
Tuesday, 6 June 2023

He hui e whakahaeretia nei e Te Kaunihera ā-Rohe o Heretaunga

Administered by HDC - I whakahaeretia e te Kaunihera ā-Rohe o Heretaunga

HDC : Tangata Whenua Wastewater Joint Committee Meeting

Kaupapataka

Agenda

Te Rā Hui:
Meeting date: **Tuesday, 6 June 2023**

Te Wā:
Time: **1.00pm**

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

Te Hoapā:
Contact: **Democracy and Governance Services
P: 06 871 5000 | E: democracy@hdc.govt.nz**

Te Āpiha Matua:
Responsible
Officer: **3 Waters Manager - Steve Cave**

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

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

Fields of Activity

To be actively involved in developing and monitoring Council's;

- Wastewater treatment and disposal system policies.
- Receiving, reviewing and recommending action on reports concerning the operation and performance of the Council's wastewater disposal system.
- Ocean discharge including alternative treatment and disposal options.
- Provision of advice in regard to the Trends, Technology, Discharge, Environmental and Monitoring Nine Yearly Review, in accordance with the Resource Management Act 1991 and Policies, Plans and Standards under the Act.
- To recognise and respect the role of Tangata Whenua as Kaitiaki, and, to satisfy their cultural concerns.
- To receive, review and recommend action on wastewater reports.
- To recommend the commissioning of reports and future Council actions on wastewater issues including;
- Options for further treatments.
- Options for methods of disposal.
- Monitoring effects on the environment.
- To co-ordinate and oversee education of the community on wastewater issues.

Membership (10 Members)

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

Quorum – 6 members including not less than 3 Councillor representatives

DELEGATED POWERS

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

The Chair shall not have a casting vote.

Tuesday, 6 June 2023

Te Hui o Te Kaunihara ā-Rohe o Heretaunga

Hastings District Council

HDC : Tangata Whenua Wastewater Joint Committee Meeting

Kaupapataka

Agenda

Heamana
(Chair)
(Deputy Chair)

Ngā Mema o te Komiti
Committee
Members:

Ngā KaiKaunihera
Councillors: Ana Apatu, Henry Heke, Kellie Jessup, Simon Nixon and Kevin Watkins and Renata Nepe (Alternate)

Tangata Whenua members (up to 5 members - currently one vacancy)

Evelyn Ratima, Beverley Te Huia, Marei Apatu and Darlene Carroll

Tokamatua:
Quorum:

6 – including not less than 3 Councillors

Apiha Matua
Officer Responsible:

3 Waters Manager – Steve Cave

Te Rōpū Manapori me te
Kāwanatanga

Democracy &
Governance Services:

Lynne Cox (Ext 5632)

Te Rārangi Take

Order of Business

Apologies – Ngā Whakapāhatanga

- 1.0** At the close of the agenda no apologies had been received.
At the close of the agenda no requests for leave of absence had been received.
-

2.0 Conflict of Interest – He Ngākau Kōnatunatu

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

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

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

Confirmation of Minutes – Te Whakamana i Ngā Miniti

- 3.0** There are no minutes to confirm.
-

- 4.0 Election of Chair and Deputy Chair to HDC : Tangata Whenua Wastewater Joint Committee** **7**
-

- 5.0 Nine Year Review Report** **9**
-

- 6.0 Minor Items – Ngā Take Iti**
-

- 7.0 Urgent Items – Ngā Take Whakahihiri**
-

Tuesday, 6 June 2023

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: HDC : Tangata Whenua Wastewater Joint Committee Meeting

Item 4

Te Rārangi Take

Report to HDC : Tangata Whenua Wastewater Joint Committee

Nā: Steve Cave, 3 Waters Manager
From:

Te Take: Election of Chair and Deputy Chair to HDC : Tangata Whenua
Subject: Wastewater Joint Committee

1.0 Purpose and summary - *Te Kaupapa Me Te Whakarāpopototanga*

1.1 The purpose of this report is for the HDC : Tangata Whenua Wastewater Joint Committee (Joint Committee) to elect the Chair and Deputy Chair of the Joint Committee for 2023. The Joint Committee's Terms of Reference requires that the Chair position be appointed annually by the Joint Committee to alternate between the Council and Tangata Whenua members. This year the Chair to be elected should be chosen from the Hastings District Council membership.

2.0 Background – *Te Horopaki*

- 2.1 The Joint Committee was established as a result of a judicial direction by the Environment Court, further to proceedings by the New Zealand Māori Council: Heretaunga Māori Executive and Ahuriri Māori Executive.
- 2.2 The Terms of Reference for the HDC : Tangata Whenua Wastewater Joint Committee provide that the Chair shall be elected annually and alternate between the Hastings District Council and Tangata Whenua members.
- 2.3 The last election for a Chair was in February 2021 at which time Marei Apatu was elected to the position. After the triennial elections in October 2022, Council appointed Marei Apatu as interim Chair, with permanent appointments being made at the Joint Committees first meeting in 2023. It is therefore appropriate that a Councillor now be elected to the position for 2023.

- 2.4 In accordance with the Terms of Reference, the Deputy Chair will be elected from the Tangata Whenua members of the Joint Committee.

OPTIONS IN THE CASE OF AN ELECTION

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

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

3.0 Recommendations - Ngā Tūtohunga

- A) That the HDC : Tangata Whenua Wastewater Joint Committee Meeting receive the report titled Election of Chair and Deputy Chair to HDC : Tangata Whenua Wastewater Joint Committee dated 6 June 2023.
- B) That Councillor be appointed as Chair of the HDC : Tangata Whenua Wastewater Joint Committee, effective from the 6 June 2023 meeting.
- C) That Tangata Whenua member be appointed as Deputy Chair of the HDC : Tangata Whenua Wastewater Joint Committee, effective from the 6 June 2023 meeting.

Attachments:

There are no attachments for this report.

Tuesday, 6 June 2023

Item 5

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: HDC : Tangata Whenua Wastewater Joint Committee Meeting

Te Rārangi Take

Report to HDC : Tangata Whenua Wastewater Joint Committee

Nā: **David Mackenzie, Wastewater Manager**
From:

Te Take: **Nine Year Review Report**
Subject:

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

1.1 The purpose of this report is to;

- Present the draft scope of the *Trends, Technology, Discharge, Environmental and Monitoring Review Report* (Nine Year Review Report) required by condition 27 of the wastewater discharge consent CD130214W to the HDC : Tangata Whenua Wastewater Joint Committee.
- Present the approach to review the *Nine Year Review Report* to the HDC : Tangata Whenua Wastewater Joint Committee, which includes undertaking an Independent Peer Review of the *Nine Year Review Report* on behalf of the HDC : Tangata Whenua Wastewater Joint Committee to ensure the report meets all the requirements of the consent and the report scope.
- Present the approach to undertake a Cultural Review (including a cultural impact assessment) as part of the *Nine Year Review Report* project with the outcomes to be incorporated into *Nine Year Review Report* once the Cultural Review has been completed.

1.2 The draft scope of the *Nine Year Review Report* has been prepared as a result of ongoing workshops with the HDC : Tangata Whenua Wastewater Joint Committee and the need to comply with the consent requirements of conditions 27a-27j of the wastewater discharge consent CD130214W under the Resource Management Act 1991.

- Condition 27 requires a *Trends, Technology, Discharge, Environmental and Monitoring Review Report* (Nine Year Review Report) on the 9th, 18th and 27th year anniversaries. Conditions 27a-27j states what is required to be included in the report as a minimum.

- Condition 29 outlines the functions of the HDC : Tangata Whenua Wastewater Joint Committee, which include providing to the consent holder any further suggested input in respect to the scope of the *Nine Year Review Report* and that they advise on the *Nine Year Review Report* before it is finalised and submitted.

- 1.3 Due to the impacts of Cyclone Gabrielle, progress on the *Nine Year Review Report* has been delayed. The biggest impact has been on the community engagement work required of condition 27j of the wastewater discharge consent CD130214W. As a result of this, Hawke’s Bay Regional Council has approved an extension of time to 31st December 2023 to complete the *Nine Year Review Report* as per the requirements of condition 27 of the wastewater discharge consent CD130214W.

2.0 Recommendations - Ngā Tūhunga

- A) That the HDC : Tangata Whenua Wastewater Joint Committee receive the report titled *Nine Year Review Report* dated 6 June 2023.
- B) That the HDC : Tangata Whenua Wastewater Joint Committee:
- Approve the draft scope for the *Nine Year Review Report*.
 - Approve the Independent Peer Review of the *Nine Year Review Report*.
 - Approve the proposed approach to undertake the Cultural Review.

3.0 Background – Te Horopaki

Wastewater Discharge Consent CD130214W

- 3.1 In June 2014 Hastings District Council (HDC) was granted a 35-year long-term consent for the discharge of treated Domestic and Non-Separable Industry (DNSI) wastewater and treated Separated Industrial wastewater from the East Clive Wastewater Treatment Plant (WWTP), through the long ocean outfall into Hawke Bay (wastewater discharge consent CD130214W). The consent expires on 31 May 2049.
- 3.2 Condition 27 of the consent CD130214W requires a Trends, Technology, Discharge, Environmental and Monitoring Review Report (*Nine Year Review Report*) on the 9th, 18th and 27th year anniversaries. Conditions 27a-j states what is required to be included in the report as a minimum (see attached consent). Condition 27, the requirement for the consent holder to undertake a thorough review every nine years, was one of the reasons on which a 35-year consent duration could be justified. It is important that at this interval the consent holder reviews the performance of the WWTP, and also undertakes community consultation to ensure that they are comfortable with the continuation of the current level of treatment, or whether there is a desire to increase the level of treatment that the East Clive WWTP provides.
- 3.3 Condition 29 of the consent CD130214W requires that HDC establishes, and retains the HDC : Tangata Whenua Wastewater Joint Committee, as a committee of the Hastings District Council under Clause 31, Schedule 7, Local Government Act 2002, a Council Committee, half of the members of which shall be Tangata Whenua representatives, whose functions include but are not limited to the receiving, reviewing and recommending action on reports such as the Annual Wastewater Compliance Report, involvement in the Nine Yearly Consent Review and more. This consent condition ensures the ongoing engagement of the consent holder with tangata whenua over matters relating to the East Clive WWTP.

Scope of the Nine Year Review Report

3.4 To meet the requirements of condition 29, in particular 29e, several workshops were held with the HDC : Tangata Whenua Wastewater Joint Committee and key representatives facilitate input into the scope of the *Nine Year Review Report* and build on the requirements of condition 27 of the consent CD130214W which states what is required to be included in the report as a minimum.

- 1st Workshop with the HDC: Tangata Whenua Wastewater Joint Committee – 11th July 2022
- 2nd Workshop with Tangata Whenua Representatives from the HDC : Tangata Whenua Wastewater Joint Committee – 17th August 2022
- 3rd Workshop with the HDC : Tangata Whenua Wastewater Joint Committee – 12th September 2022

3.5 The outcome of the workshops with the HDC : Tangata Whenua Wastewater Joint Committee was the finalisation of the *Nine Year Review Report* scope.

Independent Peer Review

3.6 In order to facilitate the review of the *Nine Year Review Report* and meet the requirements of condition 29, in particular condition 29f, council officers are proposing that the report undergoes an Independent Peer Review prior to submission to the Hawke’s Bay Regional Council. Peer reviewing the *Nine Year Review Report* provides an additional layer of transparency to the report and confidence that the data is being thoroughly assessed and any unusual trends identified. It will also give the HDC : Tangata Whenua Wastewater Joint Committee confidence that the report meets all the requirements of the consent and the report scope. It is important to note that the HDC: Tangata Whenua Wastewater Joint Committee will still have the opportunity to provide feedback as part of the review of the report. It is anticipated that the peer reviewer will present back to the HDC : Tangata Whenua Wastewater Joint Committee and council officers on their review summary as part of the peer review process.

Cultural Review

3.7 During the various workshops with the HDC : Tangata Whenua Wastewater Joint Committee it was identified that the *Nine Year Review Report* needed to incorporate a Cultural Review to better understand the effects on the cultural values associated with the treatment wastewater at the East Clive WWTP and the discharge treated wastewater to Hawke Bay over the past nine years. It is important to note that Tangata Whenua were a key driver for the change of domestic wastewater treatment in Hastings and these changes were predominantly brought about to address cultural concerns. To address the cultural concerns of Tangata Whenua a significant upgrade of the East Clive WWTP was implemented which resulted in the construction of the Biological Trickling Filters and separation of the Domestic and Non-Separable Industry (DNSI) wastewater treatment process and treated Separated Industrial wastewater treatment process prior to the discharge to Hawke Bay.

3.8 It is proposed that the HDC : Tangata Whenua Wastewater Joint Committee provide input into the scope of the Cultural Review and that the HDC : Tangata Whenua Wastewater Joint Committee also advises on the Cultural Review before it is finalised and incorporated into the *Nine Year Review Report*, in-line with the requirements conditions 29e and 29f of the consent CD130214W.

3.9 Due to the time requirements of condition 27 of the consent CD130214W, it is unlikely that the Cultural Review will be able to be incorporated into the *Nine Year Review Report* prior to the submission to Hawke’s Bay Regional Council. Council officers still recommend that the Cultural Review be incorporated into the *Nine Year Review Report* to ensure there is synthesis and integration between the technical and cultural aspects of wastewater treatment and wastewater discharge in Hastings.

Community Engagement

- 3.10 Condition 27j of the consent requires community consultation to ascertain the community's views of the effects of the current treatment process at the East Clive WWTP and the discharge of treated wastewater in Hawke Bay. Council officers are currently drafting a community consultation strategy that will be brought to this HDC : Tangata Whenua Wastewater Joint Committee to approve. Community consultation is programmed for November 2023 to tie in with the annual public open day at the East Clive WWTP.

4.0 Next steps – *Te Anga Whakamua*

- 4.1 Finalise the *Nine Year Review Report*
- 4.2 Undertake the Independent Peer Review of the *Nine Year Review Report*
- 4.3 Submit the *Nine Year Review Report* to HBRC (*noting that the Cultural Review will follow and be incorporated into a revised version of the Nine Year Review Report*)

Attachments:

1	DRAFT Nine Year Review Scope	CG-16-18-0017
2	Wastewater Discharge Consent CD130214W - East Clive WWTP	WAT-5-09-1-23-359

Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

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

The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.

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

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

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

A requirement of the wastewater discharge consent (Condition 29) is that HDC establishes, and retains the HDC : Tangata Whenua Wastewater Joint Committee, as a committee of the Hastings District Council under Clause 31, Schedule 7, Local Government Act 2002, a Council Committee, half of the members of which shall be Tangata Whenua representatives, whose functions include but are not limited to the receiving, reviewing and recommending action on reports such as the Annual Wastewater Compliance Report, involvement in the Nine Yearly Consent Review and more.

Sustainability - *Te Toitūtanga*

The scope of the Nine Year Review Report identifies sustainability and resilience as key items to be addressed in the final report.

Financial considerations - *Ngā Whakaarohanga Ahumoni*

Budget was allocated in the LTP for this project.

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

This decision has been assessed under the Council's Significance and Engagement Policy as being of not of significance.

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

Next stages require consultation on the draft community engagement strategy.

Risks

Opportunity: The Nine Year Review Report can establish the future pathway for wastewater treatment in Hastings and give surety to both Council and Tangata Whenua through the 3 Waters Reform and beyond.

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
Tangata Whenua relationships are maintained through their involvement and direction in regard to wastewater treatment and disposal initiatives that deliver improved health, environmental and cultural outcomes.	The HDC : Tangata Whenua Wastewater Joint Committee is not provided the opportunity to have input into the scope of the Report and are unable to influence and direct Māori aspirations in respect of the treatment and disposal of the district's wastewater.

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

N/A

STAGE 2		Conduct the Review	Deliverable	Indicative Timeframe
2.1	Request for Information (RFI) for supporting information	<ol style="list-style-type: none"> 1. Prepare a list of required records / reports to inform the review. <i>Note: Many of the references are included in Reference Material Column of Stantec's "Review Scope, Programme and Resource Table" Issue 1, 17 March 2021.</i> 2. Indicate any items which the consultant does not already have access to (for HDC or HBRC to provide). 3. RFI will require all requested information to be provided within one month of its communication to HDC, to avoid any delays to project delivery. 4. It is assumed that HDC will be able to provide the requested information in a suitable format wherever possible, and that the information will have been subject to quality checks. This assumption has been applied by Stantec in developing their fee proposal. 	1-2 page 'Request For information' (RFI) in Word document (emailed to HDC)	HDC respond to RFI by end of November 2022
2.2	Collate supporting information	<p>Selected types of supporting information will need to be collated into a more accessible format (to save time and reduce the chance of human error). Likely to include:</p> <ol style="list-style-type: none"> 1. Compiling a spreadsheet-based summary of findings from annual compliance reports for each discharge permit (9 reports) 2. Compiling a summary of activities / interventions completed by HDC during the 9-year review period including maintenance, surveys, modelling, investigations, upgrades, trade waste investigations, etc. 3. Compile any required geospatial information (accessed either through Intramaps or ArcGIS Online) in coordination with HDC GIS Team 4. Transcribing any information recorded via scanned files/photographs into editable digital form (e.g. scanned PDF to Word format) where required. 5. Document management – compiling all information provided into a single location (indexed) which is easily accessible for various specialists within the project team. 	<p>Summary spreadsheets</p> <p>Document library (shared via OneDrive or similar with HDC)</p>	<p>Q4 2022</p> <p><i>(followed by second high level check/update in Q4 2022, to inform activities in Q4 2022 – Q2 2023)</i></p>
2.3	<p>Condition 27(a) – population and land use changes</p> <p>Comparisons of population and industrial changes and possible trends as compared to the Heretaunga Plains Urban Development Strategy (2010) (HPUDS), and then latest reports on the Hastings Urban Development Strategy and the Hastings Industrial Strategy;</p>	<ol style="list-style-type: none"> 1. Review latest reports prepared in relation to Heretaunga Plains Urban Development Strategy (HPUDS) and Hastings Industrial Strategy to extract: <ol style="list-style-type: none"> a. Latest projections (2020 onwards) for population growth out to June 2049 at minimum b. Potential changes in type/extent of industrial and commercial land use, which may correspond to changes in the characteristics (including quality and quantity) of trade waste discharges to HDC's wastewater network between 2021 and 2050 2. Compare the information obtained from HPUDS-related reports (described above) and relevant projections presented in the original 2013 consent application. Provide commentary on any observed similarities/differences and the implications of these. 3. Examine plan change for medium density housing (~ September 2022) and the potential extent of any population growth. 	Summary tables, graphs and commentary for inclusion in review report	Q4 2023
2.4	<p>Condition 27(b) – wastewater flows and loads assessment</p> <p>Volumes, flows and loads profile and changes assessed against future projections and wastewater projections as set out in section 4.3 of the Hastings Wastewater Resource Consents Project: Assessment of Effects on the Environment and Resource Consent Applications copy dated June 2013;</p>	<ol style="list-style-type: none"> 1. Project wastewater flows and loads to the Hastings WWTP using output from Task 2.3 above and Task 2.5 below, until at least June 2049 (end of 35 year current consent duration). 2. Compare the new projections with those detailed in Section 4.3 of the original (2013) AEE, in tabular form. Write commentary regarding key trends in flows and loads (since 2013, and forward to 2049) for the review report. Include comment on findings related to changes in trade waste profiles. 	Summary tables and commentary for inclusion in review report	Q3 2022 – Q4 2022
2.5	<p>Condition 27(c) – trade waste profile</p> <p>Trade waste profiles, trends and any significant changes in the Consent Holder's trade waste management practices and the trade waste contaminant profile;</p>	<ol style="list-style-type: none"> 1. Assess significant trends in trade waste discharges and industry on site pre-treatment/cleaner protection methods and (any) significant changes in industry types discharging to HDC's wastewater network. 2. Comment on effectiveness and implementation of HDC's Consolidated Bylaw 2021 Chapter 7 – Water Services including compliance of individual trade waste dischargers with their consent requirements, since the Bylaw became operational. Also include relevant commentary on compliance / effectiveness of immediately past Bylaw. 3. Identify (from a trade waste discharge consenting perspective) any changes needed to the Consolidated Bylaw 2021 or the implementation of that Bylaw 4. Investigate whether HDC has completed any monitoring of Emerging Organic Contaminants (EOCs) within the wastewater network and/or receiving environments to date. If so, compile data and comment on any key trends (e.g. primary contaminants of concern; sources and management of discharges; treatment efficiency in Biological Trickling Filter (BTF) domestic and non-separable wastewater streams, and in separated industrial stream). 5. Identify whether there are any additional/newly discovered EOCs which are considered likely to be present in trade waste discharges and/or domestic wastewater (to the Hastings network). Provide summary of chemical characteristics, persistence through treatment, potential to cause damage to WWTP and associated infrastructure, and any potential effects on the receiving environment and/or threats to health and safety of Council WW operators 	Summary tables and commentary for inclusion in review report	Q4 2022 – Q1 2023

