

Notice of Meeting:

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

Date: Thursday 27 February 2020
Time: 9.30am
Meeting Room: Council Chamber
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Infrastructure Operations Committee OPEN AGENDA

Membership

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

Quorum: A majority of members (including vacancies)

Meeting Frequency: Six weekly

Becca Brooke
Governance Manager

19 February 2020

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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*

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1 Apologies

2 Confirmation of Agenda

The Committee to confirm the agenda.

3 Declaration of Interest

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

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

Committee: Infrastructure Operations Committee

Date: 27 February 2020

Author: Rebecca Watson

Authoriser: Amy Viggers

Position: Committee Advisor

Position: Governance Team Leader

Report Name: Chairs Report

Report Status	<i>Open</i>
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Recommendation

That the Infrastructure Operations Committee receives the report.

Attachments

Attachment 1 - Chair's Report



Chair's Report

Welcome to a new year

On behalf of Deputy Chair Councillor Gallagher and myself I'd like to extend a warm welcome to Mayor Southgate, Councillors, Maangai Norm Hill and staff, to the first Infrastructure Operations Committee of the 2019 – 2022 term, and the first for the year.

I look forward to working closely with the General Manager Eeva-Liisa Wright and the Governance Team.

There are some significant challenges ahead for the committee and as Chair I look forward to your ideas and discussion as we tackle them.

The year ahead

I had indicated that I was going to present a work programme for this committee for the year ahead but effectively that is the schedule of reports that all committees have now accepted.

The portfolio of work that this committee oversees is significant; this committee is effectively the work engine of the city. While we will always as politicians want to respond to the community when things are raised with us - and should – a planned work programme ensures budgets are followed and projects get completed.

Please take the time to read the schedule for this committee to ensure what you're interested in is captured on the list.

The biggest challenge

"When the well's dry, we know the worth of water." – Benjamin Franklin

The big challenge ahead for the city is how we want and need to manage our water now and for our future. There will be significant decisions coming to Council that will have some major cost implications that should not be underestimated.

The first insight into this is the Government's new Bill Taumata Arowai that will establish a new Crown agency to regulate water into the future. The HCC submission to that Bill is on today's agenda.

There is no reminder better to the fact that water is our most precious resource than when the city starts its summer season with a water alert. With sustained high temperatures and little rain, we once again asked our residents to do their bit to conserve water over the last few months.

While the water alert level system has been in place since 2008, it's the first time since 2013 the city has had to implement Alert level 3 restrictions. In the past residents have responded well, this wasn't the case this season. With this summer's hot and dry conditions, even with

Water Alert Level 2 in place, high water use continued with a 30% increase in outside water use compared to the same period last year.

This summer we have also seen the second highest water use day on record of 87.6 million litres being used. Our average daily usage in the city is around 55 million litres a day.

While we tackle the big challenges of water delivery, I also believe it is time to build on and increase our education and awareness campaigns in time for next Summer.

Innovative solutions

Congratulations to staff and all the team involved on the work and early completion of the safety upgrades to the Anglesea & Bryce Street intersection.

Due to the site area being completely closed off to all traffic it meant that instead of this project taking 3 – 4 months, it was completed and reopened in 17 days.

It was also a New Zealand first. Through successfully applying to and working with Waka Kotahi NZ Transport Agency for Standard Safety Intervention (SSI) funding, we secured 75% subsidy for this project. This will be the first urban project that this type of funding has supported.

I hope we can look forward to many more innovative solutions like this in the future.



Hamilton Biking Plan 2015

The vision in our Hamilton Biking Plan 2015 is to create a 'bike friendly city', this vision was supported by the previous Council in the Long-Term Plan with a budget of over \$50 million.

With the introduction of e-scooters, e-bikes and other personal hire devices that could possibly be included, it's a good time to review this strategy.

Recommendation

That the Infrastructure Operations Committee receives the report.

Council Report

Item 6

Committee: Infrastructure Operations Committee

Date: 27 February 2020

Author: Eeva-Liisa Wright

Authoriser: Eeva-Liisa Wright

Position: General Manager
Infrastructure Operations

Position: General Manager
Infrastructure Operations

Report Name: General Managers Report

Report Status	<i>Open</i>
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Purpose

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.

Staff Recommendation

2. That the Infrastructure Operations Committee receives the report.

Discussion

3. This report provides updates to 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.

Vision Zero Update

4. Hamilton City Council has adopted Vision Zero as the philosophy for road safety in the city, an aspiration to achieve zero road deaths and serious injury within Hamilton city.
5. Since 1 January 2020 there have been no road deaths that have occurred within Hamilton City.
6. The total number of fatalities in the city for the 2019 calendar year was two. Both crashes occurred on Peachgrove Road in the vicinity of Five Cross Roads. The speed limit in this general area has since been lowered to 30km/h and work is underway for improvements at the location of the pedestrian crash near the medical facility opposite Claude Street.

7. The following table provides information on the types of users that were seriously injured in the first half of this financial year (July 2019 to December 2019 inclusive). There were no fatalities during this 6 month period:

Road User Type	Fatalities 2019/20			Number Seriously Injured 2019/20		
	July to September	October to December	TOTAL	July to September	October to December	TOTAL
Cyclist				1	2	3
Driver				7	6	13
Passenger					1	1
Pedestrian				2	2	4
Total	0	0	0	10	11	21

Bridge Street Wastewater Discharge – Sentencing Outcome

8. Following an unauthorised wastewater discharge from the Bridge Street Wastewater pumping station in February 2018, Hamilton City Council (HCC) were charged and subsequently entered a guilty plea to charges laid by Waikato Regional Council (WRC) against section 15 (1)(a) of the Resource Management Act 1991 (RMA).
9. Court facilitated restorative justice huis were completed with representatives from HCC staff, Iwi and Mana Whenua groups as well as WRC in April and May 2019, and a list of actions to be undertaken by HCC were agreed on. These were submitted to the Court to become a part of the restorative justice report.
10. HCC received the reserved sentencing decision from the Hamilton District Court in October 2019 with an outcome of HCC being convicted under section 15(1)(a) of the RMA and fined a sum of \$54,000.

Waikato Regional Transport Committee

11. The Regional Transport Committee met on 10 February 2020, with Councillor O’Leary representing Hamilton City Council and Councillor Macpherson in attendance as the alternate Hamilton City representative.
12. 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.’*
13. The key topic’s covered in the meeting were:
- Confirming Waikato Regional Transport Committee membership and briefing for incoming members which introduced the core activities undertaken by the Regional Transport Committee (RTC). It includes a summary of the statutory functions of the Committee and other areas of business that the committee oversees.
 - Regional Road Safety Report provided an update the Committee on regional road safety issues, recent developments in national road safety policy and developing a pathway to review the operative Waikato Regional Road Safety Strategy (WRRSS).
 - Transport Planning and Projects Report updated the Committee on current regional transport plans and projects as at 17 January 2020.

- iv. Waikato Regional Transport Committee Submissions to Land Transport Bills report sought (and obtained) approval from the Committee on the content and subsequent confirmation of lodgement of the Waikato Regional Transport Committee's submissions on the Land Transport (Rail) Legislation Bill and the Land Transport (NZTA) Legislation Amendment Bill.
 - v. Waka Kotahi NZ Transport Agency gave a presentation to provide the Committee with an update from Waka Kotahi New Zealand Transport Agency Acting Director Regional Relationships (Central North Island), Ross I'Anson.
14. A copy of the full agenda and presentations can be found via the following link:
<https://www.waikatoregion.govt.nz/community/whats-happening/council-meetings/agendas-and-minutes-for-council-and-standing-committees/transport/>

Regional Connections Committee

- 15. The Regional Connections Committee is a newly formed committee which replaces the Joint Public Transport Committee from the last triennium.
- 16. The first meeting of this committee will be held on Friday 21 February 2020. The Hamilton City Council representatives on this committee are Councillor's O'Leary (Deputy Chair), Macpherson, Thomson and Wilson.
- 17. The draft agenda items at the time of writing this report are:
 - i. Connections Committee structure and function – overview and linkages with other councils and governance committees
 - ii. Public transport overview – including responsibilities, resource allocation and the Regional Public Transport Plan
 - iii. Draft Annual Plan for 2020/21 and understanding what funding is in place for Waikato Regional Council and Hamilton City Council
 - iv. Mass Transit Planning – overview of the Metro Spatial Plan and the start-up passenger rail update
 - v. Public Transport Plan implementation – update on patronage, fare concessions and network changes. An update on the new ticketing system and implications of the delay in its implementation will also be discussed.
- 18. A verbal update will be provided at the Infrastructure Operations Committee by attendees.

Hamilton To Auckland Start-up Passenger Rail Service

- 19. The first meeting of this triennium of the Passenger Rail Governance Group was held on 12 February 2020. Councillor Wilson attended as Hamilton's nominated representative and Councillor Macpherson also attended.
- 20. Te Huia was endorsed as the name for the rail service subject to Waikato Regional Council endorsing the name at their 27 February 2020 Council meeting.
- 21. A marketing plan for the service was endorsed and a sub-group of Governance Group members was set up to oversee the continued development of the Plan. Councillor Wilson is part of this sub-group.
- 22. It was agreed that staff would report back prior to the next meeting on a realistic start date for the service. Three projects are on the critical path, these being the Rotokauri Station, the Te Rapa Maintenance Facility and the ticketing system. The programme manager is convening risk workshops with all project owners in the programme in order to provide an informed start date to the Governance Group.

- 23. Hamilton City Council is responsible for the Rotokauri Station and upgrades to Frankton Station.
- 24. Good progress has been made on the Rotokauri site. The new road connecting Tasman Road with Arthur Porter Drive is now open and Tasman Road is under construction. The shift of the main trunk rail line to allow the platform to be constructed is planned for late February 2020. The critical path activity for this project is the fabrication and installation of the overbridge. The risk workshop will examine this in more detail prior to an opening date being confirmed.
- 25. A request has been made for a better standard accessible toilet and bathroom facility and this is currently under investigation.
- 26. The next meeting of the Governance Group is on 6 April 2020.

Wellbeing Considerations

- 27. 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').
- 28. 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.
- 29. There are no known social, economic, environmental or cultural considerations associated with this matter due to this report being for information only.

Significance & Engagement Policy

- 30. This report is for information purposes only.

Attachments

There are no attachments for this report.

Council Report

Item 7

Committee: Infrastructure Operations Committee

Date: 27 February 2020

Author: Maire Porter

Authoriser: Eeva-Liisa Wright

Position: City Waters Manager

Position: General Manager
Infrastructure Operations

Report Name: HCC's Draft Submission to the Health Select Committee on Taumata Arowai - The Water Services Regulator Bill

Report Status

Open

Purpose

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

Staff Recommendation

2. That the Infrastructure Operations Committee:
 - a) receives the report;
 - b) approves Hamilton City Council's **Draft 2** submission (**Attachment 1**) to the Health Select Committee on Taumata Arowai – The Water Services Regulator Bill; and
 - c) notes that the approved submission will be sent to the Health Select Committee following the Infrastructure Operations Committee approval, to meet the 4 March 2020 submission closing date.

Executive Summary

3. The Health Select Committee is seeking submissions on Taumata Arowai – The Water Services Regulator Bill introduced to Parliament in December 2019.
4. The Bill, which responds to outputs of the Three Waters Review and Havelock North Inquiry, looks to implement decisions by Cabinet to establish a new regulatory body, Taumata Arowai.
5. The new Crown entity is proposed to oversee, administer, and enforce a new drinking water regulatory system and improve environmental performance of wastewater and stormwater networks.
6. The draft submission outlines Hamilton City Council's general support for the Taumata Arowai – The Water Services Regulator Bill, however seeks further clarity on several aspects within the Bill.
7. Staff consider the decision in this report has low significance and that the recommendations comply with the Council's legal requirements.

Background

8. The Three Waters Industry (Water, Wastewater and Stormwater services) is a vast and diverse sector involving many providers and specialised assets across New Zealand.
9. The current Three Waters system in New Zealand has a complex regulatory environment, and involves multiple organisations, Ministerial portfolios and government agencies who each have a different and sometimes overlapping role in regulation, monitoring and/or service delivery.
10. In Havelock North in August 2016, up to 5000 people became ill through drinking water contaminated by *Campylobacter*. Four people are thought to have died from associated causes.
11. 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.
12. The Three Waters Review was established in mid-2017 by Central Government, in parallel to the Havelock North Drinking Water Inquiry. The review is a cross-agency initiative led by the Department of Internal Affairs (DIA) to investigate the challenges facing our three waters system; and to develop recommendations for system-wide performance improvements.
13. The initial findings of the Three Waters 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.
14. 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.
15. More information in relation to the Three Waters Review outputs to date are available on the Department of Internal Affairs Three Waters Review website: <http://www.dia.govt.nz/Three-Waters-Review>

Discussion

16. On 11 December 2019, the Taumata Arowai – Water Services Regulator Bill was introduced to Parliament.
17. The Bill implements decisions to establish a new regulatory body – Taumata Arowai – which will be responsible for:
 - administering and enforcing a new drinking water regulatory system (including the management of risks to sources of drinking water); and
 - a small number of complementary functions relating to improving the environmental performance of wastewater and stormwater networks.
18. A separate Bill, the Water Services Bill, will contain all of the details of the new drinking water regulatory system, and provisions relating to source water protection and Taumata Arowai's wastewater and stormwater functions. This Bill is being developed over a slightly longer timeframe and is expected to be introduced to Parliament in 2020.
19. Hamilton City Council's (HCC) **Draft 1** submission was circulated to Elected Members and Maangai Maaori on 12 February 2020 for consideration and feedback.

20. Feedback was received from Councillor O’Leary in relation to sections 1.1 and 1.3 of **Draft 1** submission and this feedback has been incorporated in a **Draft 2** submission and attached to this report (**Attachment 1**). The changes proposed are highlighted in yellow.
21. In general, the **Draft 2** submission outlines HCC’s support in principle for the Taumata Arowai – Water Services Regulator Bill, however seeks further clarity on several aspects such as definitions, roles and responsibilities, funding and resource impacts and the attributes and composition required for the Governance and Advisory Groups.
22. Following consideration and approval by the Infrastructure Operations Committee, the submission will be lodged with the Health Select Committee by the 4 March 2020 submission closing date.

Financial Considerations

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

Legal and Policy Considerations

24. Staff confirm that the staff recommendation complies with the Council’s legal and policy requirements.

Wellbeing Considerations

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 as outlined below.
27. The recommendations set out in this report are consistent with that purpose.

Social

28. Improvements to the governance and 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

29. 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

30. Improvements to the governance and oversight 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

31. The proposed bill looks to establish a Maaori advisory group to advise Taumata Arowai on Maaori interests and knowledge. This role includes providing advice on how to enable mātauranga Maaori and tikanga Maaori to be exercised, and how to give effect to Te Mana o te Wai.

32. This intent of engaging with Maaori included in the proposed bill is in alignment with the objective outlined in section 19.4.1 of Tai Tumu, Tai Pari, Tai Ao: Waikato Tainui Environmental Plan around iwi having the opportunity to “....engage and participate in the highest level of decision-making on matters that affect waters...”.
33. HCC’s submission supports the engagement of iwi and also asks that the Health Select Committee recognises the need for regional iwi engagement, to ensure that iwi management plans such as Tai Tumu, Tai Pari, Tai Ao, can be recognised.
34. The proposed HCC submission also requests recognition of Te Ture Whaimana (Vision & Strategy) which supports section 2.1 and 2.2 of Tai Tumu, Tai Pari, Tai Ao: Waikato Tainui Environmental Plan.

Risks

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

Significance & Engagement Policy

36. 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.
37. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments

Attachment 1 - HCCs Draft 2 Submission to Taumata Arowai - The Water Services Regulator Bill

DRAFT 2**Submission by
Hamilton City Council****TAUMATA AROWAI - THE WATER SERVICES REGULATOR BILL****27 February 2020****1.0 KEY SUBMISSION POINTS**

- 1.1 HCC is concerned about the lack of detail provided in the Bill on how the Crown Agency will be funded. HCC is required under the Local Government Act to carry out financial planning and it will be important to understand what costs will ultimately need to be met by the ratepayer.
- 1.2 Schedule 2 of the Bill indicates that Taumata Arowai is to be established as a Crown Agency under the Crown Entities Act 2004, which indicates that in general the entity must give effect to government policy. However, Section 8 of the Cabinet paper (30 September 2019, CAB-19-MIN-0506 Minute: **Three Waters Review: Institutional Arrangements for a Drinking Water Regulator**) indicates a level of statutory independence should be provided for the new regulator, which is not reflected or referred to in the Bill. HCC seeks clarification on the type of entity and purpose and consideration (if any) of the functions of Taumata Arowai that require statutory independence.
- 1.3 The Bill does not give clarity on the relationship with other agencies such as Department of Internal Affairs (DIA), the Medical Officer of Health (MoH) role and the Ministry for the Environment (MfE), and how the regulator will work with them. This is particularly relevant to the MoH who has a critical role in the response to and management of water borne communicable diseases. Further to this, there is no indication of which Minister will be responsible for oversight of the Agency. HCC seeks clarity on the role of the MoH and if that role will be focused solely on water within the new Agency and the consequence of the repeal of Section 2A of the Health Act in relation to the powers of the MoH.
- 1.4 In addition to this, HCC strongly considers that a National Guideline for ministries, central agencies, consenting authorities, regulatory bodies, district health boards and consent holders is necessary to understand the transfer of functions of these reforms and revised roles.

2.0 INTRODUCTION

- 2.1 Hamilton City Council (HCC) welcomes the opportunity to make a submission to Taumata Arowai - The Water Services Regulator Bill (the Bill).
- 2.2 HCC supports resource management reforms that will provide clear, consistent leadership, guidance, build capability, support suppliers, manage risks and improve environmental performance. In this regard, HCC supports a new crown agency Taumata Arowai that will provide these reforms and act consistently with the principles of the Treaty of Waitangi.

3.0 PREVIOUS SUBMISSIONS

- 3.1 HCC submitted on the Government's Three Waters Review coordinated by the Department of Internal Affairs (DIA, October 2018 - refer **Appendix A**). HCC supported an independent regulator for drinking water to manage public health risk. At that time the regulation of stormwater and wastewater management was not proposed. HCC previously submitted that it was concerned about the loss of resources to a regulatory agency. HCC retains this concern and considers that building capability will

be paramount. This will be elaborated on further in this submission.

- 3.2 HCC also submitted on the discussion document 'Action for Healthy Waterways' (October 2019 - refer **Appendix B**). HCC raised that its area of jurisdiction was in the Waikato River catchment, which has obligations prescribed by the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and its direction setting document 'Te Ture Whaimana o te Awa o Waikato' (Vision & Strategy). Te Ture Whaimana o te Awa o Waikato seeks restoration and protection of the Waikato river. It will be important that any functions of Taumata Arowai take into consideration these high order documents.
- 3.3 HCC considered that reform proposals were moving in the right direction, but material improvement in waterways within five years was not achievable. Local government planning processes require time for significant capital investment, amendment of planning documents, investigations, design, build and commissioning of infrastructure.

4.0 DEFINITIONS

- 4.1 HCC submits that the Water Services Regulator Bill definitions are reviewed thoroughly to ensure that obligations are clearly understood and take into account other Acts and Guidelines and where possible, reference existing definitions defined under relevant New Zealand legislation.
- 4.2 The Bill provides definitions for the purpose of Parts 1, 2 and 3, however, HCC considers that it is difficult to scrutinise the definitions without the context of how they will be used. HCC understands that proposed regulations to give effect to the objectives will be released this year and this will give the context, therefore, HCC considers it will be necessary to have another opportunity to review the definitions through the review of the Water Services Act.
- 4.3 Under the Health (Drinking Water) Amendment Act 2007, definitions are provided for: bulk supplier, drinking water, drinking water supply, self-supplier, temporary drinking water supplier, rural agricultural water supply. Definitions are also supplied in the Rural Agricultural Water Supply Guideline 2015 (MoH). There could be confusion where there are multiple definitions for the same terms. Examples include the terms 'drinking water' and 'self-supplier' which are defined differently in the Bill and the Health (Drinking Water) Amendment Act 2007. The commencement date of the repeal of the Health (Drinking Water) Amendment Act will be useful to understand risks associated with multiple definitions.
- 4.4 The definition for 'Domestic self-supplier' and examples do not provide the clarity required for regulation. HCC considers that it would be useful to provide comprehensive examples of domestic self-supply which includes multi dwellings, water tankers, rain tank supply, bore supply, desalination supply, commercial buildings, residential buildings, rural agricultural supply. This could be provided in an 'Implementation' document.
- 4.5 HCC considers that it would also be useful to define the following: 'drinking water supply scheme', 'non-urban area'.

5.0 OBJECTIVES OF TAUMATA AROWAI

- 5.1 HCC supports objectives noted in Section 10 relating to drinking water safety, effective administration of the drinking water regulatory system, and building and maintaining capability among drinking water suppliers and the wider industry.
- 5.2 HCC supports the Bill's intent to provide oversight of and advice on the regulation, management and performance of wastewater and stormwater networks to manage the risk to sources of drinking water, however we suggest broadening the scope to freshwater management or catchment management which encompasses a wider context to potential contaminant sources.
- 5.3 Non-point source discharges and private wastewater and stormwater infrastructure are examples of other potential contaminant sources which do not fall within the Bills definition of stormwater and wastewater networks.

6.0 FUNCTIONS OF TAUMATA AROWAI

- 6.1 HCC is supportive of the functions of Taumata Arowai but has significant concerns about the availability of resource capacity within the Three Waters Industry to continue to provide quality water, wastewater and stormwater services, whilst a new Crown Agency staff is established.
- 6.2 The waters industry is small, and resource constrained. Recruitment of qualified and knowledgeable staff is difficult. HCC submits that Central Government needs to further invest in industry training and competency to enable the Three Waters Industry to cater to the future needs of the regulator and the increasing need for competent water supply personnel. This could be the development and additional funding of training and competency frameworks across the water industry.

7.0 THE BOARD AND MAAORI ADVISORY GROUP

- 7.1 HCC is supportive of the Board but does not consider that the Bill recognises the broad range of skills and knowledge needed for the governance of the Agency. It is important that both operational (water industry) and local government expertise are needed for good decision-making and members with this skillset should have a place on the Board.
- 7.2 HCC is supportive of the intent to engage iwi and the role of developing and maintaining a framework that guides interpretation on giving effect to Te Mana O Te Wai, enabling maatauranga Maaori, and the exercise of tikanga and kaitiakitanga.
- 7.3 HCC notes that Te Mana O Te Wai is not defined in the Bill and considers that it is important that only iwi define Te Mana O Te Wai, however, HCC also submits that Te Mana O Te Wai is defined using methodology developed by iwi in the relevant region to be regulated.
- 7.4 The definition of Te Mana O Te Wai must reflect the relationship of the particular Iwi with their Awa and this may differ between iwi and their region's freshwater.

8.0 FURTHER INFORMATION AND HEARINGS

- 8.1 Should Parliament's Health Committee require clarification of the above points, or additional information, please contact Rae Simpson (Senior Planner, City Waters) on 07 838 6427, email raewyn.simpson@hcc.govt.nz in the first instance.
- 8.2 HCC **does wish to be heard** in support of this submission at Parliament's Health Committee's hearings.

Yours faithfully

Richard Briggs
CHIEF EXECUTIVE

Appendix A



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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 | • Tim Van De Molen |
| • The Hon James Shaw | • Barbara Kuriger |
| • Hon David Bennett | • Hon Louise Upston |
| • Hon Tim Macindoe | • Alan Prangnall (DIA) |
| • Jamie Strange | • 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).

Appendix B



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Submission by

Hamilton City Council

ACTION FOR HEALTHY WATERWAYS: A DISCUSSION DOCUMENT ON NATIONAL DIRECTION FOR OUR ESSENTIAL FRESHWATER

31 October 2019

1.0 Introduction

- 1.1 Hamilton City Council (HCC) welcomes the opportunity to make a submission on the *Action for Healthy Waterways* discussion document ("the Discussion Document"), the *Proposed National Environmental Standards for Freshwater*, and the *Draft National Policy Statement for Freshwater Management*.
- 1.2 The following points and content have been developed using existing Council policies and strategies as well as previous HCC submissions relating to three waters made to the Ministry for the Environment, the Department of Internal Affairs and other key organisations.
- 1.3 A glossary of abbreviations and terms used in this submission is provided in **Appendix 1**.
- 1.4 In general, HCC supports the Government's objectives of stopping further degradation of freshwater resources, reversing past damage to bring freshwater resources, waterways and ecosystems to a healthy state within a generation, and addressing water allocation issues.
- 1.5 HCC also supports a holistic approach to managing water "ki uta ki tai".
- 1.6 In general, the proposals set out in *Action for healthy waterways* are consistent with or complement the current direction of existing requirements for management of freshwater in the Waikato River catchment in which Hamilton is located. This direction is prescribed in the *Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010*.
- 1.7 The overarching purpose of the settlement is to restore and protect the health and wellbeing of the Waikato River for future generations. This Act established co-management of the Waikato River and the Vision and Strategy for Waikato River - Te Ture Whaimana o te Awa o Waikato ("the Vision and Strategy").
- 1.8 The Vision is "a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come".
- 1.9 The Vision and Strategy is the primary direction-setting document for the Waikato River and activities within its catchment affecting the river¹. The provision of 3-waters services and all development within Hamilton City must give effect to the Vision and Strategy - to the extent the rules in the Waikato Regional Plan and Hamilton City District Plan require this.

¹ S.5(1) of the *Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010*

- 1.10 HCC has work programmes, and the Hamilton City District Plan includes many provisions, to give effect to the Vision and Strategy. Consequently, HCC is already on a pathway to managing water holistically.
- 1.11 For instance, HCC has a programme to develop Integrated Catchment Management Plans (ICMPs) for all catchments in the City. Three ICMPs have been completed and four more are being developed². In addition, the Hamilton City District Plan requires preparation of sub-catchment ICMPs³ or Water Impact Assessments⁴ for large developments. Furthermore, at least one water sensitive measure for stormwater is required to be included in any new development⁵.
- 1.12 The Sub-regional Three Waters Study is another example of effort in the Waikato to integrate management of land use and the three waters. HCC is working collaboratively on this study with iwi, the Waikato Regional Council, other territorial authorities and the New Zealand Transport Agency. The study is assessing the infrastructure required to accommodate the growth envisaged through the Hamilton to Auckland Corridor Plan and achieve the objectives of the Vision and Strategy and *Proposed Waikato Regional Plan Change 1 - Waikato and Waipā River Catchments*.
- 1.13 Through its ICMP work, Sub-regional Three Waters Study and other activities, HCC is very aware of the challenges involved in meeting the water quality targets of these documents, while also providing for urban growth to satisfy the requirements of the National Policy Statement for Urban Development Capacity.
- 1.14 Employment of current best-practice stormwater and wastewater management technologies will not always remove enough contaminants to achieve the desired water quality in the receiving environment.
- 1.15 HCC seeks to retain the ability to employ the best practicable option to manage the discharge of contaminants to land or water, to maximise flexibility regarding how it manages contaminants to achieve water quality targets, and to be allowed to offset any significant residual adverse effects of these discharges that cannot be avoided, remedied or mitigated.
- 1.16 Significant investment in infrastructure will be required to meet water quality targets. For example, HCC's existing Pukete Wastewater Treatment Plant was valued in 2018 at \$77M⁶. HCC is currently implementing its "Pukete 3" project at a cost of about \$24M. This project will expand the plant's capacity to accommodate predicted urban growth and maintain compliance with the discharge consent until it expires in 2027. HCC's 30-year Infrastructure Strategy⁷ identifies that, in the period 2029 to 2048, further expenditure on wastewater treatment plant upgrades is planned: \$60M to ensure the treatment plant remains compliant with its discharge consent and \$170M to accommodate population and business growth.
- 1.17 Government financial assistance with provision of the necessary three waters infrastructure would help achieve water quality targets.
- 1.18 While HCC respects the intent of the current proposals to materially improve freshwater quality within 5 years, it doubts that this can be achieved in urban areas. This is because of the time required to plan, arrange funding for and implement major infrastructure improvements required to achieve improved receiving environment water quality. For example, the Case Study presented in **Appendix 2** shows that it is expected to take 7 years from initial investigation to achieve a major upgrading of Pukete Wastewater Treatment Plant in Hamilton. HCC seeks for reasonable and realistic time periods to be allowed for achieving water quality targets.

² See HCC's website at: <https://www.hamilton.govt.nz/our-council/ICMP/Pages/ICMP.aspx>

³ Rule 25.13.4.1 b

⁴ Rule 25.13.4.6

⁵ Rule 25.13.4.5

⁶ 2018-28 10-Year Plan (Hamilton City Council, 2018a, p.37)

⁷ 2018-48 Infrastructure Strategy (Hamilton City Council, 2018, p.15)

- 1.19 While, achieving cleaner stormwater and wastewater discharges in greenfield development is hard enough, retrofitting stormwater treatment into existing urban development is even more challenging because of the limited space available.
- 1.20 There are other ways Government could help territorial authorities achieve better freshwater quality in lakes, streams and rivers.
- 1.21 Government could require all water users to contribute equitably to the protection and restoration of waterways in a catchment. Upstream users should have to manage their contaminant discharges to a similar extent as downstream users, even though, because of the relatively pristine nature of freshwater in upper catchments, the discharges upstream may not threaten to breach environmental bottom lines at the points of discharge. In other words, the assimilative capacity of a water body needs to be allocated equitably throughout the catchment.
- 1.22 The Government could also establish a national programme, or regulate, to reduce or eliminate discharge of toxic substances into the receiving environment. For example, if feasible, regulations to eliminate or reduce the use of heavy metals in the manufacture of motor vehicle tyres and brake linings or exposed zinc and copper in roofing and spouting. This would be similar in nature to the Government's regulation in 2019 of single-use plastic bags.
- 1.23 HCC would like the Government to recognise the significance of three waters infrastructure and the challenges associated with retro-fitting upgrades to these networks in existing developed areas to achieve better freshwater quality outcomes. These networks are complex and capital-intensive. They cannot be turned off, other than for a few hours. The infrastructure and upgrades take time to plan, fund, design and construct.
- 1.24 The kinds of recognition the Government could provide includes:
- (1) Providing realistic time periods for territorial authorities to achieve new freshwater quality standards;
 - (2) Supporting the training of people needed to run the country's three waters networks. This could include supporting the development of a national qualifications' framework for the three waters workforce, covering design, construction, operation, monitoring and regulation of these networks; and
 - (3) Leading the development of good practice guidelines for three waters infrastructure design, construction, operation, monitoring and regulation.
- 1.25 The Government could also provide national standards or guidelines on how management of stormwater contaminants should be integrated with road design, operation and maintenance. The road network is a major source of contaminants. Rain gardens or other devices are needed to minimise the quantity of contaminants being washed from roads into the receiving environment. Currently there is a lack of guidance focused on achieving the dual objectives of managing contaminants to protect waterways and maximising the safety and efficiency of the road corridor.
- 1.26 Local Government does not have the resources to develop a qualifications' framework or prepare best-practice guidelines. Smaller territorial authorities find it difficult to attract suitably skilled people to operate and maintain three waters systems.

2.0 Questions

Question 1. Do you think the proposals set out in this document will stop further degradation of New Zealand's freshwater resources, with water quality materially improving within five years?

- 2.1 HCC considers the proposals are moving in the right direction, but material improvement in waterways in urban areas within five years is unlikely. It will take significant capital investment, time and human resources for territorial authorities to amend planning documents and investigate, design, build and commission the infrastructure necessary to better manage contaminants discharged from

existing developed areas.

- 2.2 The speed of water quality improvements will also depend on the ability of regional councils to change, monitor and enforce their plans. The proposals place significant additional workloads on regional councils.
- 2.3 The proposals' effectiveness will also depend on iwi involvement in the various processes. Currently, iwi participation in these activities is not well resourced.

Question 2. Do you think the proposals will bring New Zealand's freshwater resources, waterways and ecosystems to a healthy state within a generation?

- 2.4 HCC considers that, while improvements will be made to ecosystems under these proposals, legacy contaminants from the primary sector, urban growth and challenges associated with retrofitting contaminant removal in existing development may mean that some targets will be difficult to achieve.

Question 3. What difference do you think these proposals would make to your local waterways, and your contact with them?

- 2.5 HCC considers that the proposals will promote improved waterways and community relationships with them. However, two significant impediments to improving freshwater quality in existing urban areas will remain: difficulties involved in retrofitting stormwater treatment devices, because of a lack of available space, and managing faecal contamination of urban stormwater by animals and birds.

Question 5. What support or information could the Government provide to help you, your business, or your organisation to implement the proposals?

- 2.6 Government could:
 - (1) Provide financial assistance to territorial authorities and/or property owners to support provision, operation and maintenance of the necessary stormwater and wastewater infrastructure, including that associated with roads;
 - (2) Provide guidance on how to incentivise actions to improve freshwater quality;
 - (3) Make whatever statutory provision(s) are necessary, if any, to enable territorial authorities to require property owners in existing urban areas to retrofit stormwater management devices on their property, for example, by:
 - a. Installing rainwater tanks to enable reuse of the water on site - for toilets, laundry or irrigation; or
 - b. Disposing stormwater to ground soakage when soil and groundwater levels make this practicable; or
 - c. Treatment, detention and gradual release to a watercourse; or
 - d. Treatment, detention and gradual release to a piped stormwater system.

Question 7: Do you think it would be a good idea to have an independent national body to provide oversight of freshwater management implementation, as recommended by KWM and FLG?

- 2.7 Yes, HCC supports an independent national body providing oversight of freshwater management implementation. This would provide dedicated/focused technical competency and expertise. It could improve information sharing and accelerate adoption of best practice.

Te Mana o te Wai

Question 9: Do you support the Te Mana o te Wai hierarchy of obligations, that the first priority

is the health of the water, the second priority is providing for essential human health needs, such as drinking water, and third is other consumption and use?

2.8 Yes, HCC supports this hierarchy.

Question 10: Do you think the proposals will have the desired effect of putting the health of the water first?

2.9 Yes, because they are clear. However, it will probably take some years for them to take effect.

Question 11: Is it clear what regional councils have to do to manage freshwater in a way consistent with Te Mana o te Wai?

2.10 In HCC's opinion, it is not yet clear to all what "Te Mana o Te Wai", "mauri" and "maatauranga" mean in the context of freshwater management; they are complex, many faceted concepts. Additional guidance, including case studies of how they have been recognized and provided for could help improve practitioners' understanding and accelerate recognition of, and provision for, Te Mana o Te Wai.

Question 12: Will creating a long-term vision change how councils and communities manage freshwater and contribute to upholding Te Mana o te Wai?

2.11 Yes, but it is likely to take years, possibly a decade or more, before significant improvement in freshwater quality is observed in urban areas.

New Māori Value

Question 13: Do you think either or both of these proposals will be effective in improving the incorporation of Māori values in regional freshwater planning?

2.12 HCC supports the inclusion of Maaori values in regional freshwater planning and supports both proposals.

2.13 Restoring water quality within the Waikato River, so that it is safe to take food from over its entire length, including all its tributaries, is one of the objectives of the Vision and Strategy⁸. Waikato Regional Council's *Proposed Regional Plan Change 1 – Waikato and Waipa River Catchments*, for which the Regional Council hearing has recently concluded, will help to achieve this objective. Both proposals in the Discussion Document will support achievement of this objective.

Question 14: Do you foresee any implementation issues associated with either approach?

2.14 Both proposals will require resourcing, including provision of funding and personnel for both Regional Council and Maaori.

2.15 Some Maaori may be reluctant to identify mahinga kai in fear that doing so may make their location common knowledge resulting in over-use. Restoring and protecting mahinga kai catchment-wide in large catchments, such as the Waikato River catchment, could help overcome such reluctance.

Question 15: What are the benefits and impacts of either of these approaches?

2.16 Making mahinga kai a compulsory value would be providing active protection of a Maaori treaty right.

2.17 Both proposals should help restore and protect mahinga kai.

Question 16: What implementation support will need to be provided?

2.18 See paragraph 2.14 above.

⁸ Objective 1(3)(k) in Schedule 2 of the *Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010*

- 2.19 Government could augment Proposal 2⁹ by supporting regional councils and iwi to jointly develop Mauri Models for the receiving environments in their areas. Bay of Plenty Regional Council has identified Mauri Model development as a method in the Bay of Plenty Regional Policy Statement¹⁰. Resourcing and time will be required to develop these models and achieve good collaborative outcomes.

More Integrated Management of Freshwater

Question 18: Does the proposal make the roles and responsibilities between regional councils and territorial authorities sufficiently clear?

- 2.20 Yes.
- 2.21 HCC's primary approach to achieving integrated management of land use and three waters infrastructure is to prepare and implement ICMPs. These identify the measures that need to be implemented at source (on lot) and at sub-catchment and catchment-wide levels to appropriately manage the cumulative adverse effects of Maximum Probable Development in the catchment.
- 2.22 Without appropriately prepared ICMPs, it is difficult for regional councils to identify and include on the discharge consents they grant appropriate conditions to manage cumulative adverse effects. Because ICMPs are tools that enable the regional council to fulfil its functions, the regional council should co-fund their preparation. Currently, there is no requirement for them to do so, and they don't.

Exceptions for Major Hydro Schemes

Question 19: Does the proposal to allow exceptions for the six largest hydro-electricity schemes effectively balance New Zealand's freshwater health needs and climate change obligations, as well as ensuring a secure supply of affordable electricity?

- 2.23 HCC supports renewable energy and accepts the need to maintain generation capacity, storage and operational flexibility of a scheme.
- 2.24 However, HCC considers the effects of hydro schemes should not be ignored. These effects include changes to the stability of river-beds, river-banks¹¹ and stormwater and wastewater outfall structures, and warming of the dammed water, which promotes algal growth and affects water quality.
- 2.25 The hydro schemes are commercial operations generating revenue and profit. Notwithstanding their nationally significant roles, hydro schemes should be required to remedy or offset the significant adverse effects that cannot be avoided or mitigated, and to compensate where offsetting is not achievable.

Attributes

Question 20: Do you think the proposed attributes and management approach will contribute to improving ecosystem health? Why/why not?

- 2.26 Yes, because they represent a more holistic approach to managing the effects of land-use on ecosystems.

⁹ See p.32 of *Healthy Action for Waterways*

¹⁰ Method 44 (Bay of Plenty Regional Council, 201, p.224)

¹¹ Between Karapiro and Ngaaruwaahia, the bed of the Waikato River is slowly degrading, because the Karapiro Dam prevents the natural replenishment of riverbed sediments in this reach. The falling bed level destabilises the river banks and sometimes threatens the stability of riverside properties. The river bed is predicted to be lowered by 1.5m at Hamilton within the next 50 years. See the *Central Waikato River Stability Management Strategy 2008-2058* at: <https://www.waikatoregion.govt.nz/Council/Policy-and-plans/Hazard-and-catchment-management/Central-Waikato-River-Stability-Management-Strategy/>

Threatened Indigenous Species

Question 22: Do you support the new compulsory national value? Why/why not?

- 2.27 Yes, because the new compulsory national value for threatened indigenous species will align with other central, regional and local direction on biodiversity and the Vision and Strategy for Waikato River.

Fish Passage

Question 23: Do you support the proposed fish passage requirements? Why/why not?

- 2.28 Yes, because they will increase the biodiversity of the waterways.

Question 24: Should fish passage requirements also apply to existing instream structures that are potentially barriers to fish passage, and if so, how long would it take for these to structures to be modified and/or consented?

- 2.29 Yes.
- 2.30 Recognising the time required to investigate, consult affected stakeholders (including structure owners), plan, fund, consent and construct works¹² and the potential numbers of existing barriers to be addressed in a Region, HCC considers that a period between 5 and 10 years would be a reasonable time within which to require fish barriers to be remedied.

Wetlands

Question 25: Do you support the proposal to protect remaining wetlands? Why/why not?

- 2.31 Yes, because wetlands provide multiple environmental benefits and support biodiversity. Furthermore, the proposals provide appropriate flexibility for the ongoing operation and maintenance of built wetlands.

Streams

Question 27: Do you support the proposal to limit stream loss? Why/why not?

- 2.32 While HCC supports the principle of limiting stream loss, to avoid loss of habitat and impact on the mana of the stream, HCC considers the proposal is too restrictive.
- 2.33 Provision for infilling of river or stream beds should be extended to “regionally significant infrastructure” and “regionally significant industry” on the same basis as it is proposed to apply to “nationally significant infrastructure”: consent applicants would be required to demonstrate they have considered options to avoid, remedy or mitigate any proposed stream loss through infilling, and they would be required to offset or compensate for any stream loss.
- 2.34 Extending the provision for infilling of river or stream beds to “regionally significant infrastructure” and “regionally significant industry” would recognise the important and vital roles such facilities serve and that their size and nature often makes it difficult to locate them in the landscape in a manner that doesn’t impact on river or stream beds.
- 2.35 “Nationally significant infrastructure”, “regionally significant infrastructure” and “regionally significant industry” are not defined in the Resource Management Act 1981 or the Draft NPS-FM. Definitions of these terms should be included in the NPS-FM.
- 2.36 HCC suggests the following definition of “regionally significant infrastructure” and “regionally significant industry” from the *Waikato Regional Policy Statement*, or similar, be included in the NPS-FM:

¹² See Paragraph 1.18

Regionally significant infrastructure – includes:

- a) pipelines for the distribution or transmission of natural or manufactured gas or petroleum;
- b) infrastructure required to permit telecommunication as defined in the Telecommunications Act 2001;
- c) radio apparatus as defined in section 2(1) of the Radio Communications Act 1989;
- d) the national electricity grid, as defined by the Electricity Industry Act 2010;
- e) a network (as defined in the Electricity Industry Act 2010);
- f) infrastructure for the generation and/ or conveyance of electricity that is fed into the national grid or a network (as defined in the Electricity Industry Act 2010);
- g) significant transport corridors as defined in Map 6.1 and 6.1A;
- h) lifeline utilities, as defined in the Civil Defence and Emergency Management Act 2002, and their associated essential infrastructure and services;
- i) municipal wastewater treatment plants, water supply treatment plants and bulk water supply, wastewater conveyance and storage systems, municipal supply dams (including Mangatangi and Mangatawhiri water supply dams) and ancillary infrastructure;
- j) flood and drainage infrastructure managed by Waikato Regional Council;
- k) Hamilton City bus terminal and Hamilton Railway Station terminus; and
- l) Hamilton International Airport.

Regionally significant industry - means an economic activity based on the use of natural and physical resources in the region and is identified in regional or district plans, which has been shown to have benefits that are significant at a regional or national scale. These may include social, economic or cultural benefits.

Question 29: Do the “offsetting” components adequately make up for habitat loss?

- 2.37 Yes, in principle, application of the “effects management hierarchy” should ensure the any habitat loss is offset.
- 2.38 In some cases, offsetting may best be served by “daylighting” other piped areas or naturalising artificial drains that have potential for supporting ecological habitat.

New Bottom Line for Nutrient Pollution

Question 30: Do you support introducing new bottom lines for nitrogen and phosphorus? Why/why not?

- 2.39 HCC seeks for any proposed new bottom lines for nitrogen to recognise the effects seasonal climatic conditions have on the performance of biological wastewater treatment plants and the contaminant assimilative capacity of water bodies. This may require different bottom lines for nitrogen to be set for summer and winter conditions.
- 2.40 For example, the conditions of HCC’s current discharge consent for its Wastewater Treatment Plant¹³ set water quality standards for summer months that are different from those set for winter months. The total nitrogen summer mass load is 500kg/day, whereas the total nitrogen winter mass load is 1,700kg/day. The different standards reflect that the capacity of the Waikato River to assimilate nitrogen without adverse environmental effects is much higher in the cooler winter months than in summer.

¹³ Resource consent number AUTH114674.01.02, Condition 7

Higher Standard for Swimming

Question 36: Do you agree with the recommended approach to improving water quality at swimming sites using action plans that can be targeted at specific sources of faecal contamination? Why/why not?

- 2.41 Yes, HCC supports in principle the preparation of action plans to improve water quality at swimming sites, because these could identify and prioritise measures that could be taken to minimise health risks to people using the sites. For example, it might be possible to divert an existing stormwater discharge to downstream of the swimming site, or prioritise reduction or elimination of any upstream wastewater network overflows. This would be consistent with an objective of the Vision and Strategy for the Waikato River¹⁴.
- 2.42 However, HCC anticipates it may often prove difficult to determine the source of any faecal contamination, particularly in a large river such as the Waikato River.
- 2.43 HCC expects that managing faecal contamination of swimming sites by birds and water fowl will be an ongoing challenge.

Better Managing Stormwater and Wastewater

Question 46: Does the proposed Wastewater NES address all the matters that are important when consenting discharges from wastewater networks? Will it lead to better environmental performance, improve and standardise practices, and provide greater certainty when consenting and investing?

- 2.44 HCC's comments of the proposed requirements are as follows:
- (1) "Minimum treatment standards or "limits" for nationally-applicable wastewater quality parameters, including biochemical oxygen demand, suspended solids and bacteria": These seem appropriate; they would help councils to forward-plan funding and design.
 - (2) "Targets or limits on the volume and frequency of wet weather overflows": Setting "Limits" seems inappropriate given there are differing catchments, treatment plants and network capacities and ages, regional rainfall variability and receiving environment sensitivity. Setting "targets" would be more appropriate, in association with the national bottom lines. This would provide territorial authorities time to plan, fund, collaborate with iwi and other stakeholders, design and provide solutions to meet the water quality aspirations of iwi and the community.
 - (3) "Methods for monitoring compliance with standards or limits and reporting breaches to regional councils and the public": This seems appropriate.
 - (4) "Approaches for incorporating culturally-acceptable wastewater treatment processes": This seems appropriate and helpful, but ultimately it will be up to collaborative effort to determine this.

Question 47: Do you agree with the scope of the proposed risk management plans for wastewater and stormwater operators? Are there other aspects that should be included in these plans?

- 2.45 HCC already has multiple documents that focus on management of three water risks. They include, for example: Activity Management Plans and Master Plans for each of the stormwater, wastewater and potable water networks, Integrated Catchment Management Plans, Water Safety Management Plans, Contingency Plans and Business Continuity Plans.
- 2.46 HCC seeks for the Wastewater NES to accept any existing documents that fulfil the NES' risk

¹⁴ Objective 1(3)(k) in Schedule 2 of *Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010*

management requirements. This would avoid unnecessary duplication and burdening of territorial authorities.

- 2.47 In addition to this, it would be helpful if central government were to provide risk management templates and guidance on their use.

Question 48: What specific national level guidance would be useful for supporting best practice in stormwater policy and planning and/or the use of green infrastructure and water sensitive design in stormwater network design and operation?

- 2.48 Any best practice guidance on how to retrofit water management devices into existing developed areas would be helpful. Improving stormwater management in existing urban areas is possibly territorial authorities' biggest stormwater management challenge

Question 49: What are the most effective metrics for measuring and benchmarking the environmental performance of stormwater and wastewater networks? What measures are most important, relevant and useful to network operators, regional councils, communities, and iwi?

- 2.49 To avoid imposing unnecessary reporting burden on territorial authorities, existing reporting requirements should be reviewed, rationalised and streamlined. HCC already carries out the following reporting: Non-financial Performance Measure Rules, National Performance Review, three waters resource consent annual reporting, and monitoring reporting.
- 2.50 Cultural indicator reporting would be useful for iwi. HCC has yet to work with iwi to identify cultural indicators for the urban area.

Excluding Stock from Waterways

Question 65: Do you support excluding stock from waterways? Why/why not?

- 2.51 HCC supports excluding stock from waterways, especially where this will impact on drinking water and swimming.
- 2.52 However, HCC is concerned that the requirement to keep stock out of waterways could apply to animals at Hamilton Zoo. Such a requirement would be contrary to the purposes and functions of the Zoo, which include providing an opportunity for the public to view exotic animals in an approximation of their natural environment where the animals are able to demonstrate natural behaviours.
- 2.53 Currently, the following animals at Hamilton Zoo have access to surface water: fishing cats, waterfowl, siamang gibbons, zebra, antelope, and giraffe. Although not traditional farm animals, they could fall within the definition of "stock". Some zoo species, such as the fishing cats require access to water in which to swim or submerge on welfare grounds as it forms part of their natural behaviours.
- 2.54 HCC seeks for the NPS-FM to exempt zoo animals from requirements to exclude animals from waterways.
- 2.55 HCC accepts that such exemption should not exempt zoo operators from a requirement to remedy or mitigate the effects of the zoo animal's access to water.

3.0 Comment on the Proposed National Environmental Standards for Freshwater

- 3.1 HCC seeks for Regulations 12 and 13 to be amended so they apply only to drainage works that are within the surface water catchment of the wetland and within 100m of the wetland. These amendments would exclude any drainage works that are within 100m of the wetland, but outside the wetland's surface water catchment. This would avoid the need for consents for works that won't affect the wetland – because they are outside its catchment.

3.2 The amendments sought are as follows:

12 Earth disturbance for drainage – discretionary activities

(1) Engaging in earth disturbance for drainage in, or within the surface water catchment and within 100 m of any part of, a natural wetland is a discretionary activity if it is undertaken for the purpose of restoring the natural wetland to its natural hydrological regime.

13 Earth disturbance for drainage – non-complying activity

Engaging in earth disturbance for drainage within the surface water catchment, and within 100 m of any part of a natural wetland is a non-complying activity if:

4.0 Further Information

4.1 Should the Ministry for the Environment require clarification of the above, or additional information, please contact Raewyn Simpson, Senior Planner, City Waters. Phone: (07) 838 6427. Email: Raewyn.Simpson@hcc.govt.nz

Yours faithfully



Richard Briggs
CHIEF EXECUTIVE

Discussion Document	<i>Actions for healthy waterways: A discussion document on national direction for our essential waterways</i> (Ministry for the Environment and Ministry for Primary Industries, 2019)
HCC	Hamilton City Council
ICMP	Integrated Catchment Management Plan
LGA 2002	<i>Local Government Act 2002</i>
NPS-FM	<i>National Policy Statement for Freshwater Management</i>
Pukete 3	A project to upgrade the Pukete Wastewater Treatment Plant in Hamilton. See Paragraph A2.4 below.
Vision and Strategy	The Vision and Strategy for the Waikato River. This is set out in Schedule 2 to <i>Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010</i> .

Case Study: Pukete 3 Wastewater Treatment Plant Upgrading Project

- A2.1 Anyone seeking a new or renewed consent for a point source discharge which could have significant effects on the receiving environment, for example, for a wastewater treatment plant, must go through extensive and lengthy processes before the new or upgraded facility can become operational. This process is likely to include the following stages:
- (1) Procurement for the options assessment;
 - (2) Engineering, specialist environmental and planning assessments of options for achieving desired outcomes resulting in identification of a preferred option;
 - (3) Procurement for preliminary design and consenting;
 - (4) Preliminary design and specialist environmental and planning assessments to support resource consent application for the preferred option;
 - (5) Consenting, which may include resolving any appeals to the Environment Court;
 - (6) Procurement for detailed design;
 - (7) Detailed design and contract documentation;
 - (8) Procurement/tendering for construction of the facility;
 - (9) Construction; and
 - (10) Commissioning.
- A2.2 In addition, territorial authorities must follow processes set out in the Local Government Act 2002 (LGA 2002) to secure the funding for all stages of the project. Need for the facility must first be identified in the Council's 30-year Infrastructure Strategy¹⁵, which informs preparation of Council's Long-Term Plan¹⁶. The 30-year Infrastructure Plan and the Long Term Plan are reviewed every 3 years, usually in the first year of a new Council. Before any expenditure can be committed on any part of the project, financial provision for it must also be made in the Council's Annual Plan, which is prepared each year¹⁷. The Long Term Plan and the Annual Plan are each subject to public consultation processes¹⁸.
- A2.3 Figure 1 below illustrates the processes and timeframes involved in completing the Pukete 3 project, which is an example of a typical major upgrade of a municipal wastewater treatment plant, which is costing about \$24M. It shows a total project duration of 7 years. This could possibly have been reduced by some 18 months, if more people had been engaged on the "option assessment, design, and contract preparation" phase.
- A2.4 The project began with the investigation of the need to expand the treatment plant's capacity to accommodate predicted urban growth and maintain compliance with the discharge consent until it expires in 2027. The project will conclude with completion of the construction and commissioning of the new works. The main components of the Pukete 3 works are: Pukete chemical storage and dosing facility, a new aeration basin using new technology, a new clarifier, a new inter-stage pump station, a new returned activated sludge pump station, and a new power supply and motor control centre room.

¹⁵ Required by s.101B of the LGA 2002

¹⁶ Required by s.93 of the LGA 2002

¹⁷ Required by s.95 of the LGA 2002

¹⁸ Required by s.93(2) and 95(2) of the LGA 2002 respectively

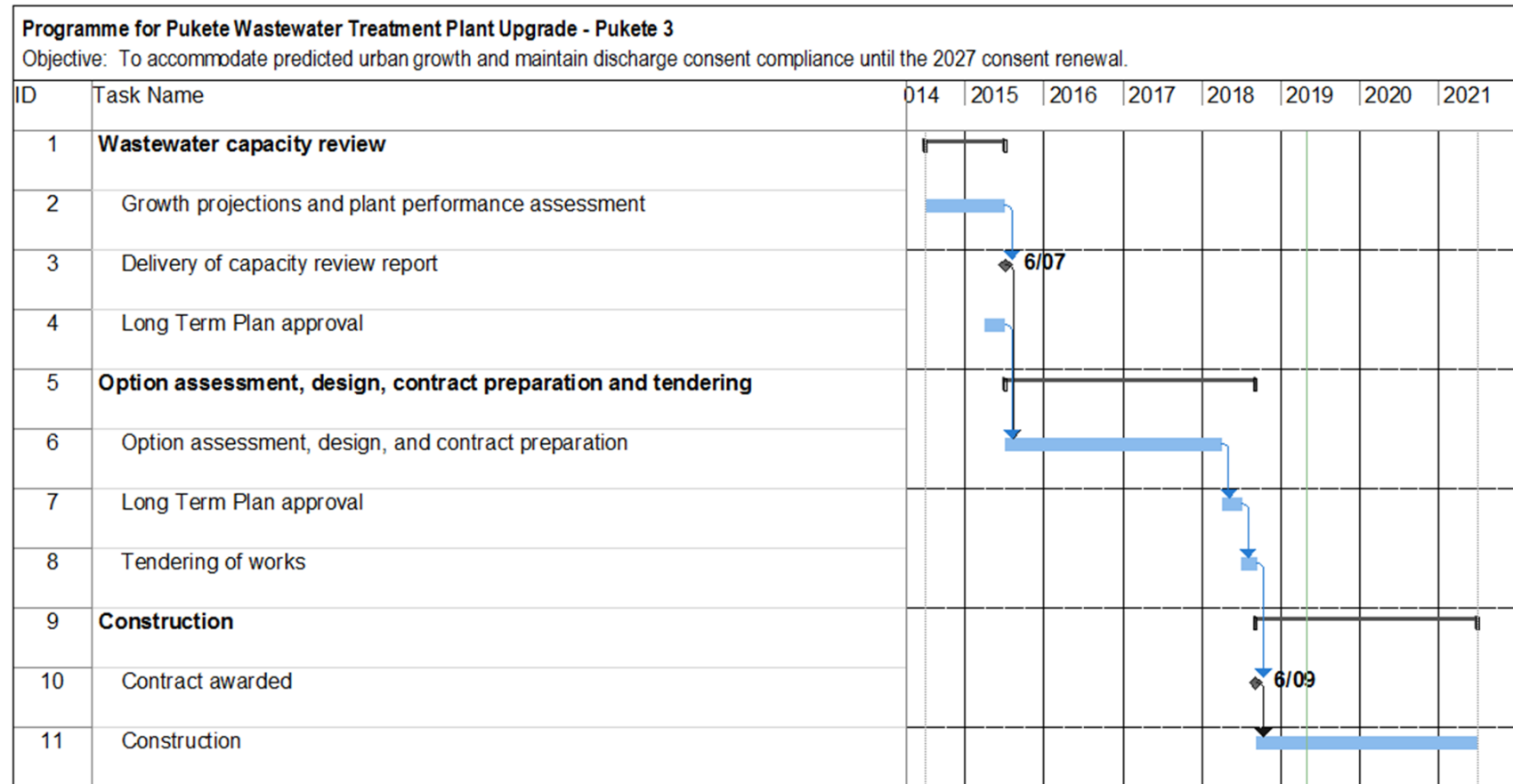


Figure 1: Planning and funding process for a municipal wastewater plant upgrade

APPENDIX 3

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Statutes

Local Government Act 2002

Resource Management Act 1991

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

Council Report

Item 8

Committee: Infrastructure Operations Committee

Date: 27 February 2020

Author: Tania Hermann

Authoriser: Eeva-Liisa Wright

Position: Group Business Manager

Position: General Manager
Infrastructure Operations

Report Name: Personal Hire Devices - 6 month trial update

Report Status	<i>Open</i>
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Purpose

1. To inform the Infrastructure Operations Committee on the outcomes of the 6-month trial of the personal hire devices (e-scooter) activity.
2. To seek the Infrastructure Operations Committee's approval for the continuation of the personal hire device activity.

Staff Recommendation (*Recommendation to Council*)

3. That the Infrastructure Operations Committee:
 - a) approves **Option Two** the extension of the trial of the personal hire devices activity under the Public Places Bylaw for a further 12 months until March 2021;
 - b) requests staff report back to the Infrastructure Operations Committee with the outcome of the extended trial prior to March 2021;
 - c) approves that no more than 1,000 personal hire devices be permitted for operation in Hamilton City;
 - d) recommends that the Council approves the following fees and charges:
 - (i) \$300 annual permit fee;
 - (ii) \$85.00 per permitted device annual charge (for enforcement and management);
 - (iii) \$10,000 education programme fund per operator, with an understanding that there will be future ongoing funding shared among all operators for Council and user education;
 - e) notes that public liability insurance of \$2,000,000 will be required by each Personal Hire Device operator;
 - f) notes that the current permit for Lime will be extended until a decision has been made on operators for the extended 12 month trial; and
 - g) notes that staff will administer the personal hire device permit process and review permits and renew the code of practice on an annual basis.

Executive Summary

4. On [18 June 2019](#) the Growth and Infrastructure Committee approved a 6-month trial of Personal Hire Devices.
5. The Personal Hire Device (PHD) 6-month trial has been operational across the city since August 2019 when the first permit was issued under the Public Places Bylaw 2016 to operators who utilise public spaces.
6. Personal Hire Devices include, but are not limited to, bicycles and scooters and are intended to be used to transport 1-2 people short distances; are located in and available for hire from public spaces, usually for periods of short duration.
7. Since the commencement of the trial only one operator, Lime, has applied and been permitted to operate in Hamilton. Lime's permit commenced 2 August 2019. Lime have a permit for 600 scooters.
8. Public feedback on the PHD activity has been sought through an on-line and paper-based survey. There has been a high level of interest in this activity and as at 2 February 2020, 837 people have completed the survey. Staff have also sought feedback from key stakeholders including Hamilton Central Business Association and the Disability Sector.
9. Using the data made available to staff from the current operator, staff have been able to determine key areas where scooters are traveling; picked up from; dropped off to. If the activity is to continue, this information will enable staff to initiate improvements e.g. designated scooter zones for high use areas. See attached map which shows origin and destination points and routes travelled. (**Attachment 1**).
10. Through the Code of Practice, staff have worked with the operator to identify areas across the city that should be 'no parking' or 'slow speed' zones.
11. Staff recommend **Option Two** that the PHD activity is extended for a further 12 months under the Public Places Bylaw until March 2021.
12. Staff consider the matters in this report have low significance and that the recommendations comply with the Council's legal requirements.

Background

13. The success of Hamilton's transport system relies on creating a new approach for multi-modal (different types of transport) movement. We need to provide residents, commuters and visitors with an expanding range of safe and reliable choices for getting around, in addition to taking their cars.
14. A report on Personal Hire Devices, Permitting Fees and Charges was presented at the [Growth and Infrastructure meeting of 18 June 2019](#). At this meeting it was resolved that:

That the Growth and Infrastructure Committee:

- a) *receives the report;*
- b) *recommends that the Council approves the proposed fees and charges for 2019/2020:*
 - i. *a \$300 annual permit fee;*
 - ii. *\$55 per permitted device per 6-month period (for enforcement and management);*
 - iii. *a \$10,000 safety program fund per operator, with an understanding that there will be future ongoing funding shared among all operators for Council and user safety;*
- c) *notes that liability insurance of \$2,000,000 will also be required by each operator;*

- d) notes that following the first 6-month review of the trial, staff will report to the Growth and Infrastructure Committee with the outcome of the trial and recommend any amendments to ongoing fees and charges for permitting of all Hire Devices;
- e) notes that operators may apply for permits for the Personal Hire Device scheme from 1 July 2019 and are required to comply with Hamilton City Council fees and charges, Public Places Bylaw 2016 and Code of Practice requirements; and
- f) notes that the devices permitted to operate in Hamilton during the first 6 months of the trial will be monitored by staff and reported via the Growth and Infrastructure Committee.

Definition of Personal Hire Devices (PHD's)

15. Definition of Personal Hire Devices (PHD's): Non-vehicular devices intended to be used to transport 1-2 people short distances; which are located in public spaces and available for hire, usually for periods of short duration.
16. PHD's include but are not limited to bicycles and scooters. Devices may also be:
 - Manual or electric (battery) powered
 - Docked (the device is collected or returned from/to a designated rack, or other fixed location), or dockless (does not rely on customers collecting or returning the PHD from/to a designated rack, or other fixed location).
17. The PHD permit process is managed under the Public Places Bylaw 2016 and only applies to operators who utilise public places to operate their business.
18. PHD's covered by the permit exclude personal devices owned and used by individuals, and mobility devices designed and constructed for people needing help with mobility because of physical or neurological impairment.
19. As there are no legislative regulations around the operation of PHD's, a [Code of Practice](#) was developed as part of the permit application. Operators are required to address the key requirements of this code as part of their application.
20. The Code of Practice and permitting processes were developed after consideration of similar schemes being trialled and permitted in Auckland, Wellington, Christchurch and Dunedin.
21. The initial trial was to enable staff to:
 - i. Monitor and assess the impact of PHD operations in Hamilton City, and amend the Code of Practice if required
 - ii. Identify locations where restrictions on use, parking or speed may need to be implemented
 - iii. Understand the costs of monitoring and compliance, to appropriately set fees and charges for full cost recovery
 - iv. Work with operators to develop and deliver an education campaign to ensure users know how to ride safely without adversely impacting on other road and pedestrian users.
22. An initial fee structure for operators was:
 - i. A \$300 annual permit fee
 - ii. \$55 per permitted device per 6-month period (for enforcement and management)
 - iii. A \$10,000 education program fund per operator, with an understanding that there will be future ongoing funding shared among all operators for user education
 - iv. Public Liability insurance of \$2,000,000 required by each operator.
23. The fees and charges structure were similar to other Local Authorities that had licenced this type of activity.

24. Since the commencement of the trial only one operator, Lime, has applied and been permitted to operate in Hamilton. Lime's permit commenced 2 August 2019. Lime have a permit for 600 scooters.
25. Following the June 2019 report, staff were approached by other operators who were interested in entering the Hamilton market, but did not formalise their application, choosing instead to wait until the outcome of the trial.
26. Staff have worked with the current operator to ensure that the activity is managed so that PHD users ride safely and carefully and are considerate of all other road and footpath users. This has included implementing the following:
 - i. A slow speed zone for the Central Business District (CBD) area of 15kmh
 - ii. No parking zones on Hamilton bridges
 - iii. No parking zones in Hamilton Gardens and Hamilton Lake
 - iv. No parking zones on footpaths that are too narrow for a device to be left which could impact pedestrian safety e.g. adjacent to Anglesea Street wall
 - v. Clearing of devices at the South end of the CBD from 9.00pm each evening and from the CBD to the University route Thursday-Saturday evenings
 - vi. No power zones
27. The current operator has also included 'no parking' zones at the request of other stakeholders including high schools; Waikato University, Wintec and The Base.
28. Fees and charges collected as part of this trial have contributed towards the costs of a Compliance Officer and an education campaign.
29. The City Safe Unit employed a person dedicated to compliance and education for the period of the trial. The key responsibilities were to engage directly with operators, to respond to customer complaints, engage in education activities to make for a safer environment, to have a high visibility presence in high use areas and to carryout enforcement actions as required.
30. Hamilton is the only city that has chosen to employ a Compliance Officer to have a visible presence in the community, to seek to positively impact upon rider behaviour and to provide confidence and support to other users of the public spaces.
31. An [education campaign](#) was launched late 2019 and focussed on encouraging safe and courteous riding of users which was promoted over a number of weeks.

Discussion

32. As Lime are currently the only operator in Hamilton, the information and community feedback on the PHD activity is based on their operation. However, staff are confident that there is enough information to assess the performance and impact of the trial.

E-scooter Use and Data Information

33. Generally, there has been a good uptake of e-scooter use across the city. Trends show that the use of PHD's, in this instance scooters, have an average duration use of 11 minutes and travel an average distance of 1.51 kms per trip.
34. Scooter use across the city is varied, with a mix of short-trips throughout the CBD, through to longer distances i.e. CBD to Rototuna; and Rototuna to Te Rapa. See maps (**Attachment 1**).
35. Using the data that has been made available from the current operator as part of the trial, staff are now able to start to identify where deployment and drop-off zones could be based.
36. Designated drop-off zones in high use areas, will go some way in addressing the concerns from the public about devices 'littering' the area and being a trip hazard.

Education

37. During the trial period Council's Compliance Officer engaged in:
 - i. 38 community seminars or public demonstrations. These ranged from attending 'first rider' demonstrations to education and presentations to non-riders who are fearful for their safety
 - ii. 17 rider behaviour interventions following dangerous or concerning behaviour
 - iii. 190 incidents where PHDs were either dangerously or haphazardly parked
 - iv. 77 issues or concerns regarding PHDs where staff responded directly. These included numerous complaints about e-scooter use on the boardwalk around the Hamilton Lake and the Hamilton Gardens. The Compliance Officer has worked in tandem with the provider resulting in provider changing the designation of these areas from a no parking zone to a no power zones
38. Safety remains our primary objective and it is our duty to protect the rights of the public to safely use and enjoy Hamilton's roads and walkways.
39. PHD's are an alternative transportation choice for residents and visitors to move around the city and offering sustainable transportation options.

Legislation

40. Work is being done on legislation regarding e-scooters by Waka Kotahi NZ Transport Agency (the Agency). Currently, there are requirements for low-powered vehicles that do not require registration or a drivers licence such as e-scooters. In order to meet these requirements, the wheels must not exceed 355mm and the motor must have a maximum power output not exceeding 300W.
41. E-scooters can be used on the footpath or the road except in designated cycle lanes that are part of the road. The Agency also recommends that e-scooter users must:
 - i. Operate the device in a careful and considerate manner
 - ii. Operate the device at a speed that does not put other footpath users at risk
 - iii. Give way to both pedestrians and drivers of mobility devices
 - iv. On the road, e-scooters must be operated as near as practicable to the edge of the roadway
 - v. A helmet is not legally required to be worn when using an e-Scooter, but is recommended.

Public Feedback

42. A survey was circulated to targeted audiences in January 2020 (Hamilton Central Business Association, Disability Sector Network, various community agencies via HCC's Community Development Team) and made available to the public via Facebook. Hard copy surveys were made available in Hamilton libraries and the Municipal Building.
43. Between the period 17 January 2020 to 2 February 2020, 837 people responded to the survey. The survey remains open until 27 March 2020, to allow for students returning back to the city for study purposes, to complete the survey.

44. As at 2 February 2020 there were 837 responses a copy of the interim survey results is attached (**Attachment 2**). Below is a summary of the responses:
- i. 829 (99%) are aware that e-scooters are available to hire in the city.
 - ii. Out of the 829 that are aware, 546 (66%) have hired an e-scooter and 283 (34%) have not hired an e-scooter in Hamilton City.
 - iii. Of the 546 who have hired an e-scooter, 489 (89%) have done so more than once.
 - iv. The most reasons for hiring an e-scooter were to try it for fun, and to get around the city.
 - v. For the 546 respondents who hired an e-scooter, the common reasons for choosing to hire an e-scooter in their most recent trip are; as it is faster to get around; as it is more convenient; and as it is fun.
 - vi. Of the 546 respondents who hired an e-scooter, they would normally have otherwise walked (339, 62% of the respondents) or driven a car/motorbike (282, 51% of the respondents) instead of the e-scooter in their most recent trip.

Public views on the safety of e-scooters

45. Below is a summary of public views on the safety of e-scooters from the interim survey results:
- i. Of the total (837) respondents, 595 (71%) feel that users ride an e-scooter in a safe and responsible manner.
 - ii. Of the 546 respondents who have hired an e-scooter, 458 (84%) said that they have not personally experienced any safety related issues.
 - iii. As a footpath user, 577 (69%) of total (837) respondents have not personally experienced any safety related issues with e-scooters.
 - iv. As a road user, 655 (78%) of total (837) respondents have not personally experienced any safety related issues with e-scooters.
 - v. 703 (84%) of the total (837) respondents noted that Hamilton City Council should allow personal hire devices to operate in the city.
 - vi. Of the 703 that thought e-scooters should continue, 174 (24%) suggested that the continuation should happen with some changes e.g.
 - To work with Lime to make designated parking areas
 - Adding more e-scooters in the city.
 - Education for e-scooter riders.
 - On an average, 720 (86%) of the 837 respondents have not made any complaints about e-scooters.

Feedback from Hamilton Central Business Association

46. Hamilton Central Business Association (HCBA) were asked to provide feedback on e-scooter use in the city. Their feedback is that having e-scooters available provides people with transportation options as well as meeting expectations of visitors to the city who expect to have e-scooter options for short trips around the Central Business District (CBD) or to local attractions.
47. The HCBA believe that e-scooters have quickly become a normal part of CBD life and after the initial implementation period there has been limited negative feedback received. There have been some businesses on larger site areas that have had to work through the issues of e-scooters coming onsite or being left lying around, however this has been worked through directly with Lime.
48. In terms of the aesthetics of the CBD, e-scooters are rarely on their side and if scooters are left in the middle of a footpath, people seem quite happy to move them to one side. The Hamilton Central Business Association sees the e-scooter option as being a necessary transport option in a major city and the wide variety of users, from business people to tourists.

Feedback from Disability Community

49. Specific feedback has been received from the disability community. Their concerns relate to poorly parked scooters, posing problems for the vision impaired community and creating a trip hazard. People using a white cane will detect the body of the scooter with their canes but due to the wideness of the handle bar often clip the handle bars with their shoulders.
50. Scooters blocking mobility car parks is also a concern and can be a major inconvenience to the person using the car park, especially if only some of the passengers can safely get out of their vehicle.
51. There is concern that older people, slow ambulant disabled people, hearing impaired and people with prams are especially vulnerable to e-scooter users. Generally, a rider may not be aware on approach that a person may not be able to move out of the way of an e-scooter fast enough, causing a safety risk to the pedestrian and rider safety.
52. Suggested improvements from the disability sector includes:
 - i. Bells or similar on scooters to let pedestrians know that something is coming up alongside them;
 - ii. Rider education around the usage of bells or at a minimum, etiquette on how to safely pass pedestrians;
 - iii. Low-pitched audible sound on scooters that cannot be turned off would be ideal.

Waikato District Health Board Injury Data

53. There has been much publicity across the country about injuries caused by the use of personal hire devices, in particular, e-scooters. This publicity has been monitored by staff and discussed with the current operator. At the beginning of the trial, staff worked with Waikato District Health Board to enable a mechanism to capture information about any injury events.
54. Waikato District Health Board (DHB) have provided data where injury events resulting in hospital admission where an e-scooter is noted in the injury description. This data is for hospital admissions only and does not include those people seen or discharged from emergency departments or those who may have attended an accident and emergency clinic.
55. The data is for the period August 2019 to mid-December 2019, coinciding with the grant of the first PHD licence. DHB staff were aware of the need to note whether the e-scooter was hired or privately owned and were able to ensure that they were able to specifically code this in their system.
56. In total, there were nine hospital admissions where the words 'hired' or 'Lime' are noted and an additional injury where the e-scooter was privately owned.
57. All nine people injured on hired e-scooters were assessed as having non-major injuries (using the trauma Injury Severity Scale [ISS]). It was noted that injuries classified by the ISS as 'non-major' can have significant and longer-term ramifications for those injured.
58. There were four males and five females, ranging in age from 19 years to 49 years (average of 25 years). Five of the incidents occurred on a street or road and the other four occurred on a footpath.
59. Injuries were predominately ankle, wrist and collarbone (clavicle) fractures along with abrasions/lacerations. There was one hip fracture. Eight people had more than one injury recorded. The presence of alcohol has been noted in five of the nine events involving hired e-scooters.

Code of Practice

60. The Code of Practice developed for the Personal Hire Devices activity outlines the requirements that operators applying for a permit to operate must adhere too.
61. Vision Zero, the Hamilton City Council Disability Policy and Hamilton: Age Friendly City documents were considered during the initial development of the Code of Practice and permitting process and have influenced the prioritisation of public safety.
62. Hamilton City Council reserves the right to amend the Code of Practice as new information becomes available. This is important as PHD operators are relatively new to New Zealand and to the Hamilton market.
63. Staff will review and update the Code of Practice on an annual basis.

Fees and Charges

64. Staff recommend that the fees and charges set at the [18 June 2019](#) Infrastructure Operations Committee be reviewed to ensure that there is no financial impact on Council. Fees and charges will cover the cost of employing a Compliance Officer, staff time and further engagement and education activities. The proposed change of fees and charges are in-line with other cities who have implemented this type of activity.
65. Proposed change to Hamilton City Council's fees and charges are:
 - i. \$300 annual permit fee;
 - ii. \$85.00 per permitted device annual charge (for enforcement and management);
 - iii. \$10,000 education programme fund per operator, with an understanding that there will be future ongoing funding shared among all operators for Council and user education;
 - iv. notes that public liability insurance of \$2,000,000 will also be required by each operator.
66. As a comparison, other Local Authorities annual charges per permitted device are:
 - i. Auckland Council \$73.00
 - ii. Christchurch City Council \$86.00
 - iii. Wellington City Council \$45.00

Operationalising the Activity or Extending the Trial

67. PHD's have been trialled since August 2019 and as previously discussed in this report only one operator has been active in Hamilton since the trial began.
68. As the activity was new to Hamilton, new processes were developed to ensure operators and users of PHD's safely shared roads and footpaths with other users.
69. Staff have identified three options available for the Council to consider. These are:
 - **Option One** - Trial is completed and this activity is no longer available for Hamilton.
 - **Option Two** -The PHD trial is extended for a further 12 months under the Public Places Bylaw which allows for additional operators to apply for a permit and for staff to identify:
 - i) The optimum number of devices for Hamilton City
 - ii) The optimum 'mix' of devices to offer a good range of transport options for users
 - iii) The safest number and 'mix' of devices to ensure public safety
 - iv) The level and nature of user education that is required
 - v) Appropriate fees and charges for full cost recovery
 - vi) Allows for change to regulations and legislation should these occur during the next 12 months.

- **Option Three** - The PHD activity continues and the permitting process becomes an operational activity under staff delegation. Staff would permit operators under the Public Places Bylaw.

70. Staff recommend **Option Two** that the PHD activity is extended for a further 12 months under the Public Places Bylaw until March 2021.
71. If either option two or three is approved, staff would continue to engage with operators and monitor the use of the activity across the city. Staff would also undertake discussions with the current provider, Lime, about permit renewal and engage with other parties interested in entering the Hamilton market.
72. For options two and three, it is proposed that a measured approach be taken to the number of devices so as not to compromise public safety, or to 'flood' the city with one provider. This is considered to be no more than 1,000 mixed devices e.g. scooters and bikes and will be reflected in the Code of Practice. To manage this, staff propose that an application process is undertaken to identify the range of operators seeking to establish services in Hamilton.
73. An application process will allow for operators to assess the Hamilton market and propose the optimal number of devices they would like permitted and that are financially viable for their business. All operators who have previously engaged with staff about the 6-month trial would be invited to submit their proposal. This process is similar to the approach that other local authorities have undertaken as part of their selection of operators.
74. If Council decides that the PHD activity does not continue, staff will need to work with the current provider, Lime, on an exit plan so that they are allowed enough time to work with their Hamilton based staff. It is suggested that this be no longer than one month from the decision being made to the service no longer being available.

Financial Considerations

75. Fees and Charges apply to this activity and will be reviewed on an annual basis in line with the outcomes of this activity. Any changes to the fees and charges structure will be recommended to Council.
76. The proposed change to the fee and charges structure, outlined in this report is deemed to be sufficient for the activity and covers the costs associated of implementation, monitoring, compliance and education.

Legal and Policy Considerations

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

Wellbeing Considerations

78. 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').
79. 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.
80. The recommendations set out in this report are consistent with that purpose.

Social

81. PHD's provide an alternative form of transport for people to connect and engage with their community.

Economic

- 82. PHD's can be an economic way of travelling around the city.
- 83. Visitors to the city are able to access PHD's to move around the city on short trips or to local attractions, therefore supporting Hamilton's economy.

Environmental

- 84. PHD's are an alternative transportation choice for residents and visitors to move around the city and offering sustainable transportation options.
- 85. Some PHD schemes utilise electric devices, while others may use devices with components which may or may not be able to be recycled. Consideration of recycling is given to the end of life management of all devices which is outlined in the Code of Practice and application process.
- 86. There has been instances during the trial where devices have ended up in the Waikato River and Hamilton Lake. The current operator has gone to great lengths to ensure that these are retrieved immediately on notification. Within the terms and conditions of the PHD Permit, the KPI for retrieval of a device from the river is within five (5) hours of being notified.
- 87. Although only in operation for 6-months, e-scooters have become an alternative form of transport for residents and visitors. This type of activity supports the priority outcome of the Access Hamilton Strategy '*Choice – everyone has travel options for moving around the city*'

Cultural

- 88. The process used to implement the Code of Practice for Personal Hire Devices was previously discussed with Te Haa o te whenua o Kirikiriroa (THaWK).
- 89. While there has been no specific feedback on impacts on culturally significant sites, staff still need to engage and liaise with THaWK and include their feedback in assessing future applications, review the code of practice and restrictions on sites for the PHD activity.

Risks

- 90. An application process is a fair way of selecting operators based against the criteria of the Code of Practice. If an application process is not undertaken, there is a risk that operators new to Hamilton would not apply for a permit, thinking that a preferred operator was already in place.
- 91. The permitting process allows Council to place the greatest level of control on PHD's.
- 92. Should Council choose not to cap the numbers of PHD's to 1,000 there is a risk that operators will 'flood' the market, potentially impacting the safety of users and pedestrians across the city.

Significance & Engagement Policy

- 93. Given the statutory requirement to consult, staff have not considered the key considerations under the Significance and Engagement Policy to assess the significance of the matter(s) in this report.

Engagement

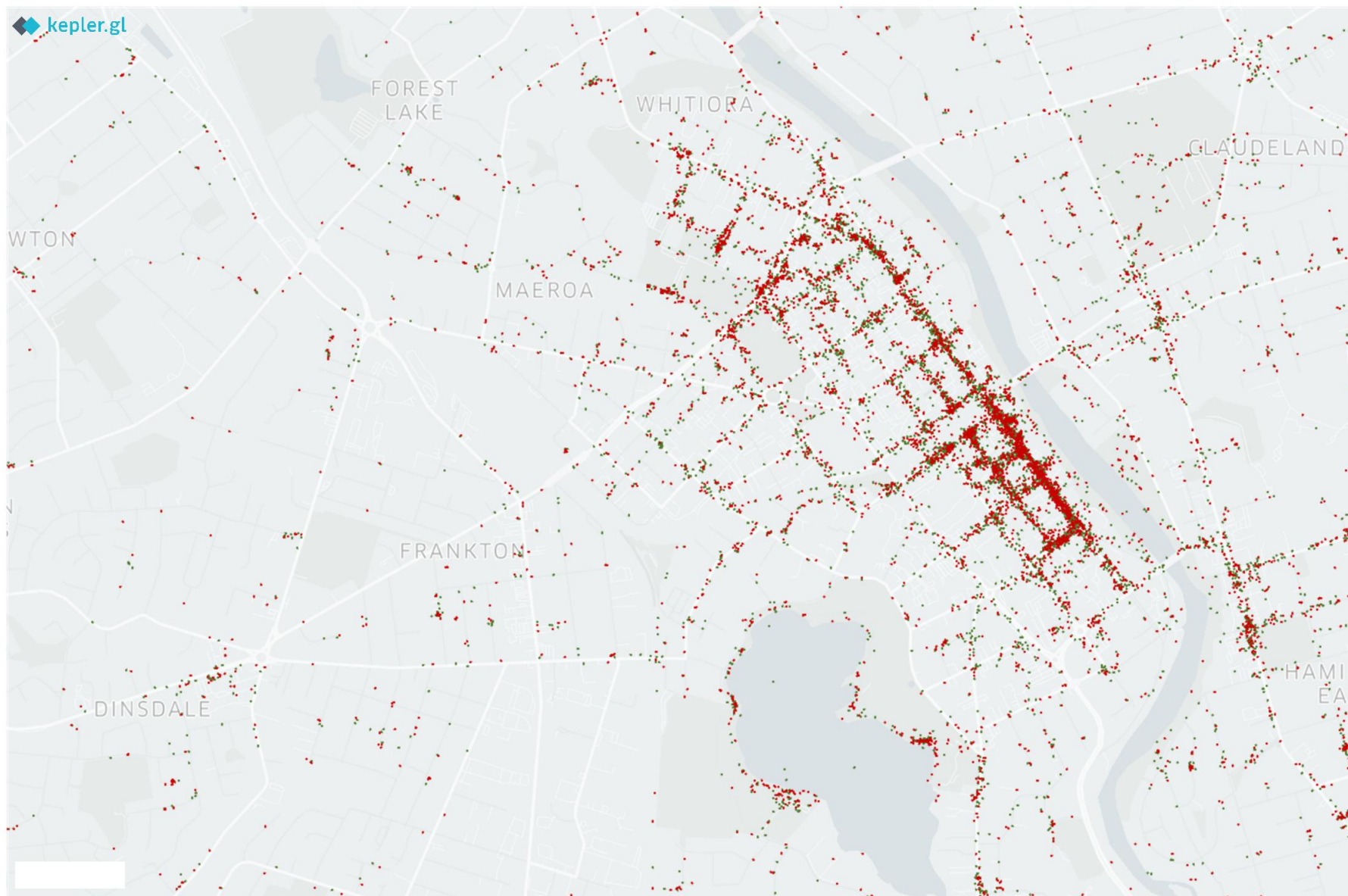
- 94. Key stakeholders and the community were asked for feedback and invited to participate in a survey of PHD (or scooter use). The survey is open until 23 March 2020 to encompass the views of tertiary students who are back in the city from late February 2020. Initial analysis of the survey has been discussed as part of this report.

95. Staff will continue to monitor feedback from stakeholders and the community and address areas and trends of concerns with the PHD permit holders.
96. Given the low level of significance determined, the engagement level is low. No engagement is required.
97. Even though there is no requirement for engagement, due to the low level of significance, feedback via the survey and advocacy groups has been completed to inform the 6-month trial review. This feedback has been considered in this report.

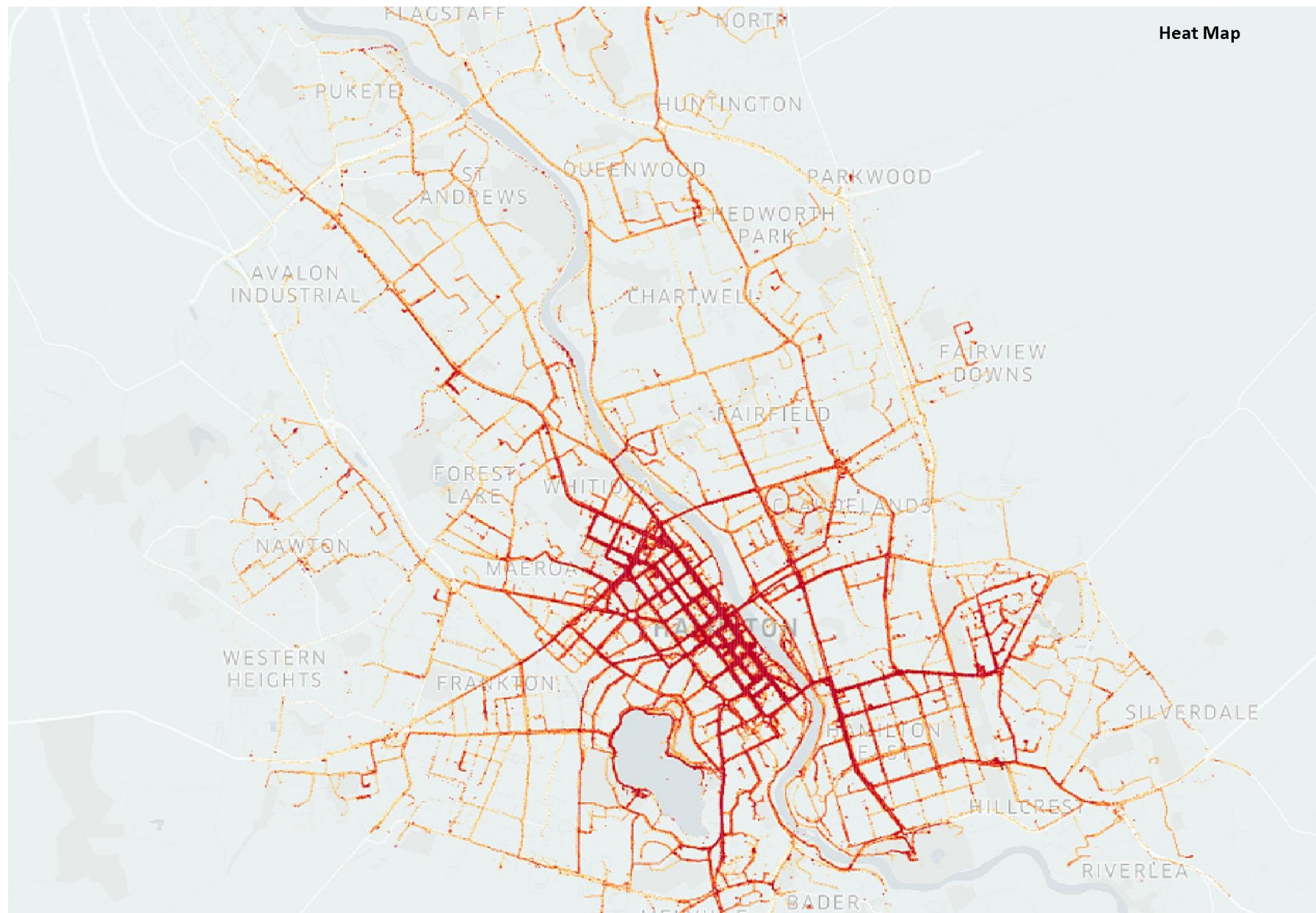
Attachments

Attachment 1 - E Scooter Usage Heat Maps

Attachment 2 - E-scooter survey 2020 - Interim Report



Key
Red = Destination



Item 8

Attachment 1

E-SCOOTER SURVEY 2020 (INTERIM REPORT)

INTRODUCTION

The Infrastructure Operations team wanted to get feedback from the community on their views and experience with personal hire devices in Hamilton city. The purpose of this was to view community's feedback and provide the elected members an update on the e-scooter trial that has been running in the city for the last six months.

The survey link was shared on Hamilton City Council's Facebook pages. Hard copies were also made available at the community centres, libraries and municipal building.

SURVEY AIMS

1. To explore what people think about shared e-scooters in Hamilton City.
2. To seek the community's feedback on the continuation of shared e-scooter trial in the city.

METHODS OF ENGAGEMENT

The feedback was via survey. The survey link was posted on HCC's Facebook page. The survey was a non-sponsored post, meaning no paid boosting.

The post reached 21000+ people and had 5100+ social media interactions. The main types of interactions are:

- 4800+ engagements
- 160+ comments
- 20+ shares
- 100+ reactions

KEY FINDINGS

1. The survey had 837 responses as of 02 February 2020. It has met the minimum sample size of 375 which meets the necessary statistical significance levels set for this study.
2. The respondents to the survey when aligned to the general population representation demonstrated an over-representation of people in the 25-44 year age group and under representation of young people in the 16-24 year age group.
3. To explore what people think about hired e-scooters in Hamilton City.
 - a. 829 (99%) of the respondents are aware that e-scooters are available to hire in the city.
 - b. Out of the ones that are aware, 546 (66%) have hired an e-scooter and 283 (34%) have not hired an e-scooter in Hamilton City.

Why people used an e-scooter

- c. Of those who have hired an e-scooter, 489 (89%) of the people have done so more than once.
- d. The most use of hiring an e-scooter were to try it for fun (403, 73% of the respondents who hired an e-scooter) and to get around the city (367, 67% of the respondents who hired an e-scooter).
- e. For the 546 respondents who hired an e-scooter, the common reasons for choosing to hire an e-scooter in their most recent trip are as it is faster to get around (349, 63% of the respondents), as it is more convenient (339, 62% of the respondents), and as it is fun (337, 61% of the respondents).

- f. Of the 546 respondents who have hired an e-scooter said that they would have otherwise walked (339, 62% of the respondents) or driven a car/motorbike (282, 51% of the respondents) instead of the e-scooter in their most recent trip.

Why people haven't used an e-scooter

- g. Of the 829 respondents who are aware of the trial, 283 (34%) have not hired an e-scooter, and 126 have answered this question, 69 (55%) said that they haven't needed to hire one so far and 39 (31%) said that they wouldn't feel safe.

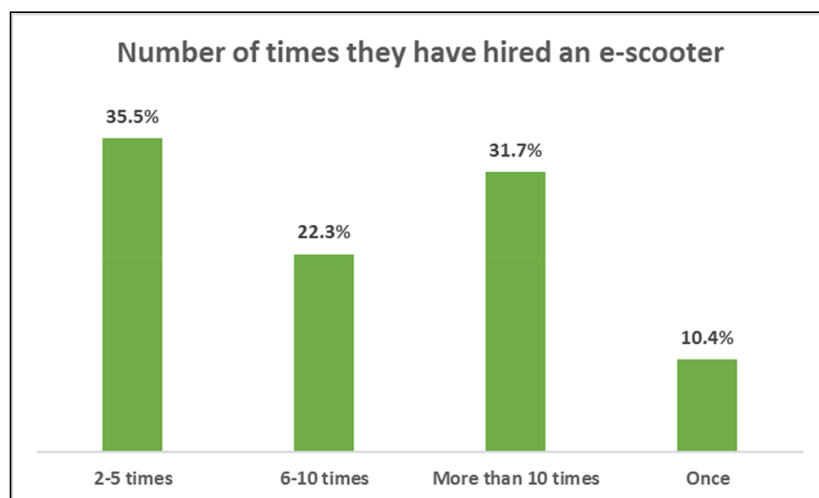
Views on the safety of e-scooters

- h. 595 (71%) of the total (837) respondents feel that users ride an e-scooter in a safe and responsible manner.
 - i. Of the 546 respondents who have hired an e-scooter, 84% said that they have not personally experienced any safety related issues.
 - j. As a footpath user, 577 (69%) of total (837) respondents have not personally experienced any safety related issues with e-scooters.
 - k. As a road user, 655 (78%) of total (837) respondents have not personally experienced any safety related issues with e-scooters.
- 4. To seek the community's feedback on the continuation of shared e-scooter trial in the city.
 - a. 703 (84%) of the respondents noted that Hamilton city council should allow personal hire devices to operate in the city.
 - b. Of those that thought e-scooters should continue, 174 (24%) suggested that the continuation should happen with some changes.
 - To work with Lime to make designated parking areas
 - Adding more e-scooters in the city.
 - Education for e-scooter riders.
 - c. On an average, 720 (86%) of the respondents have not made any complaints about e-scooters.

Looking at what people think about hired e-scooters in the city

Awareness and usage

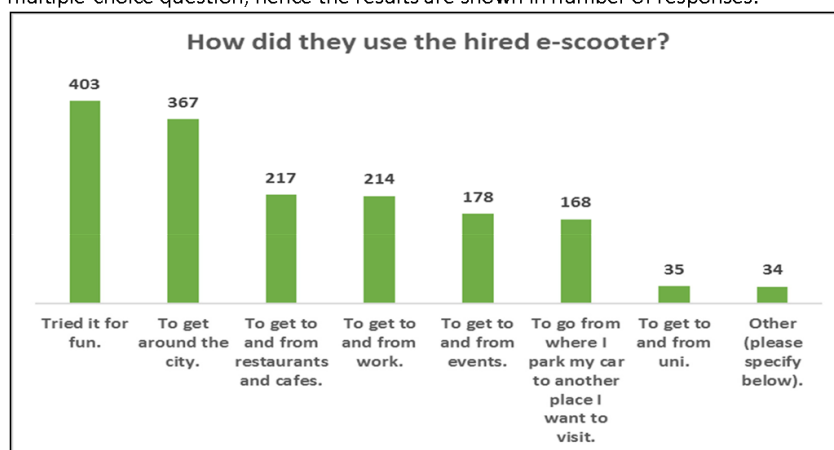
1. 829 (99%) of the respondents are aware that e-scooters are available to hire in the city.
2. Out of the ones that are aware 546 (66%) have hired an e-scooter and 283 (34%) have not hired an e-scooter in Hamilton City.
3. Of those who have hired an e-scooter, 489 (89%) of the people have done so more than once.



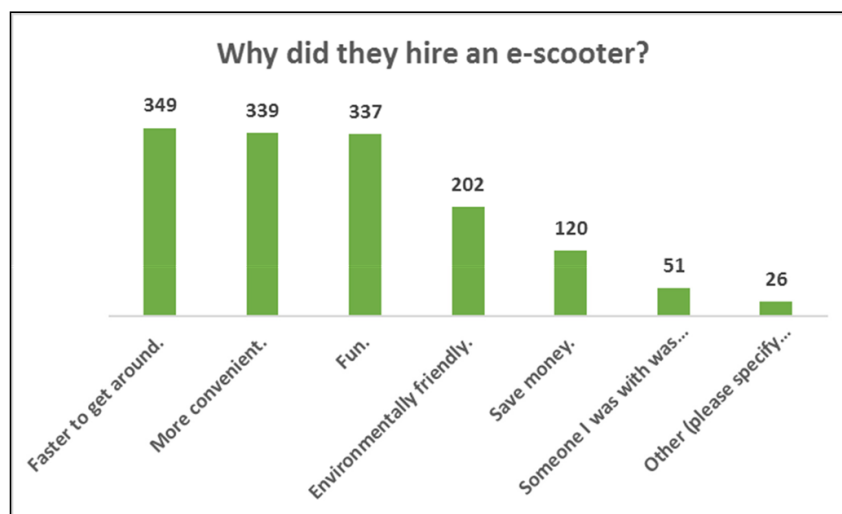
4. The most use of hiring an e-scooter were to try it for fun 403 (73%) and to get around the city 367 (67%). Some of the other uses seen from people's comments are:

- To travel for meetings
- For emergency transport
- To get to a place which is beyond walking distance but not convenient by bus.

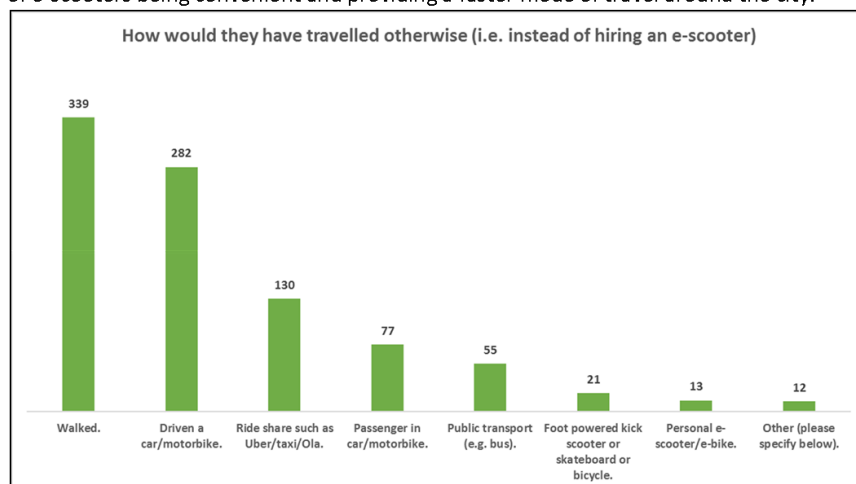
The graph showing the grouped reasons and responses is shown below. This question is a multiple-choice question; hence the results are shown in number of responses.



5. The common reasons for choosing to hire an e-scooter in their most recent trip for the 546 respondents are as it is faster to get around (349, 63%), as it is more convenient (339, 62%), and as it is fun (337, 61%). The common other reasons to hire an e-scooter in the most recent trip include:
- As it is cheaper to hire than a taxi
 - As it provides a direct mode of transport compared to buses.
 - As people don't have to worry about parking.

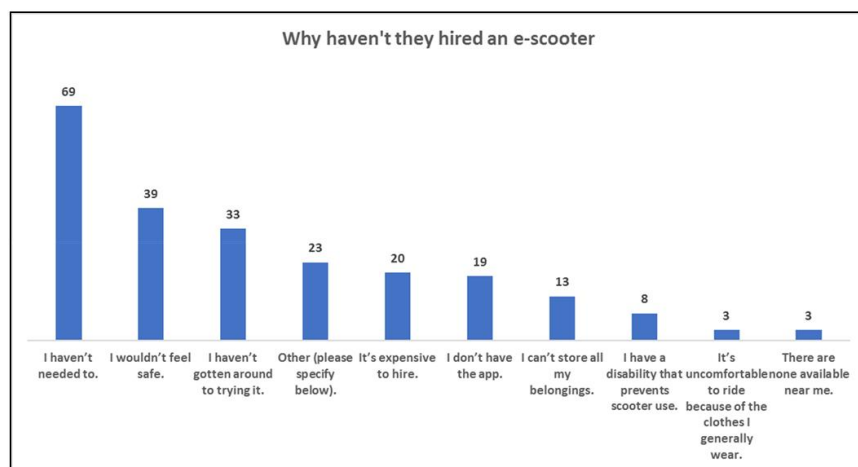


6. Of the 546 respondents who have hired an e-scooter said that they would have otherwise walked (339,62%) or driven a car/motorbike (282,51%) instead of the e-scooter in their most recent trip. The most common theme that came up in the 'other' group is that people would have not taken the trip otherwise. This is coherent with the above reasons of e-scooters being convenient and providing a faster mode of travel around the city.



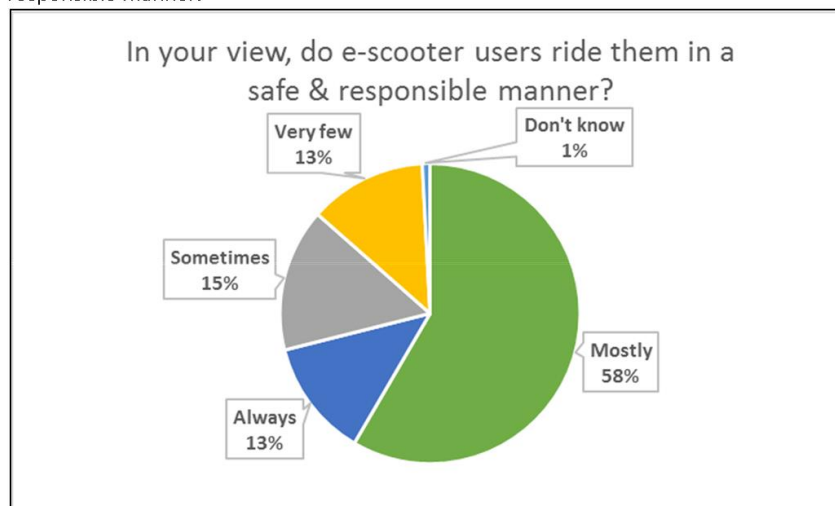
Analysing the barriers to using it

- 283 (34%) of the 829 respondents who are aware of the e-scooter trial said that they have not hired an e-scooter.
- Of these, 126 (44%) answered this question where we see, 69 (55%) said that they haven't needed to hire one so far and 39 (31%) said that they wouldn't feel safe. Some of the themes that came through in the 'other' reasons include:
 - People own an e-scooter
 - People prefer to walk

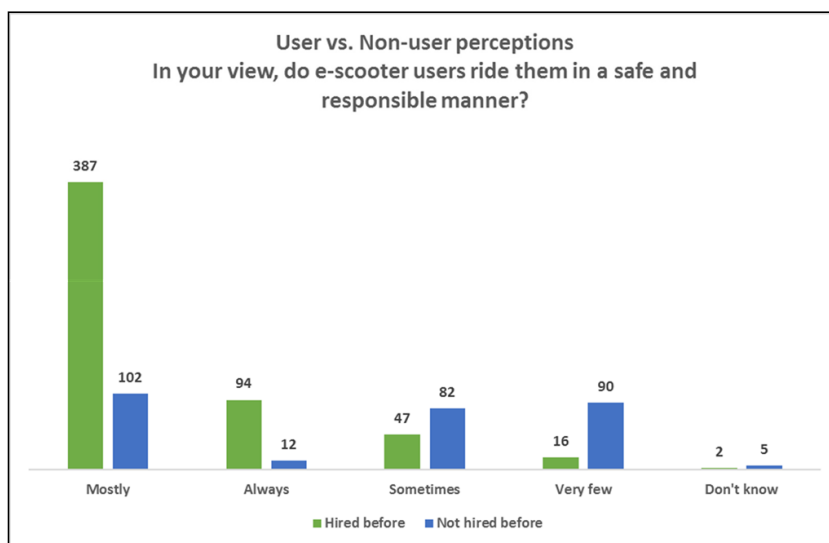


Understanding their perceptions

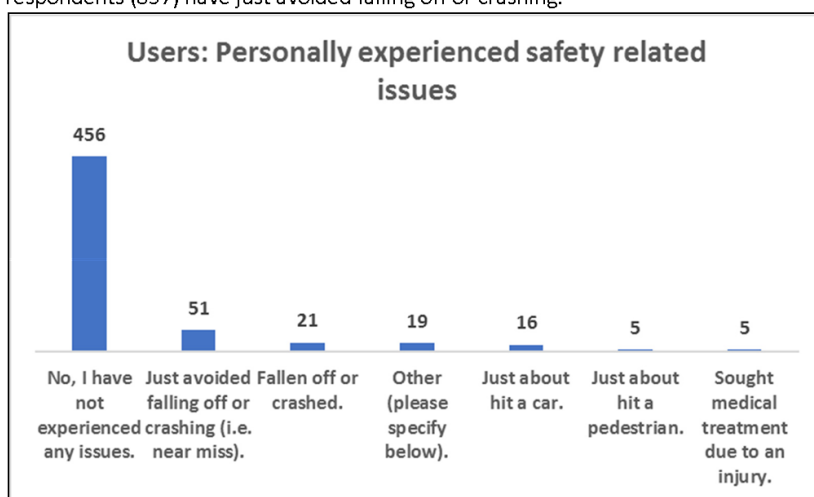
1. 595 (71%) of the total respondents feel that users ride an e-scooter in a safe and responsible manner.



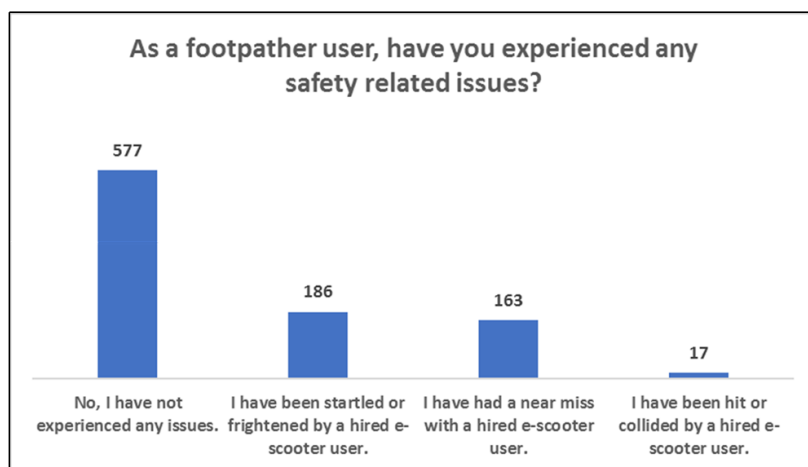
2. Looking at how the above perception differs for a user vs. a non-user, a higher proportion 481 (88%) of those that have hired an e-scooter think that riders use them in a safe and responsible manner, compared to 114 (39%) of those that have not hired an e-scooter.



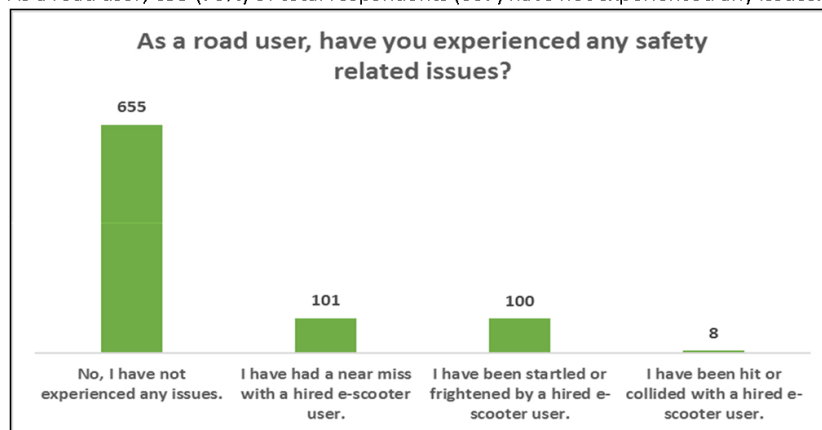
3. Of those who have hired an e-scooter, 456 (84%) of the total respondents (837) said that they have not personally experienced any safety related issues. 51 (9%) of the total respondents (837) have just avoided falling off or crashing.



4. As a footpath user, 577 (69%) of total respondents (837) have not experienced any issues.



5. As a road user, 655 (78%) of total respondents (837) have not experienced any issues.



6. Looking at the overall perceptions of respondents regarding hired e-scooters in Hamilton city,
- 620 (75%) of the 828 respondents who answered this question and did not choose 'not applicable' as a response, noted that hired e-scooters improve transport choice and make it easier to get around.
 - 416 (50%) of the 736 respondents who answered this question and did not choose 'not applicable' as a response, noted that e-scooters help them to visit more places in Hamilton.
 - 205 (49%) of the 422 respondents who answered this question and did not choose 'not applicable' as a response, noted that hired e-scooters are something they will continue to use. Since this is an average of all respondents, looking at just the ones who have hired an e-scooter, 460 (84%) of these people (546 respondents) noted that e-scooters are something they will continue to use.
 - As a business, 205 (49%) of the 422 respondents who answered this question and did not choose 'not applicable' as a response, noted that customers are arriving to their business on hired e-scooters.

Seeking the community's feedback on continuation of hired e-scooter trial in the city

Understanding their feedback

1. On an average, 720 (86%) of the total (837) respondents have not made any complaints about e-scooters. The split of who has complained and type is detailed below:
 - a. 31 of the respondents have made complaints about unsafe rider behaviour.
 - b. 50 of the respondents have made complaints about riding e-scooters where they are not supposed to.
 - c. 116 of the respondents have made complaints about e-scooters left lying around.
 - d. 33 of the respondents have made complaints about other reasons.
2. The most common theme that came through in people's comments to 'other' types of complaints is that e-scooters have been carelessly discarded in public places. Below are some of the comments:

"If i thought making a complaint would have done anything, i would. They are discarded so inappropriately"

"Being parked in no-parking zones making them unavailable for use."

"I thought you had to be a certain age to ride one? Have seen kids as little as 8 using them, so dangerous."

"The people who misuse these services are a fringe group, who shouldn't effect the rules that are applied to the majority of safe riders."

"have not made a complaint but constantly moving them after they have been left lying around"
3. 703 (84%) of the respondents said that Hamilton city council should allow personal hire devices to operate in the city. Of these 703 people, 174 (24%) respondents suggest that the continuation should happen with some changes. These are summarised in the next point.
4. The common themes from people's suggestions to continuation of trial with some changes are:
 - To work with Lime to make designated parking areas
 - Adding more e-scooters in the city.
 - Education for e-scooter riders.

Below are some of the comments:

"More education for scooter riders about the appropriate parking of the vehicle, or alternatively parking docks or parking bays in popular sites such as the gardens, the lake or garden place so they are all parked together and not across public access places."

"Better warning device on scooter for pedestrians, compulsory use to help give warning to others. Maybe install a bell like a cat has to constantly show awareness."

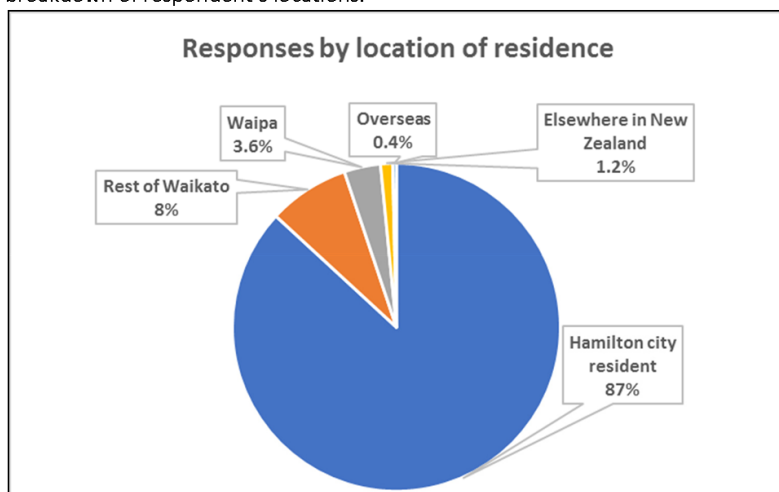
"To work with Lime company to established some places for e-scooters to park under shelter or a designated cycling parking space area, specifically where e-scooters are concentrated around. This will avoid the issue of e-scooters left in random and unsafe places."

"Melbourne provide free bikes to get around the city, but you have to buy a helmet from a 7/11 to use the bikes. The helmets were cheap I think about \$7. I think this would be a good way to improve safety concerns with e-scooters."

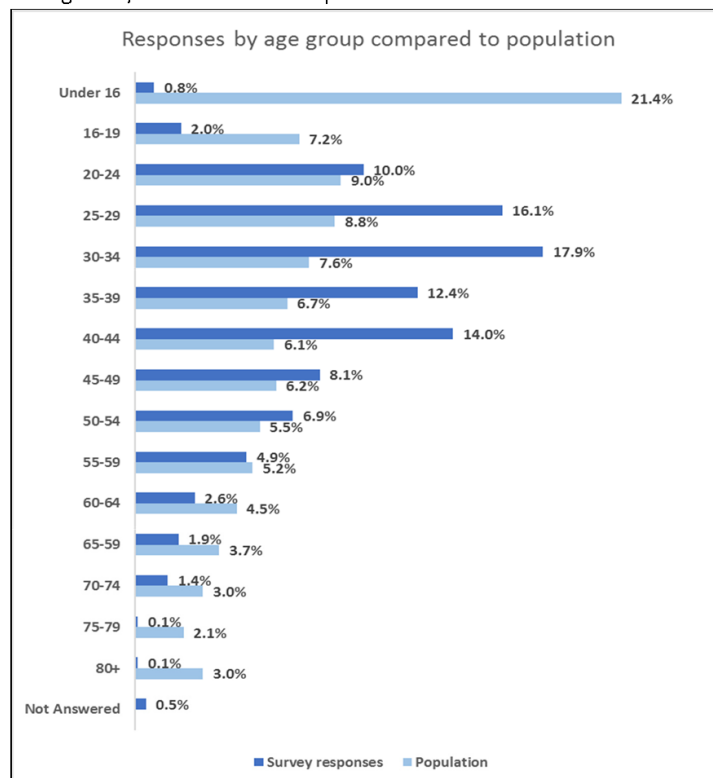
“add more to the city to better serve other neighbourhoods”

PROFILE OF RESPONDENTS

1. A total of 837 responses were received from online and hard copy survey submissions as of 2 February 2020. The survey will remain open until March 27 2020 so that we can get feedback from Uni/Wintec students once they are back.
2. 98% of the people who submitted the survey were individuals, 1.6% being businesses, organisations or community groups. 1 person did not answer this question.
3. More than 85% of the respondents are residents of Hamilton. The graph below shows the breakdown of respondent's locations.



4. Reviewing the distribution of those that indicated their age group (95% of the total respondents), we can determine:
 - a. The highest survey responses came from 25-44 year olds. They form 29% of population, whereas 60% of our respondents are in this group.
 - b. 16-24 year olds form 16% of population, whereas 12% of our responses came from this group. We are hoping to get more responses as the survey is distributed through Uni / Wintec once it re-opens for the next semester.



Note: The population values are taken from Stat's NZ 2018 Census.

5. The most responses were from Hamilton East, Dinsdale, Flagstaff, Frankton, and Hillcrest.
6. In terms of representation, the survey had over-representation from Hamilton East, Glenview, Rototuna, Fairfield, Frankton.

As this is an interim report, the overall representativeness will be assessed once the survey closes on 27 March 2020.

NEXT STEPS

- This report will be updated when the survey closes on 27 March 2020.
- At the same time, statistical measures and summary of representativeness will also be analysed and included in the report.

Council Report

Item 9

Committee: Infrastructure Operations Committee

Date: 27 February 2020

Author: Rebecca Watson

Authoriser: Becca Brooke

Position: Committee Advisor

Position: Governance Manager

Report Name: Infrastructure Operations Committee Draft Schedule of Reports 2020

Report Status	<i>Open</i>
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Purpose

1. To inform the Infrastructure Operations Committee regarding the draft 2020 Schedule of Reports.

Staff Recommendation

2. That the Infrastructure Operations Committee:
 - a) receives the draft 2020 Schedule of Reports; and
 - b) notes that the Schedule of Reports is intended to be a living document that will be updated as necessary and will be made available to Elected Members and Maangai Maaori on Diligent.

Background

3. The Chief Executive undertook to provide Committee Members with schedules for the tasks and responsibilities to be undertaken each calendar year by the Council and the Council Committees.
4. The purpose of the schedules is to provide Committee Members with oversight of the planned and upcoming activities for which they are responsible as members of the Infrastructure Operations Committee. The schedules set out the key reports and pieces of work assigned to the Strategic Growth Committee as well as the intended meeting dates where these will be presented.
5. The schedules have been developed by the Principal Advisors and Chair of the Committee in conjunction with key staff, and the Governance Unit. Content covers:
 - Standing agenda items and regular reports;
 - The development, review, and status reporting of strategic plans and policies;
 - Anticipated submissions and legislative reports;
 - Items relating to the Annual Plan and 10 Year Plan;
 - Reporting of joint organisations, stakeholder groups, and established taskforces; and
 - Business as usual matters identified by staff as requiring governance decisions or oversight.

Item 9

6. In order for Committee Members to have a current view of Infrastructure Operations Committee activities throughout the year, the schedules will need to be updated when new items arise or when timing or circumstances change. Committee Members will have access to the updated schedules on Diligent.
7. The Governance Unit and the Principal Advisors' Executive Assistants will take responsibility for maintaining up-to-date documents.
8. 2020 Report Schedules for all Committees will be presented at each of their first meetings of 2020.

Attachments

Attachment 1 – Draft Infrastructure Operations Committee Schedule of Reports 2020

Infrastructure Operations Committee Report Schedule 2020								
Standard Reports	27-Feb-20	16-Apr-20	26-May-20	30-Jun-20	27-Aug-20	8-Oct-20	19-Nov-20	Future
Chair's Report								
General Manager's Report								
External Committee and Conference Reports								
Strategic Reports	27-Feb-20	16-Apr-20	26-May-20	30-Jun-20	27-Aug-20	8-Oct-20	19-Nov-20	Future
Schedule of Reports								
Out of District Water and Wastewater Supply Agreements								
Transport Renewal - Infrastructure Alliance Review & Extension - Contract								
Parking Infringement Innovation								
Operational Contract Tenders and Approvals								
3 Waters Review								
Parking - Precinct Plans								
Policy and Bylaw	27-Feb-20	16-Apr-20	26-May-20	30-Jun-20	27-Aug-20	8-Oct-20	19-Nov-20	Future
Connections and Charging Policy for Three Waters Policy								
Dangerous & Instaitary Buildings Policy								2023
Seismic Performance of Building Policy								
Streetscape Beautification and Verge Maintenance Policy								
Speed Limits Bylaw 2018								2023
Traffic Bylaw 2015								
Waste Management and Minimisation Bylaw 2019 (Was Solid Waste Bylaw 2012)								2029
Stormwater Bylaw 2015								
Trade Waste and Wastewater Bylaw 2016								2026
Water Supply Bylaw 2013								2023
Stakeholder Liaison Reports	27-Feb-20	16-Apr-20	26-May-20	30-Jun-20	27-Aug-20	8-Oct-20	19-Nov-20	Future
NZ Police								
Waka Kotahi NZ Transport Agency								
Waikato Regional Council								
BAU Reports	27-Feb-20	16-Apr-20	26-May-20	30-Jun-20	27-Aug-20	8-Oct-20	19-Nov-20	Future
Personal Hire Devices - Six-month Trial Update								
CBD 2 hour Free Parking Trial								
Free Youth 18 years and under Bus Travel - Trial								
Car Share - Trial								
Stormwater Erosion- Project Watershed LTP work programme								
Resource Consent & Legislative Compliance								
Rubbish & Recycling Service								
Passenger Rail Project Update								
City Safe Suburban Response - 12-month trial								
Water and Wastewater Treatment Plant Capacity Upgrades								
Western Wastewater Interceptor Capacity Upgrade								
Submissions	27-Feb-20	16-Apr-20	26-May-20	30-Jun-20	27-Aug-20	8-Oct-20	19-Nov-20	Future
Infrastructure Funding and Financing Bill								
Tackling Unsafe Speeds - Rule Changes		TBC - Apr or May	TBC - Apr or May					
Taumata Arowai, the Water Services Regulator Bill								
Submissions - As required								

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. Supply of Automation and Control Equipment and Services for the Water, Wastewater and Landfill Activities) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987)	Section 48(1)(a)
C2. Low River Contingency Contract Award		
C3. Update on the Recycling Commodity Market		

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 enable Council to carry out negotiations	Section 7 (2) (i)
Item C2.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C3.	to protect information which is subject to an obligation of confidence where disclosure would likely damage the public interest	Section 7 (2) (c) (ii) Section 7 (2) (h)
	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (i)
	to enable Council to carry out negotiations	