

NOTICE OF MOTION

18th February 2025

To the Chief Executive of the Rotorua District Council

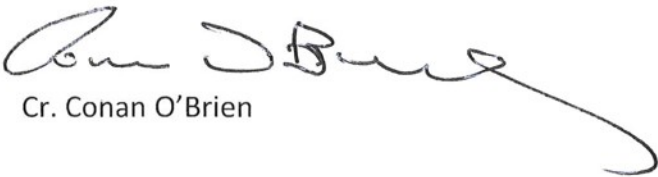
In accordance with Standing Order 27.1, I wish to advise that I intend to move the following motion at the ordinary meeting of the Rotorua District Council on 26th February 2025, commencing at 9.30am, and request it to be added as an agenda item for that day's meeting:

That Rotorua District Council resolves to support Rotorua Te Arawa Lakes Strategy Group's decision (02 November 2018 – minute copy attached) to request of its partners, recognition that Lake Tarawera be declared a 'priority lake' and added to the Deed, by actioning the following:

Directing the Chief Executive to work through the Rotorua Te Arawa Lakes Strategy Group, and with the partner organisations Te Arawa Lakes Trust, Bay of Plenty Regional Council to convey to the Government in writing, seeking an amendment or variation, to the current Deed, for:

- Recognition of Lake Tarawera as a 'Priority Lake'.
- The addition of Lake Tarawera alongside the forementioned lakes in an amended Deed, to ensure any future projects to reduce nutrient levels, also benefit Lake Tarawera.
- Request additional monies from the Government to the Deed mechanisms for a subsidised contribution for the Lake Tarawera sewerage project, with a combined matching fund evenly split between Rotorua Lakes Council and Bay of Plenty Regional Council, the total of which to be negotiated between those three parties making a financial contribution.

Thank you and regards



Cr. Conan O'Brien

Report To: Rotorua Te Arawa Lakes Strategy Group

Meeting Date: 02 November 2018

Report From: Chris Ingle, General Manager, Integrated Catchments

Amendments to the Rotorua Te Arawa Lakes Strategy Group Agreement and Terms of Reference

Executive Summary

Members requested a review of the Rotorua Te Arawa Lakes Strategy Group Agreement in order to amend the membership to make provision for a non-voting Independent Chairperson. It is anticipated that this will be agreed to by the partner Organisations prior to this meeting.

Recommendations

That the Rotorua Te Arawa Lakes Strategy Group:

- 1 Receives the report, Amendments to the Rotorua Te Arawa Lakes Strategy Group Agreement and Terms of Reference;**
- 2. Endorses the following amendment to the Rotorua Te Arawa Strategy Group Agreement and reflected in the Terms of Reference:**

2. Membership:

The membership of the Group shall comprise of six members:

- 2.1 Two members of the Te Arawa Lakes Trust Entity appointed by that entity one of whom is a governance member and one of whom is a senior executive; and**
- 2.2 Two members of the Bay of Plenty Regional Council appointed by that Council one of whom is the Chairperson of that Council; and**
- 2.3 Two members of the Rotorua Lakes Council appointed by that Council one of whom is the Mayor of that Council.**
- 2.4 Plus one non-voting Independent Chairperson appointed by the members for a three year term in alignment with the Local Government triennium.**

3. Approves the additional minor amendments to the Rotorua Te Arawa Strategy Group's Terms of Reference.
4. Appoints Sir Toby Curtis as the Independent non-voting Chairperson of the Te Arawa Lakes Strategy Group for the period up to the first meeting following the 2019 local government elections to align the three year term to the Local Government triennium.
5. Acknowledges the appointment of Willie Emery as the Te Arawa Lakes Trust's governance member.
6. Instruct partner Organisation staff to include the following matters as agenda items where appropriate: climate change impacts, lake related biosecurity matters, fisheries bylaw enforcement, Lake Tarawera as a priority lake.

1 Background

At its meeting on 15 June 2018, members recognised the need to ensure the Rotorua Te Arawa Lakes Trust Strategy Group's (RTALSG) membership remained effective.

While the Strategy Group members acknowledged the principles of the Agreement at the time it was signed between the three parties, it had not adhered to the requirement of annual rotation of the Chair and felt it appropriate to amend the Agreement's membership to meet current needs.

The Strategy Group therefore supported Te Arawa Lakes Trust's request to consider amending the membership to allow for the appointment of an Independent Chairperson without voting rights and therefore enabling both Te Arawa members to fully participate in the meetings.

Members also discussed the need for RTALSG's Terms of Reference to remain cognisant of changing environmental issues whose impacts should be considered and included in the Strategy Group's function. These included: climate change impacts, lake related biosecurity matters, fisheries bylaw enforcement, Lake Tarawera as a priority lake.

The recommended changes to the Agreement and Terms of Reference were reviewed and supported by the RTALSG Programme Steering Group.

2 Legislation

RTALSG was established under the Te Arawa Lakes Deed of Settlement. The RTALSG Agreement (2004) forms part of the Relationship Schedule (Schedule 1, Part 1) of the Te Arawa Lakes Deed of Settlement, under the umbrella of the Te Arawa Lakes Claims Settlement Act 2006. The Agreement informs the functions and membership of RTALSG.

On further investigation it is deemed the legislation is not a constraint to changing the Agreement and in fact accommodates amendments so far as they are done in a

manner provided for in the Agreement, which requires consensus of all three parties (not including the Crown).

The definition of Rotorua Lakes Strategy Group Agreement as stated in the Te Arawa Lakes Claims Settlement Act 2006 also accommodates further amendments to the Agreement.

3 Rotorua Te Arawa Lakes Strategy Group Agreement

Section 8.1 of the Agreement enables the Agreement to be amended with the consent of each of the partner organisations.

Under section 8.2 an agreement to amend the RTALSG Agreement will have no effect until recorded in writing and signed by each of the Organisations of the Group.

Section 4.2 and 4.4 of the Agreement identify the Strategy Group's functions as identifying significant existing and emerging issues affecting the Rotorua Lakes; and the identification, monitoring and evaluation of necessary actions by the Organisations and other relevant organisations. These sections enable the Strategy Group to include emerging environmental issues and the monitoring and evaluation of necessary actions without the need to specifically identify these in the Agreement.

4 Agreement Amendment Required

At the request of the Te Arawa Lakes Trust the RTALSG members supported the inclusion of a non-voting Independent Chairperson to preside at meetings. The role of the Independent Chairperson sits outside the voting membership of the Group and therefore is not deemed to be a member for the purposes of a quorum. The amended Agreement is shown as Appendix 1. The amendments have also been reflected in the revised Terms of Reference along with minor wording changes to provide clarity of meaning (Appendix 2).

The role and responsibilities of the Independent Chairperson are prescribed in Appendix 3.

The appointment of an Independent Chairperson and Sir Toby Curtis approached to undertake this role creates a vacancy in the Te Arawa membership with Te Arawa Lakes Trust confirming their appointment of Willie Emery (Appendix 4).

5 Next Steps

Amendments to the Agreement require the approval of the partner Organisations.

The request to amend the membership of RTALSG was presented and agreed to by Te Arawa Lakes Trust.

Rotorua Lakes Council will be considering the amendment at their meeting on 25 October 2018 and the Bay of Plenty Regional Council at their meeting on 1 November 2018. It is anticipated the amendment will be agreed to by both parties.

Once the Strategy Group partner Organisations agree to the proposed amendments to the Agreement, each will be required to sign the amended Agreement.

The amended Agreement will replace the Rotorua Lakes Strategy Group Agreement 2004 (renamed Rotorua Te Arawa Lakes Strategy Group in 2009) and becomes the defining Agreement and the current Terms of Reference for the meetings will be updated.

Yvonne Tatton
Governance Manager

for General Manager, Integrated Catchments

24 October 2018