

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

**Date:** Thursday 10 May 2018  
**Time:** 10.00am  
**Venue:** Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER

### Agenda

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ITEM	SUBJECT	PAGE
1.	Welcome/Notices/Apologies	
2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Hawke's Bay Drinking Water Governance Joint Committee meeting held on 24 October 2017	
<b>Decision Items</b>		
4.	Appointment of Independent Chairperson	3
5.	Formal Confirmation of Member Organisations' Appointments	5
6.	Adoption of the Joint Working Group Terms of Reference	17
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# HAWKE'S BAY DRINKING WATER GOVERNANCE JOINT COMMITTEE

Thursday 10 May 2018

## Subject: APPOINTMENT OF INDEPENDENT CHAIRPERSON

### Reason for Report

1. To provide for the Committee's appointment of an Independent Chairperson.

### Background

2. At the meeting on 24 October 2017, the Hawke's Bay Drinking Water Governance Joint Committee (DWG JC) resolved that it:
  - 2.1. Agrees to the appointment process for an Independent Chairperson for the DWG JC; being:
    - 2.1.1. Establishment of an Appointments Panel consisting of Paul Bailey, Sandra Hazlehurst, Kirsten Wise, and Tim Aitken, with Kirsten Wise to act as Chair of said Panel.
    - 2.1.2. Appointments Panel to establish criteria for the role and seek expressions of interest
    - 2.1.3. Appointments Panel to short-list candidates if required, and carry out interviews of those shortlisted
    - 2.1.4. Appointments Panel to make recommendation for appointment, including remuneration, to the DWG JC.

### Panel Process and Outcomes

3. The Panel has carried out the appointment process and recommends the appointment of Garth Cowie as the Independent Chair for the Drinking Water Governance Joint Committee.
4. Members of the Panel will provide a verbal update of the process they undertook to reach this recommendation.
5. Mr Cowie was the Chief Executive of Napier Port for 17 years, up until his retirement in December 2017. He is the independent Chairman of the Hastings District Council's change programme for water services operations, tasked with reviewing the Council's water services activity so considered 'fit for purpose' in the new operating environment that is emerging.

### Financial and Resource Implications

6. Remuneration for Mr Cowie is proposed at \$200 per hour. It is proposed that his costs be shared equally between HBDHB, HBRC, NCC and HDC.

### Decision Making Process

7. The Joint Committee is required to make decisions 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:
  - 7.1. The decision does not significantly alter the service provision or affect a strategic asset.
  - 7.2. The use of the special consultative procedure is not prescribed by legislation.
  - 7.3. The persons affected by this decision are the member agencies of the Hawke's Bay Drinking Water Governance Joint Committee and their appointees.
  - 7.4. The decision is not inconsistent with an existing policy or plan.

- 7.5. 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, the Joint Committee 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. Exercises its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and makes decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision.
2. Accepts the recommendation of the Appointments Panel, and appoints Mr Garth Cowie as Independent Chairperson of the Joint Committee.
3. Agrees that remuneration paid to the Independent Chairperson, shared equally between Hastings District Council, Napier City Council, Hawke's Bay Regional Council and Hawke's Bay District Health Board, will be \$200 per hour.

### **Authored by:**

**Leeanne Hooper**  
**GOVERNANCE MANAGER**

### **Approved by:**

**Liz Lambert**  
**GROUP MANAGER**  
**EXTERNAL RELATIONS**

### **Attachment/s**

There are no attachments for this report.

# HAWKE'S BAY DRINKING WATER GOVERNANCE JOINT COMMITTEE

Thursday 10 May 2018

## Subject: FORMAL CONFIRMATION OF MEMBER ORGANISATIONS' APPOINTMENTS

### Reason for Report

1. To provide the opportunity for the Joint Committee to confirm the appointments of all member organisations' representatives and to provide the finalized Terms of Reference for the Committee as adopted by all member organisations.

### Decision Making Process

2. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

### Recommendation

1. That the Hawke's Bay Drinking Water Governance Joint Committee receives the **"Formal Confirmation of Member Organisations' Appointments"** report, noting those appointments are:
  - 1.1. Councillors Tim Aitken and Shelley Burne-Field representing Central Hawke's Bay District Council, and Mayor Alex Walker as Alternate
  - 1.2. Mayor Sandra Hazlehurst and Councillor Kevin Watkins representing Hastings District Council, and Councillor Simon Nixon as Alternate
  - 1.3. Mr Kevin Atkinson and Ms Ana Apatu for Hawke's Bay District Health Board, and Mrs Barbara Arnott as Alternate
  - 1.4. Councillors Tom Belford and Paul Bailey for Hawke's Bay Regional Council
  - 1.5. Councillors Keith Price and Kirsten Wise representing Napier City Council, and Mayor Bill Dalton as Alternate
  - 1.6. Mayor Craig Little and Councillor Charles Lambert representing Wairoa District Council.

### Authored by:

**Leeanne Hooper**  
**GOVERNANCE MANAGER**

### Approved by:

**Liz Lambert**  
**GROUP MANAGER**  
**EXTERNAL RELATIONS**

### Attachment/s

1. Member Agencies' Confirmation of Terms of Reference Adoption and Appointees
2. HB Drinking Water Governance Joint Committee Terms of Reference



**Member Agencies' Confirmation of Terms of Reference Adoption and Appointees**

**From:** Ken Foote [mailto:Ken.Foote@hawkesbaydhb.govt.nz]  
**Sent:** Thursday, 30 November 2017 1:50 PM  
**To:** Leeanne Hooper <Leeanne@hbrc.govt.nz>  
**Cc:** Kevin Atkinson <kevin.atkinson@penkev.co.nz>; 'Ana Apatu' <ana@uturntrust.org.nz>; 'Barbara Arnott' <bwarnott@xtra.co.nz>; Kevin Snee <Kevin.Snee@hawkesbaydhb.govt.nz>  
**Subject:** RE: HB Drinking Water Governance Joint Committee

Leeanne

At the HBDHB Board meeting yesterday, the Board resolved:

- To approve the terms of reference for the HB Drinking Water Governance Joint Committee
- To appoint Kevin Atkinson and Ana Apatu to be the 2 HBDHB representatives on the Joint Committee, with Barbara Arnott appointed as an Alternate.

We assume you will now liaise direct with the above representatives on all future activities of the Joint Committee, with such communications being copied to HBDHB (CEO or me) for information.

Could you please confirm receipt of this email and advise of anything more you require from us at this point.

Thanks

Ken Foote

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**From:** Judy Bramley [mailto:judyb@hdc.govt.nz]  
**Sent:** Friday, 1 December 2017 8:24 AM  
**To:** Leeanne Hooper <Leeanne@hbrc.govt.nz>  
**Subject:** HDC Council Resolution

Morning Leanne

FYI, the Terms of Reference for the Hawke's Bay Drinking Water Governance Joint Committee were adopted as per the following resolution passed by Council at their meeting held yesterday:

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

**FILE REF** 17/1171

**AGENDA ITEM NO.** 14

Councillor Watkins/Councillor Heaps

- A) That the report of the Chief Executive titled "Hawke's Bay Drinking Water Governance Joint Committee - Terms of Reference" dated 30/11/2017 be received.
- B) That the Terms of Reference for the Hawke's Bay Drinking Water Governance Joint Committee, set out in Attachment 1 of the report in (A) above (CG-14-42-00498) be adopted.
- C) That the Proposed Hawke's Bay Drinking Water Governance Joint Committee minutes (CG-14-1-00497) from the meeting held 24 October 2017 be received.

**CARRIED**

Regards



FAYE MURRAY ACTING EXECUTIVE ASSISTANT TO CHIEF EXECUTIVE

HBRC meeting 29 November 2017

#### Item 6: Hawke's Bay Drinking Water Governance Joint Committee Terms of Reference

##### Resolutions

That Council:

1. Receives and notes the "Hawke's Bay Drinking Water Governance Joint Committee Terms of Reference" staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision.
3. Adopts the Hawke's Bay Drinking Water Governance Joint Committee Terms of Reference as amended and agreed by the Joint Committee at its inaugural meeting held 24 October 2017.
4. Amends the Hawke's Bay Regional Council governance structure and all related documentation to include the Hawke's Bay Drinking Water Governance Joint Committee as a Committee of Council.

**From:** Deborah Smith [mailto:deborah.smith@napier.govt.nz]

**Sent:** Thursday, 1 March 2018 2:01 PM

**To:** Leeanne Hooper <Leeanne@hbrc.govt.nz>

**Cc:** Jane McLoughlin <jane.mcloughlin@napier.govt.nz>

**Subject:** RE: FOR ACTION: FW: HB Drinking Water Governance Joint Committee

Hi Leeanne

This was taken to our Strategy and Infrastructure Committee in November 2017, then the Council meeting on 20 December 2017.

Resolution as follows:

Council resolution	Councillors Hague / McGrath
	That Council
	<ol style="list-style-type: none"> <li>a. Receive the minutes of the inaugural meeting of the Hawke's Bay Drinking Water Joint Committee, held on 24 October 2017.</li> <li>b. Adopt the Terms of Reference for the Hawke's Bay Drinking Water Joint Committee.</li> <li>c. Agree the Mayor will be appointed as an alternate representative for Napier City Council on the Hawke's Bay Drinking Water Joint Committee.</li> </ol>
	Carried

Best regards

**Deborah Smith**

GOVERNANCE ADVISOR

Napier City Council, Private Bag 6010, Napier 4142

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**From:** Charlotte Knight <charlotte@wairoadc.govt.nz>  
**Sent:** Wednesday, 21 March 2018 4:19 PM  
**To:** Leeanne Hooper <Leeanne@hbrc.govt.nz>  
**Cc:** Steven May <stevenmay@wairoadc.govt.nz>  
**Subject:** FW: HB Drinking Water Governance Joint Committee  
**Importance:** High

Kia ora Leeanne,

Hope all is well down there atm with consultation opening for your LTP.

Just wanted to let you know Cr Lambert and His Worship the Mayor were nominated yesterday to this committee.

Contact info for them is at this link <https://www.wairoadc.govt.nz/our-council/mayor-and-councillors/>

Also the revised ToRs were adopted as well at the meeting yesterday.

Ngā mihi,

Charlotte Knight

**Kaitohutohu Kāwana me Kairautaki Kaupapa Here**

Governance Advisor and Policy Strategist

**From:** Leigh Collecutt <leigh.collecutt@chbdc.govt.nz>  
**Sent:** Monday, 16 April 2018 10:24 AM  
**To:** Leeanne Hooper <Leeanne@hbrc.govt.nz>  
**Subject:** CHBDC Resolution - Drinking Water Joint Governance Committee Terms of Reference

Hi Leeanne

Attached are the unconfirmed minutes for the Finance and Planning Committee, where it was resolved to adopt the amended ToR.

The relevant item is item number 6.7.



**Leigh Collecutt** / Governance and Support Officer  
[leigh.collecutt@chbdc.govt.nz](mailto:leigh.collecutt@chbdc.govt.nz)

**Central Hawke's Bay District Council**  
 Office: 06 857 8060 / Fax: 06 857 7179  
 28-32 Ruataniwha St, Waipawa 4210  
 PO Box 127, Waipawa 4240  
[www.chbdc.govt.nz](http://www.chbdc.govt.nz)

Finance and Planning Committee Meeting Minutes

22 March 2018

**MINUTES OF CENTRAL HAWKES BAY DISTRICT COUNCIL  
 FINANCE AND PLANNING COMMITTEE MEETING  
 HELD AT THE COUNCIL CHAMBER, 28-32 RUATANIWHA STREET, WAIPAWA  
 ON THURSDAY, 22 MARCH 2018 AT 9.30 AM**

**PRESENT:** Cr Ian Sharp (Deputy Mayor),  
 Cr Tim Aitken,  
 Cr Kelly Annand,  
 Cr Shelley Burne-Field,  
 Cr Tim Chote,  
 Cr Gerard Minehan,  
 Cr Brent Muggeridge,  
 Cr David Tennent

**6.7 HAWKE'S BAY DRINKING WATER JOINT GOVERNANCE COMMITTEE TERMS OF REFERENCE**

**PURPOSE**

To obtain a decision regarding the updated Hawke's Bay Drinking Water Joint Governance Committee Terms of Reference.

**COMMITTEE RESOLUTION**

Moved: Cr Tim Aitken

Seconded: Cr Shelley Burne-Field

1. That the updated Terms of Reference for the Hawke's Bay Drinking Water Governance Joint Committee be adopted.

**CARRIED**

- CEO spoke to the report
- Cr Sharp thanked members for their involvement in the Joint Committee

## Hawke's Bay Drinking Water Governance Joint Committee

### Terms of Reference

#### 1. Background

- 1.1. In August 2016 a significant water contamination event occurred that affected the Hawke's Bay community of Havelock North. The Government established an Inquiry into the Havelock North water supply.
- 1.2. It became apparent during the Government Inquiry that in order to achieve a systematic approach to ensuring safe and reliable 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 has 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 has 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 Governance Joint Committee is to give governance oversight and direction in respect of:
  - 2.3.1. Programmes and initiatives to protect and enhance drinking water quality, quantity, safety and reliability
  - 2.3.2. Improving and maintaining effective inter-agency working relationships relating to drinking water, including monitoring the extent and effectiveness of cooperation, collaboration and information sharing between the agencies, monitoring mechanisms to achieve these desired outcomes, and encouraging member parties to give adequate

consideration to the safety and reliability of drinking water in the carrying out of their range of functions

2.3.3. strategies, priorities and implementation monitoring related to drinking water management, including drinking water sources, infrastructure matters and drinking water emergency response

2.3.4. recommending to relevant decision making fora (including bodies with responsibility for regional and district level planning), initiatives and priorities affecting drinking water and changes to strategies and work programmes to protect and enhance drinking water quality, quantity, safety and reliability, 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 appoint alternative representatives.

3.4. The Joint Committee shall appoint an Independent Chairperson of the Joint Committee, at the beginning of each triennium. The Independent Chairperson shall be appointed for that term of the Joint Committee but is not precluded from a subsequent term as Independent Chairperson if so appointed.

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 on the Joint Committee. Provision is made for Māori representation to be added to the Committee should Māori 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 Māori organisations under 3.5 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 established as a Joint Committee under clause 30 and clause 30A of Schedule 7 of the Local Government Act 2002. It is a Committee of each of the member local authorities.
- 5.2. By this agreement between the parties, the Committee shall also include members who are not local authorities.

**6. Delegated Authority**

- 6.1. The Hawke's Bay Drinking 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:
- 6.1.1. Reviewing and amending as necessary the Terms of Reference for the Joint Working Group that comprises officers working for the member organisations
  - 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, quantity, safety and reliability and/or the Chief Executives of the member agencies
  - 6.1.3. Commissioning reports and studies
  - 6.1.4. Making recommendations to member organisations about strategies, priorities and work programmes relating to the quality, quantity, safety and reliability of drinking water
  - 6.1.5. Making recommendations to appropriate parties on matters within the purpose of the Joint Committee.
- 6.2. For avoidance of doubt, the Hawke's Bay Drinking Water Governance Joint Committee shall have authority to make recommendations to Member Organisations, but has NOT been delegated and does not bear any legal responsibility for:
- 6.2.1. Any power or function that cannot be delegated by a local authority in accordance with clause 32 Schedule 7 of the Local Government Act 2002; and
  - 6.2.2. Directing, instructing or committing any Member Organisation to a particular course of action, operational activity, strategy or work programme relating to the quality, quantity, safety and reliability of drinking water.

**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, quantity, safety and reliability. The JWG, together with the Chief Executives of the member agencies, will provide reports and information to the Joint Committee.
- 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, by consensus, the apportionment of any costs arising from the work approved by 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 half of the member representatives on the Joint Committee plus one representative, provided that each of the member organisations shall have at least one representative present, and the number present includes the Independent Chairperson.

**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, every three years, 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 as a recommendation for consideration by the member organisations.
- 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. Review**

- 14.1. The member organisations agree that these Terms of Reference shall be formally reviewed at least once every three years

**15. Good Faith**

- 15.1. 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.

Dated: 10 May 2018

Signed on behalf of the Hastings District Council

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Signed on behalf of the Napier City Council

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Signed on behalf of the Central Hawke's Bay District Council

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Signed on behalf of the Wairoa District Council

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Signed on behalf of the Hawke's Bay District Health Board

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Signed on behalf of the Hawke's Bay Regional Council

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Item 5

Attachment 2





# HAWKE'S BAY DRINKING WATER GOVERNANCE JOINT COMMITTEE

Thursday 10 May 2018

Item 6

## Subject: ADOPTION OF THE JOINT WORKING GROUP TERMS OF REFERENCE

### Reason for Report

1. To provide the Terms of Reference for the Drinking Water Joint Working Group for the Joint Committee's consideration and adoption.

### Decision Making Process

2. The Joint Committee is required to make decisions 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:
  - 2.1. The decision does not significantly alter the service provision or affect a strategic asset.
  - 2.2. The use of the special consultative procedure is not prescribed by legislation.
  - 2.3. The persons affected by this decision are the member agencies of the Hawke's Bay Drinking Water Governance Joint Committee and their appointees.
  - 2.4. The decision is not inconsistent with an existing policy or plan.
  - 2.5. 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, the Joint Committee 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. Exercises its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and makes decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision.
2. Receives and notes the ***"Adoption of the Joint Working Group Terms of Reference"*** staff report.
3. Adopts the Terms of Reference for the Joint Working Group as proposed.

### Authored and Approved by:

**Liz Lambert**  
**GROUP MANAGER**  
**EXTERNAL RELATIONS**

### Attachment/s

- [!\[\]\(569ff5d1aa9137b5defb690d1175fea6\_img.jpg\) 1](#) Joint Working Group Terms of Reference December 2017



## Hawke's Bay Drinking Water Joint Working Group

### Terms of Reference

### December 2017

Item 6

Attachment 1

#### 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 and reliable 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 has 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 has 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 (Joint Committee) has been established. The principal focus of the Committee is on drinking water, however drinking water cannot be considered in isolation from other fresh water management issues. For that that reason the focus of the Joint 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.
- 1.6. With the Joint Committee now established, it has been agreed that the JWG will therefore continue as an officials advisory group, reporting now to the Joint Committee.
- 1.7. It is noted that two of the recommendations in the Report of the Havelock North Drinking Water Inquiry: Stage 2, released on 6 December 2017, include:
  - (18) - DHBs (with PHUs) should establish as soon as practicable (with the assistance of the Ministry of Health), a JWG (or groups) responsible for oversight of drinking water safety in their respective areas. Such JWG's should operate along the lines of the Hawke's bay JWG and the CDWRG described in this Stage 2 Report.
  - (31) – Collaboration groups (JWG's) should be mandated by law. How such JWG's are configured should depend on relevant local and regional circumstances

## 2. Purpose

- 2.1. The JWG is established to provide advice and recommendations to the Joint Committee regarding the implementation of recommendations from the Inquiry Panel and other matters relating to the quality, quantity, safety and reliability of Hawke's Bay drinking water.
- 2.2. In the context of this background and the formation of the Joint Committee, the purpose of the JWG is to collaboratively work together to:
  - 2.2.1. Develop and recommend programmes and initiatives to protect and enhance drinking water quality, quantity, safety and reliability
  - 2.2.2. Recommend strategies and actions to implement specific recommendations that result from the Inquiry or Joint Committee
  - 2.2.3. Improve and maintain effective inter-agency working relationships relating to drinking water, including monitoring the extent and effectiveness of cooperation, collaboration and information sharing between the agencies, monitoring mechanisms to achieve these desired outcomes, and encouraging member parties to give adequate consideration to the safety and reliability of drinking water in the carrying out of their range of functions
  - 2.2.4. Develop and recommend strategies, priorities and monitor the implementation of these in relation to drinking water management, including drinking water sources, infrastructure matters and drinking water emergency response
  - 2.2.5. Develop recommendations for the Joint Committee to take to relevant decision making fora (including bodies with responsibility for regional and district level planning), initiatives and priorities affecting drinking water and changes to strategies and work programmes to protect and enhance drinking water quality, quantity, safety and reliability, having regard to the needs of the region for adequate and secure water resources suitable for the supply of safe drinking water.
- 2.3. The geographic scope of the JWG 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 of the Joint Committee, each of the following shall be entitled to appoint appropriate officials to the JWG:
  - 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 shall appoint at least one and may appoint up to three (3) officials to the JWG. The HBDHB shall appoint a Drinking Water Assessor as one of its members.
- 3.3. The JWG may consult with other parties (including tangata whenua) to assist with any investigations and developing any recommendations

**4. Name**

- 4.1. The Hawke's Bay Drinking Water Joint Working Group shall be referred to as the JWG.

**5. Status**

- 5.1. The JWG is a collaborative advisory group of appointed officials of those organisations who are parties to the Joint Committee. As such the JWG has no legal status other than that delegated to it by the Joint Committee.

**6. Delegated Authority**

- 6.1. The JWG shall have authority to undertake such steps as are necessary to give effect to its purpose within the context of advising the Hawke's Bay Water Governance Joint Committee including:
- 6.1.1. Investigating, preparing and delivering reports and information to, and taking direction from, the Joint Committee
  - 6.1.2. Leading interagency cooperation and work programmes on drinking water quality, quantity, safety and reliability
  - 6.1.3. Work with the Chief Executives of the Joint Committee members on issues within the scope of these Terms of Reference
  - 6.1.4. Developing reports and undertaking studies
  - 6.1.5. Making recommendations to the Joint Committee about strategies, priorities and work programmes relating to the quality, quantity, safety and reliability of drinking water

**7. Administering Authority and Servicing**

- 7.1. The Administering Authority of the JWG shall be the Hawke's Bay Regional Council.

**8. The Remuneration**

- 8.1. Each member organisation with representatives on the JWG shall be responsible for the cost of its participation on the JWG
- 8.2. The JWG shall recommend to the Joint Committee, the apportionment of costs of the Independent Chairs of both the JWG and the Joint Committee
- 8.3. The JWG shall agree, by consensus, the apportionment of any costs arising from the work approved by the Joint Committee.

**9. Meetings**

- 9.1. The JWG shall meet not less than 2 monthly or at such other times and places as agreed for the achievement of the purpose of the JWG.
- 9.2. Meetings may be conducted by members being physically present in the same room and/or otherwise connected in such a way that they are able to simultaneously hear each other and participate in the discussion.

**10. Quorum**

- 10.1. The quorum at any meeting shall be not less than 1 representative of each member organisation plus the Independent Chairperson or Deputy Chairperson.
- 10.2. A meeting may continue without a quorum for the purposes of information sharing and progressing any work plan, but no binding decisions may be made, nor any recommendations submitted to the Joint Committee.

**11. Voting**

- 11.1. The membership shall strive at all times to reach a consensus.
- 11.2. Each member organisation and the Independent Chairperson shall be entitled to one vote on any item of business, should a vote be necessary.
- 11.3. There shall be no casting vote.
- 11.4. Where an issue is referred to the Joint Committee following a vote, the Joint Committee shall be advised of this, as well as the outcome of the vote.

**12. Chairperson and Deputy Chairperson**

- 12.1. The Joint Committee shall appoint an Independent Chairperson to the JWG.
- 12.2. The JWG shall 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 these 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 immediate effect

**14. Review**

- 14.1. These Terms of Reference shall be formally reviewed at least once every three years

**15. Good Faith**

- 15.1. 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 JWG.

**Approval**

**Terms of Reference approved by the Hawkes Bay Drinking Water Governance Joint Committee on**

\_\_\_\_\_

**Signed** \_\_\_\_\_ **Chair**



# HAWKE'S BAY DRINKING WATER GOVERNANCE JOINT COMMITTEE

Thursday 10 May 2018

## Subject: ADOPTION OF THE JOINT WORKING GROUP WORK PLAN

Item 7

### Reason for Report

1. To provide the Joint Committee with the proposed work plan for the Joint Working Group for Drinking Water Safety for review and feedback.

### Background

2. As a result of the Panel of Inquiry on the Havelock North Water Contamination issue, the Panel made a number of directions as to how the matters identified as part of the Inquiry were to be resolved.
3. On 15 December 2016 the Panel released its interim report and recommendations in relation to the safety of Havelock North Drinking Water for the next 12 months. There were approximately 23 recommendations, and the Joint Working Group (JWG) was directed to work through them.

### The Work Plan

4. The JWG meets every 1-2 months and has been working through these actions and monitoring progress. These directions have been recorded in a 'Work Plan' (attached).
5. Additionally, Recommendation A(c) of the interim report directed that JWG members notify each other and keep each other informed of any information that could affect drinking-water safety. Furthermore recommendation A(d) specified the JWG investigate aquifer matters of potential relevance to drinking water safety over the next 12 months.
6. In order to better understand these two directives, a 'white paper' (attached) was written for the panel, detailing options for improved information sharing between parties, and gaps and opportunities in the understanding of aquifer matters with relevance to drinking water safety. The actions arising from this white paper have also been entered into the spreadsheet.
7. The JWG has been systematically updating the work plan over the last 12-18 months. Some of the original actions arising from the interim recommendations have been completed, and what is left is being continually monitored and updated.
8. Current actions can be broadly summarised below.
  - 8.1. Ongoing monitoring of a testing regime for drinking water supplies.
  - 8.2. Investigation on secure protection zones and groundwater protection zones (covered off in greater detail under separate cover in the Paper to the Joint Committee relating to TANK).
  - 8.3. Investigating methods to gauge water- aging.
  - 8.4. Exploring ways to ensure data is being shared efficiently between parties, and identification of gaps in information sharing.
  - 8.5. Sharing of Water Safety Plans.

### Decision Making Process

9. The Hawke's Bay Drinking Water Governance Joint Committee is 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:
  - 9.1. The decision does not significantly alter the service provision or affect a strategic asset.

- 9.2. The use of the special consultative procedure is not prescribed by legislation.
- 9.3. The persons affected by this decision are all persons with an interest in the region's management of drinking water.
- 9.4. The decision is not inconsistent with an existing policy or plan.
- 9.5. 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, the Joint Committee 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. Exercises its discretion under Sections 79(1)(a) and 82(3) of the Local Government Act 2002 and makes decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision.
2. Receives and notes the ***"Adoption of the Joint Working Group Work Plan"*** staff report.
3. Agrees the work plan for the Drinking Water Working Group as proposed.

### Authored by:

**Rina Douglas**  
**SENIOR PLANNER**

### Approved by:

**Liz Lambert**  
**GROUP MANAGER**  
**EXTERNAL RELATIONS**

### Attachment/s

- [1](#) Joint Working Group Work Plan
- [2](#) White Paper Concerning Recommendations C&D to the Joint Working Group



Action Plan - March 2018					
Rec #	Who/When	Recommendation	Action	Update	Status
A e) (15/12/16)	HDC	The Water Safety JWG investigate whether the Havelock North reticulation and distribution systems are fragile or vulnerable and whether they need maintenance, repair work, or improvements, in order to deliver safe drinking water to consumers. To include 'backflow protection' - per Nathan Gedye 30/1/17	<p>Available documents: HDC Asset Management Plan, independent review on AMP, Hansen Mtce reports, asset reports (age, material, date) spatial distributions, critical assets. Contractor work practices, 3rd party damage risks. Retic performance using current modelling and water quality through monitoring (DBPs, biofilm etc). HDC workshop on 24 May with GDC, NCC, CHBDC ops and building officers. Backflow project assigned to Good Earth Matters.</p> <p>Noted that Independent review of Hastings water team underway, under direction of CE and GM assets. Framework and Guidelines to be provided that covers current asset assessments, practices and processes in place, risks and mitigation plans, effects of chlorination and hydraulic modelling, for review. Independent advice on adequacy/appropriateness of systems to be provided Dr Dan Deere to assist with defining 'the new normal'.</p>	HDC to update the JWG biannually (June and November) on progress. This includes presenting on any risks to reticulation and an updated Water Safety Plans (WSPs). WSPs for all supplies should identify reticulation risks and should be monitored for implementation by DWA. These reports should be shared with JWG	Amber

Action Plan - March 2018					
Rec #	Who/When	Recommendation	Action	Update	Status
c) (i- vii)	HDC	<ul style="list-style-type: none"> <li>The monitoring and testing of the Havelock North and Hastings drinking water supplies be subject to the following regime</li> <li>HDC will provide a report for the period on all these results C &amp; D</li> <li>2 litre raw water samples be taken daily from each bore contributing to the supply of HN drinking water that HDC deems secure or provisionally secure until a full calendar year's worth of data has been collected. These samples are not necessary from bores that are deemed to be non secure. for example, they are not necessary at brookvale bore 3.</li> <li>total coliform and E.coli testing is required on all samples, using either Colilert 18 or such other effective and speedy test that the DWA approves</li> <li>enumerated tests for all reticulation samples and presence/absence testing for the 2-litre samples from the bores</li> <li>testing from the reticulation sites be continued at the level currently in place</li> <li>daily testing of FAC levels take place at the ends, and in the dead ends that are most at risk, of the reticulation with a pH level of less than 8 and with a required FAC level of at least 0.2mg/L, or an adjusted level if the pH level is greater than 8</li> <li>testing for disinfection by-products take place as directed by the DWA</li> <li>in any event, the test set out in (i) should be carried out on three consecutive days after an abnormal wet weather event (this event and any details of such increased testing to be defined and prescribed without delay by the JWG following receipt of the advice being provided by Tonkin and Taylor)</li> </ul>		HDC in conjunction with Dr Dan Deere, are developing a new testing regime that will cover off recc C. The final regime will be presented back to JWG in June, November, with ongoing biannual updates. HDC will collaborate with NCC to develop this regime. JWG to sign off on new regime at next meeting.	Green

Action Plan - March 2018					
Rec #	Who/When	Recommendation	Action	Update	Status
Secure protection zones	JWG			Good Earth Matters contracted to provide report on best practice source protection from other jurisdictions, gaps in current plan provisions, and options to address gaps for consideration by JWG. JWG providing steering group for project with each JWG member organization providing a nominated person for the project team. Initial work to be reviewed at a special JWG meeting on May 21.	Green
Water Aging	HBRC	GNS report to be finalised on aquifer issues. NB this report was commissioned to answer questions relating to TANK and not JWG purposes		GNS report tabled at JWG meeting on 27 April. No date yet set for the dedicated meeting of the JWG to discuss the report.	Amber
Federated approach to data sharing and gaps analysis about what data is missing	All		The general consensus was that data sharing seems to have improved amongst members significantly. It's important to understand how often people need certain types of data.	No further progress on defining requirements for information sharing system. Current focus on TANK source water protection provisions will assist in progressing this task	Green
self supplies	HBRC		Gaps in the context of self-supplies discussed. At present we have well store data and property files, but not every well is captured.	See above: HBRC to include in the questionnaire a dedicated section on self-supplies which, questions will include: <ul style="list-style-type: none"> <li>• What information we currently have/haven't got available to pinpoint self-suppliers?</li> <li>• How often is this information required? i.e. once a year? No further progress - for discussion at next formal JWG</li> </ul>	Green

Action Plan - March 2018					
Rec #	Who/When	Recommendation	Action	Update	Status
Models to understand transportation of contaminants	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. At present, it is not certain if we have the capacity to model pathogens across the entire aquifer. 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.	In 3-4 months' time this model will be presented to the JWG, with a view to understanding what its exact limitations are in terms of transporting contaminants. Next steps will be decided then.	Amber
Capturing data as it relates to episodic events	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.	Later in the year the JWG will 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.	Green

Action Plan - March 2018					
Rec #	Who/When	Recommendation	Action	Update	Status
Dissemination of information when an emergency or risk presents itself	HBRC			HBRC/ to draft a policy which sets out how information will be shared in these situations. Policy to be developed alongside CDEM to ensure we are meeting their expectations as well.	
Development of risk management approach through Water Safety Plans	All	Move to a more common approach between TLAS		Ongoing	Green
Development of common terminology	All		List of common acronyms to be developed and shared for debate at JWG meeting	HBRC to lead this. Chair to determine when it is appropriate for inclusion on agenda.	Green
Sharing of information on a no-blame basis	All		Taken as read.	Taking place in JWG, through ongoing commitment to shared values	Green
Consistency of outward facing messages between JWG members (Comms)	All		the JGW is committed to transparency and this appears to be working well	HBRC to lead the drafting of a letter on behalf of the JWG asking the Joint Governance Group requesting their guidance on this. A table of 'hierarchy of emergencies' is to be developed which assesses the level of comms, timeframes required for people to respond. This will be actioned in an upcoming JWG meeting	Amber

Action Plan - March 2018					
Rec #	Who/When	Recommendation	Action	Update	Status
Ways to work with MOH and ESR to develop info systems to better like health information and environmental management	DHB		WINZ needs to 'talk' to Episerve. This was raised as part of the Inquiry. More functionality is needed. The JWG also has a lobbying function, and this needs to raised again with MOH and ESR	DHB to draft a letter to MOH and ESR for the Chair of the Group to sign raising these points. DHB to update at next JWG meeting progress on this	Amber

**White Paper Concerning Recommendations  
C & D to the Joint Working Group:  
Havelock North Drinking Water Inquiry: Stage 1**

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## 1: Introduction<sup>1</sup>

In August 2016, approximately 5,500 residents in Havelock North fell ill with Campylobacteriosis. Forty-five people were hospitalised, and there were three deaths linked to the outbreak. There is likely to remain a significant number of residents who continue to experience health issues. Two bores located on Brookvale Road, Havelock North were identified as likely sources of the contamination.

In response, the Government established a Commission of Inquiry into the outbreak. The inquiry has two stages. Stage 1 focussed on identifying what happened, what caused the outbreak and accessing the conduct of those responsible for providing safe drinking water to Havelock North. Stage 2 is focusing on lessons learned for the future, and steps to be implemented to reduce the likelihood of such an outbreak occurring again.

As part of Stage 1, the Inquiry Panel made a number of interim recommendations concerning actions required to assure drinking water safety for Havelock North<sup>2</sup>.

This White Paper specifically addresses the following recommendations.

- *A(c) The Water Safety Joint Working Group members notify each other, and keep each other informed, of any information that could affect drinking-water safety risks and the members should record, and as appropriate, make available to other members, information and data and records which are relevant to the safety of drinking water. “*
- *A(d) The Water Safety JWG investigate aquifer - matters of potential relevance to drinking-water safety.*

In preparing this paper, the JWG undertook an internal review process to identify information needs of JWG members to carry out relevant business processes, identify information sources that might be useful for other JWG parties, and canvas opinion as to how information might best be shared. This paper reports on the review and identifies information gaps identified as part of the process. The paper also reports on findings of investigations into aquifer matters completed to date as well as identifying priority investigations that the JWG considers are still required.

In as much as it may directly relate to these recommendations, this White Paper will not delve into the events leading up to the contamination or the response to the crisis. These matters are traversed at length in the Inquiry Report.

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<sup>1</sup> Much of the content for the section is drawn from pages 1-9 of the *Report of the Havelock North Drinking Water Inquiry: Stage 1*

<sup>2</sup> Note that these recommendations differ from the original, as a result of amendments from the original minute as a result of the Havelock North Drinking Water Inquiry Panel Hearings held week of 26- 30 July 2017.

### 1.1 Water Safety Joint Working Group

At the direction of the Inquiry Panel, in December 2016 a Joint Working Group (JWG) was formed between the District Health Board, the Drinking Water Assessors, Hastings District Council, and Hawke's Bay Regional Council focussed on providing clean, safe drinking water for Havelock North and Hastings. Napier City Council was invited and accepted to join the JWG shortly following its inception.

The JWG is also resourced with Project Manager/Technical and Secretariat support from HBRC, and Governance Support from the DHB. The group is chaired by an independent chairperson, Chris Tremain, and meets on a monthly basis to progress recommendations made by the Panel.

### 1.2 Structure of the paper

In order to better understand the issues, JWG members were interviewed on a range of questions relating to information sharing and aquifer/catchment matters. The template used for interviews is attached in appendix one. The content of these interviews, along with existing information forms the basis of this paper.

## 2: Information Sharing

### 2.1 The 'Problem'

A key finding of the Inquiry Panel was that there was a critical lack of collaboration and liaison between parties, particularly the Regional Council and District Council. This absence of regular cooperation contributed to missed opportunities to identify issues.<sup>3</sup>

The Delivery of safe drinking water in Hawke's Bay (and wider New Zealand) is undertaken by authorities and the District Health Board, in accordance with the Health Act, the Resource Management Act, and the Building Act. It is also delivered through the following mechanisms:

- The Guidelines for Drinking-water Quality Management In New Zealand, which provides for a level of interaction, cooperation and communication through and between stakeholders, the public, the drinking water supplier and Drinking Water Assessors (DWAs)
- The Draft Users Guide for the NES Regulations (published by the Ministry for the Environment) also emphasises partnership and cooperation
- Water Safety Plans (WSPs) also reference the need to cooperate and share information between the City/District Council and Regional Council.

The following diagram (uplifted from the *Draft Users Guide for the National Environmental Standard for Sources of Human Drinking Water*) shows key legislation and agencies involved in drinking water management:

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<sup>3</sup> Panel Report page 6

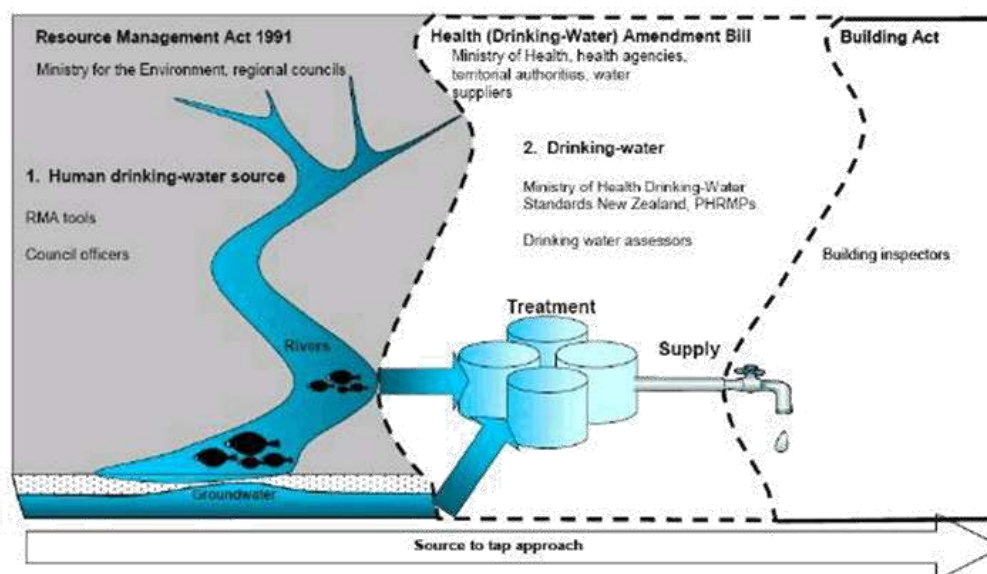


Figure 1: Key Legislation and agencies involved in drinking water management (from Draft Users' Guide - National Environmental Standard for Sources of Human Drinking Water: 2009)

This diagram outlines the multi-faceted approach to the provision of safe drinking water. On the other hand, it highlights the fact that several agencies are working to different statutes. JWG members agreed that this has contributed to gaps in cooperation that had taken place in the lead up to the outbreak, and this included a paucity of information being shared. Information sharing also appears to have been affected by a lack of awareness of known roles and expectations of each stakeholder in managing drinking water, which generated confusion as to 'what' information was required by 'who' and at which stage of the management process.

Adding to the problem is a perceived lack of 'visibility' of drinking water information being collected by stakeholders. It is apparent that there is a plethora of information being collected on different aspects of drinking water delivery, but often other agencies are unaware of the existence of that information or data. This is hindering the understanding the information sharing process.

## 2.2 Sharing and receiving of Data or information

Similar expectations exist among JWG members in terms of sharing and receiving information relating to drinking water safety risks. The following is considered important:

- Information is fit for purpose, robust and reflects industry best practice;
- Timeliness of information;
- Relevant and in context;
- Reflects a "no surprises" approach;
- Appropriate decision-making action can be taken where information is provided;
- That information shared won't be 'used against' the sharer, and;
- Maintains privacy of individuals where relevant.
- How do I get it

When considering the process of sharing and receiving of information, several JWG members emphasised that there is a difference between sharing data and information. It was noted that effective sharing requires that agencies receiving information or data are able to analyse and use the information. It was therefore agreed that JWG members will need to continue collaborating and cooperating where appropriate around the use and analysis of data.

### 2.3 What information is currently being shared?

There is already a vast array of information currently being shared by JWG stakeholders.

This includes:

- Notifications of outbreaks of illness;
- Increases in notable health conditions (not specific to drinking water issues);
- Water supply issues and problems;
- Technical reports;
- Real time science updates i.e. science recorders;
- GIS layer;
- State and Trends information;
- Compliance information;
- HBRC Consent Database (known as 'Daisy'), and;
- HBRC Intra-maps.

Figure two below was discussed in a workshop using investigation of risks to self-supplies as an information sharing scenario. The figure illustrates information that might be required by JWG members, where it might reside and how it could be linked to assess and manage risk.

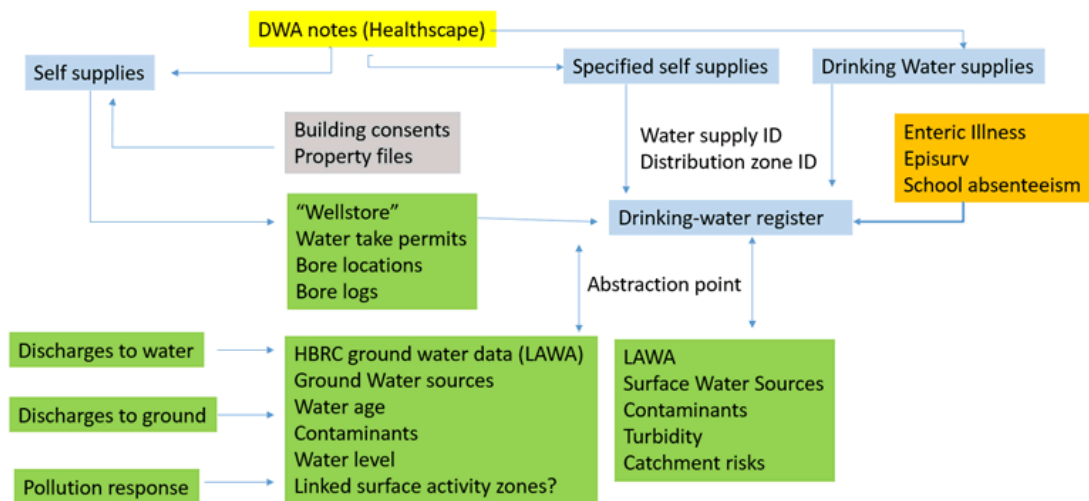


Figure 2: Preliminary information model for drinking water source risk management.

Information is currently shared through a range of formats i.e. emails, phone calls, GIS and web platforms and regular reporting. However there is currently no overarching information sharing platform that facilitates data and information sharing and linkage. Furthermore some data sources, such as the Episurv disease database and the Drinking Water Register, are national systems. The development of processes to link to these systems would therefore require collaboration with the national system administrators and owners.



It is noted that there is a level of disagreement as to the best way to inform other agencies if an emergency arises or a risk presents itself; with some agencies preferring to be notified by phone call or email, while others expressed the view that these methods are often unreliable and a more robust system is needed.

It was also emphasised by JWG members that there is a general willingness to share more information if it was felt necessary.

## 3: Aquifer matters

### 3.1 The 'Problem'

Recommendation D the Inquiry Panel stems from the finding that sheep faeces containing campylobacter were the likely cause of the outbreak. Furthermore, the Te Mata Aquifer was not confined (as was assumed prior to the Inquiry's process) and was vulnerable to contamination.

It is noted that aquifer matters should be widened to include catchment matters as these are intrinsically linked.

Firstly, it is important to acknowledge that the relationship between aquifer and catchment matters is complex and encompasses a range of processes for which there are varying amounts of technical information and data. This in itself is problematic, and JWG members agree that there are currently gaps that exist in our collective understanding of risks to drinking water supply from the aquifer and catchment areas. These knowledge gaps appear to centre on the following key themes.

- how land use activities impact on groundwater quality and quantity;
- The transportation path of pathogens and contaminants;
- The length of time it takes for water from rainfall or recharge zones to reach an aquifer
- the length of time it takes for water to travel through the aquifer to a water supply bore;
- A degree of confusion and uncertainty between stakeholders about roles and responsibilities as they pertain to aquifer -matters, and;
- Bore management.

The latter stages of this paper will set out how JWG members will work together to improve these understandings. The section below explores in detail roles and responsibilities.

### 3.2 Responsibilities for aquifer and catchment matters

JWG members identified the following responsibilities for aquifer and catchment matters as being shared across several stakeholders.

- DHB: Responsibilities under Health Act and New Zealand Public Health and Disabilities Act 2000, including an advocacy role for reductions in environmental risk and first barrier protection.
- Regional Council: Responsibilities under the Resource Management Act (RMA) including sustainable management of resources, management of water quality and quantity. SOE monitoring, development and of policies and plans, consenting, science, compliance; and responsibilities under Soil Conservation and Rivers Control Act 1941.
- TLAs: Responsibilities under Local Government Act and Health Act including operation of bores, maintenance, security, design, cleaning and monitoring. Also responsibilities under the Building Act 2004 including potable supply and RMA.

Notwithstanding the above, a strong view expressed by JWG members was that there is still a lack of understanding about roles between stakeholders, including how they overlap and intersect, as well as who holds what information.

### 3.3 Current knowledge of aquifer matters from monitoring and investigations

As referenced above, giving the breadth and complexity involved with management and responsibility for aquifers and catchments, there appears to be a vast amount of data currently being collected across all the agencies - for example:

- Quality and Quantity data;
- Water quality ecology;
- Soil quality data (as water absorbs through the soil into the aquifer);
- Land use data;
- Consenting information;
- Monitoring of takes
- Illness data.

In addition to the above, the TLAs are also responsible for collecting operational information as it relates to the operation of municipal bores and resource consents. This includes information about a range of water quality parameters, water age, catchment assessments etc.

Appendix 1 has been inserted to list available data. This table will be populated by the JWG over time.

## 4: Gaps in information

For all the information available, JWG members have recognised that there are still some significant gaps in the knowledge base. These gaps are multifaceted: they exist in the way information is currently shared, as well as affecting the scientific understanding of some aspects of aquifer and catchment processes that relate to the provision of safe drinking water.

The following section will outline some of the major gaps, and due to the cross over between the two issues, this section will address these jointly.

### 4.1 Episodic v long term trends in data

A recurring theme raised by JWG members relates to State of the Environment (SOE) monitoring which are monthly reports that provide a snapshot of air quality, rainfall, river flows, groundwater levels, recreational water quality (swimming), low flows and soil moisture. This data and information is gathered using a variety of recording methods.

There is no disagreement that this data and information is integral to understanding medium to long-term trends in water quality and quantity. However, it does not capture 'real time' or episodic events that may arise from significant rainfall, earthquakes and other natural occurrences. These episodic events arguably pose risks to aquifer and catchment management by generating a short-term spike in contaminants or pathogens.

It should be noted that SOE monitoring is not intended nor designed to achieve this and alternate or enhanced monitoring would be required to address this. It is likely that this would not fall into the realm of SOE monitoring.

## 4.2 Pathogen and contaminant transportation

JWG members feel that there is still much more to understand about pathogen and contaminant fate and transport within groundwater and its likely effect on drinking water supplies. There is minimal information that currently exists on water direction flows, and improvements to this would assist stakeholders in understanding where there are potential risks. This would be helpful in assisting stakeholders with assessing drinking water safety risks. This is particularly of concern if an activity is situated above the unconfined or semi-confined aquifer, in which case contamination is a greater risk. Another potential pathway may be through - storm water drainage.

HBRC has developed a groundwater model as part of the 'TANK' (which stands for the Tutaekuri, Ahuriri, Ngaruroro, Karamu catchments) plan change. It is a tool that will assist in establishing limits for surface flows and groundwater abstraction limit in the Heretaunga Plains, and allows for current and likely future water use scenarios to be assessed. The modelling includes a transport fate component but there is a question around the granularity of that and its fitness for purpose for bore specific investigations. This needs to be investigated further and resourced.

## 4.3 Age profile of the aquifer

Tied to above is the current scarcity of data about the age profile of the aquifer. This is important to an assessment of drinking water safety as the notion of 'secure supply' rests upon 'older' water being present, as -pathogens which may be present are unable to survive for long periods of time. Further investigation is required to better understand water age. However, it is noted that currently work is underway by all agencies which will assist the JWG. Alongside this is the question of the future application of this approach if findings lead to all drinking water supplies being treated as non secure.

## 4.4 Accuracy of GIS information relating to drinking water takes

Discussions have identified gaps in current GIS data relating to drinking water information. One such gap relates to the location of wells. Currently, the Ministry of Health / ESR manages a WEBSITE which lists Registered Drinking Water Supplies. It is not possible to find a location from this information. There is a GIS layer identifying the location of drinking water wells nationwide, and this is available to agencies. However the location data for drinking wells contained in the GIS layer is imprecise, which can make it difficult to understanding who is actually at risk when issues occur.

The information held on this GIS layer is essentially a historic collaboration of data from regional and local councils and DHB's. We know that the information contained is often inaccurate and this is a candidate for improvement so that there is a single source of the truth. This information could then be further enhanced to map the properties supplied from each registered source.

## 4.5 Separation distances to drinking wells

Linked to this is the relatively generic rules that HBRC apply as separation distances for drinking water supply wells. It is noted that GNS's *Capture Zone Guidelines for New Zealand* defines a CZ as "the area delineated by the time it takes for groundwater to flow from a given point to the feature."<sup>4</sup>

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<sup>4</sup> *Capture Zone Guidelines for New Zealand* GNS Science Report 2013/56, April 2014

The requirement to consider the capture zone of a drinking water supply is not prescribed in the NES for drinking water supply sources. And there is no clear guidance on how to identify a CZ for different hydrogeological features under the RMA. The absence of certainty about a hydrological feature's capture zone creates uncertainty as to what data is required to be gathered, and in turn how that data should be interpreted.

In the absence of this and any detailed information or data a blanket and arbitrary CZ of 2km has been applied by HBRC around wells. It is acknowledged that the 2km zone does not currently take into account bespoke information relating to land uses that may be of higher or lesser risk to drinking water. It is also important to note that the 2 km zone is not referenced in the current regional resource plan.

Related to this HDC has been progressing investigations to more accurately define CZ areas and different risk levels across its urban bores. These investigations can be further considered in combination with the HBRC contaminate and fate transport model that has been recently developed.

#### 4.6 Self-supplies

Self- supply is where a person or a business supplies water to their own property or buildings. Common examples of where this occurs is domestic dwellings, food premises and wineries. Under the Health Act, self-supplies are not required to be registered on the National Drinking-water Register, and are therefore not subject to the same level of public health monitoring as those suppliers that are monitored.

This raises questions around the ongoing management of self-supplies. If there are changes in the aquifer which may affect house hold drinking water or other potable water supply purpose (such as food processing) risks are not managed in the same way as for registered supplies.

The questions around self-supplies extend to industries and other uses. This area is confusing and understanding and responsibilities could be made clearer. The JWG will work to seek improvements to legislative provisions and also to clarify roles and responsibilities and to assist information sharing.

#### 4.7 Intra agency roles and responsibilities

Knowledge gaps are not confined to scientific and technical understanding of the issues. As outlined above there are gaps in understanding the different roles and responsibilities of JWG members in terms of the provision of safe drinking water. These gaps are affecting the way in which JWG members involve each other in everything from notification of risks, to understanding who to ask for what information.

### 5: Steps for change and improvement

The following sections have broadly outlined the problems, information that is already being shared and gaps in that information. With that in mind, the following section sets out some broad-based principles agreed to by JWG members as to how they intend to work towards better information sharing and management of aquifer and catchment matters.

In doing so, JWG members are cognisant that resolving some of the issues will take time and financial resources, but with ongoing collaboration and cooperation there will be good progress.



## 5.1 Improvements to current information and data available

Data and information sharing is integral to the management and provision of safe drinking water. This paper has outlined some of the types of information and data being shared and by whom. Stakeholders agree that there is already a great deal of data and information being held, generated and stored by agencies. There is also general agreement that there is room for improvement in both access, visibility, and sharing of this information and data; and the accuracy and richness of data and information currently available. Examples of this discussed earlier in this paper include understanding the transport path of pathogens and water flow directions.

In addressing this, it is recognised that care must be taken not to duplicate existing systems, resulting in potential for unintended inefficiencies. In addition to this, there is a view that in order to better understand the critical areas of concern we must stocktake what we have in order to avoid potentially generating further, unnecessary information and data.

The JWG recognises the need to review the increasing body of technical literature relating to water quality of the aquifers, in order to understand what we have, and what we are lacking, will enable better understanding of the science and the issues. This will result in more enduring and possibly innovative solutions to improving information and data.

Improved information sharing also extends outwards from agencies. There is a recognition that improvements are required in collectively communicating information to the public when there has been a significant change to the quality and/or quantity of drinking water. Learnings from investigations and research must be shared in order to avoid surprises to the public.

The JWG agrees to:

- Devise a more federated approach to sharing relevant data as it relates to drinking water risks. This may be in the form of improvements to an existing GIS platform i.e. Intramaps, a new system.
- Undertake a more detailed analysis to understand the gaps in the existing data sets and how to address these i.e. investments in research etc.
- Further develop models for understanding the transportation and fate of contaminants and pathogens which may lead to contamination of drinking water, and the age of the aquifer (currently under development by HBRC).
- Explore the risks/costs/benefits of capturing data on GW quality as it relates to episodic events.
- Develop an action plan for the dissemination of information when an emergency arises or a risk presents itself.

## 5.2 Emphasis on risk management frameworks: Water Safety Plans

Much of the feedback from JWG members regarding these recommendations focused on the importance of a risk management approach to the provision of safe drinking water. This is important in picking up warning signs or perhaps even 'blips' in trend data which may show potential risks to the water supply.

The primary mechanism through which City/District Councils manage quality of drinking water is through Water Safety Plans. Under the Health Act these are required to be approved, and their implementation monitored by a Drinking Water Assessor. The plans must adhere to risk management principles and are structured in a way that sets out risks, information on managing those risks, contingency plans, and a performance assessment of the plan.

The Inquiry focussed heavily on the Hastings District Council WSP, and as result of this scrutiny, the WSP has been bolstered and tightened to take into account the learnings of the past 12 months. Given this, there is scope for all agencies to be more actively involved in the development and implementation of both Hastings and Napier's WSPs. This reinforces a multi-party approach to management of risks.<sup>5</sup>

The JWG will explore ways to ensure a risk management approach to safe drinking water is used through multi-party input into and involvement in the development and implementation of Water Safety Plans. This could comprise a recommendation for an annual update on risk and if and there is any change to the risk profile then this be brought back to the table

### 5.3 Commitment to ongoing collaboration and cooperation

The JWG members recognise that although positive steps have been made to ensure lessons have been learnt, there is still much to be done and therefore ongoing collaboration is vital. In doing so, there are several broad 'principles' that underpin interactions. The combined agencies have committed to a joint committee of Councils and DHB to govern these activities. The JWG TOR will be established by the Hawke's Bay Drinking Water Governance Joint Committee to reflect an ongoing commitment to collaboration and cooperation.

In continuing to work collaboratively, the JWG will ensure: that these three principals are included within the terms of reference

- *Use of a common 'language'*: Standardised terminology and a common understanding of the technical aspects across the governance, medical, engineering and science fields, as they relate to the provision of safe drinking water.
- *The sharing of information on a 'no blame basis'*: Enabling an environment where parties can freely exchange information without it being used against them.
- *Consistency of outward facing messaging*: In communicating information to the public regarding drinking water information JWG members will work together to ensure that messages are aligned and do not contradict each other.

<sup>5</sup> It is acknowledged that any DWA involvement in the active development of WSPs needs to be carefully managed. The way the IANZ accreditation system for DWAs is set up under the Health Act, a DWA is not able to assess any WSP that they have been involved in developing or have been consulted on.

## 5.4 Health information and environment management

A common view expressed by JWG members is a need to better understand the possible relationships between health information currently being collected in relation to our communities, with environmental trends. Presently, we are unable to easily identify if changes in groundwater quality are resulting in changes to the health and wellbeing in the community, at both a macro and micro level. An enhanced understanding will better inform assessments of risk: both real and perceived.

The JWG will seek to work with the Ministry of Health and Environmental Science Research (ESR) to develop options for information system development to create more effective linkage between health information and environment management

## 5.5 Core functions of Councils under the Resource Management Act

In parallel with the above solutions, there are several mechanisms, which relate to core functions of Councils under the RMA as they relate to the management of natural resources, including freshwater management. Firstly, Regional Council is currently progressing a plan change prohibiting oil and gas exploration activities within productive aquifers, aquifer recharge zones and surface water bodies. A key driver for this plan change is a recognition of the uncertainties around the potential adverse effects of oil and gas development on aquifer areas from contamination. The plan change is progressing through relevant stages. It is acknowledged that the spatial and technical analysis required to inform the plan change will contribute to a better understanding of the aquifer and catchment matters.

Furthermore, Regional Council is also working its way through a plan change for the Tutaekuri, Ahuriri, Ngaruroro, Karamu catchments (collectively referred to as the TANK catchments), and a collaborative stakeholder group has been convened to provide recommendations to the Regional Planning Committee for the management of land and water in the area covering the Heretaunga aquifer. This includes identification of values, objectives, policies, rules and other methods to be included in the Regional Resource Management Plan (RRMP) to provide for the management of the TANK catchment.

Driving this plan change is a major science programme, which intends to enhance existing understanding of ground and surface water interactions, through land use, water quantity and quality connection modelling. This includes the Groundwater model discussed in earlier parts of this paper.

The TANK plan change's main aim is to safeguard the life supporting capacity, ecosystem processes and indigenous species, improve and maximise efficient allocation, protect the significant values of wetlands and phase out any over allocation. However, there is potential to expand the scope to incorporate a better understanding of drinking water risks.

The JWG will approach the Regional Council to suggest that the JWG becomes the working group to formulate and discuss policy matters as it relates to drinking water safety. In addition, JWG members will continue to work together constructively in the TANK process and other RMA processes relating to the management of drinking water.

## 6. Matters outside the Scope of the JWG

The final section of this paper will briefly touch on several matters that have arisen in discussions, and are considered largely outside the control of the JWG, but are of importance to information sharing, to aquifer, and catchment matters.

Firstly, there is concern about the shortage of suitably qualified staff to carry out technical aspects of water management. The prime example of this is Drinking Water Assessors (DWA), who are pivotal to the process, and are in high demand across the country. There are no dedicated Hawke's Bay DWA's, with the closest one residing in Palmerston North.

A second issue is the confusion of small and self-supplies. There is a need for MOH to reconsider how smaller drinking water supplies are managed in relation to the safety of their drinking water supplies. This could lead to changes to the Drinking Water Standards.

## References

*Report of the Havelock North Drinking Water Inquiry: Stage 1, May 2017.*

*Draft Users Guide for the National Environmental Standard for Sources of Human Drinking Water* Ministry for the Environment, 2009.

*Capture Zone Guidelines for New Zealand* GNS Science Report 2013/56, April 2014

Interviews with Joint Working Group Members:

- Dr Nicholas Jones, Medical Officer of Health, Hawke's Bay District Health Board (29 May 2017)
- Chris Dolley, Manager Asset Strategy, Napier City Council (31 May 2017)
- Malcolm Miller, Resource Consents Manager, Hawke's Bay Regional Council (27 June 2017)
- Stephen Swabey, Manager Environmental Science, Hawke's Bay Regional Council (28 June 2017)
- Iain Maxwell, Group Manager Resource Management, Hawke's Bay Regional Council (29 June 2017)
- Jon Kingsford, Director Infrastructure, Napier City Council (5 July 2017)
- Brett Chapman, Water Services Manager, Hastings District Council (10 July 2017)
- Craig Thew, Group Manager Asset Management, Hastings District Council (10 July 2017)
- Peter Woods, Drinking Water Assessor, Central North Island Drinking Water Assessment Unit (13 July 2017, by email).

## Appendix 1

## Item 7

**Joint Working Group Drinking Water: Interview Questions****Recommendation (C)**

**The Water Safety JWG members notify each other, and keep each other informed, of any information that could affect drinking-water-safety risks**

1. What, in your view, is the problem we are trying to solve in recommendation C?
2. What expectations do you have as:
  - a) Receiver of the information?
  - b) Sharer of the information?
3. What information are you currently sharing?
4. What information do you have which you are currently not sharing?
5. What information do you consider is missing from an assessment of drinking water safety risks?
6. What information do you know is available from other stakeholders which you would like to receive?
7. What are the different 'stages' of information sharing? i.e.:
  - Awareness of a heightened risk
  - Identification of risks
  - Response to risks
  - Provision of new information
  - Recovery
  - Other stages?
8. In what form will information be shared? i.e.
  - Emails
  - Via a shared web portal
  - Phone calls
  - All of the above
  - Other means
9. How should information be shared on an ongoing basis? i.e.
  - Emails
  - Phone calls
  - Via a shared web portal
  - Regular meetings
  - Other means
10. Any further comments/remarks?

## Attachment 2



**Recommendation (D)**

**The Water Safety JWG investigate aquifer matters of potential relevance to drinking-water safety over the next 12 months.**

1. What, in your view, is the problem we are trying to solve in Recommendation D?
2. What aquifer matters relevant to drinking water safety are you currently responsible for?
3. What aquifer matters relevant to drinking water safety do you currently collect data for?
4. What analysis would be necessary in order to turn raw data into 'usable' information?
5. Thinking about your answer to question 4 above do you think the data collected, or the analysis of the that data, is adequate to provide you with the information necessary to make quality decisions?
6. Thinking about your answers to questions 4 and 5 above what improvements would you suggest to the current data collection?
7. What aquifer matters relevant to drinking water safety are the responsibility of other stakeholders?
8. Thinking about your answer to question 7 do you believe the data collected, by other stakeholders is adequate to provide them with the information necessary to make quality decisions?
9. Thinking about your answers to questions 7 and 8 above what improvements would you suggest to the current data collection?
10. Are there any other aquifer matters for which there is no stakeholder responsibility and which you believe data should be collected to assist with quality decision making about drinking water safety?
11. Any other remarks/comments?

Appendix 2

Data available

Nature of data	Provider	Location	Date

Item 7

Attachment 2





# HAWKE'S BAY DRINKING WATER GOVERNANCE JOINT COMMITTEE

Thursday 10 May 2018

## Subject: DRINKING WATER SAFETY POLICY AS PART OF THE HBRC TANK PLAN CHANGE

Item 8

### Reason for Report

1. The purpose of this report is to update the Joint Committee on progress with the development of drinking water policy in the context of the HBRC TANK (Tutaekuri, Ahuriri, Ngaruroro, and Karamu catchments) draft plan change process.

### Background

2. A collaboration developing a draft plan change for the TANK catchments has been operating since 2012. The TANK stakeholder group is expected to recommend a set of provisions including objectives, policies and rules for a plan change in mid-2018. The draft plan will set freshwater quality and quantity objectives and address aspects such as stormwater, wetland management, sediment and nutrient loss, water augmentation and matauranga Māori.
3. The TANK Group has considered measures to protect surface water quality the group has not yet explicitly focused on measures to protect drinking water sources. This is a challenge as there are only two meetings of the TANK group remaining, and it is anticipated that the draft plan change will be presented to the Regional Planning Committee for consideration in mid-2018.
4. Additionally, the second report of the Havelock North Drinking Water Inquiry dated December 2017 raised the issue of drinking water safety in the context of water quality. The Inquiry panel went on to observe that the TANK plan change would add to the understanding of drinking water source protection issues.

### Development of policy

5. At the February TANK meeting, the stakeholder group agreed that the Drinking Water Joint Working Group (JWG) should be regarded as a TANK working group to be tasked with developing draft policies and rules for consideration. This recognises that the Havelock North Drinking Water Inquiry has dominated discussion around drinking water and has become the platform for the most comprehensive assessment of issues relating to drinking water.
6. Given the tight timeframes, the JWG decided to contract this work out to a suitably qualified individual/entity at its March meeting. After considering several potential candidates the decision was made to appoint Good Earth Matters on the basis of their existing knowledge relating to the RMA, drinking water policy and the Hawke's Bay context.
7. Tasks that Good Earth Matters will undertake include:
  - 7.1. Assessment of the current regulatory framework, to consider gaps and opportunities. This includes a National Stocktake of drinking water policy.
  - 7.2. Consideration of the use of Groundwater Capture Zones and Source Protection Zones.
  - 7.3. Stocktake of risk activities within the TANK catchment.
  - 7.4. Development of a framework and options for objectives, policies and rules to protect drinking water source.
8. Good Earth Matters will work alongside the JWG and the TANK project team in ensuring the work progresses smoothly. It is envisioned that a draft of the work in the form of

potential objectives, policies and rules will be presented to TANK at its meeting on 31 May, and finalised in early June.

#### **Decision Making Process**

9. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

#### **Recommendations**

That the Hawke's Bay Drinking Water Governance Joint Committee receives and notes the ***"Drinking Water Safety Policy as Part of the HBRC TANK Plan Change"*** staff report.

#### **Authored by:**

**Rina Douglas**  
**SENIOR PLANNER**

#### **Approved by:**

**Liz Lambert**  
**GROUP MANAGER**  
**EXTERNAL RELATIONS**

#### **Attachment/s**

There are no attachments for this report.