

Notice of Meeting:

I hereby give notice that an ordinary Meeting of the Infrastructure Operations Committee will be held on:

Date: Tuesday 23 February 2021
Time: 9.30am
Meeting Room: Council Chamber and Audio-visual Link
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Infrastructure Operations Committee

Komiti Hanganga

OPEN AGENDA

Membership

Chairperson Cr A O’Leary
Heamana

Deputy Chairperson Cr M Gallagher
Heamana Tuarua

Members	Mayor P Southgate	Cr K Naidoo-Rauf
	Deputy Mayor G Taylor	Cr R Pascoe
	Cr M Bunting	Cr S Thomson
	Cr M Forsyth	Cr M van Oosten
	Cr R Hamilton	Cr E Wilson
	Cr D Macpherson	Maangai N Hill

Quorum: A majority of members (including vacancies)

Meeting Frequency: Six weekly

Becca Brooke
Governance Manager
Menetia Mana Whakahaere

15 February 2021

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Purpose

The Infrastructure Operations Committee is responsible for:

1. The execution of Council's infrastructure and operational plans and strategies across all asset classes.
2. To monitor and approve contracts relating to core infrastructure and provision of services.
3. To monitor and approve deferred capital relating to core infrastructure and provision of services.
4. Guiding and monitoring the provision of core infrastructure and services in particular relating to transport (including but not limited to public transport and cycleways), 3 waters and waste management, to meet the current and future needs of the city and to enhance the wellbeing of its communities.
5. Facilitating community and stakeholder involvement and discussion on core infrastructure provision and services.
6. Guiding discussion and implementation of innovative core infrastructure and service provision solutions.
7. To ensure that all infrastructure networks and service provisions are legally compliant and operate within resource consent limits.

In addition to the common delegations, the Infrastructure Operations Committee is delegated the following Terms of Reference and powers:

Terms of Reference:

1. To provide direction on strategic priorities and resourcing for core infrastructure aligned to city development and oversight of operational projects and services associated with those activities.
2. To develop policy, approve core-infrastructure related operational strategies and plans and monitor their implementation.
3. To receive and consider presentations and reports from stakeholders, government departments, organizations and interest groups on core infrastructure and associated services and wellbeing issues and opportunities.
4. To provide direction regarding Council's involvement in regional alliances, plans, initiatives and forums for joint infrastructure and shared services (for example Regional Transport Committee).
5. To monitor and oversee the delivery of Councils non-financial performance and non-financial key projects against the Long Term Plan, excluding key performance indicator reporting which is the responsibility of Finance Committee.

The Committee is delegated the following powers to act:

- Approval of capital expenditure within the Long Term Plan or Annual Plan that exceeds the Chief Executive's delegation, excluding expenditure which:
 - contravenes the Council's Financial Strategy; or
 - significantly alters any level of service outlined in the applicable Long Term Plan or Annual Plan; or
 - impacts Council policy or practice, in which case the delegation is recommendatory only and the Committee may make a recommendation to the Council for approval.

- Approval of any proposal to stop any road, including hearing and considering any written objections on such matters.
- Approval of purchase or disposal of land for core infrastructure for works and other purposes within this Committee's area of responsibility that exceed the Chief Executives delegation and is in accordance with the Annual Plan or Long Term Plan.

The Committee is delegated the following recommendatory powers:

- Approval of additional borrowing to Finance Committee.
- The Committee may make recommendations to Council and other Committees

Recommendatory Oversight of Policies and Bylaws:

- *Connections and Charging Policy for Three Waters Policy*
- *Earthquake-Prone, Dangerous & Insanitary Buildings Policy*
- *Seismic Performance of Buildings Policy*
- *Speed Limits Bylaw 2015*
- *Streetscape Beautification and Verge Maintenance Policy*
- *Traffic Bylaw 2015*
- *Solid Waste Bylaw 2012*
- *Stormwater Bylaw 2015*
- *Trade Waste and Wastewater Bylaw 2016*
- *Water Supply Bylaw 2013*

ITEM	TABLE OF CONTENTS	PAGE
1	Apologies – <i>Tono aroha</i>	5
2	Confirmation of Agenda – <i>Whakatau raarangi take</i>	5
3	Declarations of Interest – <i>Tauaakii whaipaanga</i>	5
4	Public Forum – <i>Aatea koorero</i>	5
5	Confirmation of the Infrastructure Operations Committee Open Minutes - 19 November 2020	6
6	Chair's Report	16
7	Waka Kotahi NZ Transport Agency Update	18
8	Waikato Regional Council - Public Transport Update	19
9	Easement - 103 Cambridge Road	20
10	Brymer Road Urban Upgrade - Macroscopic Approval	30
11	Hamilton City Council's Draft Submission to the Health Select Committee on The Water Services Bill	43
12	Approval of Hamilton City Council's Draft 2 submission to Waka Kotahi Draft National Parking Management Guidance	97
13	Approval of Hamilton City Council Submission on Land Transport (Drug Driving) Amendment Bill	105
14	External Committees Updates	111
15	Water Reform Stimulus Delivery Update	119
16	Infrastructure Operations General Managers Report	135
17	Recommendations from the Strategic Growth Committee	163
18	Resolution to Exclude the Public	164

1 Apologies – *Tono aroha*

2 Confirmation of Agenda – *Whakatau raarangi take*

The Committee to confirm the agenda.

3 Declaration of Interest – *Tauaakii whaipanga*

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

4 Public Forum – *Aatea koorero*

As per Hamilton City Council's Standing Orders, a period of up to 30 minutes has been set aside for a public forum. Each speaker during the public forum section of this meeting may speak for five minutes or longer at the discretion of the Chair.

Please note that the public forum is to be confined to those items falling within the terms of the reference of this meeting.

Speakers will be put on a Public Forum speaking list on a first come first served basis in the Council Chamber prior to the start of the Meeting. A member of the Council Governance Team will be available to co-ordinate this. As many speakers as possible will be heard within the allocated time.

If you have any questions regarding Public Forum please contact Governance by telephoning 07 838 6727.

Council Report

Item 5

Committee: Infrastructure Operations Committee

Date: 23 February 2021

Author: Narelle Waite

Authoriser: Becca Brooke

Position: Governance Advisor

Position: Governance Manager

Report Name: Confirmation of the Infrastructure Operations Committee Open Minutes - 19 November 2020

Report Status	Open
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Staff Recommendation - *Tuutohu-aa-kaimahi*

That the Infrastructure Operations Committee confirm the Open Minutes of the Infrastructure Operations Committee Meeting held on 19 November 2020 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Infrastructure Operations Committee Open Minutes - 19 November 2020

Infrastructure Operations Committee

Komiti Hanganga

OPEN MINUTES

Minutes of a meeting of the Infrastructure Operations Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton and Audio-visual Link on Thursday 19 November 2020 at 9.31am.

PRESENT

Chairperson Cr A O'Leary
Heamana

Deputy Chairperson Cr M Gallagher
Heamana Tuarua

Members Mayor P Southgate (Audio-visual Link)
Deputy Mayor G Taylor
Cr M Bunting
Cr M Forsyth (Audio-visual Link)
Cr R Hamilton
Cr D Macpherson
Cr R Pascoe
Cr S Thomson
Cr M van Oosten
Cr E Wilson
Maangai N Hill

Attendees Eva-Liisa Wright – General Manager Infrastructure Operations
Chris Allen – General Manager Development
Jason Harrison – Unit Manager City Transportation
Chris Barton – Capital Projects Manager
Maire Porter – City Waters Manager
Trent Fowles – Compliance Manager City Waters
John Purcell – Parking Team Leader
Lauradanna Radesic – Team Leader Great River City Communications
Tania Hermann – Business Manager Infrastructure Operations
Bec Larianova – Rubbish and Recycling Coordinator
Scott Copeland – Contract Manager Rubbish and Recycling
Jared Hatwell – Project Manager Compliance
Jo Bootten – Regulatory Compliance Officer
Jordyn Stuart – Resource Recovery Coordinator
Kirsty Quickfall – Resource Recovery Advisor
Poppy Barran – Resource Recovery Co-ordinator
Frances Cox-Wright – Policy and Bylaw Lead
Leigh Cornes – Project Engineer Capital Projects Unit
Gina Ryan – Communications Advisor

Hamish Utteridge – Communication and Engagement Advisor
 Rebecca Robinson – Communication & Engagement Advisor (Audio-visual Link)
 Jeanette Tyrrell – Mayor's Press Advisor (Audio-visual Link)

Governance Staff Amy Viggers – Governance Team Leader
 Narelle Waite and Tyler Gaukrodger – Governance Advisors

1. **Apologies – *Tono aroha***
Resolved: (Cr O'Leary/Cr Pascoe)
 That the apologies for absence from Cr Naidoo-Rauf, for lateness from Maangai Hill, for early departure from Cr Bunting (Council business), and for partial attendance from Mayor Southgate, Cr Pascoe and Cr van Oosten are accepted.
2. **Confirmation of Agenda – *Whakatau raarangi take***
Resolved: (Cr O'Leary/Cr Hamilton)
 That the agenda is confirmed noting the following:
 - a) There will be a break taken to celebrate the Rubbish and Recycling Service roll-out after Item 7 (Rubbish and Recycling Service – Debrief of roll-out);
 - b) Item C2 (Arthur Porter Drive Rehabilitation Update) is to be taken at 1.45pm to accommodate presenter availability; and
 - c) Item C3 (Rubbish and Recycling Service – Debrief of rollout (Public Excluded)) to be taken at 2.15pm to accommodate presenter availability.
3. **Declarations of Interest – *Tauaakii whaipanga***
 No members of the Council declared a Conflict of Interest.
4. **Public Forum – *Aatea koorero***
 No members of the public wished to speak. A written submission from Foodstuffs North Island Limited regarding Item C7 (Wairere Drive - Proposal for Speed Limit Reduction) is attached as **Appendix 1**.
5. **Confirmation of the Open Infrastructure Operations Committee Minutes - 8 October 2020**
Resolved: (Cr Wilson/Cr Bunting)
 That the Infrastructure Operations Committee confirm the open minutes of the Infrastructure Operations Committee Meeting held on 8 October 2020 as a true and correct record.
6. **Chair's Report**

The Chair spoke to her report noting the Road to Zero Action Areas (**attachment 1** of the Chair's Report) and gave a verbal update on the Water NZ Conference she and Cr Pascoe recently attended. She also thanked the Rubbish and Recycling Service team for their efforts conducting the service's recent roll-out. She responded to questions from Members regarding Vision Zero and traffic volume.

Resolved: (Cr O'Leary/Cr Gallagher)
 That the Infrastructure Operations Committee receives the report.
7. **Rubbish and Recycling Service - Debrief of roll-out**

The Compliance Manager, City Waters introduced his report noting the efforts of the Rubbish and Recycling Service team. He responded to questions from Members regarding opting-out by organisations, service levels, construction waste, illegal dumping, levies, event waste, recycling bins, recyclable plastics and accessibility.

Staff Action: Staff undertook to coordinate a visit for Members to the Material Recovery Facility in Te Rapa.

Resolved: (Cr O’Leary/Mayor Southgate)
That the Infrastructure Operations Committee receives the report.

Maangai Hill joined the meeting (10.36am) during discussion of the above item. He was present when the matter was voted on.

Mayor Southgate left the meeting (10.47am) during discussion of the above item. She was not present when the matter was voted on.

The meeting adjourned from 11.01am to 11.23am.

8. Korikori Green Proposal to Declare a Pedestrian Mall

The Unit Manager City Transportation took the report as read and responded to questions from Members regarding emergency vehicle access, capital and operational costings.

Resolved: (Cr Macpherson/Cr Wilson)

That the Infrastructure Committee:

- a) receives the report;
- b) approves **Option Three** (outlined in the staff report) - Declare a section of Korikori Green a Pedestrian Mall;
- c) approves the draft Statement of Proposal document for declaring a section of Korikori Green a Pedestrian Mall for consultation under Section 83 of the Local Government Act 2000;
- d) approves public consultation from 26 January 2021 to 28 February 2021 on the draft Statement of Proposal (**Attachment 1 of the staff report**) to declare a section of Korikori Green a Pedestrian Mall; and
- e) notes that the results of the public consultation will be presented to the Hearings and Engagement Committee tentatively scheduled for 24 March 2021.

9. Transport Minor Improvements Approved Contract Sum Increase

The Capital Projects Manager introduced the report noting the recommendation is operational and requires no financial increase.

Resolved: (Cr O’Leary/Deputy Mayor Taylor)

That the Infrastructure Operations Committee:

- a) receives the report; and
- b) approves an increase of \$2,000,000 to the Approved Contract Sum of existing Contract 18143 with Base Civil Ltd. for delivery of a programme of transport network improvements from \$10,500,000 to \$12,500,000.

10. Commuter Parking - On Street

The Unit Manager City Transportation and the Parking Team Leader introduced the report noting the current project stage and the planned engagement process. They responded to questions from Members regarding the parking catchments plans, revenue, parking enforcement, operational costs, mode-shift, parking permits and event parking.

Resolved: (Cr Thomson/Cr O’Leary)

That the Infrastructure Operations Committee:

- a) receives the report;
- b) approves the deployment of on-street commuter parking zones via a phased approach to deliver 85% occupancy per zone as outlined in the staff report.
- c) notes that staff will report back to the February 2021 Infrastructure Operations Committee setting out the proposed commuter parking zone fees and charges to be recommended to Council for approval;
- d) notes that commuter parking zones will be monitored, and that price adjustments and additional commuter zones will be made to deliver an average occupancy of 85% per zone; and
- e) notes that the above approval of the commuter parking zones will be sought from the Hearings and Engagement Committee as per the process outlined in the Hamilton Traffic Bylaw; with the inclusion of Elected Member feedback sought at a workshop, discussing the detail of the parking zones, held in advance of the Hearings and Engagement Committee meeting.

Cr Pascoe left the meeting (11.59am) during discussion of the above item. He was not present when the matter was voted on.

11. Three Waters Regulatory Compliance Update

The Compliance Manager took the report as read.

Resolved: (Cr Wilson/Cr Bunting)

That the Infrastructure Operations Committee:

- a) receives the report;
- b) notes that full compliance was achieved with the Drinking Water Standards for New Zealand 2005 (Revised 2018) and that Council met all its duties under the Health Act 1956 for the period 1 July 2019 and 30 June 2020; and
- c) notes that a high level of compliance was achieved for the Pukete Wastewater Treatment Plant site resource consents for the period 1 July 2019 and 30 June 2020.

12. Infrastructure Operations General Managers Report

The General Manager Infrastructure Operations introduced her report and noted the Infrastructure New Zealand Excellence in Social Impact Award presented to Hamilton City Council for the Te Awa Cycleways project. Members asked questions regarding innovating streets, Hamilton Transport Centre rejuvenation project, the biking and micro-mobility engagement process and the Eastern Pathways business case.

Resolved: (Cr van Oosten/Cr Bunting)

That the Infrastructure Operations Committee:

- a) receives the report; and
- b) approves the deferral of the report for the review of fees and charges as requested by Lime NZ, for their Personal Hire (Transport) Device permit, to the Council meeting of 8 December 2020.

Cr Pascoe re-joined the meeting (12.51pm) at the conclusion of the above item. He was not present when the matter was voted on.

Deputy Mayor Taylor left the meeting (12.51) at the conclusion of the above item. He was present when the matter was voted on.

13. External Committees Updates

The Council's representatives on the Waikato Regional Council – Regional Transport Committee (RTC) provided an overview of the previous workshop and noted conflicting ideologies between the Councils represented on the RTC.

The Council's representatives on the Waikato Regional Council – Regional Connections Committee (RCC) provided an overview of the previous meeting, noting the Bee Card and the resolution of the Committee regarding bus fare for disability support persons.

The Council's representative on the Waikato Regional Council – Start-up Passenger Rail provided an update, noting recent project outcomes and timings. The General Manager Development provided an update on the progress of the Rotokauri Transport Hub.

Resolved: (Cr Gallagher/Cr Wilson)

That the Infrastructure Operations Committee:

- a) receives the report; and
- b) that Mayor Southgate, Crs Wilson, Pascoe and Macpherson engage with the Minister for Transport with the regard to Start-up Passenger Rail.

Mayor Southgate re-joined the meeting (1.23pm) during discussion of the above item. She was present when the matter was voted on.

Deputy Mayor Taylor re-joined the meeting (1.28pm) at the conclusion of the above item. He was not present when the matter was voted on.

14. Resolution to Exclude the Public

Resolved: (Cr O'Leary/Cr Thomson)

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject of each matter to be considered while the public is excluded, the reason 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 follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Public Excluded Infrastructure Operations Committee Minutes - 8 October 2020) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987)	Section 48(1)(a)

- C2. Arthur Porter Drive Rehabilitation Update
- C3. Rubbish and Recycling Service - Debrief of roll-out (Public Excluded)
- C4. Rubbish and Recycling Contract
- C5. Application to Increase Water Service to Individual Out of District Property
- C6. Waiora 2 Water Treatment Plant Upgrade - Contract Award
- C7. Wairere Drive - Proposal for Speed Limit Reduction

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item C1.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to avoid the unreasonably, likely prejudice to the commercial position of a person who supplied or is the subject of the information to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (b) (ii) Section 7 (2) (h)
Item C3.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
Item C4.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
Item C5.	to avoid the unreasonably, likely prejudice to the commercial position of a person who supplied or is the subject of the information	Section 7 (2) (b) (ii)
Item C6.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h) Section 7 (2) (i)
Item C7.	to enable Council to carry out negotiations	Section 7 (2) (i)

The meeting went to public excluded at 1.31pm.

The meeting was declared closed at 4.35pm.



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Appendix 1

17 November 2020

Infrastructure Operations Committee
Hamilton City Council
Attn: Narelle Waite – Governance Advisor

By email

Dear Narelle,

Wairere Drive – Proposal for Speed Limit Reduction

This submission has been prepared on behalf of Foodstuffs North Island Limited (“Foodstuffs”) in respect of the proposed speed limit reduction along Wairere Drive, between the intersection of Pukete Road and Te Rapa Road, from the current maximum of 80km/hr to 60km/hr.

By way of background, this proposed speed limit reduction initiated by Foodstuffs is the associated with the resource consent granted for the construction and operation of a Pak’nSave supermarket and ancillary fuel facility with all other enabling works at 980 Te Rapa Road, Hamilton (“the Site”). It forms part of a comprehensive suite of traffic mitigation measures for the approved supermarket development which are required by the conditions of consent. These conditions were formulated and refined following an extensive caucusing process between traffic experts for the Council and Foodstuffs as part of the public hearing process and it was agreed amongst all traffic experts.

Specifically, Condition 48 requires the following:

Prior to the start of construction of the supermarket, but without limiting the prior carrying out of Enabling Works, the proposal to reduce the speed limit on Wairere Drive between the Pukete Road and Te Rapa Road intersections to a maximum of 60km/hr shall be confirmed by Hamilton City Council in accordance with the Hamilton City Speed Limit Bylaw.

Condition 49 also requires the following:

Prior to the operation of the supermarket the posted speed limit on Wairere Drive between the Pukete Road and Te Rapa Road intersections shall be a maximum of 60km/hr.

In a planning context, these ‘condition precedents’ effectively require the speed limit along Wairere Drive to be a maximum of 60km/hr before the resource consent for construction of the supermarket can be implemented and before it can commence operations.

While it is acknowledged that Foodstuffs is reliant upon on this speed limit reduction in order to give effect to their resource consent, we also highlight that there are a range of positive effects on the environment as a result of implementing this consent which extends beyond Foodstuffs being able to exercise their consent. This includes:



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1. *Employment Generation:* For this supermarket store format and size, Foodstuffs are projected to employ an average of 150 part-time and full-time staff for daily operations. This does not include employment numbers that would also be generated in the construction sector for the supermarket build which would also be substantial and warmly welcomed in the current economic climate. In this respect, the proposal will have the positive effect of providing substantial local employment opportunities and reinforce the positive socio-economic effects on the environment.
2. *Essential Service:* The recent nationwide lockdown in response to the Covid-19 pandemic highlighted the importance of supermarkets as an 'essential service'. This recognition and endorsement at the central government level highlights that supermarkets around the country are needed to be well-prepared to continue to look after all New Zealanders and ensure they have access to the grocery essentials they need. This development will add to the number of supermarkets in the Waikato region and, once constructed and operational, will add to the selection of essential services in the wider Waikato area.
3. *Sub-regional Economic Benefits:* Expert analysis supports the conclusion that The Base, as a sub-regional centre in the same catchment of the supermarket, will experience positive net economic effects from the development. This is because the market will have better access to food retailing sector store types, a broader offering and greater choice that will attract more people to the centre. In effect, this development will reinforce and enhance the vitality and function of this sub-regional centre to generate positive socio-economic effects on the environment which includes people and communities.
4. *Wider Transport Network Improvements:* The speed limit reduction will complement the installation of a traffic signal control at the Wairere Drive/Karewa Place intersection to provide for a right-turn movement from Wairere Drive into Karewa Place, this being a movement that is not possible under the current intersection layout. The extensive traffic modelling undertaken demonstrates that this will provide significant relief to the above two critical right turn movements, providing benefit not only in terms of satisfactorily accommodating the traffic that will be generated by the proposed PAK'nSAVE development, but also in terms of the various other developments that will be occurring along the Karewa Place-Maui Street corridor. Traffic experts for the Council agreed with this conclusion whereby evidence presented at the resource consent hearing stated the following:

The performance of the right turns from Wairere Drive to Te Rapa Road and Te Rapa Road to Eagle Way reduces significantly with PAK'nSAVE traffic added. The addition of a signalised right turn from Wairere Drive to Karewa Place not only mitigates the effects of the proposed PAK'nSAVE, it provides a network wide benefit by relieving northbound flow demands on Te Rapa Road from Wairere Drive. The result is significant reductions in delay and queuing on Wairere Drive and Te Rapa Road.

For these reasons, it is considered that giving effect to this approved resource consent, which would be enabled by approving the proposed speed limit reduction along Wairere Drive, will unlock and deliver

these positive effects on the environment particularly for this Te Rapa catchment being a significant growth node of Hamilton.

Foodstuffs requests for the Infrastructure Operations Committee to take into account these wider benefits that is expected to be successfully delivered and facilitated by giving effect to this resource consent which, to a large extent, is dependent on Hamilton City Council confirming the speed limit reduction on Wairere Drive to 60km/hr. It is emphasised that extensive traffic modelling and caucusing among highly experienced traffic engineers have thoroughly considered this speed reduction and all traffic experts have unanimously agreed that this an acceptable and endorsed outcome for this road environment. It is therefore Foodstuffs overall request that this proposed speed limit reduction is approved by the Committee.

Yours Faithfully

Foodstuffs North Island Limited

Sam Goddard

Development Manager

Council Report

Item 6

Committee: Infrastructure Operations Committee

Date: 23 February 2021

Author: Narelle Waite

Authoriser: Becca Brooke

Position: Governance Advisor

Position: Governance Manager

Report Name: Chair's Report

Report Status	<i>Open</i>
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Recommendation - *Tuutohu*

That the Infrastructure Operations Committee receives the report.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Chair's Report - 19 February 2021



Chair's Report

Item 6

Welcome back

A warm welcome back Committee members and staff to the first meeting of 2021, I look forward to a productive and busy year.

Infrastructure Operations Group Celebrations & Awards Event, 16 December 2020

The Mayor, Deputy Chair Councillor Gallagher and I had the pleasure of attending the infrastructure team's long service and awards event in December last year.

Success was celebrated to recognise outstanding achievements within the group as well as long service.

It was clear the entire team are dedicated and passionate about their work that is vital in keeping our city moving and our residents safe.

This was the first event of its kind and I congratulate all the team and the General Manager for a great morning. I look forward to many more.



Attachment 1

Councillor Angela O'Leary
Chairperson, Infrastructure Operations

Council Report

Item 7

Committee: Infrastructure Operations Committee

Date: 23 February 2021

Author: Robyn Denton

Authoriser: Eeva-Liisa Wright

Position: Network Operations and Use Leader

Position: General Manager
Infrastructure Operations

Report Name: Waka Kotahi NZ Transport Agency Update

Report Status	Open
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Purpose - *Take*

1. To inform the Infrastructure Operations Committee about Waka Kotahi NZ Transport Agency (Waka Kotahi) activities in the greater Hamilton area via a verbal update from Waka Kotahi staff.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Infrastructure Operations Committee:
 - a) receives the verbal report; and
 - b) thanks Waka Kotahi NZ Transport Agency for their update.

Attachments

There are no attachments for this report.

Council Report

Item 8

Committee: Infrastructure Operations Committee

Date: 23 February 2021

Author: Robyn Denton

Authoriser: Eeva-Liisa Wright

Position: Network Operations and Use Leader

Position: General Manager
Infrastructure Operations

Report Name: Waikato Regional Council - Public Transport Update

Report Status	<i>Open</i>
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Purpose - *Take*

1. To inform the Infrastructure Operations Committee about Waikato Regional Council (WRC) Public Transport activities in the greater Hamilton area via a verbal update from WRC staff.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Infrastructure Operations Committee:
 - a) receives the verbal report; and
 - b) thanks Waikato Regional Council for their update.

Attachments

There are no attachments for this report.

Council Report

Committee: Infrastructure Operations Committee
Date: 23 February 2021
Author: Trevor Harris
Authoriser: Eeva-Liisa Wright
Position: Property Officer Acquisitions Disposal
Position: General Manager Infrastructure Operations
Report Name: Easement - 103 Cambridge Road

Report Status	<i>Open</i>
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Purpose - *Take*

1. To seek approval from the Infrastructure Operations Committee of a replacement easement for vehicle access to 103 Cambridge Road and Council Fee Simple land.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Infrastructure Operations Committee:
 - a) receives the report;
 - b) approves discharge of the existing easement registered as Transfer S3500 on Record of Titles for 103 Cambridge Road (SA13C/1110) and for Council land (SA966/209);
 - c) approves a new easement to allow shared vehicle access to Council land and all of 103 Cambridge Road (Lot 1 DPS 12064), as shown in **Attachment 2** of the staff report;
 - d) delegates authority to the Chief Executive to negotiate the new easement and sign all documentation relating to the discharge and registration of the easements;
 - e) notes that the easement areas for the replacement easement are to remain the same as those shown on survey plan DPS 12064 (**Attachment 1** of the staff report); and
 - f) notes that all costs related to the existing and replacement easements, including Council's incurred costs, are the responsibility of the property owner for 103 Cambridge Road.

Executive Summary - *Whakaraapopototanga matua*

3. The owner of 103 Cambridge Road has applied to Council to replace the existing right of way easement, which was registered in 1950.
4. The existing easement provides:
 - Council with vehicle access to its fee simple land by utilising access over part of 103 Cambridge Road land; and
 - 103 Cambridge Road with vehicle access to part, but not all, of its property by utilising part of Council's fee simple land.
5. Since the easement was registered, additional land has been included in 103 Cambridge Road that the easement does not legally provide vehicle access to.

6. It is proposed that the replacement easement, if granted, will:
 - use the same areas as that for the existing easement;
 - enable vehicle access to all of 103 Cambridge Road; and
 - continue to provide Council vehicle access to its land.
7. Staff do not have delegated authority to approve this easement request; therefore, this report seeks the Infrastructure Operations Committee's approval.
8. Staff consider the matters in this report have low significance and that the recommendations comply with Council's legal requirements.

Background - *Koorero whaimaarama*

9. An application has been received from the owner of 103 Cambridge Road for the existing easement, registered in 1950, to be amended to include all the land now legally described as Lot 1 DPS 12064.
10. The current owner is proposing to develop town houses on the property, which will require a land use consent and a building consent from Council.

Current Easement

11. The existing right of way easement provides for 103 Cambridge Road and Council to have rights of access over each other's land for vehicle access to their respective properties. Refer **Attachment 1** for the separate easement areas and **Attachment 2** (page 2, red outline) indicating all the easement area.
12. The easement was registered on the relevant titles in 1950 as reference 'Transfer S3500': SA966/209 (Council land) and SA969/274 (now cancelled Title for 103 Cambridge Road).
13. A survey plan (DPS 12064) was approved by Land Information NZ in 1967 for subdivision of 101 Cambridge Road (Title SA992/229) and the area shaded orange on Attachment 2 was included in the new Title issued for 103 Cambridge Road (SA13C/1110).
14. The easement was transferred to the Record of Title SA13C/1110 upon it being issued. It also remained registered on the Record of Title for Council land (SA966/209). Refer **Attachment 3** for copy of the Record of Titles.
15. As the existing easement was granted in 1950, this does not allow vehicle access to the additional land (shaded orange in **Attachment 2**), which is now included as part of 103 Cambridge Road, legally described as Lot 1 DPS 12064.

Council Land

16. Council land affected by the 1950 easement is shown in the area shaded green in **Attachment 2**. This is held as fee simple and has a non-operational water reservoir located on it.
17. The area of Council land included in the existing easement is indicated in **Attachment 1** and **Attachment 2** (page2).
18. Council's plan for the affected land is to develop the existing water reservoir facility.
19. The land adjacent to the Council fee simple land is vested in Council as recreation reserve, which has a separate vehicle access.

Discussion - *Matapaki*

20. The proposed easement will use the same area as that of the existing easement, which is to be cancelled upon the proposed easement being agreed to.

21. The City Solicitors, Tompkins Wake, have advised that:
 - a) as the terms of the new easement will be different to the terms of the reciprocal easement due to changes to legislation, Council will require the existing easement to be surrendered for both properties, on the basis that the new reciprocal easements are granted on new terms under current legislation;
 - b) an easement cannot be created for part of an area of land (not now legally defined) that is included in a land parcel that has its own legal description; and
 - c) the existing easement was not created as a condition of a resource consent and is able to be surrendered without the need for a Resource Management Act 1991 243e application.
22. The staff recommendations do not conflict with any of Council's strategies, plans or policies.

Financial Considerations - *Whaiwhakaaro Puutea*

23. All costs, including Council's, associated with discharging the existing easement and registering a new one, will be the responsibility of the owner of 103 Cambridge Road.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

24. Staff confirm that the staff recommendations comply with Council's legal and policy requirements.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

25. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
26. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report.
27. The recommendations set out in this report are consistent with that purpose.

Risks - *Tuuraru*

28. There are no known risks associated with the decisions required for this matter.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

Significance

29. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation(s) in this report has/have a low level of significance.

Engagement

30. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Easement plan for 103 Cambridge Rd and adjacent Council land

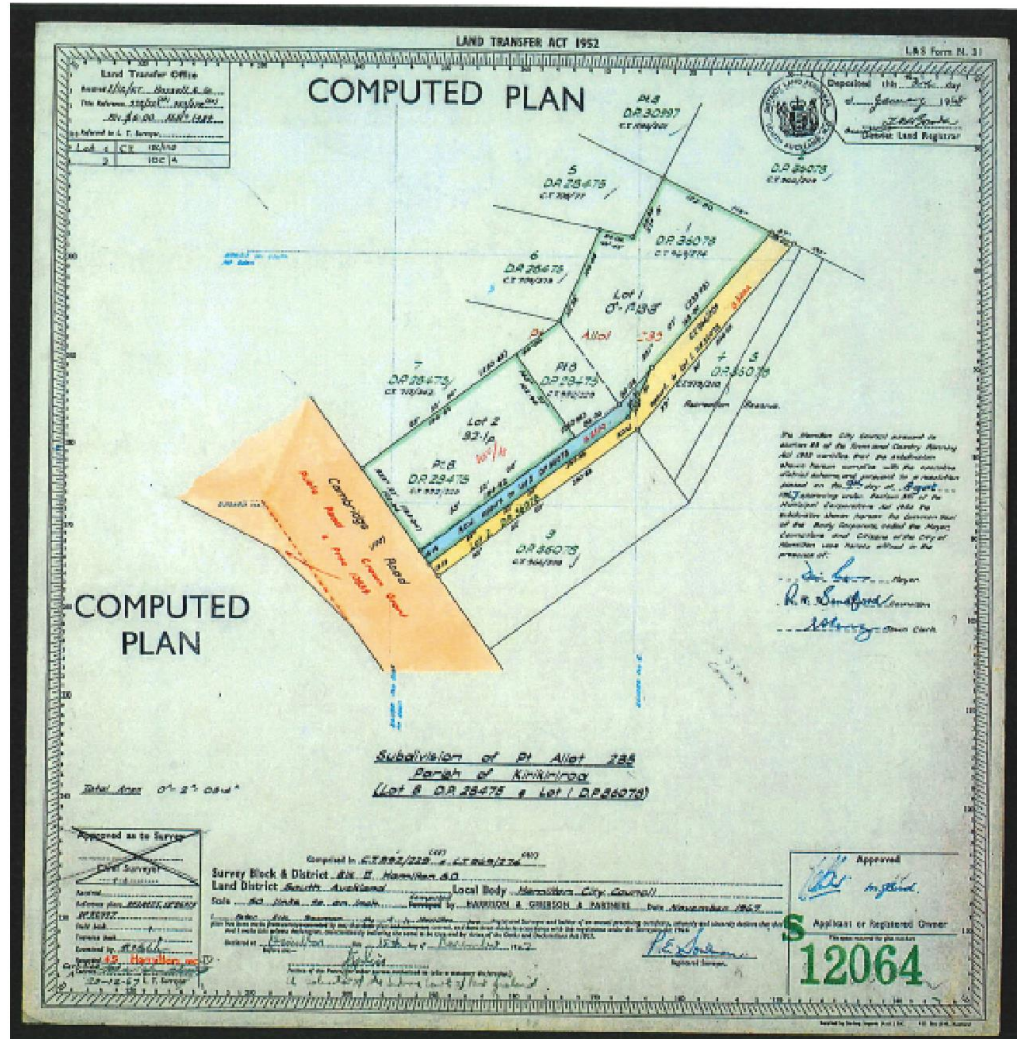
Attachment 2 - Aerial Map of 103 Cambridge Rd and adjacent Council land

Attachment 3 - Record of Titles SA966/209 and SA13C/1110

Survey Plan DPS 12064 – relates to current Easement

Blue coloured area – Land owned by 103 Cambridge Rd and Council legally able to use.

Yellow coloured area – Land owned by Council and 103 Cambridge Rd legally able to use.



Aerial Map



Item 9





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD**

Search Copy



R.W. Muir
Registrar-General
of Land

Identifier SA13C/1110
Land Registration District South Auckland
Date Issued 30 November 1971
Prior References
 SA969/274 SA992/229

Estate Fee Simple
Area 1348 square metres more or less
Legal Description Lot 1 Deposited Plan South Auckland
 12064

Registered Owners
 HOD 2020 Limited

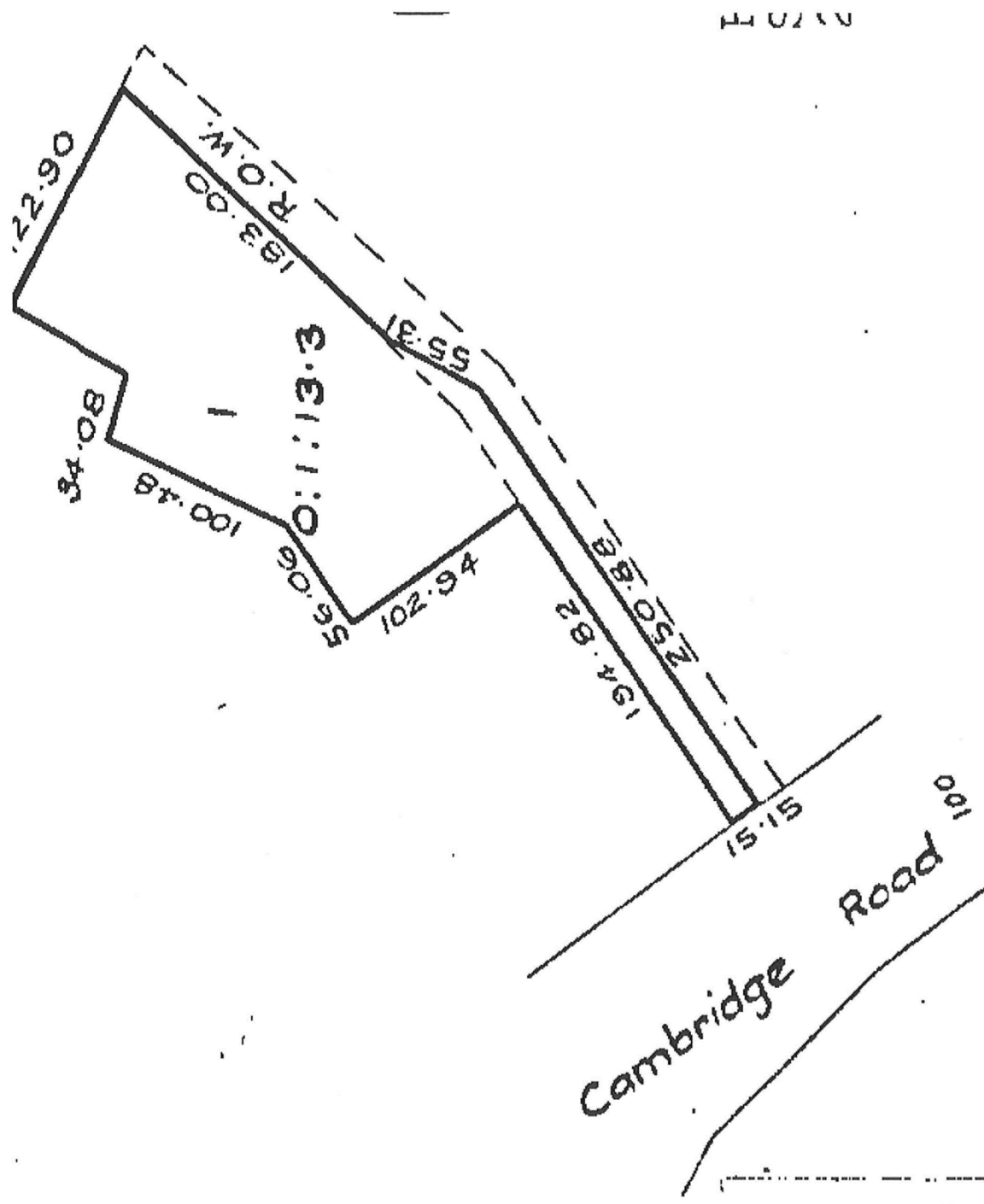
Interests

Appurtenant hereto is a right of way created by Transfer S3500
 Subject to a right of way over part coloured blue on DPS 12064 created by Transfer S3500
 11968876.3 Mortgage to Bank of New Zealand - 18.12.2020 at 4:05 pm

103 CAMBRIDGE ROAD

Transaction ID 63135401
 Client Reference tharris001

Search Copy Dated 18/01/21 9:43 am, Page 1 of 2
 Register Only





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**



R.W. Muir
Registrar-General
of Land

Identifier SA966/209
Land Registration District South Auckland
Date Issued 06 July 1950

Prior References

SA143/151 SA793/160

Estate Fee Simple
Area 3923 square metres more or less
Legal Description Lot 2 Deposited Plan 36078

Registered Owners
The Hamilton City Council

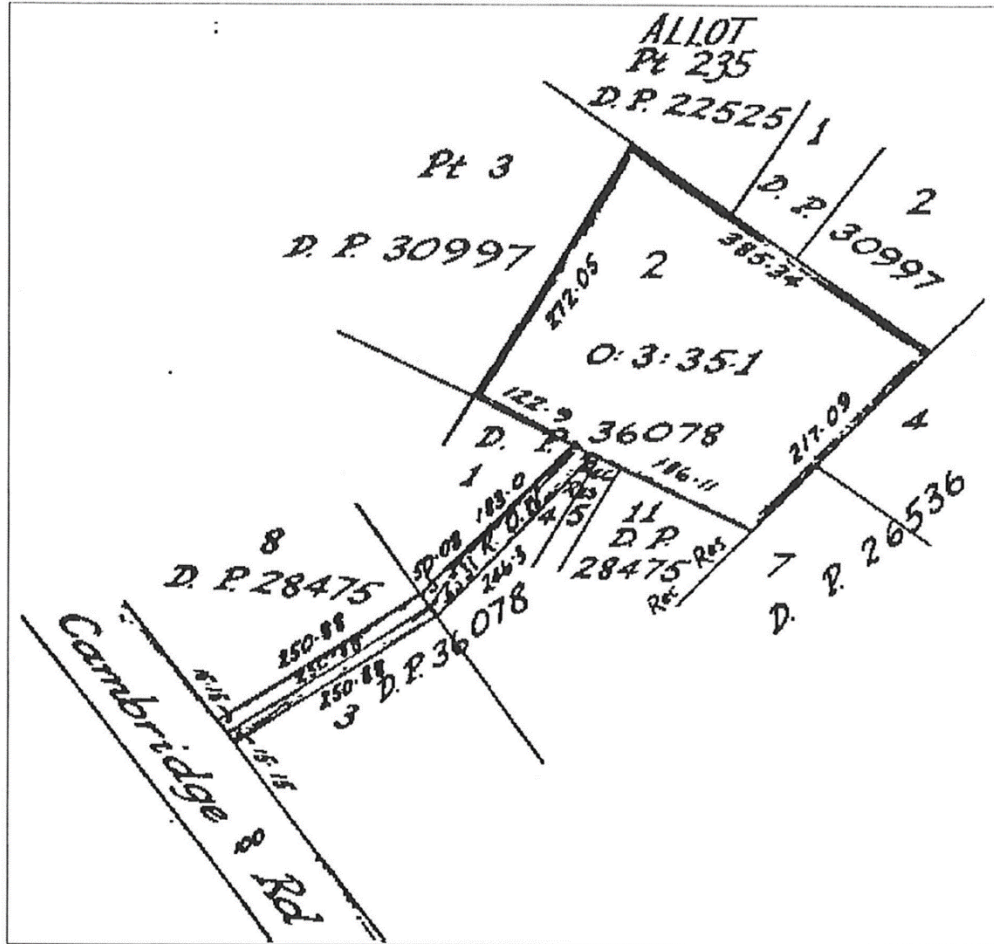
Interests

Appurtenant hereto is a pipe line right created by Transfer 350151 (affects part)
Fencing Agreement in Transfer 350151
Appurtenant hereto is a right of way created by Transfer S3500 - 6.7.1950
Subject to a right of way over part created by Transfer S3500 - 6.7.1950

COUNCIL LAND

Transaction Id
Client Reference tharris001

Search Copy Dated 15/12/20 11:06 am, Page 1 of 2
Register Only



Council Report

Committee: Infrastructure Operations Committee

Date: 23 February 2021

Author: Lance Haycock

Authoriser: Chris Allen

Position: Programme Manager

Position: General Manager Development

Report Name: Brymer Road Urban Upgrade - Macroscopic Approval

Report Status	<i>Open</i>
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Purpose - *Take*

1. To seek approval from the Infrastructure Operations Committee of the macroscopic of the upgrade of Brymer Road between Baverstock Road and the Hamilton Zoo, being delivered to support the Zoo Waiwhakareke Shared Entry Precinct.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Infrastructure Operations Committee:
 - a) receives the report; and
 - b) approves the macroscopic for the Brymer Road upgrade as outlined in the staff report and **Attachments 2, 3 & 4.**

Executive Summary - *Whakaraapopototanga matua*

3. Council have an existing project to complete an upgrade of the Zoo Waiwhakareke Shared Entry Precinct, which will be delivered in conjunction with an upgrade of Brymer Road between Baverstock Road and the northern boundary of the Hamilton Zoo.
4. Construction of Stage 1 of the entry precinct has recently commenced, with construction of Stage 2 and the Brymer Road upgrade planned to start in the 2021/22 financial year.
5. In order to further progress design staff are seeking endorsement and approval of the scope of the Brymer Road upgrade in alignment with the endorsed entry precinct upgrade concept.
6. The roading upgrade scope focuses on making the road safer and more suitable for all modes with a particular focus on providing safe pedestrian and cycle access and crossing facilities for Zoo and Waiwhakareke visitors.
7. It is noted that the project is funded in the 2020/21 Annual Plan and in the draft 2021-31 10 Year Plan, and this report does not seek any financial decision.
8. Staff consider the matters and decisions in this report have low significance and that the recommendations comply with Council's legal requirements.

Background - *Koorero whaimaarama*

9. The urbanisation of the current rural standard 1140m length of Brymer Road between Baverstock Road and Rotokauri Road was originally budgeted in the 2018-28 10 Year Plan for construction commencing 2025.
10. Brymer Road north of Baverstock Road in the Rotokauri area is currently a rural road and has no active or multi-modal facilities – including no footpaths, cycle lanes, public transport infrastructure or safe road crossing facilities. Brymer Road is on the boundary of Waikato District and Hamilton City – with the boundary alignment approximately the centreline of the road.
11. The Zoo Waiwhakareke Shared Entry Precinct is an existing project funded in the 2018-28 10 Year plan and draft 2021-31 10 Year Plan. The construction of ‘Stage 1’ of the Zoo Waiwhakareke Shared Entry Precinct project commenced in early February 2021, and design and planning for construction of ‘Stage 2’ is currently underway (**Attachment 1**).
12. The vision of the Zoo Waiwhakareke Shared Entry Precinct is to:
 - a) create a premier conservation destination that connects the Hamilton Zoo and Waiwhakareke Natural Heritage Park;
 - b) greatly improve the visitor experience, increase the Zoo Waiwhakareke precinct's profile, visibility and appeal to visitors;
 - c) make the road safer and more suitable for all road users while also providing safe pedestrian and cycle access for Zoo Waiwhakareke visitors;
 - d) support the Council's priorities for making Hamilton a city that's easy to live in and a fun city with lots to do; and
 - e) support Council's commitment to looking after existing assets including renewals and upgrades to existing ageing assets to make sure they continue to perform well into the future.
13. Without an upgrade of Brymer Road it was identified that in the short term there would likely be issues with safety, public transport access and realisation of the Zoo Waiwhakareke Shared Entry Precinct project investment benefits.
14. On 8 December 2020 the Council resolved to align timing of funding for construction of the upgrade of the 455m of Brymer Road between Baverstock Road and the northern boundary of the Zoo with the entry precinct project in the 2021/22 financial year [[Agenda](#), [Minutes](#)].
15. The two projects have been combined and are being managed as one integrated project, with a programme to complete design, consenting and procurement of the remaining elements (entry precinct ‘Stage 2’ plus Brymer Road upgrade) over the next 6 months for delivery commencing in the 2021/22 summer construction season.
16. Through a cohesive design with the Zoo Waiwhakareke Shared Entry Precinct and additional walking and cycling network connections the Brymer Road upgrade will significantly improve the ability for the community and visitors to the Zoo and Waiwhakareke to safely utilise active transportation modes.
17. This report focuses on seeking approval of the macro scope of the Brymer Road Upgrade.
18. Future project updates will be provided via Zoo Waiwhakareke Shared Entry Precinct project updates to the Community Committee.

Discussion - *Matapaki*

Item 10

19. The design principles for the Brymer Road upgrade are a continuation of the concepts and design principles developed as part of the Zoo Waiwhakareke Shared Entry Precinct.
20. The proposed macroscope of the 455m urbanisation of the Brymer Road from the Baverstock Rd intersection to just north of the Zoo (**Attachment 2**) includes:
 - a) a low speed pedestrian prioritised environment (30km/h slow speed zone) in the vicinity of the Zoo Waiwhakareke Shared Entry Precinct – including raised table platforms on northern and southern approaches to signal the speed and environment change;
 - b) a new raised table crossing connection between the Zoo and Waiwhakareke to provide a safe and integrated connection from one side of the precinct to the other (refer **Attachment 3** concept);
 - c) a 3m wide shared path on the Eastern side of Brymer Road – constructed from a combination of concrete paths and timber boardwalks to suit road topography (refer **Attachment 4** typical cross sections). Shared path is to be connected to the existing city shared path network at the Baverstock/Brymer intersection;
 - d) a 1.8m concrete path on the Western side of Brymer Road between Bagust Rd and the Zoo and bus stop;
 - e) new road pavement (3.3m wide traffic lanes, single lane each direction) including kerbs.
 - f) street lighting;
 - g) stormwater treatment assets – subject to further design however likely to be raingardens and/or wetlands;
 - h) landscape planting and artwork to complement the Zoo Waiwhakareke Shared Entry Precinct and encourage speed reduction by motorists;
 - i) service relocation and future proofing including:
 - i. installation of water main and water service connections;
 - ii. future proofing of potential future bulk watermain alignment;
 - iii. undergrounding of existing overhead electricity lines plus relocation of an existing electrical transformer (Wel Networks); and
 - iv. stormwater and wastewater pipes and upgrades as required;
 - j) tie-in to the existing Brymer Rd / Baverstock Rd Give Way controlled T-Intersection;
 - k) tie-in to the existing Bagust Road, to remain a Give Way controlled T-Intersection;
 - l) provision for bus stop infrastructure allowing for timing point requirements; and
 - m) provision for safe and convenient tourist Coach drop off /pick up.
21. The Brymer Road corridor treatments will complement the Zoo Waiwhakareke Shared Entry Precinct but also offer safety enhancements and encourage the safer speed zone.
22. It is noted that the proposed speed reduction (30km/h zone) is subject to further consultation and will be subsequently reported to the Hearings and Engagement Committee at a later date for a consideration.

23. For walking/cycling connections, options for separated cycle lanes were assessed however shared path facilities are preferred in this location to be consistent with the existing cycling network facilities in the area and best align with the 30km/h slow speed shared zone. Separated cycle facilities in this location would also be challenging to effectively implement given constraints of road corridor width and topography.

Financial Considerations - *Whaiwhakaaro Puutea*

24. The available budget for the project is \$5,200,000.00; comprised of funding for design and consenting this financial year and construction year 1 of the draft 2021-31 10 Year Plan, as outlined below:

Brymer Road Stage 1	2020/21	2021/22 (2021/31 LTP)	Total
Design and Consenting	\$700,000		
Construction (incl. other costs)		\$4,500,000	
Total Budget and Cost Forecast			\$5,200,000

25. On 8 December 2020 the Council resolved for staff to endeavour to seek financial assistance for this project from Waka Kotahi NZTA.
26. Staff have undertaken preliminary assessment of this project in accordance with the Waka Kotahi NZTA funding criteria and prioritisation frameworks and have met with Waka Kotahi NZTA regarding potential financial assistance. Waka Kotahi NZTA have advised that it is unlikely this entire project would be prioritised for financial assistance however staff are continuing to work with Waka Kotahi NZTA to seek partial financial support particularly for walking and cycling components of the project.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

27. Staff confirm that the staff recommendation complies with Council's legal and policy requirements.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

28. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
29. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.
30. The recommendations set out in this report are consistent with that purpose.

Social

31. The roading connection will connect the community in this area, providing safe access to the Zoo Waiwhakareke Shared Entry Precinct.
32. Urbanisation of current rural standard roads including lighting, paths and a safer transportation corridor in areas where adjacent land development is already well advanced will provide significant wellbeing benefit to the local community.
33. Implementation of proposed shared walking/cycling paths and footpaths will provide improved transport choice and significant safety benefits.

34. A raised platform crossing connecting the Zoo Waiwhakareke Shared Entry Precinct will provide a safer and slower crossing point for all users at this high-risk site, which will help Council achieve our Vision Zero target.
35. The Zoo Waiwhakareke Shared Entry Precinct provides significant social benefit to residents in this area through providing a community hub, which will support community development and liveability of this area. The Zoo Waiwhakareke Shared Entry Precinct will enable social development through providing additional opportunities for individuals to engage with the natural environment within the city.

Economic

36. During construction there are significant economic benefits to the local construction industry and supply chain through investment.
37. The economic wellbeing for Hamilton arising out of the development of Rotokauri and in particular the urbanisation of several roads in the area. This project is one of a number of projects that need to be completed by Council to look after the community across the 3 other wellbeing's.
38. Once the works are completed the new road layout will contribute to economic wellbeing by improving the liveability of Rotokauri, particularly the surrounding area, and will have a direct impact of the economic wellbeing of Hamiltonians.
39. Delivery of the Zoo Waiwhakareke Shared Entry Precinct will contribute to Hamilton's economic capacity and will attract visitors to Hamilton and the Waikato.

Environmental

40. Delivery of the Zoo Waiwhakareke Shared Entry Precinct along with the Brymer Road Urban Upgrade projects will support sustainable transport modes including walking and cycling and provide enhanced network connectivity, both for recreation and commuter purposes.
41. Much of the stormwater will be managed and treated in the proposed wetland near the Eastern side of Brymer Road. The wetland has been collaboratively designed with adjacent developers to provide an integrated stormwater management solution for the area, in accordance with the Rotokauri ICMP, and includes innovative features to encourage native wildlife habitats.

Cultural

42. The Zoo Waiwhakareke Shared Entry Precinct/Brymer Road is a site of significance for mana whenua. The development of the Shared Entry Precinct design and the ongoing development at Waiwhakareke have been subject to consultation and engagement with Te Haa o te Whenua o Kirikiriroa (THaWK).
43. Cultural Impact Assessments have been done across the Rotokauri catchment including Brymer Road.

Risks - *Tuuraru*

44. The roading component of the project is still at design stage and is subject to risks including confirmation of construction funding in the 2021-31 Long Term Plan, confirmation of the slow speed environment through a subsequent engagement process, potential for unforeseen ground conditions or additional service relocation requirements, and market pricing for construction.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

Significance

45. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a low level of significance.

Engagement

46. Community views and preferences are already known to the Council through the wider project (Zoo Waiwhakareke Shared Entry Precinct), including consultation and engagement as part of the 2018-28 10 Year Plan as well as through public project information sessions. Further extensive public engagement will be undertaken, including further community consultation as part of the draft 2021-31 10 Year Plan.
47. It is noted further engagement will be required to implement the proposed 30km/h speed environment.
48. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Zoo Waiwhakareke Shared Entry overall concept

Attachment 2 - Overall Plan and extents

Attachment 3 - Crossing Connection Concept

Attachment 4 - Typical Cross Sections

STAGING PLAN

- 1. ZOO ENTRANCE
- 2. FUTURE EDUCATION & FUNCTION SPACE
- 3. CAFE, RETAIL & TICKETS
- 4. PICNIC LAWN
- 5. EXTENDED ZOO ARRIVAL & PLAYSPACE
- 6. LAWN EVENTS SPACE
- 7. RETAINED OAK
- 8. LOOK-OUT TOWER
- 9. REINFORCED LAWN CAR PARKING
- 10. ASPHALT CAR PARKING
- 11. AGGREGATE PATH
- 12. TRAFFIC TABLE
- 13. ZOO SERVICE ACCESS
- 14. OVERFLOW PARKING/ FUTURE CARPARK
- 15. DROP OFF ZONE
- 16. ZOO SERVICES/ DELIVERY BAY
- 17. BUS DROP OFF/ PICK UP



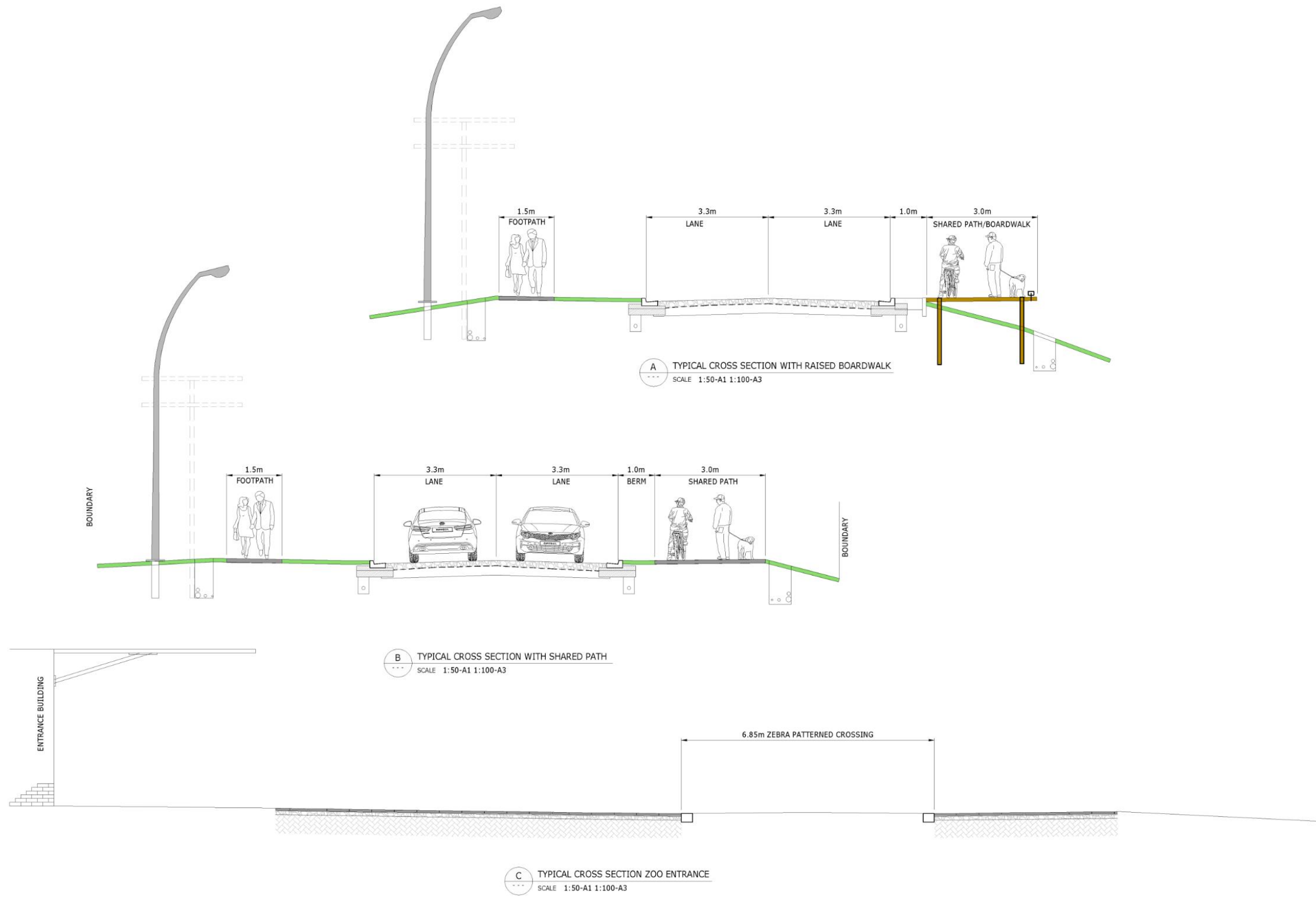
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Brymer Road – Concept of main crossing connection between Waiwhakareke and the Zoo



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Council Report

Item 11

Committee: Infrastructure Operations Committee

Date: 23 February 2021

Author: Raewyn Simpson

Authoriser: Eeva-Liisa Wright

Position: Senior Planner

Position: General Manager
Infrastructure Operations

Report Name: Hamilton City Council's Draft Submission to the Health Select Committee on The Water Services Bill

Report Status

Open

Purpose - *Take*

1. To seek the Infrastructure Operation Committee's approval for Hamilton City Council's Draft 2 submission to the Health Select committee on The Water Services Bill.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Infrastructure Operations Committee:
 - a) receives the report;
 - b) approves Hamilton City Council's Draft 2 submission (**Attachment 1** of the staff report) to the Health Select Committee on The Water Services Bill; and
 - c) notes that, following approval by the Infrastructure Operations Committee, the final submission will be sent to the Health Select Committee to meet the 2 March 2021 submission closing date.

Executive Summary - *Whakaraapopototanga matua*

3. The Health Select Committee is seeking submissions on the Water Services Bill (the Bill), which had its first reading on 8 December 2020. The Bill is part of freshwater reform and replaces Part 2A of the Health Act 1956 with a stand-alone Act.
4. Using the Taumata Arowai Water Services Regulator Act 2020, and the proposed Water Services Act, the new Crown entity (Taumata Arowai) will oversee, administer, and enforce a new drinking water regulatory system and improve environmental performance of wastewater and stormwater networks.
5. The Bill imposes duties on drinking water suppliers, proposes a preventative risk management approach, requires water safety plans, source water risk management plans and consumer complaints processes. It gives Taumata Arowai powers to declare and manage drinking water emergencies, requires effect to be given to Te Mana O Te Wai and requires authorisations of operators and accreditation of laboratories.

6. The Bill describes the powers of the agency and its compliance officers, statutory intervention powers and liability. It also requires reporting against environmental performance measures for stormwater and wastewater.
7. Although the draft submission (Draft 2 - **Attachment 1**) outlines Hamilton City Council's general support for the Water Services Bill, it opposes some matters relating to the powers of Taumata Arowai in the event of Civil Defence Emergencies and seeks further clarity on several other aspects within the Bill.
8. Staff consider the decision in this report has low significance and that the recommendations comply with Council's legal requirements.

Background - *Koorero whaimaarama*

9. In Havelock North during August 2016, up to 5,000 people became ill through drinking water contaminated by *Campylobacter*. Four people are thought to have died from associated causes.
10. In September 2016, the Government Inquiry into the Havelock North event was initiated, with the outcome identifying the need for aggregated, dedicated drinking water providers being established as an effective and affordable means to improve compliance, competence and accountability. It also recommended establishing an independent drinking water regulator.
11. The Three Waters Review (the Review) was established in mid-2017 by Central Government, in parallel to the Havelock North Drinking Water Inquiry. The review included the investigation of challenges facing our three waters system; and to develop recommendations for system-wide performance improvements.
12. The initial findings of the Review were consistent with the Havelock North Inquiry's findings and raised broader questions about the effectiveness of the regulatory regime for the three waters, and the capability and sustainability of water service providers.
13. In late 2019 the Government developed a roadmap for reform of the Three Waters system, which included a proposal to establish new regulatory arrangements to ensure drinking water safety and improved environmental performance of wastewater and stormwater.
14. The Taumata Arowai Water Services Regulator Act was passed in July 2020. This Act established Taumata Arowai as a Crown Agent to regulate water services. It includes the agent's objectives, functions, operating principles, and governance arrangements, including the appointment of an independent Board and a Māori Advisory Group. Hamilton City Council submitted on the Bill to set up the Agency.
15. When Taumata Arowai is fully functional, its role will be to oversee and administer an expanded and strengthened drinking-water regulatory system and oversee from a national perspective the environmental performance of waste water and storm water networks (regional councils will remain the primary regulators of waste water and storm water).
16. This complementary Bill (the Water Services Bill) is proposed to repeal Part 2A of the Health Act 1956 and states the duties of drinking water suppliers, and the powers and duties of Taumata Arowai.
17. The Water Services Bill calls for public submissions through the Health Select Committee. Some amendments to the Local Government Act 2002 (related to Water and Sanitary Services Assessments) and minor amendments to the Building Act 2004, Resource Management Act 1991, and Building Regulations 1992 have also been proposed.

18. More information in relation to the Three Waters Reform programme is available on the Department of Internal Affairs Three Waters Review website - refer <https://www.dia.govt.nz/Three-waters-review>

Discussion - *Matapaki*

19. On 8 December 2020, the Water Services Bill received its First Reading.
20. The Bill implements the powers and functions of Taumata Arowai, provides a regulatory framework for water services and prescribes the duties of operators, Local Authorities, infrastructure owners and entities for drinking water supply and reporting on wastewater and stormwater performance.
21. Hamilton City Council's draft submission was developed during January and February 2021. It is based on Council's existing policy in the three waters space, as well as previous submissions made by Council, and in particular:
- HCC's 18 September 2018 Initial Feedback to the Government's Three Waters Review that was coordinated by the Department of Internal Affairs.
 - HCC's 28 February 2021 submission to Taumata Arowai - The Water Services Regulator Bill.
22. Hamilton City Council's Draft 1 submission also took account of, and was primarily in agreement with, the content of Taituarā's (SOLGMs) draft submission – refer **Attachment 1 - Appendix 4**.
23. On 1 February, LGNZ asked HCC staff if they could obtain a copy of our initial draft submission in order to shape development of LGNZs draft submission.
24. A copy was supplied, along with further feedback/commentary from Hamilton City Council staff, resultant from ensuing questions from LGNZ.
25. LGNZs draft submission, which incorporates a number of Hamilton City Council's key points, was then circulated to the sector for feedback – refer **Attachment 1 - Appendix 5**.
26. Hamilton City Council's Draft 1 submission primarily supports the overall content and direction of LGNZs draft submission.
27. Hamilton City Council received a copy of Water New Zealand's submission to the Water Services Bill on 10 February for feedback. Hamilton City Council's Draft 2 submission will be sent to Water New Zealand to assist in finalising their draft submission.
28. Hamilton City Council's Draft 1 submission was circulated to Elected Members and Maangai Maaori on 3 February 2021 for consideration and feedback, with comments due back by noon 9 February.
29. Feedback was received in relation to Section 5.26 (Clause 61 of the Bill) of Draft 1. This feedback has been incorporated in Draft 2 (refer **Attachment 1**). Other changes (highlighted in yellow) reflect further considerations by staff since circulation to Elected Members. These amendments include the need for financial instruments and cost recovery, the need for clarity on network registers, and water reuse regulations.
30. HCC has also considered how this submission could better reflect the aspirations of Waikato Tainui.
31. In general, Draft 2 outlines Council's support in principle for the Water Services Bill. However, it does not support some powers of Taumata Arowai in relation to Civil Defence Emergencies and seeks further clarity on several aspects such as definitions, roles and responsibilities, and powers and resource impacts.

32. Following consideration and approval by the Infrastructure Operations Committee, the submission will be lodged with the Health Select Committee to meet the 2 March 2021 submission closing date.
33. If the submission is not approved for lodgement, Hamilton City Council will lose the opportunity to influence the content of significant water services legislation.

Financial Considerations - *Whaiwhakaaro Puutea*

34. The total staff cost to develop the submission was met through existing budgets.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

35. Staff confirm that the staff recommendation complies with Council's legal and policy requirements.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

36. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 well beings').
37. The subject matter of this report has been evaluated in terms of the 4 well beings during the process of developing this report as outlined below.
38. The recommendations set out in this report are consistent with that purpose.

Social

39. Improvements to the regulatory oversight of the three waters system will ensure the provision of Water, Wastewater and Stormwater services are operated in compliance with best practice to ensure the protection of the health and wellbeing of New Zealand communities.

Economic

40. The provision of high quality and compliant Water, Wastewater and Stormwater activities contributes and supports the economy by retaining and attracting new commercial and industrial activities.

Environmental

41. Improvements to the regulation of the three waters system will ensure the provision of Water, Wastewater and Stormwater services are operated in compliance with best practice to manage the effects of urban development on the natural environment.

Cultural

42. The proposed Bill looks to require operators, Local Authorities, infrastructure owners and entities to give to Te Mana o te Wai. Hamilton City Council is supporting this requirement and has submitted that it would be helpful if this was better integrated into the provisions. This will assist with support of Te Ture Whaimana o te Awa o Waikato (The Vision & Strategy) which is the regional direction setting document for the Waikato River.

Risks - *Tuuraru*

43. There are no known risks associated with the decisions required for this matter.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui***Significance**

44. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a low level of significance.

Engagement

45. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments - *Ngaa taapirihanga*

- Attachment 1 - HCCs Draft Submission to the Health Select Committee on the Water Services Bill -
Attachment 1

Appendix 1



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Hamilton 3240
New Zealand

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hamilton.govt.nz

DRAFT 2

Submission by

Hamilton City Council

WATER SERVICES BILL

23 February 2021

1.0 SUMMARY OF HCC'S KEY POINTS AND RECOMMENDATIONS

- 1.1 HCC's previous submission on the new Crown agency Taumata Arowai supported the agency and resource management reforms that would provide clear, consistent leadership and guidance, build capability, support suppliers, manage risks and improve environmental performance.
- 1.2 We support the overall intent, direction and proposals in the Water Services Bill insofar as it provides a regulatory framework aligning with fundamental principles of drinking water safety.
- 1.3 Under three waters reform, there will be different models of service delivery for water services. The Bill does not provide enough clarity on these models as they relate to owners, operators and suppliers and their points of supply **and the division of responsibilities**. The duty to manage, monitor, notify and remediate risk has not been considered in the context of the best entity to comply with duties.
- 1.4 We recommend a review of the models of service delivery, suppliers and their points of supply, source water management, and a re-evaluation on how these relate to powers and duties.
- 1.5 HCC also recommends better direction and integration of wastewater and stormwater services in the Bill. Giving effect to Te Mana o te Wai could also be better integrated throughout the Bill.
- 1.6 Emergency powers of Taumata Arowai as they relate to civil defence **is not supported** as there appears to be an over-ride of powers. A Territorial Authority's own powers to enforce measures to protect supplies must also be strengthened in the Bill.
- 1.7 There are outstanding matters from HCC's submission on the establishment of Taumata Arowai. This includes a review of definitions and examples that will provide clarity on duties and obligations of each party to a drinking water supply system. An implementation document would also assist compliance.
- 1.8 HCC remains concerned about the resourcing required within Territorial Authorities and operators of water services, and the draw on those resources required to fulfil roles within Taumata Arowai. Assistance from Central Government is required to increase capacity in the water's services space.
- 1.9 HCC also remains concerned about the **ability to recover costs when providing services to those unable to meet compliance standards.**

2.0 INTRODUCTION

- 2.1 Hamilton City Council (HCC) provides a water, wastewater and stormwater services to New Zealand's fourth largest city, with a population of over 176,500 (Stats NZ).
- 2.2 HCC supplies water from the Waikato River and has multiple stormwater outlets as well as wastewater discharge to the river. HCC also supplies water services to some areas of our two adjacent Territorial Authorities. Waikato District Council stores, conveys and distributes water from Hamilton's supply to its customers from various take points on the city's perimeter. Some supply is also provided directly to individual properties of Waipa District Council.
- 2.3 HCC supports the overall intent and direction of the Water Services Bill. This includes:
 - The requirement for drinking water suppliers to act in accordance with regulations when water is unsafe, or water standards are not met.
 - A requirement to register supplies and to have a multi-barrier Drinking Water Safety Plan in place.
 - The use of a preventative risk management approach for source and treated water.
 - Ensuring the open flow of information between Local Authorities, drinking water suppliers and Taumata Arowai.
- 2.4 HCC also supports the requirement for Territorial Authorities to ensure consumers continue to have access to drinking water services. HCC recently practiced duty of care to those with water shortages in 2020 when Auckland supplies became critical.
- 2.5 HCC supports the development of tools including templates, models, acceptable solutions and verification methods. HCC is particularly encouraged by the proposal to use a formula to determine individual drinking water needs.
- 2.6 HCC supports the requirement for operators to be authorised and the intent to develop regulations. We recommend an authorisation framework with criteria and mechanisms for approval that validates suitable training, experience and competency be developed to contribute to the safety of the drinking water system across New Zealand. HCC looks forward to working with Taumata Arowai on these regulations.
- 2.7 A Taumata Arowai Compliance, Monitoring and Enforcement Strategy and a graduated approach to regulation is considered important for water suppliers throughout New Zealand. HCC also considers it would be appropriate to consult with the industry on a draft strategy.
- 2.8 HCC supports reporting transparency of stormwater and wastewater environmental performance.
- 2.9 HCC does not support the powers of Taumata Arowai in the event of a Civil Defence Emergency.
- 2.10 This submission is structured under the following key headings:
 - Section 1.0 - Summary of HCC's Key Points and Recommendations
 - Section 2.0 - Introduction
 - Section 3.0 - Previous HCC Submissions Made in the Three Waters Space
 - *Three Waters Review*
 - *Taumata Arowai Water Services Regulator Bill*
 - Section 4.0 - General Comments
 - *Future models of service delivery*

- *Enforcement and Powers*
- *Regulations and Guidance*
- *Scope of the Bill*
- *Resource Impacts on Industry*
- *Te Mana o Te Wai*

Section 5.0 - Specific Comments

- *Liability*
- *Competency and Authorisations*
- *Responsibilities and Duties*
- *Roles*
- *Complaints*
- *Emergency Powers of Taumata Arowai*
- *Information Requirements*

Section 6.0 - Further Information and Hearings

Appendix 1 - Previous Submissions made by HCC in the Three Waters Space

Appendix 2 - Specific Clauses in the Bill - Commentary and Submission Points

- 2.11 Section 4.0 outlines submission points that apply to Water Services regulation in general and that HCC would like the Health Committee to take into account as the Bill is assessed.
- 2.12 Section 5.0 outlines submission points made on specific clauses and definitions that HCC seeks further clarity, review or amendments.
- 2.13 Appendix 1 outlines recent submissions made by HCC in the three waters space.
- 2.14 Appendix 2 lists specific clauses with their commentary and submission points.

3.0 PREVIOUS HCC SUBMISSIONS MADE IN THE THREE WATERS SPACE

- 3.1 HCC takes a considerable interest in the three waters space, as evidenced by **Appendix 1**, which outlines a number of key submissions made since 2009, including those made to the government's recent reform process. HCC seeks to share its views to help shape the industry and has been actively engaged in three waters reform proposals. A summary of the most recent water reform submissions is outlined below.

Three Waters Review

- 3.2 On 23 October 2018, HCC submitted on the Government's Three Waters Review that was coordinated by the Department of Internal Affairs - refer [here](#) and **Appendix 3**.
- 3.3 In this submission, HCC supported a review of water services and sought Government financial assistance for investigation and establishment of aggregated service delivery and financing of any funding gaps in resilience, asset management and service delivery deficiencies.
- 3.4 HCC supported an independent regulator for drinking water, provided that it was funded and resourced appropriately. HCC reiterated the challenges in the industry, including a skills shortage challenge. Several incentives to maintaining quality and environmental compliance were also suggested.

Taumata Arowai - The Water Services Regulator Bill

- 3.5 HCC also made a comprehensive submission to Taumata Arowai - The Water Services Regulator Bill on 28 February 2020 - refer [here](#)
- 3.6 HCC's submission supported the new Crown Agency on the basis it would provide clear and consistent leadership, guidance, build capability, support suppliers, manage risks and improve environmental performance.
- 3.7 HCC sought:
- A review of definitions to ensure obligations were clearly understood and further examples shown to provide clarity.
 - Scope of stormwater and wastewater reporting to be broadened to freshwater management or catchment management.
 - Central Government investment in industry training and competency across the water industry.
 - The appointment of both operational and local government expertise on the Board.

4.0 GENERAL COMMENTS

Future Models of Service Delivery

- 4.1 The Water Services Bill is proposed at a time where there is a great deal of uncertainty around the governments intended future structure for water services provision. The government has signaled, and is actively pursuing reform, however the outcome is not yet known. Given the current discussions on water reform and the likelihood of future water entities, HCC considers this issue is important to ensure there are reasonable and appropriate provisions in the final Act. We seek clarity over whether the division of responsibilities between drinking water suppliers, territorial authorities or Taumata Arowai align and enable the governments intended outcomes of 3 waters reform. HCC recommends the Bill is reviewed in this context.
- 4.2 Territorial Authorities have limited financial instruments available to fund the provision of 3 waters services. The bill proposes it be the responsibility of territorial authorities to take over the provision of small drinking water supplies which are non-compliant, however provides no assurance or mechanism to appropriately fund the capital cost of improving supply and the ongoing operational cost of inherited supplies. This may result in communities which have historically invested appropriately in water services, having to then pay more to fund the underinvestment of other communities. HCC recommends the Bill is reviewed in this context. **Appendix 2 - Submission Points clauses Part 5 Local Government Amendment Clause 127**

Enforcement and Powers

- 4.3 The Bill does not go far enough to provide stronger powers for Territorial Authorities to effectively use bylaws to manage activities affecting the safety and supply of drinking water. This includes management of backflow risk, enforcement of water restrictions, and takes from hydrants other than for firefighting purposes. In this regard, HCC recommends that the Bill is amended to provide the ability to infringe under bylaws to maximise compliance with the Act. Refer **Appendix 2 - Submission Points clauses 25,26,27,28, 35.**
- 4.4 HCC also seeks clarity on the powers water suppliers have if they are not Territorial Authorities. For example, a water supplier may not be able to enforce a bylaw, and the potential for Taumata Arowai to utilise their powers to assist. Refer **Appendix 2 - Submission Points - Duties and Extent of Enforcement Powers - General Comment.**

Regulations and Guidance

- 4.5 There are 10 purposes that regulations may be made, and approximately 20 references to regulations. HCC considers that in some cases, it may be better to require 'reasonably practicable steps'.
- 4.6 There is no certainty that regulations will be created and what will actually be in the regulations. The absence of regulations makes it difficult to fully understand **implementation implications and practicality, cost implications** and therefore ability to comply. HCC seeks further understanding on what and when regulations will be written and made available for review. Refer **Appendix 2** - Submission Points clause 190.
- 4.7 HCC recommends Taumata Arowai provides a guidance document on implementation of the Act to ensure enough clarity is provided for compliance with the Bill and what regulatory relationship of Guidelines will be to the final Act. Refer **Appendix 2** - Submission Points - clauses 10, 42 and 43.

Scope of the Bill

- 4.8 The Bill is heavily focussed on drinking water and does not appear to address wastewater or stormwater comprehensively or in a cohesive way. HCC recommends the Bill is strengthened to encapsulate three waters. Refer **Appendix 2** - Submission Points - clauses purpose, 67, 68.

Resource Impact on Industry

- 4.9 HCC supports the intent of the legislation to build and maintain capacity in the water services sector. However, it is not clear how this capacity will be built and monitored.
- 4.10 Strong recognition of impact of Water Service Reform on resources is needed. This includes staffing of Taumata Arowai. The Bill increases authorisation and reporting requirements that will impact on the already limited resources of Authorities, Suppliers, Owners and the water industry as a whole e.g. Water and Sanitary Assessments.
- 4.11 In this regard, HCC supports the intention of Taumata Arowai to provide an Enforcement Strategy and recommends this should be made available for feedback prior to finalisation.

Te Mana o te Wai

- 4.12 HCC strongly supports the requirement to give effect to Te Mana o Te Wai and a commitment by Taumata Arowai Maaori Advisory Board to develop and maintain a framework that provides advice and guidance on interpretation.
- 4.13 The Vision and Strategy (Te Ture Whaimana o te Awa o Waikato) is the direction setting document for the Waikato Region and encompasses Te Mana o te Wai (or Te Mauri o te Wai). This section is poorly related to the rest of the Bill. The concept of Te Mana o Te Wai could be better reflected and integrated in the Bill so it provides more clarity on how it can be given effect. Refer **Appendix 2** - Submission Points - clause 14.
- 4.14 **HCC notes that in the context of Te Mana O Te Wai and climate change, the Bill is silent on non-potable reuse of water. The ability for service providers to have provision for this would give effect to the first obligation to Te Mana o Te Wai that prioritises the health and well-being of the river. In this regard regulations would support enabling re-use, and therefore sustainability and Te Mana o Te Wai.** Refer **Appendix 2** - Submission Points - clause 14.

5.0 SPECIFIC COMMENTS

Liability

- 5.1 The inclusion in the Bill of 'limited' liability of employees is supported, **although HCC notes that this Bill seems to have a significant number of offence provisions.** While there needs to

be accountability for individuals, this needs to be weighed against discouraging individuals joining the industry. HCC has some concern that despite limited liability, there could still be potential for suppliers and employees to falsify records or to not report an issue if perceiving prosecution might result. Refer **Appendix 2** - Submission Points – Subpart 9 and 10, Clause 126, Defence of Prosecution).

Competency and Authorisation

- 5.2 HCC supports that water suppliers should be able to demonstrate to consumers that water supplier staff and contractors are competent. A new system that requires operators of water and wastewater to be authorised (to validate suitable training, experience and competency) would contribute to the safety of the drinking water system across New Zealand.
- 5.3 Development of supporting regulations for the authorisation of operators needs to be progressed as a priority to increase the level of industry competency and lessen risk to public and environmental safety. HCC believes it is critical that the development of any new authorisation system (and supporting regulations) is done in partnership with the water industry to ensure it is functional and supports the delivery of high-quality and compliant water services. Refer **Appendix 2** - Submission Points - clause 67, and General Comment (Subpart 10).
- 5.4 Stormwater is gaining national prominence as an issue to be managed for the contribution it makes to the state of waterways and public safety - particularly in regard to climate change. HCC questions why stormwater has not been included in the scope of authorisation and recommends its inclusion. Refer **Appendix 2** - Submission Points - clauses 67, 68 and Purpose.
- 5.5 HCC recommends that Authorisation of Laboratory Accreditation should be part of sub part 10 - Authorisations. Refer **Appendix 2** - Submission Points - clause 73.

Responsibilities and Duties

- 5.6 Roles and responsibilities of suppliers, operators, owners, local and regional authorities require clear direction and appropriate definitions to maximise compliance. There are a number of definitions in the Bill that do not provide the clarity needed and are not aligned with Taumata Arowai Act 2020, or the Health Act 1956. The Health Act provides clear definitions of 'drinking water', 'safe', 'point of supply' and 'drinking water supplier' which are appropriate for multi networks and different models of delivering water services. HCC recommends reconsideration of the Health Act definitions to ensure clarity for duties and compliance. Refer **Appendix 2** - Submission points - clauses 6,7,8.
- 5.7 A number of words are not defined that would significantly assist in clarity e.g. The definition of 'Company' is not defined in the Bill. This has important implications for determining who is an Officer. HCC recommends amended clearer distinctive definitions, further definitions and using the Companies Act 1993 definition. Refer **Appendix 2** - Submission points - Interpretations and Undefined Terms.
- 5.8 HCC understands the intent behind duties not being transferable. However, there are some scenarios where it is appropriate e.g. design and construction of networks. Primary and secondary suppliers of water are also not differentiated in this Bill. The responsibility of a secondary supplier of drinking water or a water carrier may need to be different to a primary supplier of water and affects numerous duties related to notification, responses, assessments, monitoring and reporting. It may also affect existing agreements between primary and secondary suppliers. HCC recommends that the Bill provides differentiation, definitions and significantly more clarity and assesses how appropriate Clause 15 (Duties not Transferable) is in this regard. Refer **Appendix 2** - Submission Points - Definitions, 15, 17 21, 25, 29, 35.

- 5.9 The Bill states that more than one person can have the same duty (Section 17). To provide greater clarity, it would be useful to reference Section 17 in Section 21 e.g. (1) A drinking water supplier must ensure the drinking water supplied by the supplier is safe. Section 17 applies where there is more than one supplier.
- 5.10 Some exemptions for Suppliers are provided for (Clause 56), however, examples on the grounds for which exemptions will be applied needs clarity. This section also refers to an exemption potentially being applied to a 'class of supplier', which is not a defined term.
- 5.11 There is a potential unintended consequence for a Supplier to be responsible for devices beyond point of supply on private property e.g. an end-point treatment device (such as a water filter) that a consumer chooses to include versus a device that a water supplier is compelled under this Bill to provide to ensure drinking water of an appropriate standard is provided to a consumer. HCC recommends the Bill make it clear this is not the intent. Refer **Appendix 2** - Submission Points - clause 5, 13.
- 5.12 In its submission on the Taumata Arowai Regulators Bill, HCC sought further examples of domestic self-supply to understand the definition and therefore what responsibilities came with it. These further examples have not been provided. HCC recommends an 'implementation' guidance document with further clarity as an adequate substitute if amendments to the Bill are not made.
- 5.13 There are duties to comply with standards, notify non-compliances and advise affected consumers of actions to be taken in response to non-compliance. There may be scenarios where there are small technical non-compliances that only imposes a very small risk but if notified will erode consumer confidence. HCC recommends an amendment to the Bill that provides for these types of risk to be exempt from notification. Refer **Appendix 2** - Submission Points - Clause 22.

Roles

- 5.14 The Bill appears to assign roles to an authority that has limited power to enact a response. For example, in the event of unsafe water, it is the responsibility of a Supplier to carry out investigations, reporting and remedial works even if it is an issue with source water. A significant discharge could occur either in or upstream of a supply catchment. In this context, it is not clear whether clause 21(2) (e) and the other duties of Suppliers is reasonable or could be achieved. Suppliers have very limited ability to manage risk before their treatment processes and are only in control of treatment processes based on the technology in place. Suppliers or treatment operators should understand their capacity to treat contaminants and provide that information to the regulator of the source water (regional councils) and Taumata Arowai so they may assess the response required in the catchment. HCC recommends roles and duties are reviewed in this context. Refer **Appendix 2** - Submission Points clauses 21, 35, 45.
- 5.15 Under proposed changes to the Local Government Act (Water and Sanitary Services Assessment, clause 125) Suppliers have the responsibility of notifying Taumata Arowai of unsafe drinking water practices of other suppliers. This appears to put the onus of monitoring other supplies on councils. While every effort should be made to ensure public safety, HCC considers this is the primary role of Taumata Arowai. Refer **Appendix 2** - Submission Points - Part 4 Miscellaneous.
- 5.16 HCC also seeks clarity on why Taumata Arowai is the organisation that will prescribe charges to be applied for accreditation when charges can be determined by the body appointed by clause 73.

Complaints

- 5.17 HCC supports provision of information to consumers on the basis this provides transparency. However, the clause does not reference that the information request should be associated with a complaint. HCC recommends clause 38(1)9(a) references the word 'complaint' to provide clarity of this subsection. HCC looks forward to reviewing proposed prescribed information requirements to be included in proposed supporting regulations when available. This will assist HCC to understand what and how this information should be provided to ensure efficient measures can be applied.
- 5.18 HCC considers that in managing complaints, further clarity for Suppliers can be provided through the following: Purpose of the review and what it is intended to achieve; how Taumata Arowai will approach the complaint being reviewed with the supplier; and what review scope will be applied e.g. quality or quantity or pressure or aesthetic values or methods (the scope should be directly related to regulations and matters related to public safety). Refer **Appendix 2 - Submission Points** - clause 38, 39.
- 5.19 HCC has a strong history of compliance with standards but considers the complaints process may still be resource intensive for both the supplier and the regulator.

Emergency Powers of Taumata Arowai

- 5.20 The Bill provides extensive powers to Taumata Arowai during an emergency, which rival those of the Civil Defence and Emergency Management (CDEM) Controller during a state of declaration of emergency. There is potential for both a CDEM and water emergency to be declared simultaneously, or one following the other. This could create some confusion amongst partners.
- 5.21 Although Taumata Arowai employees exercising emergency powers are subject to the direction of the CDEM Controller when a CDEM emergency is declared, this is not the same for declared emergencies under the Hazardous Substances and New Organisms Act and for declared emergencies under the Biosecurity Act. In both of these instances, Taumata Arowai employees will no longer be subject to the respective HSNO or Biosecurity controller if Taumata Arowai directs otherwise. This seems a significant override power and does not provide clarity on when such actions would be initiated.
- 5.22 About 90-95 percent of all emergencies that CDEM deal with are non-declared emergencies. These are cases where emergency powers provided via a formal declaration are not required to successfully respond and deal with the event. If emergency powers are not required, then it would appear that Taumata Arowai may decide to declare an emergency - then technically at least Taumata Arowai employees and compliance officers would not be subject to direction of the CDEM Controller. These powers need to be better understood so critical water supplies can be well managed in an emergency event.
- 5.23 There is also no clarification of how powers relate to a drinking water emergency 'being' the civil defence emergency or as a 'result' of a civil defence emergency and how that relates to a Coordinated Incident Management System (CIMS) framework.
- 5.24 It is important to note that Territorial Authorities carry out practical, technical and logistics expertise to work with CDEM in such events, and yet there is no provision in the Bill to consult with the Water Supplier or the Regional Medical Officer of Health to obtain information on the response to the risk.
- 5.25 HCC also submits that the emergency clauses do not limit the scope of matters relating to water quality and supply and don't provide for cost recovery of operations, even although costs may be beyond the territorial boundary.

- 5.26 HCC **does not support special powers that clause 61 enacts and** recommends a detailed review of these emergency powers is carried out to ensure that the powers are appropriate, there is efficiency in an emergency situation, and it is clear who and how suppliers must respond. Refer **Appendix 2** - Submission Points, clause 61.

Information Requirements

- 5.27 The Bill states records must be made available continuously (Clause 37). This can be interpreted to mean 'live' data, which will be difficult to achieve. HCC strongly supports the use of continuous monitoring of key water quality and operational parameters and that this information be readily available for Taumata Arowai to review for compliance purposes.
- 5.28 It is an offence not to update a Drinking supply register, however, there is no reference to changes that are deemed significant enough to warrant an immediate change e.g. population. Other important information that should be registered are supply agreements (for the supply) to describe the terms and conditions of a water supply. Refer **Appendix 2** - Submission Points Clauses 13, 21, 25, 53, 55.
- 5.29 HCC also notes the significant time period differences for annual re-registration and 5 yearly reviews of exemptions. HCC does not consider them well aligned and recommends review.
- 5.30 HCC notes that for stormwater and wastewater networks, the Bill requires that Taumata Arowai establish and maintain a register. This information will need to be supplied by the network owner. Clarity is needed regarding what constitutes a network, the type, size, scale and ownership, and relevant considerations such as shared driveways, onlot treatment devices, stormwater basins, flood plains and drains. HCC recommends that the Bill or regulation provides this clarity. Refer **Appendix 2** - Submission Points Clause 139.

6.0 FURTHER INFORMATION AND HEARINGS

- 6.1 Should Parliament's Health Committee require clarification of Hamilton City Council's submission, or additional information, please contact Maire Porter (City Waters Manager) on 07 958 5976 or 021 726 977, email maire.porter@hcc.govt.nz in the first instance.
- 6.2 Hamilton City Council **does want to be heard** in support of this submission at the Health Committee's hearings for the Water Services Bill.

Yours faithfully

Richard Briggs
CHIEF EXECUTIVE

APPENDIX 1

PREVIOUS SUBMISSIONS MADE BY HAMILTON CITY COUNCIL IN THE THREE WATERS SPACE

DRAFT DOCUMENT/BILL	ORGANISATION	SUBMISSION		DATE SUB. SENT	DOWNLOAD SUBMISSION
		HCC	STAFF		
Appeal Against Decisions of the Waikato Regional Council on Proposed Plan Change 1 to the Waikato Regional Plan	Waikato Regional Council	✓		07/07/20	Download Now (PDF, 322KB)
Taumata Arowai - The Water Services Regulator Bill	Parliament's Health Committee	✓		28/02/20	Download Now (PDF, 545KB)
Cambridge Wastewater Treatment Plant Discharge Consent Application - Waipa District Council (APP141113)	Waikato Regional Council	✓		19/12/19	Download Now (PDF, 176KB)
Action for Healthy Waterways: A Discussion Document on National Direction for Our Essential Freshwater	Ministry for the Environment	✓		31/10/19	Download Now (PDF, 309KB)
HCC Statement of Evidence for 19/10/20 Hearing: Cambridge Wastewater Treatment Plant Discharge Consent Application - Waipa District Council (APP141113)	Waikato Regional Council	✓		19/10/20	Download Now (PDF, 246KB)
Discussion Document on a Proposed National Policy Statement on Urban Development	Ministry for the Environment	✓		17/10/19	Download Now (PDF, 549KB)
Waipa District Council's Proposed Stormwater Bylaw 2019	Waipa District Council		✓	21/06/19	Download Now (PDF, 354KB)
Three Waters Review	Minister for Local Government	✓		23/10/18	Download Now (PDF, 386KB)
LGNZ Three Waters Survey	LGNZ	✓		20/09/18	Download Now (PDF, 286KB)
Further Submissions to the Healthy Rivers Plan Change: Proposed Plan Change 1 and Variation 1	Waikato Regional Council	✓		17/09/18	Download Now (PDF, 408 KB)
Application for Resource Consents (APP137797) by Fonterra Limited for the Continued Operation of the Te Rapa Milk Processing Site, Waikato Region	Waikato Regional Council	✓		03/07/18	Download Now (PDF, 537KB)
Clean Water: 90% of Rivers and Lakes Swimmable by 2040	Ministry for the Environment	✓		05/05/17	Download Now (PDF, 980KB)
Proposed Waikato Regional Plan Change 1 - Waikato and Waipa River	Waikato Regional Council	✓		02/03/17	Download Now

DRAFT DOCUMENT/BILL	ORGANISATION	SUBMISSION		DATE SUB. SENT	DOWNLOAD SUBMISSION
		HCC	STAFF		
Catchments	Council				(PDF, 955KB)
The Health (Fluoridation of Drinking Water) Amendment Bill	Parliament's Health Committee	✓		09/02/17	Download Now (PDF, 682KB)
Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments (Waikato Healthy Rivers Wai Ora Project)	Waikato Regional Council	✓		23/08/16	Download Now (PDF, 472KB)
'Next Steps for Freshwater' Consultation Document (February 2016)	Ministry for the Environment	✓		29/04/16	Download Now (PDF, 1245KB)
Final Position Paper 'Improving New Zealand's Water and Wastewater and Stormwater Sector'	Local Government New Zealand	✓		30/10/15	Download Now (PDF, 217KB)
Water Legislation Reform Discussion Paper	Water New Zealand		✓	22/04/15	Download Now (PDF, 326)
Draft Implementation Guide for the National Policy Statement for Freshwater Management 2014	Ministry for the Environment		✓	03/12/15	Download Now (PDF, 257KB)
Further Amendments to the National Policy Statement for Freshwater Management 2014	Ministry for the Environment		✓	11/09/14	Download Now (PDF, 406KB)
Proposed Amendments to the National Policy Statement for Freshwater Management 2011: A Discussion Document	Ministry for the Environment		✓	04/02/14	Download Now (PDF, 653KB)
Waipa District Council's Proposed Water Supply Bylaw 2013	Waipa District Council	✓		12/07/13	Download Now (PDF, 429KB)
Waikato-Tainui Environmental Plan (Latest Draft)	Waikato-Tainui	✓		24/06/13	Download Now (PDF, 1,014KB)
Freshwater Reform 2013 and Beyond	Ministry for the Environment	✓		08/04/13	Download Now (PDF, 950KB)
Environmental Management Plan for Waikato-Tainui (Working Draft Discussion Document)	Waikato-Tainui		✓	04/03/13	Download Now (PDF, 473KB)
Waikato-Tainui Ruapatu Claims (Waikato River) Settlement Bill	Maori Affairs Select Committee	✓		19/02/10	Download now (PDF, 199KB)
Waikato District Council - Southern Districts Water Supply	Environment Waikato	✓		30/07/08	Download now (PDF, 39KB)
National Environmental Standard on Ecological Flows and Water Levels	Ministry for the Environment	✓		29/08/08	Download now (PDF, 35KB)
National Policy Statement (NPS) for Freshwater Management	National Policy Statement (NPS) for Freshwater Management	✓		23/01/09	Download now (PDF, 2.20MB)
Waikato-Tainui Raupatu Claims (Waikato River) Settlement Bill	Maori Affairs Select Committee	✓		13/02/09	Download now (PDF, 199KB)
Resource Consent Application from Fonterra re Wastewater Discharge	Waikato Regional Council	✓		18/03/09	Download now (PDF, 46KB)

Appendix 2		
Clause	Clause content	Submission discussion
PART 1 PRELIMINARY PROVISIONS		
Subpart 1 - Purpose and overview		
Purpose	Previous correspondence on provisions of the new agency Taumata Arowai has indicated that three waters will be regulated. There are 5 parts to the Bill's purpose. Four parts are relevant to drinking water but only one part has any relationship to wastewater and stormwater services.	Part 1 and the Purpose is heavily focussed on drinking water and does not address wastewater and stormwater services to the degree that was conveyed in water reform proposals. Council seeks further consideration by Taumata Arowai on how further clarity and direction for wastewater and stormwater services can be addressed. This could be through integrating wastewater and stormwater services in the provisions of source water risk management and including stormwater in authorisations.
Purpose	Purpose and overview of legislation - provision to build and maintain capacity	Purpose and overview of legislation includes the provision of mechanisms to build and maintain capacity among drinking water suppliers (3(d)). Council supports this purpose as the industry needs to build capacity, however, it is not clear how any of the provisions in the bill build capacity and how that is monitored. Council supports the intent but requires further clarity.
Subpart 2 - Interpretation		
5	End-point treatment device - privately owned could be interpreted as supplier responsibility	5- definition of 'endpoint treatment' is: treatment of drinking water at the final point of the supply at which the consumer can consume, use, or collect drinking water. Final point of supply is not defined. End-point treatment device could be interpreted to mean a privately owned device beyond a Territorials point of supply (eg) water filter. This should not be the responsibility of a Territorial Authority. Clarity could also be improved by providing an example of end-point treatment. 'Final' point of supply should be defined. A reference to clause 13 when referring to end point treatment would also be useful.
6	Meaning of drinking water - differs from that in the Taumata Arowai Act 2020 which specifies that it is from a 'point of supply'.	The definition of drinking water in this Bill, the Taumata Arowai Act and the Health Act all differ. The Taumata Arowai Act says 'means water that is available to consumers from a point of supply' —The Bill does not reference 'point of supply' in its definition. This could mean loss of clarity to the reader. In addition to this 'Point of supply' is also defined differently and loses its clarity for Council to enable duties and obligations to be met. See discussion on Point of Supply. The definition could unintendedly include water that goes beyond domestic needs (eg) irrigation and agricultural water for preparing food, drink, or other products for human consumption. For section 6 or 36, clarity could be provided that notification relates to critical supply.
7	Meaning of 'Safe' in relation to drinking water	Council does not consider that the definition of safe is specific enough. For example, it could be interpreted to include aspects relating to quantity, medication overdose, and choking. Further to this, it does not include reference to regulations such as Drinking Water Standards or Water Safety Plans. It is also not clear to Council who would determine if water was 'safe'. Council seeks more clarity in this definition including examples. The meaning could also be made clearer to make it immediately clear that it relates to water quality. (eg) Amend 7(1) to read 'In this Act, unless the context otherwise requires, safe, in relation to drinking water, means drinking water quality that is unlikely to cause a serious risk of death, injury, or illness,—'. Amend 7(1){b}(ii) to include an example. There is risk of non-compliance where 'roles and responsibilities' of a Drinking water supplier can not be clearly understood especially where this relates to different suppliers, owners, consumers and where the point of supply is. The Health Act 1956 Part 2A definition of drinking water supplier made direct reference to networked supplier, water carrier, and bulk supplier. The absence of these terms from the Bill definition makes it difficult to determine obligations to ensure compliance. In addition to this, the Bill says that a Drinking water supplier includes a <u>person</u> who supplies drinking water through a drinking water supply, and owner and operator of a drinking water supply. There may be scenarios where a supplier may only be the 'operator'. In this respect Council seeks consideration of the use of the word 'and' versus 'or'. This is also discussed in submission points on (13) Point of Supply.
8	Meaning of Drinking water supplier	
9	Meaning of drinking water supply - difficult to apply	The definition of Drinking water supply does not differentiate between sources of supplies of water (primary network supply of water, bulk supply or secondary supply of water or water carrier supply of water). These types of terminology would ensure better clarity on responsibilities and stronger compliance. In addition to this, the clause (i) 'the point of supply' could be better positioned if it was part of (a) to ensure there is clarity about a Territorials Authority not being responsible for private treatment devices such as water filters and private backflow devices that are on private property. Noted previously, private installations on the owner side of point of supply should not be captured by unintended regulation consequence. This is further discussed in submission points on (13) Point of Supply and (5) end point treatment.
10	Meaning of domestic self-supply and domestic dwelling - premises	In Council's submission on the Taumata Arowai Bill, Council sought (and still seeks clarity) further examples of domestic self-supply including how multi dwellings, multi-purpose dwellings, commercial premises and retirement villages relate to domestic self-supply. It is not clear (from the examples that were provided in the Taumata Arowai Act) if the critical factor for domestic self-supply is the number of persons that may be served by a supply or if it relates to commercial aspects. In order to ensure that Council has clarity on roles and responsibilities, further examples, or an implementation document, will ensure that Territorial Authorities and Drinking Water Suppliers can comply with regulations.
11 and 12	Meaning of Operator, Operations and Owner	The definition of Owner means 'the person who has effective control of the drinking water supply'. In the instance of Council Controlled Organisation or a Territorial Authority who have arrangements to give and receive bulk supply drinking water, there will be multiple owners and models. Council recommends determining if further definitions should be applied to cover this scenario and if Operations and Effective control should be defined.
13	Meaning of Point of supply - different to Health Act 1956 , overrides Councils specific bylaws, technical specifications and agreements.	Point of Supply is defined differently in this Bill to other Acts (eg) Health Act, and does not provide as much clarity. In particular this relates to a lack of any reference to a bylaw and endorsed Infrastructure specifications (that may define and clarify points of supply), and agreements (that may define points of supply between 2 connected network systems). The term 'Supply' is not defined and could be either defined or replaced with 'network supply'. Consistency between definitions will provide clarity for Local Authorities and the regulator.
13	Meaning of Point of supply - end-point treatment devices	the meaning of point supply includes: if the supply includes an end-point treatment device, the end-point treatment device. End-point treatment device could be interpreted to mean a privately owned device beyond a Territorials point of supply (eg) water filter. This should not be the responsibility of a Territorial Authority. see issue with endpoint treatment definition.
	Interchanging references to local authority and regional council	Either remove reference to regional councils and just refer to local authority as per the LG Act definition (which includes territorial authority and regional council) or retain references to regional council and include definition for regional council which is contained in the same section of the LGA as the definition for local authority. This will be particularly relevant when larger water entities separate to local authorities are formed.
Undefined terms	The following terms, if defined, will improve clarity and compliance. Company Marae 10, 56,110 classes of water supply 48, 54, 56,62, 67, 68, 74, 97, 100, 139, 190, 191 Authorisation 36, 53, 67	

		Ordinary drinking water 25 Notifiable risk or hazard 35 and 166 Registrations of drinking water supplies - 'individual drinking water supply' undefined 23 Restriction 25, 26
Subpart 3 - Key Principles relating to functions, powers and duties		
14	Giving effect to Te Mana o Te Wai te Mana o te Wai	<p>This section is poorly related to the rest of the Bill. The nature of the Bill is that it is read through a scientific and technical lens. By embedding Te Mana o te Wai's high level concept into relevant parts of the Bill or by discussing, in the explanatory note, how at a high level, drinking water suppliers could give effect to Te Mana o Te Wai (using the six prescribed principles) suppliers will better understand the scope of their obligations. In accordance with Ministry of Health advice, giving effect to Te Mana o te Wai requires prioritising the health and wellbeing of water first, then meeting the health needs of people (in this context supplying safe drinking water), and then ensuring that people and communities are able to provide for the four well beings (using the six guiding principles). Council submitted on the Taumata Arowai Bill that interpretation of giving effect to Te Mana O Te Wai must be by the iwi of the rohe. HCC's direction setting document is Te Ture Whaimana o te Awa o Waikato (The Vision & Strategy). Council stands by that submission and considers that some examples of interpretation to give effect could be provided (eg) value and standard setting, allocation, Regional and District policy and rule making, monitoring with or by iwi. and considers that a high level understanding of the Te mana O te Wai concept could be better reflected and integrated in the Bill now (eg) simple examples might be Te Mana o te Wai as it relates to the management of receiving environment water quality (source water protection and first priority) and Te Mana o te Wai as it relates to water demand management (protection of a water body and supply for health needs of people - first and second priorities). Council also notes that giving effect to Te Mana O te Wai only applies to function power or duty. Does this also apply to 'domestic self supply' and housing developments such as papakainga that sit with in a "marae" setting. An additional consderation is needed for giveing effect to Te Mana O Te Wai and the requirement for Councils to manage water demand in a changing climate, high growth city and overallocated rivers and streams. Provisins for resue of non-potable water (including in some cases treated wastewater) for toilets, gardens and irrigation of land. Regulations for this are required. Clause 15 states that a duty imposed on a person by or under the Bill may not be transferred to another person. Clause 17 says More than 1 person may have the same duty imposed by or under this Act at the same time and (b) must discharge that person's duty to the extent to which the person has the ability to influence and control the matter, or would have had that ability but for an agreement or arrangement purporting to limit or remove that ability. Council seeks further clarity on how responsibilities may be assigned when a primary supplier of water supplies to a secondary supplier under a bulk supply arrangement, and in the event of water carriers supplying water if the existing words about an agreement is helpful for providing that clarity. the word 'purport' has a meaning 'falsehood' and does not provide the clarity needed for more than one supplier. In addition to this The bill says Clause (1) A drinking water supplier must ensure that the drinking water supplied by the supplier is safe. HCC supplies water under bulk supply arrangements to another Territorial Authority and to water carriers. Section 17 states that more than one person can have the same duty. To provide clarity it would be useful to reference section 17 in section 21. (eg) (1) A drinking water supplier must ensure that the drinking water supplied by the supplier is safe. Section 17 applies where there are more than 1 supplier.</p>
15 and 17	(15) Duties not transferable and (17) More than 1 person may have the same duty- different suppliers from the same network	
PART 2 - PROVISIONS RELATING TO SUPPLY OF DRINKING WATER		
Subpart 1 - Duties of Drinking Water suppliers		
General comment	Duties and extent of enforcement powers	<p>There needs to be further clarity on the duties and roles of those who have a role to play in provision of drinking water and the extent of their powers. For example, only a Council can execute bylaw enforcement.</p>
21, 25	Duties of a supplier - lack of differentiation between points of supplies when more than two suppliers, and lack of differentiation between supplier types (primary and secondary and water carriers).	<p>Clause 21 requires a supplier to ensure that drinking water, supplied by the supplier, is safe (and if not then notification must take place). Council supports the intent of the Bill that requires drinking water to be safe and risk managed. However, the relationship and roles between suppliers and owners and consumers needs more clarity to ensure that these responsibilities are understood and can be complied with. For example, Council supplies water under bulk supply arrangements to another Territorial Authority at 8 points on the adjacent territorial boundary and also to water carriers. This means that there is more than one supplier and more than one point of supply. Under a bulk supply arrangement to a Territorial Authority, the point of supply will be to the connection of that Territorial Authority, therefore, provided that the drinking is safe to that point of supply, some of the Bills duties will sit with the secondary supplier. Clarity is needed on responsibilities (eg) if the responsibility sits with the primary supplier to notify secondary customers or if that sits with the secondary supplier. Council acknowledges the Bills reference to having more than one duty or the same duty (17). It is reasonable to expect the primary and secondary supplier to work together on notification if the issue has arisen from primary supply. However, it is imperative that the Bill does not cause confusion over duties and respective responsibilities. It may be useful if points of supply could be differentiated and if information requirements included Bulk Supply Agreements. This also applies to provision of quantity of water. Councils submission point relates to Definitions, 21, 25, and Part 5 Amendments to Local Government Act 2002, clauses 125, 126, 127 and offences 162-167. For our Freshwater Management Unit (as per the National Policy Statement) and our water source, a significant discharge could occur in and outside the supply catchment. There are some clauses that require Territorial Authorities to go beyond their abilities to remediate (eg) manage source water risks in the catchment. Territorial Authorities and or treatment operators should understand the capacity of their plants and treatment processes to treat source water contaminants and provide that treatment capacity information to the Authorities responsible for regulating discharges (Regional Council). It is unreasonable for the supplier to address the issue beyond adopting best practicable treatment processes. It is unclear, in this scenario, if Taumata Arowai should work with a Regional Authority or if the Territorial Authority should notify and work with Regional Council, and if a Regional Council should notify both Taumata Arowai and the Water Supply abstractor of an event that may affect the safety of drinking water supply. Council considers that regulation of Regional Authorities appears to be light in this regard.</p>
21 (and 35)	Duties related to source water - beyond a Territorial Authority power to control.	
22	Duty to comply with Drinking Water Standards - Technical non-compliances	<p>Suppliers are required to advise affected consumers that drinking water 'does not comply with standards' and how it should be treated (eg, boiling). There may be scenarios where there are technical non-compliances and associated small risk to water safety (eg) missing plant data or calibration/sample undertaken a day late. This could erode confidence in supply. Non risk non-compliances could be exempt from provisions of the Bill.</p>
25	Duty to provide sufficient quantity of drinking water, restrict water, interrupt water and ordinary drinking water needs - (1)(2)(3)(5)(7)	<p>25(1) requires a drinking water supplier to ensure that a sufficient quantity of drinking water is provided to each point of supply to which that supplier supplies drinking water. Council supports this intent (subject to measures needed to make that happen by the appropriate supplier or owner such as water demand management). Council also supports the intended clarity on what a reasonable supply of drinking water is for a consumer and would like an opportunity to comment on formula derivation when released. Council supports the ability for suppliers to restrict supplies when necessary. It may be useful to define 'restriction' to provide clarity and to reference s26 which provides for a Supplier to exercise their powers under any enactment (eg) bylaw making powers or a restriction may be carried out if a consumer fails to comply with an Authority's policy to manage continuous water supply; (eg) non-compliance with a bylaws provisions for conserving water in high peak demand times. The Bill requires a quantity of drinking water that is sufficient to support the ordinary drinking water needs of consumers at the point of supply. The need for clarification of Point of supply (13) has been discussed. For further clarity it would also be useful to define 'ordinary' drinking water needs.</p>

		<p>Section 26 says that a supplier can request local authorities to use their powers under any enactment (for example, by making a bylaw to restrict the use of water for other than essential purposes) to assist provision of sufficient quantity of drinking water. Council supports the requirement to utilise tools to manage an imminent risk to supply of water including bylaw mechanisms, however, bylaws are weak tools for providing adequate enforcement measures to restrict supply for 'essential purposes' especially when it requires a district court process. Bylaws made under the LGA 2002 are designed to protect the public from nuisance; protect, promote and maintain public health and safety; minimise the potential for offensive behaviour in public places, and protect council infrastructure. Existing legislation has failed to give local authorities the appropriate tools to enforce their bylaws. If a local authority wishes to enforce a bylaw the only mechanism available is to seek a prosecution through the District Court. Issuing an infringement notice with an associated fine would be much more efficient and less costly than taking a case to the District Court. Council seeks the ability through this Act to infringe persons who are in breach of the bylaw including drinking water quality and quantity aspects.</p>
26	Drinking water at imminent risk - Duties of water suppliers (in relation to quantity of drinking water) can enact a bylaw	
27	Duty to protect against risk of backflow - Backflow risk enforcement	<p>27 (1) states that if a drinking water supply includes reticulation, the drinking water supplier must ensure that the supply arrangements protect against the risk of backflow. Bylaws and the ability to enforce them will be important and could be supported by this Bill. It is also not clear to Council if the water was supplied by a separate organisation, how bylaws can be applied to regulate and enforce backflow risk protection. Further to this, there has been previous discussion about legislating against water takes from a network hydrant other than for the purpose of fire fighting. This does not appear to be in the Bill. Council also notes that annual testing has been removed (as required under the Health Act). Council is unclear if this will be provided for under 'Acceptable solutions'. In general Council seeks bylaw enforcement support and further clarity on what the nature and content of other associated documents will be such as regulations and Acceptable solutions. See also clause 26 commentary.</p>
28	Duty to ensure end point treatment - end point treatment and point of supply definition	<p>28 (1) states that if a drinking water supply includes end-point treatment, the drinking water supplier is responsible for the installation, maintenance, and ongoing testing of an end-point treatment device. Council supports the intent to ensure end point treatment, however some clarity is needed to ensure it is understood that endpoint treatment does not include private treatment beyond the point of supply. It is important to note that even if the Supplier owned the equipment on the side of the property owner, there is no legal right to enter property to monitor the device. Bylaws and the ability to enforce will be important and could be supported by this Bill. see submission points on 5 and 13 and 26.</p>
29	Duty of officers, employees and agents to exercise due diligence - Duty of water carriers	<p>The Bill requires a drinking water supplier to exercise due diligence to ensure that the drinking water supplier complies with that duty, however, it is not clear to Council what diligence and responsibilities are required of water carriers. Council seeks confirmation and clarity that it is not responsible for the safety of carrier water where that water supplied was safe at the time it was discharged to the carrier.</p>
Subpart 2 - Drinking Water Safety Plans		
30	Owner must have a Water Safety Plan - Owner vs Supplier having Water Safety Plan	<p>Council recommends that requiring a Water Supplier (to encompass owner and operator and not just an Owner) to have a Water Safety Plan is required (provided that an Owners accountability to 6 Principles of safe drinking water and this part of the legislation is not reduced). It is not clear what the requirements are of water carriers. Council also seeks confirmation and clarity that it is not responsible for the safety of carrier water where that water supplied was safe at the time it was discharged to the carrier.</p>
30, 31	Owner must have Drinking Water Safety Plan and Water safety plan content	<p>Council supports the lodgement of a (prescribed) Plan and acknowledgement of differing scales and complexity of supplies. The intent of the regulator to review plans and monitor compliance is also supported although it is noted there is no review period specified. Council supports a multi-barrier approach, however, an issue arises when 'an owner' of a supply must include a multi-barrier approach that includes preventing hazards from entering the raw water and must comply with source water risk management plans. It is beyond a water supply owners control to prevent hazards from entering the water. Council seeks clarity on the intent of this section and also seeks clarity on any approval process. Council supports the intent of the Bill's increased focus on source water risk however, there is a need to review the Bill to see how it can leverage other legislation including the RMA and NES to protect source water and clarify Regional Council's responsibilities in this regard (eg) it may be appropriate for a Regional Council to develop Source water risk plans and then the requirements of the RMA and NES can be given more effect.</p>
32	Taumata Arowai to review drinking water safety plans and monitor compliance -	
Subpart 3 - Notifications and Record keeping		
35	Duty to notify Taumata Arowai of notifiable risk or hazard - role for catchment regulation for source water protection. Requirement to notify reduction in supply.	<p>There is no clarity on approval processes and some responsibilities beyond control of a drinking water supplier.</p> <p>A drinking water supplier must, immediately after becoming aware that a notifiable risk or hazard exists take immediate protective action, notify Taumata Arowai, investigate the source or cause, take remedial action, advise affected customers about the notifiable risk or hazard. In addition to this the supplier must identify and implement measures required to ensure that the notifiable risk or hazard does not reoccur. Similar to commentary in clause 30 on Water Safety Plans, and clauses 42 and 44 on Source water, it is not clear to Council how the roles and responsibilities of Regional Council have been considered noting that Suppliers have limited ability to manage all risk beyond treatment, monitoring, and conveyance. Some Territorial Authorities have bylaws and policy on water allocation and restrictions to provide for critical drinking water health needs if needed. If Council supplies water for critical needs but not for commercial and industrial needs, under this Bill there would be notification requirements (ie) Notification regarding cessation or reduction of supply (36) . Council seeks clarity on roles, responsibilities and duties and further clarity on duties in relation to water shortage notifications.</p>
36	Notification duties of drinking water supplier - Notification regarding operation of other suppliers	<p>The Bill requires a drinking water supplier to notify Taumata Arowai of instances of potential or actual unsafe drinking water activities of 'other drinking water suppliers'. While Council supports the intent of Taumata Arowai to capture activities that cause risk, it will be difficult for parties such as Territorial Authorities to assess this and may discourage collaboration between suppliers. Information would also have to be freely available for review and goes beyond the role of Territorial Authorities especially when they are not the sole supplier. Councils considers it is Taumata Arowai's role to monitor and investigate and execute this duty. Consistency between definitions will provide clarity for Local Authorities and the regulator. For section 6 or 36, an amendment to provide clarity that notification relates to critical supply.</p>
37	Records - Drinking water suppliers to keep records	<p>The Bill states that records to be made available continuously. This can be interpreted to mean 'live' data.</p>
38	Supplier to provide information to consumers and complaints process Information to consumers	<p>Council supports transparency. Council considers that 38 (1)9a) should reference the word 'complaint'. Council looks forward to reviewing proposed prescribed information requirements when available. This will help Council to understand what and how information should be provided to ensure efficient measures can be applied. Taumata Arowai must review a complaint if requested. Council considers that the clarity is needed on what a review is intended to achieve, how Taumata Arowai will approach the complaint being reviewed with the supplier, what review scope will be applied (eg) quality or quantity or pressure or aesthetic values or fluoride or methods. The scope should be directly related to regulations and matters related to public safety. HCC can comply with standards, but the complaints process may be resource intensive for both the supplier and the regulator (especially if related to fluoride) . Council seeks clarity on how this may be addressed.</p>
39	Review by Taumata Arowai - complaints	
Subpart 5 - Source Water		

41	Purpose of Subpart and 48 - Reference to suppliers and Local Authorities and compliance rules.	This subpart attempt to provide a framework for source water response and management. Council considers that use of the term 'Local Authority' is reviewed and where compliance is more aligned with powers and responsibilities of Regional Councils, then the correct Authority should be specified. This is relevant for the identification, assessment, management and monitoring of risk and hazards in source water and requirement to comply with compliance rules.
42 and 43	(42) Suppliers to prepare a Plan and Local Authorities to undertake actions to address risk (43) and Suppliers to monitor source water quality	clause 42 requires that a drinking water supplier prepare and implement a source water risk management plan and that it is part of the Water Safety Plan, and Local Authorities (both Territorial and Regional authorities must contribute to it). Council supports the monitoring of raw water at the abstraction point to evaluate treatment performance and risk but will have a requirement for the Regional council to provide important information on catchment risk and carry out monitoring on the catchment. Regional Council could be specifically stated rather than Local Authority. clause 43 states that A drinking water supplier must monitor quality of the supplier's source water at the abstraction point in accordance with a programme set out in the supplier's drinking water safety plan. The main regulator of the source water is the Regional Council who issues consent under their Regional Plan for discharges to water and these consents must meet the standards of the NES for Protection of drinking water sources. HCC recommends further clarity in the Bill, or in an implementation document on reasonable responsibilities of both parties. The clauses also does not address supplier to supplier scenario (ie) 2 parties will have a water safety plan but only one will be a water supplier who abstracts water. There could be reference to 'abstractor' to address part of this.
44	Information sharing with Local Authorities - Informing drinking water suppliers of risks and hazards to supply and infrastructure.	Council supports information sharing that will assist in managing risk to public health. HCC notes that Local authorities must inform drinking water suppliers, as soon as practicable, of any known risks or hazards that could affect a source of a drinking water supply or related infrastructure and considers that 'notifies' might be appropriate than 'informs'.
45	Regional councils to publish information - source water and assess effectiveness of regulatory and non-regulatory interventions to manage risks or hazards (3 yearly) and make information available to the public.	The Bill requires Regional councils to publish and provide 'Taumata Arowai' with information on source water quality and quantity in their region annually, including any changes to source water quality and quantity. Council considers that water suppliers could also be provided the same information, and emerging risks to water supplies monitored by Regional Councils in accordance with obligations set out under the National Environment Standard for Protection of Source Water. Alternatively Taumata Arowai could have a duty to provide information to suppliers.
Subpart 7 - Drinking Water Supply Register		
53 and 55	Application to register drinking water supply (53) and Duty to renew registration (annually) and notify changes (55)	Council supports the registration of drinking water supplies required in clause 53 and notes it is an offence to fail to notify changes to a register immediately. It is not clear if some changes (such as population updates) are significant enough for immediate changes (keeping some data accurate is challenging) and if there will be charges for updating a register. Council also considers that some information to assist in Taumata Arowai in understanding points of supply and agreed responsibilities may be useful (this includes supply agreements, contractual arrangements and supply policies). Council seeks clarification on why there is a significance difference between re-registration (annually) and 5 yearly reviews for exemptions from rules (56)(8). Council supports exemptions from responsibilities where appropriate. It would provide clarity if the grounds under which an exemption can be granted were provided and if a partial exemption was possible. It would also be helpful if there was provision for a an associated party responsible for part of the affected network supply to be informed.
56	Exemption - of supplier	
Subpart 9 - Emergency Powers		
61	Special Powers of Taumata Arowai - Powers to direct	Council supports the intent of the Bill to manage serious risk to public health. Council seeks clarity on whether it was intended that Taumata Arowai have the ability to direct a territorial authority to supply drinking water to affected persons (whether in the district or not) when this is likely a Civil emergency matter under the Civil Defence Emergency powers, and whether or not the Territorial Authority is the water supplier. Council also notes that reference to 'public health' is wide and not a risk related to water quantity and quality. Clarity is sought on who would cover the costs of direction such as operational costs of water supply, emergency works, and event cancellations. Emergency Provision of s 58 – 62 suggests extensive powers to Taumata Arowai during an emergency which rival those of the CDEM Controller during a state of declaration of emergency. In particular s 60 creates the situation where both a CDEM emergency and a water emergency could be declared simultaneously or one following the other. This seems to me to potentially create some confusion amongst partners. Although it makes it clear that Taumata Arowai employees exercising emergency powers are subject to the direction of the CDEM Controller when a CDEM emergency is declared, this is not the same for declared emergencies under the Hazardous Substances and New Organisms Act and for declared emergencies under the Biosecurity Act. In both of these instances Taumata Arowai employees will no longer be subject to the respective HSNO or Biosecurity controller if Taumata Arowai directs otherwise. This seems a significant override power and appears light on what might be required before such actions are initiated.
61	Special Powers of Taumata Arowai - Powers to direct	Another area where there needs to be some clarity is around responding to non-declared emergencies. About 90 -95% of all emergencies that CDEM deal with are non-declared emergencies. In most cases we would only seek a formal declaration of emergency in order to access the emergency powers that goes with such a declaration. If we did not require the emergency powers (pretty much regardless of the nature of the event) then it would appear that Taumata Arowai may decide to declare an emergency and then technically at least Taumata Arowai employees and compliance officers would not be subject to direction of the CDEM Controller. Clarity is required to implications can be understood. Direct water suppliers to make arrangements to ensure an alternative dw supply ..(e.g. water carrier) A Supplier won't have power to demand a water tanker assist. Rather than directing the supplier, consideration should be given to if they use their powers to ensure a registered DW water help in an emergency (if not declared a Civil Defence emergency situation)
61	Special Powers of Taumata Arowai - Powers to direct	
61	Alternative water supply	
Subpart 10 - Authorisations		
67, 68	Requirement for operators to be authorised, and requirement for prescribed skills, qualifications etc.	Authorisation of practitioners occurs in a number of different industries where public safety is involved. A system that requires operators of water and wastewater systems to need to be authorised in some way to validate suitable training, experience and competency would contribute to the safety of the drinking water system across New Zealand. This will require working closely with the water industry to develop and will need to range from those making decisions and operating at the coal face to those operating at a management level. Council questions why stormwater has not been included in the scope of the section. There are few recognised base qualifications at this time that could be readily utilised as part of an authorisation process, however it would be good to ensure that in the future that stormwater competency is considered in a similar way to water and wastewater competency. This includes areas such as provision of stormwater infrastructure, inspections, remedial works, monitoring. To manage contaminants, the environment and peoples safety, it is just as important for stormwater networks and connections to be understood and managed properly. Council notes that this subpart is reliant on the development of regulations for authorisations to become mandatory. One of the findings of the Havelock North Inquiry was that a licencing system should be a key part of the drinking water system in New Zealand and the lack of a licencing system was seen as a glaring omission in the current drinking water regime. However the Health Act provided for the regulations to be made prescribing required competencies and other requirements in relation to the management of operation and maintenance of drinking water supply systems or components of those systems (s69ZZY of part 2 of the Health Drinking water amendment Act). Council supports the inclusion of this subpart in the proposed Bill however seeks assurance that regulations will be progressed as a priority. In addition to this, making authorisations mandatory will enable the development of robust and efficient authorisation systems and bodies as well as increase the cost effectiveness of training courses.
General comment		
Subpart 11 - Laboratory accreditation and testing		
73	Taumata Arowai may appoint accreditation body - Laboratory accreditation and testing is a specific authorisation	Laboratory accreditation and testing is a specific authorisation and should be included or combined into subpart 10 - Authorisations. Taumata Arowai can determine who the entity is that has the authority to authorise operators, samplers, and laboratory's.
75	Charges - Responsibility for setting charges	Council seeks clarity on why Taumata Arowai is the body that will prescribe charges to be applied for accreditation when charges can be determined by the body appointed by clause 73.
PART 3 - ENFORCEMENT AND OTHER MATTERS		

Subpart 1 - provisions relating to appointment of compliance officers			
97	Taumata Arowai may appoint compliance officers		Council notes that any employee of a Taumata Arowai, an employee of state services, or suitably qualified and trained person can be appointed. Council seeks clarity on provisions of authorisations of compliance officers where they are technically competent.
106	Power to take and test samples		The clause also mentions conducting inquiries or inspections so the clause heading should be expanded
139	Network Registers		the clause does not give nay clarity about network size and scale. As information will be obtained from Territorial authroities and netowrk owners, it will be important to understand the scope and level of detail needed.
115 and 116	Building Act and Power to ask for assistance - officer - lack of clarity on which officer.		115 - Building Act 2004 (1) If a compliance officer, in the course of performing functions or exercising powers under this Act, believes that any building or sitework that relates to the supply of drinking water does not comply with the Building Act 2004 or the building code, the officer must notify the appropriate territorial authority in writing and include details of the officer's opinion. And 116 - Power to ask for assistance - (1) A compliance officer who considers it necessary to do so may ask a person for assistance in performing the officer's functions or duties, or exercising the officer's powers (other than exercising a power of entry), under this Act. (2) If the person agrees to assist, they— (a) must act under the supervision of, and as instructed by, the officer; and (b) may accompany the officer into any place that the officer enters. For clarity, the word 'compliance' should be inserted so that there is not confusion about which officer is being referred to (ie) compliance officer or a drinking supply officer.
Subpart 9 - criminal proceedings			
156 and 159	Liability off officers, employees and agents of drinking water supplier		Council supports the Bill on limited liability of employees provided for in Defence of prosecution. Council notes this clause (159) the duty of officers, employees and agents to exercise due diligence (clause 29) and others clauses on liability and prosecution. Council has some concern that perceived high personal liability may drive behaviour such as falsification of records. It will be important to encourage transparency among water suppliers, owners, operators and contractors.
Subpart 10 - Offences			20 offences seems very high cpared to other service providers.
PART 4 - MISCELLANEOUS PROVISIONS			
190	Regulations		The Bill references 'regulations' throughout subparts. The absence of regulations makes it difficult to understand practicality and cost implications and plan for compliance. HCC seeks further understanding on what and when regulations will be written and made available for review. Council also seeks clarity on what the regulatory relationship of Guidelines will be to the Act. In some cases it may be better to require 'reasonable practicable steps'.
Part 5 Local Government Act 2002 amendment			
Water and sanitary services assessment			
125 and 126	Requirement to assess drinking water services and requirements following assessment. What will be assessed, timeframes, who should be assessed and responses including requirement to notify Taumata Arowai about other suppliers risk		s125 states that a territorial authority must inform itself about the access that each community in its district has to drinking water services by undertaking an assessment of drinking water services in accordance with this section. Council supports the clarity provided on what should constitute an assessment. Council also supports working with other suppliers on matters of significant problems. Council has some concerns about potential implications of duty of care, the extent of the responsibility versus the role of Taumata Arowai especially related to assessment of private supplies and cost recovery. The onus appears to be solely on a Local Authority to remedy and no redress for cost recovery. There is also limited clarity on what constitutes a private supply and a community (eg) retirement villages, in order to fully comprehend the requirements of these clauses on a Territorial Authority and how significant they are. Council also notes that there is inference that a Territorial Authority will assess another territorial authority or water supplier whether private of not. Council is of the opinion that this is the role of Taumata Arowai.
127	Requirement to take over supplies if failing		HCC seeks how cost recovery will occur if one supplier has to take over another supplier or service a community that it has not provided for planning.
Resource Management Act Amendment			
104G	Consideration of activities affecting drinking water supply source water: consent authorities to have regard to risk or potential risk		Council seeks clarity on how this should be implemented at a Local Authority level and if this would warrant a decline of consent.

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Initial Feedback by

Hamilton City Council

THREE WATERS REVIEW

23 October 2018

Attn: The Hon Nanaia Mahuta

Copy to:

- The Rt Hon Winston Peters
- The Hon James Shaw
- Hon David Bennett
- Hon Tim Macindoe
- Jamie Strange
- Tim Van De Molen
- Barbara Kuriger
- Hon Louise Upston
- Alan Prangnall (DIA)
- Richard Ward (DIA)

1.0 INTRODUCTION

- 1.1 Hamilton City Council (HCC) would like to provide its Initial Feedback and Position to the Minister of Local Government, the Hon Nanaia Mahuta, on the Government's Three Waters Review that is currently being coordinated by the Department of Internal Affairs (DIA).
- 1.2 HCC supports the Government's review of how to improve the management of drinking water, stormwater and wastewater (the three waters) to better support New Zealand's prosperity, health, safety and environment.
- 1.3 While we understand from the DIA that there will be opportunities to engage with the Government in 2019 on the Three Waters Review, HCC would like to outline its Initial Feedback at the outset of the current stage of the review process.
- 1.4 Representatives from HCC would also be happy to meet with yourself, other key Ministers and representatives from the DIA to outline our Initial Feedback.
- 1.5 HCC achieves and delivers Aa grade drinking water for Hamilton that meets compliance with the Drinking Water Standards for New Zealand, duties under the Health Act 1956, and is suitable for food grade manufacturing. Water is delivered at a very reasonable cost i.e. the 2016/17 Water New Zealand National Performance Review shows that Hamilton has the third lowest water charge for residential users across all 39 councils that participated in the benchmarking review. Hamilton's water usage is also relatively low i.e. the city's residential use was just over 200 litres per person per day, compared to the median average daily residential water use of 260 litres per person per day across the 39 councils in 2016/17. Of these councils, Hamilton's residential water use was the 10th lowest.

2.0 INITIAL POSITION

- 2.1 HCC has significant experience in considering and investigating options for collaboration and aggregation of water services with Waikato District Council and Waipa District Council. These investigations identified that there are benefits of collaboration and aggregation of such services. Benefits are outlined in the Waters Study Waikato website: www.waterstudywaikato.org.nz/
- 2.2 Based on the considerable amount of investigative work undertaken throughout this process, HCC voted on 17 December 2017 to support the formation of a shared waters management company of the three councils i.e. a Council Controlled Organisation (CCO). The progression of this 'journey' of the three councils between 2012 and 2018 is outlined in **Appendix 1**.
- 2.3 Unfortunately, the reason that this particular model did not progress was due to agreement not occurring at key decision-making stages for both Waikato District Council and Waipa District Council to join the proposal. Elected Members in Waikato and Waipa District councils rejected the model.
- 2.4 It should be noted that the decision made by Waipa District Council on 19 December 2017, which resulted in the CCO three waters proposal not proceeding, **was lost by only one vote**.
- 2.5 At that particular time, Waikato District Council was already in the process of exiting the three waters model and had voted not to participate in the proposal prior to Waipa District Council formally rejecting joining the proposal.
- 2.6 Waikato District Council is now in the process of transitioning into a partnership with Auckland City Council-owned Watercare Services Ltd to manage the district's water. Under this arrangement, Watercare will be contracted to supply the district's water services - potentially through a council-appointed waters governance board.
- 2.7 Clearly then, there was a significant amount of staff/Elected Member time and resource invested into the three waters project by the three councils between 2012 and 2017, all without achieving the desired result. HCC's share of the consultancy costs was around \$600,000.
- 2.8 HCC is therefore of the view that Government intervention is necessary to achieve aggregation of water service delivery and that the decision for the aggregation of water services must be led by the Government, as local government is not always able to make the decision to aggregate on its own.
- 2.9 In addition, some councils appear to be reticent about losing control of their water function as it is regarded as a significant part of their ongoing operation and, to a certain extent, is seen as justifying their 'existence'.
- 2.10 The Government is also in a much more independent position to articulate the benefits and drivers for aggregation of water providers, particularly regarding economies of scale and efficiencies of managing larger scale entities. This is a critical aspect that needs greater consideration and debate throughout the three waters review process.
- 2.11 HCC is open to considering various models for the management of three waters in the Greater Hamilton/Waikato area. These include the models recently outlined by the Minister of Local Government.
- 2.12 One model suggested by the Minister is the creation of five 'super-regions'.
- 2.13 The other model suggested by the Minister is the establishment of a water body for each of the country's 16 regions, which could potentially result in New Zealand's 67 territorial authorities jointly governing and managing them within a region.
- 2.14 Another alternative model to the above could see an independent body managing water over these 16 regions.
- 2.15 HCC is of the view that all models considered by the Government will need rigorous analysis of relevant factors to base such an aggregation model on e.g. factors could include population, catchment and terrain type, economies of scale etc.
- 2.16 We also note that the Wellington water service delivery model has evolved/developed over time into a successful and proven working model that has still retained an aspect of local democracy i.e. local

input, accountability and decision-making, as well as demonstrating open and transparent business processes. The Wellington Water service delivery model was the basis of the Shared Water Management Company CCO structure proposed by HCC and Waipa District Council (as outlined above). HCC is therefore strongly supportive of this model being investigated further in regard to establishing an efficient and effective working model for the Greater Hamilton/Waikato area.

- 2.17 HCC acknowledges the proposal from the councils in the Waikato (including the Waikato Regional Council) to investigate the Water Asset Technical Accord (WATA). While this is potentially a good initiative, that may lead to some innovative outcomes, HCC is of the view, off the back of our work on the Shared Waters Management Company, that this proposal doesn't go far enough to achieving the full benefits of collaboration.
- 2.18 In essence, HCC is seeking more benefits than WATA will potentially be able to provide, particularly as we already have scale in asset management. Scale in service delivery via the shared services model is far more comprehensive and provides significant financial and non-financial benefits. The other key issue for the Greater Hamilton/Waikato area is growth and provision of joined up waters infrastructure for a rapidly growing area.
- 2.19 Given the above and as noted previously, HCC will keep an open mind on the various models being considered by the Government in regard to the potential management and structure of a three waters model for the Greater Hamilton/Waikato area.
- 2.20 We suggest that the Government should also look to provide financial support towards any investigative work that councils may need to undertake when looking at more cost-effective and efficient three waters models. As noted, in Hamilton's case, the cost of engaging consultants for HCC to undertake such initial scoping work was around \$600,000 (refer also Section 4.1 below).
- 2.21 Partnership between the Government, local government and Iwi to recognise Te Mana o te Wai and Kaitiakitanga is important when considering models of aggregation for three waters.
- 2.22 Please note that HCC provided a detailed response in September 2018 to LGNZ's Three Waters Survey for consideration by their National Council on 4 October 2018. We have included a number of the key points raised in our response to LGNZ (outlined below in Sections 3.0-5.0) as we believe they are relevant and will be helpful to the Government as it progresses its Three Waters Review.

3.0 INDEPENDENT REGULATOR FOR DRINKING WATER

- 3.1 HCC supports a new independent regulator for drinking water. Water supply is a critical part of public health and community well-being. An independent regulator will provide consistency, dedicated/focused technical competency and expertise to drive the required level of compliance to ensure water is safe to drink.
- 3.2 Any new independent regulator will need to be funded and resourced appropriately.
- 3.3 The availability of competent and experienced staff to resource any new independent regulator needs to be considered. There is a considerable risk that experienced staff will be recruited from the limited pool of experienced and competent staff currently employed by local government.

4.0 INCENTIVES FOR AGGREGATION OF WATER SERVICES

- 4.1 Provision of funding for the investigation, establishment and set-up costs for aggregation of water service delivery by the Government is considered essential. Since 2012, HCC has invested around \$600,000 investigating aggregation and collaboration options with Waikato District Council and Waipa District Council. However, as noted above, ultimately the three councils were unable to agree on any collaboration or aggregation model.
- 4.2 To provide an incentive for aggregation, Government assistance for addressing any funding gaps in resilience, asset management and service delivery deficiencies (which nationally are estimated to be significant for water and wastewater), including meeting environmental and waters standards, should

only be available to councils who are part of an aggregated service delivery model i.e. a CCO.

- 4.3 HCC is of the view that if councils are required to meet the introduction of new standards but aren't in a position to afford this by themselves, then assistance from the Government be made available - but only if the councils in question aggregate so as to gain the associated benefits from scale and meaningful cooperation i.e. it would be unacceptable for taxpayers to subsidise small, inefficient three water schemes. Government funding should only be available for efficient operations.

5.0 CHALLENGES OF WATER QUALITY AND ENVIRONMENTAL COMPLIANCE

- 5.1 In an environment of high growth and increasing/changing regulation, funding of and maintaining compliance with quality and environmental standards for drinking water, wastewater and stormwater is challenging.
- 5.2 HCC is also of the view that the three waters review process needs to give greater emphasis and recognition of the challenges and pressures faced by councils that are associated with stormwater management and compliance.
- 5.3 In particular, there is a real difficulty for smaller entities to attract skilled expertise to run the three water systems. HCC is of the view that Government assistance is required to address this issue.
- 5.4 In addition, more focus needs to be placed on attracting people into the water industry and increasing competence and experience. Development of an appropriate industry qualifications framework for the three waters workforce, including regulatory personnel, is limited due to the high cost associated with the range of qualifications needed and a large proportion of the cost being spread over a relatively small industry.
- 5.5 HCC believes there are incentives that could assist in maintaining compliance with quality and environmental standards for drinking water, wastewater and stormwater. These incentives are outlined below:
- Long-term certainty is needed in regard to quality and environmental compliance standards for drinking water, wastewater and stormwater.
 - National consistency is required in the application of quality and environmental compliance standards for drinking water, wastewater and stormwater (standardisation of consenting requirements for urban wastewater and stormwater systems) and in the development of national good management practices for all councils to implement to achieve environmental compliance.
 - Government-led Product Stewardship is required to reduce contaminants of national concern.
 - Government Housing Infrastructure Fund support of water sensitive principles is required.
 - National priorities for actions, activities or priority catchments need to be set. Three waters networks need recognition as significant infrastructure across the board in various planning tools such as the National Policy Statement for Freshwater Management.
 - Advice on science and knowledge, data, monitoring and modelling requirements is essential.
 - Public education campaigns supporting environmental compliance should occur.
 - Access by councils to new funding and financing tools is a critical component of a workable three waters model. The New Zealand Productivity Commission's impending inquiry on 'Local Government Funding and Financing' arrangements will be a key workstream to investigate this issue.

6.0 FURTHER INFORMATION

- 6.1 Should you require clarification of the above, or additional information, please contact Eeva-Liisa Wright (General Manager Infrastructure Operations) on 07 958 5874, email eeva-liisa.wright@hcc.govt.nz in the first instance.

Yours faithfully



Richard Briggs
CHIEF EXECUTIVE

APPENDIX 1 – THE ‘JOURNEY’ OF THE THREE WATERS WATER STUDY – HAMILTON CITY COUNCIL, WAIKATO DISTRICT COUNCIL AND WAIPA DISTRICT COUNCIL

1. Since 2012 multiple independent reports have advised that councils working together in the sub-region for the provision of water and wastewater activities would deliver significant financial and non-financial benefits for ratepayers and communities. In addition, many of New Zealand’s relevant professional bodies (Industry New Zealand, IPENZ, Waters NZ, Ingenium, National Infrastructure Unit) also support the benefits of scale in the reticulation and delivery of water services.
2. On 26 June 2014 Hamilton City Council (HCC) resolved to “... undertake a detailed business case examination of a Council Controlled Organisation for water and wastewater activities as a joint project between Hamilton City Council, Waikato District Council and Waipa District Council.” and “The detailed business case includes an enhanced shared services model as part of the review”.
3. On 30 October 2014, HCC confirmed the appointment of the Cranleigh consortium following a competitive procurement process and established a Waters Governance Group with two members from each council with oversight over the business case development. Councillors Mallet and Pascoe represented Hamilton.
4. The Cranleigh Business Case was a comprehensive piece of work which looked at the case for change, examined three options in detail identifying the benefits of these options and recommending the preferred option.
5. HCC resolved on 30 July 2015, “That Council receive the Business Case for Water Services – Delivery Options (“Cranleigh Report”)” and “Council supports in principle the formation of a Waters CCO for the Hamilton City, Waikato and Waipa District Councils...”
6. On 29 October 2015, a new Waters Governance Group (WGG) was established to address issues to be resolved prior to public consultation on forming an Asset Owning CCO. This resulted in the *draft Record of Agreement* for an Asset Owning CCO, developed via a series of independently facilitated workshops. The previous Mayor (Julie Hardaker), along with Councillors Gallagher and Mallett, represented HCC.
7. HCC resolved on 14 July 2016, “That Council adopt the attached *Record of Agreement* and supporting documentation relating to the potential formation of a water and wastewater CCO for Hamilton City and Waipa and Waikato Districts Councils.”
8. In supporting the *draft Record of Agreement*, the councils did not decide to form a CCO. The formation of an asset owning CCO could not progress until:
 - All three councils formally proposed forming a CCO following the 2016 Local Government Elections; and
 - Formal public consultation had been carried out.
9. Post the elections on 5 December 2016, Waikato District Council resolved “THAT Council formally support the formation of an Asset Owning Three Council Water CCO”.

10. On 6 December 2016, Waipa District Council's Strategy Policy and Planning Committee considered a report from Morrison Low describing a transitional 'mixed model' (starting with a non-asset owning CCO moving towards an asset owning CCO over time). They resolved to amend the *draft Record of Agreement* to include this transitional option.
11. On 13 December 2016, HCC requested further information before establishing a preferred waters sub-regional collaboration option and delegated this responsibility to the HCC members of the Waters Governance Group (HCC WGG) to progress.
12. The members of HCC WGG are: Mayor Andrew King, Councillor Garry Mallet and Councillor Dave Macpherson.
13. In a public workshop on 13 April 2017, HCC WGG briefed HCC on the conclusions of their research. The briefing included a presentation and Q&A session with Colin Crampton, the Chief Executive of Wellington Waters. His presentation outlined the strong relationships with its council shareholders which are built on a high trust model between the company and the councils. He reinforced the benefits of open and transparent business processes for their model.
14. On 12 December 2017, HCC decided it would proceed with forming a Shared Waters Management Company.
15. However, on 19 December 2017 Waipa District Council rejected the proposal, meaning a Shared Waters Management Company will not proceed.
16. On 27 March 2018, Waipa District Council formally resolved not to proceed to establish a Shared Waters Management Company with Hamilton City Council at this stage, but to continue with the current governance, funding and service delivery arrangements for water service, having carried out a review of the service pursuant to section 17A (Local Government Act 2002).
17. HCC, at the 10 April 2018 Growth and Infrastructure Committee meeting:
 - Notes that Waipa District Council has declined the opportunity to establish a Shared Waters Management Company and that no further work will be undertaken on this 3-waters collaborative initiative; and
 - Notes that staff will continue to investigate collaborative opportunities as part of asset management planning for the delivery of 3-waters services, with a particular focus on strategic infrastructure solutions, collaboration on Resource Management Act and policy matters and resilience across the greater Hamilton growth area (covering both Hamilton and the growth communities surrounding the city).



Submission of the Society of Local Government Managers regarding the Water Services Bill

What is SOLGM?

The New Zealand Society of Local Government Managers (SOLGM) thanks the Health Committee (the Committee) for the opportunity to submit on the *Water Services Bill* (the Bill).

SOLGM is a professional society of 882 local government Chief Executives, senior managers, and council staff.¹ We are an apolitical organisation that can provide a wealth of knowledge of the local government sector and of the technical, practical, and managerial implications of legislation and policy.

Our vision is:

Professional local government management, leading staff and enabling communities to shape their future.

Our primary role is to help local authorities perform their roles and responsibilities as effectively and efficiently as possible. We have an interest in all aspects of the management of local authorities from the provision of advice to elected members, to the planning and delivery of services, to the less glamorous, but equally important, supporting activities such as election management and the collection of rates.

SOLGM supports the intent of this Bill

The Inquiry into the Havelock North Contamination incident found that there was inadequate system oversight at policy and regulatory levels with multiple agencies having roles and responsibilities with no overall leadership.

We concurred with this finding and therefore supported the decision to establish independent regulator with the range of functions that Cabinet have allocated to

¹ As at 20 January 2021.

Taumata Arowai. That included general support for Taumata Arowai – the Water Services Regulator Act (Taumata Arowai Act. It extends to our also supporting this Water Services Bill. The Bill does not set the regulatory standards in and of itself, nor does it enforce compliance with the standards. It enhances the set of tools available for Taumata Arowai to do so.

The sector generally acknowledges the importance of stronger regulatory oversight but remains concerned about the cost of complying with these requirements and their affordability.

We also note that Taumata Arowai will need to draw significantly on the skills and capability in the three waters sector to meet the full range of functions that have been placed on it.

While not an issue for legislation per se, we would be remiss if we did not draw Parliament's attention to the very considerable skill and capacity needs that are a flow-on effect of this legislation. For example, section 68 holds that no person can test, or operate water and wastewater networks without the prescribed skills and experience or without being supervised by someone with the requisite skills. Our conversations with water engineers have revealed concerns that there may not be a large enough pool of expertise and the age profile of this occupational grouping suggests a looming retention issue.

It is in the interests of central and local government to develop a skills strategy for the water services sector as a priority. Skill gaps will also be an important factor for Taumata Arowai to consider as it develops the compliance, monitoring and enforcement (CME) strategy.

The Bill resolves several of our unresolved concerns from earlier legislation

The Water Services Bill resolves one of the two major concerns we had about the Taumata Arowai Act and its lack of statutory independence from Ministers when exercising its compliance, monitoring and enforcement powers. Amendments contained in the Schedule establish that the Chief Executive has independence to monitor and enforce compliance, granting exemptions, and appointing or requiring the appointment of an alternative operator.

The Bill also clarifies the regime for setting levies to fund Taumata Arowai. We are not clear what happens to revenues raised through any compliance, monitoring and enforcement action (fines etc). Ideally these would be retained by Taumata Arowai and used to develop the organisation and the sector's capability

We remain concerned that the governance of Taumata Arowai lacks knowledge of the three waters industry.

The Bill has not addressed our concerns about the governance of Taumata Arowai. The Cabinet paper seeking policy decisions on the establishment of Taumata Arowai noted that:

*"In terms of the qualifications of board members, I consider it beneficial that they understand the regulator's work - both in relation to water regulation, and in governing a regulatory body more generally. It is also important that the board, and the organisation more broadly, includes people who understand Te Ao Maori."*²

We consider the above paragraph is a succinct statement of the overall skill sets necessary to effectively govern a water services regulatory body. The minute of the Cabinet discussion on this proposal record that Cabinet agreed

*"that members of the governance board would collectively have knowledge and experience that includes: the work of the regulator, including public health knowledge, and the broader environment in which the regulator operates"*³ (emphasis supplied).

That, very wise, decision has not been carried through in the legislation. Nowhere is the Board required to have any knowledge or understanding of the operation of a drinking water supply or wastewater operation. Taumata Arowai needs an understanding at governance level of the impacts of the regulations it is proposing – practicability, capability, and cost implications not least.

A Board missing these skill sets will struggle for credibility with the industry and the wider public. Bringing on the skill sets as a matter of course could be done by either requiring expertise in the provision and management of drinking water services, or by requiring appointment of at least one representative from the regulated community.

The Water Services Bill provides an opportunity to amend the primary legislation to make knowledge or understanding of three waters services a mandatory skill set for the board. If not, then the appointment of at least one candidate with this knowledge is a 'must' when board appointments are made. A positive recommendation from the Select Committee would be welcomed.

This is not a matter of 'representation' as much as a matter of credibility.

² Minister of Local Government (2019), *Three Waters Reform: Institutional Arrangements for a Drinking Water Regulator*, page 10 (at para 55).

³ Minister of Local Government (2019), page 3 (at para 11,1).

Recommendation: Taumata Arowai governance

- 1. That section 12(2) of the Taumata Arowai – the Water Services Regulator Act be amended to include knowledge of the operation of three water services as one of the mandatory skill sets for the Board.**

The customer complaints framework provisions are well-intentioned but unclearly drafted.

Clauses 38 and 39 establish a customer complaint framework and provides Taumata Arowai with regulatory and review powers. They are matched with a requirement that drinking water providers have a framework that complies with any requirements set down in regulations. (The regulation-making power itself is set down in clause 190)

These include:

- requirements on suppliers to provide information, establish a customer complaints process, resolve complaints in accordance with that process, and in an efficient and effective manner. Each of these is subject to regulations under section 190
- a provision that provides customers who are not satisfied with the outcome of a complaint to seek Taumata Arowai's review of the complaint. Taumata Arowai may decline a review on a set of specified grounds.

SOLGM agrees that accountability to the end users (and funders) of three waters services is one of the critical success factors for these reforms. We consider that 2014 report from the *Office of the Auditor General, Watercare Services Limited: Review of Service Performance* provides some good practice bottom lines. These are that organisations should:

- make it easy to complain
- recruit and train necessary staff
- keep customers informed
- keep clear records
- deal with complaints quickly and fairly
- aim to resolve complaints satisfactorily and
- monitor the complaints-handling process.⁴

⁴ Office of the Auditor-General (2014), *Watercare Services Limited: Review of Service Performance*, page 29.

It is very unclear from the Bill and the Cabinet documentation what the purpose of review of complaints by Taumata Arowai would be. This lack of clarity makes it appear that the provision was added in the later stages of the Bill's development as the drafting appears rushed, In particular:

- what a review is intended to achieve – it is unclear what the reference to “the supplier’s handling of the complaint” is intended to encompass. For example, does this include the decision that the supplier reached on the original complaint, or is it intended to consider the steps the supplier took to respond to the complaint
- a review of a complaint should follow the principles of natural justice – at minimum there should be some requirement to provide the supplier with an opportunity to respond to the complaint, and to any findings. There should also be some ability to tailor the nature of the review to the circumstances in which the review arose, and the seriousness of the issues raised in the complaint
- the intended scope of the review process - read one way, this provision could be used by those aggrieved by a single policy or service decision, regardless of whether the decision or action jeopardises compliance with the standards. For example, those who oppose fluoridation and/or disinfection methods such as chlorination might complain in the expectation that Taumata Arowai overturn the decision
- what steps does Parliament intend Taumata Arowai take when it has completed an investigation of a complaint. One would expect that where an investigation highlights an issue that goes to compliance with the legislation and regulations Taumata Arowai would direct the supplier to take steps to comply. But we would also expect no or very few complaints of this nature – let alone that many will get to the end of the process. If Parliament intends that Taumata Arowai have the power to make recommendations to the supplier about the resolution of the complaint or improving the handling of complaints, then Parliament should consider explicitly allowing for this.
- Taumata Arowai should be given further discretion to reject requests for review where the complaint relates to a decision that gave effect to a direction from Taumata Arowai, or where the supplier believed on reasonable grounds that the action was necessary to give effect to a direction of Taumata Arowai or to regulations made under the Act.

Recommendations: Customer complaints framework

2. That clause 39(2) be amended by adding an explicit power for Taumata Arowai to make recommendations in regards the complaint, or the handling of future complaints
3. That clause 39(3) be amended to include the ability to decline to act on complaints regarding decisions made to give effect to a direction from Taumata Arowai, or to comply with regulations made under the Act

The powers to declare a drinking water emergency, while supported, need further consideration

Subpart nine of Part Two provides the Chief Executive of Taumata Arowai with powers to declare a drinking water emergency. SOLGM supports the intent of these provisions i.e. that there are powers to intervene in a situation where a serious risk to public health exists – and where access to the powers provided under clause 61 is necessary to avoid or remedy the risks.

We have several concerns about the provisions, including how they are activated and how they link to the emergency provisions of other legislation.

The Bill requires Taumata Arowai to consult with the Minister (under current arrangements that appears to be the Minister of Health). Given the wide ambit of powers a declaration triggers this seems appropriate.

However, the Minister is only one of several parties that should be consulted in the process. For example, there is no obligation to consult with the operator of the drinking water supply (for example, as to what steps they might be taking to deal with the risk) or with the local Medical Officer of Health (whose advice might be useful in assessing the degree of seriousness of the risk). The Chief Executive of any affected local authority should also be consulted – though we accept that this is more of a case by case matter.

There will be instances where it may not be appropriate to consult these officials. For example, its more than likely that the Medical Officer of Health or the Chief Executive would be the source for any information that Taumata Arowai has on the problem and its degree of risk. There may also be circumstances where the urgent nature of any risk and/or the remedial action might mean consultation is not practicable or where these parties may have already provided information and/or views on the risk.

We are also unclear of the links between drinking water emergencies and other forms of emergency (such as Civil Defence emergencies). Where a drinking water emergency has arisen out of a Civil Defence emergency there may be some potential for duplication or overlap of roles. The Committee may wish to take further advice on this matter.

Recommendations: Drinking water emergencies

4. That clause 58(3) be amended to add a duty to consult the Medical Officer of Health in the affected and the principal administrative officer of the drinking water supplier before declaring a drinking water emergency.
5. That any additional clause 58(3) obligations to consult before declaring a drinking water emergency be subject to the Chief Executive having considered the nature of the risk, the urgency of the corrective actions proposed (where known) and the source of any information held on the risk.
6. That the Select Committee seek further advice on the relationships between drinking water emergencies under this Bill where they are the result of a civil defence emergency (declared under Civil Defence and Emergency Management Act 2002).

There is no apparent requirement on Taumata Arowai to engage when developing or reviewing its compliance, monitoring and enforcement strategy,

SOLGM supports the concept of a compliance monitoring and enforcement (CME) strategy. Like all regulators, Taumata Arowai will have finite resources, even with the expectation that there will be a focus on CME as part of the overall strengthening of the regulation of drinking water.

A CME strategy will encourage Taumata Arowai to approach CME in a way that does not lose sight of the end objectives in a rush to target anything and everything in the short-term. Among other things that will avoid perceptions that there is an undue focus on 'revenue generation'. Guidance in other regulatory areas (such as the RMA) also ensures decisions are made efficiently, in accordance with agreed principles and in a consistent way.⁵

⁵ Ministry for the Environment (2018), *Best Practice Guidelines for Compliance, Monitoring and Enforcement under the Resource Management Act 1991*, page 17.

Again, our concern is that there is no direct obligation on Taumata Arowai to engage in preparing the CME strategy. The decisions Taumata Arowai will take in developing the strategy are important both for the suppliers and consumers and for the achievement of the purpose of the legislation. A CME strategy prepared in an engagement vacuum will have limited credibility with operators and with the public.

Recommendation: Compliance, Monitoring and Enforcement Strategy

- 7. That requirements to engage on the compliance, monitoring and enforcement strategy be added to clause 134 of the Bill.**

Similarly, there are no obligations on the Minister to engage when exercising the regulation-making powers

Section 190 is a regulation-making power that includes specific powers to regulate:

- the information that suppliers must provide the users
- the requirements for complaints including processes, timeframes and records that must be kept on the complaints
- the requirements for annual reporting
- various mechanical requirements such as identity cards, setting fees and charges, and (very importantly) infringement fees.

We have no concerns about the regulatory powers in and of themselves. Some, such as the infringement offence regime, are essential to the Bill achieving its purpose. Our concern lies with the processes through which these regulations are made and the fact that there is no requirement on any of those involved in making the regulations to engage with suppliers (or anyone else).

Some of these powers have significant implications for the accountability of drinking water suppliers to their users. The regulations will almost certainly require disclosure against the drinking water standards and aesthetic standards. But it seems probable that the regulations will go further and require other metrics of non-financial performance such as customer response times.

Some could have significant cost implications. For example, any regulation that sets response times for complaints is likely to require some investment in the systems necessary to objectively measure times and be able to produce information in a usable format. A time-based measure will also be a determinant of the level of staff assigned to managing complaints. Record-keeping obligations come with their own

systems and time requirements. These could be particularly significant for small suppliers and small schemes.

Our point is that there should be some requirement on the Minister to engage with suppliers as these regulations are made. Good regulatory design considers the cost and practicability of these requirements and ensures that they are proportionate and practicable.

If the Committee agrees with this point of view, then there is plenty of legislative precedent for this approach. For example, the regulation-making power in section 259 of the Local Government Act requires engagement with Local Government New Zealand.⁶ For the purposes of this Bill we'd probably suggest a group such as Water New Zealand be added as having specialist knowledge of water services (applying the same principles as we did in our earlier discussion about the board of Taumata Arowai). By the way, this power further emphasises the need for the board to have specialist knowledge of water services 'around the table'.

The clause 52 requirements to engage apply only to Taumata Arowai and only in respect of those matters listed in clause 52(1) i.e. drinking water standards, aesthetic values, compliance rules and acceptable solutions or verification methods. They do not apply to the Minister and their powers to advise the Governor-General or (apparently) to other powers whether exercised by Taumata Arowai.

Recommendation: Regulation-Making Powers

- 8. That requirements to engage with Local Government New Zealand and operators of three waters services be added to clause 190 of the Bill.**

⁶ The reference is to the New Zealand Local Government Association Inc – this is LGNZ's legal name (Local Government New Zealand is a trading name).

Technical Amendments

Clause 5 Interpretation – Definition of “Company”

The term company has important implications for determining who is an officer, for the purposes of the legislation. Without prejudging the outcomes of discussions that the sector and the Government are having; we suspect that there is a strong possibility that any new three waters entities may well be established as companies.

Yet we were unable to find a definition of company in the Bill, which is unusual in our observation for local government legislation. For example, in section 6 of the Local Government Act 2002 (relating to council controlled organisations) it is stated that *“In this section, terms not defined in this Act, but defined in the Companies Act 1993, have the same meaning as in that Act.”*

Recommendation: Interpretation

That the term company be defined in the Bill as “Company means a company as defined in section 2 of the Companies Act 1993. ”

Clause 5 Interpretation – Point of Discharge

The Bill contains a clear definition of the term point of supply for drinking water. The thought occurs to us that the term point of discharge may have some relevance in the provision of wastewater disposal and possibly stormwater disposal. The plain English definition being that the point of discharge is where wastewater or stormwater leaves a particular property. This may be important as the point of discharge marks the legal demarcation between the property owner and the water entity (however constituted) unless there is a contract setting out an alternative point

Recommendation: Interpretation

That a definition of the term “point of discharge” for wastewater and stormwater serviced be added to the Bill.

Clause 12 – Definition of Owner

The Bill provides a definition of “owner” that is very much linked to the effective control of the asset and refers to a series of tests. We seek clarification of one potential point of confusion. One of the tests relates to funding matters and includes the making of funding **or the collection of any fees and charges in relation to the infrastructure** (emphasis supplied).

We direct the Committee’s attention to the Cabinet paper Investing in Water Infrastructure to Accelerate Reform and Support Economic Recovery Post-Covid 19. As the quote below demonstrates – funding for any new three waters entities is still a work in progress. The Minister of Local Government observes

*“One of the points we will need to consider is charging arrangements for water services. I am aware that councils currently use a variety of approaches, including fixed rates, volumetric charges, and general rates. It will be important to ensure consumers experience minimal disruption during the transition to, and implementation of, new multi-regional water entities. I anticipate consumers would continue to be charged on a similar basis to their existing arrangements, at least in the initial years of the entities’ operations. Volumetric charging is something that could be considered in future, but only when it makes sense to do so. I note that Scottish Water still raises its charges via local council rates notices.”*⁷

In the short-medium term its entirely possible that a local authority could act as a collection agent for charges set by the three waters entity. This approach has also recently been applied in the Urban Development Bill (in respect of charges set by Kainga Ora) and in the Infrastructure Funding and Financing Bill (in respect of the charge set by any special purpose vehicles). As the Bill stands that means the consideration in the present clause 12(2)(c) points both to any three waters entity (as the agency setting the funding) and the local authority. That seems neither logical nor consistent with one of the stated intents of reform – that any entities have balance sheet separation from local authorities.

Recommendation: Definition of Owner

That clause 12(2) be amended by deleting all the words after the word “infrastructure”.

⁷ Minister of Local Government (2020), *Investing in Water Infrastructure to Accelerate Reform and Support Economic Recovery Post-Covid 19*, page 15.

Clause 15 – Duties not transferable

Clause 15 is an important clause as it establishes that those with duties under the Act cannot transfer them, and therefore bear the legal consequences for their observance of their duties (or their failure to fulfil their duties. We agree with the intent of this section but note that it is normal practice for one or more of the functions to be delegated.

As worded clause 15 may create confusion as to who must, or may do, what. We think it unlikely that Parliament intends that the principal administrative officer of water services providers would be laying the pipes themselves. There are provisions in the Local Government Act 2002 that allow local authorities to contract out water services, but they retain legal responsibility for the services.⁸ We consider the addition of a second subclause to clause 15 allowing delegation of the performance of duties under the Bill, but not the legal responsibility would clarify this.

Recommendation: Delegation of duties

That clause 15 be amended by adding a second subclause that would read
“Subject to section 68 of this Act, a person who has a duty imposed on them by this Act or another act, may delegate the performance of the duty to any person, while remaining legally responsible for the performance of that duty”.

⁸ Section 136(1) of the Local Government Act 2002.

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Water Services Bill

Local Government New Zealand's DRAFT submission on the Water Services Bill

February 2021

SUBMISSION

We are. LGNZ.

LGNZ is the national organisation of local authorities in New Zealand and all 78 territorial and regional councils are members. We represent the interests of councils and lead best practice in the local government sector. LGNZ provides advocacy and policy services, business support, advice and training to our members to assist them to build successful communities throughout New Zealand. Our purpose is to deliver our sector's Vision: "Local democracy powering community and national success."

Introduction

Local Government New Zealand (LGNZ) thanks the Health Committee for the opportunity to provide a submission on the Water Services (the Bill).

LGNZ fully supports the intent of the Bill. LGNZ has been calling for clear drinking water standards, and strong enforcement of those standards since 2015, when we published the [Three Waters position paper](#), a year before the Havelock North contamination. That position paper highlighted the urgent need for improved regulatory frameworks and enforcement of the standards to remedy the longstanding failure of the Ministry of Health to perform its function as the drinking water regulator. Through that work, LGNZ explicitly extended the opportunity to central government to work together with local government to establish a robust regulatory framework that cost effectively delivers the three waters infrastructure and services for our communities.

In countries around the world, best practice is that a regulator sets clear standards, standards backed-up through strong enforcement, further supported by reporting and data gathering. Then it is up to the asset owners and providers to meet those standards, or face enforcement. New Zealand has been unusual in many of the features of a good governance regime in the drinking water space, and successive governments have failed to address this issue until the Havelock North contamination incident. Notwithstanding councils' responsibility to provide safe water to their communities, we agree with the findings of the Government Inquiry into Havelock North Drinking Water, specifically that this decades-long regulatory stewardship significantly contributed to a system failure.

The Inquiry was damning of the regulatory system, finding that no formal enforcement action was taken by District Health Boards from when the previous drinking water regime was introduced in 2007, up until 2018.

LGNZ supports the ambitions of the Government to ensure safe drinking water, which is why we have actively supported the policy development process, and why we are pleased to see this long needed policy intervention take shape.

In recognising the regulatory standards and other duties that Taumata Arowai will enforce, it is vital that the new regulator ensure that water network owners are only responsible for the performance of their networks. LGNZ is very concerned at the amendments to the Local Government Act that impose a duty on territorial authorities to ensure communities have access to drinking water if private suppliers cannot meet the obligations under the Act, essentially being the "last man standing". This provision is likely to drive suboptimal outcomes among private water scheme owners seeking to avoid making the necessary investments in their assets to meet drinking water standards, which in turn will impose a significant cost on affected councils at a time when communities are experiencing Covid-related financial pressure.

It is worth emphasising that between 800,000 and a million New Zealanders currently receive their water from non-council sources.

The local government sector will continue to work with the Government on the implementation of the Bill, recognising it is part of a significant and fundamental change to the delivery of our three waters services. We particularly want immediate focus given to building capacity across the system to support all the parties to meet their obligations and ensure the safe supply of drinking water – Taumata Arowai, territorial authorities, regional councils, drinking water suppliers. An implementation strategy is required to effect this.

LGNZ wishes to appear in support of this submission.

Key Points

Te Mana o Te Wai

LGNZ strongly supports the requirement to give effect to Te Mana o Te Wai and a commitment by the Taumata Arowai Māori Advisory Board to develop and maintain a framework that provides advice and guidance on interpretation.

The local government sector will look forward to working with Taumata Arowai to operationalise Te Mana o Te Wai.

Focus attention on areas of highest risk

We support taking a risk-based approach. Until the establishment of the Government's new water entities, territorial authorities should be enabled to dedicate their attention to council-owned and operated supplies. The assessments the Government has undertaken to inform its review of three waters services and work LGNZ has lead, shows the quantum of work involved to bring local government drinking water supplies to a level that will meet the drinking water standards. This alone will require investment and focus to achieve. We are concerned that placing additional obligations on councils through changes in the Local Government Act, which will require assessments by Territorial Authorities in respect of all supplies (except domestic self-suppliers), will divert this focus from attention on council-owned and operated supplies.

Our preference is to make the new drinking water regulator responsible for assessing non-council water networks, while councils work to meet the new standards on their networks. This will be challenging enough as it is. The result will be a mismatch, with an unmet need for capacity in territorial authorities to implement this new law.

Role confusion

There is potential for role confusion between the regulator and territorial authorities. For as long as councils are responsible we support local government having clear responsibility for council-owned supplies and the regulator the responsibility for all other supplies - the regulatory responsibility and the responsibility to step into the breach in the event of failure. The regulator is obliged to build the database, receive notifications of breaches of standards and hold and audit the water safety plans. The regulator will, therefore, be best-placed to undertake the required assessment across these networks.

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A significant amount of capacity and capability building will be required of the small suppliers and we are concerned that local government's focus should be on its core business of managing and upgrading its own drinking water supplies. For example, capacity building will be required with respect to drinking water safety plans, (noting the plan is to take account of source water and making sense of the information available).

Unfunded mandate

The unfunded mandate the proposals create are of significant concern to LGNZ and to local government. We will continue to voice our concerns about the proposal that councils are the "last man standing" with regard to community drinking water supplies and all supplies except for domestic self-supplies.

Given the Government's plans to transfer water services to new multi-regional entities, which will leave some councils with no responsibilities as water service providers nor the capability and competency to undertake such a role, we find those parts of this Bill that require councils to actively work with, regulate and potentially manage small drinking water supplies to be seriously problematic.

Our position is that regulator or the new statutory entities should be responsible for assessing these supplies and local government should focus on council-owned supplies and that central government be required to take over a private supply, noting that it is the legislative body that is responsible for private supplies.

Two other concerns need to be flagged, one involves moral hazard risk while the other concerns regressive taxation:

- The risk of moral hazard occurs as small suppliers will have an incentive to fail to bring their supplies up the required standard in the knowledge that the wider community will eventually be forced to pay the bill; and
- Regressive taxation can occur when low socio economic communities end up subsidising the water and wastewater costs of well-off citizens who have chosen to live in isolated areas for life style reasons. The exacerbator pays principle should apply here also; if individuals choose to live in parts of New Zealand that have limited access to water supplies then it is incumbent on them to meet the costs associated with those choices.

This Bill places obligations on local government to sort out suppliers with no recourse for funding to support this, realistically a process that might take multiple years. There are also issues related to ownership and the lack of details about the process by which a council can take management of a water scheme away from the legal owners, or the authority to use eminent domain powers to transfer ownership should existing owners be uncooperative.

LGNZ is strongly opposed to these provisions.

Implications for growth

The proposals that see local government being the "last man standing" with respect to community supplies will mean that some councils will take a highly cautious approach when assessing developments that seek to set up their own water networks.

Not all growth can be serviced through connections to a reticulated network and the Government needs to be clear on whether it wants to enable small schemes, and small communities, going forward – or if it seeks to limit growth to where council-owned networks exist. If schemes are to be consented by councils the standards will need to be much higher and the costs will be greater.

The matter of concern to all territorial councils is very simply who will pay for the cost of the required upgrades – a concern exacerbated by the fact that many of these supplies will be in small rural communities with small rating bases.

Compliance and enforcement

The Bill provides the perfect opportunity to provide the powers that Territorial Authorities need to effectively use bylaws to manage activities affecting three waters infrastructure and the safety and supply of drinking water. With respect to drinking water this includes management of backflow risk, water demand, takes from hydrants other than for firefighting purposes.

Being able to issue infringement fines for these offences will address a longstanding issue that councils have and that also needs to be addressed in relation to the new statutory entities. Infrastructure owners need to be able to protect their infrastructure and currently do not have the tools to do so. In most cases the offence does not warrant a prosecution but compliance with the bylaw is still required.

Implementation Strategy

This significant reform of three waters delivery includes a new regulator, Taumata Arowai, the proposed creation of new multi-regional statutory entities to supply drinking water and new functions and duties for territorial authorities and regional councils and new obligations for drinking water suppliers (including small suppliers). LGNZ notes the intent of the legislation to build and maintain capacity in the water services sector. However, it is not clear how this capacity will be built and monitored. An implementation strategy to effect this reform is needed, focused on the respective roles of all the parties and building capacity and capability across the entire system. Attention needs to be given to ensure all the parties have enduring capacity for example focusing on workforce retention and development and supporting the small suppliers to comply with their obligations. The reality is, organisations are already competing for a scarce resource – experienced three waters engineers.

We are seriously concerned that this Bill, if enacted, exposes many councils to a largely unlimited financial liability. The reasons small waters schemes fail to meet drinking water quality standards are almost inevitably cost. The references in the Bill to councils “working with suppliers to identify options”, while creating a range of transaction costs, ignores the fact that the critical factor is cost and the ability of that community to meet the cost. Regardless of whether the council ends up managing the scheme, or not, the ability to pay issue does not go away.

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Detailed points

Below are some detailed comments on the Bill – many we have already provided through the development of the Bill.

Part 1 Preliminary provisions

Clause 8: Meaning of drinking water supplier

The definition of drinking water supplier is set too low, the threshold being everything above a domestic self-supplier. Research is needed on the impact of defining a network supply as one supplying more than one domestic dwelling (ie workload created versus risk reduction). We hold the view that that even changing the definition to supplying a population of 25 would significantly reduce the paperwork/ bureaucracy/workload/ cost/public resistance and allow more focus on the bigger (and therefore higher risk) supplies.

Recommendation:

- Increase the threshold of drinking-water supplier and amend the definition accordingly.

Part 2 Provisions relating to supply of drinking water

Clause 22: Duty to comply with the Drinking Water Standards

There do not appear to be any transitional arrangements with regard to achieving full compliance with the current or any future revisions of the drinking water standards, with the assumption being that compliance must be achieved from the first day in which the Bill is enacted.

Given the sheer number of drinking water suppliers who are not currently subject to regulation but will now be subject to the provisions of this new legislation, this will be a huge and significant challenge for the suppliers and the regulator. Transition arrangements need to be provided and focus given to building the capability of the smaller supplies through an implementation strategy.

Recommendations:

- Provide transition arrangements with regard to the lead-in timeframe for drinking water suppliers to fully comply with standards including those that have not yet been released.

Clause 30 – Owner must have a water safety plan

Clause 30 (1) requires that all owners of drinking water supplies must prepare drinking water safety plans.

Consideration should be given as to how drinking water safety plan requirements will practically be met by small suppliers, and also their review by Taumata Arowai, given the level of detail and effort required. Consideration could be given to a section under Transitional Arrangements to introduce a requirement for Taumata Arowai to create a fit for purpose drinking water safety plan template for small supplies well in advance of the timeframe by which a drinking water safety plan is required to be submitted. The provision of fit-for-purpose templates should be part of the implementation strategy.

Recommendations:

- Provide fit-for-purpose templates as part of an implementation strategy.

Clause 31: Drinking water safety plans

Clause 31 (1)(j) requires that drinking water safety plans provide for residual disinfection where the drinking water supply includes reticulation unless an exemption is obtained. As there is no definition of 'residual disinfection' it is assumed to refer to maintaining a chlorine residual in the reticulated water.

LGNZ notes that where councils operate reticulated drinking water supplies without chlorination, they will typically use chlorine as a targeted measure when required to reduce the risk of microbial contamination e.g. where there are poor condition reservoirs, inadequate backflow prevention and following pipe repairs. This approach in some cities has been long standing and supported by health evidence.

The Bill is unclear whether very small private supplies will be required to be chlorinated. LGNZ notes there will be risks involved with the application and handling of chlorine and these may outweigh any benefits that chlorine may provide. If it is not intended that very small supplies be chlorinated, this should be clear.

The Bill provides for an exemption to residual disinfection at clause 57(4); Taumata Arowai may grant an exemption from the requirement to use residual disinfection "on any conditions that Taumata Arowai thinks fit".

For many such drinking water suppliers, requiring chlorination at short notice would be expensive and/or impractical or impossible to achieve. As clauses 31 and 57 are currently worded, it is unclear whether a drinking water supplier without residual disinfection would be able to apply for an exemption, or whether the supply would first have to have residual disinfection before an exemption could be sought. Christchurch City Council advises that it would cost around \$25 million to install permanent chlorination equipment, which would then be redundant if an exemption was obtained.

LGNZ supports a provision for exemptions to residual disinfection, but considers that improvements are needed to the Bill to clarify requirements for suppliers whose drinking water supplies do not already include residual disinfection and a particular focus is given to small supplies.

Recommendations:

- Clarify exemption requirements for suppliers whose drinking water supplies do not already include residual disinfection and clarify requirements for small supplies.

Clause 38: Requirement for supplier to provide information to consumers and have complaints process

This clause requires that a drinking water supplier have a complaints process. A complaint could relate to low pressure, high pressure, toby location, faulty meter, chlorine taste, leaking fitting, standard of meter reader's behaviour etc.

We are concerned that the offence provisions are disproportionate and further, we are concerned again at how smaller suppliers will manage this. LGNZ holds the view that there is not sufficient resource in the system to provide this capacity including to support the complaints process.

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Recommendations:

- Review the offence provisions related to the complaints process.

Clause 42: Source water risk management plans

LGNZ supports this concept but is cautious about the practicality of this requirement for the small drinking water supplies. Taumata Arowai will need to provide a great deal of support to build capacity to support the smaller suppliers and to be clear about requirements, based on scale, complexity and risk.

42(4) requires that local authorities must contribute to the development and implementation of source water risk management plans prepared by drinking water suppliers including undertaking any actions to address risks or hazards to the source of a drinking water supply that local authorities have agreed to undertake on behalf of a supplier.

Local government wants to work with the regulator on how this is operationalised, given it is a significant unfunded mandate and that local government's capacity in three waters will be reduced considerably if the creation of new statutory entities is realised. Given the number of drinking water suppliers it is unclear how this requirement will actually be met if there are capacity/capability issues with the supplier and/or the local authority. The offence provisions under clause 171 will bring some of these matters to a head, given the fine which as a maximum of \$50,000 if a plan is not completed by an individual.

Recommendation:

- Work with LGNZ and the local government sector on operationalising the requirement to develop and implement source water risk management plans.

Clause 43: Suppliers to monitor source water quality

This clause requires that a drinking water supplier must monitor the quality of the supplier's source water at the abstraction point in accordance with the supplier's drinking water safety plan. Again, this provision points to the need for significant capacity building and it is assumed this support will be provided by Taumata Arowai or the new water entities (not the local authority). Local government's capability to perform this function will be diminished if the Three Waters Reform process proceeds as skills are transferred to the new water entities.

Recommendation:

- Work with LGNZ and the local government sector on operationalising the requirement that a drinking water supplier must monitor the quality of the supplier's source water at the abstraction point and make it clear that Taumata Arowai will provide this support.

Clause 55: Duty to renew annual registration and notify changes

This clause requires registered drinking water suppliers to apply for renewal of registration annually. This is not required by the Health Act 1956 and an annual renewal seems to be an unnecessary requirement for both the supplier and the regulator to administer. An alternative is to require registered drinking water supplies to confirm any details regarding any changes to the supply (i.e. changes to size, ownership, etc.) when they occur.

Recommendation:

- Amend clause 55 (1) to only require registered drinking water suppliers to immediately advise Taumata Arowai any changes to their registration details and remove the requirement for annual renewal.

Part 3 Enforcement and other matters**General**

The Bill provides the perfect opportunity to provide the powers that Territorial Authorities need to effectively use bylaws to manage activities affecting three waters infrastructure and the safety and supply of drinking water, noting that the Government is also well advanced with plans to take these responsibilities away from councils. With respect to drinking water this includes management of backflow risk, water demand, takes from hydrants other than for firefighting purposes. The ability to enforce bylaws in relation to: non-compliance with trade waste bylaw re discharge; discharges to stormwater networks (for example of paint, concrete slurry, oil and chemicals); discharging stormwater to wastewater; taking water without consent; and not complying with summer water restrictions; tampering with restricted water supply.

Being able to issue infringement fines for these offences will address a longstanding issue that councils have had and that will need to be addressed in relation to the new statutory entities. Infrastructure owners need to be able to protect their infrastructure and currently do not have the tools to do so. In most cases the offence does not warrant a prosecution but compliance with the bylaw is still required.

LGNZ also seeks clarity on the powers that water suppliers have if they are not Territorial Authorities. For example, a water supplier may not be able to enforce a bylaw, and the potential for Taumata Arowai to utilise their powers to assist.

Recommendation:

- Amend the LGA to provide territorial authorities with the ability to infringe bylaws generally and specifically those concerning three waters infrastructure and ensure Taumata Arowai has the same powers.

Clause 134: Drinking water compliance, monitoring, and enforcement strategy

The board of Taumata Arowai is required to prepare a drinking water compliance, monitoring, and enforcement strategy and to review this three yearly. LGNZ considers a Taumata Arowai Compliance, Monitoring and Enforcement Strategy and a graduated approach to regulation is important for water suppliers throughout New Zealand. LGNZ seeks a direct obligation for Taumata Arowai to engage specifically with local government, along with industry. We see this as critical, due to the number of agencies having a role in the direct delivery or oversight of the delivery of three waters services.

Recommendation:

- Require Taumata Arowai to engage specifically with LGNZ in the development of its Compliance, Monitoring and Enforcement Strategy.

SUBMISSION

Clause 139: Network registers

This provision requires Taumata Arowai to establish and maintain a register for wastewater networks and a register for stormwater networks. Clarity is needed regarding the type, size, ownership or other factor for either wastewater or stormwater networks. For example, there are a number of houses that may have a shared driveway, and shared stormwater or sewer laterals. It is assumed that shared driveways, for instance are not intended to be included in the requirements, but there needs to be a scale at which a group of houses connected does become a network. It is also unclear whether a stormwater network is considered to be a network of stormwater pipes and/or drains or whether retention basins and similar are intended to be included.

Recommendation:

- Clarify the definitions of wastewater network and stormwater network to include what constitutes a wastewater and stormwater network in terms of size and scale.

Subpart 10 Offences

These provisions enable employees to face significant fines. We do not support provisions enabling employees to be prosecuted, and we seek information on whether any other industry has this scale of provision. We understand this is the first legislation that takes this approach. 10 pages of offences appears to be disproportionate to other legislation. We are concerned this approach is not consistent with modern regulatory practice or with the approach and offence provisions in the Health and Safety at Work Act.

Councils may decide to indemnify employees for fines and a significant issue is created regarding staff recruitment and retention.

We support raising accountability but are concerned this will mean drinking water suppliers will not be encouraged to work openly with Taumata Arowai and with suppliers.

Recommendation:

- Review the proposed Offence provisions to ensure they are aligned with the Health and Safety at Work Act 2015

Part 4 Miscellaneous provisions

Section 190 is a regulation-making power that includes specific powers to regulate:

- The information that suppliers must provide the users;
- The requirements for complaints including processes, timeframes and records that must be kept on the complaints;
- The requirements for annual reporting; and
- Various mechanical requirements such as identity cards, setting fees and charges, and (very importantly) infringement fees.

LGNZ supports the regulatory powers being essential to achieve the purpose of the Bill (particularly the infringement offence regime). In developing the regulations, LGNZ considers it should include a specific requirement to engage with affected stakeholders/parties such as suppliers.

Some regulations could have significant cost implications, for example if they set requirements for information disclosure or a time period.

Therefore, we consider there should be some requirement on the Minister to engage as these regulations are made. This will ensure the regulation takes into account the cost and practicability of the requirements and ensure that they are proportionate and practicable.

Recommendation:

- Include a provision that requires the Minister to engage as regulations are made

Additional provisions

Offence to contaminate raw water or pollute a water supply

The Health Act 1956 makes it an offence if a person knowingly or recklessly does any act that is likely to contaminate any raw water or pollute any drinking water. There is no such offence in the Water Services Bill. It is very important that water sources and water supplies are protected from deliberate or reckless behaviour which could contaminate them.

Recommendation:

- Add the offence of contaminating raw water or polluting a water supply in section 69ZZ of the Health Act to the Water Services Bill

Non-potable reuse

A changing climate is increasing the demand for water at the same time as diminishing the availability of source water. The National Policy Statement (NPS) for Freshwater Management 2020 sets out a hierarchy of obligations in Te Mana o Te Wai that prioritises first the health and well-being of water bodies and freshwater ecosystems over the use of water for drinking water and other uses. We need to look for other sources of water in areas where water sources are vulnerable to climate change and where it may be difficult to obtain sufficient fresh water from local sources.

Both territorial authorities, developers of new subdivisions and private householders have, from time-to-time, sought the ability to enable non-potable reuse of treated wastewater. This would include flushing of toilets and watering gardens, irrigating public land. In the absence of regulations, this has not been supported by District Health Boards and the Ministry of Health.

Recommendation:

- That Taumata Arowai develop the necessary regulations to enable non-potable reuse of treated wastewater, in collaboration with other government agencies, water suppliers and tangata whenua.

Part 5 Amendments to Local Government Act 2002

Clause 126: Requirements following assessment of community drinking water service

These provisions go well beyond territorial authorities' current responsibilities under LGA 2002, particularly the requirement to take over water supplies that fail to meet their statutory obligations or pose a risk to public health.

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The amendments to LGA 2002 would require territorial authorities to:

- Assess all drinking water supplies other than domestic self-supplies within their districts once every three years;
- Work with a drinking water supplier, consumers of the supply and Taumata Arowai to find a solution if a drinking water service fails or appears to be failing; and
- Take over the management and operations of a failing drinking water service, or provide water via alternative arrangements.

Noting that these should not be council responsibilities – given that water services are being removed from council control, we would prefer a risk-based approach. Territorial authorities should be enabled to dedicate their attention to council-owned and operated supplies. We are concerned that placing additional obligations on councils through changes to the Local Government Act, which will require assessments by Territorial Authorities in respect of all supplies (except domestic self-suppliers), will divert this focus from attention on council-owned and operated supplies.

Our preference is that Taumata Arowai is made responsible for assessing non-council water networks, leaving councils to work on meeting the new standards on their networks.

The implementation strategy should give attention to ensuring skills and capacity are where they are needed to fulfil functions and duties and we expect they will increasingly sit in the new water entities and Taumata Arowai, leading to a mismatch with the need for capacity in territorial authorities to implement this new law.

Should councils' water services remain with territorial authorities, LGNZ's view is that three years is an unrealistic time period to carry it out.

Recommendation:

- That Taumata Arowai is made responsible for assessing non-council water networks, leaving councils to work on meeting the new standards on their networks

Clause 127: Duty to ensure communities have access to safe drinking water if existing suppliers facing significant problems

LGNZ is strongly opposed to these provisions. It is not and should not be the responsibility of territorial authorities to be responsible for failing private drinking water suppliers. If this is a matter of concern for central government then it must be addressed as a social policy issue using the full weight of the Crown's taxing powers and balance sheet, not through a regressive charge on other water users.

Complying with the drinking water standards and the requirements of the Bill will be onerous for some very small private supplies, and it is likely that many of them will be found to face significant problems. This clause requires local authorities to take responsibility for private water supply networks that don't/can't meet the standards. This will be a serious challenge; councils may be expected to buy the assets and they will need easements to protect the assets and to provide for regular access. They will also need to do a full condition assessment of the assets before taking them over.

This will be slow, time consuming and expensive. Councils will be unlikely to recover these up-front costs from the previous operator. Some of these operators may prefer to change their supply arrangements to achieve classification as domestic self-suppliers.

LGNZ expects territorial authorities will face significant capacity issues to carry out this function. Experienced staff will be required, however many will be transferring to the Government's new water suppliers with those remaining in councils focused on council-owned supplies meeting their legislative obligations, for as long as councils operate them.

In LGNZ's view the Bill imposes tough obligations on councils, fails to provide the necessary powers such as a power of "eminent domain" (which puts them in a weak negotiating position) and implies that costs should be met from general rates - another cost imposition by central government on local government. LGNZ's view is that the work required to gain legal ownership of assets (and access them) should be the responsibility of the regulator.

Once assets are transferred, should this be possible, councils will then have to carry out necessary upgrades. Many of these supplies will be in remote locations and therefore will be very expensive to provide compliant water. Subsidising water supply costs from elsewhere in the city/district would send the wrong pricing signals with regard to sustainability and intensification.

Transition arrangements are needed so that as each supply is transferred to a council there is at least a three year window before new standards are expected to be met.

The net result of these requirements is that councils are unlikely to ever approve a water supply for a development in outlying areas that is more than a domestic self-supplier (and perhaps require caveats to prevent any change).

Recommendations:

- Amend the clause 127 provisions that require a territorial authority to take over the management and operations of the drinking water service, on a temporary or permanent basis; OR
- Provide funding to territorial authorities to enable them to bring private supplies up to the standard required to achieve statutory compliance;
- Provide transition arrangements so that as each supply is transferred to a council at least a 3 year window is included before it is expected to meet the new standards; and
- Amend clause 127 to require Taumata Arowai to undertake the work required to gain legal ownership of private supplies (and access them).

SUBMISSION

Schedule 1: Transitional, savings and related provisions

A drinking water supplier is required to submit a new water safety plan within one year if it serves more than 500 people, regardless of whether an approved water safety plan exists. Councils around the country have put in a large amount of effort preparing water safety plans to meet the much higher expectations of the New Zealand Drinking-water Safety Plan Framework (Ministry of Health, 2018), which are largely similar to the requirements of section 31 of the Bill.

It is onerous to require water suppliers to submit a new water safety plan so soon if one has already been approved under the revised framework.

Recommendation:

- Amend clause 4(3) to allow those large water supplies that have an approved water safety plan under the New Zealand Drinking-water Safety Plan Framework (Ministry of Health, 2018) to have five years from the date of approval of that water safety plan to submit a new water safety plan.

DRAFT

Council Report

Item 12

Committee: Infrastructure Operations Committee
Date: 23 February 2021
Author: Jason Harrison
Authoriser: Eeva-Liisa Wright
Position: Unit Manager City Transportation
Position: General Manager Infrastructure Operations
Report Name: Approval of Hamilton City Council's Draft 2 submission to Waka Kotahi Draft National Parking Management Guidance

Report Status

Open

Purpose - *Take*

1. To seek the Infrastructure Operations Committee's approval of the Hamilton City Council's Draft 2 submission to Waka Kotahi NZ Transport Agency on The Draft National Parking Management Guidelines.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Infrastructure Operations Committee:
 - a) receives the report;
 - b) approves Hamilton City Council's Draft 2 submission (**Attachment 1** of the staff report) to Waka Kotahi on The Draft National Parking Management Guidelines;
 - c) delegates approval of the final version of the submission to the Chair of the Infrastructure Operations Committee; and
 - d) notes that the approved submission will be sent to Waka Kotahi the NZ Transport Agency following the Infrastructure Operations Committee approval, to meet the 12 March 2021 submission closing date; and notes the approved submission will be uploaded to Hamilton City Council's website.

Executive Summary - *Whakaraapopototanga matua*

3. Waka Kotahi New Zealand Transport Agency (Waka Kotahi) is seeking submissions on the Draft National Parking Management Guidelines sent out in November 2020. This is for the management of on-street parking and publicly owned/managed off-street parking facilities in New Zealand.
4. The document responds to a lack of national guidance on parking management by developing this national guidance document.
5. This guide promotes a consistent and national best-practice guide for the management of public motor vehicle parking throughout New Zealand.

6. In general, draft 2 (**Attachment 1**) outlines Hamilton City Council's support for the Draft National Parking Management Guidance, however, seeks further clarity on several aspects within the document.
7. Staff consider the decisions in this report have low significance and that the recommendations comply with Council's legal requirements.

Background - *Koorero whaimaarama*

8. As our cities and towns grow so does the increasing competition for space on our roads and streets. This results in a growing need to increase the use of public transport, walking and cycling; and for our streets to be inviting public spaces.
9. There is an absence in national guidance on parking management in New Zealand. To address this, in November 2020 Waka Kotahi released the Draft National Parking Management Guidelines for consultation and feedback in response to the lack of guidance.
10. The guide has been designed to help parking management decision-making by road controlling authorities (RCA) by promoting a nationally consistent best-practice guide for the management of public motor vehicle parking throughout New Zealand.
11. Although public parking includes both parking managed by an RCA and private parking operators, this guidance is mostly applicable to RCAs.
12. The guide sets out a principles-based process for deciding where it may be appropriate to provide public parking and how to manage the resource in several different circumstances.
13. The guidance supports Keeping Cities Moving, the Waka Kotahi mode shift plan, with parking management being a key intervention for influencing mode shift.
14. The guidance also supports the National Policy Statement for Urban Development (NPS-UD), developed by the Ministry for the Environment and the Ministry of Housing and Urban Development, which includes a policy that requires local authorities to remove minimum car parking requirements from developments, other than for accessible car parks.
15. More information in relation to the National Parking Management Guide is available from Waka Kotahi's website: <https://www.nzta.govt.nz/roads-and-rail/parking-management-guidance-for-consultation/>

Discussion - *Matapaki*

16. Hamilton City Council (HCC) has responded to the call for feedback by developing a submission. Key staff members have provided their professional feedback which has been collated to form draft 1.
17. The HCC draft 1 was circulated to Elected Members and Maangai Maaori through email on 3 February 2021 for consideration and feedback, comments were due back 9 February 2021.
18. Feedback revolved around whether the draft submission had been discussed with Waikato Regional Council (WRC) and whether it aligns with their land transport objectives and policies. WRC staff have subsequently advised that they are primarily supportive of HCCs draft submission, noting that this is a staff position and does not necessarily reflect the views of WRC itself.
19. Elected Member and Maangai Maaori feedback also questioned how Waka Kotahi's finalised Guidance would impact on development of HCC's future parking strategies. This aspect has also been noted in draft 2.

20. Staff have incorporated this Elected Member and Maangai Maaori feedback in HCCs draft 2 submission, which is attached to this report (**Attachment 1**). These proposed changes are highlighted in yellow.
21. In general, the draft 2 submission outlines HCCs support for the Draft National Parking Management Guidelines, however there are some minor changes and clarifications such as flow chart additions, minor terminology changes, operational aspects and identifying trigger thresholds.
22. Following consideration and approval by the Infrastructure Operations Committee, the submission will be lodged with Waka Kotahi by the 12 March 2021 submission closing date.
23. If the submission is not approved for lodgement, HCC will lose the opportunity to influence the finalisation of Waka Kotahi National Parking Management Guidelines.
24. This document is best practice guidance only and not legislation. Local authorities would look to this as a guide on what to do in a variety of circumstances, then choose whether or not to follow this guidance.
25. Operational/implementation of parking management is still via the Land Transport Rule: Traffic Control Devices 2004 (TCD Rule) and is not part of this submission. This is not an opportunity for feedback on operational technicalities.
26. This national guiding document supports HCC's Access Hamilton strategy and the Hamilton-Waikato metro area mode shift plan.
27. The document set out by Waka Kotahi will be one of the guiding documents, along with Access Hamilton, in the current development of the Central City Parking Management Plan (CCPMP). The CCPMP will guide future parking in the central city and fringe areas.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

28. Staff confirm that the recommendations in the report comply with Council's legal and policy requirements.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

29. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeing's').
30. The subject matter of this report has been evaluated in terms of the 4 wellbeing's during the process of developing this report as outlined below.
31. The recommendations set out in this report are consistent with that purpose.

Social

32. Well-managed public parking can positively contribute to the transformation of urban environments into safer, more vibrant, sustainable, and equitable places with better housing and travel choices; equally, poor parking management can undermine these goals.
33. The development of National Parking Management Guidelines ensure parking services are operated in compliance with best practice to ensure the protection of the health and wellbeing of New Zealand communities.
34. The development of parking management guidelines also ensures parking is managed to ensure there are equal opportunities for all.

Economic

35. Developing national parking management guidelines supports the economic viability of Hamilton by ensuring the true cost of parking is recognised, and sets a path ensuring current and financial security.
36. This submission supports the development of sustainable communities and cities.

Environmental

37. Improvements to the governance, management and oversight of parking will ensure the provision of motor vehicle parking management in the city of Hamilton will be following best practice to reduce and manage the effects of motor vehicle parking has directly and indirectly on the natural environment.
38. This document provides strong guidance on reducing car dominance in the city by the prioritisation of modes and mechanisms to support mode-shift. These actions lead to a reduction of car emissions, and their effects on the natural environment.

Cultural

39. The national guidance document and HCC submission continues to allow and enable maaori communities to continue to share their language, stories, visual and performing arts, ceremonies and heritage.
40. The submission and guidelines set out by Waka Kotahi, does not impact on the opportunity of maaori to contribute to the decision-making process.
41. Maangai Maaori were consulted and had the opportunity to provide feedback from 3 February 2021 to 9 February 2021.

Risks - *Tuuraru*

42. There are no known risks associated with the decisions required for this matter.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

Significance

Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation(s) in this report has/have a low level of significance.

Engagement

44. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments - *Ngaa taapirihanga*

Attachment 1 - HCCs Draft 2 Submission to Waka Kotahi Draft National Parking Management Guidance (23 February 2021).

DRAFT 2**Submission by****Hamilton City Council****WAKA KOTAHI DRAFT NATIONAL PARKING MANAGEMENT
GUIDANCE (NOVEMBER 2020)****23 February 2021****1.0 SUMMARY OF KEY POINTS AND RECOMMENDATIONS**

- 1.1 Support the overall intent and direction of the Draft National Parking Management Guidance.
- 1.2 Support the Guide's call to promote a consistent, best-practice guide for the management of public parking.
- 1.3 Support the guiding key principals outlined in the draft document and how it sets out how to manage public parking in a variety of circumstances, removing the circumstance for ad-hoc solutions rather supporting national uniformity in parking management.
- 1.4 Recognise that the location and design of parking can lead to poor urban design outcomes and that there is a need to ensure that parking does not erode the sense of place, character and streetscape.
- 1.5 Recommend that the Draft National Parking Management Guidance is accepted with minor changes and clarifications as outlined in this submission.
- 1.6 HCC will use Waka Kotahi finalised Guidance when developing future parking management plans.
- 1.7 HCC's submission is supported by Waikato Regional Council staff.

2.0 INTRODUCTION

- 2.1 Hamilton City Council (HCC) supports the overall intent and direction of the Draft National Parking Management Guidance.
- 2.2 HCC supports the Guides' call to promote a consistent, best-practice guide for the management of public parking.
- 2.3 We also support the guiding key principals of parking management set out in the Draft National Parking Management Guidance.
- 2.4 HCC recognises that the location and design of parking can lead to poor urban design outcomes and that there is a need to ensure that parking does not erode the sense of place, character and streetscape of the central city.
- 2.5 HCC will use Waka Kotahi finalised Guidance when developing future parking management plans.
- 2.6 HCC's submission is supported by Waikato Regional Council staff.

3.0 SECTION ONE: OVERVIEW

- 3.1 HCC would like 'micro-mobility' to be included alongside 'public transport, walking and cycling'

(paragraph 1, p.5).

- 3.2 We suggest that the word 'promotes' is changed to 'support', reading "*this guide supports a consistent, best-practice guide for the management of public parking throughout New Zealand*" (paragraph 3, p.5).
- 3.3 HCC understands that as stated, this guidance does not cover bicycle parking or micro-mobility. HCC recognises that there is no guidance for 'micro-mobility' parking but looks forward to possible guidance in the future to address and guide this new and emerging technology (p. 5).
- 3.4 We recognise the current parking fine pricing loopholes and would like there to be updates on the progress of the "*necessary regulatory changes to enable parking fines to be set to discourage inappropriate behavior use in residential areas*" as stated on page 8.
- 3.5 HCC supports and agrees with the 8 key principles of parking management as outlined on page 14 of the Draft National Parking Management Guidance i.e.:
 - *Prioritise public space to deliver the highest value.*
 - *Efficiently use space dedicated to parking.*
 - *Prioritise those with the greatest need for parking.*
 - *Equitably pay for the costs of parking provision.*
 - *Ensure parking supports wider transport outcomes.*
 - *Ensure parking supports a quality urban form.*
 - *Make evidence-based decisions.*
 - *Provide a high-quality user experience.*

4.0 SECTION TWO: THE PARKING MANAGEMENT FRAMEWORK

- 4.1 HCC has identified that the flow chart is missing a crucial step i.e. 'Council resolution' needs to be included after 'public engagement' and before the final step of 'on-ground changes' (p.16).
- 4.2 We support the three key messages set out by Waka Kotahi (p.24) i.e.:
 - *Decisions on parking management and supply should be guided by a parking strategy that aligns with local and government policy direction.*
 - *Parking management plans can be used to respond to parking issues or to proactively guide urban improvement initiatives and should align with the parking strategy and include area-specific considerations and clarity on what interventions are needed.*
 - *Gathering information about parking supply, utilisation and resource costs is an essential part of developing a robust parking management plan.*

5.0 SECTION 3.1: ALLOCATING STREET SPACE TO PARKING

- 5.1 HCC agrees and supports the principles outlined but acknowledges the following minor improvements are needed (p.29-31).
- 5.2 We recognise that the terminology used in the section 'In residential environments' should be reflected in the 'One Network Framework' or to the current 'One Network Road Classification' in response to the use of 'arterial roads' in the following sentence "*On arterial roads, the efficient movement of people and goods*" (p.29).
- 5.3 HCC would like to ensure that Waka Kotahi is aware that most small footprint commercial developments do not have off-street loading and that on-street loading is the main/only

option for these developments (bullet point 6 of 'In commercial center environments', p.29-30).

- 5.4 However, this raises concern with-bullet point 1 of 'In industrial environments' (p.30). HCC agrees that it's more important to facilitate the trafficking of heavy vehicles in an industrial environment but would like guidance when it comes to managing room for on-street loading in areas with heavy vehicle movement taking priority (p.30).
- 5.5 HCC would also like to ensure that the final bullet point under 'Removing existing car parking' addresses that 'safety is not compromised'. Angle parking is more dangerous for cyclists and less efficient than parallel parking, where there is a lot of access. HCC would like there to be a reduction in maneuvering space regulations in low speed environments to support this (p.31).

6.0 SECTION 3.2: PRIORITISING THE ALLOCATION OF PARKING

- 6.1 HCC would like to make the following comments regarding the table titled 'Example of Parking Preference Hierarchy' (p.34).
- 6.2 Clarification is sought as to where in all three of the columns in the table that bus stops are prioritised for enhancing PT ease of access, greater convenience and use.
- 6.3 For the column 'Industrial Areas', HCC would like to note that short-stay motorcycle parking is not likely to be used. Also, HCC recommends that that 'Mobility parking' (Priority 6) is prioritised before 'Long stay-general parking' (Priority 5) or be moved further up the hierarchy.
- 6.4 For the column 'Residential', HCC would also like to see that 'Mobility parking' (Priority 2) comes before 'Car share parking' (Priority 1) as it is important to ensure that those who hold a Disability Parking Permit are catered for before able-bodied people.
- 6.5 HCC would like to note that under heading 'Loading Zones' the current statement of "A five or 10-minute time limit", that 5 minutes is too short to unload, deliver, sign and return to vehicle and instead recommends the time limit is extended to 10-15 minutes (p.35).
- 6.6 We agree that in busy commercial areas, goods vehicles should be prioritised (p.35).
- 6.7 Under the heading 'Mobility parking' HCC has recognised that currently there is 'usually enough on-site parking', however moving forward this is likely to change (p.35).
- 6.8 HCC recommends that "one hour above the limit" is changed to "double the limit" via the previous Bylaw (p.35).
- 6.9 For bullet point 6 of 'Mobility parking', it is important to note that rear-loading mobility vehicles require a longer car park to ensure the user is not loading into the middle of moving traffic/in the pathway of cars.
- 6.10 HCC supports that mobility parking access also needs to consider access to/from the footpath and suggests that the terminology 'universally designed' is used (p.35).
- 6.11 For the heading 'Pick Up Drop Off' (bullet point 1), HCC seeks guidance on how to signpost this (p.36).
- 6.12 For the heading 'Taxi ride and hail parking' HCC recommends rewording the sentence "in 2019 Waka Kotahi amended the TCD rule to allow for" to read "In 2019 the TDC rule was amended to allow for" (p.36).
- 6.13 Clarification is sought if it is illegal to back/reverse into an angle car park. This question comes in response to the "EV car charging working best in angular or perpendicular parking" (p.36).
- 6.14 We would like to see further guidance for parking management in a medical/hospital/emergency setting regarding how to prioritise/manage and cater for

emergency vehicle parking (ambulance, midwives, first response, firetrucks etc.).

7.0 SECTION 3.3 RESIDENTIAL STREETS

- 7.1 HCC supports the recommendations set out in this section, recognising that moving forward there will be more than just 'older suburbs' lacking space for on-site vehicles. This will become an emerging issue (p.38).
- 7.2 While we support the table (p.39), we note that it needs to be clearer around addressing whether it is to be a 'user pay' system rather than covered by ratepayers with pricing permits (p.39).

8.0 SECTION 3.4: PARKING DEMAND MANAGEMENT TOOLS - TIME RESTRICTIONS AND PRICING

- 8.1 HCC supports the recommendation of using time limits and pricing (demand responsive parking) to better manage parking (p.41).
- 8.2 We have identified that the current national set infringement pricing has loopholes, with fines being cheaper than parking and now being subject to high levels of abuse.
- 8.3 HCC supports the view that time limits as a management tool do not reflect the true price of parking i.e. it does not encourage mode-shift and sees 'parking' being viewed as a 'common good' rather than 'user-pay' system.
- 8.4 HCC supports that parking changes (time and price) need to be supported and led by data/ link to principle 7 i.e. make evidence-based decisions.
- 8.5 We agree that the parking occupancy rate of 85% supports maximum efficiency and is considered best practice.
- 8.6 We seek clarity on what % is recommended for price increase or decrease increments if the concept of demand responsive parking is used (p.44).
- 8.7 We would also like to know if there are any recommendations around how long a 'trigger threshold' is held for before there is then a prompt to change (p.44).

9.0 SECTION 3.5 PARKING AND EMERGING MOBILITY TRENDS

- 9.1 HCC would like to see guidance on how to possibly manage the socio-economic strain that parking can bring as described (bullet point 7, p.47) when discussing discounts for EV owners/users.

10.0 FURTHER INFORMATION AND OPPORTUNITY TO DISCUSS OUR SUBMISSION

- 10.1 Should Waka Kotahi New Zealand Transport Agency require clarification of Hamilton City Council's submission, or additional information, please contact Jason Harrison (Transport Manager) Jason.harrison@hcc.govt.nz in the first instance.
- 10.2 Hamilton City Council would welcome the opportunity to meet with representatives from Waka Kotahi New Zealand Transport Agency to discuss the content of our submission in more detail.

Yours faithfully

Richard Briggs
CHIEF EXECUTIVE

Council Report

Item 13

Committee: Infrastructure Operations Committee
Date: 23 February 2021
Author: Robyn Denton
Authoriser: Eeva-Liisa Wright
Position: Network Operations and Use Leader
Position: General Manager Infrastructure Operations
Report Name: Approval of Hamilton City Council Submission on Land Transport (Drug Driving) Amendment Bill

Report Status	<i>Open</i>
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Purpose - *Take*

1. To seek approval from the Infrastructure Operations Committee of the draft submission on the Land Transport (Drug Driving) Amendment Bill.
2. The Draft 1 of the submission is attached to this report (**Attachment 1**).

Staff Recommendation - *Tuutohu-aa-kaimahi*

3. That the Infrastructure Operations Committee:
 - a) receives the report;
 - b) approves HCC's Draft 1 submission (**Attachment 1** of the staff report) to the Land Transport (Drug Driving) Amendment Bill;
 - c) notes the approved submission will be sent to the Ministry of Transport by 26 February 2021; and
 - d) notes the approved submission will be uploaded to Hamilton City Council's website.

Background - *Koorero whaimaarama*

4. The Land Transport (Drug Driving) Amendment Bill (the Bill) was introduced to Parliament on 30 June 2020 and had its first reading on 4 August 2020.
5. The Bill proposes changes to the Land Transport Act 1998 to establish a new random roadside oral fluid testing regime. A copy of the Bill can be found on legislation.govt.nz. This oral fluid testing regime would sit alongside the current compulsory impairment test approach to drug driving.
6. Submissions are currently being sought on the Bill and are due by 26 February 2021.
7. Staff have developed a draft 1 submission in support of the proposed changes noting that the proposed changes to legislation are in alignment with the Vision Zero principles that have been adopted nationally ([Road to Zero](#)), regionally ([Road to Zero for Waikato](#)) and locally by Hamilton City Council.

8. Enhancing drug driving testing is one of 15 actions proposed as part of the initial action plan under the national Road to Zero strategy.
9. Research shows that many illicit and prescription drugs have the potential to impair driving, and studies show New Zealanders are using those drugs and driving. In 2019, 103 people were killed in crashes where a driver was found to have drugs other than alcohol in their system. This represented 30% of all road deaths.
10. While drug drivers already face serious criminal penalties if they are caught, the current law makes it hard for police to carry out more tests that could deter drug driving. It is felt that the current approach is not effective in deterring drug driving on our roads.
11. The oral fluid testing regime would sit alongside the current compulsory impairment test (CIT) approach to drug driving. Under the new regime, a police officer would be able to stop any driver of a motor vehicle and administer an oral fluid test without cause to suspect a driver has consumed drugs, consistent with the existing approach to drink driving enforcement.
12. The Bill proposes that drivers who fail two consecutive oral fluid tests would incur an infringement penalty, aligned to the drink driving infringement penalty.
13. Cut-off thresholds would be set in the oral fluid devices for the detection of drugs, although these are not specified in the Bill. These thresholds would avoid the risk of penalising drivers who have accidental or passive exposure to drugs, have low residual levels of a drug, or consumed doses of some prescription or over-the-counter medicines that are unlikely to impair driving.
14. A driver who passes the first oral fluid test (or passes a second test after failing a first), and is not required to carry out a CIT, would be free to go.
15. Drivers who fail 2 consecutive oral fluid tests can elect to undertake an evidential blood test and would be subject to both infringement and criminal penalties, depending on the levels of drugs in their blood sample. The medical defence will be available to drivers who elect a blood test.
16. Draft 1 of the submission was circulated to Elected Member's on 4 February 2021 with any feedback due by 15 February 2021. If any changes are made to this draft, a Draft 2 version will be circulated prior to the Infrastructure Operations Committee meeting and verbal update provided at the Infrastructure Operations Committee meeting.

Financial Considerations – *Whaiwhakaaro Puutea*

17. There are no financial impacts on Hamilton City Council resulting from this proposed change in legislation.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

18. Staff confirm that the staff recommendation complies with Council's legal and policy requirements.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

19. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 Wellbeings').
20. The subject matter of this report has been evaluated in terms of the 4 Wellbeings during the process of developing this report as outlined below.
21. The recommendations set out in this report are consistent with that purpose.

Social

22. The recommendations included in this report helps the community achieve their goals by ensuring their safety when travelling on the New Zealand transport network.

Economic

23. There are no known economic considerations associated with this matter.

Environmental

24. There are no known environmental considerations associated with this matter.

Cultural

25. There are no known cultural considerations associated with this matter.

Risks - *Tuuraru*

26. There are no known risks associated with the decisions required for this matter.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui***Significance**

27. Staff considered the following factors under the Significance and Engagement Policy and assessed that the recommendations in this report have a low level of significance.

Engagement

28. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Draft 1 Submission to the Land Transport (Drug Driving) Amendment Bill

DRAFT 1**Submission by****Hamilton City Council****LAND TRANSPORT (DRUG DRIVING) AMENDMENT BILL****23 February 2021****1.0 SUMMARY OF HCC'S KEY POINTS**

- 1.1 HCC supports the overall intent and direction of the Land Transport (Drug Driving) Amendment Bill.
- 1.2 We note and support **all proposals** outlined in the Bill, including:
- Establishment of a new random roadside oral fluid testing regime that would sit alongside the current Compulsory Impairment Test (CIT) approach to drug driving.
 - Police officers being able to stop any driver of a motor vehicle and administer an oral fluid test without cause to suspect a driver has consumed drugs, consistent with the existing approach to drink driving enforcement.
 - Drivers who fail two consecutive oral fluid tests would incur an infringement penalty, aligned to the drink driving infringement penalty.
- 1.3 As Drug Driving is clearly a key component of road safety, HCC's support of the Bill is therefore aligned to our support and commitment to Vision Zero, which states that there will be no deaths or serious injuries on our transport system by 2050.
- 1.4 Similarly, HCC also supports and is fully committed to 'Road to Zero - New Zealand's Road Safety Strategy 2020 - 2030' and the initial 3-Year Action Plan and the Waikato Regional Road to Zero Safety Strategy.

2.0 INTRODUCTION

- 2.1 Hamilton City Council (HCC) supports the overall intent and direction of the Land Transport (Drug Driving) Amendment Bill.
- 2.2 We note and support **all proposals** outlined in the Bill, including:
- Establishment of a new random roadside oral fluid testing regime that would sit alongside the current Compulsory Impairment Test (CIT) approach to drug driving.
 - A police officer would be able to stop any driver of a motor vehicle and administer an oral fluid test without cause to suspect a driver has consumed drugs, consistent with the existing approach to drink driving enforcement.
 - Proposes that drivers who fail two consecutive oral fluid tests would incur an infringement penalty, aligned to the drink driving infringement penalty.
- 2.3 HCC supports the need to update national legislation to enable drug driving to be enforced in a manner that is consistent with drink driving, noting that in 2019 103 people were killed in

crashes where a driver was found to have drugs other than alcohol in their system. This represented 30 percent of all road deaths. While drug drivers already face serious criminal penalties if they are caught, the current law makes it hard for police to carry out more tests that could deter drug driving.

3.0 SUPPORT AND ADOPTION OF VISION ZERO

- 3.1 As Drug Driving is clearly a key component of road safety, HCC's support of the Bill is therefore aligned to our support and commitment to Vision Zero (adopted by HCC in June 2017), which states that there will be no deaths or serious injuries on our transport system by 2050.
- 3.2 HCC is of the view that strong leadership at a national level makes it easier for Hamilton, the Waikato Region and other regions to progress on transport safety issues, to save more lives sooner, and reduce costs while doing so.
- 3.3 Vision Zero is a proven approach being applied by many jurisdictions globally, is customer-focused and human centred, and telling this story at a national level helps build trust across New Zealand communities that people's safety is at the heart of what we do.

4.0 SUPPORT FOR THE ROAD TO ZERO NATIONAL STRATEGY FOR 2020 - 2030

- 4.1 On 16 August 2019, HCC made a comprehensive submission to the Ministry of Transport's consultation document 'Road to Zero - Consultation on the 2020-2030 Road Safety Strategy' - refer [here](#)
- 4.2 In this submission, HCC noted that *"Understanding impact of legalising marijuana (if and when this legislation is passed) to ensure that it is not lost in a more generic 'drugs' category and to understand Road User Choices"*.
- 4.3 HCC is committed to the resultant December 2019 'Road to Zero - New Zealand's Road Safety Strategy 2020 - 2030' (and the initial 3-Year Action Plan), which outlines a plan to stop people being killed or injured on our roads.
- 4.4 In particular, we support and are fully committed to the National Strategy's vision, 7 principles, 5 focus areas and targets - including the target of a 40 percent reduction in death and serious injuries (from 2018 levels) by 2030.

5.0 SUPPORT FOR THE ROAD TO ZERO FOR WAIKATO STRATEGY

- 5.1 On 31 July 2020, HCC staff made a comprehensive submission to the Waikato Regional Road Safety Forum's Discussion Document 'Road to Zero for Waikato' - refer [here](#)
- 5.2 The Road to Zero for Waikato document was published in December 2020 and sets out the Strategic Direction for the Waikato Region for 2020-2030, along with the Strategic Plan for 2020-2024. The document can be viewed [here](#)
- 5.3 In particular, it is noted that 30 percent of crashes in the Waikato Region involve alcohol or drug impaired drivers and that both types of crashes have been increasing. Impaired driving is a high-risk priority for the Waikato Region to address as part of the Road User Behaviour Change, Education and Enforcement activities.

6.0 FURTHER INFORMATION AND HEARINGS

- 6.1. Should Parliament's Transport and Infrastructure Committee require clarification of Hamilton City Council's submission, or additional information, please contact Robyn Denton (Network Operations and Use Team Leader, City Transportation) on 07 838 6910 or 021 971 127, email robyn.denton@hcc.govt.nz in the first instance.
- 6.2. Hamilton City Council **does not wish to speak** in support of this submission at the Transport and Infrastructure Committee's hearings for the Land Transport (Drug Driving) Amendment Bill.

Yours faithfully

Richard Briggs
CHIEF EXECUTIVE

Council Report

Item 14

Committee: Infrastructure Operations Committee

Date: 23 February 2021

Author: Eeva-Liisa Wright

Authoriser: Eeva-Liisa Wright

Position: General Manager
Infrastructure Operations

Position: General Manager
Infrastructure Operations

Report Name: External Committees Updates

Report Status	<i>Open</i>
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Purpose - *Take*

1. To provide an update to the Infrastructure Operations Committee on External/Joint Committees relating to Infrastructure Operations that have Elected Member or Hamilton City Council staff appointments.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Infrastructure Operations Committee:
 - a) receives the report, and
 - b) delegates Crs O'Leary, Macpherson, Gallagher and Thomson to work with staff to develop a formal submission to Waikato Regional Council on the draft 2021 Regional Land Transport Plan.

Executive Summary – *Whakaraapopototanga matua*

3. This report provides updates to Committee Members on External/Joint Committees relating to Infrastructure Operations which Elected Members or Hamilton City Council staff are appointed to.
4. Staff consider the recommendations in this report to have a low level of significance and no engagement is required.
5. Staff confirm that the staff recommendations comply with Council's legal and policy requirements.

Waikato Regional Council - Regional Transport Committee

6. The Regional Transport Committee (RTC) met on the 7 December 2020 and 15 February 2021. Councillor O'Leary is the Hamilton City Council nominated representative with Councillor Macpherson being the nominated alternative representative.
7. The objective of the Regional Transport Committee is:

'To undertake the functions as prescribed in the Land Transport Management Act 2003 (LTMA), and to provide a regional forum for the consideration of regionally significant transport matters.'

8. The key topic's covered in the 7 December 2020 meeting were:
- Waka Kotahi New Zealand Transport Agency update** included a verbal update by Steve Mutton (Waka Kotahi New Zealand Transport Agency Director Regional Relationships Upper North Island).
 - Transport Planning and Projects Report** provided an update on current regional transport policy and planning matters.
 - Regional transport issues forum** was an opportunity for members to raise and discuss regionally significant transport issues in an open forum.
 - Development of Waikato Regional Land Transport Plan 2021 (draft 2021 RLTP)** provided a progress update. Further information was provided on the proposed headline targets for Access and Mobility and Road Safety which were the only outstanding components of the Strategic 'front end' of the draft 2021 RLTP. A draft list of prioritised 'Significant Activities' was workshopped, and the following timeline approved for the finalisation of the 2021 RLTP:

Date	Milestone
Monday 7 December 2020	RTC receives final draft strategic context chapters and prioritises regionally significant activities.
Monday 15 February 2021	The RTC to consider and adopt the draft 2021 Waikato RLTP for public consultation
Friday 19 February 2021 to Monday 22 March 2021	Submission period (4 weeks).
Friday 16 April and Monday 19 April 2021	Hearings. The 2021 RLTP Hearing Committee will hear from all submitters who have indicated they wish to present their submission in person. Monday 19 April 2021 is a reserve day if needed.
Monday 17 and Friday 21 May 2021	Deliberations. The 2021 RLTP Hearing Committee will consider all the written submissions received, the verbal material presented in the Hearings as well as a staff recommendations report. The Hearing Committee will make decisions on all submissions and instruct staff to prepare a Final 2021 Waikato RLTP which incorporates all decisions. Friday 21 May is a reserve day if required.
Monday 14 June 2021 (confirmed)	The Hearing Committee decisions report and Final 2021 RLTP is reported back to the RTC. The RTC will recommend the Hearing Committee's report and Final 2021 RLTP to Waikato Regional Council for adoption.
Thursday 24 June 2021 (confirmed)	Waikato Regional Council adopts the Final 2021 Waikato RLTP.
Wednesday 30 June 2021	Approved 2021 RLTP lodged with Waka Kotahi on or before 30 June 2021.

9. The agenda items for the 15 February 2021 meeting were:
- Waka Kotahi New Zealand Transport Agency update** - a verbal update by Steve Mutton (Waka Kotahi New Zealand Transport Agency Director Regional Relationships Upper North Island).
 - Variation to the 2018 Update to the Waikato Regional Land Transport Plan 2015-2045** – a request for project changes to the current Regional Land Transport Plan.

- iii. **Regional Road Safety Report** – an update on the regional road safety issues and performance.
 - iv. **Transport Planning and Projects Report** - an update on current regional transport policy and planning matters.
 - v. **Regional transport issues forum** - an opportunity for members to raise and discuss regionally significant transport issues in an open forum.
 - vi. **Approval of the draft Waikato Regional Land Transport Plan 2021 (draft 2021 RLTP)** – presentation of the draft 2021 RLP which has been developed throughout 2020 in conjunction with the RTC and approval for formal consultation in February/March 2021.
- 10. At the time of writing this report the meeting had yet to be held. A verbal update will be provided at the 23 February 2021 Infrastructure Operations Committee meeting on the detail of the agenda items.
 - 11. A copy of the Waikato Regional Council RTC full agenda, minutes and presentations can be found on the Waikato Regional Council website via the following [link](#).
 - 12. Staff recommend that two Elected Members are delegated to assist staff with the development of the formal submission from Hamilton City Council on the proposed draft 2021 Waikato Regional Transport Plan which will be public consulted upon between 19 February to 22 March 2021.
 - 13. The next RTC meeting scheduled for this calendar year is 12 April 2021.

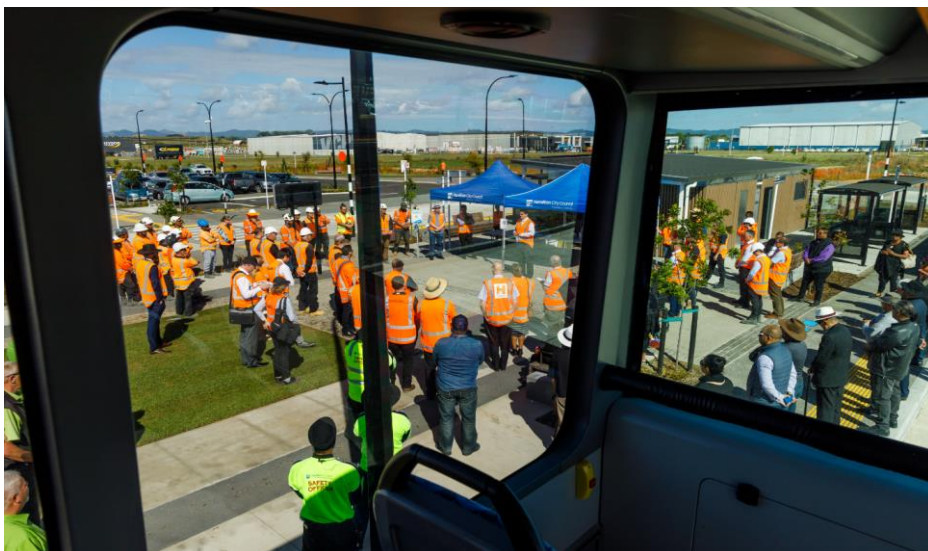
Waikato Regional Council – Regional Connections Committee

- 14. The Hamilton City Council nominated representatives of the Waikato Regional Council Regional Connections Committee (RCC) are Councillor O’Leary (Deputy Chair), Councillor Macpherson, Councillor Wilson and Councillor Thompson
- 15. The objective of the Regional Connections Committee is:
‘To enhance the wellbeing of our communities through the achievement of the goals set out in the Regional Public Transport Plan.’
- 16. A copy of the resolutions of the 13 November 2020 RCC are attached to this report (**Attachment 1**).
- 17. At the time of writing this report the 19 February 2021 had yet to be held and the agenda was not available. A verbal update will be provided at the 23 February 2021 Infrastructure Operations meeting on the detail of the agenda items.

Waikato Regional Council – Start up Rail Governance Group

- 18. The Project Governance Working Group (PGWG) met on 19 January 2021 and again on the 5 February 2021 to receive an update from KiwiRail on track repairs in the Auckland rail network and to discuss start date options for the Te Huia rail service. Councillor Wilson attended as the HCC representative.
- 19. The Governance Group has now set a service commencement date as 6 April 2021.
- 20. An official service start ceremony is planned for 25 March 2021.
- 21. Open days will be held on 27 and 28 March 2021 at the three stations (Frankton, Rotokauri and Huntly) to allow the public to view the facilities and to walk through the Te Hui carriages.
- 22. The service timetable has now been confirmed. From Monday to Friday, Te Huia will depart Frankton at 5.46am and 6.28am, stopping at Rotokauri and Huntly. The return service will depart from Papakura at 4.40pm and 6.27pm.

23. Bee Card fares (to Papakura) are \$12.20 from Hamilton and \$7.80 from Huntly. Cash fares are available.
24. An event was held on 29 January 2021 to bless the Rotokauri Transport Hub in preparation for bus operations starting on 2 February 2021. See below photos from the blessing.



Legal and Policy Considerations – *Whaiwhakaaro-aa-ture*

25. Staff confirm that the recommendations in this report comply with Council's legal and policy requirements.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

26. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
27. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below. The recommendations set out in this report are consistent with that purpose.
28. There are no known social, economic, environmental or cultural considerations associated with this matter due to this report being for information only.

Risks – *Tuuraru*

29. There were no known risks identify during the formation of this report.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

30. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendations in this report have a low level of significance and no engagement is required.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Waikato Regional Council Regional Connections Committee Resolutions PDF at 10Feb2021

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Committee	Date of Meeting	Topic	Move/Second	Resolution
Waikato Regional Council - Regional Connections Committee	13-Nov-20	Apologies	Moved By Cr A O'Leary Seconded By Cr D Tegg	That the apologies from Cr R Rimmington for absence, Cr H Vercoe, Cr E Wilson and Cr D Macpherson for lateness be accepted.
Waikato Regional Council - Regional Connections Committee	13-Nov-20	Confirmation of Agenda	Moved By Cr A Strange Seconded By Cr A O'Leary	That the agenda of the meeting of the Regional Connections Committee of 13 November 2020, as circulated, be confirmed as the business for the meeting.
Waikato Regional Council - Regional Connections Committee	13-Nov-20	Confirmation of Minutes	Moved By Cr A O'Leary Seconded By Cr A Strange	That the minutes of the Regional Connections Committee meeting held on 14 August 2020 be confirmed as a true and correct record.
Waikato Regional Council - Regional Connections Committee	13-Nov-20	Matters Arising from Previous Minutes	Moved By Cr D Tegg Seconded By Cr A Strange	That the report Matters arising from previous meetings minutes (Regional Connections Committee 13 November 2020) be received.
Waikato Regional Council - Regional Connections Committee	13-Nov-20	Public Transport Business Improvement Review	Moved By Cr S Thomson Seconded By Cr K Hodge	1. That the report Public Transport Business Improvement Review (Regional Connections Committee 13 November 2020) be received, and 2. That the Committee endorse the proposed Public Transport Business Improvement Review scope
Waikato Regional Council - Regional Connections Committee	13-Nov-20	Phase 2 - Public Transport Fares	Moved By Cr H Vercoe Seconded By Cr D MacPherson	RESOLVED (Section A under delegated authority) 1. That the report Phase 2 – Public Transport Fares (Regional Connections Committee 13 November 2020) be received for information. 2. That revised Phase 2 – Fare Structure and Fare levels be endorsed by the Regional Connections Committee for public consultation. 3. That the Regional Connections Committee recommends that the Phase 1 Interim Fare Structure and Fare Levels remain in place until a final decision is made on Phase 2 - Fare Structure and Fare levels following public consultation. RECOMMENDED (Section B for recommendation to Council) 4. That the Regional Connections Committee recommends to Waikato Regional Council that staff investigate system feasibility for family fare capping, case study on perceptions of transport pricing on families. 5. That the Regional Connections Committee recommends to Waikato Regional Council that staff illustrate how fare structure and capping works outside of Hamilton.
Waikato Regional Council - Regional Connections Committee	13-Nov-20	Accessibility Concession - Plus One Travel	Moved By M Flynn Seconded By Cr S Thomson	RESOLVED (Section A under delegated authority) 1. That the report Accessibility Concession - Plus One Travel (Regional Connections Committee 13 November 2020) be received for information. RECOMMENDED (Section B for recommendation to Council) 2. That the Regional Connections Committee recommends to Waikato Regional Council that the eligibility policy for the accessibility concession be amended to enable free travel for both the Accessibility Card holder and one companion where the card holder has been assessed as being unable to travel alone due to the nature of their transport disability. 3. That the Regional Connections Committee recommends to Waikato Regional Council that staff work with territorial authorities to roll out the accessibility concession, plus one in wider regions. A recommendation on this is to be presented to the Regional Connections Committee (Regional Focus) meeting.
Waikato Regional Council - Regional Connections Committee	13-Nov-20	Hamilton Transport Centre Rejuvenation Project	Moved By Cr A O'Leary Seconded By Cr S Thomson	RESOLVED (Section A under delegated authority) 1. That the report Hamilton Transport Centre Rejuvenation Project (Regional Connections Committee 13 November 2020 be received. 2. That the Committee endorses the recommended improvements, subject to feedback from the Stakeholder Group and finalisation of the Waka Kotahi NZ Transport Agency business case. 3. That the Committee provides any feedback on the improvements recommended for the Hamilton Transport Centre at a Regional Connections Committee workshop on 11 December 2020.

Committee	Date of Meeting	Topic	Move/Second	Resolution
Waikato Regional Council - Regional Connections Committee	13-Nov-20	East West Link Implementation	Moved By Cr A O'Leary Seconded By Cr A Strange	<p>RESOLVED (Section A under delegated authority)</p> <p>1. That the report East West Link Implementation (Regional Connections Committee 13 November 2020) be received for information.</p> <p>2. That the Regional Connections Committee endorses the final route alignment for implementation.</p> <p>3. That the Regional Connections Committee notes that the implementation date for the service may be dependent on the timing and nature of construction works for the Ruakura Road upgrade project.</p>
Waikato Regional Council - Regional Connections Committee	13-Nov-20	Waikato Regional Council Land Transport Plan 2021 - Draft Headline Target	Moved By Cr A O'Leary Seconded By Cr S Thomson	<p>RESOLVED (Section A under delegated authority)</p> <p>1. That the report Waikato Regional Land Transport Plan 2021 - Draft Headline target (Regional Connections Committee 13 November 2020) be received.</p> <p>2. That the Committee recommend a draft headline target of "Year on year, trips per capita by public transport and active modes increase significantly while trips per capita by private motor vehicles decreases." for Access and Mobility to the Regional Transport Committee for inclusion in the Waikato Regional Land Transport Plan 2021, noting that this target will be varied following the outcome of the Public Transport Business Improvement Review.</p> <p>RECOMMENDED (Section B for recommendation to Council)</p> <p>3. That the Regional Connections Committee delegates to the committee chair to submit to the Waka Kotahi Investment Proposal on public transport and mode shift issues.</p>

Council Report

Item 15

Committee: Infrastructure Operations Committee

Date: 23 February 2021

Author: Christopher Barton

Authoriser: Eeva-Liisa Wright

Position: Capital Projects Manager

Position: General Manager
Infrastructure Operations

Report Name: Water Reform Stimulus Delivery Update

Report Status	<i>Open</i>
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Purpose - *Take*

1. To inform the Infrastructure Operations Committee on delivery of the programme of central government funded waters activity works.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Infrastructure Operations Committee receives the report

Executive Summary - *Whakaraapopototanga matua*

3. In conjunction with the current reform programme for “three waters” (drinking water, wastewater and stormwater) being undertaken by the New Zealand Government, the Government is investing in water service delivery to both improve waters network systems and support economic recovery from the COVID-19 pandemic through job creation and supply chain investment.
4. Hamilton City Council have entered into a Funding Agreement with the Government to complete a programme of waters works delivery to a total value of \$17.46m by 31 March 2022 – fully funded by Government.
5. The delivery programme is comprised of 19 projects. Since confirmation of funding in late 2020 staff have been establishing and setting up the programme and projects, including confirmation of project scopes, milestone programmes and procurement strategies as well as establishment of internal project governance and reporting structures.
6. Initiation, establishment and delivery of the programme of works to date is on track.
7. Staff consider the matters and decisions in this report have low significance and that the recommendations comply with the Council’s legal requirements.

Background - *Koorero whaimaarama*

8. As previously reported to Council in 2020, Hamilton City Council entered into a funding agreement in October 2020 with the Department of Internal Affairs (DIA), who in conjunction with Crown Infrastructure Partners are administering the three waters reform and waters stimulus delivery programmes on behalf of the New Zealand Government

9. Elected Members have endorsed the programme delivery plan, which in November 2020 was approved by DIA.
10. Within the delivery plan, six packages of works and 19 projects were identified. The work packages focus on strategic priorities, renewals, asset information, asset conditions, resilience, demand management, environmental compliance and preparing for the Three Waters reform, and includes a combination of capital and operational projects.
11. Programme reporting to DIA is to be completed on a quarterly basis as per their reporting template. The first report was submitted in January 2021 (**Attachment 1**).
12. It is noted that this report is focussed on delivery of the stimulus investment programme, and further updates will be provided separate to this report on progress of the Three Waters reform.

Discussion - *Matapaki*

13. A summary of the projects within the delivery programme is outlined below:

Project	Value	Status
<u>Strategic Planning</u>		
Futureproof Three Waters Business Case	\$750,000 (HCC Share)	This sub-regional project is well advanced with completion anticipated by mid-2021
Sub-Regional Metrospatial Wastewater Business Case	\$1,450,000 (HCC Share)	This project is progressing well with completion anticipated by mid-2021
Te Wetini Dr Crossing Infrastructure (via Private Development Agreement)	\$2,850,000	Construction works have commenced.
Rotokauri Greenway Designation Condition Works	\$950,000	Procurement of a professional service contract is underway.
Rotokauri Rest Home Wastewater (via Private Development Agreement)	\$285,000	PDA negotiations are underway and progressing well.
<u>Renewals and Asset Information</u>		
Additional Asset Renewals	\$1,500,000	Additional water and wastewater works have been scoped – opportunity to utilise existing renewals delivery contracts.
Asset Data Information Improvements	\$1,825,000	Currently confirming scope and delivery plan.
<u>Asset condition assessment and resilience</u>		
Three Waters Asset Resilience Study	\$712,500	Currently confirming scope and delivery plan.
Water Supply Resilience (Low River) Upgrade	\$190,000	Currently confirming delivery plan.
<u>Demand Management</u>		

Water Sustainability Strategy	\$95,000		Currently confirming delivery plan.
Rainwater Storage Tanks Incentivisation Study	\$95,000		Currently confirming delivery plan.
Citywide Inflow and Infiltration Investigation	\$950,000		Currently confirming delivery plan.
Three Waters Mobile Education Hub	\$294,500		Currently confirming scope and delivery plan.
Water Leak Detection	\$475,000		Currently confirming delivery plan.
<u>3 Water operational upgrades and environmental compliance</u>			
Three Waters Security Measures	\$950,000		Confirming scope to commence procurement.
Taitua Arboretum Water Supply Bore Upgrade	\$142,500		Works well advanced and nearing completion.
Stormwater Gully Improvements	\$2,375,000		Investigation underway in Mangaiti Gully to confirm delivery scope and design
Urban Stormwater Quality Management Investigation	\$250,000		Currently confirming delivery plan.
Water Sampling Points Upgrade	\$95,000		Currently confirming delivery plan.
<u>Preparation for Waters Reform</u>			
Three Waters Reform Engagement	\$500,000		Underway including submission of requested information. Further updates will be provided separate to this report on progress of the Three Waters reform (DIA have approved up to \$560,000).
<u>Programme Management</u>			
Programme Management	\$725,500		Underway, programme management structure established and resources engaged.
Total	\$17,460,000		

14. At this stage no decisions from the Infrastructure Operations Committee are required, however it is anticipated that as part of the next Infrastructure Operations Committee Report in April 2021 some contract award decisions will likely be required to enable works delivery.
15. A programme report, similar to the capital programme reports presented to the Finance Committee, is currently under development and will be presented with the next update to provide further programme information.
16. It is noted that the programme is flexible to manage trade-offs and 'overs & unders' which will be identified as projects are delivered, including contingency projects as identified in the Delivery Plan.

Financial Considerations - *Whaiwhakaaro Puutea*

17. The total budget to complete the programme is \$17,460,000.00, which is fully funded by the NZ Government in accordance with the existing Funding Agreement.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

18. Staff confirm that matters and recommendations in this report comply with Council's legal and policy requirements.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

19. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
20. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.
21. The recommendations set out in this report are consistent with that purpose.

Social

22. Throughout delivery of this programme, opportunities to leverage and implement social procurement initiatives will be explored including supporting supply chain diversity and potential targeted employment initiatives to support social enterprises and employment opportunities for priority social groups.

Economic

23. A key investment objective of this programme is to support economic recovery from the COVID-19 pandemic through job creation and supply chain investment.
24. As outlined in the quarter 1 programme report to DIA, metrics in terms of employment outcomes from this investment are being monitored and reported.

Environmental

25. A number of projects within this programme have a specific focus on developing infrastructure and/or the natural environment to support, in a sustainable way, three waters operational activities.
26. As projects are further scoped, designed and procured opportunities for use of sustainable energy, alternative material options and waste minimisation will be further explored.

Cultural

27. As projects are further scoped and defined further engagement will be undertaken with Maaori via Te Haa o te Whenua o Kirikiriroa (THaWK) to ensure projects take into account and align with the culture and traditions of water, ancestral land, sites, waahi tapu, valued flora and fauna, and other taonga as well as optimise opportunities to support communities and Maaori to share their heritage, language and stories.

Risks - *Tuuraru*

28. Delivery of this programme is still at an early stage. The programme is comprised of a large number of challenging and complex projects and is required to be complete by March 2022.
29. Key risks to programme delivery are outlined in the report to DIA (**Attachment 1**), with the key current risk being confirming internal management, professional service and construction resources to deliver.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui***Significance**

30. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a low level of significance.

Engagement

31. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Three Waters Stimulus Delivery - Report to DIA - Q1 January 2021

Memo

Notice to DIA No. 01 Water Reform Stimulus – Report No. 01

To: John Mackie

From: Lorraine Kendrick (on behalf of Hamilton City Council)

Subject: Hamilton City Council Water Reform Stimulus Report No. 01

Date: 29 January 2021 File

Good afternoon John

RE – Q1 DIA - Water stimulus report

Please find attached the following:

- Q1 Report
- Terms of Reference for Governance Project Steering Group
- Programme Management Plan (including Procurement strategy)

Over the last few months, Hamilton City Council (HCC) having been busy setting up the programme to enable the delivery of the 3 waters stimulus projects. To ensure that there is sufficient oversight and governance of the Programme a Steering Group has been established. The purpose of the Programme Steering Group is to be the governing body to ensure that the programme's objectives are being met and be the key decision-making body for all projects within the programme. The objective of the Water Reform Stimulus Delivery programme is to ensure the Water Reform Stimulus funding is expended, and reported on, in line with the requirements of the DIA Funding Agreement. The Terms of Reference for the Project Steering Group is attached.

The management of delivery of the projects will follow HCC project management methodology. The project managers are working on project specific milestones and cashflows with some projects at a more mature stage than others. A Programme Management Plan has been prepared which describes the programme and how it will be structured, managed and monitored. HCC is setting up the 3 waters stimulus programme as a separate financial report in their financial system to be able to easily access data for both DIA and Council reporting. As the reporting processes are still being developed, we are unable to provide you with an updated cashflow or actuals up to 31 December 2021, therefore for the Q1 report, HCC have used the baseline cashflow that was submitted for the delivery plan. Accurate financial data will be available for the Q2 report.

We have finalised the project matrices as per our meeting on 26th January 2021, can you please review and let us know if you require any further additional information, we have split the multidisciplinary

projects into separate water activities where required. The Project Managers are now factoring these into their project outputs/KPI's; information on these matrices will be available for the Q2 report. In the interim, we have included worker hour estimates based on the FTE information submitted in the delivery plan and as agreed with you have assumed 2000 hrs per FTE.

As discussed, HCC have not completed the LTP worksheet in the report. We understand that DIA/CIP has requested this information to ensure that Councils are still delivering on their existing 3 waters projects within their annual plan. As you are aware Councils are required to report regularly on their work programme so the information that DIA is seeking on the existing 3 waters projects is available, however, we just need to confirm an appropriate reporting format that captures the actual and forecast spend on the existing projects which can then be appended to the DIA reports moving forward. We will develop a report for you and seek feedback and approval on the format before submitting the Q2 report.

The programme includes 2 Sub Regional projects which involve HCC, Waikato District Council (WaiDC) and Waipa District Council (WDC). HCC will be taking the lead on reporting for the sub-regional projects particularly the project matrices. WaiDC and WDC will still need to report on their specific spend/cashflow for these projects as it pertains to their share of the total project budget. All other aspects will be reported via the HCC's report.

Andrew Parson, Strategic Development Manager, is the lead contact for Hamilton City Council, but as he is presently on leave the report is being submitted by Beca. Andrew will submit a 'final' signed copy to you when he returns from leave.

Kind regards



Lorraine Kendrick
Project Director - Beca

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Three Waters Stimulus Funding - Cash Flow Profile Commentary							
Pre-work / Long term commentary							
Initial Update					Quarter 1 (January 2021) Update		
Top 5 Risks and Contractor Claims					Top 5 Risks and Contractor Claims		
Risk # (Highest to lowest)	Risk Name	Impact	Likelihood	Commentary on mitigants	Risk Name	Risk Level	Commentary
Mandatory	Completion of programme by 31 March 2022	High	Low	All projects on track to complete by 31 March 2022	Completion of programme by 31 March 2022	High	Completion of the programme remains a high risk, as the deadline is fixed. At this stage all projects are on track for completion within the required timeframe.
1	Budget overruns	High	Low	Programme expenditure tracked and monitored. Utilising an 'overs-and-unders' approach between projects in the programme.	Budget overruns	High	The programme budget remains a high risk, as the programme funding is fixed. At this stage there is no approved change to the project budgets and the 'unders-and-overs' approach has not yet been required to be implemented.
2	Availability of, and timely engagement with, suppliers, consultants and contractors	Medium	High	Engage with suppliers, consultants & contractors early, utilising agile procurement methods to fast-track procurement and secure resources	Availability of, and timely engagement with, suppliers, consultants and contractors	High	Initial procurement activities are underway. The Programme Management commission is in place with Beca, and procurement on individual projects is underway to varying levels. No constraints on capacity have been encountered to date.
3	Achieving competitive pricing using agile procurement methods required to meet programme	Medium	High	Utilise existing contracts where possible where rates have been competitively tendered, and use price benchmarking to support rates / lump sums provided for projects.	Achieving competitive pricing using agile procurement methods required to meet programme	Medium	Procurement activities are underway in line with HCC's procurement processes. Consultants have been engaged using the Local Authority Shared Services panel, utilising agreed rates. Individual projects will complete procurement plans to agree procurement mechanisms on a project-by-project basis.
4	Stakeholder expectations not met	Medium	Medium	Plan stakeholder management activities at both project and programme level. Engage specialists incl. HCC comms team early, and again at appropriate intervals.	Stakeholder expectations not met	Medium	Programme level stakeholders have been reviewed at the Steering Group level, and an iwi engagement specialist is likely to be engaged to help with programme-level communications. Project managers are planning stakeholder management activities at a project level, with strategies and actions being captured in the project plans.
5	Project scope creep	Medium	High	Project scopes still being defined via Project Plans, which need to be signed off by WRS Programme Management	Project scope creep	Medium	Project plans are generally still being worked through, with none signed off at the WRS Programme Management gate to date. Some projects are well defined, with project plans finalised and only awaiting signoff. Others have required a
Conditions agreed upon in delivery plan					Conditions agreed upon in delivery plan		
Condition		Commentary			Condition		Commentary
No conditions agreed in Delivery Plan		N/A			No conditions agreed in Delivery Plan		N/A
Pre-work commencement status					Pre-work commencement status		
Roadblock	Status	Commentary			Roadblock	Status	Commentary
RMA	N/A	N/A - RMA processes are not expected to be a roadblock to this programme.			RMA	N/A	No change from initial update
Building Consent	N/A	N/A - Building Consent processes are not expected to be a roadblock to this programme.			Building Consent	N/A	No change from initial update
Other Consents (i.e. CARs, iwi, Heritage)	N/A	N/A - other consent processes are not expected to be a roadblock to this programme.			Other Consents (i.e. CARs, iwi, Heritage)	N/A	No change from initial update
Design	N/A	Design is underway at project-level across the programme, in line with project-level schedules, with progress ranging from 'yet-to-commence' on some projects, to 'completed' on others. At this stage no roadblocks are present.			Design	N/A	No change from initial update
Procurement	N/A	Procurement is underway at project-level across the programme, in line with project-level schedules, with progress ranging from 'yet-to-commence' on some projects, to 'completed' on others. At this stage no roadblocks are present.			Procurement	N/A	No change from initial update
Main Contract	N/A	Contracting is underway at project-level across the programme, in line with project-level schedules, with progress ranging from 'yet-to-commence' on some projects, to 'completed' on others. At this stage no roadblocks are present.			Main Contract	N/A	No change from initial update
Quarterly commentary							
Programme costs					Programme costs commentary		
Commentary on Government Funded programme					Q1 report is based on the original baseline cashflow submitted with delivery plan. Financial systems and reporting is being set up. Accurate reporting available for Q2.		
Commentary on LTP programme					Separate report to be established to demonstrate expenditure on existing 3 waters projects in annual plan and future LTP.		
Reform funding					Reform funding commentary		
Reform Funding Activities					HCC have established a Water reform governance group. Further information will be provided Q2.		
RFI funding (\$80k)					RFI funding will be reported in Q2 report		
Scope and Progress commentary					Scope and Progress commentary commentary		
Commentary					The first Quarter has been spent setting the programme up for success, in line with HCC's systems / processes and procedures. Two Steering Group meetings have been held to date. Assigning resources has been one of the primary initial challenges, but this is nearly resolved across the board. Project Plan signoff is a key step in HCC's process; these range in completeness across the projects, and getting these all signed off as soon as possible is critical to successful completion of the programme. The next Quarter will see all of the Project Plans approved by the Steering Group.		
Media Announcements					No media announcements to report		

Document Classification: KPMG Confidential

Sensitivity: General

		Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Total
		Actual	Actual	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	
Project Name	Invest in additional renewals																		
Project Type	WATER - Potable water mains / pipes upgraded / renewed or new																		
Start date	Nov-20	Capex		1.50															
End date	Mar-22	Opex																	
Total upfront payment	0.75	N/A																	
Total final payment		Check		OK															
Total project spend	1.50																		
Total project funding	1.50																		
Check	-																		
Project Spend																			
Spend from Crown funding	\$NZ'm	0.09	0.09	0.09	0.09	0.09	0.09	0.09	0.09	0.09	0.09	0.09	0.09	0.09	0.09	0.09	0.09	0.09	1.50
Spend from cofunding	\$NZ'm																		-
Total project spend	\$NZ'm	0.09	0.09	0.09	0.09	0.09	0.09	0.09	0.09	0.09	0.09	0.09	0.09	0.09	0.09	0.09	0.09	0.09	1.50
Project Funding	\$NZ'm																		
Upfront payment portion	\$NZ'm	0.75																	0.75
Crown funding required	\$NZ'm			0.12			0.15			0.15			0.15			0.18			0.75
Cofunding required	\$NZ'm																		-
Final payment portion	\$NZ'm																		-
Total project funding	\$NZ'm	0.75	-	0.12	-	-	0.15	-	-	0.15	-	-	0.15	-	-	0.18	-	-	1.50
Cash position																			
Opening cash position	\$NZ'm	-	0.66	0.57	0.60	0.51	0.42	0.48	0.39	0.30	0.36	0.27	0.18	0.24	0.15	0.06	0.15	0.06	
Project spend	\$NZ'm	(0.09)	(0.09)	(0.09)	(0.09)	(0.09)	(0.09)	(0.09)	(0.09)	(0.09)	(0.09)	(0.09)	(0.09)	(0.09)	(0.09)	(0.09)	(0.09)	(0.09)	
Project funding	\$NZ'm	0.75	-	0.12	-	-	0.15	-	-	0.15	-	-	0.15	-	-	0.18	-	-	
Closing cash position	\$NZ'm	0.66	0.57	0.60	0.51	0.42	0.48	0.39	0.30	0.36	0.27	0.18	0.24	0.15	0.06	0.15	0.06	(0.03)	
Worker hours	Hours	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	28,900.00
Length (metres)	# or %																		-
N/A	# or %																		-
N/A	# or %																		-
Project Name	asset data information management and three waters data collection technology (GPR) (OTHER - Asset data and GIS improvements/update/maintenance)																		
Project Type	OTHER - Asset data and GIS improvements/update/maintenance																		
Start date	Nov-20	Capex		1.83															
End date	Mar-22	Opex																	
Total upfront payment	0.91	N/A																	
Total final payment		Check		OK															
Total project spend	1.83																		
Total project funding	1.83																		
Check	-																		
Project Spend																			
Spend from Crown funding	\$NZ'm	0.11	0.11	0.11	0.11	0.11	0.11	0.11	0.11	0.11	0.11	0.11	0.11	0.11	0.11	0.11	0.11	0.11	1.83
Spend from cofunding	\$NZ'm																		-
Total project spend	\$NZ'm	0.11	0.11	0.11	0.11	0.11	0.11	0.11	0.11	0.11	0.11	0.11	0.11	0.11	0.11	0.11	0.11	0.11	1.83
Project Funding	\$NZ'm																		
Upfront payment portion	\$NZ'm	0.91																	0.91
Crown funding required	\$NZ'm			0.18			0.18			0.18			0.18			0.18			0.91
Cofunding required	\$NZ'm																		-
Final payment portion	\$NZ'm																		-
Total project funding	\$NZ'm	0.91	-	0.18	-	-	0.18	-	-	0.18	-	-	0.18	-	-	0.18	-	-	1.83
Cash position																			
Opening cash position	\$NZ'm	-	0.81	0.70	0.78	0.67	0.56	0.64	0.53	0.42	0.50	0.39	0.28	0.36	0.25	0.14	0.22	0.11	
Project spend	\$NZ'm	(0.11)	(0.11)	(0.11)	(0.11)	(0.11)	(0.11)	(0.11)	(0.11)	(0.11)	(0.11)	(0.11)	(0.11)	(0.11)	(0.11)	(0.11)	(0.11)	(0.11)	
Project funding	\$NZ'm	0.91	-	0.18	-	-	0.18	-	-	0.18	-	-	0.18	-	-	0.18	-	-	
Closing cash position	\$NZ'm	0.81	0.70	0.78	0.67	0.56	0.64	0.53	0.42	0.50	0.39	0.28	0.36	0.25	0.14	0.22	0.11	-	OK
Worker hours	Hours	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	1,700.00	28,900.00
% complete	# or %	5.90	5.90	5.90	5.90	5.90	5.90	5.90	5.90	5.90	5.90	5.90	5.90	5.90	5.90	5.90	5.90	5.90	100.30
N/A	# or %																		-
N/A	# or %																		-
Project Name	Water infrastructure security measures e.g. CCTV, Cyber Security assessments																		
Project Type	WATER - Water security / fencing																		
Start date	Nov-20	Capex		0.48															
End date	Mar-22	Opex		0.48															
Total upfront payment	0.48	N/A																	
Total final payment		Check		OK															
Total project spend	0.95																		
Total project funding	0.95																		
Check	-																		
Project Spend																			
Spend from Crown funding	\$NZ'm	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.95
Spend from cofunding	\$NZ'm																		-
Total project spend	\$NZ'm	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.950
Project Funding	\$NZ'm																		
Upfront payment portion	\$NZ'm	0.48																	0.48
Crown funding required	\$NZ'm			0.10			0.10			0.10			0.10			0.10			0.48
Cofunding required	\$NZ'm																		-
Final payment portion	\$NZ'm																		-
Total project funding	\$NZ'm	0.48	-	0.10	-	-	0.10	-	-	0.10	-	-	0.10	-	-	0.10	-	-	0.95
Cash position																			
Opening cash position	\$NZ'm	-	0.42	0.36	0.40	0.34	0.28	0.32	0.26	0.20	0.24	0.18	0.12	0.16	0.10	0.04	0.08	0.02	
Project spend	\$NZ'm	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	
Project funding	\$NZ'm	0.48	-	0.10	-	-	0.10	-	-	0.10	-	-	0.10	-	-	0.10	-	-	
Closing cash position	\$NZ'm	0.42	0.36	0.40	0.34	0.28	0.32	0.26	0.20	0.24	0.18	0.12	0.16	0.10	0.04	0.08	0.02	(0.04)	
Worker hours	Hours			675.00	675.00	675.00	675.00	675.00	675.00	675.00	675.00	675.00							6,400.00
Length (metres)	# or %																		-
N/A	# or %																		-
N/A	# or %																		-

Document Classification: KPMG Confidential

Sensitivity: General

		Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Total
		Actual	Actual	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	
Project Name	Undertake a trial set up and operation of the low river contingency infrastructure, with a																		
Project Type	WATER - Pump station upgrades																		
Start date	Nov-20	Capex		0.19															
End date	Oct-21	Opex																	
Total upfront payment	0.10	N/A																	
Total final payment		Check		Ok															
Total project spend	0.19																		
Total project funding	0.19																		
Check	-																		
Project Spend																			
Spend from Crown funding	\$NZ'm			0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01			0.19
Spend from cofunding	\$NZ'm																		-
Total project spend	\$NZ'm			0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01			0.19
Project Funding	\$NZ'm																		
Upfront payment portion	\$NZ'm		0.10																0.10
Crown funding required	\$NZ'm			0.02			0.02			0.02			0.02			0.02			0.10
Cofunding required	\$NZ'm																		-
Final payment portion	\$NZ'm																		-
Total project funding	\$NZ'm		0.10	0.02			0.02			0.02			0.02			0.02			0.19
Cash position																			
Opening cash position	\$NZ'm		-	0.10	0.10	0.09	0.08	0.08	0.08	0.07	0.06	0.06	0.05	0.04	0.04	0.03	0.02	0.02	0.02
Project spend	\$NZ'm			(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	-	-
Project funding	\$NZ'm		0.10	0.02			0.02			0.02			0.02			0.02			-
Closing cash position	\$NZ'm		0.10	0.10	0.09	0.08	0.08	0.07	0.06	0.06	0.05	0.04	0.04	0.03	0.02	0.02	0.02	0.02	Ok
Worker hours	Hours		40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00					480.00
Number of PS upgrades #	# or %		-	-	-	-	-	-	-	-	-	-	-	1.00					1.00
Physical works % complete	# or %		8.33	8.33	8.33	8.33	8.33	8.33	8.33	8.33	8.33	8.33	8.33						100.00
N/A	# or %																		-
Project Name	Scoping & benchmarking of incentives for Rainwater Storage Tanks for household insta																		
Project Type	OTHER - Strategy Study or Report																		
Start date	Feb-21	Capex																	
End date	Nov-21	Opex		0.095															
Total upfront payment	0.05	N/A																	
Total final payment		Check		Ok															
Total project spend	0.10																		
Total project funding	0.10																		
Check	-																		
Project Spend																			
Spend from Crown funding	\$NZ'm				0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01					0.10
Spend from cofunding	\$NZ'm																		-
Total project spend	\$NZ'm				0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01					0.0950
Project Funding	\$NZ'm																		
Upfront payment portion	\$NZ'm		0.05																0.05
Crown funding required	\$NZ'm			0.01			0.01			0.01			0.01						0.05
Cofunding required	\$NZ'm																		-
Final payment portion	\$NZ'm																		-
Total project funding	\$NZ'm		0.05	0.01			0.01			0.01			0.01						0.0950
Cash position																			
Opening cash position	\$NZ'm		-	0.05	0.05	0.06	0.05	0.04	0.04	0.03	0.02	0.02	0.01	-	-	(0.01)	(0.01)	(0.01)	(0.01)
Project spend	\$NZ'm			-	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	-	-	-	-
Project funding	\$NZ'm		0.05	0.01			0.01			0.01			0.01			0.01			-
Closing cash position	\$NZ'm		0.05	0.05	0.06	0.05	0.04	0.04	0.03	0.02	0.02	0.01	-	-	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
Worker hours	Hours				160.00	160.00	160.00	160.00	160.00	160.00	160.00	160.00	160.00	160.00	160.00				1,600.00
% complete	# or %				10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00				100.00
N/A	# or %																		-
N/A	# or %																		-
Project Name	Citywide I&I investigation (smoke testing) and programme of funding the repair of any p																		
Project Type	WASTE - Wastewater pipe inspections																		
Start date	Nov-20	Capex																	
End date	Mar-22	Opex		0.95															
Total upfront payment	0.48	N/A																	
Total final payment		Check		Ok															
Total project spend	0.95																		
Total project funding	0.95																		
Check	-																		
Project Spend																			
Spend from Crown funding	\$NZ'm		0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.95
Spend from cofunding	\$NZ'm																		-
Total project spend	\$NZ'm		0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.95
Project Funding	\$NZ'm																		
Upfront payment portion	\$NZ'm		0.48																0.48
Crown funding required	\$NZ'm			0.10			0.10			0.10			0.10			0.10			0.48
Cofunding required	\$NZ'm																		-
Final payment portion	\$NZ'm																		-
Total project funding	\$NZ'm		0.48	0.10			0.10			0.10			0.10			0.10			0.95
Cash position																			
Opening cash position	\$NZ'm		-	0.42	0.36	0.40	0.34	0.28	0.32	0.26	0.20	0.24	0.18	0.12	0.16	0.10	0.04	0.08	0.02
Project spend	\$NZ'm		(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)	(0.06)
Project funding	\$NZ'm		0.48		0.10			0.10			0.10			0.10			0.10		-
Closing cash position	\$NZ'm		0.42	0.36	0.40	0.34	0.28	0.32	0.26	0.20	0.24	0.18	0.12	0.16	0.10	0.04	0.08	0.02	(0.04)
Worker hours	Hours		1,020.00	1,020.00	1,020.00	1,020.00	1,020.00	1,020.00	1,020.00	1,020.00	1,020.00	1,020.00	1,020.00	1,020.00	1,020.00	1,020.00	1,020.00	1,020.00	17,340.00
Length (metres)	# or %																		-
N/A	# or %																		-
N/A	# or %																		-

Sensitivity: General

		Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Total
		Actual	Actual	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	
Project Name	Te Wētini Dr SW Crossing and Rotokauri Rise - bulkwater																		
Project Type	WATER - Potable water mains / pipes upgraded / renewed or new																		
Start date	Nov-20	Capex		2.85															
End date	May-21	Opex																	
Total upfront payment	1.43	N/A																	
Total final payment		Check		Ok															
Total project spend	2.85																		
Total project funding	2.85																		
Check	-																		
Project Spend																			
Spend from Crown funding	\$NZ'm	0.41	0.41	0.41	0.41	0.41	0.41	0.41											2.85
Spend from cofunding	\$NZ'm																		-
Total project spend	\$NZ'm	0.41	0.41	0.41	0.41	0.41	0.41	0.41	-	-	-	-	-	-	-	-	-	-	2.85
Project Funding																			
Upfront payment portion	\$NZ'm	1.43																	1.43
Crown funding required	\$NZ'm			0.71			0.71												1.43
Cofunding required	\$NZ'm																		-
Final payment portion	\$NZ'm																		-
Total project funding	\$NZ'm	1.43	-	0.71	-	-	0.71	-	-	-	-	-	-	-	-	-	-	-	2.85
Cash position																			
Opening cash position	\$NZ'm		1.02	0.61	0.92	0.51	0.10	0.41	-	-	-	-	-	-	-	-	-	-	-
Project spend	\$NZ'm	(0.41)	(0.41)	(0.41)	(0.41)	(0.41)	(0.41)	(0.41)	-	-	-	-	-	-	-	-	-	-	-
Project funding	\$NZ'm	1.43		0.71			0.71		-	-	-	-	-	-	-	-	-	-	-
Closing cash position	\$NZ'm	1.02	0.61	0.92	0.51	0.10	0.41	-	-	-	-	-	-	-	-	-	-	-	Ok
Worker hours																			
Length (metres)	Hours	5,920.00	5,920.00	5,920.00	5,920.00	5,920.00	5,920.00	5,920.00											41,440.00
N/A	# or %																		-
N/A	# or %																		-
Project Name																			
Ecological improvements for erosion, water quality, SW control, gully network improvemen																			
Project Type	STORM - Stormwater treatment																		
Start date	Nov-20	Capex		1.19															
End date	Mar-22	Opex		1.19															
Total upfront payment	1.19	N/A																	
Total final payment	2.38	Check		Ok															
Total project spend	2.38																		
Check	-																		
Project Spend																			
Spend from Crown funding	\$NZ'm	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	2.38
Spend from cofunding	\$NZ'm																		-
Total project spend	\$NZ'm	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	0.14	2.38
Project Funding																			
Upfront payment portion	\$NZ'm	1.19																	1.19
Crown funding required	\$NZ'm			0.24			0.24			0.24			0.24			0.24			1.19
Cofunding required	\$NZ'm																		-
Final payment portion	\$NZ'm																		-
Total project funding	\$NZ'm	1.19	-	0.24	-	-	0.24	-	-	0.24	-	-	0.24	-	-	0.24	-	-	2.38
Cash position																			
Opening cash position	\$NZ'm	-	1.05	0.91	1.01	0.87	0.73	0.83	0.69	0.55	0.65	0.51	0.37	0.47	0.33	0.19	0.29	0.15	-
Project spend	\$NZ'm	(0.14)	(0.14)	(0.14)	(0.14)	(0.14)	(0.14)	(0.14)	(0.14)	(0.14)	(0.14)	(0.14)	(0.14)	(0.14)	(0.14)	(0.14)	(0.14)	(0.14)	-
Project funding	\$NZ'm	1.19	-	0.24	-	-	0.24	-	-	0.24	-	-	0.24	-	-	0.24	-	-	-
Closing cash position	\$NZ'm	1.05	0.91	1.01	0.87	0.73	0.83	0.69	0.55	0.65	0.51	0.37	0.47	0.33	0.19	0.29	0.15	0.01	Ok
Worker hours																			
Number of SW treatment project	Hours	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	2,600.00	44,200.00
Physicals works % complete	# or %	5.88	5.88	5.88	5.88	5.88	5.88	5.88	5.88	5.88	5.88	5.88	5.88	5.88	5.88	5.88	5.88	5.88	100.00
N/A	# or %																		-
Project Name																			
Investigations into Urban Stormwater Quality Management approaches																			
Project Type	OTHER - Strategy Study or Report																		
Start date	Jan-21	Capex																	
End date	Jan-22	Opex		0.25															
Total upfront payment	0.13	N/A																	
Total final payment		Check		Ok															
Total project spend	0.25																		
Total project funding	0.25																		
Check	-																		
Project Spend																			
Spend from Crown funding	\$NZ'm			0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02			0.25
Spend from cofunding	\$NZ'm																		-
Total project spend	\$NZ'm	-	-	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02	-	-	0.25
Project Funding																			
Upfront payment portion	\$NZ'm	0.13																	0.13
Crown funding required	\$NZ'm			0.03			0.03			0.03			0.03			0.03			0.13
Cofunding required	\$NZ'm																		-
Final payment portion	\$NZ'm																		-
Total project funding	\$NZ'm	0.13	-	0.03	-	-	0.03	-	-	0.03	-	-	0.03	-	-	0.03	-	-	0.25
Cash position																			
Opening cash position	\$NZ'm	-	0.13	0.13	0.14	0.12	0.10	0.11	0.09	0.07	0.08	0.06	0.04	0.05	0.03	0.01	0.02	0.02	-
Project spend	\$NZ'm	-	-	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	-	-	-
Project funding	\$NZ'm	0.13	-	0.03	-	-	0.03	-	-	0.03	-	-	0.03	-	-	0.03	-	-	-
Closing cash position	\$NZ'm	0.13	0.13	0.14	0.12	0.10	0.11	0.09	0.07	0.08	0.06	0.04	0.05	0.03	0.01	0.02	0.02	0.02	Ok
Worker hours																			
% complete	Hours			320.00	320.00	320.00	320.00	320.00	320.00	320.00	320.00	320.00	320.00	320.00	320.00	320.00			4,160.00
N/A	# or %			7.69	7.69	7.69	7.69	7.69	7.69	7.69	7.69	7.69	7.69	7.69	7.69	7.69			100.00
N/A	# or %																		-
N/A	# or %																		-

Sensitivity: General

[illegible]

Document Classification: KPMG Confidential

Sensitivity: General

		Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Total
		Actual	Actual	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	
Project Name	Installation of dedicated water sampling points around the city																		
Project Type	WATER - Water filling station																		
Start date	Dec-20	Capex		0.095															
End date	Mar-22	Opex																	
Total upfront payment	0.0475	N/A																	
Total final payment		Check		Ok															
Total project spend	0.10																		
Total project funding	0.10																		
Check	-																		
Project Spend																			
Spend from Crown funding	\$NZ'm		0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.10
Spend from cofunding	\$NZ'm																		-
Total project spend	\$NZ'm	-	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.095
Project Funding																			
Spend from Crown funding	\$NZ'm																		0.05
Upfront payment portion	\$NZ'm	0.05																	0.05
Crown funding required	\$NZ'm			0.01			0.01			0.01			0.01			0.01			0.05
Cofunding required	\$NZ'm																		-
Final payment portion	\$NZ'm																		-
Total project funding	\$NZ'm	0.05	-	0.01	-	-	0.01	-	-	0.01	-	-	0.01	-	-	0.01	-	-	0.095
Cash position																			
Opening cash position	\$NZ'm	-	0.05	0.04	0.04	0.03	0.02	0.02	0.01	-	-	-	-	-	-	-	-	-	-
Project spend	\$NZ'm	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
Project funding	\$NZ'm	0.05		0.01			0.01			0.01			0.01			0.01			-
Closing cash position	\$NZ'm	0.05	0.04	0.04	0.03	0.02	0.02	0.01	-	-	(0.01)	(0.02)	(0.02)	(0.03)	(0.04)	(0.04)	(0.05)	(0.06)	
Worker hours																			
Hours		120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	120.00	1,920.00
Water supply meters installed #	# or %																		-
Physical works % complete	# or %		6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25	100.00
N/A	# or %																		-
Project Name																			
Te Wetini Dr SW Crossing and Rotokauri Rise - bulkwater																			
Project Type	WATER - Potable water mains / pipes upgraded / renewed or new																		
Start date	Nov-20	Capex		0.285															
End date	May-21	Opex																	
Total upfront payment	0.14	N/A																	
Total final payment		Check		Ok															
Total project spend	0.29																		
Total project funding	0.29																		
Check	-																		
Project Spend																			
Spend from Crown funding	\$NZ'm		0.04	0.04	0.04	0.04	0.04	0.04											0.29
Spend from cofunding	\$NZ'm																		-
Total project spend	\$NZ'm	0.04	0.04	0.04	0.04	0.04	0.04	0.04	-	-	-	-	-	-	-	-	-	-	0.29
Project Funding																			
Spend from Crown funding	\$NZ'm																		0.14
Upfront payment portion	\$NZ'm	0.14																	0.14
Crown funding required	\$NZ'm			0.07			0.07												-
Cofunding required	\$NZ'm																		-
Final payment portion	\$NZ'm																		-
Total project funding	\$NZ'm	0.14	-	0.07	-	-	0.07	-	-	-	-	-	-	-	-	-	-	-	0.29
Cash position																			
Opening cash position	\$NZ'm	-	0.10	0.06	0.09	0.05	0.01	0.04	-	-	-	-	-	-	-	-	-	-	-
Project spend	\$NZ'm	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	-	-	-	-	-	-	-	-	-	-	-
Project funding	\$NZ'm	0.14	-	0.07	-	-	0.07	-	-	-	-	-	-	-	-	-	-	-	-
Closing cash position	\$NZ'm	0.10	0.06	0.09	0.05	0.01	0.04	-	-	-	-	-	-	-	-	-	-	-	Ok
Worker hours																			
Hours		5,920.00	5,920.00	5,920.00	5,920.00	5,920.00	5,920.00	5,920.00											41,440.00
Length (metres)	# or %																		-
N/A	# or %																		-
N/A	# or %																		-
Project Name																			
Programme Management/Delivery																			
Project Type	PRGRM - Programme management																		
Start date	Nov-20	N/A																	
End date	Mar-22	N/A																	
Total upfront payment	0.38	Other/Reform		0.75															
Total final payment		Check		Ok															
Total project spend	0.75																		
Total project funding	0.75																		
Check	-																		
Project Spend																			
Spend from Crown funding	\$NZ'm		0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.75
Spend from cofunding	\$NZ'm																		-
Total project spend	\$NZ'm	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.04	0.75
Project Funding																			
Spend from Crown funding	\$NZ'm																		0.38
Upfront payment portion	\$NZ'm	0.38																	0.38
Crown funding required	\$NZ'm			0.08			0.08			0.08			0.08			0.08			-
Cofunding required	\$NZ'm																		-
Final payment portion	\$NZ'm																		-
Total project funding	\$NZ'm	0.38	-	0.08	-	-	0.08	-	-	0.08	-	-	0.08	-	-	0.08	-	-	0.75
Cash position																			
Opening cash position	\$NZ'm	-	0.33	0.29	0.32	0.28	0.24	0.27	0.23	0.19	0.22	0.18	0.14	0.17	0.13	0.09	0.12	0.08	-
Project spend	\$NZ'm	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)
Project funding	\$NZ'm	0.38	-	0.08	-	-	0.08	-	-	0.08	-	-	0.08	-	-	0.08	-	-	-
Closing cash position	\$NZ'm	0.33	0.29	0.32	0.28	0.24	0.27	0.23	0.19	0.22	0.18	0.14	0.17	0.13	0.09	0.12	0.08	0.04	Ok
Worker hours																			
Hours		720.00	720.00	720.00	720.00	720.00	720.00	720.00	720.00	720.00	720.00	720.00	720.00	720.00	720.00	720.00	720.00	720.00	12,240.00
% complete	# or %	5.88	5.88	5.88	5.88	5.88	5.88	5.88	5.88	5.88	5.88	5.88	5.88	5.88	5.88	5.88	5.88	5.88	100.00
N/A	# or %																		-
N/A	# or %																		-

Council Report

Item 16

Committee: Infrastructure Operations Committee

Date: 23 February 2021

Author: Eeva-Liisa Wright

Authoriser: Eeva-Liisa Wright

Position: General Manager
Infrastructure Operations

Position: General Manager
Infrastructure Operations

Report Name: Infrastructure Operations General Managers Report

Report Status	<i>Open</i>
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Purpose - *Take*

1. To inform the Infrastructure Operations Committee on topical issues, areas of concern and items which need to be brought to the Committee Member's attention, but which do not necessitate a separate report or decision.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Infrastructure Operations Committee:
 - a) receives the report;
 - b) approves that the Puketaha/Gordonton and Darjon/Gordonton Intersection Improvements report be deferred to the 27 April 2021 Infrastructure Operations Committee once detailed costings and design is finalised; and
 - c) approves that the On-Street Commuter Parking report be deferred to the 18 March 2021 Council meeting.

Executive Summary - *Whakaraapopototanga matua*

3. This report provides updates to Infrastructure Operations Committee Members on activities, actions or projects contained within the plans or strategies for which this Committee and the relevant General Manager have responsibility over and for which significant progress has been made.

Background - *Koorero whaimaarama*

Vision Zero

4. As per the Road to Zero item of the Chairs report to the Infrastructure Operations Committee 19 November 2020, a full vision zero and road safety report will be presented to the Infrastructure Operations Committee, the first report being April 2021. The five themes of the new report will include:
 - Infrastructure Improvements and Speed Management
 - System Management

- Road User Choices
- Vehicle Safety
- Work-related Road Safety

5. In future, the Vision Zero report will incorporate Vision Zero statistics which are usually presented in the General Managers report.

Puketaha/Gordonton and Darjon/Gordonton Intersection Improvements

6. On 8 October 2020, the Infrastructure Operations Committee received a report on the status of the Gordonton Road Corridor Business Case and proposed safety interventions. Staff were requested to report back to the first committee meeting in 2021 with detailed costings for Puketaha/Gordonton and Darjon/Gordonton intersection improvements, together with a funding plan for construction and relative safety priorities.
7. Staff have been progressing the investigation, design and costing work for both intersection improvements. Due to a number of risks, such as paving rehabilitation, lighting and working under high voltage lines; additional work is required to quantify these risks and work with external stakeholders to provide more accurate costings.
8. A report with detailed costings, funding plan and relative priorities for both intersection improvements will now be discussed at the 27 April 2021 Infrastructure Operations committee meeting.

On-Street Commuter Parking Update

9. At the 19 November 2020 Infrastructure Operations Committee meeting the Committee received a staff report on On-Street Commuter Parking. The Committee resolution noted staff would report back to the February 2021 Infrastructure Operations Committee setting out the proposed commuter parking zone fees and charges to be recommended to Council for approval [Agenda, Minutes].
10. At the time of preparing the 23 February 2021 report to the Infrastructure Operations Committee staff have not been able to workshop the proposed commuter parking zones fees and charges with Elected Members. A workshop is planned with Elected Members on Wednesday 17 February 2021, the first available briefing date following the January 2021 break.
11. To ensure Committee Member input is received and considered as part of staff's report back to Council, staff are recommending the report be delayed to the next appropriate meeting to avoid further delays. The 18 March 2021 Council meeting is proposed as the fees and charges are required to be set by resolution of Council.

Innovating Streets Update

12. The Innovating Streets programme has been steadily progressing over the summer period.
13. Three of the four co-design workshops have been completed. Attendance from the co-design participants has been consistently high and staff are looking at some exciting trial opportunities for Ward and Rostrevor Streets. The fourth and final workshop is tentatively scheduled for Thursday, 18 February 2021. Committee members have been invited to attend this workshop.
14. Staff are currently working with Governance to arrange a design workshop with Committee Members. This workshop will step members through the process outcomes and provide an opportunity for feedback.
15. The kick-off date for both street trials has been pushed to April 2021 due to nation-wide delays with critical materials. The project team are working with local providers and Waka Kotahi NZ Transport Agency (Waka Kotahi) to work through this and ensure that we will meet our June 2021 completion date.

Eastern Pathways Programme Update

16. Eastern Pathways is a design and delivery programme that aims to resolve corridor safety concerns and deliver public transport and cycling facilities on the eastern side of Hamilton.
17. The key programme delivery principles are:
 - a) Quality first – get it right first time;
 - b) Take the community and stakeholders on the journey; and
 - c) Partnership for co-investment.
18. At the 27 August 2020 Infrastructure Operations Committee meeting, Committee Members approved a \$4.4M delivery programme for the 2020/21 financial year which encompasses the following projects:
 - \$3.5m to complete the School Link and City Centre to University Link project business cases, implement stakeholder engagement and commence design and delivery stages of the School Link project (subject to approval of business cases by Hamilton City Council and Waka Kotahi NZ Transport Agency).
 - Delivery of an additional \$900k of biking connectivity construction and intersection safety upgrade projects within the Eastern Pathways programme area.

These activities are progressing to programme.
19. Waka Kotahi NZ Transport Agency supported the School and University Link strategic cases with funding approval for the current business case stage confirmed on 11 September 2020.

Shortlist of Options for Community Engagement

20. The School Link and City Centre to University Link business cases have developed a short list of options for each corridor. The shortlisting process involved partner agencies; Waka Kotahi and Waikato Regional Council (WRC). Consultation with community and key stakeholders commenced on 5 February 2021.
21. The desired outcomes for the School Link corridor are well understood by partner agencies and all partners are well aligned on the proposed treatment options.
22. As advised in the Drop-in Session on 3 February 2021, assessment of options for the City Centre to University Link to inform the shortlisted options for community engagement noted that:
 - a Central City Active Modes Bridge provides a significant increase in benefits for the City Centre to University Link;
 - the Ruakura Road / Te Aroha Street / Claudelands Road link is important for the network and is an Eastern Pathways priority connection, however provides different benefits and serves a different catchment to a more southern route. It is recommended that this part of the network is delivered as a priority component of the 'Biking Connections' programme in addition to the City Centre to University Link;
 - the Knighton Road, Clyde Street, Grey Street and ANZAC Parade corridor is confirmed as a high frequency / quality public transport route; and
 - a rail corridor option is not currently feasible based on safety and network challenges.
23. The preferred shortlist of options for the City Centre to University Link as shown on the plan below are:
 - **Option 1:** Beale Street, Hamilton Boys High School, Wilson Street, Knighton Road
 - **Option 2:** Grey Street, Cook Street, Clyde Street, Knighton Road
 - **Option 3:** Grey Street, Clyde Street, Knighton Road.



City Centre to University Link – Shortlist of options

24. These options have formed the basis of the stakeholder and community engagement which commenced on 5 February 2021 and will run until mid-March 2021.

Community Engagement

25. The community engagement is being undertaken in accordance with the approved Eastern Pathways Communications Plan, which responds our delivery principle of ‘Taking the Community and Stakeholders on the Journey’.

26. Multiple opportunities to engage are being provided through various channels, including:

- Website for information
- Web-based community survey
- Web-based social pinpoint survey
- Targeted stakeholder groups – for example:
 - i. Bike Waikato
 - ii. School cluster
 - iii. University of Waikato
 - iv. Kainga Ora
- Community open days commenced on 9 February 2021 and will conclude on 4 March 2021

27. The results of the stakeholder and community engagement will help inform the recommended option to the Infrastructure Operations Committee on 27 April 2021.

Programme for Business Case Completion 2021

28. The business case milestones for the remainder of this financial year are:
- community engagement on the business case is completed mid-March 2021;
 - Elected Member workshop on the recommended option planned for 31 March 2021;
 - Infrastructure Operations Committee receives the business case and request to commence the next stage of the project on 27 April 2021; and
 - on 22 May 2021 Waka Kotahi will consider the School Link and Central City to University Link business cases for endorsement along with consideration of a funding application for the detailed design and delivery of the first package of works.
29. Regular updates will be provided to the Infrastructure Operations Committee as the consultation programme progresses.

Biking and Micro-Mobility Update

30. The Biking and micro-mobility programme city-wide engagement sessions concluded in late 2020. Early indications from the feedback received show significant support from the community in respect of investment in new high-quality cycle facilities across the city.
31. The engagement sessions presented the community with four different themes or areas to prioritise action and investment to developing a long-term, city-wide biking and micro-mobility programme. This programme aims to encourage mode shift to bikes, e-scooters and e-skateboards as safe and attractive transport options.
32. The purpose of the engagement was to understand which of the four themes or priority areas the community felt would best support them to regularly bike, e-scoot and skate around Hamilton. The four themes are:
- Supporting behaviour change
 - Best use of the existing network
 - Cross-city bikeways
 - Connected neighbourhoods
33. There was significant support (80%+) for cross city bikeways (cycle superhighways) and connected neighbourhoods, which supports the concept of Hamilton becoming a 20-minute city. Results from engagement indicates that 67% of people are keen to cycle but concerned about the lack of safe connected facilities, therefore they don't cycle. A significant number of people will be willing to bike if high-quality biking facilities are provided.
34. Three key points emerged consistently from the feedback on the different themes presented:
- Safety concerns, and the corresponding need for safety improvements in order to encourage more biking and e-scooting.
 - The need for a safe connected network for bike and e-scooters.
 - Support for infrastructure / physical works, in particular, separated bikeways.
35. The next step will be to share the results from the engagement with elected members in February 2021. An Elected Member workshop is planned for March 2021 to review priorities and focus areas for implementation of projects being developed as part of the business case. The business case will be presented for endorsement at the 27 April 2021 Infrastructure Operations Committee, after which be submitted to Waka Kotahi for approval.
36. All going well, we expect some actions to be implemented quickly in the 2021/22 financial year, while others, which are more complex, will require further study and/or investigations, as well as ongoing engagement with the community.

Crosby Road Mode Shift Improvement

37. Crosby Road is a residential street in the eastern suburbs of Hamilton. The road is a key bus route and connects Wairere Drive/Gordonton Road roundabout to Hukanui Road. Research shows that vehicle speeds along Crosby Road are significantly higher than the posted 50km/h speed limit and measures are required to reduce speeds to an acceptable level for an urban residential street.
38. In conjunction with the speed management approach, Crosby Road has been identified as a key cycle connection between Wairere Drive and Hukanui Road, with Hukanui Road being a key transport corridor under the Eastern Pathways project. The project has developed from a speed management scheme to the addition of new protected cycle lanes separated from general traffic, and the introduction of pedestrian crossing points along the route for improved accessibility.
39. Based on technical evaluations and discussions between HCC staff and consultants, two options, bi-directional and uni-directional cycle lanes, have met the project objectives. Two drop-in sessions are planned to give key stakeholders and the local community/businesses the opportunity to provide feedback, which will help determine the preferred option to take forward to detailed design and construction.
40. A Sharepoint written update for Elected Members prior the engagement with key stakeholders and the local community/businesses is currently being developed.

Victoria Street/Claudeland Road Traffic Signals – Cycle Connection Update

41. Staff have considered several options to provide a cycle connection between Victoria Street (northbound) to turn right into Claudelands Road.
42. The current preferred solution is presented below. This option alleviates the potential conflict between pedestrians and cyclists, and vehicles and/or cyclists travelling northbound to Bryce Street. This option is subject to a satisfactory safety audit and final Waka Kotahi approval. It is anticipated that work will take place by June 2021.
43. Currently at Victoria Street (northbound) all road users are banned from turning right into Claudelands Road. This has led to cyclists utilising the pedestrian crossing and/or footpath (east side) to join the Claudelands Road cycle lane.



Plan showing new right-turn cycle lane from Victoria Street into Claudelands Road

Biking and Micro-Mobility - Biking Connectivity Projects

44. In addition to the Eastern Pathways Programme and Biking and Micro-Mobility Programme development, biking connectivity projects are currently in progress across the city. These projects are part of the first phase of the low cost, low risk improvements designed to enhance safety for people biking, as well as raising the profile of cycling in Hamilton.
45. Further to the information provided to the 27 August 2020 Infrastructure Operations Committee, an update of projects currently in progress can be found in **Attachment 1**.

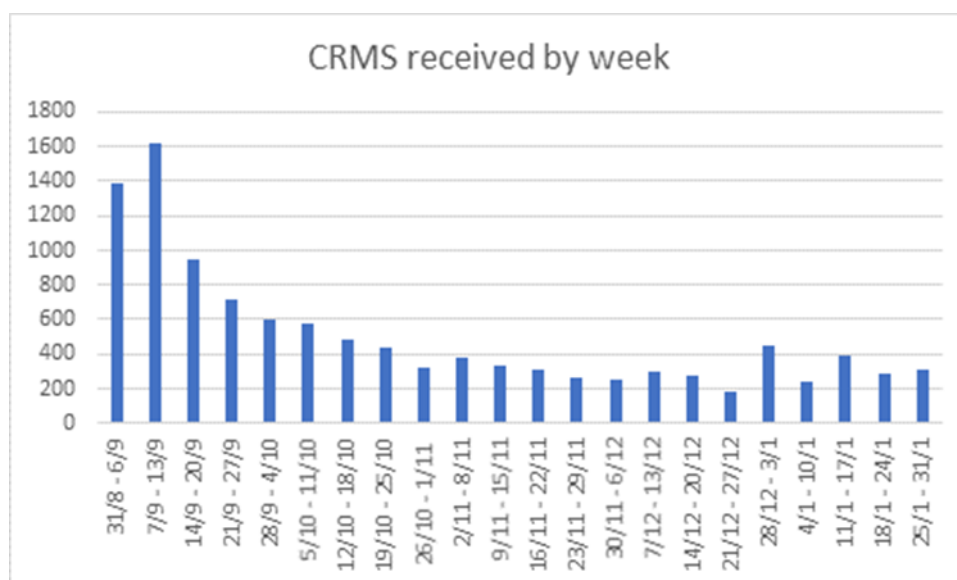
Project Watershed Quarter Two Report to Waikato Regional Council

46. The Project Watershed Service Level Agreement (SLA) is a formal agreement between Waikato Regional Council (WRC) and Hamilton City Council (HCC), relating to the management of the Waikato River and its catchments that fall within the boundaries of the 'Central Zone'.
47. Under this agreement HCC provide services on behalf of Waikato Regional Council with a focus on river management, soil conservation and flood protection.
48. The Services council provide on behalf of WRC under the Project Watershed SLA are pursuant to an agreed 10 Year Plan and confirmed annually through the provision of an agreed 1 Year Plan. A copy of the agreed 1-year plan for the 2020/21 financial year can be found in **Attachment 2** of this report.
49. A requirement of the SLA is that HCC provides a quarterly report to WRC on progress achieved in providing services and delivering on the agreed 1 year. The report for quarter two (October to December 2020) was submitted to WRC on 29 January 2021 and can be found in **Attachment 3** of this report.
50. Overall, progress on delivering the work programme in the agreed one-year Plan is on track.

New Rubbish and Recycling Service Update

51. As of 1 February 2021, the new kerbside service has been in place for five months.
52. Kerbside refuse tonnage for the financial year 2019/20 averaged 2065 tonnes per month. Over the first four months of the new service this has dropped to an average of 1059 tonnes per month.
53. Total recycling from the kerbside (mixed recycling, glass and food waste) has increased to an average of 1,431 tonnes per month from an average of 808 tonnes a month in the last financial year.
54. The percentage of waste recovered through the kerbside collection was running at 57.3% for the quarter October to December 2020 and this has lifted the average for the year to date to 45.78%. The result reflects the success of the service in achieving the targets in the business case of reducing kerbside refuse and increasing kerbside recoverable recycling.
55. Issues experienced with same day completion of food waste collections has become an exception rather than a regular occurrence as EnviroWaste further resourced and streamlined the food waste collection. Food waste continued to maintain the high presentation/volumes experienced at the start of the service with an average of 510 tonnes per month and a total volume of 2,656 tonnes at the end of December 2020.
56. The number of missed collections over quarter two has steadily declined from a high of 250 missed collections in one week in October 2020 to 69 missed collections in the last week of December 2020, this reduction is a reflection of the contractor's improvements ensuring the service is adequately resourced and optimised. In addition, the timeframes for the resolution for missed collections (within 24 hours) has seen a significant increase from 20% in Quarter one to 94% for December.

57. Unfortunately, there was some confusion around collections over the Christmas period, the way the public holidays fell did not allow for the historic practice of collections one day later, meaning collections were undertaken on a public holiday. In addition, the collection calendar on the information booklet provided during the bin delivery did not reflect the actual collection days over the holiday period. To remedy the situation EnviroWaste revisited previous day's collections to undertake a sweep of any missed collections.
58. The number of customer requests (CRMS) has steadily decreased, with most requests now related to the supply of bins for new properties and replacement of damaged/stolen bins.



59. Staff have, on request, met with colleagues from other Territorial Authorities (TAs) to discuss Hamilton's new service and share learnings. These approaches have been made as these TAs look to introduce new kerbside services.
60. The focus for communication and education has been on contamination within the yellow recycling bin and sharing the success story of food waste. HCC and EnviroWaste staff hosted Waikato Times at two EnviroWaste facility's, the Hampton Downs composting facility and the Material Recycling Facility (MRF) on Sunshine Ave, to discuss the composting and mixed recycling processes.
61. Staff used the opportunity to work with the Waikato Times to help educate the public on the food waste process, the implications of contaminating the mixed recycling bins (yellow lidded bin) and the three-strike warning process. The resulting stories were published in early January.
62. To reinforce the contamination message staff also entered a tree into the 'Tree's at Meteor' prior to Christmas. The tree was made up of non-recyclable materials collected from the MRF coming from yellow lidded recycling bins.

1.



Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

63. Staff confirm that the staff recommendation complies with Council's legal and policy requirements.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

64. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').

65. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report.

66. The recommendations set out in this report are consistent with that purpose.

67. There are no known social, economic, environmental or cultural considerations associated with this matter due to this report being for information only.

Risks - *Tuuraru*

68. There are no known risks associated with the decisions required for this matter.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

69. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendations in this report have a low level of significance and no engagement is required.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Biking Connections Project Update

Attachment 2 - Project Watershed 1 year Plan 2020-21 Final

Attachment 3 - Project Watershed - Quarter 2 Report 2020 21 - River and Catchment Services - 2021-01-29 PDF

Attachment 3

Cycle Wands

Cycle wands have been used at several locations in Hamilton, so are not unfamiliar to road users. Two additional locations will receive wands shortly:

- Pukete Road between Vickery Street and Te Rapa Road
- Clyde Street approach to Wairere Drive intersection

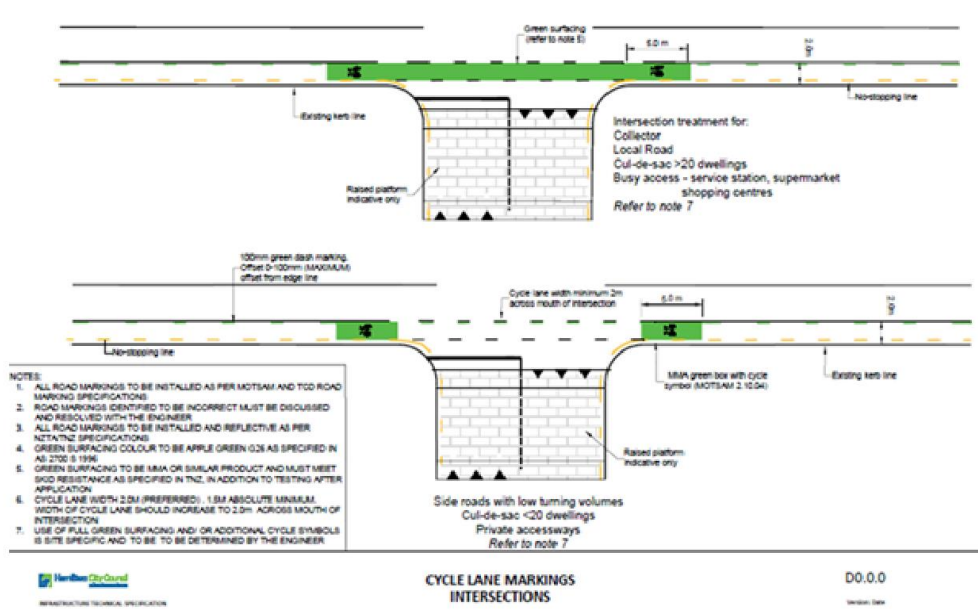
The work is expected to be completed before Easter 2021.



Cycle Lane Markings

For safety and ease of understanding, a consistent standard of road markings is required for cycle lanes. At a minimum level, cycle logos and appropriate lane markings will be provided on all gazetted on-road cycle facilities. All green dashes across the city have been remarked with the new apple green colour.

Intersection cycle greening will commence shortly, focusing on the western side of the city. The eastern side of the city will be treated next financial year. This work will significantly boost the profile of cycling across the city.



Cycle Sharrow Markings Victoria Street

Following consultation with Bike Waikato, and support from Waka Kotahi, sharrows, (shared cycling arrows) with green backing will be installed along Victoria Street between Hood Street and Claudelands Road. It is anticipated the new markings will be installed by April 2021.

Advanced cycle stop boxes will be installed at the intersections to allow cyclists to wait and be ahead of traffic when riding through intersections.



Bike Parking

It is proven that participation in biking increases after good quality cycling infrastructure is built. End of trip facilities, including secure bike parking, are an essential part of the biking experience. Numerous new bike parking racks will be rolled out across the city in the coming months, including at the front and rear of Council's municipal building. Also, Council's Transport and Parks staff are working together to provide bike parking at libraries, parks, and sports grounds.



Typical bike rack to be installed

Bike Parklets – Central City

The two bike parklets trialled in Garden Place have been deemed a success. Plans are being considered to replace them with permanent bike parking racks. Transport staff are working with HCC's Central City team to ensure that the type of racks to be installed are suitable for the Central City environment. In due course, the parklets will be relocated to other areas.

Staff are currently considering Grey Street near Duck Island Ice Cream Parlour and Barton Street near Torpedo 7. These sites are subject to consultation with impacted businesses.



Local Cycle Path – St James/Huntington

Detailed design work is underway to deliver the new cycle route running parallel to Gordonton Road through the Huntington and St James areas.

As a reminder, the route assessment determined that the section of cycle route between Wairere Drive, (through Mangaiti Gully Reserve) and Thomas Road will proceed as planned. However, the section north of Thomas Road needs further work and should be considered as part of HCC's wider Biking Connectivity Programme. There are challenges on this section of the route, which necessitate further consideration and a more thorough route option analysis.

Work on the new cycle/pedestrian bridge and boardwalk through Mangaiti Gully Reserve is anticipated to commence shortly. The bridge is expected to be installed by the end of February 2021.



Cyclist Foot Rails

Staff are looking at the feasibility and benefit of providing foot rails/rests at stopping locations along cycle routes. Their use would probably be most appropriate at traffic light-controlled intersections and combined pedestrian/cycle crossing points.

Pilot locations have been chosen and the footrest rails are expected to be installed by April 2021.



Anzac Parade/ Victoria Bridge / Grey Street

Anzac Parade between Victoria Street and Grey Street has been identified as a high safety risk for people on bikes with several reported crashes over the last five years. Concerns have also been raised that U-turn manoeuvres (likely due to the right turn ban from Memorial Drive) are taking place at the vehicular entrances to Deloitte House and Snap fitness, which is posing a hazard to cyclists travelling westbound on Anzac Parade.

Several low-cost measures aimed at improving the safety for people on bikes have been identified. Whilst maintaining general traffic lanes, the following measures are to be installed:

- cycle lanes will be widened
- cycle wands installed
- additional green surfacing
- a painted buffer both sides of Victoria Bridge
- rubber speed humps across higher risk accesses (subject to agreement with property owners).
- advance cycle stop boxes
- cycle hook turn facilities.

These remedial measures are the first phase of a wider piece of work being undertaken by the Eastern Pathways team looking to encourage more people to bike as their preferred everyday transport mode. This initial programme of works is being co-ordinated with other planned work in the area. Council's Transport and City Waters staff are working with the Infrastructure Alliance to deliver not only the cycling safety measures but also the renewal of a water main and resurfacing of Grey Street and Anzac Parade. With the planned maintenance work in mind, the cycle safety work is expected to be completed by April 2021.

Minor Safety Works - Detailed Design notes

- General**
- all notes shown herein shall form part of the contract.
 - all notes shall be read in conjunction with the contract documents and design drawings.
 - all work shall be constructed as detailed in the design drawings and in accordance with the requirements of the contract specifications.
 - contractor shall liaise with service authorities for location of services prior to any construction work.
 - all cross references to standard engineering detail drawings and notes manuals and specifications shall be to the latest revision.
- Setting out**
- the contractor shall check all drawings and verify levels/dimensions/set-outs prior to commencement of work and report discrepancies, if any, immediately to the engineer.
 - the contractor shall take all steps to involve the engineer to verify the levels/dimensions/set-outs on site.
 - all measurements are taken from the kerb base and not the edge of channel unless stated otherwise.
 - all levels/dimensions/set-outs are in metres unless stated otherwise.
- Roadway**
- engineer to assess all carriageway reinstatement work to confirm suitability of existing material prior to any reinstatement work, the contractor shall allow in their rates for the appropriate testing to conform to the specifications.
 - all carriageway reinstatement shall be made up of grade 5 (300mm), 1% not used (150mm) and as/4 including top coat (30mm) unless specified otherwise.
 - all joints between the contract work and existing must be sawcut neatly. sawcutting shall generally be square and/or parallel to the kerb alignment and/or carriageway. dry cutting is not permitted.
 - the contractor shall undertake level survey on all footpath and drainage channel to ensure that no ponding will occur. work may be required to extend beyond the limits shown in the design drawings with the engineer's approval.
 - only drain manholes at signalised and other controlled pedestrian crossings shall have approved tactile concrete pavers. other forms of tactile warning indicators are not permitted unless prior approval from the engineer is obtained.
 - tactile pavers shall be set perpendicular to the direction of crossing and within the drain crossing. staggered arrangement is generally not permitted unless specified otherwise to the engineer.
 - all kerb perimeter at pedestrian refuges, traffic islands and splitter islands must not be painted white.
 - new kerbs adjacent to grass berm or planting bed to be painted before reinstatement with tarmac, mulch etc.
- Roadmarkings**
- the contractor shall ensure that all reinstated roadmarkings are to be extended as required beyond the limits shown in the drawings to achieve continuity matching into the existing lane markings.
 - all redundant line markings shall be permanently removed. blocking out of markings with paint is not permitted.
 - all roadmarkings to be laid in two coats within a month of each other. all first coat markings shall be of reflectorised pavement markings.
 - all second coat bus lane lines, continuity lines, flush median bars, no overlapping lines, parking restriction lines and speed table triangular markings shall be reflectorised pavement markings. all other road markings shall be long life pavement marking.

LEGEND

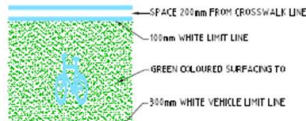
- NEW ROADMARKING
- ROADMARKING TO BE REMOVED
- EXISTING ROADMARKING
- RTL FLEXI GUIDE (F6 300) WHITE COLOUR
- NEW CATCHPIT COVER: CYCLE SAFE COVER
- BASEPOINT INTERLOCKING RUBBER SPEED HUMP 500MM X 550MM WIDE
- RTL RILEY KERB (25MM X 100MM WIDE)
- CARRIAGEWAY RESURFACING (TO BE COMPLETED BY IA)
- EXISTING MANHOLE COVER RAISED TO EXISTING SURFACE LEVEL
- RESURFACE FOOTPATH AS PER RIT-DS.5

ROADMARKING LEGEND

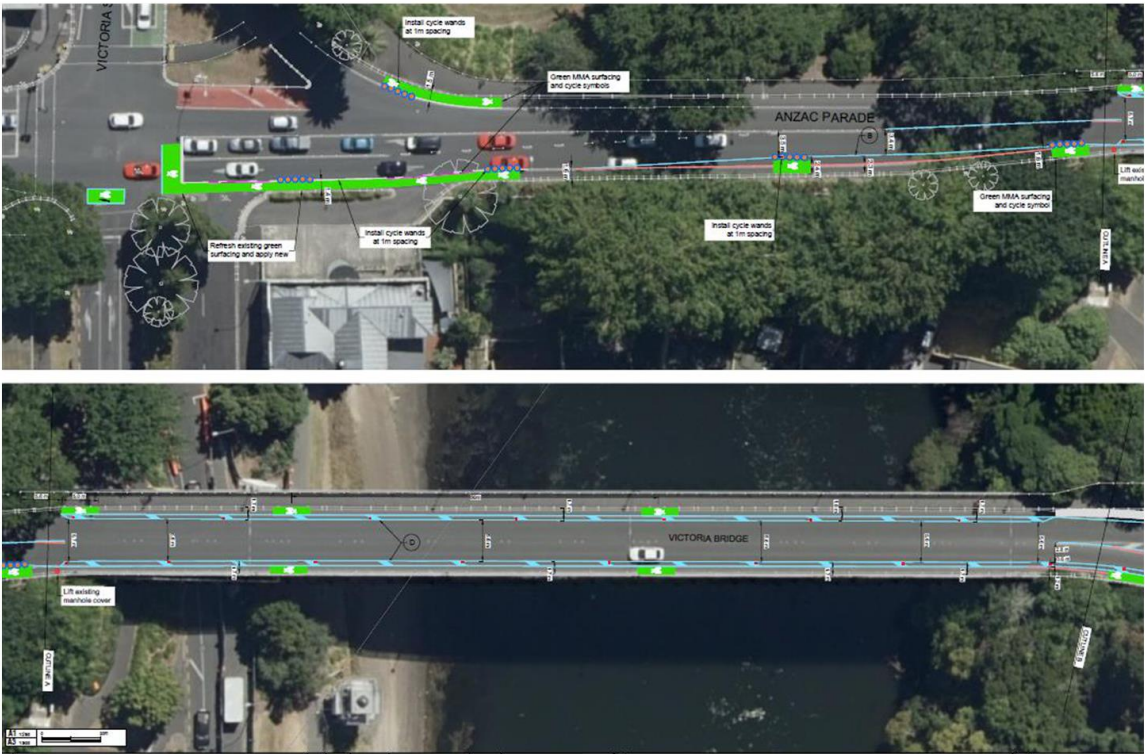
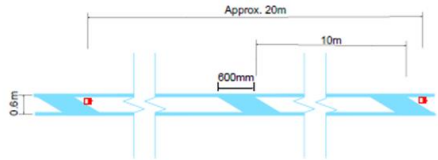
- (A) 100mm WIDE WHITE INTERMITTENT CONTINUITY LINE: 1m, 3m GAP
- (B) 100mm WIDE WHITE CONTINUOUS LINE
- (C) 300mm WIDE WHITE "LIMIT LINE"
- (D) SINGLE CHEVRON (REFER TO TYPICAL DETAIL)
- (E) 200MM WIDE WHITE "LIMIT LINE"
- (F) 100mm WIDE WHITE INTERMITTENT LINE: 3m, 7m GAP
- NEW WHITE ROAD MARKING
- MONO-DIRECTIONAL RED FRPM

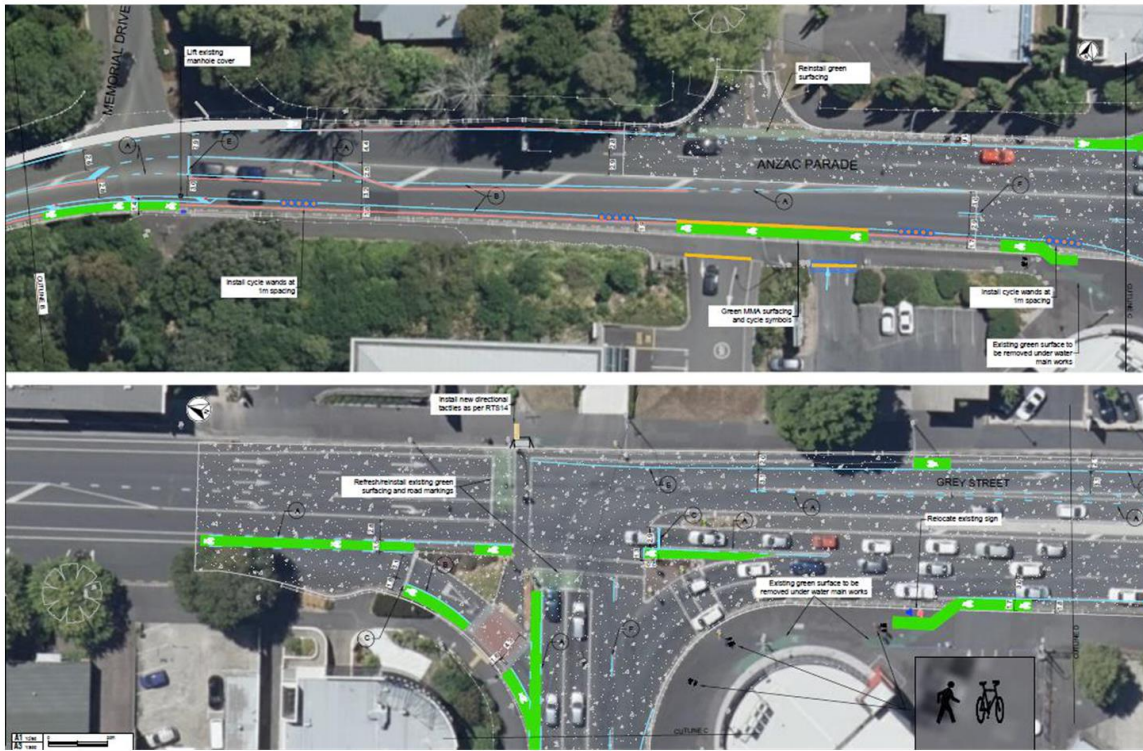
TYPICAL DETAILS

ADVANCE STOP BOX



SCALE: 1:25





Item 16

Attachment 1

Hamilton City Council 2020/21 - 2030/31 - Project Watershed Works

Note : Budgets exclude inflation

Project Name	Project Code/Owner	Project Description	How project meets PW criteria	20/21 PW budget	Comments
Stream cleaning Mangaonua Stream (Hillcrest) Kiriikiriroa Stream (Chartwell) Waitawhiriwhiri Stream (Dinsdale / Maeroa) Mangakotukutu Stream (Glenview) Te Awa O Kata Paki Stream (Rototuna) Pukete Rotokauri Te Rapa Templeview	HCC (City Waters)	Annual programme of works to keep streams, drains and open channels free of obstructions	Ensure channels remain free of vegetation and obstructions so efficiency is maintained and the risk of flooding due to obstructions is minimised	133,700	
				31,600	
				31,600	
				31,600	
				24,300	
				14,600	
Project Watershed Management	HCC (City Waters)	SLA management to cover the costs of reporting, attending meetings etc with WRC in relation to Project Watershed works		26,000	
Stream Stabilisation	HCC (City Waters/City Parks)	Proactive Stream Stabilisation – Tributaries	Achieve and maintain stable river and stream channels and banks. Improve water quality by reducing erosion and sedimentation	55,000	20k moved from previous budget line "Watawhiriwhiri Stream Maintenance" as agreed 20/8/20. General PW stream stabilisation. Split \$20k CW / \$35k Parks
River Bank Stabilisation	HCC (City Parks)	Proactive River Bank Stabilisation – Waikato River	Achieve and maintain stable river and stream channels and banks. Improve water quality by reducing erosion and sedimentation	35,000	
Community Tree Planting	HCC (City Parks)	Proactive Stream Bank Stabilisation – Tributaries and Rivers carried out by volunteers	Achieve and maintain stable river and stream channels and banks. Improve water quality by reducing erosion and sedimentation	33,000	
Maintenance of works and gully's	HCC (City Parks)	Works incl: Site preparation works, 2 years in advance of proactive bank planting Mtce of past planting, 1st year intensive mtce, 2nd year + follow on mtce until handed to HCC BAU programme	Achieve and maintain stable river and stream channels and banks. Improve water quality by reducing erosion and sedimentation	171,000	
Reactive Erosion Control Works	HCC (City Waters)	To address erosion events reactively as they are identified during maintenance activities. Only erosion events that meet SLA objectives are to be funded	Achieve and maintain stable river and stream channels and banks. Improve water quality by reducing erosion and sedimentation	115,000	Could incorporate with stream maintenance. (I would like to keep it separate to identify for HCC) - MC
Project Watershed Total				568,700	

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To: River and Catchment Services, Waikato Regional Council

From: Hamilton City Council

Subject: **Project Watershed Works Quarter 2 Report 2020/21**

1. Purpose of the Report

1.1. The purpose of this report is to:

- a. Provide Waikato Regional Council and relevant Committee(s) with highlights of the 2020/21 works programme carried out under the Project Watershed service level agreement.
- b. Report on the HCC's project watershed financial year to date operating performance.

2. 2020/21 Year Work Programme Update

Waters – Stream Maintenance

In addition to the routine stream inspections which were recorded in 60 separate work orders in IPS for this quarter, other points of note were:

Mangaonua

Erosion at Humarie Park Stream

Erosion and slip repairs were carried out at this site. Heavy rain during this repair resulted in more slips and the decision to install a pipe to ensure flow would continue if further slips developed. A walking track was formed in the bush area with planting planned with a public access area.





Stream Bank at rear of 11 Linthorpe Place

Erosion protection work was carried out at the stream bank at the waterfall area. Improvements were made to the channel head to restore the water flow to the original channel and repair fresh erosion.







Matangi Rd Mangaonua Stream 1st Km

The access track was cleared to get to fallen trees and remove them from the stream.





WaitawhiriwhiriWickham St and Maeroa Rd

Trees removal as well as weedeating and mowing activities were carried out in these areas of the stream. Picture below indicating the fallen tree at Wickham St.

**3. Parks and Reserves**

The summer months have not been too hot or dry yet, which has resulted in aggressive weed growth. This has led to a focus on releasing plants and weed control.

- Plant releasing is a key task post planting to ensure the plants survival.
- HCC staff have been meeting with the groups and planning the spend of the \$100,000.00 added through the annual plan.

3.1 Reserve Funded Areas - Mangaiti Reserve Restoration

Maintenance visits have been conducted monthly since the beginning of October 2018.

3.3 Focus for the next quarter

To focus on releasing newly planted areas and usual maintenance. Aggressive weed growth is prevalent in the gully systems.

4. Financial Update

4.1 The financial progress year to date is deemed to be 'on-track. For specific operational expenditure summary please refer to the table below.

Report Date: Jan-21
Project Manager: Mark Chevriot

Projects	YTD Actuals (\$)	Annual Budget	Variance	Variance	Status
Project Watershed Stream Maintenance	83,949	133,700	\$ 49,751	63%	Green
Project Watershed Management	13,000	26,000	\$ 13,000	50%	Green
Stream Bank Stabilisation	0	90,000	\$ 90,000	0%	Green
Community Tree Planting	0	33,000	\$ 33,000	0%	Green
Maintenance of works and gully's	89,966	171,000	\$ 81,034	53%	Green
Erosion Control works (LOS)	0	115,000	\$ 115,000	0%	Green
TOTAL	186,915	568,700	\$ 381,785	33%	Green

Council Report

Item 17

Committee: Infrastructure Operations Committee
Date: 23 February 2021
Author: Tyler Gaukrodger
Authoriser: Becca Brooke
Position: Governance Advisor
Position: Governance Manager
Report Name: Recommendations from the Strategic Growth Committee

Report Status	Open
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Purpose – *Take*

To seek the Infrastructure Operations Committee approval of the recommendations from the Strategic Growth Committee meeting of 18 February 2021, in respect of the Peacocke Programme Update. The agenda of the Strategic Growth Committee meeting is available [here](#).

Recommendation from the Strategic Growth Committee meeting of 18 February 2021

To be circulated under separate cover following the 18 February 2021 Strategic Growth Committee meeting.

Attachments - *Ngaa taapirihanga*

There are no attachments for this report.

Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject of each matter to be considered while the public is excluded, the reason 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 follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Infrastructure Operations Committee Public Excluded Minutes - 19 November 2020) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987)	Section 48(1)(a)
C2. Rubbish and Recycling Activity Update		
C3. Empire Corporation; Three Waters Connection Policy Request		

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item C1.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
Item C3.	to enable Council to carry out negotiations	Section 7 (2) (i)