



Unconfirmed

MINUTES OF A MEETING OF THE HAWKE'S BAY DRINKING WATER GOVERNANCE JOINT COMMITTEE

Date: Thursday 13 February 2020

Time: 2.30pm

Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Present: G Cowie – Chairman
Mayor S Hazlehurst (HDC) – *from 2.44pm*
Cr K Watkins (HDC)
A Apatu (HB DHB)
Cr H Ormsby (HBRC)
Cr N Simpson (NCC)
Cr R Chrystal (NCC)
Cr D Eaglesome-Karekare (WDC)

In Attendance: E Lambert – HBRC Group Manager Regulation
N Jones - HB DHB
J Lloyd – CHBDC
T Goodlass – NCC
J Kingsford – NCC
C Bayly – NCC
C Thew - HDC
M Rohleder HB DHB
S Heath – WDC
A Roets – HBRC Governance Administration Assistant

1. Welcome/Apologies/Notices

The Chairman welcomed everyone to the meeting.

DWG31/20 Resolution

That the apologies for absence from Mayors Craig Little and Alex Walker, Councillors Brent Muggerridge and Martin Williams and Shayne Walker, and for lateness from Mayor Sandra Hazlehurst be accepted.

**Eaglesome-Karekare/Ormsby
CARRIED**

2. Conflict of Interest Declarations

There were no conflicts of interest declared.

3. Confirmation of Hawke's Bay Drinking Water Governance Joint Committee Appointments

The item was taken as read.

Hawke's Bay District Health Board to confirm appointees, one being Ana Apatu.

DWG32/20 Resolutions

That the Hawke's Bay Drinking Water Governance Joint Committee:

1. Receives and notes the *Confirmation of Hawke's Bay Drinking Water Governance Joint Committee Appointments* staff report.
2. Confirms the appointments of the following as members of the *Hawke's Bay Drinking Water Governance Joint Committee*
 - 2.1. Representatives of Central Hawke's Bay District Council – Mayor Alex Walker and Councillor Brent Muggerridge
 - 2.2. Representatives of Hastings District Council – Mayor Sandra Hazlehurst and Councillor Kevin Watkins
 - 2.3. Representatives of the Hawkes' Bay District Health Board – Ana Apatu and another representative to be confirmed.
 - 2.4. Representatives of Hawke's Bay Regional Council – Councillors Hinewai Ormsby and Martin Williams
 - 2.5. Representatives of Napier City Council – Councillors Nigel Simpson and Ronda Chrystal
 - 2.6. Representative of Ngati Kahungunu Iwi Inc – Ngahiwi Tomoana
 - 2.7. Representatives of Wairoa District Council – Mayor Craig Little and Councillor Denise Eaglesome-Karekare.

**Watkins/Ormsby
CARRIED**

5. Adoption of the Hawke's Bay Drinking Water Governance Joint Committee Terms of Reference

The Chair introduced the item, which was taken as read.

- The current Terms of Reference remain fit for purpose and was endorsed by each partner council end of 2019
- It was noted that the Drinking Water Regulator may change during 2020 and potentially change the terms of reference, which will be addressed when required.

That the Hawke's Bay Drinking Water Governance Joint Committee:

1. Receives and notes the *Adoption of the Hawke's Bay Drinking Water Governance Joint Committee Terms of Reference* staff report
2. Agrees that the decisions to be made are not significant under the criteria contained in Councils' adopted Significance and Engagement policies, and that the Joint Committee can exercise its discretion and make decisions on this issue without conferring with the community.
3. Agrees the Terms of Reference (following) as adopted by all participating agencies.
4. Notes that the Drinking Water Regulator may change during 2020 and that the Terms of Reference will be amended accordingly as required.

**Hawke's Bay Drinking Water Governance Joint Committee
Terms of Reference**

1. Background

- 1.1. In August 2016 a significant water contamination event occurred that affected the Hawke's Bay community of Havelock North. The Government established an Inquiry into the Havelock North water supply.
- 1.2. It became apparent during the Government Inquiry that in order to achieve a systematic approach to ensuring safe drinking water, there was a need to strengthen interagency working relationships, collaboration and information sharing pertaining to drinking water.
- 1.3. The Inquiry asked a Joint Working Group (JWG) initially comprising staff representatives of the
- 1.4. Hawke's Bay District Health Board, Hawke's Bay Regional Council and the Hastings District Council to implement its 17 initial recommendations. As this group has evolved it has become apparent that many drinking water issues will require an ongoing forum for regional collaboration and decision making. Napier City Council have also joined the Joint Working Group, as well as a Drinking- Water Assessor from the Central North Island Drinking Water Assessment Unit.
- 1.5. Ngāti Kahungunu Iwi Incorporated have called for the agencies involved in water management to view water as a taonga, the lifeblood of the land and people. They consider that drinking water should be set as the number one priority for water use in decision-making processes related to water.
- 1.6. It is within this context that the Hawke's Bay Drinking Water Governance Joint Committee has been established. The principal focus of the Committee is on drinking water, however drinking water cannot be considered in isolation from other fresh water management issues. For that that reason the focus of the Committee will be twofold:
 - 1.6.1. To provide governance oversight for planning and decision making on regional drinking water matters; and
 - 1.6.2. To consider and make recommendations where appropriate to decision-making bodies with responsibility for broader freshwater management issues or planning or infrastructure issues that have implications for drinking water and/or drinking water safety.

2. Purpose

- 2.1. The parties agree that water is a taonga, the lifeblood of the land and people. They further agree that the Joint Committee established under this Terms of Reference is intended to give practical meaning and effect to this agreement.
- 2.2. The Committee is established to provide governance oversight to the existing JWG regarding the implementation of recommendations from the Inquiry Panel and then the evolution of the JWG into a more permanent officials working group.
- 2.3. In the context of this agreement including 2.1 and 2.2 above, the purpose of the Hawke's Bay Regional Drinking Water Security Joint Committee is to give governance oversight and direction in respect of the following matters:
 - 2.3.1. Programmes and initiatives to protect and enhance drinking water quality and safety
 - 2.3.2. Improving and maintaining effective inter-agency working relationships relating to drinking water, including the extent and effectiveness of cooperation, collaboration and information sharing between the agencies, and mechanisms to achieve these desired outcomes
 - 2.3.3. Provision of governance oversight of strategies and work programmes related to

- drinking water management, including drinking water sources and infrastructure matters
- 2.3.4. To recommend to the relevant bodies and decision making for changes to strategies and work programmes to protect and enhance drinking water quality and safety
 - 2.3.5. To encourage the member parties to give adequate consideration of the safety of drinking water in the carrying out of their range of functions
 - 2.3.6. To make recommendations as appropriate to relevant agencies and decision making fora on initiatives and priorities related to water, having regard to the needs of the region for adequate and secure water resources suitable for the supply of safe drinking water.
- 2.4. The geographic scope of the Joint Committee's jurisdiction shall be over drinking water related matters on the land and catchment areas within territorial authorities who elect to be members of the Joint Committee (the participating territorial authorities) plus such other land and catchment areas within the authority of the Hawke's Bay Regional Council that have an impact upon drinking water within the participating territorial authorities.

3. Members/Parties

- 3.1. If they elect to take up membership and establish the Joint Committee, each of the following shall be a Member Organisation of the Hawke's Bay Drinking Water Governance Joint Committee and a party to this document and the establishment of the Joint Committee:
 - 3.1.1. Hawke's Bay District Health Board
 - 3.1.2. Hawke's Bay Regional Council
 - 3.1.3. Central Hawke's Bay District Council
 - 3.1.4. Hastings District Council
 - 3.1.5. Napier City Council
 - 3.1.6. Wairoa District Council
- 3.2. Each member organisation may appoint two (2) representatives.
- 3.3. To ensure the work of the joint committee is not unreasonably disrupted by absences each party may also appoint alternative representatives.
- 3.4. The Joint Committee shall appoint an Independent Chairperson of the Joint Committee.
- 3.5. Water is of particular importance to Māori, and Māori have certain statutory rights in respect of decision making relating to water under the Resource Management Act 1991 and the Local Government Act 2002. Some iwi representatives have been involved in discussions leading to the proposal for this Joint Committee but have not determined whether or not they wish to formally participate in the Joint Committee. Provision is made for iwi representation to be added to the Committee should iwi organisations with authority in respect of the geographic areas over which this Joint Committee has jurisdiction indicate that they wish to formally join the Committee.
 - 3.5.1. Notwithstanding any decision by iwi organisations under e. above, the member organisations will take steps to consult with, and take into account the interests of, Māori as appropriate in terms of local authority decision making requirements in respect of matters before the Joint Committee.

4. Name

- 4.1. The Hawke's Bay Drinking Water Governance Joint Committee shall be known as the **Hawke's Bay Drinking Water Governance Joint Committee (HBDWGJC).**

5. Status

- 5.1. By agreement of the local authority members, the Hawke's Bay Drinking Water Governance Joint Committee is to be established as a Joint Committee under clause 30 and clause 30A of Schedule 7 of the Local Government Act 2002.

6. Delegated Authority

- 6.1. The Hawke's Bay Water Governance Joint Committee shall have authority to undertake such steps as are necessary to give effect to the purpose of the Hawke's Bay Water Governance Joint Committee including but not limited to:
 - 6.1.1. Establishing and amending as it sees fit the Terms of Reference for the JWG
 - 6.1.2. Receiving reports from and giving direction to the officials Joint Working Group that leads interagency cooperation and work programmes on drinking water quality and safety and/or from the Chief Executives of the member agencies
 - 6.1.3. Commissioning reports and studies
 - 6.1.4. Making recommendations to members related to the security and safety of drinking water
 - 6.1.5. Making recommendations to member organisations relating to strategies and work programmes.
 - 6.1.6. Making recommendations to appropriate parties on matters within the purpose of

the Joint Committee.

7. Administering Authority and Servicing

- 7.1. The members of the Hawke's Bay Drinking Water Governance Joint Committee shall work with the JWG established to lead interagency cooperation and work programmes on drinking water quality and safety.
- 7.2. The Administering Authority of the Joint Committee shall be the Hawke's Bay Regional Council.

8. The Remuneration

- 8.1. Each member organisation of the Hawke's Bay Drinking Water Governance Joint Committee shall be responsible for the cost of its participation on the Joint Committee.
- 8.2. The Joint Committee shall agree on the apportionment of the costs of the Independent Chairperson on the recommendation of the JWG.
- 8.3. The JWG shall agree the apportionment of any costs arising from the work of the Joint Committee.

9. Meetings

- 9.1. The Standing Orders of the Hawke's Bay Regional Council will be used to conduct Joint Committee meetings.
- 9.2. The Joint Committee shall meet not less than 6 monthly or at such other times and places as agreed for the achievement of the purpose of the Joint Committee.

10. Quorum

- 10.1. The quorum at any meeting shall be not less than eight (8).

11. Voting

- 11.1. The membership shall strive at all times to reach a consensus.
- 11.2. Each representative and the Independent Chairperson shall be entitled to one vote on any item of business.
- 11.3. There shall be no casting vote.

12. Chairperson and Deputy Chairperson

- 12.1. Member representatives shall appoint, by agreement, an Independent Chairperson who shall be entitled to one vote, and in the case of an equality of votes does not have a casting vote.
- 12.2. The Joint Committee shall also appoint, by simple majority vote from among the representatives, a Deputy Chairperson.

13. Variations

- 13.1. Any Member may propose an amendment (including additions or deletions) to the Terms of Reference which may be agreed to by the Joint Committee.
- 13.2. Once agreed to by the Joint Committee, amendments to the Terms of Reference shall have no effect until each member organisation has agreed to the amendment.

14. Good Faith

The parties to this Terms of Reference agree to act in good faith towards each other and to give effect to the purpose of the Joint Committee.

**Apatu/Ormsby
CARRIED**

6. Independent Chairperson Appointment and Election of Deputy Chairperson

Garth Cowie stepped down and Liz Lambert assumed the Chair at 2.40pm, explaining the process to be undertaken.

- Garth Cowie indicated his availability to continue as Chair, and declared his chairmanship of the Hastings District Council 3 Waters Improvement Committee, a position he has held since 2018
- It is the Joint Committee decision whether to reappoint Garth Cowie as Chair.

Garth Cowie was reappointed and resumed the Chair at 2.42pm.

DWG34/20 Resolutions

That the Hawke's Bay Drinking Water Governance Joint Committee:

1. Receives and considers the "*Independent Chairperson's Appointment and Election of the Deputy Chairperson*" staff report.
2. Agrees that an Independent Chairperson will be appointed for the Joint Committee.

3. Confirms the re-appointment of Garth Cowie as the Independent Chairperson for the Hawke's Bay Drinking Water Governance Joint Committee for the 2019-22 Triennium.

**Atkinson/Simpson
CARRIED**

4. Denise Eaglesome-Karekare nominated Hinewai Ormsby as Deputy Chair, seconded by Ana Apatu.

- 4.1. There being no further nominations, Hinewai Ormsby was unanimously elected Deputy Chair of the Hawke's Bay Drinking Water Governance Joint Committee for the 2019-22 Triennium.

**Eaglesome-Karekare/Apatu
CARRIED**

Mayor Sandra Hazlehurst arrived at 2.44pm.

7. Submission to Central Government's Drinking Water Regulator and Regulations Proposals

The Chair introduced the item, and discussions covered:

- The report sets out a number of issues and background to the proposed legislation and seeks support for the making of a joint submission from this group and the working group to ensure adequate processes are in place before the Regulator is appointed
- Points of submission and key concerns include funding, capability within NZ, statutory independence and status, governance, delivery, participation in collaborative regional forums like this Joint Committee
- General agreement in support of the preparation and lodging of a joint submission by the 4 March 2020 deadline
- Collectively agree that a joint submission be submitted by the HB Drinking Water Governance Joint Committee and made public
- Hastings District Council will also make an independent submission including the offer to house the Regulator.

DWG35/20 Resolutions

That the Hawke's Bay Drinking Water Governance Joint Committee:

1. Receives and considers the "*Submission to Central Government's Government Drinking Water Regulator and Regulations Proposals*" staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Hawke's Bay Regional Council's adopted Significance and Engagement Policy, and that the Joint Committee can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
3. Agrees to prepare and lodge a submission on the Taumata Arowai – Water Services Regulator Bill, with the drafting and approval of the submission delegated to Garth Cowrie and Nigel Simpson representing the Joint Committee, and Nick Jones and Craig Thew representing the Joint Working Group.

**Hazlehurst/Ormsby
CARRIED**

7. Introduction to the Joint Committee, Its Role and Responsibilities

Liz Lambert introduced the item, noting the Joint Committee arose out the Havelock North inquiry.

- Roles and responsibilities of both the Joint Committee and Joint Working Group (JWG) were explained, particularly around achieving high levels of cooperation and collaboration among the member agencies with Garth Cowie chairing both to

provide strong liaison between the two

- Emerging issues this triennium will include responding to drinking water supply management legislation, changes to drinking water services through the 3 Waters Review, and further work on source protection zones in Hawke's Bay
- Source protection zones are areas with specific landuse rules that require the notification of particular activities to the Drinking Water Provider (HDC or NCC)
- Current focus is on communication and key messaging between partner councils to ensure up to date information is shared
- The JWG work programme for the next three years is being developed
- The SkyTem aquifer mapping report will be shared once available.

DWG36/20 **Resolution**

That the Hawke's Bay Drinking Water Governance Joint Committee receives and notes the "*Introduction to the Joint Committee, Its Role and Responsibilities*" staff report.

**Watkins/Eaglesome-Karekare
CARRIED**

8. Three Waters Governance Funding Review

Toni Goodlass summarised the item with discussions highlighting:

- Central Government contributing \$1.55m staged funding to the HB 3 Waters Review, to enable detailed analysis of the potential service delivery options including the assessment of potential to meet the requirements of future changes to regulation, and the design and implementation of a comprehensive engagement strategy to support the review process.
- Further 3 phases (4 total) are dependent on approval of Councils and Government to proceed and completion is anticipated in the second half of 2021
- Development and implementation of a regional communications and engagement strategy to ensure communities are engaged and consulted on
- Preferred option to be presented in to councils in September 2020.
- An explanation was given of the infrastructure asset sensitivity assessment work under way with WSP
- Hawke's Bay has been invited to be part of the Department Internal Affairs delegation to Tasmania to review water services delivery models.
- Water quality and quantity of supply "mapping" is being reported through the JWG work programme.
- Critical separate workstream within the Review is dedicated to Māori engagement.

DWG37/20 **Resolution**

This report is for information purposes only. No decision is required of this committee. It is recommended that the Hawke's Bay Drinking Water Governance Joint Committee receives the "*Three Waters Review Funding Announcement*" report.

**Apatu/Chrystal
CARRIED**

9. Drinking Water Joint Working Group Work Plan

Craig Thew introduced the item, with discussions covering:

- Most actions arising from the Inquiry Panel's direction have been addressed
- List is prioritised by colour, with red being highest priority
- Next steps will have greater focus on sharing information/skills across agencies to enhance consistency of approach and federation of information for trends analysis
- Development of a Joint Emergency Response Plan to prepare for potential scenarios where drinking water is lost or interrupted is under way
- JWG role to review and amend the work programme in response to new requirements from central government on the management of drinking water.

DWG38/20 **Resolution**

That the Hawke's Bay Drinking Water Governance Joint Committee receives and notes the *"Drinking Water Joint Working Group Work Plan"* staff report.

Eaglesome-Karekare/Jones
CARRIED

Closure:

There being no further business the Chairman declared the meeting closed at 3.40pm on Thursday, 13 February 2020.

Signed as a true and correct record.

DATE:

CHAIRMAN: