



# AGENDA

## **Wastewater Management Review Committee Meeting Wednesday, 10 November 2021**

**I hereby give notice that a Wastewater Management Review Committee Meeting will be held on:**

**Date: Wednesday, 10 November 2021**

**Time: 1pm**

**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](http://www.tauranga.govt.nz).*

**Marty Grenfell  
Chief Executive**



# Terms of reference – Wastewater Management Review Committee

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## Membership

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<b>Chairperson</b>	To be appointed
<b>Deputy chairperson</b>	To be appointed
<b>Members</b>	Commissioner Stephen Selwood Commissioner Bill Wasley Mr Whitiara McLeod - Ngāi Te Rangī Mr Des Heke - Ngāti Ranginui Ms Destiny Leaf (alternate member – Ngāti Ranginui) Vacant – Ngā Pōtiki
<b>Quorum</b>	5
<b>Meeting frequency</b>	A minimum of twice yearly

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The Committee previously had a membership of eight, four elected members from TCC and four iwi members. Currently the membership will be reduced to six, two Commissioners appointed to represent TCC and four who are appointed as representatives of the Ngāti Ranginui and Te Runanga o Ngāi Te Rangī Iwi Trust and two members as representatives of the Ngā Pōtiki Kaitiaki Resource Management Unit.

The quorum has been reduced from 5 to 4.

The Wastewater Management Review Committee is established as a committee of Council by the Mayor under section 41A of the Local Government Act 2002 and conditions imposed on Bay of Plenty Regional Council Coastal Permit # 62878.

## Role

- To ensure Wastewater operations are in accordance with the Wastewater Management Review Committee Management Plan.

## Scope

- (a) To receive reports on the operation of the Wastewater Scheme, including reports in relation to monitoring and permit compliance, and to make recommendations to the Permit Holder on the development of Tauranga City Council's policies in relation to wastewater management, treatment and disposal, particularly following the review of wastewater treatment in light of new technologies and standards addressed in the Monitoring, Upgrade and Technology Review Report required by Condition 20 of Coastal Permit N<sup>o</sup> 62878.
- (b) To make decisions about the application of the Environmental Mitigation and Enhancement Fund established in accordance with Condition 19 of Coastal Permit N<sup>o</sup> 62878.
- (c) To make recommendations to the Permit Holder as to physical measures and initiatives to address or compensate for actual or potential effects of the Tauranga City Wastewater Scheme (in the broadest environmental sense).
- (d) Without limiting the generality of function (c) above, to make recommendations to the Permit Holder as to the implementation of the works to be undertaken in accordance with Permit N<sup>o</sup> 62881, namely:

- (i) Decommissioning of the Te Maunga Sludge Pond and the future use of the pond.
- (ii) Conversion of the Te Maunga Oxidation Ponds to wetlands.
- (e) To make recommendations to the Permit Holder in relation to the independent consultant to be appointed to undertake the Monitoring, Upgrade and Technology Review Report required by Condition 20 of Coastal Permit N<sup>o</sup> 62878.
- (f) To make recommendations to the Permit Holder as to enhancing the involvement of tangata whenua in sampling, testing and monitoring.
- (g) Assessment of the scope and adequacy of sampling and monitoring.
- (h) Notification to appropriate parties of activities that may have adverse effects.
- (i) To receive, review and recommend action following receipt of wastewater reports.
- (j) To recommend the commissioning of reports and future Tauranga City Council actions on wastewater management, treatment and disposal issues and options, including:
  - (i) Development of alternatives to waterborne wastewater systems;
  - (ii) Options for further treatments;
  - (iii) Options for methods of disposal;
  - (iv) Monitoring effects on the environment.
- (k) To co-ordinate and oversee education of the community on wastewater management, treatment and disposal issues.
- (l) To identify and make recommendations to the Permit Holder as to sources of funding which may be available to supplement the Environmental Mitigation and Enhancement Fund established pursuant to Condition 19 of Coastal Permit N<sup>o</sup> 62878 hereof and to be applied for the purposes specified in that condition.
- (m) To make recommendations to the Permit Holder as to changes to conditions of these permits pursuant to section 127 of the Resource Management Act 1991, in light of the exercise of the Review Committee's functions, including reports received and information received as a result of monitoring, etc. or to avoid, remedy or mitigate actual or potential adverse effects associated with the operation of the Wastewater Scheme.
- (n) To foster robust relationships and dialogue between the Review Committee, the Permit Holder, the Western Bay of Plenty District Council and Bay of Plenty Regional Council in relation to wastewater management, treatment and disposal, particularly following the review of wastewater treatment in light of new technologies.
- (o) To make recommendations to Bay of Plenty Regional Council as to amendments to the conditions of these permits which could be implemented via a review under section 128 of the Act in accordance with Condition 22 of Coastal Permit N<sup>o</sup> 62878.
- (p) Prior to making any:
  - i) Decisions as to the allocation of the Environmental Mitigation and Enhancement Fund in accordance with Condition 18.3(b) of Coastal Permit N<sup>o</sup> 62878 hereof or,
  - (ii) Recommendations to the Permit Holder in relation to physical environmental mitigation or enhancement or mitigation works in accordance with Condition 18.3(c) of Coastal Permit N<sup>o</sup> 62878 hereof; -

the Review Committee will exercise its best endeavours to ascertain the existence of any persons or bodies who may have a particular interest or stake in the ecological health of the Tauranga Harbour (particularly the Upper Harbour/Rangataua Bay area) and to consult with those bodies or persons as to appropriate initiatives and measures to be so recommended (in accordance with Condition 18.3(b) of Coastal Permit N<sup>o</sup> 62878) or undertaken (in accordance with Condition 18.3(c) of Coastal Permit N<sup>o</sup> 62878). As a minimum, the Review Committee shall consult with

- Nga Potiki Kaitiaki Resource Management Unit hapu and iwi of Te Runanga o Ngaiterangi Iwi Trust, Ngati Ranginui and Ngati Pukenga and Te Arawa and their

respective hapu which hold kaitiaki status over the wider Tauranga Moana district, including any Working Group established by those hapu or iwi;

- Bay of Plenty Regional Council and the Western Bay of Plenty District Council in relation to issues which may affect those councils in accordance with their function under Condition 18.3(m) of Coastal Permit N<sup>o</sup> 62878 hereof.
- (q) Not later than one month following the first anniversary of the commencement of these permits and on each anniversary thereafter, the Wastewater Management Review Committee shall forward to the General Manager, Bay of Plenty Regional Council, a report on the exercise of its activities and functions, including where appropriate a report on the effectiveness of measures undertaken pursuant to the Environmental Mitigation and Enhancement Fund.
- (r) Not less than six months following the first anniversary of this permit and each fifth anniversary thereafter, the Wastewater Management Review Committee's annual report shall contain a review of its activities over the previous five-year period and recommendations for appropriate initiatives over the next five-year period, including any recommendations for changes to conditions of these permits which may be considered necessary or desirable. This report shall be available at least three months prior to the date on which Bay of Plenty Regional Council is entitled to review the conditions of these permits in accordance with Condition 22 of Coastal Permit N<sup>o</sup> 62878 hereof.
- (s) A copy of this report shall also be provided to the Chief Executive, Tauranga City Council.
- (t) As set out in Condition 18.1.3 of Coastal Permit N<sup>o</sup> 62878, the Wastewater Management Review Committee Management Plan may be amended with the written approval of the Chief Executive of Bay of Plenty Regional Council or delegate.
- (u) Confirmation of Committee minutes.

Reports to Council and the Chief Executive of Bay of Plenty Regional Council.



## Order of Business

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<b>5</b>	<b>Confidential business to be transferred into the open.....</b>	<b>9</b>
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<b>7</b>	<b>Confirmation of Minutes.....</b>	<b>10</b>
7.1	Minutes of the Wastewater Management Review Committee meeting held on 4 November 2020.....	10
<b>8</b>	<b>Declaration of conflicts of interest .....</b>	<b>17</b>
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<b>10</b>	<b>Discussion of late items .....</b>	<b>75</b>
<b>11</b>	<b>Closing Karakia.....</b>	<b>75</b>





- 1 OPENING KARAKIA**
- 2 APOLOGIES**
- 3 PUBLIC FORUM**
- 4 ACCEPTANCE OF LATE ITEMS**
- 5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN**
- 6 CHANGE TO ORDER OF BUSINESS**

## **7 CONFIRMATION OF MINUTES**

### **7.1 Minutes of the Wastewater Management Review Committee meeting held on 4 November 2020**

**File Number:** A12506933

**Author:** Raj Naidu, Corporate Planner

**Authoriser:** Coral Hair, Manager: Democracy Services

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## **RECOMMENDATIONS**

That the Minutes of the Wastewater Management Review Committee meeting held on 4 November 2020 be confirmed as a true and correct record.

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## **ATTACHMENTS**

- 1. Minutes of the Wastewater Management Review Committee meeting held on 4 November 2020**



# **MINUTES**

## **Wastewater Management Review Committee Meeting**

**Wednesday, 4 November 2020**

**Order of Business**

<b>1</b>	<b>Apologies .....</b>	<b>3</b>
<b>2</b>	<b>Public Forum.....</b>	<b>3</b>
<b>3</b>	<b>Acceptance of Late Items.....</b>	<b>3</b>
<b>4</b>	<b>Confidential Business to be Transferred into the Open.....</b>	<b>3</b>
<b>5</b>	<b>Change to Order of Business.....</b>	<b>4</b>
<b>6</b>	<b>Confirmation of Minutes.....</b>	<b>4</b>
6.1	Minutes of the Wastewater Management Review Committee meeting held on 26 August 2020 .....	4
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<b>8</b>	<b>Chairperson’s Verbal Update.....</b>	<b>4</b>
<b>9</b>	<b>Business.....</b>	<b>4</b>
9.1	Appointment of Environmental Mitigation and Enhancement Fund Independent Panel.....	4
<b>10</b>	<b>Discussion of Late Items.....</b>	<b>5</b>

**MINUTES OF TAURANGA CITY COUNCIL  
WASTEWATER MANAGEMENT REVIEW COMMITTEE MEETING  
HELD AT THE TAURANGA CITY COUNCIL, COUNCIL CHAMBERS, 91 WILLOW STREET,  
TAURANGA  
ON WEDNESDAY, 4 NOVEMBER 2020 AT 1PM**

**PRESENT:** Cr Kelvin Clout (Chairperson), Cr Heidi Hughes, Mr Carlton Bidios, Mr Whitiora McLeod and Cr Steve Morris.

**IN ATTENDANCE:** Mr Antoine Coffin, Ms Jessica Newlands (Senior Regulatory Project Officer – Three Waters & OSET Projects - Bay of Plenty Regional Council), Radleigh Cairns (Environmental Programme Leader), Coral Hair (Manager: Democracy Services), Jane Groves (Stormwater Programme Leader), Wally Potts (Team Leader: Drainage Services), Stephen Burton (Director of City Waters), Robyn Garrett (Team Leader: Committee Support) and Raj Naidu (Committee Advisor).

**Note:** The meeting started at 1.15pm after the arrival of Mr Carlton Bidios.

## **KARAKIA**

Mr Carlton Bidios opened the meeting with a Karakia.

## **1 APOLOGIES**

### **APOLOGY**

#### **COMMITTEE RESOLUTION WW3/20/1**

Moved: Cr Kelvin Clout

Seconded: Mr Whitiora McLeod

That the apology for absence received from Ms Matire Duncan be accepted.

**CARRIED**

## **2 PUBLIC FORUM**

Nil

## **3 ACCEPTANCE OF LATE ITEMS**

Nil

## **4 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN**

Nil

## 5 CHANGE TO ORDER OF BUSINESS

Nil

## 6 CONFIRMATION OF MINUTES

### 6.1 Minutes of the Wastewater Management Review Committee meeting held on 26 August 2020

#### COMMITTEE RESOLUTION WW3/20/2

Moved: Mr Whitiara McLeod

Seconded: Cr Heidi Hughes

That the minutes of the Wastewater Management Review Committee meeting held on 26 August 2020 be confirmed as a true and correct record.

**CARRIED**

## 7 DECLARATION OF CONFLICTS OF INTEREST

Nil

## 8 CHAIRPERSON'S VERBAL UPDATE.

- The Chairperson acknowledged Cr Jako Abrie's service and commitment to the work of the Wastewater Management Review Committee and to Tauranga City Council.
- The report for co-chairing of the Wastewater Management Review Committee had received some legal advice that was being actioned by staff and the report would be presented in the next meeting.
- The replacement process for Wastewater Management Review Committee members Ms Erana Brewerton and Cr Jako Abrie was underway.

## 9 BUSINESS

### 9.1 Appointment of Environmental Mitigation and Enhancement Fund Independent Panel

**Staff** Radleigh Cairns, Environmental Programme Leader

#### Key points

- The Wastewater Management Review Committee (WWMRC) had approved the new Policy Manual for the Environmental Mitigation and Enhancement Fund (EMEF).
- The manual required the appointment of an EMEF Independent Panel (EMEF Panel) which would make recommendations to the WWMRC on EMEF applications.
- Staff had prepared a terms of reference (TOR) for the independent panel modelled around another Tauranga City Council (TCC) technical advisory group and feedback on the TOR was pending.
- The expressions of interest (EOI) would contain skill-set requirements and it was anticipated to be advertised almost immediately.

- The Appointment Panel (AP) would assess the EOI applications for the EMEF Panel and would be comprised of two WWMRC members and a TCC staff member who had the requisite subject matter expertise.
- The EMEF Panel, once appointed, would then assess applications received for the EMEF; timeframe for EMEF applications would be from January to March 2021.
- The Policy Manual provided the eligibility and assessment criteria that the EMEF Panel would use during their assessment deliberations process.
- The EOI would be advertised on a number of platforms including traditional media outlets, social media, TCC website, stakeholder websites or forums, water publications, Tangata Whenua mailing list, as well as Te Puni Kōkiri (Ministry of Māori Development) website.

#### In response to questions

- The reference to “TCC TAG” was incorrect in page 24 (paragraph 28) of the Agenda and would be replaced by “EMEF Panel”.
- Advertising for the EOI would start immediately and would close in February 2021; the applications for the Fund would close in March 2021 and the EMEF Panel would meet in April 2021 to shortlist applications received.
- The EMEF Panel final applicants would be discussed in the WWMRC meeting in February 2021 before being accepted.
- The AP for assessing the applicants to the EMEF Panel would be made up of one TCC WWMRC Councillor, one WWMRC Tangata Whenua representative, and one TCC staff member (most likely the activity manager for wastewater).

#### Discussion points raised

- It was recommended that the EOI be advertised with Envirohub and Bay Conservation as well.

#### COMMITTEE RESOLUTION WW3/20/3

Moved: Mr Whitiara McLeod

Seconded: Cr Heidi Hughes

That the Wastewater Management Review Committee:

- (a) Receive the Appointment of Environmental Mitigation and Enhancement Fund Independent Panel report.
- (b) Approve the makeup of the appointment panel and appointment process for appointing members of the EMEF independent panel.
  - i) Appoint Cr Kelvin Clout as councillor representative on the appointment panel.
  - ii) Appoint Ms. Matire Duncan as Tangata Whenua representative on the appointment panel.
- (c) Approve the terms of reference for the members of the EMEF independent panel.

**CARRIED**

## 10 DISCUSSION OF LATE ITEMS

Nil

**KARAKIA**

Mr Carlton Bidios closed the meeting with a Karakia.

**The meeting closed at 1.26pm**

**The minutes of this meeting were confirmed at the Wastewater Management Review Committee meeting held on 10 November 2021.**

.....  
**CHAIRPERSON**

UNCONFIRMED



**8 DECLARATION OF CONFLICTS OF INTEREST**

## 9 BUSINESS

### 9.1 Governance Options for Wastewater Management Review Committee

**File Number:** A12794155

**Author:** Coral Hair, Manager: Democracy Services

Cindy Gillman-Bate, Corporate Solicitor

Carlo Ellis, Manager: Strategic Maori Engagement

**Authoriser:** Susan Jamieson, General Manager: People & Engagement

#### PURPOSE OF THE REPORT

1. This report sets out governance options for the Wastewater Management Review Committee to consider.

#### RECOMMENDATIONS

That the Wastewater Management Review Committee:

- (a) Receives the report "Governance Options for Wastewater Management Review Committee".
- (b) Provides feedback to staff on the following:
  - (i) Options to appoint the Chairperson and Deputy Chairperson of the Wastewater Management Review Committee.
  - (ii) Terms of Reference of the Wastewater Management Review Committee.
  - (iii) Position Description for the Chairperson and Deputy Chairperson.
- (c) Requests that a report be presented to the next meeting with recommendations to Council on the process for appointing the Chairperson and Deputy Chairperson, approving the position description and any changes to the Terms of Reference for the Wastewater Management Review Committee.
- (d) Recommends that alternate representatives be appointed by the Tauranga City Council and iwi representatives to ensure a quorum can be met.
- (e) Recommends that the quorum be reduced from five members to four members.

#### EXECUTIVE SUMMARY

2. Following feedback from the tangata whenua members of the Wastewater Management Review Committee (WWMRC), staff were requested to look at enabling the WWMRC to have Co-Chairpersons (Co-Chairs).
3. Co-chairs are not legally able to be appointed to council committees. However, the Chairperson and Deputy Chairperson of the WWMRC could agree to alternate to preside over meetings, thus effectively acting as co-chairs. The other option is for a person to be appointed as the Chairperson for a stated period of time, with another person appointed for a further period. This has opened-up some options for discussion by the WWMRC members and these are set out below.
4. Vacancies exist for the Chairperson and the Deputy Chairperson position. This provides an opportunity to discuss how these positions are filled.
5. Other governance matters are listed and open for discussion.

## BACKGROUND

6. With the appointment of the Commission, the previous councillors Kelvin Clout and Steve Morris can no longer act as councillors and cannot be members of WWMRC and Councillor Heidi Hughes resigned in December 2020. On 22 February 2021, the councillors were discharged from the WWMRC and Commissioners Stephen Selwood and Bill Wasley were appointed in their place to represent Tauranga City Council (TCC).
7. This has resulted in two representatives from TCC and four tangata whenua representatives. While this creates an imbalance in the membership numbers, it is not recommended that four commissioners be appointed to the WWMRC or that the membership of tangata whenua representatives is amended. The Commissioners are appointed until October 2022, when elections will be held, and councillors will again be appointed to the WWMRC. Three water reforms will also impact on the WWMRC and, therefore, it is not suggested that any changes are made to the make-up of the WWMRC at this time, apart from changes to how the Chairperson and Deputy Chairperson are appointed.
8. Councillor Clout had previously been appointed by the Council as the Chairperson of WWMRC and there is now a vacancy in this position that needs to be filled.
9. The WWMRC has previously appointed the Deputy Chairperson at the first meeting of each triennium and this has been a tangata whenua representative. Matire Duncan was appointed as Deputy Chairperson but she has resigned her position with Ngā Pōtiki Kaitiaki Resource Management Unit, and this has created a vacancy in the Deputy Chairperson position. Ngā Pōtiki will be nominating two representatives but at the time of writing the report these had not been confirmed.
10. The WWMRC is a special committee established both by the Council (under the Local Government Act 2002) and the management plan approved by the Bay of Plenty Regional Council that sets out how the WWMRC is to operate under the conditions of resource consent 62878. The management plan is silent on the arrangements for chairing the meetings. This is not a matter that would be addressed under this plan and there is no requirement to amend this plan to spell out chairing arrangements. Rather, the Local Government Act 2002 requirements relating to chairing of meetings, and the appointments of a Chair and Deputy Chair apply.
11. Four non-council members are tangata whenua representatives as required by the conditions of consent with one representative each from Ngāti Ranginui and Te Runanga o Ngāi Te Rangī Iwi Trust and two members from Ngā Pōtiki.
12. Current membership is:
  - Commissioner Stephen Selwood
  - Commissioner Bill Wasley
  - Whitiara McLeod – Ngāi Te Rangī
  - Des Heke – Ngāti Ranginui
  - Destiny Leaf – alternate member for Ngāti Ranginui
  - Vacancy – Ngā Pōtiki
  - Vacancy – Ngā Pōtiki
13. The Terms of Reference for WWMRC are attached to the report.

## DISCUSSION

14. The provisions of the Local Government Act 2002 relating to the appointment of a chairperson of a committee refer to the appointment of a person, singular, as the chairperson, which does not allow for the appointment of a co-chair. As such, the positions of Chairperson and Deputy Chairperson are appointed and remain separate. However, the

Chairperson can vacate the chair for all or part of a meeting and enable the Deputy Chairperson to chair the meeting.<sup>1</sup> The Chairperson is able to be present and participate in the meeting, including voting, while not chairing the meeting<sup>2</sup>. This would enable the two roles to effectively act as co-chairs.

15. This pre-supposes that the Chairperson agrees to vacate the chair to enable the Deputy Chairperson to chair the meeting at pre-agreed times.<sup>3</sup> The Terms of Reference would need to state that it is the intention that this occurs, however, there is no ability to enforce this practice if the Chairperson decides not to vacate the chair for a particular meeting.
16. Only one person can chair a meeting at any one time. The person chairing the meeting has the powers of the chairperson as set out in standing orders. They would also have the option to use the casting vote (under Standing Order 19.3) in the case of an equality of votes. It is recommended that this be explicitly stated in the terms of reference for clarification.
17. The Chairperson and Deputy Chairperson would attend pre-agenda briefings (usual practice) and split any other duties outside of meetings, e.g. spokesperson for WWMRC. A draft position description for the Chairperson and Deputy Chairperson is attached in Appendix 2 for the WWMRC to consider.
18. The Mayor has the power under section 41A (3)(c) to appoint the chairperson of each committee and Council has the power to discharge a chairperson appointed by the Mayor (section 41A(4) (d)). The Commission Chair does not have the powers of the Mayor and therefore Clauses 25<sup>4</sup> and 26(3) of Schedule 7 of the Local Government Act 2002 (LGA) apply. Sub-clauses 26(3) and (4) state:
  - (3) *The local authority may appoint a member of a committee to be the chairperson of that committee and, if the local authority, on the appointment of the committee, does not appoint a chairperson, that power may be exercised by the committee.*
  - (4) *The local authority or the committee may appoint a deputy chairperson to act in the absence of the chairperson.*
19. Options for appointing the Chairperson and Deputy Chairperson include the following:
  1. the position of Chairperson is appointed by the Council and filled by a Commissioner/Tangata Whenua Representative.
  2. the position of Chairperson is not appointed by the Council and the WWMRC exercises that power and appoints a Chairperson.
  3. the position of Deputy Chairperson is appointed by the Council and filled by a Commissioner/Tangata Whenua Representative.

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<sup>1</sup> Clause 26(2) Schedule 7 of Local Government Act 2002 states

*“The chairperson of a committee must preside at each meeting of the committee at which he or she is present unless the chairperson vacates the chair for a particular meeting.”*

and Standing Order 14.2 (see below) allows the chair of a committee to vacate the Chair for a particular meeting.

*“In the case of committees, subcommittees and subordinate decision-making bodies, the appointed Chairperson must preside at each meeting, unless they vacate the chair for all or part of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson (if any) will act as Chairperson. If the deputy Chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as Chairperson. This person may exercise the meeting responsibilities, duties and powers of the Chairperson.”*

<sup>2</sup> The exception to this is where the reason the chairperson vacated the chair was that they had a conflict of interest, in which case they could not participate in the debate or vote.

<sup>3</sup> Options include alternating meetings or agreeing to chair for a specific time e.g. for the year. There are a minimum of two meetings held per year. The Chairperson will need to formally vacate the chair at the start of each meeting that it is pre-agreed the Deputy Chair will chair, and this needs to be recorded in the minutes of that meeting.

<sup>4</sup> Clause 25 relates to the voting systems for certain appointments, including for the chairperson and deputy chairperson of a committee.

4. the position of Deputy Chairperson is not appointed by the Council and the WWMRC exercises that power and appoints a Deputy Chairperson.
20. It is recommended that at least one Commissioner and one Tangata Whenua representative is appointed as either the chairperson or deputy chairperson, and this could be set out in the Terms of Reference.
21. It is recommended that the positions of Chairperson and Deputy Chairperson be considered by the WWMRC once the two representatives from Ngā Pōtiki are appointed. A recommendation to the Council could be made at that stage.
22. In the absence of a Chairperson or Deputy Chairperson, the WWMRC can elect one member to chair each meeting.<sup>5</sup>
23. Another option for discussion is that a person could be appointed as the Chairperson for a stated period of time, with another person appointed as the Chairperson for a further period. For example, a Commissioner or elected member appointed for one year, and a Tangata Whenua Representative appointed for the following year.

## TERMS OF REFERENCE

24. Other matters that the WWMRC may wish to discuss for inclusion in the Terms of Reference are:
- (a) provide for iwi alternate representatives
- Alternate TCC and iwi representatives are not appointed to the WWMRC, except for Ngāti Ranginui. It is recommended that alternates be appointed to ensure the quorum is met and meetings can proceed. It is common practice in other committees.
- (b) Quorum reduction from five to four members
- The current Terms of Reference (TOR) need clarifying as they state that the quorum must be five in the table but four in the body of the TOR. It is recommended that the quorum be reduced to four, given that there are only four members currently appointed to this Committee. In the table, amend the quorum to “4 (to include at least one Commissioner)”.<sup>6</sup>
- (c) Position descriptions/agreements for iwi representatives
- Developing position descriptions and/or agreements for iwi representatives would assist both iwi and TCC to clarify expectations and workload, number of meetings and workshops expected to attend etc.
- Clarification of remuneration would also be helpful and could be included in the position descriptions/agreements.
- (d) alternate meetings between week and weekend days if possible
- (e) decision-making by consensus where possible
- (f) add a Whakataukī
- (g) add a Background section
- (h) livestreaming/recording of meetings
- The WWMRC meetings are subject to the Local Government Official Information and Meetings Act 1987 (LGOIMA) and Council’s Standing Orders. As a committee of Council, WWMRC meetings are required to be held in public unless one of the

<sup>5</sup> Clause 26(6) Schedule 7 LGA 2002.

<sup>6</sup> Although the second paragraph of the Terms of Reference states “*The quorum has been reduced from 5 to 4*” this has not been reflected in the table. Clause 23(3)(b) of Schedule 7 of the LGA 2002 requires the quorum for a committee to be to be at least 2 members of the committee and must include at least 1 elected member (i.e. a Commissioner as elected member equivalent).

LGOIMA reasons to exclude the public applies. LGOIMA also requires council agendas and minutes to be made publicly available. These are available on the Tauranga City Council's website. Any items that meet the criteria in LGOIMA to exclude the public are held without the public attending, and the agenda and minutes relating to these items are not made publicly available. Currently meetings are not livestreamed or recorded and made public as soon as practical following a meeting. The WWMRC may wish to consider livestreaming or recording meetings in the future.

### NEXT STEPS

25. Provide feedback to staff.
26. Governance report to next WWMRC meeting with recommendations to Council on appointment of Chairperson and Deputy Chairperson, position descriptions and any changes to the Terms of Reference.
27. Ngāti Ranginui and Ngā Pōtiki appointments are endorsed by Council prior to the next WWMRC meeting.

### ATTACHMENTS

1. **Terms of Reference Wastewater Management Review Committee - A12794638** [↓](#)
2. **Position Description for Chairperson and Deputy Chairperson of WWMRC - A12794637**  
[↓](#)















## 9.2 Wastewater Activities Report

**File Number:** A13026269

**Author:** Radleigh Cairns, Environmental Programme Leader

**Authoriser:** Nic Johansson, General Manager: Infrastructure

### PURPOSE OF THE REPORT

1. The wastewater activities report provides information on the current activities in the wastewater area.

### RECOMMENDATIONS

That the Wastewater Management Review Committee:

- (a) Receives the report: Wastewater Activities Report

### DISCUSSION

#### Landward Outfall Pipeline Upgrade

1. The focus of construction continues to be on the southern side of SH 2 and approximately 500m (of 1800m) of pipeline has been laid to date. This includes the duct under SH2 and the railway line.
2. On the north side of SH2 the contractor has installed a 50m long double row of permanent sheet piles in preparation for pipeline laying to continue north of SH2 in November 2021.
3. Design work associated with the relining of the existing pipeline between south of Maranui Street and the beach manhole is 95% complete. Council are seeking a cultural impact assessment for the temporary works on the dunes which will be submitted as part of the associated resource consent requirements. Starting of this work is dependent on when the CIA is received and when the resource consent is obtained. The dunes are registered with Heritage NZ as 'Wahi Tapu'.

#### Te Maunga WWTP Bioreactor Two

4. Site trials for the ground piles have been completed and work will commence mid-November with bulk excavations. Production piles will commence in December 2021.
5. The establishment of a temporary precast yard is on hold at the present time.

#### Te Maunga Clarifier Three

6. Geotechnical investigations have been completed with preliminary design commencing towards the end of summer next year enabling construction to begin in the second half of 2023

#### Desludging of Pond One

7. Removal of the Fibrolite wall that contains asbestos has been completed
8. The tender for desludging will be advertised in November with commencement due to take place March 2022. The works are expected to take around 18 months but this is dependent on a number of things, including the uncertainty around the effect of desludging on the seepages into Te Tāhuna o Rangataua, the volume of solids within the pond and extreme rain events that may require the cessation of works for periods of time.

**Resource Consent Monitoring Results**

9. The discharge and receiving environment monitoring undertaken as part of the conditions of Councils resource consents have remained within consent conditions throughout the year. Odour walkovers of the two treatment plants have not identified any significant odours however staff have been working closely with BoPRC and other sites that create odours in the Te Maunga area to mitigate potential odour causing activities and improve processes.

**Wastewater Strategic Modelling and Planning Update**

10. Council has commissioned the development of a strategic wastewater model to identify peak wet weather flows in the network leading to the WWTPs. These peak flows are important for the future planning of the network capacity to accommodate growth. The first generation of the model is now commissioned after a successful peer review. It will also be used to identify mitigation options to address Inflow and Infiltration(I&I) into the network. The model is showing very low levels of I&I and these are believed to be the best in the country. An important part of the planning work is the Wastewater Network Strategy. This will be integrated with the WWTP 30-year Infrastructure Plan in preparation for the 2024/34 Long Term Plan process. Currently work is underway to further calibrate the model.

**Marine Outfall Project Business Case**

11. The wastewater PBC is on hold due to changes in tāngata whenua representation. Once engaged, the project team will provide introductory sessions with the new representatives. Long list option workshops (7&8) will be held once these sessions are complete (target late November 2021).

**NEXT STEPS**

12. Further updates will be provided at the next Wastewater Management Review Committee (WWMRC) Meeting.

**ATTACHMENTS**

**Nil**

### 9.3 Wastewater Management Review Committee Update Report

**File Number:** A13026342

**Author:** Radleigh Cairns, Environmental Programme Leader

**Authoriser:** Nic Johansson, General Manager: Infrastructure

#### PURPOSE OF THE REPORT

1. To provide the Wastewater Management Review Committee (WWMRC) with an update as to the functions of the committee, and status of related activities.

#### RECOMMENDATIONS

That the Wastewater Management Review Committee:

- (a) Receives the report: Wastewater Management Review Committee Update Report

#### DISCUSSION

##### WWMRC

2. The Wastewater Management Review Committee Management Plan submitted to the Bay of Plenty Regional Council in 2006 addresses:
  - a) the membership of the Review Committee
  - b) the frequency that the Review Committee shall meet
  - c) the meeting protocols of the Review Committee having regard to the customary practices of the tāngata whenua of Tauranga Moana and shall operate in accordance with the principles of the Treaty of Waitangi (especially the principles of consultation, active participation and partnership).
  - d) the functions of the Review Committee
3. The functions of the committee are as set out in the wastewater discharge consent RC62878.
4. In August 2020 the WWMRC approved the 5 yearly Monitoring, Upgrade and Technology Review Report for submission to BoPRC. There were a series of recommendations from the report (both technical and cultural reports) that related back to the functions of the committee
5. Attachment 1 identifies the actions underway regarding the functions of the committee, and the recommendations of the 5 yearly MUTR report.

##### Environmental Mitigation and Enhancement Fund (EMEF)

6. At the August 2020 committee meeting the committee approved the adoption of the EMEF policy manual and application form.
7. The process for installing an independent panel to assess applications was also approved and expressions of interest advertised over the summer period. Unfortunately, Council only received three applications for this panel.
8. Staff support repeating the expressions of interest through Oct / Nov 2021 to provide a wider base of applicants for the WWMRC to choose from with the view to have the panel in place by the end of February 2022 and enable a funding round in the 2022/23 financial year.

9. The EMEF currently sits at approximately \$670,000 with \$50,000 per annum added each financial year (including CPI adjustment) for the life of the consent subject to a review to coincide with TCC's Long Term Plan process.

#### **NEXT STEPS**

10. Staff to continue collaboration with the committee on the recommendations within the report.
11. Advertise for expressions of interest for the EMEF panel.

#### **ATTACHMENTS**

1. **Attachment 1 WWMRC Functions\_5 yearly MUTR recommendations and Actions 30 Sept 2021 - A12929822** [↓](#)
2. **Wastewater Management Review Committee Management Plan 2006 - A12931685** [↓](#)
3. **RC 62878 Including Variation updated Nov 2017 - A8455368** [↓](#)

































































































**10 DISCUSSION OF LATE ITEMS**

**11 CLOSING KARAKIA**