

# Lake Rotorua Incentives Committee

## NOTICE IS GIVEN

that the next meeting of the **Lake Rotorua Incentives Committee** will be held in **Summit Room, Sudima Hotel, 1000 Eruera Street, Rotorua** on:

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**Thursday, 8 February 2018 commencing at 9.30 am.**

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Mary-Anne Macleod  
Chief Executive  
31 January 2018





# 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

<b>Chairperson:</b>	N Bruning
<b>Appointees:</b>	E Hughes, Dr T Kingi, Dr T Petch, G Rice, Councillor K Winters
<b>Committee Advisor:</b>	R Garrett

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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 Declarations of Conflicts of Interests**
- 6 Previous Minutes**
- 6.1 Lake Rotorua Incentives Committee minutes - 15 November 2017 13**
- 7 Public Excluded Section 17**

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	Grounds under Section 48(1) LGOIMA 1987 for passing this resolution	Reason for passing this resolution in relation to this matter
<b>8.1 Public Excluded Lake Rotorua Incentives Committee minutes - 15 November 2017</b>	<p>That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7 LGOIMA 1987.</p>	<p>Please refer to the relevant clause in the meeting minutes</p>
<b>8.2 Report: Lake Rotorua Incentives Agreements</b>	<p>That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7 LGOIMA 1987.</p>	<p>To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>

## **7.1 Public Excluded Lake Rotorua Incentives Committee minutes - 15 November 2017**

**19**

## **7.2 Report: Lake Rotorua Incentives Agreements**

THIS REPORT AND ASSOCIATED AGREEMENTS WILL BE CIRCULATED TO MEMBERS UNDER SEPARATE COVER.

## **8 Confidential business to be transferred into the open**

## **9 Readmit the public**

## **10 Consideration of General Business**

## **Previous Minutes**



# **Minutes of the Lake Rotorua Incentives Committee Meeting held in Committee Room 1, Rotorua Lakes Council, Civic Administration Building, 1061 Haupapa Street, Rotorua on Wednesday, 15 November 2017 commencing at 9.30 a.m.**

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## **Present:**

**Chairman:** Councillor N Bruning

**Appointees:** Councillor K Winters, Dr T Kingi, Dr T Petch, G Rice, E Hughes.

**In Attendance:** Bay of Plenty Regional Council: C Ingle (General Manager Integrated Catchments); H Creagh (Rotorua Catchments Manager); Y Tatton (Governance Manager); R Garrett (Committee Advisor); Rotorua Lakes Incentive Board: T Taru White (Incentives Programme Director); J Pani (Executive Support Partner).

External presenters: N Botherway, Waikato Regional Council; M Peck, Lake Taupō Protection Trust.

Public: Dr K Kennedy

**Apologies:** Nil

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## **1 Opening karakia**

T White.

## **2 Apologies**

Nil.

## **3 Tabled Items**

Tabled Document 1	Agenda Item 7.2	Elected Member Disclosure of Interests: K Winter
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## **4 Declaration of conflicts of interest**

Members T Kingi and G Rice declared conflicts of interest with Public Excluded Agenda item 8.2, for any update provided regarding Ngati Whakaue Tribal Lands.

## **5 Previous Minutes**

### **5.1 Lake Rotorua Incentives Committee minutes - 06 September 2017**

## Resolved

That the Lake Rotorua Incentives Committee under its delegated authority:

- 1 Notes that the final sentence of paragraph 7.1 of the minutes should read "...the Council's decision to adopt the *Commissioners'* recommendations for Plan Change 10..." instead of "the *Panel's* recommendations" as minuted;
- 2 Confirms the minutes of the Lake Rotorua Incentives Committee meeting held 6 September 2017 as a true and correct record, subject to the above correction.

Rice/Kingi  
CARRIED

## 6 Presentations

### 6.1 Lake Taupō Protection Trust and Waikato Regional Council

*Refer Powerpoint Objective ID: A2736401*

Marion Peck from the Lake Taupō Protection Trust (LTPT) and Nicole Botherway from Waikato Regional Council (WRC) presented to members on the introduction of Variation 5 in 2011 by the WRC and the work by the LTPT to meet the target of removing 170t of nitrogen from the catchment by the acquisition of nitrogen credits; and the contractual and compliance monitoring framework established to ensure the ongoing success of the project.

Ms Peck explained the Trust contracts, the Monitoring Deed and the Catchment Compliance Monitoring Plan; highlighted the relationship between Trust contractual compliance and WRC consent compliance and noted the Trust reliance on WRC's monitoring programme to ensure compliance with nitrogen caps.

Ms Peck noted that there were 26 Deeds in place and Ms Botherway noted that approximately 80 landowners had gone through the consenting process. WRC provided an annual compliance report to LTPT; LTPT was audited by Audit NZ for contractual compliance. Ms Botherway noted the importance of communication as part of compliance, that a WRC Monitoring Officer was based in Taupō and that aerial monitoring had proved the only efficient way to monitor compliance especially for small permitted activity blocks.

Members asked various questions of clarification around the use of Overseer, compliance costs, compliance breaches, application and implications for Māori land, risk assessment and management of variations.

## Adjournment

The meeting adjourned at 10.45am and reconvened at 11.00am.

## 7 Reports

### 7.1 Update from Rotorua Catchments

Rotorua Catchments Manager Helen Creagh updated members regarding recent progress and current status of the Gorse Scheme, the Advice and Support service and the Low Nitrogen Land Use Fund projects.

The amount of gorse present on road verges in the catchment was discussed and staff agreed to approach the New Zealand Transport Agency (NZTA) regarding its responsibilities as a landowner.

Clarification was provided to members regarding the development of standard clauses for phosphorus management in the Nutrient Management Plan (NMP) template; these clauses were developed to meet new NMP requirements introduced by the recent Council decision on Plan Change 10.

## **Resolved**

**That the Lake Rotorua Incentives Committee under its delegated authority:**

- 1 Receives the report, Update from Rotorua Catchments;**

**Winters/Kingi  
CARRIED**

## **7.2 Proposed Plan Change 10 - Lake Rotorua Management and Conflicts of Interest**

*Refer Tabled Document 1*

Governance Manager Yvonne Tatton advised members of the appropriate process to follow to identify and manage potential conflicts of interest that could arise during the Plan Change 10 (PC10) appeals process. Ms Tatton noted that there could be a public perception of bias if a member was associated with any of the PC10 appellants or s274 parties and it was best to err on the side of caution and disclose any interest or affiliation.

The extent of association necessary to constitute a conflict was discussed and it was noted that a general iwi affiliation with no active involvement over and above that affiliation would not constitute a conflict; however members agreed that disclosure of all interests however remote would be prudent. Members agreed to update their Conflicts of Interest declarations in the context of the PC10 appeals. Staff agreed to provide members with a summary of the main points made by the four appellants.

## **Resolved**

**That the Lake Rotorua Incentives Committee under its delegated authority:**

- 1 Receives the report, Proposed Plan Change 10 - Lake Rotorua Management and Conflicts of Interest;**
- 2 Directs staff to provide a specific Declaration of Conflicts of Interest form for Plan Change 10 appellants and s274 parties, for completion by members.**

**Hughes/Rice  
CARRIED**

## 8 Public Excluded Section

### 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 – 27 June 2017	Please refer to the relevant clause in the meeting minutes.	Good reason for withholding exists.
8.2 Verbal Update: Incentives Programme Director	To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Good reason for withholding exists.
8.3 Options Paper – Encumbrance Term	To 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.	Good reason for withholding exists.

**Bruning/Petch  
CARRIED**

**The meeting closed at 12.25 pm.**