



Meeting of the Hawke's Bay Drinking Water Governance Joint Committee

Date: Monday 29 March 2021
Time: 1.00pm
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

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2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Hawke's Bay Drinking Water Governance Joint Committee meeting held on 3 August 2020	
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HAWKE'S BAY DRINKING WATER GOVERNANCE JOINT COMMITTEE

Monday 29 March 2021

Subject: CALL FOR MINOR ITEMS NOT ON THE AGENDA

Reason for Report

1. This item provides the means for committee members to raise minor matters they wish to bring to the attention of the meeting.
2. Hawke's Bay Regional Council standing order 9.13 states:
 - 2.1 "A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion."

Recommendation

That the HB Drinking Water Governance Joint Committee accepts the following "*Minor Items Not on the Agenda*" for discussion as Item 10.

Topic	Raised by

Authored by:

Leeanne Hooper
TEAM LEADER GOVERNANCE

Approved by:

Desiree Cull
STRATEGY AND GOVERNANCE
MANAGER

Attachment/s

There are no attachments for this report.



HAWKE'S BAY DRINKING WATER GOVERNANCE JOINT COMMITTEE

Monday 29 March 2021

Subject: FURTHER SUBMISSION ON TANK PLAN CHANGE 9 DRINKING WATER PROVISIONS

Reason for Report

1. This item seeks a retrospective resolution of the Joint Committee on the further submission to TANK Plan Change 9 to the Hawke's Bay Regional Resource Management Plan (TANK) which was lodged 8 December 2020. The Joint Committee of 4 December 2020 did not have a quorum to allow for a resolution to be passed.

Officers' Recommendation

2. Council officers recommend that the Joint Committee resolves as proposed, in accordance with the submission already having been submitted after Joint Committee agreement reached via email to meet the "further submissions" deadline.

Executive Summary

3. The Drinking Water Governance Committee, through the Joint Working Group, was recognised as a TANK working group tasked with developing draft policies and rules for the protection of drinking water sources for inclusion in the TANK plan change.
4. The TANK Plan was publicly notified on 2 May 2020 and 240 submissions were received. The deadline for lodging further submissions in support or opposition to the original submissions closed on Wednesday 9 December 2020.
5. This paper provides a broad summary of the submissions received on drinking water source protection. A copy of the Committee's further submission is attached.

Background

6. TANK covers the Tutaekuri, Ahuriri, Ngarururo and Karamu catchments of the Heretaunga Plains and includes the urban areas of Napier and Hastings. The plan change deals with the management of water quality and water quantity in those catchments.
7. The Joint Working Group (JWG) presented the following recommendations to the TANK group meeting on 27 July 2018.
 - 7.1. Include a new objective to provide an explicit statement in the Regional Plan that recognises and provides for drinking water source protection zones (SPZs).
 - 7.2. Include a new policy to support the above objective and provide guidance as to how the objective is to be implemented.

- 7.3. Several changes to rules:
- 7.3.1. For activities that already require a resource consent, add matters of control/discretion that enable the risk to drinking water sources to be considered, where those activities are located in mapped Source Protection Zones (SPZs)
 - 7.3.2. Introduce consenting requirements for activities located over SPZs
 - 7.3.3. A default 2km radius or provisional protection zone (PPZ) applied for registered drinking water supplies in the absence of more specific information
 - 7.3.4. Amendments to some existing Permitted Activity rules to meet National Environmental Standard for Sources of Human Drinking Water requirements
 - 7.3.5. Production Land use consents in a SPZ area to be a permitted activity as proposed by TANK, but Farm Environment Plans will need to include consultation with the water supply authority and identify measures to manage risks to drinking water sources
8. Further work was undertaken and clarity sought on the models to be used for the mapping of the SPZs. Minor details included: the practical implications of the SPZs on land use implications both current and future in those zones and the status of the development of Napier City Council's SPZs.
9. The result of this further work was a conclusion that the 'modelling approach adopted by HBRC for delineating the SPZ's for the four Hastings bore-fields is considered appropriate and represents an advance on the initial work by Tonkin and Taylor in that it accommodates more of the complexity of groundwater flow system, and in particular the groundwater flow directions and gradients'.
10. Ultimately it was recommended to the Regional Planning Committee that the Heretaunga Plains numerical model be used to determine SPZs in the longer term within the TANK Plan while the AEM approach for Napier be used in the short term until further modelling can be carried out.
11. The groundwater modellers indicated that the Napier SPZs modelled using an AEM model may not be significantly different using the Heretaunga Plains numerical model as the bores in that location are within a more homogeneous part of the aquifer. The item also noted that whilst the Heretaunga Plains numerical model represents the best available knowledge it may change as more data is gathered as part of improving the model. This related specifically to the SkyTEM Airborne Aquifer Survey work programmed for completion in 2021.
12. Ahead of public notification the provisions were also amended to insert definitions into the glossary for 'Registered drinking water supply', 'Source Protection Zones', 'Source Protection Extent' and 'Hawkes Bay Regional Council Heretaunga Plains Groundwater Model'.

Discussion

13. Hawke's Bay Regional Council received 240 submissions on Plan Change 9 – TANK. Of these, 42 submissions submitted on one or more of the source protection provisions, a total of 83 points. These can be found on pp 39-43 of the summary of submitters by provision: <https://www.hbrc.govt.nz/assets/Document-Library/TANK/Summary-of-submissions-by-provision.pdf>
14. The submissions can be broadly categorised as follows:
- 14.1. Seeking changes to boundaries of SPZs
 - 14.2. General support but concern around over-precautionary approach to protection of source drinking water and suggested amendments to make this less regulatory.

- 14.3. Acknowledge that provisions may need to be amended to be consistent with the Water Service Bill.
15. Overall, however, there are no submissions seeking the removal of the drinking water source provisions. The Joint Committee has status as a submitter and can (and should) appear before the TANK hearings panel with the aim of assisting the Panel to finalise these provisions.
16. The Joint Committee will not be disadvantaged by not lodging a further submission. The period for further submissions closes on Wednesday 9 December 2020. Member agencies may well be preparing their own further submissions.
17. The hearings are scheduled for May and June 2021 (2 weeks of each month) and the Officers Reports are likely to be circulated by the end of March 2021. This will give an opportunity for the Joint Working Group to undertake further work ahead of the hearings on the zone boundaries and any other matters. By the time of the hearings we will also have a better idea of the content of the Water Services legislation.

Decision Making Process

18. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 18.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 18.2. The use of the special consultative procedure is not prescribed by legislation.
 - 18.3. The decision is not significant under the criteria contained in Hawke's Bay Regional Council's adopted Significance and Engagement Policy.
 - 18.4. The persons affected by this decision are those who access drinking water in the TANK catchments.
 - 18.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision

Recommendations

That Hawke's Bay Drinking Water Governance Joint Committee:

1. Receives and considers the "*Further Submission on TANK Plan Change 9 Drinking Water Provisions*" 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. Approves the further submission to TANK Plan Change 9 as lodged with the Hawke's Bay Regional Council on 8 December 2020.

Authored by:

Liz Lambert
CONSULTANT

Approved by:

Katrina Brunton
**GROUP MANAGER POLICY &
REGULATION**

Attachment/s

- 1 [↓](#) Further Submission on TANK Plan Change 9



8 December 2020

Hawke's Bay Regional Council
Private Bag 6006
NAPIER

By email: eTANK@hbrc.govt.nz

FURTHER SUBMISSION: PLAN CHANGE 9

This further submission is lodged on behalf of the Hawke's Bay Drinking Water Governance Joint Committee, representing the agencies responsible for the provisions of safe drinking water in Hawke's Bay.

(A) The first submission we wish to support is:

- *Submission no. 233* lodged by the Hawke's Bay District Health Board, PO Box 447, Napier 4140.

The particular point of the HBDHB submission we support is:

- Recommendation 10 in respect of Policy 6: to extend the definition of Water Source Protection Zone to all registered water supplies serving 25 persons or more.

The reasons for our submission of support are:

- The notified provisions in Plan Change 9 reflect the current thresholds set out in the current Resource Management (National Environmental Standard for Sources of Human Drinking Water) Regulations 2007 in respect of population thresholds. These thresholds are for registered suppliers supplying no fewer than 501 people. As the Policy and Schedule currently stand this limit applies in Plan Change 9.
- The NES regulations state that "Consent authority requirements may be more stringent than regulation requirements". Given the present review of drinking water legislation and standards it is the view of the Joint Committee that the TANK plan change should anticipate the pending updates and make provision for the protection of drinking water supplies serving 25 persons or more. In the case of the latter consent authorities are required under the NES

to include a consent condition for the consent holder to notify the water supplier in the event that an activity may adversely impact on the quality of the water at source.

- The HBDHB submission also highlights that many of the small supplies serving over 25 and fewer than 501 people are serving small predominantly Māori communities. There are many other registered supplies serving between 25 and 100, some of which supply schools. The Joint Committee shares the HBDHB's view that by applying the methods set out in schedule 35 default source protection zones could be defined for all supplies over the 25 person threshold.

(B) The second submission we wish to support is:

- *Submission no.207* from the Hastings District Council regarding the individual Council's Source Protection Zone maps attached to each Council's respective Submissions.

The reasoning for our support is that further independent advice from GNS about the science behind the different methodologies in calculating the Source Protection Zones needs to be conservative as per the approach established in the Six Principles of Safe Drinking Water from the Havelock North Government Inquiry. Until further evidence is available from the SkyTEM Airborne Aquifer Survey work, (due for completion in 2021) then the combined results of both the numerical and analytical methodologies should be used in calculating the Source Protection Zone maps.

(C) We wish to advise the Hearings Panel that there is significant legislative change underway, following the establishment of Taumata Arowai and the new Water Services Bill. These new regulatory and compliance provisions may necessitate further amendments to the TANK Plan Change 9 prior to the formal hearings process to ensure safe drinking water.

Our address for service is:

Hawke's Bay Drinking Water Governance Joint Committee
c/- Hawke's Bay Regional Council
Private Bag 6006
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Email: lizlambert@outlook.co.nz

We wish to be heard in support of our further submission.

Yours faithfully



Garth Cowie
Independent Chairman
Hawke's Bay Drinking Water Governance Joint Committee



HAWKE'S BAY DRINKING WATER GOVERNANCE JOINT COMMITTEE

Monday 29 March 2021

Subject: SUBMISSION TO WATER SERVICES BILL

Reason for Report

1. This agenda item seeks the Joint Committee's endorsement of the submission prepared and lodged by the Hawke's Bay Drinking Water Joint Working Group on the Water Services Bill (the Bill).

Officers' Recommendation

2. Council officers recommend that the Hawke's Bay Drinking Water Governance Joint Committee endorses the submission of the Hawke's Bay Drinking Water Joint Working Group to the Health Select Committee on the Water Services Bill, lodged on 2 March 2021.
3. A copy of the submission is attached.

Background/Discussion

4. One of the first matters of business for this Joint Committee, post its re-constitution following the 2019 local body elections, was the development of a submission on the Taumata Arowai – Water Services Regulator Bill introduced on 11 December 2019.
5. At the time the submission was prepared (March 2020) it was acknowledged that while that Bill focused on the establishment of Taumata Arowai it would be followed by the Water Services Bill containing the details of the new drinking water regulatory system, and provisions relating to source water protection and Taumata Arowai's wastewater and stormwater functions.
6. The Water Services Bill was subsequently introduced into the House on 28 July 2020. It received its first reading on 8 December 2020 at which point it was referred to the Health Select Committee for public submissions.
7. During the workshop held by members of this Committee on 4 December 2020 (having failed to reach a quorum to hold a formal meeting) the need to prepare a submission on the Water Services Bill was discussed and general agreement occurred on the Joint Working Group being responsible for this.
8. The Joint Working Group drafted a submission in February that was finalised with the oversight of the Chair and Deputy Chair of the Joint Committee in time for lodging by the deadline of 2 March 2021. A copy of the submission is attached to this paper.

Summary of the Water Services Bill

9. The Bill repeals and pulls together many of the disparate parts of the regulatory system from the Health Act 1956 and Local Government and Resource Management Acts and is designed to strengthen them. Our submission identifies areas where we believe the design may not be right.
10. The Bill sets out the following duties and obligations of drinking water suppliers (and applies to all drinking water suppliers except domestic self suppliers):
 - 10.1. Provide safe drinking water and meet drinking water standards
 - 10.2. Ensure there is always sufficient quantity of drinking water to meet the ordinary needs of consumers
 - 10.3. Register with Taumata Arowai and maintain records
 - 10.4. Have and maintain a drinking water safety plan that contains a multi-barrier approach
 - 10.5. Clear obligations to inform Taumata Arowai, and take action to address any breach of the above duties for any reason, including public health, breaches of drinking water standards or any other risk event
 - 10.6. Duties also apply to offices, agents and employees.
11. New arrangements relate to source water risk management and apply to drinking water suppliers, Taumata Arowai and local authorities including regional councils. Suppliers must monitor source quality and have a Source Risk Management Plan (SRMP). Local authorities including regional councils must contribute to SRMPs by sharing information about risks and undertaking action to address them on behalf of a drinking water supplier.
12. The Bill's approach to regulation is a proportionate approach based on scale, complexity and risk, reflecting the range of situations of suppliers and consumers. Penalties available under the legislation are relatively severe and extend to employees, agents and managers but exclude people acting in a governance role.
13. The Bill enables Taumata Arowai to declare and manage drinking water emergencies such as infrastructure damage, contamination events or droughts, but these powers can only be applied after consulting the responsible Minister.
14. Te Mana o Te Wai – the Bill requires everyone with functions, powers and duties under the Bill to give effect to Te Mana o Te Wai and is intended to parallel the requirement faced by councils under the National Policy Statement for Freshwater Management. However as noted in our submission there does appear to be some potential conflicts in the relative priority between the environment first, then peoples' needs and then other uses as laid out in the NPS-FM and the Water Services Bill, which is focussed on ensuring drinking water suppliers meet peoples' needs foremost.
15. Reporting, Compliance and Enforcement – the Bill contains a broad tool kit of powers that allow for a graduated response to non-compliance. Taumata Arowai must develop and publish a compliance, monitoring and enforcement strategy to provide transparency on how it will apply its powers and allow time for suppliers to reach full compliance.
16. The Bill contains a consumer complaints framework that is designed to ensure complaints are taken seriously and action taken where necessary. Where a complainant is dissatisfied with a supplier's response they are able to seek a review by Taumata Arowai.
17. Wastewater and Stormwater – the Bill contains national level reporting, monitoring and advisory functions for wastewater and stormwater, allowing Taumata Arowai to, *inter alia*, publish an annual report on the environmental performance of wastewater and stormwater networks and their compliance with applicable regulatory requirements (such as resource consents).
18. Relationship to the Local Government Act – the Bill alters the existing LGA regime by imposing a specific duty on territorial authorities to ensure that local communities always

continue to have access to drinking water, including supporting this provision by understanding the risks to ongoing access and plans to ensure that services continue to be available. The Bill also places new responsibilities on territorial authorities when supplies (even if not owned or provided by the territorial authority) fail or are at risk of failing.

19. These provisions strengthen the existing role that territorial authorities play in "providing for" drinking water services to their communities and will be contained in an amendment to the LGA 2002 that will :
 - 19.1. Require territorial authorities to assess every three years the access that communities have to drinking water services, and consider its implications for local government planning (e.g long term plans and infrastructure strategy)
 - 19.2. Require territorial authorities to work with suppliers, consumers and Taumata Arowai to find solutions where drinking water services fail, and ensure that consumers continue to have access to drinking water services, whether provided by the territorial authority or another supplier.
20. Transitional arrangements to allow for change between the existing regime and the new legislation include:
 - 20.1. All suppliers on the existing drinking water register will be transferred to the new Taumata Arowai Register. Suppliers have 12 months to register if they are not currently registered.
 - 20.2. Existing drinking water safety plans continue to apply. Large drinking water suppliers (>500 persons for at least 60 days per year) have 12 months to have a plan in place that meets the new requirements. All other suppliers have 5 years.
 - 20.3. Taumata Arowai's compliance, monitoring and enforcement strategy must be in place within 12 months.

Matters covered in the submission

21. In preparing its submission the Joint Drinking Water Group was mindful of the progression of changes which the government has initiated in respect of providing safe drinking water for all New Zealanders. Following the establishment of Taumata Arowai through the Water Services Regulator Taumata Arowai Act 2020 – the Water Services Bill provides details how the new regulatory system for drinking water will function.
22. We are mindful that further details will be made known through the review of the National Environment Standard for Sources of Human Drinking Water (2008) currently under amendment by the Ministry for the Environment. And of course the current Three Waters Review which will lead to another suite of changes to the system.
23. So bearing in mind that the tranches of reform deal with the 'who' (Water Services Regulator), the 'how' (Water Services Bill) and the 'what' (NES – DW) this submission focuses on how the system will operate.

Continued Public Health focus and Public Health emergencies

24. The Bill transfers the powers that currently lie with the Director-General of Health under Part 2A of the Health Act 1956 to the Chief Executive of Taumata Arowai. Our submission seeks clarity on the requirement for the input of public health expertise into a drinking water emergency and into general powers afforded to Taumata Arowai. While the Working Group assume that Taumata Arowai will have a number of staff with public health expertise we are seeking that consultation by Taumata Arowai with health authorities is mandated in the legislation to ensure ongoing engagement, information sharing and situational awareness.

Role Clarification

25. The Bill amends the Local Government Act 2002 through the inclusion of new responsibilities for territorial authorities to ensure that their communities continue to have access to drinking water, understand the risks to ongoing access, and plan to ensure that services continue to be available.
26. The onus is on the territorial authority to step in if a drinking water service (not supplied by them) fails to ensure that consumers continue to have access to drinking water services. Given the definition of “drinking water supplier” (i.e a person who provides drinking water through a drinking water supply, and only excludes a domestic self supply) our concerns are three-fold:
 - 26.1. The future of drinking water services is likely to reside with multi-regional entities so to then require a council to actively work with and potentially manage small drinking water supplies when they are not a supplier themselves will be challenging.
 - 26.2. Lack of incentive for small self suppliers to maintain the standards required, knowing that the territorial authority is required to be the “last man standing” in terms of supplying drinking water;
 - 26.3. Alternatively a small drinking water supply scheme falls over and the scheme members revert back to individual self-supplies/rainwater tanks, potentially resulting in adverse health outcomes;

Responsiveness in Management of Source Drinking Water

27. We note that the multi-barrier approach to drinking water safety begins with the protection of source water in the catchment. In the submission we question the responsiveness of Resource Management Act processes to new information, the identification of source protection zones and the promulgation of rules to manage activities in those zones. While we expect that this may be better addressed through resource management reform we did consider that it may be a matter worth pursuing through the National Environment Standards review and therefore included it in our submission.

Source Water Risk Management Plans

28. Our submission fully supports the concept of source water risk management plans but we have requested that Taumata Arowai is very clear about what is need in these plans based on scale, complexity and risk. A two-property drinking water supplier will have very different needs than a municipal supplier.
29. Of more concern is the requirement for local authorities to contribute to the development and implementation of source water risk management plans prepared by drinking water suppliers in their district/region. This is an unfunded mandate for local authorities that has the potential to be significantly costly for them and we are seeking clarification from Taumata Arowai as to how this will work in practice.
30. We are aware of submissions to the Bill from other parties that are seeking to upgrade the input of local authorities from “contributing to” to “Partnering in the development of” source water risk management plans and until we have clarity from Taumata Arowai we will oppose any such changes.

Transition Timing and Planning

31. In this section we have asked for a re-consideration of the timings of some of the provisions; most notably
 - 31.1. Requirement to review Drinking Water Safety Plans within first 12 months of the Act coming into effect;
 - 31.2. Alignment of review by regional councils of effectiveness regulatory and non-regulatory interventions with RMA Plan Effectiveness Reports i.e. every five years;
 - 31.3. Requirement for territorial authorities to assess all drinking water supplies, other than domestic self-supplies, within their district once every three years. Our view is

that three years is unrealistic to carry this out, given there are possibly thousands in some districts.

Industry Capacity

32. This was a feature of our March 2020 submission on the *Taumata Arowai* Bill. We believe the skills gap will have been further exacerbated by the limitations placed by COVID-19 on overseas recruitment. We support other submissions from the local government sector which seek the development of a skills strategy for the water services sector as a priority.

Compliance, monitoring and enforcement

33. Taumata Arowai is required by the legislation to prepare a Compliance, Monitoring and Enforcement (CME) Strategy and review it at least once every three years. There is no requirement in the Bill for Taumata Arowai to consult with parties or to receive submissions in preparing the strategy.
34. Our submission requests that consultation takes place with the Ministry of Health, local government, Public Health services and representatives of non-council drinking water suppliers prior to its adoption. We also seek a public submission process to improve transparency.

Appointment of Compliance Officers

35. We have sought some amendments here requiring consistency of expectations of qualifications and expertise across appointments of compliance officers. This appears to be an unintentional oversight.

Criminal Proceedings

36. The final part of the submission supports the exemption from liability for volunteers and elected officials (including councillors and board of trustee members) for any act or omission against any section of the Water Services Bill/Act.
37. However we note that employees, agents and officers of a drinking water supplier are liable under specific provisions of the Bill. These persons do have a defence if they can prove that the commission of the offence was due to the act or omission of another person, or an accident, or some other cause outside the defendant's control. Our submission focuses on this being turned around to be an automatic positive defence with the onus on the prosecuting party to prove that such an action/omission did not occur. The presumption is that the principle of natural justice should apply and a person is innocent until proven guilty.

Other Matters post the lodging of the submission

38. The submission went through a number of iterations prior to being finalised. Following circulation of the submission to the Governance Committee members on the day of lodgement feedback was received from Central Hawke's Bay District Council providing further examples on our concerns around what the Bill will mean for rural communities, for growth and for affordability.
39. These concerns are laid out as follows.
- 39.1. *I agree with issues that you have raised. However I think there is probably one major thing missing which is the cost of the large number of rural and community water supplies that DIA and Taumata Arawai have drastically underestimated. I think that at the verbal submission it would be advantageous for our rural communities if the rebuttal of the role of TAs in supporting rural and community supplies also includes feedback that they need to include prioritisation methods which DELAY the introduction of compliance requirements for these small schemes for a number of years until the regulator is imbedded and appropriate support solutions are in place. (Mayor Alex Walker)*
- 39.2. *The proposals that see local government being the "last man standing" with respect to community supplies will mean that some councils will take a highly cautious*

approach when assessing developments that seek to set up their own water networks. Not all growth can be serviced through connections to a reticulated network and the Government needs to be clear on whether it wants to enable small schemes, and small communities, going forward - or if it seeks to limit growth to where council-owned networks exist. If schemes are to be consented by councils the standards will need to be much higher and the costs will be greater. What will concern territorial councils is very simply who will pay for the cost of the required upgrades – a concern exacerbated by the fact that many of these supplies will be in small rural communities with small rating bases.

- 39.3. *The other thing is around timing on small supplies, and recognising the scale of that is far bigger than we anticipate so wanting to ensure clear transition plan and long leading timeframes as neither councils or regulator will cope.*
- 39.4. *Can we please also get something added in about the implication for Marae, and recognising the unique nature of their situations. (CEO – Monique Davidson)*
- 40. We were unable to amend our submission as it was already in the Parliamentary system and on their website.
- 41. However, the Committee Chair, Garth Cowie, is presenting the submission in person to the Select Committee next Monday, 22 March, and is taking the opportunity to speak directly to the matters raised by Central Hawke's Bay District's Mayor and CEO. He will present their written commentary to the Committee as an addendum to the submission.

Options

- 42. The Joint Committee is being asked to endorse the submission and additional information as part of its advocacy to central government on matters that impact on the way its members manage their drinking water provisions roles.
- 43. As the submission has been lodged the only other option is to not endorse it.

Significance and Engagement Policy Assessment

- 44. A decision on whether or not to endorse a submission is not significant under the criteria contained in Hawke's Bay Regional Council's adopted Significance and Engagement Policy, and therefore 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.
- 45. In addition, the Bill was open to the public for submissions and any person or organisation had the opportunity to make a submission.

Decision Making Process

- 46. Councils and their committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 46.1. The decision does not significantly alter the service provision or affect a strategic asset.
 - 46.2. The use of the special consultative procedure is not prescribed by legislation.
 - 46.3. The decision is not significant under the criteria contained in Hawke's Bay Regional Council's adopted Significance and Engagement Policy.
 - 46.4. The decision is not inconsistent with an existing policy or plan.
 - 46.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

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

1. Receives and considers the "*Submission to Water Services Bill*" 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. Endorses the submission on the Water Services Bill as lodged with the Health Select Committee on 2 March 2021 and supports the additional information to be provided to the Select Committee in person.

Authored by:

Liz Lambert
CONSULTANT

Approved by:

Katrina Brunton
GROUP MANAGER POLICY &
REGULATION

Attachment/s

- 1 [↓](#) Submission on the Water Services Bill



2 March 2021

Committee Secretariat
Health Select Committee
Parliament Buildings
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WELLINGTON 6160

Via email to: he@parliament.govt.nz

SUBMISSION ON WATER SERVICES BILL

1. Thank you for the opportunity to submit on the Water Services Bill. This submission is made on behalf of the following agencies under the auspices of the Hawke's Bay Drinking Water Joint Working Group:
 - a. Central Hawke's Bay District Council
 - b. Hastings District Council
 - c. Hawke's Bay District Health Board
 - d. Hawke's Bay Regional Council
 - e. Napier City Council
 - f. Wairoa District Council
2. The Hawke's Bay Drinking Water Joint Working Group (the "Working Group") is a group of public health and local government officials who report to the Hawke's Bay Drinking Water Governance Joint Committee (the "Committee"). Due to meeting schedules the Committee has not yet had an opportunity to formally consider the contents of this submission and we will notify you if there are any changes to the submission required as a result of their consideration. The Committee supports in principle the lodging of a submission to the Water Services Bill.

INTRODUCTION

3. The Hawke's Bay Drinking Water Group was established at the behest of the Board of Inquiry into the Havelock North Drinking Water Contamination Event. The Joint Working Group was formed to facilitate information sharing and collaboration among agencies involved in the safety of drinking water.
4. At the conclusion of the Government Inquiry the Hawke's Bay Drinking Water Governance Joint Committee was established to provide oversight and policy direction to the working group. The committee is made up of two elected officials from every member organisation. The purpose of the Committee is to strengthen relationships, collaboration and information sharing pertaining to drinking water.

GENERAL COMMENTS

5. The Hawke's Bay Drinking Water Joint Working Group **supports** the overall intent of the Water Services Bill and this submission is intended to assist in improving clarification and removing what we see as inconsistencies prior to the final legislation.
6. We supported the establishment of *Taumata Arowai*, and are pleased to now be able to consider the substantive legislation to guide the provision of safe drinking water for New Zealanders. We acknowledge that a third tranche of this reform –including the review of the National Environment Standard for Sources of Human Drinking Water (NESDW) – will further develop a more robust regulatory framework. A number of our outstanding concerns around the detail and implementation of the drinking water standards we expect will be addressed through this review but we will highlight some of these in this submission for the sake of context.
7. Our submission comprises a number of themes. These are:
 - a. A continued Public Health focus and Public Health Emergencies
 - b. Role clarification
 - c. Responsiveness in management of source drinking water
 - d. Source water risk management plans
 - e. Transition timing and planning
 - f. Industry capacity
 - g. Compliance and enforcement
 - h. Appointment of Compliance officers
 - i. Criminal Proceedings

KEY THEMES

A continued Public Health focus and Public Health Emergencies

8. The Water Services Bill repeals Part 2A of the Health Act 1956 ("Drinking Water") and transfers the powers to Taumata Arowai. While we are not opposed to the transfer of the regulator function nationally we have some fundamental questions about the management of local Public Health aspects of drinking water in aspects of the Bill.
9. The Bill does not mandate consultation with health authorities (either the Ministry of Health or District Health Boards and local Public Health Units) except when the Chief Executive of Taumata Arowai uses their powers to declare a drinking water emergency (Subpart 9). In such an event the Chief Executive must consult the Minister prior to declaring an emergency but there is no guarantee that this would be the Minister of Health (it is the Minister responsible for administering the legislation).
10. The CEO of Taumata Arowai has the powers to declare a drinking water emergency under subpart 9 of Part Two of the Bill. This is where a serious risk to public health exists. ***We support the intent of these emergency powers and wish to see them clarified before they need to be used.***

11. We have reservations about the absence of any requirement for the CEO of Taumata Arowai to consult with other parties other than the Minister. We have noted ***that there should be an obligation to notify the relevant public health authority in the affected area.***
12. As the bill is currently drafted, there is no obligation on Taumata Arowai to consult with the drinking water supplier and the relevant local authority. In practice one of these two parties may have been the first to raise the risk but ***we believe it is prudent to include them on the list of people to consult, or at the very least, formally inform of the emergency.*** The provisions could be drafted to reflect the case by case nature of these events.
13. We note that in the event of a drinking water emergency arising from a water borne outbreak - such as occurred in Havelock North - it is likely that powers of Medical Officers of Health under section 70 and 71 of the Health Act would be activated. Clause 60 of the Bill sets out a hierarchy of command when emergencies have been declared under other Acts but is silent on the relationship between Taumata Arowai powers and those being exercised by a Medical Officer of Health. In our view any emergency powers exercised by Taumata Arowai must be exercised under the joint direction of a Medical Officer of Health and any other authority exercising powers under another Act.
14. We submit that in many areas of activity of Taumata Arowai the expertise in, and focus on, public health is being eroded through the absence of any reference to, or requirement for, Public Health input. While we assume that Taumata Arowai will employ a suite of compliance officers with public health backgrounds we are seeking a legislated requirement for communication directly between Taumata Arowai, water suppliers and local/regional health professionals when public safety is at risk.
15. ***We wish to see a requirement for Taumata Arowai to take advice from Medical Officers Of Health mandated in other sections of the legislation (for example, but not limited to, the process for consideration of water safety plans submitted by water suppliers, as well as proposals for source water protection).*** Health agencies need to remain connected as strategic advisers.
16. Similarly we believe that the provision of information by Taumata Arowai will be essential to the ongoing provision of Public Health functions by Medical Officers of Health and other designated officers under the Health Act. ***We request that the Act include a requirement for Taumata Arowai to provide advice on drinking water supplies on request of a Medical Officer of Health or Health Protection Officer.***
17. Another underlying concern is that the delegation of (former Health Act) powers to individuals who do not have health expertise which, while potentially providing greater consistency across the country, will lose the benefits of local knowledge and not guarantee safety for local supplies. The focus on compliance may well come at the expense of public health. We believe this has not been done intentionally but may instead become an unintended consequence of the legislation as drafted.
18. It is not only the relationship between those agencies with direct responsibilities for public health and Taumata Arowai that lack clarification in the Bill. We also have a concern about the absence of any mechanism between drinking water suppliers and Health. Taumata Arowai is placing the majority of responsibilities on to drinking water suppliers but there are no mandatory requirements for those suppliers to engage with authorities on public health matters. To resolve this we come back to a key learning from

the Government Inquiry process for Havelock North – the establishment of a collaborative group of key agencies with responsibility for the provision of safe drinking water from large suppliers in Hawke's Bay.

19. The Government Inquiry part two report devoted an entire chapter to the role of regional collaboration groups. It was clear that one of the key causes for the failure to recognise the risks in Havelock North's water supply was that there had been a failure of information exchange between agencies. ***It is our view that for the kind of collaboration envisaged by the Inquiry to be effective there needs to be participation by the regulator, public health agencies and local authorities in regional collaboration groups.***
20. Models already exist for the type of collaborative groups that could be formed to meet the Inquiry Panel's recommendations. Regional Transport Committees (RTCs) and Regional Coordination Groups for Civil Defence and Emergency Management (CEGs) already operate throughout New Zealand and provide a level of governance oversight for their respective functions. Two of the key features of these entities are the inclusion of representatives from relevant central government agencies and representation by iwi in the rohe they cover.
21. Several provisions in the Bill (clauses 44 and 45 for example) require the exchange of information between authorities or the provision of information from one authority to others. Collaborative groups based on regions, or ultimately multi-regional entities, can provide a valuable vehicle for information, sharing, discussion and importantly "no surprises". ***We support the development of a system by Taumata Arowai for efficient and effective information sharing to occur between Taumata Arowai, drinking water suppliers and local government.***
22. We note that section 69ZZP of the Health Act does not have any similar provision in the bill. This provision provides a safety mechanism whereby residents of self-supplied dwellings may be protected from drinking water sources. Given that Taumata Arowai will not have jurisdiction in this area we request that this provision of the Health Act is retained.
23. ***We support other submissions from the local government sector which highlight the unhelpful tension between the bill and requirements in other legislation to give effect to te mana o te wai.*** Te mana o te wai features a hierarchy in other legislation that places "health and well-being of water bodies and freshwater ecosystems" at the top. Whereas the Water Services Bill promotes "drinking water suppliers provide safe drinking water to consumers" as top priority, irrespective of what environmental limits apply at drinking water sources and the need for suppliers to operate within those environmental limits (e.g. quantities and rates of water abstracted from a water body for supply).

Role clarification

24. The Bill amends the existing Local Government Act 2002 through the inclusion of new responsibilities for territorial authorities to ensure that their communities continue to have access to drinking water, understand the risks to ongoing access, and plan to ensure that services continue to be available. The Bill also places new responsibilities on territorial authorities when supplies (even if not owned or managed by them) fail or are at risk of failing.

25. These provisions recognise the role that territorial authorities play in providing drinking water to their communities, and are contained in an amendment to the LGA 2002 that will—
- require territorial authorities to assess every three years the access that communities in their district have to drinking water services, and consider its implications for local government planning requirements; and
 - require territorial authorities to work with a supplier, consumers of a supply, and Taumata Arowai to find a solution if drinking water services fail, or are at risk of failing, and ensure that consumers continue to have access to drinking water services—whether provided by the territorial authority itself, or by another supplier.
26. In our view these provisions create potential for significant confusion between the regulator and territorial authorities. We are, of course, aware of the Government's preference to transfer water services to new multi-regional entities which may ultimately leave some councils with no responsibilities at all for water supplies. To then still require councils to actively work with, regulate and potentially manage small drinking water supplies, where they are not the supplier, will be challenging to say the least. ***We submit that the Bill needs to clarify what is meant by "communities", and consequent territorial authority responsibilities, in relation to access to safe drinking water.***
27. The Hawke's Bay Drinking Water Joint Working Group is strongly opposed to these provisions because of the unintended consequence of small suppliers having no incentives to bring their supplies up to scratch, as they know that if they fail the wider community will have to step in. Alternatively, and just as significantly, small drinking water supply schemes could fall over and the decision is made to revert back to individual self-supplies/rainwater tanks. This could result in adverse health outcomes which is clearly what the bill does not intend, as there is no obligation to continue to deliver a service in the way that it has been in the past.
28. There is no recourse to funding for the territorial authority to pay for these unbudgeted costs and a complete absence of any details around how the process would occur and how a council would take ownership away from the legal owner.
29. ***Our submission is that the regulator – Taumata Arowai - should be responsible for assessing any non-council private drinking water supplies.*** Territorial authorities should focus on council-owned supplies and not be directed to implement solutions by Taumata Arowai that they have not been a party to. ***We also seek clarity on the relationship between this requirement and that of the Building Act relationship with self suppliers.***

Responsiveness in Management of Source Drinking Water

30. The new arrangements related to the management of source drinking water and based on a preventative risk management approach, are supported by us. The multi-barrier approach to drinking water safety begins with the protection of source water in the catchment.
31. One of the key constraints to the successful management of source drinking water is the responsiveness of regulatory provisions to be able to manage these. Such provisions will be promulgated under the Resource Management Act and would typically comprise Source Protection Zones (mapped), rules and standards,

terms and conditions for resource consents for land use activities within SPZs. All of these would go through the Schedule One process under the RMA comprising proposed plan, submissions, further submissions, and appeals. As you are no doubt aware from the Randerson Report on RMA reform this can take a number of years.

32. The information included in RMA plans relies on science to provide the justification for zone boundaries. As further science becomes available (either for new zones or amended existing ones) the plan change process does not respond agilely enough under the current regime to allow for quick technical plan changes. While this will (hopefully) be addressed through resource management reform we respectfully suggest that consideration is given in the review of the National Environment Standard for Sources of Drinking Water to providing for technical plan changes to occur without the need for the Schedule One process. This has been allowed for in other National Environment Standards (e.g air quality, through the gazettal of air sheds).

Source Water Risk Management Plans

33. ***We fully support the concept of source water risk management plans but seek that Taumata Arowai is very clear about what is needed based on scale, complexity and risk.*** While the source water risk management plan may work for large-scale drinking water supplies (e.g urban groundwater supplies) we remain cautious about how practical this is for small drinking water supplies.
34. ***We submit that the following highlighted additions should be made to clauses 42 (2) and 42 (4) to better reflect the multi-barrier approach to the provision of safe drinking water and to acknowledge that the primary barrier is an understanding of, and the management of, the drinking water source:***

42 Source water risk management plans

- (1) *A drinking water supplier must prepare and implement a source water risk management plan based on the scale, complexity, and risk of the drinking water supply.*
- (2) *A source water risk management plan must—*
 - a. ***identify the catchment zone for the water supply's source water***
 - b. *any hazards that relate to the source water, including emerging or potential hazards; and*
 - c. *assess any risks that are associated with those hazards; and*
 - d. *identify how those risks will be managed, controlled, monitored, or eliminated as part of a drinking water safety plan; and*
 - e. *have regard to any values identified by local authorities under the National Policy Statement for Freshwater Management that relate to a freshwater body that the supplier uses as a source of a drinking water supply.*
- (3) *A source water risk management plan is part of the supplier's drinking water safety plan and, unless the context otherwise requires, references in this Act to a drinking water safety plan must be read as including a reference to a source water risk management plan.*
- (4) *Local authorities must contribute to the development and implementation of source water risk management plans prepared by drinking water suppliers, including by—*

- (a) implementing Source Water Protection Zones and activity rules within regional plans*
- (b) providing information to suppliers in accordance with compliance rules issued by Taumata Arowai under section 48, including information about—*
 - (i) land-use activities, potential sources of contamination, and other water users that could directly or indirectly affect the quality or quantity of the source of a drinking water supply; and*
 - (ii) water quality monitoring of the source of a drinking water supply conducted by a regional council; and*
 - (iii) any known risks or hazards that could affect the source of a drinking water supply; and*
- (c) undertaking any actions including plan changes to address risks or hazards to the source of a drinking water supply that local authorities have agreed to undertake on behalf of a drinking water supplier, as specified in a schedule attached to a source water risk management plan or otherwise agreed in writing.*

35. Clause 42(4) requires that local authorities must contribute to the development and implementation of source water risk management plans prepared by drinking water suppliers including undertaking any actions to address risks or hazards to the source of a drinking water supply that local authorities have agreed to undertake on behalf of a supplier. This is an unfunded mandate for local authorities that has the potential to be significantly costly for them and ***we are seeking clarification from Taumata Arowai on how this will work in practice.***
36. An effective source water risk management plan (and Water Safety Plan) is dependent upon local authorities being resourced (both financially and in terms of capacity) to support water suppliers as required by the Bill. Unless proper support is provided by Taumata Arowai the failures that exist now will continue to prevail. ***We do not support any amendments to ‘upgrade’ the input of local authorities from “contributing to” to “partnering in the development of” source water risk management plans.***
37. ***We submit that Taumata Arowai should, as a priority, provide written guidance to drinking water suppliers on source water risk management plans based around the likely level of risk to drinking water safety.***
38. Clause 43 requires that a drinking water supplier must monitor the quality of the supplier’s source water at the abstraction point in accordance with their drinking water safety plan. We reiterate our concern that this function will be passed on to local authorities rather than the regulator or new water entities. Our ongoing issues around industry capacity, which are discussed later in this submission, are the basis for this concern. ***We support Clause 43 as proposed whereby the onus remains with the supplier to monitor source water quality.***

Transition timing and planning

39. The transition times provide for the change periods between the current regime and when the new provisions take effect once the Bill is passed into law. We have comments to make on four of these:

- a. Existing drinking water safety plans will continue to apply. In the case of larger drinking water suppliers (those serving more than 500 persons for at least 60 days per year) a period of 12 months is given to have a plan in place that complies with the new requirements. All other suppliers have five years.

While we understand that with larger supplies comes higher numbers of people at risk we consider that there should be a graduated period so that those who have just renewed their safety plans prior to the law change have up to five years to review them. Taumata Arowai could prioritise the larger suppliers as we are concerned that the national regulator will not be sufficiently resourced to review all the large supply drinking water safety plans within 12 months, and this provision is potentially setting them up to fail.

Some drinking water safety plans have already been reviewed in accordance with the Drinking Water Safety Framework from the Ministry of Health in 2018 and ***we seek greater flexibility around the requirement to review Drinking Water Safety Plans within 12 months of the Act coming into force.***

- b. Clause 45 (2) places obligations on regional councils to assess the effectiveness of regulatory and non-regulatory interventions to manage risks or hazards to source water in their region at least once every 3 years and make this information available to the public on internet sites maintained by or on behalf of the councils.

Section 35 (2) (b) of the RMA requires that all local authorities monitor the efficiency and effectiveness of policies, rules, or other methods in its policy statement or its plan; and publish a report on the findings at least once every five years. ***We request that the obligation set out in Clause 45 (2) be aligned with the RMA requirement and be at least once every five years.*** That would still leave discretion for each regional council to publish such reporting more frequently than a five-yearly statutory cycle.

It is worthwhile noting that “source water” in a region potentially runs into hundreds of sources/locations and water bodies. ***It would be helpful if the Water Services Bill differentiated between a large supply and a small (say two-property) source in relation to Clause 45 (2).***

- c. The amendments to the Local Government Act 2002 would require territorial authorities to assess all drinking water supplies other than domestic self-supplies within their districts once every three years. We understand the rationale for these amendments as they will ensure that oversight of community wellbeing and public health related issues with regard to water and wastewater are identified and considered. As stated elsewhere in our submission under role clarification ***we submit that Taumata Arowai is made responsible for assessing non-council water networks, leaving councils to work on meeting the new standards on their own networks. Should councils’ water services remain with territorial authorities, our view is that three years is unrealistic to carry it out.***

We note that in relation to self supplies the Building Act applies, and the amendments to the building act more directly align the definition of potable water to the drinking water standards which is an improvement on the current situation. What is less clear is what is required of the building regulatory system to demonstrate compliance of self supplies with the potable water requirement, both at application and on an ongoing basis.

- d. Clause 20 of the Bill sets out the duty to comply with drinking water standards. Recently revealed exposure drafts of the new standards and compliance rules do not include Bore Security Status

any more and future protozoa (and bacterial) compliance will require appropriate source water treatment. In our opinion it is unrealistic to implement appropriate treatment in *only 12 months transition period*.

Large water suppliers using groundwater usually use multiple bores in various locations, with some of them being located in developed urban areas, where it is not always physically possible to build a water treatment plant. Addressing this will most likely trigger the need to drill new bores in locations that will allow setting up appropriate treatment. The whole process of securing appropriate land, drilling exploratory bores to confirm appropriate quality of the new source, drilling new production bores, draw down tests, EAEs and modifying or reapplying for resource consent to take water, designing and building treatment plants and connecting them to the existing supply are just some of the major time-demanding processes to meet new requirements.

A lack of resources (human resources, consultants, building companies, skilled operators, etc.) and the unpredictable Covid-19 environment make the timing these tasks even more uncertain.

We submit that a more realistic transition time for compliance is set for suppliers with current Bore Security Status or where any non compliance has an agreed plan to transition to the end outcome. The transition and management of risk during the transition could be agreed between water suppliers and Taumata Arowai as part of the water safety plan.

Moving forward it will be important that Taumata Arowai can set and manage transitional arrangements with suppliers as new standards continue to be introduced over time. It is important the right standards are set (be it for reducing risks to health outcomes or to the environment) and an implementation period is practical, as different to settling on lower standards which maybe more that is achievable/affordable in the short term.

Industry capacity

40. In our March 2020 submission on the Water Services Regulator – Taumata Arowai Bill we commented in writing, and in our verbal presentation to the Select Committee, on our concerns around capacity within New Zealand to recruit sufficient technical expertise to meet the capability of both Taumata Arowai and drinking water suppliers, typically territorial authorities, to deliver to the required standards. This situation will have been further exacerbated by the limitations placed by COVID-19 on overseas recruitment.
41. While we accept that solutions to this issue may not be legislated for, other than generically, we highlight loss of capability by drinking water providers as a risk to achieving the outcomes sought by this legislation. For example clause 68 of the Bill requires that no person can test, or operate water and wastewater networks without the prescribed skills and experience or without being supervised by someone with the requisite skills. Across the local government sector there are very real concerns that there may not be a large enough pool or expertise and the age profile of this occupational grouping suggests a looming retention issue.
42. ***We support other submissions from the local government sector which seek the development of a skills strategy for the water services sector as a priority.*** Skills gaps will also be an important factor for Taumata Arowai to consider as it develops the compliance, monitoring and enforcement (CME) strategy.

Compliance, monitoring and enforcement

43. The compliance, monitoring and enforcement provisions within the Bill provide Taumata Arowai with a broad tool kit to undertake these functions. Taumata Arowai is tasked with preparing a Compliance, Monitoring and Enforcement (CME) Strategy (Clause 134) and this strategy must be reviewed at least once every three years.
44. *Our submission seeks that as part of the development of its strategy Taumata Arowai must consult with the Director-General of Health or the Director of Public Health, local government, Public Health services and representatives of non-council drinking water suppliers prior to its adoption.* This reflects the need to engage with the service deliverers as well as those with a primary public health focus. A public submission process should be utilised as this will provide greater transparency to decisions made by at a central level.
45. Clauses 38 and 39 of the Bill establishes a framework for customer complaints and provides Taumata Arowai with regulatory and review powers. These include
- a. requirements on suppliers to provide information, establish a customer complaints process, resolve complaints in accordance with that process, and in an efficient and effective manner. Each of these is subject to regulations under section 190;
 - b. a provision that provides customers who are not satisfied with the outcome of a complaint to seek Taumata Arowai's review of the complaint. Taumata Arowai may decline a review on a set of specified grounds.
46. Clause 39 specifically provides that:
- (1) *A drinking water consumer who is not satisfied with the outcome of a complaint under this subpart may, in the approved form, request Taumata Arowai to review the complaint.*
 - (2) *Taumata Arowai must investigate the drinking water supplier's handling of the complaint and take any action that Taumata Arowai considers necessary as a result of Taumata Arowai's findings.*
47. *Clarity is sought around these provisions, particularly around the intended scope of any review and what steps Parliament intends Taumata Arowai would take upon completion of the complaint investigation. Taumata Arowai should be given further discretion to reject requests for review where the complaint relates to a decision that gave effect to a direction from Taumata Arowai, or where the supplier believed on reasonable grounds that the action was necessary to give effect to a direction of Taumata Arowai or to regulations made under the Act.*

Appointment of Compliance Officers

48. Clause 97 (1) of the Bill sets out the provisions for the appointment of compliance officers by Taumata Arowai. Clauses 1 (a) – (c) provide for the appointment of persons already employed by Taumata Arowai or by government departments or from within the state sector.

49. *We submit that for the sake of consistency with clause (d) (Other appointments that Taumata Arowai may make) that those persons appointed from clauses 1(a) – (c) should be required to satisfy Taumata Arowai that they are suitably qualified and trained and belong to a class of persons who are suitably qualified and trained to exercise any or all of the powers of, and carry out any or all of the duties of, a compliance officer.*
50. *We further seek inclusion in clause 97 of the legislation of requirements to address impartiality and management of conflicts of interest.*

Criminal Proceedings

51. The Water Services Bill replaces the provisions of Part 2A of the Health Act 1956 in most part. S.129 of the Health Act provides protection from criminal or civil liability for any person carrying out authority under that Act, except any person in connection with a duty, power or function under Part 2A (Drinking Water). In s.69ZZD of the Health Act persons protected from civil or criminal liability under Part 2A include the Director-General of Health, a drinking water assessor, a designated officer and a local authority (other than when it is acting in its capacity as a drinking water supplier).
52. We note that in Clauses 160 and 161 of the Bill volunteers and elected officials (including local government elected representatives and board of trustees members) are exempt from any liability for any act or omission against any section of the Act. ***We support these provisions.***
53. However we note, from Clause 159 of the Bill, that employees, agents and officers of a drinking water supplier are liable under specified sections of the Bill. We have concerns around the anomaly this presents between governance and management of a drinking water supplier where the employee may be limited in their ability to act because of the constraints placed upon them by decision makers (including at a governance level) in providing the necessary resources within a reasonable timeframe to be able to act.
54. While Clause 156 (2) (a) does cover this in a sense:

The defendant has a defence if the defendant proves that—
(a) the commission of the offence was due to—
(i) the act or omission of another person; or
(ii) an accident; or
(iii) some other cause outside the defendant's control;

we submit that there should be an automatic positive defence for those persons in the employee/agent/officer category with the onus on it being proven by the prosecuting party that such situations as outlined in clause 156 (2) (a) did not occur.

55. There are two reasons for this specific request – the first of these is the presumption of innocence. In other words a person is innocent until proven guilty. Our proposal is consistent with this basic principle.
56. The second reason for proposing this approach is an underlying concern relating back to attracting and retaining suitably trained and qualified staff and the deterrent that the proposed approach outlined in the Bill will be for staff attraction and retention.

Conclusion

57. We thank the Committee for the opportunity to make this submission. We wish to be heard by the Select Committee in support of our submission.

58. The contact person for service is:

Hawke's Bay Drinking Water Joint Working Group

Hawke's Bay Regional Council


Private Bag 6006

NAPIER 4142

Attention: Liz Lambert

(Email and phone number provided separately)

Yours faithfully

A handwritten signature in black ink, appearing to read 'G Cowie', is placed over a rectangular area of the document.

Garth Cowie
Independent Chairman
Hawke's Bay Drinking Water Governance Joint Committee



HAWKE'S BAY DRINKING WATER GOVERNANCE JOINT COMMITTEE

Monday 29 March 2021

Subject: REVIEW OF HB DRINKING WATER GOVERNANCE JOINT COMMITTEE TERMS OF REFERENCE

Reason for Report

1. This agenda item seeks the Joint Committee's review of the current Terms of Reference in order to precipitate consideration of a review in light of the Three Waters Reform Programme.

Officers' Recommendation

2. Council officers recommend that the Joint Committee considers incorporating the broader Three Waters agenda within its Terms of Reference and undertakes a review of the Terms of Reference accordingly, with a final decision to be made at the July 2021 Joint Committee meeting for referral to member organisations for agreement.

Background

3. At the conclusion of the Government Inquiry into the Havelock North Drinking Water Contamination Event the Joint Committee was established to strengthen relationships, collaboration and information sharing pertaining to drinking water among the agencies responsible for safe drinking water within Hawke's Bay. The Committee also oversees the Drinking Water Working Group and provides policy direction to the Group.
4. The Committee's Terms of Reference are attached to this item. They were most recently reviewed at the time of adoption by the Hawke's Bay Regional Council on 6 November 2019 and upon confirmation by the Committee on 13 February 2020.
5. The focus of the Committee from the outset has very much been about providing safe drinking water and the work plan and other areas, such as advocacy and the preparation of submissions, have also reflected that focus.
6. At about the conclusion of the Havelock North Inquiry the government established the Three Waters Review to look into the challenges facing our three waters system and to develop recommendations for system-wide performance improvements. Given the progress that has been made over the past three years it is now appropriate to consider whether the current Terms of Reference for the Committee remain "fit-for-purpose" or whether they should be expanded to be fit-for-purpose for the new Three Waters focus.

Discussion

7. The term "three waters" refers to drinking water, wastewater and stormwater. The government's review has two key components:

- 7.1. Reform of the regulatory requirements for the three waters. This is already well progressed with the establishment of Taumata Arowai from 1 March 2021, and the progression of both the Water Services Bill and the review of the National Environment Standards for Sources of Human Drinking Water
- 7.2. An investigation into high-level options for service delivery of three waters systems.
- 8. Commencing in early 2019, Central Hawke's Bay District Council, Hastings District Council, Napier City Council, Wairoa District Council and Hawke's Bay Regional Council worked together to review the current and potential service delivery options for drinking, waste and stormwater (three waters) for all of Hawke's Bay. The project aligns with the five councils' strategic priority for the 2019-22 triennium; water safety, security and planning.
- 9. The Independent Review was completed in mid-2020 and gives Hawke's Bay a really good understanding of the scale of change that is needed to ensure that three waters are affordable and sustainable for our communities. Its key recommendation is that delivery of three waters services should be by an asset owning council-controlled organisation.
- 10. There continue to be many workstreams underway simultaneously as part of the government's service delivery review. At present there is no governance entity within Hawke's Bay to formally provide a cross-agency forum for collaboration, information sharing, and relationship enhancement as part of the three waters kaupapa. Consultation on Three Waters service delivery reform is scheduled to begin in May 2021.
- 11. One option is that the Drinking Water Joint Governance Committee be considered as an appropriate vehicle to expand its remit from drinking water safety to three waters. If there is support by the Committee for this to be further investigated a process should be established to review the Terms of Reference of the Committee to reflect these changes and to ultimately obtain the approval of all participating agencies.

Options Assessment

- 12. Two options have been identified for the Committee's decision:
 - 12.1. Option One - To investigate amendments to the Drinking Water Committee's Terms of Reference so as to incorporate the broader Three Waters agenda.
 - 12.2. Option Two - To retain the current Terms of Reference of the Committee and its focus solely on safe drinking water.
- 13. Option one provides a greater opportunity for collaborative governance oversight of activities around Three Waters reform. It is not intended to replace the decision making responsibility of individual councils insofar as their roles or views in any reform of service delivery but will allow opportunity for general discussion and discussion about transitional arrangements, should the need arise.
- 14. Option two will retain the status quo.

Significance and Engagement Policy Assessment

- 15. A decision on whether or not to investigate amendments to a Committee's Terms of Reference is not significant under the criteria contained in Hawke's Bay Regional Council's adopted Significance and Engagement Policy, and therefore 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.

Considerations of Tangata Whenua

- 16. Ngati Kahungunu Iwi Inc (NKII) was previously represented on the Committee, but chose to step away from the Committee and the Working Group in 2020.
- 17. Water is a taonga to Maori and it would be valuable to have NKII represented around the table once again. If a review of the Terms of Reference is to take place the broader kaupapa of the Committee may appeal to the wider concerns of iwi around the

management of three waters. They may reconsider their representation on the Committee.

Financial and Resource Implications

18. There are no budget implications for a review of Terms of Reference to be carried out. Staff and consultancy time required for amending the Terms of Reference would be relatively minor.

Decision Making Process

19. Councils and their committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 19.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 19.2. The use of the special consultative procedure is not prescribed by legislation.
 - 19.3. The decision is not significant under the criteria contained in Hawke's Bay Regional Council's adopted Significance and Engagement Policy.
 - 19.4. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

That Hawke's Bay Drinking Water Governance Joint Committee

1. Receives and considers the "Review of Drinking Water Committee Terms of Reference" 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 give consideration to incorporating the broader Three Waters agenda within its Terms of Reference and undertakes a review of the Terms of Reference accordingly, with a final decision to be made at its July 2021 meeting.

Authored by:

Liz Lambert
CONSULTANT

Approved by:

Katrina Brunton
GROUP MANAGER POLICY &
REGULATION

Attachment/s

- 1 [↓](#) HB Drinking Water Governance Joint Committee Terms of Reference - current

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

*Adopted by Hawke's Bay Regional Council
resolution 6 November 2019 and confirmed
by HB Drinking Water Governance Joint
Committee resolution 13 February 2020*

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 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.
- 1.4. 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.
- 1.5. 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 reason the focus of the Committee will be twofold:
 - 1.5.1. To provide governance oversight for planning and decision making on regional drinking water matters; and
 - 1.5.2. 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**
 - 14.1. 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.



HAWKE'S BAY DRINKING WATER GOVERNANCE JOINT COMMITTEE

Monday 29 March 2021

Subject: DRINKING WATER JOINT WORKING GROUP WORK PLAN UPDATE

Reason for Report

1. This agenda item provides an update on the Drinking Water Joint Working Group's (JWG) work plan and seeks the Joint Committee's approval of changes.

Officers' Recommendation(s)

Council officers recommend that the Joint Committee approves the changes to the work plan for implementation by the Joint Drinking Water Group.

Background

2. The Joint Committee monitors the progress of the JWG progress on its work through a Work Plan. The JWG has been systematically working this plan over the last three years. Most of the original actions arising from the Inquiry Panel's directions have been completed, and what remains is being continually monitored and updated.
3. In 2018 the Committee directed the JWG to prioritise its actions. The work plan is now updated and priorities amended, if required, at every JWG meeting.

Discussion

4. The Joint Working Group has now been operating for over three years. The focus of the first term was, firstly, the immediate steps to be taken to resolve Havelock North Drinking water issues and, secondly, completion of the work required to input into the TANK plan change
5. With the completion of these the priority actions for the JWG are now:
 - 5.1. Greater focus on sharing of information/knowledge/skills across agencies to enhance consistency of approach and to fill knowledge gaps. This will include federated approach to data sharing and gaps analysis about what information is missing
 - 5.2. The development of a Joint Emergency Response Plan to enhance preparation for potential scenarios where drinking water access is lost or interrupted.
6. The workstream identified by the Board of Inquiry that specifically related to the Havelock North water supply has been "closed out" as this has been completed.
7. No significant progress has been made on the federated data sharing project. This is due to the time commitments involved for territorial authorities' asset management staff to provide a comprehensive quantum of information to the Department of Internal Affairs on

their three waters infrastructure in late 2020, early 2021. As well as this they have been preparing their respective Long Term Plans.

8. A new high priority action has been included in the Work Plan for the Committee's consideration. This incorporates actions to address the potential expansion of the Committee's remit to include "three waters". If this expansion is agreed to, the work plan proposes that work begins on planning for transitional arrangements, led by the Regional Three Waters Programme Director.
9. A copy of the updated Work Plan is attached for the Committee's consideration and approval.

Decision Making Process

10. Councils and their committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 10.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan
 - 10.2. The use of the special consultative procedure is not prescribed by legislation
 - 10.3. The decision is not significant under the criteria contained in the Hawke's Bay Regional Council's adopted Significance and Engagement Policy
 - 10.4. The persons affected by this decision are all ratepayers in the region
 - 10.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

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

1. Receives the "Working Group Work Plan Update" 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. Approves the changes to the work plan for implementation by the Joint Drinking Water Group.

Authored by:

Liz Lambert
CONSULTANT

Approved by:

Katrina Brunton
GROUP MANAGER POLICY &
REGULATION

Attachment/s

- 1 [!\[\]\(80964be188496f509737e9878639f55e_img.jpg\)](#) Work Plan with Priorities - March 2021

Drinking Water Joint Working Group - Work Plan 2020					
Action/Recommendation:	Who/When		Background	Current status	Priority
Secure protection zones	All and TANK project members	Derived from White Paper, the TANK plan change work programme	Good Earth Matters were engaged by JWG to develop objectives, policies, and rules for the TANK plan change. This included an assessment of the potential use of Source/secure protection zones in the TANK area. Regular meetings held between JWG, GEM and TANK project team to refine the proposals. Recommendations to TANK on behalf of JWG were presented at the 1 August meet	COMPLETED. TANK agreed to the recommendations, subject to some technical refinement which were undertaken by the TANK project team. TANK submissions closed on 14 August 2020 and a further submission was lodged in December 2020. Hearings on the TANK Plan Change are scheduled for May/June 2021	High: This has been the top priority of the JWG. We have confirmed our intention to speak to the TANK Hearings panel.
Communications: Development of common terminology, sharing of information on a no-blame basis, consistency of outward facing messages between JWG members	All	Derived from White Paper	Development of Comms plan between all JWG parties to outline how messages and information are shared consistently, the development of 'a hierarchy of emergencies' that will assess the level of response, timeframes for agencies to respond and how information will be shared.	COMPLETED. The Communication Protocol for the Contamination of Groundwater has been adopted by the JWG. Webcasting of Joint Committee meetings is also being introduced which will allow for greater public visibility of matters discussed.	High: A Communications workshop was held in May 2019 to finalise both the responsibilities and the messaging for when groundwater contamination is identified. An appendix to cover information on nitrates has now been added to the Interagency Protocol. Recommend this be moved to medium priority for ongoing monitoring.
Federated approach to data sharing and gaps analysis about what data is missing	All	Derived from White Paper	JWG members are of view that data sharing has improved amongst members significantly. It's important to understand how often people need certain types of data.	COMMENCED. This is now a key focus of the Working Group. It is being coordinated with the IT sections of all Councils through the IT Group operating under HBLASS. Initially Hastings District Council is sharing the work it has undertaken on a risk assessment tool and the IT Group is assessing what further work needs to be done.	High: This issue is a focus of the Joint Committee agenda for 4 December 2020. It was not addressed through absence of a quorum and will remain as a high priority.
Joint Emergency Response Plan	All	Derived from JWG discussions November 2019	It was considered by the JWG that it is important to have response plans for drinking water around loss of control scenarios, such as in emergency management situations. The CDEM exercise Rauamoko, conducted in October 2019, provides lessons for the response planning.	TO BE COMMENCED IN 2020. This was raised with the Coordinating Executive Group of Civil Defence and Emergency Management in July 2020 and the work will be coordinated with the lifelines workstream of CDEM.	High. Informal discussions in the JWG on this have focussed on looking to have a lead agency from the JWG on this - possibly the District Health Board. This has been delayed due to staff workload issues including Three Waters DIA information request and ongoing COVID-19 management.
Planning for Transitional Arrangements for Three Waters Service Delivery	All/ Regional Programme Director	Derived from decision to extend remit of Committee to cover three waters		YET TO BE APPROVED FOR COMMENCEMENT	High. Subject to change to Terms of Reference for Committee.
Development of risk management approach through Water Safety Plans	All		The development of a common risk management approach is identifying opportunities for improvement for the TLAs in their water supply management. This is still in its early stages but is a focus for 2020. Initial focus is on Emergency Response planning.	ONGOING. Water Safety Plans have been completed by all four TAs and regular updates are provided to the JWG. HDC is to report back on its risk management approach.	Medium

Action/Recommendation:	Who/When		Background	Current status	Priority
<i>Models to understand transportation of contaminants</i>	HBRC		It was noted that although the TANK model does have a component for contaminants, it has been built at a regional scale and not for bore specific recommendations. It is a base model for all to use. Important to recognise that rainwater is the mechanism of transportation, and the question becomes one of assessing what types of activities there are on the ground that potentially influence groundwater.	UNDERWAY. The refinement of the model to be applicable at a local scale is part of the overall SkyTem project which has recently commenced. Once information gathering is completed the modelling will begin mid-2021 and results will be available at the end of 2022.	Medium
<i>Reporting to Governance on Compliance</i>	All		The Drinking Water Assessors are about to begin issuing quarterly compliance reports, beginning in October 2020. These will become a standing item on the Governance Joint Committee agenda.	COMMENCING OCTOBER 2020	Medium
<i>Quantity of Supply</i>	All	Joint Committee meeting 15 August	Joint Committee members requested of the JWG to develop a workstream that looks at the role of the JWG with regard to quantity of water AND quality.	ONGOING. At the 1 November 2018 meeting the JWG received an update from the CHB representative. This issue primarily relates to the Tukituki Taskforce which is exploring CHB self supply issues. The JWG and the Taskforce will remain connected as the Taskforce progresses its work programme.	Medium
<i>Capturing data as it relates to episodic events</i>	All		It was noted that all parties have increased their baseline monitoring. State of the Environment reporting has a specific purpose and is not designed to capture short, term episodic events. Extraordinary events include volcanic eruptions as well as rain induced or pumping induced events. Furthermore, Napier and Hastings are now chlorinating water, however, it is still important to understand behaviours and trends. Questions around whether or not we have all the necessary information, and/or if we do if this being used 'well' enough.	YET TO OCCUR. The JWG plans to run a scenario that will model the impact of ash cover from an eruption. We can then gauge what data we currently have available (or haven't) and what we still need for episodic events. This lower priority work has been delayed due to the focus on preparing Source Water Protection Zone package for TANK.	Low: to occur in 2021 once higher priority actions have been settled. Scenario to potentially incorporated CDEM members. Higher priority action includes development of an Emergency Response Plan. We may utilise the data from the Napier Flood Event 2020 as the scenario instead, but this will need to occur after recovery transition.
<i>DHB to provide a six monthly update on issues they are encountering on their implementation visits</i>	DHB		Raised at JWG meeting of 24 August 2018.	UNDERWAY. The first presentation by the DHB and the Drinking Water Assessor occurred at the JWG meeting of 29 August 2019. It was reported to the Joint Governance Committee in September 2019. DHB to present information systems it uses to next JWG meeting.	Low: Commenced in 2019 with regular updates scheduled.

Action/Recommendation:	Who/When		Background	Current status	Priority
<i>Greater liaison and sharing of information between agencies responsible for health information and for environmental management</i>	DHB		This is part of the federated data work that we are looking to get underway in 2020.	YET TO OCCUR. Part of the support for this will have to come from the Ministry of Health but they are not putting any additional funding in to their relevant systems pending the outcome of the new drinking water regulations.	Low: to occur later in the year once higher priority actions have been settled.



HAWKE'S BAY DRINKING WATER GOVERNANCE JOINT COMMITTEE

Monday 29 March 2021

Subject: DISCUSSION OF MINOR ITEMS NOT ON THE AGENDA

Reason for Report

1. This document has been prepared to assist Committee members note the Minor Items Not on the Agenda to be discussed as determined earlier in Agenda Item 4.

Topic	Raised by