

# Memorandum of Understanding



between

**Ngāti Tapu and Ngāi Tūkairangi**

and

**Tauranga City Council**

**to establish the Matapihi Southern  
Pipeline Advisory Group**

## 1. Background

### *Southern Pipeline*

- 1.1 In 2005, Tauranga City Council ('**Council**') proposed to construct a sewer pipeline, the **Southern Pipeline**, to transfer wastewater flows from the parts of Tauranga to Te Maunga Wastewater Treatment Plant. The pipeline was to cater for the increased urban growth in Tauranga City and relieve pressure on the existing wastewater network.

In 2010, the Council obtained consents for two potential routes that would allow the pipeline to cross the Tauranga Harbour and exit at Matapihi peninsula before reaching Te Maunga. One route was a submarine pipeline constructed in a trench approximately two metres beneath the harbour bed that runs parallel to the existing railway bridge. The other route was to attach the pipeline to the railway bridge. However, both these options proved challenging as trenchless techniques were deemed too difficult to undertake, and that any attachment to the bridge required significant bridge strengthening by Kiwi Rail. Consultation was carried out by the Council with the hapū Ngāti Tapu and Ngāi Tūkairangi and residents of Matapihi, and a Cultural Impact Assessment had been undertaken.

In 2015, the Council sought new consents as the proposed new harbour crossing involved a different route as that already consented for. With trenchless technology becoming more efficient and accessible, the Council embarked on the option of a deep pipeline or multiple pipelines constructed via a trenchless method not less than 10 metres below the harbour bed. This application did not receive support from the Matapihi community, and hapū members, residents and landowners later met with the Council not only to discuss how the pipeline would cross over Māori land, but also Council's intention to install the pipeline over a paper road on an orchard. An injunction was sought from the Māori Land Court to stop the laying of the pipeline at Matapihi.

In 2019, the pipeline project was completed. The overall costs reached approximately \$107 million.

### *Reticulation*

- 1.2 The Southern Pipeline supports wastewater flow from Maleme St Pump Station, Memorial Park Pump Station and suburbs like Welcome Bay and the Lakes at Tauriko. Yet, despite this, the community of Matapihi itself had no option for reticulated sewage and could not connect to the pipeline. Today, some Matapihi properties are connected via a pump station to the Southern Pipeline that fall inside the two rural marae community zones (Waikari and Hungahungatoroa) and include the two Marae, Te Kura o Matapihi, Te Kohanga Reo o Matapihi and the residential properties between the two zones. There have been some exceptions to these rules including several affected homes where the pipeline exits the harbour bed and some properties adjacent to the rural marae community zone.

### *Wastewater leak into the harbour and odour from vent*

- 1.3 The Council has an obligation to safeguard the health of the community and environment, and this includes making sure the city's wastewater is regularly maintained. Assurances were made by the Council to the community and hapū of Matapihi that there would be no issues with the Southern Pipeline. In particular the community and hapū of Matapihi were concerned about any possible contamination into Tauranga Harbour and the impacts of the vent on neighbouring residences especially at Te Kura o Matapihi.

However, there have been issues with leakages of raw sewage and odour affecting residences and the taiao (environment). These events have been objected to by the community and hapū of Matapihi. In the same year the project had been completed, the pipeline leaked raw effluent onto Matapihi Road near Te Kura o Matapihi on several occasions. Then again in 2021, as a result of the air valve not being secured properly, saw raw wastewater spill directly into the harbour.

The vent installed opposite Te Kura o Matapihi is a significant concern to the community and hapū of Matapihi. The Southern pipeline requires air valves at various points to release gas, and the location by the kura was considered the highest point and therefore required for an air valve. Consequently, the valve regularly expels a foul odour and at times, the odour is so strong that the students of the kura cannot eat their lunch. Te Kura o Matapihi was founded in 1913 and since this time has continued to provide education to many generations of the Matapihi community.

#### *Formation of Matapihi Southern Pipeline Advisory Group*

- 1.4 With the Southern Pipeline causing problems over the years, coupled with the latest spill into the harbour and ongoing odour issues, in April 2021 the community sought a meeting with Council to discuss these issues. This took place at Waikari Marae.

At this meeting it was decided the community should get involved, forming a steering group that is made up of four Council members and tangata whenua representatives. In subsequent discussions with the hapū it was supported that two representatives should each come from the hapū Ngāti Tapu and Ngāi Tūkairangi. Those nominated were Hauata Palmer and Joshua Gear for Ngāti Tapu, and Ngareta Timutimu and Anthony Fisher for Ngāi Tūkairangi.

On 23 November 2021, the hapū representatives met with the Commissioners and Council staff at Waikari Marae to discuss the next steps around the formation of the group. A terms of reference was to be drafted and circulated and, the Commissioners were to discuss Council membership to the group.

## **2. Ko ngā mātāpono (Guiding principles)**

- 2.1 Ko ngā mātāpono hei Arataki i ngā whakahaere a te Advisory Group: *The Advisory Group is guided by the following principles:*

**a) Rangatiratanga**

Ko Ngāti Tapu me Ngāi Tūkairangi ngā mana whenua o Matapihi. *The hapū Ngāti Tapu and Ngāi Tūkairangi have authority over Matapihi.*

**b) Kaitiakitanga**

Te tino haepapa kia tiakina te oranga mana motuhake o Matapihi mō ngā uri whakatupu. *The obligation to care for and protect the health and wellbeing of Matapihi for future generations.*

**c) Wairuatanga / Mauri**

Kei a Matapihi tonu tōna mauri, tōna wairua, hei oranga mōna. *Acknowledging and understanding that for tangata whenua, the existence of mauri and spiritual dimension to Matapihi requires attention and nourishment.*

**d) Whānaungatanga**

Ka ū tonu ngā hononga i waenganui i ngā hapū me te kaunihera o Tauranga Moana i runga i te aronui me te mārama ki ngā tumanako, me ngā uara o tētahi ki tētahi, me te mōhio anō he tino taonga a Matapihi. *Maintaining relationships between hapū and Council built on mutual respect and acceptance of each other's interests and values, including an acknowledgement that Matapihi is regarded as a significant place.*

**e) Tāutuutu**

Te whai i te ara o te tāutuutu e taea ai e te katoa te tuku koha mai. Tū atu, tū mai. *Pursuing a unity of reciprocity where both parties are able and encouraged to contribute and speak.*

### 3. Purpose

3.1 The purpose of the Advisory Group is to provide strategic oversight and direction over the management of the Southern Pipeline. To achieve this, the Advisory Group will:

- a) Recognise and acknowledge the history, character, landscape and unique contribution of Matapihi and what it has done for the wider Tauranga.
- b) Build and maintain an ongoing relationship with the hapū Ngāti Tapu and Ngāi Tūkairangi and community at Matapihi as expressed by mana whenua in relation to the Matapihi peninsula.
- c) Cooperate in partnership in conjunction with the guiding principles (above).
- d) Actively work together using shared knowledge and expertise.
- e) Engage early on issues of known interest to either of the parties.
- f) Enable and support the use of te reo and tikanga Māori.
- g) Acknowledge that the parties' relationship is evolving.
- h) Have regard for the interests of the Tauranga community.

### 4. Functions

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

4.2 The Advisory Group may make recommendations relating to the following:

- a) Advise and provide input into the maintenance, development, upgrade and overall day to day operation of the Southern Pipeline.
- b) Provide future planning solutions:
  - i. Consider and provide future planning solutions.
  - ii. Consider the schedule of upcoming works for the Southern Pipeline prior to works beginning.
  - iii. to Council through the Long-Term Plan and Annual Plan processes for the amount of funding to the Advisory Group to carry out its purpose and functions.
  - iv. to Council and/or any standing committee as it deems appropriate.

4.3 Maintain a relationship with the Wastewater Management Review Committee, including the Ngāi Te Rangi representative who is a member of that committee.

4.4 A report from Council to be provided to the Advisory Group informing:

- a) Council's future / long-term plans or view of Tauranga City in respect to wastewater and how it may impact the southern pipeline and Matapihi. This may include (although not an exhaustive list):
  - Predicted areas of growth;
  - Future housing development and infrastructure connection;
  - City plan changes or new legislative requirements;
  - Future plans for the pipeline.
- b) The report can be submitted as a staff update.

4.5 The Advisory group will be responsible for:

- a) Determining how the project funds and community purpose funds will be prioritised and allocated,
- b) Providing and presenting an annual monitoring report to council at the end of each financial year to identify how and why the fund has been allocated, and
- c) Identify potential priorities for funding in the following financial year in the annual monitoring report.

## 5. Membership

5.1 The Advisory Group shall be comprised of eight members being:

- a) Four representatives appointed by the mana whenua hapū. These are two representatives from Ngāti Tapu and two representatives from Ngāi Tūkairangi; and
- b) Four representatives appointed by Council including at least a Commissioner (or an elected member) and appointed staff members.

## 6. Co-Chairs

6.1 The Chairperson representing the Council will be appointed by the Council and the Chairperson representing the hapū will be appointed by the hapū.

6.2 Only one person can chair a meeting at any one time.

6.3 Given alternate venues between the Marae and Council venues, or as appropriate to a meeting venue as agreed, the corresponding host will chair the meeting.

6.4 Both Co-Chairs will:

- a) Attend pre-agenda briefings and split any other duties outside of meetings, e.g. spokesperson for the Advisory Group.
- b) Jointly oversee and coordinate all activities of the Advisory Group 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.
- c) Be accountable for ensuring that any recommendations from the Advisory Group are considered by the Council.

## 7. Schedule of upcoming works

7.1 Council (Infrastructure, City Waters, Drainage Services) is to provide a schedule of upcoming works for the Southern Pipeline to the Advisory Group prior to works beginning. This schedule can be provided at a meeting or by email to the members.

## 8. Meeting Procedures

8.1 The Advisory Group shall:

- a) Meet as necessary in order to carry out its functions, but shall meet no less than four (4) times per year.
- b) A quorum of four members comprised of at least:
  - i. two hapū members - one representative from Ngāti Tapu and one representative from Ngāi Tūkairangi;
  - ii. two Council members - a Commissioner (or an elected member) and an appointed staff member.
- c) Any decision making shall be made by a resolution at a meeting of the Advisory Group. If consensus cannot be reached then the discussion will continue.
- d) No business shall be transacted at any meeting of the Advisory Group unless at least a quorum of members is present at the meeting during the whole time at which business is transacted.

## 9. Reporting Requirements

9.1 The Advisory Group will:

- a) Meet with the hapū Ngāti Tapu and Ngāi Tūkairangi and Council's governing body (appointed or elected members) at least once per year. Will report key discussion points, outcomes and actions following each formal meeting.
- b) Any recommendations from the Advisory Group will be considered either by Council and/or standing committee as it deems appropriate.

9.2 The Advisory Group has the discretion whether:

- a) The minutes and agenda be made publicly available on Council's website.
- b) Unconfirmed minutes be circulated to the hapū and Council members.
- c) Provide reports for the benefit of the wider Tauranga community by way of newsletter or other media communication in consultation and with the approval of Council's Community Relations Team and respective hapū Ngāti Tapu and Ngāi Tūkairangi.

## 10 Resourcing and Funding

10.1 Council shall provide an annual amount of funding to the Advisory Group to carry out its purpose and functions, in accordance with the funding arrangements in Schedule 1. The funding amount will be determined by Council through the annual budget process. The provision of funding acknowledges the impact of the Southern Pipeline on the hapū and community of Matapihi.

10.2 In addition to the funding outlined in Schedule 1, Council shall provide the following support to the Advisory Group.

- a) Administration will be provided by the Council's Democracy Services team (i.e. preparation of agendas, minutes, organising venues, remuneration etc).
- b) Meeting fees to the hapū representatives in accordance with the Tauranga City Council Tangata Whenua Remuneration Policy.
- c) Technical assistance and access to information held by Council if requested. Requests for assistance or information shall be made to the Council's General Manager: Infrastructure and may include the following:
  - i. Provision of technical reports, data and GIS reports, and

- i. Access to appropriate technical staff for assistance in answering technical questions.

## 10 Term of Agreement

11.1 Building, fostering and maintaining an ongoing relationship between hapū and Council is of great importance. While the Advisory Group does not need to be re-established at the next Council election, the current Advisory Group agree that membership may change overtime. As a result, a review or reconfirmation of membership should be carried out following each council election.

## 11 Key Contacts

12.1 The following people will be the key contacts for the parties for the purposes of this MOU and all correspondence shall be directed to them in the first instance:

- a) Advisory Group: Co-Chairs
- b) Tauranga City Council: Chief Executive

THIS Memorandum of Understanding dated the \_\_\_\_\_ day of \_\_\_\_\_

SIGNED for and on behalf of Ngāti Tapu by the hapū representatives:



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Puhirake Ihaka



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Joshua Gear

SIGNED for and on behalf of Ngāi Tūkairangi by the hapū representatives:



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Ngareta Timutimu



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Anthony Fisher

SIGNED for and on behalf of TAURANGA CITY COUNCIL by:



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Commission Chair Antie Tolley



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Chief Executive Marty Grenfell



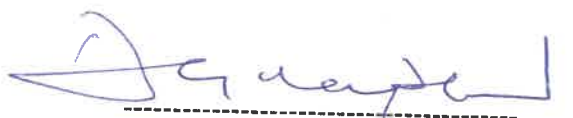
SHADRACH ROLLESTON

12 Additional signatories


CAROL EVANS  
Name

  
Signature

D.G. CHAPLOW  
Name

  
Signature


R. Chaplow  
Name

  
Signature


Ngakumanga KEITH  
Name


  
Signature

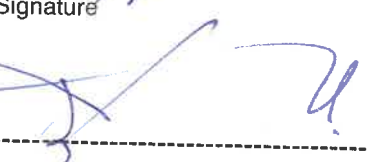
Wayne Keith  
Name

  
Signature

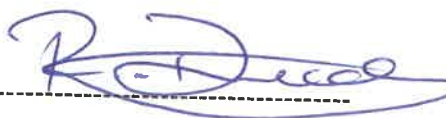
  
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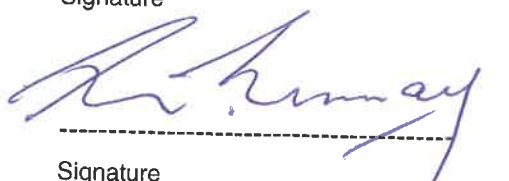
Rawiri Dickson  
Name

  
Signature

Tūreiti Keith  
Name

  
Signature

Keresina Murray  
Name

  
Signature

Anahera Dunsdale





## Schedule 1 - Funding Arrangements

### 1 Tauranga City Council Funding

Tauranga City Council ('**Council**') provides an annual amount of funding to the Advisory Group to carry out its purpose and functions, in accordance with this MOU and Terms of Reference.

The amount of funding is determined by the Council through the Long-Term Plan ("LTP") and annual plan processes. The funding comprises:

- project funds,
- community purpose funds.

The Council is responsible for advising the Advisory Group of the funding amount available in both portions of the fund and rationale for this. This information will be provided each year at the time that the amount of fund is determined by the Council through the LTP and annual plan processes.

### 2 The Funding Objectives

In providing the funding, the Council requires that the operational and project components to be used in the following manner:

- the operation funds shall be used for the administration of the Advisory Group.
- the project funds shall be used to implement projects that are either identified in or are consistent with Matapihi regarding the Southern Pipeline.

### 3 Responsibilities of the Advisory Group in respect to the Fund

The Advisory Group is responsible each year for:

- determining how the fund will be prioritised and allocated.
- providing and presenting an annual monitoring report to Council at the end of each financial year to identify how the fund has been allocated. The Advisory Group will also use this opportunity to identify potential priorities for funding in the following financial year.