTV (retrospectively) and Kaitiaki (over initial period) will be utilised in order to monitor the effectiveness of signage and messaging.
- 3.20 Officers will review information gathered through this process on a regular basis in order to ascertain whether the proposed control measures are effective.
- 3.21 Department of Conservation (DOC): DOC have confirmed their position in that the section of track that they control will remain closed, at least until the QRA is completed and considered. This also includes the DOC shelter and toilet facilities. The DOC position assists in achieving objective 1, by helping to reduce usage.

4.0 OPTIONS

- 4.1 Option 1 is to adopt the proposed “Interim Control Measures” and authorise Officers to implement these after the 29th April 2019.
- 4.2 Option 2 is to not adopt the proposed “Interim Control Measures” and request further information.

5.0 SIGNIFICANCE AND ENGAGEMENT

- 5.1 As outlined in Council’s Report on 5 March 2019, a permanent restriction of access to the Clifton Beach and Cape Kidnappers is likely to be of significance to the community. Therefore, any decision that involves ongoing restriction of access would require the opportunity for appropriate consultation before a decision is made.
- 5.2 However, as the decisions considered in this report relate to removing the existing temporary road closure restriction, the current decision is not

considered sufficient to trigger the Council's Significance and Engagement Policy.

- 5.3 It should be noted that Officers continue to be in regular contact with key members of the local community and operators to keep them informed of the situation and to understand their needs.

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 Option 1 is the only practical option available to implement Council's 5th March 2019 resolution to adopt reasonable control measures and remove the Temporary Road closure notice under Section 342 and the Tenth Schedule of the Local Government Act 1974.
- 6.2 Considering the heightened risk of the upcoming holiday period and the time required to implement measures, Option 1 should be implemented at the end of April 2019.
- 6.3 Option 2 would effectively leave the temporary road closure in place whilst further work was progressed.
- 6.4 There is no budgeted expenditure allowance in Council's 2019/20 financial plan, funding for this work will need to be dealt with as unbudgeted expenditure and options to partially offset from other budgeted items considered.

7.0 PREFERRED OPTION/S AND REASONS

- 7.1 In order to give effect to the Council Resolution to implement reasonable control measures and remove the temporary road closure restriction, prior to the Quantitative Risk Assessment for the entire beach being undertaken, Option 1 is the preferred option.

8.0 RECOMMENDATIONS AND REASONS

A) That the report of the Health and Safety Manager titled "Cape Kidnappers - Interim Health & Safety Control Measures" dated 28/03/2019 be received.

B) That Council approve the proposed Cape Kidnappers "Interim Control Measures" namely the development of an interim Operations Manual and the development of education and communications measures, and authorise Officers to implement these after 29th April 2019.

With the reasons for this recommendation being that the objective of the recommendation will contribute to meeting the current and future needs of communities for good quality local infrastructure in a way that is most cost-effective for households and business by:

- i) Balancing public safety with public access**

Attachments:

There are no attachments for this report.

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 28 MARCH 2019

FROM: WASTE MINIMISATION OFFICER
ANGELA ATKINS
WASTE AND DATA SERVICES MANAGER
MARTIN JARVIS

SUBJECT: PLASTIC RECYCLING

1.0 SUMMARY

- 1.1 The purpose of this report is to obtain a decision from Council on changes to the plastics collected from the kerbside and drop-off depots for recycling in Hastings District.
- 1.2 This issue arises from changes in the national and international commodity market for recycled plastics.
- 1.3 This report contributes to the adopted Long Term Plan and Joint Waste Management and Minimisation Plan objectives by providing refuse and recycling services to the community.
- 1.4 Waste and recycling activity is categorised under the 'Safe, Healthy and Liveable Communities' section of the Long Term Plan. The aims of this activity are to:
 - Increase recyclables diverted from landfill from 9,800 tonnes to at least 11,760 tonnes per annum by 2024

1.5 WMMP Goals, objectives and targets

1.6

Goal	Objectives	Targets
Reduce, recover and recycle more waste	To reduce total waste to landfill per capita in Napier and Hastings. To increase recovery of waste destined for landfill via reuse, recovery and recycling methods.	A 20% increase in recyclables diverted from landfill A 30% decrease in organics disposed to landfill
Improve information on waste generation and movements in Napier and Hastings	To improve the quality of information received on waste and recovered material activities in Napier and Hastings from both Council-contracted and private sector activities To work towards aligned data collections and reporting systems across Hastings District and Napier City	
Improve knowledge and practice around resource recovery and diversion of potential 'waste' material	To develop a program emphasising the waste hierarchy, and targeting knowledge and education of material recovery and diversion To educate regarding using landfill as a last resort	
Utilise proven and cost-effective waste management and minimisation approaches	To continue to investigate new alternative waste disposal technologies using cost-benefit analyses, and apply these where appropriate To use the Council's influence to advocate for product stewardship, producer responsibility and priority products as described in the WMA To limit collected rubbish quantities for domestic household rubbish collections to minimise waste	

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 meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. Good quality means infrastructure, services and performance that are efficient and effective and appropriate to present and anticipated future circumstances.

- 1.7 The objective of this decision, relevant to the purpose of Local Government, is to provide local infrastructure which contributes to public health and safety, supports growth, connects communities, activates communities and helps to protect the natural environment and wasting less as a community.
- 1.8 This report concludes by recommending that only plastic bottles that have the grade numbers 1 and 2 stamped on them be collected.

2.0 BACKGROUND

2.1 Council Provided Recycling Services

2.2 Hastings District Council provides weekly kerbside recycling services to the urban communities of Hastings, Flaxmere, Havelock North, Clive, Haumoama, Te Awanga, Whirinaki and Whakatu.

2.3 Recycling drop-off facilities in the following communities: Tutira, Pukehamoama, Maraekakaho, Poukawa, Waimarama and Martin Place, Havelock North

2.4 Recycling facilities are also available at the Henderson Road and Blackbridge Refuse Transfer Stations.

2.5 The kerbside recycling collection services are currently provided under contract by Green Sky Waste Solutions (GS).

2.6 The drop off recycling facilities service is currently provided under contract by Waste Management (WM).

2.7 Plastics Situation

2.8 Plastic is primarily made from seven different grades that are numbered 1 to 7 (including non-recyclable plastics) as detailed in **Attachment 1**. The grade is usually stamped on the base of the packaging item. Demand, financial value and accessibility to recycling markets for the different grades of plastic varies considerably. Plastic bottles, especially un-coloured bottles, achieve the best prices as they are easily reusable (grades 1 & 2). Coloured plastic is less desirable due to the inclusion of colour, which cannot be removed.

2.9 In communicating grades 1 and 2 to the public they can be generalised as follows: Grade 1 = Soft drink bottles, sports drink bottles and condiment/food jars; Grade 2 = Water bottles, milk bottles and some cleaning product containers.

2.10 Until recently approximately 50% of the world's waste plastic went to China for recycling. Much of this material was highly contaminated with general waste or plastic that was unsuitable for recycling. This resulted in a rubbish disposal problem along with the associated environmental impact for China.

2.11 In August 2017, the Chinese Government announced their intention to restrict the importation of 24 categories of solid waste products from around the world including all plastics because of environmental impacts and risks to public health. This "National Sword" policy was put into effect 1 January 2018 which means China is no longer accepting imports of these solid wastes. The change has gained large amounts of media attention around the world turning the public's focus towards the often overlooked question of what happens to recyclables after they are accepted for processing.

2.12 Currently the Hastings District and Napier City Council provides services for mixed plastic of grades 1 to 7. All recycling becomes the property of the contractors who are then responsible for the sorting and disposal of the product. Prior to the Chinese restrictions, the most common destination internationally for plastics 1 to 7 was Asian countries (96% by value) with China and Hong Kong receiving 53% of the world's plastic exports in 2017.

- 2.13 Once the materials have left New Zealand shores there is no guarantee that these products will be recycled, let alone in an appropriate and sustainable manner. Harmful and inappropriate disposal practices have been uncovered by investigative journalists and environmentalists including burning, dumping in poorly managed landfills or littering into the environment where they can then enter the ocean and pose a risk to marine life and water quality.
- 2.14 Of these exported 1 to 7 plastics, grades 1 & 2 make up around 50% of the total. These grades have some value that could possibly be diverted to recycling facilities in New Zealand where their recycling outcome can be more easily monitored and assured while contributing to the establishment of a circular economy for plastic in New Zealand. This would however require extra sorting. With grades 1 & 2 removed, grades 3 to 7 hold very little value for recyclers. These are the plastic types potentially not recycled and poorly managed once exported. On their own they are not viable for export overseas and there are limited, if any, established facilities to recycle them in New Zealand.
- 2.15 Other end users of recyclables e.g. Malaysia, Indonesia and Thailand are now overwhelmed with product. Malaysia and Thailand have now imposed restrictions on imports. Previously the 1-7 bales were going to Malaysia.
- 2.16 The long term sustainability of contaminated and/or low value plastic recycling is uncertain. The above-mentioned countries are facing the same environmental issues from the enormous volume of reject plastics being imported that prompted China to introduce the 'National Sword' programme. These actions have caused a global crisis that has impacted the international ability to find a market for low value plastics, graded 3 to 7.
- 2.17 Accordingly, the future of national and international recycling markets is uncertain with no improvements likely in the foreseeable future.
- 2.18 Equally, there is no national strategy around plastic recycling standards and therefore each Local Authority manages their plastic recycling differently. To date central government has not progressed initiatives at a scale to assist and effect change.
- 2.19 In 2018 the South Waikato, Taupo and Far North councils reduced the collection of plastic recycling to grades 1 & 2 only. Whangarei, Hamilton, Otorohonga, Waitomo, and Tauranga councils have only been accepting grade 1 & 2 plastics and have not made a change recently. Gisborne Council is currently in the process of making the change to only accepting grades 1 & 2 in the near future.
- 2.20 Currently plastics graded 3 to 7 comprise approx. 50% of Hawke's Bay's recycling plastic and 7% of all recycling items (glass, cardboard etc.) by weight. This is a small quantity in comparison to international markets.
- 2.21 2018 Recycling Tonnages

	Plastic/Cans (tonnes)	Paper/Cardboard (tonnes)	Glass (tonnes)
Kerbside Collection	625	1163	1982
Drop Off Collection	210	670	910

- 2.22 This report only relates to the collection of plastics for recycling and the collection of paper/cardboard, cans and glass will continue and is not the subject of this report.

3.0 CURRENT SITUATION

- 3.1 The HDC recycling contracts currently specify that the contractors accept and take ownership of plastics graded 1 to 7 presented at the kerbside or brought to recycling centres by customers.
- 3.2 Plastics grades 1 & 2 still hold some value and can be sold to national and international buyers. However, the range of containers within each grade have varying degrees of acceptance and value.
- 3.3 Council officers have been advised that plastics grades 3 to 7 can no longer be disposed of by most NZ recyclers and brokers, either as a mixed commodity or when separated into individual numbered grades. Both contractors working for Council have struggled to maintain regular markets for the past 6 months.
- 3.4 Officers are also aware of other Councils in NZ who have approximately six months of baled material in storage that they have been unable to sell.
- 3.5 Since 1 March contractors in Hawke's Bay have started to stockpile bales of mixed plastic as the market for 1 to 7's has largely come to an end this month (March 2019).
- 3.6 There is a significant community perception and reputational risk if plastics collected for recycling are not recycled. Furthermore if products are not recyclable then the community should be made aware of the situation in order to assist them with their product choices. The community should be kept informed of these changes with openness, honesty and transparency.
- 3.7 In December 2018 the Sustainable Business Network released a report "New Zealand's Plastic Packaging System, An Initial Circular Economy Diagnosis" which identifies the key challenges, opportunities and pathways for creating a circular economy for plastic packaging that works in NZ.
- 3.8 This report has highlighted a number of challenges, however our community deserve transparent and honest communication around the current recycling market challenges and need to be informed of what is actually happening to material put out for recycling.
- 3.9 Responsibility for recycling in NZ has historically fallen to councils to pick up the mess and ownership of recycling at the ratepayers' expense. This raises the question of whether it's the responsibility of territorial authorities to provide this service as there is no legal requirement to do so.
- 3.10 If a certain waste stream is going to be landfilled the most expensive way of getting it to the landfill is via the recycling system. This cost obviously has a negative impact on the financial viability of the recycling process and there would need to be compelling reasons for this situation to continue.
- 3.11 There are public petitions circulating throughout the national community collecting signatures to ban the export of waste plastic.

- 3.12 Ban of single use plastic bags comes into effect on 1 July 2019 and as a result major retailers have ceased using these bags. This has also had an impact on the current kerbside collection as residents are now using heavier plastic bags and collectors cannot see through the sides and confirm it is recycling material not rubbish.
- 3.13 **Contractors:**
- 3.14 Green Sky Waste Solutions (GS)
- 3.15 GS currently collects all grades of plastics but, as of 15 March 2019, has no access to disposal options of mixed grade plastics.
- 3.16 GS management has notified Council officers they no longer have viable disposal options for plastics graded 3 to 7. They have a market for some plastic bottles in grades 1 & 2, with the exception of some coloured plastics and food trays.
- 3.17 GS will need to store this material from kerbside recycling pending the outcome of discussions with Council.
- 3.18 It is arguable that under the terms of contract the HDC has with GS, there is an ability for GS to claim a variation for unforeseen conditions that may introduce additional contract costs (likely the cost to transport and dispose of plastic 1-7 bales at landfill).
- 3.19 Waste Management (WM)
- 3.20 WM has changed its processing centre in Napier and from 1 March 2019 has not been willing to accept plastic grades 3 to 7 for recycling. This affects the drop-off recycling facilities.
- 3.21 WM management states that there are no current disposal methods for plastic grades 3 to 7 in New Zealand or in overseas markets, but they will continue to search for options.
- 3.22 WM has already informed its commercial customers that it will no longer be collecting grades 3 to 7 plastics for recycling and businesses need to dispose of these materials as general waste.
- 3.23 Both contractors preference is to stop accepting these plastics 3 to 7 as they cannot guarantee such plastics will be recycled in a responsible manner (if at all).

4.0 SUMMARY OF THE SITUATION

- 4.1 China's "National Sword" policy has had a major impact on the viability of plastic recycling in Hawke's Bay and NZ.
- 4.2 The remaining export markets outside of China are proving problematic in terms of both access and credibility.
- 4.3 Grades 1 & 2 plastics can still be recycled but will require sorting by the householder and contractor. Rejected materials (contamination) would need to be landfilled.
- 4.4 Other recyclable materials can still be recycled in Hawkes Bay. Nationally and internationally the recycling of fibre (paper and cardboard) is a significant

issue, but in Hawke's Bay we have Hawk Packaging that can use the separated paper and cardboard.

5.0 OPTIONS

- 5.1 **Option 1:** Status Quo - Council continues to accept all recyclable plastics including grades 3 to 7 and ownership and sale remains with the contractors which may result in stockpiles or landfill disposal of all grades of plastic.
- 5.2 **Option 2:** Council continues to accept all recyclable plastics including grades 3 to 7, and contractors sort out the grades 1 & 2. Council then takes responsibility to store or divert to landfill (as waste) the 3 to 7 grades of plastic.
- 5.3 **Option 3:** Collect only grades 1 & 2 plastic - Council services stop accepting recyclable plastics graded 3 to 7 until national guidance or sustainable markets for lower grade plastics become available. For consideration within this option is the opportunity to accept only grade 1 and 2 bottles and within that, only clear and opaque bottles.
- 5.4 **Option 4:** Stop collecting all plastics, amend all contracts to not collect any plastics at all.

6.0 SIGNIFICANCE AND ENGAGEMENT

- 6.1 In 2018 HDC and NCC reviewed the Joint Waste Management and Minimisation Plan which received an unprecedented number of submissions (6,165). Many of the submissions highlighted the need for more transparency and information regarding what happens to our recycling. This decision supports the feedback provided by the community.
- 6.2 No specific consultation or engagement has been undertaken with the wider community relating to this situation. In general terms this decision will affect all residents of Hastings and Napier, however the main considerations are whether it is sustainable to continue to collect plastic materials which may not actually be recycled, given the financial cost to the community and global environmental impacts
- 6.3 It is important to note that the arrangements GS has with the NCC and HDC are different. It is therefore possible that the NCC and HDC will favour different approaches and options in dealing with the plastic recycling situation. As a result of the HDC contract with GS running longer than the agreement NCC has with GS, options other than status quo are expected to be favoured more by HDC. NCC may wish to tender a new contract relatively soon and therefore maintain the status quo (or the options that involve still collecting 1 to 7's) until the start of the new contract. Napier City Council has a report from staff on this issue going to its Strategy and Infrastructure committee meeting on 19 March 2019.

7.0 ASSESSMENT OF OPTIONS

- 7.1 There are no provisions in the current budget for the impact of changes to the global plastic recycling market on solid waste operations as budgets were set prior to the impacts being fully realised.

- 7.2 An extensive campaign to convey any change in recycling would require a financial commitment of at least \$100,000 so that the changes can be comprehensively communicated to the entire community including key messages such as encouraging our community to be conscious consumers. These costs can be covered by the use of Council's accrued Waste Disposal Levy funds. This communication and education are key work streams in the adoption Joint WMMP.
- 7.3 The costs of the various options below are estimates based on changes proposed but will need to be finalised by negotiation with the two contractors.
- 7.4 **Option 1:** Status quo - Council continues to accept all recyclable plastics including grades 3 to 7 and ownership and sale remains with the contractors, which may result in stockpiles of all grades of plastic.
- 7.5 This option will see all grades of plastics 1 to 7 baled together which means none of the plastic (including grades 1 & 2) will be recycled as the mixed plastics market has collapsed.
- 7.6 There is no guarantee that the market will change and that contractors will be able to sell mixed plastics for recycling in the future.
- 7.7 Council officers believe this option would put undue pressure on the contractors to provide a service that is potentially unsustainable and would also mislead the public given the serious concerns raised in the media that much of this material may be landfilled or cause worse environmental impacts overseas.
- 7.8 GS management has approached HDC officers advising them that this option is not commercially viable. GS is seeking a variation to the contract that would include additional HDC payments to them, as well as Council paying storage and/or disposal (landfilling) costs for all plastics. This is unbudgeted.
- 7.9 The HDC recycling drop off (Green Bin) contract has expired and this option has not been priced by the contractor when agreeing to a short term extension to the contract. The contractor has advised HDC that Council will need to take ownership of the 3 to 7 plastics.
- 7.10 As of March, and under the present status quo services, no plastic will be recycled. Plastic will need to be stored or landfilled and as a result there is a strong argument for it to go directly to the landfill as the cheapest option rather than via the more expensive recycling network.
- 7.11 This option has been considered and discounted because there are very limited to no markets for this material and to continue with the service would be misguided.
- 7.12 **Option 2:** Council continues to accept all recyclable plastics including grades 3 to 7, and contractors sort out the grades 1 & 2. Council then takes responsibility to store or divert to landfill (as waste) the 3 to 7 grades of plastic.
- 7.13 This may require the acquisition of a secure, accessible and appropriate site that could cater to store mixed 3 to 7 plastic bales. Stockpiled plastics will gradually deteriorate due to exposure to sunlight / weather and could pose a

- fire risk. There are no assurances that this material will be able to be recycled in the future.
- 7.14 The storage option is cheaper than the disposal option, however if the stored material cannot be moved on, or sold, it would eventually need to be landfilled and as a result would incur disposal costs at that time.
- 7.15 Neither contractor is prepared to guarantee that baled grades of 3 to 7 plastics would be “clean” and they may even contain in excess of 5% contamination as there would be no benefit (only cost) to the contractor for additional sorting of this material.
- 7.16 If the material was landfilled rather than stored it could be perceived as undermining the integrity of Council recycling. The public generally assume that plastics grades 3 to 7 are being recycled.
- 7.17 This is the most expensive option and as a result highlights the cost difference between sending certain plastics straight to the landfill from the kerb rather than feeding them through the recycling system.
- 7.18 This option has been considered and discounted because there are very limited, if any, markets for this material and to continue with the service would be misguided. It also fails to transparently inform the community.
- 7.19 **Option 3:** Council collects only plastic grades 1 & 2 - Council services stop accepting recyclable plastics graded 3 to 7 until national guidance or sustainable markets for lower grade plastics become available.
- 7.20 A variation within this option is to only collect recyclable bottles in the grades 1 & 2 that are clear or opaque. Any coloured bottles or trays will be landfilled because there are no end users of the material. A further variation of this option would be to collect all bottles graded 1 and 2 regardless of colour.
- 7.21 This will require a comprehensive communication plan to be developed and rolled out across the district to inform the public that plastics grades 3 to 7 can no longer be recycled at Council facilities and to make informed decisions at the time of purchasing to understand what plastic products they will need to dispose of.
- 7.22 The cost range of this option will depend on exactly what is picked up from the kerbside and the level of sorting required at the recycling plant. The costs will need to be negotiated with the recycling contractors. If agreement cannot be reached with a contractor on price, Council may need to take ownership of the grade 1 and 2 plastics and store and/or sell the items.
- 7.23 Taupo District Council made the change to only grade 1 and 2 plastics in October 2018 which was well received by both the community and contractors. The implementation of this was undertaken without any negative backlash.
- 7.24 Discussions have been held with both contractors and currently they have access to markets for plastic bottles within the grades 1 & 2. Most of these markets are local NZ markets. To further complicate the situation, coloured bottles within these grades can be collected to simplify the message to the community but it is likely that they would be landfilled most of the time as markets are scarce, and this would add an additional sorting cost.

- 7.25 **Option 4:** Stop collecting all plastics, amend all contracts to not collect any plastics at all.
- 7.26 This will require a comprehensive communication plan to be developed and rolled out across the District where the public is informed that plastics can no longer be recycled at Council facilities. The community will be advised to make informed decisions at the time of purchasing and become “conscious consumers”.
- 7.27 This option would complement, and fits best alongside product stewardship and container deposit schemes that need to be established at a national level.
- 7.28 This option may be seen as negative and attract questions about why we are not recycling grades 1 & 2 which can be recycled in NZ? Or may even reinforce the view held by some that recycling has not always delivered on its intentions and this proves it.
- 7.29 This approach may even tarnish the recycling efforts undertaken for other materials and place them in a negative light. This could deter people from actually recycling anything.
- 7.30 The amount of “waste” collected at the kerbside will increase and therefore have a negative impact on those services as well as shortening the life of the landfill.
- 7.31 From environmental (local, national and international) and fiscal perspectives there are pros and cons to this option, however the non-collection of plastics can be considered better in several ways. Fundamentally landfilling (albeit in a modern well managed facility) is not ideal from an environmental point of view, however if the plastic is going to end up there anyway it should go directly there as the cheapest method of dealing with it and without creating false expectations.
- 7.32 **Costs** estimated on available information to officers, based on 2018 annual weights for plastics

Options	Combined Drop Off and Kerbside Collection Services	Total \$
Option 3 - Collect only grades 1 & 2	Costs could range from an extra \$500,000 to a saving of \$5,000 per annum depending on the level of servicing required.	Variable
Option 4 - Stop collecting all plastics	Disposal responsibility would rest with the resident.	Potentially a saving to Council for the reduction of service
Current Service Cost (approximate) for recycling all materials from drop off facilities and kerbside	\$1.1M per annum	\$1.1M per annum

Options	Combined Drop Off and Kerbside Collection Services	Total \$
Additional Information: Communication and education plan		\$100,000
Weight of 1 to 7 plastics (includes aluminium and tin cans) per annum	835 tonnes per annum	835 tonnes
Estimated weight of 3 to 7 plastics per annum	418 tonnes per annum	418 tonnes

7.33 **Other considerations**

- 7.34 An extensive campaign to convey a change in recycling would require a financial commitment of at least \$100,000 so that the changes can be comprehensively communicated to the entire community. This would include key messages such as encouraging our community to be conscious consumers.
- 7.35 A communications plan has been prepared and the key messages will be finalised following Council decisions, however they will include clear messaging on the plastics that will be collected, the reasons for the change, that we need the community's help to achieve optimum results, and ways to become a conscious consumer in the plastics realm.
- 7.36 There will also be continued messaging on the receptacles in which recycling can be presented for the kerbside pick-up.
- 7.37 The tools and action plan are necessarily broad to cover kerbside recycling service users; those who make use of the Henderson Rd Transfer station, and those who use the unmanned urban and rural recycling 'green bin' facilities.
- 7.38 The tools range from newspaper and radio advertising, upgrading of all on-site signs and advertising and editorial on traditional and on-line media, to a letterbox drop and a request to service groups, schools and the like to include information in their newsletters/other communications. We will be asking councillors to assist us by disseminating messages (particularly social media) through the networks and closed groups they are part of.
- 7.39 A one month transition period in which plastics grades 3 to 7's are still collected but landfilled by Council could be introduced. Following this transition period these plastics would not be collected and would therefore need to be disposed of with normal waste by residents and businesses.
- 7.40 The suspension of plastic recycling may be seen by some as going against the goals and objectives of the Joint Waste Management and Minimisation Plan. However the environmental (and financial) impacts need to be considered and the HDC wants to ensure that plastic recycling isn't putting others' lives and environments at risk.

- 7.41 Depending on the decisions made by each Council (Hastings and Napier) the proposed 80 litre wheelie bin for each property proposed for the new kerbside rubbish collection contract may need to be increased (i.e. 120L/140L). Additional work will be undertaken by officers regarding householder capacity.
- 7.42 Along with the environmental and financial considerations, the suspension or reduction of plastic recycling services sends a strong message to industry and central government for the need to make changes to a system that is struggling to deliver on its intended goals.
- 7.43 Council officers are in regular contact with other councils, interest groups and central government with regards the recycling industry both nationally and internationally.

8.0 PREFERRED OPTION/S AND REASONS

- 8.1 The preferred option is Option 3 - that only plastic bottles identifiable as grade numbers 1 and 2 and have accessible national end users or international markets are collected for recycling through the Council kerbside and drop off depot recycling services.
- 8.2 A one month transition period in which plastics grades 3 to 7's are still collected but landfilled by Council would be introduced. Following this transition period these plastics would not be collected and would therefore need to be disposed of with normal waste by residents and businesses.
- 8.3 An extensive communication campaign commencing immediately will be launched to inform the community of the change, using accrued Waste Disposal Levy funds.
- 8.4 Officers have delegated authority to enable and complete negotiations with the contractors to implement the change.

9.0 RECOMMENDATION

- A) That the report of the Waste Minimisation Officer titled "Plastic Recycling" dated 28/03/2019 be received.**
- B) That Council endorses the change in plastic material accepted for recycling via the Council services to only plastic bottles identifiable as grade numbers 1 and 2 and have accessible end uses or international markets.**
- C) That Waste Disposal Levy funds be utilised to fund an extensive communication campaign to inform the community of the change.**
- D) That officers have delegated authority to undertake negotiations with the contractors to implement the change.**
- E) That officers, in line with the Joint WMMP, lobby central government for national change in the use of plastic packaging in New Zealand.**

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 and local public services in a way that is most cost-effective for households and business by:

- i) Providing fit for purpose solid waste services and facilities.**

Attachments:

1 Plastics Recycling Guide by Type

CG-14-36-00101



Plastics Recycling Guide

Material Type Acronym	Plastic Identification Code	Full Polymer Name(s)	Examples of Common Products
PET		Polyethylene Terephthalate	Soft-drink and water bottles, food packaging such as salad domes and biscuit trays
HDPE		High Density Polyethylene	Milk bottles, ice-cream containers, detergent bottles, and shopping bags
PVC		Polyvinyl Chloride Unplasticised: PVC-U Plasticised: PVC-P	Cosmetic containers, pipes, films, wire coatings, and garden hoses
LDPE		Low Density Polyethylene	Film for protection of pallets during transportation, squeezable bottles, rubbish bags, plastic food wrap
PP		Polypropylene	Lunch boxes, microwave containers, straws, packaging film, and dairy food containers
PS		Polystyrene	Plastic cutlery, CD cases, stationery parts, toy parts and plastic 'glassware'
EPS		Expanded Polystyrene	Protective packaging for fragile goods, insulation, clamshell food take-away containers and cups
Other		Acronyms normally specified underneath the identified code e.g. ABS (Acrylonitrile butadiene styrene) or SAN (Santoprene)	Car parts, appliance parts, computers, electronics, water cooler bottles, and other packaging

Definitions of plastic material types adapted from the Plastics Identification Code and copied from Plastics New Zealand (2005), *Research Project Report: Sustainable end-of-life options for plastics in New Zealand*. Retrieved from <http://www.plastics.org.nz/documents/sustainable-end-of-life-options-for-plastics-i-4.pdf>



REPORT TO: COUNCIL

MEETING DATE: THURSDAY 28 MARCH 2019

**FROM: STRATEGY MANAGER
LEX VERHOEVEN**

**SUBJECT: ADOPTION OF DRAFT ANNUAL PLAN 2019/20, DRAFT
DEVELOPMENT CONTRIBUTIONS POLICY AND
CONSULTATION DOCUMENT**

1.0 SUMMARY

- 1.1 The purpose of this report is to obtain a decision from the Council to adopt the following in accordance with the relevant provisions of the Local Government Act 2002:
- Draft Annual Plan 2019/20 supporting information as required by section 95A (3C);
 - Draft Development Contributions Policy as required by section 102 (4B);
 - Consultation Document as required by section 95 (2).
- 1.2 This issue arises from the legislative requirement to place the documents above on an agenda of the local authority.
- 1.3 This is an administrative matter. The objective of this decision relevant to the purpose of Local Government is to enable community participation in Council decision making processes as set out in the Local Government Act 2002.
- 1.4 This report concludes by recommending that the relevant documents set out in section 1.1 be adopted for community consultation.

2.0 BACKGROUND

- 2.1 The Council considered the Draft Annual Plan, Draft Development Contributions Policy and mock-up of the Consultation Document at its budget meeting of 21 February 2019, and instructed officers to complete the material based on the decisions of that meeting.
- 2.2 The only matter remaining unresolved from that meeting, to be brought back to Council, being a response to the presentation made by Arts Inc in respect of the HB Arts Festival.

3.0 CURRENT SITUATION

- 3.1 In accordance with the general direction from the meeting of 21 February, officers have reviewed how the funding request to support the festival in 2019 could be accommodated, within the draft Council budget presented at the meeting without further impacting on rates. Having re-considered the forecast year-end result, now that year-end is approaching with more certainty, Officers have been able to achieve this based on the \$120,000 2018/19 allocation for the festival.

- 3.2 It was also raised at the meeting on 21 February that some further information regarding the festival be brought back to Council, relating to matters such as the cost structure of the festival, the impacts of not achieving funding targets and how the festival dove-tailed with other events. It is recommended that Arts Inc be informed of these matters and that they be instructed to report back to Council prior to June to enable Council to undertake its final budget deliberations, including the agreed level of funding support.
- 3.3 The documentation has been completed in accordance with the decisions made by Council, and the Consultation Document includes a section on the work being undertaken in the Social Development/Youth Development area as requested by Council at the 21 February meeting. This documentation is now submitted for Council adoption. This is a formal requirement of the Act.

4.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Strategy Manager titled “Adoption of Draft Annual Plan 2019/20, Draft Development Contributions Policy and Consultation Document” dated 28/03/2019 be received.
- B) That the Council adopt the supporting information required by section 95A (4) of the Local Government Act 2002 (‘The Draft Annual Plan 2019/20), the statement of matters attached (CP-01- 02-19-120), incorporating any amendments made at its meeting of 28 March 2019.
- C) That the Council adopt the Draft Development Contributions Policy in accordance with section 102 (4b) of the Local Government Act 2002.
- D) That the Council adopt the Annual Plan 2019/20 Consultation Document (incorporating Draft Development Contributions Policy) pursuant to Section 95 (2) of the Local Government Act 2002, incorporating any amendments made at its meeting of 28 March 2019.

Attachments:

1	Statement of Matters Annual Plan 2019/20	CP-01-02-19-120	
2	Draft Development Contributions Policy	CP-03-10-10-19-15	Separate Doc
3	Draft Annual Plan		Separate Doc
4	Consultation Document		Separate Doc

CP-01-02-19-120

Statement of matters required by Schedule 10

The Statement of Proposal for the 2019/20 Draft Annual Plan includes the following statement on matters required by Schedule 10 of the Local Government Act 2002.

The intended levels of service provision along with the performance measures and targets for the 2019/20 year are in accordance with those outlined in the Council's Long Term Plan 2018/28.

The group of activity financial summaries outline the estimated expenses of achieving and maintaining identified levels of service provision and maintaining service capacity and the integrity of assets.

The Funding Impact Statement contained within the draft Annual Plan outlines the estimated revenue levels from various sources of funds for 2019/20.

The rationale for selection of funding sources as required by section 101(3) of the Local Government Act 2002 is incorporated in the Council's Revenue and Financing Policy in the Long Term Plan 2018/28.

The Long Term Plan 2018/28 is available on our website www.hastingsdc.govt.nz or in hard copy from the Central Administration Building, Lyndon Road East, Hastings.

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 28 MARCH 2019

**FROM: MANAGER STRATEGIC PROJECTS & PARTNERSHIPS
RAOUL OOSTERKAMP**

SUBJECT: BUSINESS IMPROVEMENT DISTRICT POLL RESULTS

1.0 SUMMARY

- 1.1 The purpose of this report is to obtain a decision from the Council taking into account the results of the poll, endorse the transition of the Hastings City Business Association (HCBA) to a Business Improvement District, and that the targeted rate will be included, or otherwise, in the Draft 2019/20 Annual Plan and put out for public consultation.
- 1.2 This request arose out of the 2017/18 Annual Plan consultation during which Council resolved to complete a review of the targeted rate to ensure that the structures in place will achieve the best outcomes for the Hastings Central Area.
- 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 meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. Good quality means infrastructure, services and performance that are efficient and effective and appropriate to present and anticipated future circumstances.
- 1.3 The objective of this decision relevant to the purpose of Local Government is focused on ensuring that Council has in place a robust and fit-for-purpose policy and management framework focused on the marketing and revitalization of the Hastings Central Marketing Area in an efficient and cost effective manner that is supported by the stakeholders that make up the area.
- 1.4 This report concludes by recommending in accordance with the Business Improvement District Policy, that Council take into account the results of Business Improvement District Poll, completed in March 2019, when making its decision to include the targeted rate in the 2019/20 Draft Annual Plan.

2.0 BACKGROUND

- 2.1 The Business Improvement District transition process arose out of the 2017/18 Annual Plan consultation where Council resolved to further explore the most cost effective delivery method to best achieve the outcomes identified for the Hastings City Marketing Rate and consult where necessary.
- 2.2 Council has been working in partnership with the Hastings City Business Association over the last 12 months to explore and investigate options and this has ultimately lead to the establishment of the Business Improvement District Model.

- 2.3 On 6 November 2018 Council resolved to:
- 2.4 In light of the survey findings at 68% support from Ratepayers / Property Owners and 69% from Stakeholder – Businesses / Tenants within the prescribed catchment area, Council resolve to formally adopt the Business Improvement District Model and initiate implementation for the Hastings Central Marketing Area.
- 2.5 Council officers have since been working in partnership with the Hastings City Business Association to transition towards to a Business Improvement District in accordance with Council Policy.

3.0 CURRENT SITUATION

- 3.1 In accordance with the Council Business Improvement District Policy, Council engaged the services of a 3rd party provider, Electionz.com, to complete a poll of property owners and businesses (tenants) within the catchment to confirm the level of support for, or against the Hastings City Business Association Business Improvement District.
- 3.2 The targeted rate and collection area will remain the same as the existing Hastings City Marketing Rate for 2018/19.
- 3.3 To inform this process the Hastings City Business Association has produced a business plan, and associated work programme, and circulated this to its membership. The scope of the business plan is centred on the existing pillars of the Hastings City Business Association strategy, Vibrancy, Security, Communication and Advocacy. In addition a Special General Meeting and more specific “block” meetings have also taken place. Members are therefore well informed as to what the Business Improvement District will deliver.
- 3.4 Voting packs were issue to members via a combination of mail and email, with votes being able to be cast via both respective mediums.
- 3.5 The poll closed on 21 March 2019 12 noon.
- 3.6 Officers will table **full and final** poll results at the Council meeting.
- 3.7 The poll results provide robust statistical rationale to inform Council’s decision making as required by section 78 of the LGA 2002.

4.0 OPTIONS

- 4.1 That Council, in accordance with adopted policy, take into account the results of the Business Improvement District Transitioning Poll, and include or otherwise, the targeted rate in the Draft 2019/20 Annual Plan.

5.0 SIGNIFICANCE AND ENGAGEMENT

- 5.1 Council Officers have been working in partnership with the Hastings City Business Association Board, to establish a Business Improvement District Transition Team to manage the shift to the new model.
- 5.2 The 2019/20 Annual Plan process retains flexibility for Council decision making in respect of this matter.
- 5.3 The draft plan contains the necessary provisions to levy the targeted rate over the defined area should the Council wish to do so. The Annual Plan process

also enables the Council to seek and hear further community views on this matter prior to making a final decision in June 2019.

6.0 PREFERRED OPTION/S AND REASONS

- 6.1 That Council, in accordance with adopted policy, taking into account the results of the Business Improvement District Transitioning Poll, include the targeted rate in the Draft 2019/20 Annual Plan for community consultation

7.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Manager Strategic Projects & Partnerships titled "Business Improvement District Poll Results" dated 28/03/2019 be received.
- B) That Council, in accordance with adopted policy, taking into account the results of the Business Improvement District Transitioning Poll, include the targeted rate in the Draft 2019/20 Annual Plan for community consultation.

With the reasons for this decision being that the objective of the decision will contribute to meeting the current and future needs of communities in a way that is most cost-effective for households and business by:

- i) **Achieving the outcomes for a vibrant and productive Hastings City Centre**

Attachments:

There are no attachments for this report.

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 28 MARCH 2019

**FROM: CHIEF FINANCIAL OFFICER
BRUCE ALLAN**

SUBJECT: OPERA HOUSE PRECINCT UPDATE - MARCH 2019

1.0 SUMMARY

- 1.1 The purpose of this report is to update the Council about progress being made with the Opera House Precinct strengthening and redevelopment.
- 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 meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. Good quality means infrastructure, services and performance that are efficient and effective and appropriate to present and anticipated future circumstances.
- 1.3 The objective of this decision relevant to the purpose of Local Government is to enable the provision of good quality community infrastructure providing recreational and cultural opportunities that meet the needs of our current and future communities in the most cost effective way.
- 1.4 This report concludes by recommending that the report be received.

2.0 CURRENT SITUATION

2.1 Project Governance Structure

- 2.1.1 The Chief Executive made changes to the project delivery structure in February 2019 with the appointment of Council's Chief Financial Officer to the role of Senior Responsible Owner (SRO) of the Opera House Precinct strengthening and Redevelopment project.
- 2.1.2 A Project Charter is being developed to meet this new arrangement which will outline the purpose, accountabilities and decision rights for individuals and groups involved. It is expected that once finalised this will be circulated to Council for your information.
- 2.1.3 The Chief Executive and Project SRO are working on creating a Technical Advisory Group of well-respected specialists who can be utilised to provide advice on different aspects of the process, from providing peer review of the Strategic Plan to commercial property negotiations.

2.2 Revised Timeline

- 2.2.1 Following the changes made to the project delivery structure, a review has been conducted on the most appropriate timeline to ensure a successful delivery of the project. The most pressing matter for Council's consideration is

the adoption of a Strategic Plan which will then allow the Business Case to be fully developed and finalised.

2.2.2 The following timeline incorporates the key milestones for the project.

Draft Strategic Plan	April 2019	Workshop
Adopt Strategic Plan	2 May 2019	Council
Draft Business Case	23 May 2019	Workshop
Adopt Business Case	27 June 2019	Council
DIA Lotteries funding decision	June 2019	
Consultation with Community	July 2019	
CRITICAL PATH DECISION re Municipal redevelopment options	September 2019	Council
Opera House Construction Complete (excluding fire remediation) (No access to back stage for fire remediation work)	15 September 2019	
Plaza construction complete	24 December 2019	
Opera House Fire remediation complete	24 December 2019	
Construction on MMA / Code of Compliance design commences	January 2020	
Municipal Southern wall complete	1 February 2020	
Official opening of Theatre and Plaza	xx February 2020	
Construction complete and Precinct projects finalised	January 2021	

2.3 Fire Update

2.3.1 The estimated cost for the repairs is in the vicinity of \$700,000 which in broad terms has been agreed with the insurer. The impact of the fire and associated repairs on the construction programmes for the Opera House and the Municipal has been assessed.

2.3.2 The consequence of the fire on both programmes is a delay applying for the Opera House code of compliance until January 2020. In practicable terms this means that the Opera House team can have access to the Opera House (excluding the stage area) by September 2019 for fit out purposes whilst the Public will have access by the end of January 2020.

2.3.3 Work to remediate the damage caused by the fire is ongoing.

2.4 Opera House

- 2.4.1 As noted above, due to the recent fire, the Opera House programme for completion has been extended until December 2019 with the code of compliance being issued to HDC by 1 February 2020 (formerly November 2019).
- 2.4.2 The key milestone to enable the Opera House to obtain Code of Compliance which will allow the public into the building is the strengthening of the Municipal Building Southern walls. The Opera House strengthening construction is estimated to be complete by mid-September 2019 which will enable operational staff to enter the facility and begin preparations for the official opening to the public.
- 2.4.3 Despite the fire, the strengthening of the Opera House Theatre continues on schedule and on budget.



New Railing for Opera House



Theatre Floor strengthening and rebuild

2.5 Plaza

- 2.5.1 Work on the Plaza (structure) continues to progress in preparation for the installation of the roof which is scheduled to take place mid-2019. Large columns (weighing 24 tonne each) were installed on the Hastings Street side of the Plaza requiring Hastings Street to be closed for three days (20th-22nd March). The installation of these columns are a critical component of the Plaza structure and a very technical and complicated installation.
- 2.5.2 Council was advised in February of delays getting critical components for the construction of the Plaza and the slight delay in Council approving the acoustic and aesthetic improvements mean that the Plaza now has an estimated completion date of Christmas 2019.
- 2.5.3 The Plaza construction remains on budget.



Preparing for column installation at Plaza

2.6 Municipal Building

- 2.6.1 Building consents for the Municipal structural strengthening have been approved. Work on the strengthening progresses with the priority focus remaining on the southern wall area to allow for the Opera House to open in February 2020 as scheduled.
- 2.6.2 The structural engineering design to strengthen the Municipal Building has been developed to allow for the full implementation of the Mathews and Mathews Architects (MMA) concept to be implemented should sufficient funding be raised and Council approval be received.
- 2.6.3 A critical path decision for Council to enable the MMA concept to be implemented without adding additional cost and delays is September 2019. Officers will be bringing back regular updates to Council to enable Council to make an informed decision on this within the timeframes set down.

- 2.6.4 The estimated cost of implementing the MMA design fully is \$5.8m plus design fees with a scaled back option of \$3.2m which provides Council with a building that can attain code of compliance.



Inside Municipal Building – ready for foundations to be strengthened



Laneway between Opera House and Municipal Building – ready for foundations strengthening on southern wall

2.7 Strategic Plan Development

- 2.7.1 Over the last 3 months officers have established a Draft Strategic Plan for the overall precinct.
- 2.7.2 The priority of this plan was to engage with the community and stakeholders around the potential of revitalising and regenerating the Hawke's Bay Opera House as a vibrant performing arts and event precinct, honouring its rich history and celebrating its bright future. Genuine engagement with the business and arts sector in Hastings, Ngati Kahungunu, the Independent Working Party and the Working Group for the Use of the Municipal Building as well as the positive response from the community
- 2.7.3 The outcome being that the Strategic Plan proposes a 4th Generation Performing Arts and Event Precinct.

- 2.7.4 A 4th Generation Venue is more than just a “hall for hire” or even a community arts centre. It is “a resource for the arts, not just delivering the arts”. As described by Steven A Wolff, arts and entertainment researcher and strategist a 4th Generation Venue is “a learning environment through which new experiences are generated and new knowledge is created that enhances cultural awareness, expression and understanding.” Through this viewpoint, and by seizing this bold position in the market, we can enable community access and participation in performing arts and cultural activities, and facilitate opportunities for youth employment, cultural expression and pride.
- 2.7.5 The focus for a 4th Generation Venue is on:
- Facilitating employment pathways by providing a learning environment
 - Creating new experiences and new knowledge
 - Enhancing cultural awareness and competency
 - Encouraging exploration
 - Considering different viewpoints and dialogue
- 2.7.6 In developing the Strategic Plan there are always competing priorities and outcomes that need to be considered and alongside the concept of the 4th Generation Venue is the need for the Precinct to be operationally sustainable and for all of the identified success factors to be achieved. While the Top 10 success factors are not something that have been adopted by Council, they are criteria that have resonated through the different consultations, working parties and working groups.
- 2.7.7 As part of the development of the Strategic Plan, Officers will be asking Council to endorse these success criteria

Draft Top 10 Success Criteria

- Heritage Buildings retained – enhanced
 - Performing Arts – enhancing and showcasing
 - Events and conference spaces
 - Pathways for youth – performing arts, hospitality etc.
 - Showcasing Kahungunu / Takitimu
 - Operational sustainability – rates
 - Maximising external funding
 - Enhancing user experience – hospitality etc.
 - CBD Integration – CBD revitalisation strategy
 - Flexible and adaptable
- 2.7.8 The Draft Strategic Plan will be circulated to Council in early April with a workshop organised for mid-April for this Strategic Plan to be presented to Council on 2 May 2019 for adoption.
- 2.8 **Municipal - Business Case and Community Consultation**
- 2.8.1 Work to establish a robust business case for the future use of the Municipal Building is ongoing alongside the development of the Strategic Plan.
- 2.8.2 The timeline above has a draft business case being presented to Council for consideration in a workshop setting in much the same manner as the Strategic Plan with adoption of the Business Case by Council by the end of

May. Officers expect to know if applications for significant funding from Lotteries in particular have been successful in June and this will help present a fuller picture to the community as part of the consideration of the future of the Municipal Building scheduled for July 2019.

2.9 Funding

2.9.1 An Officer has been appointed to manage all Government Funding applications and relationships and has carried out a stock take of funding sources/opportunities. At the time of writing applications had been made to three Lotteries funds; Significant Projects, Community Facilities, Environment and Heritage.

2.9.2 An Expression of Interest was made to the Lotteries Significant Project Fund in November 2018. Council was informed on the 10th December 2018 to submit a full application (23rd March 2019) and the funder gave advice around the information they will be looking for in a full application

2.9.3 Council have appointed Jessica Soutar Barron to manage the community funding and engagement process, totalling \$1M. Mrs Soutar Barron has presented the community funding and engagement plan to the Sub-Committee. This plan is now being finalised and will be presented to the Community and Economic Development Committee.

2.10 Council Funding Budget (\$20m)

2.10.1 Council through the 2015-25 Long Term Plan and budget variations through subsequent Annual Plans have allocated \$20m to the strengthening and redevelopment of the Opera House Precinct project. The \$20m was the accumulation of three CBD projects; Civic Square, Opera House Strengthening and a proposed investment in a CBD Hotel.

2.11 Opening Arrangements

2.11.1 With more secure completion dates being established, an opening date in February 2020 for the Opera House Theatre and Plaza will be set down in the coming weeks. It is important that the opening is marked in appropriate style. Opera House management are currently working on securing shows and events and developing a programme that is fitting for the occasion. It is important that we work around events that can be secured for this time of the year and around other major events in Hawkes Bay, e.g. Art Deco Weekend, Mission Concert and Horse of the Year.

2.12 Wesley Church - \$400k funding

2.12.1 Council has through the 2017/18 Annual Plan allocated \$400,000 to the Wesley Church's redevelopment given its proximity to the Opera House and Plaza and complementary nature for conferences and large events. This funding was allocated from the \$20m of loan funding set down as Council's contribution to the Opera House precinct project.

2.12.2 Officers have put in place a Funding Agreement with Wesley Church acknowledging the funding that Council has been set aside, the milestones on which it will be released and the outcomes for which it is provided. To-date no funding has been drawn down.

- 2.12.3 Council had previously asked if this allocated funding could be set aside from the Opera House reserve rather than the projects loan funding budget. Officers have reviewed the potential operating costs associated with the Precinct and recommend that the Opera House Reserve be utilised to meet initial operating cost escalations while the buildings come on stream. Given the debt now associated with this activity it will have operating costs in excess of that experienced previously and the Reserve can be used to smooth the effect of this increase in costs.
- 2.12.4 The most recent update from the Church is that their project is progressing slowly and they are hoping to start the build at the end of this year. Council's \$400,000 contribution is towards an estimated total project cost of \$2.5m.

3.0 RISKS

- 3.1.1 Officers have prepared a project risk register with the two significant risks for the current stage identified below.
- 3.1.2 Funding Bid Failure – External funding continues to be recognised as a major risk to this project. The total cost to fully deliver the Opera House Precinct Strengthening and redevelopment project is estimated at \$32m with \$20m of Council funds available. At the time of writing \$4.7m of external funding had been confirmed leaving a current funding gap of \$7.3m. More resources to help mitigate this risk are being identified.
- 3.1.3 Project Coordination – Any lack of coordination across this project has the ability to allow conflict objectives to arise potentially causing delays in construction and less than optimal outcomes to be achieved. Officers have been refining the project delivery structure since August 2018 to ensure project coordination occurs.

4.0 SIGNIFICANCE AND ENGAGEMENT

- 4.1 While this project is significant for Council and the community, the matters raised in this report are not assessed as significant when assessed against Council's Significance and Engagement Policy.

5.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Chief Financial Officer titled "Opera House Precinct Update - March 2019" dated 28/03/2019 be received.**

Attachments:

There are no attachments for this report.

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 28 MARCH 2019

**FROM: PARKING TRANSPORTATION OFFICER
MEL ENGLAND**

SUBJECT: PARKING CONTROLS

1.0 SUMMARY

- 1.1 This report aligns with Council Objectives and Regulatory functions by;
- A. Supporting and attracting business;
 - B. Reducing public nuisance and threats to public health and safety;
 - C. Moving people and goods around safely and efficiently.
- 1.2 The purpose of this report is to obtain a decision from Council on a number of changes to parking controls throughout the district.
- 1.3 These proposals arise from requests for new parking controls and amendments to existing controls.
- 1.4 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 meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. Good quality means infrastructure, services and performance that are efficient and effective and appropriate to present and anticipated future circumstances.
- 1.5 The objective of this decision is relevant to the purpose of Local Government in the provision of quality infrastructure and public service.
- 1.6 This report concludes by recommending;
- A. Removal of the P60 parking time limit from Eastbourne Street East to accommodate the bus terminus extension.
 - B. Establish P120 time limited parking on Havelock Road so vehicles are not staying outside businesses and residences all day.
 - C. Extend the length of the already existing P120 limited parking to incorporate the new carparks outside of the new Hastings Health Centre Building in King Street North.

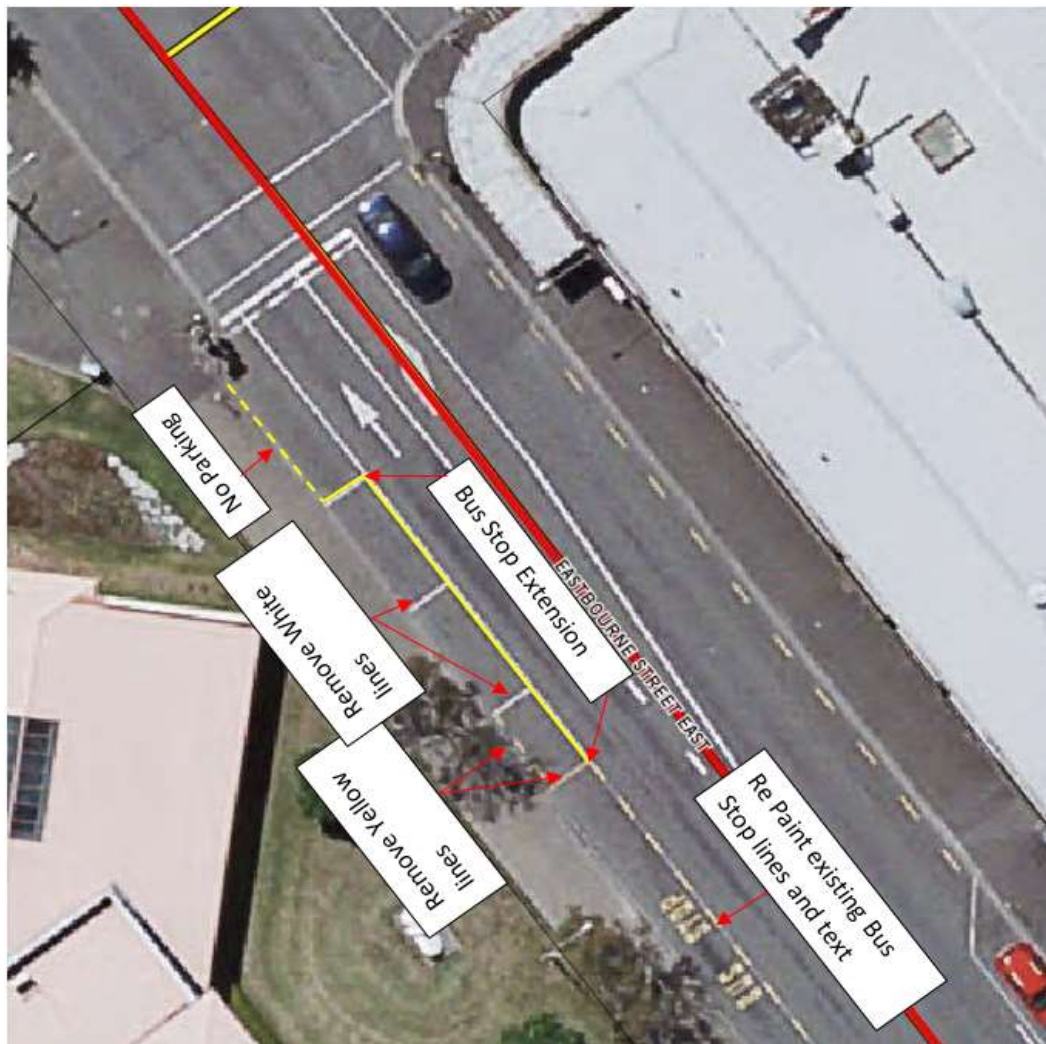
2.0 BACKGROUND

- 2.1 From time to time it is necessary to introduce parking controls and or amend those that are already in place.
- 2.2 In order that the changes are legally established these need to be formally resolved by Council.

- 2.3 The following information provides the background and current situation relevant to the various changes being proposed:

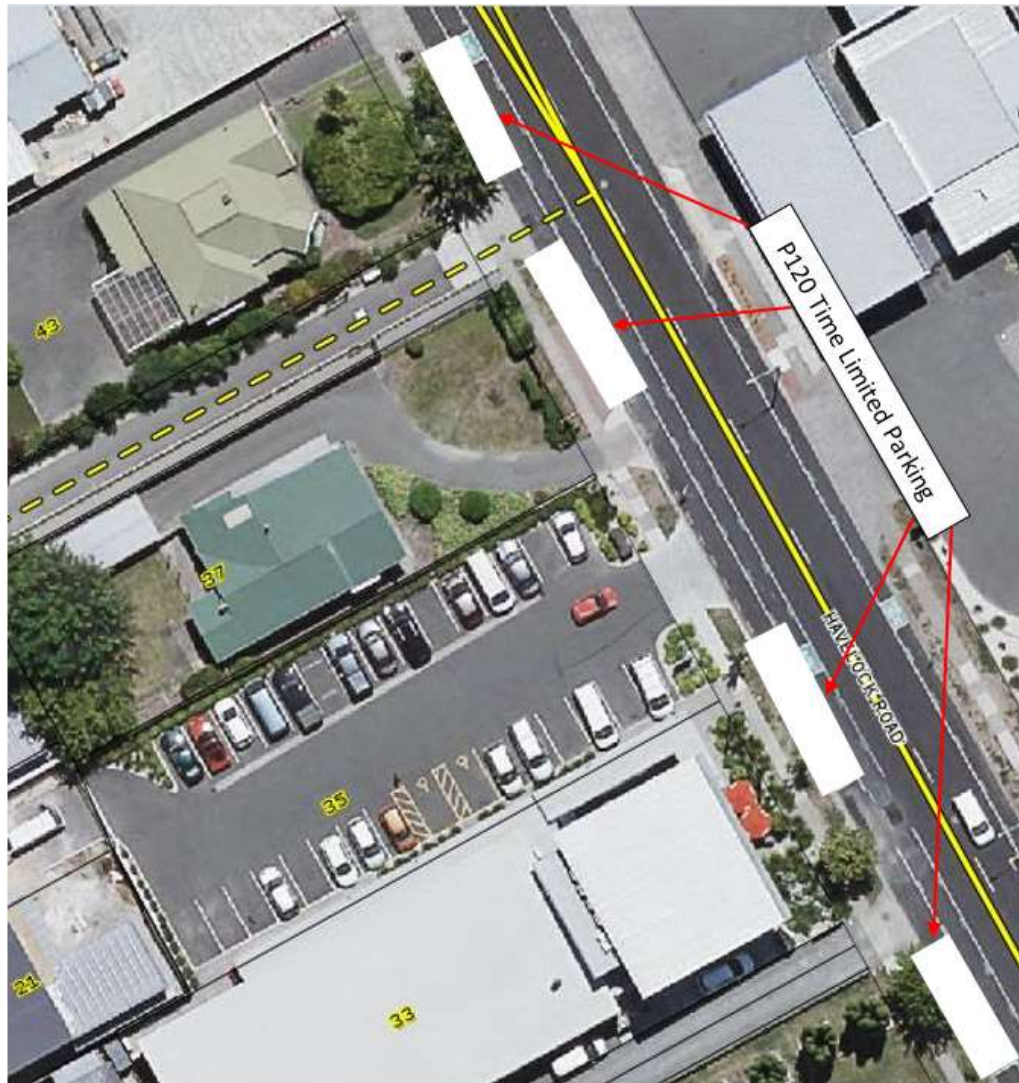
Eastbourne Street East – Bus Terminus

- 2.4 The Hastings District Council was approached by Hawkes Bay Regional Council and Go Bus Hawkes Bay to discuss the extension of the existing bus terminus in Eastbourne Street East. This is due to safety concerns for the drivers and ongoing damage of the buses when parked in Karamu Road South, due to the isolation of the area. This request was made to ensure there was a safe layover for the drivers and buses during changeover and breaks. To provide a safe zone Council need to remove the 3 existing P60 time limited carparks.



Havelock Road – P120 Time Limited Parking

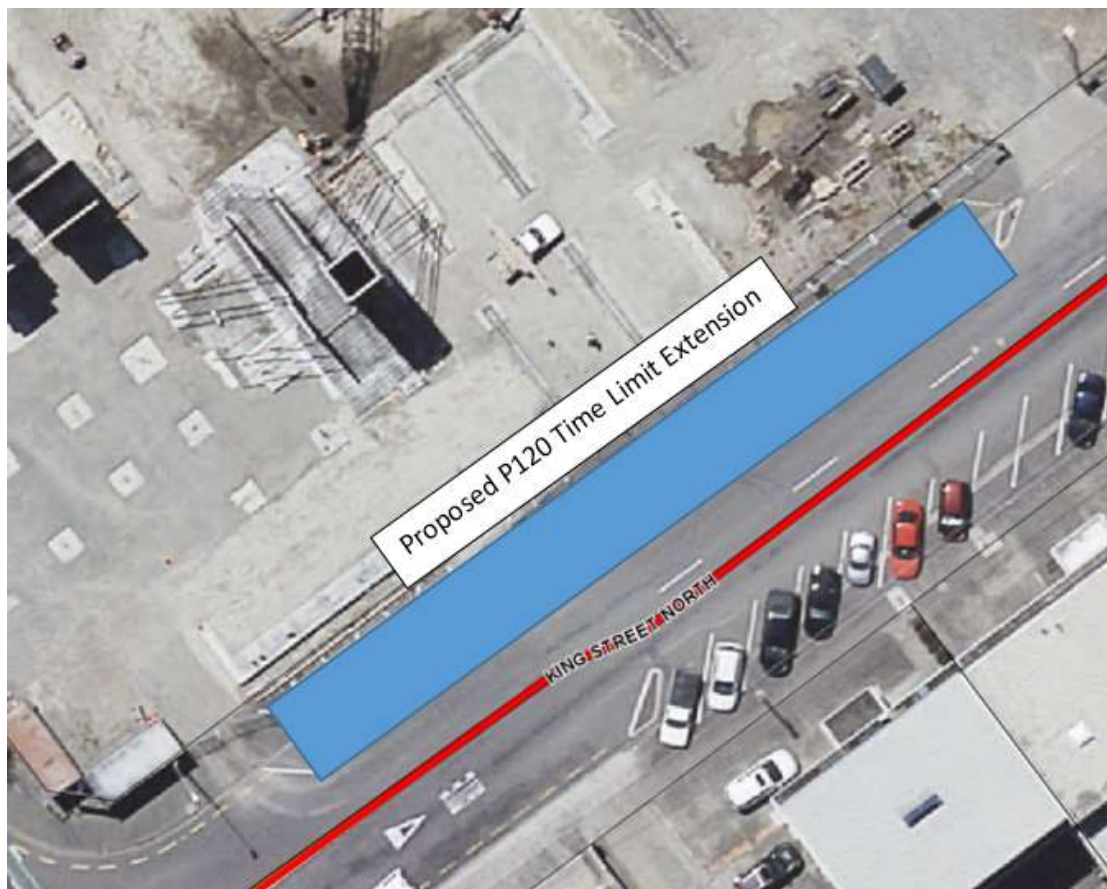
- 2.5 The Hastings District Council was approached by a business on 37 Havelock Road to investigate the feasibility of P120 parking outside their premises, this is due to vehicles parking all day. Currently there are no time restrictions in this area.



King Street North – P120 Time Limited Parking

- 2.6 The existing car parking outside of the new Hastings Health Centre is reverting from angle parking to parallel parking to accommodate the projected growth in traffic.

- 2.7 The P120 area needs to be extended due to more parking being available.



3.0 OPTIONS

- 3.1 The options available to Council are to:

- A) Approve the changes being proposed
- OR
- B) Not approve all or some of the changes being proposed

4.0 SIGNIFICANCE AND ENGAGEMENT

- 4.1 The matters in this report do not trigger the threshold in terms of Council's Significance Policy.

P60 Removal and Bus Terminus Extension – Eastbourne Street East

- 4.2 With the proposed bus terminus extension, three parking spaces and the associated P60 parking signs will be removed. The library and other businesses in the immediate area have been consulted, and are in favour of the proposed changes.

P120 Time Limited Parking - Havelock Road

- 4.3 An occupancy survey was carried out and showed the overall average to be 92%.

- 4.4 It is generally accepted as a national standard that if occupancy levels are in excess of 85% a motorist will normally have difficulty finding a carpark within close proximity to their destination.
- 4.5 30 businesses and residents in and around the surrounding area were consulted on the proposed P120 time limit introduction. 20 responses were received with 15 in favour of the P120 being introduced.
- 4.6 Parking Officers support the introduction of the P120 time limited parking as it is consistent with controls in the surrounding area.

King Street North – P120 Time Limited Parking

- 4.7 Parking Officers support the extension of the P120 time limited parking.

5.0 PREFERRED OPTION/S AND REASONS

P60 Removal and Bus Terminus Extension – Eastbourne Street East

- 5.1 With safety concerns for the drivers and ongoing damage of the buses raised by Hawkes Bay Regional Council and Go Bus officers support the extension of the exiting bus terminus and removal of the P60 parking.
- 5.2 This may also assist with redevelopment of the Eastbourne Street area by removing visual clutter.
- 5.3 This will help support Go Bus by providing an extra space for layover, increase transportation of passengers, and most importantly provide a safe place for both drivers and buses.

Havelock Road - P120 Time Limited Parking

- 5.4 Officers and the majority of nearby businesses and residents support the introduction of the time limit for this area.
- 5.5 This will help keep a steady flow of traffic outside of the businesses and residents in the area.

King Street North – P120 Time Limited Parking

- 5.6 Officers support the extension of the P120 time limited parking spaces outside of the new Totara Health Centre.
- 5.7 This will help keep vehicles moving in the area and help to alleviate any parking issues with the increased traffic.

6.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Parking Transportation Officer titled "Parking Controls" dated 28/03/2019 be received.
- B) That the Council resolve pursuant to Chapter 5(Parking and Traffic) of the Hastings District Council Consolidated Bylaw 2016, that the one hour time limit that applies to 3 carparks on the Southern side of Eastbourne Street East, commencing approximately 12 metres from the intersecting kerbline with Karamu Road South and extending for 16.5 metres in a Southerly direction be revoked as set out Attachment 1 to the report.
- C) That Council resolve pursuant to Clause 5.3.1(a)(iv) of Chapter 5 (Parking and Traffic) of the Hastings District Consolidated Bylaw 2016, the 3 carparks revoked in Part B (above) become a bus stop. as set out Attachment 1 to the report 1.
- D) That Council resolve pursuant to Clause 5.3.1(a)(i) of Chapter 5 (Parking and Traffic) of the Hastings District Consolidated Bylaw 2016, that all parking on the southern side of Havelock Road, between Porters Drive and Karanema Drive be resolved to have a 120 minute time limit as set out Attachment 2 to the report.
- E) That Council resolve pursuant to Clause 5.3.1(a)(i) of Chapter 5 (Parking and Traffic) of the Hastings District Consolidated Bylaw 2016, that all parking spaces on the Western Side of King Street North, commencing approximately 26 metres from the intersecting kerbline of Saint Aubyn Street West and extending 56 metres East be resolved to have a 120 minute time limit as set out Attachment 3 to the report.

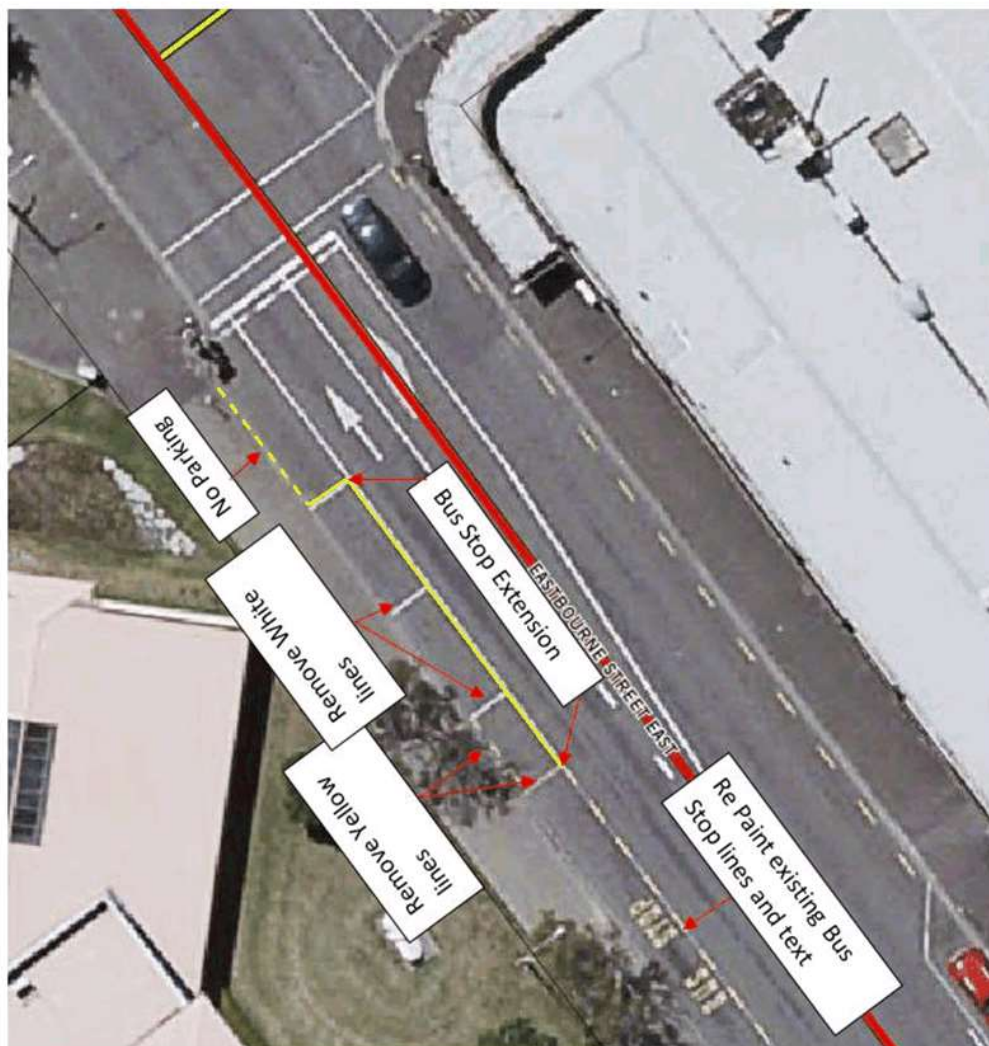
With the reasons for this decision being that the objective of the decision will contribute to performance of regulatory functions in a way that is efficient, effective and appropriate to present and future circumstances by:

- Providing parking spaces in relevant places within the district that are safe and readily available to motorists.

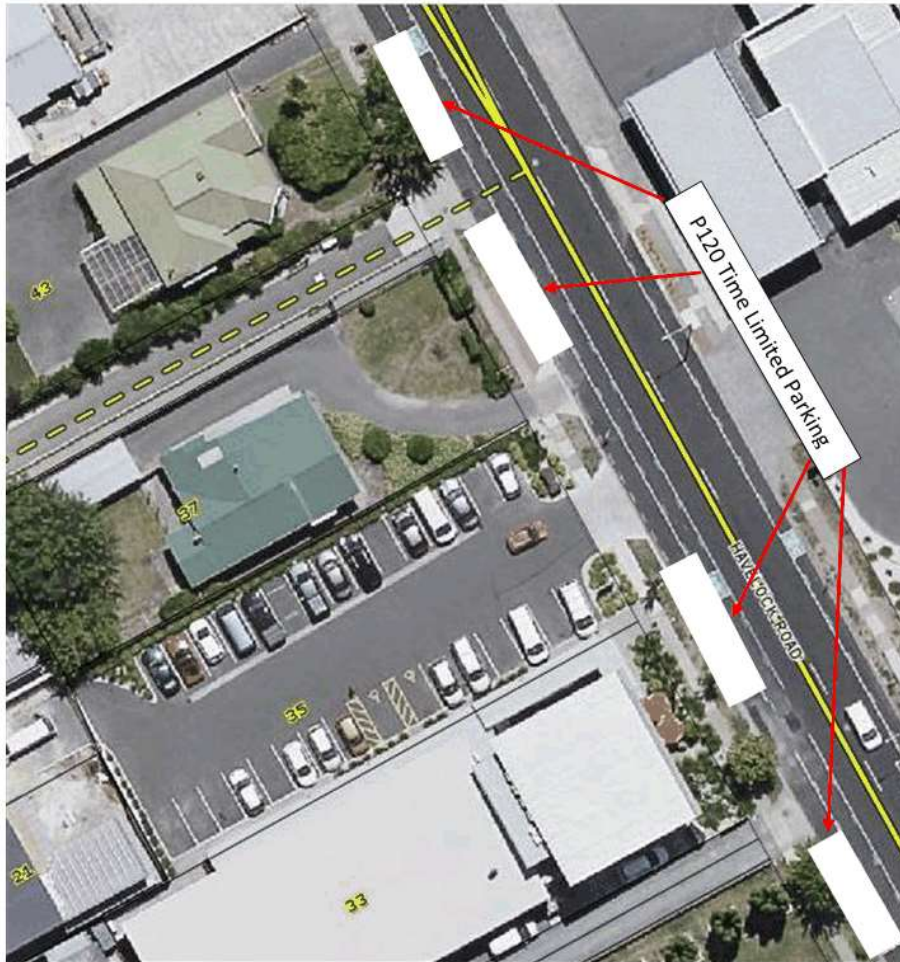
Attachments:

- | | | |
|---|--|---------------------|
| 1 | Eastbourne Street Bus Terminus Extension and P60 Removal | REG-22-03-12-19-447 |
| 2 | Havelock Road P120 Time Limited Parking | REG-22-10-18-3061 |
| 3 | King Street North - P120 Parking | REG-22-10-19-3100 |

Eastbourne Street East – Bus Terminus Extension



Time Limit Parking – 27 – 34 Havelock Road



King Street North P120 Time Limit Extension



REPORT TO: COUNCIL

MEETING DATE: THURSDAY 28 MARCH 2019

**FROM: PRINCIPAL ADVISOR: DISTRICT DEVELOPMENT
MARK CLEWS**

**SUBJECT: GREATER HERETAUNGA PLAINS FRESHWATER
MANAGEMENT - TANK PROCESS AND DRAFT PLAN
CHANGE**

1.0 SUMMARY

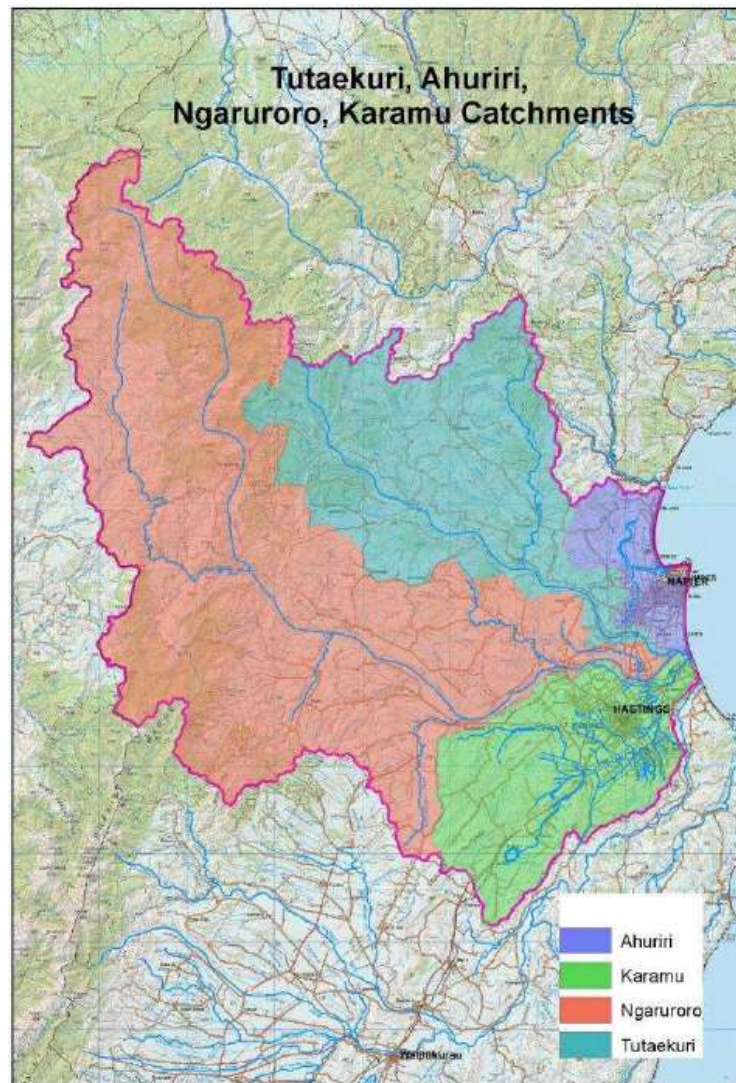
- 1.1 The purpose of this report is to seek direction from the Council on a Draft Change to the Regional Resource Management Plan (RRMP) for land and water management in the Greater Heretaunga/Ahuriri Freshwater catchments.
- 1.2 This issue arises from a collaborative stakeholder engagement process run by the Hawke's Bay Regional Council (HBRC) to implement the 2014 National Policy Statement for Freshwater Management (NPSFM) in the Tutaekuri, Ahuriri, Ngaruroro and Karamu (TANK) catchments. Under the Resource Management Act (RMA) the HBRC is required to consult with various statutory bodies including the Territorial Authorities in its region before publicly notifying a proposed plan change. HBRC have released a pre-consolation draft for this purpose and to consult informally with other stakeholders
- 1.3 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 meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. Good quality means infrastructure, services and performance that are efficient, effective and appropriate to present and anticipated future circumstances.
- 1.4 The objective of this decision relevant to the purpose of Local Government is the performance of the HBRC's regulatory functions under the Resource Management Act and the National Policy Statement on Freshwater Management as it affects this Council's interest as a stakeholder. This includes the provision of good quality water and stormwater services, and the potential impacts the regulatory outcomes may have on the District's economic social and environmental wellbeing.
- 1.5 The subject matter of the report is also directly related to the Council specific objectives in the table below.

Local Infrastructure	<ul style="list-style-type: none"> • Infrastructure supporting economic growth • Industrial development opportunities • Resilience to hazards and shocks • Sustainable use of land & water resources • Healthy drinking water and sanitary services
Local Services	<ul style="list-style-type: none"> • Supporting and attracting business • Building a resilient and job rich local economy • A community which wastes less
Regulatory Functions	<ul style="list-style-type: none"> • Healthy waterways

- 1.7 This report concludes by recommending that the report be received and the Chief Executive be delegated authority to make submissions to the Regional Planning Committee on the matters raised in this report.

2.0 BACKGROUND

- 2.1 Implementation of the NPSFM is largely the HBRC's responsibility with the primary policy instrument being the Regional Resource Management Plan (RRMP). The NPSFM requires regional councils to set freshwater objectives, water allocation limits and water quality targets for every water body in their region, including aquifers and wetlands in order to maintain and improve water quality.
- 2.2 In this case the Regional Council adopted a combined catchment approach to reflect the interconnectedness of the Heretaunga Plains aquifer and the surface water resources in these TANK catchments as shown in Figure 1 below.
- 2.3 85% of Hawkes Bay people live, work and play within this catchment footprint. A range of community held and ecosystem values rely on adequate water levels and flows to be maintained within water bodies, but the community also values water for a range of abstractive uses such as domestic water supply, irrigation for a range of purposes including food and wine production; mahi mara, food processing, stock watering and municipal supply.
- 2.4 Ngati Kahungunu regard water as a Taonga. This also aligns with Council's own philosophy, but access to water is also a critical component in realising the productive capacity of the versatile Heretaunga Plains soils for food and fibre production.
- 2.5 The prosperity of the Region's rural and urban populations is dependent upon the land based primary industries and some significant processing industries rely on a secure supply of primary produce and access to reliable and clean water for processing. It is important therefore that the right balance between protection and use is found and agreed upon.

Figure 1 TANK Catchments

- 2.6 In view of this the HBRC elected to use a stakeholder based collaborative planning exercise to determine how water bodies within the TANK catchments should be managed to meet the diverse interests and needs of the community. The TANK group was established in 2012 and comprises over 30 groups and organisations representing a spectrum of water users, environmental interests, recreationalists and Tangata whenua/mana whenua groups. The process included Hastings District and Napier City Council officer participation. Industrial abstractors reliant on their own bores instead of municipal supply were not however, specifically represented.
- 2.7 Council was represented on the TANK Group by the Principal Advisor, District Development and since the middle of 2017 Council's Group Manager Asset Management has also attended meetings to ensure Council's roles and interests as a territorial authority as set out below are represented:
- Abstracting groundwater for municipal supply and discharging urban stormwater to freshwater receiving bodies

- Having landuse planning responsibilities under the RMA that affects freshwater
- Advocating for district rural and urban dwellers economic and social wellbeing where this is dependent upon water quality and quantity.

3.0 CURRENT SITUATION

- 3.1 The TANK Collaborative process has now drawn to a close and a Draft Plan Change was presented to the Regional Planning Committee of the HBRC on 15 August 2018. This was hastened by the application for a Water Conservation Order for the Ngaruroro. The Special Tribunal appointed by the Minister for the Environment to hear and determine it, deferred temporarily the hearing on the lower reaches, to allow the TANK process to conclude so that any consensus reached could be considered in their deliberations.
- 3.2 The role of the TANK Collaborative Stakeholder Group was to provide the HBRC's Regional Planning Committee (RPC) with consensus recommendations regarding objectives, policies and methods, including rules, for a new chapter of the RRMP. The RPC had previously agreed to have particular regard to any TANK consensus outcome, if one emerges.
- 3.3 The RPC has completed its initial deliberations on the Plan Change and released a draft for informal pre-notification consultation. The HBRC is required under the RMA to consult specifically with the Territorial Authorities within its region during the preparation of any proposed plan change and have requested the Council's feedback on the draft change by 31 March 2019.
- 3.4 In considering it's feedback Council needs to be cognisant that the plan is required to give effect to national and community values for freshwater, but that compulsory values have been set by the NPSFM for ecosystem health and human health for recreation, which is an important direction to be borne in mind at every step in the process.
- 3.5 The NPSFM requires that regional councils set limits and targets, include measures that prevent or reduce over-allocation, both in relation to water quantity and the capacity of the environment to assimilate diffuse discharges from land use on water quality. Over-allocation means that the ecosystem needs of the water body are not being met and/or that abstractive users are subject to uncertain security of supply in the case of water quantity.
- 3.6 Once sustainable limits have been set to protect instream values, the plan must manage the allocation and re-allocation of the water available for abstraction and the application of nutrients to land in an equitable way among a wide range of water users. It should also enable users to manage use of allocable water in efficient and cost effective ways so that the allocation can generate the most benefit for the community (without the HBRC necessarily picking winners).

4.0 OPTIONS

- 4.1 The options available to Council are to;
1. Make no comment to HBRC on the draft plan change at this stage and wait until formal notification is made before making submissions.

2. Make comment to the HBRC on the matters of support and concern to Council along the lines described in Section 6.0 of the report.
 3. Oppose the Plan Change provisions that limit water allocation and or impose significant water quality improvement costs on landusers.
- 4.2 Of course with options 2 and 3 there is an option to take intermediate positions as desired at the meeting.

5.0 SIGNIFICANCE AND ENGAGEMENT

- 5.1 The TANK process has been a form of consultation in its own right and Council is acting in a stakeholder capacity, rather than in a final decision making role. The major stakeholder interests are already covered in the process and the public will have an opportunity to lodge submissions with the HBRC when the Plan Change is notified, if not before, should it wish to publish a consultation draft. No separate Council consultation is therefore required on this matter.

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 Council has had two workshops on the Draft plan change and possible responses to the challenges for water allocation and management it represents or poses for the council and community. Attached (Attachment 1) is an Overview and Discussion Paper prepared for those workshops by way of further elaboration.
- 6.2 Council's concerns are likely to relate to the provisions of the plan concerning water quantity limits and allocation provisions, rather than quality concerns (where there is largely a consensus of views), both in terms of irrigation demand on the Heretaunga Plains and in terms of its own core responsibilities for municipal water supply. This is where the major economic limitations are likely to bite, but with less certain and demonstrable benefits for instream fauna and flora given, our naturally occurring summer winter weather extremes.
- 6.3 The capping of allocation to existing use, clawing back over-allocation where that exists and only offsetting stream existing depletion effects through storage and/or aquifer fed stream flow enhancement, will leave no room for growth, or intensification of land based production and associated processing industries.
- 6.4 Allocation for municipal supply to deal with urban growth will also likely be limited, meaning this will not be a ready source of alternative water for industrial processing use in lieu of new bores, or increased takes from existing bores. Indeed, it appears at present that municipal needs associated with growth will also potentially need to be met through storage with potentially greater pragmatic and cost difficulties.
- 6.5 Until the re-allocation to existing use is completed and a review of sustainable allocation completed alongside feasibility studies for water storage and flow enhancement, there simply will not be any available water for intensification or new use. This could take ten years to complete.

- 6.6 While these are significant issues for the Council it needs to be recognised that there is now a new reality around freshwater resources nationally and within the Heretaunga Catchments as a result of:
- Greater National Direction on freshwater management, urban development and protection of versatile soils.
 - Heightened public awareness and expectations on quality
 - Groundwater /surface water connectivity in the TANK catchments is much greater than previously understood
 - The scale of potential over-allocation versus actual allocation is better understood in the TANK catchments
 - Greater understanding of abstraction effects on groundwater and surface water levels in the TANK Catchments
 - Increased innovation in water use and allocation management
 - Integration of 3 waters thinking and Government Review
- 6.7 These are longer term enduring changes that present challenges which will not be met taking a short or even medium term view. These are fundamental; shifts that cannot be satisfactorily addressed through a modified business as usual approach. Not only do we need to change how we view and use water resources, we also need to review what represents desirable economic development growth when it involves the use of scarce resources such as water and versatile soils of the Heretaunga Plains. Increasingly decisions about land and water will need to be made against backdrop the government's desire to move New Zealand towards a low carbon economy as signalled by through the Carbon Zero Bill.
- 6.8 Accordingly it is the officers' view that Council should take a positive rather than a combative approach to responding to the plan change. Specifically it should be seeking changes to the plan change that will better enable the Council to take a longer term strategic approach that works within the limitations of the current water resources, and to facilitate growth through investment in augmentation; innovation and excellence in water management, and changing community awareness and behaviour.
- 6.9 It is recommended therefore that the Council prepare a 50 year intergenerational water strategy that is underpinned by the following (but still draft) high level principles:
- **Kaitiakitanga - Intergenerational** - sustainable growth through excellent leadership and guardianship - providing enough for now while creating room for the future. Smart growth, innovation and water excellence to facilitate population growth and prosperity.

- **Toitū te Taiao – Sustainable** – economic objectives and environmental outcomes are complimentary - economy within sustainable environmental limits and approaches, rather than holding to current levels. People/ animals/environment share impacts and benefits of life-giving waters.
- **Te Ararau – Adaptable** - resilience, multiple pathways – flexibility within parameters to change and evolve to new opportunities beyond our current practice. Potential infrastructural investment in sustainable resource use to meet growth objectives.
- **Oranga Hapori – Societal** - community wellbeing – HDC takes a lead role in working with others, taking our people with us, whilst recognising different perspectives to improve water availability for our community.
- **Mana Taurite – Equitable** -accessibility, affordability and equity for our community as a basic right embodying needs before wants, fairness for all, cultural recognition & redress

6.10 A multi-disciplinary team of officers with assistance of Annette Sweeney of Good Earth Matters and Cam Dury of Stradegy Consultants have prepared some suggested comments on the draft plan change on this basis for submission to the HBRC as set out in Attachment 2. It takes the approach that there are provisions that should be supported, but also provisions that Council holds concern about that require amendment if they are to enable the Council and community to better rise to the challenges of growing within the limits of the water resource. In summary the suggestions seek amendments to:

- Recognise the nature of urban growth demands and nature and frequency of changes are different to other sectors and therefore require different management tools.
- Recognise HPUDS as minimum demand for planning for municipal growth, but that changes are inevitable and need to be responded to positive.
- Acknowledge it is reasonable to reserve some unused allocation as a means of enabling for independent industrial/community growth and use of water on versatile soil and in addition to municipal growth.
- Greater clarity and flexibility around activity status for municipal takes
- Stronger commitment to investigate increasing or decreasing groundwater abstraction with mitigation to establish a sustainable equilibrium.
- Greater flexibility for transfers of allocated water as a means of enabling opportunity provided they do not result in an increase in water abstraction, including for and between municipal use.
- Provide for TAs to manage some allocations on a collective basis for urban activities not supplied from municipal as a means of enabling opportunity while managing water use.

- Greater clarity and flexibility in relation to stormwater performance.

7.0 PREFERRED OPTION AND REASONS

The preferred option is to adopt the recommended submissions outlined in Appendix A. Officers also recommend that Council endorse officers commencing work on a 50 year intergenerational water management strategy. The purpose of the strategy would be to facilitate economic and urban growth within acknowledged limits on the available fresh water resources.

8.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Principal Advisor: District Development titled "Greater Heretaunga Plains Freshwater Management - TANK Process and Draft Plan Change" dated 28/03/2019 be received.
- B) That pursuant to section 3 1) c) of the Resource Management Act Council authorise the Chief Executive to make comments to the Hawke's Bay Regional Council on its Draft Plan Change 9 to the Regional Resource Management Plan as set out in Appendix 2 to this report.
- C) That Council endorse officers commencing work on an intergeneration water strategy to help facilitate economic and urban growth within the limitations of current and future freshwater resources of the Heretaunga Plains.

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 performance of regulatory functions in a way that is most cost-effective for households and business by:

- I. Influencing the exercise of the HBRC's statutory functions under the Resource Management Act and the National Policy Statement on Freshwater Management as it affects this Council's interest as a stakeholder; and
- II. This includes the provision of good quality water and stormwater services, and the potential impacts the regulatory outcomes may have on the District's economic social and environmental wellbeing.

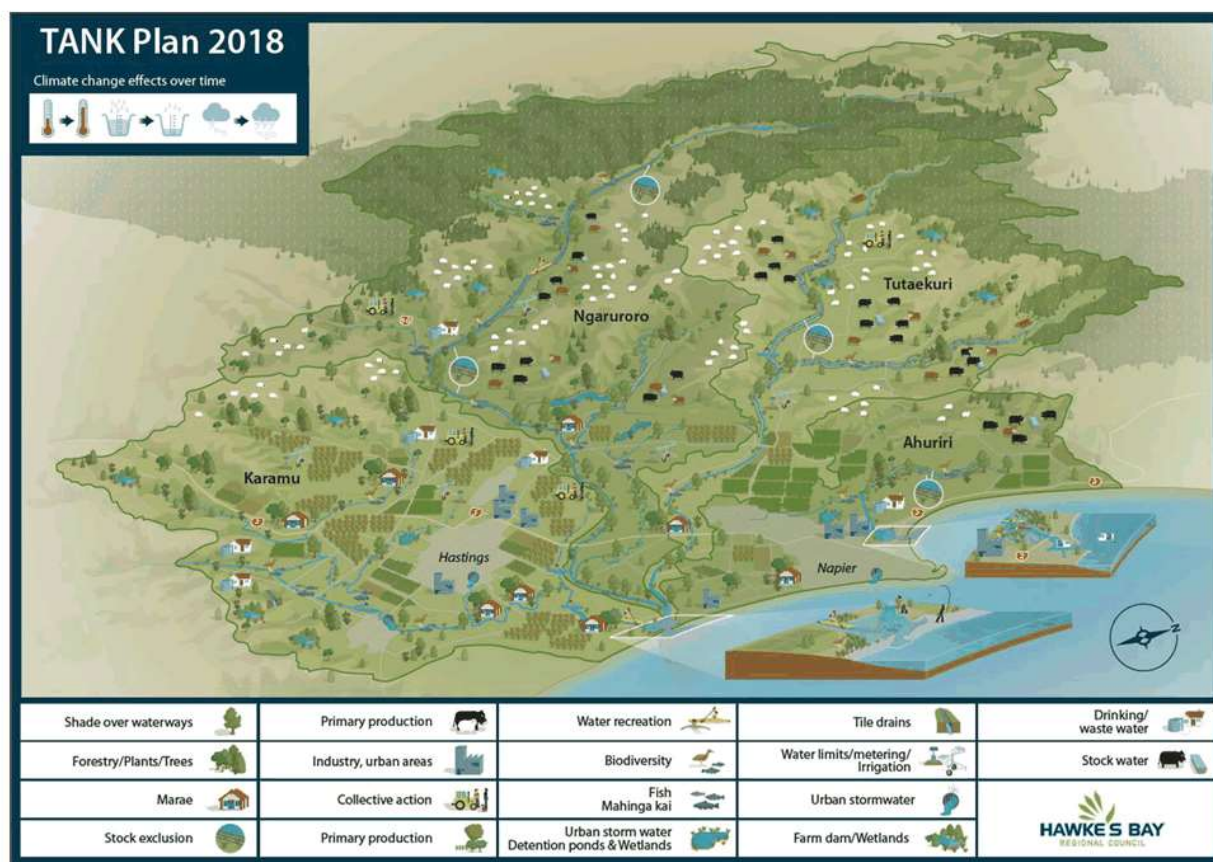
Attachments:

- | | | |
|---|--|------------------|
| 1 | Background Briefing Document for HDC Councillors TANK Regional Plan Change Greater Heretaunga Catchments | EXT-11-02-19-866 |
| 2 | HDC Comments on Draft TANK Plan Change | EXT-11-02-19-873 |

PROPOSED CHANGE 9 TO THE REGIONAL RESOURCE

MANAGMENT PLAN

HASTINGS DISTRICT COUNCIL OVERVIEW AND DISCUSSION



Economic Development and Organisational Improvement Group

February 2019

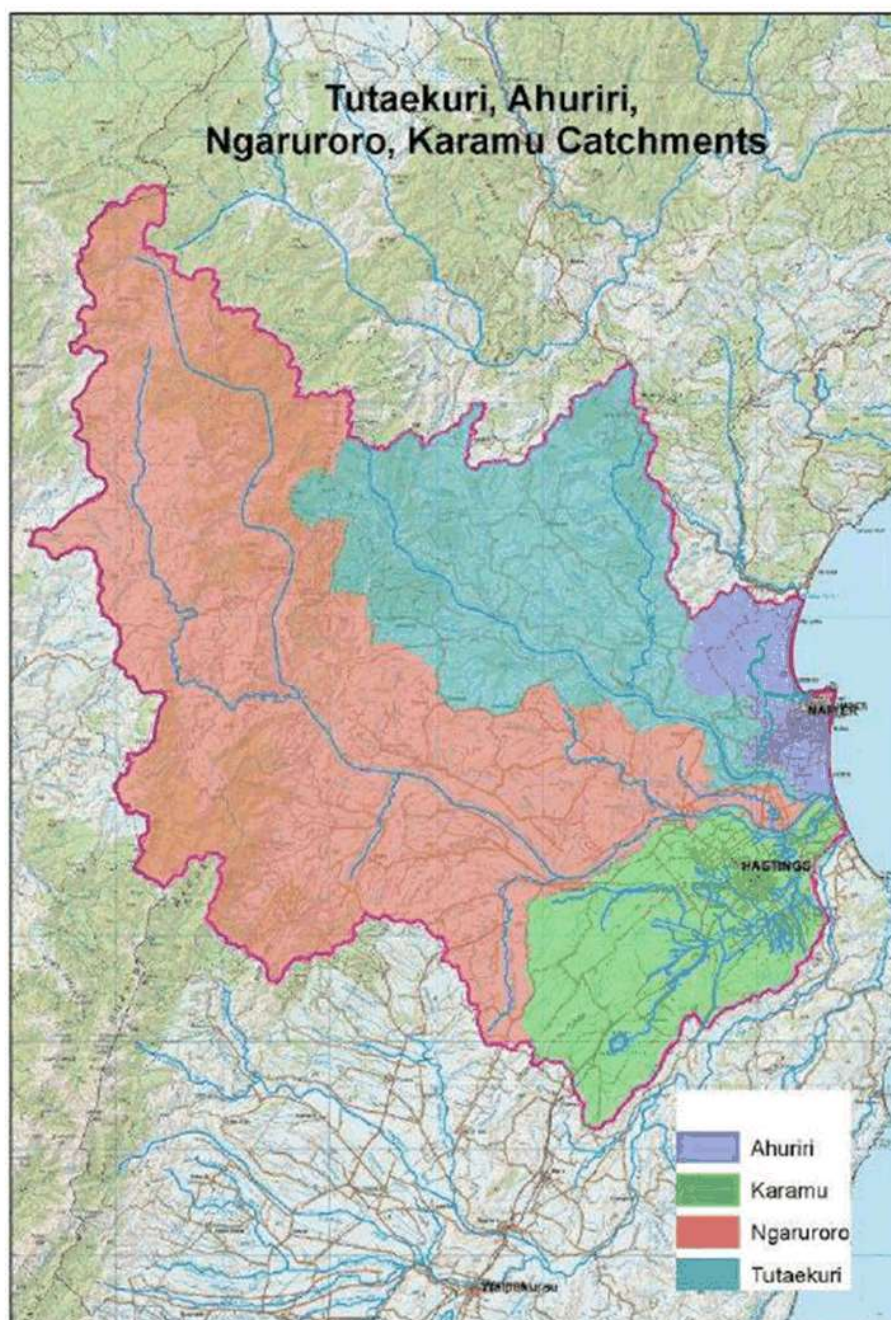
1.0 SUMMARY

- 1.1 The purpose of this document is to provide an overview and brief discussion on a proposed Draft Change to the Regional Resource Management Plan (RRMP), relating to land and water management in the Greater Heretaunga/Ahuriri Freshwater catchments. The Plan Change is required to implement the 2014 National Policy Statement to the Resource Management Act (RMA) for Freshwater Management (NPSFM).
- 1.2 Back in 2012, the Hawke's Bay Regional Council (HBRC) elected to use a collaborative stakeholder process (The TANK Group) to prepare a plan under the then 2011 version of the NPSFM, for the combined Tutaekuri, Ahuriri, Ngaruroro and Karamu (TANK) catchments. The role of the TANK Group was to provide the HBRC's Regional Planning Committee (RPC) with consensus recommendations regarding objectives, policies and methods, including rules, for a new chapter of the RRMP.
- 1.3 The RPC, which includes membership from both the elected regional Councillors and Representatives from the mandated Treaty Settlement Groups, has previously agreed to have particular regard to any TANK consensus outcomes. The RPC has now recommended a Proposed Plan Change to the Regional Council, which in turn will notify it, or modified version of it, under the RMA for formal submissions, appeals and eventual determination before becoming operative local regulation.
- 1.4 This report provides some background for Councillors and staff to build understanding ahead of any formal or informal inputs Council may wish to make on the Plan Change. Further reports and proposed submissions may be prepared for Council as the Proposed Plan Change proceeds and evolves through the RMA process. The RMA however provides that the HBVRC must first consult with Territorial Authorities and other statutory and iwi agencies before notification of a proposed plan change.

2.0 TANK PROCESS

- 2.1 The TANK Group's work was specifically aimed at meeting the requirements of the NPSFM. This work is largely the HBRC's responsibility with the primary policy instrument being the Regional Resource Management Plan (RRMP). The NPSFM requires regional councils to set freshwater objectives, water allocation limits and water quality targets for every water body in their region, including aquifers and wetlands in order to maintain and improve water quality.
- 2.2 In this case the Regional Council adopted a combined catchment approach to reflect the interconnectedness of the Heretaunga Plains aquifer and the surface water resources in these TANK catchments as shown in Figure 1 below.

Figure 1 TANK Catchments



- 2.3 A range of community held and ecosystem values rely on adequate water levels and flows to be maintained within water bodies. The community also values water for a range of abstractive uses such as domestic water supply, irrigation for a range of purposes including food and wine production; mahi mara, food processing, stock watering and municipal supply. For example, ninety percent of Hawke's bays horticulture and fruit and 40% of Hawke's bays sheep, beef, dairy and grain is farmed in these catchments and 85%

of Hawkes Bay people live, work and play within this catchment footprint, including 2 cities and 20 marae.

- 2.4 Ngati Kahungunu regard water as a Toanga with human consumption being the highest priority use flowing from this. This also aligns with Council's own philosophy, but access to water is also a critical component in realising the productive capacity of the versatile Heretaunga Plains soils for food and fibre production. The prosperity of the Region's rural and urban populations is dependent upon the land based primary industries and some significant processing industries rely on a secure supply of primary produce and access to reliable and clean water for processing. It is important therefore that the right balance between protection and use is found and agreed upon.
- 2.5 In view of this the HBRC elected to use a stakeholder based collaborative planning exercise to determine how water bodies within the TANK catchments should be managed to meet the diverse interests and needs of the community. The TANK group was established in 2012 and comprises over 30 groups and organisations representing a spectrum of water users, environmental interests, recreationalists and Tangata whenua/mana whenua groups. The process included Hastings District and Napier City Council officer participation. Independent industrial abstractors (i.e. not Municipal users were not specifically represented however)
- 2.6 To date Council has been represented by officers to ensure Council's roles and interests as a territorial authority as set out below are represented:
- Abstracting groundwater for municipal supply and discharging urban stormwater to freshwater receiving bodies
 - Having landuse planning responsibilities under the RMA that affects freshwater.
 - Advocating for district rural and urban dwellers economic and social wellbeing where this is dependent upon water quality and quantity.
- 2.7 The Draft is the result of forty two formal TANK Group meetings, numerous TANK small working sub-group meetings, the presentation and review of a multitude of scientific, cultural, economic and social reports, and an extraordinary depth of informal engagement between all TANK members and their respective constituencies.
- 2.8 Officers however, have not had a mandate to agree or disagree on consensus decisions and this was made clear from the outset to the other participants and is recorded in the terms of reference. They have however, been able to provide indication of possible council support or otherwise and to make suggestions, subject to Council agreement or otherwise at the end of the process.
- 2.9 Council has previously received reports on TANK progress, including one on Interim In-Principle Agreements in 2014. Council in endorsing the In Principal Agreements made the point that management interventions must be pragmatic and cost effective in proportion of the issue. Following that meeting Peter Kay, as Chairman on the Rural Community Board was co-

opted onto the TANK Group to improve representation for the Beef and Lamb based rural communities, in addition to federated farmers and other primary sector industries Groups.

- 2.10 From the Outset the TANK process has been aimed at achieving, if possible considerable consensus on how freshwater should be managed in the TANK catchments. The ability of parties to agree on common ground and to give and take a little to achieve balanced outcomes is key to good collaborative processes and achieving consensus outcomes. This does not mean compromising on key values and principles, but allowing for some movement that respects the interests and values of others that have been brought to the attention of the TANK Group. To a large degree that has occurred throughout the processes, but some significant areas of non-consensus remained, which will need to be resolved through the remaining parts of the process.

- 2.11 The process was hastened toward the end, by an application for a Water Conservation Order (WCO) for the Ngaruroro River. The Special Tribunal appointed by the Minister for the Environment to hear and determine the WCO, deferred temporarily the hearing on the lower reaches, in order to provide some time for the TANK process to conclude in order that any consensus' reached could be considered in their deliberations, but the opportunity for meaningful negotiation on some of the more difficult areas of difference effectively ran out.

3.0 DRAFT PLAN CHANGE 9 PROCESS

- 3.1 The TANK Collaborative process has drawn to a close and a Draft Plan Change was presented to the Regional Planning Committee of the HBRC on 15 August 2018.

- 3.2 The plan is required to give effect to national and community values for freshwater. Compulsory values set by the NPSFM are ecosystem health and human health for recreation, which an important direction to be borne in mind at every step in the process.

- 3.3 The NPSFM requires that regional councils set limits and targets, include measures that prevent or reduce over-allocation, both in relation to water quantity and the capacity of the environment to assimilate diffuse discharges from land use on water quality. Over-allocation means that the ecosystem needs of the water body are not being met and/or that abstractive users are subject to uncertain security of supply in the case of water quantity.

- 3.4 Once sustainable limits have been set to protect instream values, the plan must manage the allocation and re-allocation of the water available for abstraction and the application of nutrients to land in an equitable way among a wide range of water users. It should also enable users to manage use of allocable water in efficient and cost effective ways so that the allocation can generate the most benefit for the community.

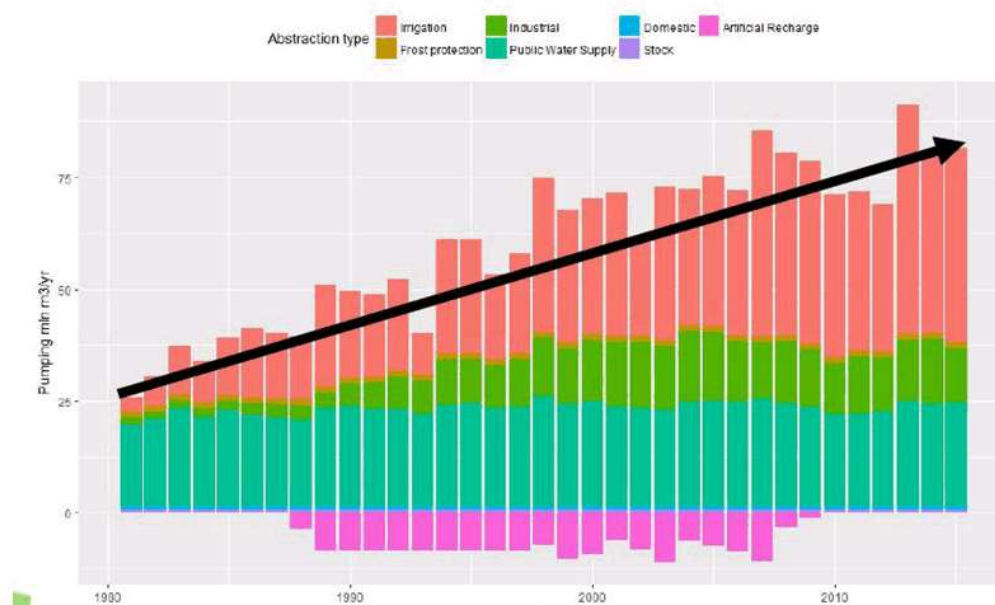
4.0 Water Quantity

- 4.1 Mauri and ecosystem health, as well as the range of community held values, rely on adequate water levels and flows to be maintained within water bodies. For some water bodies, flooding and drainage management activities as well as abstractive uses of water have resulted in adverse effects on aquatic ecosystems and instream values in the Heretaunga

- Plains. Surface water flows and water quality, especially in summer, are not sufficient on occasion to ensure ecosystem health.
- 4.2 While climate change may alter rainfall patterns there are no significant differences between historic data and climate change projections for total rainfall through the life of the Plan Change and the next iteration of it in ten years' time. The Ministry for the Environment's Climate Change prediction for New Zealand model predicts an increase in summer rainfall and a decrease in winter which could be beneficial for environmental flows.
- 4.3 There is however, still a need to establish flow management regimes and allocation limits to guide the abstraction of water so that appropriate levels of protection for mauri and ecosystem health are provided while acknowledging and providing for the practical needs of the community for water at reasonable reliability of supply.
- 4.4 As an Objective the Plan seeks to ensure water quality, water quantity and groundwater within the catchments connected to the Heretaunga aquifer enables:
- a) *the domestic water needs of people and communities and **provision for municipal use and;***
 - b) ***primary production** water needs and associated processing and*
 - c) *for other urban activities supporting community social and economic well-being;*
 - d) *groundwater levels to be sustained at a long term equilibrium*
 - e) *contribution to water flows and water quality in connected surface waterbodies.*
- 4.5 Subject to limits, targets and flow regimes established to meet the needs of the values for the water body, the Plan seeks to establish water quantity allocation management and processes for the remaining available water to ensure:
- a) *Water is available for the essential needs of people;*
 - b) *There is equitable allocation of the water between competing end uses including **priority allocation and reservation for domestic and municipal supply, and allocation for primary production especially on versatile soils, and for food processing, industrial and commercial end uses;***
 - c) ***Water is allocated for municipal and papakāinga water use so that existing and future demand as described in HPUDS (2017) can be met within limits to enable the community to provide for its economic, social and cultural well-being;***
 - d) *Water is available for abstraction at agreed reliability of supply standards;*
 - e) *Water use is efficient;*
 - f) *Allocation regimes are flexible and responsive, allowing water users to make efficient use of this finite resource;*
- 4.6 Council will have no particular concerns with these objectives. There has however, been significant growth in irrigation demand over the last decade as Figure 2 below shows and this was very peaked by season and by year

(droughts). This makes optimal water allocation to achieve these objectives very difficult.

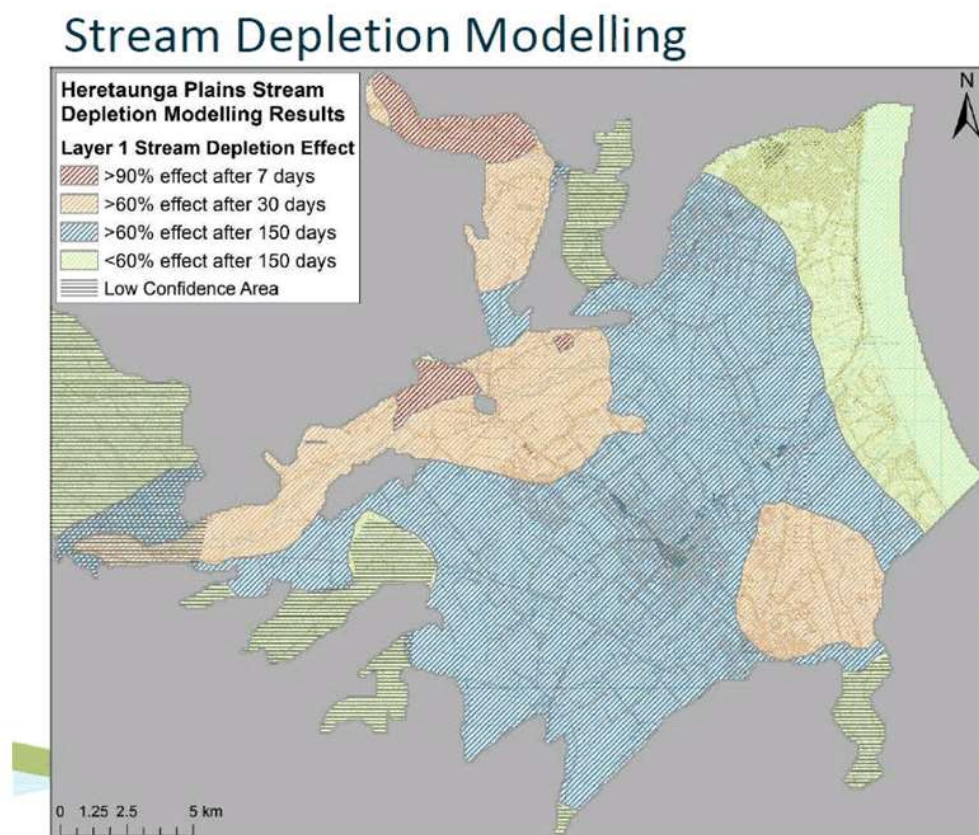
Figure 2 Heretaunga Aquifer Abstractions



4.7

The provisions of the Draft Plan in relation to water quantity are however, now based on a new comprehensive groundwater and surface water model to help do this more effectively. The model shows that groundwater and surface water are highly connected and transmissive across the Heretaunga Plains, with the aquifer described as a slowly affected bathtub. Stream depletion in lowland rivers and the Ngaruroro is the result of the cumulative impact from all groundwater takes, but the effects are quicker to be felt closer to the recharge point as shown in figure 3 below.

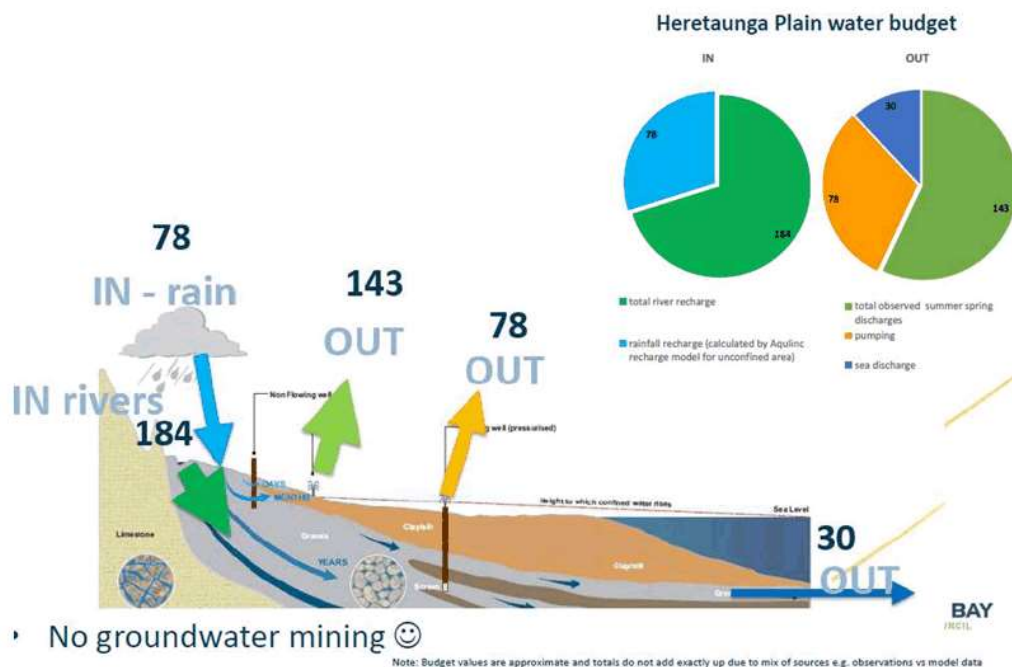
Figure 3 Stream Depletion Modelling Heretaunga Aquifer



- 4.8 While most takes have very small individual effect, the combined effect of all groundwater takes is significant. The model indicates that abstraction bans/reductions can have long lead times for the benefits to show in river flows. This means that ground water sourced irrigation bans during dry conditions when water is critical for crops, appears to have relatively little timely effects on increasing minimum flows in the river.
- 4.9 This in turn means that reducing total allocation year round and/or mitigating the stream depletion effects in dry summers, may be more effective than summer irrigation bans. This represents a big turnaround in the way the HBRC and wider community have understood and managed abstraction to date. Surface water takes and highly connected takes however, still have a direct and immediate effect on river flows and still need to cease when minimum environmental flows are reached.
- 4.10 In parts of the TANK catchments there is insufficient fresh water to meet all the demands placed on the resource. The health of lowland streams is poor especially in summer when surface water takes also kick in and there are also concerns about effects on groundwater levels, both long term and annually with increasing abstraction.
- 4.11 The model does confirm that despite significant increases in groundwater abstraction in the last 10 years, the aquifer is still being replenished with winter inflows as shown in figure 4 below.

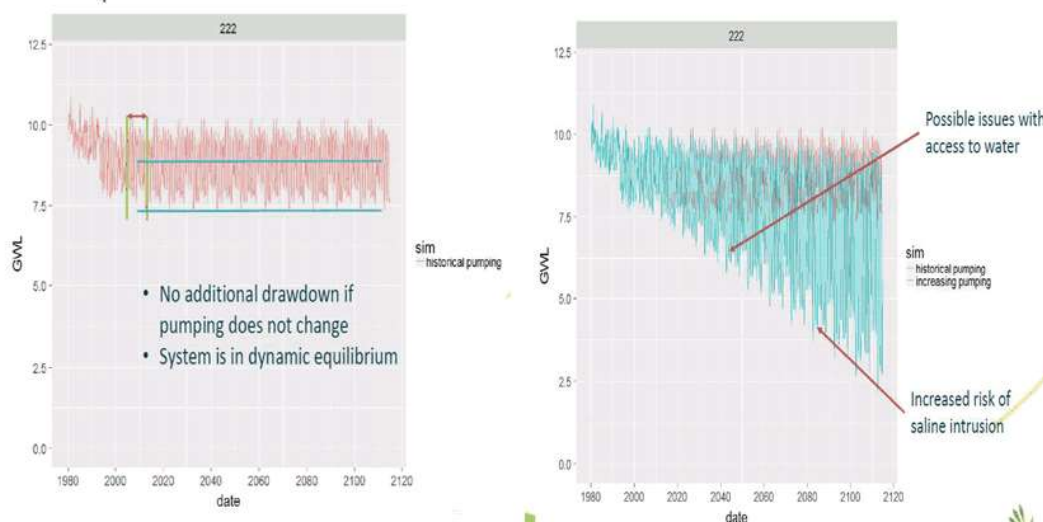
Figure 4 Heretaunga Aquifer Inflows and Out Flows

Water budget



- 4.12 Overall there is still plenty of water in the aquifer, i.e. we are not mining water, although there are potentially still issues with sustained further abstraction with stream flows, water tables closer to the recharge zone, springs at the edges of the aquifer, the age of the water associated with further abstraction and potentially (including with sea level rise) salt water intrusion. Concerns around increased abstraction on groundwater levels are shown in the figure 5 below.

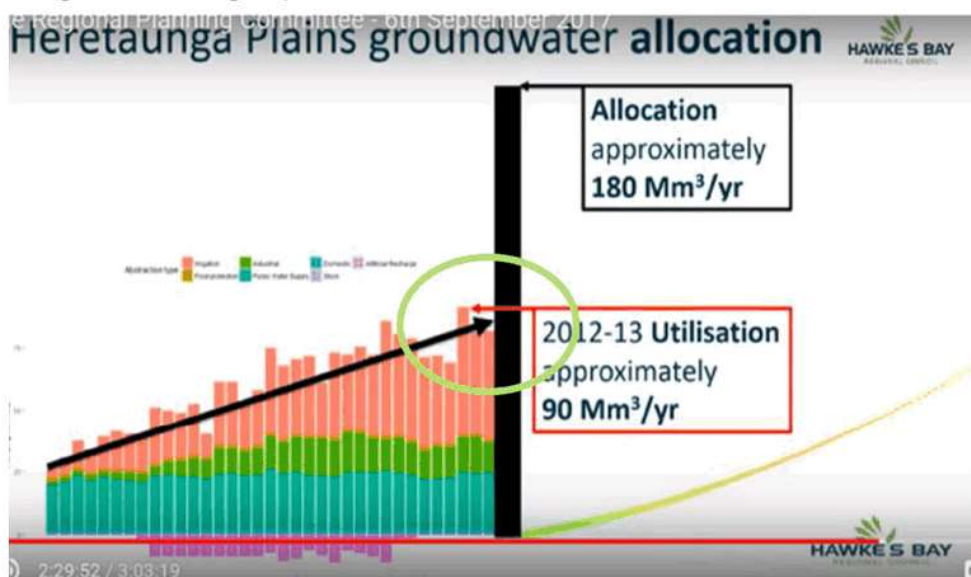
Figure 5 Groundwater Levels with Increasing Pumping



- 4.14 To mitigate the stream depletion effects and manage risks associated with reducing groundwater levels through more abstraction, the TANK Plan Change attempts to make existing water availability go further. It promotes good irrigation practices, global consents and staged reductions for water abstraction in order that effects on stream flows can be minimised with less effects on irrigators.
- 4.15 The TANK Group also looked to suppliers of municipal water for urban and industrial use to further explore water efficiency measures. In this regard Hastings District Council already has a Water Conservation and Demand Strategy, which is a condition of its current water take, but other measures are also being explored such as the use of timer based pop-up irrigation for parks.
- 4.16 The Plan notes that there may be opportunities for augmenting supplies in some areas such as aquifer recharge, domestic water supply reticulation, and off river harvesting and storage of water at times of high flow for use when flows are low. With the model now in place, it can be used to predict changes in the river and groundwater flows according to different management options, including possible augmentation.
- 4.17 One of the Plan Objectives therefore seeks to secure the current and foreseeable water needs of future generations and for mauri and ecosystem health through;
- water conservation, water use efficiency, and innovations in technology and management;*
 - flexible water allocation and management regimes;*
 - water reticulation;*
 - aquifer recharge and flow enhancement;*
 - water harvesting and storage.*

- 4.18 Item d) in this objective is not agreed with by some stakeholders including the Treaty Partners Group as they have some doubts about the benefits of such schemes on the rivers and streams and concerns about impacts on the groundwater levels.
- 4.19 The Plan policies recognise the actual and potential adverse effects of groundwater abstraction in the Heretaunga Plains Water Management Zone on;
- a) *Groundwater levels and aquifer depletion;*
 - b) *Flows in connected surface waterbodies;*
 - c) *Flows of the Ngaruroro River;*
 - d) *Groundwater quality through risks of sea water intrusion and water abstraction;*
- 4.20 The draft plan introduces the following management steps to avoid further adverse effects;
- a) *Adopt an interim groundwater allocation limit of 90 Mm³ per year;*
 - b) *Restrict new allocations of groundwater above water use levels covered by renewed consents in c) below:*
 - c) *To allocate water on the basis of actual and reasonable use for existing landuse and investment using and:*
 - d) *Allocate on the basis of annual water demand;*
 - e) *Taking into account of metered actual and reasonable use*
 - f) *Using a reliability standard that meets demand 95% of the time;*
- 4.21 At present approximately 180Mm³ is allocated for use. Not all of this is used yet it known that actual use is having effects on stream flows that requires mitigation. The Plan in the first instance attempts to prevent the situation becoming worse by removing the over-allocation above actual use. The 90 Mm³ in a) above represents the modelled actual use in 2013, being a dry year without irrigation bans. This provides a proxy for actual demand at 95 % supply reliability as shown in figure 6 below.

Figure 6 Heretaunga Aquifer Actual use Allocation



- 4.22 There is some non-consensus within landuser stakeholders concerned about the level of restrictions on new allocation. A complete prohibition is considered to be too strong by some stakeholders as it does not acknowledge the fact that there may be very justified reasons for someone seeking allocations that we cannot foresee at this point in time. Further the effect of the policy for re-allocation on the basis of existing land use/investment is not supported by all TANK members as it has adverse effects on landowners with low water use crops or no water permit, and this reduces land use flexibility with adverse effects on land value.
- 4.23 This re-allocation will take place either upon expiry of the consent, or in accordance with a review of all applicable permits within ten years of the Plan operative date, whichever is the sooner. **In the meantime there will be no further allocation of ground or surface water which is a significant impediment for individual farm or sector growth in the meantime with that being at least several years. This limitation also applies to industrial growth based on groundwater availability.**
- 4.24 The situation was summed up in the following HBRC press release:

Heretaunga Aquifer at its Limit

Hawke's Bay Regional Council Chairman Rex Graham says the latest advice shows the current annual volume of groundwater taken is considered to be at its maximum acceptable level and allocating further water appears to be no longer acceptable.

He says there is currently significantly more water allocated through existing resource consents than is typically used and so constraining

water takes to their current actual level of use will likely lead to a reduction in volumes consented to existing consent holders.

“What we are saying now is that the evidence demonstrates we should not allow increased volumes to be taken from groundwater, let alone issue new water consents from the Heretaunga Aquifer. Options may exist to free up some water for further allocation through greater water-use efficiency or through a storage scheme. There may also be scope to allocate more water in the future through augmenting stream flows from groundwater in a manner that reduces the overall environmental impact. All these options are being explored by the TANK Group.”

Mr Graham says further HBRC science advice provided to the TANK Group indicates that all groundwater takes from the Heretaunga Aquifer are ultimately connected to surface water flow. The effect of the takes vary with location, but over time all takes are estimated to have an effect on surface water flows.

“We are all in this together no matter where we are on the Heretaunga Plains.”

He says Council is satisfied that, at the current usage levels, the groundwater is not being used unsustainably as there is still considerably more water entering the aquifer every year providing spring flows and flowing out to sea than is taken for use. However, the current groundwater volumes abstracted over a year have a significant effect on the Ngaruroro River and spring-fed streams and a detrimental effect on in-stream ecology

HBRC Media Release 18 August 2017

- 4.25 The Plan however, acknowledges that even current actual use is having environmental effects on the Karamu Stream in particular and it therefore promotes a policy response that:

The Council will remedy or offset if remedying is not practicable, the stream depletion effects and effects on tikanga Māori of groundwater takes in the Heretaunga Plains Water Management Zone on the Karamu River and its tributaries by;

- a) developing stream flow and habitat enhancement schemes that;*
- b) improve stream flows in lowland rivers where groundwater abstraction is depleting stream flows and;*
- c) improve oxygen levels and reduce water temperatures;*

- 4.26 Stream flow enhancement is envisaged to be from deep groundwater recharge. Like the associated objective at paragraph 4.16 some stakeholders have concerns about stream flow enhancement using aquifer water. The policy also provides that responsibility for the cost of such schemes should fall equitably on consent holders based on the level of stream depletion their abstraction causes, while providing for exceptions for water used for essential human health (defined as 200 l/p/d).

- 4.27 After water has been re-allocated through consent renewals (or within 10 years) the Plan commits the HBRC to a review to determine the appropriateness of the allocation limit in relation to the freshwater objectives and develop a plan change to ensure any over-allocation is phased out. In the longer term sustainable allocation limit may be higher or lower than the interim limit of 90Mm3. A confirmed ground water limit will be informed by more water metre data, the re-allocation assessments of called in consents, ongoing model development and the success of any mitigation measures such as riparian management, lowland stream flow enhancement and any Ngaruroro storage and release options.
- 4.28 Market Economics and iPansophy assessed the impacts management scenarios that reduced allocations for groundwater takes and increased minimum flows for surface water abstractions from the Ngaruroro and Tūtaekurī Rivers.
- 4.29 The detail for the various scenarios was supplied by the Agfirst modelling for the farm scale impacts, while the wider economic model scenarios by Market Economics provided the comparisons between the base case (Scenario A) and the following changes;
- a) contaminant mitigation measures on pastoral land (discussed under Quality above)
 - b) Scenario B increasing the minimum flows for the Tūtaekurī and Ngaruroro Rivers.
 - c) Scenario C decreasing the security of supply for groundwater takes to a 9 in 10 year reliability (the minimum flows remained the same as for scenario B) and therefore reducing allocation below 90Mm3.
- 4.30 The significance of the economic impact, is in relation to the water management scenarios, rather than the management measures for improvement in water quality as a discussed earlier. These modelled economic impacts were generally accepted by the TANK members as being so significant (even devastating) for the wellbeing of the region that they would be out of proportion to environment benefits that could be achieved.
- 4.31 The Plan therefore maintains the existing minimum flow management regimes for the Ngaruroro, Tutaekuri and Karamu River and their tributaries for surface water and directly connected groundwater abstractions and therefore subject to periodic irrigation bans. The stream depletion effects of groundwater takes that **were not previously considered stream depleting**, can be offset in the same manner as other groundwater takes i.e. through stream flow enhancement or store and release schemes. The 95% security of supply is also retained. There is however, significant non-consensus around the minimum flow and allocation regime for the surface water bodies in the catchment, particularly the Ngaruroro and Tutaekuri rivers.
- 4.32 The cumulative effect of all groundwater takes in the Ngaruroro is still needs to be addressed however. In this respect storage and release options for the Ngaruroro are considered feasible. The plan therefore commits the HBRC to investigate the remedying of the stream depletion effects of maintaining or increasing groundwater takes in the Heretaunga Plains on the Ngaruroro River through:

- a) a water storage and release scheme to off-set the cumulative stream depletion effect of groundwater takes
 - b) if feasible, to develop options for funding, construction and operation of such a scheme including through a targeted rate and
 - c) if not, to review alternative methods and examine the costs and benefits of those.
- 4.33 Where, following the review referred to above water has been allocated in excess of the specified allocation limits the Council intends to phase out over-allocation by:
- a) preventing any new allocation of water
 - b) when reviewing consents, to;
 - (i) allocate water according to demonstrated actual and reasonable need and history of use within the 10 years prior
 - (ii) impose conditions that require efficiency gains to be made
 - (iii) limit consent durations to 15 years according to specified water management zone expiry dates.
 - (iv) provide for staged reductions in water take and application of minimum flow requirements
 - c) reducing the amount of water permitted to be taken without consent
 - d) encouraging voluntary reductions or promoting water augmentation/harvesting;
- 4.34 The Regional Council also commits, through the plan change, to carry out further investigations to understand the present and potential future regional water demand and supply, including for abstractive water uses and environmental enhancement and in relation to climate change.
- 4.35 The draft plan change therefore also recognises the beneficial effects of water storage and augmentation schemes. In addition to addressing the adverse effects of water allocation limits on land and water users, including security of supply in relation to primary production, these benefits include for the downstream water bodies themselves and aquatic organisms at times of low flows. However the construction of dams on the mainstem of the Ngaruroro, Tutaekuri, Taruarau, Omahaki, Mangatutu and Mangaone Rivers will be prohibited to protect the instream water values and uses.
- 4.36 The TANK group however, was not in unanimous agreement about how much amendment to the flow regime of a river should be provided for as a result of dams and takes to storage and what a high flow allocation limit should be limited to.
- 4.37 The level of change to what is known as the Fre3 statistic¹ is recognised as a measure for protecting natural river flushing functions. A 10% change is widely recognised as not adversely affecting river hydrology significantly. Some TANK Group members advocate that the full amount represented by the 10% Fre3 should be made available as it better provides for future water demand and is consistent with an appropriate threshold for protection of the

¹ Three times the median flow

river ecosystem. Others want to keep some of this back for improved flushing flows.

- 4.38 There was also non-consensus over a suggested requirement for any storage proposal to provide 10% of the storage volume for release for river flow enhancement for environmental purposes. On the other hand a policy was endorsed that the Plan will recognise the needs of Māori to access water for the development of Māori social, cultural and economic well-being and reserve 20% of the allocation from high flow abstraction for this end use.

- 4.39 Notwithstanding the policies relating to storage and augmentation, the expansion of irrigated land or new processing industries that rely on their own bores for process water is effectively frozen until the effects of abstraction are mitigated through reduced usage from re-allocation, more efficient use and/or flow enhancement schemes. This is a significant issue for economic development approaches based on further primary production and processing, unless they can be serviced through already limited municipal allocations (chlorinated and fluoridated water is in some cases not suitable for process water or as an ingredient in production).

- 4.40 Even if processing industries currently have sufficient allocation for growth, unless expansion occurs before expiry of their consents that surplus allocation will be lost. This could have effects on investment certainty and continued operation of some of the Districts bigger employers. This makes it particularly important that the pathway and timeframe for future allocation of water for growth is clear in the plan.

- 4.41 If the storage schemes envisaged do not come to fruition then future growth will be limited, or worse the remaining measures for dealing with over allocation will claw back water. This could potentially render some operations unviable, resulting in conversion to lower intensity crops and potential job losses across the regional economy.

5.0 Municipal Supply

- 5.1 There are also specific provisions relating to municipal use. The plan recognises the reasonably foreseeable needs for municipal supply for human health and community well-being as priority uses for water for allocation within allocation limits. The Draft Plan will reserve any water that becomes available for allocation or re-allocation for that use provided an application is made for this water within five years of it becoming available.

- 5.2 In addition when making water shortage directions (during extreme drought or other water emergency) the Plan provides for water uses in the following priority order;

- a) water for the maintenance of public health;
- b) water necessary for the maintenance of animal welfare
- c) essential community well-being and health.
- d) emergency water for surface water users in the Ngaruroro and Tutaekuri Rivers
- e) uses where water is subject to seasonal demand for primary production

- f) uses for which water is essential for the continued operation of a business, (except where water is subject to seasonal demand for primary production or processing)
- 5.3 In making decisions about resource consent applications for municipal supply for day to day use however, the Plan states that the water needs of future community growth will be met within available water supplies (*i.e. existing limits and consents*) and:
 - a) allocate water sufficient for population and urban development projections for the area according to estimates provided by the HPUDS (2017) to 2045
 - b) calculate water demand according to existing and likely residential, non-residential (schools, hospitals, commercial and industrial) demand within the expected reticulation areas and;
 - i. require water demand and supply management plans and adopt industry good practice targets for water infrastructure management and muse efficiency.
 - ii. seek that the potential effects of annual water volumes are reflected in level of water supply service and reliability of supply objectives in asset management plans and bylaws for water supply.
 - iii. identify communities at risk from water reliability or quality and investigate reticulation options with relevant TLAs, and to allow for transfer of water between community and municipal supplies to enable efficient delivery of water supplies.
- 5.4 While provisions that provide for priority for municipal use are supported it is noted that urban demand is increasing with urban growth. Unlike businesses, urban growth is a function of many individual decisions that are not able to be controlled by governments let alone local governments. Unmanaged/discouraged growth can have adverse effects on existing society e.g. housing affordability and business opportunities and profitability margins with flows into labour markets. For this reason the NPS on Urban Development Capacity requires Councils to make provision for housing and business land demand and for the infrastructure to support it.
- 5.5 These obligations extend to regional councils and their regional policy statements. Locally the Councils seek to manage growth and in particular is effects on natural and physical resources such and versatile soils and productive land and to a certain extent water use through HPUDS. HPUDS 2010 was reviewed in 2016 and adopted by the three Councils in 2017 and the HBRC is partner to it and incorporated its provisions incorporated into the regionally policy statement.
- 5.6 So the TANK Plan Change allows for some urban development, but this limited to that identified in HPUDS 2017. Originally the Draft Plan Change provided that the demand up to 2045 would be met by what is already allocated to local authorities in existing permits. While the latest Draft removes the limitation to existing consents the allocation needs to remain

within overall allocation limits and there is still an expectation that urban growth is to be supported through efficiency gains in municipal supply first and foremost and any additional allocation will be well tested in terms of need and alternative supplies such as storage.

5.7 The HDC consent was issued in 2010 based on HPUDS2010 projections, which are lower than the 2017 review projections. At that time Hastings gave back exiting substantial consented surplus capacity. The Napier consent on the other hand was granted in 2008 and still has surplus consented capacity well in excess of its projected needs under HPUDS growth scenarios. That consent does not expire until 2027.

5.8 The Plan is silent about how those permit allocations will be re-allocated between Napier and Hastings, or between current use and reserved for future use.

5.9 The assumption being made in the Plan Change at the moment however, is that with expected efficiency gains the current permit allocations for municipal supply will meet the foreseeable demand and that urban development beyond existing consents will need to be subject to alternative water supplies being available or new resources (such as through storage).

5.10 It should be noted that decisions about priority access to water, either within allocation limits or as it becomes available, is subject to non-consensus by grape growers and horticultural stakeholders in relation to provision of water for primary production on versatile soils and the potential opportunities to reduce the impact of the 'actual and reasonable' re-allocation regime. While officers have some sympathy for this view in the officers view this should not be at the expense of reasonable municipal use and reservation of water for urban growth, which should rightfully take priority.

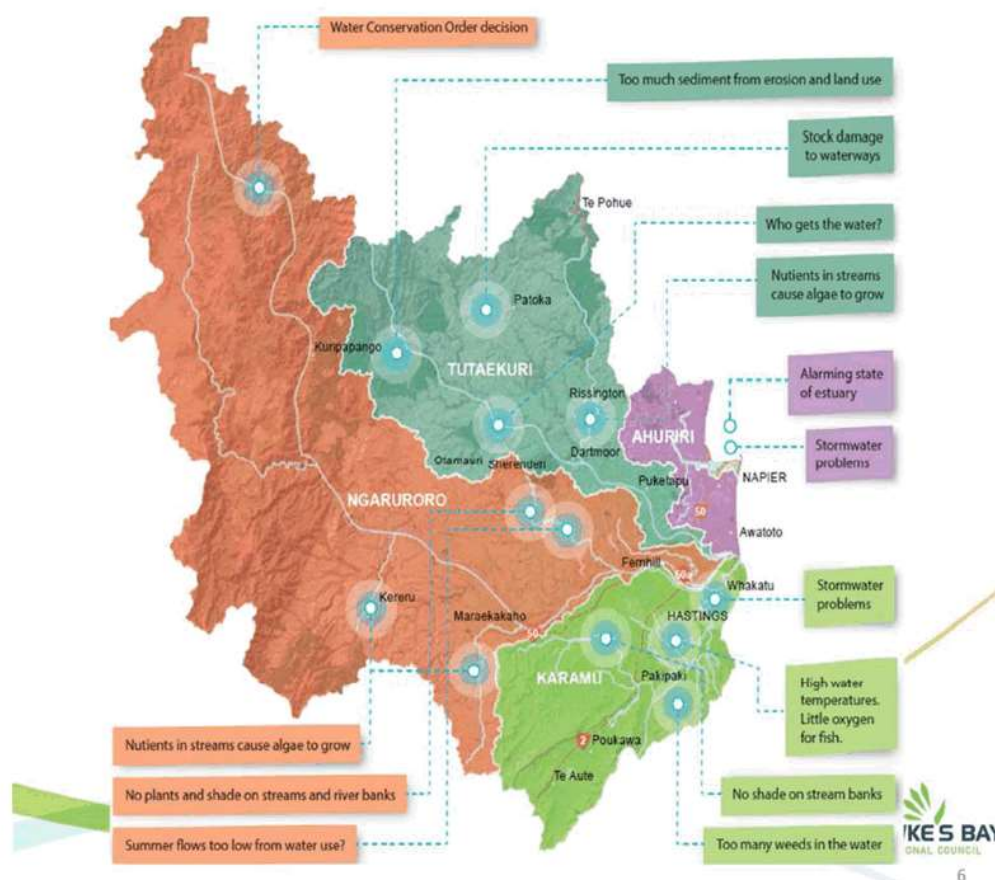
6.0 Water Quality Provisions

6.1 Research and monitoring indicates that with the exception of the Karamu/Clive river catchment, water quality within the TANK catchment's rivers and streams is relatively good, although some smaller tributaries do show signs of environmental stress. Table 1 below gives an overview of the current state of the rivers and streams in the catchment (Where A –Green is excellent and P – Brown- is poor), while the infographic in figure 7 that follows tries to summarise that spatially.

Table 1 TANK Catchments Water Quality States

Site name	E.coli	NO ₃	Amm-N	Chla	PeriWCD	MPH	DIN	TN	DRP	TP	Bdisk	Turbidity	MCI
Ngaruroro catchment													
Ngaruroro Rv at Kuripapango	A	A	A				A	A	A	A	B	B	E
*Taruarau Rv	A	A	A	A	A		A	A	A	A	B	A	E
Ngaruroro Rv at Whanawhana	A	A	A	B	B		A	A	A	A	C	B	G
*Poporangi Strm	A	A	A	B	B		D	D	F	C	C	C	G
Ngaruroro Rv U/S HB Dairies	A	A	A	C	A		A	A	A	A	C	B	G
Ngaruroro Rv D/S HB Dairies	A	A	A	B	A		A	A	A	B	D	C	G
*Maraekakaho Strm	A	B	A		P		C	D	F	C	C	B	G
Ngaruroro Rv at Ohiti	A	A	B	B			B	A	A	B	D	D	G
Waitio Strm	B	A	B	B	B		C	C	F	C	C	A	G-F
*Ohiwia Strm	C	A	A				D	D	F	F	C	B	F
Ngaruroro Rv at Fernhill	A	A	A	B	B		B	B	A	B	D	C	F
Ngaruroro Rv at Motorway	A	A	A	B	B		B	B	A	B	D	C	G-F
Tutaekuri-Waimate Strm	B	A	A				C	C	F	F	E	C	F
Ngaruroro Rv at Chesterhope NIWA	A	A	A				B	B		C	D	C	G
Tutaekuri catchment													
Tutaekuri Rv at Lawrence Hut	A	A	A	A	A		A	A	A	A	A	A	E
*Mangatutu Strm	A	A	A		D		C	C	F	B	D	B	G
Tutaekuri Rv U/S Mangaone Rv	A	A	B	B	A		B	B	D	B	D	B	G
Mangaone Rv at Rissington	A	A	A	B	A		C	C	F	C	C	A	G
*Mangaone Rv at Dartmoor	A	A	A				B	B	F	D	C	A	G
*Tutaekuri Rv at Puketapu	A	A	A	C	A		B	B	E	B	C	A	F
Tutaekuri Rv at Brookfields Br	A	A	A	D	A		B	B	E	B	C	B	F
Karamu and Ahuriri catchments													
Ruahapia Strm	C	A	B				D	D	F	F	E	C	P
Karewarewa Strm	C	C	C				E	F	F	F	D	C	P
Awanui Strm	B	B	B				E	F	F	F	D	B	P
Poukawa Strm	A	A	A				C	F	F	F	D	A	P
Herehere Strm	D	B	A				C	D	F	F	C	C	P
Mangarau Strm at Keirunga Rd	B	A	A	D			B	C	F	F	E	C	F
Mangarau Strm at Te Aute Rd	B	B	A	C			F	F	F	F	E	B	P
Clive Rv	B	B	A				D	D	F	F	D	B	P
Taipo Strm	C	A	C				D	E	F	F	F	D	P

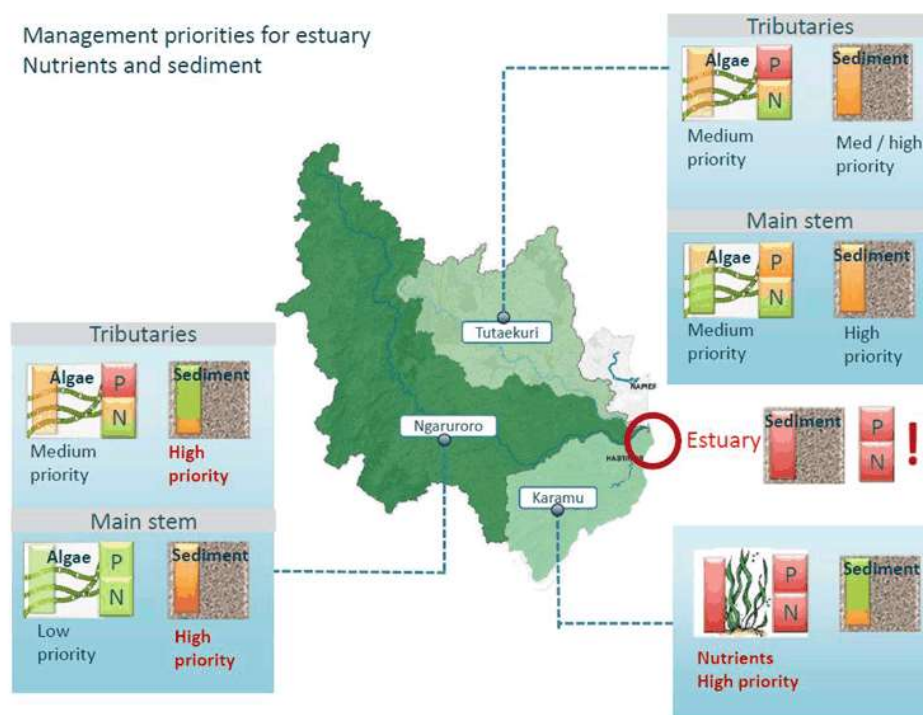
Figure 7 TANK Catchments Freshwater Quality Issues



- 6.2 One of the main areas of concern relates to the fact that sediment loads end up in the estuaries at the bottom of the river systems and the build-up of mud directly affects aquatic organisms and their habitat. The ecosystems changes result in a reduction in the presence of some plant and animal species. These potentially also affect marine ecosystems, as the Ahuriri estuary in particular provides a nursery and spawning habitat for some species of salt water fish.
- 6.3 Reduced water quality also arises through contamination from direct and non-point sources. Contaminants like metals and hydrocarbons are carried in stormwater systems that discharge to rivers and streams. Sediment inputs to freshwater from rural run off is linked to phosphorous and nutrients. These can arise from a range of productive land uses, both on the Plains and in the pastoral hill country, which can impact on algal and aquatic plant growth.
- 6.4 There was a reasonable degree of consensus with the landuse groups represented on TANK that improvements in water quality should be pursued provided that the benefits were proportionate to the environmental benefits attained and within the bounds of affordability. Of note is the Draft Plan's policy prioritising the protection of water quality for domestic and municipal water supply. The wider community is also likely to be supportive

of measures to maintain or improve recreational values (such as reduced periphyton growth). The TANK Group however, also recommended a priority approach to water quality improvement for ecosystem health as depicted in figure 8 below:

Figure 8 TANK Catchment Priorities



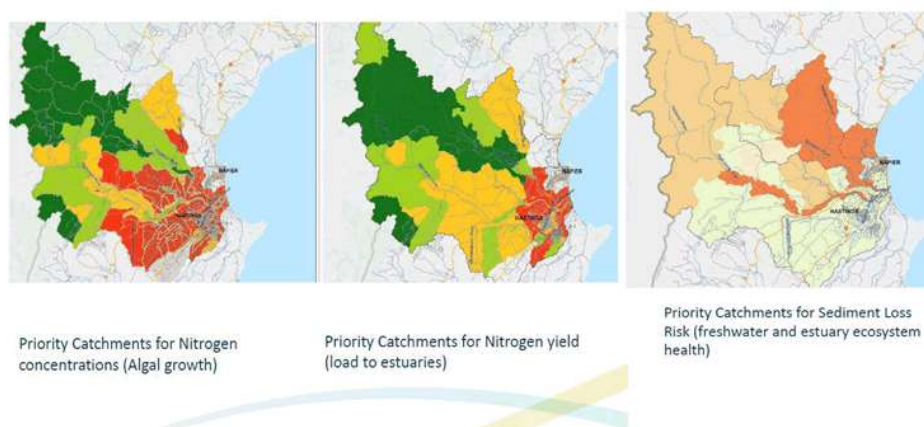
- 6.5 This involved setting thresholds in different catchment or sub-catchments for different priority stressors described in table 2 below:

Table 2 Priority Management Approach

Priority Stressors	Pathways
Sediment catchment yields – Modelled Load	Pathway for phosphorous and E. coli
Dissolved oxygen	Temperature (Macroinvertebrate Community Index measure)
Nutrients - Concentrations and Loads (modelled actual)	Loads to the estuaries Local algal growth risks in tributaries/mainstem contributions to
Stormwater	Karamu and Ahuriri Estuary
Source Protection Zones	Urban water quality management

- 6.6 The diagrams in figure 9 however, help to demonstrate that the contribution from any particular stressor (in this case just nitrogen) varies within and across catchments, so a one size fits all approach is unlikely to be effective, impose arbitrary standards where they are not needed, or result inefficient processes.

Figure 9 TANK Priority Contaminant Catchments



- 6.7 The TANK Group, having set an objective for reducing sediment loss as well as other contaminants such as nutrients, phosphorous and effluent leaching and run-off; therefore needed to tailor a management approach that recognised this spatial variation in cause and effect, to achieve the water quality targets in sub catchments referred to above. The Plan Change therefore adopts a three pronged approach as shown in the table 3 below.

Table 3 Three Pronged Management Regime

Management Approach	Aspects
Milestones where general outcomes can be identified	Riparian land management Wetlands
Farm Plans where the activity is site specific	Soil conservation and erosion control Nutrient management Critical source areas /Contaminant discharges Riparian planting/wetlands
Rules/performance standards where they can be sufficiently certain and clear	Stock exclusion (by 2023) Cultivation – slope, setbacks, riparian disturbance Landuse change – Resource Consent for N loss increases

- 6.8 To develop the approach Peter Kay facilitated a process with sheep and beef farmers to try and agree on the best package of mitigation measures to achieve the objectives, account for this spatial variation and minimise inefficiencies.
- 6.9 As a result the Draft Plan Change allows for the establishment of Catchment Collectives and global consents at the sub-catchment scale. These are intended to provide a comprehensive localised approach to local circumstances through promotion of industry good agricultural practice (industry standards for environmental performance, product quality assurance and health and safety compliance) sub-catchment environmental plans, monitoring and auditing of member activities in addition to the national stock exclusion regulations. This occurs however, in the overall framework for meeting water quality targets within the wider water quality zones. This approach can be summarised in the table 4 below.

Table 4 Sub-Catchment Approach

Approaches	Elements
Requirement	<p>Farm Environment Plan</p> <p>Catchment Collective</p> <p>Industry Programmes</p>
Water Quality Issues Targeted	<p>Contamination risks at the property scale identified,</p> <p>Mitigation measures identified</p> <p>Measures implemented</p>
Opportunities for collective or industry action	<p>Outcomes focussed – priority where objectives not being met</p> <p>Local responsibility for local issues</p> <p>Innovation encouraged</p> <p>Flexibility provided – mitigation across property boundaries</p> <p>Landowner support enabled</p> <p>Other issues can also be addressed</p>

- 6.10 Such catchment collective plans follow specified content, require Regional Council approval, specify reporting requirements and are subject to audit and review. Similar provisions are included for individual farm enterprises, not being part of a collective. These farms will be required to submit farm environmental plans based on nutrient budgets, and audited self-management, but are likely to be subject to greater regulatory scrutiny and auditing and therefore higher costs than would be the case with catchment collective, and the opportunities for collective or industry action to benefit the farm enterprise will likely be much reduced.
- 6.11 This lighter handed regulatory approach is incentivised by the Regional Council's Landcare programme, but a provision is included for future changes to introduce catchment nutrient load limits if the anticipated water quality improvement are not borne out through the monitoring programme.
- 6.12 This is one area of non-consensus with some stakeholders seeking that there is commitment to develop a property scale nutrient allocation regime sooner. It should be noted however, that inevitably retirement of some land and conversion to forestry will need to be part of the mix on a targeted basis. Moves by the government to incentivise this through it carbon zero programme should help.
- 6.13 The TANK Group also saw changing riparian land management as providing significant opportunities to improve ecosystem health and water quality, particularly in the lowland streams. The establishment of shading that reduces macrophyte growth, reduces temperature, protects banks from

erosion and provides a nutrient buffer for land use effects on water quality is therefore a significant aspect of the plan.

- 6.14 While this is an issue across the TANK catchments, it is a particular issue in the Karamu/Clive catchment where macrophyte growth is causing dissolved oxygen levels to fall below what is sustainable for fish and invertebrates. The plan provisions promote these activities as part of farm environmental management and the HBRC's last Long Term Plan substantially increased funding for financial support to make headway on this.
- 6.15 The costs of these provisions at a farm scale have been assessed and aggregated up to regional/national GDP. The economic modelling suggests the plan provisions and timescales around water quality management can be absorbed over time by the productive sector with modest impacts at a regional GDP level i.e. without widespread landuse changes to low intensity production, or attendant job losses at least at the farm scale.
- 6.16 The Plan Change however, recognises that in the Ahuriri and Waitangi Estuaries and the Karamu stream a range of measures are also required to better manage urban development and increased stormwater. A sub-group of TANK with the local authority asset managers included, put together provisions relating to urban stormwater to achieve improved quality and reduced quantity of peak stormwater flow from both municipal systems and individual industrial premises e.g. Whakatu and Pandora. These include resource consent requirements, performance standards and assessment criteria for:
- Municipal Stormwater Quality
 - Drainage Discharges,
 - Drinking Water Source Protection
- 6.17 Key components of the stormwater management regime focus on:
- New Infrastructure
 - Source Control
 - Dealing with the legacy
 - Consistency and collaboration between TLAs and the HBRC
- 6.18 The provisions promote an integrated catchment management approach at a site and network level. This includes provision for global consents for urban networks, requiring good industry practice and site management along with installation of stormwater control on sites where there is a risk of stormwater contamination due to the usage or storage of contaminants of concern.
- 6.19 They adopt a priority approach to managing stormwater contamination through resource consent and renewal conditions that prioritise and retrofit in a way that recognises affordability for ratepayers. Like farming operations commercial and industrial operations will be required to have site management plans with a priority approach on high risk activities or high risk locations and where there are retrofitting opportunities.
- 6.20 Council's current programme of continuous improvement and the approach to managing stormwater at source through its recent review of the Stormwater Bylaws should position Council well in this regard. These

require site specific stormwater management plans within industrial zones and high risk sites so that treatment occurs before stormwater is discharged in to the Council's network. This is also consistent with the approach also to the Joint Working Groups recommendations for source protection zones which cover most of the Hastings Commercial and Industrial Zones. The integrated catchment approach developed in the draft however, has definitive milestones and time bound outcomes that may put pressure on Council's resources.

- 6.21 In terms of stormwater quantity, a policy of increasing retention or detention of stormwater, while not creating flood hazards, and adopting a good practice approach to stormwater management, including adoption of Low Impact Design for stormwater systems where practicable, is also in line with this Council's approach. The policy structure is also supportive of creating wetlands as a means of treating stormwater, which may be an option for Council in the longer term to improve/meet quality standards.
- 6.22 A controlled activity status for new and existing municipal stormwater discharges is considered appropriate and the conditions standards and terms together with the matters for the exercise of the Regional Councils discretion in making decisions appears appropriate.
- 6.23 Finally, in terms of water quality, over-allocation of water may also reduce the resilience of the groundwater and surface system to some contaminants through reduced dilution, so there is a connection between the water quantity and water quality provisions. Similarly adopting flow management regimes in the Karamu in particular to remedy or mitigate the effects of surface and ground water abstraction will improve water quality through additional oxygenation and reduced temperatures as well as diluting nutrients and contaminants.

7.0 Conclusion

- 7.1 Plan Change 9 will be one of the most important documents affecting landuse and natural resource management in Hawke's Bay, on a par with the One Plan in the Manawatu Region. While it stops short of requiring a resource consent to farm, farming enterprises within the region will attract additional requirements and obligations with attendant costs. These are aimed at improving water quality in rivers and streams of the TANK catchments and the receiving estuaries through farm environmental plans aimed at controlling sediment and nutrient loads, as well as stock exclusions and riparian planning and management. These may result in the need to retire some marginal land, or conversion to forestry as either production land or as carbon sequestration in line with the government's transition to a low to zero carbon economy and 1 billion trees programme.
- 7.2 Through the TANK collaborative process, stakeholders have had significant input into the plan change as it stands. The process has produced provisions that encourage further collective approaches in the implementation to reduce overheads and improve effectiveness by comparison with individual farm scale approaches. The level of regulatory oversight is accordingly lighter handed than some other stakeholders would initially have advocated for, as so there is an element of faith that will need to be borne out by results if future reviews are to continue with such approaches.

- 7.3 In terms of the urban contribution to water quality, the obligations promoted under the plan for improved stormwater management appear to be in line with emerging community expectations and desires for environmental responsibility, but need to be tested against the bounds of practicality and affordability (particularly in terms of dealing with the legacy of 150 years of development).
- 7.4 This Council's concerns are likely to relate to the provisions of the plan concerning water quantity limits and allocation provisions, rather than quality concerns, both in terms of irrigation demand on the Heretaunga Plains and in terms of its own core responsibilities for municipal water supply. This where the major economic limitations are likely to bite, but with less certain and demonstrable benefits for instream fauna and flora given, our naturally occurring summer winter weather extremes.
- 7.5 The plan maintains the current minimum flow settings to buffer producers and processors (and therefore the rest of the regional economy) from potentially devastating effects. However the capping of allocation to existing use, clawing back over-allocation where that exists and offsetting stream **existing** depletion effects through storage and/or aquifer fed stream flow enhancement, will leave no room for growth or intensification of land based production and associated processing industries.
- 7.6 Allocation for municipal supply to deal with urban growth will also likely be limited, meaning this will not be a ready source of alternative water for industrial processing use in lieu of new bores, or increased takes from existing bores. Indeed, it appears at present that municipal needs associated with growth will also potentially need to be met through storage with potentially greater pragmatic and cost difficulties.
- 7.7 Until the re-allocation to existing use is completed and a review of sustainable allocation completed alongside feasibility studies for water storage and flow enhancement, there simply will not be any available water for intensification or new use. This presents a significant challenge for Council that will require a long term strategic response as well as some intermediate positioning and influencing around the plan change itself.

Context

The following is provided as part of consultation undertaken by the Hawkes Bay Regional Council (HBRC) with the Hastings District Council (HDC), as required under Schedule 1 Clause 3(1)(c) of the RMA, in preparing the Proposed TANK Plan Change (PC9) and provides feedback on Version 8.

From its inception HDC has been an active participant in the TANK process through its officers to ensure Council's roles and interests as a Territorial Authority as set out below are represented:

- Abstracting groundwater for municipal supply and discharging urban stormwater to freshwater receiving bodies,
- Having landuse planning responsibilities under the RMA that affects freshwater,
- Advocating for district rural and urban dwellers economic and social wellbeing where this is dependent upon water quality and quantity.

Version 8 of PC9 is the result of 42 formal TANK Group meetings, numerous TANK small working sub-group meetings, the presentation and review of a multitude of scientific, cultural, economic and social reports, and an extraordinary depth of informal engagement between all TANK members and their respective constituencies.

HDC Officers, however, have not had a mandate to agree or disagree on consensus decisions, and this was made clear from the outset to the other participants and is recorded in the terms of reference. They have however, been able to provide indication of possible council support or otherwise and to make suggestions, subject to Council agreement or otherwise at the end of the process. The Draft Plan Change has however now been the subject of two Councillor Workshops and a formal Council report and the following comments on the Draft were sanctioned by the Council at its meeting on 28th March 2019.

HDC has considered the following in providing feedback on Version 8 of PC9:

1. The policy direction and outcomes sought for Plains Production Zone and Industrial Zones in the Hastings District Plan,
2. Its role as a drinking water supplier,
3. Its role in the economic development of the Hastings District,
4. Its role as a Consent Holder of water take and discharge permits,
5. Its role in working with the Napier City Council and the Hawke's Bay Regional Council,
6. Development of its Water Strategy.

Key aspects of these individual matters are outlined below. It is also important to state that at this time, and on a without prejudiced basis, that HDC has not considered, nor does it hold any position with respect to, the science behind how the water quality objectives in Schedule 1 and 2 or the allocation frameworks in Schedule 6 have been determined.

The policy direction and outcomes of the Hastings District Plan

The Plains Environment is central to the economic and social wellbeing of Hastings and the wider Hawke's Bay community. It includes the Heretaunga Plains that surround the Hastings urban area, the Poukawa Basin as well as the fertile river valleys of the Tutaekuri and Ngaruroro Rivers. These plains and river valleys are the much valued growing and cropping area of the District and are the areas upon which the reputation of Hawke's Bay as a centre for horticulture and viticulture excellence has been built.

The Plains environment has a large component of versatile land, and the soils that characterise this versatile land resource are nationally significant and provide maximum flexibility in terms of the type of crops that can be grown. Their flexibility has also been identified as a key factor in the ability for the land based primary production industry to be able to respond rapidly to changing technologies or crops types demanded in the future. In other words, retention of the versatile soils will assist in 'future proofing' the horticulture industry.

The value of this versatile land to the local economy is well proven, and the community has signalled that the protection of this land is of paramount importance. Its value to the region is recognised in the Regional Policy Statement, and through the process of drafting the Heretaunga Plains Urban Development Strategy, there was significant support for preserving it for productive purposes.

The provisions of the Hastings District Plan, including the regulatory rule framework around how land may be used reflect this. The availability of water for irrigation is hugely influential on the ability of the land to be used for productive purposes, and therefore the successful and anticipated implementation of the District Plan.

It is a similar situation with Industrial zoned land. HDC has completed complex and costly Plan Change processes and infrastructure projects to release and service land for industrial purposes. As noted below, a significant portion of industrial land use is complementary and a necessary support to the productive land uses on the versatile soils. The ability of this land to be used for industrial purposes therefore needs to be preserved so as to again, enable the successful and anticipated implementation of the District Plan.

Role as a drinking water supplier

Hastings District Council is a network water supplier, providing water for drinking water, community and municipal uses to over 65,000 people throughout the District. It has obligations under the Public Health Act to ensure a safe and adequate supply of water, as well as obligations under the Local Government Act to provide good quality, efficient infrastructure that is appropriate to present and anticipated future circumstances. Of particular relevance to the TANK Plan Change is the Council's duty under section 68U of the Public Health Act to "take reasonable steps to contribute to protection of source of drinking water".

Hastings District Council, via its role in the Joint Working Group (JWG) on Drinking Water Safety has promoted the spatial definition of Source Protection Zones in to the Regional Plan, as well as the associated suite of provisions included in the draft TANK Plan Change.

Role in the economic development of the Hastings district

Hawke's Bay is a primary production based economy that manufactures high quality products to deliver to overseas markets, while Hastings is recognized as the industrial heart of the Hawkes Bay region. Predominating industries in Hastings are linked to the strong fertile soils of the Heretaunga Plains, such as processing primary produce, manufacturing and engineering for the agri/hort sector.

The primary and manufacturing sectors in particular rely on water as a key input in the growing and processing of the quality produce and these activities deliver value and jobs to the Hawke's Bay region.

Agriculture, Forestry and Fishing provided 12.1% of the Hawke's Bay Gross Domestic Product (GDP) of \$752million in 2018 and 11,415 jobs in 2018.

Manufacturing the primary produce has contributed to over 13% of the Hawke's Bay GDP (\$1,559million) in 2018.

Access to available water delivers jobs to 28,457 people in Hawke's Bay, 27% of all employment in Hawke's Bay.

The productive horticultural land in Hawke's Bay is 20,750 hectares and 265 hectares of industrial zone land in Hastings District combined with water are directly delivering 28,457 jobs for Hawke's Bay people.

Growth in Industrial processing in Hawke's Bay has resulted in the issue of \$151 million of non-residential building consents in 2018 which is an increase of 23% over the year to December 2018.

With Hawkes Bay being resourced and promoted to handle new businesses, the Hastings District Council has recently rezoned 175 ha of land at Omaha Road and Irongate in addition to approximately 30 ha of vacant land at Whakatu with a further 50 at Tomaona planned, to meet industrial demand and new business attraction which is considered sufficient for the foreseeable future.

These three areas are designed to provide a spectrum of sites to meet different business needs. Whakatu and Tomaona seek to cater for larger wet industries that can capitalise on spare capacity in the trade waste system and proximity to the waste water treatment plant. Larger "dry sites" requiring good access to the arterial road network are provided for at Irongate and suit rural support, timber processing, logistics and warehousing/storage, while smaller higher profile service industries are suited to the Omaha Road corridor.

Many millions dollars of public investment in services has been made to make this land available to business in order to create employment and prosperity for the community, including the \$20M Te Ara Kahikatea Whakatu Arterial Link. It is important therefore that the industries seeking to relocate those from outside the region to these areas, and those from within the region to expand, have access to sufficient water to meet their needs on an efficient and sustainable basis.

In this respect it should be borne in mind that comparatively small water resources can result in substantial benefits for the region's economy by comparison with many rural land based resources, and often form part of the rural to export value chain that contributes to the versatile nature of the regions soil resources.

Role as a consent holder

HDC is a consent holder of various water permits to take and use water for various purposes, as well as various discharge permits to discharge stormwater.

A relevant factor is that there are instances where third parties hold their own discharge permits authorized by HBRC to discharge stormwater into water or onto land in locations that are either within or influence the stormwater network areas that HDC's stormwater discharge permits apply too, meaning there is residual risk of third parties influencing the ability of HDC to meet the conditions of its stormwater discharge permits and the overall ability of HDC to manage stormwater.

Role in working with the Napier City Council and the Hawkes Bay Regional Council

HDC seeks to work proactivity and collaboratively with the Napier City Council and the Hawkes Bay Regional Council.

Water strategy

HDC recognises that new challenges around water are major shifts that cannot be satisfactorily addressed through a modified business as a usual approach.

It recognises that not only do we need to change how we view and use water resources, we also need to review what represents desirable economic development growth when it involves the use of scarce resources such as water and versatile soils of the Heretaunga Plains.

Council intends to take a longer term strategic approach that works within the limitations of the current water resources, and to facilitate growth through investment in innovative approaches to excellence in water management and changing community awareness and behaviour.

Council is therefore preparing a 50 year intergenerational Water Strategy that is underpinned by the following high level (but still draft) principles:

- **Kaitiakitanga – Intergenerational** - sustainable growth through excellent leadership and guardianship - providing enough for now while creating room for the future. Smart growth, innovation and water excellence to facilitate population growth and prosperity.
- **Toitū te Taiao – Sustainable** – economic objectives and environmental outcomes are complimentary - economy within sustainable environmental limits and approaches, rather than holding to current levels. People/ animals/environment share impacts and benefits of life-giving waters.
- **Te Ararau – Adaptable** - resilience, multiple pathways – flexibility within parameters to change and evolve to new opportunities beyond our current practice. Potential infrastructural investment in sustainable resource use to meet growth objectives.
- **Oranga Hapori – Societal** - community wellbeing – HDC takes a lead role in working with others, taking our people with us, whilst recognising different perspectives to improve water availability for our community.
- **Mana Taurite – Equitable** -accessibility, affordability and equity for our community as a basic right embodying needs before wants, fairness for all, cultural recognition & redress

PC9 will be a relevant factor in how this is developed and implemented, but against that backdrop HDC considers there are provisions in Version 8 of PC9 that should be supported, but also provisions that HDC holds concern about that require amendment if they are to enable the Council and community to better rise to the challenges of growing within the limits of the water resource. Specifically, HDC is looking for changes to PC9 that will better enable the Council to transition the community to a more water efficient future, while avoiding damage and lost opportunities that can come from too sharp a switch in direction.

Feedback on Plan Change 9 (Version 8)

Our understanding of key provisions of interest together with an outline of any areas of concern/support and the nature of relief sought at this time is outlined in the following Table. Key points can be summarized as follows:

General Matters:

- Overall Clarity: The Plan Change would benefit from improved clarity throughout the objective and policy wording to ensure that there is commonality of interpretation and to give the Plan Change the greatest opportunity for effective and efficient implementation. Clarification of Hierarchical or Non-Hierarchical nature of objectives and policies. Several objectives and policies have a list of criteria and there is no clarity as to whether or not these are hierarchical. If objectives and policies are non-hierarchical, this should be stated to avoid mis-interpretation. If a hierarchical order is intended, Council seeks that the order be revised, for example, the positioning of "protection of water quality for domestic and municipal water supply" as the last item in Policy 1 would need to be resolved.
- Clarity of role of HBRC: Implementation of the Plan Change would be more effective if there was clarity as to when the Council is acting in a non-regulatory role and when it is acting as regulatory authority. This could be achieved by adopting phrasing similar to the parent plan (the RRMP) which distinguishes between "the Council" and "the Consent Authority" in its provisions.

- It is assumed that consistency of wording will also be achieved prior to notification. For example, the majority of document refers to "allocation limits" except in one location where the phrase "permissible limit" is used. It is unclear if these are the same limits and, if not, there is not definition of permissible limit?
- There is a distinct silence on and acknowledgment that flexible management initiatives and initiatives such as augmentation and schemes involving the release of water storage have the potential to allow a higher consented volume of water than the allocation limits while not compromising the outcomes sought by the allocation limits. It is suggested that reference to such initiatives that allow a higher consented volume of water than the allocation limits be referred to as 'Supplementary Allocation Regimes' throughout PC9 and that a definition for this term is drafted. Reference to water being allocated *within limits* should be expanded to include under *Supplementary Allocation Regimes* i.e. *within limits and under Supplementary Allocation Regimes*.
- A definition should be included for municipal takes i.e. where the Territorial Authority is a consent holder.

Specific Themes:

- Hastings District Council, via the JWG has promoted the spatial definition of Source Protection Zones in to the Regional Plan, as well as the associated suite of provisions included in the draft TANK Plan Change. Those provisions will enable the District Council to have a greater level of understanding as to activities in the SPZs that have the potential to impact on the safety of drinking water; to monitor changes in land use within the SPZs; and will provide a similar level of regulatory protection of drinking water sources to that currently afforded to other vulnerable and sensitive waterbodies such as the unconfined aquifers.
- The District Council is aware that it will need to be actively involved in supporting applicants and productive land users to understand how their activities may impact on source water and will need to work collaboratively with Regional Council to achieve effective implementation of the SPZ provisions. The District Council has, and will continue to, invest in appropriate research and resourcing in this regard.
- The District Council therefore supports the provisions relating to the protection of source water for drinking water in the Draft TANK Plan Change, with some minor amendments to ensure that they reflect the recommendations of the JWG. The Council will actively support these provisions through the Plan Change process and the implementation phase.

Stormwater

- The District Council has been actively involved in the development of the stormwater provisions via the Stormwater Working Group. The Council supports the direction towards alignment between District, City and Regional Councils to achieve integrated management for stormwater management. In particular, the Integrated Catchment Management Approach and work to align policies, standards and bylaws to achieve water quality objectives is supported. The Council considers that some refinement of the policies (particularly with respect to timeframes for implementation) and rules is necessary to achieve a practical sequence of work through the alignment to implementation phases.
- An additional policy directive for the District, City and Regional Councils to confirm roles and responsibilities, particularly with respect to defining receiving environments and for managing land uses which may impact indirectly on stormwater services (eg via overland flow), is recommended to ensure that integrated management can be achieved.
- Further refinement of the risk matrix for industrial and trade premises is required to appropriately define low, medium and high risk sites. In addition, confirmation of the rule status for medium risk sites is required.

Water Allocation

- There are various tools to provide for existing and new municipal and irrigation takes, and for existing non-irrigation takes, however there is no clear pathway or provision for new non-

irrigation takes i.e. industrial and commercial takes. This needs to be resolved so as to provide for the economic and social wellbeing of the Hastings District.

- Broader matters beyond current use need to be considered during replacement processes for non-irrigation takes i.e. industrial and commercial takes. These assessments should provide for the consideration of growth planned at time of the original consent so as to not undermine previous decisions and efforts in relation to economic development and to avoid potential implications on the social wellbeing of the Hastings District.
- Projects investing flexible management initiatives and initiatives such as augmentation and global consents need to occur ahead of replacement processes so that solutions are in place at the time of reassessment.
- Need to recognise that the nature of urban growth demands, and the frequency of changes are different to other sectors and that water takes for municipal and industrial purposes therefore require different management tools.
- Need to acknowledge that in addition to reserving unallocated water for municipal purposes, that it is reasonable to reserve some unused allocation as a means of enabling independent industrial/community growth and use of water on versatile soil to as to support District Plan outcomes.
- Need to recognise HPUDS as providing guidance around minimum demands when planning for municipal growth, but that changes are inevitable and should not be considered in a negative manner.
- There needs to be greater clarity around the activity status for municipal takes. Municipal takes should not fall to a Non-Complying Activity status.
- There needs to be strong commitment to investigating increasing or decreasing groundwater abstraction with mitigation to establish a sustainable equilibrium, rather than simply maintaining current groundwater levels for their own sake.
- There needs to be greater flexibility for transfers of water as a means of enabling opportunity, including for and between municipal use.
- Transfers are often a mechanism to establish flexible management initiatives. The rule framework needs to avoid inadvertently comprising the establishment of these.
- Provide for TAs to manage some allocations on a collective basis for urban activities not supplied from municipal as a means of enabling opportunity while managing water use.

Further analysis and suggestions where appropriate are provided in the Table below.

Summary

HDC supports the HBRC's and the TANK Group's objective to improve water quality in the Greater Heretaunga Freshwater catchments and to manage allocation of water to achieve those objectives in a way that provides for community values.

HDC does however, have some concerns with the Draft Plan Change as it stands at the moment. It has some suggested improvements aimed at better enabling the community to transition to a new future around water use, while providing for growth and enhancement in community wellbeing and prosperity. HDC wishes to continue working in a collaborative fashion on these issues and therefore requests the opportunity to meet with appropriate staff (and others as desired) to discuss these ideas further.

Table 1 --: Detailed Feedback on Specific Provisions

Matter	Understanding	Reason	Request/Suggestion/Relief Sought
STORMWATER			
Stormwater Management Policies: New Urban Infrastructure		Overall, it is considered that the intent and likely approach of the provisions is supported by HDC – approach is for integrated catchment, and to make sure there is alignment as to process and management. HDC is well positioned through its existing consent to meet the requirements. A key issue is ensuring clarity as to responsibilities for managing – for example, there are concerns were Regional Council may approve land discharge consents within the urban boundary without input from HDC: HDC then de facto is required to manage any overland flows / overflows. Another issue is the sequencing / timeline in the policy provisions which appears to require improvements first, followed by alignment of policies and plans, and lastly adopting an integrated catchment management approach. This sequencing should be reversed.	
Pol 26 – Reducing effects of new urban development & infrastructure	<p>Intent is to achieve an integrated approach to manage effects of new urban development (including infill) including through:</p> <ul style="list-style-type: none"> Integrated catchment approach by Jan 2025 Good practice including Low Impact Design Amending District Plans, Standards, Codes of Practice to set infrastructure design standards that will achieve TANK freshwater objectives by Jan 2025 Making advice about good management options publicly available by Jan 2023 <p>Encourage (Education, public awareness) greater uptake and installation of measures that reduce risk of stormwater contaminants</p>	<p>Intent is supported, but there are concerns over wording & appropriateness.</p> <ul style="list-style-type: none"> Effects of “new” infrastructure to be progressively reduced. If new, then no existing effects so cannot reduce. Presume meaning is that new infrastructure will be provided for while reducing effects of stormwater system as a whole. Direction to amend District Plans is inappropriate and potentially ultra vires. TANK Plan Change is a Regional Plan and cannot direct a District Plan amendment. Regional Council can only do so via a RPS. [District Plan cannot be inconsistent with Regional Plan]. This notwithstanding, the approach of achieving alignment is supported. 	<ul style="list-style-type: none"> Suggest this policy should apply to both new and existing Redrafting to clarify intent Add two initial clauses above (a): <ol style="list-style-type: none"> to determine which authority manages/administers the different receiving environments/ parts of catchments etc to develop a consistent approach around good management practices and outcomes (this could involve rewording and shifting (c) such that each authority is operating under the same approach (link to Policy 31)). Remove direction to amend District Plan and / or amend timeframe Clarify that design standards can only contribute to the achievement of objectives. Insert a final clause to ‘develop an approach to achieve Policy 29’ Amend the timeframe in (a) to 2021 to be completed prior to the expiry of existing consents and to provide a logical sequence of actions over time.

Matter	Understanding	Reason	Request/Suggestion/Relief Sought
Pol 27 – Decision making on new urban development	<p>The policy directs HBRC, NCC and HDC to reduce or remedy effects of stormwater quantity and quality on ecosystems and community wellbeing <u>when making decisions about new urban development and associated infrastructure</u> at site and network scale (From Jan 2020). Effects to be reduced or remedied by:</p> <ul style="list-style-type: none"> - Specifying design standards to achieve freshwater objectives through consent conditions - Requiring connection to reticulated stormwater (where available) - Requiring increased retention - Taking into account site specific constraints - Collaborative approach of HBRC, NCC, HDC in managing urban growth <p>Taking in to account climate change</p>	<p>Unclear what "decisions" this policy is referring to (District Plan zoning? Subdivision / infill consents? Infrastructure planning and funding decisions? Stormwater discharge consents?). As part of Regional Plan, it is assumed that this relates to resource consent decisions, otherwise policy would be better placed in RPS.</p> <p>This policy is prescriptive as to solutions which are to be implemented. Such solutions may not be most appropriate depending on outcomes of Policy 26 and the integrated catchment approach. Policy 27 also requires effects to be reduced by January 2020 which is prior to the adoption of the integrated catchment approach.</p> <p>If Policy 26 is amended to address matters above, Policy 27 largely becomes repetitive / redundant</p>	<ul style="list-style-type: none"> - Remove Policy 27 given that matters are covered elsewhere in policy or are prescriptive and not appropriate for policy.
Pol 28 – Source Control	<p>From Jan 2023 local authorities will reduce stormwater contaminants by</p> <ul style="list-style-type: none"> - Specifying design and installation requirements for high risk sites - Require implementation of good site management practice on all sites where there is a risk of stormwater contamination - Controlling / avoiding activities that will result in water quality standards not being met. 	<p>Effects need to be reduced from Jan 2023 which is 2 years earlier than the integrated catchment management approach adopted as per policy 26. Integrated management approach needs to be adopted first.</p> <p>Policy approach is consistent with HDC approach.</p>	<p>Remove the timeframe referred to in this policy as it stands alone without it.</p>
Pol 29: Dealing with Legacy	<p>Requiring the preparation of site management plan and good site management practices for high risk sites and sites in high priority areas of Ahuriri, Karamu and tributaries, unconfined aquifers and SPZs by January 2020.</p>	<p>January 2020 timeframe is not achievable. For high risk sites not in reticulated areas, activity will be Restricted Discretionary (Stormwater 4), and plan will be required via consent process. This Rule only relates to high risk sites and SPZs – not to high priority areas of Ahuriri, Karamu or unconfined aquifer. How will site management plans be "required" in areas not requiring consent under Rule Stormwater 4? In reticulated areas, site specific plans will be required via the Integrated Catchment Management Plan required to obtain consent (Rule Stormwater 2) – It is unclear how this will be achieved in timeframe of this policy.</p>	<p>Clarify how implementation will be achieved for sites subject to this policy but not subject to the rule framework.</p> <p>Amend the timeframe from January 2020 to 2025 to enable a logical sequence of actions lead to outcomes.</p>
Pol 30: Dealing with Legacy	<p>Ecosystem health improvements and reduced stormwater contamination to be achieved via consent conditions that require (in a way that is affordable):</p> <ul style="list-style-type: none"> - Application of Stream Ecological Valuation methodology - Installation of treatment devices in network - Stream planting / realignment for aquatic ecosystem enhancement 	<p>Timeframe to achieve 95th percentile limit is supported. Need to ensure that policy references to installation of treatment, stream planting and wetland creation are not prescriptive (ie. these should only be applied where required to meet objectives and they are the best option)</p> <p>Policy is "and". That is, the mitigation measures are required AS WELL AS the quality outcomes. Need to clarify if mitigation measures still required if the</p>	<p>Clarify wording to ensure mitigation measures are where appropriate / required to mitigate effects</p> <p>Clarify that percentile species protection is as per ANZECC guidelines.</p> <p>Amend the timeframe from December 2023 to 2030 to enable a logical sequence of actions lead to outcomes.</p>

Matter	Understanding	Reason	Request/Suggestion/Relief Sought
	<ul style="list-style-type: none"> - Wetland creation and other opportunities for increasing stormwater infiltration <p>Discharges to meet water quality objectives and achieve 80th percentile level of species protection by December 2023, and 95th percentile by December 2040.</p>	quality outcomes are achieved through other means.	
Pol 31: Consistency, Collaboration and Integration	<p>To achieve freshwater quality objectives, HBRC with NCC and HDC will by Jan 2020 implement similar performance standard including adopting:</p> <ul style="list-style-type: none"> - Consistent engineering standards, plan rules and bylaws - Shared approaches to education and advocacy - Shared processes for monitoring and audit of sites - Consistent levels of management and design - Mapping of networks - Aligning resource consent processes and having joint hearings 	<p>Implications of this policy need to be clearly understood. The policy is driving shared processes and standards across the three councils that may have implications beyond the TANK objectives and in to LGA and District Plan matters as well as organizational / management matters.</p> <p>Overall supportive of approach of achieving alignment between organizations and clarifying responsibilities for management</p>	Approach needs to include HDC in the decision making processes for RC's within its network – consider landuse risk, location re receiving environment risk – consultation or affected party?
STORMWATER RULES			
Stormwater 1	Residential scale discharge of stormwater is PERMITTED subject to reticulated stormwater not being available	<p>Activity is for stormwater from "any new and existing small scale and residential activities" where "small scale" is "as defined in the District Plan in which the property is located". "Small scale" is not defined in the District Plan.</p> <p>Still has a placeholder "XX" re distance from a reticulated network before cannot be considered as a Permitted Activity.</p>	<p>Change "small scale" terminology</p> <p>Confirm distance requirement</p>
Stormwater 2	Discharge and Diversion associated with existing or new territorial authority managed stormwater network is a CONTROLLED Activity	Controlled Activity is supported. Matters of control relate to the Integrated Catchment Management Plan	
Stormwater 3	Stormwater discharges from Industrial or trade sites that are low risk as per Risk Matrix in Schedule 10 and don't have access to reticulated network are CONTROLLED activities.	<p>Low Risk is consistent with controlled activity status. Still has a placeholder "XX" re distance from a reticulated network before cannot be considered as a Permitted Activity.</p> <p>Concern that properties may not be within xx m of a reticulated network but within urban boundaries. Issues have been created in the past where discharges have been approved within the urban boundary without involvement of HDC, and HDC then held accountable eg for overland flows from sites in to stormwater system.</p> <p>Schedule 10 is not, in its current format a "risk matrix" so unclear what is considered low risk. [Draft Plan Change states Schedule 10 is to be reformatted]</p>	<p>Amend so that requirement for Controlled Activity is that it is not within urban stormwater catchment area (ie spatial requirement rather than distance to pipe).</p> <p>Schedule 10 amendments need to be understood as to how high, medium and low risk sites are defined.</p>
Stormwater 4	Stormwater discharges from Industrial or trade sites that are low risk as per Risk Matrix in Schedule 10 and	Requires a site specific plan, so gives effect to policy 29.	Amend so that requirement for Restricted Discretionary Activity is that it is not within urban

Matter	Understanding	Reason	Request/Suggestion/Relief Sought
	don't have access to reticulated network are RESTRICTED DISCRETIONARY activities.	No reticulated supply AT the property boundary (rather than xx metres away as per rules above). POTENTIAL RULE GAP for Medium Risk activities Not Controlled under SW3 or Restricted Discretionary under SW4, so possibly CONTROLLED under RRMP43 (of which conditions create a lower bar than low risk sites under SW3 above) or DISCRETIONARY under RRMP Rule 52 which creates a higher bar than high risk sites under SW4.	stormwater catchment area (ie spatial requirement rather than distance to pipe). Confirm rule framework for medium risk activities (noting that these are often higher risk of contamination)
SOURCE PROTECTION ZONES	Provisions (Objectives, Policies and Rules) generally as recommended by JWG unless noted below	Support provisions as put forward by JWG. To date, only SPZ for urban network has been mapped. Work is in progress to map SPZs for other supplies.	SPZs will be prepared for other HDC water supplies and will be available to Regional Council prior to notification.
Obj 17: SPZ	Provides objective of having higher level of vigilance and management across activities in SPZ for purpose of managing risk.		Council supports the inclusion of this objective.
Pol 6: Defining SPZ and regulating activities	Policy to define spatial extent of SPZs; adopt a default zone where SPZ has not been defined for a registered drinking water supply; and within defined SPZs, regulate activities that may actually or potentially affect the quality of source water or preset a risk to the supply of safe drinking water.		Council supports the inclusion of this policy. "default radius" should be amended to "default zone"
Pol 7: Decision making on consent decisions in SPZ	Defines criteria to be considered when making decisions on resource consents located within the SPZs	Currently policy only applies when making decision on discharges or land use activities. Clause (v) relates to effects of abstraction on groundwater flow and hydrostatic pressure. Policy would benefit by providing clarity that it is not intended for the applicant to undertake modelling and risk assessment of SPZ areas in order to address policy matters. Intent is that the applicants engage with water supplier in preparing their application, and decision makers then take these matters in to account.	Policy intro needs to be amended to so that it applies to water permits also. Provide clarity as to expectations of applicants.
Pol 8: Multi-agency collaboration	Policy provides for multi-agency collaboration (non-regulatory) including implementing a multi-barrier approach.		Could include clause re sharing of information / support for applicants to address matter raised re Pol 7 above.
Rules	Rule framework is as per JWG recommendations. There are a number of amendments proposed to the RRMP rules that will take effect across the spatially defined SPZs in the TANK catchment. In summary, the changes: - Require persons undertaking Permitted Activities in the SPZs to provide documentation to confirm that the Permitted Activity criteria are met Bring the same consenting regime to the SPZs as currently applies to the unconfined aquifer.	Amendment to RRMP rules are required to give effect to Regulation 10 of the NES for Sources of Human Drinking Water.	Ensure that phrasing for matters of control and assessment criteria require assessments to be made irrespective of the water treatment provided.
Water Quantity Objective 13			

Matter	Understanding	Reason	Request/Suggestion/Relief Sought
Policy 36	Sets out the framework to prevent further over allocation i.e. sets an interim groundwater limit and looks to review existing consented allocations at the time of a review or replacement with a view to reduce consented volumes to actual use or reasonable/potential use as allowed by existing investment as at August 2017.	<ul style="list-style-type: none"> Support municipal takes being excluded from this approach in order to allow a longer term view to be taken in relation to potential municipal demand and consented volumes. There is a concern however that some commercial/industrial takes within the District who have a legitimate view of optimizing their operation and thereby utilizing their full consented volume may be disadvantaged by being assessed upon their situation in August 2017. This would undermine previous decisions and efforts in relation to economic development and have potential implications on the social wellbeing of the Hastings District 	<ul style="list-style-type: none"> That Pol 36(h)(ii) be expanded to include 'growth plans' or similar so that the aspirations of existing activities and their value to the community can be taken in account alongside other matters.
Policy 38	Provides for a specific project/option for off-setting the effects of groundwater use on the Karamu River and its tributaries as water permits are replaced or reviewed.	<ul style="list-style-type: none"> Such investigations need to occur ahead of the review or replacement of water permits. The outcome of off-setting may allow a higher volume of consented water than the interim 90Mm³ allocation, without compromising the outcomes sought by the interim allocation, thus providing for resource use/retention of existing consented allocations (full or partial). This is presumably the purpose of the project. This potential eventuality should be clearer. 	That POL 38(c)(ii) be amended as follows: work with permit holders to progressively develop and implement flow enhancement schemes ahead of as water permits being are replaced or reviewed, including through the establishment and support of catchment collectives in the order consistent with water permit expiry dates, <u>including through the establishment and support of catchment collectives</u>
Policy 39	Provides for a specific project/option for off-setting the effects of groundwater use on the Ngaruroro River	<ul style="list-style-type: none"> It may be that a release scheme to off-set or remedy the effects of stream depletion will be of a sufficient scale to allow a higher volume of consented water than the interim 90Mm³ groundwater and Ngaruroro Groundwater allocations without compromising the outcomes sought by these allocations, thus providing for resource use/retention of existing consented allocations (full or partial). This is presumably the purpose of the project. This potential eventuality should be clearer. 	
Policy 42	Sets out methods to achieve the efficient use of water		<ul style="list-style-type: none"> Policy 42(a) refers to a known level of security of supply – what is this for the different minimum flow and allocation regimes and how has this policy informed their generation? Support the encouragement of flexible management initiatives, however as such approaches (and presumably their purposes) may allow a higher volume of consented water than the allocation limits (subject to not comprising their outcomes), (c) should be amended to delete 'within permissible limits'

Matter	Understanding	Reason	Request/Suggestion/Relief Sought
Policy 43	Sets out the matters/guidance/criteria for assessing efficiency at the time of Resource Consent	That there is no basis for subclause (d).	That subclause (d) is removed and subclause (a)(ii) relied upon, but amended to require an applicant to demonstrate how this achieved.
Policy 44	Outlines the circumstances where changes and transfers may be favorable or unfavorable considered.	Support the concept of retaining available allocation for use on the Plains, however subclause (f) could still prevent a site on the Plains that does not have a water right from obtaining one through a transfer of existing allocated water. Subclause (f) also limits the options to accommodate municipal takes.	Subclause (f) should not apply to sites within the Plains Production Zone of the Hastings District Plan and where a Territorial Authority is a applicant/consent holder.
Policy 45	Prescribes consent durations		That municipal takes area excluded from Pol 45 so as to better preserve the ability to consider the appropriateness of longer consent durations recognizing the legal obligations for provision of services.
Policy 46	Recognizes the priority of municipal, papakainga and community supplies and reserves allocation that may be freed up following reviews and replacement processes for re-allocation for those uses.	Available allocation under this scenario should also be made available for irrigation on versatile soil and industrial users - perhaps at the discretion of the TA	Amend as follows (or similar): The Council will recognise reasonably foreseeable needs for municipal, papakainga, and community water supply for human health and community well-being (excluding any provision for industrial uses that take or are supplied with water from a municipal water supply at rates more than 15m3/day) <u>and irrigation of versatile land as priority uses for water available for allocation within allocation limits and, a) will reserve any water that becomes available for allocation or re-allocation for those uses; subject to the following:</u> 1. <u>That the Territorial Authority has first priority and that any allocation or reallocation to an irrigation use under this Policy is agreed to by the Territorial Authority.</u> 2. if no application is made or no reasonably foreseeable needs identified for this water use within 5 years of it becoming available, Council will not re-allocate any of the available water until such time as alternative allocation mechanisms are provided through the RMA
Policy 47	Applies at the Resource Consent stage and sets out to allocate water for municipal and papakainga supplies according to estimates in demand over the period to 2045. Also allows the Consent Authority to consider the Asset Management Plans during the resource consent process. Subclause (iii) seems out of place	Support the approach however as additional water could be realized/consented under different 'supplementary allocation regimes' reference to 'within limits' alone is not appropriate. Water to be allocated based on HPUDS 2017. This has higher growth projections than HPUDS 2010 which is the basis of HDC's current consent. Allocation framework (policy and rules) needs to allow for HDC to seek more water on renewal as a consequence of this. This is not an unexpected outcome, but influences Activity Status under the current Rule framework. Clause b) reference to the "expected reticulation area" is supported. As above, Rules need to provide	Acknowledge that additional water could be allocated under 'supplementary allocation regimes' Remove reference to ILI 4. Move subclause (iii) to an independent Policy as this is a project that would inform a consent application to be considered under Policy 47or perhaps ahead of Policy 47 (say Policy 46A). Amend subclause (a) as follows or similar: allocate water for population and urban development projections for the area according to estimates provided by the HPUDS (2017, or subsequent revisions) to 2045 <u>and the projections for new communities to be serviced as an outcome of Policy 46A.</u>

Matter	Understanding	Reason	Request/Suggestion/Relief Sought
		for a higher consent limit to be sought on replacement if area of supply is increased. Reference to ILI of 4 is prescriptive and should be removed – "good practice targets for water infrastructure management and water use efficiency" is considered sufficient. Subclause (iii) relates to a broader matter not confined to a resource consent process and should be a Policy in itself.	
Policy 48	Directs the priority of water usage should a water shortage direction be issued under Section 329 of the RMA.	There is no definition for 'emergency water'	Include a definition for 'emergency water'
Policy 49	Outline the methods to phase out over allocation	Subclause clause (b)(i) does not take growth plans into account. HDC may have worked hard to attract a large employer to the district 5 years ago, however the process and timeframes for that employer optimizing and reaching full potential may still be in process and subclause (b)(ii) would compromise that. The purpose of subclause (f) and what it is trying to achieve is unclear.	Amend subclause (b)(i) to take 'growth plans' or previous growth constraints/challenges into account alongside reasonable use and history of use with the 10 years prior to <the date of notification>. Clarify the purpose of subclause (f) and what is trying to achieve. Policy also needs to acknowledge that water allocated under 'supplementary allocation regimes' does not constitute over allocation. Administratively, it may be that part of a consented allocation is allowed under the allocation framework in Schedule 6, and part under a supplementary allocation regimes.
Policy 51	Sets out the matters to be considered in relation to water harvesting proposals where instream dams are proposed.	Water harvesting schemes promote resilience and are long term investments, and often seek to sustain existing landuses rather than changing landuses. Assuming this is the case in Policy and introducing these considerations to the allocation of water rather than managing water quality matters through the water quality provisions adds needless complexity and additional costs to a water harvesting scheme.	That subclause (a) is deleted and the water quality framework relied on.
Policy 52	Sets out the matters to be considered in relation to water harvesting proposals where reservoirs are constructed out of water bodies and are sustained by abstraction from another source.	Many of the matters in subclause (b) would only presumably apply if the water was not taken in accordance with subclause (viii).	That subclause (a) be deleted as above and that subclause (b) only apply where water may be taken outside subclause (viii).
Rule TANK 7	Applies to the replacement of existing consents to take groundwater	Section 124 provides rights around the exercise to continue to operate while the replacement consent is being assessed and secures the need for the consent authority to have regard to the value of the investment of the existing consent holder. Failure to secure these rights through not lodging a consent application either within 6 or 3 months of expiry should not affect the activity status under which the proposal is considered.	Remove reference to s124 Delete Condition (b) Review condition (e)(v) to take 'growth plans' or previous growth constraints/challenges into account alongside reasonable use and history of use with the 10 years prior to <the date of notification> as provided for under the amendment sought to Policy 49. Amend condition (g) to refer to Schedule 6.

Matter	Understanding	Reason	Request/Suggestion/Relief Sought
		Condition (b) would not be met if that existing consent had been changed via variation, transfer or to include some sort of supplementary flow regime. It would then fall to Rule TANK 9 or 10. In fact condition (b) is unnecessary given the activity description.	
Rule TANK 8	Applies to the replacement of existing consents to take surface water at low flows		Remove reference to s124 Amend condition (c) as per condition (b) of Rule TANK 7 Amend Condition (f)(iii) as per condition (e)(v) of Rule TANK 7
Rule TANK 9	Applies all ground and surface water (low flow takes) presumably not provided for under Rules TANK 7 and 8.		Include any municipal takes not provided for by Rules TANK 7 and 8 so as to avoid these potentially falling to be assessed as a Non-complying Activity under Rule TANK 10. Municipal takes should be defined as takes where the Territorial Authority or Water Supplier is the consent holder.
Rule TANK 10	Unclear as to whether is a catch all.	Unclear as to whether is a catch all. Seems to be limited to application not meeting condition (b) of Rule TNAK 9, however there no condition (b) in Rule TANK 9.	Clarification as to what activities fall to be assessed as a non-complying activity, but this should not include any municipal takes.
Rule TANK 12	Take, use and discharge from instream dams		The comments in the Condition column seem to be better placed in the activity description column.
Rule TANK 13	Take and use from off-line reservoirs		The comments in the Condition column seem to be better placed in the activity description column.
Rule TANK 14	Prohibits damming of the Ngaruroro River, Taruarau River, Omahaki River, Tutaekuri River, Mangone River and Mangatutu River.		
Rule RRMP 61	Amendments to prevent existing rule 61 (applying to transfers of surface water takes to another site) from applying to any TANK Freshwater Quantity Management Unit		
Rule RRMP 62	Amendments to prevent existing rule 61 (applying to transfers ground water takes to another site) from applying to any TANK Freshwater Quantity Management Unit		
Rule RRMP 62a	New rule to accommodate transfers	Seemingly presents a streamlined approach to permanent or temporary transfers as a Controlled Activity i.e. which must be granted.	Condition (d) to be amended to allow an application to contain an assessment to confirm no change in drawdown in the event that there is no existing pump stats available or the bore. Delete condition (e) Delete Condition (h) – this is highly inequitable Amend condition (i) – support water use on versatile land being retained for irrigation but depending on the activity status of Rule 62b, there may be unintended consequences.

Matter	Understanding	Reason	Request/Suggestion/Relief Sought
Rule RRMP 62b	New rule to accommodate transfers not meeting the conditions of Rule 62a	No activity status detailed.	Confirm activity status, but this should not be non-complying as this would severely limit the potential for global consents.

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 28 MARCH 2019

**FROM: CHIEF EXECUTIVE
NIGEL BICKLE**

**SUBJECT: CHIEF EXECUTIVE'S CONSOLIDATED REPORT - MARCH
2019**

1.0 INTRODUCTION

- 1.1 The Chief Executive's (CE) Consolidated Monthly Report for March 2019, is my first monthly report to Council since my appointment on 11 February 2019.
- 1.2 The reports will be evolved over the next 3 months into a format that presents information in sufficient detail to enable Elected Representatives to ensure the strategic direction and specific goals set by Council are being delivered effectively and in accordance with expectations.
- 1.3 I aim for this report to be easily understood by Elected Members and our Community. Feedback is welcome as it allows us to continuously improve our reporting.

2.0 EXECUTIVE SUMMARY

- 2.1 This report provides a progress summary on Councils key areas of focus and investment including;
 - **Our Environment** – We are investing significantly in drinking water infrastructure as our first priority to meet community expectations and likely changes to national standards around safe drinking water.
 - **Moving Around** – We are investing in our core infrastructure to look after our assets prudently and to meet new challenges in bridge strengthening, increasing environmental standards and climate change.
 - **Our Economy**-We are investing in Hastings City Centre to help increase its vibrancy and meet the challenges of changing retail patterns and how people use the city.
 - **Where We Live** – We are working to enable the supply of a range of housing options to meet the needs of our changing community while protecting our valuable productive soils.

- **Things To Do** - We are investing in and enhancing our parks, recreational and cultural facilities to make Hastings District a place where people want to live, work and play.
- **Our People** – We are working together in partnerships to build Civic Pride, develop our Youth and help uplift people in our communities. We are working to help ensure development opportunities are easily accessible in our Omahu, Irongate and Whakatu/Tomoana industrial zones to meet our priorities of increased sustainable employment opportunities and investment.

- 2.2 This report is primarily based on financial metrics as a measure of how we are progressing.
- 2.3 Our team are working on other monitoring measures to track both the quantum and quality of our progress. We are also in the early stages of developing easily understood infographics, interactive sensitivity analysis and reporting tools to strengthen our future consultative procedures and clarity and relevance of our reporting.

3.0 RECOMMENDATION

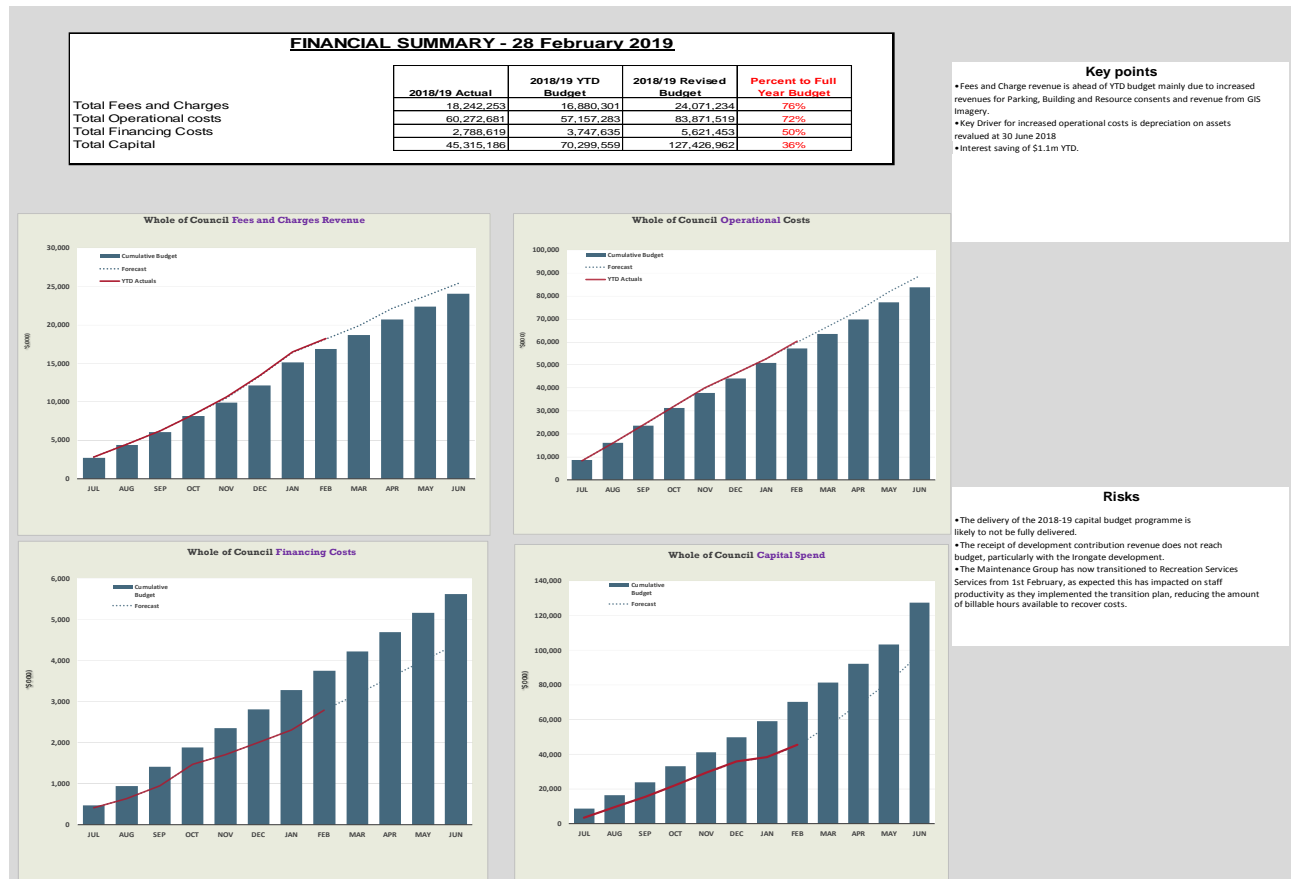
- 3.1 This report concludes by recommending that Council receive the Chief Executive's Consolidated Monthly Report for March 2019 as it is for information purposes.

4.0 FINANCIAL SUMMARY TO 28 FEBRUARY 2019 (Refer Schedule 1)

- 4.1 In respect of our overall financial position given at 28 February 2019 we are two thirds of the way through our financial year, we are generally tracking well against budgets. In February we had our AA long term credit rating affirmed by international independent financial analysis and rating agency Standard and Poors. They also forecast a stable outlook for us amid increased deficits as we deliver our water infrastructure upgrades and Hawke's Bay Opera House complex upgrade.
- 4.2 Revenues and interest charge savings are positive. Our forecast development contribution revenues in the Irongate Zone are lagging behind budget, however staff anticipate an improvement in this situation with new developments expected over the next 18 months.
- 4.3 We forecast our Capital Investment programme in a relatively linear fashion except when we have more certainty around the actual commencement times of major capital projects. At this stage our 2018-19 capital budget programme is unlikely to be fully delivered at 30 June 2019 as some large projects - particularly around water infrastructure may commence after June.
- 4.4 The other challenge we currently face is market capacity to deliver our capital works. This requires our staff to work closely with the market and consider

new innovative approaches to procurement to help ensure ongoing delivery of our programme of works.

Schedule 1



5.0 OUR ENVIRONMENT (Refer Schedule 2)

5.1 In respect of 'Our Environment' we are placing priority on;

- Safe Drinking Water
- Stream Enhancements
- Waste Minimisation
- Water Demand Management
- Stormwater Quality Management
- Parks Irrigation

5.2 A big part of the programme of work focusing on our environment is for safe drinking water. You will see that we have so far invested 36% of this year's budget. Two large capital projects are currently being tendered.

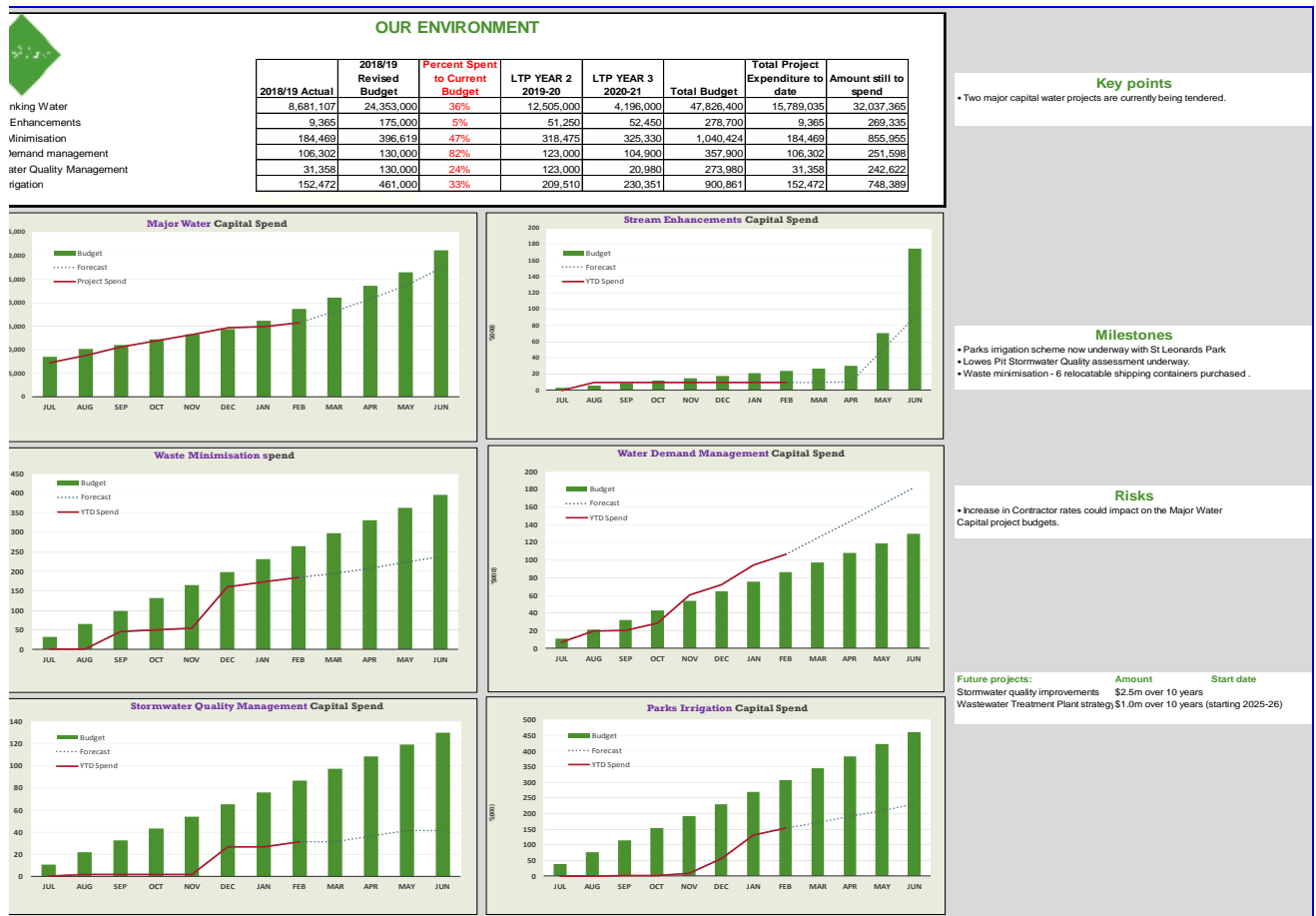
5.3 I congratulate our staff on the nearing completion of the Hastings to Havelock North Watermain Project. The most significant portion of this project is now in

its final stages with some minor works to complete on landscaping and general clean-up.

- 5.4 This \$10m project is part of Hastings District Council's strategy to ensure the delivery of safe drinking water and effective sustainable water services to the community.



Schedule 2

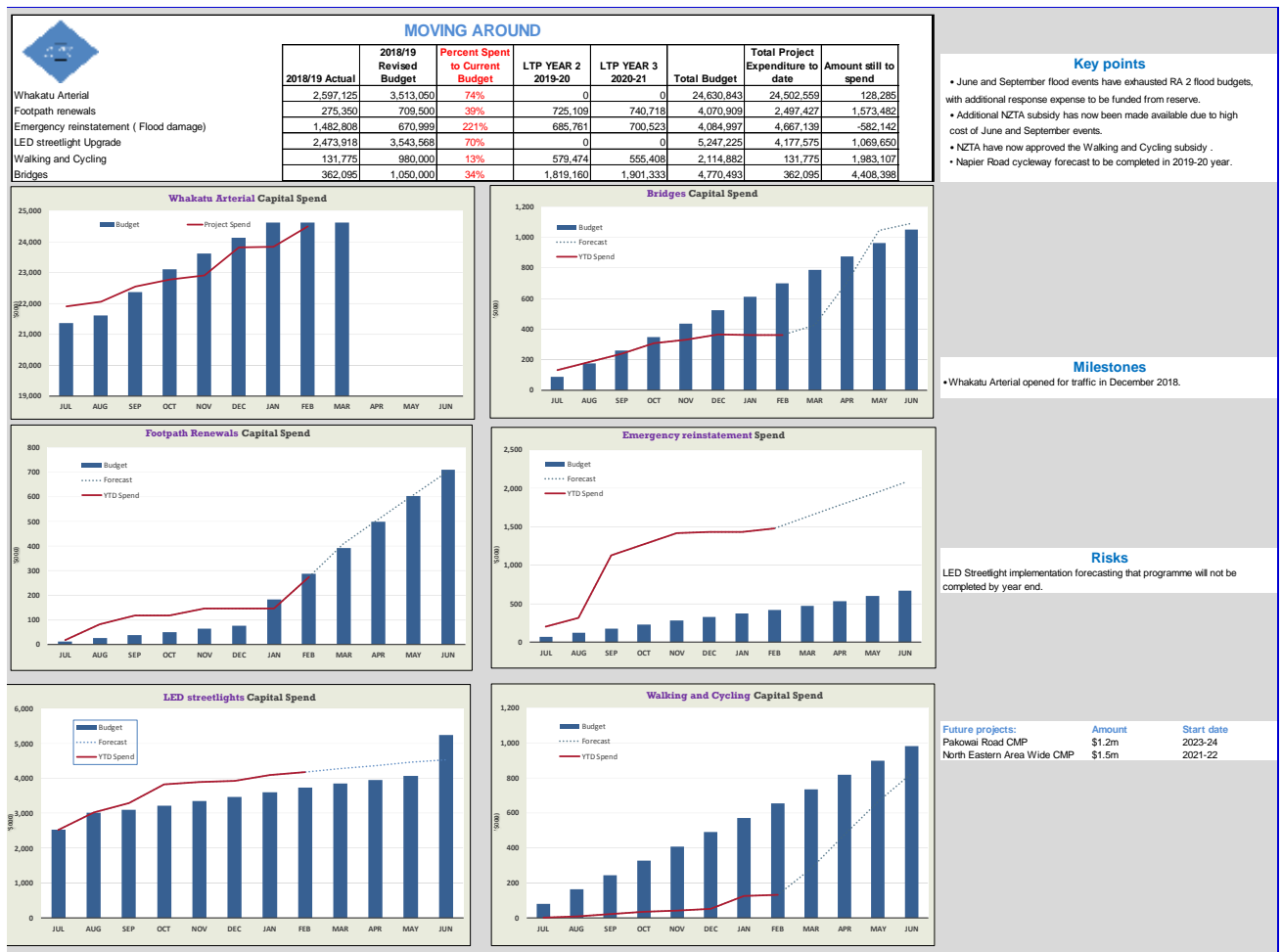


6.0 MOVING AROUND (Refer Schedule 3)

- 6.1 In respect of 'Moving Around' we are placing priority on,
- Te Ara Kahikatea (Whakatū Arterial Route)
 - Footpath Renewals
 - Emergency Reinstatement (Flood Damage)
 - LED Streetlight Upgrade
 - Walking and Cycling
 - Bridges
- 6.2 The June and September 2018 flood events have placed some pressure on our flood reserve budgets
- 6.3 I congratulate our staff on the delivery of Te Ara Kahikatea. This \$24m road will add to our productivity and improve regional logistics. I note that this project has been an exemplar in terms of consultation and engagement with our community.



Schedule 3



7.0 OUR ECONOMY (Refer Schedule 4)

7.1 In respect of 'Our Economy' we are placing priority on;

- Omahu Industrial Zone
- Irongate industrial Zone
- Economic Development Investment Attraction Activities & Key Account Services
- City Centre Development

7.2 Delivery of Infrastructure Services and Roading Improvements into the Irongate and Omahu Industrial Zones continues. The tender for the Irongate Road upgrade has been awarded.

7.3 The Community Development Committee has approved the priority for several \$m of public space improvement works in the city which along with the substantial private and public sector developments going on in the city will see step change improvements in the cityscape over the next 18 months.

7.4 I congratulate all our staff across Assets, Planning and Regulatory, Community and Facilities and the EGOI Group who are working to align Council investment with the public and private sector for better outcomes. Our collaboration on the new Police Headquarters is a great example.

7.5 The following extract from the Infometrics quarterly monitor succinctly describes our economy.

"Solid provisional regional GDP growth that again outstripped the national economy, strong contributions from horticulture and hospitality, population growth buoying housing demand and a robust labour market. These are the factors driving the Hawke's Bay economy according to Infometrics".

Schedule 4



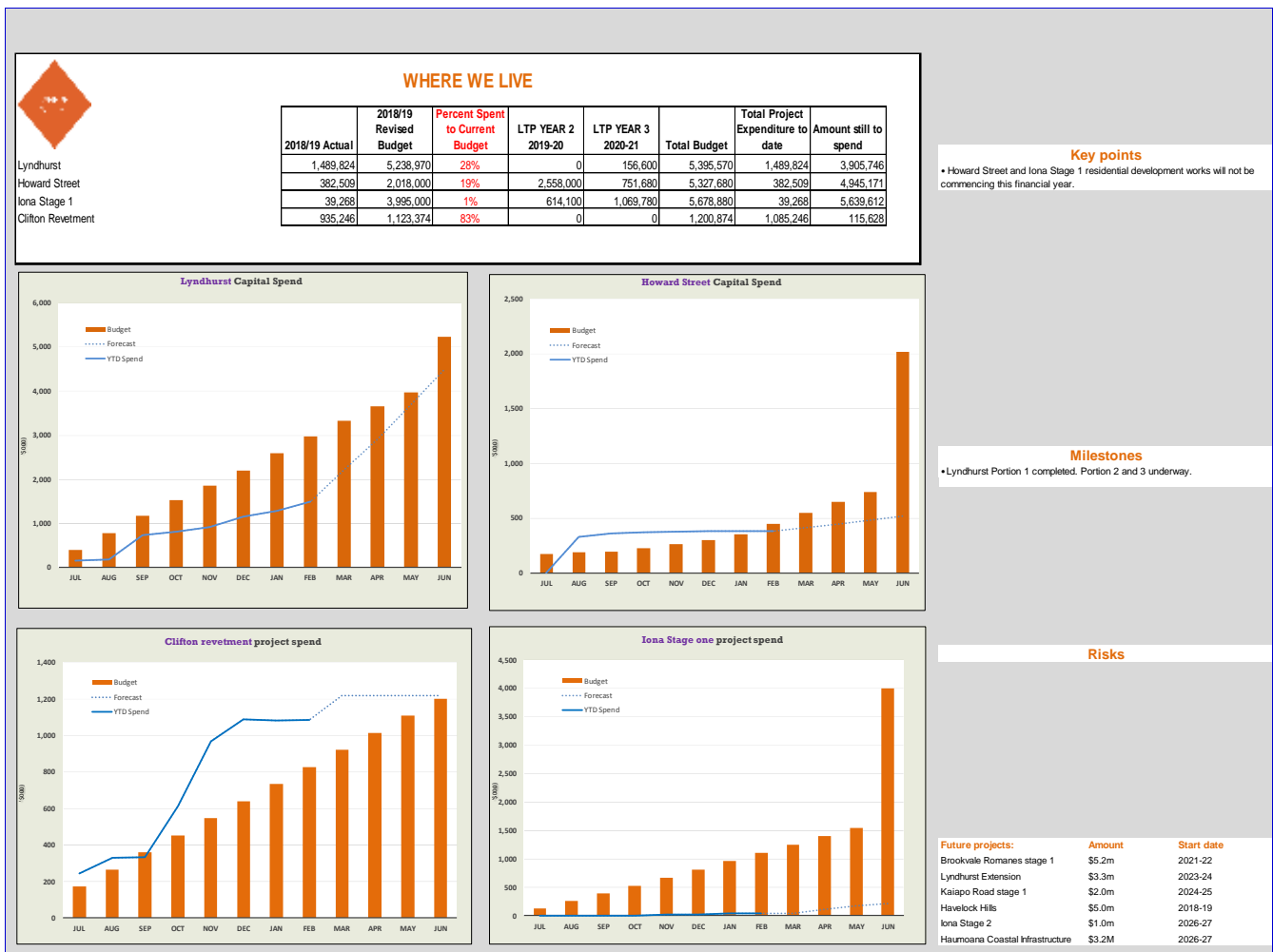
8.0 WHERE WE LIVE (refer Schedule 5)

8.1 In respect of 'Where We Live' we are placing priority on;

- Lyndhurst Residential Zone
- Howard Street Residential Zone
- Iona Stage 1
- Clifton Revetment

8.2 Our staff are also working with Partners to enable the development of affordable housing, interim housing, emergency housing, and recognised seasonal employee (RSE) accommodation.

8.3 I congratulate our staff on their collaborative approach with partners and developers which is seeing a catch-up in greenfields section supply with market demand and RSE and socially focused housing projects getting underway.

Schedule 5**9.0 THINGS TO DO (refer Schedule 6)****9.1** In respect of 'Things To Do' we are placing priority on;

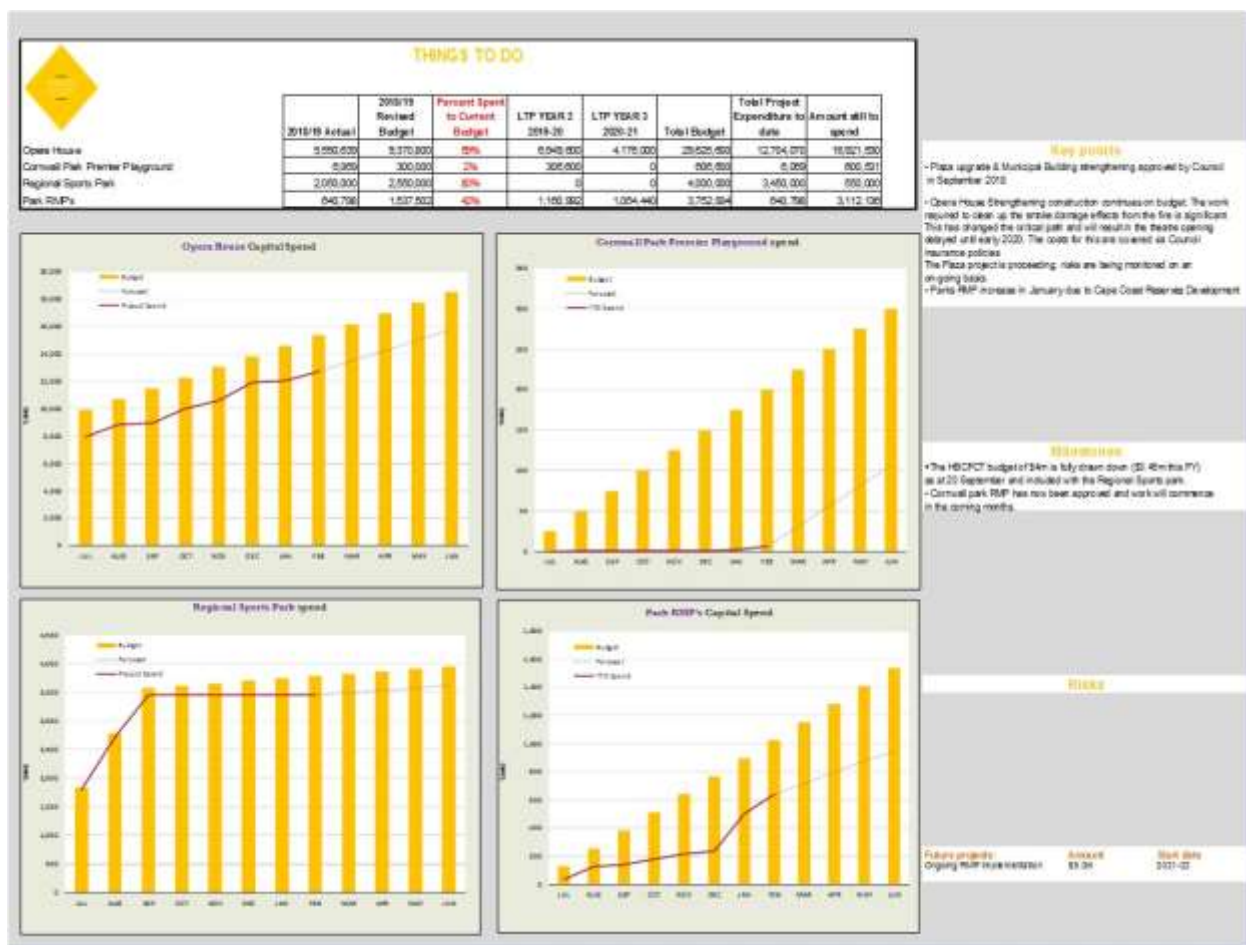
- Hawke's Bay Opera House Redevelopment
- Cornwall Park Premier Playground
- Regional Sports Park
- Park Reserve Management Plans

9.2 Construction of the Opera House continues on budget. The team are working through the consequences from the fire and on the Strategic and Business plans for fundraising and future uses of the Municipal building.



Hearings have been held this month on the Draft Management Plan for Cornwall Park. I have been very impressed with the level of consultation and collaboration in the development of this plan. It was great to see positive feedback from 'The Friends of Cornwall Park' interest group on the Council effort to improve this area.

Schedule 6



10.0 OUR PEOPLE (refer Schedule 7)

10.1 In respect of 'Our People' we are placing priority on;

- Youth Development
- Hapu Development and Community Plans
- City Assist, Kaitiaki and Skate Park Guardians
- Community Assistance Grants

10.2 I want to take this opportunity to thank all of our staff who have assisted with public acknowledgements and services for the tragic events which took place in Christchurch on Friday 15 March resulting in the deaths of 50 people from our New Zealand community and injury and mental trauma to countless other members of our community.

10.3 Our City Assist and Kaitiaki teams have provided a reassuring presence for our community.

10.4 I am excited by the results being achieved with our staff and partners for helping our Youth onto employment pathways. A holistic and protective

approach is required in some cases to help our people become work ready – the outcomes certainly make this commitment worthwhile.

- 10.5 Applications for this year's Contestable Grants Fund have now opened for groups serving the needs of the Hastings community. Nearly \$250,000 was allocated to 31 groups in last year's funding round with recipients' projects ranging from education initiatives to victim support, making community radio programmes, training young opera singers and fixing and redistributing bicycles.

Schedule 7



11.0 REFLECTIONS FROM MY FIRST 5 WEEKS AS CHIEF EXECUTIVE

- 11.1 I have been able to work alongside a number of our teams getting a first-hand appreciation of the complexity and diversity of work that our staff do in order to deliver Councils Annual Plan and priorities. Whether it is the great customer service provided by our front of house staff or the team work from Assets, Marketing and Communications, Health and Safety, Risk Management, Project Management, and Legal to present a decision paper to Council re the opening of the Beach to Cape Kidnappers I have been impressed by the

professionalism of our staff. It is evident to me that Council as an organisation is very busy. I expect this mirrors our very buoyant economy.

- 11.2 Discussions at my retreat with Councillors and second retreat with Councillors and the Senior Leadership team are providing me clear direction on the present and future priorities for Council.
- 11.3 Over the coming month I will be working with the Senior Team and all our staff to best position Council to work effectively with our elected representatives to deliver for our community.

12.0 RECOMMENDATION

The Chief Executive's Consolidated Report for March 2019 be received by Council.

13.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Chief Executive titled "Chief Executive's Consolidated Report - March 2019" dated 28/03/2019 be received.**

Attachments:

There are no attachments for this report.

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 28 MARCH 2019

**FROM: MANAGER: DEMOCRACY AND GOVERNANCE SERVICES
JACKIE EVANS**

**SUBJECT: 2019 LOCAL GOVERNMENT NEW ZEALAND ANNUAL
GENERAL MEETING, CONFERENCE AND REMIT
PROCESS**

1.0 SUMMARY

1.1 The purpose of this report is to:

- to nominate Councillors for attendance at the 2019 Local Government New Zealand (LGNZ) Conference and Annual General Meeting (AGM).
- advise on the process for submitting proposed remits for consideration at the LGNZ AGM

1.2 This report concludes by recommending that the Council nominate 3 councillors to attend the conference and consider what remits it would wish to submit to the AGM

2.0 BACKGROUND AND CURRENT SITUATION

2.1 The conference and AGM will be held in Wellington from Sunday 7 July (AGM and conference opening) until Tuesday 9 July 2019. The theme of the conference is "Riding the localism wave: Putting communities in charge". It is about communities and empowering them to take charge of their social, economic, environmental and culture well-being through localism. This is a global concept reshaping governments around the world, recognising that best outcomes are a result of local people making local decisions about the places they live.

2.2 The Council has no hard and fast rule as to how many councillors will accompany the Mayor and Chief Executive to the LGNZ Conference. As will be seen from the list below, over the last few years the Council has generally sent three councillors to the Conference. In 2016 and 2017 four Councillors were approved to attend.

2.3 In addition to the Mayor, Council approval for attendance at previous conferences has been as follows:

- 2015 - Rotorua – Councillors Heaps, Pierce and Hazlehurst
- 2016 - Dunedin - Councillors Hazlehurst, Heaps, Kerr and Nixon
- 2017 - Auckland –Councillors Barber, Dixon, Harvey and Heaps
- 2018 - Christchurch – Councillors Kerr, Schollum and Travers

- 2.4 Although the Council has been entitled to have up to four delegates attending the AGM it is the presiding delegate, or in their absence an alternate, who is responsible for voting on behalf of the Council.
- 2.5 As part of the conference, all Councils have been invited to submit proposed remits for the LGNZ AGM to be held on Sunday 7 July 2019. The deadline for submission has been announced as 13 May 2019 to enable the LGNZ remit screening committee to assess the remits against specific criteria. Proposed remits should only relate to the internal governance and constitution of Local Government New Zealand, and relate to “issues of the moment”. The application form and Remit Process is attached. Remits must have formal support from at least one sector group meeting, or 5 councils, prior to being submitted,
- 2.6 At a workshop held on 19 March 2019, and it was proposed to recommend to
- Seek support at the Zone 3 meeting to be held in Dannevirke on 4 and 5 April 2019 for the following remit: *Policy changes to reduce alcohol harm* (Attachment 2).
 - Support the remit from Napier City Council on Social Housing (Attachment 3).
 - Undertake further research on the following remits for possible future submission to LGNZ: Coastal Erosion, Civics Education in schools and the harmful effects of social media on young people.

3.0 OPTIONS

- 3.1 To support the remits listed above and gather support from the Zone 3 meeting and elsewhere for submission the LGNZ AGM to be held on 7 July 2019 in Wellington.
- 3.2 To nominate 3 Councillors to attend the LGNZ conference on 7 -9 July 2019.

4.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Manager: Democracy and Governance Services titled “2019 Local Government New Zealand Annual General Meeting, Conference and Remit Process” dated 28/03/2019 be received.
- B) That the Council’s delegates to the 2018 Local Government New Zealand Annual General Meeting and Conference to be held in Wellington on 7–9 July 2019 is the Mayor, Chief Executive (or his nominee) and the following Councillors:

.....

- C) That the Council’s delegates to the Local Government New Zealand 2018 Annual General Meeting be:

..... Presiding Delegate

..... Alternate Delegate

The Chief Executive (or his nominee) Subsequent Alternate Delegate.

- D) That the following remit be put forward to the 2019 Local Government New Zealand Annual General Meeting:-
- *Policy changes to reduce alcohol harm*
- E) That the Council support the remit on Social Housing from the Napier City Council (CG-14-1-0218).
- F) That the Chief Executive and Delegates to the zone 3 meeting to be held in Dannevirke on 4 and 5 April 2019 be given delegated authority to present the Council’s remits and decide whether to give support to remits submitted from other local councils, as appropriate and report back to the Council meeting on 2 May 2019.

Attachments:

1	LGNZ 2019 Remit process	CG-14-1-01200
2	Alcohol Policy Remit	CG-14-1-01221
3	Napier City Council Social Housing Remit	CG-14-1-01218

MEMORANDUM



Date: 29 January 2019
To: Mayors, Chairs and Chief Executives, Zone Secretaries and Sector Chairs
From: Malcolm Alexander, Chief Executive
Subject: 2019 Annual General Meeting Remit Process

We invite member authorities wishing to submit proposed remits for consideration at the Local Government New Zealand Annual General Meeting (AGM) to be held on **Sunday 7 July 2019** in Wellington, to do so no later than **5pm, Monday 13 May 2019**. Notice is being provided now to allow members of zones and sectors to gain the required support necessary for their remit (see point 3 below). The supporting councils do not have to come from the proposing council's zone or sector.

Proposed remits should be sent with the attached form. The full remit policy can be downloaded from the [LGNZ website](#).

Remit policy

Proposed remits, other than those relating to the internal governance and constitution of Local Government New Zealand, should address only major strategic "issues of the moment". They should have a national focus, articulating a major interest or concern at the national political level.

The National Council's Remit Screening Policy is as follows:

1. Remits must be relevant to local government as a whole rather than exclusively relevant to a single zone or sector group or an individual council;
2. Remits should be of a major policy nature (constitutional and substantive policy) rather than matters that can be dealt with by administrative action;
3. Remits must have formal support from at least one zone or sector group meeting, or five councils, prior to their being submitted, in order for the proposer to assess support and achieve clarity about the ambit of the proposal;
4. Remits defeated at the AGM in two successive years will not be permitted to go forward;
5. Remits will be assessed to determine whether the matters raised can be actioned by alternative, and equally valid, means to achieve the desired outcome;
6. Remits that deal with issues or matters currently being actioned by Local Government New Zealand may also be declined on the grounds that the matters raised are "in-hand". This does not include remits that deal with the same issue but from a different point of view; and
7. Remits must be accompanied by background information and research to show that the matter warrants consideration by delegates. Such background should demonstrate the:
 - nature of the issue;
 - background to it being raised;
 - issue's relationship, if any, to the current Local Government New Zealand Business Plan and its objectives;

- level of work, if any, already undertaken on the issue by the proposer, and outcomes to date;
- resolution, outcome and comments of any zone or sector meetings which have discussed the issue; and
- suggested actions that could be taken by Local Government New Zealand should the remit be adopted.

Remit process

Local Government New Zealand will take the following steps to finalise remits for the 2019 AGM:

- All proposed remits and accompanying information must be forwarded to Local Government New Zealand no later than **5pm, Monday 13 May 2019**, to allow time for the remits committee to properly assess the remits;
- A remit screening committee (comprising the President, Vice President and Chief Executive) will review and assess proposed remits against the criteria described in the above policy;
- Prior to their assessment meeting, the remit screening committee will receive analysis from the Local Government New Zealand staff on each remit, assessing each remit against the criteria outlined in the above policy;
- Proposed remits that fail to meet specified criteria will be informed as soon as practicable of the committee's decision, alternative actions available, and the reasons behind the decision;
- Proposers whose remits meet the criteria will be contacted as soon as practicable to arrange the logistics of presenting the remit to the AGM; and
- All accepted remits will be posted to the Local Government New Zealand website, and members informed, at least one month prior to the AGM in order to allow members sufficient time to discuss the remits prior to the AGM.

To ensure quality preparation for members' consideration at the AGM, the committee will not consider or take forward proposed remits that do not meet this policy, or are received after **5pm, Monday 13 May 2019**.

General

Remits for AGM consideration will also be included formally in the AGM Business Papers that will be distributed to delegates not later than two weeks before the AGM, as required by the Rules (although, as noted above, the proposed remits will be available for member consideration before the AGM papers are issued to the membership).

Should you require further clarification of the requirements regarding the remit process please contact Leanne Brockelbank on 04 924 1212 or leanne.brockelbank@lgnz.co.nz.

Annual General Meeting 2019**Remit application**

Council Proposing Remit:	
Contact Name:	
Phone:	
Email:	
Fax:	
Remit passed by: (Zone/Sector meeting and/or list five councils, as per policy)	
Remit:	

Background information and research:

Please attach separately and include:

- nature of the issue;
- background to its being raised;
- new or confirming existing policy;
- how the issue relates to objectives in the current work programme;
- what work or action on the issue has been done, and the outcome;
- any existing relevant legislation, policy or practice;
- outcome of any prior discussion at a Zone or Sector meeting;
- evidence of support from Zone/Sector meeting or five councils; and
- suggested course of action envisaged.

Please forward to: Local Government New Zealand
 Leanne Brockelbank, Deputy Chief Executive Operations
 PO Box 1214, Wellington 6140
leanne.brockelbank@lgnz.co.nz

No later than 5pm, Monday 13 May 2019.

CG-14-1-01221

Annual General Meeting 2019**Remit Application**

Council Proposing Remit:	Hastings District Council
Contact Name:	Nigel Bickle Chief Executive
Phone:	06 871 5000
Email:	nigelb@hdc.govt.nz
Remit passed by:	
Proposed Remit: That LGNZ identify opportunities and actively advocate on national policy and law changes to reduce alcohol harm (e.g. price, advertising, purchase age and availability)	

The nature of the issue

Hawke's Bay faces significant social challenges as demonstrated in the following statistics:

- 25% of Hawke's Bay 0-4 year olds live in a household receiving a main benefit (compared with 18% nationally)¹
- 40% of Hawke's Bay tamariki Maori aged 0-4 years live in a household receiving a main benefit²
- 250 Hawke's Bay children are in the care of Oranga Tamariki³
- Hawke's Bay rates of violent crime continues to be higher than the New Zealand average and is twice the rate of New Zealand as a whole⁴

¹ Hawke's Bay District Health Board, Health Equity Report 2018

² Hawke's Bay District Health Board, Health Equity Report 2018

³ Matariki – Hawke's Bay Social Inclusion Strategy 2018

⁴ Matariki – Hawke's Bay Social Inclusion Strategy 2018

CG-14-1-01221

- There were 9,932 family violence investigations by the Eastern Police District⁵ in 2017
- Suicide
 - is a major cause of premature, avoidable death in Hawke's Bay
 - From 2010 to 2015, suicide was the second highest reason for premature death for those aged 0 to 74 years⁶
 - Since 1 July 2018, 29 people have committed suicide in Hawke's Bay
- Drugs
 - Synthetic substances are a serious concern for many whanau
 - Fewer youth are smoking but more Hawke's Bay adults smoke than nationally⁷

A contributing factor of these negative statistics is the significant problem that the Hawke's Bay community has with alcohol consumption. For our region the issues manifested by alcohol consumption are a problem across the whole community including for young newly-born babies, infants and children, young people, adults and seniors across the generations. Local alcohol statistics are alarming and include:

- 29% of Hawke's Bay adults drink at harmful levels compared to 21% nationally, and this rate is increasing over time⁸
- 41% of young people aged 15-24 – are drinking hazardously⁹
- Over half of young men are drinking hazardously¹⁰
- Number of 15 years and older hospitalisations wholly attributable to alcohol; see the below graph. Note, there is an increasing rate of people being admitted to hospital due to alcohol (see graph below).

⁵ New Zealand Family Violence Clearinghouse – Supplementary data: regional data by Police District, June 2017

⁶ Hawke's Bay Suicide Prevention Three Year Plan

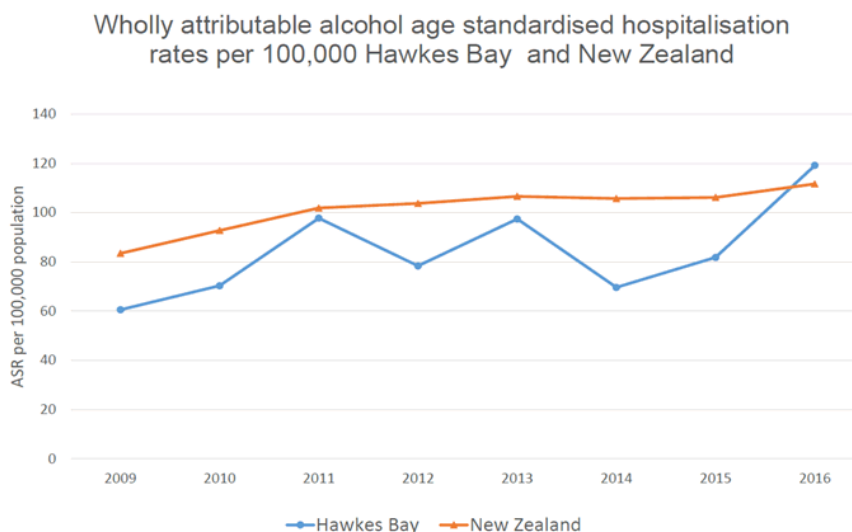
⁷ Hawke's Bay District Health Board, Health Equity Report 2018

⁸ Hawke's Bay District Health Board, Health Equity Report 2018

⁹ NZ Health Survey

¹⁰ NZ Health Survey 2011/14

CG-14-1-01221



- Alcohol intoxication or a history of alcohol abuse are often associated with youth suicide¹¹

The statistics relating to our alcohol harm impact negatively on other key community safety concerns including health issues; death and injury; violence; suicide; assault and anti-social behaviours. This is why addressing the harm of alcohol is such an important issue for our community to address.

The harm that alcohol causes across New Zealand is also a significant issue for the country and as with Hawke's Bay the harm that alcohol causes within the community is pervasive. National statistics include:

- About four in five (79%) of adults aged 15 years or more drank alcohol in the past year (in 2017/18)¹².
- 21% of New Zealand adults drink at harmful levels¹³
- In 2017/18, 25% of adults aged 15 years or more who drank alcohol in the past year has a potentially hazardous drinking pattern, with men (32%) more likely to drink hazardously than women (17%)¹⁴.

¹¹ Sir Peter Gluckman, Youth Suicide in New Zealand – a discussion paper

¹² Ministry of Health, 2018

¹³ HBDHB, *Health Equity Report* 2018

¹⁴ Ministry of Health, 2017

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At a local level there are some tools available to territorial authorities and their respective communities to combat alcohol harm. For e.g. Local Alcohol Plans (LAPs) are permitted in accordance with the Sale and Supply of Alcohol Act 2012. Unfortunately for many LAPs there are significant delays in these becoming operational due to long appeal processes. There are typically commercial implications for businesses particularly supermarkets and these often result in appeals being lodged. Appeal processes have not allowed for more local input and influence by community members and groups, but have instead allowed larger companies, with more money and resources, to force Councils to amend their LAP's reducing the potential impact on harm minimisation.

Of course, local tools available to territorial authorities are also limited by what is permitted within our national laws. We consider that current statutes and their content are not strong enough and need to be strengthened so that alcohol harm within our communities can be more effectively addressed.

The most significant drivers of alcohol-related harm include:

- The low price of alcohol
- Levels of physical availability
- Alcohol advertising; promotion and sponsorship
- The minimum legal purchase age (18)

Therefore this remit seeks a focus on effective national level strategies and interventions that prevent or minimise alcohol-related harm in regards to:

- Pricing and taxing (minimum unit pricing for alcohol)
- Regulating the physical availability
- Raising the purchase age
- Restrictions on marketing, advertising and sponsorship¹⁵
- Drink driving countermeasures
- Treatment and early intervention services¹⁶

We consider that significant changes in national policy and law that address key issues pertaining to alcohol harm are needed to create significant impact on reducing the harm that alcohol causes both in Hawke's Bay and New Zealand.

Link to LGNZ Policy and Work Programme

¹⁵ Through further restrictions in the ASA regulations – Code for Advertising and Promotion of alcohol

¹⁶ Babor et al, Alcohol: No Ordinary Commodity. Oxford Press

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This remit links to the Social Policy priority; community safety.

The level of work, if any, already undertaken on the issue by the proposer, and outcomes to date

The Napier City & Hastings District Councils have a Joint Alcohol Strategy 2017-2022 (JAS) and have started to implement the JAS Action Plan with support from the JAS Reference Group (local stakeholder organisations that also contribute to this Strategy). Some actions completed thus far include:

- removal of alcohol advertising on bus shelters in Hastings & Napier;
- funding obtained to identify and develop youth-driven alcohol harm prevention projects;
- creation & distribution of an alcohol network newsletter (bi-monthly) to make the licensing process more accessible to the community;
- a move to notifying liquor licence applications online; and
- funding obtained to create brand and resources for alcohol free events and alcohol free zones.

Hastings District and Napier City Councils have completed a Provisional Local Alcohol Policy; that was notified in July 2016. The Provisional Local Alcohol Policy has been before the Alcohol Regulatory and Licensing Authority (ARLA) as a result of appeals. A position has been negotiated with the appellants. That position has been considered by ARLA and will be notified to the original submitters once ARLA is satisfied with the final wording. If no one seeks to appeal the revised version it will become the adopted Local Alcohol Policy.

The outcomes of any zone or sector meetings which have discussed the Issue
Zone 3 meeting to take place on the 4th of April 2019.

Suggested actions that could be taken by LGNZ should the remit be adopted.

- Actively monitor opportunities to submit to Central Government with respect to review of statutes and regulations that relate to alcohol
- Prepare submissions to Central Government review processes that relate to the key drivers of alcohol harm as outlined in this remit

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- Write to and meet with the Minister of Justice and officials to promote changes to laws and regulations that will address the key drivers of alcohol harm
- Create a national action plan to reduce harm caused by alcohol
- Engage and support Councils nationwide to implement strategies, policies and actions that are aimed at reducing alcohol-related harm. This could include delivering workshops; providing statistics and information on the harm alcohol causes and developing templates for policies and strategies that can be easily implemented.
- Lobby NZ Police and the Ministry of Health to bring back 'last drink' and 'alcohol-link data' to provide much needed data to District Licensing Committees to assist in decision-making.¹⁷

In Scotland a minimum unit price for alcohol started on 1 May 2018. This minimum price unit for alcohol applies to both:

- Retailers that sell alcohol for drinking off premises (like supermarkets) &
- Places that sell alcohol for drinking on the premises (like pubs, bars, clubs and restaurants).

Evidence suggests that this change in law along with other mechanisms have improved alcohol related harm in this country. This is an example of a successful action undertaken at the national level to minimise alcohol-related harm.

Background

Hawke's Bay is renowned as 'wine country'. We have the ideal climate and environment for growing grapes, yet set amongst this we also have one of the highest hazardous drinking rates in New Zealand. 29% of Hawke's Bay adults drink at harmful levels compared to 21% nationally, and this rate is increasing over time.¹⁸

In 2011, Napier City and Hastings District Councils developed the JAS, which was revised in 2017 to cover the five year period 2017-2022. The revised Strategy's aspirational vision is a *safe and healthy community free from alcohol related harm*. Objectives of the Strategy are:

¹⁷ NZ Police and the Ministry of Health do not have the very specific data that is required to defend opposition to licenses. 'Last drink' information is needed as it is not enough to just say there is harm, you have to link it back to a specific premises / time of the day or type of premises, which is almost impossible with current availability of data.

¹⁸ HBDHB, *Health Equity Report 2018*

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- Demonstrate leadership to reduce alcohol harm
- Foster safe and responsible events and environments
- Change attitudes towards alcohol to reduce tolerance for alcohol harms.

The JAS also closely aligns with the goals of our two local Safe Communities *Safer Hastings* and *Safer Napier*, who have each identified reducing alcohol harm as a priority area.

During development of the revised Strategy, a JAS Advisory group comprising two nominated Councillors from each council, was established. The purpose of the Advisory Group was to review and consider feedback arising from engagement with stakeholders and the public on the draft revised JAS and to provide advice and recommendations to each Council on finalising the Strategy. During their deliberations, the Group asked Council officers to add the following item to the JAS Action Plan (once developed):

- Council to submit a remit to LGNZ Conference to support stronger measures to reduce alcohol related harm nationally.

This remit is in response to this direction from the Napier and Hastings Councils' JAS Advisory Group.

Following adoption of the revised JAS, the two Councils established a JAS Reference Group comprised of a number of local stakeholder organisations. The Group's members include: the Hawke's Bay District Health Board; ACC; Te Taiwhenua O Heretaunga; Te Kupenga Hauora; Directions Youth Health Service; Ngai Kahungunu Iwi Incorporated; CAYAD and Health Hawke's Bay; Hastings District and Napier City Councils.

The Reference Group finalised the Strategy's Action Plan in 2018 – the Plan includes this remit as requested.

This remit builds and extends on the remit application submitted by Councillor Boag from the Napier City Council in 2018, asking that "LGNZ seek the Government's agreement to amend the Sale and Supply of Alcohol Act 2012 so that Local Alcohol Policies are able to more accurately reflect local community views and preferences".

Current Issue

The harmful effects caused by alcohol is a hugely significant issue for Hawke's Bay and New Zealand.

CG-14-1-01221

Evidence shows that the most effective way to address the issues caused by alcohol is to focus on policy and legal changes impacting on key drivers of alcohol-related harm.

We seek LGNZ support to advocate Central Government to make changes to the relevant policies and laws that influence alcohol-related harm in New Zealand.

Outcomes Sought

Ultimately the outcomes sought through this remit is a reduction in the significant harm that alcohol causes within our communities, across the country. As outlined in this remit the harm that alcohol causes in our communities is pervasive and contributes to significant community safety issues including suicide; assaults and family harm. Therefore an additional outcome sought of this remit is an improvement in these other community safety concerns.

Annual General Meeting 2019**Remit Application**

Council Proposing Remit:	Napier City Council
Contact Name:	Wayne Jack Chief Executive
Phone:	06 834 4159
Email:	waynej@napier.govt.nz
Remit passed by:	
Proposed Remit: That LGNZ approach the Government to seek funding support for the operation, upgrade and growth of local authority social housing portfolios.	

The nature of the issue

Social housing, especially for older citizens, is a strategic issue.

New Zealand communities are facing an extremely serious housing affordability crisis that has resulted in the country having the highest rate of homelessness in the developed world. Current policy settings are failing to adequately address the issue.

Local government is the second largest provider of social housing in New Zealand, however, since 1991, successive governments have failed to adequately recognise the contribution we have and are making. Unfortunately, existing policy actively discriminates against councils meeting local housing needs resulting in a gradual reduction in the council owned social housing stock. With Housing New Zealand focussing its attention on fast growing urban areas, social housing needs in smaller communities are not being met.

The issue is becoming more serious as baby boomers retire – the current social housing is not designed to address the needs of this cohort – a role historically provided by councils with support from central government in the form of capital grants.

The issue has already become urgent for Aotearoa New Zealand and its communities.

Link to LGNZ Policy and Work Programme

This remit supports LGNZ's Housing 2030 policy and programme, in particular the Social Housing and Affordable Housing work streams. Housing 2030 is one of LGNZ's four strategic projects. This remit reinforces and supports that initiative.

LGNZ recently hosted a Social Housing workshop with both local and central government agencies to discuss the issues and opportunities and the future role councils could play in the provision of social housing. There was agreement that a partnership approach that recognises local situations with a range of options for support from government (both funding and expertise) would be most suitable.

The level of work, if any, already undertaken on the issue by the proposer, and outcomes to date

As the proposer of this remit, Napier City Council, has undertaken an S17A Review of its own provision of community housing, with further investigation underway. In addition, both at a governance and management level, we have taken part in numerous conferences, symposiums and workshops on the matter in the last two years. We lead a local Cross Sector Group – Homelessness forum and take part in the Hawke's Bay Housing Coalition. We have provided housing for our community for over five decades, supplying just under 400 retirement and low cost rental units in Napier.

The outcomes of any zone or sector meetings which have discussed the Issue

The Housing 2030 initiative has been discussed at all Zone meetings.

Suggested actions that could be taken by LGNZ should the remit be adopted.

This remit supports, as a matter of urgency, the further investigation by central government and LGNZ of the opportunities identified at the workshop and any other mechanisms that would support councils provision of community housing in New Zealand.

It is designed to strengthen LGNZ's advocacy and would provide a reason to approach the Government in the knowledge that local government as a whole is in support.

Background

Councils provide in excess of 10,000 housing units, making it a significant provider of community housing in New Zealand. Councils began providing community housing across the country, particularly for pensioners, in the 1960s when central government encouraged them to do so through capital loan funding. In the 1980s, this occurred once again and was applied to general community housing developments. Council's rent setting formulas varied but all provided subsidised rents. While the housing stock was relatively new, the rental income maintained the homes, however, now decades on, and with housing at the end of life, significant investment is required. Income from rents has not been enough to fund renewals let alone growth to meet demand.

The government introduced Income Related Rent subsidy (IRR) in 2000 for public housing tenants and it was later applied to registered Community Housing Providers. This mechanism allows tenants to pay an affordable rent in relation to their income, while the housing provider receives a 'top up' to the agreed market rent for each property under the scheme. In effect, housing providers receive market rent through this mechanism. Being able to generate market rental income is the most successful sustainable model for the provision of community housing. Providers receive an adequate income to cover the cost of providing housing, to fund future renewals and to raise capital for immediate asset management. Councils are excluded from receiving this subsidy, and so are their tenants.

Current Issue

The current situation is a perfect storm. Council housing stock is nearing or at the end of life, many homes are unfit for purpose, all requiring major capital investment. At the same time, councils are excluded from being Community Housing Providers who receive the IRR subsidy, so are unable to fund the capital work required to the existing housing stock through rental income, let alone to fund growth in order to meet growing demand.

Our population is ageing. Demand is already strong for council community housing, with the future demand far exceeding supply.

Because of the significant demands councils have to provide other public infrastructure, many councils have or are considering opting out of housing provision. Others are entering into complex arrangements in order to secure the IRR subsidy to support continued provision of housing.

A New Approach

At the Social Housing workshop, among other opportunities, a tenant centric policy was discussed. Rather than housing provision being supported according to who is providing the home, support could be provided according to the needs of the tenant. The tenant's rent would be set according to their income situation and they could be matched to an available home that meets their needs. Specialist support would still be available through specific providers, but all providers would have access to the same funding mechanisms (like is the current case with Community Housing Providers).

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 28 MARCH 2019

**FROM: MANAGER: DEMOCRACY AND GOVERNANCE SERVICES
JACKIE EVANS**

SUBJECT: UPDATED 2019 MEETING SCHEDULE CHANGES

1.0 SUMMARY

- 1.1 The purpose of this report is to consider amendments to the schedule of Council and Committee Meetings for the 2019 Meeting Calendar which was adopted by Council 6 December 2018.
- 1.2 This report recommends that the 2019 Meeting Schedule as amended below be adopted.

2.0 BACKGROUND

- 2.1 The Local Government Act 2002, Schedule 7, Clause 19 states:
- (4) *A local authority must hold meetings at the times and places that it appoints".*
- (5) *If a local authority adopts a schedule of meetings-*
- a) *The schedule-*
- i) *may cover any future period that the local authority considers appropriate, and*
- ii) *may be amended*
- 2.2 Although a local authority must hold the ordinary meetings appointed, it is competent for the authority at a meeting to amend the schedule of dates, times and number of meetings to enable the business of the Council to be managed in an effective way.
- 2.3 The following meetings are proposed to be included or amended in the 2019 meeting schedule:

Committee	Date	Time	Venue
HB Crematorium Committee	Monday, 8 April 2019	10.00am	Landmarks Room
Council (Keirunga Garden Draft Tree Management Plan Submissions)	Thursday, 14 May 2019	9.00am	Council Chamber

- 2.4 Councillors will be kept informed of specific changes on a day to day basis through the centralised calendar system.

3.0 RECOMMENDATIONS AND REASONS

A) That the report of the Manager: Democracy and Governance Services titled "Updated 2019 Meeting Schedule Changes" dated 28/03/2019 be received.

B) That the 2019 Meeting Schedule be amended as follows:-

Committee	Date	Time	Venue
HB Crematorium Committee	Monday, 8 April 2019	10.00am	Landmarks Room
Council (Keirunga Garden Draft Tree Management Plan Submissions)	Thursday, 14 May 2019	9.00am	Council Chamber

Attachments:

1 2019 meeting schedule with amendments

CG-14-1-01213

School Holidays	13-28 April 2019	6-21 July 2019	28 Sept-13 Oct 2019							
	Council - 1pm Thursday	Strategy Planning & Partnership (SPP) - 1pm Thursday	Community Development (CD) - 1pm Tuesday	Finance & Risk (R&R) - 1pm Tuesday	Works & Service (W&S) 1pm Thursday	Rural Community Board (RCB) - 2pm Monday	Omarunui Joint Refuse Landfill - 1pm Friday	R & A - 10am Monday	Temporary Road Closure (RD Close) - 8.45am	Tenders - 9am
	Denotes dates prior to the Triennium Elections and confirmation of any meetings scheduled.									

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 28 MARCH 2019

**FROM: MANAGER: DEMOCRACY AND GOVERNANCE SERVICES
JACKIE EVANS**

**SUBJECT: REQUESTS RECEIVED UNDER THE LOCAL
GOVERNMENT OFFICIAL INFORMATION AND MEETINGS
ACT (LGOIMA) MONTHLY UPDATE**

1.0 SUMMARY

- 1.1 The purpose of this report is to inform the Council of the number of requests under the local Government official Information Act (LGOIMA) 1987 received in February 2019.
- 1.2 This issue arises from the provision of accurate reporting information to enable effective governance
- 1.3 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 meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. Good quality means infrastructure, services and performance that are efficient and effective and appropriate to present and anticipated future circumstances.
- 1.4 The objective of this decision relevant to the purpose of Local Government is to ensure that the Council is meeting its legislative obligations.
- 1.5 This report concludes by recommending that the report be noted.

2.0 BACKGROUND

- 2.1 The LGOIMA allows people to request official information held by local government agencies. It contains rules for how such requests should be handled, and provides a right to complain to the Ombudsman in certain situations. The LGOIMA also has provisions governing the conduct of meetings.

Principle of Availability

- 2.2 The principle of availability underpins the whole of the LGOIMA. The Act explicitly states that:

*The question whether any official information is to be made available ... shall be determined, except where this Act otherwise expressly requires, in accordance with the purposes of this Act and **the principle that the information shall be made available unless there is good reason for withholding it.***

Purpose of the Act

2.3 The key purposes of the LGOIMA are to:

- progressively increase the availability of official information held by agencies, and promote the open and public transaction of business at meetings, in order to:
 - enable more effective public participation in decision making; and
 - promote the accountability of members and officials; and
 - so enhance respect for the law and promote good local government; and
 - protect official information and the deliberations of local authorities to the extent consistent with the public interest and the preservation of personal privacy.

2.4 City, district and regional councils, council controlled organisations and community boards are subject to LGOIMA and official information means any information held by an agency subject to the LGOIMA.

2.5 It is not limited to documentary material, and includes material held in any format such as:

- written documents, reports, memoranda, letters, notes, emails and draft documents;
- non-written documentary information, such as material stored on or generated by computers, including databases, video or tape recordings;
- information which is known to an agency, but which has not yet been recorded in writing or otherwise (including knowledge of a particular matter held by an officer, employee or member of an agency in their official capacity);
- documents and manuals which set out the policies, principles, rules or guidelines for decision making by an agency;
- the reasons for any decisions that have been made about a person.

2.6 It does not matter where the information originated, or where it is currently located, as long as it is held by the agency. For example, the information could have been created by a third party and sent to the agency. The information could be held in the memory of an employee of the agency.

What does a LGOIMA request look like?

2.7 There is no set way in which a request must be made. A LGOIMA request is made in any case when a person asks an agency for access to specified official information. In particular:

- a request can be made in any form and communicated by any means, including orally;
- the requester does not need to refer to the LGOIMA; and

- the request can be made to any person in the agency.
- 2.8 The Council deals with in excess of 14,000 service requests on average each month from written requests, telephone calls and face to face contact. The LGOIMA requests dealt with in this report are specific requests for information logged under formal LGOIMA procedure, which sometimes require collation of information from different sources and/or an assessment about the release of the information requested.

Key Timeframes

- 2.9 An agency must make a decision and communicate it to the requester 'as soon as reasonably practicable' and **no later than** 20 working days after the day on which the request was received.
- 2.10 The agency's primary legal obligation is to notify the requester of the decision on the request 'as soon as reasonably practicable' and without undue delay. The reference to 20 working days is not the de facto goal but the maximum unless it is extended appropriately in accordance with the Act. Failure to comply with time limit may be the subject of a complaint to the ombudsman.
- 2.11 The Act provides for timeframes and extensions as there is a recognition that organisations have their own work programmes and that official information requests should not unduly interfere with that programme.

3.0 CURRENT SITUATION

- 3.1 Council has requested that official information requests be notified via a monthly report.

4.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Democratic Support Manager titled "Requests Received under the Local Government Official Information and Meetings Act (LGOIMA) Monthly Update" dated 28/03/2019 be received.**
- B) That the LGOIMA requests received in February 2019 as set out in Attachment 1 (IRB-2-01-19-1542) of the report in (A) above be noted.**

Attachments:

- 1 LGOIMA - Monthly Report to Council February 2019 IRB-2-01-19-1542

IRB-2-01-19-1542

LGOIMA – Monthly Report to Council – February 2019

	Requests Received	Responses to requests	Responses with information fully released	Responses with information partially withheld	Responses with information fully withheld	Average number of working days to respond	Requests resulting in a complaint to Ombudsman
February 2019	8	7	7	0	0	9	0

Requests - received since those last reported to Council

Completed			
Outstanding			
Month	From	Subject	Total
February	Individual	Howard Street Development	8
	NZ Taxpayers Union	2019 Ratepayers' Report - Various topics	
	Individual	Engineers Report – Howard Street Development	
	Councillor Fitzsimons	Library Expenditure, Income & Membership	
	NZ Taxpayers Union	Handover of HDC's new CEO	
	Individual	Consultancy Fees for Naming of Whakatu Arterial Route	
	Individual	Flaxmere Waterworld Pool	
	University of Auckland	Quarry Consents Information	

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 28 MARCH 2019

**FROM: WASTE AND DATA SERVICES MANAGER
MARTIN JARVIS**

**SUBJECT: SUMMARY OF RECOMMENDATIONS OF THE JOINT
COUNCIL WASTE FUTURES PROJECT STEERING
COMMITTEE MEETING HELD ON 22 MARCH 2019**

1.0 SUMMARY

- 1.1 The purpose of this report is to advise that the recommendations from the Joint Council Waste Futures Project Steering Committee meeting held on 22 March 2019 require ratification by Council.
- 1.2 The relevant recommendations to be ratified will be circulated separately if there is any further information arising from the 22 March 2019 meeting.

2.0 RECOMMENDATION

- A) That the report of the Waste and Data Services Manager titled “Summary of Recommendations of the Joint Council Waste Futures Project Steering Committee Meeting held on 22 March 2019” dated 28/03/2019 be received.
- B) The following recommendations of the Joint Council Waste Futures Project Steering Committee meeting held 22 March 2019 be ratified:

“5. WASTE MANAGEMENT AND MINIMISATION PLAN (WMMP) - IMPLEMENTATION PLAN

- A) *That the report of the Waste Minimisation Officer titled “Waste Management And Minimisation Plan (WMMP) - Implementation Plan” dated 22/03/2019 be received.*
- B) *That the Joint Council Waste Futures Project Steering Committee commit to the WMMP as an aspirational goal but acknowledge that during the course of the Plan there may be variations”.*

Attachments:

There are no attachments for this report.

HASTINGS DISTRICT COUNCIL

COUNCIL MEETING

THURSDAY, 28 MARCH 2019

RECOMMENDATION TO EXCLUDE THE PUBLIC

SECTION 48, LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

THAT the public now be excluded from the following part of the meeting, namely:

24. **CBD Development Proposal**
25. **Hawke's Bay Food Innovation Hub**
26. **Summary of Recommendations of the Hastings District Rural Community Board held on 4 March 2019**
27. **Summary of Recommendations of the Joint Council Waste Futures Project Steering Committee meeting held 22 March 2019 while the Public were Excluded**

The general subject of the matter to be considered while the public is excluded, the reason for passing this Resolution in relation to the matter and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this Resolution is as follows:

GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED		REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER, AND PARTICULAR INTERESTS PROTECTED	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF EACH RESOLUTION
24.	CBD Development Proposal	Section 7 (2) (b) (ii) The withholding of the information is necessary to protect information where the making available of the information would be likely to unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information. To protect third party commercial interests and negotiations.	Section 48(1)(a)(i) Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.

- | | | |
|---|--|---|
| 25. Hawke's Bay Food Innovation Hub | Section 7 (2) (h)
The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.
Commercially sensitive information. | Section 48(1)(a)(i)
Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act. |
| 26. Summary of Recommendations of the Hastings District Rural Community Board held on 4 March 2019 | As stated in the minutes | Section 48(1)(a)(i)
Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act. |
| 27. Summary of Recommendations of the Joint Council Waste Futures Project Steering Committee meeting held 22 March 2019 while the Public were Excluded | As stated in the minutes | Section 48(1)(a)(i)
Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act. |