



21 February 2023

Agenda Item: E2

(Extraordinary business - to be added to agenda if approved)

Report from His Worship the Mayor – Pain Farm

1. Purpose

To provide an update Council on activities and issues which have arisen since my last report to Council; and to seek Council's approval for items as outlined in this report.

2. Recommendations

The Mayor recommends that the *Council*:

1. Receive this late report regarding Pain Farm
2. Request that the CEO present a report to the next Council meeting setting out:
 - The history behind the Pain Farm being permitted to be used for wastewater disposal.
 - Reporting on the further legal advice that will be sought regarding the use of Pain Farm for this purpose.
3. Request that the CEO consider publishing the key findings (or parts of them) in advance of the next Council meeting to reassure residents and interested people of the legality of the use of Pain Farm for wastewater disposal and of the consultation that occurred at the time.

3. Introduction

Last week I was alerted to some confusion on a map showing what Pain Farm is used for. The map referred to waste and wastewater. On seeking clarification, I was told that "that Pain Farm has been designated for wastewater disposal to land". The next day the Wairarapa Times Age (WTA) printed a front-page story stating that the SWDC was intending to discharge up to 93,000,000 litres of effluent on the farm each year. The reporting has caused considerable concern among many people and given rise to some suggestions that the SWDC is using the Pain Farm in this manner without any consultation. The records show that consultation did occur and that there was widespread approval of the idea. When the proposal went to a Resource Management hearing, there were no objections.

4. The problems

There are two problems:

1. Public perception. Many people, possibly unaware of the history of the consent, have expressed concern to me and to others. We need to put the history of the consent out in the public arena to reassure people that this decision is long-standing and had widespread support at the time it was made.
2. There is a legal opinion from 2011 suggesting that using the Pain Farm for wastewater disposal may not be part of George Pain's intentions or of the subsequent Supreme Court order. And that the council may need to seek further court approval to use the land for effluent disposal. The CEO has informed me that she is seeking further legal advice on this matter.

5. Conclusion

We need to be able to reassure residents that council decisions are made in a considered and legal way. In the case of the future use of Pain Farm, public doubts have been cast concerning various actions of Council. But the relevant history shows that there was considerable consultation at the time and general approval of the councils plans. This information needs to be made widely available to those who are interested.

Prepared By: His Worship the Mayor, Martin Connelly