

# Terms of reference - Waiāri Kaitiaki Advisory Group

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## Membership

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<b>Co-chairs</b>	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.
<b>Tauranga City Council representatives (2)</b>	Commissioner Shadrach Rolleston Commissioner Bill Wasley
<b>Western Bay of Plenty District Council representatives (2)</b>	Mayor Garry Webber Deputy Mayor John Scrimgeour
<b>Iwi/ hapū representatives (4)</b>	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)
<b>Iwi/hapū representatives (alternates)</b>	Tapuika Iwi Authority Te Kapu o Waitaha Mokopuna o Tia me Hei Ngāti Whakaue ki Maketu (Te Hononga)
<b>Bay of Plenty Regional Council representative (non-voting)</b>	Consents Manager
<b>Quorum</b>	One representative from each member entity, including one of the Co-chairs.  The Bay of Plenty Regional Council representative is not counted towards quorum.
<b>Decision making</b>	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.
<b>Meeting frequency</b>	Four times a year or as required by the group. Meetings to alternate between week and weekend days if possible.
<b>Meeting venue</b>	To alternate between marae and council venues; or as appropriate to a meeting agenda and agreed by the Co-chairs.

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## Advisory staff

<b>Tauranga City Council</b>	Chief Executive General Manager: Infrastructure Director: City Waters Manager: Water Services Manager: Water Infrastructure Outcomes Manager: Strategic Māori Engagement
<b>Western Bay of Plenty District Council</b>	Chief Executive Group Manager: Engineering Utilities Manager
<b>Bay of Plenty Regional Council</b>	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)<sup>1</sup> shall give written notice of this to the Chief Executive of the Bay of Plenty Regional Council.*

*Advice notes from Resource Consent #65637 include:*

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<sup>1</sup> 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.*

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