



AGENDA

Waiāri Kaitiaki Advisory Group Meeting Wednesday, 15 September 2021

**I hereby give notice that a Waiāri Kaitiaki Advisory Group Meeting will
be held on:**

Date: Wednesday, 15 September 2021

Time: 9.30am

**Location: Tauranga City Council
Council Chambers
91 Willow Street
Tauranga**

*Please note that this meeting will be livestreamed and the recording will be publicly available on
Tauranga City Council's website: www.tauranga.govt.nz.*

**Marty Grenfell
Chief Executive**

Terms of reference - Waiāri Kaitiaki Advisory Group

Membership

Chairperson	Vacant
Deputy Chairperson	Darlene Dinsdale
Tauranga City Council members	Commissioner Shadrach Rolleston Commissioner Bill Wasley
Western Bay of Plenty District Council members	Mayor Garry Webber Deputy Mayor John Scrimgeour
Iwi representatives	Jo'el Komene - Tapuika Iwi Authority Maru Tapsell – Te Kapu o Waitaha Darlene Dinsdale - Mokopuna o Tia me Hei Manu Pene - Ngati Whakaue ki Maketu (Te Hononga)
BOP Regional Council	General Manager – Environmental Management
Tauranga City Council staff advisors	Chief Executive General Manager: Infrastructure Manager: City Waters Manager: Asset and Infrastructure Planning
Western Bay Of Plenty District Council staff advisors	Chief Executive Group Manager: Engineering Utilities Manager
BOP Regional Council staff advisor	Consents Manager
Meeting Frequency	As required by the group.

Role

- Monitor and provide advice to Tauranga City Council and Western Bay of Plenty District Council as the joint consent holders in relation to matters covered under Resource Consent #65637 being to take water from the Waiāri stream for municipal supply.

Scope

- Consider and report on the monitoring requirements and outcomes of the resource consent.
- Discuss the results of other monitoring undertaken by the group, which may include monitoring the adverse effects on environmental, heritage, cultural, economic and recreational aspects.
- Determine the actions to be taken in response to monitoring reports as appropriate.
- To inform the Bay of Plenty Regional Council of the effects of the water take authorised under the consent on the mauri and mauriora of the Waiāri Stream.

- Review and provide feedback to Tauranga City Council and Western Bay of Plenty District Council on the Water Conservation Strategy required to be submitted as a condition of the consent.
- Discuss any other relevant matters that may be agreed by the group.

This group reports to the Tauranga City Council/Western Bay of Plenty District Council Joint Governance Committee; however, if this is not in place, this group will report to the individual councils.

NB: *The Waiāri Kaitiaki Advisory Group shall cease if all members of the group agree the group is to be disbanded. In such case Tauranga City Council and Western Bay of Plenty shall give written notice of this to the Chief Executive of the BOP Regional Council.*

For the avoidance of doubt, the Advisory Group is informal in nature and is NOT established as a committee, subcommittee or other subordinate decision-making bodies of Council under clause 30(1) of Schedule 7 of the Local Government Act 2002 and does not have any delegated decision-making powers.

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- 1 OPENING KARAKIA**
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7 CONFIRMATION OF MINUTES

7.1 Minutes of the Waiāri Kaitiaki Advisory Group meeting held on 9 June 2021

File Number: A12801838

Author: Raj Naidu, Committee Advisor

Authoriser: Coral Hair, Manager: Democracy Services

RECOMMENDATIONS

That the Minutes of the Waiāri Kaitiaki Advisory Group meeting held on 9 June 2021 be confirmed as a true and correct record.

ATTACHMENTS

1. Minutes of the Waiāri Kaitiaki Advisory Group meeting held on 9 June 2021



MINUTES

Waiāri Kaitiaki Advisory Group Meeting

Wednesday, 9 June 2021

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MINUTES OF TAURANGA CITY COUNCIL**WAIĀRI KAITIAKI ADVISORY GROUP MEETING
HELD AT THE MAKAHAE (TE KAHIKA) MARAE, 20 TE KAHIKA ROAD, TE PUKE
ON WEDNESDAY, 9 JUNE 2021 AT 9.30AM**

PRESENT: Ms. Darlene Dinsdale (Acting Chairperson), Commissioner Shadrach Rolleston, Commissioner Bill Wasley, Deputy Mayor John Scrimgeour (Western Bay of Plenty District Council (WBOPDC)), Mr Jo'el Komene, Mr. Whareoteriri Rahiri (Alternate for Manu Pene - Ngati Whakaue ki Maketu (Te Hononga), and Mr Maru Tapsell

IN ATTENDANCE: Marty Grenfell (Chief Executive), Nic Johansson (General Manager: Infrastructure), Stephen Burton (Manager: City Waters), Carlo Ellis (Manager: Strategic Māori Engagement), Kelvin Hill (Manager: Water Infrastructure Outcomes), Richard Conning (Senior Project Manager: Waters), Peter Bahrs (Team Leader: Water Services), Reuben Fraser (Consent Manager, Bay of Plenty Regional Council (BOPRC)), Coral Hair (Manager: Democracy Services), Mr. Dean Flavell (Chairman of Te Maru O Kaituna River Authority), Ms. Elva Conroy (Ngati Tuheke), Keren Bennett (Ecology Manager: 4Sight Consulting), Ms. Anahera Dinsdale, Sam Hema (Tangata Whenua Liaison), Carl Mathews (Campbell Squared), Norton Isaac (Campbell Squared), Paruhiterangi O'Callaghan, Te Hira Roberts, Ngawhika Te Aute, Harmony Roberts, Karen Roberts, Willow Marsh, Tania Kenney, Samera Koperu, Alfred Potiki, Vance Skudder, Natasha Wati, Jane Nicholas, John Dinsdale, and Raj Naidu (Committee Advisor)

1 OPENING KARAKIA

Mr. Paruhiterangi O'Callaghan opened the meeting with a Karakia.

2 APOLOGIES**COMMITTEE RESOLUTION WA2/21/1**

Moved: Ms Darlene Dinsdale

Seconded: Commissioner Shadrach Rolleston

That apologies from Mayor Garry Webber (WBOPDC), Mr. Gary Allis (WBOPDC), Mr Manu Pene, and Mr Maru Tapsell be received and accepted.

CARRIED

3 PUBLIC FORUM**3.1 Presentation by Mr. Dean Flavell (Chairman of Te Maru O Kaituna River Authority) and Ms. Elva Conroy (Ngati Tuheke) on the Te Maru o Kaituna Governance document, 10 year action plan, and Pataka Kai Project**

A copy of the presentation for this item can be viewed on Tauranga City Council's website in the Minutes Attachments document for this committee meeting.

Key points

- It was important to find synergies between the Pataka Kai Project and the work of Waiāri Kaitiaki Advisory Group (WKAG).
- The Project was about protecting and restoring the awa and the whole catchment.
- It was imperative to monitor the mauri of the awa and look after the wellbeing of everything that lived in it.
- The Project aimed to seek support and funding because it was currently being done on a volunteer basis.
- There was a need for paid roles in the Project such as a project coordinator, researchers, communications and administration support.
- A number of funding applications had been made to various government and business options; the outcome of the respective applications was pending.
- The health of the awa was important for the mokupuna and future generations so that they could reconnect culturally by learning traditional fishing techniques.

Discussion points raised

- BOPRC did the ecological monitoring; however, iwi should be involved in the co-development and management of the monitoring.
- Ngāti Tūwharetoa were undertaking monitoring on Lake Taupo and therefore would be a good resource to approach for knowledge and expertise.
- \$1.8 million funding grant had been set aside by Tauranga City Council (TCC) as a funding pool for community projects.
- Building capabilities and capacity of iwi to manage their resources was important.
- It was important to have a united mandate between Tapuika Iwi Authority, Waitaha-a-Hei Iwi and the three territorial authorities (TCC/WBOPDC/BOPRC) when dealing with matters involving the awa.
- Tapuika Iwi Authority and the Resource Consent (RC 65637) mandated that the awa had to be protected and looked after so that it was there for the benefit of future generations.

3.2 Mr. Te Hira Roberts**Key points**

- Waiāri Kaitiaki Advisory Group was just an advisory group which did not give it mana or decision-making powers.
- Māori had been fighting for years for a voice when it came to their resources like the awa.
- The Treaty settlement process was hard-fought, and the advisory status of the Waiāri Kaitiaki Advisory Group was seen as an affront to the mana of the awa as well as the settlement process.
- Free water supply to the iwi needed to be considered; everyone else in Tauranga had been considered but the wishes of the iwi had not been.

COMMITTEE RESOLUTION WA2/21/2

Moved: Ms Darlene Dinsdale

Seconded: Mr Jo'el Komene

That the Waiāri Kaitiaki Advisory Group:

Receives the presentations from Mr. Dean Flavell (Chairman of Te Maru O Kaituna River Authority) and Ms. Elva Conroy, and Mr. Te Hira Roberts .

CARRIED

Attachments

- 1 Presentation - Dean Flavell and Elva Conroy

4 ACCEPTANCE OF LATE ITEMS

Nil

5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN

Nil

6 CHANGE TO ORDER OF BUSINESS

Nil

7 CONFIRMATION OF MINUTES

7.1 Minutes of the Waiāri Kaitiaki Advisory Group meeting held on 10 March 2021

COMMITTEE RESOLUTION WA2/21/3

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the minutes of the Waiāri Kaitiaki Advisory Group meeting held on 10 March 2021 be confirmed as a true and correct record.

CARRIED

8 DECLARATION OF CONFLICTS OF INTEREST

Nil

9 BUSINESS

9.1 Updated Terms of Reference and Co-Chairing option for the Waiari Kaitiaki Advisory Group

Staff Coral Hair, Manager: Democracy Services
Carlo Ellis, Manager: Strategic Māori Engagement

Key points

- Two workshops had been completed and feedback, suggestions, critiques, and comments received were taken into consideration when drafting the Terms of Reference and co-chairing options.
- Some issues were addressed in the draft documents; however, the central concern relating to the decision-making powers of WKAG was not and the advisory nature of the WKAG remained in place.
- There had been agreement for the format of co-chairing: one co-chair from the consent holders (TCC/WBOPDC) and one from iwi/hapū as set out in the position outline on pages 29-32 of the agenda.
- Accessibility of the agenda and minutes, livestreaming as well as holding marae meetings were outcomes of the workshop and were being actioned by staff.

In response to questions

- The Waiāri Kaitiaki Advisory Group was set up under the resource consent which stipulated it was advisory in nature rather than a decision-making body.
- Changing the status of WKAG to a decision-making committee would need to be a political decision of the consent holders.
- The BOPRC indicated they would consider a change to the consent conditions if that was requested by the consent holders.

Discussion points raised

- Tapuika Iwi Authority and Waitaha-a-Hei Iwi believed that they did not have mana within WKAG because it was only an advisory entity; it felt like an affront to the Deed of Recognition and Deed of Settlement.
- Consent holders needed to be proactive in their approach to make sure that Tangata Whenua's value, mana and protection of the awa was taken seriously.
- Using resource consent conditions not to honour the tenets of the Treaty of Waitangi which called for co-governance and equal partnership could be perceived as hiding behind policies.
- A holistic conversation on the future governance of the Waiāri needed to occur.
- Te Maru O Kaituna River Authority's terms of reference and co-governance approach were well articulated, and could be used as a model to base the future governance arrangements for the Waiāri Stream.
- It was considered important to include mechanisms under which the WKAG could refer matters or issues to Te Maru O Kaituna River Authority.
- Timely dissemination of reports and documentation was important so that iwi/hapū representatives could go back to their community and whanau to consult and seek feedback.
- The WKAG had decided to vote on the report's recommendations in parts; voting on (a) (g) and (h) and to let recommendations (b) through to (f) lie on the table pending further discussions and consultation.

COMMITTEE RESOLUTION WA2/21/3

Moved: Ms Darlene Dinsdale

Seconded: Commissioner Bill Wasley

That the Waiāri Kaitiaki Advisory Group:

- (a) Receives the report "Updated Terms of Reference and Co-Chairing option for the Waiāri Kaitiaki Advisory Group".
- (g) Agrees to the agendas and minutes of the Waiāri Kaitiaki Advisory Group being publicly available.
- (h) Agrees to livestream or record meetings and make these recordings publicly available as soon as practical following a meeting.

CARRIED

COMMITTEE RESOLUTION WA2/21/4

Moved: Mr Whareoteriri Rahiri

Seconded: Mr Jo'el Komene

That the Waiāri Kaitiaki Advisory Group:

- Supports that the three Councils (TCC/WBOPDC/BOPRC) enter into discussions with Tapuika Iwi Authority and Te Kapu o Waitaha regarding the status of the respective relationships in regards to the Treaty settlements.
- Requests an update report on progress in the next Waiāri Kaitiaki Advisory Group meeting.

CARRIED

9.2 Waiari Water Supply Scheme: Project Update

A copy of the presentation and tabled item for this report can be viewed on Tauranga City Council's website in the Minutes Attachments document for this committee meeting.

Staff Richard Conning, Senior Project Manager: Waters
External Keren Bennett, Ecology Manager: 4Sight Consulting

Key points

- The Waiāri Kaitiaki Advisory Group was advised that a wrong attachment had been included in the report which was subsequently published in the agenda; the correct attachment was tabled, and a copy would be uploaded the Tauranga City Council website.
- There had been discussions with Dr. Kepa Morgan regarding the potential of implementing an interactive mauri model which would be publicly accessible and would provide live indicator updates and data of the four dimensions (Community (Social), Ecosystem (Environmental), Hapū (Cultural) and Whanau (Economic)).
- Mokopuna Tia me Hei were planning to undertake a workshop on 26 June 2021 to facilitate discussions on the mauri model development.
- Stream monitoring was completed on 23 February 2021 and Keren Bennett from 4Sight Consulting presented on the findings.
- Biological monitoring of macroinvertebrate communities, fish, aquatic plants and basic water quality of the Waiāri Stream was a condition requirement of the resource consent.
- There was a good diversity of native flora and fauna recorded; noting that the upper and lower stream habitats were distinctly different and required different monitoring techniques and analysis.
- Seven years of baseline sampling results showed variations, some of which could be attributed to weather conditions, and a storm event had affected the baseline results.

In response to questions

- There had been no sighting of native eel in the Waiāri; all samples were generally the more common longfin eels.
- Horticulture, spraying runoff, as well as land use intensification for housing and dairy farming had an adverse impact on the awa and subsequently on the monitoring results.
- National Institute of Water and Atmospheric Research (NIWA) had a monitoring station just above the intake site and flow data was collected from there.

Discussion points raised

- BOPRC would provide information about water bores on residential properties as well as a timeline of bore-hole consents dating back from 1991.
- Ecological monitoring should involve children and students where possible to nurture understanding and respect for the natural environment and the awa, in order to educate on the cultural significance of these to Tangata Whenua.

COMMITTEE RESOLUTION WA2/21/5

Moved: Ms Darlene Dinsdale
Seconded: Commissioner Shadrach Rolleston

That the Waiāri Kaitiaki Advisory Group:

- (a) Receives the Waiāri Water Supply Scheme: Project Update report.

CARRIED

Attachments

- 1 Tabled Item - Correct attachment for report 9.2
- 2 Presentation - 4Sight

Staff Action

- Staff to work with Mr Dean Flavell, Ms. Elva Conroy, and Ms. Keren Bennett to find synergies between Pataka Kai Project and 4Sight Consulting ecological monitoring.

9.3 Tapuika Iwi Authority Report

A copy of the tabled item for this report can be viewed on Tauranga City Council's website in the Minutes Attachments document for this committee meeting.

Representative Jo'el Komene.

Key points

- The report was taken as read.

In response to questions

- It was clarified that a review of remuneration for Tangata Whenua representatives had been completed and adopted in February 2021; a copy of the policy was tabled.
- The payment fee was the same for workshops as it was for meetings.

Discussion points raised

- Tapuika Iwi Authority represented all registered Tapuika iwi members but not those who were not registered and encouraged unregistered iwi members to register.
- A robust conversation took place about the water intake and who would be covered under the request for free water supply.
- A water bank option should be considered and explored as an alternative option.

COMMITTEE RESOLUTION WA2/21/6

Moved: Mr Jo'el Komene

Seconded: Mr Whareoteriri Rahiri

That the Waiāri Kaitiaki Advisory Group:

- (a) Receives the Tapuika Iwi Authority Report.
- (b) Staff to provide a report including cost implications or otherwise in the next Waiāri Kaitiaki Advisory Group meeting regarding Tapuika Iwi Authority receiving a percentage of the WBOP and TCC Waiāri water take RC 65637 to service registered Tapuika Authority iwi members and Ngā Uri o Tapuika in WBOP and TCC regions including the Tawakepito marae, Makahae marae, Ngati Moko, Ngati Marukukere and Ngati Kuri.

CARRIED

Attachments

- 1 Tabled Item - Tangata Whenua Remuneration Policy

10 DISCUSSION OF LATE ITEMS

COMMITTEE RESOLUTION WA2/21/7

Moved: Ms Darlene Dinsdale

Seconded: Commissioner Shadrach Rolleston

That the Waiāri Kaitiaki Advisory Group:

Accepts the change of date for the September Waiāri Kaitiaki Advisory Group meeting from 1 September to 15 September 2021, and a new meeting is added to be held 24 November 2021 at Ngati Moko marae.

CARRIED

11 CLOSING KARAKIA

Mr. Paruhiterangi O'Callaghan closed the meeting with a Karakia.

The meeting closed at 1.25pm.

The minutes of this meeting were confirmed as a true and correct record at the Waiāri Kaitiaki Advisory Group meeting held on 15 September 2021.

.....
CHAIRPERSON

8 DECLARATION OF CONFLICTS OF INTEREST

9 BUSINESS

9.1 Updated Terms of Reference and Co-Chairing Option for the Waiari Kaitiaki Advisory Group

File Number: A12796169

Author: Coral Hair, Manager: Democracy Services
Carlo Ellis, Manager: Strategic Maori Engagement

Authoriser: Susan Jamieson, General Manager: People & Engagement

PURPOSE OF THE REPORT

1. This report sets out an updated Terms of Reference and recommends a Co-Chairing arrangement for the Waiāri Kaitiaki Advisory Group to consider.

RECOMMENDATIONS

That the Waiāri Kaitiaki Advisory Group:

- (a) Receives the report “Updated Terms of Reference and Co-Chairing option for the Waiāri Kaitiaki Advisory Group”.
- (b) Agrees to a Co-Chairing arrangement for the Waiāri Kaitiaki Advisory Group.
- (c) Considers how the Co-Chairs are to be selected (either elected or appointed) and include this in the Terms of Reference and position description for the Co-Chairs.
- (d) Adopts the updated Terms of Reference for the Waiāri Kaitiaki Advisory Group as set out in Attachment 1, subject to amendments on how Co-Chairs are to be selected.
- (e) Recommends to the consent holders (Tauranga City Council and Western Bay of Plenty District Council) that the updated Terms of Reference for the Waiāri Kaitiaki Advisory Group be approved.
- (f) Adopts the position description for the Co-Chairs as set out in Attachment 2, subject to any amendments on how the Co-Chairs are to be selected.
- (g) Notes that a holistic conversation on the future governance of the Waiāri Stream will be commenced.

BACKGROUND

2. The Waiāri Kaitiaki Advisory Group (WKAG) considered a similar report at its meeting on 9 June 2021. The WKAG decided to vote on the report’s recommendations in parts; voting on (a) (g) and (h) and to let recommendations (b) through to (f) lie on the table pending further discussions and consultation. The WKAG resolved:
 - (a) *Receives the report “Updated Terms of Reference and Co-Chairing option for the Waiāri Kaitiaki Advisory Group”.*
 - (g) *Agrees to the agendas and minutes of the Waiāri Kaitiaki Advisory Group being publicly available.*
 - (h) *Agrees to livestream or record meetings and make these recordings publicly available as soon as practical following a meeting.*
3. Tapuika Iwi Authority and Waitaha-a-Hei Iwi expressed concern at the meeting that the WKAG was only an advisory group and did not replicate the co-governance model of Te Maru o Kaituna River Authority. It was requested that a holistic conversation on the future

governance of the Waiāri be undertaken and as a result of that discussion the following resolutions were passed:

That the Waiāri Kaitiaki Advisory Group:

- *Supports that the three Councils (TCC/WBOPDC/BOPRC) enter into discussions with Tapuika Iwi Authority and Te Kapu o Waitaha regarding the status of the respective relationships in regards to the Treaty settlements.*
 - *Requests an update report on progress in the next Waiāri Kaitiaki Advisory Group meeting.*
4. The WKAG considered a report on Governance Options at its meeting held on 10 March 2021. This report advised that there was a vacancy in the position of Chairperson of WKAG with the appointment of Commissioners Shad Rolleston and Bill Wasley in place of the four Councillors and set out options to replace the Chairperson including a co-chairing arrangement. It was agreed that the report would lie on the table and be considered at the June meeting, after the matters had been considered at a workshop.
 5. Two workshops were held on 20 April and 26 May 2021.
 6. There was agreement at the workshops on the need to update the Terms of Reference and the changes proposed at these workshops, as well as amendments from the meeting on 9 June 2021, are set out in Attachment 1 for the WKAG to consider and adopt.
 7. There was also agreement at the workshops on appointing Co-Chairpersons, with one chair to represent the consent holders and one chair to represent iwi/hapū representatives.
 8. A draft position description for the Co-Chairs is set out in Attachment 2. It does not include how the Co-Chairs are to be selected and this matter will need to be decided. The report provides some options for the WKAG to consider.
 9. The resource consent states that the consent holders must form the WKAG and is not specific after that in terms of who approves the Terms of Reference. However, for clarity and to ensure buy in from the consent holders, it is recommended that the WKAG seek approval from the Tauranga City Council and the Western Bay of Plenty District Council for the revised Terms of Reference.

STRATEGIC / STATUTORY CONTEXT

10. The WKAG is informal in nature and is not established as a committee, subcommittee or other subordinate decision-making body of Council under clause 30 (1) of Schedule 7 of the Local Government Act 2002 (LGA) and does not have any delegated decision-making powers.
11. This means that the WKAG is not constrained by the legislation relating to chairing meetings (the LGA does not provide for co-chairs), standing orders or other requirements around meetings such as public agendas and notifying meetings.

OPTIONS ANALYSIS

TERMS OF REFERENCE

12. An updated Terms of Reference (TOR) is set out in Attachment 1. The main changes include:
 - (a) establish Co-Chairs and include a Co-Chair selection process.
 - (b) provide for iwi alternate representatives.
 - (c) alternate meeting venues between marae and council venues where possible.
 - (d) alternate meetings between week and weekend days where possible.
 - (e) decision-making by consensus where possible. Co-Chair who is chairing the meeting to have a casting vote where there is an equal number of votes.

- (f) add a Whakataukī.
 - (g) add a Background section.
 - (h) update Role and Scope sections.
 - (i) amend reporting requirements – WKAG will report to all entities who are members of the group.
 - (j) provide advice and recommendations to the consent holders on the future governance model of the Waiāri Stream.
 - (k) provide recommendations to Te Maru o Kaituna River Authority where required.
 - (l) updated BOPRC staff titles.
13. The WKAG has the option of adopting the TOR, with or without changes, at this meeting.
14. The WKAG also has the option to defer the decision, hold another workshop on the matter and bring back an amended TOR to the next meeting. This option would be needed if there were substantial changes and further discussion required.

CO-CHAIRS SELECTION PROCESS

15. The draft position description for the Co-Chairs recommends that the Co-Chairs would be appointed or elected every three years in alignment with the local government election cycle. This will take place as soon as is reasonably practical following local government elections. However, given the current vacancy in the Chairperson position, the Co-Chairs can be appointed or elected at this time, if the WKAG decides.

OPTION 1 – ELECTION OF CO-CHAIRS

16. The WKAG has the option to elect the Co-Chairs. This option would require nominations to be put forward at a meeting of the WKAG for one representative from the consent holders (Tauranga City Council and Western Bay District Council) and one representative from iwi/hapū representatives.
17. If more than one nomination for each Co-Chair position is received, the WKAG would vote on each position. This would be open voting by a show of hands. The person who received the most votes would be elected to the position.
18. The advantages of this option are that all the members would have an opportunity to vote for both Co-Chairs and the decision rests with the WKAG. It would also be a quicker option.
19. The disadvantage of this option is that the consent holders and iwi/hapū may not have their preferred candidate elected and it may not be appropriate for representatives from the consent holders to vote on iwi/hapū representatives and vice-versa.

OPTION 2 – APPOINTMENT OF CO-CHAIRS – RECOMMENDED OPTION

20. The WKAG has the option to appoint Co-Chairs from the various membership groups.
21. In this option the Co-Chair representing the consent holders will be appointed by the Tauranga City Council and Western Bay District Councils. A report would go to both councils recommending a preferred appointee and would need to be resolved by both councils.
22. The Co-Chair representing iwi/hapū will be appointed by the iwi/hapū representatives. The method of deciding on this would be a matter for the iwi/hapū representatives to determine.
23. The advantages of this option are that the consent holders and iwi/hapū have the ability to appoint the representative that they choose. Autonomy would lie with the respective parties on the WKAG.
24. The disadvantages of this option are that there is no public scrutiny of the process for choosing representatives and it is a slower process than Option 1.

OPTION 3 - APPOINT CHAIRPERSON

25. The WKAG has the option to not appoint Co-Chairs and to replace the vacancy in the Chairperson position with one person.
26. This option would retain the Deputy Chair as there is no vacancy in this position.
27. The advantage of this option is that it retains the status quo.
28. The disadvantage of this option is that it does not align with the feedback from the workshops and would require the draft TOR to be changed.

MEETING VENUES AND PUBLICLY AVAILABLE INFORMATION

29. Tapuika Iwi Authority asked that all future WKAG meetings are held on marae with some meetings to be held during a weekend day.
30. This was discussed at the workshops and it was agreed to alternate meetings between councils and marae and between week and weekend days, where possible. This is reflected in the draft TOR.
31. The WKAG resolved on 9 June 2021 to make agendas publicly available and to livestream or record meetings and make these recordings publicly available as soon as practical following a meeting.

REPORTING OF WKAG

32. The current TOR state that the WKAG reports to the TCC/WBOPDC Joint Governance Committee and, if this joint committee is not in place, the WKAG would report to the individual councils. The Joint Committee has not been established after the October 2019 elections.
33. The draft TOR state that the WKAG will report to the entities of all members of the WKAG. Any specific recommendations to consent holders or the Bay of Plenty Regional Council would go through to those councils for consideration.

FINANCIAL CONSIDERATIONS

34. There are no financial implications of these decisions.

LEGAL IMPLICATIONS / RISKS

35. There are no legal implications of these decisions.

SIGNIFICANCE

36. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.
37. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
 - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
 - (b) any persons who are likely to be particularly affected by, or interested in, the governance of WKAG.
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.

38. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of low significance.

ENGAGEMENT

39. Taking into consideration the above assessment, that the decision is of low significance, officers are of the opinion that no further engagement is required prior to WKAG making a decision.

Click here to view the [TCC Significance and Engagement Policy](#)

NEXT STEPS

40. TOR approved by consent holders (TCC and WBOPDC).
41. Co-Chairs to be appointed or elected.
42. WKAG meetings to alternate between council venues and marae and between week and weekend days, be livestreamed or recorded.
43. WKAG reporting to all entities of members of the WKAG.

ATTACHMENTS

1. **Draft Terms of Reference Waiari Kaitiaki Advisory Group - A12567519** [↓](#) 
2. **Position Description for Co-Chairs for Waiari Kaitiaki Advisory Group - A12567517** [↓](#) 

Terms of reference - Waiāri Kaitiaki Advisory Group

Membership

Co-chairs	Two members to be appointed/elected as Co-chairs. One Co-chair to be a consent holder representative and one Co-chair to be an iwi/hapū representative.
Tauranga City Council representatives (2)	Commissioner Shadrach Rolleston Commissioner Bill Wasley
Western Bay of Plenty District Council representatives (2)	Mayor Garry Webber Deputy Mayor John Scrimgeour
Iwi/ hapū representatives (4)	Jo'el Komene - Tapuika Iwi Authority Maru Tapsell – Te Kapu o Waitaha Darlene Dinsdale - Mokopuna o Tia me Hei Manu Pene - Ngāti Whakaue ki Maketu (Te Hononga)
Iwi/hapū representatives (alternates)	Tapuika Iwi Authority Te Kapu o Waitaha Mokopuna o Tia me Hei Ngāti Whakaue ki Maketu (Te Hononga)
Bay of Plenty Regional Council representative (non-voting)	Consents Manager
Quorum	One representative from each member entity, including one of the Co-chairs. The Bay of Plenty Regional Council representative is not counted towards quorum.
Decision making	By consensus where possible. If consensus cannot be reached, by majority vote. If there is an equal number of votes, the Co-chair who is chairing the meeting has a casting vote.
Meeting frequency	Four times a year or as required by the group. Meetings to alternate between week and weekend days if possible.
Meeting venue	To alternate between marae and council venues; or as appropriate to a meeting agenda and agreed by the Co-chairs.

Advisory staff

Tauranga City Council

Chief Executive
General Manager: Infrastructure
Director: City Waters
Manager: Water Services
Manager: Water Infrastructure Outcomes
Manager: Strategic Māori Engagement

Western Bay of Plenty District Council

Chief Executive
Group Manager: Engineering
Utilities Manager

Bay of Plenty Regional Council

Compliance Officer with responsibility for Resource Consent #65637

Ko te wai te ora o ngā mea katoa

Background

- The Waiāri Kaitiaki Advisory Group (WKAG) was established by consent conditions to provide advice to Tauranga City Council (TCC) and Western Bay of Plenty District Council (WBOPDC) as the joint consent holders in relation to matters covered under Resource Consent #65637, which authorises the take and use of water from the Waiāri Stream for municipal supply.
- Resource Consent #65637 was granted in 2010; since then there has been significant consolidation of iwi interests in the region.
- Waitaha (2011) and Tapuika (2012) have signed historic Treaty Settlements and Ngāti Whakaue are still in negotiations.
- Tauranga City Council has active protocol agreements with Waitaha, Tapuika and Ngāti Whakaue ki Maketu including addendums that set out items and areas of significance to each entity.
- The treaty settlements, protocols, addendums and any subsequent plans submitted by Waitaha, Tapuika and Ngāti Whakaue ki Maketu shall be considered as background and context to the operations of the WKAG.
- Te Maru o Kaituna River Authority was established by the Tapuika Claims Settlement Act 2014 for the purpose of restoration, protection and enhancement of the environmental, cultural and spiritual health and wellbeing of the geographical area of the Kaituna River Catchment. It is a permanent joint committee under the Local Government Act 2002 and co-governance partnership between local authorities and iwi that share an interest in the Kaituna River. Recommendations will be made to Te Maru o Kaituna River Authority where required.

Role

- To exercise kaitiakitanga in relation to the Waiāri Stream to restore, protect and enhance the awa.
- To provide advice and recommendations to Tauranga City Council and Western Bay of Plenty District Council, as the joint consent holders, in relation to matters covered under Resource Consent #65637 which authorises the taking of water from the Waiāri Stream for municipal supply.

Scope

- Provide advice and recommendations to the consent holders relating to projects, action or research designed to restore, protect or enhance the health and well-being of the Waiāri Stream.
- Consider the monitoring requirements and outcomes under conditions 7.1 and 7.2 of the consent. Discuss the results of other monitoring undertaken by the group, which may include monitoring the adverse effects on environmental, heritage, cultural, economic and recreational aspects.
- Determine the actions to be taken in response to monitoring reports and make recommendations to the consent holders as appropriate.
- Provide advice and make recommendations to the consent holders and the Bay of Plenty Regional Council in relation to Part 2 and, in particular, to sections 6(e) and 7(a) of the Resource Management Act 1991, as they relate to this consent.
- Inform the Bay of Plenty Regional Council of the effects of the water take authorised under the consent on the mauri and mauriora of the Waiāri Stream.
- Review and provide feedback to Tauranga City Council and Western Bay of Plenty District Council on the Water Conservation Strategy required to be submitted as a condition of the consent.
- Discuss any other relevant matters that may be agreed by the group.
- Work together with the Kaitiaki Group established under Resource Consent RM16-0204-DC.04; which authorises the Western Bay of Plenty District Council to discharge treated wastewater from the Te Puke Wastewater Treatment Plant to the Waiāri Stream.
- Provide advice and recommendations to the consent holders on the future governance model of the Waiāri Stream.
- Provide recommendations to Te Maru o Kaituna River Authority where required.

Reporting

The Waiāri Kaitiaki Advisory Group will report to its member entities key discussion points, outcomes and actions following each formal meeting of the Advisory Group.

Co-chair selection process

- Co-chairs will be elected/appointed (delete one) every three years in alignment with the local government election cycle. The election will take place as soon as is reasonably practical following local government elections.
- The Co-chair representing the consent holder will be appointed by the Tauranga City Council and Western Bay District Councils OR elected by majority vote by the WKAG at its first meeting (delete one).
- The Co-chair representing iwi/hapū will be appointed by the iwi/hapū representatives OR elected by majority vote by the WKAG at its first meeting (delete one).

***NB:** Resource consent condition 10.2 defines the membership of the Waiāri Kaitiaki Advisory Group.*

Resource consent condition 10.7 notes that the Waiāri Kaitiaki Advisory Group shall cease if all members of the group agree the group is to be disbanded. In such case Tauranga City Council and Western Bay of Plenty District Council (as consent holders)¹ shall give written notice of this to the Chief Executive of the Bay of Plenty Regional Council.

Advice notes from Resource Consent #65637 include:

¹ Insertion made for clarity

(10) *The Kaitiaki Advisory Group may make recommendations to the Regional Council to review conditions of this consent in accordance with condition 11 and s128 of the Resource Management Act 1991.*

For the avoidance of doubt, the Advisory Group is informal in nature and is NOT established as a committee, subcommittee or other subordinate decision-making bodies of Council under clause 30(1) of Schedule 7 of the Local Government Act 2002 and does not have any delegated decision-making powers.

DRAFT

Position outline: Co-Chairpersons

Waiāri Kaitiaki Advisory Group

Title	Co-Chairpersons
Committee	Waiāri Kaitiaki Advisory Group
Date	31/05/2021

Position purpose

The Co-Chairpersons (Co-chairs) of the Waiāri Kaitiaki Advisory Group (WKAG) have a governance role to ensure that the WKAG meets regularly and undertakes its role to monitor and provide advice to Tauranga City Council and Western Bay of Plenty District Council, as the joint consent holders of Resource Consent #65637 to extract water from the Waiāri Stream for municipal supply.

The Co-chairs will oversee and co-ordinate all activities of the WKAG within their specific terms of reference and delegated authority, providing guidance and direction to all members and liaising with Council staff in setting the content and priorities of meeting agendas.

The Co-chairs will be accountable for ensuring that any recommendations from the WKAG are considered by the Tauranga City Council, Western Bay of Plenty District Council and Bay of Plenty Regional Council respectively.

One Co-chair will be appointed from the consent holders' representatives on WKAG and one Co-chair will be appointed from the iwi/hapū representatives on the WKAG as set out in the terms of reference for the WKAG.

This position description will cover both co-chairs. Note: only one co-chair will chair each meeting. The rotation of meeting chairs is at the discretion of the co-chairs and subject to their availability; however, it would be expected that the co-chairs alternate chairing meetings when possible.

The term of appointment will be from June 2021 to October 2022. The expiry of the term coincides with the October 2022 local government elections which may result in different representatives from both councils being appointed to the WKAG.

The role has full voting rights and where there is an equal number of votes, the co-chair who is chairing the meeting also has a casting vote.

Competencies

Competencies	Description
Te Tiriti o Waitangi	<ul style="list-style-type: none"> Understanding of, or a commitment to develop capability, with respect to Te Tiriti o Waitangi. A commitment to demonstrating strong relationships as intended by Te Tiriti o Waitangi.
Te Ao Māori	<ul style="list-style-type: none"> Actively encourages feedback into discussion that highlights and explains Māori values and concepts that can enhance decision making processes. Ensures that those aspects that may not usually be considered well or with strong understanding are given reasonable time and resource to be well considered. Takes into consideration the views and interests of the iwi and hapū members appointed to the WKAG. Has an understanding of tikanga.
Governance Experience	<p>General Requirements</p> <ul style="list-style-type: none"> Understands local government's obligations in relation to water and is familiar with the resource consent conditions relating to Waiāri. <p>Specific Requirements</p> <ul style="list-style-type: none"> Board or governance experience. Understands and respects the differing roles of the Commission, Mayor and Councillors, Bay of Plenty Regional Council and iwi/hapū representatives; and any other appointees to the WKAG. Recognises that the Co-chair role does not extend to operational matters or to the management of any implementation. Develops and maintains a working knowledge of the Waiāri water project. Understands the context of the three waters reform process in local government. Familiar with and complies with the statutory requirements of a member including appropriate recordkeeping in accordance with the Public Records Act 2005 and the Local Government Official Information and Meetings Act 1987. Ability to chair a meeting in an effective and efficient manner.
Leadership and Strategic Experience	<ul style="list-style-type: none"> Strategic and/or leadership experience. Committed to promoting the profile and effectiveness of the WKAG. Transparent and upfront approach.

Personal Attributes

Personal Attributes	Description
Mana (status) and integrity	<ul style="list-style-type: none"> Has the status to manage meetings on marae as well as in Council Chambers. High organisational ethics, accepts collective responsibility, respects confidentiality. Identifies, is aware of and declares any potential personal conflicts of interest, whether of a pecuniary or non-pecuniary nature.
Communication	<ul style="list-style-type: none"> Listens actively and accurately, encourages input from others, debates in reasoned and calm way. Ability to communicate complex and technical information appropriate to the audience.
Decision Making	<ul style="list-style-type: none"> Fosters consensus-based decision making. Broad perspective - both short and long term. Fully considers all options.
Teamwork/ Collaboration	<ul style="list-style-type: none"> Actively participates in and facilitates team effectiveness of the WKAG. Works productively and openly with colleagues. A proactive approach to advising members of matters that require further attention. Supports the decision of the WKAG to others outside of the WKAG.
Leadership	<ul style="list-style-type: none"> Proven skills and willingness to apply leadership in a governance context. Skilled at coordinating and summarising viewpoints of meeting attendees. Facilitating style of chairmanship that enables quality participation and outcomes. Solutions and outcomes focused. Objective leadership capabilities and skilled in guiding discussion towards shared and mutually beneficial outcomes. Inclusive chairmanship to ensure voices are heard objectively.

Co-Chair Tasks

Co-Chair tasks	Description
	<ul style="list-style-type: none"> Chair meeting. Provide advice on courses of action to progress the WKAG in its deliberations and outcomes. Ensure requests are resolved by the WKAG and actioned in a timely manner.

Co-Chair tasks	Description
	<ul style="list-style-type: none">• Liaise with Council staff in setting the content and priorities of meeting agendas and attend pre-agenda meetings.• Ensure appropriate communication occurs with WKAG members and other appropriate groups/partners.

9.2 Waiari Water Supply Scheme: Project Update

File Number: A12723887

Author: Richard Conning, Senior Project Manager: Waters

Authoriser: Nic Johansson, General Manager: Infrastructure

PURPOSE OF THE REPORT

1. To provide a project update

RECOMMENDATIONS

That the Waiāri Kaitiaki Advisory Group:

- (a) Receives the Waiāri Water Supply Scheme: Project Update report.

BACKGROUND

2. The Waiāri Water Supply Scheme provides for the treatment and reticulation (pipeline construction) of up to 60,000m³ fresh water for the growing Western Bay of Plenty. The project has approximately 18 months until completion. The resource consent for the water take is shared between Tauranga City Council (75%) and WBOPDC (25%).
3. The physical works to complete the scheme is delivered via six different construction contracts being three pipeline contracts, a filtration membrane contract, an intake and pump station contract and a treatment plant construction contract.
4. There are several other professional services contracts that form part of the scheme delivery including design and consenting, cost management, construction observation and software development.

TAPUIKA WATER SUPPLY REPORT

5. At the 9th June WKAG meeting the following resolution was passed:
Staff to provide a report including cost implications or otherwise in the next WKAG meeting regarding Tapuika Iwi Authority receiving a percentage of the WBOP and TCC Waiāri water take RC 65637 to service registered Tapuika Authority iwi members and nga uri o Tapuika in WBOP and TCC regions including the Tawakepito marae, Makahae marae, Ngati Moko, Ngati Marukukere and Ngati Kuri.
6. Subsequently draft objectives and a broad scope for the report were developed and circulated to the WKAG representatives for comment (Attachment 1). Waitaha responded with a request to be included in the scope of the report. The tangata whenua representatives of the WKAG discussed the scope of the report at their regular catch up hui on the 24th June and formed a view that the scope should be expanded to include Waitaha and Ngāti Whakauē ki Maketū uri and marae. This potential scope change was advised to the WKAG representatives on the 12th July, refer Attachment 2. It is the authors understanding that one of the tangata whenua representatives will bring a formal request to alter the scope of the report to this meeting.
7. The original scope has been progressed in the interim with initial engagement with Tapuika undertaken on the 14th July to discuss the work underway and to agree the next steps.
8. A hui with the Tapuika representatives of the identified marae was held on the 19th August. The purpose of the hui was to explore with the marae representatives how water is used currently, what water supply options would be meet iwi/hapū needs and what development plans iwi/hapū have that may affect their needs into the future. A verbal update on the

outcome of this hui will be provided as the timing falls outside the drafting period for this update.

9. Following this initial phase of engagement, a refined scope, budget and road map for the delivery of a comprehensive report will be developed for agreement.

PATAKA KAI

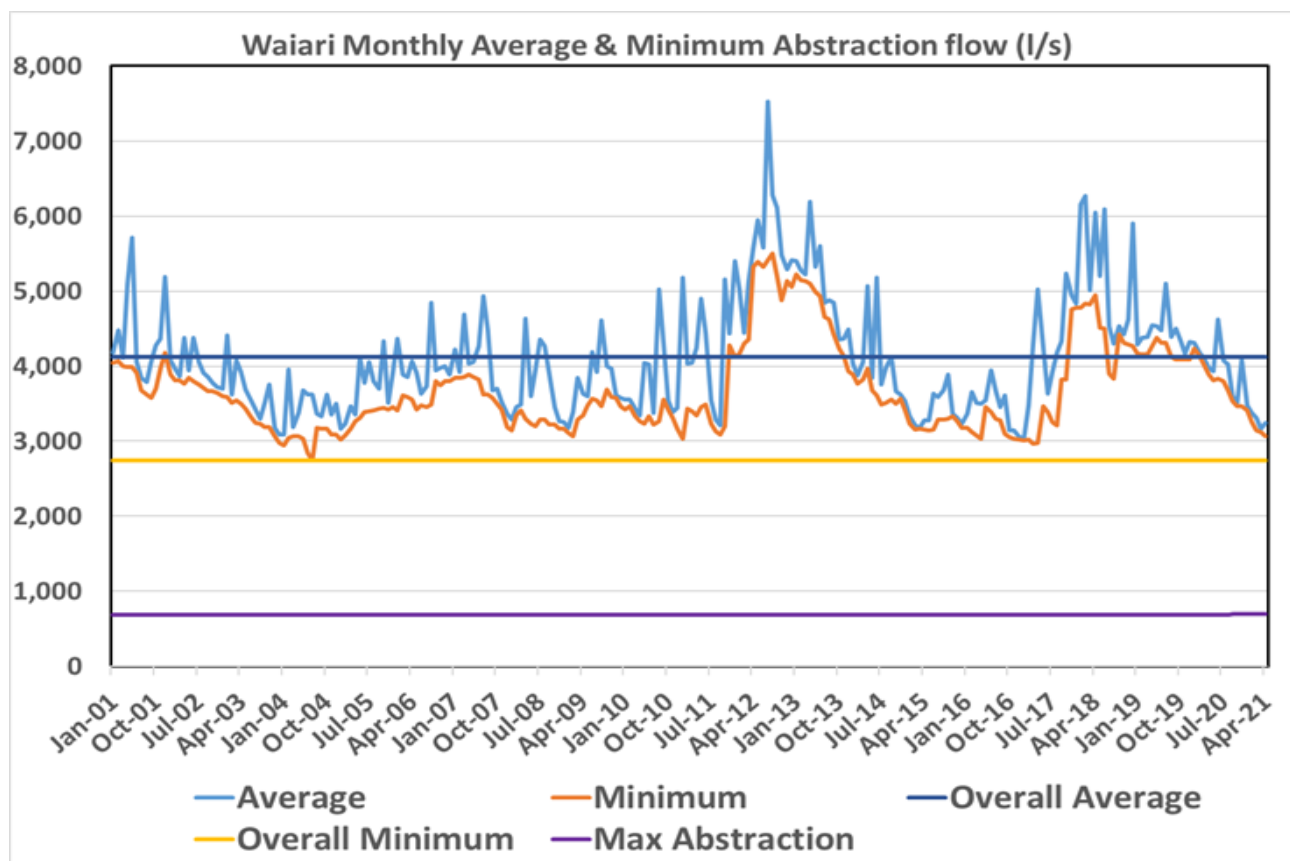
10. Staff have undertaken discussions with Te Maru o Kaituna River Authority (TMOkRA) Chair Dean Flavell and Action Plan author Elva Conroy, regarding potential links between the Waiāri environmental monitoring and the TMOkRA Pataka Kai project. The monitoring proposed for Pataka Kai has the potential to link in with the mauri model and how the indicators are monitored, as well as the regular Waiāri ecological monitoring. Discussions will continue and further feedback will be sought from WKAG members as options develop.

WTP SITE VISIT

11. A site tour of the water treatment plant site for the WKAG is proposed to be held on the 24th November to align with the WKAG meeting at Moko marae that day. Confirmation from the WKAG representatives that this is an opportunity they wish to take up is requested. If so the WKAG meeting time will need to be adjusted to provide for the site tour to take place 9.45am -11am. This timeframe aligns with the scheduled 10am break time at the construction site which all site tours must align with.

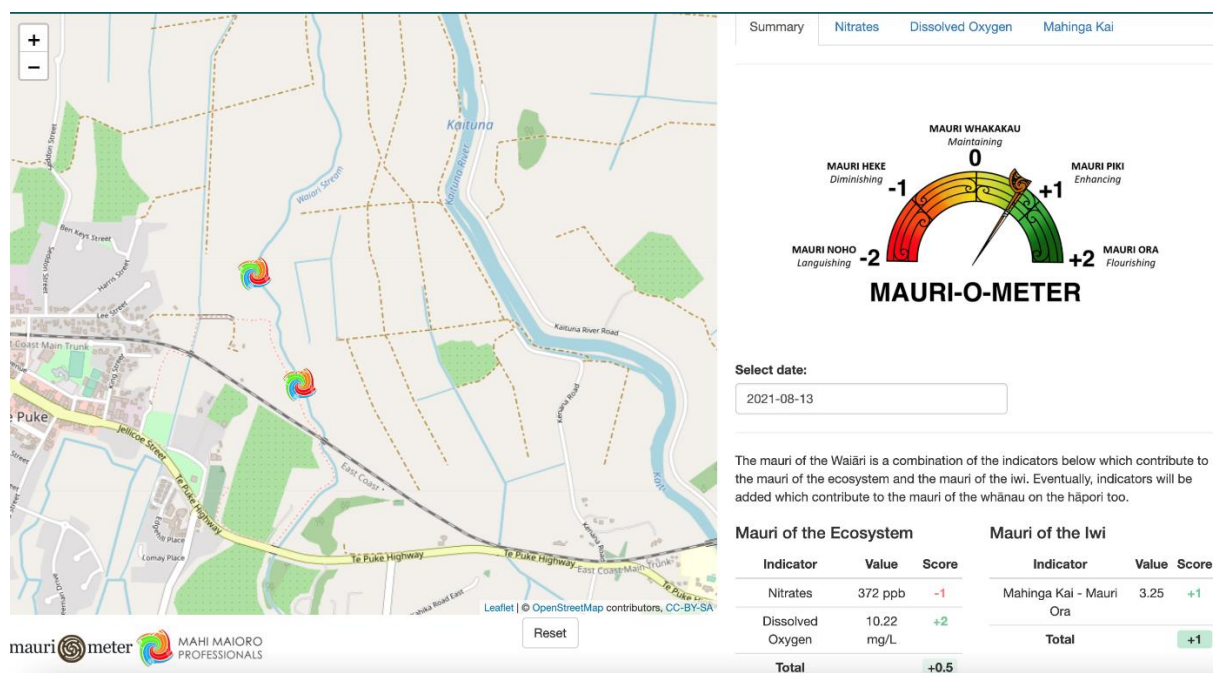
WAIĀRI STREAM FLOW DATA

12. The Waiāri stream flows, as provided by NIWA, are shown in the graph below for the period January 2001 to April 2021. The maximum flows have been omitted from the graph to allow better definition of the monthly average and minimum flows.
13. It is noted that the short-medium term NIWA forecast, heading into summer 21/22, is for dry and warm conditions to prevail. Regional Council have highlighted this to be of concern as the region is still experiencing lowish flow conditions in several parts of the Bay of Plenty.



MAURI MODEL

14. Mahi Maoro are currently working on a mock-up design to capture three readings on the Waiāri (intake site, treatment site and upriver). Data will be required however as a placeholder, Mahi Maoro will utilise existing data from elsewhere until available, see example image below.



15. Mahi Maoro are also working on another live capture data concept, utilising these three areas as well as areas where iwi could go to capture info. This involves utilising personal smart phones locating a key aspect of the river with a Q-code, which records, and monitors information uploaded to a site that can be stored. This idea is in development stage; the technology exists overseas. This concept requires further development and discussion to determine if it could be adopted.
16. A date for a mauri model workshop with TCC, WBOPDC and BOPDC elected member representatives and executive leadership is being explored, it is anticipated the workshop will occur prior to the 24th November WKAG hui. The purpose of the workshop will be to share the functionality developed to date, gather responses to the indicator sets and thresholds, gather feedback on the proposed graphic user interface.

COMMUNITY ENAGEMENT UPDATES

17. Planting Day

This was postponed from July to 4 September due to boggy ground and poor weather conditions. The planting is currently underway over several hectares around the water treatment plant. Plant species for the project were chosen at a series of workshops with tangata whenua in 2018 with an approved list being included in the project's resource consent. The planting list includes:

- species that provide food and habitat for local fauna: rimu, mahoe, kaikomako, rautahi, pukio, wiwi, koromiko, ngaio and puriri
- species with rongoa properties: akeake, manuka, North Island kowhai, koromiko, harakeke, wineberry

18. Regular updates to a stakeholder list of over 700 continue to be emailed every four weeks.

19. Te Kahui Ako

We are at the early stages of working with Te Kahui Ako in regard to the local curriculum in the area. This could include the history and significance of the river, surroundings and also

the science around water. We are open to ideas and feedback and would welcome your feedback in this process.

CONSTRUCTION PROJECT UPDATES



Recent photo of the water treatment plant construction site

Consent Compliance: Physical works

20. We have had an independent compliance auditor engaged since the commencement of works to ensure all sites maintain compliance with the resource consent conditions for physical works. Where issues or concerns are identified they are notified to the contractor, MSQA team and TCC project manager for action. No compliance issues have been identified this reporting period.
21. BOPRC undertake regular compliance checks across all the work sites. To date no non-compliance notices have been issued.

Intake and Pump Station contract

22. The precast panels that make up the pump station building are currently being installed. Works to remove all the sheet piles in the stream bank are planned to be complete by September 2021, the sheet piles have been removed from the eastern bank of the stream.
23. Construction of the intake and pump station is expected to be completed by May 2022

Water Treatment Plant contract

24. Works are well underway on the treatment plant facility; the buildings are beginning to take shape, the permanent stormwater management pond and reservoir are underway.
25. Over 360m³ of concrete was poured with over 55 tonnes of reinforcement steel to construct the water reservoir floor in early August. This was completed in one single pour and is now ready for construction of the reservoir walls.
26. The construction of the water treatment plant, reservoir and landscaping is expected to be completed by July 2022.

Filtration Membrane contract

27. This contract has been awarded and the membranes will be installed once the water treatment plant construction has progressed to the point of the membrane hall being constructed. Installation of the membranes will commence December 2021.

Pipelines

28. All of the pipelines are now installed. Final work to install valves and reinstate the work areas is being undertaken, all physical works are due to be complete by October 2021. The final works on No 1 Road will not affect access to the urupa.
29. Flushing of the pipelines will follow the physical works; planning is underway for this activity. Flushing requires a significant volume of water; the plan is to fill the pipeline as much as possible from the current TCC supply via the Poplar Lane reservoir and to then top up the pipeline from the WBOPDC Eastern Supply Zone (ESZ2) bore. Four flushing cycles are anticipated to be required; each cycle requires 1000m³ of water to be flushed out of the line. It is expected that the flushing process will take two weeks to complete.

Commissioning and testing

30. Once the construction contracts are complete there will be a period of commissioning and testing before potable water can be delivered to the community. It is expected that potable water will be delivered to the community from November 2022.

ATTACHMENTS

1. **Memorandum - WKAG Feedback on objectives and scope - A12638715** [!\[\]\(76c2771ae353d1baf2e1430c0660f472_img.jpg\)](#) [!\[\]\(4d24de6210533ecf6fe773704af36b2e_img.jpg\)](#)
2. **Memorandum - WKAG - Tapuika Water Supply Report - Scope change request - A12684119** [!\[\]\(4a6df4a87fb98fe96eb350470fedf96c_img.jpg\)](#) [!\[\]\(5255a819d4da362f2d57cedb7212ca6b_img.jpg\)](#)

Memorandum



To: Waiāri Kaitiaki Advisory Group members
CC: Gary Allis, Nic Johansson, Reuben Fraser
From: Richard Conning, Senior Project Manager: Waters
Date: 18 June 2021

Request for feedback on objectives and scope

Background

At the Waiāri Advisory Group hui held on the 9th June the following resolution was passed:

COMMITTEE RESOLUTION WA2/21/13

Moved: Mr Jo'el Komene

Seconded: Mr Whareoteriri Rahiri

That the Waiāri Kaitiaki Advisory Group:

- (a) Receives the Tapuika Iwi Authority Report.
- (b) Staff to provide a report including cost implications or otherwise in the next WKAG meeting regarding Tapuika Iwi Authority receiving a percentage of the WBOP and TCC Waiāri water take RC 65637 to service registered Tapuika Authority iwi members and nga uri o Tapuika in WBOP and TCC regions including the Tawakepito marae, Makahae marae, Ngati Moko, Ngati Marukukere and Ngati Kuri.

CARRIED

Actions

TCC staff have developed the following objectives and scope based on the resolution and discussion on the day.

Objectives:

- To reach agreement to reserve a portion of the Waiari consent for registered Tapuika Iwi Authority members and the identified marae use.
- To agree the mechanism to deliver the water supply to these parties.

Scope:

- To clarify the quantum, timing, type and location of water use and agree Levels of Service.
- The information will inform high level design and costs.
- Adopt a co-design and iterative approach

The scope is necessarily broad at this point to provide for a co-design approach to be implemented.

Feedback Required

Feedback is required from the Waiāri Advisory Group to confirm objectives meet the expectations of the members or otherwise. It is important the objectives of the report are aligned to the expectations of the members to ensure the project progresses in a timely and efficient manner.

It is anticipated the scope will be refined through a collaborative process with Tapuika Iwi Authority. Feedback to confirm the scope, or otherwise, as it stands is requested.

Next Steps

The next steps to progress this project are set out below:

- Confirm objectives and scope
- Arrange technical resources required to deliver the project
- Initial engagement with Tapuika Iwi Authority
- Develop a project timeline
- Deliver a progress report to next WKAG setting out a road map for the project

Timeframe for feedback

Please provide feedback by close of business 25th June 2021.

Memorandum



To: Waiāri Kaitiaki Advisory Group members
CC: Gary Allis, Nic Johansson, Reuben Fraser
From: Richard Conning, Senior Project Manager: Waters
Date: 12 July 2021

Scope change request

Update

Subsequent to the memorandum dated 18 June 2021 (Attachment 1) seeking confirmation of the objectives and scope for the water allocation report Waitaha responded on the 23rd June (Attachment 2) with a request to expand the scope of the report to include nga uri o Waitaha and all Waitaha marae.

The tangata whenua representatives of the Waiāri Kaitiaki Advisory Group met on the 24th June, a key topic of the hui was the Waitaha request. The tangata whenua representatives reached a collective agreement that the scope should be expanded to include nga uri and marae of Waitaha and Ngāti Whakauē ki Maketū.

A proposed revision to the original resolution was provided to the author by Jo'el Komene on the 1st of July as follows:

(b) Staff to provide a report including cost implications or otherwise in the next WKAG meeting regarding Tapuika Iwi Authority receiving a percentage of the WBOP and TCC Waiāri water take RC 65637 to service ngā uri o Tapuika, Waitaha and Ngāti Whakauē ki Maketū via the following marae and urupā -

Tapuika:

Tawakepito Marae, Makahae Marae, Ngati Moko Marae, Ngati Marukukere Marae, Ngati Kuri Marae and Tūhourangi Marae.

Waitaha:

Hei Marae

Haraki Marae

Ngāti Whakauē ki Maketū:

Ngāti Whakauē Marae

Approval of scope change

Advice has been sought from TCC's Democracy Services on how to address the proposed scope change and revised resolution, the advice is that the revised resolution must be considered at a formal Waiāri Kaitiaki Advisory Group meeting. A report in relation to the

revised resolution will be brought to the 15th September Waiāri Kaitiaki Advisory Group meeting for consideration.

Next Steps

The technical and liaison services required to progress the report have been arranged, the original resolution will be progressed based on the objectives that have been socialised. A progress report will be provided at the 15th September Waiāri Kaitiaki Advisory Group meeting.

Attachments

1. Memorandum - WKAG Feedback on objectives and scope
2. Waitaha response to objectives and scope memorandum - Waiari Kaitiaki Advisory Group

9.3 Bay of Plenty Regional Council Report

External: Reuben Fraser, Consents Manager

ATTACHMENTS

1. BOPRC Report - Waiari Stream Catchment Report August 2021 - A12816014 [↓](#) 

Bay of Plenty Regional Council

Report From: Reuben Fraser, Consents Manager, Bay of Plenty Regional Council

Date: 25 August 2021

The Chairperson and Members

Meeting of Waiari Kaitiaki Advisory Group

1 Introduction

The following report provides a brief summary of the known data on the water quality, ecology, stream flow, and on resource use relevant to the Waiari Stream catchment. More detailed information, such as the full baseline monitoring reports, has been provided to the Waiari Kaitiaki Advisory Group previously, including the ecological monitoring report presented by 4Sight earlier this year.

The stream catchment is approximately 75 km² with the upper reaches in forestry, then pastoral farming generally with vegetated stream margins and the lower catchment predominantly in kiwifruit orchards. The Waiari Stream receives treated wastewater from Te Puke and is a consented water source for the municipal supply of water. The municipal water take has not yet been established however, monitoring has been undertaken over several years as part of the application for consent and the consent conditions. The stream has a stopbank for flood control purposes from approximately 3.8km upstream of the confluence with the Kaituna River down to the confluence. The stream water has excellent clarity during fine weather conditions and macroinvertebrate monitoring shows a very gradual declining trend.

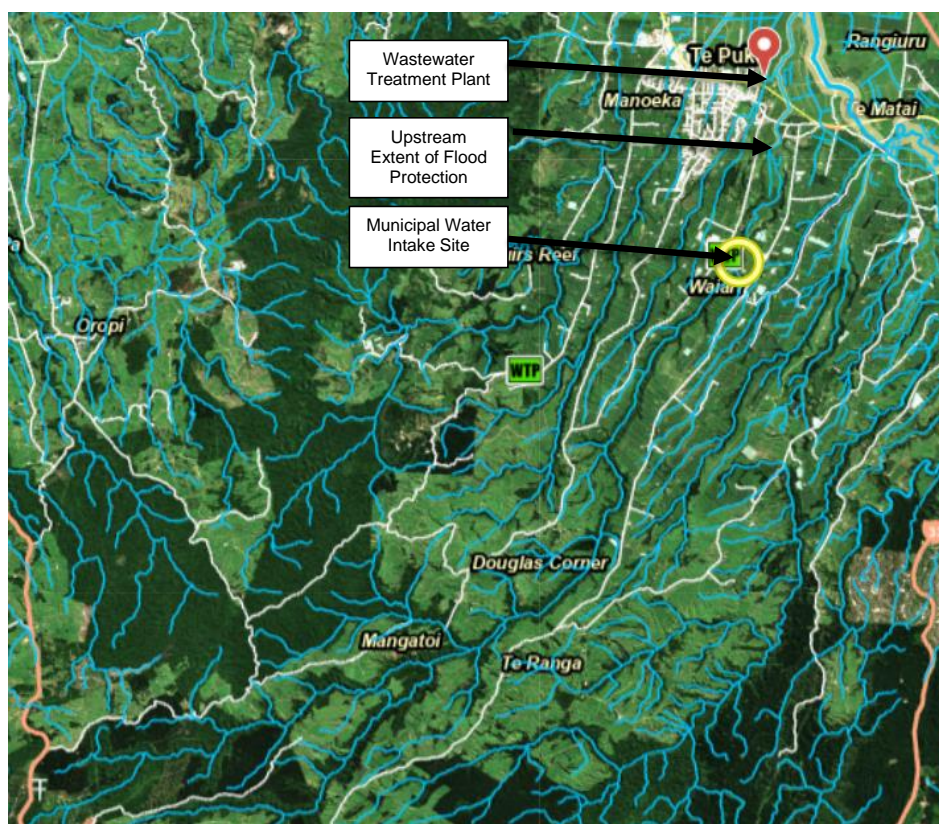


Figure 1 – Waiari Stream catchment features

2 Water Quality

Water quality sampling in 2017¹ at four sites on the Waiari Stream showed dissolved oxygen consistent with Attribute Band A². The sampling sites are above and below the proposed water intake point for the municipal take and above and below the Te Puke wastewater treatment plant. pH at all four sites was above 7 and below 8 and turbidity was very low.

E. coli counts at the discharge from the wastewater treatment plant, prior to the artificial wetland, have been consistently low.

3 Ecological Values

In the NIWA 2002 report the Waiari Stream is described as:

The lower Waiari Stream has exceptionally high water clarity, even below the Te Puke sewage treatment plant discharge, and has high biodiversity for a lowland stream in a pastoral catchment. The aquatic plants are dominated by the relatively benign

¹ Spyksma And Bennett, 4Sight (2017) Waiari Water Treatment Plant: Waiari Stream Baseline Monitoring Report 2017 (objective ref: A2595913)

² National Policy Statement for Freshwater Management Attribute Bands provide classification for rivers based on dissolved oxygen results ranging from A being no stress caused by low dissolved oxygen to D being significant, persistent stress on a range of organisms

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oxygen weed Elodea canadensis, which occupies only the margins of the stream. This species provides good habitat for a wide range of aquatic life.³

The conditions of consent for the TCC municipal supply require three years of baseline monitoring of the stream prior to abstraction starting. This resulted in baseline monitoring and reporting in 2010, 2011, 2012, 2017⁴, 2019 and 2020. A technical audit of the 2017 baseline monitoring provides an overall summary of the findings for the reports that pre-date 2018.

Suren (May 2017) Technical Audit of Waiari Stream Baseline Monitoring Report (Objective ref: A2749577):

The results of their report clearly showed large differences in the invertebrate communities at the two sites in the upper Waiari (above and below the proposed water take), and the lower Waiari (above and below the Te Puke wastewater treatment plant (WWTP) discharge). Communities at the lower site were generally indicative of lower ecological condition than the upper site. These results were similar to those found previously by Bioresearchers in their surveys in 2010 - 2012. The Spyksma and Bennett report also highlighted differences in invertebrate community composition in sites above and below the Te Puke WWTP, with an increase in the relative abundance of true flies at the lower site, and a decrease in the relative abundance of snails.

There were also differences in the fish community composition at the upper and lower sites. For example, more Inanga were found at the sites near Te Puke, most likely reflecting the fact that the site is closer to the coast and therefore more likely to have high numbers of Inanga, which normally do not penetrate far inland. Sites in the upper Waiari contained high numbers of redfin bully, whereas sites near Te Puke supported high numbers of unidentified bullies. It is likely that these unidentified bullies may have been small redfin bullies, which were slowly migrating upstream.

The report also highlighted large differences in the aquatic plants communities between the two locations, with macrophytes such as Elodea covering a large amount of the stream bed at the sites near Te Puke, while aquatic plants at the upper sites were dominated by filamentous green algae.

A search of the New Zealand Freshwater Fish Database (NZFFD) revealed 20 separate records for the Waiari Stream, collected between 1980 and 2011, and included the previous baseline monitoring programme carried out between 2010 and 2011. The records from the 2012 monitoring were not included in the NZFFD but have been incorporated into the findings presented in this report (Table 4). Common bully and longfin eel were the most commonly recorded species (13 records for each), while redfin bully (12 records), inanga (11 records) and shortfin eel (10 records) were also common. The NZFFD also revealed five records for rainbow trout (Onchorhynchus mykiss). Rainbow trout have been observed near the WTP intake site on previous survey occasions (Bioresearches, 2012; Geoff Mutton, pers. comm.) but were not observed during the 2017 survey.

³ Ray, Collier, Wells, Bowman NIWA (2002) Proposed abstraction from Waiari Stream: potential effects on stream ecology, prepared for Tauranga City Council (Objective ref: A229829)

⁴ Spyksma And Bennett 4Sight (2017) Waiari Water Treatment Plant: Waiari Stream Baseline Monitoring Report 2017 (objective ref: A2595913)

Macroinvertebrates

Macroinvertebrate sampling has been undertaken as part of the baseline reports referenced above. Applying the results of that sampling to the Attribute Table for Macroinvertebrates of the National Policy Statement for Freshwater Management 2020, gives the following results.

Site	Attribute band ⁵		
	Feb 2017	Feb 2019	Feb 2020
1	B to C	C to D	C and D
2	C to D	C to D	C and D
3	D	B	D
4	D	C and A	D

Table 1 – Macroinvertebrate attribute bands from baseline monitoring data⁶

Regional Council's own sampling data for macroinvertebrates at the state highway bridge suggests a very gradual decline in macroinvertebrate ecological health indicators.

Fish

From the 2017 baseline monitoring report is the following summary of fish observed in the stream.

A total of seven native fish species were recorded within the Waiari Stream during the 2017 survey (Table 3). At Sites 1 and 2 five native fish species were observed including;

- *longfin eel (Anguilla dieffenbachii),*
- *inanga (Galaxias maculatus),*
- *giant kokopu (G. argenteus),*
- *redfin bully (Gobiomorphus huttoni) and*
- *common smelt (Retropinna retropinna).*
- *A few very small, juvenile bullies (species unidentified) were also recorded, and were likely to be redfin bully.*

Longfin eel, inanga, redfin bully and common bully (Gobiomorphus cotidianus) were also recorded at Sites 3 and 4, upstream and downstream of the WWTP respectively. Large numbers of inanga were also observed schooling along the edges of the macrophyte beds at both sites. Two very small elver or juvenile eels (Anguilla sp.), were captured, while a mullet (likely a grey mullet, Mugil cephalus) was observed darting away from the area at Site 4.

The Fish QIBI for all sites was indicative of 'excellent' habitat quality or connectivity for fish migrations at all sites.⁷

From the various reports, the total number of fish observed during the baseline monitoring is shown in the table below.

⁵ Attribute bands are graded from A being indicative of pristine conditions, B being indicative of mild organic pollution or nutrient enrichment, C being indicative of moderate organic pollution or nutrient enrichment and D being severe organic pollution or nutrient enrichment below the national bottom line. Table 14 of the NPS-FM

⁶ The attribute band data needs to be interpreted by an experienced ecologist as many different factors can affect the score, such as the naturally sandy bottom of the stream.

⁷ Spyksma And Bennett 4Sight (2017) Waiari Water Treatment Plant: Waiari Stream Baseline Monitoring Report 2017 (objective ref: A2595913)

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	Total Number of Fish					
	2010	2011	2012	2017	2019	2020
Site 1	10	14	8	10	11	10
Site 2	10	11	5	21	13	88
Site 3	128+	18+	16+	28+	44+	62+
Site 4	53+	29	8+	20+	153+	40+

Table 2 – Total fish observed during baseline monitoring

Macrophytes

Information on macrophytes is collected during the baseline monitoring. The following graph is taken from the Waiari Water Treatment Plant: Waiari Stream Monitoring Report 2020 and shows the composition and cover of macrophytes in the stream at the four monitoring sites. Sites 1 and 2 are upstream of the wastewater treatment plant and sites 3 and 4 are downstream of the treatment plant.

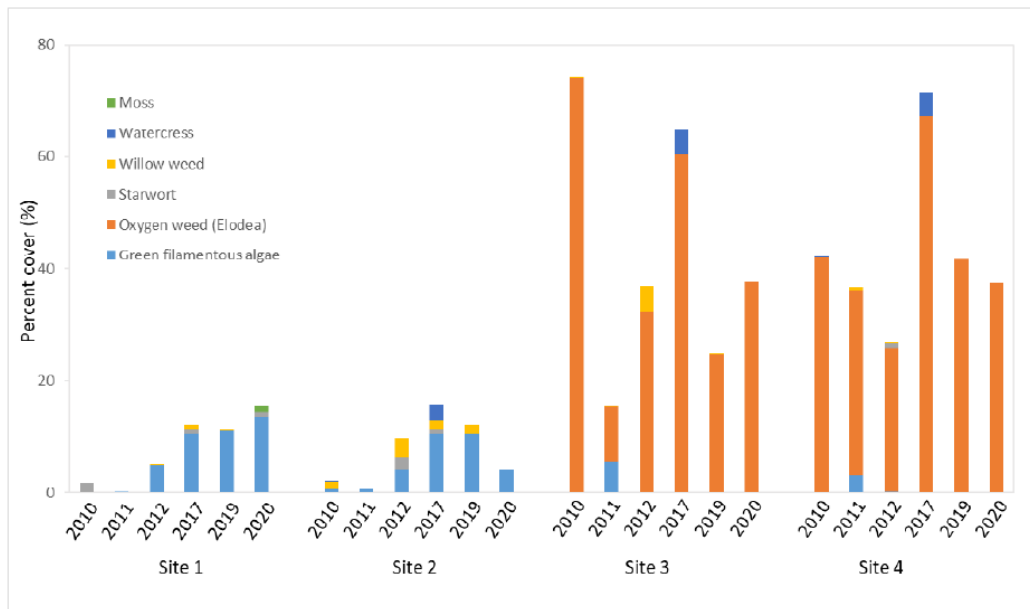


Figure 2 – Macrophyte community composition and percent stream cover, Bennett and Dudley (2020) Waiari Water Treatment Plant: Waiari Stream Monitoring Report

4 Stream Flow

Flow data on the Waiari Stream is collected by NIWA on behalf of TCC at five-minute intervals via an automated flow meter located opposite the proposed TCC intake site. The summers of 2020 and 2021 were particularly dry and yet the stream flow was sustained above 3,000 L/s during this period. The resource consent application for the municipal take included stream flow data and the instream Q_5 7 day low flow was estimated at 3,140 L/s. An assessment of the instream ecological effects was undertaken which was used to derive

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an Instream Minimum Flow Requirement (IMFR)⁸. The IMFR was determined to be 1,100 L/s, providing for up to 2,040 L/s to be allocated for use. The consent holder is required to give notice to the Kaitiaki Advisory Group if the stream flow reduces to 2,800 L/s.

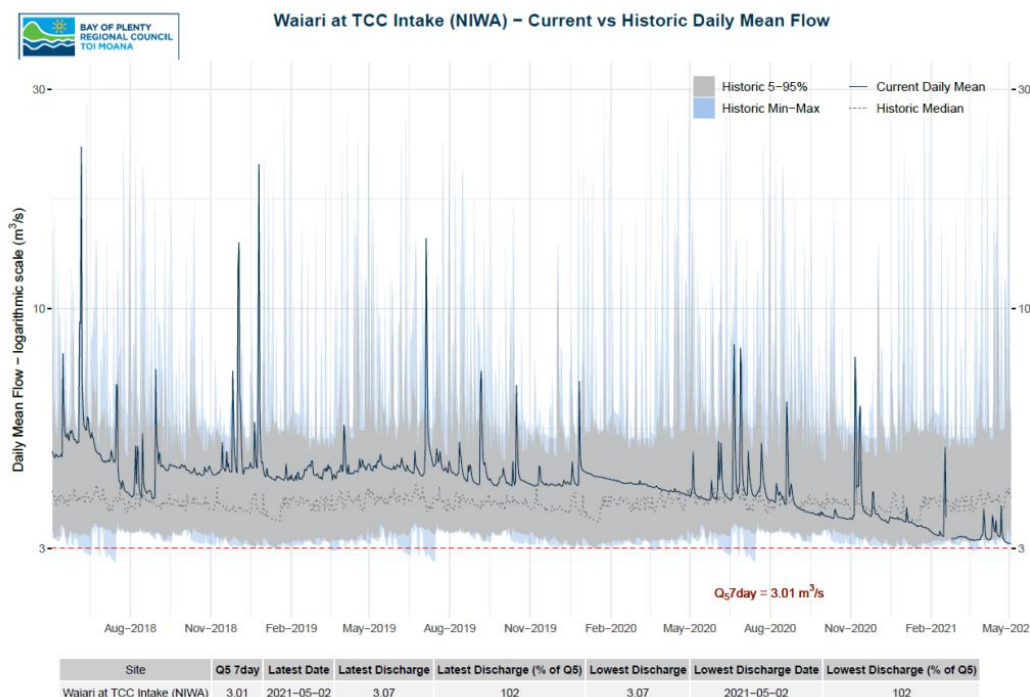


Figure 3 – Stream Flow May 2018 – May 2021

5 Te Puke Wastewater Treatment Plant

The Te Puke wastewater treatment plant is located near the Waiari Stream. The treatment plant consists of the following, with eventual discharge through seeps to the stream:

- Rotary inlet screen;
- Activated Sludge Aeration Tanks;
- Primary and Secondary Clarifiers;
- An equalisation structure (splitter box);
- Digester and centrifuge;
- Brush Clarifier;
- Ultraviolet (UV) disinfection;
- Subsurface artificial wetland; and
- Riparian Wetland

The consent for the wastewater treatment plant discharge will expire in April 2054 and conditions require additional riparian planting, water quality standards and monitoring, a reduction in total nitrogen discharged by May 2025, instream monitoring, an ecological monitoring plan, investigation into alternative disposal options and provision of an associated report by the end of 2023, and establishment of a Kaitiaki Group with regular meetings (Obj ref: A3241420).

⁸ Jowett (2008) Effect of water abstraction on the Waiari Stream (Objective ref: A229847)

6 Resource Consents to Take Water from Waiari Stream

With the addition of the municipal take, the Waiari Stream is now fully allocated. All consents for taking water from the Waiari Stream are shown in the following table. Metering is required under national regulations for all water takes that have an instantaneous rate of take of 5 L/s or more. Approvals granted prior to the Resource Management Act 1991 will expire in October 2026.

Consent Holder	Consent #	Purpose	Litres / second	Monitoring	Expiry Date
TCC/WBOPDC	65637	Municipal and dust suppression	694.00	Telemetry required	2044
Lothlorien Trust and Hawkey FT	20678	Irrigation	8.53	Telemetered	1 Oct 2026
Williamson	21480	Irrigation	1.62		1 Oct 2026
Sukha Orchards	67791	Irrigation and frost protection	14.00	metered	31 Mar 2024
Reid and Smith	20333	Irrigation	3.18		1 Oct 2026
Pencam	20433	Irrigation and frost protection	2.65		1 Oct 2026
Williamson	20501	Irrigation	0.79		1 Oct 2026
Persey	21459	Irrigation and frost protection	7.50	Metered	1 Oct 2026
Te Matai Water Scheme	21685	Scheme supply for orchard irrigation, domestic and stock water	40.00	Telemetered	1 Oct 2026

7 Groundwater

Groundwater availability in the Bay of Plenty is currently based on a mass water balance calculated by GNS Science, Te Pū Ao. This approach means that the groundwater volume required to maintain base flow in rivers and streams is protected and not available for allocation.

The catchment for the stream does not translate directly to the underlying groundwater zones. Within the stream catchment area there is the deeper Wai3 groundwater zone and the shallower Lower Kaituna Hills and Lower Kaituna Plains groundwater zones. All three groundwater zones are considered to either be near full allocation or over-allocated. The municipal take for Western Bay of Plenty District Council (RM21-0054 for 5,361,120 m³/year) is from the Wai3 Ignimbrite groundwater zone and accounts for approximately 87% of the consented allocation. Actual water use is currently significantly less than the consented allocation.

The existing allocation framework is an interim and conservative system which is expected to be replaced with a different framework. A plan change is due to be notified in 2024 to

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give effect to the National Policy Statement for Freshwater Management 2020. As part of the plan change process the Regional Council has commissioned additional work on groundwater resources and have started engaging with Iwi and Hapū. The Regional Council is soon to establish Nga Kaitohutohu, a Te Ao Maori-RMA technical group with members from across the region with skills in both Te Ao Maori and resource management planning. More information on the plan change process can be found on our Essential Freshwater webpage <https://www.boprc.govt.nz/our-projects/essential-freshwater>.

Applications for groundwater takes are required to assess the effects of the activity against the allocation, neighbouring bores, surface water, cultural values and the risk of saltwater intrusion. New applications to take water from an over-allocated groundwater zone are likely to be publicly notified.

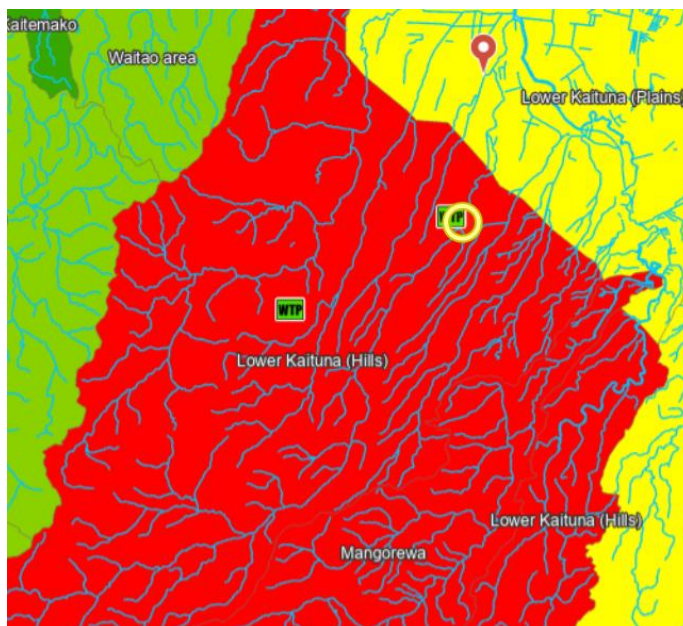


Figure 4 – Upper Groundwater Allocation Zones (red is over-allocated, yellow is nearing full allocation)

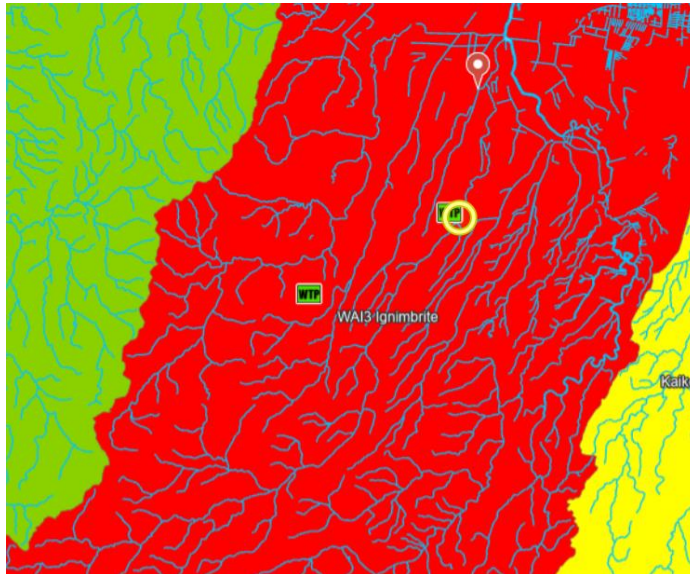


Figure 5 – Lower Groundwater Allocation Zones

8 Bores and Unconsented Takes

Drilling of new bores is a controlled activity under the Regional Natural Resources Plan (RNRP), which means that consent must be granted. Taking water from a bore is a permitted activity under the RNRP if the daily volume is no more than 35m³/day. Similarly, taking up to 15m³/day of water from surface water is a permitted activity (other conditions apply also). Furthermore, the Resource Management Act 1991 (RMA) excludes takes for reasonable domestic and stock water purposes from needing resource consent.

Currently, permitted and excluded takes are not required to record their water use and so how much water is taken is not fully known. Modelling of the potential scale of permitted and excluded takes was undertaken in 2009 by GNS and a field assessment for the Lower Kaituna catchment was undertaken in 2013⁹. The field assessment found that there was a negligible amount of water taken from surface water and that bores were providing domestic and stock water where roof-collected rainwater was not in use. The field assessment concluded that for the total number of properties in the catchment, approximately 20% take groundwater under the RMA exclusions, 0.4% take surface water under the RMA exclusions, no groundwater was taken under the RNRP 35m³/day rule and 0.14% use surface water under the RNRP 15m³/day rule.

The Waiari Stream upper reaches are generally in plantation forestry with little demand for water. Immediately downstream of the forestry is farmland and orchards dominant the final portion of the catchment. The number of bores (and consents to take water) in the area generally increases with distance downstream. When compared to the wider Lower Kaituna catchment, the number of bores in the Waiari Stream catchment is low. Given the land use and relative abundance of bores, the amount of permitted and excluded takes may be lower in the Waiari Stream catchment than reported for the Lower Kaituna catchment.

⁹ Barber (2013) Lower Kaituna Permitted Takes Survey (Objective ref: A1849306)

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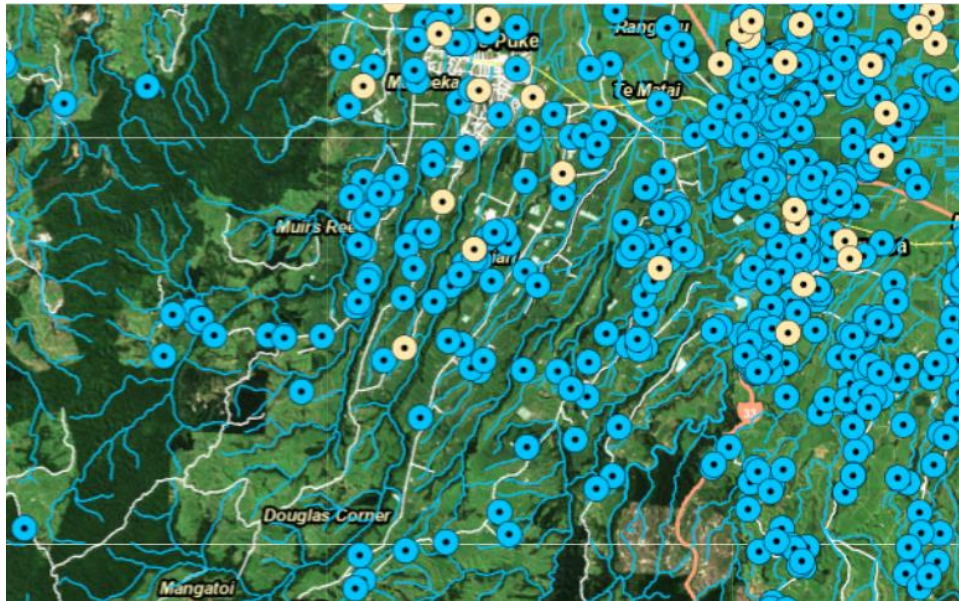


Figure 6 – Bores

9 The Resource Consent Process

Any applicants for consents to take water (either surface water or groundwater) are required to consider cultural effects, and are encouraged to engage directly with iwi and hapū with interests in specific areas. More information on the consent process can be found on the [Bay of Plenty Regional Council website](#).

Information on existing resource consents can also be found on [this website](#), along with associated documentation. Information about consents in process will be available shortly. Staff in the consents team are also available to discuss consents or applications, and can be contacted on consents.queries@boprc.govt.nz or on 0800 884 880.

10 DISCUSSION OF LATE ITEMS

11 CLOSING KARAKIA