



**WAIKATO RAUPATU RIVER TRUST AND WAIKATO DISTRICT COUNCIL
CO-GOVERNANCE JOINT COMMITTEE**

NOTICE is hereby given that a meeting of the Waikato Raupatu River Trust and Waikato District Council Co-Governance Joint Committee will be held on **THURSDAY, 7 SEPTEMBER 2023 at 9.30am** at Waikato District Council Offices, Committee Rooms 1 & 2, 15 Galileo Street, Ngaaruawaahia.

MEMBERS

Waikato Raupatu River Trust

Trustee Hinerangi Raumati-Tu'ua (Co-Chair)
Trustee Huirama Matatahi
Trustee Rangitamoana Wilson
Trustee Donald Turner

Waikato District Council

Mayor Jacqui Church (Co-chair)
Cr Carolyn Eyre
Cr Janet Gibb
Cr Kandi Ngataki

STAFF

Waikato Raupatu River Trust

Marae Tukere (General Manager, Oranga)
Tuhoro Paki (General Manager, Strategy & Relationships)
Jaedyn Falwasser (General Manager, Environment)

Waikato District Council

Gavin Ion (Chief Executive)
Tony Whittaker (Chief Operating Officer)
Elizabeth Saunders (Senior Democracy Advisor)

AGENDA

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2. **APOLOGIES AND LEAVE OF ABSENCE**
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 - 7.6 General Business Verbal
8. **CLOSING KARAKIA**

Gj Ion
CHIEF EXECUTIVE

Waikato Raupatu River Trust and Waikato District Council Co-Governance Joint Committee

Reports to: Council

Co-Chairpersons: Her Worship the Mayor Jacqui Church and Ms Hinerangi Raumati–Tu’ua

Membership:

Council Representatives: Deputy Mayor Carolyn Eyre
Cr Janet Gibb
Cr Kandi Ngataki

Trust Representatives: Huirama Matatahi
Rangitamoana Wilson
Donald Turner

Meeting frequency: To meet at least twice each calendar year

Quorum: 4 members (being 2 Council representatives; 2 Trust representatives)

Introduction

This Committee provides the framework for Waikato-Tainui, as trustee of the Waikato Raupatu River Trust, and the Waikato District Council to work together to give effect to the Waikato River Settlement. The parties are committed to:

- the restoration and protection of the health and wellbeing of the Waikato River for future generations;
- establishing and maintaining a positive, co-operative and enduring relationship consistent with the guiding principles and the principles of engagement; and
- work co-operatively on matters of common interest to both parties.

The Committee has delegated responsibility for:

- Implementation of the processes detailed in the schedules to the Joint Management Agreement;
- Overseeing the development of an effective and collaborative working relationship at governance, management and operational levels of both organisations.

Terms of Reference

1. Purpose

- The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 ('River Settlement Act') requires Waikato-Tainui and the Waikato District Council to work together in carrying out the duties, functions and the exercising of powers in respect of the Resource Management Act 1991 ('RMA').
- The purpose of the terms of reference (TOR) is to provide the framework for Waikato-Tainui and the Waikato District Council to work together to give effect to the River Settlement and to develop a tangible, enduring and beneficial relationship.

- The TOR covers the following key aspects in relation to the River Settlement Act and the joint management agreement:
 - a. The completion of the Joint Management Agreement;
 - b. The implementation of the processes detailed in the schedules to the Joint Management Agreement; and
 - c. The development of an effective and collaborative working relationship at governance, management and operational levels of each organisation.
- Waikato-Tainui and the Waikato District Council may, in future, consider and determine whether it is appropriate that the TOR and the Joint Management Agreement are integrated into a single document.

2. *The Relationship*

- Both Waikato-Tainui and the Waikato District Council have over many years had an informal relationship at both governance and management levels. This relationship to some extent has not been fully expressed and is often limited to the formalities of the existing statutory frameworks.
- The opportunities within the River Settlement Act have now provided a unique opportunity upon which an enduring and tangible relationship can be built beyond just the statutory frameworks alone.
- In carrying out the duties and functions covered by the TOR, the Joint Committee shall do so in accordance with the principles set out in section 44 of the River Settlement Act, which are to:
 - a. Promote the overarching purpose of the settlement to restore and protect the health and wellbeing of the Waikato River for future generations;
 - b. Respect the mana whakahaere rights and responsibilities of Waikato-Tainui;
 - c. Promote the principle of co-management;
 - d. Reflect a shared commitment to:
 - i. Work together in good faith and in a spirit of co-operation
 - ii. Being open, honest and transparent in all communications
 - iii. Using their best endeavours to ensure that the purpose of the Joint Management Agreement is achieved in an enduring manner;
 - e. Recognise that the Joint Management Agreement operates within statutory frameworks and that complying with those frameworks, meeting statutory timeframes and minimising delays are important.
- The joint committee will work co-operatively to ensure that all the requirements of the River Settlement Act are met, including finalisation of the schedules to the Agreement.

3. *Application to the duties, functions and exercising of powers in the RMA*

- The TOR shall apply to the processes associated with the following activities, the details of which are set out in the schedules to the Joint Management Agreement:
 - a. Monitoring and enforcement (s45)
 - b. Preparation, review, change or variation of RMA 1991 planning document (s46)
 - c. Resource consent process (s47)
 - d. processes relating to customary activities (s62)
- The TOR will also extend to cover other duties, functions or powers pursuant to section 52 of the Settlement Act, as set out in the Joint Management Agreement.

4. *Membership of the Joint Committee*

- The joint committee will comprise :
 - a. Four members from Waikato-Tainui, one of which must be the chair of Te Arataura or delegate.
 - b. Four members from Waikato District Council, one of which must be the Mayor or delegate.
- The members of the joint committee will be nominated following the triennial elections for each organisation and will include alternative members.
- If a member is unable to attend a meeting, an alternative member will attend in their place, to ensure that meetings may still proceed.

5. *Meetings of the Joint Committee*

- The joint committee must meet a minimum of twice per year.
- The joint committee may call additional meetings as often as it considers necessary, following consultation and agreement from both chairs. The purpose of these meetings may be to receive updates on projects, to discuss a specific issue, or for other purposes as agreed by the chairs.
- The venue for meetings shall alternate between the offices of the Waikato District Council and Waikato-Tainui. Waikato District Council shall provide the necessary support services for the meeting including a minute secretary.
- Meeting dates and venues will be organised and set by the appropriate staff of Waikato-Tainui and Waikato District Council once confirmation and agreement on that date has been received by all members on the joint committee.
- Waikato District Council must give notice in writing to each member of the committee of the time and place of the meeting:
 - a. Not less than 14 days before the meeting; or
 - b. If the committee has adopted a schedule of meetings, not less than 14 days before the first meeting on the schedule.
- Notice will be given by email.
- An agenda detailing the matters to be brought before each meeting, together with relevant attachments must be sent to each member not less than two clear working days before the day appointed for the meeting.

6. *Procedure for all meetings*

- The meetings shall be co-chaired by a Waikato Tainui nominated representative or delegate and the Mayor or delegate of Waikato District Council or the appointed deputy co-chairs.
- In the event that these members are unable to attend the meeting, the members of the committee who are present will elect one of their members to preside at that meeting. That person may exercise at that meeting the responsibilities, duties, and powers of the Waikato Tainui representative or the Mayor of Waikato District Council.
- Meetings of the joint committee shall be open to the public to attend. There shall be no mandatory requirement for either Waikato-Tainui or the Waikato District Council to notify meetings, however, the minutes of the meetings will be made available for public inspection.
- Where there are matters of confidence then the committee may resolve to exclude the public from such matters in accordance with the Local Government Official Information and Meetings Act 1987. The decision of what constitutes a matter to be discussed in confidence shall be proposed by the co-chairs.

7. Minutes of meetings

- Waikato District Council is responsible for keeping minutes of the proceedings of meetings.
- Minutes of joint committee meetings will be published on the Waikato District Council's website.

8. Process for reaching decisions

- The process for reaching decisions will be in accordance with the principles set out in section 44 of the Settlement Act and:
 - a. Will be carried out with the highest level of good faith engagement; and
 - b. By consensus
- Members are to endeavour, at all times, to reach a consensus on the matters to be discussed and decided on by the joint committee. Members are bound by each recommendation/decision and will not take any steps to undermine a consensus recommendation/decision.
- Where a decision cannot be reached, the chairs may direct one or more of the following actions to aid in decision making:
 - a. Nominated staff from each organisation to prepare a joint report on the issue with options and recommendations for consideration by the committee
 - b. A workshop to be arranged to enable further discussion on the matter. Attendance at the workshop to be agreed by the committee and may include committee members, nominated staff and if required subject matter experts.
 - c. The issue to be referred back to respective Waikato-Tainui Executive and Waikato District Councillors for further discussion and direction
- Following the completion of one or more of these options, the matter will be placed on the agenda for the next joint committee meeting for further consideration at the direction and agreement of the co-chairs.
- The joint committee may also agree to reserve their decision on an issue until a future date and take no action in the interim.

9. Establishment of Project Teams

- The joint committee may appoint project teams to give effect to the processes identified and set out in the schedules to the Joint Management Agreement and to complete specific projects required by the joint committee.
- The project teams will consist of representatives from Waikato-Tainui and the Waikato District Council. The composition of project teams will be agreed between the partners, and will depend on the project. Generally, the project teams will comprise equal numbers from both organisations, with the relevant skills and knowledge suitable for the specific project.
- The frequency of project team meetings, the process to be followed and other administrative matters relating to the project, will be determined by the members of the project team. Progress reports will be provided to the joint committee at their meetings.

10. Facilitation of Meetings

- The co-chairs are free to conduct meetings as they see fit. The co-chairs will endeavour to ensure all meetings start and finish on time and that, where possible, all agenda items are covered.
- The co-chairs should be aware of the range of perspectives across the joint committees and are to manage discussion of those differing perspectives in light of the purpose and scope of the terms of reference.

- Where necessary the co-chairs may request that independent facilitation of meetings take place if it is in the best interest of the members working together to achieve the purpose of the Joint Management Agreement.

11. Costs

- Costs associated with the hosting of joint committee meetings will be the responsibility of the host organisation.
- Costs that may arise as a result of a project directed by the joint committee are to be discussed and agreed by the joint committee and will generally be shared equally.
- Costs that may arise as a result of a decision or recommendation of the joint committee must be addressed in the recommendations. As a general principle any decision or recommendation which may result in costs to either or both organisations will be referred back to Waikato-Tainui and Waikato District Council for consideration.

12. Conflicts of Interest

- Committee members should be aware of possible conflicts of interest in regard to any matters that may be discussed by the joint committee.
- Where a conflict of interest may exist the committee member should declare the conflict as early as possible. Any member of the committee who declares a conflict of interest will not participate in the discussion or decision making on that particular issue. For clarity, being a member of Waikato-Tainui or Waikato District Council's respective governing bodies does not give rise to a conflict of interest.
- Any conflict of interest declared by a member will be recorded in the minutes of the meeting.

13. Conduct of members

- Members of the joint committee will act at all times in a manner appropriate for the good conduct of the business of the committee and as per the guiding principles which are set out in the Joint Management Agreement (clause 9- a-o).

14. Communication

- All communications on the activities of the joint committee are to be approved by the members and signed off by the co-chairs prior to any release.
- Appropriate staff from each respective organisation shall be charged with ensuring that the above protocol is followed.

15. Dispute Resolution

- If any dispute should arise in connection with the operation of these Terms of Reference, the co-chairs and joint committee members will use their best endeavours to settle the dispute by agreement.
- The members will act in good faith and co-operate with each other to resolve the dispute.
- The members shall refer to the guiding principles in the JMA (clause 9 – a-o) when seeking to settle the dispute and may also use the options set out in section 8 of this terms of reference to assist them to reach a consensus.

To	Waikato Raupatu River Trust
Report title	Confirmation of Minutes
Date:	Thursday, 17 August 2023
Report Author:	Elizabeth Saunders, Senior Democracy Advisor
Authorised by:	Gaylene Kanawa, Democracy Manager

1. Purpose of the report

Te Take moo te puurongo

To confirm the minutes for a meeting of the Waikato Raupatu River Trust and Waikato District Council Co-Governance Joint Committee held on Friday, 14 April 2023.

2. Staff recommendations

Tuutohu-aa-kaimahi

THAT the minutes for a meeting of the Waikato Raupatu River Trust and Waikato District Council Co-Governance Joint Committee held on Friday, 14 April 2023 be confirmed as a true and correct record.

3. Attachments

Ngaa taapirihanga

Attachment 1 – JMA Minutes – Friday, 14 April 2023.

Minutes for a meeting of the Waikato Raupatu River Trust and Waikato District Council Co-Governance Joint Committee held via Audio Visual Conference on **FRIDAY, 14 APRIL 2023** at **10.00am**.

Present:

Mayor JA Church (Co-Chair)
Cr C Eyre
Cr J Gibb
Cr K Ngataki

Trustee Hinerangi Raumati–Tu’ua (Co-Chair)
Trustee Huirama Matatahi
Trustee Donald Turner

Attending:

Cr C Beavis (*via Audio Visual Link*)
Cr M Keir (*via Audio Visual Link*)
Cr P Matatahi-Poutapu
Cr M Raumati
Cr L Thomson
Cr T Turner

Waikato District Council

Mr TG Whittaker (Chief Operating Officer)
Mr K Martin (Waters Manager)
Mr V Ramduny (Strategic Initiatives & Projects Manager)
Mr D Sharma (Three Waters Reform Project Manager)
Mr E Whangaparita (Procurement Manager)
Ms N Armstrong-Nield (Iwi & Partnerships Advisor)
Ms K Rhind (Senior Community Engagement Advisor)
Ms D Tracey (Strategic Planning Team Leader)
Mr F Bell (Strategic Planner)
Ms K Davis-Miller (Resource Management Policy Team Leader)
Ms E Saunders (Democracy Advisor)

Waikato Tainui

Ms M Tukere (General Manager, Oranga)
Mr J Falwasser (Environment Manager)
Mr T Paki (General Manager – Rights and Interests) – *via Audio Visual Link*
Ms R Veall-Dunn (Governance Executive)
Ms K Flavell (Oranga Project Advisor)

Mr H Matatahi opened the hui with a karakia.

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Mr D Turner/Cr Gibb)

THAT the:

- a. apology for non-attendance from Mr Gavin Ion (Chief Executive – Waikato District Council; Ms M Nepia (Strategy & Relationship Manager – Waikato Tainui) & Ms D Flavell (Chief Executive – Waikato Tainui) be accepted.

CARRIED

JMA2304/01

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Cr Ngataki/Her Worship the Mayor, Mrs JA Church)

THAT the agenda for the meeting of the Waikato Raupatu River Trust and Waikato District Council Co-Governance Joint Committee held on Friday, 14 April 2023 be confirmed and all items therein be considered in open meeting.

CARRIED

JMA2304/02

It was noted by Cr Ngataki and confirmed by the Co-chairs that the Terms of Reference would be discussed at the start of Agenda Item 7 – Reports.

DISCLOSURES OF INTEREST

It was noted that Hinerangi Raumati (Tuurangawaeawae), Donald Turner (Taupiri) and Kandi Ngataki (Te Awamaarahi) are all Elected Members of Te Whakakitenga who represent their marae.

It was noted that Mr D Turner is the Co-Chair of the Southern Wastewater Governance Committee

CONFIRMATION OF MINUTES

Resolved: (Cr Gibb/Mr D Turner)

THAT the minutes of the meeting of the Waikato Raupatu River Trust and Waikato District Council Co-Governance Joint Committee held on Wednesday,

10 August 2022 be confirmed as a true and correct record, with the following amendments:

- Glenda was not present at the last meeting – her name needs to be removed from the attendance list
- Ms K Flavell is Oranga Project Advisor – not an Intern.
- Agenda Item 6.2 – The word Tuhi needs to be removed and replaced with Te Ture Whaimana.

CARRIED

JMA2304/03

ACTIONS REGISTER/MATTERS ARISING

Agenda Item 6

Mana Whenua Action - Page 3 and Page 5:

- It was confirmed that Cr Turner will discuss this action point further in the Mana Whenua Forum Update (Agenda Item 7.1C)

Policy Planning Action - Page 4:

- It was confirmed that the WDC Policy Planning Manager is yet to meet with Mr H Matatahi – this action is to remain on the actions list.

Taiao Strategy Action – Page 4:

- It was confirmed that Waikato Tainui had made a submission for the Taiao Strategy which was received and this action could now be removed, however WDC and WT staff will continue to work together with this moving forward.

ACTION: Taiao Strategy Action to be removed and become part of business as usual now with staff moving forward
Ms D Tracey – WDC and Mr J Svadlenak along with Mr J Falwasser – WT.

Northern Hamilton-Waikato Metropolitan Wastewater Project Update – Page 5:

- The Strategic Initiatives & Projects Manager provided an update on this item and Mr D Turner chaired the Governance Hui that occurred on Tuesday, 11th April 2023.
- The Discharge Consent for the Cambridge Wastewater Treatment Plant has been lodged and Waipa Council have awarded the contract for the Cambridge Wastewater Treatment Plant upgrade.
- The Project Team (led by Ms J Collier) are finalising and publishing the Northern & Southern Wastewater detailed Business Cases as they have all been approved.

- A Terms of Reference is being worked on for a Programme Partnership Group to oversee implementation is currently being developed by staff and will come to the Committee in due course.
- Staff are currently preparing an application to Department of Internal Affairs (DIA) seeking confirmation that the Southern Wastewater Treatment Plant (located in the Hamilton Airport precinct) could proceed with the proposed timeframes and investment required.
- Mr D Turner asked whether the all councils forum could be elevated to the Kotahitanga space?

ACTION: Staff to look at a consideration moving forward for a Kotahitanga approach being used for this Northern Hamilton-Waikato Metropolitan Wastewater Project.

Ngaati Naho – Pookeno Marae Action – Page 6:

- Cr Ngataki confirmed to the committee that a hui with Ngaati Naho had taken place and at this stage Ngaati Naho is going to have further discussions and then come back to Council for a further hui.

Iwi & Cultural Relationship Manager Update:

- Mr Whittaker gave the Committee an update and confirmed that Mr Ion is leading this action and it is a key priority for Council. It is acknowledged that the Iwi & Cultural Relationship team currently consists of Ms Armstrong-Neild (who is now a permanent employee within the team) and Ms K Rhind is assisting in this space.
- Council are currently looking at the mahi in this space and to see what best practice would look like and a team of three (3) staff was the best way forward. Mr Ion has had conversations with Ms Flavell regarding this.
- Waikato Tainui see the role of Iwi & Cultural Relationship Manager as Strategic and would like to see this role sit within the Executive Leadership capability within Council. This will allow a greater understanding of the partnership but still have the requirement for people on the ground doing the day to day business work.

REPORTS

Terms of Reference:

Agenda Item 7

- Cr Ngataki raised a question about the wording for the membership of the Joint committee – particularly the wording that the Co-chair for Waikato Tainui “must be chair of Te Arataura” – this is not currently the case.
- Ms Raumati-Tu’ua confirmed that the decision for having another Co-chair for the Joint Committee goes back three years when Ms Te Aho was chair of Te Arataura. Ms Te Aho put in place for members of Te Arataura to take on various chairperson roles for other council Joint Management Agreements. This was done to provide Leadership

and Engagement opportunities for Te Arataura members and Mr Morgan (current Te Arataura Chairperson) is happy to maintain this.

- Mr Matatahi also spoke to the Leadership & Engagement opportunities and thought the Terms of Reference could reflect that to show the history.
- A simple change of wording could be added to the Terms of Reference to reflect this with a suggestion to include or delegate for both Waikato Tainui and Waikato District Council Representatives given the current delegation is for the Mayor.
- It was noted that Te Arataura Elections are coming up later in 2023 so this could change again.
- It was confirmed that decisions made by the committee are still binding as long as the membership at the table can reflect the quorum and have the delegation to make the decision.
- It was confirmed that Waikato Tainui chair the JMA hui when they are the host and Council chair the JMA hui when they host.

ACTION: The Terms of Reference to be updated by Waikato District Council staff to reflect the change in wording and the intent of the representation for the Joint Management Agreement Committee. The updated draft Terms of Reference is to be sent to Waikato Tainui for approval before going to Council for adoption.

Strategic Work Programmes Joint Update Report Agenda Item 7.1

The report was taken as read, and the Strategic Initiatives & Project Manager along with Ms Tukere gave an update to the committee.

- Local Body Elections have now been completed with Two Maaori Ward Councillors having been elected along with three General Ward Councillors of Maaori descent which is something to be celebrated.

Ngaaruawaahia/Hopuhopu/Taupiri Structure Plan Update:

- A Reference group has been established for the structure plan and all pieces of work or communications are brought to the reference group for discussion and planning.
- Mr Turner asked how marae participated in the conversation particularly around future transport located close to marae? It was confirmed that it all depends on the scale of the transport project – if it is Structure Plan related then engagement through the Policy Team but if it is more Strategic then the engagement is picked up at another level as it depends on the scale and the impacts on communities.
- The Mana Whenua forum once established will assist greatly with this type of engagement to ensure affected communities are involved with projects adequately particularly from a marae perspective.
- It was noted by Ms Raumati-Tu'ua that there is no Ngaaruawaahia Marae. It is Tuurangawaewae marae so can we make sure that we make those references clear

and also note that Tuurangawaewae marae is mana whenua in Ngaaruawaahia and all communications or correspondence relating to Council projects should be going to Tuurangawaewae for that mana whenua voice.

Engagement update:

- Ms K Rhind gave the committee a brief update on the engagement strategy and work that has been done to date.
- There are a few moving pieces within engagement that rely on Iwi & Partnerships manager to ensure not only consistency but meaningful engagement.

Mana Whenua Forum Update:

Cr Turner gave a verbal update to the Committee and the following matters were discussed:

- Cr Turner gave a brief overview of how this project came into being.
- A selection for representation can sit with either marae, iwi or hapuu.
- Cr Turner attended the Tainui Games and there was overall support for this approach.
- There are 38 marae in the cluster with more that could become part of it.
- A 6-12 month timeframe for going into consultation with marae (engagement being undertaken both face to face and through Social Media) has been outlined.
- There are Four Clusters broken into North, South, East & West (19 in Tai Raro Takiwaa and 19 in Tai Runga Takiwaa).
- Cr Matatahi-Poutapu and Cr Turner will undertake initial engagement and then bring Council staff on board to round out the process and take over moving forward.
- Council staff can then pool those marae with Councillor Representatives to try and make a process like Community Boards currently have (each Community Board have Councillor Representatives from the Ward in which those Boards sit) and have Marae Representatives to speak to Council issues.
- The elected members will start the process and then leave in the hands of staff to implement moving forward.

Questions/Discussion Points:

- It was noted by the Committee that the work that has been done to date has been really good and the process for this can and may evolve over time.
- A process like this makes it easier for Council staff to ensure they know exactly who they should be engaging with and who the right representative is to speak for marae. It is great to give Maaori a voice and promote engagement between Council and our people.
- Makes the engagement pathway straight and an avenue for good engagement with marae.
- All marae operate differently in terms of engagement and representation so we need to make it work with all marae and Council.

- A query around remuneration was raised. A more committed representation requires the same value so consultation is fair and we need to ensure that we are not using our whaanau and their skills without properly recognising the work they are doing.
- Mr D Turner commented on partnerships in the true sense and again reiterated that our people and their skills in this space are not to be used – our whaanau is a true expert in this space and should be treated and remunerated accordingly – ‘we want to be valued’.
- Mr Whittaker explained the challenge between providing technical advice ‘for which payment makes sense’ and community engagement ‘for which we undertake with many stakeholders in our community for no charge’. It was agreed that was something that needs to be worked through.
- This forum will provide good relationship building for Council staff and will ensure consistency with marae even when there is staff turnover.
- A Terms of Reference has not been seen by the Committee to date – can this please be forwarded for consideration.
- It was noted that it’s really important that all marae are contacted and engaged with and that Iwi has a voice with the design of this forum moving forward.
- The strategic work for this forum will be taken offline and can be discussed further with Ms Nepia and Ms Tukere to start thinking of the next strategic plan.
- Mr Turner raised a question around population growth and how the mana of our communities can be maintained. What is the council process for this particularly around community boundaries?
- It was confirmed that a Representation Review process is undertaken every 6 years through the Department of Internal Affairs (DIA) but a conversation with DIA could be had to make the processes and rules more modern and in step with the rapid growth of our communities.
- Council will also capture in an Action what our Strategy is moving forward to ensure the mana of our communities are maintained.

ACTION: A Terms of Reference design for the Mana Whenua Forum is to be circulated to the Committee for their consideration and information.

ACTION: A review of remuneration for Mana Whenua forums and ensuring that representatives to this forum are valued to be looked into further by Council.

ACTION: Council to look at a strategy moving forward for our communities and how they will maintain their mana with the rapid population growth and boundary changes.

Resolved: (Mr Turner/Cr Gibb)

THAT the Joint Management Agreement Committee receives the report.

CARRIED

JMA2304/04

The meeting was adjourned at 11.05am for 10 minutes for a morning tea break.

Unconfirmed

Three Waters Reform Project Update – March 2023

Agenda Item 7.2

The Three Waters Reform Project Manager (Mr D Sharma) and the Waters Manager (Mr K Martin) for Waikato District Council spoke to the report and the following matters were discussed:

- The Three Waters Government announcement on Thursday, 13th April updated the Four water entities to 10.
- Council was in Entity B but not sure what entity they will be in now. It will be made up of the 10 councils in the Waikato Region.
- The Three Waters reform was due to roll out on 1 July 2024 – this has now been pushed out to 2026.
- The Regional Representation Group has been changed from Six to now One representative from Council (Mayor will be delegate for Waikato District Council) and One from Mana Whenua working in partnership.
- The Better off Funding Tranche 2 has now been disestablished so any discussion around that cannot continue although it was confirmed that Tranche 1 funding is assured and will go through.
- The current Council Capital Works Programme is unaffordable to our communities.
- Compliance, particularly with Wastewater Treatment Plants have nudged the line on Resource Consents but targets are still being met and the Awa remains a top priority.
- The Watercare arrangement has provided Council with great savings to date along with good momentum but even this is not sustainable long term. This delivers well but moving forward with the entity approach even Council is not convinced with the size and scale that it's enough.
- Investment is required and the Wastewater space in particular is eye-watering and if we borrow all the money for this space our ratepayers cannot possibly pay it back. Government Investment is need so this remains a challenge.
- The two year extension to Three Waters may be good for some Councils but it's not good news for Waikato District and it would have been more helpful to keep to the previous 1 July 2024 timeframe.

Questions/Discussion:

- The Government Announcement was helpful in clarifying questions councils had about Three Waters.
- Using Regional Councils as a guide for entity groupings was a good idea however it was noted that it would have been good for the previous Entity B to go now (1 July 2024) too for investment purposes.
- Ms Tukere suggested that Ms Flavell and Mr T Morgan (Chair of Entity 1) have been influential in these discussions with the Crown and the Council could consider their concerns with them; noting the relationship that has been built through the Joint Management Agreement Committee.

- Mr Turner asked about a Kotahitanga approach and determining what is the collective message for Marae and the plan to meet that? Is there a collaborative approach for this? It was confirmed that there is not a collective message within councils in the Waikato Region – each have different opinions.
- There was discussion around Entity 1 going early and if Council could stay with that then it would be beneficial as it doesn't make sense to come off our Watercare partnership and start again with Entity 2.
- Cr Gibb asked if it might be beneficial to brief Mr Morgan on what the actual impacts are on the person who pays rates on the ground. Is there any way we can give this knowledge to him whilst he is at the table with the ministers concerned and provide that voice?
- Mr Matatahi spoke to having a Kotahitanga forum within the Waikato Region and whether this is something Mr Morgan could also take to the table? This is to be made an action.
- It was confirmed that the vision of the entities have not changed with this announcement – just the number of them.
- A brief overview of why Council decided to partner with Watercare occurred and it was confirmed that Watercare offered Council the size and scale that a relationship with both Waipa and Hamilton City Council could not provide.

ACTION: Discuss with Mr Morgan (Chair of Entity 1) the possibility of a Kotahitanga forum for the Waikato Region and having the concerns of the Government announcement discussed with Ministers at the Three Waters table.

ACTION: The Three Waters Reform Project Manager is to send a list of the projects that were approved in Tranche 1 of Better off Funding to Waikato Tainui.

Resolved: (Ms Raumati-Tu'ua/Cr Ngataki)

THAT the Joint Management Agreement Committee receives the report.

CARRIED

JMA2304/05

Waikato District Council Water & Wastewater Capital Delivery Update
Agenda Item 7.3

The Waters Manager for WDC spoke to the report and the following matters were discussed:

- Waters Manager gave a brief overview of the report which was taken as read.
- Te Kauwhata Wastewater Treatment Plant – a raahui has been placed on the wetlands (not on the lake as previously advised).

- An upgrade is happening onsite at the Plant and commitments had been made at the hui held in August 2022 at Matahuru Marae to stop discharging into the lake as soon as possible. Council are currently looking at different discharge options and have undertaken site visits to two of those locations.
- A second commitment was to get the Te Kauwhata Wastewater Treatment plant back into compliance as soon as possible. The plant was not compliant from a Resource Consent point of view but steps have been taken to reach full compliance.
- There is still testing to do along with reporting back to both Waikato Regional Council and Nga Muka as a key stakeholder. Three months of results need to be submitted (currently in the Frist month now) and this will bring the plant into compliance with the current consent (by June 2023).
- The Plant from an environmental perspective and a public health perspective is starting to show the promises that Council said it could and Council are looking forward to the plant being finished in September 2023 and to take the final step of a new discharge option.

Questions/Discussion:

- Who will be Waikato District Council representative for the working party to set up the Whangamarino Restoration? Mr James Baldwin joins Council at the end of May but in the meantime it will be Mr K Martin (Waters Manager).
- The Te Kauwhata Consultation Group has the funding for the restoration project which Council contributes \$45,000 a year. There is a set of work programmes around the restoration from the Te Kauwhata Consultation Group for planting and clean up in this space.
- From a Council perspective it is about us managing the impacts that we have in this space in terms of contributing to the restoration project.
- Cr Raumati addressed the committee and requested that the following points be noted:
 - There cannot be a raahui over the lake whilst there is still discharge occurring.
 - The request for an apology, from Waikato-Tainui to the farming community, was symbolic and more about raising the point as opposed to expecting an outcome; - this is about relationship building and being a voice for all constituents.
 - Being the elected member of Waerenga-Whitikahu, it may be beneficial that she be kept in the loop with regards to issues related to her Ward, with particular reference to the lake, wetlands and the river.
 - Being a general ward Councillor of Maaori descent, it is incumbent of her to represent both Maaori and Non-Maaori residents and ratepayers, on all matters of significance. It is a privilege to wear two hats however, such a privilege requires a considered and balanced approach.
- Mr Falwasser gave an update on a meeting that he attended yesterday at Nga Muka and advised that there was no Council representative present. A holistic approach was discussed at the meeting and it was agreed that drastic change is required for the environment and a bigger approach is needed.

- Mr Matatahi raised a question around land ownership by Council and what response is in place particularly for Botulism in this space. There does not need to be an answer now but wants the question noted with answers provided at a later time.

ACTION: Waikato District Council staff to provide an update at the next JMA Committee meeting to the question raised by Mr Matatahi re: Land Ownership by Council and what responses are in place for Botulism in this space.

- Two main things have come out of the report today - Compliance & Restoration and it was noted that better communication to fix this going forward needs to occur to ensure transparency and consistency.

Resolved: (Ms Raumati-Tu'ua/Cr Ngataki)

THAT the Joint Management Agreement Committee receives the report.

CARRIED

JMA2304/06

Waikato-Tainui All of Council Hui Presentation
Agenda Item 7.4

Ms Tukere spoke to the powerpoint presentation and the following matters were discussed:

- A brief overview of the presentation was given to the Committee with an emphasis on the relationship between Waikato-Tainui and local authorities being a key part of the recognition and implementation of Treaty Settlements at a regional and local level.
- Congratulations was given to our newly elected Maaori Ward Councillors – very proud of the role Waikato Tainui played in making sure this came to fruition.
- The Maangai Maaori space is still very important to Waikato Tainui and would like this to be retained - what is Council's position on this? Can these rolls be entrenched into the current Council structure?
- The recent extreme weather events were discussed and there was a very good response from marae. Processes need to be embedded moving forward to ensure marae are resourced and communicated with by Council particularly with climate change and these extreme weather events happening more often.
- It is good to see Social Procurement on the agenda as Waikato Tainui want to partner with councils to support Maaori businesses in all areas. It was noted that Maaori businesses range across all different types of industry.
- An overview of Cultural awareness & Footprint Initiatives was provided.
- It is hoped that this all Councils hui powerpoint presentation can be distributed amongst all Council staff and conversations can start happening to ensure the action points requested are acknowledged and worked on.

- For Tainui Group Holdings it was confirmed that a lot of responses to their questions raised had already been provided in the work programme update which is really good.
- One of the purposes of social procurement is to raise profile of Maaori business and take them on the journey from small to medium and to fit the needs of the community.

Questions/Discussions:

- Her Worship the Mayor, Mrs Church spoke to the weather and climate response plan along with resilience and communications.
- Maangai Maaori – it was confirmed that fixed term contracts have ended and not looking at reinstating these at this time. It will be an ongoing conversation and there are always opportunities to keep looking at this and it will be kept on the action list for this Committee moving forward.
- The question was asked for Council to confirm – is that a “No” to Maangai Maaori? Her Worship the Mayor advised that it was not a ‘No’ – it was a ‘Not at this time’.
- The Procurement Manager responded to the action points noted in the powerpoint presentation and confirmed that at this stage data within Council is very poor but will pull data from the big contracts that Council have.
- The Procurement Management absolutely agrees with Action Point 2 - Partnering with Waikato Tainui to lift the capability of businesses and is excited to get this work moving. The Procurement Manager will continue to work with Trina in this space.
- A Procurement process review is currently underway and framework is being looked at.
- Mr Turner wanted to add a note around resetting thinking and Maangai Maaori and gave a history of why Maangai Maaori would be important to keep and embracing the idea of building onto what we have already built.

ACTION: Maangai Maaori Representatives item is to stay on the action list and discussion will be had at the next JMA committee meeting.

ACTION: The Procurement Manager will provide data from the big business contracts that Council have to Waikato Tainui and will take all the actions noted from the powerpoint presentation

Resolved: (Mr Turner/Cr Gibb)

THAT the Joint Management Agreement Committee receives the report.

CARRIED

JMA2304/07

Maaori Ward Councillors Update – Tai Runga Takiwaa and Tai Raro Takiwaa
Agenda Item 7.5

Cr T Turner and Cr P Matatahi-Poutapu gave verbal updates to the Committee and the following matters were discussed:

Cr P Matatahi-Poutapu – Tai Raro Takiwaa:

Cr Matatahi-Poutapu provided a presentation to the Committee outlining the mahi that she has been working on with emphasis on Four Kaupapa:

Mayoral Fund for Marae:

- Given the recent flood impacts a Mayoral Fund has been established.
- Support all our impacted marae to lodge an application and Cr Matatahi-Poutapu will be participating in the panel decisions ensure our marae and mana whenua applications are presented in a supported manner.

Mana Whenua Engagement:

- Key concerns from Mana Whenua was raised.
- What has been heard from Mana Whenua voices on Engagement was presented along with an emphasis on Maangai Maaori and the value that they represent.

One Approach

- Marae are our heartbeat and we want to grow the capability to participate in Council submissions and engagement on the future of the rohe.
- By resourcing Marae instead of individuals, each marae could grow their capacity to respond and engage on Council plans.
- This gives Marae a direct line to influence Council plans, with Maaori Ward Councillors supporting their Mana Whenua voices and Mana Whenua engagement to grow

Mana Whenua Voices and Marae

- While Mana Whenua forums can be held (proposed North South East West) Mana Whenua voices have said they want a marae based engagement to ensure the forums aren't reliant on one individual but allow Marae bodies to participate.
- It is important to build marae capability –as there are many opportunities for Marae to have direct links to Council. There are critical future issues that Mana Whenua have important and relevant whakaaro on Re-development, Infrastructure, Te Mana o Te Wai and the Taiao.
- There are 23 marae in the Tai Raro Maaori Takiwaa area alone. Each have their own priority areas so we are ensuring that our Council engages with Marae when changes are proposed. There is lots going on but the intention is to provide bite-sized updates and info so Marae can choose and identify the kaupapa they want to engage on easily and regularly.

- There is an intention to hold workshops with the Marae and go to them when they have their Marae Committee Hui to talk about big impact reforms, LTP and Council priorities, to ensure we reflect Marae priorities.

Cr Matatahi-Poutapu also wanted to acknowledge the work that was undertaken during Cyclone Gabrielle and the response to Port Waikato.

Cr Turner – Tai Runga Takiwaa:

- Confirmed that this Committee is the forum for the Mana Whenua plans to be looked at and thinks that this is the best space to get this moving.
- Visited Huakina marae along with Cr Ngataki for the marae forum hui.
- There are Five wards in the Tai Runga Takiwaa area that Cr Turner is covering along with Three Community Boards.
- Cr Turner provided a list of the hui that she has attended to date which totals 76 meetings including Poukai.
- Cr Turner advised that she is becoming more comfortable in the Council space and is navigating all the hui and staff well.

Mr H Matatahi advised that the updates were very good and speaks to the kaupapa of supporting this space.

- Encourage the Maaori Ward Councillors to have a team behind them to ensure mahi gets done and not having all the mahi sitting on them alone.
- There needs to be a process around intent vs delivery to assist Council staff to bring this forward along with quickly getting the Iwi & Consultation team up and running to support this maaori space.

Cr L Thomson addressed the Committee before closing and spoke to a recent conversation she had with some constituents around engagement with Council.

Cr Raumati addressed the Committee before closing and expressed her thanks for being able to attend today.

General Business

Agenda Item 7.6

There were two items noted for General Business:

- Is there any chance that this Committee can meet more frequently? It was advised that the next Committee Meeting could be in August 2023 rather than in October as the Te Arataura Elections take place in September.
- Mr Turner wanted to note again the importance of Maangai Maaori especially in this space.

Unconfirmed

To	Waikato-Tainui Waikato District Council Joint Management Committee
Report title	Actions Register – August 2023
Date:	Thursday, 31 August 2023
Report Author:	Tony Whittaker, Chief Operating Officer
Authorised by:	Gavin Ion Chief Executive

1. Purpose of the report

Te Take moo te puurongo

For the Joint Management Agreement Committee (JMAC) to receive the Actions Register for August 2023.

2. Staff recommendations

Tuutohu-aa-kaimahi

THAT the Joint Management Agreement Committee receives the Actions Register for August 2023.

3. Attachments

Ngaa taapirihanga

Attachment 1 – Waikato-Tainui | Waikato District Council Joint Management Agreement Committee Actions Register – August 2023

Waikato-Tainui and Waikato District Council Joint Management Agreement Forum: Action Register – August 2023

#	Action	Owner	Date Assigned	Date Due	Status
1	Staff to embrace a Kotahitanga approach for the Northern Hamilton-Waikato Metropolitan Wastewater Project.	Strategic Initiatives & Partnership Manager	14.4.2023		Complete. This has been conveyed to Jackie Colliar, project manager for the Detailed Business Case.
2	The Terms of Reference to be updated to reflect the intent of the representation for the Committee (including delegation). The update to be sent to Waikato Tainui for approval before going to Council for adoption.	Chief Operating officer & General Manager, Oranga	14.4.2023		Complete. Amendments agreed between staff of the respective organisations. Council has now approved the updated document.
3	Terms of Reference for the Mana Whenua Forum to be circulated to the Committee for their consideration and information.	Councillor Turner/Chief Executive	14.4.2023		Complete. The draft terms of reference for the Mana Whenua Forums are part of the agenda and reflect the views of councillors after considering feedback from Waikato-Tainui. Most of the changes are cosmetic.
4	Council consider remuneration for Mana Whenua engagement and advice.	Iwi Partnerships Team	14.4.2023		Noted. This will be addressed by our Iwi partnership team when additional capacity is secured.
5	Council to ensure that any growth strategies consider maintenance of community mana.	Strategic Planning Manager	14.4.2023		Noted. Councils current work in this space (Ngaaruawaahia, Hopuhopu & Taupiri Structure Plan/Ngaaruawaahia Town Centre Plan) engaged with mana whenua first through a survey. An ongoing working reference group for the project has representatives from Waikato Tainui, mana whenua and hapu. A Tangata Whenua Statement and Engagement report has also been undertaken as part of the project. Ongoing engagement and consultations will continue to ensure community mana is representative in the Project.
6	Discuss the possibility of a Kotahitanga forum for the Waikato Region with Mr Morgan (as Chair of Entity 1) regarding Three Waters concerns. To include appropriate ministers.	Mayor Jacqui/Chief Executive	14.4.2023		Complete. Waikato Tainui organised a hui with Waikato councils and iwi chairs regarding 3 Waters. Both Mayor Jacqui and Gavin Ion attended and continue to work with Waikato Tainui in relation to the Waikato water service entity.

#	Action	Owner	Date Assigned	Date Due	Status
8	Three Waters Reform Project Manager to send a list of projects approved in Tranche I of Better Off Funding to Waikato Tainui	Three Waters Reform Project Manager	14.4.2023		Complete. Included in the Waikato-Tainui WDC Strategic Work Programme for 2023-2024. Included in the agenda.
9	Council staff to connect with Mr Matatahi re: Land Ownership by Council in and around the Te Kauwhata WWTP and what is in place for potential Botulism issues.	Waters Manager	14.4.2023		Noted. At the time of completing this action the relevant staff member was on leave. An update of this action will be provided at the meeting.
10	Maangai Maori representation is to stay on the action list and discussion will be had at a future JMA committee meeting.	Mayor Jacqui	14.4.2023		Complete. Council can confirm Maangai Maaori roles will not be progressed this term. The Council is confident the current representative arrangements appropriately support all stakeholders and support and respect the current complement of skills, experience and Maaori voice in the chamber. Our focus will continue to be on filling our internal executive level Maaori role, building relationships and engagement in our communities via mana whenua forum and continuing our commitment to internal cultural competency. Development of a Maaori Strategy will inform a detailed work programme and outcomes.
11	The Procurement Manager will provide data on the business contracts Council has to Waikato Tainui and will take all actions noted from the PowerPoint presentation in terms of delivering on broader outcomes.	Procurement Manager	14.4.2023		In progress. Appointed a WT business (district wide toilets procurement) to the value of \$1.2M. Currently working on a Small Medium Business panel focusing on Civil works. We will use the contacts made through the WT Paakahi event and their Economic Development kaimahi organised.

To	Waikato-Tainui Waikato District Council Joint Management Committee
Report title	Waikato-Tainui Waikato District Council Joint Management Agreement Committee Strategic Work Programme for 2023-2024
Date:	7 September 2023
Report Author:	Vishal Ramduny, Strategic Projects Manager, Waikato District Council and Manaaki Nepia, Advisor to the Chief Executive, Waikato-Tainui
Authorised by:	Gavin Ion Chief Executive

1. Purpose of the report

Te Take moo te puurongo

For the Joint Management Agreement Committee (JMAC) to receive the Waikato-Tainui | Waikato District Council JMAC Strategic Work Programme for 2023-2024.

2. Report

Puurongo

The Waikato-Tainui | WDC JMAC hui of 14 April noted the completion of the following initiatives:

- Local Body Elections 2022
- Local Government Reform (submission)
- RMA reform (submission)
- Better Off Funding Application
- The establishment of a Small, Medium Enterprise (SME) Business Panel.

The Committee also noted progress on all the other initiatives contained in the 2022-2023 Strategic Work Programme and directed staff to prepare a Strategic Work Programme for 2023-2024.

The work programme is strategically aligned to the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act and some of its key guiding principles.

The key focus areas and initiatives/projects of the Programme for 2023-2024 are as follows:

- Institutional
 - Establishment of the Mana Whenua Forums (including a Terms of Reference)
- Government Reforms
 - Local Government Reform (watching brief)
 - Resource Management Reform (watching brief)
 - Three Waters Reform (watching brief)
- Three Waters
 - Better Off Funding (focussed on implementation of the 20 projects for which funding has been allocated as part of the Better Off Funding initiative).
- Toituu resiliency
 - Enabling the capacity of marae in the Waikato district to build resilience (as part of the Marae Resilience Strategy, work in partnership with Waikato-Tainui, support the 39 marae within the Waikato district to enable their aspirations, readiness, and resiliency planning).
- Land use planning
 - Taupiri | Hopuhopu | Ngaruawahia Structure Plan Review
 - Waikato District Plan (resolution of appeals and the Forward Work Programme)
- Strategic Focus Areas
 - Growth and development opportunities (Ruakura Super hub Development, Meremere A Industrial Zoning).
 - Social Procurement (focussed on using procurement as a tool for achieving social objectives).
 - Education and Employment (including supporting Waikato-Tainui tribal members and the wider WDC community to access employment opportunities and skills development pathways, summer internship programmes)

It is expected that staff from both JMA partners will work collaboratively to implement the identified initiatives.

3. Staff recommendations **Tuutohu-aa-kaimahi**

THAT the Joint Management Agreement Committee approves the Strategic Work Programme for 2023-2024.

4. Attachments **Ngaa taapirihanga**

Attachment 1 – Waikato-Tainui | Waikato District Council Joint Management Agreement Committee Strategic Work Programme 2023-2024.



Waikato-Tainui | Waikato District Council Joint Management Agreement Committee

Strategic Work Programme

June 2023 to June 2024

Final Version for JMAC of 7 September 2023

WDC Agreement:**Preamble:**

The Waikato Raupatu Claims Settlement Act 1995 gave effect to certain provisions of the deed of settlement between Her Majesty the Queen in right New Zealand (The Crown) and Waikato dated 22 May 1995 and settled certain Raupatu claims made to the Waitangi Tribunal by Robert Te Kotahi Mahuta, the Tainui Maaori Trust Board and Ngaa Marae Toopu on behalf of Waikato-Tainui (wai 30). The 1995 Act expressly excluded certain historical claims, including the claim to the Waikato River.

The Provisions of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (The Settlement) applies to this agreement.

This agreement affirms the commitment between Waikato-Tainui and Waikato District Council to:

- Enter into a new era of co-management over the Waikato River
- Achieve the overarching purpose of the settlement to restore and protect the health and well being of the Waikato River for future generations; and
- To provide an enhanced relationship between Waikato-Tainui and the Waikato District Council on areas of common interest

The Principles:

Principles by which our strategy will be guided include.

- Te Mana o te Awa/Wai
- Mana Whakahaere
- Health and wellbeing
- Co-Management

Joint Management Agreement:**Background:**

On 14 January 2011, the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (Waikato River Settlement Act) came into effect. The spirit, intent and relevant provisions of the settlement apply to this Joint Management Agreement (Agreement).

This Agreement affirms the commitment between Waikato-Tainui and the Council to:

- (a) enter into a new era of co-management over the Waikato River;
- (b) achieve the overarching purpose of the Waikato River Settlement Act to restore and protect the health and wellbeing of the Waikato River for future generations.
- (c) provide an enhanced relationship between Waikato-Tainui and the Council on areas of common interest; and

(d) recognise the relationship underpinning this Agreement is an evolving one whereby Waikato-Tainui and the Council will continue to explore the potential for transfers, delegations and sharing of relevant powers and functions under the Resource Management Act 1991 (RMA) and Local Government Act 2002 (LGA 2002).

The principles stated above will guide this strategic work programme and will require that the Waikato-Tainui and Waikato District Joint Management Agreement Committee to work together under the Agreement and act in a manner that is consistent with the following.

- (a) promote the overarching purpose of the settlement being to restore and protect the health and wellbeing of the Waikato River for future generations.
- (b) recognise and give effect to Te Ture Whaimana o te Awa o Waikato (the Vision and Strategy) as the primary policy setting direction document for the Waikato River.
- (c) recognise the statutory functions, powers and duties of the Council, including legislation such as the LGA 2002 and the RMA.
- (d) respect the mana whakahaere rights and responsibilities of Waikato-Tainui in accordance with tikanga to ensure the balance and mauri of the Waikato River is maintained.
- (e) act in a manner consistent with the principles of Te Tiriti o Waitangi/Treaty of Waitangi.
- (f) take into account the relevant components of the Waikato-Tainui Environmental Plan and the Integrated Management Plan as they relate to the Waikato River within the geographic jurisdiction of the Council.
- (g) commit to working together in good faith and with a spirit of co-operation.
- (h) commit to open, honest, and transparent communication.
- (i) promote the principle of co-management and commit to participate effectively in co-management.
- (j) recognise and acknowledge that the Parties will benefit from working together by sharing their respective vision, knowledge and expertise.
- (k) ensure early engagement and a 'no surprises' approach.
- (l) recognise that the relationship between the Parties will evolve.
- (m) respect the independence of the Parties and their individual mandates, roles and responsibilities in relation to the Waikato River.
- (n) recognise that co-management sometimes operates within statutory frameworks that must be complied with; and
- (o) commit to meeting statutory timeframes, and minimising delays and costs associated within those statutory frameworks.

PROGRAMME/PROJECT/INITIATIVE	RESPONSIBLE GOVERNANCE ENTITY AND STAFF RESOURCE	ACTION AND TIMEFRAMES	COMMENT/ PROGRESS UPDATE
INSTITUTIONAL MATTERS			
<p>Establishment of mana whenua forums In 2021 Council approved the establishment of mana whenua forums and has since been working with Waikato-Tainui and other iwi groups on its establishment, including a term of reference. The forums will help Council lift its level of engagement with mana whenua, provide a solid foundation for an ongoing relationship, and to help Council connect with an important part of our community.</p>	<p>WDC WT (Pouhono Iwi ki te Haapori Iwi and Community Partnerships Manager, WDC)</p>	<ul style="list-style-type: none"> ▪ Terms of Reference (with mana whenua entities identified and representation confirmed) finalised by Q1 of 2024 (subject to the appointment of the Executive Manager Maaori Partnerships). ▪ Formal establishment of Mana Whenua Forums by Q2 of 2024 (subject to the appointment of the Executive Manager Maaori Partnerships). 	<p>This is subject to the appointment of the Executive Manager Maaori Partnerships.</p>
GOVERNMENT REFORMS			
<p>Local Government Reform A government-initiated process tasked to an independent review panel (Future for Local Government Panel) to make recommendations to reform the local governance system.</p>	<p>WDC WT (Vishal Ramduny, Strategic Initiatives and Partnerships Manager) Tuhoro Paki Strategy and Relationship Manager)</p>	<ul style="list-style-type: none"> ▪ Provide an overview of the final report from the Review for the Future of Local Government Panel to the Minister for JMAC. ▪ Staff from Waikato-Tainui and Waikato District Council staff to assess implications of these for the partnership. 	<p>The final report from the Review for the Future of Local Government Panel to the Minister for Local Government containing 17 recommendations was delivered on 19 June 2023.</p>
<p>Resource Management Reform Reform of the Resource Management Act which will create three separate pieces of legislation: the Natural and Built Environments Act, the Strategic Planning Act and the Climate Adaptation Act.</p>	<p>WDC WT (Jim Ebenhoh, Planning and Policy Manager/Tuhoro Paki Strategy and Relationship Manager)</p>	<ul style="list-style-type: none"> ▪ Provide the Committee with an update on these legislations at each JMAC meeting as required. ▪ Staff from Waikato-Tainui and Waikato District Council staff to assess implications of these for the partnership. 	<p>The Natural and Built Environment Bill and the Spatial Planning Bill were enacted in August 2023. At the time of writing the timing of the Climate Change Adaptation Act was unclear.</p>
<p>Three Waters Reform</p>	<p>WDC WT</p>	<ul style="list-style-type: none"> ▪ Advocacy on Te Ture Whaimana and Te Mana O Te Awa through the Three Waters Reform process to give effect to the Waikato- 	<p>In all the submissions made to the House of Representatives via the parliamentary process for submissions</p>

PROGRAMME/PROJECT/INITIATIVE	RESPONSIBLE GOVERNANCE ENTITY AND STAFF RESOURCE	ACTION AND TIMEFRAMES	COMMENT/ PROGRESS UPDATE
Supporting the implementation of Three Waters Reform.	(Deron Sharma, Three Waters Reform Project Manager) Manaaki Nepia Chief Advisor	Tainui Raupatu Claims (Waikato River) Settlement Act and the Nga Wai o Maniapoto (Waipaa River) Act. <ul style="list-style-type: none"> ▪ Work with (and, where appropriate, on behalf of) Waikato-Tainui to ensure that mana whenua and hapuu considerations are given in Three Waters Reform in a way that enhances mana whakahaere. This includes representing the views and partnership principles of the JMA (Joint Management Agreement) at engagement forums and working groups such as the Local Transition Team. 	on legislation, the Waters Reform Project Manager has advocated for the JMA and WT. In discussions with the Local Transition Team, kaimahi are also advocating for Te Ture Whaimana as the overarching direction setting document for Waikato Te Awa. Furthermore, our asset management plans that we have submitted to the Department of Internal Affairs places Te Ture Whaimana at the forefront of strategic decisions.
THREE WATERS BETTER OFF FUNDING			
Implementation of the 20 projects for which funding has been allocated as part of the Better Off Funding initiative. Note: Some projects are to be delivered by community groups and some by Council.	WDC (Deron Sharma, Three Waters Reform Project Manager) Waikato-Tainui staff resource (TBC)	<ul style="list-style-type: none"> ▪ Monitoring and reporting to Council, to JMAC (at each meeting) and to mana whenua representatives on implementation of the following projects: <ul style="list-style-type: none"> - Whaingaroa Wharf Western Walkway - \$3,200,000 - Te Paina Restoration - \$630,500 - Restoring Mauri to Davies Park - \$547,950 - Te Kowhai Structure Plan - \$325,000 - Te Paina Pest Eradication - \$169,000 - Kimihia Lakes Irrigation and Picnic Site - \$124,852 - Te Paina Waters Programme - \$97,500 - Waka Energy Resources & Papakaainga Project - \$78,000 - Te Akau South Kaitiaki - \$57,229 - Te Ao Moana Whaingaroa - \$23,344 	<ul style="list-style-type: none"> ▪ Council has received 10% advance of the funds. ▪ Allocated funding needs to be used by June 2027.

PROGRAMME/PROJECT/INITIATIVE	RESPONSIBLE GOVERNANCE ENTITY AND STAFF RESOURCE	ACTION AND TIMEFRAMES	COMMENT/ PROGRESS UPDATE
		<ul style="list-style-type: none"> ▪ Ensure that our community groups are protected from financial risk and that they are meeting project delivery obligations. 	
TOITUU RESILIENCY			
<p>Toituu resiliency Enable the capacity of marae in the Waikato district to build resilience.</p>	<p>WDC (Gannin Ormsby, Community Resilience Strategic Advisor) and Glenda Taituha, GM Heritage and Identity</p>	<ul style="list-style-type: none"> ▪ As part of the Marae Resilience Strategy, work in partnership with Waikato-Tainui, support the 39 marae within the Waikato district to enable their aspirations, readiness and resiliency planning. ▪ The Community Resilience Team will work alongside Marae who voluntary self-identify and wish to participate during a CDEM event. This will be by agreement between the Marae and CDEM. Part of the agreement will focus on the requirements of the Marae – PRIOR, DURING and POST an CDEM event. Any key infrastructure requirements will be integrated into the community outcomes that informs the LTP. ▪ The Community Resilience Team of Council will work alongside Marae who voluntary self-identify and wish to participate during a CDEM event. ▪ This will be by agreement between the Marae and CDEM ▪ Part of the agreement will focus on the requirements of the Marae – PRIOR, DURING and POST an event ▪ If there are key infrastructure requirements this will be part of the agreement that will be integrated into the community outcomes that informs the LTP. 	<p>The Toituu Framework is an internal Te Tiriti Partnership Framework. The framework is intended to enable whole of council approach to support Iwi Maaori Strategies within council. The Marae Resilience Strategy is focused on working in partnership with the 39 Waikato-Tainui Marae, within the Waikato district to enable their aspirations, readiness, and resilience. The Community Resilience Team will work alongside Marae who voluntary self-identify and wish to participate during a CDEM event. This will be by agreement between the Marae and CDEM. Part of the agreement will focus on the requirements of the Marae – PRIOR, DURING and POST an CDEM event. Any key infrastructure requirements will be integrated into the community outcomes that informs the LTP.</p>

PROGRAMME/PROJECT/INITIATIVE	RESPONSIBLE GOVERNANCE ENTITY AND STAFF RESOURCE	ACTION AND TIMEFRAMES	COMMENT/ PROGRESS UPDATE
LANDUSE PLANNING			
<p>Taupiri Hopuhopu Ngaaruawaahia Structure Plan</p> <p>A review of the existing structure plan to incorporate Waikato-Tainui's redevelopment of Hopuhopu, the rejuvenation of the Taupiri commercial area (Te Putu Street); the rejuvenation of the Ngaaruawaahia central business district and improved connections between all these settlements.</p>	<p>WDC/WT (Donna Tracey, Strategic Planning Manager) Porsha Wharekura-Property Manager Rob Batters-HH Innovation Development Project Lead Jaedyn Falwasser Taiao Manager</p>	<ul style="list-style-type: none"> Structure Plan reviewed by December 2023. Programme of works for implementation developed to inform LTP 2024-2034. 	
<p>Waikato District Plan (Appeals and future work programme)</p> <p>Resolving the sixty-seven appeals to the Proposed Waikato District Plan (PDP) whilst simultaneously undertaking any necessary variations/plan changes to address other issues not dealt with in the PDP. Council staff will work with Waikato-Tainui staff to align the future District Plan work programme with iwi priorities.</p>	<p>WDC/WT (Keri Davis-Miller, Resource Management Policy Manager)</p> <p>Jaedyn Falwasser Taiao Manager Glenda Taituha, GM Heritage and Identity</p>	<ul style="list-style-type: none"> Progress the resolution of the PDP appeals noting that there may be appeals that would need to be resolved through the Environment Court. 	
<p>Growth & Development Opportunities</p> <p>Continue to engage with Tainui Group Holdings to identify growth and development opportunities within the WDC area i.e. Ruakura Super hub Development, Meremere A Industrial Zoning</p>	<p>WT/TGH/WDC (Emma Rankin, Economic Development Advisor) Brian Croad, Regulatory Manager) Tuhoro Paki Strategy and Relationship Manager</p>	<ul style="list-style-type: none"> Update JMAs on progress on growth opportunities 	
STRATEGIC FOCUS AREAS			
<p>Social Procurement</p> <p>Using procurement as a tool for achieving social objectives. It is a process which links the social, environmental, and economic aspects of supply and demand, which can be a powerful tool for</p>	<p>WDC WT (Everard Whangapirita, Procurement Manager Trina Pohatu-McQueen, Economic Development</p>	<ul style="list-style-type: none"> Review the Professional services Waikato-Tainui has within its database of suppliers (potential to add new Professional Services Panel). 	<ul style="list-style-type: none"> Council's Economic Development Advisors will connect with both the Procurement team and local businesses to support capacity

PROGRAMME/PROJECT/INITIATIVE	RESPONSIBLE GOVERNANCE ENTITY AND STAFF RESOURCE	ACTION AND TIMEFRAMES	COMMENT/ PROGRESS UPDATE
social inclusion, environmental sustainability, and economic development.	Manager, Emma Rankin Economic Development and Key Account Manager Trina Pohatu McQueen, Whanake Manager, Waikato-Tainui.	<ul style="list-style-type: none"> ▪ Progress SME (Small Medium Enterprise) Panel. Draft plan has been completed and being circulated across Council with key stakeholders. ▪ Data – Identify and Share supplier data between Waikato-Tainui and Waikato District Council (ensuring Privacy requirements are maintained) ▪ Progress the implementation of the Sustainable Procurement Framework. 	<p>and capability uplift programmes to pathway local businesses interested in becoming WDC suppliers.</p> <ul style="list-style-type: none"> ▪ Everard and Emma Rankin attended the Civil Construction Pakihi event and we intend on creating a panel of suppliers where we will ensure WT Pakihi will be able to participate in the process to become panel members noting our JMA partnership and procurement policy and processes.
<p>Education & Employment Supporting Waikato Tainui Marae/Hapu/Iwi and the wider community of Waikato District Council to engage in meaningful and sustainable career and education pathways</p>	<p>WT WDC Vanessa Jenkins, People and Capability Manager Raewyn Mahara, General Manager for Education and Pathways and Emma Rankin, Economic Development and Key Account Manager and Glenda Taituha, GM Heritage and Identity</p>	<ul style="list-style-type: none"> ▪ Waikato-Tainui Tribal Members/Marae and the wider WDC community access to opportunities initiatives, employment, and skills development pathways. ▪ Support summer internship programmes across both the WDC Council and Waikato-Tainui for Tribal Members/Marae and the wider WDC community. ▪ Reinstate scholarship opportunities ▪ Alignment of this programme of work with the Social Procurement strategies across both organisations. 	<p>Council's Economic Development Advisors will support this education and employment focus area through a comprehensive district wide workforce development plan.</p>

Open

To	Waikato-Tainui Waikato District Council Joint Management Committee
Report title	Waters Services Reform Project Update September 2023
Date:	7 September 2023
Report Author:	Deron Sharma, Three Waters Reform Project Manager
Authorised by:	Gavin Ion, Chief Executive

1. Purpose of the report

Te Take moo te puurongo

To inform the Waikato Raupatu River Trust and Waikato District Council Co-Governance Joint Committee (**“the Joint Committee”**) of current workstreams, activities, and key matters under the Waters Services Reform Project.

2. Executive summary

Whakaraapopototanga matua

2.1 Select Committee Report on Water Services Entities Amendment Bill

The Water Services Entities Amendment Bill (**“the Bill”**) amends the Water Services Entities Act 2022 to reflect the Government’s decisions to refocus water services reforms.

The Governance and Administration Select Committee (**“the Committee”**) examined the Bill and recommended, by majority, that it be passed. Thereafter, the House of Representatives considered the Bill for third reading on 15 August 2023, where it was passed. The National and ACT Parties opposed the Committee, offering differing views on the Bill.

2.2 Project Risk Assessment

Kaimahi have undertaken a risk assessment of the waters services reform project to be presented to the Joint Committee for their information. Twenty-five key risks have been identified.

Kaimahi maintain that focusing on ambiguity pertaining to General Elections will undermine the core objective of project risk management. Compounded with the Council or the Joint Committee's inability to influence these, a decision was made not to expend significant effort planning for these scenarios until a clear operational environment is established.

3. Staff recommendations Tuutohu-aa-kaimahi

THAT the Waikato Raupatu River Trust and Waikato District Council Co-Governance Joint Committee:

- a. notes that the project management for the waters services reform is ongoing.

4. Discussion Matapaki

4.1 Select Committee Report on Water Services Entities Amendment Bill

In the Submission to the Bill, the Kaunihera proposed three positions to the Committee to consider, select from, and recommend to the House of Representatives. In decreasing order of preference, these were:

- (i) Waikato District Council to join the Northland and Auckland Water Services Entity ("**the NAWSE**").
- (ii) Waikato and Bay of Plenty Water Services Entities be combined via an amendment to the Bill.
- (iii) Introduce locally led pre-establishment mergers.

Whilst we observe the Committee's reticence regarding these proposals, we present the following recommendations made by the Committee.

Definitions

The Committee recommends that Community Priority Statements and Te Mana o Te Wai Statements be amended to refer to any body of water that the activities of the water services entities may affect, including freshwater. Previously, the definition of water was drawn from the Resource Management Act (1991) which precluded water enclosed in pipes, tanks, or cisterns. This was deficient and unworkable with the intent of the Affordable Waters Reforms.

Establishment dates

Notwithstanding the NAWSE, the Committee recommends that establishment dates for all other water services entities be set by an Order in Council ("**an Order**") at the start of a financial quarter from 1 July 2024 to 1 July 2026.

A requirement of the Minister to engage with Kaunihera and mana whenua prior to recommending an Order has been stipulated. Moreover, this must be accomplished within six months of the Bill being granted Royal Assent to provide Kaunihera with certainty on the establishment period.

Establishment boards

The Committee recommends that the 24-month term of office for the establishment chief executives should also apply to the establishment board to create a default scenario for service continuity from the establishment to the operational period.

Regional Representative Groups

The Committee's recommendation removes the membership minima and maxima for the Regional Representative Groups ("**the RRGs**") previously set by the Finance and Expenditure Select Committee. This means that each council can have more than one council and mana whenua representative, respectively.

As a model, the Committee has recommended that Auckland Council have four Council representatives and four mana whenua representatives in the composition of the RRGs, whilst the other three councils in the NAWSE would have one Council and one mana whenua representative, each. Whilst the Bill is not clear on this, Kaimahi expect this model to interpose population differences.

Locally Led Mergers

The Committee restricts mergers to entities that share some of their boundaries with at least one other entity in the merger, specifying that geographically shared water bodies would be compliant with this provision.

The Committee envisages that at least 75 percent of the regional representative group present and voting on a voluntary merger must agree to implement a merger, regardless of Ministerial direction.

Retention Payments

We welcome the Committee's recommendation that a one-off staff retention payment should be made to an employee who has accepted an offer of employment from the chief executive of a water services entity.

However, we have assessed that the proposed new clause lacks rigor in applicability. Based on the recommendation, it is possible that staff transferring to a water service entity outside of their employing council's service area may still receive the payment. Furthermore, the Bill does not explain the retention payments to staff under the legislated job guarantee pathway.

Employment Transfer Arrangements

Kaimahi are pleased to see the Committee conducting a detailed analysis of the anomalous transitional arrangement that the staggered establishment would create for Watercare Waikato staff living in the Waikato District and providing services to Kaunihera.

The Committee essentially empowers the chief executive of the NAWSE to approve offers of employment to Watercare Waikato kaimahi, which will provide certainty. It is envisaged that these staff will transfer back to the Waikato Water Service Entity on the same conditions of employment once established.

4.2 Project Risk Assessment

Staff have prepared a draft risk register for the Joint Committee to consider and provide feedback on (**Attachment 1**). Being centrally driven, most of the risk treatments are outside of Kaunihera and Joint Committee control, which means Kaunihera and the Joint Committee needs to be adaptive to changes in the planned program. Kaimahi will ensure that the Council and the Joint Committee have the relevant information to stay abreast.

5. Next steps **Ahu whakamua**

5.1 Select Committee Report on Water Services Entities Amendment Bill

The Bill has not been formally granted Royal Assent by the Governor-General; however, this is anticipated to be completed before the Joint Committee convenes next.

5.2 Project Risk Assessment

Staff can continue to report on the risks to the Joint Committee twice yearly or additionally at the appropriate juncture.

6. Attachments **Ngaa taapirihanga**

Attachment 1 PR-23172 20230905 Waters Services Reform Risk Register

Risk Register 15/02/23														
Team / Project Name:		Three Waters Reform Transition												
Project Number (if applicable):		PR-21372												
Risk Ref #	Risk Statement			Inherent Risk		Risk Treatment		Residual Risk score		Contingency action(s)	Risk Owner	Business Objective	Monitoring/ Reporting	Monitoring timeframe
	Cause Because of ...	Risk There might be ...	Consequence Resulting in ...	Likelihood	Consequence Factor	Treatment to Cause	Treatment to Consequence	Likelihood	Consequence Factor	If the risk becomes reality... what action(s) will we implement?	Who will take responsibility for this risk? (One person)	Which Business objectives are impacted by this risk? (See next sheet)	Who will monitor and report on this risk?	What is the frequency for monitoring
16	Transition of capital project delivery, budgets, and staff.	Time critical projects and other important capital projects delayed due to transitional issues, lack of resourcing, unclear decision-making, and other bottling issues with the water service entities.	Delays to CAPEX projects required by Council's communities.	5	5	Review from service delivery team on what projects will be impacted by transition. Change in scope of projects, acceleration, or re-prioritisation of projects may be required. Ensuring that critical projects are represented in asset management plans, long-term plans, and highlighting the importance of these in executive discussions with the water service entity.	Council has written to the NTU and to Parliament of our wishes to have Watercare continue to deliver the capital programme for five years beyond 1 July 2024, which staff believe to be the best minimization strategy for this risk. 177: Accept that there will be inherent transitional issues. Likelihood reduced because there is clarity that Entity A will act as agent for Watercare LOS arrangements.	3	4	Outside of Council control. Council will need to establish a channel of communication with the water service entity.	Waters Manager GM Service Delivery	Business Continuity	Waters Reform PM	6-Monthly Risk Reporting
16	The water service entity's programme of works does not align with Council's priorities.	Time critical projects and other important capital projects delayed due to transitional issues, lack of resourcing, unclear decision-making, and other bottling issues with the water service entities.	Delays to CAPEX projects required by Council's communities.	5	5	Review from service delivery team on what projects will be impacted by transition. Change in scope of projects, acceleration, or re-prioritisation of projects may be required. Ensuring that critical projects are represented in asset management plans, long-term plans, and highlighting the importance of these in executive discussions with the water service entity.	Council has written to the NTU and to Parliament of our wishes to have Watercare continue to deliver the capital programme for five years beyond 1 July 2024, which staff believe to be the best minimization strategy for this risk. 177: WDC to deliver Y1-Y2, WSE's take over Y3-10. Can still add projects as line items in LTP/AMP. Although this constrains funding, it does give WDC greater control.	3	3	Outside of Council control. Council will need to establish a channel of communication with the water service entity.	Waters Manager GM Service Delivery	Business Continuity	Waters Reform PM	6-Monthly Risk Reporting
17	Water Services Legislation Bill stipulates a Monitoring and Guidance process requiring Council to obtain prior approval from the DIA regarding significant decisions.	Council's investments and decisions being overturned by the DIA.	Delays to CAPEX projects required by Council's communities.	5	5	ELT oversight over project to aid with re-prioritisation as required.	Make a case for appeal to the DIA for reconsideration of their decision. 18/8: Best to keep DIA on a no surprises basis, to the extent possible. Achieved through regular reporting of significant decisions and early involvement.	5	4	Outside of Council control. To be proactive, Council can undertake an exercise to determine if any in-flight project with major decision making or future milestone can be brought forward for approval before transition.	Waters Reform PM	Business Continuity	Waters Reform PM	6-Monthly Risk Reporting
18	Separation of water infrastructure planning and other functions that will continue to reside within Council.	Urban growth, land development, resource consents, and renewals disrupted from water infrastructure planning. Reduced levels of service due to renewals funding gap or incorrectly prioritized maintenance program. Opportunities: Water service entity may have the capability and capacity to integrate strategic growth and water infrastructure planning more efficiently.	Threats: Tier 1 Growth requirements not met meaning housing supply falls short of housing demand in the district. Resource consents not aligned with water service entity activities meaning plants and equipment operate without appropriate authorization. Buildover applications overlooked or improperly processed. Opportunities: Water service entity may have the capability and capacity to integrate strategic growth and water infrastructure planning more efficiently.	4	5	Ensuring that there is a clear owner of this process or interfacial manager either within Council or within the water service entity. 18/8: Starting the journey to advance this with the stormwater collaboration workshops. Have gone to market for a Three Waters Support Engineer that can assist in progressing strategic issues. Waters Reform PM also operating in this space now so more resource directed overall.	Ensuring that there is a clear owner of this process or interfacial manager either within Council or within the water service entity, ante-, peri-, and post-transition. 18/8: Pre-transition funding solution: transition support package. Post-transition funding solution: no worse off funding.	5	4	Extreme Council to advocate for its communities and hold the water service entities accountable for their responsibilities to public health and wellbeing.	GM Growth	Business Continuity	Waters Reform PM	6-Monthly Risk Reporting
19	The legislation clearly foresees the water service entities having their own governance arrangements.	Council's Waters Governance Board will cease to exist after 1 July 2024.	Council losing a governance oversight arm on the waters operations that serves the district.	5	4	Outside of Council control.	The best mitigation is to have an internal risk owner within Council that can consider governance issues from a distance. There is an opportunity for Council to be involved in the Regional Representative Groups which can act as a vehicle for fulfilling governance oversight arrangements.	4	2	Moderate Allocate an internal risk owner that can act as a conduit or agent for Council to, at least, partially fulfil the water's governance board's functions.	COO	Political & Strategic	Waters Reform PM	6-Monthly Risk Reporting
20	Cross-boundary service provision.	Watercare unable to provide appropriate LOS leading to transition due to staff movement or changes to business.	Loss of service levels.	4	5	Council to stay abreast of status of COOs in the waters reform program. NTU and relevant entity chief executives are aware of our arrangements.	18/8: WDC has submitted on the WSEAB legislation. Governance & Administration Select Committee has explicitly addressed this and enshrined certainty for Watercare Waikato staff in legislation.	1	5	Low De-transition and bring back waters inhouse or transfer to the water service entities before establishment date. 177: WSEAB address this. WSL will be absorbed into Entity A and O&M contract novated. Loss of staff outside our control so accept and prepare contingencies e.g. WSL approved to augment stormwater support.	Waters Manager	Business Continuity	Waters Reform PM	6-Monthly Risk Reporting
21	Assets and liabilities transferred to the water service entities.	Council's credit rating or ability to borrow potentially impacted.	Decreased level of service to communities.	4	5	There is funding from the DIA to offset the impacts of this.	There is funding from the DIA to offset the impacts of this.	4	3	High Council may need to undertake an exercise to assign a dollar amount to this. If the funding provided by the DIA is insufficient to cover these costs, more can be requested, by negotiation.	CFO	Financial	Waters Reform PM	6-Monthly Risk Reporting
22	Change in Parliament	Three waters reform cancelled or significant change in direction	More uncertainty for staff, communities, and Council at a strategic level. Creates more work stop BAU.	4	4	Outside of Council control.	WDC adopting an approach not to be reliant on the reform. The three waters operations has been designed to continue regardless of reform. 18/8: Delivering Y1-3 of LTP mitigates aspects of this risk, but creates the additional threat of financial constraint.	4	3	High Continue delivering LOS via Watercare. Communicate to relevant stakeholders. Plan future steps with ELT.	Waters Manager	Political & Strategic	Waters Reform PM	6-Monthly Risk Reporting
23	The water service entities will compete for other Council staff, beyond waters staff, once stood up.	Council may lose other staff from core areas of the business.	Business continuity impacted, IP lost, and key personnel leave projects mid-flight.	4	4	Fortify Council's staff retention strategies.	Fortify Council's business continuity strategies.	4	3	High Council will need to prepare for a mass exodus scenario.	P&C Manager	People	Waters Reform PM	6-Monthly Risk Reporting
24	Multiple Government-driven reforms that require input from iwi and mana whenua without adequate compensation for money, time, or capacity.	Iwi and mana whenua unable or unwilling to meaningfully contribute to the design and planning of the water service entities. Iwi and mana whenua have opposing viewpoints or priorities related to iwi and/or area.	Council may suffer reputational damage. Council's activities that require collaboration with mana whenua or iwi impacted due to over-engagement from Government activities. Council may be found in contravention of Treaty or JMA obligations due to undermining of Māori rights or interests in iwi.	4	4	Largely outside of Council control. DIA does have funding buckets to assist with this. Council can redirect iwi representatives to this by increasing awareness. The public website would be a good forum to achieve this. Further funding will be given to customer delivery staff to assist customers in accessing this information. 177: DIA established iwi collective to assist with this. Council waters team continuing to fortify relationship with Wf via JMA, better of funding, and involvement with other significant waters projects.	Transparent messaging from Council. Oversight of waters reform activities across the organization to enable strategic consultation with iwi or mana whenua. 177: Have to ensure that we do not forget JMA with Ngāi Tahu (Waipapa River).	2	3	Moderate Clear and consistent messaging will be required to customers.	Waters Manager	Compliance Regulatory	Waters Reform PM	6-Monthly Risk Reporting
25	Water service entity renegotiating contracts and suppliers to capitalize on larger economy scale.	Council loses access to local and/or smaller contractors. Informal arrangements between Council and contractors not captured.	Economic wellbeing of the residents potentially impacted. Council's procurement objectives not met. Loss of local knowledge and years of technical expertise of the network. Levels of service reduced as a result.	4	3	Outside of Council control. Council can recommend to the water service entity to maintain certain contracts for business continuity as done for the Watercare Operations and Maintenance Contract. 18/8: DIA have indicated that there is a drive to maintain existing Council contracts, at least in the first few years. This will become an Entity B risk over time.	Transparent communication with contractors.	3	3	Moderate Outside of Council control.	Waters Manager	Technical	Waters Reform PM	6-Monthly Risk Reporting
26	Overestimation of infrastructure renewal requirements and/or ability for water service entities to fund these due to flawed financial modeling by the DIA.	Large margins of error in funding and pricing plans.	Possibility for significant rates increases due to affordability issues or communities not better off in terms of funding the required investments.	3	4	Largely outside of Council control, but Council can provide feedback on these based on funding impact statements once the water service entity's funding and pricing plans are published.	Council has made a submission on the Water Services Legislation Bill to require the water service entities to charge themselves and align the pricing to current Council standards for the first three years of operation.	3	4	High Council will be legislatively limited in courses of actions.	CFO	Financial	Waters Reform PM	6-Monthly Risk Reporting
27	Public scrutiny and political pressure opposing the reform.	Increased uncertainty or dissonance in the community	Community Boards, staff, and Councilors being subject to antagonized customers in public forums. Staff asked to answer questions that Council does not have control over.	4	4	Regular updates to public via public forums. Education on the fact that this is Centrally driven and Council is legally obliged to comply under New Zealand's democratic delegations.	Communications plan which creates consistent messaging from top to bottom. Ensuring that front of house and call center staff are educated in the program and understand the delineation of responsibilities between Council and other agencies.	3	2	Moderate Utilize communications channels to run education campaigns. Ensuring that front of house and call center staff are educated in the program and understand the delineation of responsibilities between Council and other agencies.	Waters Reform PM	Reputation / Image	Waters Reform PM	6-Monthly Risk Reporting

Risk Register 15/02/23																
Team / Project Name:		Three Waters Reform Transition														
Project Number (if applicable):		PR-21372														
Risk Ref #	Risk Statement			Inherent Risk		Risk Treatment		Residual Risk score		Contingency action(s)	Risk Owner	Business Objective	Monitoring/ Reporting	Monitoring timeframe		
	Cause Because of ...	Risk There might be ...	Consequence Resulting in ...	Likelihood	Consequence Factor	Treatment to Cause	Treatment to Consequence	Likelihood	Consequence Factor	If the risk becomes reality... what action(s) will we implement?	Who will take responsibility for this risk? (One person)	Which Business objectives are impacted by this risk? (See next sheet)	Who will monitor and report on this risk?	What is the frequency for monitoring		
4	Poor communication from Central Government.	Council not fully informed or engaged on the reform.	Ability to plan ahead impacted. Staff having to re-prioritize between LTP projects, BAU, and reform. Council's ability to engage with the program requirements impeded.	4	3	High	Proactively engage with the NTU. Obtain signoff from ELT for project and create a communications pool within project workstreams to ensure oversight.	NTU's local establishment teams should be coordinating with Council to alleviate these pressures.	4	2	Moderate	Shared knowledge within Council and via the LTT.	Waters Reform PM	People	Waters Reform PM	6-Monthly Risk Reporting
4	Significant uncertainty on the direction the Government is taking.	Establishment date extended.	Council continues to deliver ancillary water functions.	4	3	High	Outside of Council control.	Clear delineation of responsibilities required. Council will need to be reimbursed for delivering any services via relationship and service level agreements.	4	2	Moderate	Enter into agreement with the water service agreement to establish clear processes and responsibilities.	ELT	People	Waters Reform PM	6-Monthly Risk Reporting
6	Data and digital workstream has not been communicating the data transfer mechanisms.	Council will not be adequately resourced to partake in data migration activities.	Increased workload in short timeframes. Availability of consultants may be limited.	3	4	High	1717: A customer and digital workstream has been established. There is more communication now that before. However, this workstream still seems ill prepared. Infor is being used as EAM which is the WSL system. This places WDC ahead of the migration curve.	Demand that NTU provide resources to backfill positions.	2	2	Low	Outsource resources from three waters funding or at the cost of NTU's data and digital workstream.	CIO	People	Waters Reform PM	6-Monthly Risk Reporting
24	Development Agreements not captured adequately within transitional arrangements.	Development Agreements do not get transitioned to the water service entities for continuation of management i.e. no ownership from water service entity.	Council's social and economic objectives jeopardized. Council finds it difficult to attract businesses to the district due to infrastructure deficits.	3	5	High	Ensuring that there is a clear owner of this process or interfacial manager either within Council or within the water service entity.	Discussions regarding economic development to recognize the impacts of three waters reform. Notify the DIA of future projects via the monitoring and guidance process. Formalize arrangements via agreements or through Council's planning documents so they can be easily novated to the water service entities.	3	3	Moderate	The legislation and process is currently unclear on this matter. If this risk was to eventuate, Council will have to carry out its statutory obligations under the LDA 2002 and hold the water service entity accountable for delivering.	GM Growth	Political & Strategic	Waters Reform PM	6-Monthly Risk Reporting
7	Misinformation and inconsistent messaging leads to public unrest, establishment of CALD and protests.	Council's position is not aligned with the communities.	Potential for relationship strains with other entities that Council partners with.	3	3	Moderate	Clear and consistent messaging from Council.	Clear and consistent messaging from Council.	3	2	Moderate	Fortify community education. Run more community hui.	Waters Reform PM	Reputation / Image	Waters Reform PM	6-Monthly Risk Reporting
8	Lack of planning on records transfer.	Council will be required to retain records and feed into WSEs on adhoc basis.	Increased workload on records team.	3	3	Moderate	Archives New Zealand dictates certain procedures that need to be undertaken during administrative change.	and that NTU provide resources to backfill positions.	3	2	Moderate	Council needs to ensure that the NTU and DIA are fully aware of the documented procedures from Archives NZ.	Waters Reform PM	Compliance Regulatory	Waters Reform PM	6-Monthly Risk Reporting
11	WDC has responsibility to collect payments during the establishment period and five years beyond 1 July 2024.	Water service entities require Council to continue collecting rates.	Threat: Council still seen as the face of three waters from community perspective. Community confusion regarding water service provider. Opportunity: Community see us as advocates for them to central government and appreciate us more.	3	2	Moderate	Council has made a submission on the Water Services Legislation Bill to require the water service entities to charge themselves and align the pricing to current Council standards for the first three years of operation.	Council will have to comply with these requirements if directed to do so as it is legislated.	3	2	Moderate	Clear and consistent messaging will be required to customers.	CFO	Financial	Waters Reform PM	6-Monthly Risk Reporting
12	Three waters reform is taking many aspects of Council functions and creating a national model e.g. RTS, AMP, Growth Plans.	Council's strategic planning is impacted.	Council's ability to adapt strategic plans for communities and prioritization framework is adversely impacted due to entities' needing to prioritize the competing needs of 22 councils.	3	3	Moderate	Council will need to reevaluate strategic planning process in accordance with the new legislative planning process. Interface with the water service entity will likely be required.	Council will need to establish a channel of communication with the water service entity.	3	3	Moderate	Council will need to work closely with the water service entity to map out what this looks like.	ELT	Political & Strategic	Waters Reform PM	6-Monthly Risk Reporting
22	Changing legislative drivers in the waters reform programme.	New, unforeseen legal obligations on Council.	Increased workloads on Council staff or rates on communities.	3	3	Moderate	Largely outside of Council control, but Council can monitor changes to voice concerns in appropriate forums and remain agile.	Largely outside of Council control, but Council can monitor changes to voice concerns in appropriate forums and remain agile.	3	2	Moderate	Largely outside of Council control, but Council can monitor changes to voice concerns in appropriate forums and remain agile.	CFO Legal Counsel	Compliance Regulatory	Waters Reform PM	6-Monthly Risk Reporting
23	Local Government Act places certain obligations on Council during civil defence emergencies.	New entity may be unprepared for emergency management functions after transition. Uncertainty on water service entity's role in Civil Defence.	Council may be required to undertake these functions with less control, recalling that water is a finite utility. Council staff that would otherwise assist with Civil Defence and Emergency Management efforts are transitioned to the water service entities and unavailable to assist in the future.	3	5	High	Council's civil defence emergency management team may be required to prepare for this scenario. To be proactive, Council's incident management team can work with the water service entity to develop a plan of action for these events.	Council's civil defence emergency management team may be required to prepare for this scenario. Training other staff that likely will not transfer to the water service entities. To be proactive, Council's incident management team can work with the water service entity to develop a plan of action for these events.	3	1	Low	Council's civil defence emergency management team may be required to prepare for this scenario. To be proactive, Council's incident management team can work with the water service entity to develop a plan of action for these events.	CDEM Manager	Business Continuity	CDEM Manager Waters Reform PM	6-Monthly Risk Reporting
24	Council has contracts which has touchpoint with waters.	Existing contracts where part of the scope (Water) will be handed over to new entities.	Requiring renegotiation or novation of entire contract to the water service entities.	3	2	Moderate	Council may be required to enter into service level agreements.	Where appropriate, the entire contract should be novated to the water service entities.	3	1	Low	Outside of Council control.	Waters Manager	Business Continuity	Waters Reform PM	6-Monthly Risk Reporting
25	Many Council-owned assets are mixed-use assets administered by different teams.	Other WDC BAU functions are compromised.	Unclear demarcation of departmental jurisdiction to undertake works.	2	2	Low	Request for information from DIA to capture all land areas and assets that are mixed use.	Ensure DIA is clearly delineating responsibilities via the Water Services Legislation Bill.	2	2	Low	Council's internal teams will need to delineate responsibilities.	Waters Manager	Business Continuity	Waters Reform PM	6-Monthly Risk Reporting

Consequence Category / Portfolio	Description
Business Continuity	Business continuity risks impacting the day to day business function and level of service delivery. These can be from inadequate or failed internal processes, activities and systems (recruitment, training, change management), or from unforeseen external events (such as a natural disaster) that disrupt normal business operations.
People (Zero Harm)	Risks associated with health and safety, or the capacity and capability of staff, elected members or partnerships; the behavioural and/or performance of staff, elected members or partnerships; and supplier confidence. People risks typically result from staff constraints (cannot fill critical open positions), incompetence (employees, partners or suppliers lack the necessary skill & knowledge to do jobs correctly), dishonesty (theft, fraud) or a corporate culture that does not cultivate risk awareness (i.e. lack of regard for Health & safety processes, risk management processes)
Financial	Risks related to the financial management of WDC and the ability to fund Council activities and operations now, and into the future. Risks related to the management of operational and or project budgets (potential for loss). External economic factors related to changes in the prevailing market conditions that impact on the organisations financial capability.
Reputation/Image	Risks related to the impact of organisational actions (business undertakings). Reputational risks typically result when public perception of Council actions and/or Council personnel are deemed to be inappropriate.
Compliance Regulatory	Risks related to WDC exposure to liability (legal action, fines, non-compliance against consent conditions, codes etc.)
Environmental	Potential or actual negative environmental or ecological impacts, regardless of whether these are reversible or irreversible in nature. Risks can arise from; - Natural hazards e.g. landslides - Waste & Refuse, emissions, resource depletion etc. - Emergency/ Disaster management - Growth & Development
Political/Strategic	Risks that may impact on the organisations ability to achieve its strategic objectives created by political conditions. This may be due to internal factors (actions of politicians) and or external conditions e.g. events or decisions that could have effect on the achievement of strategic objectives.

Prompt questions

What is the risk due to inadequate or failed internal processes, activities and systems (recruitment, training, change programmes, natural disasters?)

Are there risks related to health and safety, capacity and capability of staff, behavioural and or performance issues, supplier delivery confidence

What is the risk that there is inadequate funding provided for this activity/project (either by Council and/or external funders) and/or that the final activity/project cost is >10% of the budget?

What is the risk to Council's reputation / image? Potential for negative media coverage and/or negative experiences/perceptions of the activity/project by stakeholders and the community?

What is the risk of exposure to liability (legal action, fines, non-compliance against consent conditions)?

What is the risk to the environment (ecology, soil contamination, water quality, noise levels, odour, dust, etc.?)

What is the risk at the Political and or Corporate level due to possible impact to Council's core business objectives?

Technical (Cyber Security & IT Dependence)

Risks affecting the ability of WDC to complete or have confidence in the function or completion of a task, activity, project, operation. These are quality risks e.g. failure due to lack of technical capability or certainty in;

- Existing equipment, tools, technology, software, hardware etc.
- Design surety, manufacturing competency, technical performance etc.

Are there risks due to specific critical technologies and or the overall technical complexity of an activity/project (has it been done successfully before? Design and or implementation complexity? Specialised technical skill required? Speed of technology change, etc.)

RISK CONSEQUENCE CATEGORIES

Questions	Business Continuity	People	Financial	Reputation / Image	Compliance Regulatory	Environmental	Political & Strategic	Technical
	What is the risk due to inadequate or failed internal processes, activities and systems (recruitment, training, change programmes, natural disasters?)	Are there risks related to health and safety, capacity and capability of staff, behavioural and or performance issues, supplier delivery confidence	What is the risk that there is inadequate funding provided for this activity/project (either by Council and/or external funders) and/or that the final activity/project cost is >10% of the budget?	What is the risk to Council's reputation / image? Potential for negative media coverage and/or negative experiences/ perceptions of the activity/project by stakeholders and the community?	What is the risk of exposure to liability (legal action, fines, non-compliance against consent conditions)?	What is the risk to the environment (ecology, soil contamination, water quality, noise levels, odour, dust, etc.?)	What is the risk at the Political and or Corporate level due to possible impact to Council's core business objectives?	Are there risks due to specific critical technologies and or the overall technical complexity of an activity/project (has it been done successfully before? Design and or implementation complexity? Specialised technical skill required? Speed of technology change, etc.)

Likelihood

Likelihood	Probability	Frequency	Description	Rating
Almost Certain	> 80%	Regular or frequently occurrence	Expected; Almost certain occurrence in the foreseeable future	5
Likely	50 - 80%	1 - 5 times per year	Strong probability of occurrence in the foreseeable future / History of frequent occurrence	4
Possible	20% - 50%	Once a year	Feasible; a possibility of occurrence / History of casual occurrence	3
Unlikely	< 20%	Once every 2 -5 years	Not expected but there is a slight chance of occurrence at some time	2
Rare	< 1%	Less than once every 5 years	Highly unlikely but may occur in exceptional circumstances	1

Consequences

Descriptor	Business Continuity	People	Financial	Reputation / Image	Compliance Regulatory	Environmental	Political & Strategic	Technical	Rating
Catastrophic	Essential services are unavailable causing customer disruption (> 1 day)	Life threatening injury/fatality (Severity 1) or potential to cause life threatening injury/fatality. Significant or prolonged resourcing deficit (trained/skilled specialist roles).	Financial exposure ≥ \$1.5M in any 12 month period	Sustained (in excess of one week) high profile adverse national media campaign or sustained (in excess of 4 weeks) cumulative adverse local media campaign or irreversible loss of community confidence or initiation of government tribunal of inquiry	Breach of policy, process or legislation requiring external investigation and resulting in significant tangible loss through civil or criminal prosecution and or significant damage to reputation.	Significant environmental disaster or natural hazard or unplanned population growth causing wide spread environmental degradation/damage and/or irreversible pollution or long term effects affecting future generations or uncontained, long term serious environmental degradation.	Significant and prolonged political attention with non-achievement of LTP objectives across multiple years.	Significant and prolonged effect to levels of service, business function or resource capacity as the result of malfunction/failure of technology, tools, equipment and or design/manufacturing competency.	5
Major	Essential services are unavailable causing customer disruption (< 1 day) or non-essential services are unavailable (<7 days)	A WorkSafe NZ notifiable injury or illness (Severity 2) or potential to cause notifiable illness or injury. Major but short term resourcing deficit (trained/skilled specialist roles).	Financial exposure ≥ \$500k but <\$1.5M in any 12 month period	High profile adverse national media attention (less than one week) or sustained (in excess of 2 weeks) cumulative adverse local media attention or loss of confidence from significant portion of community sector.	Breach of policy, process or legislation requiring external investigation and resulting in a tangible loss through civil or criminal prosecution and some damage to reputation.	Major but localised environmental degradation/damage/pollution with long term effects or major off site release caused by either a natural disaster or unplanned population growth.	Significant but short term political attention with major impact to timing or deliverables associated with LTP objectives within one given year.	Major but short term effects to levels of service, business function or resource capacity as the result of malfunction/failure of technology, tools, equipment and or design/manufacturing competency.	4
Moderate	Essential services are unavailable causing customer disruption (< 4 hours) or non-essential services are unavailable (<3 days)	Lost time injury (Severity 4). Moderate and short term resourcing deficit (trained/skilled specialist roles).	Financial exposure ≥ \$100k but < \$500k in any 12 month period	Adverse local media coverage that if repeated over time will adversely affect Council or negatively perceived business practice leading to widespread resident/ratepayer complaints or prolonged unresolved dispute requiring legal oversight	Breach of policy, process or legislation requiring internal investigation including moderate treatment for the purpose of damage control	Moderate localised environmental degradation/damage/pollution at a localised level caused by either a natural disaster or unplanned population growth with medium term effect or off site release contained.	Short term political attention with moderate impact to deliverables associated with LTP objectives.	Moderate short term effects to levels of service, business function or resource capacity as the result of malfunction/failure of technology, tools, equipment and or design/manufacturing competency.	3
Minor	Non-essential services maybe impacted causing customer disruption (< 1 day)	Restricted work injury or medical treatment injury or potential for medical treatment is required (Severity 5). Temporary resourcing deficit (trained/skilled specialist roles) <7days.	Financial exposure ≥ \$10k but < \$100k in any 12 month period	Adverse local media coverage or adverse social media comment or short-term issue leading to localised complaints	Breach of policy, process or legislation requiring internal investigation but requiring only minor treatment for the purpose of damage control.	Minor localised environmental damage/pollution caused by either a natural disaster or unplanned population growth.	Short term political interest with negligible impact to LTP objectives.	Minor effects to day to day business function as the result of malfunction/failure of technology, tools, equipment and or design/manufacturing competency.	2
Insignificant	No tangible impact on services to customer but monitoring maybe required.	First aid injury or potential for a person to seek first aid (Severity 6). Temporary resourcing deficit (trained/skilled specialist roles) <1day.	Financial exposure < \$10k in any 12 month period.	Minor adverse social media comment/questions but no subsequent public interest or event affecting an individual or small group only	Minor breach of policy or process requiring no investigation and only an approval or variance to prevent any damage control requirement.	Negligible localised environmental damage caused by either a natural disaster or unplanned population growth.	Negligible political interest with no impact on LTP objectives.	Negligible effects to day to day business function as the result of malfunction/failure of technology, tools, equipment and or design/manufacturing competency.	1

To	Waikato-Tainui Waikato District Council Joint Management Committee
Report title	Water and Wastewater Capital Delivery Update
Date:	15 August 2023
Report Author:	James Baldwin, Waters Engineering Manager
Authorised by:	Gavin Ion Chief Executive

1. Purpose of the report

Te take moo te puurongo

For the Joint Management Agreement Committee (JMAC) to receive an update on the Water and Wastewater Capital Projects.

2. Staff recommendations

Tuutohu-aa-kaimahi

THAT the Joint Management Agreement Committee receives the Water & Wastewater Capital Delivery Update report.

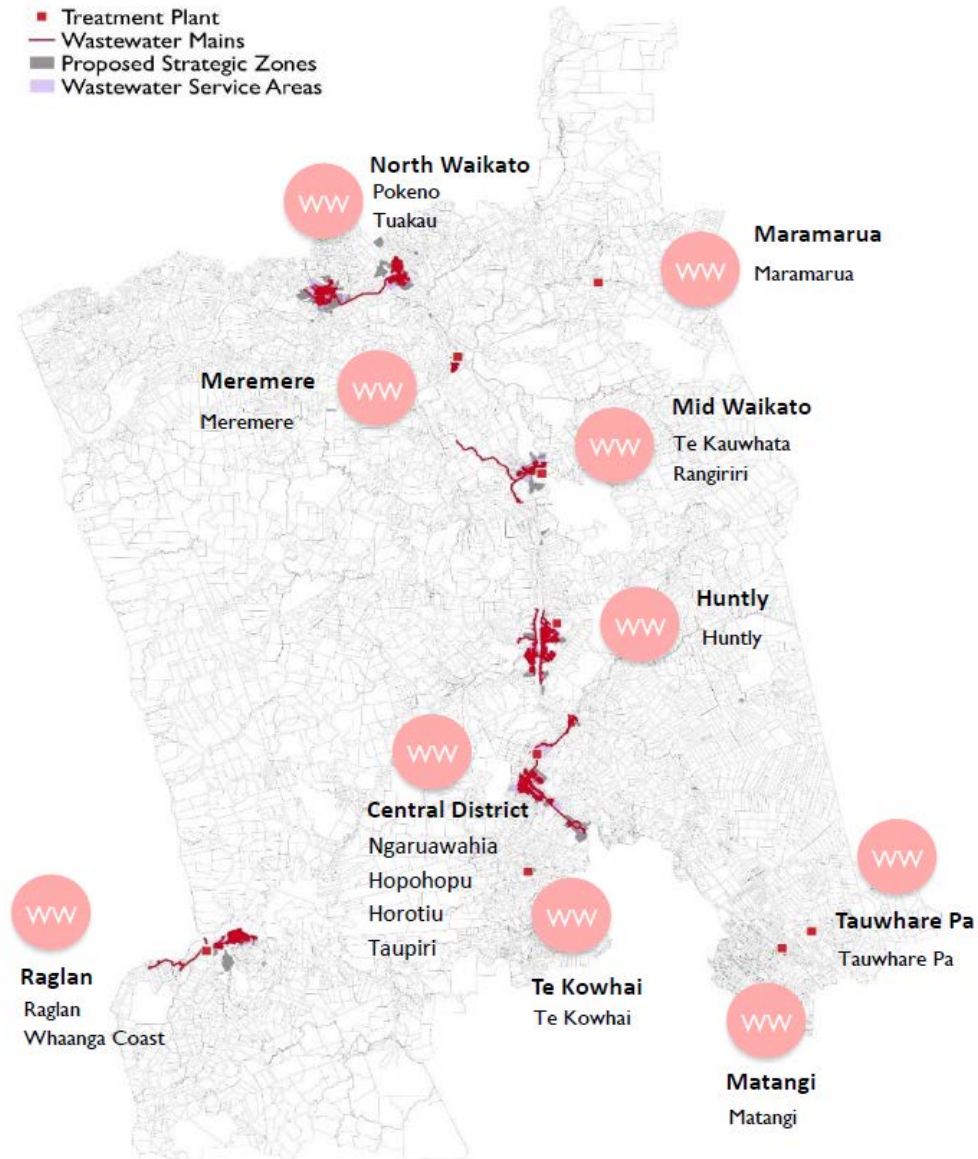
3. Report

Puurongo

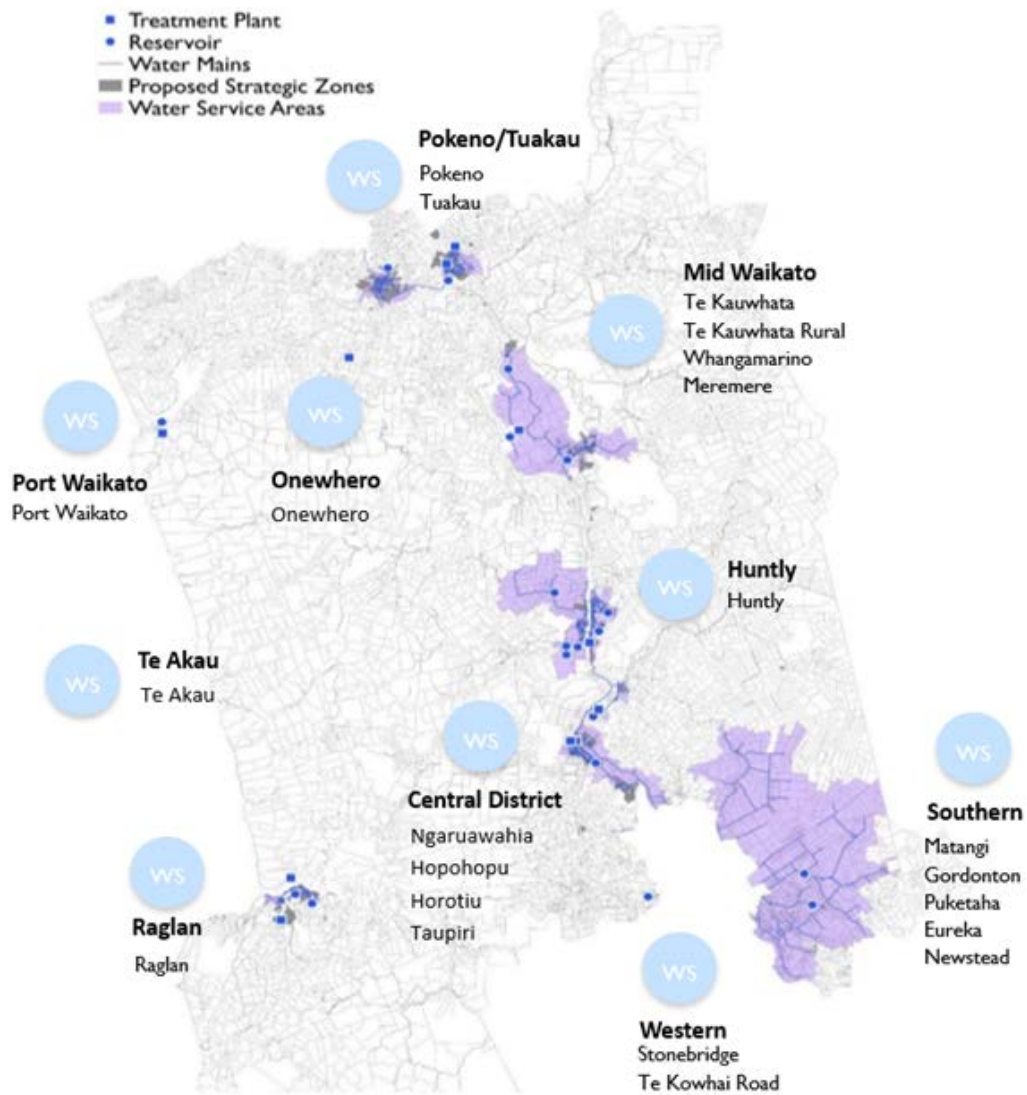
A request was made at the JMAC meeting of 10 August 2022 for Council to provide an update on the delivery of water and wastewater capital projects.

The projects planned and/or underway are shown in the map below:

Council's reticulated wastewater collection, treatment and disposal systems serve the following areas



9 Treatment Plants
 297 Pump Stations
 297km Pipeline
 16,400 Domestic and industrial property connections



Total 18,331 early Aug 23 active water meters

We have three agreements in place for water supply:

1. Hamilton City Council – providing water for the communities surrounding Hamilton (Southern and Western Districts).
2. Te Kauwhata Water Association – Providing water for the Te Kauwhata, Meremere and Rangiriri communities.
3. Watercare Services Limited – Providing water to Tuakau and Pokeno.

Wastewater Treatment Plant (WWTP) Projects

Te Kauwhata WWTP Upgrade

Te Kauwhata WWTP – Aeration Tank Installation



Te Kauwhata WWTP Upgrade is well underway, with work due to complete in December 2023.

The Membrane Aerated Biofilm Reactor (MABR) Upgrade Project is well underway. It is one of the major projects being delivered by Watercare Waikato to ensure the new wastewater system delivers consent compliance and is the platform to meet future population growth within the catchment.

The project provides additional wastewater treatment capacity by installing a new membrane treatment system and retains the existing ponds for a flow buffer in storm events. Retaining the existing treatment ponds offers a basic treatment process in extreme storm events or a significant natural disaster, a feature important for resilience.

A planned expansion adds a third lane, increasing the capacity to meet catchment growth, and adds a solids handling facility.

The MABR and aeration tanks, splitter have been installed. The MBR and Splitter box tanks are being factory fabricated and arrived in July.

The main liquid stream pipework is 60% complete. The air stream construction is underway. Electrical planning and switchboard manufacturing is being scheduled. The new chemical facility area is also being prepared and the chemical tank with dosing units is currently being factory fabricated.

The blower room structure is complete, and the fit-out has commenced.

The new temporary ultrafiltration plant is operational, improving the suspended solids treatment performance ahead of the main plant build.

Te Kauwhata WWTP Discharge

Lake Waikare has been adversely affected by nutrient loading and algal blooms. To address this environmental issue, an assessment under the Resource Management Act (RMA) process is underway to review engineering solutions to relocate the discharge to a more suitable location.

The assessment will consider the technical, cultural and practical aspects of the potential solutions. To commence, two local reference solutions were developed to a concept level to set a positive vision. Both involve constructing a new treated water pipeline to an area with regenerative planting and landscaping adjacent to the Waikato River.

The new treatment process will provide a high-quality treatment system to protect the environment, while widening options for future beneficial reuse and presents a clear way forward, starting with positive action that is compatible with aspirations for the catchment.

The renewal of the discharge consent is also progressing this will determine the discharge location and will drive a subsequent conveyance discharge project and timing of the installation of the third process train.

Raglan WWTP Upgrade project



The Raglan WWTP Upgrade gained WGB approval in November and subsequently received WDC Infrastructure

Committee approval. will involves upgrading the plant with a Membrane Bioreactor, the front end of the plant where the biological processes occur will utilise one of the existing ponds with others being used for wet weather flow storage.

The Tender is underway, with returns due in August.

The plant upgrade will bring us into compliance with current consent condition at our existing marine outfall.

Raglan WWTP Discharge - The land disposal component of this project is progressing, and negotiations are currently underway with a landowner.

Construction start is currently programmed for October 2023.

Huntly WWTP Upgrade



Design work for the interim upgrade at Huntly and Ngaaruawaahia is underway. An innovation and affordable options review is also commencing for the ultimate Huntly MBR Upgrade, with a key focus on the Biological Nutrient Removal (BNR) process.

A project is proposed in the LTP to be implemented 2025 – 2028 however the need to have a compliant discharge for Sleepyhead development to connect to has brought funding for the design and consenting components forward.

Ngaaruawaahia WWTP



The **Ngaaruawaahia pipeline** is the significant project within the upgrade/renewal programme, it is critical to enabling growth in Ngaaruawaahia and eliminating the risk of pipe failure. The lift station at the WWTP and first stage of the pipeline construction are well underway.

POAL WWPS - Horotiu



Upgrade the Horotiu wastewater network to accommodate growth in the catchment to maintain a reliable, safe and efficient wastewater network. The pump station is nearly complete. A connecting gravity sewer and rising main in the new road is being built by WDC.

POAL WWPS – The installation of a gravity sewer and rising main to receive flow from Horotiu is underway, along with the new road formation

It is proposed that the scope of this project has been extended to include the Washer Road rising main within the POAL site.

Tuakau Interceptor WWPS Upgrade

This upgrade will increase the pump station capacity from 100 to 160l/s and is the 1st upgrade project for the overall scheme to allow for increased flows from Pokeno and Tuakau. Construction is scheduled for 2022/23.

It was decided to progress this project along with the Tuakau Gravity WW Pipeline project and include revised costs for the Pokeno WW Pump station and rising main project in the 2024 LTP.

Tuakau Gravity Wastewater Pipeline

This project installs the new gravity sewer, the first section of a pipeline between Pokeno to Tuakau. It will service increased flows from Pokeno and the Whangarata Business Zone.

The detailed design is near completion. Securing landowner approvals for construction access is expected to take until May 2023, with planned project completion in mid-2025.

Te Kauwhata Reservoir



This project replaces the existing Te Kauwhata Reservoir with a 1,500m³ reservoir to maintain a reliable and efficient water supply network. The reservoir construction is well underway and on track to complete in 2023.

Pokeno Reservoir

A concept design for the Pokeno Reservoir is underway.

Raglan Reservoir

This project has been reviewed during the remodelling of the Raglan water network. The new study is recommending that the best location for the additional storage at the Springs reservoir near the treatment plant. A consenting assessment is underway.

Water Supply Network Upgrades Programme

Water supply network upgrades, renewals programme to maintain a safe and reliable network. The component pipelines in this 3-year programme included district-wide water supply pipe renewals and upgrades in Te Kauwhata, Huntly, Taupiri, Pookeno, Tuakau, Raglan, and Southern Districts.

The final package of network upgrades is now underway, marking the Network Renewal Programme as fully committed.

The delayed start of the Network Renewal Programme is attributed to design development, construction timing, and the recent adverse weather conditions affecting progress.

4. Attachments Ngaa taapirihanga

Nil.

To	Waikato-Tainui Waikato District Council Joint Management Committee
Report title	Mana Whenua Forum – Draft Proposal
Date:	Thursday, 31 August 2023
Report Author:	Cr Tilly Turner, Tai Runga Takiwaa Maaori Ward Councillor
Authorised by:	Gavin Ion Chief Executive

1. Purpose of the report

Te Take moo te puurongo

To share with the Joint Management Agreement Committee the draft proposal document for the Mana Whenua Forum along with a draft Terms of Reference for your information.

The draft proposal and terms of reference are at the stage where they are ready for consultation with Waikato Tainui with the goal of obtaining a list of Marae Chairpersons contact names and details so that a request for an initial meeting can be made to present the draft proposal and to discuss the relevant requirements moving forward.

The Terms of Reference will be delivered to the four Mana Whenua Committees when the first meeting is held collectively at the Waikato District Council offices in Ngaaruawaahia.

2. Staff recommendations

Tuutohu-aa-kaimahi

THAT the Joint Management Agreement Committee provides feedback on the Mana Whenua Forum Draft Proposal and Terms of Reference.

3. Attachments

Ngaa taapirihanga

Attachment 1 – Mana Whenua Forum Terms of Refence

Attachment 2 – Mana Whenua Forum Draft Proposal



Mana Whenua Forums



Te Kaunihera aa Takiwaa o Waikato Mana Whenua Forums Terms of Reference

For Waikato District Council Chief Executive Approval – 28 October 2022

INTRODUCTION

Waikato District Council has agreed to establish Mana Whenua Forums to strengthen and enhance our engagement with Mana Whenua. Four such forums have been identified based on engagement Council has already had with the Mana Whenua forums used to inform the Better Off Funding.

The purpose of the Mana Whenua Forums is to forge an effective and meaningful partnership between the Waikato District Council and Mana Whenua. To deliver the Council vision of liveable, thriving and connected communities, we need enduring relationships that enable the council to reflect the voice of Mana Whenua in decision making.

PRINCIPLES

The following principles are the basis for the Terms of Reference.

PRINCIPLES OF TE TIRITI O WAITANGI

Waikato District Council recognises Te Tiriti o Waitangi as the founding document of Aotearoa New Zealand.

Mana Whenua and Council agree to the following understanding of the principles of Te Tiriti o Waitangi:

Principle of Tino Rangatiratanga – Self Management

The right of Maaori¹ to exercise under the law, authority and control over their rohe, land, rivers, resources and taonga.

Principle of Kaawanatanga – Governance

The Government has the right to make laws for the good of order and security of the country subject to the duty imposed (on the Crown) to Maaori under the Treaty.

Principle of Whakawhanaungatanga – Partnership

A duty on both iwi/hapuu and the Council to interact in the best possible way with reason, respect and in good faith.

Principle of Ooritanga – Equality

The right of Mana Whenua to fair and equal treatment under the law.

¹ In a localised context this means Marae, Hapu and Iwi.

Principle of Kaitiakitanga – Guardianship

The right of Maaori to exercise guardianship over their ancestral lands, water, sites, waahi tapu and other taonga.

Principle of 'Mahi tahi, matapaki hoki – Cooperation and consultation

The duty to listen to what others have to say, consider their responses, and then decide what will be done.

Principle of Whakatika i te hee – Redress Past Breaches

The duty of the Crown to work towards settlement of grievances under the Treaty of Waitangi.

PRINCIPLES OF THE KIINGITANGA

Mana Whenua and Council agree that the relationship will be based on the following principles:

Whakaiti	Humility Freedom from pride or arrogance / the quality or state of being humble.
Whakapono	Trust & Faith to rely on and feel safe and confident that you will not hurt anyone or be hurt by anyone.
Aroha	Love & Respect - A strong caring affection with respect.
Rangimaarie	Peace & Calm when someone is not excited or upset even when there is cause for it. The state of remaining calm after some period of disturbance.
Manaakitanga	Caring Displaying kindness, assistance and concern for others.
Kotahitanga	Unity - The ability to represent togetherness, to be able to stand and working together through thick and thin matters.
Mahi Tahi	Collaboration - The action of working together to produce something.

RELATIONSHIP PRINCIPLES

The relationship between Mana Whenua and Waikato District Council will be based on the following principles:

- Both parties are seeking to provide for the cultural, social, economic, and environmental well-being of their respective communities in the present and for the future.
- The parties will act in utmost good faith.
- The relationship shall be built on honesty and integrity and shall be fair and equitable and maintained in a spirit of friendship and co-operation.
- Waikato District Council recognises that Mana Whenua are the 'Kaitiaki' of their rohe.
- Recognise that the relationship is a mutual two-way relationship and any changes of the agreement need to involve discussions and agreement between the partners.
- Recognise the need for Waikato District Council to work within a legislative framework.
- Recognise the independence of each partner, including:

- a) The Mana Whenua representatives as a voice for their marae.
 - b) Recognise the independence of hapuu and iwi.
 - c) The Council as a democratic decision maker, responsible to the community.
- Waikato District Council recognise the relationship Mana Whenua have with culture and traditions with respect to ancestral lands (e.g., maunga, puke), water bodies (e.g., moana, awa and roto), sites of significance, waahi tapu, and other taonga and the need to protect these.
 - It is recognised that Mana Whenua has an inherent right to contribute to the decision-making processes which affect their rohe.

ROLES AND RESPONSIBILITIES

MANA WHENUA FORUMS

- The role of the Mana Whenua Forums is to provide strategic leadership and advice to Waikato District Council, Mana Whenua, and the wider community in respect of environmental, social, economic, and cultural outcomes relating to Mana Whenua².
- It is also to provide a forum for Mana Whenua within the Waikato district area to discuss and debate their local authority issues and concerns to advance and protect the interests of Mana Whenua.
- Provide an opportunity for the Waikato District Council and Mana Whenua to discuss and develop council concepts, policies, projects, and procedures that impact on Mana Whenua.
 - to identify when it is appropriate for one partner to have representatives on any relevant strategy and policy development forum / group of the other partner.
 - to develop guidelines in respect of appointment, role, and accountabilities of representatives.
- To provide input to the draft strategy /policy development where there has been no representation in its development.
- Bring to the other partner's attention issues / concerns in respect of existing strategy or policy.
- Exchange information of mutual interest.
- Discuss new initiatives approaches and directions.
- Provide leadership and advice on appropriate consultation and communication.
- Identify key strategy and communication outcomes and establish systems for regular and effective monitoring of those outcomes.
- Monitor effectiveness of existing strategy policies and processes.
- Monitor effectiveness and adequacy of progress of projects.
- Monitor the on-going development and process of the Mana Whenua Forums.

² When dealing with Mana Whenua, while there are commonalities they are unique in their own right. (This is similar to the Council structure of wards where each ward may have different views on issues).

LOCAL GOVERNMENT ACT 2002

Parts 2 and 6 of the Local Government Act 2002 provide principles and requirements for local authorities that are intended to facilitate participation by Maaori in local authority decision making processes. In summary, the Act requires local authorities to:

- 'Take into account' Maaori interests where any significant decisions are to be made affecting 'land or a body of water',
- Establish and maintain processes to provide opportunities for Maaori to contribute to decision-making processes,
- Consider ways to foster the development of Maaori capacity to contribute to decision making processes,
- Put in place processes to consult with Maaori, and
- Assist Maaori to better participate generally in decision making.

GOVERNANCE

Strategic and policy issues and issues affecting Mana Whenua, will generally be addressed through the Mana Whenua Forums.

RESERVATION OF RIGHTS TO RELATIONSHIP AT GOVERNANCE/CEO LEVEL

Mana Whenua Forum members reserve the right to have discussions with the Waikato District Council Chief Executive, Mayor and/or elected members on issues.

REPRESENTATION

MANA WHENUA REPRESENTATION ON MANA WHENUA FORUMS

Mana Whenua will appoint a representative to be a member of the Mana Whenua Forums and will advise Council of that representative.

CONSULTATION

Council recognises that:

- Individual communities of interest have their own consultation processes and timeframes that should be taken into consideration when Council initiates its consultation process; and
- Sufficient time needs to be allowed and appropriate information provided for people to make a meaningful contribution to the issues under consultation.

In this respect it is recognised that Mana Whenua Forum members need adequate opportunity to hold hui and to develop an understanding and consensus by the marae/hapuu/iwi.

PROCESS AND ARRANGEMENT FOR ADDRESSING SPECIFIC ISSUES

ADDENDUMS

Where there are specific significant issues which Mana Whenua Forums and Waikato District Council are addressing, which require agreed processes and arrangements beyond that provided in this Terms of Reference, then an addendum to this Terms of Reference will be developed.

The addendum will be mutually agreed by both parties and will remain in place until such time as the issue has been resolved to the satisfaction of both parties.

IWI AND HAPUU MANAGEMENT PLANS

Council recognises the Iwi/hapuu and Iwi management plans as policy reference documents.

CONFLICT OF INTEREST OF INDIVIDUALS

The Waikato District Council and Mana Whenua Forum members agree that, in respect of its dealings with each other, as far as possible, conflicts of interest will be avoided and disclosed.

Some instances where conflicts of interest may occur include situations in which:

- an individual's personal interests may affect that individual's judgement in acting in the best interest of Mana Whenua.
- the issue may give rise to an individual or the individual's whanau³ receiving a financial benefit
- the individual's interest is greater than the interest of the Mana Whenua.

This is by no means a definitive or exhaustive list.

TERMS OF REFERENCE REVIEW

A formal review of the Terms of Reference shall be undertaken by the parties on an annual basis.

These Terms of Reference can be reviewed from time to time, as required, by mutual agreement of the parties.

³ This includes extended and immediate whanau.

CROWN CLAIMS AND RELATIONSHIPS

Nothing in this relationship or the process mitigates or prejudices in any way the basis of claims before the Waitangi Tribunal or any historic, current, and future dealings with the Crown, nor does it represent any position or agreement about the level or nature of redress that this relationship might represent for claimants individually or collectively.

SIGNED as Terms of Reference

SIGNED for and on behalf of **Mana Whenua representatives** by

Name

Signature and Date

_____	_____
_____	_____
_____	_____
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_____	_____

SIGNED by

THE MAYOR of

Te Kaunihera aa Takiwaa o Waikato
Waikato District Council

Mayor Jacqui Church

Chief Executive – Gavin Ion

In the presence of

Witness

Date:



PROPOSED

MANA WHENUA

WAIKATO DISTRICT COUNCIL

FORUM



Prepared For :

Waikato-Tainui

PROPOSAL FOR THE DEVELOPMENT OF THE MANA WHENUA FORUM

Introduction and Purpose

Waikato District Council proposes to establish a Mana Whenua Forum, aimed at enhancing the representation and engagement of Marae within the Waikato District. This proposal seeks to transition from the existing choice-based structure of Iwi, Hapu, or Marae representatives to a tribal structure aligned with the Whakakitenga. The objective is to ensure effective communication, decision-making, and collaboration between the Council and Marae communities.

Initial Discussions

A) The Council, under the leadership of Mayor Jacqui Church, has granted permission to modify the Council structure of Mana Whenua. This modification involves transitioning from the current choice-based representation (Iwi, Hapu, or Marae) to the tribal structure of the Whakakitenga, which entails having one representative per Marae.

B) Ko te Kiingi me nga hemana o te iwi o Waikato have expressed their support for this idea. To assess its suitability for our Marae communities, we decided not to utilise currently elected Whakakitenga representatives. Instead, we wanted to test this model, with new Marae Representatives first and make necessary adjustments that best align with the needs and preferences of our Marae people.

C) An engagement session took place at The Tainui Games, held in the Expo Tent, where we had the opportunity to speak with our community members about this Kaupapa. The response was overwhelmingly positive, with everyone agreeing with the discussions and proposals presented.

Consultation Process

To ensure a comprehensive consultation process, we will engage directly with Marae Trustees and Committees. Face-to-face meetings will be conducted to present the Mana Whenua Forum concept, allowing Marae to nominate their representative, known as the "ahikaa." The selected representative will reside in close proximity to the Marae, enabling convenient access for on-site visits by Council staff. Remuneration for the representative will be determined through consultation with the Marae community.

PROPOSAL FOR THE DEVELOPMENT OF THE MANA WHENUA FORUM

Staff Introduction and Engagement

Once all Marae have chosen their representatives, Council staff will be introduced to explain the next steps. Your Maaori Ward Councillors, will accompany staff to the meetings to ensure clear understanding and address any questions or concerns from the Marae. Staff will provide explanations on key aspects such as Terms of Reference, as well as Councils, submission processes, consents processes, and street naming for developments. The proximity of Marae to towns will also enable opportunities for consultation on relevant projects within their local wards.

Formation of Rohe Collectives

Marae Representatives will gather and meet as Four Marae Rohe Komiti (See over page). Staff will facilitate meetings with the Marae Rohe collectives at the Council, providing an opportunity for collective discussions and decision-making. These four rohe groups will elect a chairperson, treasurer, and secretary to represent their interests. Regular meetings between staff and the elected komiti will be held, allowing for ongoing collaboration and addressing the needs of individual Marae. The collective can also engage in discussions on economic development and social procurement, benefiting the rohe as a whole.

Benefits and Outcomes

The establishment of the Mana Whenua Forum will result in improved communication, representation, and decision-making for Marae within the Waikato region. By actively involving Marae communities in Council processes, we aim to foster greater understanding, responsiveness, and collaboration. This initiative will provide a platform for sharing knowledge, addressing concerns, and collectively shaping the future of our communities.

Conclusion

We seek Waikato-Tainui support to implement the Mana Whenua Forum Development proposal. This collaborative approach will ensure that the voices and aspirations of our Marae communities are heard, acknowledged, and integrated into the decision-making processes. We believe that this initiative will foster stronger relationships between the Council and Marae, leading to positive outcomes for the Waikato District as a whole.



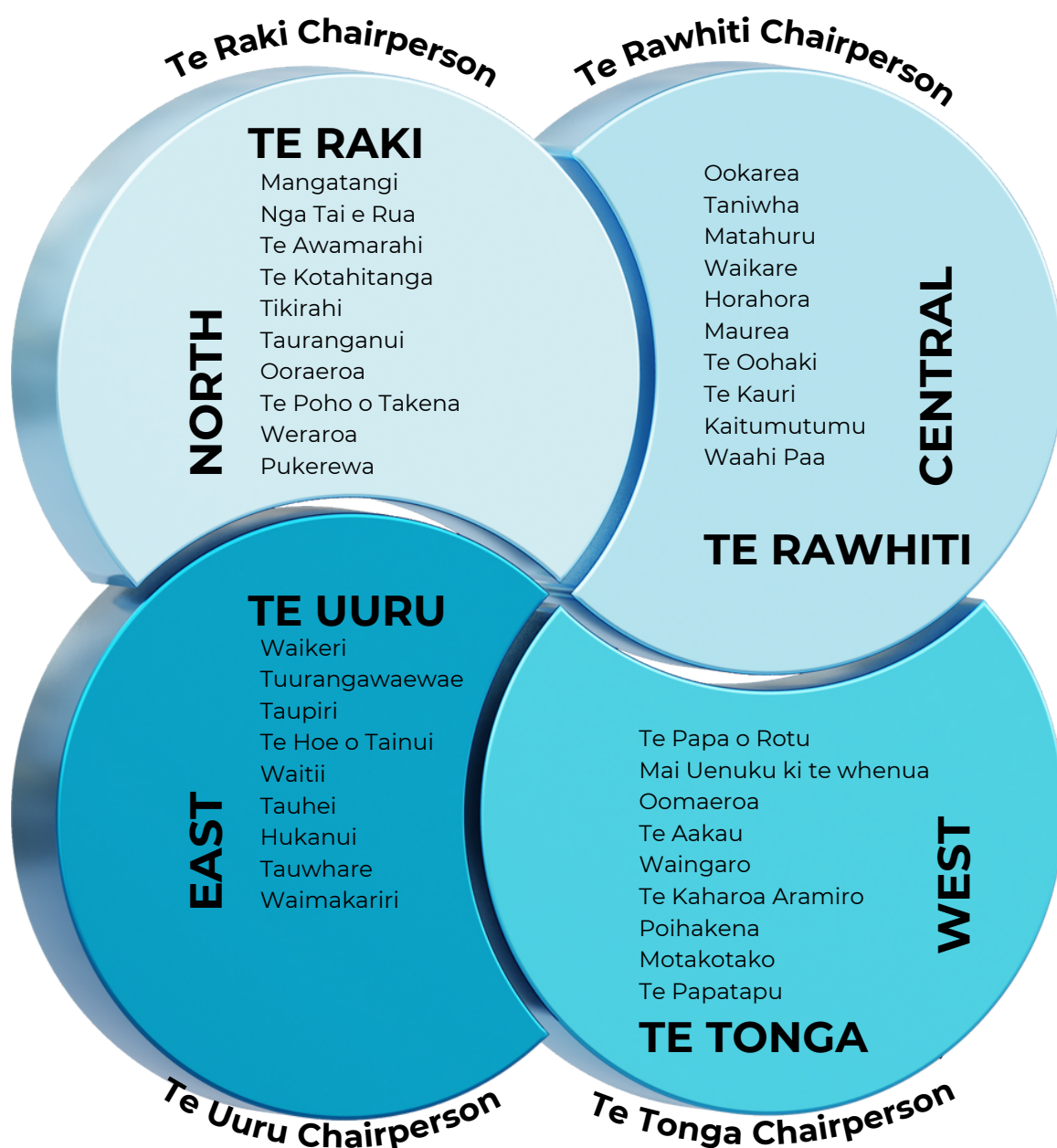
Rohe Komiti Structure



37 Marae



4 Rohe Komiti



What could this look like.....

Waikato District Council

- 1 Council will receive your registration and respond within 2-3 working days
- 2 Once all Marae in a Mana Whenua rohe group have nominated a representative, we will invite your representative to a meeting attended by Council staff and us, your Maori Ward Councillors.
- 3 Agenda items and meeting minutes will be delivered via email, while a physical copy will be provided to your chairperson.
- 4 You can send submissions, consents, and any other communications regarding the Marae directly to the respective Marae representatives.
- 5 Before choosing their representative, the Marae will be introduced to the current Whakakitenga representatives.

Marae

- 1 Once you have made your selection, your committee will notify the Council by sending an email to the delegated team eg Democracy Team. This email will register your representatives by providing their names and contact details.
- 2 Your appointed representative will receive a notification with the date and time for the Mana Whenua rohe group meeting at the Council. We extend a warm welcome to representatives attendance at the meeting.
- 3 During the meeting, staff will provide an overview of the operation, purpose, and logistics of your rohe committees. You will also have the opportunity to nominate a chairperson from among your group.
- 4 We strongly encourage you to ask any questions or seek clarification until you have a clear understanding, as it is crucial for you to effectively convey this information to your Marae. Please feel free to request any support you may need. You have the responsibility to nominate a chairperson for your committee, as well as determine the frequency and location of your meetings. Additionally, have you chosen a name for your Committee?
- 5 The representatives will participate in Council rohe committee meetings and subsequently provide updates to the Marae Committee, gather feedback from the Marae, and report back to the rohe committee group. Within the Council rohe committee meetings, you have the opportunity to raise any Kaupapa or topics relevant to your Marae.
- 6 The representative will communicate with the Marae committee and then provide a report back to the Council.
- 7 If there are designated individuals who currently serve as the primary contacts for Council staff, they will continue to fulfill that role, if applicable.