



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

# Kaupapataka Agenda

## NOTICE OF AN ORDINARY MEETING OF COUNCIL

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**Date: Wednesday 31 May 2023**

**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

<b>Type of Committee</b>	Council Committee
<b>Subordinate to</b>	N/A
<b>Subordinate Committees</b>	<ul style="list-style-type: none"> <li>• District Licencing Committee</li> <li>• Audit and Risk Committee</li> </ul>
<b>Legislative Basis</b>	Schedule 7 s30 (1) (A), Local Government Act 2002 Committee delegated powers by the Council as per Schedule 7, s32, Local Government Act 2002
<b>Purpose</b>	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.
<b>Reference</b>	01-15-016
<b>Membership</b>	Mayor (Chair) Deputy Mayor (Deputy Chair) All councillors
<b>Quorum</b>	6
<b>Meeting frequency</b>	Monthly
<b>Delegations</b>	<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</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> <p>Additional responsibilities retained by the Council committee:</p> <ul style="list-style-type: none"> <li>• Advise and support the mayor on the development of the long-term plan and annual plans</li> <li>• Approval of long-term plan or annual plan consultation documents, and supporting information and consultation process prior to consultation</li> <li>• Approval of a draft bylaw prior to consultation</li> </ul>

	<ul style="list-style-type: none"> <li>• Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of the electoral officer</li> <li>• Adoption of, and amendment to the Committee Terms of Reference, Standing Orders and Code of Conduct</li> <li>• Relationships with the Te Tatau o te Arawa board, including the funding agreement</li> <li>• Monitor the overall financial management and performance of the council</li> <li>• Make financial decisions required outside of the annual plan budgeting processes</li> <li>• Approve the council's insurance strategy and annual insurance placement for Council</li> <li>• Write-offs</li> <li>• Acquisition of property in accordance with the Long-term Plan</li> <li>• Disposals in accordance with the Long-term Plan</li> <li>• Review the Chief Executive's performance annually and establish performance targets for each year</li> <li>• Undertake a performance review at the end of the first term of appointment as required by Schedule 7, clause 35 of the Local Government Act 2002. Undertaken no less than 6 months before the date on which the chief executive's contract of employment for the first term expires.</li> </ul>
<b>Relevant Statutes</b>	All the duties and responsibilities listed above must be carried out in accordance with the relevant legislation.
<b>Limits to Delegations</b>	Powers that cannot be delegated to committees a per the Local Government Act 2002 Schedule 7 S32.

## Order of Business

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## 1. Karakia Whakapuaki - Opening Karakia

### 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. Ngā Whakapāha - Apologies

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. Whakapuakitanga Whaipānga - Declarations of interest

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. Ngā Take Whawhati tata kāore i te Rārangi Take - Urgent Items not on the Agenda

### 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. Te Whakaū i ngā Meneti - Confirmation of Minutes

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### 5.1 Council Meeting Minutes (Draft) 26 April 2023

01-15-016  
RDC-1385140

## Minutes (draft)

Council meeting held Wednesday 26 April 2023 at 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
- APOLOGIES:** Cr Brown and Cr Waru (for lateness)
- STAFF PRESENT:** G Williams, Chief Executive;  
T Collé, Deputy Chief Executive, Organisational Enablement;  
J.P Gaston, Deputy Chief Executive, District Development;  
O Hopkins, Deputy Chief Executive, District Leadership & Democracy;  
S Michael, Deputy Chief Executive. Infrastructure & Environmental  
Solutions;  
A Pewhairangi, Deputy Chief Executive, Community Wellbeing;  
G Rangi, Deputy Chief Executive, Te Arawa Partnership;  
N Michael, Senior Communications Advisor;  
D Jensen, Director of Finance;  
D Cossar, Governance & Democracy Manager;  
G Kieck, Corporate Planning and Strategy Manager;  
T Rutherford, Executive of Communications, Mayor's Office;  
I Brell, Governance Support Advisor.

The meeting opened at 9.31am.

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

#### 1 KARAKIA WHAKAPUAKI OPENING KARAKIA

Deputy Mayor Cr Kai Fong opened the meeting with a Karakia.

#### 2 NGĀ WHAKAPĀHA APOLOGIES

**Resolved**

**That the apologies from Cr Brown and Cr Waru for lateness be accepted.**

Moved: Cr O'Brien

Seconded: Cr Maxwell

**CARRIED**

### **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 29 MARCH 2023**

RDC-1373429

##### **Resolved**

- 1. That the minutes of the Council meeting held 29 March 2023 be confirmed as a true and correct record.**

Moved: Cr O'Brien

Seconded: Cr Kai Fong

**CARRIED**

#### **5.2 MINUTES OF COUNCIL MEETING HELD 5 APRIL 2023**

RDC-1376313

##### **Resolved**

- 1. That the minutes of the Council meeting held 5 April 2023 be confirmed as a true and correct record.**

Moved: Cr Paterson

Seconded: Cr Barker

**CARRIED**

### **6. PŪRONGO KAIMAHI STAFF REPORTS**

#### **6.1 FINANCIAL PERFORMANCE FOR THE NINE MONTHS ENDED 31 MARCH 2023**

RDC-1381328

##### **Resolved**

- 1. That the report "Financial Performance for the Nine Months ended 31 March 2023" be received.**

Moved: Cr Lee

Seconded: Cr Barker

**CARRIED**

Attendance: Cr Waru joined the meeting at 9.40am.

Thomas Collé and David Jensen overviewed the report and spoke to a presentation titled “Financial Update - February 2023.” (Attachment 1)

The Chair ruled that the only matter in the public excluded session is to adopt the confidential minutes of the previous meeting and as there are no corrections or discussion required there is no requirement to move to Public Excluded.

**7 TE WHAKAŪ I NGĀ MENETI (ngā take matatapu)**  
**CONFIRMATION OF MINUTES (confidential items)**

**7.1 CONFIDENTIAL MINUTES OF COUNCIL MEETING HELD 29 MARCH 2023**

RDC-1373559

Resolved

- 1. That the confidential minutes of the Council meeting held on 29 March 2023 be confirmed as a true and correct record.**

Moved: Cr Wang

Seconded: Cr Kai Fong

**CARRIED**

**8 TE KARAKIA WHAKAMUTUNGA**  
**CLOSING KARAKIA**

Deputy Mayor, Cr Kai Fong closed the meeting with a Karakia.

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The meeting closed at 9.52am

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To be confirmed at a Council meeting on 31 May 2023.

.....  
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: [click here](#)



## 6. Pūrongo Kaimahi - Staff Reports

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01-15-016  
RDC-1390590

### ROTORUA LAKES COUNCIL

Mayor  
Members  
COUNCIL

### 6.1 Financial Performance for the Ten Months ending 30 April 2023

**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 ten months ended 30 April 2023.

#### 2. HE TŪTOHUNGA RECOMMENDATION

1. That the report "Financial Performance for the Ten Months ended 30 April 2023" be received.

#### 3. TE MATAPAKI DISCUSSION

##### ➤ Council's Operating Environment

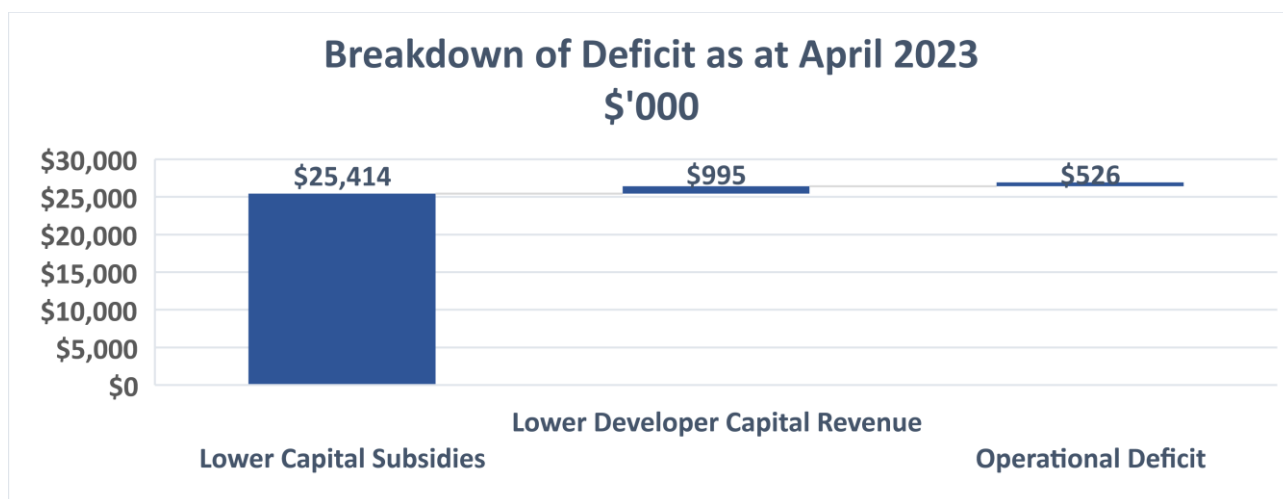
Council's operating environment contains several key challenges, which is having a significant impact on Council's financial position. These pressures include costs associated with Emergency Housing, Plan Change 9, the impact of severe weather events and inflation.

Through late 2022, Council staff undertook a review of forecast income and expenditure, which identified a potential significant operating deficit, recognising pressures achieving certain revenue targets and increases in Council's forecast expenditure as a result of the operating pressures noted above. This was revised downwards in January 2023 through a series of cost saving initiatives including the deferral of recruitment for vacant roles, delaying or cancelling planned expenditure with contractors and to increases in revenue targets to meet the changing market conditions. Council's financial position has continued to stabilise as cost saving initiatives have constricted expenditure across the business, and revenue has performed ahead of initial forecasts. While cost

saving measures have been effective in reducing Council's forecast operating deficit, additional events such as Cyclone Gabrielle continue to place significant pressure on Council budgets.

➤ **Update on Council's 2022/23 Year End Financial Position**

The operating deficit as at 30 April 2023 is \$526k, down from \$742k in March 2023. Within the \$26.9m year-to-date deficit shown for March, \$25.4m relates to the receipt of subsidies attached to capital projects and \$995k relates to lower than budgeted capital revenue from developers, leaving \$526k as the current operational deficit.



Staff remain committed to cost saving initiatives designed to deliver a full year operating result within the approved Annual Plan budget and controls remain in place to restrict Council expenditure for the remainder of the financial year. Any residual operational deficit will be offset against underspends in capital renewals as approved by Council at the meeting on 29 March 2023.

➤ **Year to Date Financial Performance**

As at 30 April 2023, Council has an operating surplus of \$1.4m compared to a budget surplus of \$28.4m. Most of the variance to budget continues to be related to revenue from capital subsidies due (\$25.4m) which is linked to delivery milestones of key capital projects. The balance (\$2.9m) relates to lower than budgeted development and financial contribution revenue from developers (\$995k) and an operational deficit of \$526k.

Our capital works programme expenditure is currently at \$76.70 against a budget of \$114.93m. The lower than budgeted spend is predominantly related to the timing of key projects and planned infrastructure renewals.

## Figures in \$000's

**Income**

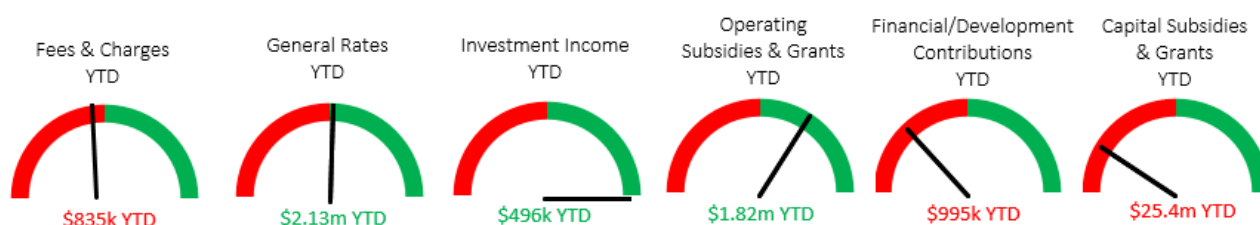
Fees & Charges	14,381	15,216	(835)
Rates	100,853	98,720	2,133
Investment Income	955	459	496
Development & Financial Contributions	974	1,969	(995)
Subsidies & Grants - Capital	13,136	38,550	(25,414)
Subsidies & Grants - Operational	6,356	4,535	1,821

**Total Income****Opex**

Administration Expense	3,112	3,120	9
Finance Cost	125	311	186
Maintenance	979	1,467	488
Operating Expenses	58,558	52,846	(5,712)
Staff Costs	26,885	27,622	737
Utilities	2,350	2,501	151
Depreciation	35,024	35,024	
Interest Cost	8,191	8,191	

**Total Opex****Total Operating Surplus / (Deficit)**

Actual	Budget	Variance - Favorable / (Unfavorable)
<b>136,655</b>	<b>159,449</b>	<b>(22,794)</b>
<b>135,225</b>	<b>131,083</b>	<b>(4,142)</b>
<b>1,430</b>	<b>28,366</b>	<b>(26,936)</b>

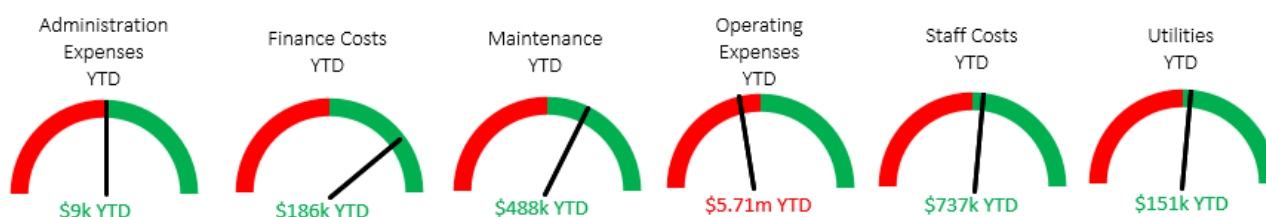
➤ **Income**

Total Income is tracking unfavourably to budget, with a \$22.8m negative variance to budget. This primarily relates to Capital Grants & Subsidies related to Capital Expenditure. Operating Income is currently \$2.6m ahead of year-to-date budget.

- Fees and charges are direct charges to customers for specific Council services. Council's fees and charges are \$835k behind year-to-date budget due to lower than forecast Subdivision Fees (\$635k lower than budget), Parking Revenue (\$656k), revenue from Regional Council now expected post June (\$438k) and sales at both the Energy Events Centre (\$394k) and Sir Howard Morrison Performing Arts Centre (\$306k). This remains offset by Building revenue being \$1.2m ahead of budget and \$420k unbudgeted Resource Consent revenue due to the on charging of consenting costs to the Ministry of Housing. Council also received \$530k ticket sales for the NRL All Stars game in March.
- Rate revenue is \$2.1m ahead of year-to-date budget primarily due to higher than budgeted Water by Meter revenue and lower than budgeted rate remissions requested through 2022/23.

- Investment income is revenue received by Council through dividends, and also interest received on term deposits. Investment Income is \$496k ahead of year-to-date budget due to rising interest rates on cash deposits.
- Operating Subsidies and Grants are funds provided from external parties towards Council's operating expenditure. Operating Subsidies & Grants are \$1.8m ahead of year-to-date budget due largely to the operational subsidies received from Waka Kotahi which are \$877k ahead of year to date budget.
- Financial and Development Contributions is revenue paid by developers towards the capital costs required to enable their development. Financial and Development Contributions are \$995k behind year-to-date budget due to lower developer activity year-to-date.
- Capital Subsidies and Grants are funds provided by external parties towards Council's capital projects. Capital Subsidies and Grants are \$25.4m behind year-to-date budget due to the timing of completion of capital works, particularly within the Museum Project, Tarawera Wastewater Scheme and the Lakefront Revitalisation projects.

### ➤ Operating Expenses

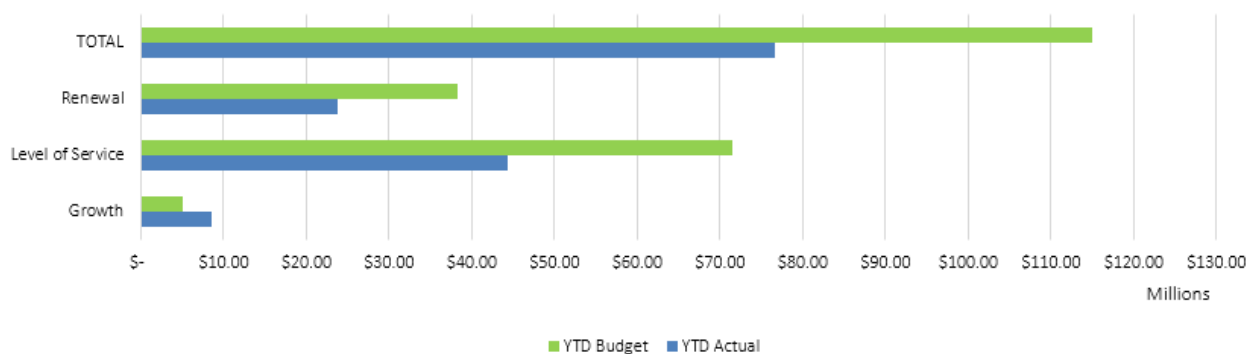


Operating Expenses are tracking unfavourably to budget, with a \$4.1m negative variance to budget.

- Administration Expenses cover the day-to-day running expenses of Council. Administration Expenses are tracking largely to budget year-to-date.
- Finance Costs is the interest payable on Council's external borrowing. Finance Costs are \$186k under budget year-to-date due to lower than forecast external borrowing.
- Maintenance expenses are the budget provided for planned and reactive maintenance of Council buildings. Maintenance is \$488k under budget year-to-date due primarily to the seasonality of when money is spent on Council buildings. This budget is forecast to be spent by year-end.
- Operating expenses are the costs directly associated with the delivery of Council's operational services. Operating Expenses are \$5.7m higher than year-to-date budget due to costs associated with Emergency Housing (\$620k), additional expenditure on roading contractors following recent flooding events (\$1.7m over year-to-date budget, offset by additional Waka Kotahi subsidies), Plan Change 9 (\$600k), expenditure on contractors to process building consents (\$470k), additional expenditure on security contracts (\$570k over budget) and increased insurance premiums (\$470k over year-to-date budget). Council is also experiencing higher than budgeted contractual CPI adjustments on major operational contracts due to current inflation rates, predominantly within Wastewater and Waste Management (\$1.8m YTD).

- Staff costs cover the salaries and wages of Council employees. Staff Costs are \$737k underspent year-to-date representing both the difficulties on boarding staff in the current recruitment market and decisions to delay the filling of vacancies in order to achieve Council's overall budget.
- Utilities cover the water, power and gas expenses involved in Council operations. Utilities are tracking largely to year-to-date budget.

### ➤ Capital Expenses



As at 30 April 2023, Council had spent \$76.7m against year-to-date budget of \$114.9m. The full 2022/23 capital programme is \$143.8m.

Renewals expenditure is behind budget primarily due to the timing of commencement of the Aquatic Centre project (\$8.1m behind budget YTD), as well as underspends year-to-date in Water Supply, Active and Engaged Communities activities and Stormwater (which is funded externally by Crown Infrastructure Partners).

Level of Service expenditure is behind budget due to delays in commencing planned expenditure on the Museum (\$10.2m behind budget YTD), as well as underspends year-to-date on the Tarawera Sewerage Scheme (\$6.0m) and the Lakefront Revitalisation project (\$2.8m).

Expenditure on key projects YTD is as follows:

- Sir Howard Morrison Centre: \$8.4m. The centre was opened in February and is fully operational.
- Rotoiti/Rotoma Sewerage Scheme: \$6.5m. The work programme connecting properties to the scheme continues and a capital rate will set in the upcoming Long Term Plan to recover the costs associated.
- Wastewater Treatment Plant Upgrade: \$6.4m. Council is engaging in a multi-year project to upgrade major Wastewater Treatment Plant infrastructure and work has commenced through mid 2022/23.
- Transport Renewals: \$6.5m. This work programme supports the renewal of roading across the district and has also funded repair works to date after the damage caused by Cyclone Gabrielle.
- Pukehangi West Stormwater: \$6.2m.
- Sewage Renewals: \$4.8m.
- Lakefront Revitalisation: \$4.6m.

**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

## 6.2 Te Arawa Partnership - Review

**Report prepared by:** Gina Rangi, Manahautū Māori/ Deputy Chief Executive- Te Arawa Partnerships

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

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### 1. TE PŪTAKE PURPOSE

The purpose of the report is to seek approval to establish a working group to review the Te Arawa Partnership, and to appoint Council representatives to the working party.

### 2. TE TUHINGA WHAKARĀPOPOTOTANGA EXECUTIVE SUMMARY

The Te Arawa Partnership was approved by Council in 2015. The Agreement provides for regular reviews by the parties. It is proposed that Council agree to the establishment of a joint working party to carry out the review. The working party would be made up of 3 representatives (plus one alternate) appointed by Te Tatau o Te Arawa, 3 representatives (plus one alternate) appointed by Council, and an independent facilitator (Leo Watson) to support the working party to carry out their role. The working party would report back to both Te Tatau and the Council with recommendations.

A final decision on the recommendations would need to be agreed by both Council and Te Tatau.

### 3. NGĀ TŪTOHUNGA RECOMMENDATIONS

1. That the report 'Te Arawa Partnership - Review' be received.
2. That Council approve the draft Terms of Reference to establish a working party to carry out a review of the Te Arawa Partnership.
3. That Council appoint three representatives and an alternate to the working party.

### 4. TE TĀHUHU BACKGROUND

In 2008, following four years of contentious legal processes, the Environment Court granted Rotorua Lakes Council a 10 year consent to take water from Taniwha Springs (Te Puna a Pekehaua). The Court

also warned Council that no further consents would be given, because of the significant impact on and opposition of Ngāti Rangiwewehi. In 2013, the Environment Court declined consent for the Rotoiti/Rotomā wastewater scheme, saying that Council engagement with iwi was ‘high handed and did not display the level of co-operation and trust expected between council and Te Arawa’. It was clear to Council and Te Arawa that changes were necessary.

In 2015, Te Arawa and the Rotorua Lakes Council mutually recognised that in order to deliver positive outcomes for their communities, a new working relationship was needed. Following significant Te Arawa and community consultation, the Te Arawa Partnership was adopted by Council and by Te Arawa. In the Partnership Agreement, the parties acknowledge that the partnership is a long-term ongoing relationship that may evolve to reflect changing circumstances. Therefore, the Agreement provides for regular reviews and it states that the parties may by mutual agreement amend the Partnership Agreement to reflect changes to the goals of the relationship as they reflect changing circumstances, and any other changes both parties agree are necessary.

In May 2021, the Council adopted Māori wards for the 2022 election.

In November 2022, Te Tatau convened a hui for Te Arawa at Ōhinemutu. On 6 March 2023, Te Tatau wrote to Council to seek a review of the Partnership Agreement and provided a set of recommendations. On 10 May 2023, the trustees of Te Tatau and the Rotorua Lakes Councillors met and discussed a working group to support the review of the partnership agreement.

A proposed Terms of Reference for the Working Party is **attached**. It provides a brief summary of the relevant history, defines the purpose and scope of the review, and sets out the working group’s membership, process and reporting requirements.

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

Council has two essential options:

- Participate in the review.
- Do not participate in the review.

It is recommended that Council participate in the review because:

- The agreement assists Council to meet its statutory responsibilities to have good systems for engaging with Māori (see below for further discussion).
- Effective engagement with Te Arawa is a critical requirement for the delivery of Council’s work programme.
- The review allows both Council and Te Tatau to reflect on how best to uphold the values and goals of partnership while still allowing the relationship to evolve over time (for example, adapting to provide for the establishment of the Māori wards, and to provide for Council’s contribution to achieving the Te Arawa Vision).
- The working party process allows the opportunity to work through complex issues in a careful and iterative matter.
- The working party process ensures that the full Council and the board of Te Tatau retain their respective decision-making authority.



## Legal context

Council has a range of legal obligations that require systems to engage specifically with Māori. The Local Government Act 2002 requires all Councils to have good systems for engaging with Māori, including:<sup>1</sup>

- Council must have processes that specifically provide for Māori to contribute to decision making.
- Councils must plan for how to support Māori capacity to contribute.
- When Council is making significant decisions, it must take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga.

Special emphasis on Māori and their relationship with natural resources is also provided for in the Resource Management Act 1991<sup>2</sup>, the National Policy Statement for Urban Development and the Land Transport Management Act 2003.<sup>3</sup> Council is also affected by a range of Treaty settlement legislation in our district.<sup>4</sup>

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

The Te Arawa partnership itself is significant however the establishment of a working party and the process of review is not significant in accordance with the Council's Significance and Engagement Policy.

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

There has been discussion with Te Tatau about the review process and the proposed Terms of Reference. In addition to the Council decision on whether to accept the draft Terms of Reference, the Terms will also need to be approved by the trustees of Te Tatau o Te Arawa.

No additional consultation will be undertaken at this time.

### 8. **HE WHAIWHAKAARO CONSIDERATIONS**

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

Costs can be expected to come within \$50,000 including the costs of the independent facilitator and any additional external advice that the working group may require.

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

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<sup>1</sup> Sections 4, 14, 77, 81-82 and schedule 10 of the LGA.

<sup>2</sup> Sections 6, 7, and 8 of the RMA 1991.

<sup>3</sup> Sections 4, 18(A), 18G, 18H and 22 of the LTMA 2003.

<sup>4</sup> Te Arawa Lakes Settlement Act 2006, Affiliate Te Arawa Iwi and Hapū Claims Settlement Act 2008, Central North Island Forests Lands Collective Settlement Act 2008, Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Ngāti Tūwharetoa, Raukawa, Te Arawa River Iwi Waikato River Act 2010, Raukawa Claims Settlement Act 2014, Ngāti Rangiwewehi Claims Settlement Act 2014, Tapuika Claims Settlement Act 2014, Ngāti Rangiteaorere Claims Settlement Act 2014 and Ngāti Rangitahi Claims Settlement Act 2022.

The working party's recommendations may have policy and planning implications. However at this stage, there are no policy and planning implications.

**8.3 Tūraru  
Risks**

There are no major risks associated with this decision at this stage.

**8.4 Te Whaimana  
Authority**

Council has the authority to make the recommended resolutions.

**10. NGĀ ĀPITI HANGA  
ATTACHMENTS**

**Attachment 1: Draft Terms of Reference**

## DRAFT Terms of Reference

### Background

The purpose of local government is to enable democratic local decision-making and action by, and on behalf of, communities; and to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. Further, Rotorua Lakes Council has statutory and legal obligations to improve communication, consultation and its relationships with tāngata whenua and Māori, to recognise the Treaty of Waitangi and to facilitate participation by Māori in council decision-making processes.

In 2015, Te Arawa and the Rotorua Lakes Council mutually recognised that in order to deliver positive outcomes for their communities, a new working relationship was needed. Following significant Te Arawa and community consultation, the Te Arawa Partnership was adopted by Council and by Te Arawa.

In the Partnership Agreement, the parties acknowledge that over time the nature and focus of the relationship will evolve to reflect changing circumstances. Therefore, the Agreement provides for regular reviews and it states that the parties may by mutual agreement amend the Partnership Agreement to reflect changes to the goals of the relationship as they reflect changing circumstances, and any other changes both parties agree are necessary.

The Council and Te Tatau have agreed to appoint a working party to carry out this review. This Terms of Reference records the scope and expectations that the parties have for the working party.

### 1. Purpose and Scope of the Review

The purpose and scope of the review is to:

- Assess the suitability of the current partnership agreement between Te Arawa and the Council, including the feedback received from Te Tatau.
- Identify opportunities to further improve Council's processes to respond to the aspirations and needs of Te Arawa, including contributing to the Te Arawa vision.
- Identify opportunities to further improve Council's processes to provide opportunities for Te Arawa to contribute to the decision-making processes of the Council.
- Identify opportunities to foster the development of Te Arawa capacity to contribute to the decision-making processes of Council.
- To consider how the establishment of Māori wards should be integrated to ensure the ongoing effectiveness of the Partnership Agreement.

### 2. Working Party

**Establishment:** In approving these Terms of Reference, Te Tatau and Council agree to appoint a working party to carry out the review and to make recommendations to Te Tatau and to the Council. In carrying out their role, the working party will keep in mind Ngā Whāinga me Ngā Mātāpono (the goals and principles) of the partnership.

**Membership:** The members of the working party will be:

- three representatives and one alternate appointed by Council;
- three representatives and one alternate appointed by Te Tatau; and
- an independent facilitator appointed by both Te Tatau and Council.

The role of the independent facilitator is to chair and support the working party to carry out its role effectively. The independent facilitator will provide mediation or bring in expert advisers to support the working party to resolve any issues.

**Working party process:**

- **Frequency:** The working party will meet at least fortnightly to carry out their work.
- **Quorum:** A quorum will consist of at least 2 Council representatives, at least 2 Te Tatau representatives and the independent facilitator.
- **Voting:** the working party will seek to reach agreement by consensus. If, after concerted effort, it is not possible to reach consensus:
  - o The working group will include the range of views in their report back to Te Tatau and the Council.
  - o The independent facilitator will provide his or her recommendations to Te Tatau and the Council on how to resolve any differing views. Those recommendations may suggest process to resolve the differences, or may be substantive solutions or options.
- **Other procedures:** At their first meeting, the working party will agree any other procedural matters and ground rules for their work.
- **Resources:** The working group may request any information or advice that they require from officers of Te Tatau and the Council.

**Reporting:**

- **Regular updates:** the working party will provide regular update reports to the Council and to Te Tatau on their progress, including seeking guidance on options and proposals if necessary.
- **Final Report:** The working party will present a final report with recommendations to Te Tatau and to the Council.

**Timing:**

- Te Tatau and the Council expect that the working party will provide its final report in August.

## 7. He whakataunga kia hoki atu te aronga o te hui hai hui tūmatawhānui - Resolution to move into public excluded (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
InfraCore Limited - Financial Update May 2023	Maintain effective conduct of public affairs through protection of such members, officers, employees and persons from improper pressure or harassment.  Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	Section 48(1)(a) Section 7(2)(f)(ii)  Section 48(1)(a) Section 7(2)(h)
Renewal of Contract- Kōtui Library Services- Contract Approval	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.