



Kaupapataka

Agenda

NOTICE OF AN ORDINARY MEETING OF COUNCIL

Date: Thursday 26 May 2022

Time: 9.30am

Venue: Council Chamber

MEMBERSHIP

Chair	Mayor Chadwick
Deputy Chair	Cr Donaldson
Members	Cr Kai Fong
	Cr Kumar
	Cr Macpherson
	Cr Maxwell
	Cr Raukawa-Tait
	Cr Tapsell
	Cr Wang
	Cr Yates
Quorum	6

NGĀ TUKUNGA HAEPAPA A TE KAUNIHERA

COUNCIL DELEGATIONS

Type of Committee	Council
Subordinate to	
Subordinate Committees	<p>Strategy, Policy and Finance committee</p> <p>Operations and Monitoring committee</p> <p>District Licencing committee</p> <p>CEO performance committee</p> <p>RMA Policy Committee</p> <p>Audit and Risk Committee</p>
Legislative Basis	<p>Schedule 7 S30 (1) (A), Local Government Act 2002</p> <p>Committee delegated powers by the Council as per Schedule 7, S32, Local Government Act 2002</p>
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	<p>Mayor Steve Chadwick (Chair)</p> <p>Deputy Mayor Councillor Dave Donaldson (Deputy Chair)</p> <p>Councillors' Bentley, Kai Fong, Kumar, Macpherson, Maxwell, Raukawa-Tait, Tapsell, Wang, Yates</p>
Taituorum	6
Meeting frequency	Monthly
Delegations	<ul style="list-style-type: none"> • the power to make a rate • the power to make a bylaw • the power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-term Plan • the power to adopt a long-term plan, annual plan, or annual report • the power to appoint a chief executive • 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 • the power to adopt a remuneration and employment policy • the power to set and support strategies in measures related to emergency matters. • 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.
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 a per the Local Government Act 2002 Schedule 7 S32

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1. Opening Karakia - Karakia Whakapuaki

HE KARAKIA MŌ TE KAUNIHERA O NGĀ ROTO O ROTORUA

E te Atua kaha rawa, ko koe te tohu Rangatira, te tohu mātauranga.

Manaakitia mai mātau, wāu pononga i tēnei wā, e mahi nei i a mātau mahi, mō te painga o ngā tāngata, o Te Kaunihera o ngā Roto o Rotorua.

Takua mai kia tau te rangimārie ki runga i a mātau i ngā wā katoa.

Ko Ihu Karaiti hoki tō mātau Ariki
Āmine

COUNCIL PRAYER

Almighty God, who alone is the leader of all mankind and the fountain of all knowledge. Send thy blessing upon us your servants this day as we strive to do all things good for the betterment of the people of the Rotorua district.

May we be tolerant in ourselves at all times.

Through Jesus Christ our Lord
Amen

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. Confirmation of Minutes – Te Whakaū i ngā Meneti

5.1 Council Minutes (draft) 28 April 2022

01-15-016
RDC-1254225

Minutes (draft)

Council meeting held Thursday 28 April 2022, 9.30am
Council Chamber, Rotorua Lakes Council

MEMBERS PRESENT: Mayor Chadwick (Chair)
Cr Donaldson (Deputy Chair), Cr Bentley, Cr Kai Fong, Cr Kumar,
Cr Macpherson, Cr Maxwell, Cr Raukawa-Tait, Cr Tapsell, Cr Wang,
Cr Yates

STAFF PRESENT: G Williams, Chief Executive; C Tiriana, DCE-Chief Executives Group;
J.P Gaston, DCE-District Development;
S Michael, DCE-Infrastructure & Environmental Solutions;
T Collé, DCE-Organisational Enablement;
I Tiriana, Manager Council Communications;
G Kieck, Manager Corporate Planning & Strategy;
R Dunn, Governance Lead; I Brell, Governance Support Advisor.

The meeting opened at 9.30am

The Chair welcomed elected members, media, staff and members of the public viewing by livestream.

1 KARAKIA WHAKAPUAKI OPENING KARAKIA

Cr Maxwell 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

1. The Chair advised that an urgent item concerning the Rotorua District Council (Representation Arrangements) Bill, and to enable a discussion in response to the Attorney General's request for further information, will be discussed during confidential.

Cr Macpherson raised a point of order to request that this be discussed in public.

The Chair declined the point of order and reiterated this would be discussed in confidential.

2. Cr Bentley indicated to the chair that he had an urgent item and the Chair asked Cr Bentley what was the nature of the urgent item.

Cr Bentley started reading from a script during which the Chair asked Cr Bentley to state what the urgent item was.

Cr Bentley continued to read from his script. The opening line being “The Mayor found out very early that I would not be one to merely follow her in her radical and blatant racist ideas”.

The Chair raised a point of order (offensive language) and asked Cr Bentley to stop immediately. Cr Bentley continued.

The Chair stood from her chair and again asked Cr Bentley to stop or leave the meeting.

Cr Bentley stood and tendered his resignation from Council and then left the meeting.

5 TE WHAKAŪ I NGĀ MENETI CONFIRMATION OF COUNCIL MINUTES

5.1 COUNCIL MEETING – 31 MARCH 2022

Resolved

That the minutes of the Council meeting held 31 March 2022 be confirmed as true and correct.

Moved: Cr Yates

Seconded: Cr Donaldson

CARRIED

6 NGĀ TAUNAKITANGA A ĒTAHI ATU KOMITI RECOMMENDATIONS FROM OTHER COMMITTEES

6.1 RECOMMENDATION FROM OTHER COMMITTEES

Resolved

- 1. That the report “Recommendations from other Committees” be received.**

Moved: Cr Kai Fong

Seconded: Cr Donaldson

- 2. That the following recommendations of the Strategy, Policy & Finance Committee meeting held 14 April 2022 be adopted:**

RECOMMENDATION 1

WASTE MANAGEMENT AND MINIMISATION PLAN 2022-28

RDC-1244562

Resolved**1. That Council adopt the Waste Management & Minimisation Plan 2022 – 28.**

Moved: Cr Wang

Seconded: Cr Donaldson

CARRIED

The Chair explained an urgent item concerning Emergency Housing had been overlooked and would be heard next. This item had previously been discussed in the confidential section of the Council meeting 31 March 2022 and would provide an opportunity for the public to be updated. Jean- Paul Gaston spoke to a presentation titled “Confidential Emergency Housing update”.

Following discussion on the Emergency Housing update the meeting continued with Recommendations from Other Committees.

RECOMMENDATION 2

ORGANIC WASTE COLLECTION – COMMENCE CONSULTATION

RDC-12448982

1. That Council commence public consultation on the introduction of an organic waste collection service.

Moved: Cr Wang

Seconded: Cr Macpherson

CARRIED**7 HE WHAKATAUNGA KIA HOKI ATU TE ARONGA O TE HUI HAI HUI TŪMATAWHĀITI
RESOLUTION TO GO INTO PUBLIC EXCLUDED****Resolved**

That Council move into Public Excluded session to discuss and consider the following items; the confidential minutes from the meeting 31 March 2022, Recommendations from other Committees, and discuss the Rotorua District Council (Representation Arrangements) Bill. The reasons are to enable commercial activities and to prevent the use of information for improper gain or advantage.

Moved: Cr Raukawa-Tait

Seconded: Cr Donaldson

CARRIED

The meeting adjourned at 10.49am and resumed at 10.55am.

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 PREVIOUS MEETING HELD 31 MARCH 2022	Please refer to the relevant clause/s in the open meeting minutes.	Good reason for withholding exists under Section 48(1)(a).
RECOMMENDATIONS FROM OTHER COMMITTEES: Strategy, Policy & Finance Committee meeting held 14 April 2022: 1. Sir Howard Morrison Performing Arts Centre update. 2. Te Whare Taonga o Te Arawa Building Project update.	Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities. Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). Prevent the disclosure or use of official information for improper gain or improper advantage.	Section 48(1)(a) Section 7(2)(h) Section 48(1)(a) Section 7(2)(i) Section 48(1)(a) Section 7(2)(j)
Local Bill (Representation Arrangement) update	Prevent the disclosure or use of official information for improper gain or improper advantage.	Section 48(1)(a) Section 7(2)(j)

his 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

The meeting closed 1.25pm

To be confirmed at a Council meeting on 26 May 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](#).

6. Release of Confidential Items – Te Whakawātea i ngā Tuhinga Matatapu

01-15-016
RDC-1261453

ROTORUA LAKES COUNCIL

The Mayor
Members
COUNCIL

6.1 Confidential Items to be Released

Report prepared by: Isabel Brell, Governance Support 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 provide an update on any confidential items which are to be released since the previous meetings.

2. HE TŪTOHUNGA RECOMMENDATION

That the report “Confidential items to be released” be received.

3. TE TĀHUHU BACKGROUND

3.1 Council’s Standing Orders, Clause 18.5 ‘Release of information from public excluded’ states:

“A local authority may provide for the release to the public of information which has been considered during the public excluded part of a meeting.

Each public excluded meeting must consider and agree by resolution, what, if any, information will be released to the public. In addition the chief executive may release information which has been considered at a meeting from which the public has been excluded where it is determined the grounds to withhold the information no longer exist. The chief executive will inform the subsequent meeting of the nature of the information released.”

**4. HE WHAKARAPOPOTOTANGA O NGĀ WHAKATAUNGA MATATAPU KUA PUTAINA
SUMMARY OF CONFIDENTIAL DECISIONS RELEASED**

ITEM NO.	ITEM	MEETING
5.1	EMERGENCY HOUSING UPDATE	COUNCIL MEETING - 31.03.2022
5.2	CODE OF CONDUCT – INVESTIGATION: Cr Macpherson	COUNCIL MEETING - 16.12.2021
5.3	APPOINTMENT OF TE TATAU O TE ARAWA NOMINEE TO THE STRATEGY, POLICY & FINANCE COMMITTEE	COUNCIL MEETING - 28.10.2021
5.4	2021 GENERAL WAGE MOVEMENT	COUNCIL MEETING - 28.10.2021
5.5	NEW 5 YEAR ELECTRICITY SUPPLY CONTRACT	EMERGENCY COUNCIL MEETING -30.09.2021
5.6	UPDATE ON APPEALS ON PLAN CHANGE 3, SIGNIFICANT NATURAL AREAS, TO THE ROTORUA DISTRICT PLAN	COUNCIL MEETING - 29.07.2021
5.7	TEMPORARY HOUSING OPTIONS UNDER INVESTIGATION	COUNCIL MEETING - 27.05.2021
5.8	ROTORUA DISTRICT COUNCIL HOLDINGS LIMITED – REMOVAL AND REAPPOINTMENT OF DIRECTORS, AND RESOLUTION FOR WINDING UP COMPANY	COUNCIL MEETING - 24.09.2020
5.9	ROTORUA AQUATIC CENTRE 50M OUTDOOR POOL UPGRADE – APPROVAL OF CONTRACT	COUNCIL MEETING - 27.08.2020
5.10	VARIATION OF CONTRACT 19-021 – LAKEFRONT STAGE 2 ENABLING WORKS	OPERATIONS & MONITORING COMMITTEE ON 06.08.2020 RECOMMENDED TO COUNCIL MEETING ON 27.08.2020
5.11	BAY OF PLENTY FILM TRUST - WAIARIKI FILM STUDIO PROJECT	COUNCIL MEETING - 30.04.2020
5.12	MARGUERITA STREET TRAFFIC MANAGEMENT AND ROAD SAFETY IMPROVEMENTS	OPERATIONS & MONITORING COMMITTEE ON 05.02.2020 RECOMMENDED TO COUNCIL MEETING ON 27.02.2020
5.13	CHIEF EXECUTIVE RECRUITMENT	COUNCIL MEETING - 12.12.2019

5. NGĀ WHAKATAUNGA KIA PUTAINA KI TE MAREA DECISIONS RELEASED

The following recommendations were resolved at the Council meeting (Confidential items) held 31 March 2022.

RECOMMENDATION

5.1 EMERGENCY HOUSING UPDATE

RDC-1243372

Resolved

1. That the report 'Emergency Housing Update' be received.

Moved: Cr Yates

Seconded: Cr Donaldson

CARRIED

Further resolved:

2. That Council note and endorse the regulatory approach being initiated.
3. That this report not be made publicly available until legal proceedings begin.
4. That the minutes relating to this item not be made publicly available until legal proceedings begin.

Moved: Cr Tapsell

Seconded: Cr Donaldson

CARRIED

The following recommendations were resolved at the Council meeting (Confidential items) held 16 December 2021.

RECOMMENDATION

5.2 CODE OF CONDUCT – INVESTIGATION: Cr Macpherson

RDC-1208959

Resolved

- 2.1 That the report 'Code of Conduct: Investigation: Cr R Macpherson (April – November 2021)' be received.
- 2.2 That Council note the Audit and Risk Committee have resolved that:
 - a. The Mayor shall provide written confirmation of the expected standards of behaviour of an elected member, along with supporting documentation including the Councillor's obligations under legislation including the Local Government Act and the Code.

- b. **The Mayor, Chairs and Deputy Chairs undertake additional training on the Standing Orders in order to operate effectively and efficiently within a council or committee meeting as per the LGA (s16) "Members to abide by standing orders.**
- c. **The Chief Executive's obligations as a PCBU under the Health and Safety at Work Act 2015 be explored with the outcome to provide legal options to the Chief Executive to ensure a safe work place for staff, and contractors in respect of the relationships between elected members and the organisation as an employer. In addition all elected members should be educated as to their responsibility as an employer of the Chief Executive.**

Moved: Mayor Chadwick

Seconded: Cr Donaldson

CARRIED

Abstained – Cr Macpherson

The Mayor further resolved

Seconded by Cr Donaldson

- 2.3 **Council direct Cr Macpherson to be required to undertake a refresher course on the code of conduct of elected members. The refresher course to be offered to other elected members and delivered by Equip.**
- 2.4 **Council instruct that a formal apology and retraction be provided to the community by Cr Macpherson and that the apology must be approved by a sub-committee of the Audit and Risk Committee comprising the Chair and Deputy Chair of the Audit and Risk Committee and the Mayor.**
- 2.5 **That the approved apology is published through formal Council channels recognising the reported harm that the respective posts have caused by no later than 28 January 2022.**
- 2.6 **That Council agree that failure to complete the requirements of 2.5 in the time proposed, Council will remove Cr Macpherson from the Operations and Monitoring Committee and the Strategy, Policy and Finance Committee.**
- 2.7 **That Council publically release this report and the independently commissioned Report through formal Council channels on 16 December 2021.**
- 2.8 **That Council publically advertise to the community the costs to the ratepayer as a result of dealing with code of conduct complaints irrespective of the type of complaint.**
- 2.9 **That the minutes relating to this item be made publically available on 16 December 2021.**

Moved: Mayor Chadwick

Seconded: Cr Donaldson

CARRIED

Abstained – Cr Kai Fong and Cr Kumar

The following recommendations were resolved at Council meeting (Confidential items) held 28 October 2021.

RECOMMENDATION

5.3 APPOINTMENT OF TE TATAU O TE ARAWA NOMINEE TO THE STRATEGY, POLICY & FINANCE COMMITTEE

RDC-1193986

Resolved

- 1. That the report "Appointment of Te Tatau o Te Arawa nominee to the Strategy, Policy & Finance Committee" be received.**

Moved: Cr Kai Fong

Seconded: Cr Macpherson

CARRIED

Further resolved

- 2. That subject to clause 31(i) of schedule 7 to the Local Government Act 2002, Council appoints the following individual to the committee as set out below:**
 - Strategy, Policy & Finance Committee: Dr Kepa Morgan.**
- 3. That this report not be made publicly available.**
- 4. That the minutes relating to this item be made publicly available following this meeting.**

Moved: Cr Macpherson

Seconded: Cr Raukawa-Tait

CARRIED

RECOMMENDATION

5.4 2021 GENERAL WAGE MOVEMENT

RDC-1195296

Resolved

- 1. That the report '2021 General Wage Movement' be received.**

Moved: Cr Donaldson

Seconded: Cr Yates

CARRIED

Further Resolved

- 2. That Council note a market movement of between 2% to 3% (\$600k to \$900k) for council staff salary and wages as recommended by the CEO.**
- 3. That this report be not be made publicly available.**

AND

- 4. That the minutes relating to this item be made publicly available upon notification to staff of wage movements.**

Moved: Cr Yates
Seconded: Cr Kai Fong
CARRIED

The following recommendations were resolved at Emergency Council meeting (Confidential items) held 30 September 2021.

RECOMMENDATION

5.5 NEW 5 YEAR ELECTRICITY SUPPLY CONTRACT

RDC-1186779

Resolved

- 1. That the report 'New 5 Year Electricity Supply Contract' be received.**

Moved: Cr Donaldson
Seconded: Cr Tapsell
CARRIED

Further resolved

- 2. That Council approves the acceptance of the five-year electricity supply offer from Mercury Energy Limited, dated 27 September 2021.**
- 3. That this report not be made publicly available.**
- 4. That the minutes relating to this item be made publicly available on 28 October 2021.**

Moved: Cr Kai Fong
Seconded: Cr Wang
CARRIED

The following recommendations were resolved at Council meeting (Confidential items) held 29 July 2021.

RECOMMENDATION

5.6 UPDATE ON APPEALS ON PLAN CHANGE 3, SIGNIFICANT NATURAL AREAS, TO THE ROTORUA DISTRICT PLAN

RDC-1154084

Resolved

- 1. That the report "Update on appeals on Plan Change 3, Significant Natural Areas, to the Rotorua District Plan" be received.**
- 2. That this report NOT be made publicly available.**
- 3. That the minutes relating to this item be made publicly available.**

Moved: Cr Kai Fong
Seconded: Cr Donaldson
CARRIED

The following recommendations were resolved at the Council meeting (Confidential items) held 27 May 2021.

RECOMMENDATION

5.7 TEMPORARY HOUSING OPTIONS UNDER INVESTIGATION

RDC-1134667

Resolved

1. That the report 'Temporary Housing Options under Investigation' be received.

Moved: Cr Tapsell

Seconded: Cr Yates

CARRIED**Further resolved**

2. That the Council notes the acute housing and temporary housing crisis adversely affecting the city and our community.
3. That the Council supports in principle, the use of Council reserve lands for temporary housing.
4. That the Council note a report including further information and options will be presented in due course.
5. That this report not be made publicly available.
6. That the minutes relating to this item be made publicly available when a formal decision has been reached.

Moved: Cr Donaldson

Seconded: Cr Maxwell

CARRIED

The following recommendations were resolved at the Council meeting (Confidential items) held 24 September 2020.

RECOMMENDATION

5.8 ROTORUA DISTRICT COUNCIL HOLDINGS LIMITED – REMOVAL AND REAPPOINTMENT OF DIRECTORS, AND RESOLUTION FOR WINDING UP COMPANY

RDC-1053135

Resolved:

1. That the report "Rotorua District Council Holdings Limited – Removal and Reappointment of Directors, and Resolution for winding up Company" be received.

Moved: Cr Kai Fong

Seconded: Cr Yates

CARRIED

Further Resolved:

2. That Council removes the former councillors as directors of RDCHL and reappoints Crs Donaldson, Maxwell and Raukawa-Tait as directors of RDCHL.
3. That Council authorises the Board of RDCHL to request the Registrar of Companies to remove the Company from the New Zealand register.
4. That Council authorises any one Director to enter into any document and do all things necessary to complete the removal of RDCHL from the New Zealand register.
5. That this report be made publicly available post removal of RDCHL from the New Zealand register.
6. That the minutes relating to this item be made publicly available on post removal of RDCHL from the New Zealand register.

Moved: Mayor Chadwick

Seconded: Cr Kai Fong

CARRIED

The following recommendations were resolved at the Council meeting (Confidential items) held 27 August 2020.

RECOMMENDATION

5.9 ROTORUA AQUATIC CENTRE 50M OUTDOOR POOL UPGRADE – APPROVAL OF CONTRACT

RDC-1035018

Resolved

1. That the report 'Rotorua Aquatic Centre 50m Outdoor Pool Upgrade – Approval of Contract' be received.

Moved: Cr Yates

Seconded: Cr Donaldson

CARRIED

2. That Council award a contract to Naylor Love Waikato/BOP for the tendered sum of \$1,541,854, plus a contingency sum of \$308,000 to be delegated to the Chief Executive for approval if required. The total sum being approved is up to \$1,849,854 including contingency.
3. That this report not be made publicly available.
4. That the minutes relating to this item be made publicly available following practical completion of the contract works.

Moved: Cr Kai Fong

Seconded: Cr Donaldson

CARRIED

The following recommendations of the Operations & Monitoring Committee meeting held 6 August 2020 were resolved at Council meeting (Confidential items) held 27 August 2020.

RECOMMENDATION

5.10 VARIATION OF CONTRACT 19-021 – LAKEFRONT STAGE 2 ENABLING WORKS

RDC-1035787

Resolved

1. That Council agree that the current approved Contract 19-021 for Lakefront Stage 2 Enabling Works be approved to be modified by up to \$709,462.45 to a maximum total value of \$1,504,553.57 to enable the completion of all construction and associated works.
2. That Council note that the overall project budget remains at \$41m and no further funding is being requested.
3. That this report not be made publicly available.
4. That the minutes relating to this item be made publicly available following practical completion of the contract works.

Moved: Cr Donaldson

Seconded: Cr Maxwell

CARRIED

Cr Macpherson asked that his vote against this decision be recorded.

The following recommendations were resolved at the Council meeting (Confidential items) held 30 April 2020.

RECOMMENDATION

5.11 BAY OF PLENTY FILM TRUST - WAIARIKI FILM STUDIO PROJECT

RDC-1005933

Resolved

1. That the report 'Bay of Plenty Film Trust - Waiariki Film Studio Project' be received.

Cr Raukawa-Tait/Cr Donaldson

CARRIED

2. That Council support a focus on the growth of the film sector as a key sector for longer term development to create new jobs as part of the Covid-19 Build Back Better Recovery Plan.
3. That Council underwrite the lease for the proposed studio at 13 Riri Street for the amount of \$100k per annum for 3 years with a maximum of \$300k, subject to confirmation the BOP Film Trust has secured support from the PGF to establish the infrastructure for the studio.
Note: The proposed studio at 13 Riri Street did not eventuate. The underwrite was provided for the final studio property at 74 White Street.
4. That the report not be made publicly available.

5. That the minutes relating to this item be made publically available when a public announcement is made by the other funding partners involved.

Mayor Chadwick/Cr Raukawa-Tait

CARRIED
C20/04/33

Cr Bentley and Cr Macpherson requested that their votes against this decision be recorded.

The following recommendations of the Operations & Monitoring Committee meeting held 5 February 2020 were resolved at Council meeting (Confidential items) held 27 February 2020.

RECOMMENDATION

- 5.12 MARGUERITA STREET TRAFFIC MANAGEMENT AND ROAD SAFETY IMPROVEMENTS

RDC-984332

Resolved

1. That Council agree that staff prepare a public engagement methodology on the safety options for the improvement of Marguerita Street as a through road.
2. That Council agree that the engagement methodology is brought back to Council for approval prior to implementation.
3. That this report be made publicly available either:
 - at the time of a Council decision not to proceed.
 - if proceeding when the public consultation plan is approved.
4. That the minutes relating to this item be made publicly available as above.

Cr Yates/Cr Tapsell

CARRIED
C20/02/09

The following recommendations were resolved at the Council meeting (Confidential items) held 12 December 2019.

RECOMMENDATION

- 5.13 CHIEF EXECUTIVE RECRUITMENT

RDC-974825

Resolved:

1. That the report "Chief Executive Recruitment" be received.

Cr Yates/Cr Raukawa-Tait

CARRIED

2. That Council notes that Geoff Williams' fixed term employment agreement ends on 30 June 2020, and as required by the Local Government Act, the Chief Executive role must be advertised externally no later than six months prior to that date.
3. That Council has reviewed and agreed on the attributes and skills it requires for the position, and agrees that Mayor Chadwick will engage HR consultant Greg Tims to determine the recruitment process and timeframe and to facilitate the selection process to ensure independence and transparency.
4. That this report is not be made publically available.
5. That the minutes relating to this item be made publically available through the Mayor and Chief Executive at an appropriate time in terms of recommendation 3 relating to the recruitment process.

Cr Bentley/Cr Raukawa-Tait

CARRIED

C19/12/87

7. Recommendations from other Committees – Ngā Taunakitanga a ētahi atu Komiti

01-15-016
RDC-1260460

ROTORUA LAKES COUNCIL

The Mayor
Members
COUNCIL

7.1 Recommendations from Other Committees

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

1. TE PŪTAKE PURPOSE

The purpose of this report is to provide an opportunity for members to consider recommendations received from other committees.

2. NGA TŪTOHUNGA RECOMMENDATIONS

1. That the report 'Recommendations from other committees' be received.
2. That the following recommendations of the Operations and Monitoring Committee meeting held 5 May 2022 be adopted:

RECOMMENDATION 1

COMMENCEMENT OF PROCESS TO REVOKE THE RESERVE CLASSIFICATION OF THE LAND UNDER THE THERMAL HOLIDAY PARK

RDC-1247973

1. That the Council note, that all fair and reasonable steps have been taken to meet the conditions agreed as part of Council resolution in August 2017 to return part of the reserve to Ngāti Whakaue.
 2. That the Council resolves to start the process to revoke the reserve status of the recreation reserve under the Thermal Holiday Park, pursuant to Section 24 of the Reserves Act 1977.
 3. That the Council note, given the land in question is recreation reserve, that the effect of its resolution (2. above) will involve a statutory process of revocation of reserve status under the Reserves Act and a decision by the Minister of Conservation.
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- 3. That the following recommendations of the Strategy, Policy & Finance Committee meeting held 12 May 2022 be adopted:**

RECOMMENDATION 1

STATEMENTS OF INTENT FOR COUNCIL CONTROLLED ORGANISATIONS FOR THE YEAR COMMENCING 1 JULY 2022

RDC-1254141

- 1. That the Council approve Rotorua Economic Development Limited's change of legal entity and trading name to RotoruaNZ, in line with the new destination brand.**

RECOMMENDATION 2

PROPOSAL FOR THE REVOCATION AND DISPOSAL OF IDENTIFIED RESERVES FOR HOUSING

RDC-1252717

- 1. That the Council notes that the reserves or part reserves for possible revocation and disposal have been identified using the levels of service identified in the Council's approved Open Spaces Level of Service Policy and the following criteria:**
- There is excess reserve provision in the area;
 - There is no clear purpose for or function of the reserve;
 - The size of reserve significantly exceeds the minimum size identified in the Open Spaces Level of Service Policy and could be reduced without compromising recreation or open space values;
 - The provision of housing on part of the reserve would improve the safety and use of the reserve;
 - There are no viable options to improve the reserve to meet level of service standard.
- 2. That the Council notes the significant housing deficit that exists in the Rotorua urban area (identified in the Housing and Business Capacity Assessment (HBA)), the below average number of transitional and public homes available in Rotorua and significant emergency housing problems.**
- 3. That the Council approve that consultation with neighbours of all reserves proposed and the wider community be undertaken through the distribution of a Statement of Proposal (SOP) document inviting written feedback, for a period of 4 weeks, on the proposals detailed below. That the feedback be used to inform Council's decisions on:**
- Whether or not to proceed with the revocation and disposal of any reserve or part reserve
 - The legal method for revocation and disposal (i.e. Local Bill or existing Reserves Act process);
 - The reserves to be developed or enhanced with funds received from the proceeds of the disposal;
 - Any conditions to be applied to housing development by the purchaser.

4. That the Council approve that the following reserves (two full reserves and eight parts of reserves) be proposed for revocation and disposal in the Statement of Proposal:
- Lee Road Reserve
 - Coulter Road Reserve (part only)
 - High Street Reserve (part only)
 - Glenholme Reserve - 117 Clinkard Avenue (part only)
 - Gallagher Street Reserve
 - Linton Park West – 16 Kamahi Road (part only)
 - Wrigley Road Reserve (part only)
 - Turner Drive Reserve (part only)
 - Park Road Reserve (part only)
 - Steeles Lane Reserve (part only)

5. That the Council notes the Statement of Proposal identifies in-principle the preferred legal method for revocation and disposal of reserves be through a Local Bill and notes that all proceeds of land sales will be re-invested in improvements to existing reserves or the purchase of new reserves.

6. That the Council notes that it includes within the Statement of Proposal, that it supports in-principle, a direct sale to Kāinga Ora of the following reserves (or parts of Reserves):

- Lee Road Reserve
- Coulter Road Reserve (part only)
- High Street Reserve (part only)
- Glenholme Reserve - 117 Clinkard Avenue (part only)
- Turner Drive Reserve (part only)
- Steeles Lane Reserve (part only)

And that the sale of those reserves to Kāinga Ora be conditional on:

- a. Kāinga Ora and Council reaching agreement on the value of the identified sites; and
 - b. Kāinga Ora committing to providing mixed model housing developments that includes a mix of social housing and progressive home ownership models and market sale; and
 - c. Kāinga Ora committing to delivering housing on the identified sites within two years.
7. That the Council notes, subject to consultation, that remaining identified reserves (or parts of reserves) be sold via market sale or directly to a community housing provider where appropriate, conditional on the purchaser committing to delivering housing within two years.

3. TE TĀHUUH BACKGROUND

- 3.1** Reports relating to the above recommendations were included in the agenda for the Operations & Monitoring Committee meeting held 5 May 2022 and for the Strategy, Policy & Finance Committee meeting held 12 May 2022. These agenda are available for viewing on Council's website under www.rotorualakescouncil.nz / Council / Meetings.

8. Staff Reports – Pūrongo Kaimahi

01-15-016
RDC-1260679

ROTORUA LAKES COUNCIL

Mayor
Members
COUNCIL

8.1 Extraordinary Vacancy – Resignation of Cr Bentley

Report prepared by: Rick Dunn, Governance Lead**Report reviewed by:** Oonagh Hopkins, Deputy Chief Executive, District Development & Democracy**Report approved by:** Geoff Williams, Chief Executive

1. TE PŪTAKE PURPOSE

An extraordinary vacancy has been arisen following the recent resignation of Cr Peter Bentley from the Rotorua Lakes Council. The purpose of this report is for Council to decide whether to fill the vacancy by appointment or that the vacancy not be filled. (LEA Sec 117 (2) and (3))

2. HE TŪTOHUNGA RECOMMENDATION

1. That the report 'Extraordinary Vacancy – Resignation of Cr Bentley' be received.
2. That Council confirm that the Extraordinary Vacancy is not to be filled.

3. TE TĀHUHU BACKGROUND

The next triennial election is being held on Saturday 8 October 2022. The recent resignation of Cr Peter Bentley from Rotorua Lakes Council occurred less than 12 months before the next triennial election. The following requirements of the Local Electoral Act (LEA) must be followed:

"If a vacancy occurs in the office of a member of a local authority 12 months or less than 12 months before the next triennial election, the chief executive must notify the local authority. The local authority at its next meeting must determine by resolution:

- (a) that the vacancy will be filled by the appointment by the local authority of a person named in the resolution who is qualified to be elected as a member; or
 - (b) that the vacancy is not to be filled".
- (LEA Sec. 117 (2) (3)).

4. TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTIONS

The Chief Executive received a resignation letter dated 2 May 2022, from Cr Bentley. This has created an extraordinary vacancy in Council. Because Cr Bentley resigned within 12 months of the 2022 Local Elections, a by-election is not required. (LEA Sec. 117 (1))

If a vacancy occurs less than 12 months before the next triennial election, Council must determine by resolution a) whether the vacancy is filled by appointment of a person who is qualified to be an elected member or b) that the vacancy not be filled. (LEA Sec. 117 (2) (3))

4.1 Vacancy not to be filled – Recommended

If a vacancy occurs less than 12 months before the next local election, Council can resolve not to fill the vacancy. There are just three rounds of Council meetings left before the 2022 Local Elections. (June, July & August) This would not provide sufficient time to provide an adequate induction programme for an appointment member, should Council resolve that the vacancy be filled by appointment.

4.2 Vacancy to be filled by appointment – Not recommended.

If Council resolved that the vacancy be filled by appointment, Council must establish the process or criteria to be used in making an appointment. This would require a report and recommendation to go to the June 2022 Council meeting. Once an appointment had been made, council must give public notice of the resolution for the appointment and the process or criteria by which the person named in the resolution was selected for appointment. This would require a report & recommendation to go to the July 2022 Council meeting. The last round of Council meetings will take place in August 2022. If Council resolved that the vacancy be filled by appointment, there would be just one Council meeting to attend before the 8 October 2022 Local Election.

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

7. HE WHAIWHAKAARO CONSIDERATIONS

7.1 Mahere Pūtea Financial/budget considerations

There is no financial costs to be considered.

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

There are no policy or planning implications.

**7.3 Tūraru
Risks**

No major risks have been identified.

**7.4 Te Whaimana
Authority**

Council has the authority to make these decisions. (LEA Sec. 117 to 120)

9. Resolution to go into Public Excluded - Ka Matatapu te Whakataunga i te Tūmatanga (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 THE COUNCIL MEETING HELD 28 APRIL 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.