



**ROTORUA  
LAKES COUNCIL**  
Te Kaunihera o ngā Roto o Rotorua

# Kaupapataka Agenda

## NOTICE OF AN ORDINARY MEETING OF COUNCIL

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**Date:** Thursday 15 December 2022

**Time:** 9.30am

**Venue:** Council Chamber

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### MEMBERSHIP

**Chair** Mayor Tapsell

**Deputy Chair** Cr Kai Fong

**Members**

- Cr Barker
- Cr Brown
- Cr Kereopa
- Cr Lee
- Cr Maxwell
- Cr O'Brien
- Cr Paterson
- Cr Wang
- Cr Waru

**Quorum** 6

## NGĀ TUKUNGA HAEPAPA A TE KAUNIHERA

### COUNCIL DELEGATIONS

Type of Committee	Council
Subordinate Committees	None
Legislative Basis	Schedule 7 S30 (1) (A), Local Government Act 2002 Committee delegated powers by the Council as per Schedule 7, S32, Local Government Act 2002
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	01-15-016-01
Membership	Mayor Tania Tapsell (Chair) Deputy Mayor Councillor Sandra Kai Fong (Deputy Chair) Councillors Karen Barker, Gregg Brown, Lani Kereopa, Robert Lee, Trevor Maxwell, Conan O'Brien, Don Paterson, Fisher Wang and Rawiri Waru
Quorum	6
Meeting frequency	Monthly
Delegations	<ul style="list-style-type: none"> <li>the power to make a rate</li> <li>the power to make a bylaw</li> <li>the power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-term Plan</li> <li>the power to adopt a long-term plan, annual plan, or annual report</li> <li>the power to appoint a chief executive</li> <li>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</li> <li>the power to adopt a remuneration and employment policy</li> <li>the power to set and support strategies in measures related to emergency matters.</li> <li>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.</li> </ul>
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

### TŪTAWA MAI

Tūtawa mai i runga  
Tūtawa mai i raro  
Tūtawa mai i roto  
Tūtawa mai i waho  
Kia tau ai te mauri tū  
Te mauri ora, ki te katoa  
Hāumi e. Hui e. Tāiki e!

### TŪTAWA MAI

I summon from above  
I summon from below  
I summon from within  
I summon the surrounding environment  
The universal vitality and energy to infuse and  
enrich all present  
Enriched, unified and blessed

## 2. Apologies - Ngā Whakapāha

The Chair 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

### Items of business not on the agenda which cannot be delayed

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

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

The Chair 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.

s.46A (7), LGOIMA

### Discussion of minor matters not on the agenda.

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

The Chair 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

s.46A (7), LGOIMA

## **5. Public Petitions – He Puka Inoi Tūmatawhānui**

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### **5.1 Petition to oppose any further Kāinga Ora developments in Rotorua**

Received from :- Save Glenholme Group

## 6. Confirmation of Minutes – Te Whakaū i ngā Meneti

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### 6.1 Council Minutes (Draft) 24 November 2022

01-15-016  
RDC-1339671

## Minutes (draft)

**Council meeting held Thursday 24 November, 9.30am**  
**Council Chamber, Rotorua Lakes Council**

- MEMBERS PRESENT:** Mayor Tapsell (Chair)  
Cr Kai Fong (Deputy Chair), Cr Barker, Cr Brown, Cr Kereopa, Cr Lee, Cr Maxwell,  
Cr O'Brien, Cr Paterson, Cr Wang, Cr Waru
- IN ATTENDANCE:** Andrew Wilson, Chief Executive Rotorua NZ;  
Brigitte Nelson, Investment & Development Project Advisor
- STAFF PRESENT:** G Williams, Chief Executive;  
O Hopkins, Deputy Chief Executive, District Leadership & Democracy;  
J.P Gaston, Deputy Chief Executive, District Development;  
A Pewhairangi, Deputy Chief Executive, Community Wellbeing;  
S Michael, Deputy Chief Executive. Infrastructure & Environmental Solutions;  
T Collé, Deputy Chief Executive, Organisational Enablement;  
G Rangi, Deputy Chief Executive, Te Arawa Partnership;  
S McNicol; Director, Marketing & Communications;  
G Kieck, Manager, Corporate Planning & Strategy;  
D Cossar, Manager Democracy & Governance;  
I Brell, Governance Support Advisor.

The meeting opened at 9.30am

Mayor Tapsell welcomed elected members, media, staff and members of the public.

#### 1 **KARAKIA WHAKAPUAKI** **OPENING KARAKIA**

Cr Kai Fong opened the meeting with a Karakia.

#### 2 **NGĀ WHAKAPĀHA** **APOLOGIES**

None

#### 3 **WHAKAPUAKITANGA WHAIPĀNGA** **DECLARATIONS OF INTEREST**

None

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

None

**5 TE WHAKAŪ I NGĀ MENETI  
CONFIRMATION OF COUNCIL MINUTES**

**5.1 MINUTES OF COUNCIL MEETING HELD 10 NOVEMBER 2022**

**Resolved:**

- 1. That the minutes of the Council meeting held 10 November 2022 be confirmed as true and correct.**

Moved: Cr Lee

Seconded: Cr Waru

**CARRIED**

**6 PŪRONGO KAIMAHI  
STAFF REPORTS**

**6.1 APPOINTMENT OF COUNCIL REPRESENTATION TO THE LAKES COMMUNITY BOARD AND THE  
RURAL COMMUNITY BOARD 2022-2025**

RDC-1327358

**Resolved:**

- 1. That the report “Appointment of Council representation to the Lakes Community Board and the Rural Community Board 2022-2025” be received.**

Moved: Cr Kai Fong

Seconded: Cr Maxwell

**CARRIED**

Oonagh Hopkins overviewed the report.

**Further resolved:**

- 2. That Council appoint:**
  - a) Gregg Brown as the council representative to the Lakes Community Board and;**
  - b) Karen Barker as the council representative to the Rural Community Board.**

Moved: Cr Waru

Seconded: Cr Wang

**CARRIED**

## 6.2 NON-TOURIST ACCOMMODATION REGULATORY APPROACH

RDC-1336030

**Resolved:**

1. That the presentation “Non-tourist accommodation regulatory approach” be received.

Moved: Cr Paterson

Seconded: Cr Waru

**CARRIED**

Jean – Paul Gaston spoke to a presentation titled “Non-Tourist Accommodation” (Attachment 1)

**Further resolved:**

2. That Council note that the Council organisation is following a regulatory approach under both the Building Act and Resource Management Act (District Plan) to ensure safe building practices and appropriate land use.

Moved: Cr Waru

Seconded: Cr Kai Fong

**CARRIED**

## 8 HE WHAKATAUNGA KIA HOKI ATU TE ARONGA O TE HUI HAI HUI TŪMATAWHĀITI RESOLUTION TO GO INTO PUBLIC EXCLUDED

**Resolved:**

1. That Council move into Public Excluded session.

Moved: Cr Waru

Seconded: Cr Brown

**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:

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
Contract 22/013: Maleme Road Seal Extension	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)



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
Industrial Land development	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)
	Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	Section 48(1)(a) Section 7(2)(h)
Rotorua Housing Accord	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)
	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)
	To protect information where making it available would disclose a trade secret	Section 48(1)(a) Section 7(2)(b)(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

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The meeting closed at 10.17am

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To be confirmed at a Council meeting on 15 December 2022

.....  
Chair

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](#).

## **7. Presentations – Ngā Tāpaetanga**

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### **7.1 Summer Safety Plan**

Presentation by Anaru Pewhairangi, Deputy Chief Executive-Community Wellbeing, Rotorua Lakes Council and Inspector Herby Ngāwhika, Rotorua Area Commander

### **7.2 Emergency Housing Update**

Presentation by Jean-Paul Gaston, Deputy Chief Executive-District Development, Rotorua Lakes Council

## 8. Staff Reports – Pūrongo Kaimahi

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01-65-052\02  
RDC-1342001

### ROTORUA LAKES COUNCIL

Mayor  
Members  
COUNCIL

#### 8.1 Financial Performance for the Four Months ended 31 October 2022

**Report prepared by:** David Jensen, Director of Finance

**Report reviewed by:** Thomas Collé, Deputy Chief Executive Organisational Enablement

**Report approved by:** Geoff Williams, Chief Executive

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##### 1. TE PŪTAKE PURPOSE

The purpose of the report is to provide information on Council's financial performance for the four months ended 31 October 2022.

##### 2. HE TŪTOHUNGA RECOMMENDATION

1. That the report "Financial Performance for the Four Months ended 31 October 2022" be received.

##### 3. TE MATAPAKI DISCUSSION

###### ➤ Year to Date Financial Performance

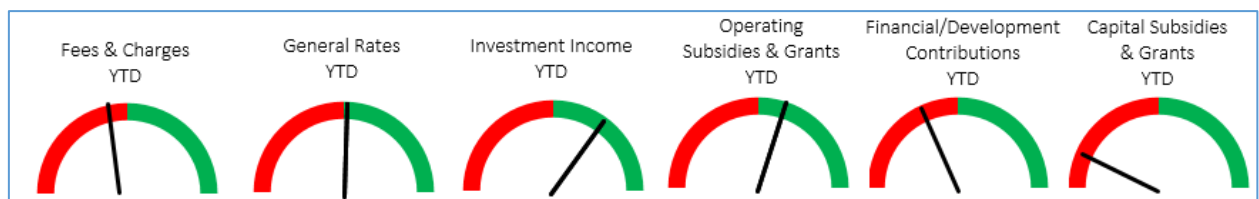
The current and ongoing economic environment continues to apply pressure to Council finances and delivery of services as we face challenges from high inflation, contractor availability and weather-related events.

Council has an operating deficit of \$1.2m compared to a budget surplus of \$11.1m. Most of the variance to budget is related to revenue from capital subsidies due (\$11.4m) which is linked to the delivery of key capital projects. The balance (\$0.8m) is materially driven by ongoing economic conditions impacting fees and charges revenue and operating expenditure.

Our capital works programme is progressing with an overall \$26m spend against a budget of \$43m. The underspend is predominantly related to the timing of key projects and planned infrastructure renewals. We anticipate seeing an uplift in our asset renewals programmes over the coming months as the weather improves.

Figures in \$000's	Actual	Budget	Variance - Favorable / (Unfavorable)	
<b>Income</b>				
Fees & Charges	5,618	6,528	(909)	(14%)
General Rates	40,001	39,420	581	1%
Investment Income	335	183	152	45%
Development & Financial Contributions	273	788	(514)	-65%
Subsidies & Grants - Capital	3,999	15,420	(11,421)	-74%
Subsidies & Grants - Operating	2,429	1,890	539	22%
<b>Total Income</b>	<b>52,655</b>	<b>64,228</b>	<b>(11,573)</b>	<b>1%</b>
<b>Operating Expenses</b>				
Administration Expense	1,412	1,474	62	4%
Finance Cost	43	122	78	64%
Maintenance	360	482	122	25%
Operating Expenses	22,429	21,253	(1,176)	(6%)
Staff Costs	11,331	11,535	204	2%
Utilities	949	992	43	4%
<b>Total Operating Expenses</b>	<b>36,524</b>	<b>35,859</b>	<b>(666)</b>	<b>(2%)</b>
<b>Total Operating Surplus / (Deficit)</b>	<b>16,131</b>	<b>28,370</b>	<b>(12,238)</b>	<b>(3%)</b>
<b>Allocated Costs</b>				
Depreciation	14,010	14,010	0%	
Interest Cost	3,276	3,276	0%	
Overheads	0		100%	
Recovery & Applied	( 0)	-35	(35)	100%
<b>Total Allocated Costs</b>	<b>17,286</b>	<b>17,251</b>	<b>(35)</b>	<b>(0%)</b>
<b>Net Surplus / (Deficit)</b>	<b>(1,155)</b>	<b>11,118</b>	<b>(12,273)</b>	<b>(6%)</b>

➤ **Income**

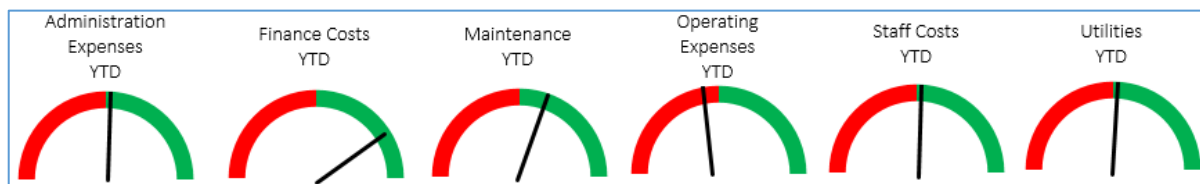


Income is tracking favourably to budget overall, with a \$363k positive variance to budget.

- Council's fees and charges are \$909k behind year-to-date budget due to lower than forecast Subdivision Fees (\$424k lower than budget), Parking Revenue (\$295k) and Animal Control (114k).
- Rate revenue is \$581k ahead of year-to-date budget primarily due to Water by Meter and Sewerage Disposal charges.
- Investment Income is \$152k ahead of year-to-date budget due to rising interest rates on cash deposits.

- Operating Subsidies & Grants are \$539k ahead of year-to-date budget due to the timing of receipts from the Ministry of Environment and other community grants.
- Financial & Development Contributions are \$514k behind year-to-date budget due to lower developer activity.
- Capital Subsidies & Grants are \$11.4m behind year-to-date budget as Council has not yet delivered aspects of the capital programme that trigger the subsidy to occur.

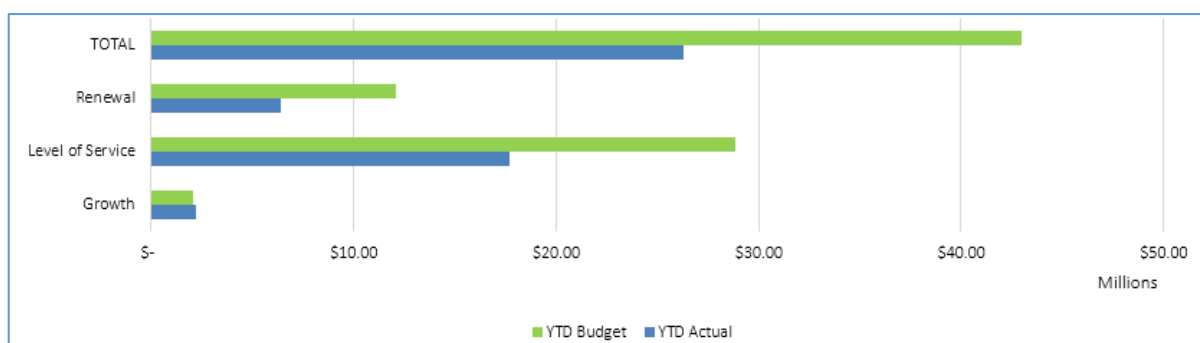
### ➤ Operating Expenses



Operating Expenses are tracking unfavourably to budget, with a \$666k negative variance to budget.

- Administration Expenses are tracking to budget year-to-date.
- Finance Costs are \$78k under budget year-to-date due to lower than forecast external borrowing.
- Maintenance is \$122k under budget year-to-date due primarily to underspends on repairs and maintenance on Council buildings.
- Operating Expenses are \$1.18m higher than year-to-date budget due to additional expenditure on roading contractors following recent flooding events (\$320k over year-to-date budget), emergency housing costs (\$272k over budget) and additional expenditure on security contracts (\$190k over budget). Council is also experiencing higher than budgeted contractual CPI adjustments on major operational contracts due to current inflation rates.
- Staff Costs are \$204k underspent year-to-date representing the difficulties on boarding staff in the current recruitment market.
- Utilities are tracking to year-to-date budget.

### ➤ Capital Expenses

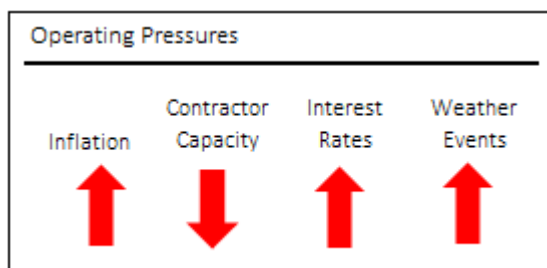


As at 31 October 2022, Council had spent \$26.3m against year-to-date budget of \$43m. The full 2022/23 capital programme is \$143.8m.

Expenditure on key projects is as follows:

- (i) Sir Howard Morrison Centre: \$5.16m. The works are nearing completion for the opening of the Centre in November with further landscaping works to be finalised.
- (ii) Sewage Capital Projects: \$4.42m. Work continues on the Rotoiti/Rotoma scheme (\$2.49m) and the sewage renewal programme (\$1.9m).
- (iii) Lakefront Revitalisation: \$3.14m. Civil works on the carpark have completed and the carpark was opened on the 14<sup>th</sup> October. Landscaping works are still underway.
- (iv) Pukehangi West Stormwater: \$1.45m
- (v) Museum \$1.35m. The design team are progressing the detailed design and initial construction plan for the Museum strengthening and restoration project.
- (vi) IT System Renewals: \$1.34m. The latest round of User Acceptance Testing has completed on the One Council project and the project team are working through results and feedback.

➤ **Year End Forecast**



Council is experiencing pressure in several key areas, particularly:

- Inflation: Council has several significant contracts that include contractual inflation adjustments, increasing costs above Council budgets. Inflation is also becoming a factor in Council's general operating expenditure and consumables.
- Contractor Capacity: There are fewer contractors tendering for Council projects, which influences the final negotiated price and has the potential to delay project start dates.
- Interest Rates: Council uses debt as a financing mechanism to fund long-dated assets and as market rates continue to rise, Council's debt servicing costs will increase.
- Weather Events: Significant negative weather events such as the flood event earlier in the year puts pressure on Council budgets, particularly in Roading.

Staff are preparing a forecast for Council's revenue and expenditure in order to inform how the organisation is tracking towards achieving budgets and to identify any necessary corrective actions.

A detailed presentation on Council's financial performance for the four months ended 31 October 2022 will be presented at the Council meeting.

**4. TE TINO AROMATAWAI  
ASSESSMENT OF SIGNIFICANCE**

The decisions or matters of this report are not considered significant in accordance with Council's Significance and Engagement Policy.



ROTORUA LAKES COUNCIL

Mayor  
Members  
COUNCIL

## 8.2 Council endorsement of the 2022-2025 priorities

**Report prepared by:** Debbie Cossar, Governance & Democracy Manager

**Report reviewed by:** Oonagh Hopkins, Deputy Chief Executive, District Leadership & Democracy

**Report approved by:** Geoff Williams, Chief Executive

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### 1. TE PŪTAKE PURPOSE

The purpose of this report is for elected Council members to endorse the Rotorua 2022-2025 priorities.

### 2. NGĀ TŪTOHUNGA RECOMMENDATIONS

1. That the report “Council endorsement of the 2022-2025 priorities” be received.
2. That the Council resolves to endorse the Rotorua 2022-2025 priorities and directs officers to develop and bring back to Council the work programme and/or work streams that will demonstrate progress towards the delivery of the priorities.

### 3. TE TĀHUHU BACKGROUND

Following the official swearing in of elected members on 21 October 2022 an in-depth induction programme commenced.

The induction programme has been prepared to guide elected members towards identifying the key priorities for 2022-2025, (the term of this council).

The induction programme has been open to the mayor councillors, the community boards.

The induction programme has focused on:

- Leadership and the role of governance
- Setting priorities for 2022-2025
- Te Arawa Partnerships
- Delivering the priorities – decision-making framework, delegations of committees and the values and behaviours of elected members
- Financial governance – understanding the current financial framework in order to develop a plan to lead the development of the Annual Plan 2023/24 and the Long-term Plan in order to deliver on priorities

#### **4. TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTIONS**

The priorities will be presented at the meeting.

#### **5. TE TINO AROMATAWAI ASSESSMENT OF SIGNIFICANCE**

The decision or matters in this report, are not considered significant in accordance with the Council's Significance and Engagement Policy.

However, the decision to establish priorities is in itself is significant as it sets clearly the focus for council for the next three years and will drive work programmes resulting from this.

#### **6. NGĀ KŌRERO O TE HAPORI ME TE WHAKATAIRANGA COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY**

The shaping of the council priorities have come from across the district. The priorities have been set by elected members based upon their experiences while on the election campaign and from alignment of the challenges identified in the Pre-election report and experiences during the induction programme.

#### **7. HE WHAIWHAKAARO CONSIDERATIONS**

##### **7.1 Mahere Pūtea Financial/budget considerations**

There is no financial impact in setting the "priorities". Future financial considerations will be required when the work programme is defined and delivery of the work programme required.

##### **7.2 Kaupapa Here me ngā Hiraunga Whakariterite Policy and planning implications**

Not applicable.

##### **7.3 Tūraru Risks**

A reputation risk may arise if council fails to endorse the priorities.

##### **7.4 Te Whaimana Authority**

Full council have the authority to set priorities for the direction of the district.

ROTORUA LAKES COUNCIL

The Mayor  
Members  
COUNCIL

### 8.3 Establishment of the committee structure, appointment of chairpersons and deputy co-chairs 2022 – 2025

**Report prepared by:** Mayor Tania Tapsell

#### 1. TE PŪTAKE PURPOSE

The purpose of this report is to confirm a committee structure that will best meet the decision-making requirements of Council and support good governance.

#### 2. NGĀ TŪTOHUNGA RECOMMENDATIONS

1. That the report “Establishment of the committee structure, appointment of chairpersons and deputy co-chairs 2022 – 2025” be received.
2. That Council resolves to establish for the triennium 2022-25, pursuant to clauses 10,11, 14 and clause 19, 30(1) and 31 of Schedule 7 of the Local Government Act 2002, the following Council committee structure, chairs, deputy co-chairs and membership:

Governing Body	Membership
<b>Governing body</b> Those powers which cannot legally be delegated: <ul style="list-style-type: none"> <li>• the power to make a rate</li> <li>• the power to make a bylaw</li> <li>• the power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-term Plan</li> <li>• the power to adopt a long-term plan, annual plan, or annual report</li> <li>• the power to appoint a chief executive</li> <li>• 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</li> <li>• the power to adopt a remuneration and employment policy</li> <li>• the power to set and support strategies in measures related to emergency matters.</li> <li>• all the powers, duties and discretions under the Civil Defence Act for the proper operation and administration of the approved Civil Defence</li> </ul>	Chairperson : Mayor Tapsell Deputy Chair : Deputy Mayor Cr Kai Fong Members : All councillors

<p>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.</p> <p>Additional responsibilities retained by the Governing Body</p> <ul style="list-style-type: none"> <li>• Approval of long-term plan, Annual Plan consultation documents, supporting information and consultation process prior to consultation</li> <li>• Approval of a draft bylaw prior to consultation</li> <li>• Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of electoral officer</li> <li>• Adoption of, and amendment to, the Committee Terms of Reference, Standing Orders and Code of Conduct</li> <li>• Relationships with Te Tatau Board, including the funding agreement</li> </ul>	
Committees	Membership
<p><b>Infrastructure and Environment</b></p> <p>This committee deals with the development and monitoring of strategy, policy and action plans associated with Infrastructure and Environment activities.</p>	<p>Chairperson : Mayor Tapsell Deputy co-chair : Cr Wang, Cr Barker <b>Members</b> : All councillors</p> <p>Other appointments maybe added following further consultation</p>
<p><b>Community &amp; District Development</b></p> <p>This committee deals with the development and monitoring of strategy, policy and action plans associated with District Development and Community Services activities</p>	<p>Chairperson : Cr Kai Fong Deputy co-chair : Cr Brown, Cr Waru <b>Members</b> : All councillors</p> <p>Other appointments maybe added following further consultation</p>
<p><b>District Licencing Committee</b></p>	<p>Chairperson : Karen Hunt 3 external appointments</p>
<p><b>Chief Executive's Performance Review Committee</b></p>	<p>Chairperson : Mayor Tapsell Deputy chair : Deputy Mayor - Cr Kai Fong <b>Members</b> : All councillors</p>
<p><b>Audit and Risk Committee</b></p>	<p>Chairperson : external appointment Deputy chair : external appointment <b>Members</b> : Mayor Deputy Mayor Cr Wang Cr Brown</p>

3. That Council note a subsequent paper will come to the February Council meeting with the full purpose and delegations of the committees for adoption.
4. That Council note, there may be further appointments made to the 'Infrastructure & Environment' and 'Community & District Development' committees following public consultation with Te Tatau o Te Arawa.

### 3. TE TĀHUHU BACKGROUND

Following the elections, elected members have embarked on a comprehensive induction programme aimed at establishing leadership and the setting of direction for Rotorua within this triennium.

The induction programme has focused on:

- Leadership and the role of governance
- Setting priorities for 2022-2025
- Te Arawa Partnerships
- Delivering the priorities – decision-making framework, delegations of committees and the values and behaviours of elected members
- Financial governance – understanding the current financial framework in order to develop a plan to lead the development of the Annual Plan 2023/24 and the Long-term Plan in order to deliver on priorities

This paper addresses the “delivering the priorities” the decision-making framework.

### 4. TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTIONS

#### 4.1 The Governance role

The governance role involves making decisions for the overall benefit of the community both now and for the future. The governance role is similar to that of the role of a director on a board, however there are differences:

- In addition to the stewardship/governance role, elected members also have 'quasi judicial' roles delegated to them by Parliament as well as the right to levy a tax;
- Local government tends to be more complex than a commercial enterprise as it has a broad range of functions and objectives involving difficult trade-offs; and
- the democratic mandate which requires members to act as representatives has no equivalent in the commercial world.

#### 4.2 Principles for good governance

Governance is primarily about setting the future direction of the district and ensuring assets and resources are suitable for achieving that direction. This will involve setting priorities and making trade-offs between the wants/needs of the community and its citizens and affordability.

Key aspects of the governance role include strategic planning, decision-making, policy and strategy review, scrutiny of management's performance and community leadership and engagement.

Good governance is about both:

- performance - how an agency uses governance arrangements to contribute to its overall performance and the delivery of goods, services or programmes, and
- conformance – how an agency uses governance arrangements to ensure it meets the requirements of the law, regulations, published standards and the community expectations of probity, accountability and openness.

### 4.3 Mayoral powers

Clause 3 section 41A of the Local Government Act 2002 provides for the Mayor:

1. to establish committees of the territorial authority.
2. to appoint the chairperson of each committee established and make the appointment before the other members of the committee are determined.
3. may appoint himself or herself to the committees.

However, nothing in this section limits or prevents a Council from discharging or reconstituting committees or chairpersons of those committees established by the Mayor by way of Council resolution at a later date. The Mayor can decline to exercise the powers outlined above.

### 4.4 Governance structures

In order to make effective decisions that will be in line with the council's priorities for the district an appropriate and effective structure for how these important decisions are to be made, needs to be established.

Following the setting of priorities for 2022 – 2025 (see previous paper in this agenda) the Mayor under Mayoral powers has set about establishing how the Governing Body will deliver upon those priorities.

Delivery requires a decision-making framework. This is done through the setting of a committee structure, delegations for each committee and membership on the committees.

The committee structure, roles and membership is to be established based on:

Governing Body	Membership
<b>Governing body</b> Those powers which cannot legally be delegated: <ul style="list-style-type: none"> <li>• the power to make a rate</li> <li>• the power to make a bylaw</li> <li>• the power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-term Plan</li> <li>• the power to adopt a long-term plan, annual plan, or annual report</li> <li>• the power to appoint a chief executive</li> <li>• 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</li> <li>• the power to adopt a remuneration and employment policy</li> <li>• the power to set and support strategies in measures related to emergency matters.</li> </ul>	Chairperson : Mayor Tapsell Deputy Chair : Deputy Mayor Cr Kai Fong Members : All councillors

<ul style="list-style-type: none"> <li>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.</li> </ul> <p>Additional responsibilities retained by the Governing Body</p> <ul style="list-style-type: none"> <li>Approval of long-term plan, Annual Plan consultation documents, supporting information and consultation process prior to consultation</li> <li>Approval of a draft bylaw prior to consultation</li> <li>Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of electoral officer</li> <li>Adoption of, and amendment to, the Committee Terms of Reference, Standing Orders and Code of Conduct</li> <li>Relationships with Te Tatau Board, including the funding agreement</li> </ul>	
Committees	Membership
<b>Infrastructure and Environment</b> This committee deals with the development and monitoring of strategy, policy and action plans associated with Infrastructure and Environment activities.	Chairperson : Mayor Tapsell Deputy co-chair : Cr Wang, Cr Barker <b>Members</b> : All councillors  Other appointments maybe added following further consultation
<b>Community &amp; District Development</b> This committee deals with the development and monitoring of strategy, policy and action plans associated with District Development and Community Services activities	Chairperson : Cr Kai Fong Deputy co-chair : Cr Brown, Cr Waru <b>Members</b> : All councillors  Other appointments maybe added following further consultation
<b>District Licencing Committee</b>	Chairperson : Karen Hunt 3 external appointments
<b>Chief Executive's Performance Review Committee</b>	Chairperson : Mayor Tapsell Deputy chair : Deputy Mayor - Cr Kai Fong <b>Members</b> : All councillors
<b>Audit and Risk Committee</b>	Chairperson : external appointment Deputy chair : external appointment <b>Members</b> : Mayor Deputy Mayor Cr Wang Cr Brown

## **5. TE TINO AROMATAWAI ASSESSMENT OF SIGNIFICANCE**

The decisions or matters of this report are not considered significant in accordance with the Council's Significance and Engagement Policy

## **6. NGĀ KŌRERO O TE HAPORI ME TE WHAKATAIRANGA COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY**

The Local Government Act 2002 mandates that councils must establish a committee structure and that it is up to the governing body or the Mayor to decide on how the structure will be set up.

## **7. HE WHAIWHAKAARO CONSIDERATIONS**

### **7.1 MahereRecord NumberRecord Number Pūtea Financial/budget considerations**

Remuneration of elected members is set by the Remuneration Authority and is already provided for in the governance budgets. Remuneration for additional responsibilities is still to be agreed upon. Again this is a provision set by the Remuneration Authority and it included in the budget.

### **7.2 Kaupapa Here me ngā Hiraunga Whakariterite Policy and planning implications**

Clauses 10, 11, 14 and clause 19, 30(1) and 31 of Schedule 7 of the Local Government Act 2002 provide for the establishment of a governance structure in which council use to make decision in line with their objectives and future direction.

### **7.3 Tūraru Risks**

There are no major risks associated with the decisions or matters.

### **7.4 Te Whaimana Authority**

The Mayor has the authority to make a decision on a structure for committees under the Local Government Act Section



ROTORUA LAKES COUNCIL

The Mayor  
Members  
COUNCIL

## 8.4 Adopt Council Standing Orders 2022

**Report prepared by:** Rick Dunn, Governance & Democracy Advisor

**Report reviewed by:** Oonagh Hopkins, Deputy Chief Executive, District Leadership & Democracy

**Report approved by:** Geoff Williams, Chief Executive

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### 1. TE PŪTAKE PURPOSE

The purpose of this report is for Council to adopt standing orders for council, its committees and community boards, regarding the conduct of meetings, as required by the Local Government Act 2002, (LGA 2002) and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

### 2. NGĀ TŪTOHUNGA RECOMMENDATIONS

1. That the report “Adopt Council Standing Orders 2022” be received.
2. That the Council adopts the Standing Orders (attachment 1), inclusive of the following optional provisions:
  - a. That the standing orders enable members to join meetings by audio visual link (S.O. 13.7) - yes/no
  - b. That the chair be given the option of a casting vote (S.O. 19.3) – yes/no
  - c. That Option A be adopted as the default option for speaking and moving motions. (S.O. 22.2)

### 3. TE TĀHUHU BACKGROUND

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies, and community boards. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner.

In doing so, the application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general.

These standing orders have been designed specifically for local authorities, their committees, subcommittees and subordinate decision-making bodies, and community boards. They fulfil the requirements of the Local Government Act 2002 (LGA 2002) and the Local Government Official Information and Meetings Act 1987 (LGOIMA) with regard to the conduct of meetings.

For clarity's sake, whenever a question about the interpretation or application of these standing orders is raised, particularly where a matter might not be directly provided for, it is the responsibility of the Chairperson of each meeting to make a ruling.

All members of a local authority must abide by standing orders.

#### **4. TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTIONS**

Local authorities and community boards must adopt standing orders for the orderly conduct of their meetings. The approval of at least 75% of members (8 members) present at a meeting is required to adopt (and amend) standing orders. To ensure that standing orders assist the governing body to meet its objectives in an open and transparent manner while also enabling the full participation of members, the following options must also be considered:

##### **a) Audio-visual link (S.O. 13.7, 13.8, 13.9)**

The Local Government Act 2002 (LGA 2002) allows members of a local authority to participate in meetings if they are not physically present by audio or audio-visual link however, members who attend by audio or audio-visual link are not counted part of a quorum of a meeting.

Where a meeting has quorum, determined by the number physically present, the members attending by electronic link can vote on any matters raised at the meeting.

##### **b) Casting vote (S.O. 19.3)**

The LGA 2002 allows a chairperson (chair) to use a casting vote if provision for such a vote is made in a council's standing orders. The vote can be used when there is a 50/50 split in voting. If the governing body or community board decide that it does not wish for its chairs to have a casting vote then S.O. 19.3 "Chairperson has a casting vote" will need to be deleted.

Despite some views to contrary, a casting vote is not limited to supporting the status quo.

Decisions made by a local authority must be decided at a meeting through a vote exercised by the majority of members of that meeting voting. If the casting vote is not used and there is a 50/50 vote, no decision can be made. Council could discuss the following procedural motions (S.O. 25) a) that the item discussed be adjourned to a future meeting b) that the item discussed should lie on the table (items lying on the table at the end of the triennium will expire) c) that the item discussed be referred to the relevant committee.

##### **c) Speaking and moving options**

The LGNZ standing orders template offers council a choice of three frameworks for speaking to and moving motions and amendments.

- **Option A** (S.O. 22.2) is the most formal of the three and limits the number of times members can speak and move amendments. For example, members who have moved and seconded a motion cannot then move and second an amendment to the same motion and only members who have not spoken to a motion or substituted motion may move or second an amendment to it. This is the framework used in the Standards New Zealand Model Standing Orders.
- **Option B** (S.O. 22.3) is less formal than A. While limiting the ability of movers and seconders of motions to move amendments it allows any other members, regardless of whether they have spoken to the motion or substituted motion, to move or second an amendment.
- **Option C** (S.O. 22.4) is the least formal. It provides members more flexibility by removing the limitations on movers and seconders speaking which exists in the other two options.

Council is asked to agree on a default option, which will apply to all meetings unless a chairperson, or meeting, agree to apply one of the other two options at a specific meeting. It is recommended that the default option be marked “default” in the adopted standing orders.

e.g. “Option A will apply unless on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves (by majority) to adopt either Option B or Option C for the meeting, or any specified items on the agenda.”

## **5. TE TINO AROMATAWAI ASSESSMENT OF SIGNIFICANCE**

The decision or matters of this report are not considered significant in accordance with the Council’s Policy on Determining Significance.

## **6. NGĀ KŌRERO O TE HAPORI ME TE WHAKATAIRANGA COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY**

Community consultation is not considered necessary in relation to this item. Adoption of standing orders is a requirement of the Local Government Act and model standing orders have been developed on behalf of local territorial authorities by the local government sector and governance experts.

## **7. HE WHAIWHAKAARO CONSIDERATIONS**

### **7.1 Mahere Pūtea Financial/budget considerations**

Not applicable.

### **7.2 Kaupapa Here me ngā Hiraunga Whakariterite Policy and planning implications**

Standing Orders are required by the Local Government Act 2002 (cl. 27 Schedule 7) and the Local Government Official Information and Meetings Act 1987 with regard to the conduct of meetings.

### **7.3 Tūraru Risks**

No risks have been identified.

### **7.4 Te Whaimana Authority**

Standing Orders are required by the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 with regard to the conduct of meetings.

## **8. TĀPIRINGA ATTACHMENT**

Attachment 1: Rotorua Lakes Council - Standing Orders 2022 (RDC-1344283 -distributed separately).

ROTORUA LAKES COUNCIL

Mayor  
Members  
COUNCIL

**8.5 Schedule of Meetings – 1 January 2023 to 31 March 2023**

**Report prepared by:** Gomathi Konara, Governance Support Advisor

**Report reviewed by:** Oonagh Hopkins, Deputy Chief Executive, District Leadership & Democracy.

**Report approved by:** Geoff Williams, Chief Executive

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**1. TE PŪTAKE  
PURPOSE**

This report proposes a schedule of meetings for council and committees for the period 1 January 2023 to 31 March 2023.

A three month schedule is proposed, with two council meetings in February and two committee meetings and a council meeting in March. A committee structure for the full 2023 year is yet to be finalised.

**2. NGĀ TŪTOHUNGA  
RECOMMENDATIONS**

1. That the report “Schedule of meetings – 1 January 2023 to 31 March 2023” be received.
2. That Council resolves to adopt the schedule of meetings for the period 1 January 2023 to 31 March 2023 (Attachment 1).
3. That Council meetings and Council Committee meetings shall commence at 9:30am.

**3. TE TĀHUHU  
BACKGROUND**

The Chief Executive must give notice in writing to each member of the time and place of a meeting as required by the Local Government Act 2002 (LGA 2002) and the Local Government Official Information and Meeting Act 1987 (LGOIMA). If a local authority adopts a schedule of meetings, the schedule may cover any future period that the local authority considers appropriate and may be amended. Notification of the schedule or any amendment, constitutes a notification of every meeting.

The approval of a meetings calendar also provides the ability for councillors, the executive team and leadership team to structure future issues for decision-making. The calendar also ensures, that statutory timeframes are met in terms of adoption of annual plans, annual reports etc.

#### **4. TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTIONS**

It is proposed that Council continues with a monthly cycle for the following reasons:

- better coordination with financial reporting cycles.
- management of agendas to ensure appropriate time frames are met.
- agendas can be kept to a manageable size ensuring effective and transparent decision making.

For consistency, it is proposed that all meetings will commence (unless otherwise advised) at 9.30am:

- Council meetings.
- Council Committee meetings.
- Annual Plan forums, Annual Plan hearings and Annual Plan deliberations meetings.

#### **5. TE TINO AROMATAWAI ASSESSMENT OF SIGNIFICANCE**

The decision does not prompt consideration of Council's Significance & Engagement Policy.

#### **6. NGĀ KŌRERO O TE HAPORI ME TE WHAKATAIRANGA COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY**

Council is required to publically notify all its public meetings. Dates and times of meetings are on Council's website and are advertised in the local newspaper. The notification period is that meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of every month.

#### **7. HE WHAIWHAKAARO CONSIDERATIONS**

##### **7.1 He Whaiwhakaarotanga Mahere Pūtea Financial/budget considerations**

Not applicable.

##### **7.2 Kaupapa Here me ngā Hiraunga Whakariterite Policy and planning implications**

Not applicable.

##### **7.3 Tūraru Risks**

There are no major risks associated with the decisions or matters.

##### **7.4 Te Whaimana Authority**

The Governance team are responsible for the notification of the schedule of meetings and the public notices required leading up to each meeting round.

## **8. TĀPIRINGA ATTACHMENT**

Attachment 1: Proposed schedule of meetings – 1 January 2023 to 31 March 2023.

**Attachment 1: Proposed schedule of meetings – 1 January 2023 to 31 March 2023.**

DAY		JANUARY		FEBRUARY		MARCH
MONDAY						
TUESDAY						
WEDNESDAY			1		1	Infrastructure & Environment Committee
THURSDAY			2		2	
FRIDAY			3		3	
SATURDAY			4	SATURDAY	4	SATURDAY
SUNDAY	1	New Year's Day	5	SUNDAY	5	SUNDAY
MONDAY	2	Statutory Holiday	6	Statutory Holiday	6	
TUESDAY	3	Statutory Holiday	7		7	
WEDNESDAY	4	Council closed	8	Council Meeting	8	District Development & Community Services Committee
THURSDAY	5		9		9	
FRIDAY	6		10		10	
SATURDAY	7	SATURDAY	11	SATURDAY	11	SATURDAY
SUNDAY	8	SUNDAY	12	SUNDAY	12	SUNDAY
MONDAY	9	Council Opens	13	LCB - Meeting	13	LCB - Meeting
TUESDAY	10		14	RCB - Meeting	14	RCB - Meeting
WEDNESDAY	11		15		15	
THURSDAY	12		16		16	
FRIDAY	13		17		17	
SATURDAY	14	SATURDAY	18	SATURDAY	18	SATURDAY
SUNDAY	15	SUNDAY	19	SUNDAY	19	SUNDAY
MONDAY	16		20		20	
TUESDAY	17		21		21	
WEDNESDAY	18		22	Council Meeting	22	
THURSDAY	19		23		23	
FRIDAY	20		24		24	
SATURDAY	21	SATURDAY	25	SATURDAY	25	SATURDAY
SUNDAY	22	SUNDAY	26	SUNDAY	26	SUNDAY
MONDAY	23		27		27	
TUESDAY	24		28		28	
WEDNESDAY	25				29	Council Meeting
THURSDAY	26				30	
FRIDAY	27				31	
SATURDAY	28	SATURDAY				
SUNDAY	29	SUNDAY				
MONDAY	30	Statutory Holiday				
TUESDAY	31					
LCB - Meeting	Lakes Community Board Meeting					
RCB - Meeting	Rural Community Board Meeting					



## ROTORUA LAKES COUNCIL

The Mayor  
Members  
COUNCIL

## 8.6 Council representation on other entities 2022- 2025

**Report prepared by:** Rick Dunn, Governance & Democracy Advisor

**Report reviewed by:** Oonagh Hopkins, Deputy Chief Executive, District Leadership & Democracy

**Report approved by:** Geoff Williams, Chief Executive

### 1. TE PŪTAKE PURPOSE

The purpose of this report is to affirm the representation of members on other entities e.g. sub-committees, boards and trusts.

### 2. NGA TŪTOHUNGA RECOMMENDATIONS

1. That the report “Council representation on other entities 2022- 2025” be received;
2. That pursuant to Clauses 10, 11, 14 and Clauses 19 30 (1) and 31 of Schedule 7 of the Local Government Act 2002, where relevant, Council appoint representatives as ex-officio positions to other entities as follows:

Other entity	Council representative/s
Air Quality Working Party	Mayor Tapsell and Cr Kai Fong
BOPRC Public Transport Subcommittee	Cr O’Brien Mayor Tapsell (alternate)
BOPRC Regional Transport Committee	Mayor Tapsell Cr O’Brien (alternate)
Civil Defence Emergency Management Group (CDEMG)	Mayor Tapsell Deputy Mayor Kai Fong (alternate)
Creative Communities Rotorua Assessment Committee	Cr Barker
Geyser Community Foundation funding distribution	Cr Barker
Friends of the Library	Cr O’Brien and Rachel Clark (Rural Community Board)

Other entity	Council representative/s
Te Maru o Kaituna River Authority	Nick Chater (Lakes Community Board)
Kauae Cemetery Trust Board	Mayor Tapsell, Cr Maxwell, Cr Waru and Cr Kereopa
Kaumātua Committee Te Pūkenga Koeke o Te Whare Taonga o Rotorua	Cr Maxwell
Ngāti Rangiteaorere Protocol Committee	Mayor Tapsell, Cr Maxwell, Cr Kereopa and Cr Waru
Ngāti Rangiwehi Protocol Committee	Mayor Tapsell, Cr Maxwell, Cr Kereopa and Cr Waru
Ngāti Waoku Protocol Committee	Mayor Tapsell, Cr Maxwell, Cr Kereopa and Cr Waru
Ngāti Whakaue Gifted Reserves Protocol Committee	Mayor Tapsell and Cr Maxwell
Pukaki ki Rotorua Charitable Trust	Mayor Tapsell and Cr Waru
Raukawa Charitable Trust / Rotorua District Council Joint Management Committee	Mayor Tapsell and Cr Maxwell
RLC Neighbourhood Matching Fund Committee	Cr Paterson
Rotorua Access Committee	Cr O'Brien
Rotorua Geothermal Liaison Group	Cr O'Brien and Peter Brownbridge (Council staff)
Rotorua Project Steering Committee (WWTP)	Cr Wang and Phill Thomass (Lakes Community Board)
Rotorua Te Arawa Lakes Strategy Group	Mayor Tapsell and Cr Brown NB. A Lakes Community Board member will be appointed as an alternate if required.
Sewerage Projects Governance Group	Cr Wang and Phill Thomass
Tapuika Protocol Committee	Mayor Tapsell, Cr Maxwell, Cr Kereopa and Cr Waru
Tarawera Awa Restoration Strategy Group	Cr Brown NB. A Lakes Community Board member will be appointed as an alternate if required.
Tarawera Sewerage Steering Committee	Phill Thomass

Other entity	Council representative/s
Te Arawa River Iwi Trust Joint Management Committee	Mayor Tapsell, Cr Kereopa, Cr Brown and Cr Wang
Te Maioha o Parekarangi Youth Justice Community Liaison Committee	Cr Lee
Te Maru o Kaituna (the Kaituna River Authority)	Nick Chater Cr Kereopa (alternate)
Tūhourangi Protocol	Mayor Tapsell, Cr Maxwell, Cr Kereopa and Cr Waru
Waikawau/Hannah's Bay Reserve Committee	Cr Lee NB. A Lakes Community Board Member will be appointed as an alternate if required.
Eastside Structure Wellness Plan / Te Oranga Nui – Rāwhiti Mai	Cr Paterson
Global Covenant of Mayors for Climate & Energy	Cr Wang

### 3. TE TĀHUHU BACKGROUND

Following each local body election, decisions are made as to which members will represent Rotorua Lakes Council on a variety of working groups, committees and trusts. The decisions made at this Council meeting, in general, stand for the balance of the triennium which follows the election.

Under Clause 30(1), (7) and 31 of Schedule 7 of the Local Government Act 2002, Local Authorities may appoint, where relevant, appoint representatives to other entities.

The Oxford Dictionary defines a “representative” as a “person chosen, or elected to speak and act on behalf of others in a legislative assembly or deliberative body”. For the purpose of this report the deliberative body is seen to include groups, committees, or trusts.

The terms of reference, rules or constitution of each group, committee or trust outlines their focus, and how the group conducts their business. The role of individuals could be as a trustee or ex officio member. In law, a trustee is an individual person or member of a board given control or powers of administration of property in trust, with a legal obligation to administer it solely for the purposes specified. A trustee has a vote in the decision making of the group, committee or trust.

A business dictionary defines ex-officio as *‘Holding a position or membership due to the power or influence of one's office, and not by election or appointment.’* A chairperson, for example, can be an ex-officio member of all board appointed committees. Such positions and their attached voting and other privileges are detailed in the bylaws of the organisation. In local government the parallel example is that a Mayor may be offered positions in the way outlined for a chairperson, mentioned earlier in this paragraph.

In other settings, ex-officio members bring their knowledge and experiences to discussions when the group is conducting their business. Many ex-officio members are unable to vote and directly influence decisions of the group, committee or trust.

**4. TE TINO AROMATAWI  
ASSESSMENT OF SIGNIFICANCE**

This subject does not trigger Council's Significance and Engagement Policy.

**5. NGĀ KŌRERO O TE HAPORI ME TE WHAKATAIRANGA  
COMMUNITY INPUT/ENGAGEMENT AND PBLICITY**

There is no requirement for community input to this review. The outcome of the process does contribute to the community's perception of elected members and their activities in the community.

**6. HE WHAIWHAKAARO  
CONSIDERATIONS**

**6.1 Mahere Pūtea  
Financial/budget considerations**

Not applicable.

**6.2 Kaupapa Here me ngā Hiraunga Whakariterite  
Policy and planning implications**

The decision to maintain council representation on the other entities listed is in line with Council's approach to appoint representatives as per the Local Government Act 2002.

**6.3 Tūraru  
Risks**

Members need to bear in mind their roles and responsibilities under the "Code of Conduct" and that the focus of representation on these entities is to provide a link between the group and the Council.

**6.4 Te Whaimana  
Authority**

The Mayor and Council under the Local Government Act have the ability to appointment representatives to other entities.

ROTORUA LAKES COUNCIL

Mayor  
Members  
COUNCIL

## **8.7 Public Consultation – Proposed Change in Reserve Purpose for Part of Rotorua Cemetery Reserve**

**Report prepared by:** Stephanie Kelly - Strategic Lead, Urban Development Partnerships

**Report reviewed by:** Jean-Paul Gaston - Deputy Chief Executive, District Development

**Report approved by:** Geoff Williams, Chief Executive

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### **1. TE PŪTAKE PURPOSE**

The purpose of this report is to seek Council's approval to undertake public consultation on a proposal to change the Purpose of the northern part of the Rotorua Cemetery Reserve under Section 24A of the Reserves Act 1977, from Local Purpose (Cemetery) Reserve to Local Purpose (Community Housing) Reserve.

### **2. NGĀ TŪTOHUNGA RECOMMENDATIONS**

- 1. That the report 'Public consultation – Proposed change in reserve purpose for part of Rotorua Cemetery Reserve' be received.**
- 2. That the Council acknowledge that the northern part of the Rotorua Cemetery Reserve is not being used for the purpose for which it was originally gifted by Ngāti Whakaue.**
- 3. That the Council therefore directs staff to prepare a further report on the process to revoke the reserve status of that part of the reserve.**
- 4. That the Council notes that the Pukeroa Ōruawhata Trust has signalled its intention to provide housing on the reserve, as part of the Ngāti Whakaue contribution to the Housing Accord.**
- 5. That, as an interim step, the Council also supports community consultation being undertaken on the proposed change in purpose for the northern part of the Rotorua Cemetery from Local Purpose (Cemetery) Reserve to Local Purpose (Community Housing) Reserve pursuant to Section 24A of the Reserves Act 1977.**

### **3. TE TĀHUHU BACKGROUND**

The Rotorua Cemetery Reserve is a 21.5 hectare site, located on the corner of Te Ngae Road and Sala Street. The land was originally gifted to the Crown for cemetery purposes by the people of Ngāti

Whakaue under the Rotorua Township (Fenton) Agreement 1880 for the establishment of the Rotorua township.

The Ngāti Whakaue Gifted Reserves Protocol Agreement (the Protocol), signed on 30 July 1996, is a mutual agreement between the Council and Pukeroa Ōruawhata Trust (POT), on behalf of Ngāti Whakaue, and includes provisions for the ongoing management and decision making for all lands gifted for reserve purposes under the Rotorua Township Agreement. In addition the Protocol requires that where a gifted reserve is not being used for the purpose for which it was originally gifted then it should be returned to POT on behalf of Ngāti Whakaue.

Only the southern portion (approx. 18 hectares) of the Rotorua Cemetery Reserve is used for cemetery purposes and includes burial plots, ash interments, the Rotorua crematorium and a Chapel. The northern part of the reserve (approx. 3.5 hectares) is unsuitable for burials due to underlying ground conditions. Over the years this part of the reserve has been used for other purposes including being leased for commercial recreation activities. Today this part of the reserve is maintained as passive open space.

The northern part of the reserve is not being used for a purpose consistent with the original gifting and subsequently should be returned to POT on behalf of Ngāti Whakaue as per the provisions of the Protocol.

#### **4. TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTIONS**

##### Revocation of reserve status

Returning the land to POT first requires the classification of the reserve to be revoked through a process under the Reserves Act 1977. A summary of the process is outlined below:

1. Seek Council approval to initiate the process
2. Consult with the Minister of Conservation seeking approval in principle
3. Public submission process, including public hearings if appropriate
4. Council considers submissions and makes a decision on the revocation proposal
5. If approved, Council resolution and public submissions provided to the Minister of Conservation for consideration and final decision
6. If approved, reserve classification revoked via notice in the NZ Gazette

Following the revocation of the reserves status, the land would revert to Crown ownership to be subsequently dealt with under the Crown's Gifted Land Policy.

POT have advised that they intend to develop housing on the land thereby supporting the housing crisis within Rotorua and specifically providing housing opportunities for Ngāti Whakaue descendants. POT are in ongoing discussions with the Ministry of Housing and Urban Development regarding funding opportunities to enable this. The provision of community housing is consistent with the intention of the Housing Accord between the Council, the Minister for Housing and Urban Development, and Te Arawa/Ngāti Whakaue.

The reserve revocation process can be complex and generally takes a minimum of two years to complete and will delay the development of housing on the site significantly.

### Interim step (change of reserve purpose)

In the interim, it is proposed to change the reserve purpose under the Reserves Act for the northern part of the reserve from Local Purpose (Cemetery) Reserve to Local Purpose (Community Housing) Reserve. The proposed change in reserve purpose is likely to take approximately three months to complete. It will also enable Council to grant a lease for the purposes of housing and enable POT to commence development while the long-term reserve revocation and return process is carried out.

Section 24A of the Reserves Act 1977 sets out the process for a territorial authority to change the purpose of a Local Purpose Reserve. This process is summarised below:

1. Seek Council process to initiate process.
2. Publically notify the proposed change specifying the reasons for the proposal.
3. Provide opportunity for persons claiming to be affected by the proposed change to object in writing.
4. Council to consider all objections as soon as practicable.
5. Following public notification and considering all, if any, objections the Council may change the purpose of the reserve by notice in the Gazette.

## **5. TE TINO AROMATAWAI ASSESSMENT OF SIGNIFICANCE**

The decisions or matters of this report to proceed to consultation are not considered significant in accordance with the Council Significance and Engagement Policy.

## **6. NGĀ KŌRERO O TE HAPORI ME TE WHAKATAIRANGA COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY**

Public consultation in accordance with the provisions of the Reserves Act 1977 is required to change the purpose of part of the reserve.

Ngāti Whakaue is mana whenua of the land. Significant consultation has been undertaken through POT. No further iwi consultation is proposed.

There will be an opportunity to consider the environmental impact and the detail of any housing development proposal through future consenting processes.

## **7. HE WHAIWHAKAARO CONSIDERATIONS**

### **7.1 Mahere Pūtea Financial/budget considerations**

There are no financial or budget considerations associated with the decisions in this report.

### **7.2 Kaupapa Here me ngā Hiraunga Whakariterite Policy and planning implications**

There is a strategic alignment of the recommendations made in this report with the Council's agreed obligations under the Ngāti Whakaue Gifted Reserves Protocol and the Housing Accord.

The underlying District Plan zoning on the land allows for residential development.

### **7.3 Tūraru Risks**

There are no major risks associated with the decisions or matters covered in this report.

### **7.4 Te Whaimana Authority**

Authority for Council to determine any recommendation made in this report stems from the provisions of the Local Government Act 2002 and the Reserves Act 1977.

## **8. TĀPIRINGA ATTACHMENT**

Attachment 1: Map of Rotorua Cemetery Reserve



**Attachment 1: Map of Rotorua Cemetery Reserve**

Attachment 1 - Map of Rotorua Cemetery Reserve

## 9. Resolution to move into public excluded - He whakataunga kia hoki atu te aronga o te hui hai hui tūmatawhānui (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 the previous Council Meeting held on 24 November 2022	Please refer to the relevant clause/s in the open meeting minutes.	Good reason for withholding exists under Section 48(1)(a).

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.