



SUSTAINABLE NAPIER COMMITTEE

Open Agenda

Meeting Date: Thursday 11 April 2024

Time: 9.30am

Venue: Large Exhibition Hall
War Memorial Centre
Marine Parade
Napier

Livestreamed via Council's Facebook page

Committee Members **Chair:** Councillor Price
Members: Mayor Wise, Deputy Mayor Brosnan, Councillors Boag, Browne, Chrystal, Crown, Greig, Mawson (Deputy Chair), McGrath, Simpson, Tareha and Taylor
Ngā Mānukanuka o te Iwi representatives – Coralee Thompson and Tiwana Aranui

Officers Responsible Executive Director Infrastructure Services

Administration Governance Team

Next Sustainable Napier Committee Meeting
Thursday 16 May 2024

2022-2025 TERMS OF REFERENCE - SUSTAINABLE NAPIER COMMITTEE

<i>Chairperson</i>	<i>Councillor Price</i>
<i>Deputy Chairperson</i>	<i>Councillor Mawson</i>
<i>Membership</i>	<i>Mayor and Councillors (13)</i> <i>Ngā Mānukanuka o te Iwi (Māori Committee) (2)</i>
<i>Quorum</i>	<i>8</i>
<i>Meeting frequency</i>	<i>At least 6 weekly (or as required)</i>
<i>Officer Responsible</i>	<i>Executive Director Infrastructure Services</i>

Purpose

To provide governance oversight of the asset management and operation of Council's infrastructure by making decisions on strategy, policy and levels of service in respect to:

- a) Transportation assets
- b) Three Waters
- c) Waste management and minimisation
- d) Building asset management
- e) Parks, reserves and sportsgrounds
- f) Cemeteries
- g) The inner harbour

Delegated Powers to Act

To exercise and perform Council's functions, powers and duties within its area of responsibility, excluding those matters reserved to Council by law or by resolution of Council, specifically including the following:

1. To review and adjust relevant work programme priorities within agreed budgets, activity management plans and levels of service as per Council's Long Term Plan.
2. To consider matters related to the management of Council's physical assets, and service related projects and facilities.
3. To oversee the management of all Council's physical assets.
4. To adopt or amend policies or strategies related to the Committee's area of responsibility, provided the new or amended policy does not conflict with an existing policy or strategy.
5. To consider any reports from infrastructure related joint committees and business units.
6. To resolve any other matters which fall outside the area of responsibility of all Standing Committees, but where the Mayor in consultation with the Chief Executive considers it desirable that the matter is considered by a Standing Committee in the first instance.

Power to Recommend

The Committee may recommend to Council and/or any standing committee as it deems appropriate.

The Committee may make a recommendation to the Annual Plan or Long Term Plan relevant to the Committee's responsibilities.

The Committee must make a recommendation to Council or the Chief Executive if the decision considered appropriate is not consistent with, or is contrary to, any policy (including the Annual Plan or Long Term Plan) established by the Council.

ORDER OF BUSINESS

Karakia

Apologies

Councillor Boag

Conflicts of interest

Public forum

Nil

Announcements by the Mayor

Announcements by the Chairperson including notification of minor matters not on the agenda

Note: re minor matters only - refer LGOIMA s46A(7A) and Standing Orders s9.13

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.

Announcements by the management

Confirmation of minutes

That the Minutes of the Sustainable Napier Committee meeting held on Thursday, 22 February 2024 be taken as a true and accurate record of the meeting.94

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Minor matters not on the agenda – discussion (if any)

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AGENDA ITEMS

1. NAPIER DRINKING WATER COMPLIANCE ASSESSMENT FOR 2023 CALENDAR YEAR

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1746067
<i>Reporting Officer/s & Unit:</i>	Anze Lencek, Drinking Water Quality Lead

1.1 Purpose of Report

To inform the Council on the Napier Water Supply (NAP001) Compliance Assessment for 2023 calendar year.

Officer's Recommendation

The Sustainable Napier Committee:

- a. **Endorse** the report titled "Napier Drinking Water Compliance Assessment for 2023 Calendar Year" dated 11 April 2024.

1.2 Background Summary

Information presented in this Report is based on NCC 3 Waters Team's best understanding and interpretation of Water Services Act 2021 and legislative documents published by Taumata Arowai (regulator body): Water Services (Drinking Water Standards for NZ) Regulations 2022, Aesthetic Values for Drinking Water 2022, Drinking Water Quality Assurance Rules (DWQAR) 2022 (released 25 July 2022) and Drinking Water Quality Assurance Rules – Guidance for reporting (released 12 December 2023).

The 2023 calendar year presents the first completed yearly compliance period under the new regulatory arrangements as set by the drinking-water regulator Taumata Arowai. As a large networked supply, Napier has to meet the highest (Level 3) compliance requirements (DWQAR) within all three compliance categories: Source water, Treatment and Distribution, while General Rules are the same for all suppliers. During 2023 our obligations were to report only most important compliance information to Taumata Arowai on a monthly frequency, while a comprehensive compliance assessment on all remaining reporting requirements was due for submission within 40 working days after the end of 2023 compliance period (31 December 2023).

1.3 Issues

The following points highlight the main water quality management areas in relation to Napier municipal supply:

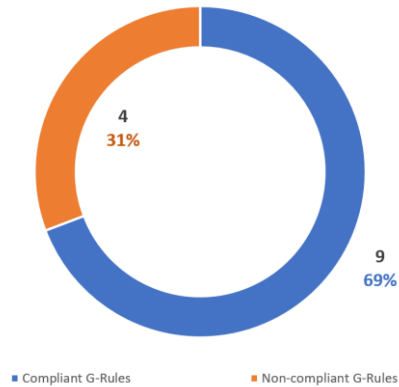
A) Napier water supply compliance summary

Napier water supply (NAP001) is subject to four different set of Rules as set in Drinking Water Quality Assurance Rules 2022: General Rules, S3 Source Rules, T3 Treatment Rules and D3 Distribution Rules. Annual report on the 2023 calendar year DWQAR compliance

assessment was prepared by NCC officers and submitted to Taumata Arowai within required timeframe.

Napier’s DWQAR compliance assessment included reporting against 104 individual Rules, however after taking into account the numbers of our different sources and water treatment plants, the final count of Rules reported on was actually 355. Below is a visual presentation on the compliance rates of the Rules, presented per General-, Source-, Treatment-, Distribution-category as well as all Rules reported on, with reasons leading to non-compliance with some Rules.

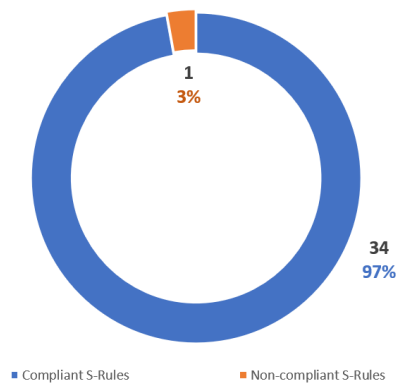
Compliance rate of all unique G-Rules reported on



Reasons for non-compliance with G-Rules:

- G3 Rule – Taumata Arowai system to receive reports not operational before first monthly reports were due
- G6 Rule - Labelling samples to the requirements would require extensive works in lab software modification and our reporting software settings
- G10 Rule – Shortcomings in internal training processes
- G11 Rule - Hygiene Code of Practice document in draft format

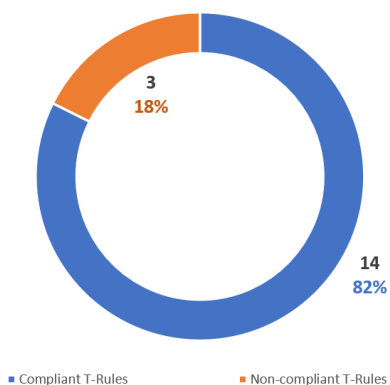
Compliance rate of all unique S-Rules reported on



Reasons for non-compliance with G-Rules:

- S3.3-arsenic Rule – Single ad-hoc chemical sample missed for Arsenic testing at one source

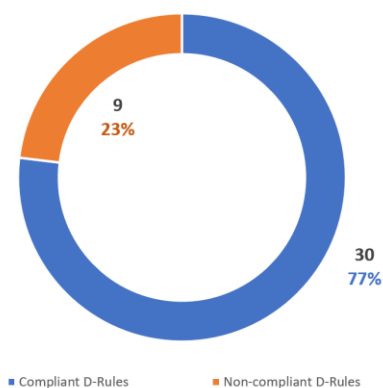
Compliance rate of all unique T-Rules reported on



Reasons for non-compliance with T-Rules:

- T3.22 Rule – No protozoa treatment in place at T3, T5 and T7 site
- T3.15 Rule – Missed monthly maintenance events due to Cyclone Gabrielle impact
- T3.93 Rule - Missed monthly sampling events due to Cyclone Gabrielle impact
- Absence of bacterial barrier at T2, T3, T5, T6 and T7 sites

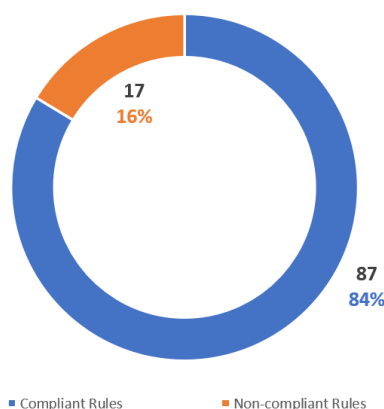
Compliance rate of all unique D-Rules reported on



Reasons for non-compliance with D-Rules:

- D3.1 Rule – Backflow Prevention Programme document outstanding
- D3.5 Rule – Backflow prevention devices’ asset register missing one parameter (risk level)
- D3.7, D3.8 and D3.9 Rule – operational activities not clearly defined in Hygiene Code of Practice document
- D3.11, D3.12, D3.14 and D3.17 Rule – Water Storage Management Plan document outstanding

Compliance rate of all unique Rules reported on



2023 calendar year annual compliance assessment outcomes and shortcomings against DWQAR can be recapped as follows:

- A2 and A3 Water Treatment Plants were both compliant with bacterial and protozoa requirements based on effective UV treatment barrier.
- T2, T3, T5, T6 and T7 were all not compliant with bacterial requirements, as we are not able to achieve required disinfectant contact time at those water treatment plants.
- T2 and T6 complied with protozoa requirements, while T3, T5 and T7 did not as they are located in the underground chambers and therefore cannot qualify as ‘Sanitary Bore Head’ arrangement.
- Disinfection residual monitoring results in the network have been favourable at all times and achieved full compliance.
- Despite bacterial and protozoa non-compliance at majority of our plants, the microbiological testing results in the network have always been favourable, demonstrating microbiologically safe water.

B) Review of Napier’s WSP by Taumata Arowai

On 3 August 2023 Taumata Arowai initiated the review process of Napier’s Water Safety Plan (WSP) as per Section 32 of the Water Services Act 2021 requirements. As we were in

the final stage of updating our WSP at that time, the regulator agreed to receive our latest version in October, which we submitted on the 13 October 2023.

As on 20 March 2024, Taumata Arowai has not yet completed the review or shared any findings with us. It is officers' assumption that their review report will either accept our WSP Improvement Plan's due dates for commissioning the two new water treatment plants at two new bore fields before end of 2028, upon which all our production capacities will become fully compliant with bacterial and protozoa treatment requirements.

It should be noted that in late October 2023 Taumata Arowai wrote to 27 council suppliers across the country that did not have a protozoa barrier in place with expectations for them to have a confirmed and funded plan agreed by 30 June 2024 and actual protozoa barriers installed by end of 2024 (for surface water sources) or by end of 2025 (for bore water sources).

There is a possibility that Taumata Arowai might set expectations for us to implement protozoa (and bacterial) barriers in place sooner than by the end of 2028 (as set in our WSP).

C) Summary of progress against the WSP Improvement Plan

As on 19 February 2023 there were below improvement actions recorded in the Improvement Plan of the WSP:

- Assets category: 16 improvement actions; 2 improvement actions closed out in the last 12 months
- Investigation & Research category: 2 improvement actions; 1 action closed out in the last 12 months
- Operational category: 70 improvement actions; 9 actions closed out in the last 12 months

D) Napier water supply related Customer Complaints summary

Customers' Service Requests (SR) are captured in MagiQ software. From a water quality and risks perspective, the main focus is given to clarity, odour, taste and pressure/flow issues. Numbers of SRs received for each of these categories for period 1 January 2023 to 29 February 2024 are presented in the table below.

Service Request Category	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	Jul 23	Aug 23	Sep 23	Oct 23	Nov 23	Dec 23	Jan 24	Feb 24
Quality – Clarity	4	6	0	1	4	2	5	3	3	8	4	3	7	4
Quality – Odour	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Quality – Taste	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Quality – Pressure / Flow	3	0	4	3	2	1	1	2	2	2	4	1	4	0

Same water quality parameters are presented in the table below for the last 6 calendar years (2018 – 2023) with steep decline occurring in 2023.

Service Request Category	Y18	Y19	Y20	Y21	Y22	Y23
Quality – Clarity	597	1,330	768	433	396	53
Quality – Odour	12	6	1	4	4	0
Quality – Taste	2	0	9	3	5	0
Quality – Pressure / Flow	19	19	16	26	30	24

E) Christchurch disinfection residual exemption application outcome

On 22 June 2023 Sustainable Napier Committee meeting the officers have been asked to obtain, distribute to the Committee and report on the Christchurch City Council (CCC) Exemption Decision Paper.

Upon officers raised a request for information with Taumata Arowai under the Official Information Act 1982 on 28 June 2023, asking for a copy of the final report of Christchurch Exemption Decision Paper, Taumata Arowai provided the document with us on 21 February 2024. Christchurch' application that has been submitted on 1 November 2022 has been declined. The report is attached to this Report as **Attachment 1**.

The two main reasons for declining the application outlined in the Paper were as follows:

- Christchurch City Council could not demonstrate, if the exemption was granted, the drinking water supplied by the supplier will comply with 'all other legislative requirements' on an ongoing basis (e.g. multi-barrier approach to drinking water safety at all sources), and
- an exemption cannot be granted under Section 58 of the Water Services Act 2021 for the chlorine C.t continuous monitoring requirements of the DWQAR because they are part of primary disinfection (*C.t stands for the product of the concentration (C) of a disinfectant and the contact time (t) required to control micro-organisms*).

A month prior (5 September 2022) CCC also submitted a Disinfection Exemption application for 'Christchurch – Brooklands Kainga' drinking water supply, which has also been declined by Taumata Arowai with similar justification as above with addition of pointing out shortcomings such as:

- No standalone and specific Water Safety Plan nor Source Water Risk Management Plan in place for that supply.
- Not all source water risks have been adequately addressed.
- Water loss is unacceptably high for the supply to operate without residual disinfection.
- Inadequate backflow prevention programme and measures

Christchurch-Brooklands Kainga Exemption Decision paper is attached to this Report as **Attachment 2**.

There was however a first Residual Disinfection exemption granted on 1 February 2024 to Selwyn District Council's medium-sized (101-500 people) networked supply Rakaia Huts. The Exemption Decision Paper is attached to this Report as **Attachment 3**.

1.4 Significance and Engagement

N/A

1.5 Implications

Financial

N/A

Social & Policy

N/A

Risk

No risks have been identified.

1.6 Options

The options available to Council are as follows:

- a. The purpose of this report is to present information to Council. Options have not been presented.

1.7 Development of Preferred Option

N/A

1.8 Attachments

- 1 Taumata Arowai, 'Exemption Decision Paper - Christchurch City' (date 2 November 2023) (Doc Id 1746776) [↓](#)
- 2 Taumata Arowai, 'Exemption Decision Paper - Brooklands Kainga' (dated 1 November 2023) (Doc Id 1746777) [↓](#)
- 3 Taumata Arowai, 'Exemption Decision Paper - Rakaia Huts' (dated 1 February 2024) (Doc Id 1746775) [↓](#)

Exemption Decision Paper

Exemption Number	EXE-00001010
Exemption Type	Residual Disinfection Exemption
Supply Name	Christchurch
Supply ID	CHR009
Date	02 November 2023 / te 2 o Whiringa-ā-rangi 2023
Submitted by	Christchurch City Council
Exemption Team	Jim Graham, Principal Advisor, Drinking Water India Eiloart, Senior Technical Advisor
International panel member	Laith Furatian
Exemption	Christchurch City, C.t and continuous monitoring

Recommendation

For reasons set out in this paper, the Exemption Team considers that the application for exemption from the concentration/time (C.t) and continuous monitoring requirements of the Drinking Water Quality Assurance Rules (DWQAR) cannot be granted in relation to the Christchurch drinking water supply, because:

- It cannot be demonstrated that, if the exemption was granted, the drinking water supplied by the supplier will comply with 'all other legislative requirements' on an ongoing basis, and
- an exemption cannot be granted under section 58 of the Water Services Act 2021 (WSA) for the chlorine C.t and continuous monitoring requirements of the DWQAR because they are part of primary disinfection.

Executive summary

1. On 1 November 2022, Christchurch City Council (CCC) applied for a residual disinfection exemption in relation to Rules T3.2 and T3.4 relating to C.t and Rules T3.3, T3.5, T3.6 and Table 19 relating to Continuous Monitoring, for the Christchurch drinking water supply (supply ID CHR009). The application was made under section 58 of the WSA.
2. The exemption application indicated that approximately 70% of the Christchurch supply had residual disinfection. However, subsequent to the application being lodged, and in response to a draft decision regarding a residual disinfection exemption application for CCC's Brooklands/Kaingā supply, CCC has chlorinated all of the Christchurch supply.

3. The distribution system is likely to meet the D3 'distribution system' rules for chlorine in the DWQAR. However, the application seeks an exemption under section 58(1)(b) of the WSA in relation to the inability of the Christchurch supply's treatment systems to:
 - provide sufficient C.t to water that is chlorinated, and
 - adequately monitor the supply with continuous monitoring equipment as part of the primary treatment process.
4. A residual disinfection exemption can only be granted if the decision-maker is satisfied that:
 - the exemption is consistent with the main purpose of the WSA, and
 - drinking water supplied by the supplier will comply with 'all other legislative requirements and the drinking water safety plan (DWSP) on an ongoing basis.
5. Key issues relevant to the Christchurch drinking water supply are:
 - Multiple treatment plants across the supply with DWQAR Class 2 sources lack both protozoal and bacterial barriers, contrary to the legislative requirement for a multi-barrier approach to drinking water safety required under section 31 of the WSA. With regard to this, the supply does not meet 'all other legislative requirements' particularly the DWQAR requirement to provide a compliant primary bacterial barrier.
 - Positive *E. coli* and total coliform results have been identified at some treatment plants in the supply, without corrective actions completed.
6. In addition, a residual disinfection exemption cannot be granted for C.t value or continuous monitoring requirements of the DWQAR, as these relate to the primary disinfection process of water treatment. This is the case even though C.t requirements can sometimes be satisfied while treated drinking water is resident in a distribution network, before it reaches the first point of supply to a consumer.

Supply information

7. The Christchurch water supply serves a registered population of 389,290 consumers across the city and surrounding suburbs. The main characteristics of the supply are briefly described below.
8. The source water is understood to be a system of five aquifers accessed across the city at 142 bores, ranging in screen depth between 28m and 232m.
9. Bores feed abstracted groundwater to 50 primary pump stations across the network, before it is delivered to the distribution network.
10. Raw water is dosed with chlorine gas at a selection of primary pump stations. For convenience, these pump stations are referred to as 'treatment plants' in this paper.
11. One site with shallow bores, 'Main Pumps' treatment plant, has ultra-violet (UV) disinfection installed due to the identified risk of contamination at the bores.

12. The UV disinfection at Main Pumps is set at a level consistent with the inactivation of both bacteria and protozoa.
13. Some parts of the supply do not have satisfactory protozoa barriers and the mixing of water in the distribution system means it is not possible to determine which areas receive water that is compliant with the DWQAR protozoa rules and which don't.
14. There is no dedicated water storage at many sites between the treatment plant and the distribution network that can be used to provide the chlorine contact time, or C.t, required by the DWQAR.
15. The distribution system is complex, with the bores and treatment plants feeding directly into a network across 11 registered zones, consisting of 1,648 km of water mains and 1,600 km of sub-mains.
16. CCC network control processes mean that water meters and backflow prevention devices are now installed on each new connection, and most high and medium risk connections have testable backflow preventers.
17. Temporary chlorination is listed in the DWSP (Vol B) as a barrier to contamination at bore heads that are yet to meet sanitary bore head requirements, as well as being a barrier to backflow contamination in the network until backflow prevention devices are installed, although this information has been superseded as all of the supply is currently chlorinated.
18. There are six treatment plants supplied by Class 2 bores without a protozoal barrier: Averill, Kerrs, Montreal, Tanner, Burwood, and Mairehau.
19. Taumata Arowai has received 33 notifications of non-compliance or potentially unsafe drinking water in relation to the supply since it became the regulator in mid-November 2021. Of these, 11 notifications relate to three contamination events:
 - Riccarton Zone Total Coliforms, 23 August 2022.
 - Sockburn Pump Station *E. coli* and Total Coliforms, 20 November 2022.
 - Estuary Pump Station *E. coli* and Total Coliforms, 25 November 2022.
20. The Exemption Team reviewed the Annual Reports on Drinking-water Quality published by the Ministry of Health in order to examine the compliance history of the Christchurch supply. Reports dating back to the 2016/17 year were considered. Compliance was not achieved in 2020/2021 due to *E. coli* detections in the network. Protozoal requirements were not met due to insufficient barriers from 2017/2018 up to 2020/2021.

Information provided by the applicant

21. CCC's exemption application was accompanied by a covering letter.

22. The Exemption Team referred to the submitted DWSP (Volumes A, B and C, submitted 17 November 2022) where applicable.
23. Additional supporting information was also provided, including: Weekly Monitoring Report 29112022, Chlorination – Full Daily Monitoring Report 30112022, Weekly Extremity Report 29112922, Compliance Details for Christchurch CHR009, and 21 438550 Drinking Water Sampling Schedule – 1st January 2023 to 31st December 2023.
24. All information provided has been considered by the Exemptions Team.

Practical considerations

25. CCC's application and additional supporting information states that the reasons for seeking a residual disinfection exemption for T3 Rules relating to C.t and continuous monitoring for the Christchurch supply are:
 - the Christchurch supply does not have water storage facilities at treatment sites to provide suitable C.t, and
 - the Christchurch supply does not have continuous monitoring infrastructure in place to meet the T3 rules.
26. The time and cost associated with the design, installation, and commissioning of these aspects of residual disinfection systems can be relevant practical considerations for residual disinfection exemption applications.

Assessment process

27. Before CCC's application was submitted, Taumata Arowai staff discussed CCC's network issues with CCC staff and indicated that CCC could apply for a residual disinfection exemption for C.t and continuous monitoring.
28. Upon receiving CCC's application, an initial review of the covering letter was conducted, and additional information was requested from CCC.
29. Further queries and requests for clarification were subsequently raised with CCC staff and responses received.
30. The application was assessed by a Taumata Arowai staff member and then reviewed internally.
31. The exemption application report has been reviewed by an international expert in drinking water systems.

32. An initial draft exemption decision was prepared and provided to CCC on 9 May 2023. The initial draft decision indicated that continuous monitoring was part of primary disinfection and hence could not be the subject of a residual disinfection exemption. The initial draft decision also indicated that a C.t exemption could not be granted as the supply would not comply with 'all other legislative requirements' on an ongoing basis as required under section 58(3)(b) of the WSA.
33. CCC provided feedback on the initial draft decision on 30 June 2023.
34. After further consideration of the exemption and consideration of another application for a residual disinfection exemption for C.t made by another water supplier, the Exemption Team considers that a residual disinfection exemption for continuous monitoring and/or C.t requirements of the DWQAR cannot be granted under section 58 of the WSA because both are part of primary disinfection.

Assessment factors

35. CCC's exemption application was initially assessed against the relevant factors arising under the WSA, Taumata Arowai policy and guidance material in relation to exemption applications, and other considerations relevant to decision-making by Taumata Arowai and its staff.
36. As part of that, the Exemptions Team considered the Taumata Arowai Compliance, Monitoring and Enforcement Strategy 2022-2025 (CME Strategy). This is a matter that the Taumata Arowai Chief Executive, and any delegate of the Chief Executive, must have regard to when determining exemption applications.¹

Drinking Water Safety Plan

37. The DWSP, particularly sections referenced within CCC's residual disinfection application, has been reviewed.
38. There are various inconsistencies and discrepancies between some parts of the DWSP. The DWSP appears to be out of date, referring to the revoked DWSNZ and may not be fully implemented within the context of the Christchurch City supply.

The Treaty of Waitangi / te Tiriti o Waitangi and its principles

39. Taumata Arowai and its staff are required to uphold the Treaty of Waitangi (te Tiriti o Waitangi) and its principles when carrying out their functions.²
40. What this means in practice varies from situation to situation, depending on the relevance of Treaty/te Tiriti provisions and associated principles, including: partnership, self-determination, mutual benefit, honour, active protection, options, right of development, informed decisions,

¹ WSA, section 136(7); TAWSRA, section 11(2)(b).

² TAWSRA, s 19(1)(b)(i).

equity and equal treatment, and other principles that may be developed or identified as relevant from time to time. There is also some overlap between these principles and aspects of Te Mana o te Wai, which is discussed in the next section of this paper.

41. CCC's application does not include a great deal of information about the interests of mana whenua or other Māori (including consumers who are Māori) in relation to the Christchurch supply or indicate that any engagement with Māori has occurred in relation to the exemption application. This has a bearing on the Treaty/te Tiriti principle of informed decisions.³ The absence of specific information means that consistency with this principle has not been able to be considered in anything other than a generalised way. This overlaps with the consideration of Te Mana o te Wai as discussed below.

Te Mana o te Wai

42. For the purposes of the WSA, Te Mana o te Wai is defined in the National Policy Statement for Freshwater Management 2020 and applies to water as it is defined in the Resource Management Act 1991. Everyone exercising or performing a function, power, or duty under the WSA must give effect to Te Mana o te Wai when doing so, to the extent it applies to the function, power, or duty.
43. In this instance and as noted above, CCC has not provided any information or commentary on the implications of its proposal to operate the Christchurch supply without required C.t and continuous monitoring from the perspective of Te Mana o te Wai. There is similarly no information about how the proposal relates to or reflects the roles of tangata whenua in the management of freshwater.

Compliance, Monitoring and Enforcement Strategy

44. The CME Strategy outlines the approach Taumata Arowai will take to exemption applications. It provides part of the setting for the more detailed provisions in other Taumata Arowai policy and guidance material.
45. Amongst other things, the CME Strategy provides that Taumata Arowai will be guided by the following principles when determining exemption applications:
- consumption of safe drinking water by consumers is paramount; and
 - the scale, complexity and degree of risk associated with a drinking water supply will affect the assessment of whether an exemption would be consistent with the main

³ That is, the onus to make a decision that is sufficiently informed as to the relevant facts and law so as to have regard to the impact (if any) on Treaty/te Tiriti principles. As a local authority, CCC is also subject to principles and requirements that relate to the Treaty of Waitangi and the involvement of Māori in its decision-making processes (as set out, for example, in section 4 of the Local Government Act 2002). However, CCC's approach to those principles and requirements is not relevant to the assessment of its exemption application or a matter for the decision-maker to enquire into, to the extent these fall outside the scope of the concept of Te Mana o te Wai.

purpose of the WSA, to ensure that drinking water suppliers provide safe drinking water to consumers.

46. The Exemption Team has had regard to the relevant parts of the CME Strategy when conducting its assessment and preparing this paper.

Consistency with the main purpose of the Water Services Act 2021

47. On the whole, the Exemption Team considers that the drinking water supply at Christchurch is well set up and operated considering the complexity of a large supply. It draws from source water that is of good quality and supply components include some effective barriers to bacteria and protozoa. There is an extensive water quality monitoring programme in place across the supply.

Application of section 58 of the Water Services Act 2021

48. Section 58 (1) of the WSA states (emphasis added):

The chief executive may exempt a drinking water supplier or class of drinking water supplier from the requirement to use residual disinfection in—

- (a) a supply that includes reticulation; or*
- (b) any part of a supply that includes reticulation.*

49. The exemption application indicates that the supply currently provides for residual disinfection for approximately 70% of the network, although subsequent to the application being lodged all of the Christchurch supply has been chlorinated and the water in the distribution system is likely to meet the D3 chlorine rules in the DWQAR.
50. The application nevertheless seeks an exemption under section 58(1)(b) in relation to the inability of the CCC treatment plants (pumping stations) to provide sufficient C.t and to continuously monitor water that is chlorinated as part of the primary treatment process and delivered to the distribution network.
51. A 'part of a supply' could be a particular physical part of a supply – e.g. a certain geographic area or distribution zone – or particular supply infrastructure. Alternatively, it could also arguably be a process applied as part of a supply's operations and treatment processes.
52. C.t and continuous monitoring could each be characterised as a process that is part of a drinking water supply that includes reticulation. However, for an exemption to be granted under section 58(1)(b) it must also be a process associated with *residual disinfection* – that is what an exemption under section 58 necessarily applies to.
53. The Exemption Team does not consider that C.t or continuous monitoring are things that are necessary and material for effective residual disinfection. Rather, they are required as aspects of primary disinfection. While C.t compliance can in some cases be achieved while treated water is in a distribution system, that does not mean that it is a function of residual disinfection. It just

means – where the necessary C.t time is achieved – that primary treatment is completed within the distribution system.

54. Rule T3.2 in the DWQAR requires that treated water must achieve a chlorine C.t value of at least 15 min.mg/L for at least 95 % of each day. Table 19 in the DWQAR requires that chlorine must be continuously monitored at a water treatment plant. The location of these rules in the treatment section of the DWQAR reflects the position that C.t and continuous monitoring requirements are part of a primary treatment process rather than part of a distribution system function. In contrast, the distribution system requirements in the 'D' rules of the DWQAR require a minimum free available chlorine level, but do not impose any C.t requirement and make continuous monitoring an alternative option to collecting grab samples.
55. Section 58 cannot be used to seek an exemption to a process that is a function of primary disinfection. For this reason, it is not possible to grant an exemption from C.t or continuous monitoring requirements in Rules T3.2 to 3.6 and Table 19 of the DWQAR under section 58 of the WSA.

Compliance with other legislative requirements under the Water Services Act 2021

56. A residual disinfection exemption cannot be granted unless the decision-maker is satisfied that the drinking water supplied will comply with all other legislative requirements (i.e. other than the usual requirement to provide for residual disinfection) on an ongoing basis.
57. 'Legislative requirements' has a particular meaning⁴ that covers requirements imposed by the WSA, most secondary legislation made under the WSA (such as drinking water standards and the DWQAR), and some enforcement instruments (directions or compliance orders issued under the WSA).
58. The supply's previous compliance history is noted under the 'Supply information' heading above.
59. The DWSP identifies rule modules in the DWQAR where determinand monitoring is required, but all other compliance references are to the DWSNZ. The DWSP does not fully take account of the requirements of the DWQAR.
60. Having regard to the supply's previous compliance history, monitoring results, the DWSP and the lack of a primary protozoal bacterial treatment barriers that complies with the DWQAR, in all parts of the supply, the Exemption Team considers that not all other legislative requirements are currently being met.

⁴ WSA, s5.

Future works or compliance

61. In its feedback on the draft of this decision paper, CCC expressed the view that the words 'will comply' in s 58(3)(b) allow the decision-maker to consider a future state of affairs when assessing an application for a residual disinfection exemption. CCC suggested:
- ... we consider the requirement in s 58(3)(b) is broader than what CCC is currently doing. The use of "will" versus "is" clearly connotes that it is future looking.*
- Contrasted with s 58(3)(a) that the [decision-maker] must not grant the exemption unless satisfied that the exemption is consistent with the main purpose of [the WSA].*
- Given the effect of s 58(3)(b) Taumata Arowai can consider its future compliance, with the Regulations and DWQAR ... that have since come into effect after CCC applied. Based on the broad wording and future intent of s 58(3)(b), we also consider the [decision-maker] can be satisfied this limb is met even if the supplier was not yet fully compliant with all other legislative requirements i.e., by providing evidence that it is in progress.*
62. CCC referred to various statements of purpose in the WSA in support of the points above. It also suggested that the statutory power to impose conditions on a residual disinfection exemption would have no utility if full compliance with legislative requirements was required from the outset.
63. However, an exemption of this nature would be conditional upon the proposed works being carried out, or compliance otherwise being achieved, before it could be relied on. This is a necessary consequence of the requirement for 'ongoing' compliance, which by necessary implication means 'ongoing' from the point when the exemption is relied on.
64. In order to assess whether a residual disinfection exemption can be granted on this basis, the decision-maker requires detailed information about the nature of any proposed future works or compliance solutions so this can be robustly assessed against the statutory tests in s 58(3) of the WSA. A general indication that compliance will be achieved in the future in unspecified ways is inadequate – even if supported by evidence of planning or progress in some selected areas – as it does not provide the decision-maker with the information necessary to be suitably satisfied in relation to the s 58(3) matters.
65. As indicated above, exemption conditions remain relevant even where future works or compliance are considered. This recognises that an exemption is a departure from normal legislative requirements that may result in new or amplified risks in some areas, notwithstanding that the overall purpose of the WSA is still achieved. That may conceptually require things to be done that are over and above ordinary requirements to address the risks arising, which can be supported through appropriate conditions.

Decision

The Exemption Team recommends that you:

- (a) **note** the Exemptions Team’s views that, having regard to the scale, complexity and risk profile of the Christchurch City drinking water supply:
- that an exemption cannot be granted because the drinking water supplied by the supply will not comply with all other legislative requirements on an ongoing basis and;
 - that an exemption cannot be granted under section 58 of the WSA for the concentration/time (C.t) and/or continuous monitoring requirements of the DWQAR
- (b) **agree** to decline the residual disinfection exemption applications for continuous monitoring and chlorine C.t for the Christchurch City drinking water supply.

Yes / ~~No~~



Date: 7/11/2023

Steve Taylor
Head of Regulatory

Exemption Decision Paper

Exemption Number	EXE-00001003
Exemption Type	Residual Disinfection Exemption
Supply Name	Christchurch – Brooklands Kainga
Supply ID	CHR009 – CHR009BK
Date	01 November 2023 / te 1 o Whiringa-ā-rangi 2023
Applicant	Christchurch City Council
Exemption Team	Jim Graham, Principal Advisor, Drinking Water Noah Hensley, Senior Technical Advisor
International panel member	Charles Haas Dan Deere Laith Furatian

Recommendation

For the reasons set out in this paper, the Exemption Team recommends that you **decline** the residual disinfection exemption application for the Brooklands Kainga drinking water supply.

There are a number of matters set out below that outline why the Exemption Team is making this recommendation. The application and supporting documentation submitted by Christchurch City Council (CCC) lacked relevant information, critical analysis and details of risks specific to the Brooklands Kainga supply. While some matters could be worked into conditions for an exemption, many of the matters may take significant investment and time for CCC to address and, at this time, are not considered to be able to be worked into conditions for an exemption.

Executive summary

- On 5 September 2022, CCC applied for a residual disinfection exemption in relation to the Christchurch City drinking water supply (supply ID CHR009). The application was made specifically for one of the distribution zones that CCC operates, the Brooklands Kainga distribution zone (distribution zone ID CHR009BK). The application sought an exemption to the requirement in section 31 of the Water Services Act 2021 (WSA) to provide for the use of residual disinfection in a water supply that includes reticulation. Section 31 requires the provision of residual disinfection to be set out in the supply drinking water safety plan. The application was made under section 58 of the WSA.
- At the time of application, the Brooklands Kainga zone was registered as part of the Christchurch City supply. However, it has separate water sources, separate treatment plants and the distribution system is not connected to the rest of the Christchurch City supply. This has

implications for the exemption application because the current drinking water safety plan (DWSP) relates to the wider Christchurch supply and is not specific to the Brooklands Kainga supply. Section 58 of the WSA allows an application for a residual disinfection exemption to be made in relation to 'any part of a supply that includes reticulation'. For the purpose of assessing this application, the Brooklands Kainga zone has been considered as a separate supply. Since applying for the exemption, CCC has adjusted its registration information to reflect that Brooklands Kainga is a separate supply, with a new supply ID BRO013.

3. The Exemption Team considers that the Brooklands Kainga supply cannot currently be operated without residual disinfection in a way that is consistent with the main purpose of the WSA, i.e., to ensure that drinking water suppliers provide safe drinking water to consumers.
4. Further information along with a robust analysis would need to be submitted to provide confidence that the supply could safely provide drinking water without residual disinfection.
5. The key factors that underpin the Exemption Team's view are:
 - (a) The supply does not meet the requirement that *drinking water supplied by the supplier will comply with all other legislative requirements and the drinking water safety plan on an ongoing basis*.¹ The Brooklands Kainga supply does not include a primary treatment barrier consistent with the requirements of the Drinking Water Quality Assurance Rules (DWQAR) and does not meet the requirements of section 31(2) of the WSA to provide a multi-barrier approach to drinking water safety. While substantial evidence of planning to meet legislative requirements has been submitted, none of the evidence submitted shows that CCC has funded, or planned to secure funding for, a programme of works for the Brooklands Kainga supply which will make it compliant. The Exemption Team cannot assess how the drinking water supplied will comply with the requirements in the DWQAR on an ongoing basis given the application submitted, nor given the additional information that Taumata Arowai requested and received. The failure to meet these other legislative requirements precludes the granting of an exemption to residual disinfection.
 - (b) The Source Water Risk Management Plan (SWRMP) and DWSP outline how risks are managed generally across the Christchurch City supplies and distribution zones, but do not contain the specific details as to the risks that directly impact Brooklands Kainga supply.
 - (c) The application lacks sufficient site and system information to be accurately assessed. Questions have arisen in the assessment of the application that cannot be answered from the information provided and the application contains statements that are not backed up with objective evidence.
 - (d) CCC has invested significantly in the upgrading of well heads in recent years, and this addresses many risks associated with groundwater sources. However, other source

¹ WSA, s 58(3)(b).

water risks specifically relevant to the Brooklands Kainga supply have not been adequately assessed.

- (e) Water loss is unacceptably high for the supply to safely operate without residual disinfection. A better understanding and reduction of water loss in a drinking water supply may also be relevant to giving effect to Te Mana o te Wai.
- (f) The application has not outlined a satisfactory backflow prevention programme and backflow measures in the supply distribution system are considered inadequate for a supply to be operated without residual disinfection.

Supply information

6. The Brooklands Kainga drinking water supply sources drinking water from an underlying aquifer. It serves a population of 1,284² people in the northern suburbs of Christchurch. The main characteristics of the supply are briefly described below. More details about certain components are set out elsewhere in this paper, where relevant.
7. CCC's exemption application states that the reasons for seeking a residual disinfection exemption for the Brooklands Kainga supply are:
 - the availability of safe drinking water that is untreated is a strong part of Christchurch residents' identity.
8. Community views may motivate a supplier to apply for a residual disinfection exemption. However, they do not displace the statutory requirements for the granting of an exemption, including the need for the chief executive to be satisfied that the exemption is consistent with the main purpose of the Act.
9. The Brooklands Kainga supply must comply with the general (G), source water (S3), treatment (T3) and distribution (D3) rule modules for large supplies as specified in the DWQAR and be the subject of a drinking water safety plan that demonstrates compliance with all other legislative requirements that aren't exempted.
10. The source water for the Brooklands Kainga supply is drawn from Aquifer 2 (as defined in the exemption application) from two bores: Brooklands (Aquifer 2-Brooklands Stn-Well 01/ 1995) and Kainga (Aquifer 2-Kainga Stn-Well 01/ 1989). The bores at these pump stations are recorded as being 83 and 92 metres deep respectively. The screening depth of Brooklands Bore 1 is 78.6 metres. The screening depth of Kainga Bore 1 is 87 metres. Aquifer 2 is described in the exemption application as a Linwood gravel aquifer which is leaky (semi-confined). However, discrepancies exist within the documentation provided as to the confined nature of the bores.³

² A discrepancy between the registration details in Hinekōrako (population of 1,284) and the exemption application (population of 1,629) exists.

³ Discrepancies exist in documentation as to whether Brooklands and Kainga bores are artesian, or not. The groundwater security modelling report by Aqualinc indicates that Kainga bore draws from Aquifer 3, but other CCC

11. The Exemption Team understands that there are there are two zones for Aquifer 2 which impacts the aquifer's vulnerability to surface water influences. The western zone is largely unconfined and prone to surface effects and the eastern zone is semi-confined and less prone to surface effects. Both the Brooklands and Kainga bores appear to be in the eastern zone of Aquifer 2.
12. A second bore near the Brooklands Bore 1 cannot be used in the condition it was in at the time of our site visit and is not scheduled to be put back into service. This bore is prone to flooding from the nearby Styx River and is in the process of being sealed.
13. The source water classes, including sanitary status, of the bores as required by the DWQAR for a large supply such as Brooklands Kainga were not initially apparent in the exemption application. However, CCC indicated during the site visit that the sources meet the Class 1 source requirements and, upon request, submitted 3 years of biological monitoring data as evidence. The monitoring data is consistent with Class 1 source requirements.
14. CCC submitted, in response to an Exemption Team request for further information, that the Brooklands and Kainga bores meet requirements of 'sanitary bore' as defined in the S3 Module of the DWQAR, which represents best practice for construction of bores and associated infrastructure. This best practice construction reduces the risk of contaminant intrusion into the bore.
15. The supply has been treated with chlorine since June 2023, noting this commenced after the application was lodged. While CCC has indicated that the supply meets protozoal requirements due to the Class 1 sources, the supply will not comply with the bacterial treatment requirements in the DWQAR if chlorine is removed. Options for bacterial barriers include chlorination, UV disinfection, ozone, or chlorine dioxide. Chlorine is currently the only treatment being used to treat the water in the Brooklands Kainga supply. In addition, chlorination will need to continue to be available at both pump stations in case of emergency (CCC claim to be ready to chlorinate at short notice (2-4 hours)). The temporary chlorination units as they are currently setup have significant process limitations.
16. The exemption application indicates that continuous monitoring equipment for pH, conductivity, turbidity, and free available chlorine (FAC) at each pump station will be installed from mid-November 2022, however, at the time of the site visit in February 2023, none of the continuous monitoring equipment had been installed.
17. The Kainga pump station supplies most of the water (93%) to the Brooklands Kainga distribution zone, with only 7% being supplied from the Brooklands pump station. The Kainga pump station is claimed to be able to solely supply and meet the demand of the Brooklands Kainga distribution zone.

documentation indicates the bore draws from Aquifer 2. CCC has confirmed that they are not free flowing artisan wells.

18. Pressure is maintained automatically using a duty/assist setup for the Kainga pump station. The Brooklands pump station has one variable speed pump operated manually with alarms on pressure. The DWSP indicates that the mains are primarily PVC and were installed in the 1980s to 2000s. Submains are primarily PE with the oldest pipes having been installed in the 1970s and 42% having been installed in the 1990s.
19. The exemption application indicates that treated water is distributed to 1,055 customer connections, however, this conflicts with the DWSP (Table 2-8) which reports 475 connections, (28 commercial and 447 metered residential water connections) with no other types of connections.⁴ The typical annual consumption of the zone is 272,185 m³. Unauthorised connections to the network have been identified as the cause of pressure fluctuations that breach critical limits.
20. The DWSP indicates the "Council has had a long running programme to audit and improve backflow prevention." The exemption application indicates that a network survey was undertaken to confirm that unknown backflow risks were not present. While general information about the CCC's backflow prevention programme is stated, specific information about the Brooklands Kainga supply was not provided with the exemption application.
21. Both *E. coli* and total coliforms have been detected in the Brooklands Kainga zone. A single record of *E. coli* was recorded on 18 April 2019. Since then, the bores have been upgraded. The exemption application indicates 9 records of total coliforms in the supply from 1 July 2017 until 1 July 2022, though this was not a compliance matter under the regime administered by the Ministry of Health through to November 2021. Total coliforms were detected on 11 May 2021 (at the same tap as the 18 April 2019 *E. coli* exceedance) which was attributed to poor sampling infrastructure, which was not fit for the purpose of microbiological sampling. New dedicated sampling bollards have been installed and are now in use in the distribution zone. A satisfactory explanation for the recorded presence of *E. coli* and total coliforms in the supply has been provided and it is considered that the causes of contamination have been rectified.
22. The exemption application included a proposed monitoring plan to operate the supply without chlorine which appears to meet the basic monitoring requirements of the DWQAR. While the monitoring plan proposes significantly more microbiological sampling than is required by the DWQAR, additional sampling and monitoring needs to be considered for other water quality parameters. Monitoring requirements could be worked through with CCC in conditions if an exemption were to be granted in the future.
23. Taumata Arowai has not received a notification of non-compliance or potentially unsafe drinking water in relation to the Brooklands Kainga sources and distributions zones since it became the regulator in mid-November 2021.

⁴ Discrepancies exist in documentation as to how many connections are present. The exemption application indicates 1055 customer connections, however, Volume B of the Christchurch DWSP indicates that the Brooklands Kainga has 475 connections, all metered.

Information provided by the applicant.

24. CCC submitted the following documents, which contained relevant information, in support of its application for a residual disinfection exemption for the Brooklands Kainga supply:
- Exemption for Residual Disinfection – Application for: Brooklands Kainga (Revision 1.1).⁵
 - Christchurch Water Supplies Water Safety Plan
 - Volume A: Components Common to All Water Supplies⁶
 - Volume B: Christchurch/Lyttelton Water Safety Plan⁷
 - Volume C: Christchurch/Lyttelton Source Water Risk Management Plan⁸
 - Brooklands Pump Station Site Specific Risk Management Plan (September 2022 – Revision 3)⁹
 - Kainga Pump Station Site Specific Risk Management Plan (September 2022 – Revision 3)¹⁰
 - Kainga Well Head Security Assessment (23 November 2018)¹¹
 - WHSIP High Level Desk-based Contamination Assessment for Brooklands Pump Station (21 January 2019)¹²
 - Brooklands Bore Head Security review (19 June 2019)¹³
 - WHSIP Desk-based Contamination Assessment for Kainga Wellhead (5 July 2019)¹⁴
 - Drinking Water Supply Security: Groundwater Bore Security Modelling Report (17 March 2022)¹⁵
 - Assessment of Physico-Chemical Monitoring Requirements for CCC Water Supply Wells (September 2022)¹⁶
 - Contractor's Plan – Temporary Chlorination Unit Operations and Maintenance (DRAFT)¹⁷
 - Water Supply and Wastewater Bylaw 2022

⁵ Exemption for residual disinfection - Brooklands Kainga - Current version.pdf.

⁶ 22 438283 - Volume A Components Common to All CCC Supplies - Current version.pdf

⁷ 22 438287 - Volume B Christchurch Lyttelton – Current Version.pdf

⁸ 22 438290 Volume C Christchurch Lyttelton Source Water Risk Management Plan - Current version.pdf

⁹ CCPwPS1067 Kainga Pump Station Site Specific Risk Management plan approved version.pdf

¹⁰ CCPwPS1067 Kainga Pump Station Site Specific Risk Management plan approved version.pdf

¹¹ Kainga Well Head Security Assessment.pdf

¹² NZ1-15558633-WHSIP High Level Desk-based Contamination Assessment for Brooklands Wellhead.pdf

¹³ NZ1-16248810-Brooklands Bore Head Security review – updated.pdf

¹⁴ NZ1-15421576-WHSIP Desk-based Preliminary Site Investigation (PSI) for Kainga Wellhead.pdf

¹⁵ Aqualinc CCC Drinking Water Supply Security_Final.pdf

¹⁶ Assessment of Physico-Chemical Monitoring Requirements for CCC Water Supply Wells PDD.pdf

¹⁷ Water Pump Station – Temporary Chlorination Unit Operations & Maintenance – Contractors Plan DRAFT.docx

- Wellhead and Bore O&M Manuals for Brooklands and Kainga Pump Stations
 - Monitoring results for Brooklands and Kainga supplies
 - Authorised Water Supply Install Terms and Conditions
 - Water Supply Asset Management Plan – LTP 2021-2031
 - CCC response to the draft exemption decision paper provided to CCC by the Exemption Team
 - CCC response to the Exemption Team's request for additional information and clarification.
25. It is considered that the application lacks sufficient specific and detailed information about the site and systems to be accurately assessed. Questions have arisen during the assessment of the application that cannot be answered from the information provided and often in the application, statements are made without objective evidence. The evidence presented in the exemption application is inadequate to provide sufficient certainty about risks to source water, particularly the extent to which the source water is impacted by surface water.
26. For example, the aquifer is only described in a very general sense and at a regional scale. The specific recharge area relating to the bores that provide water to the Brooklands Kainga supply is not delineated, defined, or described and only limited evidence has been presented as to the confining (or otherwise) nature of the aquifer. The lithology of the strata that the bores are located in is not described in enough detail to understand the nature and risks of the aquifer, particularly with respect to surface water influences.
27. Only limited information has been provided regarding the bore casing materials, ages of existing infrastructure, depth and diameter of grouting, results of recent downhole camera inspections post seismic events or flow regimes. There is insufficient bore-specific water quality and depth to groundwater data – including variation over time and in response to pumping, river height, and rainfall.
28. Further examples relate to information about water loss in the system that need to be provided including accurate assessments of daily night flows, water loss targets and how it is intended to reduce water loss. Details of metering and metered volumes have not been provided.

Assessment process

29. Three international expert advisory panel members and the Exemption Team have considered documentation provided by CCC with a focus on material specifically referenced in the exemption application. Two members of the Exemption Team met on site with CCC to discuss the Brooklands Kainga supply and zone on 7 February 2023.
30. Queries and requests for clarification have been raised with CCC staff and responses provided to the Exemptions Team over the period that the exemption application was being assessed. Of particular note, additional documents were provided as a response to the Exemption Team's

request for additional specific information as a large amount of the information supplied was general and covered the whole of the Christchurch City supply.

31. Following assessment of the application, a draft of this decision paper was provided to CCC staff for comment and feedback. This feedback was provided on 30 June 2023. It has been considered and taken into account in this final decision paper.

Assessment factors

32. CCC's application has been assessed against the relevant factors arising under the WSA, Taumata Arowai policy and guidance material in relation to exemption applications, and other considerations relevant to decision-making by Taumata Arowai and its staff.
33. Those factors, which shape the structure and balance of this paper, are:
- (a) The scale, complexity and risk profile of the drinking water supply, which are applicable to the assessment of drinking water safety risks and also to the proportionality of regulation under the WSA.
 - (b) The Treaty of Waitangi / te Tiriti o Waitangi and its principles, which are relevant considerations under section 19(1)(b) of the Taumata Arowai—the Water Services Regulator Act 2020 (**TAWSRA**).
 - (c) Te Mana o te Wai, to the extent it applies to CCC's application and the associated decision-making of Taumata Arowai.
 - (d) Consistency with the main purpose of the WSA: i.e. to ensure that drinking water suppliers provide safe drinking water to consumers. In accordance with section 58(3)(a) of the WSA, a residual disinfection exemption can only be granted if the decision-maker is satisfied that the exemption is consistent with the main purpose of the WSA.
 - (e) Compliance with legislative requirements and the DWSP (including the SWRMP). In accordance with section 58(3)(b) of the WSA, a residual disinfection exemption can only be granted if the decision-maker is satisfied that drinking water supplied by the supplier will comply with all other legislative requirements and the drinking water safety plan on an ongoing basis.
 - (f) The Taumata Arowai Compliance, Monitoring and Enforcement Strategy 2022-2025 (**CME Strategy**). This is a matter that the Taumata Arowai Chief Executive, and any delegate of the Chief Executive, must have regard to when determining exemption applications.¹⁸

Scale, complexity and risk

34. The Brooklands Kainga supply is categorised under the DWQAR as a large, networked supply (> 500 people).

¹⁸ WSA, s 136(7); TAWSRA, s 11(2)(b).

35. Risks to the supply include high water loss, unauthorised connections, potential contamination of source water and integrity issues in the distribution system. These risks are of concern if the supply does not have residual disinfection.
36. The relative scale, complexity and risk of the supply has been factored into the Exemption Team's assessment of CCC's application and the commentary and recommendations in this paper.

The Treaty of Waitangi / te Tiriti o Waitangi and its principles

37. Taumata Arowai and its staff are required to uphold the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles when carrying out their functions.¹⁹
38. What this means in practice varies from situation to situation, depending on the relevance of Treaty/te Tiriti provisions and associated principles, including: partnership, self-determination, mutual benefit, honour, active protection, options, right of development, informed decisions, equity and equal treatment, and other principles that may be developed or identified as relevant from time to time. There is also some overlap between these principles and aspects of Te Mana o te Wai, which is discussed in the next section of this paper.
39. CCC's application does include information about the interests of mana whenua, however it is not clear how or whether this directly relates to the Brooklands Kainga supply. The DWSP references "Te Wai Ora o Tāne – Integrated Water Strategy (2019)" which outlines the broad interests of mana whenua in the Christchurch area. The exemption application does not indicate that any engagement with Māori has occurred in direct preparation of the exemption application. This has a bearing on the Treaty/te Tiriti principle of informed decisions.²⁰ The absence of specific information means that consistency with this principle has not been able to be considered in anything other than a generalised way. This overlaps with the consideration of Te Mana o te Wai discussed below.

Te Mana o te Wai

40. For the purposes of the WSA, Te Mana o te Wai is currently defined in the National Policy Statement for Freshwater Management 2020²¹ and applies to water as it is defined in the Resource Management Act 1991.²² Everyone exercising or performing a function, power, or duty

¹⁹ TAWSRA, s 19(1)(b)(i).

²⁰ That is, the onus to make a decision that is sufficiently informed as to the relevant facts and law so as to have regard to the impact (if any) on Treaty/te Tiriti principles. As a local authority, CCC is also subject to principles and requirements that relate to the Treaty of Waitangi and the involvement of Māori in its decision-making processes (as set out, for example, in s 4 of the Local Government Act 2002). However, CCC's approach to those principles and requirements is not relevant to the assessment of its exemption application or a matter for the decision-maker to enquire into, to the extent these fall outside the scope of the concept of Te Mana o te Wai.

²¹ To be replaced by the national planning framework under the Natural and Built Environment Act 2023.

²² The application of Te Mana o te Wai in s 14 of the WSA was amended in December 2022 by the Water Services Entities Act 2022. It has subsequently been further amended by both the Water Services Entities Amendment Act

under the WSA must give effect to Te Mana o te Wai when doing so, to the extent it applies to the function, power, or duty.

41. Te Mana o te Wai is a water-centric concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.
42. The framework for Te Mana o te Wai involves 6 principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, coupled with a hierarchy of obligations that prioritises:
 - (a) first, the health and well-being of water bodies and freshwater ecosystems;
 - (b) second, the health needs of people (such as drinking water); and
 - (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
43. When considering an exemption application, Te Mana o te Wai will be considered in terms of whether the supplier is meeting all other legislative requirements, to the extent that it applies. The chief executive of Taumata Arowai also must give effect to Te Mana o te Wai to the extent that it applies to making a decision on the application.
44. No reference to Te Mana o te Wai is included in the exemption application, rather it references the Te Wai Ora o Tāne strategy that the CCC has developed. This states “Water is a valued taonga, in all that we do”. It is clear through the strategy that the CCC values water and has established a goal to protect and enhance water quality.
45. The Exemption Team acknowledges that CCC has a strategy to address concepts related to Te Mana o te Wai. The Exemption Team has limited assurance at this stage that CCC has given effect to Te Mana o te Wai in its application.
46. The exemption application does report on matters relevant to residual disinfection: water loss and the associated risk of contamination of the supply. However, the reported water loss figures and lack of comprehensive site-specific risk management is arguably inconsistent with the concept of Te Mana o te Wai. The principles of governance, care and respect and stewardship are arguably relevant to water loss if it is causing wastage and greater extraction from the aquifer than necessary to meet the needs of the community.

2023 and the Natural and Built Environment Act 2023, with another amendment from 1 July 2024 by the Water Services Legislation Act 2023 pending. Due to transitional provisions in the Natural and Built Environment Act 2023 (Schedule 1, cl 85), the version of s 14 of the WSA that currently applies is that dated 23 August 2023. This means that Te Mana o te Wai applies to water as defined in the Resource Management Act 1991, but including water in any form while in any pipe, tank, or cistern. This is materially the same position that applied prior to the enactment of the Water Services Entities Act 2022 in December 2022 when CCC’s exemption application was lodged.

Technical assessment

The following section sets out the assessment of technical factors that are relevant to the recommendation on the application.

47. There are a number of factors that affect the provision of safe drinking water to consumers and not all of these are adequately addressed in the supply set up, operation, or associated planning. In the Exemption Team's view, these matters prevent the Brooklands Kainga supply from being able to operate without residual disinfection in a manner consistent with the main purpose of the WSA.

Source water factors

Factor 1 – Lack of evidence supporting source water risk

48. The Exemption Team acknowledges that the source water modelling that has been completed recently appears conservative and robust. However, the source water modelling is confirmed with what appears to be a single test of water age for each source. The modelling report indicates that age testing can be unreliable as it only represents a moment in time.
49. The water quality data provided with the application shows irregular sampling of turbidity has been undertaken in the last 5 years and the results appear inconsistent with the quality of water that is suggested by modelling. For instance, a turbidity of 2.4 NTU is recorded in the reticulation, but the DWSP does not discuss high turbidity as being an issue in the supply. The DWSP also indicates high turbidity has been detected in both the Brooklands and Kainga bores in the past. The high turbidity (up to 40 NTU with an average above 1 NTU) reported in Aquifer 2 indicates the potential for variable water quality and possibly surface water ingress.
50. A sufficient history and critical summary of monitoring results was not provided with the application making it difficult to assess whether the groundwater quality is consistent with the source water modelling results.
51. Additional water quality monitoring that could be considered for determining whether the source is susceptible to surface influences includes monitoring of major solutes and trace constituents, photosynthetic pigment-bearing algae and/or diatoms, ammonia nitrogen, total organic carbon, UV absorbance (@ 254 nm), temperature, pH, and conductivity. These results could provide sufficient detail to describe baseline values year-round at a suitable timescale and indicate if the bores are unlikely to be affected by surface water.

Factor 2 – Continuous source water monitoring

52. Information has been provided to support both bores being Class 1 sources under the requirements of the DWQAR. The DWQAR do not require Class 1 sources to be monitored continuously, noting there are additional requirements to monitor treatment processes continuously.
53. It is important to note that the DWQAR provide minimum requirements for water supplies that include infrastructure to provide multiple barriers to contamination, including residual

disinfection. Where water supplies are operated or intended to be operated without multiple barriers and/or without residual disinfection, it is expected that additional measures will be put in place that exceed the requirements otherwise set out in the DWQAR, depending on the risk profile of the supply.

54. Continuous monitoring data is a key factor in the assessing the quality of source water. The source water monitoring results that have been presented consist only of grab samples and characterise the water quality of a very small sub-sample of water at discrete moments in time. Because of its intermittent nature, grab sampling is of limited value when attempting to demonstrate that water is and has been safe continuously, as grab sampling may miss infrequent events where contaminants are elevated.²³
55. Continuous monitoring of water quality also allows for a better level of event-based monitoring and can provide assurance that weather and climate are not adversely impacting the supply in ways that affect treatment processes or water quality. The Exemption Team considers that 12 months of continuously monitored source water quality data would be appropriate to support a residual disinfection exemption application for a supply with the scale, complexity and risks of the Brooklands Kainga supply.

Factor 3 – References to old legislation

56. CCC references “secure” status of groundwater sources. This is inappropriate in the current regulatory framework which does not recognise bore water as being “secure” and has the potential for risks to have not been assessed effectively due to reliance on terms and ideas that are no longer applicable. See the more detailed discussion on the supply water safety plan below in relation to the transition from the *Drinking Water Standards for New Zealand 2005 (Revised 2018)* to the DWQAR.

Factor 4 – Source water risk management gaps

57. There are several risks identified in the DWSP or SWRMP that the Exemption Team considers are not addressed adequately:
- (a) Bore recharge areas that account for a full range of weather and event conditions do not appear to have been delineated for the Brooklands and Kainga bores, rather a general approach to defining source water protection zones is taken. The Exemption Team supports the defining of source water protection zones and protection of source water. However, without clearly defining where water in the aquifer comes from, pollution sources in the recharge zone cannot be determined and evaluated.
 - (b) A critical analysis of Brooklands Kainga source water risks (particularly those related to human waste and particularly human enteric viruses) and robust risk management approach to such risks has not been provided.

²³ CCC has communicated they intend to upgrade monitoring at pump stations and include these upgrades in their long-term plan.

- (c) Risks associated with surface water and other sources of human waste contaminating the groundwater, particularly from the wastewater pump station near the bore and from discharges to land and water bodies proximal to the bores.
 - (d) Risks associated with short-circuiting of contaminants within the recharge area of the bores which include, but are not limited to farm dams, culverts, utility conduits, seismic fissures, stormwater drainage systems, sub-surface components of buildings, quarries, tips, and other bores.
58. It is necessary that CCC provides satisfactory evidence that the risks to source water are managed sufficiently to operate the supply safely without the continuous maintenance of a residual disinfectant. In order to operate without residual disinfection – which is ordinarily a critical barrier to bacteria and human viruses in drinking water supplies – the factors above need to be addressed.
59. Issues arising from source water risks may be mitigated through appropriate treatment processes. This is discussed in the next section.

Treatment Factors

60. Without a primary treatment barrier, the supply would provide untreated water to consumers and the exemption application has not indicated that any primary treatment barrier will be installed. It is noted that the supply does have an what is referred to as an “emergency chlorination” system installed. However, this system is does not include industry standard monitoring equipment including continuous monitoring for FAC and pH.

Factor 5 – Lack of a multi-barrier approach

61. The Brooklands Kainga supply does not have a primary bacterial treatment barrier that is compliant with the DWQAR. This is a key factor which precludes the granting of an exemption.
62. The DWQAR require that a bacteriological barrier be in place in a supply such as Brooklands Kainga, regardless of the source water. CCC have not indicated that a bacteriological barrier is planned and budgeted for the Brooklands Kainga supply, and thus the supply does not meet the requirements of the DWQAR and the WSA.

Factor 6 – Responsive chlorination

63. The Brooklands Kainga supply has equipment required to chlorinate at short notice. For a supply to manage ongoing operational risks without residual disinfection, clear and conservative response plans are a key factor in ensuring public health is protected.
64. To recommend an exemption be granted for this supply, the Exemption Team would expect the currently installed chlorination system to be setup in a way that complies with the DWQAR. This would include installing additional continuous monitoring equipment at a minimum and likely additional infrastructure to support the installation of that equipment.
65. Staff training is essential, particularly on rapid initiation of chlorine dosing and flushing to purge the entire distribution zone of water that may be or is unsafe (including health and safety at

work considerations for staff and contractors when administering chlorine dosing processes). The exemption application has not indicated that the system and processes to responsively chlorinate would meet the requirements of the DWQAR. No schedule for regularly testing equipment and processes was provided. This testing would include chlorination of the whole supply for a period and at a frequency decided by the supplier.

66. CCC has not provided sufficient information to demonstrate that it would reliably and rapidly respond by chlorinating the Brooklands Kainga to any indication of:
- a contamination event in the source (also overlaps with the issue of no continuous monitoring at the source or pump station)
 - a treatment plant failure (including failure arising from excessive turbidity), or
 - a suspected or confirmed failure of distribution system integrity.

Distribution Factors

Factor 7 – Distribution system integrity

67. Residual disinfection is a key barrier in the distribution system that suppliers can use to lower the risk of contamination of the distribution network. Where this key barrier is not present, additional measures must be in place to monitor and verify the integrity of the distribution system.
68. A portion of the Brooklands Kainga drinking water distribution pipes are over 50 years old, some having been installed in the 1970s and the leakage rates are high (hundreds of L per connection per day).
69. Maintaining continuous positive pressure is critical to the safety of water supplies that don't maintain a residual disinfectant as even very short negative transients present an opportunity for infiltration of contaminated water. The Brooklands Kainga supply is subject to reductions in pressure, which were suggested by staff to be linked to unauthorised access to the distribution network. The application has not made it clear what action CCC is taking in response to unauthorised access to the distribution system.
70. Currently the Brooklands Kainga supply appears to only have continuous pressure and flow monitoring at the pump stations. Consideration needs to be given to installing continuous monitoring within the distribution system (e.g. turbidity, conductivity, flow, temperature, pressure, etc.) as this type of distribution monitoring is considered best practice for supplies that do not maintain a residual disinfectant.
71. The risk from pathogens is likely to be material in the distribution zone which also has reticulated wastewater systems within meters of the distribution network. While the DWSP generally addresses risks of pathogens to the Christchurch supply, documentation containing site specific assessments of the risks to the Brooklands Kainga supply is not included in the application.

72. The exemption team considers that a summary and critical analysis of the state of the wastewater collection network in the vicinity of the drinking water distribution system is warranted. Monitoring of sewage exfiltration and leakage may also be considered as a part of a wider monitoring programme to verify wastewater system integrity and detect significant leaks.

Factor 8 – Insufficient backflow prevention

73. Backflow prevention in the Brooklands Kainga distribution system is not considered to align with best practice. Single check valves are mentioned, though not universally installed. Dual check valves have been the industry default for some time now and should be replaced roughly every ten years. A suitable programme would include implementation of complete backflow prevention of all service connections, using at a minimum non-testable double check valves for residential customers. In addition, the programme would need to include a planned replacement schedule for backflow prevention devices at an appropriate frequency and verification that backflow prevention devices are still working at the time of replacement.

Factor 9 – Hygiene practices

74. Hygienic practices when performing work on the Brooklands Kainga supply infrastructure should be implemented with the highest standard of care. This includes undertaking all work, where practicable, on the distribution system under positive pressure where ingress of contamination is a risk to the distribution system. A Hygiene Code of Practice for a supply that operates without a residual disinfectant should account for the change in risk profile associated with not having residual disinfection in the distribution system. There is no indication in the application that the hygienic practices developed by CCC are in accordance with an existing industry standard.

Factor 10 – Maintenance of distribution system

75. A regular flushing programme for a distribution system, whether a chlorine residual is present or not, is considered best practice. Evidence of regular flushing of the Brooklands Kainga supply was not provided.

Factor 11 – Water loss

76. Water loss measurement and reduction in a distribution system are critical tools for managing risk. Daily measurement of night flows (when user demands typically reduce) is useful to identify increasing water loss and the identification of leakage. A water loss management plan which includes water loss targets, a programme for night flow assessment and analysis and leakage prioritisation and repair has not been provided with the application.²⁴
77. The water loss estimate of 538.89 litres per connection per day is very high and indicates a significant risk for ingress of groundwater water during low pressure events. CCC needs to be able to demonstrate greater certainty and understanding of where, how and why water loss is occurring in the Brooklands Kainga supply. There is no indication of investigations into the

²⁴ CCC has communicated that they have a programme of leak detection through an annual contract. The details of this have not been provided through the application.

installation of smart meters which are now becoming standard and can provide useful information about water loss.

Factor 12 – Network renewals and assessment

78. The pipe work has not been installed recently and may be nearing the end of its expected life. The current pipe replacement methodology may not provide sufficient assurance that pipes will be replaced proactively before they fail and that allowing for failures and pipe bursts to determine when pipes should be replaced is not best practice in any drinking water supply, particularly in a supply that does not maintain a residual disinfectant.

Compliance with other legislative requirements under the Water Services Act 2021

79. Under s 58(3)(b) of the WSA, a residual disinfection exemption cannot be granted unless the decision-maker is satisfied that the drinking water supplied will comply with 'all other legislative requirements' (i.e. other than the usual requirement to provide for residual disinfection) and the relevant DWSP on an ongoing basis.
80. 'Legislative requirements' has a particular meaning²⁵ that covers requirements imposed by the WSA, most secondary legislation made under the WSA (such as drinking water standards and the DWQAR), and some enforcement instruments (directions or compliance orders issued under the WSA – of which there are no relevant examples in relation to the Brookland Kainga supply).
81. Without the current chlorine treatment, the Brooklands Kainga supply does not have a primary treatment barrier. It also does not include continuous monitoring equipment. This is inconsistent with the requirements of the treatment section of the DWQAR. The failure of the supply to meet these other legislative requirements precludes the granting of a residual disinfection exemption.
82. In its feedback on the draft of this decision paper, CCC expressed the view that the words 'will comply' in s 58(3)(b) allow the decision-maker to consider a future state of affairs when assessing an application for a residual disinfection exemption. CCC suggested:

... we consider the requirement in s 58(3)(b) is broader than what CCC is currently doing. The use of "will" versus "is" clearly connotes that it is future looking.

Contrasted with s 58(3)(a) that the [decision-maker] must not grant the exemption unless satisfied that the exemption is consistent with the main purpose of [the WSA].

Given the effect of s 58(3)(b) Taumata Arowai can consider its future compliance, with the Regulations and DWQAR ... that have since come into effect after CCC applied. Based on the broad wording and future intent of s 58(3)(b), we also consider the [decision-maker] can be satisfied this limb is met even if the supplier was not yet fully compliant with all other legislative requirements i.e., by providing evidence that it is in progress.

²⁵ WSA, s 5.

83. CCC referred to various statements of purpose in the WSA in support of the points above. It also suggested that the statutory power to impose conditions on a residual disinfection exemption would have no utility if full compliance with legislative requirements was required from the outset.
84. The Exemptions Team agrees that it is possible to consider proposed works and future compliance as part of the assessment of an application for a residual disinfection exemption, giving an applicant some certainty around the effectiveness of proposed investment.
85. However, an exemption of this nature would be conditional upon the proposed works being carried out, or compliance otherwise being achieved, before it could be relied on. This is a necessary consequence of the requirement for 'ongoing' compliance, which by necessary implication means 'ongoing' from the point when the exemption is relied on.
86. In order to assess whether a residual disinfection exemption can be granted on this basis, the decision-maker requires detailed information about the nature of any proposed future works or compliance solutions so this can be robustly assessed against the statutory tests in s 58(3) of the WSA. A general indication that compliance will be achieved in the future in unspecified ways is inadequate – even if supported by evidence of planning or progress in some selected areas – as it does not provide the decision-maker with the information necessary to be suitably satisfied in relation to the s 58(3) matters.
87. As indicated above, exemption conditions remain relevant even where future works or compliance are considered. This recognises that an exemption is a departure from normal legislative requirements that may result in new or amplified risks in some areas, notwithstanding that the overall purpose of the WSA is still achieved. That may conceptually require things to be done that are over and above ordinary requirements to address the risks arising, which can be supported through appropriate conditions.

Drinking Water Safety Plan

88. The DWSP, particularly sections referenced within CCC's residual disinfection application, has been reviewed.
89. There are various inconsistencies and discrepancies between some parts of the DWSP. The DWSP appears to be out of date, referring to the revoked DWSNZ and may not be fully implemented within the context of the Brooklands Kainga supply. It is noted that the DWSP is a relatively large, complex document for the size of the supply and it is considered that this is due to the supply originally being included as part of the Christchurch City supply.
90. The SWRMP and DWSP outline how risks are managed generally across Christchurch supplies, but do not contain the specific details as to the risks that directly impact the Brooklands Kainga supply. Beyond the site-specific risk assessments that were provided, information on the management of the specific risks of the Brooklands Kainga supply was not included in the DWSP.

The DWSP also refers to the *Drinking Water Standards for New Zealand 2005 (Revised 2018)* which have now been revoked indicating that updating of the DWSP is required.²⁶

91. The lack of detail in the DWSP specific to the Brooklands Kainga supply has meant that it is not possible to assess whether the supply will comply with the DWSP on an ongoing basis. Risks including the contamination of source water from nearby grazing of stock, the Brooklands Well 2 providing a short-circuit to Aquifer 2, municipal wastewater pipe and pump station across the road from the Kainga pump station, flooding of the nearby Styx River, groundwater seepage into wet wells where chlorine dosing points are submerged are examples of matters not addressed in the DWSP.
92. In broad terms, it is not clear how CCC, through its current DWSP or any future DWSP, will manage the additional risk associated with operating the Brooklands Kainga supply without a residual disinfectant.

Response Plans

93. The operational procedures for emergency disinfection were provided in draft form along with other information. The DWSP also contains general information on how CCC responds to incidents and emergencies. Specific detail related to emergency disinfection for the Brooklands Kainga supply was not provided in a coherent manner that allowed the Exemption Team to assess whether the response plans are appropriate to operate a supply without residual disinfection.
94. Table 3.2 in Volume A of the DWSP describes levels of incidents and emergencies. The Exemption Team does not consider the table to be appropriate for the operation of a supply without residual disinfection. For instance, under level 3, the "detection of *E. coli* (<10) or significant increase in background concentrations of other indicators (e.g., Total Coliforms)" is considered as a moderate consequence. The Exemption Team considers this inappropriate as any detection of faecal matter in a drinking water supply indicates that a serious risk to public health is present.

²⁶ At the time that this application was received, the *Drinking Water Standards for New Zealand 2005 (Revised 2018)* were still in force. The DWQAR were consulted on in early 2022, published on 25 July 2022 and came into effect on 14 November 2022. The *Drinking Water Standards for New Zealand 2005 (Revised 2018)* were revoked on that date. The final version of the DWQAR was confirmed and publicly available prior to the receipt of this application. A residual disinfection exemption can only be granted if the decision-maker is satisfied that the supply will comply with all other legislative requirements and the drinking water safety plan on an ongoing basis. This requires a forward-looking assessment against the legislative requirements that will apply during the active lifetime of a proposed exemption, including known legislative requirements that have yet to commence. Comments made by the Court of Appeal in *Foodstuffs (Auckland) Limited v Commerce Commission* [2002] 1 NZLR 353 (CA) are consistent with this and have a bearing on the application of ss 9(1)(b) and 33(1)(c) of the Legislation Act 2019. CCC's feedback on the draft of this decision paper recognise the relevance of the changed legislative requirements. CCC had the opportunity to provide further information to address planned compliance with the DWQAR during the assessment process.

Monitoring Plans

95. An assessment of physico-chemical monitoring requirements for the CCC water supply bores has been submitted along with the application. The DWSP does not appear to reflect this assessment yet and monitoring in the DWSP does not appear to be based on the DWQAR, but rather the now revoked DWSNZ.²⁷
96. The assessment bases the proposed monitoring on the DWQAR. The Exemption Team does not consider that the proposed monitoring requirements are suitable to meet the DWQAR in full.
97. For instance, the assessment proposes that bores that are far away from each other that access the same aquifer could be representative of each other. While footnote 34 in the DWQAR allows for some flexibility around the representative nature of bores, the Exemption Team considers the interpretation of this footnote in the assessment is inappropriate. The exemption application lacks the robust evidence required to demonstrate that bores are representative of each other. The exemption application does not elaborate on the assessment and there is insufficient information to determine how CCC is monitoring or intends to monitor the Brooklands Kainga supply in a way that is consistent with the DWQAR.
98. It is expected that additional monitoring is undertaken at water supplies that do not maintain a residual disinfectant, for example, monitoring heterotrophic plate counts. This should be provided for as part of regular monitoring and also in response to total coliform or *E. coli* detection or other incidents.

Compliance, Monitoring and Enforcement Strategy

99. The CME Strategy outlines the approach Taumata Arowai will take to exemption applications. It provides part of the backdrop for the more detailed provisions in other Taumata Arowai policy and guidance material.
100. Amongst other things, the CME Strategy provides that Taumata Arowai will be guided by the following principles when determining exemption applications:
- consumption of safe drinking water by consumers is paramount; and
 - the scale, complexity and degree of risk associated with a drinking water supply will affect the assessment of whether an exemption is consistent with the main purpose of the WSA, to ensure that drinking water suppliers provide safe drinking water to consumers.
101. The Exemption Team has had regard to the relevant parts of the CME Strategy when conducting its assessment and preparing this paper. The principles recorded in the CME Strategy are reflected in the discussion above.

²⁷ Revoked and replaced from 14 November 2022 by the Water Services (Drinking Water Standards for New Zealand) Regulations 2022, the DWQAR, and the Aesthetic Values for Drinking Water Notice 2022.

Approval

The Exemption Team recommends that you:

- (a) **note** the Exemptions Team's views that, having regard to the scale, complexity and risk profile of the Brooklands Kainga supply:
- the supply cannot currently be operated without residual disinfection in a way that is consistent with the main purpose of the WSA;
 - the drinking water supplied by the supply will not comply with all other legislative requirements on an ongoing basis;
 - the application, and further information provided by the applicant, do not provide sufficiently detailed evidence about the supply and risks related to residual disinfection to allow a full consideration of the safety of the supply;
 - there are significant risks associated with the supply that are not appropriately managed, including source water risk, a lack of a primary bacterial treatment barrier, water loss and backflow prevention which indicate a need for the supply to be operated with residual disinfection; and
 - on the information available, granting a residual disinfection exemption would arguably be inconsistent with, and therefore not give effect to, Te Mana o te Wai.
- (b) **agree** to decline the residual disinfection exemption application for the Brooklands Kainga drinking water supply. Yes / ~~No~~



Date: 7/11/2023

Steve Taylor
Head of Regulatory

Exemption Decision Paper

Exemption Number	EXE-00001030
Exemption Type	Residual disinfection exemption
Supply Name	Rakaia Huts
Supply ID	RAK003
Date	1 February 2024 / te 1 o Hui-tanguru 2024
Applicant	Selwyn District Council
Exemption Team	Jim Graham, Principal Advisor, Drinking Water Peter Wood, Regulatory Team Leader
International panel member	Dr Dan Deere

Recommendation

For the reasons set out in this paper, the Exemption Team recommends that you **grant** the residual disinfection exemption application for the Rakaia Huts drinking water supply. This decision paper identifies the conditions that the Exemption Team considers are necessary to ensure the supply will operate consistently with the main purpose of the Water Services Act 2021 (**WSA**) on an ongoing basis.

Executive summary

1. On 14 November 2023, Selwyn District Council (**SDC**) applied for a residual disinfection exemption in relation to the Rakaia Huts drinking water supply (supply ID RAK003). The application was made under section 58 of the WSA.
2. The application made on 14 November 2023 is the second application in relation to the supply, following the previous application made on 9 September 2022 that was declined.
3. For the 9 September 2022 application, the Exemption Team considered – having regard to the details of the supply, the manner of its operation, and the information provided by SDC – that the supply could not at that time be operated without residual disinfection in a way that would be consistent with the main purpose of the WSA. The factors contributing to that decision were outlined in the exemption decision paper dated 26 April 2023.¹
4. SDC has carried out work to address the factors identified in the previous exemption decision. In particular:
 - (a) The supply's source water risk management plan (**SWRMP**) has been updated to include human pathogenic enteric viruses. SDC commissioned an assessment of the viral risk by

¹ Available at www.taumataarowai.govt.nz/assets/Uploads/Exemption-papers/27042023-Exemption-Decision-Paper-Rakaia-Huts-FINAL.pdf.

the Institute of Environmental Science and Research (ESR) . The resulting report, *Viral Risk Assessment of Contamination of the Rakaia Huts Drinking-Water Supply* (May 2023), is now an appendix to the SWRMP.

- (b) Water loss reported by SDC in the supply's distribution system was previously considered too high for the supply to safely operate without residual disinfection. Water loss is a particularly significant factor, as the supply's distribution system is located within a community that is served by on-site domestic wastewater systems where it is reasonable to expect that groundwater will be affected by wastewater containing human pathogenic viruses, bacteria, and protozoa. SDC provided the *Rakaia Huts – Water Loss Report for 2022/2023* (25 September 2023) report by Thomas Consultants. This report highlighted significant uncertainty in the calculations used and proposed an approach for reducing this uncertainty. SDC also provided a document labelled *Selwyn District Council's Approach to Unallocated Water Demand* (14 December 2023), which includes SDC's current strategy for managing unallocated water demand, and a proposed future strategy for managing unallocated water demand for supplies where a residual disinfection exemption is granted and smart meters are installed. The Exemption Team proposes that this key risk factor be mitigated through conditions 1, 2 and 3 outlined in this report.
- (c) The Rakaia Huts Water Supply Scheme Unit Process Control Procedure (**UPCP**) now records that the storage tanks are to be checked weekly, including a check for cracks or leaks and a check of the condition of pipe penetrations, connections, overflow strainers and pressure/level transducers.
- (d) The storage tanks are now padlocked.
- (e) The pipe renewal work SDC identified in the original improvement schedule for the supply's distribution network is now complete.
- (f) A standard operating procedure for the disinfection and hygiene of water reticulation (WSP 005) has been developed. This includes procedures for 'repair and replace under pressure' work.
- (g) Drinking Water – Incident Response Plans (**IRPs**) now identify steps for immediate chlorination where total coliforms are detected post-treatment, and for loss of pressure in the distribution system. IRP-09 covers changes in source water.
- (h) The storage tanks have been moved so they are not directly under the power lines. There was no evidence of bird defecation on the storage tanks during the Exemption Team's most recent site visit.
- (i) SDC has initiated a consultation process specific to the Rakaia Huts community and local iwi which is due to conclude in September 2024. This consultation will seek the view of customers and iwi on operating the Rakaia Huts supply without residual disinfection, explain how an intermittently chlorinated supply will be managed, and promote sign-up

to the SDC's "Boil Water Notice Portal" for email and text contact in an emergency, when a conserve water notice is issued, or for a chlorination advisory.

- (j) The SDC Drinking Water – Compliance Monitoring Plan now provides for heterotrophic plate count testing to be carried out at appropriate locations within the supply. A monitoring condition is included as condition 5 in this report.

Supply information

5. The Rakaia Huts drinking water supply is described in the decision paper dated 26 April 2023 and that material is adopted for the purposes of this paper, without repetition. Since that date, the supply's ultra-violet (**UV**) disinfection equipment has been upgraded to provide increased dose for virus control (the effective dose has changed from 40 mJ/cm² to 187 mJ/cm²; a more than four-fold increase). Chlorination infrastructure has remained in place and will continue operating unless and until an exemption is granted.
6. SDC assessed whether the supply complied with the Drinking Water Standards and Drinking Water Quality Assurance Rules (**DWQAR**) for the period from 1 January to 31 October 2023. SDC reported one non-compliance with rules T3.17 and T3.86, which relate to UV dose requirements and associated monitoring. SDC also provided a "Drinking Water Event Investigation Report" dated 16 August 2023 (updated 27 September 2023) outlining the incident and the steps taken address the issue and to ensure it does not recur. Taumata Arowai has not received any notifications of non-compliance or potentially unsafe drinking water in relation to the supply since it became the regulator in mid-November 2021.

Information provided by the applicant

7. SDC's exemption application was accompanied by a covering letter, a "Rakaia Huts Exemption Attributes Table" (identifying the attributes from Hinekōrako, the self-service portal for drinking water supplies maintained by Taumata Arowai, and noting where supporting information can be found) and a Drinking Water Safety Plan (**DWSP**).
8. Additional supporting information was also provided, including: SDC's Compliance Monitoring Plan, the UPCP, Drinking Water Framework, Incident and Emergency Plan, and standard operating procedures (**SOPs**). During the Exemption Team's site visit the *Rakaia Huts Water Loss Report for 2022/2023* was provided by SDC.
9. All the information provided is considered relevant and has been taken into account by the Exemptions Team.

Assessment process

10. Alongside the international panel member for this application, the Exemption Team assessed the documentation provided.
11. The Exemption Team carried out a site visit to the Rakaia Huts supply with SDC staff on 11 December 2023.

12. Queries and requests for clarification have been raised with SDC staff and responses received.

Assessment factors

13. SDC's application has been assessed against the relevant factors arising under the WSA, Taumata Arowai policy and guidance material in relation to exemption applications, and other considerations relevant to decision-making by Taumata Arowai and its staff.
14. Those factors, which shape the structure of the balance of this paper, are:
- (a) The scale, complexity and risk profile of the drinking water supply, which go both to the assessment of drinking water safety risks and also to the proportionality of regulation under the WSA.
 - (b) The Treaty of Waitangi / te Tiriti o Waitangi and its principles, which are relevant considerations under section 19(1)(b) of the Taumata Arowai—the Water Services Regulator Act 2020 (**TAWSRA**).
 - (c) Te Mana o te Wai, to the extent it applies to SDC's application and the associated decision-making of Taumata Arowai.
 - (d) Consistency with the main purpose of the WSA: i.e. to ensure that drinking water suppliers provide safe drinking water to consumers. In accordance with section 58(3)(a) of the WSA, a residual disinfection exemption can only be granted if the decision-maker is satisfied that the exemption is consistent with the main purpose of the WSA.
 - (e) Compliance with legislative requirements and the DWSP (including the SWRMP). In accordance with section 58(3)(b) of the WSA, a residual disinfection exemption can only be granted if the decision-maker is satisfied that drinking water supplied by the supplier will comply with all other legislative requirements and the drinking water safety plan on an ongoing basis.
 - (f) The Taumata Arowai Compliance, Monitoring and Enforcement Strategy 2022-2025 (**CME Strategy**). This is a matter that the Taumata Arowai Chief Executive, and any delegate of the Chief Executive, must have regard to when determining exemption applications.²

Scale, complexity and risk

15. The Rakaia Huts supply is a comparatively small, simple supply. It is a medium sized (101 – 500 people) 'networked supply' for the purposes of the DWQAR. As such, the supply must comply with the G, S2, T2 and D2 rules modules within the DWQAR. SDC has also elected to meet the T3 rules for this supply, which is permissible under the DWQAR.

² WSA, s136(7); TAWSRA, s11(2)(b).

16. The relative scale, complexity and risk of the supply has been factored into the Exemption Team's assessment of SDC's application and the commentary and recommendations in this paper.

The Treaty of Waitangi / te Tiriti o Waitangi and its principles

17. Taumata Arowai and its staff are required to uphold the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles when carrying out their functions.³
18. What this means in practice varies from situation to situation, depending on the relevance of Treaty/Te Tiriti provisions and associated principles, including: partnership, self-determination, mutual benefit, honour, active protection, options, right of development, informed decisions, equity and equal treatment, and other principles that may be developed or identified as relevant from time to time. There is also some overlap between these principles and aspects of Te Mana o te Wai, which is discussed in the next section of this paper.
19. SDC have advised that a formal relationship agreement with Te Taumutu Rūnanga was signed on 30 November 2022. Both SDC and Taumata Arowai have engaged with the Rūnanga in relation to the Rakaia Huts supply.

Te Mana o te Wai

20. For the purposes of the WSA, Te Mana o te Wai is defined in the National Policy Statement for Freshwater Management 2020. Everyone exercising or performing a function, power, or duty under the WSA must give effect to Te Mana o te Wai when doing so, to the extent it applies to the function, power, or duty.
21. Te Mana o te Wai is a water-centric concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.
22. The framework for Te Mana o te Wai involves 6 principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, coupled with a hierarchy of obligations that prioritises:
- (a) first, the health and well-being of water bodies and freshwater ecosystems;
 - (b) second, the health needs of people (such as drinking water); and
 - (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
23. Te Mana o te Wai is likely to have relatively limited application in the context of a residual disinfection exemption, which is largely focussed on the treatment processes and operations

³ TAWSRA, s19(1)(b)(i).

within a drinking water supply. However, each case situation must be assessed on its facts and the extent of application of Te Mana o te Wai determined.

24. SDC recognised the importance of implementing Te Mana o te Wai in their application letter dated 13 November 2023. SDC references the obligations constituted under the Te Runanga o Ngai Tahu Act 1996 and the importance of mana whenua interests. SDC intends to engage with iwi specifically on Rakaia Huts and implement improvements to the DWSP as a result of that collaboration. SDC noted that feedback from Te Taumutu Rūnanga on the draft Long-term Plan 2021-2031 recognised that providing for and upholding Te Mana o te Wai would ensure that drinking water supplies would not be compromised to the extent that chlorination is required, which indicates general support for the avoidance of residual disinfection where possible.

Consistency with the main purpose of the Water Services Act 2021

25. On the whole, the Exemption Team considers that the drinking water supply at Rakaia Huts is well set up and operated. It draws from source water that is of good quality and supply components include effective barriers to bacteria and protozoa. The distribution system is comparatively simple and short in length. Most risks in the supply are adequately managed.
26. The report on SDC's first residual disinfection exemption application outlined factors that affect the provision of safe drinking water to consumers. The list of factors below are limited to those areas where the Exemption Team assessed a significant change from the previous application.

Source water factors

27. In this application, SDC has assessed the risk to health from viruses in the source water and the drinking water supply. The assessment concluded that there was a maximum 14% probability of norovirus concentration arriving at the source in excess of the concentration expected to result in 1 annual infection per 10,000 people. With the enhanced UV treatment in place, this probability dropped to less than 1%.
28. Future risks to source water will require analysis and management. Any intensification of farming or development of surrounding land into residential/lifestyle blocks with on-site wastewater systems will increase the risk of source water contamination.

Treatment factors

29. The supply involves the following treatment processes:
- (a) 1 µm cartridge filtration;
 - (b) continuous turbidity monitoring, with alarm;
 - (c) UV disinfection at a minimum target dose of 187 mJ/cm², with flow, UV transmittance (**UVT**) and UV intensity (**UVI**) continuously monitored and alarmed; and
 - (d) chlorination, which will generally be turned off and only used intermittently in the event an exemption is granted: i.e. as required in response to works, incidents, or

emergencies. Continuous chlorine monitoring is available before and after the supply's treated water storage tanks.

30. The supply has two treated water storage tanks. The tanks are plastic and have been moved away from the overhead lines that are used by birds for roosting. The overhanging lids on each tank prevent ingress of runoff and the lids are now locked.
31. The treatment plant is located on a sweeping bend in the road. A crash barrier has been constructed to protect the water treatment plant and the treated water storage from vehicles that fail to take the bend.
32. During the site visit to the Rakaia Huts water treatment plant, the Exemption Team observed some of the infrastructure is in pits below ground level that contained standing water. These are subject to possible inundation and contaminant ingress if pressure is lost. Sump pumps with float switches or sensors to remove water from below ground chambers is one possible mitigation. Condition 4 is included to address this residual risk.

Distribution factors

33. Non-testable dual check backflow prevention devices are installed on all residential connections to the supply. A reduced pressure zone device (**RPZD**) is also installed on the one commercial connection in the community. This aligns with the information found in the DWSP at *Table 2-13: Rakaia Huts Backflow Connection Summary (February 2021)*, which notes that backflow prevention is installed on every supply connection.
34. SDC advised that every supply connection is metered and indicated they would accept a condition requiring the implementation of smart meters. SDC can set a maximum life for meters and associated check valves and have a program to replace them over time. This will assist in confirming the true level of leakage that is currently uncertain.
35. Pressure is continuously monitored in the distribution system.

Drinking water safety plan

36. The Exemption Team reviewed the supply's DWSP.⁴ In general terms and subject to the issues identified in this paper, the DWSP addresses the hazards, risks and issues arising in a manner that the Exemption Team believes is appropriate for the scale, complexity and risk profile of the supply.
37. The DWSP needs to be proactively updated as changes are made to the supply and as land use materially changes within the supply's catchment and distribution areas.

Transgression response plans and SOPs

38. SDC has prepared emergency response and incident response plans to support its exemption application.⁵ These are separate documents from the DWSP, although they are complementary

⁴ Document DW-RAK-00-WSP-0001, Revision 5, 27 September 2023.

⁵ Document DW-GEN-07-DST-0006, Revision 4, 3 November 2023 and Document DW-GEN-07-DST-0007 Revision 3, 28 August 2023.

to it. The incident response plans include specific information that applies to intermittently chlorinated supplies where an exemption is granted.

System factors

39. The Drinking Water Quality Compliance Monitoring Plan⁶ includes a specific section on the monitoring of supplies where an exemption from residual disinfection has been granted. The Exemption Team considered that the Monitoring Plan was a little difficult to follow, but achieved the expected outcomes. SDC updated the document to revision 7 to ensure clarity after a meeting with the Exemption Team on 8 January 2024. The international panel member noted that: "Opportunistic pathogen remains a significant risk in unchlorinated systems and the HPC [heterotrophic plate count] monitoring should be used to provide early warning of conditions favouring the growth of such pathogens, and limits and actions should be set for responding to these results." Condition 6 addresses this point.
40. Maintaining staff capacity and competency is particularly important for unchlorinated supplies. SDC should be actively working to ensure staff do not become complacent about supply risks or operation. SDC can look to formalise a means to maintain organisational and technical capacity (head count, training, competency, capacity, awareness) for both the SDC and principal contractors. This should include awareness-raising at senior executive and councillor level of need to maintain this capacity. This extends to frontline worker contractors that do the risky work, and how risks associated with staff and contractor turnover are mitigated.
41. The DWSP and UPCP were both current and recently updated, demonstrating SDC's commitment to continuous improvement. Support documentation was cited within these overarching documents. The information was clear and well-presented. There is a lot of documentation, with a lot of detail, that will require ongoing maintenance and revision. Many of these documents were developed for SDC by consultants. In a meeting with the Exemption Team on 8 January 2024, SDC officers confirmed that SDC has ownership and editorial rights of the DWSP and UPCP and associated supporting documents and procedures. Condition 10 is included to ensure ownership and reliable management of key documents is retained by SDC.

Compliance with legislative requirements

42. A residual disinfection exemption cannot be granted unless the decision-maker is satisfied that the drinking water supplied will comply with all other legislative requirements (i.e. other than the usual requirement to provide for residual disinfection) on an ongoing basis.
43. 'Legislative requirements' has a particular meaning⁷ that covers requirements imposed by the WSA, most secondary legislation made under the WSA (such as drinking water standards and the DWQAR), and some enforcement instruments (directions or compliance orders issued under the WSA).

⁶ Document DW-GEN-05-DST-0002, Revision 5, 30/10/2023.

⁷ WSA, s5.

44. The supply's previous compliance history is noted under the 'Supply information' heading above. It is evident that SDC carried out more extensive source water monitoring for the supply than was required under the previous regulatory regime.
45. SDC's updated DWSP identifies the correct rules modules in the DWQAR and also indicates that SDC has elected to comply with the 'T3' treatment rules, which is a voluntary decision to adopt more stringent treatment requirements.
46. Having regard to the supply's previous compliance history and monitoring results, and the DWSP and the decisions it reflects, the Exemption Team considers that there are grounds to be satisfied that the drinking water supplied will comply with all 'other' legislative requirements on an ongoing basis.

Compliance with drinking water safety plan

47. A residual disinfection exemption cannot be granted unless the decision-maker is satisfied that the drinking water supplied will comply with the relevant DWSP on an ongoing basis.
48. The Exemptions Team is not aware of any information or issues that suggest drinking water supplied by the Rakaia Huts supply would not comply with the DWSP on an ongoing basis, if the DWSP was considered suitable to enable the granting of a residual disinfection exemption.

Compliance, Monitoring and Enforcement Strategy

49. The CME Strategy outlines the approach Taumata Arowai will take to exemption applications. It provides part of the backdrop for the more detailed provisions in other Taumata Arowai policy and guidance material.
50. Amongst other things, the CME Strategy provides that Taumata Arowai will be guided by the following principles when determining exemption applications:
 - consumption of safe drinking water by consumers is paramount; and
 - the scale, complexity and degree of risk associated with a drinking water supply will affect the assessment of whether an exemption would be consistent with the main purpose of the WSA, to ensure that drinking water suppliers provide safe drinking water to consumers.
51. The Exemption Team has had regard to the relevant parts of the CME Strategy when conducting its assessment and preparing this paper. The principles recorded in the CME Strategy are reflected in the discussion above.

Additional comments

52. In light of the further work carried out by SDC and described in its most recent exemption application, the Exemption Team considers that the Rakaia Huts supply can now be operated without residual disinfection in a way that is consistent with the main purpose of the WSA.
53. The Exemption Team considers that the exemption should be granted, subject to conditions outlined in the approval section below.

Approval

The Exemption Team recommends that you:

- (a) **note** the Exemptions Team's view that, having regard to the scale, complexity and risk profile of the Rakaia Huts supply:
- the supply can be operated without residual disinfection in a way that is consistent with the main purpose of the WSA;
 - aside from residual disinfection, there are grounds to be satisfied that the drinking water supplied by the supply will comply with all other legislative requirements on an ongoing basis;
 - there are grounds to be satisfied drinking water supplied will comply with the DWSP on an ongoing basis.
- (b) **agree** to grant the residual disinfection exemption application for the Rakaia Huts drinking water supply, subject to the following conditions:⁸ Yes / No
1. A programme detailing the installation of smart meters to all residential connections by 31 December 2024, including the type and functionality of the meters, how data from the meters will be collected, managed and analysed and how mass balance calculations of water use and loss will be undertaken, must be provided to Taumata Arowai by 1 September 2024.
 2. Smart meters must be installed according to the programme set out in condition 1, subject to any variations to that programme agreed to by Taumata Arowai.
 3. Maximum life spans for the smart meters and associated check valves must be identified and documented, and a programme to replace them within those maximum life spans provided to Taumata Arowai, by 31 December 2026.
 4. Before the supply begins to operate without residual disinfection, Selwyn District Council must demonstrate to the reasonable satisfaction of Taumata Arowai that the risk of contamination of drinking water due to ingress into infrastructure contained in below ground chambers at the treatment plant is appropriately managed.
 5. Analysis for water quality indicators and operational parameters must be carried out in accordance with the monitoring and sampling plan for the Rakaia Huts drinking water supply, as set out in Appendix B of the Selwyn District Council Drinking Water Quality Compliance Monitoring Plan (Revision 7 dated 8/1/2024), or in accordance with any changes to that plan agreed to by Taumata Arowai.
 6. Before the supply begins to operate without residual disinfection, monitoring frequencies and response protocols for heterotrophic plate counts must be set, to the

⁸ A residual disinfection exemption may be granted on any condition the decision-maker thinks fit: WSA, s58(2). It is an offence to fail to comply with a condition of a residual disinfection exemption: WSA, s181(1).

reasonable satisfaction of Taumata Arowai. Frequency settings should help to detect both contaminant ingress and conditions conducive to opportunistic pathogen proliferation.

7. The supply must be operated in accordance with the version of the Drinking Water Safety Plan that is current at any given time.
8. The supply must be operated in accordance with the G, S2, T3 and D2 rules in the Drinking Water Quality Assurance Rules, with the following modifications:
 - (i) Rules relating residual disinfection do not apply. For the avoidance of doubt, Rules G16 and D2.5 do not apply, and Rule D2.4 should be read with references to FAC excluded.
 - (ii) The reference to a reduction equivalent dose (**RED**) of 40 MJ/cm² in rules T3.16 and T3.17 is replaced by a RED of 187 MJ/cm².
9. The supply chlorination system must be tested at least annually, with the supply chlorinated to a minimum level of free available chlorine of 0.5mg/L in water leaving the treatment plant and 0.2mg/L in the distribution system for a period of at least 24 hours.
10. Selwyn District Council must retain full editorial rights and ownership of the Drinking Water Safety Plan, the Unit Process Control Procedure and all associated supporting documents and procedures, with no dependency on contracted or consulting third parties to maintain and update those documents. For the avoidance of doubt, this condition does not prevent Selwyn District Council from engaging contractors or consultants to carry out work on these documents; the intent is to ensure that Selwyn District Council retains ultimate responsibility for, and the ability to adjust, the versions of these documents are current at any given time.
11. Taumata Arowai must be promptly informed of:
 - (i) any new or altered circumstances that may change the hazards or risks affecting the supply;
 - (ii) any material change to, or revision of, the supply's Drinking Water Safety Plan, Water Supply Scheme Unit Process Control Procedure, or Drinking Water Quality Compliance Monitoring Plan; and
 - (iii) any new issues emerging that materially change the assessment of the supply, including in relation to Te Mana o te Wai.



Date: 01/02/2024

Steve Taylor
Head of Regulatory

2. PRESSURE SEWER SYSTEMS POLICY

<i>Type of Report:</i>	Operational and Procedural
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1741368
<i>Reporting Officer/s & Unit:</i>	Andrew Torrens, Senior Project Manager

2.1 Purpose of Report

The purpose of this report is to have Council adopt the proposed Pressure Sewer Systems Policy.

Officer's Recommendation

The Sustainable Napier Committee:

- a) **Receive** the report titled "Pressure Sewer Systems Policy" dated 11 April 2024.
- b) **Adopt** the Napier City Council Pressure Sewer Systems Policy (Doc Id 1746358).

2.2 Background Summary

Pressure Sewer Systems are an alternative to conventional Gravity Sewer Systems, which have advantages over Gravity Sewers in areas with technical constraints.

This Policy supports Napier City Councils strategic priority to provide a resilient city by enabling improved infrastructure options.

Where traditional Gravity Sewers rely on gravity alone to move wastewater from a property to the sewer mains and larger aggregated pumping stations, Pressure Sewer Systems use pumps located on each property to move the wastewater. Figure 1 schematically shows a typical Pressure Sewer System.

Gravity Sewers are currently the only wastewater reticulation option permitted within Napier City Council boundaries. Due to the characteristics of land around Napier, Pressure Sewer Systems provide an alternative that addresses current and future needs of the community.

Council Officers have prepared a suite of documents as below to enable the use of Pressure Sewer Systems, and to ensure consistency in their application and installation.

- Pressure Sewer Systems Policy.
- Pressure Sewer Design Standards.
- Pressure Sewer Technical Specification.
- Pressure Sewer Installer Declaration Form.
- Homeowners Guide.

There are no Pressure Sewer Systems currently in use in Napier City.

Napier City Council Integrated Trade Waste and Wastewater Bylaw 2022 already allows for Pressure Sewer Systems. Clause C.3.7 requires Pressure Sewer installations to comply with the proposed Policy.

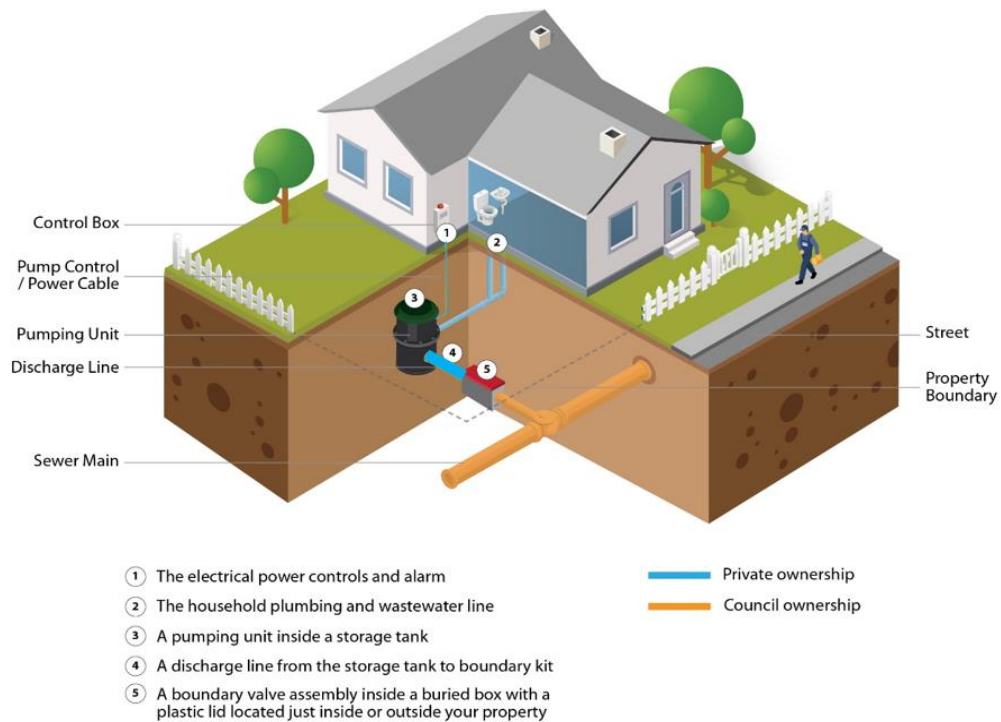


Figure 1: Schematic representation of a typical domestic Pressure Sewer installation.

2.3 Issues

No issues.

2.4 Significance and Engagement

Adoption of the proposed Policy has been assessed as low significance.

- There will be a minor change to the Sewage Conveyance network.
- A small proportion of people will experience a small impact.
- The proposed Policy supports Council's existing strategy.
- There is no financial or service level impact.
- There is no legal obligation for Council to consult.

Workshops were held with Councillors and internal stakeholders in 2021. There has been no specific external stakeholder engagement.

2.5 Implications

Financial

There is no direct financial consequence to Council.

Social & Policy

N/A

Risk

Risk to Council has been assessed as low.

- Pressure Sewer National Guidelines have been developed by Water New Zealand. The proposed Policy aligns with this Guideline document.

- Pressure Sewer Systems have already been adopted by numerous New Zealand Councils. Council Officers have engaged with some of these Councils in preparing the proposed Policy.
- Council has taken legal advice in setting the strategic direction of the proposed Policy.
- Council will have the ability to determine approved vendors and service providers, ultimately providing operational resilience.
- The proposed Policy requires property owners to maintain the On-Property Pressure Sewer Equipment. Failure to complete required maintenance would become an offence under the Integrated Trade Waste and Wastewater Bylaw 2022.
- Hastings District Council allow the use of Pressure Sewers through their Engineering Code of Practice 2020. Both documents align at an operational level.

2.6 Options

The options available to Council are as follows:

- a. Reject the proposed Pressure Sewer Systems Policy.
- b. Adopt the proposed Pressure Sewer Systems Policy.
- c. Agree in principle with the proposed Pressure Sewer Systems Policy, and request Council Officers resolve specific issues before it is adopted.

2.7 Development of Preferred Option

In developing the proposed Policy, Council Officers considered the following strategic questions.

Where Pressure Sewers May Be Used by Napier City Council

Napier City Council may specify the use of Pressure Sewer Systems in Pressure Sewer Areas through the Code of Practice for Land Development and Subdivision Infrastructure.

Use of Pressure Sewer Systems outside of these areas will be allowed at the discretion of Napier City Council, based on a submission of the necessity or demonstrable benefit including assessment of:

- System safety and environmental impact.
- Geotechnical constraint, such as the susceptibility of the area to liquefaction.
- Technical evaluation (hydraulic, including effects on the overall wastewater system and downstream capacity constraints).
- Life cycle financial assessment, including cost / benefit discussion.

Ownership of Pressure Sewer Assets

Council Officers considered whether public or private ownership of the assets was preferable. This decision has implications for access to and maintenance of each Pressure Sewer unit.

On-Property Pressure Sewer equipment will be owned and maintained by the property owner. Napier City Council will own and maintain the Boundary Kit and the Pressure Sewer Network located in public corridors.

Procurement Model

Council Officers considered whether an open procurement model should be allowed. Officers believe preapproving equipment suppliers and service providers better manages overall risk to Council.

Equipment Specification

Council Officers considered what specification would be most appropriate for the On-Property Pressure Sewer Equipment. Consideration was given to the expected duty, life cycle cost, available technology, and the ability to integrate with Council's existing systems.

Officers believe a non-smart system with the ability to retrofit smart elements provides the most appropriate system for current needs, without limiting future growth.

2.8 Attachments

- 1 Napier City Council Pressure Sewer Policy (Doc Id1746358) [↓](#)

Napier City Council Pressure Sewer Systems Policy

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1 Introduction

Pressure Sewer Systems are an alternative to conventional gravity (traditional) wastewater systems and have advantages over a conventional gravity wastewater system in areas with physical, geotechnical and technical constraints. Napier City Council (NCC) may require the installation and use of Pressure Sewer Systems in some such areas and allows for their installation in other areas.

The aim of this Policy is to provide guidance for the provision of wastewater services to residential properties and trade premises that are, or may be in the future, serviced by Pressure Sewer Systems.

2 Supplemental Documents

This Policy is also linked to the following Napier City Council documents:

- Napier City Council Integrated Trade Waste and Wastewater Bylaw 2022
- Napier City Council Pressure Sewer Design Standards
- Napier City Council Pressure Sewer Technical Specification
- Pressure Sewer Installer Declaration Document
- Homeowners Guide to Pressure Sewer Systems
- Napier City Council Code of Practice for Land Development and Subdivision Infrastructure May 2022

3 Policy Objectives and Goals

The purpose of the Policy is to:

- Define Pressure Sewer Systems within Napier City.
- Outline where, how, and why Pressure Sewer Systems can be applied and used within the wastewater reticulation network.
- Detail who will own the various components of the system.
- Detail the general requirements for the specification and approval of pressure sewer systems.
- Outline the roles and responsibilities of stakeholders including Napier City Council, developers, property owners, and householders.

4 Definitions

For the purpose of this policy, a **Pressure Sewer System (PSS)** in Napier City is defined as:

A complete system wherein sewage is conveyed under pressure generated by multiple pump units, each located on an identified private property, to a common discharge point (a wastewater treatment plant or other wastewater system).

A Pressure Sewer System may include the following elements:

1. Grinder pumping unit within a chamber, both specifically designed for pressure sewer applications, installed on each property.
2. Property discharge line that connects the pumping unit to the Boundary Kit.
3. Control/alarm panel that controls the operation of the pump unit containing alarm components, electrical connection to the property and associated circuit breaker.
4. Boundary Kits for each pumping unit located road berm, at the legal boundary for each property that provide a means to isolate the pressure sewer network from a property discharge line and pumping unit.
5. Remote data connection, such as telemetry.
6. A specifically designed pressure sewer pipe network located in public corridors consisting of small-diameter pressure mains, as well as, isolation valves, flushing pits and air release valves where required.

On-Property Pressure Sewer Equipment refers to items 1-3 above.

Dwelling will be as defined in the Integrated Trade Waste and Wastewater Bylaw. ***Dwelling Unit*** and ***Multi-Unit Development*** will be as defined in the District Plan.

Point of Discharge will be as defined in the Integrated Trade Waste and Wastewater Bylaw.

Pressure Sewer Areas are geographical areas where Pressure Sewer Systems must be utilised. All properties requiring a wastewater connection within a Pressure Sewer Area will be obligated to install a Pressure Sewer System and connect to the pressure network.

Prohibited Trade Waste are substances that may lead to the corrosion, blockage or impede the operation of the Pressure Sewer System and reticulation network, and include Prohibited Substances as defined through the Integrated Trade Waste and Wastewater Bylaw.

Trade Premise will be as defined in the Integrated Trade Waste and Wastewater Bylaw.

Pumped systems comprising a single pump station or “pump ups” connected to a single rising main discharging to a point in a gravity wastewater system (wastewater treatment plant or other wastewater system) are not Pressure Sewer Systems for the purposes of this Policy and are therefore excluded from this Policy.

5 Guidelines

5.1 Application and Use of Pressure Sewer Systems

Pressure Sewer Systems may only be installed within the Wastewater Service Area as defined in the Integrated Trade Waste and Wastewater Bylaw.

Specified Pressure Sewer Areas are as defined in the Napier City Council Code of Practice for Land Development and Subdivision Infrastructure. The use of Pressure Sewer Systems outside of the specified Pressure Sewer Areas is at the discretion of Napier City Council. The use of pressure sewer systems within defined areas will be mandatory. This will normally be identified by consent notice on a property title.

Where private property owners wish to utilise Pressure Sewer Systems in other non-specified areas, detailed technical submissions justifying the use of pressure sewer systems is to be provided to Napier City Council. These submissions must include (but not be limited to) assessment of the feasibility of Pressure Sewer Systems for the area using the following criteria:

- geotechnical (such as the susceptibility of the area to liquefaction, land movement),
- technical (i.e. hydraulic, including effects on the overall wastewater system and downstream capacity constraints),
- financial (whole of life assessment including costs and benefits),
- environmental, and
- safety.

The use of Pressure Sewer Systems in these areas will be based on the demonstrable benefit or necessity of using pressure sewer over gravity wastewater reticulation using the above criteria.

5.2 Ownership

In all cases Napier City Council will own and maintain the Boundary Kit and the pressure sewer pipe network located in public corridors.

5.2.1 Residential Installations

For Residential installations the property owner will own all Pressure Sewer On-Property Equipment.

The Point of Discharge will be the point where the pressure pipe from the property enters the Boundary Kit. The private property owner is responsible for the gravity lateral and all parts of the pressure system upstream of this boundary point.

The property owner will be responsible for all parts of the electrical system, including the cost of the power and the maintenance of the power supply in accordance with applicable electrical standards.

The property owner will be responsible for the maintenance of the control/alarm panel. Napier City Council may require access to the control/alarm panel for setting and altering control parameters such as pumping trigger levels and pumping durations, to ensure effective operation of the overall Pressure Sewer System.

5.2.2 Trade Premise Installations

For Trade Premise installations the property owner will own all Pressure Sewer On-Property Equipment.

The Point of Discharge will be the point where the pressure pipe from the property enters the Boundary Kit. The property owner is responsible for the gravity lateral and all parts of the pressure system upstream of this boundary point.

The property owner will be responsible for all parts of the electrical system, including the cost of the power and the maintenance of the power supply in accordance with applicable electrical standards (e.g. a commercial or industrial building).

The property owner will be responsible for the maintenance of the control/alarm panel. Napier City Council may require access to the control/alarm panel for setting and altering control parameters such as pumping trigger levels and pumping durations, to ensure effective operation of the individual system and the whole System Pressure Area.

5.3 Responsibilities

5.3.1 Installation Responsibility

The boundary kit and the pressure sewer pipe network located in public corridors must be installed by the developer at the time of subdivision and will be subject to the vesting process under the Resource Management Act.

The installation of pressure sewer system on-property equipment, to the required standards, will be the responsibility of the private property owner, including, where applicable, the property developer, builders or other entities deemed to be the private property owner's agent.

Pressure sewer on-property equipment design and installation must comply with:

- The Napier City Council Code of Practice for Land Development and Subdivision Infrastructure.
- Any site-specific Resource Consent Conditions, including Consent Notices.
- The requirements of the Building Code.
- Any site-specific Building Consent Conditions.
- Engineering Approval.
- Documents listed in Section 2 above.

On property installations will only be undertaken by trained and accredited personnel as listed in the list of Approved Pressure Sewer Suppliers and Contractors within the NCC Pressure Sewer Technical Specification document.

5.3.2 Operational & Maintenance Responsibility

Napier City Council will be responsible for the operation and maintenance of pressure sewer located in public corridors following its vesting with Council.

The private property owner will be responsible for:

- The operation and maintenance of Pressure Sewer OnProperty Equipment.
- The cost and supply of power to the Pressure Sewer On-Property Equipment.
- Maintaining access to the Pressure Sewer On-Property Equipment for maintenance purposes.
- Designing, installing and maintaining a suitable means of mitigating high wastewater flows to prevent inundation or other adverse impact to the Pressure Sewer On-Property Equipment (generally expected to be by means of a buffer tank to allow for slow release of wastewater to the Pressure Sewer System).
- Complying with Napier City Council's Trade Waste and Wastewater Bylaw 2022.
- Complying with the Homeowner's Guideline for use of the Pressure Sewer On-Property Equipment including ensuring prohibited items and substances are not disposed of via Pressure Sewer System.

5.3.3 Responsibility for Damage

Prohibited substances are not allowed to discharge into the Pressure Sewer System. Costs associated with the maintenance of the pumping unit due to the discharge of prohibited substances will be the responsibility of the property owner in accordance with the procedure set out in the Integrated Trade Waste and Wastewater Bylaw.

5.4 General Requirements

5.4.1 Number of Connections to Pressure Sewer Equipment

A single on-property pump unit will have a maximum of the following connected to it:

- One Dwelling; or
- One Dwelling plus one Dwelling Unit.

For Multi-Unit Residential Developments, Trade Premises and/or other non-residential connections, the requirements for the Pressure Sewer On-Property Equipment will be determined on a case-by-case basis.

The private property owner will be responsible for determining the requirements for these connections to the satisfaction of Napier City Council.

5.4.2 Location of Pressure Sewer Equipment and Maintenance of Access

Location of the chamber and the Boundary Kit must be in accordance with the Napier City Council Code of Practice for Land Development and Subdivision Infrastructure (Pressure Sewer Design Standards).

The on-property chamber is considered a Service Opening and must not be covered in any way. In addition, the clearance distances to buildings specified in the Integrated Trade Waste and Wastewater Bylaw will be applied to the chamber for all structures.

Should the Private Property Owner wish to construct additional structures on the property the Working around Buried Services provisions of the Integrated Trade Waste and Wastewater Bylaw must be maintained. Alteration of the location of any of the Pressure Sewer On-Property Equipment may be permitted as part of the Building Consent process for the additional structures at the property owner's cost.

5.4.3 Access Arrangement

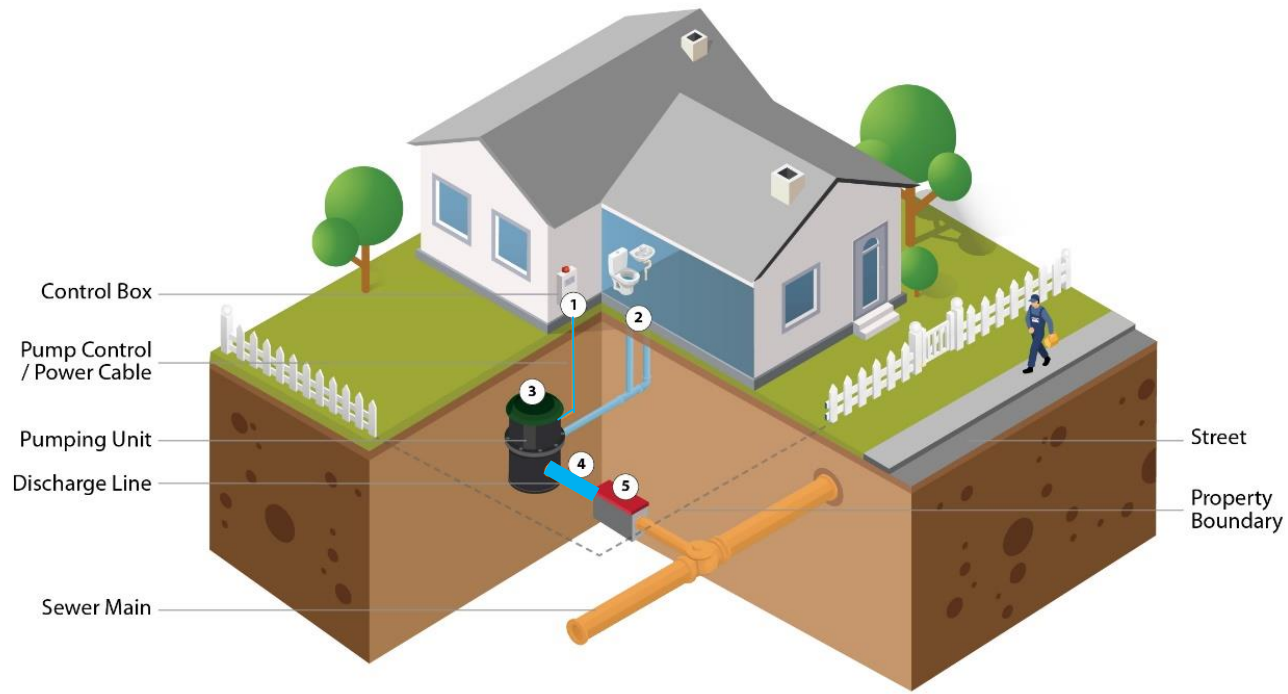
Napier City Council may require future access to the control/alarm panel for setting and altering control parameters such as pumping trigger levels and pumping durations, to ensure effective operation of the individual system and the whole System Pressure Area.

6 Review of Policy

Next review date: February 2027

The policy will be reviewed every five years after that.

Appendix A. Typical residential system diagram



- ① The electrical power controls and alarm
- ② The household plumbing and wastewater line
- ③ A pumping unit inside a storage tank
- ④ A discharge line from the storage tank to boundary kit
- ⑤ A boundary valve assembly inside a buried box with a plastic lid located just inside or outside your property

- Private ownership
- Council ownership

3. REQUEST FOR ROAD CLOSURE FOR VEHICLE TRIALS - SANDY ROAD, MEEANEE - 4 MAY 2024

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Enter Legal Reference
<i>Document ID:</i>	1747946
<i>Reporting Officer/s & Unit:</i>	Robin Malley, Team Leader Transportation

3.1 Purpose of Report

To seek Council approval for a road closure to enable Sandy Road, Meeanee to be used for vehicle speed trials, under legislative regulations.

Officer's Recommendation

The Sustainable Napier Committee:

- a. **Approve** the temporary closure of Sandy Road, Meeanee for the purposes of vehicle trials on 4 May 2024 between 8.00am and 1.00pm, under the *Transport (Vehicular Traffic Road Closure) Regulations 1965*, subject to conditions:
 - i. The provision of adequate insurance against potential damages to property,
 - ii. An approved Temporary Traffic Management Plan for the event.
 - iii. Written agreement of property owners with legal frontage to the section of Sandy Road to be used for trials.
 - iv. Provision of a safety plan indicating how the safety of pedestrians and spectators will be maintained during the trials.
 - v. A joint road condition inspection prior to and immediately after the event to ensure any damages are identified.
- b. **Approve** the delegation of authority to the Executive Director Infrastructure in regard to the satisfaction of conditions:
 - i. The provision of adequate insurance against potential damages to property,
 - ii. An approved Temporary Traffic Management Plan for the event.
 - iii. Written agreement of property owners with legal frontage to the section of Sandy Road to be used for trials.
 - iv. Provision of a safety plan indicating how the safety of pedestrians and spectators will be maintained during the trials.
 - v. A joint road condition inspection prior to and immediately after the event to ensure any damages are identified.

3.2 Background Summary

Marineland Hot Rods Inc (MHRI) have requested a road closure over part of Sandy Road, Meeanee to hold ¼ mile time trials as part of their club meet at Papakura Domain on 4 May 2024. This type of road closure is unusual as it requires suspension of road user rules and is an event which presents a risk to Council and private property and potentially the health and safety of participants and observers.

3.3 Issues

The closure of public roads for the purposes of, *inter alia*, vehicle races or trials is regulated by the *Transport (Vehicular Traffic Road Closure) Regulations 1965*, which gives road controlling authorities powers to close roads for limited periods of time, subject to certain provisions. Closures under this regulation allow for the suspension of certain road rules, including speed limits, driving on the left, overtaking controls, adherence to Give Way or Stop controls and stopping and following distances. The regulations do not limit the power of NZ Police to maintain public order.

Provisions of the Regulation include the requirement for the organisation promoting the event to have “*adequate insurance against...its liability to pay for damages...where the damage results from holding of the vehicle races or trials...*”. The ‘adequacy’ of insurance cover is to the satisfaction of the road controlling authority. For the proposed event under consideration here, risks covered should include damage to Unison power poles and energy and communication transmission assets; private fences, gates and hedges; road signs and road surface; vehicle accessways, culverts and headwalls; and public liability. MHRI is a member of the New Zealand Hot Rods Association, which provides cover for such events. Policy documents are to be supplied to Council officers for consideration and the approval sought through this paper is conditional upon this cover being deemed adequate for the risk.

MHRI are required to provide temporary traffic management to support the safe operation of the road closure and the diversion of traffic using alternative routes. An application has been received by Council and this will be determined as soon as practical.

3.4 Significance and Engagement

The proposed road closure does not activate Council’s Significance and Engagement Policy; however, localised engagement will be required. As with all road closures, public notification is required, with affected persons having the opportunity to lodge an objection.

Council has requested that MHRI obtains written approval for the closure from each property owner with direct frontage to the length of Sandy Road proposed for the actual speed trials. This includes Council through its control of Papakura Domain. Such agreements are a condition of an approval to hold the event.

Other residents and businesses will be able to access their properties for the whole event period through manned ‘soft’ closures. These property owners and occupiers are to be notified in advance as a requirement of the event Traffic Management Plan.

3.5 Implications

Financial

The proposed event is fully independent and has no financial impact on Council.

Social & Policy

N/A

Risk

The risk to Council sits primarily in the reputational space, particularly if any club member, participant or member of the public is injured or killed, or the event causes unforeseen problems for neighbouring residents and/or other legitimate users of Papakura Domain. Financial risk is limited to any damage to road assets and any damage to private or utility assets that exceeds the insurance cover held by MHRI through their parent association.

Reputational risk is being managed through the requirement for MHRI to consult with adjoining owners and occupiers prior to the event; and a requirement to submit and receive approval from Council for a safety plan which covers the management of risks to people and property during the event.

Financial risk is being managed through the requirement for adequate insurance and Council accurately assessing the risk to be covered. Further, prior to the event an inspection will be carried out by a member of the Transportation Operations team and a representative of MHRI, recording the condition of road assets; with a similar inspection carried out immediately after the event to identify any damage caused.

3.6 Options

The options available to Council are as follows:

- a. To approve the use of Sandy Road for vehicle trials under a road closure, subject to conditions protecting the public and Council and private property. This is the recommended option.
- b. Not to approve the requested closure.

3.7 Development of Preferred Option

While the proposed closure does enable an event which presents some risk to persons and property, the legislated regulations do provide for this as a legal activity. Further, the regulations provide a level of security for Council through the need for consultation, insurance and a safety plan.

3.8 Attachments

Nil

4. LICENCE TO OCCUPY RESERVE - RIDGETOP RESERVE - COMMUNICATION STATION

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Reserves Act 1977
<i>Document ID:</i>	1746746
<i>Reporting Officer/s & Unit:</i>	Bryan Faulknor, Manager Property Jason Tickner, Team Leader Parks, Reserves and Sportsgrounds

4.1 Purpose of Report

To seek Council's approval to grant a licence pursuant to Section 48A of the Reserves Act 1977 to Communicate Ltd to erect and operate a communication station on Ridgetop Reserve, Taradale.

Officer's Recommendation

The Sustainable Napier Committee:

- a. **Approve**, as administering body, the granting of a licence to occupy, pursuant to Section 48A of the Reserves Act 1977, to Communicate Ltd for the erecting and operation of a communication station at Ridgetop Reserve, Taradale.
- b. **Approve**, in exercise of the Ministerial consent (under delegation from the Minister of Conservation) the granting of the above licence.
- c. **Approve** that the term of the licence be for 10 years with one right of renewal of ten years.
- d. **Note** that in granting any lease Council is merely acting in its capacity as lessor and owner of the land. Any such approval shall not imply the consent of Council as a regulatory authority and thus the proposed communication station is subject to all regulatory consents being obtained if required.

4.2 Background Summary

The Hawke's Bay Region Civil Defence Emergency Management (CDEM) Group have been building a Digital Mobile Radio (DMR) network across Hawke's Bay. This ensures all agencies and HB Council's are on a common radio platform.

The new digital system replaces the old analogue system which did not perform well in the 2023 cyclone.

To complete this network a repeater station is required on the Ridgetop Reserve in Taradale. This site provides the elevation and coverage required.

This is an essential part of the new DMR radio network for not only NCC and HBRC day to day working communication, but essential for communication during any natural disaster. The site will have batteries and an on site generator to charge batteries during long power outage periods as seen during Cyclone Gabriel

The network benefits all Hawke's Bay Councils.

The proposed communication station on Ridgetop Reserve will be constructed and operated by Communicate Ltd.

Attachment 1. shows the location of the Ridgetop Reserve at the back of Taradale.

Attachment 2. shows the position of the proposed Communication Station within the Reserve.

Attachment 3. Is a letter from Communicate Ltd.

4.3 Issues

Reserves Act considerations:

The Ridgetop Reserve is a Local Purpose Reserve (Passive Recreation) pursuant to the Reserves Act 1977 and vested in Napier City Council.

Section 48A of the Act allows Council to grant a licence to any person for the use of a reserve to erect and maintain buildings, masts and other structures for the purposes of any station for the transmission, emission, or reception of any form of radio, electric, or electronic communication.

The Act further requires that Council is satisfied that the structures are necessary for the purposes of the station and that they cannot readily be provided outside the reserve.

With regards these considerations it is noted that the station has been professionally designed as per architectural and structural plans provided to Council and management is satisfied that the structures are necessary for the station.

They cannot readily be provided outside the reserve as the surrounding land is private.

Further the site provides the elevation and coverage required.

As the station is important for Civil Defence Emergency Management purposes the use of the Council controlled reserve makes sense from a security of occupation perspective.

In addition to the above, the Act requires Council to give public notice of the proposal to grant a licence, however this will not apply where:

- a) The reserve is not likely to be materially altered or permanently damaged; and
- b) The rights of the public in respect of the reserve are not likely to be permanently affected.

In considering the above it is noted that the footprint of the proposed licenced area is only 1 metre by 2 metres. The foundation footing is 2 metres deep and the pole height 8.5m.

It is considered therefore that the communication station will not materially or permanently damage the reserve and the rights of the public are not likely to be permanently affected and therefore no public notification is required.

Regulatory Consents:

The plans and specifications have been reviewed by Napier City Council's regulatory team who have concluded that the structure and activity are Permitted under the Operative District Plan and thus a Resource Consent is not required.

Further the structure and mast does not require a Building Consent.

The station has been designed by a Chartered Professional Engineer.

4.4 Significance and Engagement

This matter does not trigger Council's Significance and Engagement Policy.

Matters relating to the requirement of public notification under the Reserves Act have been considered above.

4.5 Implications

Financial

There will be no cost to Council as the cost of construction and maintenance will be met by Communicate Ltd.

Social & Policy

The communication station is an essential part of the new DMR radio network which is essential for communication during any natural disaster.

Risk

There appears to be little risk to Council in granting this Licence noting that the mast will be constructed as per approved structural plans.

4.6 Options

The options available to Council are as follows:

- a. To approve the granting of a Licence to Occupy Reserve as outlined above.
- b. To decline to grant the proposed Licence

4.7 Development of Preferred Option

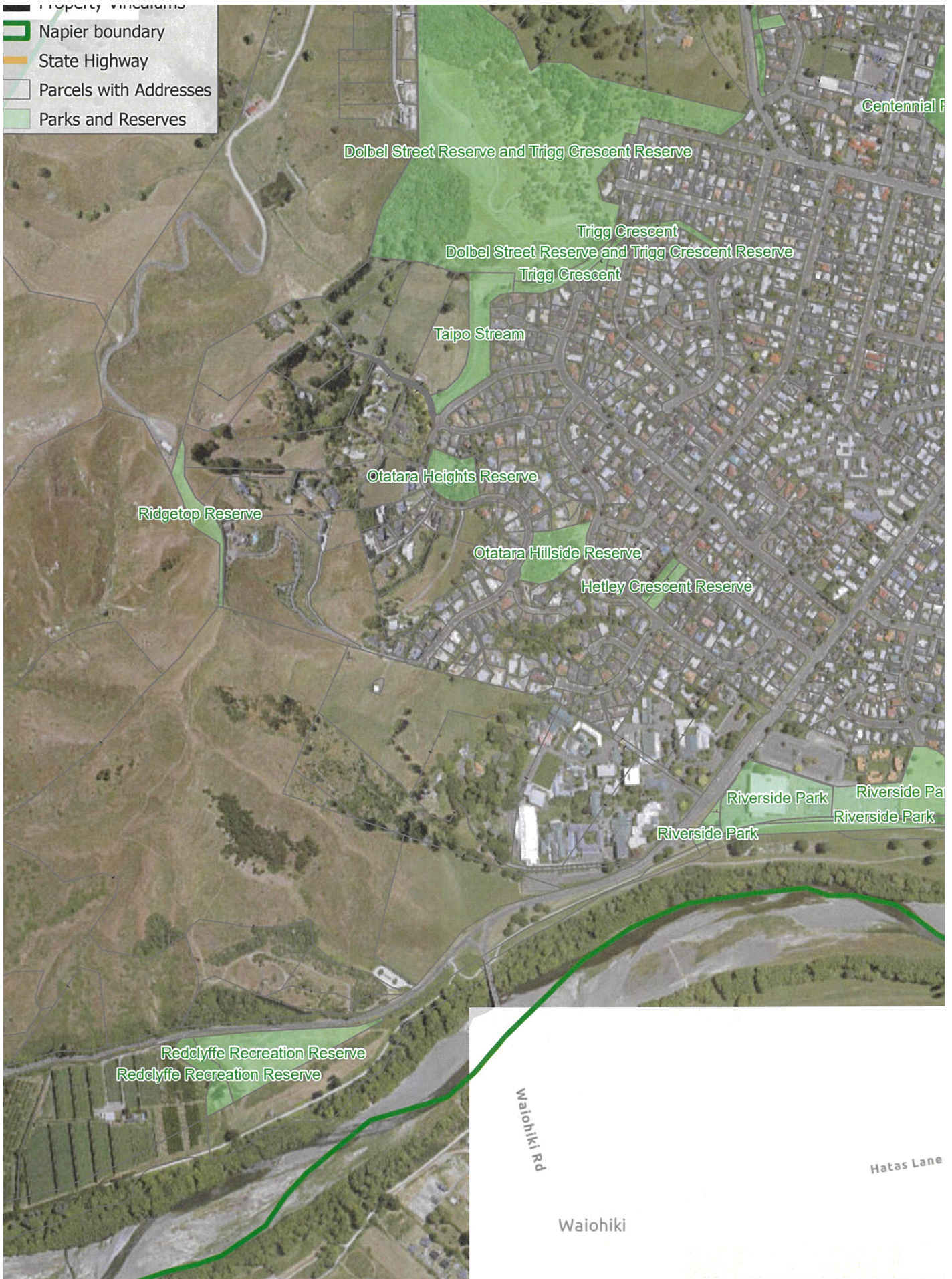
Option a. is the preferred option.

As mentioned the station is important to completing Digital Mobile Radio (DMR) network across Hawke's Bay for use by the Hawke's Bay Region Civil Defence Emergency Management (CDEM) Group.

The station also provides opportunities for other communication links.

4.8 Attachments

- 1 Aerial View showing Ridgetop Reserve (Doc Id 1746791) [↓](#)
- 2 Location of proposed communication station (Doc Id 1746790) [↓](#)
- 3 Letter from Communicate Limited (Doc Id 1747356) [↓](#)



Napier Maps

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Site Locality Plan
NTS @ A3

Drawing Register

Sheet Number	Sheet Name	Revision
000	Cover Sheet	0
001	Site Plan	0
002	Slab & Foundation Plan	0
003	Sections	0
D01	Details	0

NO.	DATE	ISSUE REVISION
0	7/02/24	Issued for Const.

PROJECT TITLE

Repeater Station
Foundation

160 Churchill Drive, Taradale

SHEET NAME

Cover Sheet

DRAWN:	KG	SHEET NO.	REV
CHECKED:	RH	000	0
PROJECT #	1934		
DATE	07/02/24		

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REPEATER STATION FOUNDATION


160 Churchill Drive, Taradale, Napier - Communicate Ltd



To:
Napier City Council

March 25, 2024

 06 835 7579

 215 Hastings Street, Napier South,
4110

Attention: Napier City Council,

I am writing to confirm that Communicate Ltd will assume ownership of the proposed radio tower situated at the high point location of 160 Churchill Drive, Ridgeway Reserve. This strategic asset will be dedicated for the exclusive use of local councils and civil defence, ensuring a robust communication infrastructure for our community's essential services.

Furthermore, we are pleased to inform you that this initiative has full support from Colvins Ltd, marking a significant collaboration between key stakeholders in this venture. We believe that this partnership will greatly enhance the operational capabilities of the radio tower and contribute to the safety and well-being of our residents.

We appreciate the collaborative efforts of all parties involved and look forward to the successful implementation of this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Topp".

Steve Topp
General Manager
Communicate Ltd

 06 835 2111

 admin@coms.nz

 184 Hyderabad Road, Ahuriri, 4110

 www.coms.nz

5. CHANGE OF PURPOSE OF RESERVE - MARINE PARADE

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Reserves Act 1977
<i>Document ID:</i>	1746822
<i>Reporting Officer/s & Unit:</i>	Bryan Faulknor, Manager Property

5.1 Purpose of Report

To obtain Council's final approval to change the purpose of part of the vested local purpose recreation reserve on Marine Parade. This is required to provide an appropriate reserve purpose to accommodate the completed restoration of the War Memorial attached to Napier War Memorial Centre on Marine Parade.

Officer's Recommendation

The Sustainable Napier Committee:

- a. **Approve** that in exercise of the powers conferred on it by Section 24A(1) of the Reserves Act 1977, that part of the reserve contained in Section 3 SO Plan 396199 (Record of Title 462213), as described in the Schedule below, have its purpose changed from Local Purpose (Passive Recreation) Reserve to Local Purpose (Community Buildings) Reserve.
- b. **Notes** that the reason for the change of purpose is to accommodate the restoration of the War Memorial attached to the Napier War Memorial Centre on Marine Parade.

SCHEDULE

Hawkes Bay Land District – Napier City

Area (ha)	Legal Description	Record of Title
0.1877	Lot 1 DP 595539	1150867

5.2 Background Summary

The plans for the Napier War Memorial construction highlighted that the Memorial would be constructed over two reserve titles with different purposes under the Reserves Act. The land occupied by the Napier War Memorial Centre is Local Purpose Community Buildings Reserve whereas the land to the south is Local Purpose Passive Recreation Reserve.

Both titles are held by Napier City Council.

To rectify this situation a subdivision was required and a change of purpose under the Reserves Act processed.

Council on 16 June 2022 resolved to initiate the process, pursuant to Section 24A of the Reserves Act 1977 to change the subject land from Local Purpose Passive Recreation Reserve to Local Purpose Community Building Reserve.

The proposed change was publicly notified under section 24A (2) of the Reserves Act with no responses received from the public.

The final process was put on hold pending construction being completed and required boundaries being ascertained accurately. Title plans have now been issued and it is now appropriate to pass the final resolution with reference to the new plans. Once this resolution is passed, a Gazette notice can be registered to complete the legal process.

5.3 Issues

No Issues

5.4 Significance and Engagement

Public notification has occurred pursuant to the Reserves Act with no submissions or objections received.

5.5 Implications

Financial

N/A

Social & Policy

N/A

Risk

N/A

5.6 Options

The options available to Council are as follows:

- a. To give final approval to the change of reserve purpose.
- b. To decline to give final approval.

5.7 Development of Preferred Option

Option a. is the preferred option.

The change of purpose has been publicly notified with no submissions received. Construction has been completed and Title Plans finalised. It is now appropriate to finalise all legal matters with regards change of purpose.

5.8 Attachments

- 1 Original Scheme Plan showing aerial of subject land highlighted in yellow (Doc Id 1747358) [↓](#)
- 2 New Title Plan showing subject land highlighted in yellow (Doc Id 1747357) [↓](#)



NOTE: All areas and dimensions are subject to survey.

SCHEDULE OF AREAS			
SHOWN	DESCRIPTION	AREA	ACTION
(A)	Sec 2 SO 396199	1.6877 ha	To be retained as Local Purpose Community Buildings Reserve
(B)	Pt Sec 3 SO 396199	0.1310 ha	To be amalgamated into Area A & have reserve purpose changed to Local Purpose Community Buildings Reserve
(C)	Pt Sec 3 SO 396199	2.2668 ha	To be retained as Local Purpose Passive Recreation Reserve

PREPARED BY: JPP
 CREATED DATE: 24/12/2021
 CHECKED DATE: 20/02/2022
 APPROVED DATE: 16/03/2022

NAPIER CITY COUNCIL - INFRASTRUCTURE DIRECTORATE
 SCHEME PLAN OF PROPOSED SUBDIVISION OF SECTIONS 2 & 3 SO 396199
 and Change of Purpose of Vested Reserve



ORIGINAL SCALE: 1:1000
 DATUM: NZGD 2016
 MAPS & SURVEYING
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6. ROAD STOPPING - PART OF TAREHA STREET, WESTSHORE NAPIER

Type of Report:	Enter Significance of Report
Legal Reference:	Enter Legal Reference
Document ID:	1747226
Reporting Officer/s & Unit:	Bryan Faulknor, Manager Property

6.1 Purpose of Report

To confirm, through declaring the section of road to be stopped, the Council resolution of 10 August 2023 to initiate the road stopping process in accordance with the 10th Schedule of the Local Government Act 1974, and the subsequent sale to the land to the owner of 5 Charles Street, Westshore.

Officer's Recommendation

The Sustainable Napier Committee:

- Approve** pursuant to Section 342(1) of the Local Government Act 1974 and in accordance with the Tenth Schedule of that Act, to declare the section of road, being part of Tareha Street and adjacent to number 5 Charles Street, Napier, as described in the Schedule hereto, be stopped; and
- Approve** that the stopped road is sold to the owner of the adjoining land at 5 Charles Street as described in the Schedule hereto.

Further, the land is to be amalgamated with the purchaser's individual land and held in one record of title.

SCHEDULE: Napier City – Hawke's Bay Land District

Area (ha)	Description	Adjoining
.0060	Section 1 SO Plan 595798	Lot 23 DP6167 RT HBE3/227

6.2 Background Summary

On 10 August 2023 the Sustainable Napier Committee:

- Resolve pursuant to Section 342 (1) of the Local Government Act and in accordance with the Tenth Schedule of that Act, **to initiate** the stopping of 59m2 (more or less subject to survey) of legal road, being part of Tareha Street, Napier and adjacent to 5 Charles Street;*
- Note that a condition of the Tenth Schedule is to publicly notify the proposed road stopping; and*
- Resolve that upon completion of the Tenth Schedule stopping process, 59m2 (more or less subject to survey) of the stopped road is sold to the owner of 5 Charles Street. Further, the land is to be amalgamated with the purchaser's individual land and held in one record of title.*

The above was instigated by the owner of number 5 Charles Street, Westshore applying to purchase approx. 59m² of current legal but unformed road adjacent to their property.

To enable this the Road stopping process must occur.

The purchase of the land is to legalise a current historic encroachment.

The subject land is within the legal road; however, the area does not form part of the road or footpath itself.

The land currently has been incorporated within the landscaped garden area and a retaining wall constructed on the encroachment.

The redevelopment of Tareha Street was completed some years ago and carried out on the basis that the subject land was not required for the redevelopment including beach reserve access.

It is now appropriate to legalise this historic encroachment.

The road stopping has the support of Council's Transportation Team.

6.3 Issues

The conditions of the Tenth Schedule have been complied with regarding public notification with no objections received.

It is now appropriate for Council to resolve to declare the sections of the road to be stopped.

6.4 Significance and Engagement

As mentioned above the public notification requirements have been complied with.

6.5 Implications

Financial

There is no financial cost to Council as the purchaser will meet all costs including legal, survey, advertising, and valuation fees.

The sale of the subject land will be at market value as determined by a valuation from a registered valuer.

Social & Policy

N/A

Risk

N/A

6.6 Options

The options available to Council are as follows:

- a. To declare the section of road stopped and sold to the adjoining owner.
- b. To decline to declare the section of road stopped.

6.7 Development of Preferred Option

Option a. is the preferred option.

No objections have been received as part of the public notification requirements. The subject land is not part of the formed road or footpath. It is now appropriate to legalise this historic encroachment.

6.8 Attachments

- 1 Aerial View showing road stopping area outlined in red (Doc Id 1747373) [↓](#)
- 2 Title Plan showing section of road to be stopped coloured in yellow (Doc Id 1747374) [↓](#)



5 Charles Street Westshore - Road Stopping Area outlined in red.

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7. LICENCE TO OCCUPY RESERVE - PARK ISLAND RESERVE - COMMUNICATION STATION

<i>Type of Report:</i>	Enter Significance of Report
<i>Legal Reference:</i>	Enter Legal Reference
<i>Document ID:</i>	1747243
<i>Reporting Officer/s & Unit:</i>	Bryan Faulknor, Manager Property Jason Tickner, Team Leader Parks, Reserves and Sportsgrounds

7.1 Purpose of Report

To seek Council's approval to grant a licence pursuant to Section 48A of the Reserves Act 1977 to Aotearoa Towers Group LP (ATG) to erect and operate a Telecommunication Station including a Tower on Park Island Sportsground.

Officer's Recommendation

The Sustainable Napier Committee:

- a. **Approve**, as administering body, the granting of a licence to occupy, pursuant to Section 48A of the Reserves Act 1977, to Aotearoa Towers Group LP (ATG) for the erecting and operation of a Telecommunication Station at Park Island Sportsground.
- b. **Approve**, in exercise of the Ministerial consent (under delegation from the Minister of Conservation) the granting of the above licence.
- c. **Approve** that the term of the licence be for 20 years.
- d. **Note** that in granting any lease Council is merely acting in its capacity as lessor and owner of the land. Any such approval shall not imply the consent of Council as a regulatory authority and thus the communication station is subject to all regulatory consents being obtained if required.

7.2 Background Summary

A Telecommunication facility has been located at the Park Island Sportsground site for 20 years without any issues.

The current Licence expires 29 June 2024.

The original Licence was with Vodafone with subsequent co location with Two Degrees.

An assignment has occurred for many of Vodafone's facilities (Including Park Island) to Aotearoa Towers Group LP (ATG).

Aotearoa Towers is planning to upgrade the current station and tower and requires certainty of tenancy before committing to the upgrade.

The location of the Telecommunication Station is just to the south of the Hockey Turfs as shown in **Attachment 1**.

7.3 Issues

The Park Island Sportsground is a Recreation Reserve pursuant to the Reserves Act 1977 and vested in Napier City Council.

Section 48A of the Act allows Council to grant a licence to any person for the use of a reserve to erect and maintain buildings, masts and other structures for the purposes of any station for the transmission, emission, or reception of any form of radio, electric, or electronic communication.

The Act further requires that Council is satisfied that the structures are necessary for the purposes of the station and that they cannot readily be provided outside the reserve.

With regards these considerations it is noted that the station and tower has been in the location of the proposed lease for 20 years with no issues experienced.

The station and tower are professionally designed and are required to obtain all necessary consents, therefore management is satisfied that the structures are necessary for the station.

They cannot readily be provided outside the reserve as the surrounding land is private.

Further the site provides the required tower elevation and network coverage.

In addition to the above, the Act requires Council to give public notice of the proposal to grant a licence, however this will not apply where:

- a) The reserve is not likely to be materially altered or permanently damaged; and
- b) The rights of the public in respect of the reserve are not likely to be permanently affected.

In considering the above it is noted that an existing station and tower have been in the location of the proposed lease for 20 years with no issues. The Park Island Reserve is sufficient in size that the Telecommunication Station would have negligible impact on the public's use of the Reserve.

It is considered therefore that the communication station will not materially or permanently damage the reserve and the rights of the public are not likely to be permanently affected and therefore no public notification is required.

7.4 Significance and Engagement

This matter does not trigger Council's Significance and Engagement Policy.

Matters relating to the requirement of public notification under the Reserves Act have been considered above.

7.5 Implications

Financial

Costs relating to the Station are met by Aotearoa Towers and a Licence Fee will be received by Council.

Social & Policy

N/A

Risk

N/A

7.6 Options

The options available to Council are as follows:

- a. Approve a new licence as outlined above.
- b. Decline to approve a new licence.

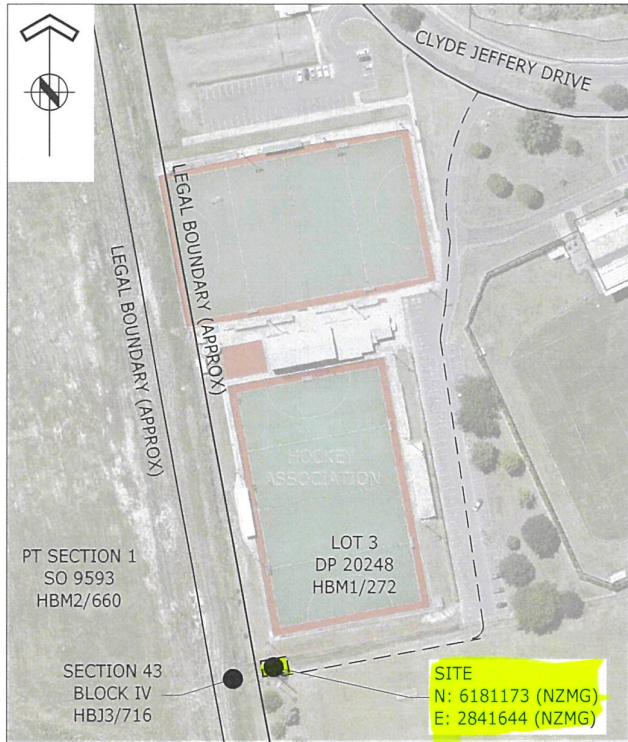
7.7 Development of Preferred Option

Option a. is the preferred option.

A Telecommunication Station has been on the site for 20 years. Such stations are required to provide, among other functions, cell phone coverage to the residents of Napier.

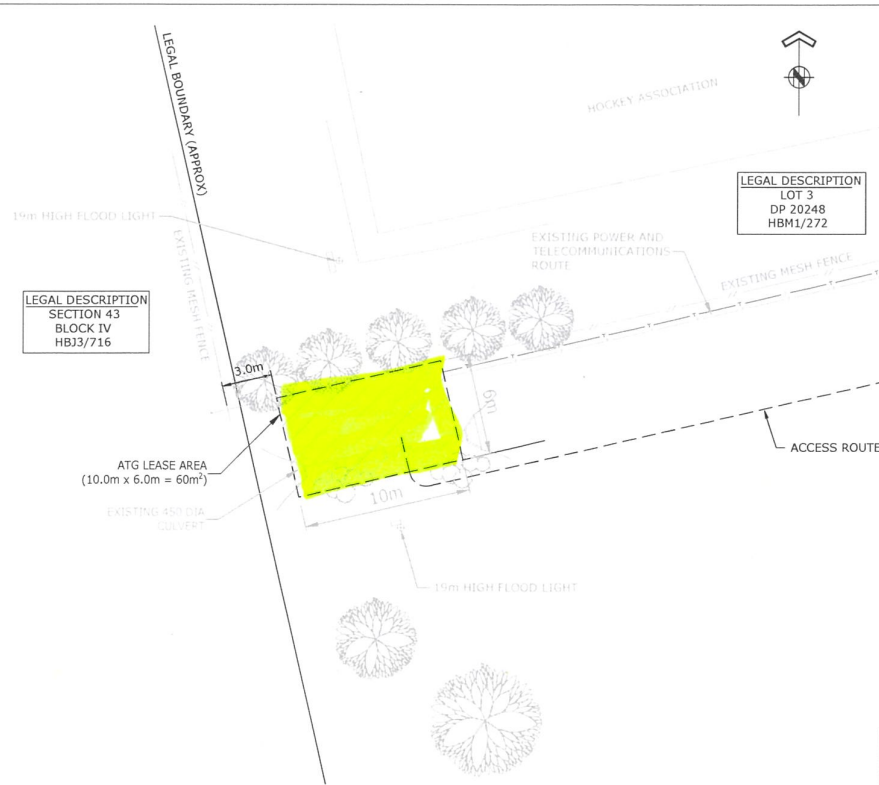
7.8 Attachments

- 1 Map showing location of Park Island Telecommunication Station and Tower (Doc Id 1747359) [↓](#)



LOCALITY MAP

SCALE: 1:2500



SITE LAYOUT PLAN

SCALE: 1:250

NOTES

- ACCESS TO SITE FROM EXISTING CARPARK OFF CLYDE JEFFERY DRIVE.
- LEGAL BOUNDARY SHOWN IS APPROXIMATE ONLY. VODAFONE TO CONFIRM SURVEY REQUIREMENT.
- ALL EXISTING SURFACES AND FEATURES SHALL BE FULLY REINSTATED TO THEIR ORIGINAL CONDITION.
- IT IS THE CONTRACTORS RESPONSIBILITY TO LOCATE AND PROTECT ALL EXISTING SERVICES IN THE VICINITY OF THE SITE (INCLUDING THOSE NOT NECESSARILY SHOWN) PRIOR TO COMMENCEMENT OF ANY WORKS ON SITE, SERVICES SHOWN ARE INDICATIVE ONLY.
- ROUTE TO BE CONFIRMED FOR POWER AND TELECOMMUNICATION ROUTE.
- REFER TO ONE NZ STANDARD SIGNS AS REQUIRED.
- THE WIDTH OF PROPOSED POWER, TELECOMMUNICATION AND ACCESS ROUTES SHOULD BE 3m WIDE.

ALL SERVICES PLANS HAVE NOT BEEN INCORPORATED IN THIS DRAWING.

LEGEND

- POWER
- TELECOMMUNICATIONS
- GAS
- WATER
- OVERHEAD POWER
- FIBRE OPTIC
- STORM WATER
- SEWER
- HIGH VOLTAGE POWER
- LEGAL BOUNDARY
- STORM WATER MANHOLE
- SEWER MANHOLE

	Drawn	NL	03.2023	Project	<p align="center">FORTY SOUTH TAMATEA (W1TMT) CLYDE JEFFERY DRIVE TAMATEA, NAPIER</p>	Drawing Title	EQUIPMENT LAYOUT		Status	LEASE	
	Designed	NL	03.2023				Site Code	Scale		W1TMT	AS SHOWN
	Checked	NL	03.2023				Site Type	Sheet Size		GREENFIELD	A3
	Approved	NL	03.2023				Drawing No.	Rev.		S-010-SP	1
1 FOR LEASE	NL	12.09.23	Checked	AS	03.2023	Approved	CD	03.2023	<p>CONFIDENTIAL DO NOT COPY</p> <p>A person using Fortysouth drawings and other data accepts the risk of: 1. Using the drawings and other data in an electronic form without requesting and checking them for accuracy against the original hard copy versions. 2. Using the drawings or other data for any purpose not agreed to in writing by Fortysouth.</p>		
REF REVISION DETAILS			BY	DATE							

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8. CAPITAL PROGRAMME DELIVERY

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1745232
<i>Reporting Officer/s & Unit:</i>	Jamie Goodsir, Acting Director Programme Delivery

1.1 Purpose of Report

To provide Council with information on the FY23/24 Capital Programme and initiatives underway to improve Capital Programme Delivery.

Officer's Recommendation

The Sustainable Napier Committee

- a. **Receive** the report titled "Capital Programme Delivery" dated 11 April 2024.

1.2 Background Summary

Situational update

Council had set the FY23/24 Capital Plan at \$75.9M, but this was subsequently revised to \$102.5M following carry-forwards.

The Three Waters Activity Group comprises over 50% of this spend, with Community Services and Transportation at 20% and 15% respectively.

Sustainable Napier Reports

With most parts of the business now undertaking projects in their own right, this report will focus on projects being undertaken in the Programme Delivery Team. **(Attachment 1)**.

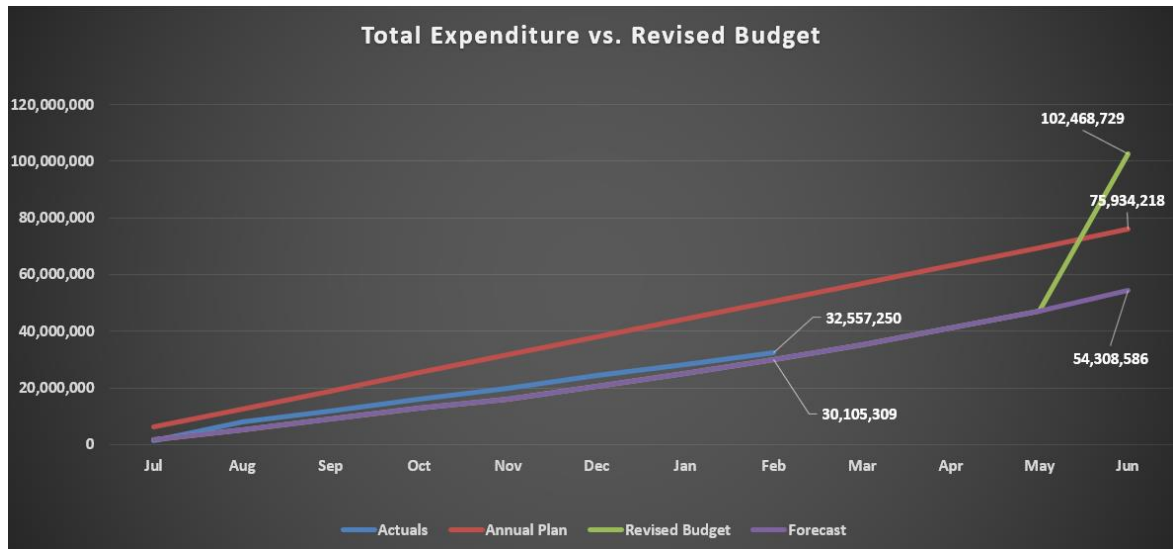
Capital Programme Summary

The Capital Programme spend for FY23/24 YTD February 2024, was \$32.6M.

This compares to the Revised Budget amount for the same period of \$30.1M.

The forecast FY23/24 year end spend is \$54.3M.

Please refer to the graph below.



The steep incline of the Revised Budget post May 2024 is due to asset owners scheduling some \$55M of work (54% of the total \$102.5M revised budget), from June 2024, indicating this work is unlikely to start this FY.

Projects going to Tender this reporting round.

The following projects are currently progressing through the tender phase:

- 24 Clyde Road Slip Remediation

Tenders in Evaluation Stage this reporting round.

The following projects are currently progressing through the evaluation phase:

- CPO firewall
- Accounts payable & E-invoicing
- Learning Management System

Contracts awarded this reporting round.

The following projects (total value of \$200,000) have successfully completed the procurement process:

- Anderson Park Stage 2 – Playground Design & Construction

Projects nearing / at completion this reporting round.

The following projects are nearing the completion of their construction phases:

- MCL 72 West Quay & 9 Customs Quay, Ahuriri (March 2024)
- Clyde Road Retaining Wall (March 2024)
- Hooker Avenue Slip Remediation (March 2024)
- Thompson Road Slip Remediation (April 2024)

1.3 Issues

Industry Capacity

The impact of Transportation Recovery East Coast (TREC), which includes Waka Kotahi, KiwiRail, Downer, Fulton Hogan and Higgins, on the local contracting scene, is yet to be determined.

Officers continue to recruit across multiple teams and use consultants via their Project Management and Design Services Panels to increase their capacity to deliver the capital programme.

Officers are also continuing to progress initiatives aimed at improving capital programme delivery, including an upgrade to Cycle and scheduling Cycle training, and commencing the preliminary stages of establishing an Enterprise Project Management Office (EPMO).

1.4 Implications

Financial

The financial performance of individual projects does not form part of this report.

Improving the accuracy of forecasting and the maturity of financial acumen across the business is a work in progress.

Risk

Significant project risks are reported to Council separately via the Audit and Risk Committee.

1.4 Options

This report is for information purposes only.

1.5 Development of Preferred Option

This report is for information purposes only.

8.6 Attachments

- 1 Capital Programme Update (Doc Id 1746782) [↓](#)

SYCLE PROJECT NUMBER	PROJECT NAME	ASSET DISCIPLINE	PROJECT UPDATE	COMPLETION DATE	FINANCIALS	SCHEDULE	REASON FOR RED OR AMBER STATUS	CURRENT PROGRAMMED BUDGET	COST TO DATE
100298	Western Hills Reservoir (Mission Estate - Emerald Hills)	3 Waters	Work on the reservoir is advancing, with the aim to get concept approval by April 2024. Upgrading the pump-to-Tirniuo reservoir line is waiting for permission from the owner and will be handled as a separate project. Mission Hills developers have picked out two potential locations for the reservoir, and evaluations of the land's geological characteristics are ongoing. Sharing the costs and getting approval for the plan is waiting for internal approval from NCC, with the goal of reaching an agreement between MHD and NCC by March 2024. The reservoir, which is part of MHD's stage 2 development, is planned to be finished by mid-2027. The process of hiring a consultant is currently being reviewed.	Feb-25				TBC	\$ 27,876.83
100460	Steps and Ramps (Onslow Steps)	Transportation	The retaining wall has been pushed back due to access via the resident's property. LDE is onsite now completing the Geotech testing. Geotechnical report due 2nd week of April. The design for the retaining wall is yet to be confirmed (depending on the Geotech report recommendation)	Jun-24			The requirement for an additional retaining wall to support the steps, as well as construction access constraints, have delayed this project.	\$ 560,000.00	\$ 368,747.24
100461	Parklands Area 4	Parklands	Earthworks - Council is working with a number of parties to secure access to silt from cyclone Gabriel. Civil Construction - TBC	Jun-28				\$ 1,000,000.00	\$ 328,471.00
100680	Pandora Industrial Main Renewal	Water Strategy	Mersey street section (Variation) cleaning has started, duration 2 weeks. This is the last section to be cleaned. Handover back to operations in due early April.	Jun-24				\$ 1,823,214.00	\$ 195,646.91
100748	Puketitiri Road Safety Improvements	Transportation	The bulk earthworks design has been approved by the Transport team. Procurement phase underway. Roading design concept with EA and continuing to progress. Chorus and Unison works have commenced.	2025				\$ 4,228,600.00	\$ 745,807.74
100787	Growth Emerald Hills (Mission Estate) : Wastewater	3 Waters	The project scope has been agreed, including milestones and phases in the schedule. The cost-sharing model has been reviewed and approved. The collective agreement is currently undergoing review with lawyers for final approvals.	Jul-32				TBC	\$ 7,161.33
100819	Growth Emerald Hills (Mission Estate) : Stormwater	3 Waters	The project scope and schedule have been established. ELT will review the proposed budget and provide feedback. Meanwhile, the sharing model has been updated and agreed, and the process of reviewing and approving the agreement is currently underway.	Jun-26				TBC	\$ 8,561.93
100856	Air Vents on Reservoirs	3 Waters	Costings and final designs provided to the Water team, some changes made to design waiting on final design, and budget.	TBC				TBC	\$ 32,569.89
100936	Lighthouse Rd Stormwater improvement	3 Waters	The staged design has been completed and sent for Engineering Approval. The budget for these works has not been established yet and is currently under consideration by the 3 Waters team.	TBC				TBC	\$ 20,914.30
100971	MCL 72 West Quay & 9 Customs Quay, Ahuriri	Transportation	Construction works progressing well, some service clashes nothing major, completion date of 21 March 2024.	Mar-24				\$ 949,500.00	\$ 486,213.07
100980	Thompson Road Slip Remediation	Transportation	Construction has started with undercutting old slip material with the wall construction following shortly thereafter.	Apr-24				\$ 160,000.00	\$ 8,476.96
100982	Clyde Road Retaining Wall	Transportation	Tender released on GET's closes 2nd week of April 2024	Mar-24				\$ 510,000.00	\$ 14,931.08
101001	Hooker Avenue Slip Remediation	Transportation	Main construction of the main wall is complete. Footpaths and fencing at top of wall complete. Road surfacing construction of the main wall is complete.	Mar-24				\$ 515,000.00	\$ 216,733.07
101039	Memorial Square Community Rooms Refurbishment		Consultant / contractor appointments underway. \$1.25M funding secured to date, \$0.91M additional funding required. Anticipated construction completion late 2024. It is now proposed to split the project into two phases, Seismic works (budget in place), remaining project works (some budget yet to be secured). ADT to attend 28 March 2024 Napier People and Places meeting.	Nov-24			ADT are currently undertaking the funding requests for their contribution to this project. Funding is therefore not confirmed at this time, so this presents a risk to both the financials and schedule.	\$ 1,600,000.00	\$ 24,917.45
101079	McLean Park refurbishment 2024	Parks Reserves and Sportsgrounds	Tender awarded to Mexted Contractors. Additional project funding being confirmed. Contract to start 8/4/2024 (after Tom Jones concert) and be completed in 4 weeks, then there will be a 12 week grow-in period ahead of NPC in August 2024.	Aug-24				\$ 354,400.00	\$ 38,771.32
101081	Petane Domain Carpark	Parks Reserves and Sportsgrounds	Sponsor confirmed to go with soak pit option due to budget constraints. Design and Drawings and engineers estimate 80% complete. Procurement Plan changed to lowest price, closed tender, 5 contractors. Aim to tender end of March for May Construction	Jun-24				\$ 400,000.00	\$ 15,181.35
101118	30 Herschel St Retaining Wall and Carpark	City Strategy	\$500k FY23/24 allocate to retaining wall. \$700k FY24/25 allocate to carpark. SW design and potholing to be undertaken. Retaining Wall - Structural Engineers Estimate received at \$571k for construction only. Discussions to be held with Parking to confirm budget carry over.	Jun-24				\$ 1,200,000.00	\$ 9,385.33
101124	Mission Hills Water Supply- Rising Main and Booster Pump Station	3 Waters	Scope under development. Schedule developed.	Feb-25				TBC	\$ 19,320.63

RECOMMENDATION TO EXCLUDE THE PUBLIC

That the public be excluded from the following parts of the proceedings of this meeting, namely:

AGENDA ITEMS

1. IAF - Maraenui to Te Awa, Property Acquisition
2. IAF - Maraenui to Te Awa, Preferred Option

The general subject of each matter to be considered while the public was excluded, the reasons for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution were as follows:

General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48(1) to the passing of this resolution.
1. IAF - Maraenui to Te Awa, Property Acquisition	<p>7(2)(h) Enable the local authority to carry out, without prejudice or disadvantage, commercial activities</p> <p>7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:</p> <p>(i) Where the local authority is named or specified in Schedule 1 of this Act, under section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p>
2. IAF - Maraenui to Te Awa, Preferred Option	<p>7(2)(b)(ii) Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>7(2)(h) Enable the local authority to carry out,</p>	<p>48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:</p> <p>(i) Where the local authority is named or specified in</p>

	<p>without prejudice or disadvantage, commercial activities</p> <p>7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>Schedule 1 of this Act, under section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p>
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SUSTAINABLE NAPIER COMMITTEE

Open Minutes

Meeting Date: Thursday 22 February 2024

Time: 9.30am – 9.45am (*Open*)
10.26am – 10.27am (*Open*)
10.29am – 11.10am (*Public Excluded*)

Venue Large Exhibition Hall
War Memorial Centre
Marine Parade
Napier

Livestreamed via Council's Facebook page

Present **Chair:** Councillor Price
Members: Mayor Wise, Deputy Mayor Brosnan, Councillors Browne, Crown, Greig, Mawson (Deputy Chair), McGrath, Simpson, Tareha and Taylor

In Attendance Chief Executive (Louise Miller)
Executive Director Infrastructure Services (Russell Bond)
Executive Director City Strategy (Rachael Bailey)
Manager Communications and Marketing (Julia Atkinson)
3 Waters Programme Manager (Andrew Lebioda)
Consultant - Simon Aitken, Tonkin and Taylor

Administration Governance Advisor (Carolyn Hunt)

SUSTAINABLE NAPIER COMMITTEE – Open Minutes

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ORDER OF BUSINESS

Karakia

The meeting opened with the Council karakia.

Apologies

Councillors Crown / Tareha

That the apologies for absence from Councillors Boag and Chrystal be accepted.

Carried

Coralee Thompson and Tiwana Aranui, Ngā Mānukanuka o te Iwi representatives, were absent from the meeting.

Conflicts of interest

Nil

Public forum

Nil

Announcements by the Mayor

Nil

Announcements by the Chairperson

Nil

Announcements by the management

Nil

Confirmation of minutes

Councillors Greig / Taylor

That the Minutes of the meeting held on 21 September 2023 were taken as a true and accurate record of the meeting.

Carried

AGENDA ITEMS

1. CAPITAL PROGRAMME DELIVERY

Type of Report: Information

Legal Reference: N/A

Document ID: 1733197

Reporting Officer/s & Unit: Jamie Goodsir, Acting Director Programme Delivery

1.1 Purpose of Report

To provide Council with information on the FY23/24 Capital Programme and initiatives underway to improve Capital Programme Delivery.

At the meeting

The Executive Director Infrastructure Services, Mr Bond took the report as read, responded to questions, and displayed a powerpoint presentation. (Doc Id 1736161)

In response to questions the following was clarified:

- Major excavation is currently taking place in Church Road next to the Somerset Retirement Village is part of the stormwater network project. A detention pond structure is being installed.
- On the opposite side of the Mission Development, due to some roading decisions, the residual land will require zoning and designation with timeframes for this to be reported back to the Committee.
- During investigation of the Onslow Steps ground conditions it was discovered that the ground was more unstable than was originally thought. There is now a requirement for

an additional retaining wall to support the steps to be designed and installed., Access constraints are creating delays to this project.

- Officers will arrange for a letter drop to update residents and the community on the progress of the Onslow Steps project.
- In regard to the Memorial Square Community rooms refurbishment the Art Deco Trust are currently undertaking funding requests for their contribution to this project. Funding is therefore not confirmed at this time, presenting a risk to both the financials and schedule. A concern for the project team is that the key risks are managed and monitored, and that no more money is requested from Council over the agreed amount.
- Consultants are used in capital programme delivery for their unique skill set that most Councils would not require, or could afford to remunerate, on a fulltime basis.
- It was requested at the meeting that officers continue to include in the report TREC (Transportation Recovery East Coast) in relation to the rebuild of the region and marketing constraints.

A briefing from the Mission Hills development will be made to the Taradale Residents Association on Tuesday, 27 February 2024 at 7.00pm in the Taradale Town Hall for anyone interested in the development.

COMMITTEE Councillors Browne / Mawson

RESOLUTION

The Sustainable Napier Committee

- a) **Receive** the report titled “Capital Programme Delivery” dated 22 February 2024.

ACTIONS:

- 1) Officers to provide timeframes for the zoning and designation for the residual land, opposite Mission Hills development.
- 2) Officers to organise a letter for the residents originally consulted with in regard to an update on the work for Onslow Road steps.
- 3) Art Deco Trust Working Group to present to Council to update on funding progress for the refurbishment of the Clive Memorial Rooms.
- 4) Officers to report back on the zone and designation timeframes for the the Mission Development residual land.

Carried

Minor matters

There were no minor matters.

The meeting adjourned at 9.43am and reconvened 10.26am

RESOLUTION TO EXCLUDE THE PUBLIC

Deputy May Brosnan / Councillor Crown

- a) That the public be excluded from the following parts of the proceedings of this meeting, namely:
- IAF - Maraenui to Te Awa Stormwater Improvements Project Update
- b) That Simon Aiken of Tonkin and Taylor, be permitted to remain in the Public Excluded session for Item 1 – IAF - Maraenui to Te Awa Stormwater Improvements Project Update, for his expertise on this matter.

Carried

The general subject of each matter to be considered while the public was excluded, the reasons for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution were as follows:

General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48(1) to the passing of this resolution.
1. IAF - Maraenui to Te Awa Stormwater Improvements Project Update	<p>7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p> <p>7(2)(j) Prevent the disclosure or use of official information for improper gain or improper advantage</p>	<p>48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:</p> <p>(i) Where the local authority is named or specified in Schedule 1 of this Act, under section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p>

The meeting adjourned at 10.27am and reconvened in Public Excluded at 10.29am

The meeting closed with a karakia at 11.10am

Approved and adopted as a true and accurate record of the meeting.

Chairperson

Date of approval