



**NOTICE OF AN ORDINARY MEETING
OF
COUNCIL**

AGENDA

Date: Thursday 27 August 2020

Time: 9.30am

Venue: Council Chamber

MEMBERSHIP

Chairperson	Mayor Chadwick
Deputy Chairperson	Cr Donaldson
Members	Cr Bentley Cr Kai Fong Cr Kumar Cr Macpherson Cr Maxwell Cr Raukawa-Tait Cr Tapsell Cr Wang Cr Yates
Quorum	6

NGĀ TUKUNGA HAEPAPA A TE KAUNIHERA - COUNCIL DELEGATIONS

Type of Committee	Council
Subordinate to	
Subordinate Committees	<p>Strategy, Policy and Finance committee</p> <p>Operations and Monitoring committee</p> <p>District Licencing committee</p> <p>CEO performance committee</p> <p>RMA Policy Committee</p> <p>Audit and Risk Committee</p>
Legislative Basis	<p>Schedule 7 S30 (1) (A), Local Government Act 2002</p> <p>Committee delegated powers by the Council as per Schedule 7, S32, Local Government Act 2002</p>
Purpose	The purpose of the Council is to make decisions on all matters that cannot be delegated, that it has not delegated or that it has had referred to it by staff or a committee.
Reference	01-15-010
Membership	<p>Mayor Steve Chadwick (Chair)</p> <p>Deputy Mayor Councillor Dave Donaldson (Deputy Chair)</p> <p>All councillors</p>
Quorum	6
Meeting frequency	Monthly
Delegations	<ul style="list-style-type: none"> • the power to make a rate • the power to make a bylaw • the power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-term Plan • the power to adopt a long-term plan, annual plan, or annual report • the power to appoint a chief executive • the power to adopt policies required to be adopted and consulted on under the LGA 2002 in association with the long-term plan, or developed for the purpose of the local governance statement; and • the power to adopt a remuneration and employment policy • the power to set and support strategies in measures related to emergency matters. • all the powers, duties and discretions under the Civil Defence Act for the proper operation and administration of the approved Civil Defence Plan; such delegation to be executed solely within the defined policy guidelines as determined from time to time by the Council and subject to the Financial limits imposed by the approved Council estimates.
Relevant Statutes	All the duties and responsibilities listed above must be carried out in accordance with the relevant legislation.
Limits to Delegations	Powers that cannot be delegated to committees as per the Local Government Act 2002 Schedule 7 S32

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1 Opening karakia - Karakia whakapuaki

He karakia mō Te Kaunihera o ngā Roto o Rotorua

E te Atua kaha rawa, ko koe te tohu Rangatira, te tohu mātauranga.

Manaakitia mai mātau, wāu pononga i tēnei wā, e mahi nei i a mātau mahi, mō te painga o ngā tāngata, o Te Kaunihera o ngā Roto o Rotorua.

Takua mai kia tau te rangimārie ki runga i a mātau i ngā wā katoa.

Ko Ihu Karaiti hoki tō mātau Ariki
Āmine

Council Prayer

Almighty God, who alone is the leader of all mankind and the fountain of all knowledge.

Send thy blessing upon us your servants this day as we strive to do all things good for the betterment of the people of the Rotorua district.

May we be tolerant in ourselves at all times.

Through Jesus Christ our Lord.

Amen

2 Apologies - Ngā whakapaaha

The Chairperson invites notice from members of:

1. Leave of absence for future meetings of the Rotorua Lakes Council; or
2. Apologies, including apologies for lateness and early departure from the meeting, where leave of absence has not previously been granted.

3 Declarations of interest - Whakapuakitanga whaipānga

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

4 Urgent items not on the agenda - Ngā take whawhati tata kāore i te rārangi take

The Chairperson will give notice of items not on the agenda as follows:

Matters Requiring Urgent Attention as Determined by Resolution of Rotorua Lakes Council

The Chairperson shall state to the meeting.

1. The reason why the item is not on the agenda; and
2. The reason why discussion of the item cannot be delayed until a subsequent meeting.

The item may be allowed onto the agenda by resolution of the Rotorua Lakes Council.

Minor Matters relating to the General Business of the Rotorua Lakes Council.

The Chairperson shall state to the meeting that the item will be discussed, but no resolution, decision, or recommendation may be made in respect of the item except to refer it to a subsequent meeting of the Rotorua Lakes Council for further discussion

5 Confirmation of Minutes – Te whakaū i ngā meneti

5.1 Council Minutes 29 July 2020



01-15-010\26
RDC-1037855

Minutes

Council meeting held Wednesday 29 July at 10.30am
Council Chamber, Rotorua Lakes Council

MEMBERS PRESENT:

Mayor Chadwick, (Chairperson)
Cr Bentley, Cr Donaldson, Cr Kai Fong, Cr Kumar,
Cr Maxwell, Cr Macpherson, Cr Raukawa-Tait, Cr Tapsell,
Cr Wang, Cr Yates.

APOLOGIES:

None

STAFF PRESENT:

G Williams, Chief Executive, C Tiriana, CE Office; O Hopkins,
Manager Corporate Planning & Governance; J.P Gaston, Group
Manager Strategy; S Michael, General Manager Infrastructure; T
Collè, Chief Financial Officer; J Mikaere, Group Manager Operations;
N Michael, Senior Council Communications Advisor; R Dunn,
Governance Lead; H King, Governance Support Advisor.

The meeting opened at 10.30am

The Mayor welcomed Councillors, media, staff and members of the public.

1 KARAKIA WHAKAPUAKI OPENING KARAKIA

Cr Wang opened the meeting with a Karakia.

2 NGĀ WHAKAPAAHA APOLOGIES

No apologies were received.

3 WHAKAPUAKITANGA WHAIPĀNGA DECLARATIONS OF INTEREST

Cr Donaldson declared an interest in confidential item 11.1 “Code of Conduct” and did not participate in the decision.

Cr Donaldson requested the following be noted that:

Cr Macpherson as a submitter to Item 6.2 Recommendation 1: “Wastewater Services – Long-Term Plan 2018-2028 Amendment – Deliberations,” and contrary to legal advice, did not declare an interest and chose to debate and vote on the item.

Cr Maxwell agreed that Cr Macpherson should declare an interest in item 6.2 and asked that this be recorded.

4 NGĀ TAKE WHAWHATI TATA KĀORE I TE RĀRANGI TAKE URGENT ITEMS NOT ON THE AGENDA

No urgent items were received

5 TE WHAKAŪ I NGĀ MENETI CONFIRMATION OF MINUTES

5.1 COUNCIL MINUTES 28 MAY 2020

Resolved

That the minutes of the Council meeting held 28 May 2020 be confirmed as a true and correct record.”

Moved: Cr Raukawa-Tait

Seconded: Cr Wang

CARRIED

5.2 COUNCIL MINUTES 9 JULY 2020

Resolved

That the minutes of the Council meeting held 9 July 2020 be confirmed as a true and correct record.”

Moved: Cr Donaldson

Seconded: Cr Yates

CARRIED

6 NGĀ TAUNAKITANGA A ĒTAHI ATU KOMITI RECOMMENDATIONS FROM OTHER COMMITTEES

6.1 REPORT OF THE OPERATIONS & MONITORING COMMITTEE MEETING 2 JULY 2020

RDC-1033932

Resolved

- 1 That the “Report of the Operations & Monitoring Committee Meeting of 2 July 2020” be received.**

Moved: Cr Raukawa-Tait

Seconded: Cr Yates

CARRIED

- 2 That the following recommendations of the Operations & Monitoring Committee meeting held 2 July 2020 be adopted:**

RECOMMENDATION 1

LGNZ REMIT: PROMOTING 4 YEAR ELECTORAL CYCLES FOR CENTRAL AND LOCAL GOVERNMENT

RDC-1020264

Resolved

- 1. That Council support this remit that will be submitted at the LGNZ AGM, 21 August 2020, as part of a multi council remit.**

Moved: Mayor Chadwick

Seconded: Cr Raukawa-Tait

CARRIED

6.2 REPORT OF THE STRATEGY, POLICY & FINANCE COMMITTEE MEETING 23 JULY 2020

RDC-1034055

Resolved

- 1 That the “Report of the Strategy, Policy & Finance Committee Meeting of 23 July 2020” be received.**

Moved: Cr Raukawa-Tait

Seconded: Cr Donaldson

CARRIED

2 That the following recommendation of the Strategy, Policy & Finance Committee meeting held 23 July 2020 be adopted:

RECOMMENDATION 1

WASTEWATER SERVICES – LONG-TERM PLAN 2018-2028 AMENDMENT – DELIBERATIONS

Resolved

1. That Council agree to enter into a 10-year contract with Trility NZ Ltd for the delivery of Rotorua wastewater services.

Moved: Mayor Chadwick

Seconded: Cr Donaldson

Stavros Michael spoke to a powerpoint presentation titled “Establishing a Stable, Reliable and Safe Network” (Attachment 1)

The meeting adjourned at 12.41pm and resumed at 1.04pm

A division was called for, with the following result:

For: Mayor Chadwick, Cr Donaldson, Cr Yates, Cr Raukawa-Tait, Cr Tapsell, Cr Maxwell, Cr Wang

Against: Cr Macpherson, Cr Bentley, Cr Kumar, Cr Kai Fong

CARRIED 7/4

**7 PŪRONGO KAIMAHI
STAFF REPORTS**

7.1 INFRACORE CAPITAL INJECTION

RDC-1031792

Resolved

1 That the report “InfraCore Capital Injection “be received

Moved: Cr Donaldson

Seconded: Cr Tapsell

CARRIED

Further Resolved

2 That Council approve the proposed \$750,000 Capital Injection to InfraCore as equity.

Moved: Cr Donaldson

Seconded: Cr Wang

CARRIED

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8 KA MATATAPU TE WHAKATAUNGA I TE TŪMATANUI RESOLUTION TO EXCLUDE THE PUBLIC

Resolved

That Council move into Public Excluded session.

Moved: Cr Donaldson

Seconded: Cr Maxwell

CARRIED

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987, for the passing of this resolution are as follows:

<u>General subject of each matter to be considered</u>	<u>Reason for passing this resolution in relation to each matter</u>	<u>Ground(s) under Section 48(1) for passing of this resolution</u>
CONFIDENTIAL MINUTES of previous meeting held 28 May 2020 RECOMMENDATIONS FROM OTHER COMMITTEES (Confidential items)	Please refer to the relevant clause/s in the open meeting minutes.	Good reason for withholding exists under Section 48(1)(a).
Code Of Conduct	Protect the privacy of natural persons, including that of deceased natural persons.	Section 48(1)(a) Section 7(2)(a)
	Maintain legal professional privilege.	Section 48(1)(a) Section 7(2)(g)
	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) Section 7(2)(i)

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Sections 6 or 7 of the Act or Sections 6, 7 or 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.

OPEN SESSION

The meeting closed at 3.03pm.

To be confirmed at a Council meeting on 27 August 2020.

.....
Chairperson

Note 1: Rotorua Lakes Council is the operating name of Rotorua District Council

Note 2: Attachments to these minutes are available on request or on Council's website www.rotorualc.nz

6 Recommendations from other Committees – Ngā Taunakitanga a ētahi atu Komiti

01-15-227\02
RDC-1044840

ROTORUA LAKES COUNCIL

The Mayor
Members
COUNCIL

6.1 Report of the Strategy, Policy & Finance Committee Meeting of 13 August 2020

Report prepared by: Hilda King, Governance Support Advisor**Report reviewed by:** Oonagh Hopkins, Corporate Planning & Governance Manager**Report approved by:** Geoff Williams, Chief Executive

1. TE PŪTAKE PURPOSE

The purpose of this report is to provide an opportunity for Council to consider recommendations received from the Strategy, Policy & Finance Committee Meeting of 13 August 2020.

Strategy, Policy & Finance Committee members: Cr Raukawa-Tait (Chair), Cr Kai Fong (Deputy Chair), Mayor Chadwick, Cr Bentley, Cr Donaldson, Cr Kumar, Cr Macpherson, Cr Maxwell, Cr Tapsell, Cr Wang, Cr Yates, Mr Berryman-Kamp (Te Tatau o Te Arawa), Ms Marks (Te Tatau o Te Arawa), Mr Thomas (Lakes Community Board) and Mrs Trumper (Rural Community Board)

2. NGA TŪTOHUNGA RECOMMENDATIONS

1. That the “Report of the Strategy, Policy & Finance Committee Meeting of 13 August 2020 be received.
2. That the following recommendations of the Strategy, Policy & Finance Committee meeting 13 August 2020 be adopted:

RECOMMENDATION 1

CRANKWORX EVENT FUNDING APPLICATION

RDC-1039771

1. That Council agree to an increase of \$100,000 for the 2020/21 financial year and an ongoing funding contribution in the next long-term plan of \$250,000 for the years 2022 to 2027.
2. That Council agree to extend the current provisions of the underwrite to align with the funding allocation, extending this out to 2026/27.

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3. That Council note that on-going funding is conditional on mountain bike events limited continuing to receive funds from the Ministry of Business, Innovation and Employment (MBIE) New Zealand major events fund.
4. That Council note that Rotorua Lakes Council investment will be governed by a separate funding agreement which sets out agreed performance measures, governance and reporting requirements which are reviewed annually.

RECOMMENDATION 2

COMMUNITY RESILIENCE FUND

RDC-1019505

- 1 That Council approve amendments to the current Community Funding Investment Policy, to implement the Community Resilience Fund aimed at supporting our local community sector to “build back better” post Covid-19.
2. That Council appoint one representative from each of the following:
 - Rotorua Lakes Councillor
 - Lakes Community Board
 - Rural Community Board
 - Te Tatau o Te Arawato work on a panel with Council Officers to approve grants.
3. That Council agree that Councillor Yates be appointed to the Community Resilience Fund decision making panel.

RECOMMENDATION 3

THREE WATERS SERVICE DELIVERY REFORM/STIMULUS PROGRAMME

RDC-1040573

That Council Agree that RLC:

- 1 Sign the MoU and Funding Agreement.
- 2 Nominate Geoff Williams, the Chief Executive of the Council as the primary point of communication for the purposes of the MoU and reform programme – as referred to on page 6 of the MoU.
- 3 Delegate decisions about the allocation of regional funding to Geoff Williams, the Chief Executive of the Council, with the understanding that the minimum level of funding to the Council be based upon the formula used to calculate the direct council allocations, and noting that participation by two-thirds of territorial authorities within the Bay of Plenty region is required to access the regional allocation.
- 4 Note that the MoU and Funding Agreement cannot be amended or modified by either party, and doing so would void these documents.

- 5 **Note that participation in this initial stage is to be undertaken in good faith, but this is a non-binding approach, and the Council can opt out of the reform process at the end of the term of the agreement (as provided for on page 5 of the MoU).**
- 6 **Note that the Council has been allocated \$4.71m of funding, which will be received as a grant as soon as practicable once the signed MoU and Funding Agreement are returned to the Department of Internal Affairs, and a Delivery Plan has been supplied and approved (as described on page 5 of the MoU).**
- 7 **Note that the Delivery Plan must show that the funding is to be applied to operating and/or capital expenditure relating to three waters infrastructure and service delivery, and which:**
 - **supports economic recovery through job creation; and**
 - **maintains, increases, and/or accelerates investment in core water infrastructure renewal and maintenance.**

RECOMMENDATION 4

EXCHANGE OF RESERVE LAND – TAUI STREET

RDC-1037150

- 1 **That Council agree that the parcels of land, Lot 4 (reserve) and Lot 1 (private) on LT 519564 be exchanged under the provisions of the Reserves Act 1977.**

3. **BACKGROUND**

- 3.1 Reports and attachments relating to the above recommendations were included in the agenda for the Strategy, Policy & Finance Committee meeting held 13 August 2020. This agenda is available for viewing on Council's website under rotorualakescouncil.nz/livestream.

7 Staff Reports – Pūrongo Kaimahi

File No: 01-65-009
RDC-1044550

ROTORUA LAKES COUNCIL

Mayor
Members
COUNCIL

7.1 Approve amended Long-term Plan 2018-28 – wastewater services

Report prepared by: Oonagh Hopkins, Corporate Planning and Governance Manager

Report approved by: Geoff Williams, Chief Executive

1. TE PŪTAKE PURPOSE

The purpose of this report is to approve the amended pages of the current Long-term Plan 2018-2028, following the Council's decision on 29 July 2020 in regard to the delivery of Rotorua wastewater services.

2. HE TŪTOHUNGA RECOMMENDATION

1. That the report 'approve amended Long-term Plan 2018-28 – Wastewater services be received.
2. That Council approve pages 78-81, 186-190, 291-293 of the [current Long-term Plan 2018-2028](#) for publication (The LTP 2018-28 amendment).

3. TE TĀHUHU BACKGROUND

Rotorua Lakes Council has agreed to enter into a 10-year collaborative contract with a consortium for the delivery of wastewater related services, including the operation of wastewater treatment plants, network maintenance and renewals. The goal is to ensure a stable, reliable and safe network.

Council has identified a changing environment in the wastewater services activity driven by expected new regulation, environmental standards, growth demand and costs associated with new reticulations, increased electricity costs, higher repairs and maintenance costs on an ageing system.

Following a long evaluation of the options and an extensive procurement process, Council arrived at a proposal to mitigate the identified risks to the activity through a 10 year Performance Specified Maintenance and Operations contract. Council agreed to adopt this contract on 29 July 2020.

As this was a significant change to the method of delivery for the service and it is one of the Council's core network services, it has involved an amendment to the Long Term Plan 2018-2028.

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An LTP amendment is required to be externally audited. Audit New Zealand undertook an audit of the statement of proposal (consultation document) and have completed an audit of the final amendment. A clear audit opinion has been issued.

4. TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTIONS

The amendment consists of changes to the current Long-term Plan 2018-28 contained within pages 78-81, 186-190 and 291-293. (Attachment 1).

The recommendation sought today is a procedural one to approve the amended pages (LTP amendment) for publication and to finalise the LTP amendment process.

5. TE TINO AROMATAWAI ASSESSMENT OF SIGNIFICANCE

The decision today in itself is not significant.

The decisions taken by Council on the following dates were all significant in relation to the wastewater services activity:

29 July 2020 – Council meeting - Approve 10-year collaborative contract with a consortium for the delivery of wastewater related services, including the operation of wastewater treatment plants, network maintenance and renewals

23 July 2020 – Strategy, Policy and Finance – Wastewater services – Long-term Plan 2018-2028 Amendment – Deliberations

19 May 2020 – Approve statement of proposal – sewerage and sewage – establishing a stable, reliable and safe network.

6. NGĀ KŌRERO O TE HAPORI ME TE WHAKATAIRANGA COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY N/A

7. HE WHAIWHAKAARO CONSIDERATIONS

7.1 Mahere Pūtea Financial/budget considerations N/A

7.2 Kaupapa Here me ngā Hiraunga Whakariterite Policy and planning implications

The approach and recommendation sought are consistent with the Local Government Act 2002 and Audit expectations.

**7.3 Tūraru
Risks**

The risk in not approving the amended pages is that Council would have an incomplete LTP 2018-28 amendment. This is the final step in the process to approve and publish the pages of the current LTP 2018-28 that have been amended following the Council decision on 29 July 2020.

**7.4 Te Whaimana
Authority**

Council must as the legal decision making entity of the Rotorua Lakes Council make this decision.

**7.0 NGĀ ĀPITI HANGA
ATTACHMENTS**

Attachment 1: LTP 2018-28 Amendment – Sewerage and sewage (wastewater services)
(Distributed as a separate document)

8 Resolution to go into Public Excluded - Ka Matatapu Te Whakataunga I Te Tūmatanga (to consider and adopt confidential items)

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987, for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing of this resolution
CONFIDENTIAL MINUTES of previous meeting held 29 July 2020	Please refer to the relevant clause/s in the open meeting minutes.	Good reason for withholding exists under Section 48(1)(a).
RECOMMENDATIONS FROM OPERATIONS & MONITORING COMMITTEE Lakefront Stage 2 Professional Services for Infrastructure	Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.	Section 48(1)(a) Section 7(2)(b)(ii)
Bus Shelter Installation and Maintenance Adoption of Engineering Code of Practice	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) Section 7(2)(i)
RECOMMENDATIONS FROM STRATEGY POLICY & FINANCE COMMITTEE Disposal of Property – 202 Old Taupo Road Disposal of Property - Westminster Drive	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) Section 7(2)(h)
Rotorua Aquatic Centre 50m Pool upgrade Out of the Forest – Alternative to land disposal - Update	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) Section 7(2)(i)

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Sections 6 or 7 of the Act or Sections 6, 7 or 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.