



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.

**Marty Grenfell
Chief Executive**

Terms of reference – Wastewater Management Review Committee

Membership

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

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 Rangi 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^o 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^o 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^o 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^o 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^o 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^o 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^o 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^o 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^o 62878) or undertaken (in accordance with Condition 18.3(c) of Coastal Permit N^o 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^o 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^o 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^o 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

1	Opening Karakia	9
2	Apologies	9
3	Public forum.....	9
4	Acceptance of late items	9
5	Confidential business to be transferred into the open.....	9
6	Change to order of business.....	9
7	Confirmation of Minutes.....	10
7.1	Minutes of the Wastewater Management Review Committee meeting held on 4 November 2020.....	10
8	Declaration of conflicts of interest	17
9	Business.....	18
9.1	Governance Options for Wastewater Management Review Committee	18
9.2	Wastewater Activities Report.....	29
9.3	Wastewater Management Review Committee Update Report	31
10	Discussion of late items	75
11	Closing Karakia.....	75

- 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

RECOMMENDATIONS

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

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

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

**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 criterions 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 Whitiora 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 Rangi Iwi Trust and two members from Ngā Pōtiki.
12. Current membership is:
 - Commissioner Stephen Selwood
 - Commissioner Bill Wasley
 - Whitiora McLeod – Ngāi Te Rangi
 - 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.¹ The Chairperson is able to be present and participate in the meeting, including voting, while not chairing the meeting². 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.³ 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 25⁴ 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.

¹ 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."

² 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.

³ 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.

⁴ 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.⁵
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)”.⁶
 - (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

⁵ Clause 26(6) Schedule 7 LGA 2002.

⁶ 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 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** [!\[\]\(444b1eae2189e5cd8d096594c07a0a6e_img.jpg\)](#)
2. **Position Description for Chairperson and Deputy Chairperson of WWMRC - A12794637**
[!\[\]\(b81fe50bc966474a9bf510149094d8e3_img.jpg\)](#)

Terms of Reference Wastewater Management Review Committee

Membership

Chairperson	To be appointed
Deputy Chairperson	Ms Matire Duncan – Ngā Pōtiki
Members	Commissioner Stephen Selwood Commissioner Bill Wasley Mr Whitiora McLeod - Ngāi Te Rangi Mr Des Heke - Ngāti Ranginui Ms Destiny Leaf (alternate member – Ngāti Ranginui) Vacant – one position Ngā Pōtiki (TBC)
Quorum	5
Meeting frequency	A minimum of twice yearly

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

The quorum has been reduced from 5 to 4.

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Role

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

Scope

- 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^o 62878.
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- (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^o 62881, namely:
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 - (ii) Conversion of the Te Maunga Oxidation Ponds to wetlands.
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- (g) Assessment of the scope and adequacy of sampling and monitoring.
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 - (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^o 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^o 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^o 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^o 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^o 62878) or undertaken (in accordance with Condition 18.3(c) of Coastal Permit N^o 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^o 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^o 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^o 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 the Bay of Plenty Regional Council.

Position outline: Chairperson and Deputy-Chairperson

Wastewater Management Review Committee

Title	Chairperson and Deputy Chairperson
Committee	Wastewater Management Review Committee
Date	

Position purpose

The Chairperson and Deputy Chairperson of the Wastewater Management Review Committee (WWMRC) have a governance role to ensure that the WWMRC meets regularly and undertakes its role to monitor and provide advice to Tauranga City Council as the consent holder of Bay of Plenty Regional Council Coastal Permit # 62878 and ensure wastewater operations are in accordance with the Wastewater Management Plan.

The Chairperson of the WWMRC will be appointed by the Council from the consent holder's representatives on the WWMRC/iwi representatives on the WWMRC (choose one) and the Deputy Chairperson will be appointed from the consent holder's representatives on the WWMRC/iwi representatives on the WWMRC (choose one) as set out in the terms of reference for the WWMRC.

The Chairperson and Deputy Chairperson will jointly oversee and co-ordinate all activities of the WWMRC 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 Chairperson and Deputy Chairperson will be accountable for ensuring that any recommendations from the WWMRC are considered by the Tauranga City Council.

Note: only one person will chair each meeting. The rotation of meeting chairs is at the discretion of the Chairperson and Deputy Chairperson and subject to their availability; however, it would be expected that they will alternate chairing meetings when possible. The Chairperson will vacate the chair and enable the Deputy Chairperson to chair the meeting. The Chairperson will be able stay and participate in the meeting unless they declare a conflict of interest in an item, in which case they will not participate or vote on that item.

The term of appointment will be from (put in date) to October 2022. The expiry of the term coincides with the October 2022 local government elections which may result in different representatives from the council being appointed to the WWMRC.

The roles have full voting rights and where there is an equal number of votes, the person 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 WWMRC. • 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 wastewater and is familiar with the resource consent conditions of RC 62878. <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 WWMRC. • Recognises that the role does not extend to operational matters or to the management of any implementation. • Develops and maintains a working knowledge of the wastewater management plan.. • 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 WWMRC. • 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 WWMRC. Works productively and openly with colleagues. A proactive approach to advising members of matters that require further attention. Supports the decision of the WWMRC to others outside of the WWMRC.
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.

Chairperson and Deputy Chairperson Tasks

Task Description
<ul style="list-style-type: none"> Chair meeting. Provide advice on courses of action to progress the deliberations and outcomes. Ensure requests are resolved by the WWMRC and actioned in a timely manner. Liaise with Council staff in setting the content and priorities of meeting agendas and attend pre-agenda meetings. Ensure appropriate communication occurs with WWMRC members and other appropriate groups/partners.

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** [↓](#)

Appendix 1: Wastewater Management Committee Activity Matrix

Committee Function		5 Year MUTR Recommendations -Tech Report (TR) / Cultural Report (CR)	Current Update September 2021
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 this permit.	<p>TR: Continue the development of current programmes and review to achieve and maintain best industry practise including a review of the Biosolids strategy.</p> <p>Continue implementation of Smartgrowth initiatives and set further targets to improve wastewater management</p> <p>Continue to review options to increase capacity due to growth and to improve treatment processes in line with technological changes and advances.</p> <p>Maintain a watching brief on implications from the Climate Change Response Amendment Act 2019.</p> <p>Take a proactive role in the Three Waters Review and monitoring its implications for the Tauranga Wastewater scheme.</p> <p>Continue to carry out multi-criteria analysis in determining the best practicable option for delivering its wastewater services.</p>	<p>The WWMRC receives regular reports on Wastewater projects through the Wastewater Activities Report.</p> <p>Staff will be looking to provide an annual wastewater report in relation to monitoring and permit compliance for the committee.</p> <p>A review of Stage 2 of the Biosolids is due once the new Guidelines for Beneficial Use of Organic Materials on Productive Land are complete – this work is being led by MFE and MPI with a number of other groups such as Water NZ collaborating.</p> <p>Staff to provide an update to activities related to recommendations from the 5 yearly MUTR report and the functions of the committee on a regular basis.</p> <p>Next 5 yearly MUTR report due in 2024.</p> <p>The Programme Business Case provides an avenue for a number of recommendations to be considered:</p> <p>Options to increase capacity due to growth and to improve treatment processes.</p> <p>Determining the best practical option for delivering Council's wastewater services</p> <p>Council taking a network-wide perspective and considering a long-term strategic view in responding to growth and climate change.</p>
		<p>CR: Ensure regular reporting to the Tauranga Harbour Advisory Group and a feedback loop to the Review Committee.</p> <p>Become familiar with the provisions of relevant li planning documents relating to wastewater treatment and disposal. For example, policy 9 and action 9.2 of the Tauranga Moana Iwi Management plan as well as section 6.3 of Tūhoromatanui: Ngā Pōtiki Environmental Plan 2019-29.</p> <p>Continue discussions to progress towards a genuine partnership which is collaborative, enduring and involves shared decision making.</p> <p>Council take a network-wide perspective and consider a long-term strategic view, particularly responding to growth and climate change.</p> <p>TCC to ensure that the review and development of the Wastewater Management Plan:</p> <ul style="list-style-type: none"> • involves tangata whenua representatives from the Review Committee. • incorporates cultural values. • takes into account iwi planning documents. • takes a long-term view and perspective • takes a whole system / network approach and provides greater linkages between the three waters (water, wastewater and stormwater). • considers ways to enable Māori land development. <p>Be aware of the implications of coastal statutory acknowledgements, iwi planning documents and the waahi tapu status of Te Tāhuna o Rangataua on resource consent processes (both renewals and variations).</p> <p>That the Terms of reference for the Tauranga Moana Advisory Group be reviewed.</p> <p>Representation is sought by Ngā Pōtiki ā Tamapahore Trust given the significance of Te Tāhuna o Rangataua to Ngā Pōtiki.</p>	<p>Regular reporting of wastewater projects to the Tauranga Moana Advisory group continues through Council status updates and presentations.</p> <p>Progression of a genuine partnership which is collaborative and enduring and involves shared decision making can be achieved through continuing collaboration through the WWMRC as well as the other partnership committees within Council.</p> <p>The Programme Business Case provides an avenue for a number of recommendations to be considered:</p> <p>Council taking a network-wide perspective and considering a long-term strategic view in responding to growth and climate change.</p> <p>Involving tangata whenua representatives from the review committee</p> <p>Incorporating cultural values and considering iwi planning documents</p> <p>Consider ways to enable Māori land development.</p> <p>Statutory acknowledgements are included within the City Plan. Council is looking to link to iwi and hapū planning documents / management plans as part of the City Plan Review work underway.</p> <p>While the Tauranga Moana treaty settlement process was ongoing the Tauranga Moana Advisory Group have invited Ngā Potiki representatives to attend as observers.</p>

Appendix 1: Wastewater Management Committee Activity Matrix

B	To make decisions about the application of the Environmental Mitigation and Enhancement Fund established in accordance with Condition 19 of this permit.	CR: Review Committee to adopt and implement the environmental mitigation and enhancement fund policy manual. Clarify the purpose of the EMEF and develop a strategy to target the use of the fund for projects that meet agreed outcomes.	The WWMRC adopted the EMEF policy manual in August 2020 and approved a process for appointing an independent panel to assess applications to the fund and report back to the WWMRC. Expressions of interest were advertised for over the summer of 2020/21 however only 3 applications were received. Staff have received one application to the fund in 2021, and this is on hold until a panel is in place.
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).	CR: Review committee to consider innovative approaches to restoring mauri to Te Tāhuna o Rangataua and/or ocean outfall site.	It is expected that mitigation measures will be an outcome from the enhancement fund applications and reports along with potentially recommendations from any cultural monitoring reports once initiated.
D	To make recommendations to the permit holder as to the implementation of the works to be undertaken in accordance with Permit Number 62881, namely <ul style="list-style-type: none"> Decommissioning of the Te Maunga Sludge Pond and the future use of the pond. Conversion of the Te Maunga Oxidation Ponds to wetlands. 	CR: Cease use of the ponds at Te Maunga. Decommission the ponds, as in 'dismantle' and rehabilitate back to its natural state. Work on a post decommissioning landscape/wetland plan.	Disposal of Sludge o Pond 1 ceased in April 2019 with the commissioning of the Thickening and Dewatering Plant at Te Maunga. Desludging of Pond 1 is due to commence in Feb / March 2022 with the works expected to take approximately 18 months. The future use of the pond will be a topic for consideration between Council and the WWMRC over 2022 as the Programme Business Case continues and is an essential part of any future wastewater management and strategy.
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 this permit.		The WWMRC approved the appointment of Beca for the 2019 5 Year MUTR report. The tangata whenua members of the committee approved the appointment of the independent consultants used for the Cultural Report.
F	Assessment of the scope and adequacy of sampling and monitoring.	TR: Look at refocussing the current Titiko monitoring programme to other aspects of titiko health, such as body burden of contaminants and indicator bacteria at a range of sites where titiko are present and potentially harvested) within Rangataua Bay. Establish a carbon baseline for identified diffuse and point emission sources of CO2 and CH4 at the two treatment plants. Measuring and reporting as Co2 emissions on an annualised basis to establish a carbon footprint for the wastewater scheme. Sample wastewater discharge for a typical suite of emerging contaminants on an annual basis to provide trends of these contaminants to inform future MUTR reports and consent applications. Investigate ways to improve the accuracy of overflow volume and discharge rates for extreme weather overflows at the two treatment plants. CR: Ensure greater connectivity with Manaaki Te Awanui Trust particularly those who are able to provide guidance to monitor impacts and changes from a unique Māori perspective. Confirm and implement a cultural monitoring programme for Te Tāhuna o Rangataua. This is to ensure there is robust cultural monitoring data for the 2025 cultural review report. Duplicate Condition 19.1 d) and e) to condition 9 and provide opportunities through conditions 10	Staff to work with tangata whenua members and Manaaki Te Awanui Trust on additions to Titiko monitoring programme and on a wider Cultural Monitoring programme. Initial discussions with Caine Taiapa have occurred regarding previous work undertaken in Te Tāhuna o Rangataua. Initial work on GHG emissions from treatment plants put on hold while reorganisation of Council's approach to sustainability underway. Biogas at Chapel Street is measured and provides 30-45% of energy needs for the plant. Staff investigating annual monitoring of discharges for emerging contaminants. Chapel street UV system undergoing upgrade with a new Wedeco system with Government Incentive funding. The system currently in use has a float switch which can only give a high-level alarm. The new system will include a radar level sensor which will give us more accuracy in terms of overflow data. The project includes installation of an extra bank of UV lamps.

Appendix 1: Wastewater Management Committee Activity Matrix

		– 13 for tangata whenua to participate and gather information.	
G	Notification to appropriate parties of activities that may have adverse effects.	TR: Notify Toi Te Ora of any non-compliance in marine bacterial and shellfish monitoring.	Notification to Toi Te Ora of non-compliant results from marine bacterial and shellfish monitoring under RC62878 included in protocols. Council follows the protocols within the regional Best Practice Guidelines for Managing, Responding and Reporting on Wastewater Overflows. TCC have changed the notification process to reflect discussions with the WWMRC tangata whenua members and Te Rangapū, but further consultation with Iwi and Hapū is required.
H	To receive, review and recommend action following receipt of wastewater reports.		The WWMRC can make recommendations to staff and Council on matters regarding wastewater management and the wastewater scheme.
I	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.	CR: Explore long-term land based discharge of treated wastewater. Carry out an updated review of treatment technologies, including an assessment in relation to cultural values and customary resources. This should include high rate algal ponds.	The WWMRC can make recommendations to staff and Council on matters regarding wastewater management and the wastewater scheme. Programme business case is likely to consider alternative disposal methods as part of the process as any new consenting will require an alternatives assessment.
j	To co-ordinate and oversee education of the community on wastewater management, treatment and disposal issues.	CR: Develop a communications strategy alongside the Wastewater Management Plan.	Council's wastewater education program is ongoing. With waterline providing in school education on wastewater management, treatment and disposal, campaigns such as the "Save our Pipes from Wipes" work as well as localised awareness campaigns following blockages and overflows within the city.
k	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 hereof and to be applied for the purposes specified in that condition.		No additional funding sources identified to date
l	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		Discussions within the WWMRC have been ongoing regarding potential changes to conditions. Most recommendations received can be accomplished through the functions of the committee without requiring changes to the consents.

Appendix 1: Wastewater Management Committee Activity Matrix

	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.		
m	To foster robust relationships and dialogue between the Review Committee, the permit holder, the Western Bay of Plenty District Council and the 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.		Tauranga City Council is committed to open and frank discussions with all identified parties. Further discussions are expected through the WWMRC and Te Rangapū.
n	To make recommendations to the 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.		Amendments to consent conditions are sought if required and may occur as a result of the programme business case.

Tauranga City Council Wastewater Management Review Committee Management Plan

1. Introduction

In November 2005 Environment Bay of Plenty granted resource consents to the Tauranga City Council for the expansion and operation of its Wastewater Scheme. An extensive suite of conditions was imposed on the resource consents. These included a requirement to establish a Wastewater Review Committee and prepare a Wastewater Management Review Committee Management Plan.

The Review Committee is to operate in accordance with the Wastewater Management Review Committee Management Plan. These conditions are imposed on Coastal Permit N^o 62878 in respect of the Wastewater Scheme. The key relevant conditions are as follows:

Condition 18.1

The permit holder shall establish and retain, as a committee of the Tauranga City Council under clause 30 of the Seventh Schedule of the Local Government Act 2002, the Wastewater Management Review Committee ("Review Committee")

Condition 18.1.1

The permit holder shall facilitate the role and function of the Review Committee by providing reasonable organisational and administrative support for the duration of the permit

Condition 18.1.2

The Review Committee required pursuant to condition 18.1 shall operate in accordance with the Wastewater Management Review Committee Management Plan

Condition 18.1.3

The permit holder shall submit the Wastewater Management Review Committee Management Plan, to the Chief Executive of the Regional Council or delegate for approval within three months of the commencement of this permit. The permit holder may amend the Wastewater Management Review Committee Management Plan with the written approval of the Chief Executive of the Regional Council or delegate.

Condition 18.2

The Wastewater Management Review Committee Management Plan shall address:

- (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 tangata whenua of Tauranga Moana and shall operate in accordance with the principals of the Treaty of*

Waitangi (especially the principals of consultation, active participation and partnership); and

(c) *the functions of the Review Committee*

This Wastewater Management Review Committee Management Plan ("Management Plan") has been prepared in accordance with the above conditions.

2. Membership of the Review Committee

The membership of the Review Committee shall comprise equal numbers of Tauranga City Councillors and representatives of tangata whenua.

As regards tangata whenua representation, it is considered preferable that the membership of the Review Committee should include:

- (a) Representation from Nga Potiki to recognise that Nga Potiki hold and exercise kaitiaki status over its rohe in which the Te Maunga Wastewater Treatment Plant (including ponds) are located and through which the wastewater pipeline traverses at Te Maunga, Mangatawa (Asher Block) and the Papamoa P2 Block adjacent to the ocean outfall, and
- (b) Representation from iwi which hold kaitiaki status over the wider Tauranga Moana district, including that part of the coastal marine area in which the discharge of the treated wastewater from the ocean outfall disperses, namely Ngaiterangi, Ngati Ranginui, Ngati Pukenga and Te Arawa. It is not envisaged that each iwi and hapu would be represented and that it would be appropriate that these iwi and hapu be represented by a representative or representatives appointed on the recommendation of the Tangata Whenua Collective (or successor)

It is anticipated that the tangata whenua representatives on the Review Committee will report to and consult with the hapu and iwi they represent in relation to the exercise of their powers and functions as set out in this Management Plan and the conditions of the Coastal Permit N^o 62878.

Tangata whenua representation on the Review Committee does not affect the right of tangata whenua either individually or collectively to participate in or pursue any statutory procedures (under the Resource Management Act 1991 or otherwise) relevant to the operation of the Tauranga City Wastewater Scheme.

3. Frequency of Meetings

The Review Committee shall meet four times in the first year after its establishment and a minimum of twice a year thereafter to exercise the functions set out in Condition 18.3 of Coastal Permit N^o 62878.

4. Meeting Protocols

The Review Committee shall establish its own meeting protocols having regard to the customary practices of the tangata whenua of Tauranga Moana and shall operate in accordance with the principals of the Treaty of Waitangi (especially the principals of consultation, active participation and partnership).

5. Functions of the Review Committee

The functions of the Review Committee are set out in Condition 18.3 of Coastal Permit N^o 62878 and are as follows:

- (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^o 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^o 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^o 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^o 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^o 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 Environment Bay of Plenty 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 Environment Bay of Plenty 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^o 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^o 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^o 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^o 62878) or undertaken (in accordance with Condition 18.3(c) of Coastal Permit N^o 62878). As a minimum, the Review Committee shall consult with

- Nga Potiki hapu and iwi of Ngaiterangi, 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;
 - Environment Bay of Plenty 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^o 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, Environment Bay of Plenty, 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 Environment Bay of Plenty is entitled to review the conditions of these permits in accordance with Condition 22 of Coastal Permit N^o 62878 hereof.
 - (s) A copy of this report shall also be provided to the Chief Executive, Tauranga City Council.

6. Amendments to the Management Plan

As set out in Condition 18.1.3 of Coastal Permit N^o 62878, the Wastewater Management Review Committee Management Plan may be amended with the written approval of the Chief Executive of Environment Bay of Plenty or delegate.

7. Approval of the Management Plan

The Chief Executive of Environment Bay of Plenty approved the Tauranga City Council's Wastewater Management Review Committee Management Plan on

Chief Executive of Environment Bay of Plenty

Date

Resource Consent



Resource Consent 62878-AP

Following the processing of the Application received on the 28 October 2004, the Bay of Plenty Regional Council has granted the applicant(s):

Tauranga City Council

Consent(s) to:

62878.0.02-DC+	Discharge to Water	Expiry	30 April 2040
62878.0.03-CC	Occupy Coastal Space	Expiry	30 April 2040
62878.0.04-CC	Coastal Structure	Expiry	30 April 2040
CH17-00785	Approval		14 November 2017
CH-62878.0.01	Approved		21 February 2013

The consent(s) are subject to the conditions specified on the attached schedule(s) for each activity. Advice notes are also provided as supplementary guidance, and to specify additional information to relevant conditions.

The Resource Consent hereby authorised is granted under the Resource Management Act 1991 does not constitute an authority under any other Act, Regulation or Bylaw.

DATED at Whakatane this 9th day of September 2005

For and on behalf of The Bay of Plenty Regional Council

M. Macleod

Mary-Anne Macleod
Chief Executive



**Thriving together -
mō te taiao,
mō ngā tāngata**

The change of the whole of this resource consent was approved under delegated authority of the Bay of Plenty Regional Council dated 14 November 2017.

Consent Number: **62878.0.02-DC+**

Bay of Plenty Regional Council

Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 9 September 2005, **hereby grants:**

A resource consent:

- Pursuant to section 15 (1)(a) of the Resource Management Act 1991 to Discharge Treated Wastewater from Chapel Street Wastewater Treatment Plant and Te Maunga Wastewater Treatment Plant to the Coastal Marine Area

subject to the following conditions:

1 Purpose

- 1.1 For the purpose of discharging secondary-treated and disinfected wastewater from the Chapel Street Wastewater Treatment Plant and secondary-treated wastewater from the Te Maunga Wastewater Treatment Plant into the Coastal Marine Area.
- 1.2 To provide for the ongoing occupation of the coastal marine area by the Omanu ocean outfall structure and the potential retrofit (relining) of the structure.

2 Location Of Discharge

- 2.1 Into the Pacific Ocean through an existing 950 metre outfall pipe located off Omanu Beach as shown on BOPRC Plan Number RC 62879/1.
- 2.2 The Omanu ocean outfall pipe extends perpendicular to the Papamoa shoreline for a distance of 950 metres (distance from the beach manhole to the seaward diffuser) as shown on BOPRC plan number RC 62879/1.

3 Map Reference

- 3.0 At or about map reference NZMS 260 U14: 9695-8730.
The Omanu ocean outfall pipe is located between map references NZMS 260 U14 9720 8710 and NZMS 260 U14 9720 8710.

4 Legal Description

- 4.0 Foreshore and Seabed, Pacific Ocean (Tauranga District).

5 Quantity and Rate

- 5.0 The average daily quantity of treated wastewater to be discharged shall not exceed 50 000 cubic metres per day, with a maximum wet weather discharge of 900 litres per second. (see advice note 1).

6 UV Disinfection

Change: CH17-00785

- 6.1 No later than nine years after the issue of this permit the wastewater discharged from both the Chapel

Street and Te Maunga treatment plants shall be secondary treated and UV disinfected. The discharge of wastewater during planned and unplanned UV Plant maintenance is authorised, subject to conditions 6.2 & 6.3.

- 6.2 Planned UV Plant Maintenance - The consent holder shall ensure that the following mitigation measures are undertaken during planned maintenance periods:
- The wastewater pumps to the ocean outfall will be turned off during planned maintenance of the UV Plant (no discharge to the ocean), where possible - See advice note 9.
 - Where practicable planned maintenance of the UV Plant will be undertaken during winter months where there are reduced bacteria/loads in the wastewater.
 - The maximum downtime period of the UV Plant during planned maintenance periods shall be no more than two weeks.
- 6.3 Unplanned UV Plant Maintenance - The consent holder shall ensure that the following mitigation measures are undertaken during unplanned maintenance activities:
- The wastewater pumps to the ocean outfall shall be turned off during unplanned maintenance of the UV Plant (no discharge to the ocean), where possible.
 - Actions to remedy the situation will be undertaken as quickly as possible and in a manner that minimises the length of downtime of the UV Plant.
 - After the unplanned event, the consent holder shall submit to BOPRC a report detailing the event, including the date, time and extent of downtime of the UV plant and the actions undertaken to remedy the situation. This report will be provided to BOPRC within two weeks of the event being remedied.
 - On any occasion that the event extends for more than 2 weeks, the consent holder shall provide an interim report to BOPRC stating, as a minimum, the cause of the event, likely duration of the event and the actions being undertaken to remedy the situation. Update reports shall be provided 4 weekly from the date of the interim report until the situation is remedied.
- 6.4 Where wastewater that is not UV treated is discharged to the ocean the quality of the wastewater discharged shall not exceed the standards required by Condition 10.2.

7 Outfall

- 7.1 The discharge shall be through a diffuser section at least 22.5 metres long.
- 7.2 The outfall diffuser shall be reconfigured to maximise initial dilution by no later than 1 January 2010.
- 7.3 The outfall diffuser shall be inspected at least once per annum. A report on the results of the inspection shall be sent to the Regional Council within one month of inspection.

8 Operations and Maintenance

- 8.1 The wastewater treatment and disposal system shall be operated and maintained at all times to ensure that the treatment is in accordance with sound engineering practices.
- 8.2 Treated wastewater from both the Chapel Street treatment plant and the Te Maunga treatment plant shall pass through a wetland prior to discharge via the ocean outfall.

9 Monitoring

- 9.1 The permit holder shall continuously monitor and record the flow rate and volume of treated wastewater entering the outfall pipeline.
- 9.2 The permit holder shall take grab samples and 24-hour flow proportioned samples of treated wastewater discharged twice each week. The samples shall be analysed for the constituents and at the frequency listed in Schedule 1 below.
- 9.3 The permit holder shall provide a suitable wastewater sampling station for the monitoring required by condition 9.2. The sampling station shall be located at the outfall pumping station, immediately prior to the entry of wastewater into the ocean outfall pipeline.
- 9.4 All quality analysis pursuant to condition 9.2 shall be carried out as set out in the latest edition of "Standard Methods for the Examination of Water and Wastewater" - APHA - AWWA - WPCF or such other method as may be approved by the Chief Executive of the Regional Council or delegate.

- 9.5 All quality analysis of the wastewater discharge shall be undertaken in a laboratory with IANZ or similar accreditation.
- 9.6 The permit holder shall make results of monitoring undertaken (as required by conditions of this permit) available to the Regional Council on request. Data records for each 3-month period ending April, July, October and January shall be forwarded to the Regional Council in a suitable electronic format, within 30 days after the end of each 3-month period.
- 9.7 The Permit Holder shall notify the Regional Council within 1 week of any non-compliance being determined in respect of condition 10 of this permit.

10 Treated Wastewater Quality

- 10.1 Based on twice-weekly sampling, as required by condition 9.2 of this permit, and take over each 13-week period commencing on 1 February, 1 May, 1 August, and 1 November of each year during the term of this permit, all wastewater discharged through the ocean outfall shall meet the following BOD5 and total suspended solids standards:

Analyte Sample Type

No more than 16 values shall exceed

No more than 3 values shall exceed

BOD5 (mg/L) Composite

25

30

Total suspended solids (mg/L) Composite

50

80

(See advice notes 3 & 4)

- 10.2 The following enterococci standard shall apply to all wastewater discharged through the ocean outfall:

- Based on twice-weekly sampling as required by condition 9.2 of this permit, and taken over each 13-week period commencing on 1 February, 1 May, 1 August, and 1 November of each year, no more than 16 enterococci values shall exceed 3 500 cfu/100mL.

11 Receiving Water Monitoring

- 11.1 The permit holder shall monitor the enterococci concentration on the receiving water at nine locations offshore of the beach adjacent to the outfall. Five water samples are to be collected per station per month during December, January, February and March to give a total of 20 samples per station per year. The monitoring stations shall be situated approximately 400 metres offshore of the beach at the following locations:

- 2000 metres northwest of the outfall
- 1500 metres northwest of the outfall
- 1000 metres northwest of the outfall
- 500 metres northwest of the outfall
- On the outfall alignment
- 500 metres southeast of the outfall
- 1000 metres southeast of the outfall
- 1500 metres southeast of the outfall
- 2000 metres southeast of the outfall

- 11.2 Based on 20 coastal water samples collected each year in accordance with condition 11.1, the treated wastewater discharge shall not cause more than 13 enterococci values to exceed 35 enterococci per 100 mL, or cause any single sample to exceed 104 enterococci per 100 mL. (see advice note 5).

- 11.3 If, in any December to March period, the enterococci standard is exceeded at any sampling station, the permit holder shall immediately notify the Regional Council and Pacific Health, and shall carry out investigations into the likely cause of that exceedence. The permit holder shall forward an investigations report to the Regional Council within 30 days of the end of that period.
- 11.4 The discharge of wastewater authorised by this permit shall not cause any of the following effects beyond a distance of 100m from the midpoint of the diffuser:
- a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; and
 - b) any conspicuous changes in colour or visual clarity; or
 - c) any significant adverse effects on aquatic life.

12 Shellfish Monitoring

- 12.1 The permit holder shall monitor the Escherichia coli, arsenic, and trace metal (cadmium, chromium, copper, mercury, lead, nickel, zinc) content in the soft tissue of inter-tidal shellfish (tuatua) collected from five stations off the beach adjacent to the outfall. Five replicate shellfish samples shall be collected per station during February of each year. The monitoring stations shall be within the inter-tidal zone at approximately the following locations:
- a) 2000 metres northwest of the outfall
 - b) 1000 metres northwest of the outfall
 - c) On the outfall alignment
 - d) 1000 metres southeast of the outfall
 - e) 2000 metres southeast of the outfall
- 12.2 For shellfish samples collected in accordance with condition 12.1 the following shall apply:
- a) No more than 1 out of 5 replicate shellfish samples shall exceed 230 E. coli per 100g and none of the 5 replicate samples shall exceed 700 E. coli per 100g.
 - b) None of the 5 replicates shall exceed the following trace metal concentrations (all values mg/kg):
 - arsenic (inorganic) 2 (see advice note 6)
 - copper 30
 - lead 0.5
 - mercury 0.5
 - nickel 2
 - zinc 40
 - c) If on any sampling occasion, any sample exceeds any of the above limits, the permit holder shall notify immediately the Regional Council and Pacific Health, and shall carry out investigations into the likely cause of that exceedence. The permit holder shall forward an investigations report to the Regional Council within 30 days of that sampling occasion.
- 12.3 The permit holder shall monitor the arsenic and trace metal (cadmium, chromium, copper, mercury, lead, nickel, zinc) content of the three replicate mussel samples collected from the outfall pipeline diffuser to provide a worst-case measure of trace metal accumulation. The three replicate shellfish samples shall be collected from the diffuser section of the pipeline during February of each year.

13 Comprehensive Ecological Survey

- 13.0 The permit holder shall undertake a broad spatial study of the benthic biota and sediments in the vicinity of the outfall (comparable to that carried out by Cawthron Institute in 2003) in the years 2014 and 2024. The results of such studies are to be provided to the Regional Council within three months of each survey being undertaken.

14 Occupation of Space

- 14.1 The area occupied by the ocean outfall structure shall not exceed 950m² in total area and shall be generally as shown on BOPRC plan number RC 62879/1.
- 14.2 There shall be free and unrestricted public access through the area occupied by the ocean outfall

structure except where restrictions are necessary during regular inspection and/or maintenance works to ensure public health and safety.

- 14.3 The permit holder shall take any necessary precautions to ensure the safety of the public using the area occupied by the ocean outfall structure.

15 Notifying the Regional Council of Works

- 15.0 The permit holder shall notify the Chief Executive of the Regional Council or delegate no less than five working days prior to commencing any inspection and/or maintenance works under this consent.

16 Retrofit (Relining) Works

- 16.1 Retrofit and/or relining works under this consent shall be carried out generally in accordance with information submitted with the application for this consent including:
- Section 10 of the application document titled "Tauranga City Council Wastewater Consents Project: Resource Consents Application, Notice of Requirement to Alter a Designation, and Assessment of Effects on the Environment, Application Edition, October 2004"; and
 - An approved Construction Management Plan as required by condition 16.2 of this consent.
- 16.2 The consent holder shall submit a Construction Management Plan for any retrofit or relining works under this consent to the Regional Council for technical approval, no less than twenty one working days prior to commencing those works. The Construction Management Plan shall include but not be limited to the following;
- Type of construction method; and
 - Proposed construction timeframe; and
 - Access arrangements and protective measures including transportation, storage and use of machinery, tools and materials within the foreshore and marine area; and
 - Mitigating measures to minimise actual or potential adverse effects; and
 - Risk management procedures; and
 - Any other issues that may be identified.

17 Maintenance

Change: CH17-00785

- 17.1 The permit holder shall ensure that the ocean outfall structure is maintained in an effective capacity at all times, and shall undertake any maintenance works immediately if so directed by the Chief Executive of the Regional Council or delegate.
- 17.2 The consent holder shall maintain all parts of the wastewater treatment system in effective working order at all times and in accordance with the manufacturer's instructions for any mechanical elements, to ensure that the wastewater treatment plant operates efficiently and meets the discharge quality set by conditions of this consent, and shall undertake any maintenance works immediately if so directed by the Bay of Plenty Regional Council.

18 Wastewater Management Review Committee

- 18.1 The permit holder shall establish, and retain, as a committee of the Tauranga City Council under clause 30 of the Seventh Schedule to the Local Government Act 2002, the Wastewater Management Review Committee ("Review Committee").
- 18.1.1 The permit holder shall facilitate the role and function of the Review Committee by providing reasonable organisational and administrative support for the duration of the permit.
- 18.1.2 The Review Committee required pursuant to condition 18.1 shall operate in accordance with the Wastewater Management Review Committee Management Plan.
- 18.1.3 The permit holder shall submit the Wastewater Management Review Committee Management Plan, to the Chief Executive of the Regional Council or delegate for approval within three months of the commencement of this permit. The permit holder may amend the Wastewater Management Review Committee Management Plan with the written approval of the Chief Executive of the Regional Council or delegate.

- 18.2 The Wastewater Management Review Committee Management Plan shall address:

- 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 tangata 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

18.3 Notwithstanding condition 18.2(d), the functions of the Review Committee shall include, but not be limited to the following functions:

- 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 this permit.
- b) To make decisions about the application of the Environmental Mitigation and Enhancement Fund established in accordance with Condition 19 of this permit.
- 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 Condition 18.3(c), to make recommendations to the permit holder as to the implementation of the works to be undertaken in accordance with Permit Number 62881, namely:
 - Decommissioning of the Te Maunga Sludge Pond and the future use of the pond.
 - 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 this permit.
- 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 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 the 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 the 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.

18.4 Prior to making any:

a) Decisions as to the allocation of the Environmental Mitigation and Enhancement Fund in accordance with Condition 18.3(b) hereof or,

b) Recommendations to the permit holder in relation to physical environmental mitigation or enhancement or mitigation works in accordance with Condition 18.3(c) 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)) or undertaken (in accordance with Condition 18.3(c)). As a minimum, the Review Committee shall consult with

- Nga Potiki hapu and iwi of Ngaiterangi, 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 that may affect those councils in accordance with their function under Condition 18.3(m) hereof.

18.5 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 Chief Executive of the 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.

18.6 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, or the Wastewater Management Review Committee Management Plan, which may be considered necessary or desirable. This report shall be available at least three months prior to the date on which the Bay of Plenty Regional Council is entitled to review the conditions of these permits in accordance with condition 22 hereof.

A copy of this report shall also be provided to the Chief Executive, Tauranga City Council.

19 Environmental Mitigation and Enhancement Fund

19.1 The permit holder shall establish a fund, to be entitled the Environmental Mitigation and Enhancement Fund, of not less than \$250,000 (comprising one payment of \$50,000 one month after the commencement of the permit, and four further such payments the second, third, fourth and fifth anniversary of the commencement of the permits).

The purpose of the fund shall be to fund and facilitate measures and initiatives (particularly in the Upper Tauranga Harbour) to:

a) Avoid, remedy or mitigate the actual or potential effects of the Wastewater Scheme (in its broadest sense); or

b) To acknowledge and provide mitigation by way of environmental compensation for ongoing adverse environmental effects (including by way of offence to tangata whenua cultural and spiritual values) associated with the Wastewater Scheme.

Initiatives which the fund may be applied to may include but are not limited to:

c) Providing opportunities for promoting and/or implementing initiatives for capacity building of tangata whenua; and

- d) The carrying out by tangata whenua of monitoring the cultural effects associated with the operation of the Wastewater Scheme.
 - e) Providing opportunities for promoting and/or implementing involvement of tangata whenua in sampling, testing and monitoring.
 - f) Research into issues relevant to water quality and ecological issues, particularly in the Upper Harbour.
 - g) Research into the health and size of shellfish populations and the relocation and/or re-seeding of such populations where appropriate.
- 19.2 The fund shall be applied by the permit holder in accordance with recommendations of the Review Committee established pursuant to Condition 18 of this permit.
- 19.3 The permit holder shall review the effectiveness of the application of the fund at least two months prior to the third anniversary of the commencement of these permits with a view to making further funds available on the same basis as Condition 19 hereof, having regard to the reports of the Review Committee.

20 Monitoring, Upgrade and Technology Review Report

- 20.1 Not later than the fourth anniversary of the commencement of these permits, and every five years thereafter, the permit holder shall commission the preparation of a comprehensive assessment of the wastewater discharge and the operation and effects of the Wastewater Scheme and technological developments in relation to wastewater treatment and disposal and re-use systems and techniques, and the preparation of a report thereon, to be entitled the Monitoring, Upgrade and Technology Review Report. The assessment shall be undertaken by a suitably qualified independent New Zealand specialist or specialists in wastewater systems. In appointing the specialist in accordance with this condition, the permit holder shall take account of any recommendation made by the Review Committee under Condition 18.3(e) hereof.
- The scope of the assessment should address but is not limited to the following:
- a) Progress towards the permit holder's objective of "towards zero waste".
 - b) Progress in adoption or promotion of SmartGrowth Stretch Targets.
 - c) Technological changes and advances in relation to wastewater management, treatment and disposal and beneficial re-use technologies which may be relevant to the ongoing operation of the Wastewater Scheme, including the availability of alternatives to the current waterborne wastewater system such as waterless toilet systems.
 - d) The results and associated assessment of the permit holder's sampling monitoring undertaken in accordance with the resource consents, including the adequacy and scope of such monitoring and sampling.
 - e) Ongoing compliance with the requirements of all relevant resource consents particularly in relation to any reported non-compliance with consent conditions.
 - f) The implications of any relevant changes in legislation or policy relevant to the ongoing operation or compliance of the Wastewater Scheme, including standards relevant to receiving environments affected by the Wastewater Scheme.
 - g) The cost of any potential technological changes having regard to the best practicable option for addressing the relevant issue.
- 20.2 The permit holder shall instruct the independent consultant commissioned to prepare the report to consult with the Review Committee, the Consent Authority, and any key stakeholders or iwi groups identified by the Review Committee in preparing its report. (It is contemplated that tangata whenua will prepare a paper for submission to the independent consultant on the outcomes of any cultural monitoring or any other issue relevant to the operation of the permits.)
- 20.3 The permit holder shall use its best endeavours to ensure that the report is received at least six months before the date on which the Regional Council is entitled to review the conditions of this permit in accordance with Condition 22 hereof, so that the Regional Council is able to take account of the report in deciding whether to initiate a review.

- 20.4 The permit holder shall ensure that copies of the Monitoring, Upgrade and Technology Review Report are forwarded to the Chair of the Review Committee, the Chief Executive of the Bay of Plenty Regional Council and the Chief Executive of the Tauranga City Council within 10 working days of receipt.

21 Repeal of Mount Maunganui Borough Reclamation and Empowering Act 1975

- 21.1 As soon as reasonably practicable after the existing designation for the Te Maunga plant is extended to include the existing oxidation ponds and wetlands and all associated legal formalities have been completed, the permit holder shall commence procedures to secure the repeal of the Mount Maunganui Borough Reclamation and Empowering Act 1975 and shall exercise its best endeavours to secure the repeal of the legislation.
- 21.2 The permit holder shall keep the Review Committee advised as to progress in achieving Condition 21.1.
- 21.3 Nothing in condition 21.1 and 21.2 requires the consent holder to take steps to secure the repeal of the Mount Maunganui Borough Reclamation and Empowering Act 1975 until a title has been issued to the Tauranga City Council confirming its ownership of the land comprised in the pond and the Waste Management designation has been placed on the pond area.

22 Review of Permit Conditions

- 22.0 The Regional Council may under section 128 of the Resource Management Act 1991 initiate a review of the conditions of these permits on the fifth anniversary of the commencement of these permits and on every 5 years thereafter.

The review of conditions shall be for the purpose of:

- a) Reviewing the effectiveness of the standards in these permits in meeting environmental outcomes; and
- b) Reviewing any refinements to, or reduction in, the monitoring programmes specified in this discharge permit; and
- c) Implementing any recommendations of the Review Committee made in accordance with Condition 18.3 hereof; and
- d) Implementing any recommendations made in the Monitoring, Upgrade and Technology Review Report prepared in accordance with condition 20 hereof.

The review of conditions shall allow for:

- a) The deletion or amendment of any of the conditions of this permit; and/or
- b) The addition of new conditions as necessary to avoid, remedy or mitigate any adverse effects on the environment, including any unforeseen adverse environmental effects.

If necessary and appropriate the review, as provided for under this condition, may require the permit holder to adopt the Best Practicable Option to prevent or minimise significant adverse effects on the environment.

23 Term of Permit

- 23.0 This permit shall expire on 30 April 2040.

24 Resource Management Charges

- 24.0 The permit holder shall pay the Bay of Plenty Regional Council such administrative charges as are fixed from time to time by the Regional Council in accordance with section 36 of the Resource Management Act 1991.

25 The Permit

- 25.0 The Permit hereby authorised is granted under the Resource Management Act 1991 and does not constitute an authority under any other Act, Regulation or Bylaw.

Advice Notes

1. *For the purpose of condition 5, the average daily quantity of treated wastewater discharged shall be determined for each year.*
2. *All reports required by the conditions of this permit shall be directed in writing to the Principal Compliance Officer, Environment Bay of Plenty, and should include the permit number.*
3. *Up to 16 exceedences out of 26 samples are permitted to meet a 50-percentile (median) discharge compliance standard based on a discharger's risk of no more than 10%. (From "New Zealand Municipal Wastewater Monitoring Guidelines", NZWERF/MfE 2002).*
4. *Up to 3 exceedences out of 26 samples are permitted to meet a 95-percentile discharge compliance standard based on a discharger's risk of no more than 10%. From "New Zealand Municipal Wastewater Monitoring Guidelines", NZWERF/MfE 2002).*
5. *Up to 13 exceedences out of 20 samples are permitted to meet a 50-percentile (median) discharge compliance standard based on a discharger's risk of no more than 10%. From "New Zealand Municipal Wastewater Monitoring Guidelines", NZWERF/MfE 2002).*
6. *The Regional Council has determined that inorganic arsenic typically makes up 10% of the total arsenic in shellfish and that a total arsenic value of 20 mg/kg can be used as an equivalent standard.*
7. *The permit holder is advised that under the provisions of section 64A of the Resource Management Act 1991, this permit may become subject to charges for the occupation of Crown seabed and/or foreshore. At the time of issuing this permit there is no charging system in place however this permit may be affected by any charging regime implemented in the future.*
8. *The permit holder is advised that the proposal put forward at the consent hearing in regard of Wastewater Management Review Committee membership, meeting frequency and protocols would meet the requirements of condition 18.2.*
9. *Prior to planned maintenance periods, take into account forecast weather to avoid significant rainfall events.*

Consent Number: **62878.0.03-CC**

Bay of Plenty Regional Council

Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 9 September 2005, **hereby grants:**

A resource consent:

- Pursuant to section 12(2)(a) of the Resource Management Act 1991 and Rule 12.2.4(a) of the Bay of Plenty Regional Coastal Environment Plan to Occupy Space in the Coastal Marine Area

subject to the following conditions:

1 Purpose

- 1.1 For the purpose of discharging secondary-treated and disinfected wastewater from the Chapel Street Wastewater Treatment Plant and secondary-treated wastewater from the Te Maunga Wastewater Treatment Plant into the Coastal Marine Area.
- 1.2 To provide for the ongoing occupation of the coastal marine area by the Omanu ocean outfall structure and the potential retrofit (relining) of the structure.

2 Location Of Discharge

- 2.1 Into the Pacific Ocean through an existing 950 metre outfall pipe located off Omanu Beach as shown on BOPRC Plan Number RC 62879/1.
- 2.2 The Omanu ocean outfall pipe extends perpendicular to the Papamoa shoreline for a distance of 950 metres (distance from the beach manhole to the seaward diffuser) as shown on BOPRC plan number RC 62879/1.

3 Map Reference

- 3.0 At or about map reference NZMS 260 U14: 9695-8730.
The Omanu ocean outfall pipe is located between map references NZMS 260 U14 9720 8710 and NZMS 260 U14 9720 8710.

4 Legal Description

- 4.0 Foreshore and Seabed, Pacific Ocean (Tauranga District).

5 Quantity and Rate

- 5.0 The average daily quantity of treated wastewater to be discharged shall not exceed 50 000 cubic metres per day, with a maximum wet weather discharge of 900 litres per second. (see advice note 1).

6 UV Disinfection

Change: CH17-00785

- 6.1 No later than nine years after the issue of this permit the wastewater discharged from both the Chapel Street and Te Maunga treatment plants shall be secondary treated and UV disinfected.

The discharge of wastewater during planned and unplanned UV Plant maintenance is permitted, subject to conditions 6.2 and 6.3.

- 6.2 Planned UV Plant Maintenance - The consent holder shall ensure that the following mitigation measures are undertaken during planned maintenance periods:
- The wastewater pumps to the ocean outfall will be turned off during planned maintenance of the UV Plant (no discharge to the ocean), where possible - See advice note 9.
 - Where practicable planned maintenance of the UV Plant will be undertaken during winter months where there are reduced bacteria/loads in the wastewater.
 - The maximum downtime period of the UV Plant during planned maintenance periods shall be no more than two weeks.
- 6.3 Unplanned UV Plant Maintenance - The consent holder shall ensure that the following mitigation measures are undertaken during unplanned maintenance activities:
- The wastewater pumps to the ocean outfall shall be turned off during unplanned maintenance of the UV Plant (no discharge to the ocean), where possible.
 - Actions to remedy the situation will be undertaken as quickly as possible and in a manner that minimises the length of downtime of the UV Plant.
 - After the unplanned event, the consent holder shall submit to BOPRC a report detailing the event, including the date, time and extent of downtime of the UV plant and the actions undertaken to remedy the situation. This report will be provided to BOPRC within two weeks of the event being remedied.
 - On any occasion that the event extends for more than 2 weeks, the consent holder shall provide an interim report to BOPRC stating, as a minimum, the cause of the event, likely duration of the event and the actions being undertaken to remedy the situation. Update reports shall be provided 4 weekly from the date of the interim report until the situation is remedied.
- 6.4 Where wastewater that is not UV treated is discharged to the ocean the quality of the wastewater discharged shall not exceed the standards required by Condition 10.2.

7 Outfall

- 7.1 The discharge shall be through a diffuser section at least 22.5 metres long.
- 7.2 The outfall diffuser shall be reconfigured to maximise initial dilution by no later than 1 January 2010.
- 7.3 The outfall diffuser shall be inspected at least once per annum. A report on the results of the inspection shall be sent to the Regional Council within one month of inspection.

8 Operations and Maintenance

- 8.1 The wastewater treatment and disposal system shall be operated and maintained at all times to ensure that the treatment is in accordance with sound engineering practices.
- 8.2 Treated wastewater from both the Chapel Street treatment plant and the Te Maunga treatment plant shall pass through a wetland prior to discharge via the ocean outfall.

9 Monitoring

- 9.1 The permit holder shall continuously monitor and record the flow rate and volume of treated wastewater entering the outfall pipeline.
- 9.2 The permit holder shall take grab samples and 24-hour flow proportioned samples of treated wastewater discharged twice each week. The samples shall be analysed for the constituents and at the frequency listed in Schedule 1 below.
- 9.3 The permit holder shall provide a suitable wastewater sampling station for the monitoring required by condition 9.2. The sampling station shall be located at the outfall pumping station, immediately prior to the entry of wastewater into the ocean outfall pipeline.
- 9.4 All quality analysis pursuant to condition 9.2 shall be carried out as set out in the latest edition of "Standard Methods for the Examination of Water and Wastewater" - APHA - AWWA - WPCF or such other method as may be approved by the Chief Executive of the Regional Council or delegate.
- 9.5 All quality analysis of the wastewater discharge shall be undertaken in a laboratory with IANZ or

similar accreditation.

- 9.6 The permit holder shall make results of monitoring undertaken (as required by conditions of this permit) available to the Regional Council on request. Data records for each 3-month period ending April, July, October and January shall be forwarded to the Regional Council in a suitable electronic format, within 30 days after the end of each 3-month period.
- 9.7 The Permit Holder shall notify the Regional Council within 1 week of any non-compliance being determined in respect of condition 10 of this permit.

10 Treated Wastewater Quality

- 10.1 Based on twice-weekly sampling, as required by condition 9.2 of this permit, and take over each 13-week period commencing on 1 February, 1 May, 1 August, and 1 November of each year during the term of this permit, all wastewater discharged through the ocean outfall shall meet the following BOD5 and total suspended solids standards:

Analyte Sample Type

No more than 16 values shall exceed

No more than 3 values shall exceed

BOD5 (mg/L) Composite

25

30

Total suspended solids (mg/L) Composite

50

80

(See advice notes 3 & 4)

- 10.2 The following enterococci standard shall apply to all wastewater discharged through the ocean outfall:

- Based on twice-weekly sampling as required by condition 9.2 of this permit, and taken over each 13-week period commencing on 1 February, 1 May, 1 August, and 1 November of each year, no more than 16 enterococci values shall exceed 3 500 cfu/100mL.

11 Receiving Water Monitoring

- 11.1 The permit holder shall monitor the enterococci concentration on the receiving water at nine locations offshore of the beach adjacent to the outfall. Five water samples are to be collected per station per month during December, January, February and March to give a total of 20 samples per station per year. The monitoring stations shall be situated approximately 400 metres offshore of the beach at the following locations:

- 2000 metres northwest of the outfall
- 1500 metres northwest of the outfall
- 1000 metres northwest of the outfall
- 500 metres northwest of the outfall
- On the outfall alignment
- 500 metres southeast of the outfall
- 1000 metres southeast of the outfall
- 1500 metres southeast of the outfall
- 2000 metres southeast of the outfall

- 11.2 Based on 20 coastal water samples collected each year in accordance with condition 11.1, the treated wastewater discharge shall not cause more than 13 enterococci values to exceed 35 enterococci per 100 mL, or cause any single sample to exceed 104 enterococci per 100 mL. (see advice note 5).

- 11.3 If, in any December to March period, the enterococci standard is exceeded at any sampling station,

the permit holder shall immediately notify the Regional Council and Pacific Health, and shall carry out investigations into the likely cause of that exceedence. The permit holder shall forward an investigations report to the Regional Council within 30 days of the end of that period.

- 11.4 The discharge of wastewater authorised by this permit shall not cause any of the following effects beyond a distance of 100m from the midpoint of the diffuser:

- a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; and
- b) any conspicuous changes in colour or visual clarity; or
- c) any significant adverse effects on aquatic life.

12 Shellfish Monitoring

- 12.1 The permit holder shall monitor the Escherichia coli, arsenic, and trace metal (cadmium, chromium, copper, mercury, lead, nickel, zinc) content in the soft tissue of inter-tidal shellfish (tuatua) collected from five stations off the beach adjacent to the outfall. Five replicate shellfish samples shall be collected per station during February of each year. The monitoring stations shall be within the inter-tidal zone at approximately the following locations:

- a) 2000 metres northwest of the outfall
- b) 1000 metres northwest of the outfall
- c) On the outfall alignment
- d) 1000 metres southeast of the outfall
- e) 2000 metres southeast of the outfall

- 12.2 For shellfish samples collected in accordance with condition 12.1 the following shall apply:

- a) No more than 1 out of 5 replicate shellfish samples shall exceed 230 E. coli per 100g and none of the 5 replicate samples shall exceed 700 E. coli per 100g.

- b) None of the 5 replicates shall exceed the following trace metal concentrations (all values mg/kg):

- arsenic (inorganic) 2 (see advice note 6)
- copper 30
- lead 0.5
- mercury 0.5
- nickel 2
- zinc 40

- c) If on any sampling occasion, any sample exceeds any of the above limits, the permit holder shall notify immediately the Regional Council and Pacific Health, and shall carry out investigations into the likely cause of that exceedence. The permit holder shall forward an investigations report to the Regional Council within 30 days of that sampling occasion.

- 12.3 The permit holder shall monitor the arsenic and trace metal (cadmium, chromium, copper, mercury, lead, nickel, zinc) content of the three replicate mussel samples collected from the outfall pipeline diffuser to provide a worst-case measure of trace metal accumulation. The three replicate shellfish samples shall be collected from the diffuser section of the pipeline during February of each year.

13 Comprehensive Ecological Survey

- 13.0 The permit holder shall undertake a broad spatial study of the benthic biota and sediments in the vicinity of the outfall (comparable to that carried out by Cawthron Institute in 2003) in the years 2014 and 2024. The results of such studies are to be provided to the Regional Council within three months of each survey being undertaken.

14 Occupation of Space

- 14.1 The area occupied by the ocean outfall structure shall not exceed 950m² in total area and shall be generally as shown on BOPRC plan number RC 62879/1.
- 14.2 There shall be free and unrestricted public access through the area occupied by the ocean outfall structure except where restrictions are necessary during regular inspection and/or maintenance works

to ensure public health and safety.

- 14.3 The permit holder shall take any necessary precautions to ensure the safety of the public using the area occupied by the ocean outfall structure.

15 Notifying the Regional Council of Works

- 15.0 The permit holder shall notify the Chief Executive of the Regional Council or delegate no less than five working days prior to commencing any inspection and/or maintenance works under this consent.

16 Retrofit (Relining) Works

- 16.1 Retrofit and/or relining works under this consent shall be carried out generally in accordance with information submitted with the application for this consent including:
- Section 10 of the application document titled "Tauranga City Council Wastewater Consents Project: Resource Consents Application, Notice of Requirement to Alter a Designation, and Assessment of Effects on the Environment, Application Edition, October 2004"; and
 - An approved Construction Management Plan as required by condition 16.2 of this consent.
- 16.2 The consent holder shall submit a Construction Management Plan for any retrofit or relining works under this consent to the Regional Council for technical approval, no less than twenty one working days prior to commencing those works. The Construction Management Plan shall include but not be limited to the following;
- Type of construction method; and
 - Proposed construction timeframe; and
 - Access arrangements and protective measures including transportation, storage and use of machinery, tools and materials within the foreshore and marine area; and
 - Mitigating measures to minimise actual or potential adverse effects; and
 - Risk management procedures; and
 - Any other issues that may be identified.

17 Maintenance

Change: CH17-00785

- 17.1 The permit holder shall ensure that the ocean outfall structure is maintained in an effective capacity at all times, and shall undertake any maintenance works immediately if so directed by the Chief Executive of the Regional Council or delegate.
- 17.2 The consent holder shall maintain all parts of the wastewater treatment system in effective working order at all times and in accordance with the manufacturer's instructions for any mechanical elements, to ensure that the wastewater treatment plant operates efficiently and meets the discharge quality set by conditions of this consent, and shall undertake any maintenance works immediately if so directed by the Chief Executive of the Regional Council or delegate.

18 Wastewater Management Review Committee

- 18.1 The permit holder shall establish, and retain, as a committee of the Tauranga City Council under clause 30 of the Seventh Schedule to the Local Government Act 2002, the Wastewater Management Review Committee ("Review Committee").
- 18.1.1 The permit holder shall facilitate the role and function of the Review Committee by providing reasonable organisational and administrative support for the duration of the permit.
- 18.1.2 The Review Committee required pursuant to condition 18.1 shall operate in accordance with the Wastewater Management Review Committee Management Plan.
- 18.1.3 The permit holder shall submit the Wastewater Management Review Committee Management Plan, to the Chief Executive of the Regional Council or delegate for approval within three months of the commencement of this permit. The permit holder may amend the Wastewater Management Review Committee Management Plan with the written approval of the Chief Executive of the Regional Council or delegate.

- 18.2 The Wastewater Management Review Committee Management Plan shall address:

- 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 tangata 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

18.3 Notwithstanding condition 18.2(d), the functions of the Review Committee shall include, but not be limited to the following functions:

- 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 this permit.
- b) To make decisions about the application of the Environmental Mitigation and Enhancement Fund established in accordance with Condition 19 of this permit.
- 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 Condition 18.3(c), to make recommendations to the permit holder as to the implementation of the works to be undertaken in accordance with Permit Number 62881, namely:
 - Decommissioning of the Te Maunga Sludge Pond and the future use of the pond.
 - 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 this permit.
- 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 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 the 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 the 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.

18.4 Prior to making any:

a) Decisions as to the allocation of the Environmental Mitigation and Enhancement Fund in accordance with Condition 18.3(b) hereof or,

b) Recommendations to the permit holder in relation to physical environmental mitigation or enhancement or mitigation works in accordance with Condition 18.3(c) 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)) or undertaken (in accordance with Condition 18.3(c)). As a minimum, the Review Committee shall consult with

- Nga Potiki hapu and iwi of Ngaiterangi, 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 that may affect those councils in accordance with their function under Condition 18.3(m) hereof.

18.5 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 Chief Executive of the 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.

18.6 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, or the Wastewater Management Review Committee Management Plan, which may be considered necessary or desirable. This report shall be available at least three months prior to the date on which the Bay of Plenty Regional Council is entitled to review the conditions of these permits in accordance with condition 22 hereof.

A copy of this report shall also be provided to the Chief Executive, Tauranga City Council.

19 Environmental Mitigation and Enhancement Fund

19.1 The permit holder shall establish a fund, to be entitled the Environmental Mitigation and Enhancement Fund, of not less than \$250,000 (comprising one payment of \$50,000 one month after the commencement of the permit, and four further such payments the second, third, fourth and fifth anniversary of the commencement of the permits).

The purpose of the fund shall be to fund and facilitate measures and initiatives (particularly in the Upper Tauranga Harbour) to:

a) Avoid, remedy or mitigate the actual or potential effects of the Wastewater Scheme (in its broadest sense); or

b) To acknowledge and provide mitigation by way of environmental compensation for ongoing adverse environmental effects (including by way of offence to tangata whenua cultural and spiritual values) associated with the Wastewater Scheme.

Initiatives which the fund may be applied to may include but are not limited to:

c) Providing opportunities for promoting and/or implementing initiatives for capacity building of tangata whenua; and

d) The carrying out by tangata whenua of monitoring the cultural effects associated with the operation

of the Wastewater Scheme.

e) Providing opportunities for promoting and/or implementing involvement of tangata whenua in sampling, testing and monitoring.

f) Research into issues relevant to water quality and ecological issues, particularly in the Upper Harbour.

g) Research into the health and size of shellfish populations and the relocation and/or re-seeding of such populations where appropriate.

19.2 The fund shall be applied by the permit holder in accordance with recommendations of the Review Committee established pursuant to Condition 18 of this permit.

19.3 The permit holder shall review the effectiveness of the application of the fund at least two months prior to the third anniversary of the commencement of these permits with a view to making further funds available on the same basis as Condition 19 hereof, having regard to the reports of the Review Committee.

20 Monitoring, Upgrade and Technology Review Report

20.1 Not later than the fourth anniversary of the commencement of these permits, and every five years thereafter, the permit holder shall commission the preparation of a comprehensive assessment of the wastewater discharge and the operation and effects of the Wastewater Scheme and technological developments in relation to wastewater treatment and disposal and re-use systems and techniques, and the preparation of a report thereon, to be entitled the Monitoring, Upgrade and Technology Review Report. The assessment shall be undertaken by a suitably qualified independent New Zealand specialist or specialists in wastewater systems. In appointing the specialist in accordance with this condition, the permit holder shall take account of any recommendation made by the Review Committee under Condition 18.3(e) hereof.

The scope of the assessment should address but is not limited to the following:

a) Progress towards the permit holder's objective of "towards zero waste".

b) Progress in adoption or promotion of SmartGrowth Stretch Targets.

c) Technological changes and advances in relation to wastewater management, treatment and disposal and beneficial re-use technologies which may be relevant to the ongoing operation of the Wastewater Scheme, including the availability of alternatives to the current waterborne wastewater system such as waterless toilet systems.

d) The results and associated assessment of the permit holder's sampling monitoring undertaken in accordance with the resource consents, including the adequacy and scope of such monitoring and sampling.

e) Ongoing compliance with the requirements of all relevant resource consents particularly in relation to any reported non-compliance with consent conditions.

f) The implications of any relevant changes in legislation or policy relevant to the ongoing operation or compliance of the Wastewater Scheme, including standards relevant to receiving environments affected by the Wastewater Scheme.

g) The cost of any potential technological changes having regard to the best practicable option for addressing the relevant issue.

20.2 The permit holder shall instruct the independent consultant commissioned to prepare the report to consult with the Review Committee, the Consent Authority, and any key stakeholders or iwi groups identified by the Review Committee in preparing its report. (It is contemplated that tangata whenua will prepare a paper for submission to the independent consultant on the outcomes of any cultural monitoring or any other issue relevant to the operation of the permits.)

20.3 The permit holder shall use its best endeavours to ensure that the report is received at least six months before the date on which the Regional Council is entitled to review the conditions of this permit in accordance with Condition 22 hereof, so that the Regional Council is able to take account of the report in deciding whether to initiate a review.

20.4 The permit holder shall ensure that copies of the Monitoring, Upgrade and Technology Review Report

are forwarded to the Chair of the Review Committee, the Chief Executive of the Bay of Plenty Regional Council and the Chief Executive of the Tauranga City Council within 10 working days of receipt.

21 Repeal of Mount Maunganui Borough Reclamation and Empowering Act 1975

- 21.1 As soon as reasonably practicable after the existing designation for the Te Maunga plant is extended to include the existing oxidation ponds and wetlands and all associated legal formalities have been completed, the permit holder shall commence procedures to secure the repeal of the Mount Maunganui Borough Reclamation and Empowering Act 1975 and shall exercise its best endeavours to secure the repeal of the legislation.
- 21.2 The permit holder shall keep the Review Committee advised as to progress in achieving Condition 21.1.
- 21.3 Nothing in condition 21.1 and 21.2 requires the consent holder to take steps to secure the repeal of the Mount Maunganui Borough Reclamation and Empowering Act 1975 until a title has been issued to the Tauranga City Council confirming its ownership of the land comprised in the pond and the Waste Management designation has been placed on the pond area.

22 Review of Permit Conditions

- 22.0 The Regional Council may under section 128 of the Resource Management Act 1991 initiate a review of the conditions of these permits on the fifth anniversary of the commencement of these permits and on every 5 years thereafter.

The review of conditions shall be for the purpose of:

- a) Reviewing the effectiveness of the standards in these permits in meeting environmental outcomes; and
- b) Reviewing any refinements to, or reduction in, the monitoring programmes specified in this discharge permit; and
- c) Implementing any recommendations of the Review Committee made in accordance with Condition 18.3 hereof; and
- d) Implementing any recommendations made in the Monitoring, Upgrade and Technology Review Report prepared in accordance with condition 20 hereof.

The review of conditions shall allow for:

- a) The deletion or amendment of any of the conditions of this permit; and/or
- b) The addition of new conditions as necessary to avoid, remedy or mitigate any adverse effects on the environment, including any unforeseen adverse environmental effects.

If necessary and appropriate the review, as provided for under this condition, may require the permit holder to adopt the Best Practicable Option to prevent or minimise significant adverse effects on the environment.

23 Term of Permit

- 23.0 This permit shall expire on 30 April 2040.

24 Resource Management Charges

- 24.0 The permit holder shall pay the Bay of Plenty Regional Council such administrative charges as are fixed from time to time by the Regional Council in accordance with section 36 of the Resource Management Act 1991.

25 The Permit

- 25.0 The Permit hereby authorised is granted under the Resource Management Act 1991 and does not constitute an authority under any other Act, Regulation or Bylaw.

Advice Notes

1. *For the purpose of condition 5, the average daily quantity of treated wastewater discharged shall be determined for each year.*
2. *All reports required by the conditions of this permit shall be directed in writing to the Principal Compliance Officer, Environment Bay of Plenty, and should include the permit number.*
3. *Up to 16 exceedences out of 26 samples are permitted to meet a 50-percentile (median) discharge compliance standard based on a discharger's risk of no more than 10%. (From "New Zealand Municipal Wastewater Monitoring Guidelines", NZWERF/MfE 2002).*
4. *Up to 3 exceedences out of 26 samples are permitted to meet a 95-percentile discharge compliance standard based on a discharger's risk of no more than 10%. From "New Zealand Municipal Wastewater Monitoring Guidelines", NZWERF/MfE 2002).*
5. *Up to 13 exceedences out of 20 samples are permitted to meet a 50-percentile (median) discharge compliance standard based on a discharger's risk of no more than 10%. From "New Zealand Municipal Wastewater Monitoring Guidelines", NZWERF/MfE 2002).*
6. *The Regional Council has determined that inorganic arsenic typically makes up 10% of the total arsenic in shellfish and that a total arsenic value of 20 mg/kg can be used as an equivalent standard.*
7. *The permit holder is advised that under the provisions of section 64A of the Resource Management Act 1991, this permit may become subject to charges for the occupation of Crown seabed and/or foreshore. At the time of issuing this permit there is no charging system in place however this permit may be affected by any charging regime implemented in the future.*
8. *The permit holder is advised that the proposal put forward at the consent hearing in regard of Wastewater Management Review Committee membership, meeting frequency and protocols would meet the requirements of condition 18.2.*
9. *Prior to planned maintenance periods, take into account forecast weather to avoid significant rainfall events.*

Consent Number: **62878.0.04-CC**

Bay of Plenty Regional Council

Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 9 September 2005, **hereby grants:**

A resource consent:

- Pursuant to section 12(3)(a) of the Resource Management Act 1991 and Rule 13.2.4(h) of the Bay of Plenty Regional Coastal Environment Plan to Use a Structure in, on, under or over Foreshore and/or Seabed

subject to the following conditions:

1 Purpose

- 1.1 For the purpose of discharging secondary-treated and disinfected wastewater from the Chapel Street Wastewater Treatment Plant and secondary-treated wastewater from the Te Maunga Wastewater Treatment Plant into the Coastal Marine Area.
- 1.2 To provide for the ongoing occupation of the coastal marine area by the Omanu ocean outfall structure and the potential retrofit (relining) of the structure.

2 Location Of Discharge

- 2.1 Into the Pacific Ocean through an existing 950 metre outfall pipe located off Omanu Beach as shown on BOPRC Plan Number RC 62879/1.
- 2.2 The Omanu ocean outfall pipe extends perpendicular to the Papamoa shoreline for a distance of 950 metres (distance from the beach manhole to the seaward diffuser) as shown on BOPRC plan number RC 62879/1.

3 Map Reference

- 3.0 At or about map reference NZMS 260 U14: 9695-8730.
The Omanu ocean outfall pipe is located between map references NZMS 260 U14 9720 8710 and NZMS 260 U14 9720 8710.

4 Legal Description

- 4.0 Foreshore and Seabed, Pacific Ocean (Tauranga District).

5 Quantity and Rate

- 5.0 The average daily quantity of treated wastewater to be discharged shall not exceed 50 000 cubic metres per day, with a maximum wet weather discharge of 900 litres per second. (see advice note 1).

6 UV Disinfection

Change: CH17-00785

- 6.1 No later than nine years after the issue of this permit the wastewater discharged from both the Chapel Street and Te Maunga treatment plants shall be secondary treated and UV disinfected.

The discharge of wastewater during planned and unplanned UV Plant maintenance is permitted, subject to conditions 6.2 and 6.3.

- 6.2 Planned UV Plant Maintenance - The consent holder shall ensure that the following mitigation measures are undertaken during planned maintenance periods:
- The wastewater pumps to the ocean outfall will be turned off during planned maintenance of the UV Plant (no discharge to the ocean), where possible - See advice note 9.
 - Where practicable planned maintenance of the UV Plant will be undertaken during winter months where there are reduced bacteria/loads in the wastewater.
 - The maximum downtime period of the UV Plant during planned maintenance periods shall be no more than two weeks.
- 6.3 Unplanned UV Plant Maintenance - The consent holder shall ensure that the following mitigation measures are undertaken during unplanned maintenance activities:
- The wastewater pumps to the ocean outfall shall be turned off during unplanned maintenance of the UV Plant (no discharge to the ocean), where possible.
 - Actions to remedy the situation will be undertaken as quickly as possible and in a manner that minimises the length of downtime of the UV Plant.
 - After the unplanned event, the consent holder shall submit to BOPRC a report detailing the event, including the date, time and extent of downtime of the UV plant and the actions undertaken to remedy the situation. This report will be provided to BOPRC within two weeks of the event being remedied.
 - On any occasion that the event extends for more than 2 weeks, the consent holder shall provide an interim report to BOPRC stating, as a minimum, the cause of the event, likely duration of the event and the actions being undertaken to remedy the situation. Update reports shall be provided 4 weekly from the date of the interim report until the situation is remedied.
- 6.4 Where wastewater that is not UV treated is discharged to the ocean the quality of the wastewater discharged shall not exceed the standards required by Condition 10.2.

7 Outfall

- 7.1 The discharge shall be through a diffuser section at least 22.5 metres long.
- 7.2 The outfall diffuser shall be reconfigured to maximise initial dilution by no later than 1 January 2010.
- 7.3 The outfall diffuser shall be inspected at least once per annum. A report on the results of the inspection shall be sent to the Regional Council within one month of inspection.

8 Operations and Maintenance

- 8.1 The wastewater treatment and disposal system shall be operated and maintained at all times to ensure that the treatment is in accordance with sound engineering practices.
- 8.2 Treated wastewater from both the Chapel Street treatment plant and the Te Maunga treatment plant shall pass through a wetland prior to discharge via the ocean outfall.

9 Monitoring

- 9.1 The permit holder shall continuously monitor and record the flow rate and volume of treated wastewater entering the outfall pipeline.
- 9.2 The permit holder shall take grab samples and 24-hour flow proportioned samples of treated wastewater discharged twice each week. The samples shall be analysed for the constituents and at the frequency listed in Schedule 1 below.
- 9.3 The permit holder shall provide a suitable wastewater sampling station for the monitoring required by condition 9.2. The sampling station shall be located at the outfall pumping station, immediately prior to the entry of wastewater into the ocean outfall pipeline.
- 9.4 All quality analysis pursuant to condition 9.2 shall be carried out as set out in the latest edition of "Standard Methods for the Examination of Water and Wastewater" - APHA - AWWA - WPCF or such other method as may be approved by the Chief Executive of the Regional Council or delegate.
- 9.5 All quality analysis of the wastewater discharge shall be undertaken in a laboratory with IANZ or

similar accreditation.

- 9.6 The permit holder shall make results of monitoring undertaken (as required by conditions of this permit) available to the Regional Council on request. Data records for each 3-month period ending April, July, October and January shall be forwarded to the Regional Council in a suitable electronic format, within 30 days after the end of each 3-month period.
- 9.7 The Permit Holder shall notify the Regional Council within 1 week of any non-compliance being determined in respect of condition 10 of this permit.

10 Treated Wastewater Quality

- 10.1 Based on twice-weekly sampling, as required by condition 9.2 of this permit, and take over each 13-week period commencing on 1 February, 1 May, 1 August, and 1 November of each year during the term of this permit, all wastewater discharged through the ocean outfall shall meet the following BOD5 and total suspended solids standards:

Analyte Sample Type

No more than 16 values shall exceed

No more than 3 values shall exceed

BOD5 (mg/L) Composite

25

30

Total suspended solids (mg/L) Composite

50

80

(See advice notes 3 & 4)

- 10.2 The following enterococci standard shall apply to all wastewater discharged through the ocean outfall:

- Based on twice-weekly sampling as required by condition 9.2 of this permit, and taken over each 13-week period commencing on 1 February, 1 May, 1 August, and 1 November of each year, no more than 16 enterococci values shall exceed 3 500 cfu/100mL.

11 Receiving Water Monitoring

- 11.1 The permit holder shall monitor the enterococci concentration on the receiving water at nine locations offshore of the beach adjacent to the outfall. Five water samples are to be collected per station per month during December, January, February and March to give a total of 20 samples per station per year. The monitoring stations shall be situated approximately 400 metres offshore of the beach at the following locations:

- 2000 metres northwest of the outfall
- 1500 metres northwest of the outfall
- 1000 metres northwest of the outfall
- 500 metres northwest of the outfall
- On the outfall alignment
- 500 metres southeast of the outfall
- 1000 metres southeast of the outfall
- 1500 metres southeast of the outfall
- 2000 metres southeast of the outfall

- 11.2 Based on 20 coastal water samples collected each year in accordance with condition 11.1, the treated wastewater discharge shall not cause more than 13 enterococci values to exceed 35 enterococci per 100 mL, or cause any single sample to exceed 104 enterococci per 100 mL. (see advice note 5).

- 11.3 If, in any December to March period, the enterococci standard is exceeded at any sampling station,

the permit holder shall immediately notify the Regional Council and Pacific Health, and shall carry out investigations into the likely cause of that exceedence. The permit holder shall forward an investigations report to the Regional Council within 30 days of the end of that period.

- 11.4 The discharge of wastewater authorised by this permit shall not cause any of the following effects beyond a distance of 100m from the midpoint of the diffuser:

- a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; and
- b) any conspicuous changes in colour or visual clarity; or
- c) any significant adverse effects on aquatic life.

12 Shellfish Monitoring

- 12.1 The permit holder shall monitor the Escherichia coli, arsenic, and trace metal (cadmium, chromium, copper, mercury, lead, nickel, zinc) content in the soft tissue of inter-tidal shellfish (tuatua) collected from five stations off the beach adjacent to the outfall. Five replicate shellfish samples shall be collected per station during February of each year. The monitoring stations shall be within the inter-tidal zone at approximately the following locations:

- a) 2000 metres northwest of the outfall
- b) 1000 metres northwest of the outfall
- c) On the outfall alignment
- d) 1000 metres southeast of the outfall
- e) 2000 metres southeast of the outfall

- 12.2 For shellfish samples collected in accordance with condition 12.1 the following shall apply:

- a) No more than 1 out of 5 replicate shellfish samples shall exceed 230 E. coli per 100g and none of the 5 replicate samples shall exceed 700 E. coli per 100g.

- b) None of the 5 replicates shall exceed the following trace metal concentrations (all values mg/kg):

- arsenic (inorganic) 2 (see advice note 6)
- copper 30
- lead 0.5
- mercury 0.5
- nickel 2
- zinc 40

- c) If on any sampling occasion, any sample exceeds any of the above limits, the permit holder shall notify immediately the Regional Council and Pacific Health, and shall carry out investigations into the likely cause of that exceedence. The permit holder shall forward an investigations report to the Regional Council within 30 days of that sampling occasion.

- 12.3 The permit holder shall monitor the arsenic and trace metal (cadmium, chromium, copper, mercury, lead, nickel, zinc) content of the three replicate mussel samples collected from the outfall pipeline diffuser to provide a worst-case measure of trace metal accumulation. The three replicate shellfish samples shall be collected from the diffuser section of the pipeline during February of each year.

13 Comprehensive Ecological Survey

- 13.0 The permit holder shall undertake a broad spatial study of the benthic biota and sediments in the vicinity of the outfall (comparable to that carried out by Cawthron Institute in 2003) in the years 2014 and 2024. The results of such studies are to be provided to the Regional Council within three months of each survey being undertaken.

14 Occupation of Space

- 14.1 The area occupied by the ocean outfall structure shall not exceed 950m² in total area and shall be generally as shown on BOPRC plan number RC 62879/1.
- 14.2 There shall be free and unrestricted public access through the area occupied by the ocean outfall structure except where restrictions are necessary during regular inspection and/or maintenance works

to ensure public health and safety.

- 14.3 The permit holder shall take any necessary precautions to ensure the safety of the public using the area occupied by the ocean outfall structure.

15 Notifying the Regional Council of Works

- 15.0 The permit holder shall notify the Chief Executive of the Regional Council or delegate no less than five working days prior to commencing any inspection and/or maintenance works under this consent.

16 Retrofit (Relining) Works

- 16.1 Retrofit and/or relining works under this consent shall be carried out generally in accordance with information submitted with the application for this consent including:
- Section 10 of the application document titled "Tauranga City Council Wastewater Consents Project: Resource Consents Application, Notice of Requirement to Alter a Designation, and Assessment of Effects on the Environment, Application Edition, October 2004"; and
 - An approved Construction Management Plan as required by condition 16.2 of this consent.
- 16.2 The consent holder shall submit a Construction Management Plan for any retrofit or relining works under this consent to the Regional Council for technical approval, no less than twenty one working days prior to commencing those works. The Construction Management Plan shall include but not be limited to the following;
- Type of construction method; and
 - Proposed construction timeframe; and
 - Access arrangements and protective measures including transportation, storage and use of machinery, tools and materials within the foreshore and marine area; and
 - Mitigating measures to minimise actual or potential adverse effects; and
 - Risk management procedures; and
 - Any other issues that may be identified.

17 Maintenance

Change: CH17-00785

- 17.1 The permit holder shall ensure that the ocean outfall structure is maintained in an effective capacity at all times, and shall undertake any maintenance works immediately if so directed by the Chief Executive of the Regional Council or delegate.
- 17.2 The consent holder shall maintain all parts of the wastewater treatment system in effective working order at all times and in accordance with the manufacturer's instructions for any mechanical elements, to ensure that the wastewater treatment plant operates efficiently and meets the discharge quality set by conditions of this consent, and shall undertake any maintenance works immediately if so directed by the Chief Executive of the Regional Council or delegate.

18 Wastewater Management Review Committee

- 18.1 The permit holder shall establish, and retain, as a committee of the Tauranga City Council under clause 30 of the Seventh Schedule to the Local Government Act 2002, the Wastewater Management Review Committee ("Review Committee").
- 18.1.1 The permit holder shall facilitate the role and function of the Review Committee by providing reasonable organisational and administrative support for the duration of the permit.
- 18.1.2 The Review Committee required pursuant to condition 18.1 shall operate in accordance with the Wastewater Management Review Committee Management Plan.
- 18.1.3 The permit holder shall submit the Wastewater Management Review Committee Management Plan, to the Chief Executive of the Regional Council or delegate for approval within three months of the commencement of this permit. The permit holder may amend the Wastewater Management Review Committee Management Plan with the written approval of the Chief Executive of the Regional Council or delegate.

- 18.2 The Wastewater Management Review Committee Management Plan shall address:

- 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 tangata 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

18.3 Notwithstanding condition 18.2(d), the functions of the Review Committee shall include, but not be limited to the following functions:

- 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 this permit.
- b) To make decisions about the application of the Environmental Mitigation and Enhancement Fund established in accordance with Condition 19 of this permit.
- 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 Condition 18.3(c), to make recommendations to the permit holder as to the implementation of the works to be undertaken in accordance with Permit Number 62881, namely:
 - Decommissioning of the Te Maunga Sludge Pond and the future use of the pond.
 - 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 this permit.
- 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 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 the 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 the 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.

18.4 Prior to making any:

a) Decisions as to the allocation of the Environmental Mitigation and Enhancement Fund in accordance with Condition 18.3(b) hereof or,

b) Recommendations to the permit holder in relation to physical environmental mitigation or enhancement or mitigation works in accordance with Condition 18.3(c) 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)) or undertaken (in accordance with Condition 18.3(c)). As a minimum, the Review Committee shall consult with

- Nga Potiki hapu and iwi of Ngaiterangi, 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 that may affect those councils in accordance with their function under Condition 18.3(m) hereof.

18.5 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 Chief Executive of the 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.

18.6 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, or the Wastewater Management Review Committee Management Plan, which may be considered necessary or desirable. This report shall be available at least three months prior to the date on which the Bay of Plenty Regional Council is entitled to review the conditions of these permits in accordance with condition 22 hereof.

A copy of this report shall also be provided to the Chief Executive, Tauranga City Council.

19 Environmental Mitigation and Enhancement Fund

19.1 The permit holder shall establish a fund, to be entitled the Environmental Mitigation and Enhancement Fund, of not less than \$250,000 (comprising one payment of \$50,000 one month after the commencement of the permit, and four further such payments the second, third, fourth and fifth anniversary of the commencement of the permits).

The purpose of the fund shall be to fund and facilitate measures and initiatives (particularly in the Upper Tauranga Harbour) to:

a) Avoid, remedy or mitigate the actual or potential effects of the Wastewater Scheme (in its broadest sense); or

b) To acknowledge and provide mitigation by way of environmental compensation for ongoing adverse environmental effects (including by way of offence to tangata whenua cultural and spiritual values) associated with the Wastewater Scheme.

Initiatives which the fund may be applied to may include but are not limited to:

c) Providing opportunities for promoting and/or implementing initiatives for capacity building of tangata whenua; and

d) The carrying out by tangata whenua of monitoring the cultural effects associated with the operation

of the Wastewater Scheme.

e) Providing opportunities for promoting and/or implementing involvement of tangata whenua in sampling, testing and monitoring.

f) Research into issues relevant to water quality and ecological issues, particularly in the Upper Harbour.

g) Research into the health and size of shellfish populations and the relocation and/or re-seeding of such populations where appropriate.

19.2 The fund shall be applied by the permit holder in accordance with recommendations of the Review Committee established pursuant to Condition 18 of this permit.

19.3 The permit holder shall review the effectiveness of the application of the fund at least two months prior to the third anniversary of the commencement of these permits with a view to making further funds available on the same basis as Condition 19 hereof, having regard to the reports of the Review Committee.

20 Monitoring, Upgrade and Technology Review Report

20.1 Not later than the fourth anniversary of the commencement of these permits, and every five years thereafter, the permit holder shall commission the preparation of a comprehensive assessment of the wastewater discharge and the operation and effects of the Wastewater Scheme and technological developments in relation to wastewater treatment and disposal and re-use systems and techniques, and the preparation of a report thereon, to be entitled the Monitoring, Upgrade and Technology Review Report. The assessment shall be undertaken by a suitably qualified independent New Zealand specialist or specialists in wastewater systems. In appointing the specialist in accordance with this condition, the permit holder shall take account of any recommendation made by the Review Committee under Condition 18.3(e) hereof.

The scope of the assessment should address but is not limited to the following:

a) Progress towards the permit holder's objective of "towards zero waste".

b) Progress in adoption or promotion of SmartGrowth Stretch Targets.

c) Technological changes and advances in relation to wastewater management, treatment and disposal and beneficial re-use technologies which may be relevant to the ongoing operation of the Wastewater Scheme, including the availability of alternatives to the current waterborne wastewater system such as waterless toilet systems.

d) The results and associated assessment of the permit holder's sampling monitoring undertaken in accordance with the resource consents, including the adequacy and scope of such monitoring and sampling.

e) Ongoing compliance with the requirements of all relevant resource consents particularly in relation to any reported non-compliance with consent conditions.

f) The implications of any relevant changes in legislation or policy relevant to the ongoing operation or compliance of the Wastewater Scheme, including standards relevant to receiving environments affected by the Wastewater Scheme.

g) The cost of any potential technological changes having regard to the best practicable option for addressing the relevant issue.

20.2 The permit holder shall instruct the independent consultant commissioned to prepare the report to consult with the Review Committee, the Consent Authority, and any key stakeholders or iwi groups identified by the Review Committee in preparing its report. (It is contemplated that tangata whenua will prepare a paper for submission to the independent consultant on the outcomes of any cultural monitoring or any other issue relevant to the operation of the permits.)

20.3 The permit holder shall use its best endeavours to ensure that the report is received at least six months before the date on which the Regional Council is entitled to review the conditions of this permit in accordance with Condition 22 hereof, so that the Regional Council is able to take account of the report in deciding whether to initiate a review.

20.4 The permit holder shall ensure that copies of the Monitoring, Upgrade and Technology Review Report

are forwarded to the Chair of the Review Committee, the Chief Executive of the Bay of Plenty Regional Council and the Chief Executive of the Tauranga City Council within 10 working days of receipt.

21 Repeal of Mount Maunganui Borough Reclamation and Empowering Act 1975

- 21.1 As soon as reasonably practicable after the existing designation for the Te Maunga plant is extended to include the existing oxidation ponds and wetlands and all associated legal formalities have been completed, the permit holder shall commence procedures to secure the repeal of the Mount Maunganui Borough Reclamation and Empowering Act 1975 and shall exercise its best endeavours to secure the repeal of the legislation.
- 21.2 The permit holder shall keep the Review Committee advised as to progress in achieving Condition 21.1.
- 21.3 Nothing in condition 21.1 and 21.2 requires the consent holder to take steps to secure the repeal of the Mount Maunganui Borough Reclamation and Empowering Act 1975 until a title has been issued to the Tauranga City Council confirming its ownership of the land comprised in the pond and the Waste Management designation has been placed on the pond area.

22 Review of Permit Conditions

- 22.0 The Regional Council may under section 128 of the Resource Management Act 1991 initiate a review of the conditions of these permits on the fifth anniversary of the commencement of these permits and on every 5 years thereafter.

The review of conditions shall be for the purpose of:

- a) Reviewing the effectiveness of the standards in these permits in meeting environmental outcomes; and
- b) Reviewing any refinements to, or reduction in, the monitoring programmes specified in this discharge permit; and
- c) Implementing any recommendations of the Review Committee made in accordance with Condition 18.3 hereof; and
- d) Implementing any recommendations made in the Monitoring, Upgrade and Technology Review Report prepared in accordance with condition 20 hereof.

The review of conditions shall allow for:

- a) The deletion or amendment of any of the conditions of this permit; and/or
- b) The addition of new conditions as necessary to avoid, remedy or mitigate any adverse effects on the environment, including any unforeseen adverse environmental effects.

If necessary and appropriate the review, as provided for under this condition, may require the permit holder to adopt the Best Practicable Option to prevent or minimise significant adverse effects on the environment.

23 Term of Permit

- 23.0 This permit shall expire on 30 April 2040.

24 Resource Management Charges

- 24.0 The permit holder shall pay the Bay of Plenty Regional Council such administrative charges as are fixed from time to time by the Regional Council in accordance with section 36 of the Resource Management Act 1991.

25 The Permit

- 25.0 The Permit hereby authorised is granted under the Resource Management Act 1991 and does not constitute an authority under any other Act, Regulation or Bylaw.

Advice Notes

1. *For the purpose of condition 5, the average daily quantity of treated wastewater discharged shall be determined for each year.*
2. *All reports required by the conditions of this permit shall be directed in writing to the Principal Compliance Officer, Environment Bay of Plenty, and should include the permit number.*
3. *Up to 16 exceedences out of 26 samples are permitted to meet a 50-percentile (median) discharge compliance standard based on a discharger's risk of no more than 10%. (From "New Zealand Municipal Wastewater Monitoring Guidelines", NZWERF/MfE 2002).*
4. *Up to 3 exceedences out of 26 samples are permitted to meet a 95-percentile discharge compliance standard based on a discharger's risk of no more than 10%. From "New Zealand Municipal Wastewater Monitoring Guidelines", NZWERF/MfE 2002).*
5. *Up to 13 exceedences out of 20 samples are permitted to meet a 50-percentile (median) discharge compliance standard based on a discharger's risk of no more than 10%. From "New Zealand Municipal Wastewater Monitoring Guidelines", NZWERF/MfE 2002).*
6. *The Regional Council has determined that inorganic arsenic typically makes up 10% of the total arsenic in shellfish and that a total arsenic value of 20 mg/kg can be used as an equivalent standard.*
7. *The permit holder is advised that under the provisions of section 64A of the Resource Management Act 1991, this permit may become subject to charges for the occupation of Crown seabed and/or foreshore. At the time of issuing this permit there is no charging system in place however this permit may be affected by any charging regime implemented in the future.*
8. *The permit holder is advised that the proposal put forward at the consent hearing in regard of Wastewater Management Review Committee membership, meeting frequency and protocols would meet the requirements of condition 18.2.*
9. *Prior to planned maintenance periods, take into account forecast weather to avoid significant rainfall events.*

10 DISCUSSION OF LATE ITEMS

11 CLOSING KARAKIA