

Lake Rotorua Incentives Committee

NOTICE IS GIVEN

that the next meeting of the **Lake Rotorua Incentives Committee** will be held in **Wairoa Room, Bay of Plenty Regional Council, 87 First Avenue, Tauranga** on:

Wednesday, 12 June 2019 commencing at 9.00 am.

Fiona McTavish
Chief Executive
4 June 2019



Lake Rotorua Incentives Committee

Terms of Reference

The objective of the Lake Rotorua Incentives Committee is to contribute to the improvement of Lake Rotorua water quality by achieving a 100 tonne reduction of nitrogen entering Lake Rotorua and ensuring this investment of Council is adequately protected in perpetuity.

It will achieve this by making sound financial decisions to secure permanent reductions in nitrogen discharges below the level of discharge established for properties and the catchment and by promoting and facilitating the up-take of profitable low nutrient land management and land use systems in the Lake Rotorua Groundwater Catchment.

The Committee members will be appointed by the Bay of Plenty Regional Council. While the Committee is made up primarily of independent appointees, the Committee will ensure its functions are integrated with Regional Council operations to deliver effectiveness and efficiency of operation, and ensure that its responsibilities as a Committee of Council are met.

Delegated Function

The Committee will act on behalf of the Bay of Plenty Regional Council to:

- Achieve a permanent 100 tonne reduction of nitrogen entering Lake Rotorua from the Lake Rotorua groundwater catchment at the least cost in a manner that gives consideration to the economic impact on the wider community but within the budget of \$40 million and within the parameters of:
 - The Lake Rotorua Incentives Scheme Policy 2014; and
 - Approved annual Incentives Scheme budgets;
 - A comprehensive and professional business strategy, adopted and reviewed as necessary by the Committee.
- Negotiate agreements to reduce nitrogen and secure no exacerbation in phosphorous loss to Lake Rotorua on a willing buyer/willing seller basis;
- Promote and facilitate the up-take of profitable low nutrient land use and/or management practices to achieve the Committee objectives;
- Enter in to joint ventures or partnerships to achieve Committee objectives;
- Collaborate, coordinate and communicate with other relevant agencies, in-particular the Rotorua Te Arawa Lakes Programme Partners and the Rotorua Economic Development Agency;
- Ensure ongoing coordination with Proposed Plan Change 10 to the Regional Water and Land Plan and compatibility and integration with the Rotorua Te Arawa Lakes Programme;
- Adopt business rules for the operation of the Lake Rotorua Incentives Scheme to give effect to this Terms of Reference and ensure integration with the functions of, and compliance with the responsibilities of, Bay of Plenty Regional Council;

Report as follows:

- Progress to funding partners and the Rotorua Te Arawa Lakes Strategy Group on achieving the Lake Rotorua Incentives Scheme Policy and Strategy on a six month and annual basis, including budgeting information and projections;
- An annual strategic review of the project and progress in accordance this Terms of Reference, and report this to the funding partners and the Rotorua Te Arawa Lakes Strategy Group;
- Information as required by the Bay of Plenty Regional Council for audit, independent review or quality assurance purposes;
- As directed by the Bay of Plenty Regional Council on any other matter.

Membership

- The Committee will have a minimum voting membership of five and a maximum of seven, including at least one Councillor representative; and
- A General Manager of the Regional Council will be appointed as an advisor to the Committee and will attend all Committee meetings.

Term of the Committee

For the period of the 2016-2019 Triennium, unless discharged earlier by the Regional Council.

Quorum

In accordance with Council standing order 10.4, the quorum at a meeting of the Committee is not fewer than three voting members if the total membership present is six or less and four voting members if the total membership present is more than six.

Meeting frequency

At least three times per annum, or as frequently as required to deliver appropriate governance.

Specific Responsibilities and Delegated Authority

The Lake Rotorua Incentives Committee is delegated the power of authority to:

- In accordance with delegations of Council, agree to enter into legal agreements on the Bay of Plenty Regional Council's behalf which secure nitrogen reductions in perpetuity;
- In accordance with the delegations of Council, authorise the payment of funds to secure nitrogen reductions below nitrogen discharge limits in line with the Lake Rotorua Incentives Policy 2014.

The Lake Rotorua Incentives Committee does not have the authority to purchase or acquire land.

The above delegations are subject to the following conditions:

- The Committee can commit funding to proposals where the financial commitment is within the budgeted amounts and within the multi-year appropriation agreed by the funding partners.
- The budgeted amounts are as specified within the Annual Work programme, Three-Year Work programme, Deed of Funding with the Crown and Long Term Plan of Council, as are current and approved at any point in time.
- Any proposal that exceeds the approved budget amounts or that requires multi-year appropriation requires the approval of the funding partners.

- Payments for permanent nitrogen reductions must not, over the life of the fund, overspend the Incentives Scheme total budget or under achieve the nitrogen target.
- Agreements must not establish an unsustainable, average price given the Lake Rotorua Incentives Scheme's objective and budget.
- The due diligence requirement as described in the Lake Rotorua Incentives Policy 2014 is satisfied.
- If an agreement takes the form of a Deed, ensure that it is executed by at least two elected members of the Bay of Plenty Regional Council who are not members of the Lake Rotorua Incentives Committee.

Note:

- The Lake Rotorua Incentives Committee reports to the Regional Council.
- The Chair of the Lake Rotorua Incentives Committee is appointed by the Regional Council.

Public Forum

1. A period of up to 15 minutes may be set aside near the beginning of the meeting to enable members of the public to make statements about any matter on the agenda of that meeting which is open to the public, but excluding any matter on which comment could prejudice any specified statutory process the council is required to follow.
2. The time allowed for each speaker will normally be up to 5 minutes but will be up to the discretion of the chair. A maximum of 3 public participants will be allowed per meeting.
3. No statements by public participants to the Council shall be allowed unless a written, electronic or oral application has been received by the Chief Executive (Governance Team) by 12.00 noon of the working day prior to the meeting and the Chair's approval has subsequently been obtained. The application shall include the following:
 - name of participant;
 - organisation represented (if any);
 - meeting at which they wish to participate; and matter on the agenda to be addressed.
4. Members of the meeting may put questions to any public participants, relevant to the matter being raised through the chair. Any questions must be asked and answered within the time period given to a public participant. The chair shall determine the number of questions.

Membership

Chairperson:	N Bruning (Bay of Plenty Regional Council)
Appointees:	E Hughes (Independent), Dr T Kingi (Independent), Dr T Petch (Independent), G Rice (Independent), Councillor K Winters (Bay of Plenty Regional Council)
Committee Advisor:	A Namana

Recommendations in reports are not to be construed as Council policy until adopted by Council.

Agenda

- 1 Apologies**
- 2 Public Forum**
- 3 Acceptance of Late Items**
- 4 General Business**
- 5 Confidential Business to be Transferred into the Open**
- 6 Declarations of Conflicts of Interests**
- 7 Previous Minutes**
- 7.1 Lake Rotorua Incentives Committee Minutes - 26 November 2018** 13
- 7.2 Lake Rotorua Incentives Committee Minutes - 08 November 2018** 15
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Resolution to exclude the public

THAT the public be excluded from the following parts of the proceedings of this meeting.

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 Matter to be Considered	Reason for passing this resolution in relation to this matter	Grounds under Section 48(1) LGOIMA 1987 for passing this resolution
8.1 Public Excluded Lake Rotorua Incentives Committee Minutes - 26 November 2018	Good reason for withholding exists under Section 48(1)(a)	Please refer to the relevant clause in the open meeting minutes.
8.2 Public Excluded Lake Rotorua Incentives Committee Minutes - 08 November 2018	Good reason for withholding exists under Section 48(1)(a)	Please refer to the relevant clause in the open meeting minutes.
8.3 Grazing Lease Retirement	Good reason for withholding exists under Section 48(1)(a)	To carry out commercial and industrial negotiations
8.4 Incentives Agreement	Good reason for withholding exists under Section 48(1)(a)	To protect the commercial position of an individual

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9 Confidential Business to be Transferred into the Open

10 Readmit the Public

11 Consideration of General Business

Previous Minutes

Minutes of the Lake Rotorua Incentives Committee Meeting held in Waikareao Room, Bay of Plenty Regional Council Building, Level 1, 87 First Avenue, Tauranga on Monday, 26 November 2018 commencing at 9.32a.m.

Present:

Chairman: Cr Norm Bruning - Bay of Plenty Regional Council=

Appointees: Cr Kevin Winters - Bay of Plenty Regional Council, Independent Members: Dr Tony Petch, Geoff Rice, Elizabeth Hughes

In Attendance: Helen Creagh - Rotorua Catchments Manager, Anna Grayling - Principal Advisor, Rotorua Catchments, Jude Pani - Rotorua Catchments Advisor, Jessica Durham - Committee Advisor

Apologies: Dr Tanira Kingi – Independent, Chris Ingle – General Manager Integrated Catchments

1 Opening Karakia

An opening karakia was provided by Geoff Rice.

2 Apologies

Resolved

That the Lake Rotorua Incentives Committee:

- 1 Accepts the apologies of Dr Tanira Kingi and Chris Ingle tendered at the meeting.**

**Bruning/Winters
CARRIED**

3 Public Forum

Nil.

4 Acceptance of Late Items

Nil.

5 General Business

Nil.

6 Confidential Business to be transferred into the Open

Nil.

7 Declaration of Conflicts of Interest

Prior to the meeting Dr Kingi declared an interest in the proposed incentive deal and did not attend the meeting.

8 Public Excluded Section

Resolved

THAT the public be excluded from the following parts of the proceedings of this meeting.

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General Subject of Matter to be Considered	Reason for passing this resolution in relation to this matter	Grounds under Section 48(1) LGOIMA 1987 for passing this resolution
7.1 Proposal for Incentives Deal	To protect the commercial position of an individual	Good reason for withholding exists under Section 48(1)(a)

Winters/Petch
CARRIED

9 Consideration of General Business

Nil.

The meeting closed at 10.54 am.

TO BE CONFIRMED 12 JUNE 2019:

Chairperson

Minutes of the Lake Rotorua Incentives Committee Meeting held in Committee Room 1, Rotorua Lakes Council, Civic Administration Building, 1061 Haupapa Street, Rotorua on Thursday, 8 November 2018 commencing at 9.31 a.m.

Present:

Chairman: Cr N Bruning (Bay of Plenty Regional Council)

Members: Cr K Winters (Bay of Plenty Regional Council), Dr T Kingi (Independent), Dr T Petch (Independent), G Rice (Independent), E Hughes (Independent)

In Attendance: BOPRC: H Creagh (Rotorua Catchments Manager), R Cross (Land Management Team Leader), A Grayling (Principal Advisor, Rotorua Catchments), J Pani (Rotorua Catchments Advisor), J Durham (Committee Advisor)

External: T White (Incentives Negotiator)

Apologies: E Hughes (lateness)

1 **Opening Karakia**

An opening karakia was provided by Geoff Rice.

2 **Apologies**

Resolved

That the Lake Rotorua Incentives Committee:

- 1 **Accepts the apologies of Elizabeth Hughes (for lateness) tendered at the meeting.**

**Winters/Petch
CARRIED**

3 **Public Forum**

Nil.

4 **Acceptance of Late Items**

Nil.

5 **General Business**

Nil.

6 **Confidential Business to be transferred into the Open**

Nil.

7 **Declaration of Conflicts of Interest**

Dr Tanira Kingi declared an interest in the update of the Low Nitrogen Land Use Fund applications.

8 **Previous Minutes**

8.1 **Lake Rotorua Incentives Committee Minutes - 15 June 2018**

Amendment

Minute Item 8.4 be amended to include the resolution made at the 15 June 2018 meeting, as moved by Ms Hughes and seconded by Dr Kingi, that the Committee "Adopts the Pricing and Negotiations Strategy 2018."

Resolved

That the Lake Rotorua Incentives Committee:

- 1 Confirms the Lake Rotorua Incentives Committee Minutes - 15 June 2018 as a true and correct record with the aforementioned amendment.**

**Bruning/Winters
CARRIED**

9 **Reports**

9.1 **Update from Rotorua Land Management Team**

9.36am – Elizabeth Hughes entered the meeting.

Rosemary Cross (Land Management Team Leader) provided an update on the status and progress of various agreements and works underway in the region.

Key points included:

- Land Care Research was assessing gorse in the catchment via satellite imagery to determine any changes since 2014.
- 95% of >40ha property owners had engaged with Council to begin the resource consent process for Plan Change 10 implementation.
- Nine resource consents had been issued to date.
- Accounting for the attenuation factor of gorse had affected achievability of the 30 tonne target, unless alternatives were considered it was unlikely to be met.

Resolved

That the Lake Rotorua Incentives Committee:

- 1 Receives the report, Update from Rotorua Land Management Team;

Kingi/Winters
CARRIED

10 **Public Excluded Section****Resolved**

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General Subject of Matter to be Considered	Reason for passing this resolution in relation to this matter	Grounds under Section 48(1) LGOIMA 1987 for passing this resolution
9.1 Public Excluded Lake Rotorua Incentives Committee Minutes - 15 June 2018	Good reason for withholding exists under Section 48(1)(a)	Please refer to the relevant clause in the open meeting minutes.
9.2 Lake Rotorua Incentives Scheme - Agreement	Good reason for withholding exists under Section 48(1)(a)	To carry out commercial and industrial negotiations
9.3 Lake Rotorua Incentives Scheme - Nitrogen Pipeline Estimations and Next Step Recommendations	Good reason for withholding exists under Section 48(1)(a)	To carry out commercial and industrial negotiations

Bruning/Rice
CARRIED

11 **Consideration of General Business**

Nil.

12 **Closing Karakia**

A closing karakia was provided by Geoff Rice.

The meeting closed at 12.57pm

TO BE CONFIRMED 12 JUNE 2019:

Chairperson

