



AGENDA

Wastewater Management Review Committee Meeting Wednesday, 6 April 2022

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

Date: Wednesday, 6 April 2022

Time: 10:30am

**Location: Ground Floor Meeting Room 4
306 Cameron Road
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 Ms Lara Burkhardt – Ngā Pōtiki Ms Te Rangimārie Williams – Ngā Pōtiki Mr Whitiora McLeod - Ngai Te Rangi Mr Des Heke - Ngāti Ranginui Ms Destiny Leaf (alternate member – Ngāti Ranginui) |
| Quorum | Four members with at least one member representing Tauranga City Council and one member representing Ngā Pōtiki |
| Meeting frequency | A minimum of twice yearly |

The Committee has a membership of eight, four of whom are Elected Members and four who are appointed as representatives of the Ngati Ranginui and Te Runanga o Ngai Te Rangi Iwi Trust and two members as representatives of the Nga Potiki Kaitiaki Resource Management Unit.

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° 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° 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° 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° 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° 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° 62878) or undertaken (in accordance with Condition 18.3(c) of Coastal Permit N° 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

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| 11 | Closing karakia | 73 |

- 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 10 November 2021

File Number: A13309937

Author: Anahera Dinsdale, Committee Advisor

Authoriser: Anahera Dinsdale, Committee Advisor

RECOMMENDATIONS

That the Minutes of the Wastewater Management Review Committee meeting held on 10 November 2021 be confirmed as a true and correct record.

ATTACHMENTS

1. Minutes of the Wastewater Management Review Committee meeting held on 10 November 2021



MINUTES

Wastewater Management Review Committee Meeting Wednesday, 10 November 2021

Order of Business

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| 3 | Appointment of acting chairperson | 3 |
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| 4 | Apologies | 4 |
| 5 | Public forum | 4 |
| 6 | Acceptance of late items | 4 |
| 7 | Confidential business to be transferred into the open | 4 |
| 8 | Change to order of business | 4 |
| 9 | Confirmation of minutes | 4 |
| 9.1 | Minutes of the Wastewater Management Review Committee meeting held on 4 November 2020 | 4 |
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| 11.3 | Wastewater Management Review Committee Update Report | 7 |
| 12 | Discussion of late items | 7 |
| 13 | Closing karakia | 8 |

MINUTES OF TAURANGA CITY COUNCIL**WASTEWATER MANAGEMENT REVIEW COMMITTEE MEETING
HELD AT THE TAURANGA CITY COUNCIL, COUNCIL CHAMBERS, 91 WILLOW STREET,
TAURANGA
ON WEDNESDAY, 10 NOVEMBER 2021 AT 1PM**

PRESENT: Commissioner Bill Wasley (Acting Chairperson), Commissioner Stephen Selwood, Des Heke (Ngāti Ranginui), Whitiora McLeod (Ngāi Te Rangi), Lara Burkhardt and Te Rangimārie Williams (Ngā Pōtiki)

IN ATTENDANCE: Radleigh Cairns (Environmental Programme Leader), Wally Potts (Acting Director of City Waters), Jane Groves (Stormwater Programme Leader), Carlo Ellis (Manager: Strategic Māori Engagement), Keren Paekau (Team Leader: Takawaenga Māori), Coral Hair (Manager: Democracy Services) and Robyn Garrett (Team Leader: Committee Support)

1 OPENING KARAKIA

Mr Des Heke opened the meeting with a karakia and expressed the loss felt in the community by the passing of Huikakahu Kawe.

2 WELCOME TO REPRESENTATIVES

The Acting Chairperson welcomed the Ngā Pōtiki representatives, Lara Burkhardt and Te Rangimārie Williams, as observers at today's meeting before their formal appointment. Ngā Pōtiki Trust Board would be advising the Council of their formal appointments after their next meeting but the decision to resume the Ngā Pōtiki seats on the committee had been made. The representatives each provided a brief introduction of themselves and of their roles with Ngā Pōtiki.

The Acting Chairperson welcomed Des Heke to his first formal meeting as an official representative for Ngāi Te Rangi.

3 APPOINTMENT OF ACTING CHAIRPERSON**3.1 Appointment of acting chairperson**

There were vacancies in both the Chairperson and Deputy Chairperson positions and a resolution was required to appoint an Acting Chairperson until those positions were filled.

COMMITTEE RESOLUTION WW2/21/1

Moved: Mr Whitiora McLeod (Ngāi Te Rangi)

Seconded: Commissioner Stephen Selwood

That Commissioner Bill Wasley be appointed as the Acting Chairperson for the Wastewater Management Review Committee until the vacancies for Chairperson and Acting Chairperson have been filled.

CARRIED

4 APOLOGIES

Nil

5 PUBLIC FORUM

Nil

6 ACCEPTANCE OF LATE ITEMS

Nil

7 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN

Nil

8 CHANGE TO ORDER OF BUSINESS

Nil

9 CONFIRMATION OF MINUTES

9.1 Minutes of the Wastewater Management Review Committee meeting held on 4 November 2020

COMMITTEE RESOLUTION WW2/21/2

Moved: Mr Whitiora McLeod (Ngāi Te Rangi)

Seconded: Commissioner Stephen Selwood

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

CARRIED

10 DECLARATION OF CONFLICTS OF INTEREST

Nil

11 BUSINESS

11.1 Governance Options for Wastewater Management Review Committee

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

Key points

- Looking at the issue of co-chairs; technically the Local Government Act 2002 does not provide for co-chairs, but the Chairperson and Deputy Chairperson can effectively operate as co-chairs by agreement.
- How those positions were elected was up for discussion and decision.
- Noted the recommendation to reduce the quorum from five to four; and that the recommendation was that each membership organisation appointed an alternative representative in case the primary representative was unavailable to attend a meeting.
- The recommendations were trying to implement practical arrangements to ensure that meetings could proceed and decisions be made in accordance with the partnership

arrangement.

Questions and discussion

- Clarified that offsite meetings can be either formal or informal; the venue does not determine the formality of the meeting.
- Feedback requested from today's meeting would be incorporated into a formal report to the next meeting.
- Question whether quorum should remain at five to accommodate representation from all three iwi/hapū representatives. Concern was expressed that a reduction to four may mean tangata whenua involvement was decreased. It was noted that should the quorum stay at five, then appointment of alternates by iwi was important to ensure a quorum was achieved.
- Should the quorum stay at four, it would be important that this be conditional on including at least one Ngā Pōtiki representative.
- The co-chairing arrangement relied on the Chairperson relinquishing the Chair to the Deputy Chairperson for a meeting. An alternative arrangement could be a fixed term appointment for the Chairperson and Deputy Chairperson e.g. a year, and then the positions would be re-appointed. A co-chairing arrangement for this Committee did rely on collaboration and good will between the chairperson and deputy chairperson.
- Previously the convention had been that the Deputy Chairperson position was a Ngā Pōtiki representative. Ngā Pōtiki would discuss the continuity of this convention at their upcoming Ngā Pōtiki Trust Board meeting.
- If the Deputy Chairperson was in the chair for a meeting then they had all the powers of the chair for that meeting, including a casting vote.
- The recommendations for this committee on co-chairing arrangements were not the normal conventions for chairing a meeting. Under the legislation when a Chairperson was present at a meeting they must chair the meeting. For this committee the proposal was that the Deputy Chairperson be able to fully chair a meeting even when the Chairperson was present.
- It was noted that weekend meetings may be problematic for some members.
- It was requested that the Terms of Reference include the requirement to facilitate and schedule separate meetings for the tangata whenua members as a separate workshop prior to the meeting. These sessions were seen as enabling tangata whenua members to discuss the agenda fully prior to the meeting and enable more informed contributions to the meeting.
- Given the number of newly appointed members it was requested that a workshop be held to brief the members on the wastewater system and to ensure that members understood the background to the work programme for the committee.
- Staff would prepare a draft work programme with topics to be covered; and would also develop options for tangata whenua briefings or pre-meetings.

Discussion points raised

- Record/add iwi affiliation after name of iwi representative moving or seconding resolutions.

COMMITTEE RESOLUTION WW2/21/3

Moved: Mr Whitiora McLeod

Seconded: Commissioner Stephen Selwood

That the Wastewater Management Review Committee:

- (a) Receives the report "Governance Options for Wastewater Management Review Committee".
- (b) Provides feedback to staff for consideration 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 the draft Terms of Reference, taking into account feedback provided at the meeting, be circulated to members for further feedback.
- (d) 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.
- (e) Recommends that alternate representatives be appointed by the Tauranga City Council and iwi representatives to ensure a quorum can be met.
- (f) Recommends that the quorum remain at five members until further consideration.

CARRIED

11.2 Wastewater Activities Report

Staff Radleigh Cairns, Environmental Programme Leader
Wally Potts, Acting Director of City Waters

Key points

- The project for desludging of the pond was highlighted. The tender was about to go out with works scheduled for March 2022.
- Noted the potential appointment from Ngā Pōtiki onto the Business Case project group.
- Can progress with workshops for new members and move the work programme forward.

In response to questions

- A strategic overview of the wastewater system and consent requirements would be provided to enable members to understand the operational reports presented to the Committee.
- Members and alternates would be invited to a workshop to provide that overview and bring all members up to speed,
- A minor seepage under the TEL was picked up through the dewatering process and this happened after the report was written. Normally this would be included in a report to the Committee. An assessment of the best way to handle the seepage was made with remediation options limited by the timeframe available. Seepage was stopped and works were able to continue. Ngā Pōtiki was notified of the issue as soon as possible.
- Noted that there was work underway in council to standardise and quantify cultural monitoring requirements for council projects, to try and achieve consistent expectations and remuneration.

Discussion points raised

- Noted that currently for two of the projects underway (extension of the landward outfall and also bioreactor 2) there was not a Ngā Pōtiki cultural monitor appointed; and would like that addressed as soon as possible. Noted there was an issue with remuneration.
- Waahi tapu should be monitored; up to the project manager to make sure monitoring takes place and up to the Committee to ensure monitoring requirements were met. The Committee needed to be confident that Council was conducting its projects properly and meeting monitoring obligations.
- The reference to waahi tapu in the report related to the last piece of the landward section which was subject to a resource consent process; the application was being prepared and would include appropriate monitoring of waahi tapu.

COMMITTEE RESOLUTION WW2/21/4

Moved: Commissioner Stephen Selwood
Seconded: Mr Des Heke (Ngāti Ranginui)

That the Wastewater Management Review Committee:

- (a) Receives the report: Wastewater Activities Report.
- (b) Requests a presentation of the strategic overview of the wastewater system, resource consents and the relationship to the role of the Wastewater Management Review Committee.

CARRIED

11.3 Wastewater Management Review Committee Update Report

Staff Radleigh Cairns, Environmental Programme Leader
Wally Potts, Acting Director of City Waters

Key points

- Highlighted the recommendations from two large reports from the previous iteration of the Committee, and outlined the work that had started. A number of the recommendations had been around for a while; this was to provide context to the Committee of what progress was happening with those recommendations.
- The Committee had spent time developing the guidelines and administration of the Environmental Mitigation Fund (EMF); however, there had not been any applications for a number of years.
- Staff were keen to progress the EMF by appointing a panel to receive, assess and approve applications.

In response to questions

- Noted the outline work programme.
- Open to advice from the WWMRC members regarding appropriate people to sit on the assessment panel for EMF applications.
- The one application received was on hold currently. This was from Ngā Pōtiki regarding a spatial plan for Rangataua Bay. There needed to be a process in place to assess applications.
- Noted the recent Marine and Coastal Area (Takutai Moana) Act 2011 rulings in terms of iwi stakeholders in Rangataua Bay.
- Funding application decisions were tracked back to the resource consent conditions through criteria previously discussed and the fact that an applicant had to have a relationship with Ngā Pōtiki and was required to bring them onboard.
- Two previous applications in 2013 received funding under the previous grant guidelines.

Discussion points raised

- Induction pack of all relevant documents relating to the EMF was requested for all members.

COMMITTEE RESOLUTION WW2/21/5

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Wastewater Management Review Committee:

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

CARRIED

12 DISCUSSION OF LATE ITEMS

None

13 CLOSING KARAKIA

A moment of silence was observed for Huikakahu Kawe.

Mr Des Heke closed the meeting with a karakia.

The meeting closed at 2.50pm.

The minutes of this meeting were confirmed as a true and correct record at the Wastewater Management Review Committee meeting held 6 April 2022.

.....
CHAIRPERSON

8 DECLARATION OF CONFLICTS OF INTEREST

9 BUSINESS

9.1 Governance options for Wastewater Management Review Committee

File Number: A13175723

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

Authoriser: Tony Aitken, **Acting General Manager:** People and 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) Recommends to Council that (insert name) is appointed as the Chairperson of the Wastewater Management Review Committee.
- (c) Appoints (insert name) as the Deputy Chairperson of the Wastewater Management Review Committee.
- (d) Recommends to Council that the Chairperson and Deputy Chairperson of the Wastewater Management Review Committee alternate presiding at meetings and that the amended terms of reference as set out in Attachment 1 are adopted.
- (e) Recommends to Council that the position description for the Chairperson and Deputy Chairperson as set out in Attachment 2 are adopted.
- (f) Recommends that alternate representatives be appointed by the Tauranga City Council and iwi representatives to ensure a quorum can be met.

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 and it is recommended that the WWMRC recommend the appointment of the chairperson to the Council and appoint a deputy chairperson.
5. Other governance matters are listed and open for discussion.
6. The Council reduced the quorum to four members that must include at least one member representing Tauranga City Council and one member representing Ngā Pōtiki to be present.

BACKGROUND

7. 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). 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.
8. 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.
9. The WWMRC 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 resigned her position with Ngā Pōtiki Kaitiaki Resource Management Unit, and this has created a vacancy in the Deputy Chairperson position.
10. Four non-council members are tangata whenua representatives as required by the conditions of consent with one representative each from Ngāti Ranginui and Te Runanga o Ngāi Te Rangī Iwi Trust and two members from Ngā Pōtiki.
11. The Council endorsed and appointed Lara Burkhardt and Te Rangimārie Williams as representatives on behalf of Ngā Potiki ā Tamapahore Trust Board to the WWMRC on 6 December 2021 and current membership of WWMRC is:
 - Commissioner Stephen Selwood
 - Commissioner Bill Wasley
 - Lara Burkhardt – Ngā Pōtiki
 - Te Rangimārie Williams– Ngā Pōtiki
 - Whitiora McLeod – Ngāi Te Rangī
 - Des Heke – Ngāti Ranginui
 - Destiny Leaf – alternate member for Ngāti Ranginui

DISCUSSION AND OPTIONS

12. 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.
13. 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

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.”

participate in the meeting, including voting, while not chairing the meeting². This would enable the two roles to effectively act as co-chairs.

14. 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.
15. 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.
16. 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.
17. Options for appointing the Chairperson and Deputy Chairperson are set out below:

| Option | Details | Comments |
|--------|---|--|
| 1 | Chairperson is appointed by the Council and filled by a Commissioner/Tangata Whenua representative | Recommended option. A recommendation from WWMRC would be required. Would receive endorsement from Council. With the co-chair arrangement, the position would work closely with the Deputy Chairperson. Note: The draft Terms of Reference recommends the position is filled by a Commissioner. |
| 2 | Chairperson is appointed by the WWMRC and filled by a Commissioner/Tangata Whenua representative | Appointment would come from WWMRC. Refer to paragraph 26 of the report in the Strategic/Statutory section for comments around appointments by committees. |
| 3 | Deputy Chairperson is appointed by the Council and filled by a Commissioner/Tangata Whenua representative | Recommendation from WWMRC would be required. With co-chair arrangement, the position would work closely with the Chairperson. |
| 4 | Deputy Chairperson is appointed by the WWMRC and filled by a Commissioner/Tangata Whenua representative | Recommended option. Appointment would come from WWMRC. Reflects previous practice for appointments of Deputy Chair for WWMRC. Note: The draft Terms of Reference recommends the position is filled by a Tangata Whenua representative. |

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.

18. 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.
19. In the absence of a Chairperson or Deputy Chairperson, the WWMRC can elect one member to chair each meeting.⁴
20. 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

21. An updated Terms of Reference for the WWMRC is set out in Attachment 1. This includes proposed changes to reflect the co-operative arrangements for the Chairperson and Deputy Chairperson and recommends a Commissioner is appointed as the Chairperson by the Council and a Tangata Whenua representative is appointed as the Deputy Chairperson by the WWMRC.
22. 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, who have already appointed an alternate. 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) 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. This is set out in the [Tangata Whenua Remuneration Policy 2021](https://www.tauranga.govt.nz/Portals/0/data/council/policies/files/tangata-whenua-remuneration-policy.pdf).<https://www.tauranga.govt.nz/Portals/0/data/council/policies/files/tangata-whenua-remuneration-policy.pdf>
 - (c) alternate meetings between week and weekend days if possible.
 - (d) decision-making by consensus where possible.
 - (e) add a Whakataukī.
 - (f) add a Background section.
 - (g) 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 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.

⁴ Clause 26(6) Schedule 7 LGA 2002.

QUORUM

23. The Council at its meeting on 6 December 2021 resolved to amend the quorum requirements of the WWMRC and reduced the quorum from five to four members that must include at least one member representing Tauranga City Council and one member representing Ngā Pōtiki to be present before the meeting can proceed. The Council considered that the quorum of five members created a risk that the quorum provisions would not be met and the WWMRC may not meet the consent requirements to meet twice a year. The WWMRC may provide feedback on the quorum to the Council.

STRATEGIC / STATUTORY CONTEXT

24. 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 and the iwi membership of this is set by the consent. 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. The Local Government Act 2002 requirements relating to chairing of meetings, and the appointments of a Chair and Deputy Chair apply.
25. Clause 23(3)(b) of Schedule 7 of the LGA 2002 requires the quorum for a committee to be to be at least 2 members of the committee and must include at least 1 elected member (i.e. a Commissioner as elected member equivalent).
26. 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 25⁵ 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.*

FINANCIAL CONSIDERATIONS

27. There are no financial impacts from this decision.

LEGAL IMPLICATIONS / RISKS

28. The WWMRC can continue to meet without appointing a chairperson or deputy chairperson but this is not recommended. Appointing a chair and deputy chair enables the committee to meet its stated purpose.
29. The WWMRC is required to meet twice a year and with the current membership of six members there is a risk that the quorum provisions, although reduced from five to four members, may not be met and the WWMRC will be unable to meet. Appointing alternates would substantially reduce this risk.

SIGNIFICANCE

30. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal

⁵ Clause 25 relates to the voting systems for certain appointments, including for the chairperson and deputy chairperson of a committee.

or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.

31. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
 - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
 - (b) any persons who are likely to be particularly affected by, or interested in, the matter.
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
32. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the matter is of low significance.

ENGAGEMENT



33. Taking into consideration the above assessment, that the matter is of low significance, officers are of the opinion that engagement is not required prior to making the appointments and changes to the quorum. The WWMRC will have the opportunity to provide any feedback or recommendations on the quorum changes to the Council at their next meeting.

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

NEXT STEPS

34. Chairperson and Deputy chairpersons appointed.
35. The terms of reference of the WWMRC are updated.

ATTACHMENTS

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

Terms of Reference Wastewater Management Review Committee**Membership**

| | |
|---------------------------|---|
| Chairperson | A representative of Tauranga City Council representative To be appointed |
| Deputy Chairperson | A representative of Tangata Whenua representatives To be appointed |
| Members | Commissioner Stephen Selwood (Tauranga City Council) Commissioner Bill Wasley (Tauranga City Council) Commissioner Shadrach Rolleston (alternate member – Tauranga City Council) Ms Lara Burkhardt – Ngā Pōtiki Ms Te Rangimārie Williams – Ngā Pōtiki Mr Whitiora McLeod - Ngāi Te Rangi Mr Des Heke - Ngāti Ranginui Ms Destiny Leaf (alternate member – Ngāti Ranginui) |
| Quorum | 4 members with at least one member representing Tauranga City Council and one member representing Ngā Pōtiki |
| Decision making | By consensus where possible. If consensus cannot be reached, by majority vote. If there is an equal number of votes, the member who is chairing the meeting has a casting vote. |
| Meeting frequency | A minimum of twice yearly |
| Meeting venue | To alternate between marae and council venues; or as appropriate to a meeting agreed by the Chairperson and the Deputy Chairperson. |

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 ā Tamapahore Trust Board .

The Wastewater Management Review Committee is established as a committee of Council under 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° 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° 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° 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° 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° 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.

Reporting

The Wastewater Management Review Committee reports to Council and the Chief Executive of the Bay of Plenty Regional Council.

Chairperson and Deputy Chairperson acting as Co-Chairs

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 representing the Tauranga City Council will be appointed by the Tauranga City Council following a recommendation of the Wastewater Management Review Committee.
- The Deputy Chairperson representing the Tangata Whenua representatives will be appointed by the Wastewater Management Review Committee.
- While these roles are separately appointed it is the intention that they act as co-chairs.
 - 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 and has the option to use the casting vote in the case of an equality of votes.
 - The rotation of the meeting chairs is at the discretion of the Chairperson and Deputy Chairperson and subject to their availability, however it is expected that they will alternate chairing meetings when possible.
 - When the Deputy Chairperson is chairing the meeting, 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 Chairperson and Deputy Chairperson will attend pre-agenda briefings and split any other duties outside of meetings, e.g. spokesperson for 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.
- Refer to the position description for the Chairperson and Deputy Chairperson for more details.

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: A13282435

Author: Jane Groves, Stormwater 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

Wastewater Programme Business Case (PBC)

Background – What is the Problem?

1. The outfall pipeline for the City's wastewater scheme was constructed in the 1970's by the Mount Maunganui Borough Council. When the marine section was pulled through the surf zone, the outfall was damaged in a number of places by a storm and repairs were made at the time and subsequently throughout the years.
2. In 2012 a test of the system led to a failure of the pipeline within the dunes. To reduce the potential for further failures, the pressure in the pipeline was reduced on an ongoing basis. This reduction in pressure means that currently the system is only able to discharge at approximately half the consented rate (i.e. 500L/s vs 900L/s) affecting the ability of the system to manage peak flows in wet weather events associated with future growth.
3. To address these issues the landward section of the pipeline is currently being upgraded with a 1200mm diameter pipeline being installed next to the current 600mm diameter pipe – this will provide a marginal level of improvement in flow rate (to approx. 600 L/s). This project and associated programme is discussed further below.
4. Based on current growth projections, the issues associated with the marine section of the outfall will also need to be addressed in the foreseeable future. Construction of a new outfall is currently programmed within the 21/31 LTP for 2033. To progress this work, a Programme Business Case (PBC) has been initiated to define a 'preferred way forward' for future investment, not only for the marine outfall, but for the entire wastewater scheme. The rationale for embarking on a PBC is described below together with the process to be followed.

PBC Rationale

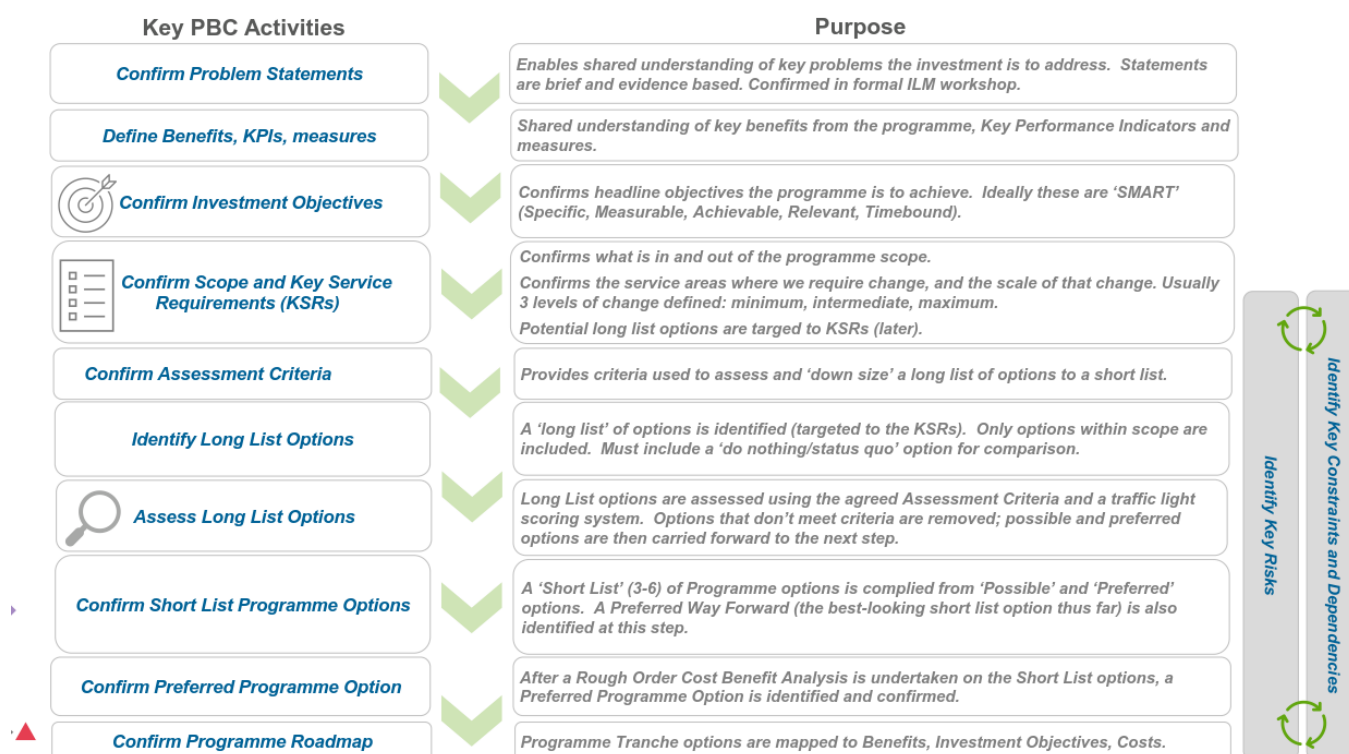
5. For TCC historically, separate strategies and plans have been developed for the network and plants. These strategies include criteria for prioritising projects, however they are done so separately with network improvements being considered only against other network improvements and likewise, plant investment prioritised in the context of other plant investment. There is currently no integrated investment prioritisation across Tauranga's wastewater network and plants, where projects are assessed against the same criteria. A PBC is the ideal vehicle to address this issue.
6. A 'Project Team' has been established to work through a PBC process. This team, consisting of technical and planning experts, staff and three Tangata Whenua representatives (one each representing the interests of Ngai Te Rangi, Ngā Poitiki and Ngāti Ranginui) are collectively working to identify key issues with the wastewater scheme, develop objectives for future investment and propose possible options or responses which could be implemented to address to these issues.
7. The team will assess a long list of options against broad range of prescribed criteria, taking into account environmental, cultural and economic outcomes. Utilising a broad range of criteria aligns well

with the changes indicated through the Three Waters Reforms where there will be an increased focus on improved environmental outcomes (e.g. through a new NES for Wastewater Discharges and Overflows), and greater consideration of cultural values when upgrading networks and plants.

8. Following assessment against the criteria, a short list of options will be the subject of further analysis. These long and short lists are likely to include both infrastructure and non-infrastructure responses.
9. The PBC defines a 'preferred way forward' for future investment across the wastewater scheme as a whole and will guide strategic planning for Council's wastewater activity, inform future detailed business cases and key strategic documents such as the Long Term Plan and 30 Year Infrastructure Strategy. It will also set the scene for wastewater when Tauranga City potentially moves into a new water services entity.

PBC Process and Progress

10. **Figure 1** below depicts each stage of the PBC process and purpose.



11. Progress to date on the PBC includes draft outputs from the Project Team for the following (a.-e.).
 - a. **Investment Logic Map:** confirm problem statements and define benefits from investment
 - b. **Benefits, KPIs and Measures:** baseline and target values to be confirmed
 - c. **Investment Objectives**
 - d. **Investment Scope:** levels of scope the investment is required to deliver
 - e. **Key Service Requirements:** which key services and to what level (minimum, intermediate, maximum) the programme investment is expected to deliver.
12. These outputs are in the process of being further refined by the Tangata Whenua representatives to ensure that cultural perspectives are fully embedded and reflected (a.-c. complete thus far). Following refinement these will all be considered for adoption by Project Team when formal meetings reconvene in the coming weeks (see 'Next Quarter Work') below. **Attachment 1** presents the latest draft (including refinements) of outputs a.-c.

PBC Next Quarter Work

13. **Recommence formal PBC workshops** with the Project Team to confirm:
 - Refinements made by Tangata Whenua representatives to outputs a.-e. (refer **Attachment 1**).
 - *Assessment Criteria:* against which long list programme options will be evaluated.

- *Long list of options:* that can deliver the investment objectives
- *Long list assessment:* of options against criteria
- *A short list of options:* for further analysis.

This work will be carried out over a series of formal PBC workshops to occur over the remainder of 2022 and possibly into early 2023. Given the volume of material to be covered, complexity and rate of progress, timing for workshops is uncertain as is the date for ultimate completion of the PBC (where the 'preferred roadmap for investment' will be confirmed).

14. **Stakeholder engagement:** Develop the framework (engagement plan) for both community and cultural engagement/communications to support to PBC. This will likely include workshops seeking input and feedback from the Te Rangapu and Iwi and Hapu groups and presentations to the Te Awanui Tauranga Harbour Advisory Group at a minimum. The engagement plan will identify other stakeholders and also reflect the points in the PBC process at which this input and feedback should be sought.

Construction Projects

Bioreactor 2

15. Two contractors have established on site, one (Brian Perry Civil) is carrying out the ground improvements, the other (HEB Construction) is commencing with the manufacture of precast elements for the structure.
16. The ground improvement work is running about 3 months behind programme due to problems with the initial site trials to prove the methodology and concrete strength. The contractor is now constructing production piles and is currently scheduled to complete the ground improvement works in September 2022.
17. Covid 19 remains a significant risk to the rate of progress. This week concrete delivery has slowed considerably due to availability of drivers and this has slowed the rate of production on site.
18. HEB Construction is aiming to complete the manufacture of the precast elements by end of August/September and will then take over the site from Brian Perry Civil.
19. The scheduled date for completion of Bioreactor 2 is December 2022.

Landward Outfall

20. This project is proceeding well with 1100m out of 1700m of 1200mm diameter pipeline now laid in the ground.
21. TCC is planning to incorporate some maintenance works in the current contract to line the last 450m long section of existing landward outfall with cured in place pipe.
22. The maintenance work will require some temporary above ground works in the easement over the dunes and a consent will be lodged shortly for this.
23. A Cultural Impact Assessment for the maintenance related work is being prepared by Nga Potiki – delivery is expected in a month or so.
24. At this stage it is anticipated that the new landward outfall will be connected to the existing pipeline in July 22, and that the maintenance work will be completed by December 22.

Clarifier 3

25. Concept design has been completed.
26. A contract for early contractor involvement has been awarded to HEB Construction, the intention being to deliver value engineering through the design process through early introduction of construction expertise.
27. Design will be completed by May 2023 and it is expected that construction will commence August/September 23 with completion by December 24.

Consent Monitoring**62878 Te Maunga & Chapel Street WWTP Discharge**

28. No exceedances have been noted in sampling undertaken in 2020 - 2021. Annual tuatua collections due in February are currently underway - a second round of monitoring will commence shortly due to insufficient sample being collected on the first round. Offshore sampling and inspection of the outfall diffuser has been completed - this will continue to be monitored as per the consent. We have been working on the UV plant over 2021 to improve its resilience.

62722 & 62723 Te Maunga & Chapel Street Odour

29. No odour complaints have been received for either plant during 2021. Te Maunga's loadout has been upgraded to ensure odours are kept to a minimum. This included fitting chutes to the loadouts, installing side screens as well as using an odour mist during the loadout process. The changes are all documented in an updated odour management plan which is continually updated as and when significant upgrades occur.
30. The biannual community odour survey is due to be completed later in the year.

62881 – Te Maunga Seepages

31. Seepages continue to be relatively low particularly over summer with low pond levels and lack of rainfall being the most likely contributing factors.

NEXT STEPS

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

ATTACHMENTS

1. 2022 March 23 Attachment 1 PBC Outputs a.-c. pdf - A13283409 [!\[\]\(609f3372828e3526d7ce4ba9a1b5248e_img.jpg\)](#) 

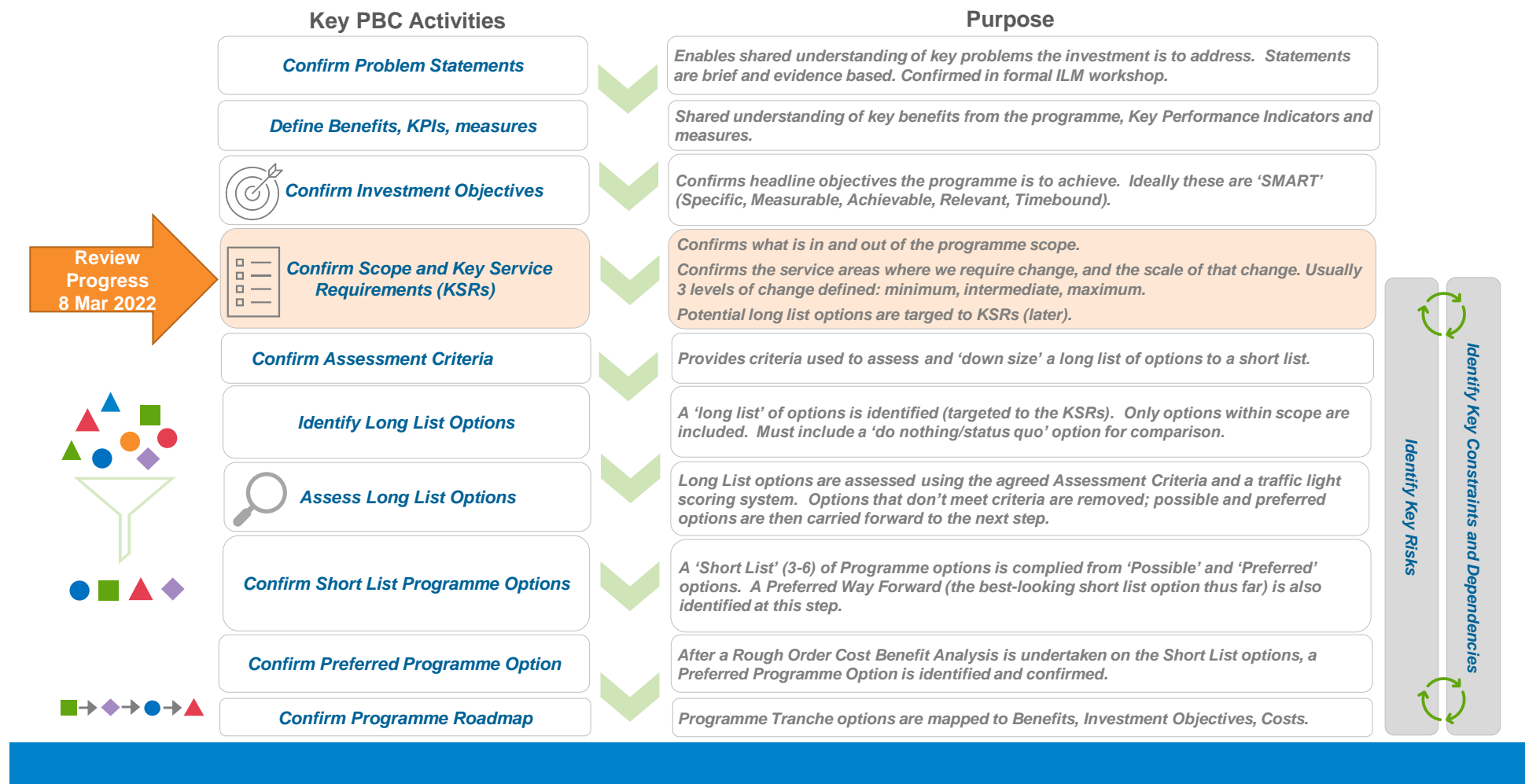


Introducing the Wastewater PBC

Proposed Draft Amendments from our WWMRC Project Team members, at 8 March 2022



Key PBC Activities and Purpose



Problem Statements



Proposed amendments in green text

Problem Statements

Original

Growth, regulatory & service level uncertainty is hindering effective planning & investment & risks falling short of stakeholder expectations

Limited tangata whenua representation & effect given to cultural values is undermining trust & participation in wastewater decision processes

Stretched system capacity & configuration misalignment with growth patterns, is increasing costs, risk of overflows & regulatory breaches

Poor asset resilience in key locations & vulnerability to natural hazards has led to unacceptable risk of wastewater system failures

Draft amendments

Lack of demonstrated Te Tiriti partnership & limited effect given to tangata whenua values (incl. service provision to Māori land) undermines trust & participation, & creates a disconnect between tangata whenua and taiao

What do we mean?

Demonstrated Partnership (quality, capacity)

- roles at all levels of decision making
- # + capacity of tangata whenua representatives/roles

Effect given to tangata whenua values (intended to include many things)

- Reflection of tangata whenua values in vision, strategies, policies, practices.
- Physical management of wastewater (collection, conveyance, treatment, disposal etc) reflects Te Mana o te Wai
- Māori land development better enabled by WW infrastructure. (NEW)

Unpacking Problem 2 – what do we mean?

Lack of demonstrated Te Tiriti partnership & limited effect given to tangata whenua values (incl. service provision to Māori land) undermines trust & participation, & creates a disconnect between tangata whenua and taiao.

Example KPIs

Demonstrated Partnership (quality, capacity)

- roles at all levels of decision making
- # + capacity of TW representatives/roles

Effect given to tangata whenua values (intended to include many things)

- Reflection of tangata whenua values in vision, strategies, policies, practices.
- Physical management of wastewater (collection, conveyance, treatment, disposal etc) meets Te Mana o te Wai
- Māori land development better enabled by WW infrastructure.

1. What does great look like?

Partnership

- Kaitiaki, open, two-way communication
- 50/50 decision-making
- Equal power – co-governance
- Resourcing capacity to participate equally
- Empathy demonstrated through greater understanding of history and perspectives within Council
- Trusted relationship

Effect given to tangata whenua values

- Te Mana o te wai given effect to
- % papakāinga connected
- % of Māori land connected (urban, rural)
- Customary practice recognised and enabled
- Mahinga kai protected
- Ancestral relationship with traditions recognised and protected (ceremonial, food gathering etc)
- No wāhi tapu affected

- Capacity to participate as decision-makers; strong taiao unit at hapu level, kaitiaki on the ground and systems to bring together. Long term planning to ensure resources. Kaitiakitanga.
- Māori land owners engaged early in decision-process

- Wetlands are restored
- Intergenerational transfer of knowledge maintained
- Tangata whenua values embedded in WW vision strategies, policies and practice
- Tangata whenua values understood by all parties
- WW decisions acknowledge past wrongs, grievances.

2. What does *not* great look like?

Partnership

- If no governance powers
- Poorly maintained infrastructure
- Loss of Māori (to General Title, then sale) land due to lack of infrastructure
- Withdrawal from process, hui (either party)

Effect given to tangata whenua values

(largely the opposite of what great looks like).

Key Benefits

Proposed amendments in green text

| Key Benefits | Key Performance Indicators (under development) |
|--|--|
| 1. Growth and development is enabled by wastewater management system | <ul style="list-style-type: none"> – Urban NPS Targets met (# serviced dwellings) – Māori land development better enabled (urban and rural) |
| 2. Improved financial performance of wastewater management system. | <ul style="list-style-type: none"> – Capex/Opex per connection |
| 3. Improved wastewater decision effectiveness | <ul style="list-style-type: none"> – Decision criteria/strategy alignment; IIMM ratings; decisions deferred |
| 4. Greater trust and confidence in wastewater decision-making | <ul style="list-style-type: none"> – Community: Levels of Service defined, met. – Government: Regulatory requirements met. |
| 5. Strong and enduring partnerships with tangata whenua | <ul style="list-style-type: none"> – Co-governance achieved (roles, capacity and #s in decision-making) – Partnership maturity (examples: feedback from representatives, Cultural Review findings, or similar) |
| 6. Greater effect given to tangata whenua values | <ul style="list-style-type: none"> – Te Mana o te Wai reflected in wastewater management (measures tbc, informed by new Water Service Entity arrangements) – [Additional KPIs are under development] |
| 7. An equitable wastewater service | <ul style="list-style-type: none"> – Greater ease of access to wastewater connectivity – More consistent wastewater servicing between Māori and non-Māori land |
| 8. Better environmental outcomes from wastewater management | <ul style="list-style-type: none"> – Regulatory compliance (environmental) – Environmental performance (biosolids re-use; discharge containment loading; energy use and emissions); reduction in wastewater produced; mātauranga-Māori based measures to be considered and incorporated. |
| 9. Improved wastewater system resilience | <ul style="list-style-type: none"> – Operational (Infrastructure condition; redundancy) – Natural Hazards vulnerability (climate change – rainfall, Sea Level Rise, groundwater; seismic resilience; wet weather overflows) |
| 10. Public Health is protected | <ul style="list-style-type: none"> – Warning notices (recreational use of an area, mahinga kai, rāhui) |

Investment Objectives



Investment Objectives

Proposed amendments in green text

| | Investment Objectives | Comments |
|---|---|---|
| 1 | 35,400 additional dwellings are accommodated by a wastewater system by 2050, with 3% population growth accommodated to 2120. | Broad agreement - noting that targets relating to Māori land development, both urban and rural, will sit within detail (Key Service Requirements), and this figure is expected to increase. Inclusion of 'a' [wastewater system] to reflect that there may be alternative ways to service some dwellings. |
| 2 | Significant reduction in the environmental footprint of the wastewater system by 2050. | Broad agreement – noting that detailed Key Service Requirements will include targets for many environmental aspects (including treated effluent contaminant loads; volume of wastewater produced; reducing treated wastewater discharges to the coast; extent of treated effluent re-use; GHG emissions; energy use, odour; biosolid re-use and more) |
| 3 | Zero wet weather discharges for design event by 2050. | We are exploring a reworded statement - ' <i>Zero unexpected wet weather discharges by 2050</i> ', with expectation that PBC will explore options that accommodate such discharges to non-wai receiving environments |
| 4 | Te Mana o Te Wai and Te Tiriti o Waitangi partnership principles are given effect to within all wastewater decisions by 2024. | We are exploring wording that will focus on Tauranga Moana Partnerships and achieving a shared vision for wastewater, rather than using a purely legislative lens. These core (legislative) requirements will remain in our Key Service Requirements as a 'bottom line'. |
| 5 | Tauranga's wastewater system is resilient against disruptions and natural hazards | Investment Objective retained 'as is'. |

Other Key Amendments – thus far

| | Proposed Amendment | Rationale |
|---|--|---|
| 1 | Inclusion of rural land within PBC scope. | To date PBC scope has been largely urban land, using UFTI numbers and allocations. Inclusion of rural land is necessary to achieve meaningful, equitable outcomes for Māori as majority of Māori land is rural. This change also aligns with anticipated remit for incoming Water Service Entities. |
| 2 | Inclusion of Key Service Requirement relating to population growth <i>management</i> . | Recognising the impact that growth timing and development sequencing has on wastewater infrastructure. |

9.3 Pond 1 Desludging

File Number: A13285121

Author: Chris Thomas, Senior Project Manager

Authoriser: Nic Johansson, General Manager: Infrastructure

PURPOSE OF THE REPORT

1. This report updates the WWMRC on the desludging project.

RECOMMENDATIONS

That the Wastewater Management Review Committee:

- (a) Receives the report, and
 - (i) Endorses letting the contract as soon as possible to achieve desludging of Pond 1.

EXECUTIVE SUMMARY

2. As a condition of the Te Maunga Wastewater Treatment Plants Odour resource consent (RC62723), Council was required to decommission the “Sludge lagoon pond” (Pond 1).
3. The consent permitting the disposal of sludge from Pond 1 to the adjacent Tip Lane landfill (RC 67894) is due to expire in July 2024 and requires the cessation of sludge disposal to the landfill by 30 March 2024. This is the most economic option for sludge disposal.
4. With effect from April 2019, Council stopped discharging sludge into Pond 1. It was planned that a minimum of a 1-year period would elapse, to allow the sludge to mature, before commencing with a desludging campaign.
5. Late 2020, a diversion wall in Pond 1 was found to contain asbestos. Further investigations, extending into early 2021 established that there were traces of asbestos throughout Pond 1, delaying the procurement of a desludging contractor whilst specialists reviewed the safest approach for managing the presence of asbestos.
6. The diversion wall was removed in September 2021 and the procurement of a desludging contractor was started in November 2021. TCC is now in a position to appoint a preferred contractor – Conhur – under TC83/20, to commence desludging the pond in July 2022.
7. The Engineer’s estimate is between 6,000 and 10,000dTS (dry tonnes of sludge) in Pond 1. The capacity of the adjacent Tip Lane Landfill to be used for sludge disposal, is estimated to be between 8,000 – 10,000dTS.
8. There is sufficient budget in the LTP for desludging project.
9. For the success of this project we need:
 - (a) **Approval of Council** to bring forward budget in the LTP. A report to this effect will be considered by Council on 24 March 2022, and
 - (b) **If necessary, obtain a new consent** to permit ongoing disposal of sludge at Tip Lane Landfill up to an expiry date of 30 March 2026.

BACKGROUND

10. Te Maunga’s Wastewater Treatment Plant treats the wastewater from Mount Maunganui and Papamoa catchment areas as well as wastewater from the Southern Pipeline. Historically, waste sludge from TM WWTP was discharged to Pond 1 to mature and reduce odours as the final step in the treatment process while the treated effluent flowed via Pond 2 and Wetland

- C before being pumped out to sea. Over the years Pond 1 has required regular desludging to remove accumulated sludge.
11. In late 2015, staff identified that a consent condition in the Te Maunga Wastewater Treatment Plant odour consent (RC62723) requiring the “sludge lagoon pond” to be decommissioned by September 2012 had been overlooked.
 12. The WWMRC made a number of recommendations to Council which they approved to address this non-compliance as a matter of urgency:
 - Stage 1 involved the construction of a Thickening and Dewatering Plant at Te Maunga to enable the cessation of sludge disposal to the pond.
 - Stage 2 involved determining alternative end use options for biosolids
 - Stage 3 involved the WWMRC determining the future use of Pond 1 as required under the consents associated with the Te Maunga Plant and the wastewater networks discharge to the ocean.
 13. Following the commissioning of the Thickening and Dewatering Plant at the Te Maunga WWTP, the disposal of waste sludge to Pond 1 ceased in April 2019. This new plant - as the name suggests - thickens and dewateres the sludge prior to removal off site to a vermi-composting operation in Kawerau.
 14. The consent permitting the disposal of sludge from Pond 1 to the adjacent Tip Lane landfill (RC67894) is due to expire in July 2024 and requires the cessation of sludge disposal to the landfill by 30 March 2024. This is the most economic option for sludge disposal.
 15. The desludging project was due to commence in April 2021 under TC83/20, but was delayed due to the discovery of asbestos in an old deflector wall in the pond in late 2020.
 16. The procurement of a desludging contractor was put on hold whilst specialists reviewed the safest approach for managing the presence of asbestos and to confirm that the standard desludging methodology would not increase the risk of release of asbestos fibres to the atmosphere. A number of options were assessed and it was established that:
 - (a) The standard desludging methodology would be adequate with controls in place to manage asbestos, and
 - (b) The sludge, together with any traces of asbestos can be disposed of to Tip Lane Landfill, and
 - (c) The diversion wall needed to be removed.
 17. The diversion wall was removed in September 2021, together with some of the sludge and sand in the immediate vicinity of the wall. Traces of asbestos remain in the pond and the desludging contractor has the methodology to manage this risk during desludging.
 18. The desludging contract (TC83/20) will commence in July 2022 with flexibility to:
 - (a) End early if there is less sludge in the pond (unlikely).
 - (b) Extend the contract if there are benefits in doing so.

DISCUSSION

19. We are exploring ways to accelerate the desludging project. This is dependent on
 - (a) Council approval to bring forward budget. A report to this effect will be considered by Council on 24 March 2022.
 - (b) If necessary, obtain a new consent to permit ongoing disposal of sludge at Tip Lane Landfill up to an expiry date of 30 March 2026.
20. The potential benefits of continued use of Tip Lane Landfill for disposal of sludge beyond 30 March 2024 (for a short term) are that:
 - (a) The pond can be finally cleaned.

- (b) The overall cost of desludging can be accomplished within the available budget in the LTP

RISKS

21. The key risks are:

- (a) uncertainty over the actual quantity of sludge in Pond 1. At the lower end the quantity could be 6,000 dTS, whereas at the upper envelope it could be 10,000 dTS. The reason for this is that there are a number of variables that could affect the density of the sludge (this has historically been the case in previous desludging campaigns).
- (b) Should the Tip Lane Landfill be filled prior to the pond being fully desludged we will have to haul the sludge to another site. If this is the case we may need to seek additional budget in the future.
- (c) Council may not agree to bring forward the budgeted funds. However, this is unlikely.
- (d) Rate of desludging could be slower than anticipated resulting in less sludge being deposited at the landfill by 30 March 2024. Therefore, if necessary we would need a new consent to continue depositing sludge at the landfill beyond 30 March 2024.

NEXT STEPS

- 22. Seek approval of Council to bring forward budget.
- 23. Award the desludging contract to Conhur
- 24. Investigate the best mechanism for achieving authority for ongoing disposal of sludge to Tip Lane Landfill beyond 30 March 2024 if necessary.

ATTACHMENTS

Nil

9.4 Environmental Mitigation & Enhancement Fund

File Number: A13275552

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) information on the Environmental Mitigation and Enhancement Fund (EMEF), the current guidelines for applications to the fund and options for appointing an independent panel to assess applications.

RECOMMENDATIONS

That the Wastewater Management Review Committee:

- (a) Receive the report.
- (b) Review the EMEF policy manual and approve any changes as required.
- (c) Approve the appointment process for appointing members of the EMEF independent panel.
 - (i) Appoint.....as representative on the appointment panel.
 - (ii) Appoint.....as representative on the appointment panel.
- (d) Review and approve the terms of reference for the members of the EMEF independent panel.

EXECUTIVE SUMMARY

2. RC 62878 requires Tauranga City Council (TCC) to establish an Environmental Mitigation and Enhancement Fund (EMEF) and for the Wastewater Management Review Committee (WWMRC) to make decisions on the application of the fund.
3. In 2013 two applications to the fund were approved but since then no further applications have been approved.
4. In 2019 the then tangata whenua members of the committee reviewed the guidelines for the fund and proposed the current policy manual that was approved by the committee at the August 2020 committee meeting.
5. As part of the new policy manual the WWMRC is required to appoint an independent panel to assess applications and make recommendations to the committee on which applications to fund
6. An expression of interest for applicants with the required skills will be advertised.
7. An appointment panel of two committee members (one elected member / commissioner and one tangata whenua member) and one TCC staff member will appoint the panel.

BACKGROUND

8. RC 62878 requires Tauranga City Council (TCC) to establish a fund (Environmental Mitigation and Enhancement Fund or EMEF) of not less than \$250,000. 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) 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.
9. The WWMRC is to make decisions about the application of the fund and in 2016 recommended (which council approved) an additional \$300,000 be added to the fund and a further \$50,000 for each year of the life of the consent (subject to a review every three years as part of the Long Term Plan process).
 10. The committee also agreed to review the original guidelines for applications to the EMEF to encourage more coordinated packages of work rather than standalone applications and establish an independent panel for assessing applications and allocating funds.
 11. The new policy manual requires the committee to appoint an independent panel to assess applications to the EMEF against the eligibility and assessment criteria listed in the manual.
 12. The draft terms of reference for the independent panel identifies the objectives, structure and key skills required of panel members as well as the process for appointing the panel.

STRATEGIC / STATUTORY CONTEXT

13. The Environmental Mitigation and Enhancement Fund is a requirement of TCC's resource consent to discharge treated effluent to the ocean. The fund currently has approximately \$670,000 available.

FINANCIAL CONSIDERATIONS

14. The EMEF currently has approximately \$670,000 available for projects, with a further \$50,000 +CPI to be added for the 2021-22 financial year. The 2021-24 Long Term Plan (LTP) includes a further \$50,000 per year (+CPI) to be reviewed as part of the LTP process.

CONSULTATION / ENGAGEMENT

15. Community engagement on this matter is not proposed or intended.

SIGNIFICANCE

16. Under the [Significance and Engagement Policy 2014](#), this matter is of low significance due to there being no change in the way the wastewater activity operates.

ENGAGEMENT

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

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

NEXT STEPS

18. Once the committee has reviewed the policy manual, the terms of reference for the independent panel and appointed members to the appointment panel then an expression of interest for the panel will be advertised.
19. With the panel in place, applications to the fund can be assessed and recommendations put forward for funding.

ATTACHMENTS

1. **FINAL EMEF Policy Manual August 2019 - A11678543**  
2. **EMEF Application Form August 2020 - A11695076**  
3. **Draft Terms of Reference EMEF Panel 2 September 2020 - A11919592**  
4. **EMEF expressions of interest advert 4 December 2020 - A13283448**  

**Environmental Mitigation and Enhancement
Fund
Policy Manual**

August 2019

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Mihi

A te korowai o te kaihangā, a te korowai o te rangimārie, kua hora mai, i runga i a tātou. E ngā waka o ngā tai, e ngā kārangaranga maha, e ngā iwi o te moana, e ngā tangata whenua, waiho i te kōtahi, kaua i te kōtahi, tēnā koutou, tēnā koutou, tēnā koutou katoa.

The cloak of the Creator, the cloak of peace, that has been spread upon us. The canoes of the shores, to the many affiliations, to the people throughout the moana, to the people of the land, let us join together and not fall apart, greetings, greetings, greetings to you all.

Tauparapara / Whakataukī

Hei oranga whenua
Hei oranga moana
Hei oranga tangata

Healthy land
Healthy waters
Healthy people.

Ko au te pātiki
Ko te pātiki ko au

I am the flounder and the
flounder is me.

Puritia ngā taonga tuku iho
a ngā tupuna
hei tiki huia mā ngā uri whakatupu

Keep the treasures handed down
by the ancestors
as an adornment for the descendants
yet to come.

Fund Aims & Purpose

In accordance with condition 19 of Resource Consent 62878, the permit holder (Tauranga City Council) have established a fund titled the Environmental Mitigation and Enhancement Fund.

The purpose of Tauranga City Council's Wastewater Management Review Committee's Environmental Mitigation and Enhancement Fund (EMEF) is to fund and facilitate measures and initiatives particularly in Te Tahuna o Rangataua (Upper Tauranga Harbour) to:

- Avoid, remedy or mitigate the actual or potential effects of the Wastewater Scheme (in its broadest sense); or
- 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.
- To enhance the environment, which has been adversely affected by the Wastewater Scheme.

Aligned with the purposes of the fund, there are two streams of application:

- **Project / Initiative Stream** – to avoid, remedy or mitigate actual / potential effects of the wastewater scheme, or enhance the environment affected by the scheme.

The criteria and application process to obtain funding for potential projects or initiatives is outlined in this Policy Manual.

- **Environmental Compensation Stream** – to acknowledge and provide mitigation by way of compensation for ongoing adverse environmental effects. It is envisaged that Mana Whenua groupings that have been significantly impacted by the Wastewater Scheme will **engage and negotiate directly with the Wastewater Management Review Committee** in terms of potential compensation rather than follow the criteria of the project / initiative stream.

The process can be initiated by providing written notice directly to the Chief Executive and the Chair of the Wastewater Management Review Committee.

Project / Initiative Eligibility Criteria

The following table provides the full set of eligibility criteria a project / initiative **MUST** meet before an application may be considered for funding. Meeting these eligibility criteria does not guarantee that your project will be funded. All applications and decisions are made within the public domain.

| | |
|----|---|
| 1. | <p>The project must contribute to one or more of the following:</p> <ul style="list-style-type: none"> • Enhance the environment, which has been adversely affected by the Wastewater Scheme • Avoid potential effects of the Wastewater Scheme • Remedy actual effects of the Wastewater Scheme • Mitigate actual or potential effects of the Wastewater Scheme |
| 2. | <p>The project must do one or more of the following (with regard to the environment detrimentally effected by the Wastewater Scheme):</p> <ul style="list-style-type: none"> • achieve demonstrable benefits in the area, such as: <ul style="list-style-type: none"> ○ improved fresh, ground, estuarine or marine water quality ○ increased biodiversity ○ habitat protection ○ soil conservation • increase the capability of mana whenua to practice their role as kaitiaki • increase the capacity of mana whenua to practice their role as kaitiaki • increase the application of mātauranga Maori • include an applied research component that contributes to improved understanding of impacts, interventions and their outcomes |
| 3. | <p>The project must be led by mana whenua OR demonstrate an active partnership with mana whenua.</p> |
| 4. | <p>The minimum request for funding is \$10,000 (excluding GST) per annum.</p> |
| 5. | <p>The fund will cover a maximum of 50% of the total project cost.</p> |
| 6. | <p>The project will be funded for a maximum period of up to five years after which the project objectives will have been achieved or the project will be self funding.</p> |

| | |
|-----|--|
| 7. | The project must achieve benefits that would not otherwise be realised without the fund or are not more appropriately funded through other sources. |
| 8. | The effectiveness of the project and its outcomes will be monitored, evaluated and reported. If the project is to be funded for more than one year, the project shall include an annual review and report. |
| 9. | An appropriate project governance structure (which includes mana whenua representation) is in place (or one will be established as part of the project). |
| 10. | The applicant organisation must have a legal entity. |

The fund will not provide financial support for:

- Activities outside the receiving environment of Tauranga City Council's wastewater scheme.
- Projects more appropriately funded through other funding sources.
- Resource consent applications and mitigation requirements.
- Projects resulting in commercial profit.
- Applications which are incomplete or do not provide enough information.

Project / Initiative Assessment Panel

Conflicts of interest can be managed by the establishment of an independent panel ("the Panel") to assess applications against the criteria and make recommendations back to the Wastewater Management Review Committee for approval. The Panel will be appointed by the Wastewater Management Review Committee on an annual basis and will comprise three to five independent representatives with specific expertise in the following areas:

- a) Te Ao Māori: being a strong understanding of Kaupapa Māori concepts of environmental management in relation to the mana whenua of Tauranga Moana;
- b) Effects and Impacts of Wastewater Schemes
- c) Project management and Governance Skills
- d) Marine and Freshwater scientific knowledge.
- e) Effects on cultural values of wastewater schemes.
- f) Environmental Management: being a strong understanding of best practice approaches of environmental remediation and enhancement;

The panel can co-op or seek advice to assess specific projects as required.

Project / Initiative Assessment Criteria

The panel will assess the applications against the eligibility criteria and the assessment criteria. After applications have met the eligibility criteria and when determining the relative strength and recommended funding level for applications that have met the eligibility criteria the panel must have regard to these assessment criteria.

| | |
|----|--|
| 1. | The extent to which the project addresses the detrimental effects of the Wastewater scheme |
| 2. | The extent to which public benefit is increased |
| 3. | The project demonstrates a high likelihood of success based on sound technical information or examples achieved through comparable projects undertaken elsewhere |
| 4. | The extent to which the project will leverage other funding |
| 5. | The extent to which the project will involve relevant partner organisations to help ensure it's success |
| 6. | The extent to which project will engage personnel with the required skills and experience to successfully deliver the project |
| 7. | The extent to which the project provides for educational opportunities, capabilities and development. |

The panel assess the applications against the criteria (eligibility and assessment) and makes funding recommendations to the Wastewater Management Committee which makes the final funding decision. In determining whether to allocate or distribute funds, the committee need to retain an appropriate amount of reserve funding for future allocation.

APPENDIX A: PROCESS GUIDE

Application process

Applicants will need complete and submit their application form no later than 31 March.

The completion of the application form is necessary for the evaluation of each project to be carried out. The application will be assessed against the criteria and on its merits based on information provided in the application. Failure to provide all information may result in the application being declined.

Applicants and their organisation may be asked to present to the Panel and/or the Wastewater Management Review Committee as part of the process.

Applications will open on 1 January and close on 31 March each year. The Panel consider applications against the criteria and present recommendations to the Wastewater Management Review Committee in May of that same year for consideration. All applicants will be advised of the outcome of their application in writing, as soon practicable after decisions have been made.

Payment methods

There are two preferred methods for releasing Environmental Mitigation and Enhancement Fund. These are payment in arrears as reimbursement, and payment in advance on receipt of a tax invoice. The preferred methods are outlined below.

The method and timing of payment(s) shall be at the discretion of the Wastewater Management Review Committee. Payment of allocated funding from the Environmental Mitigation and Enhancement Fund shall be directly to the bank account of the recipient organisation. The recipient group must provide documentation to confirm the existence of this account (for example a deposit slip) to the satisfaction of Tauranga City Council. Payment shall, at the discretion of the Council, be either:

- (a) In arrears in full or in part (taking into account the payment schedule the recipient is required to provide under their contract) as reimbursement for monies that have been spent on approved work. Tauranga City Council, after appropriate enquiry, will release allocated funding directly to the recipient organisation's bank account on receipt of verified invoices for goods and services purchased and other appropriate documentation (for example vehicle usage records); or
- (b) In advance in full or in part (taking into account the payment schedule the recipient is required to provide under their contract). Generally Tauranga City Council will release allocated funding directly to the recipient organisation's bank account upon receipt of an invoice or tax invoice. The recipient is required to verify the expenditure by providing documentation to the satisfaction of the Wastewater Management Review Committee on how the allocation has been spent. This shall be either prior to receiving any further payment, or, in the next six monthly progress report. If the payment is the only or final payment of allocated funds the documentation shall be provided in the summary report. The Wastewater Management Review Committee will make appropriate enquiries on the recipient organisation's expenditure.

In the majority of cases the recipients will be provided with the choice, from the above two methods, of how they wish to receive their funding allocation. However, in some cases Tauranga City Council will stipulate in the contract that payment shall be in arrears only. This will occur in situations where is considered appropriate based on an organisation's track record. In exceptional circumstances Tauranga City Council may come to an arrangement with a recipient organisation whereby The Council will authorise a supplier to invoice Tauranga City Council directly for a specific capital item that is required for the project.

It is expected that if a recipient group does not have a bank account then one will be opened. Tauranga City council will not release funding by cash or cheque directly to recipients. In some cases where a bank account is not available it may be appropriate for the recipient to receive their funding through an umbrella organisation's bank account. Appropriate documentation would then be required to confirm this arrangement with all parties.

Funding allocations are GST exclusive to GST registered groups and GST inclusive to non registered groups. The GST component will be paid to GST registered groups but is not a cost to the fund.

Recipient groups are required to provide full details on their bank account, whether or not they are GST registered (and if so their GST number) and the name and contact details for a financial contact person.

TCC Ref: 3130285

Administration database

In the inaugural funding year project applications and relevant documentation may be managed manually using Office word documents and Excel spreadsheets. In future years an in-house database may be developed. The main function of the database will be to keep information consistent, easily accessible and manageable through all stages of the application and assessment process and project implementation.

The Fund database may contain the following information:

- Mailing list of application inquiries
- Applicant and project details
- Project evaluation against screening criteria and related comments
- Project scoring against assessment criteria and related comments
- Assessment progress tables
- WWMRC decisions and related comments
- Contract details (to generate project contracts)
- Client contact/communication
- Progress/project completion report summaries
- Recipient invoices

ENVIRONMENTAL, MITIGATION AND ENHANCEMENT FUND APPLICATION FORM

Mana taiao, whakamauru me te whakanakonako putea.

1. Background of the EMEF Fund



- In accordance with condition 19 of Resource Consent 62878 the Tauranga City Council has established this fund - Environmental, Mitigation and Enhancement Fund. Further information about the fund, the criteria and the application process are outlined in the Environmental Mitigation and Enhancement Fund – Policy Manual.

2. Applicant Details

Full name of applicant: Role/Position:

Full name of organisation:

Postal address:

Physical address:
(if different from above)

Post code:

Email address: Website:

Mobile: Phone:



- Applications can only be made by organisations that have a legal entity e.g Trust, Company, Incorporated Society
- The named applicant must be authorised to make the application on behalf of the organisation applying

3. Legal Entity (please select one):

Company Charitable Trust

Incorporated Society Māori Land Trust

Post-Settlement Governance Entity Other (please specify)

Year of Formation

Authorised Officers (Outline full names of Trustees, Directors etc.)

4. Information about your organisation

i Outline your organisation's purpose and objectives:

5. Project Details

Project title:

Project description:

i Notes:

- You should provide detail as to how the proposed project aligns with the eligibility criteria for the fund.
- A simple Project Title (no more than six words) which reflects the Kaupapa / purpose of the project.
- Keep your project description brief but to the point, provide what your project involves, including the activities that will be carried out.
- The complexity and size of your project will affect how much information you need to supply, for example, half page for a small and simple project whereas a larger or more complex project will generally require significantly more details.
- Please use a separate pieces of paper if required.
- Special confidentiality requests – in exceptional circumstances we may receive applications that contain sensitive material or information. For example, your application may contain intellectual property or cultural information that you would prefer to keep confidential to the Panel. In this instance you must specify what is confidential and flag your application for a special confidentiality request. Please make this clear when you submit this application.

6. Project Timelines

Project start date:

Project completion date:

Any other key dates:

i Let us know when the proposed project is expected to start and finish and any other key dates along the way.

7. Project Benefits

Description of anticipated benefits:

- i**
- Describe what the benefits are?
 - Who or which groups within the community are likely to benefit?
 - When are benefits likely to be realised

8. Implementation Plan

i Summarise your plan of action for implementing your proposed project.

9. How many and who will be working on this project?

☐ Paid staff

☐ Volunteers

☐ Contractors

☐ Other

10. Key Personnel

List the proposed key personnel (including contractors), their proposed role in the project and contact details below:

| Name | Role | Phone | Email |
|------|------|-------|-------|
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11. Project Budget

i Please provide an overall project budget and details about how much funding you are seeking. Your budget should exclude GST.

You should include in your budget (where applicable):

- Volunteer hours or in-kind contributions
- All contractor or personnel costs
- Project management costs
- All implementation costs

Voluntary time is the backbone of many community organisations. By putting a value on this we are showing that we acknowledge the effort of our people who give their time at no cost. For example, if you estimate that volunteers involved in the project will contribute 100hrs and the work they do could be valued at \$15 per hour, your 'in kind' contribution shown in the overall budget would be \$1500.

| Activity | A - In-kind | B - Actual | Activity Cost (A +B) |
|--------------------------------------|-------------|------------|----------------------|
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| | | | |
| Overall Budget/Total Cost of Project | | | \$ |
| Any other funding received | | | \$ |
| Total amount sought from EMEF | | | \$ |

12. Check List

Please ensure all sections in the application form are completed. Make sure you have addressed the criteria in your application.

Ensure the relevant supporting information is attached:

- ☐ Audited financial statement/accounts for the most recent financial year for your organisation
- ☐ Resolution or Letter from your organisation supporting the application
- ☐ Any other information relevant to your application

13. Signatures

The application form must be signed by at least one authorised officer of the organisation. The application should also be signed by the applicant/person preparing the application on behalf of the organisation.

The signatories confirm they have the authority to commit the organisation to this application and confirm all information provided is accurate and complete.

| Name (Please print) | Role/Position | Signature |
|---------------------|---------------|-----------|
| | | |
| | | |
| Date: | | |

Terms of Reference for Environmental Mitigation & Enhancement Fund Assessment Panel

Background

1. The appointment of an Environmental Mitigation and Enhancement Fund (EMEF) Assessment Panel to recommend appropriate applications for funding to the Wastewater Management Review Committee (WWMRC) is a requirement of the EMEF Policy Manual adopted at the committee meeting on 26 August 2020.

Objective

2. The objective of the panel is to assess applications to the funds project / initiative stream and make recommendations to the Wastewater Management Review Committee for approval of projects that meet the following aims of the fund:
 - Avoid, remedy or mitigate the actual or potential effects of the Wastewater Scheme (in its broadest sense); or
 - 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.
 - To enhance the environment, which has been adversely affected by the Wastewater Scheme.
3. The panel will assess applications against the eligibility criteria contained in the approved EMEF Policy Manual, before using the assessment criteria to determine the relative strength and recommended funding level for applications recommended for approval.

Structure

4. The Panel will report directly to the Wastewater Management Review Committee with recommendations.
5. The membership of the panel will be appointed on an annual basis with specific expertise in the following areas:
 - Te Ao Māori: being a strong understanding of Kaupapa Māori concepts of environmental management in relation to the mana whenua of Tauranga Moana;
 - Effects and Impacts of Wastewater Schemes
 - Project Management and Governance Skills
 - Marine & Freshwater scientific knowledge
 - Effects on Cultural values of wastewater schemes
 - Environmental management: being a strong understanding of best practice approaches of environmental remediation and enhancement

EMEF Panel Membership

6. EMEF Panel membership positions will be advertised locally and nationally.
7. Three to Five EMEF Panel membership positions will be created.
8. The EMEF Panel chair is appointed by the WWMRC after consultation with the panel membership and may change according to availability.
9. EMEF Panel membership can duplicate expertise in the areas noted above to account for non-attendance or conflicts of interest.
10. EMEF Panel members are to hold expertise in at least two of the disciplines noted above.
11. An Appointment Panel will be established to consider member applications. The Appointment Panel will consist of:
 - i. One Elected Member of the WWMRC (nominated)
 - ii. One Tangata Whenua Member of the WWMRC (nominated)
 - iii. One Tauranga City Council Staff member
12. The Appointment Panel will evaluate the applicants based on the following considerations and make recommendation to the WWMRC:
 - Relevant specialist professional expertise
 - Recognition as an authority in specialist areas required
 - Experience in relevant projects and programmes
 - Experience of working effectively in advisory and review capacities
 - Balance of expertise within the membership of the panel
13. The WWMRC will consider the Appointment recommendations and make the final appointment of the EMEF Panel and Chair.

Attendance at EMEF Panel

14. EMEF Panel members will be selected according to the project type, availability and any potential conflict of interest.
15. A minimum of 3 (three) members is required for quorum. Members may attend in person or by teleconference.
16. EMEF Panel meetings will also include attendance by Tauranga City Council staff and invited guests presenting on applications.

Process

17. The Panel will meet in early April after the window for applications close in March.
18. The Chairperson is responsible for running the meeting and composing and getting agreement for the EMEF Panel recommendations.
19. Tauranga City Council staff will set the agenda in consultation with the EMEF Panel Chair for all EMEF Panel meetings.

20. Where the EMEF Panel has independently identified other issues for discussion and consideration, it will address these professionally and in collaboration with relevant staff at Tauranga City Council.
21. In advance of each meeting, the EMEF Panel will be provided sufficient information on each agenda item, to enable robust consideration and recommendations.
22. All recommendations and interpretations are informed by the collective view from the multi-disciplinary range of expertise within EMEF Panel.
23. All EMEF Panel recommendations will be formalised by meeting notes or minutes. These minutes are confirmed by all EMEF Panel members present at the meeting.
24. EMEF Panel minutes will be forwarded to the Tauranga City Council staff, who will coordinate a presentation by the EMEF Panel Chair or agreed panel representative at the next WWMRC with recommendations for approval.
25. The WWMRC will then consider the recommendations prior to approving any application for funding.

Managing potential conflicts of interest

26. Where a member of EMEF Panel is undertaking any work that may create a perceived conflict of interest, the potential conflict will be declared and the EMEF Panel member will step aside from any involvement in EMEF Panel discussion and recommendations on that project.

Resourcing of the TCC EMEF Panel

27. EMEF panel members will be remunerated as per the current External Representatives' Remuneration Policy per meeting.
28. Up to \$2,000 per annum will be allocated to each member of the EMEF PaNEL to cover administration costs of time and meeting attendance including – travel, parking, accommodation, catering, printing, etc.

ENVIRONMENTAL MITIGATION AND ENHANCEMENT FUND ASSESSMENT PANEL - EXPRESSIONS OF INTEREST

TAURANGA CITY COUNCIL



Environmental Mitigation and Enhancement Fund Assessment Panel - Expressions of Interest

Hei oranga whenua, hei oranga moana, hei oranga tangata.

Healthy land, healthy waters, healthy people.

Tauranga City Council is seeking to appoint an independent panel to assess applications to the Environmental Mitigation & Enhancement Fund (EMEF) and make recommendations to the Wastewater Management Review Committee (WWMRC) regarding eligible projects.

The fund is a requirement of council's wastewater discharge consent and administered by the WWMRC. Its purpose is to fund and facilitate measures and initiatives particularly in Te Tahuna o Rangataua (Upper Tauranga Harbour) to:

- Avoid, remedy or mitigate the actual and potential effects of the wastewater scheme, in its broadest sense.
- Acknowledge and provide environmental compensation for ongoing adverse environmental effects -including offence to tangata whenua cultural and spiritual values- associated with the Wastewater Scheme.
- Enhance the environment, which has been adversely affected by the wastewater scheme.

This creates an exciting opportunity for the appointment of up to five panel members for which we are seeking expressions of interest. The EMEF Panel will consider the suitability of applications to the fund and provide recommendations to the WWMRC.

Successful candidates will be able to show expertise in the following areas:

- Te Ao Māori: a strong understanding of Kaupapa Māori concepts of environmental management in relation to the mana whenua of Tauranga Moana.
- Effects and impacts of wastewater schemes.
- Project management and governance skills.
- Marine and freshwater scientific knowledge.
- Effects on cultural values of wastewater schemes.

- Environmental management: being a strong understanding of best practice approaches of environmental remediation and enhancement.

The panel will report directly to the Wastewater Management Review Committee and is appointed on an annual basis.

Expressions of Interest are invited to:

Chief Executive
Tauranga City Council
Private Bag 12022
Tauranga 3143

Expressions of Interest close **5:00pm, 29 January 2021**. All applications will be dealt with in strict confidence.

Please contact Radleigh Cairns, Tauranga City Council, on (07) 577 7391 for an information pack or if you have any enquiries relating to the position or visit the [website](#).

10 DISCUSSION OF LATE ITEMS

11 CLOSING KARAKIA