



MINUTES

**Ordinary Council meeting
Monday, 25 March 2024**

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**MINUTES OF TAURANGA CITY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE BAY OF PLENTY REGIONAL COUNCIL CHAMBERS,
REGIONAL HOUSE, 1 ELIZABETH STREET, TAURANGA
ON MONDAY, 25 MARCH 2024 AT 8.30AM**

PRESENT: Commission Chair Anne Tolley (Chairperson), Commissioner Shadrach Rolleston, Commissioner Stephen Selwood, Commissioner Bill Wasley

IN ATTENDANCE: Marty Grenfell (Chief Executive), Paul Davidson (Chief Financial Officer), Barbara Dempsey (General Manager: Community Services), Christine Jones (General Manager: Strategy, Growth & Governance), Alastair McNeill (General Manager: Corporate Services), Sarah Omundsen (General Manager: Regulatory and Compliance), Gareth Wallis (General Manager: City Development & Partnerships), Phil Kai Fong (Team Leader Strategic Property), Nick Swallow (Contractor: Corporate Solicitor), Coral Hair (Manager: Democracy & Governance Services), Anahera Dinsdale (Acting Team Leader: Governance Services), Caroline Irvine (Governance Advisor), Aimee Aranas (Governance Advisor)

1 OPENING KARAKIA

Commissioner Shadrach Rolleston opened the meeting with a karakia.

2 APOLOGIES

APOLOGY

RESOLUTION CO6/24/1

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the apology for lateness received from Commissioner Stephen Selwood be accepted.

CARRIED

3 PUBLIC FORUM

Nil

4 ACCEPTANCE OF LATE ITEMS

Nil

5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN

Nil

6 CHANGE TO THE ORDER OF BUSINESS

The meeting will move into Public Excluded for discussion as required.

7 CONFIRMATION OF MINUTES

Nil

8 DECLARATION OF CONFLICTS OF INTEREST

Nil

9 DEPUTATIONS, PRESENTATIONS, PETITIONS

Nil

10 RECOMMENDATIONS FROM OTHER COMMITTEES

Nil

11 BUSINESS

11.1 Egret Avenue / Te Mutu Crescent Land Categorisation

Staff Alastair McNeil, General Manager: Corporate Services
Phillip Kai Fong, Team Leader Strategic Property
Nick Swallow, Contractor: Corporate Solicitor

At 8.33am Commissioner Stephen Selwood entered the meeting.

Commission Chair Tolley acknowledged the devastation and impact on the lives of those living in the area as a result of the extreme weather event that occurred 14 months ago and noted the long and strict process set by central government when dealing with issues such as these. Commission Chair thanked the residents attending the meeting.

Key points

- Two landslides that took place at the top of Egret Avenue in Maungatapu during the weekend of Auckland Anniversary in 2023 caused extensive damage to a number of properties.
- It was noted that the full process of Land Categorisation had taken longer than expected.
- Mr Kai Fong acknowledged and thanked the affected residents for their patience and co-ordination with Council and consultants throughout the process.
- Central government concentrated on recovery in first instance in the most heavily affected areas in Auckland, Hawkes Bay and Te Tairāwhiti.
- A number of other Councils within the North Island had been working through similar issues where communities had been affected by flooding and landslides.
- Acknowledged all of the staff for the extensive work done to get to this point.
- There would be an on-going recovery process moving forward. The report was a step in that process.
- External contractors, consultants and expert guidance were employed to assist staff to understand the responses to the event. Their efforts were appreciated, given complexity of issues involved.
- The report sets out the background to the severe weather event, how the Future of Severely Affected Locations programme (FOSAL) was developed, the offer from Central Government to

use FOSAL in Tauranga and how to apply the process to properties affected by the landslides above Egret Avenue. Part of the process would include understanding the impact and risk that applied to certain properties.

In response to questions

- A critical understanding in the report was that FOSAL was not a legislative or statutory process. It was clear that this was a locally led process with government support. A key element in this process was a best of science approach. Council went through an extremely robust process with Tonkin and Taylor Limited (T+T) with Whakatane District Council providing advice when needed. This process was also peer reviewed through Dr Tim Davies.
- Due to there being no set outline of what needed to be provided, Council had to show the Cyclone Recovery Unit (CRU) that Council went through the best of science approach assessment that met the criteria which included residential properties that were significantly impacted by the severe weather event faced risk in future severe weather events, with a critical concern of intolerable risk to life.
- The principle underlying FOSAL was to help a community move on faster from the effects of severe weather events. Council then needed to conclude with CRU the process which included resolution framework, the methodology to conclude agreements with landowners around valuation for properties, details received for insurance and EQC, settlements received or entitlements and timeframes involved. CRU contracted Crown Infrastructure Partners to assist with the agreement. There would be a basis to assist with the assessment and an on-going reporting process to ensure that Council purchased the properties accordingly.
- Category three properties were eligible to participate in the voluntary buy out process. It was emphasised that this was a voluntary buyout process and Council did not need to participate in FOSAL and similarly, property owners were not obliged to accept Councils buyout offer if their property was category three. Category three was where risk could not be mitigated or reduced to category two.
- M Category two recognised that there was a risk in the future which could be reduced or mitigated through community level interventions or residential property level intervention. Community level interventions included work on Council land or wider public works. Property level intervention included grants to property owners to complete works to assist in reducing impact in future weather events and related to a limited number of properties in the area. The report proposes to retain category two as an umbrella, rather than break it down to community or property level interventions. A category 2a needed further assessment.
- The T+T consensual remediation options provided to Council were high level and subject to final geotech investigation, detailed design and costing. Staff expected that there would be consenting issues that would need to be managed. There would be options to reduce the mitigation to category two properties but these were not confirmed until further assessment work had been completed.

Discussion points raised

- Commissioners thanked the residents who had borne with the long and convoluted process noting that this meeting was hopefully the beginning of the end for this process.
- Commission Chair noted that the adoption of FOSAL was one time only as Central Government had made it clear and this was part of process as they were a 50% partner.
- It was noted that FOSAL was developed in response to the severe event affecting Hawkes Bay, Auckland and Te Tairāwhiti and was potentially something that needed to be revisited. Category two was a prediction that it would be able to be remediated.
- Commission Chair noted the processes for land categorisation and buyout for the land owners who were present at the meeting.
- The net value of the property would be shared between the Council and the Crown.
- Resolutions, (c), (j), (k) and (l) were resolved following the public excluded section.

RESOLUTION CO6/24/2

Moved: Commission Chair Anne Tolley

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the report "Egret Avenue / Te Mutu Crescent Land Categorisation".
- (b) Adopts the use of the Future of Severely Affected Locations process (**FOSAL**) for properties on Egret Avenue and Te Mutu Crescent noted in this report (**the Taipari Properties**).
- (d) Approves the Resolution Framework in **Attachment 4**.
- (e) Approves use of the Stormwater Reactive Reserve Fund to fund Council's proportionate share of Category 3 property acquisitions.
- (f) Notes that Resolution (e) is inconsistent with Council's Stormwater Reactive Reserve Fund Policy (**SRRF Policy**) because the purpose of that policy is to address flooding issues rather than issues arising from landslides, notes that Resolution (e) is a one-off use of the Stormwater Reactive Reserve Fund, and that Council does not intend changing the SRRF Policy in response to this one-off issue.
- (g) Instructs staff to progress an engineering brief for remediation / mitigation options for the Taipari Slips including (but not necessarily limited to) further geotechnical investigation, detailed design, consideration of consenting requirements, and final costing prior to any physical works being undertaken.
- (h) Approves the purchase of Category 3 properties (should these be confirmed after consultation with relevant property owners) and delegates authority to the Chief Executive to implement FOSAL, including:
 - (i) Final decision on land categorisation following consultation with owners of the Taipari Properties;
 - (ii) Negotiation and entering into any associated contracts with the Cyclone Recovery Unit for the co-funded acquisition of properties categorised as Category 3 under FOSAL and the costs of any remediation / mitigation works to be funded through the Local Government Flood Resilience Co-investment Fund (**Flood Resilience Fund**); and
 - (iii) Negotiation and entering into agreements with property owners for the acquisition of any Category 3 Properties.
- (i) Notes for the avoidance of doubt, that Council's adoption of FOSAL is a one-time only decision taken solely because of the offer of Crown contributions in response to the 2023 North Island severe weather events and is not intended to be representative of how Council may approach natural disaster recovery on an ongoing basis.

CARRIED

12 DISCUSSION OF LATE ITEMS

Nil

13 PUBLIC EXCLUDED SESSION

Resolution to exclude the public

RESOLUTION CO6/24/3

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

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

The general subject matter 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 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 for the passing of this resolution |
|--|--|---|
| Confidential Attachment 1 to Item 11.1 - Egret Avenue / Te Mutu Crescent Land Categorisation | s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons | s48(1)(a) the public conduct of 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 6 or section 7 |
| 13.2 - Confidential Attachment 2 to Item 11.1 - Egret Avenue / Te Mutu Crescent Land Categorisation | s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons | s48(1)(a) the public conduct of 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 6 or section 7 |
| 13.3 - Confidential Attachment 3 to Item 11.1 - Egret Avenue / Te Mutu Crescent Land Categorisation | s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons | s48(1)(a) the public conduct of 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 6 or section 7 |
| 13.4 - Confidential Attachment 5 to Item 11.1 - Egret Avenue / Te Mutu Crescent Land Categorisation | s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) | s48(1)(a) the public conduct of 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 6 or section 7 |

CARRIED

11 BUSINESS (continued)

11.1 Egret Avenue / Te Mutu Crescent Land Categorisation (continued)

RESOLUTION CO6/24/4

Moved: Commission Chair Anne Tolley

Seconded: Commissioner Bill Wasley

That the Council:

- (c) Approves the preliminary categorisation of properties as shown in **Confidential Attachment 3**.
- (j) Retains **Attachments 1 and 2** in confidential under section 7(2)(a) of the Local Government Official Information and Meetings Act 1987 until property owners have been notified of the outcome of this report and notes that part of Attachment 2 will be redacted on release for privacy reasons.
- (k) Retains **Attachment 3** in confidential indefinitely under section 7(2)(a) of the Local Government Official Information and Meetings Act 1987 as it contains private information.
- (l) Retains **Attachment 5** in confidential under section 7(2)(h) of the Local Government Official Information and Meetings Act 1987 indefinitely as it contains information that will continue to be commercially sensitive.

CARRIED

14 CLOSING KARAKIA

The closing karakia would be given after the Strategy, Finance and Risk Committee meeting.

The meeting closed at 9:20am.

The minutes of this meeting were confirmed as a true and correct record at the Ordinary Council meeting held on 8 April 2024.

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 Commission Chair Anne Tolley
CHAIRPERSON