



ATTACHMENTS

**Ordinary Council meeting
Separate Attachments 1**

Monday, 25 July 2022

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10.2 Willow Street Precinct - Historic Issues

File Number: A11437281

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Section under the Act	The grounds on which part of the Council or Committee may be closed to the public are listed in s48(1)(a) of the <i>Local Government Official Information and Meetings Act 1987</i> .
Sub-clause and Reason:	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).

PURPOSE OF THE REPORT

- Further to receiving a report regarding options for Council's civic administration building and the future of the Council -owned Willow Street Precinct land, Council resolved on 24 March 2020 (CO4/20/8) that the Council:

“(c) *Requests a report to Council on the background and broad options associated with the historic issues that impact the development of the Willow Street Precinct, which will include further engagement with hapū.*”
- This report provides Council with background information and context, in relation to the historic issues that have, to date, impacted on the development of the Willow Street Precinct, particularly Lot 45, and also seeks approval on next steps.
- This report does not explore broad options as specified in the March resolution, as staff propose progressing this in a staged manner, firstly engaging with Ngai Tamarāwaho to understand their aspirations regarding this land, before considering Council's options moving forward.

RECOMMENDATIONS

That the Urban Form and Transport Development Committee:

- Acknowledges Ngai Tamarāwaho's connection with the land in the vicinity of the Willow Street Precinct and, in particular Lot 45 and Lot 38, due to the historical land dealings since the 1830's.
- Approves the Chief Executive progressing discussions with Ngai Tamarāwaho to:
 - Understand Ngai Tamarāwaho's view and aspirations for the future of Lot 45 and Lot 38.
 - Explore opportunities to strengthen the relationship between Council and the hapū in respect of Lots 45 and 38, together with the future development of the Willow Street Precinct.
- Requests that the Chief Executive reports to Council on relationship opportunities and action options for consideration and approval.
- Subject to the hapū's agreement, and on conclusion of discussions with Ngai Tamarāwaho, to make public this report (save for paragraphs 40-46, and Attachments 6 and 7 which shall remain confidential) and the resolutions.

EXECUTIVE SUMMARY

4. Council has previously discussed, and intends to further consider, the future of the Willow Street Precinct, and the role and function of this area in the city centre. The successful planning and delivery of any outcomes in this location is dependent on several factors, one of which is the strength of the relationship between Council and Ngai Tamarāwaho.
5. Ngai Tamarāwaho have mana whenua in relation to a significant proportion of the Te Papa Peninsula and have expressed a particular interest in Lots 38 and 45, which are within the Willow Street Precinct.
6. The Te Papa Peninsula has a long and complex history, which includes numerous battles between Maori tribes, the contentious transfer of Maori land by the Crown Missionary Society (CMS) and subsequent sale to the Crown. More recently in the late 1980's, the Willow Street Precinct and, in particular, Lot 45, was the site of occupations by Ngai Tamarāwaho, and violent protests. These events highlighted the unresolved 150-year-old land grievance, which remains to this day.
7. Through 2017 Council decided (in principle) to re-develop parts of the Willow Street Precinct within the Civic Rebuild Project. In response, Ngai Tamarāwaho, again signalled the unresolved land grievance notifying of a potential claim against Council in relation to CMS land.
8. Although contentious to date, the consideration of the future of the Willow Street Precinct, and, in particular Lot 45, may provide an opportunity for Council and Ngai Tamarāwaho to work together to strengthen their relationship, and deliver sustainable cultural, civic and commercial outcomes for the City Centre and the wider community.

BACKGROUNDThe Willow Street Precinct & Lot 45

9. The Willow Street Precinct is within Tauranga's Central Business District, on the Te Papa Peninsula. The Willow Street Precinct refers to the land shown edged white the plan at **Attachment 1**
10. The land within the Willow Street Precinct is owned by Council. How this land came into Council ownership is complex, with multiple transactions involving the hapū, CMS, the Crown and private landowners.
11. Lot 45, shown shaded orange on the plan at **Attachment 1**, falls within the Willow Street Precinct. The hapū have identified this lot as being of particular interest, and it sits within a wider context, as one of over 50 allotments on the Te Papa Peninsula that used to be CMS land, and are now in Council ownership.
12. A summary of the transactional history of Lot 45 can be found at **Attachment 2**, and a plan is included at **Attachment 3**, showing the location of the parcels that remain in Council ownership, which were also transferred to Council in the 1885 Gazette Notice.
13. This summary and plan give context to the hapū's grievance, of systematic undermining of traditional ownership, and the trust broken over the years, by the CMS and the Crown. The hapū, who had lived on this whenua (land), for hundreds of years prior to European contact have, as a result, experienced economic and cultural loss through their alienation from these tribal lands.
14. The title for Lot 45 is subject to the Reserves Act 1977. The land in this title is classified as Local Purpose Reserve (municipal buildings). This means the Council must manage the land to "ensure the use, enjoyment, development, maintenance, protection and preservation as the case may require, of the reserve for the purpose for which it is classified" (Section 40). For land classified as "local purpose reserve", the purpose is to provide and retain "areas for such local purpose or purposes as are specified in any classification of the reserve" (Section 23). The land also has a sub-purpose of "municipal buildings". In order to comply with the Act, the

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focus of the land should be on municipal buildings, or buildings that help serve a local government purpose.

15. Under the City Plan, the land within the Willow Street Precinct, has an underlying zone of "City Centre Business" Zone, with a specific designation for "civic, community and cultural purposes".
16. Lot 38 also falls within the Willow Street Precinct and has similarly been identified by Ngai Tamarāwaho as a parcel of interest. It is shown shaded green on the plan at **Attachment 1**. While this parcel forms part of, what was formerly, the CMS land block, it was purchased by Council in 1964 from a private landowner.

Ngai Tamarawaho

17. Lots 38 and 45, and much of the Te Papa Peninsula, fall within the rohe (traditional area) of Ngai Tamarāwaho, a hapū of Ngati Ranginui iwi. This whenua (land) also falls with the rohe of Ngāti Tapu, of Ngāi Te Rangi iwi, and other hapū have also expressed varying interests.
18. While Ngai Tamarāwaho have led the mana whenua discussions in relation to the Willow Street Precinct, and Lot 45, should any resolution be passed, Council should defer to the hapū to resolve any overlapping interests via tikanga processes, most likely discussions between hapū which will depend on detail.
19. The manner in which the land that is now Tauranga CBD (Te Papa Peninsula, 1,333 acres transferred to the CMS in 1838 and 1839) was lost to mana whenua is a legacy that will not be forgotten by Ngai Tamarāwaho and Ngati Tapu, who suffered that loss.
20. Ngai Tamarāwaho's actions in 1987 and 1988 to oppose the development of the same whenua, resulted in the occupation of the site, subsequent legal action and the breakdown of the relationship between tangata whenua and Council. A summary of the occupation of the Town Hall site is included at **Attachment 4**.
21. Ngai Tamarāwaho have expressed an ongoing desire to reconnect with this whenua (land) and notified Council in December 2017 that there was a potential claim against the Crown, and potentially Council as the current owner. This is discussed below in the Historic Issues/Legal Risks (clauses 40-46)
22. When this notice was received, staff met with Ngai Tamarāwaho, who indicated at the time that the hapū:
 - (a) Recognises and accepts the (then) Heart of the City outcomes sought by Council.
 - (b) Wishes to avoid litigation (but has emphasised capacity and willingness if necessary).
 - (c) Expressed a desire to reclaim title in relation to Lots 45 and 38, and the "return of Otamataha Pa".
 - (d) Are open to "considering other structures" and wider solutions to resolve issues.
23. The recommendations in this report seek to work with Ngai Tamarāwaho to establish whether this remains their position, and to work with the hapū to share our respective aspirations for this whenua, and if possible, realise some or all of those aspirations.
24. In addition to considering the legal position, supporting the recommendations in this report is also consistent with the Council's own policy position as noted below, the Protocol Agreement between Ngai Tamarāwaho and Council, and the Huria Accord also between Council and the hapū.
25. After the occupation of the Town Hall site in 1987 and 1988. Ngai Tamarāwaho had applied to the High Court seeking an interim injunction to stop works on the Civic Complex, and the court directed (CP181/88, 28 October 1988) the Council to consult with the hapū at a specified date and time, and that no commercial commitments were to be made, nor any demolition to occur until that hui had occurred. The Huria Accord was created as a result of those hui. A copy of the Huria Accord dated 4 November 1988, is attached at **Attachment 8**

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Treaty of Waitangi

26. The Tauranga Moana Iwi Collective Redress and Ngā Hapū o Ngāti Ranginui Claims Settlement Bill gives effect to the Deed of Settlement signed in June 2012. The Bill has passed through the Select Committee, and awaits a second reading. As part of this Bill, the Crown acknowledges and apologises for its action arising from the interaction with Ngā Hapū o Ngāti Ranginui whereby it breached the Treaty of Waitangi and its principles. This includes the failure to actively protect the hapū's interests at Tauranga, which they wished to retain.
27. The history of the land within the Te Papa Peninsula includes the confiscation (raupatu) of land by the Crown. The Waitangi Tribunal in its 2004 report *Te Raupatu Tauranga Moana – Report on the Tauranga Confiscations Claim* (WAI 215) considered the manner in which the 1844 Crown Grant (referred to in **Attachment 2**) was awarded to the CMS. It found that there was a breach in the Treaty of Waitangi principle of 'active protection' as the Commissioner, (retired Colonel) Edward Godfrey had wrongly concluded that the CMS had fully and fairly purchased the whole of the area:
- ...” we find that Godfrey failed to ascertain and acknowledge the conditional nature of the transactions under Maori customary law and that he wrongly concluded that the CMS had fully and fairly purchased the whole of the area. The Crown, in accepting Godfrey’s recommendation and finally awarding the CMS a Crown grant for the whole area, was therefore in breach of the Treaty principle of active protection”*
28. Despite this conclusion, section 6(4A)(a) of the Treaty of Waitangi Act 1975 prevents the Waitangi Tribunal from making any recommendation affecting the future ownership of the land lost.
29. Council is not required to provide redress under the Treaty of Waitangi, other than prescribed in Iwi Settlement Deeds. Council does however have legislative obligations to consider Maori interests, and in relation to engagement. These obligations can be found in a number of pieces of legislation, including (but not limited to) opportunities for Maori to contribute towards decision making processes (section 14(1)(d) of the Local Government Act (LGA)), and Council's own policies, to take into account the relationship of Maori and their culture and traditions when making significant decisions in relation to land (section 77 LGA, and Significance and Engagement Policy).

Anglican Church

30. The Anglican Church in New Zealand also acknowledges its part in the loss of land experienced by mana whenua. On 10 May 2018, the General Synod of the Anglican Church formally resolved to apologise and to look for ways in which reconciliation might be achieved, Bishop Andrew said:
- “This land, however, was not sold to the CMS for the purposes of developing a city. Rather, the purchase that Brown negotiated was understood by the CMS to represent a sacred and solemn trust in order to develop the works of the mission and to protect the interests and mana whenua of local Maori – of Nga Iwi o Tauranga Moana, including Ngati Tapu and Ngāi Tamarāwaho. The sale of that land, without the agreement of Ngati Tapu and Ngāi Tamarāwaho, was a “basic moral error”. Because in age-old Maori understanding, land which was given or sold by them for a specific purpose is only available for that purpose. Once the land is no longer used or required for that purpose, it is to be returned to those who continue to exercise mana whenua over that land. Hence, today’s apology.”*
31. The formal apology from the Anglican Church of Aotearoa occurred on 1 December 2018. This was given to representatives of Ngāi Tamarāwaho and Ngati Tapu, on the site where the Otamataha Pa was located.
32. The relationship of the hapū and the Anglican Church continues to evolve.

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Realising the potential of the Willow Street Precinct

33. Council has been working on plans to redevelop the land and community buildings within the Willow Street Precinct, including Lot 45, as part of what was known as the "Heart of the City Programme", subsequently referred to as the "Civic Rebuild". This has included plans for a new central library, performance venue, civic building and civic space for public use. Also under consideration is the location of a city centre bus facility. The next step in this process will be to revise or refresh the master planning for this Precinct, in accordance with the resolution from the 24 March 2020 Council meeting, that the Council (C04/20/8)

"(c) Proceeds to implement its resolution of 28 June 2018 (M18/56.14) to revise the master plan for the Willow Street Precinct, commencing with a Council workshop assisted by an independent facilitator to gain clarity about the Council's aspirations for the site and to agree expected timeframes and the governance structure for the review"

34. The Civic Rebuild as a project, has been discussed as more than a set of new community buildings. The concept underlying previous discussions is about 'connection'. Connection between the Council and the community, between Council staff (to be co-located) as well as a place and open space for community to connect with each other.
35. Regardless of what is progressed for the Willow Street Precinct, there continues to be a need to maximise potential options that Council has available to also maximise the benefit for the community. The relationship with mana whenua will be pivotal in the success of any outcomes to be achieved.

HISTORIC ISSUES & LEGAL SUMMARY

36. Attached to the Council Report dated 24 March 2020, was a report from Max Pedersen dated 18 March 2020 ("the Pedersen Report"). The Pedersen Report considered, amongst other things, the impediments to development of the Willow Street Precinct, including the potential claim from Ngai Tamarāwaho. Mr Pedersen identified that the matter had the potential to "disrupt timeframes for any proposed development through court action or other means." He went on to say, "to date, there has been little action taken by Council to resolve the issue".
37. The Pedersen Report included the following recommendation:
- "That the Council give priority to engaging with hapū to resolve the historic issues that are an impediment to developing the Willow Street Precinct"*
38. The Pedersen Report also confirmed the previously identified legal issues in relation to the Heart of the City development proposals for the Willow Street Precinct, being Lot 45's classification as a Local Purpose Reserve subject to the Reserves Act 1977 and the application of the Public Works Act 1981 requirements to some portions of this site. The Reserves Act classification does not restrict the development of the site but would have limited any ground lease option and third-party tenants, possible options which were being explored under the Heart of the City programme.
39. This report does not speak to the Reserves Act 1977 or Public Works Act 1981 processes, and legal advice will be obtained, specific to any proposed development opportunities or future plans, at the appropriate time, to inform decision making.

[REDACTED]

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- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

MOVING FORWARD

- 47. Supporting meaningful discussions with Ngai Tamarāwaho would be timely and prudent, as Council explores the future of the Willow Street Precinct. The process, together with any outcomes achieved, could reshape and strengthen the relationship between Council and the hapū.
- 48. The benefits of the strengthened relationship are in:
 - (a) enabling Council to better meet its obligations under the Treaty of Waitangi;
 - (b) identifying and recognising any alignment between the strategic direction and aspirations of both parties;
 - (c) acknowledging the status of Ngai Tamarāwaho and the history and events that led to present day grievances;
 - (d) minimising the risks of a claim by Ngai Tamarāwaho over Lot 45 which might otherwise result in development plans being stalled or cancelled;
 - (e) re-creating a sense of connection for mana whenua through involvement in the process;
 - (f) having the opportunity to celebrate the cultural identity of Tauranga through urban design;

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- (g) iwi and hapū support maintains options to assist with potential structures to navigate the reserve status of Lot 45;
 - (h) discontinuing the trajectory of contentious past events around Lot 45, by working in meaningful dialogue and genuine collaboration, for the benefit of the community.
49. Ngai Tamarāwaho has the support of the Anglican Church due to the historic wrongs, which are acknowledged the by Church.
 50. While Ngai Tamarāwaho has signalled that it wishes to avoid litigation, it has also emphasised a capacity and willingness, if necessary.
 51. Staff suggest that the Mayor should lead TCC in the first discussions with Ngai Tamarāwaho on this matter. Post that first meeting the Chief Executive can continue the discussions to explore options.

FINANCIAL CONSIDERATIONS

52. Should Council support the above recommendations, the discussions would be facilitated by Council staff. A formal report will be provided to Council to consider and approve any actions that may arise from the discussions with the hapū. This will include consideration of financial and non-financial resources required to give effect to any actions.
53. It should be noted that Council has made significant investment to date in planning for the Willow Street Precinct, and where possible, this work will be utilised and not duplicated.


SIGNIFICANCE & ENGAGEMENT

54. Under the Significance and Engagement Policy 2014, this matter is considered medium significance, as it flows from a prior decision, and does not commit Council to delivery of any particular projects.
55. Targeted engagement with Ngāi Tamarāwaho will assist Council to meet its obligations to tangata whenua through the Treaty of Waitangi and Local Government Act 2002.
56. Proposals for engagement appropriate to the particular future steps will be discussed with Council as and when the matter progresses.

NEXT STEPS

57. Should the Council adopt the recommendations of this report, the following would be undertaken:
 - (a) Meet with representatives of Ngai Tamarāwaho to discuss means and timing for meaningful engagement with the hapū. (As per paragraph 51 suggest Mayor to take lead role in the initial conversation).
 - (b) Prepare timeline for engagement and discussions with Ngai Tamarāwaho and share with Councillors to ensure transparency in process, and to manage expectations as to when further reporting and actions will be completed.

Attachments

1. **Attachment 1 - Plan to Repeort re Historical Issues with Willow Street Precinct - A11543224**
2. **Attachment 2 - Summary of Transactions re Lot 45 - A11543219**
3. **Attachment 3 - Allotments Vested in the Borough of Tauranga, 1885 - All Parcels - A11544022**
4. **Attachment 4 - Tauranga Town Hall Occupation - A11543256**
5. 

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- 6. 
- 7. 
- 8. Attachment 8 - Huria Accord (signed) dated 4 November 1988 - A11543339



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Attachment 2

Transactional History of Lot 45

- 1838 – 1839** Lot 45 forms part of the 'Te Papa' lands, which were 'purchased' from hapū by the CMS in 1838 and 1839. By deed dated 30 September 1838, Reverend A.N Brown who was acting on behalf of the Church Mission Society purported to purchase land at Tauranga including Lot 45 from tangata whenua. The stated objective of the CMS was to hold the land for the benefit of Māori.
- 1844** This 'purchase' was approved by the Land Claims Commission in 1844, with the Crown awarding the CMS a grant for the area purchased as a result of this finding.¹
- 1865** Following the battle of Pukehinahina (Gate Pa), by Order in Council of 18 May 1865, Governor Grey proclaimed Te Papa land to be a 'district' for the purposes of the New Zealand Settlements Act 1863. There were questions about the validity of the Order in Council, and Parliament therefore enacted the Tauranga District Lands Act 1867 to validate that Order in Council (and subsequent transactions). Through that Act, the Crown purchased four-fifths of Te Papa land from the CMS.
- 1885** The Governor-General vested Lot 45 in the Borough of Tauranga as an "endowment in the aid of the borough funds", under the Land Act 1877 Amendment Act 1884.² The title to the land was created in 1886.
- 1930** Lot 45 was Gazetted "changing the purpose of a reserve in the Town of Tauranga." It appears the land was previously held as an endowment in aid of the borough funds, but it was changed to a site for a town hall and other municipal buildings.
- 1971** Lot 45 was again Gazetted in 1971 pursuant to the Public Works Act 1928 "for public offices in the City of Tauranga."
- 1982** Lot 45 was Gazetted on another occasion in 1982, and "classified as a local purpose reserve (municipal buildings) subject to the Reserves Act 1977"

¹Te Raupehu o Tauranga Moana Report, page 218.

² New Zealand Gazette: 1885, page 1019; Section 38, Land Act 1877 Amendment Act 1884.

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http://tauranga.kete.net.nz/tauranga_local_history/topics/show/2847-auranga-town-hall-occupation-1987



Tauranga Town Hall Occupation (1987)

In September 1987 Tauranga saw protests about the demolition of its Town Hall. The protests included an occupation by tangata whenua from 14 September 1987 until they were evicted on 16 September 1987. Demolition of the Town Hall was completed by early October 1987. September 2017 saw iwi commemorate the 30 year anniversary of the occupation. Researched and written by Debbie McCauley.

Tauranga Town Hall Site History

The land was purchased from Maori by Alfred Brown for the Church Missionary Society (CMS). The first purchase took place on 30 September 1838, the second on 30 March 1839. It was understood that the land would be retained under solemn trust and used for the benefit of nga iwi o Tauranga Moana and the Church.

In 1864 the first building was constructed on the later site of the Tauranga Town Hall on the corner of Wharf and Willow Streets. Henry Tacey Clarke, Civil Commissioner of Tauranga, had his home built by Frederick George. Clarke's home was known as the house on 'the hill'.

After much pressure and with protests from Archdeacon Alfred Brown, most of the land purchase was given to the Crown by CMS on 7 September 1867 following the Battles of Gate Pā and Te Ranga in 1864.

Clarke occupied his home until 1875. The site was vested in the Borough of Tauranga in 1885.

A Tauranga County Council clerk, John Hollings Griffiths, moved into Clarke's house in 1890. He was still there when the house was shifted along from its original site. This was to allow 3.6 metres of soil ('the hill') to be removed and used as fill for the railway line running along the Tauranga wharf front. This also served to flatten the section.

After much controversy about the site of the Tauranga Town Hall a design competition was held and proposals lodged by the beginning of March 1914. Tauranga architect Conrad John Kirk won the design contract for the hall with his renaissance style plans for a two storey concrete construction. The builders were Ashton and Crump. A substantial hillock had to be removed in order to create a platform for the Town Hall to stand on. Tenders were called in October 1914, and work began on 19 November 1914. Workmen objected to being told what to do by Mr Jorgensen, a foreign overseer from Denmark, which held up building work.

On 10 December 1914 the foundation stone was laid, underneath which was placed a time capsule containing coins, postage stamps and issues of the Bay of Plenty Times. Bad weather and debates about gas or electric lighting held up building work.

According to the *Bay of Plenty Times* (29 June 1915, p 4), the instructions for seven leadlight windows were received on 16 February 1915 and the materials were ordered the same day, but they didn't arrive until the 16th and 27th of April.

In January 1916 the council occupied part of the building with the first public event being a reception of Lord and Lady Liverpool on 12 February. The first picture show in the Town Hall was on 19 April 1916 with Mayor Macmillan making a speech. The first Anzac Day service was held on 25 April 1916 during which a Roll of Honour was unveiled at the entrance to the municipal chambers. It listed seven soldiers from Tauranga who had fallen in battle up to that date.

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The Griffiths family moved out of their home next to the Town Hall in 1918 and the building was dismantled. The pieces were purchased by William Robin in 1920 and re-erected in Judea.

On 24 September 1930 the *Bay of Plenty Times* reported that a retaining wall was to be erected on the Town Hall section.

Tauranga Town Hall Occupation (1987)

The Tauranga Town Hall with its Edwardian architecture was a building beloved by many. The 72-year-old building was constructed in 1915-1916. When it was earmarked for demolition several groups formed to try and save it. One of those groups was Ngāi Tamarāwaho who asserted that the land had been illegally confiscated after the Battles of Gate Pā and Te Ranga in 1864.

In 1987 the Tauranga City Council decided to remove the building and replace it with a civic complex which would include a new library. Citizens held protest meetings, discussions and demonstrations. By 8 May 1987 Dr Neil McKenzie had collected nearly 2000 signatures to save the Town Hall from demolition. On 8 June 1987 The Ritchie Pickett Band, Dr Jazz and Beasley Street played a concert in Spring Street Mall to protest the plans to demolish the Town Hall. Musician Ritchie Pickett wrote a song for the concert called, 'The Song About The Town Hall Coming Down'. Dr Neil McKenzie (Dr Jazz) wore his 'Save our Town Hall' T-shirt at the concert.

A protest march was held on 4 September 1987 through downtown Tauranga with around 150 banner-waving campaigners. They marched from Red Square up Devonport Road and down Grey Street led by four bagpipers. The group presented mayor Noel Pope with their 5000-signature petition at the council's Spring Street chambers.

Complaints about the demolition were made to the Waitangi Tribunal, the Ombudsman, the Historic Places Trust and the Ministry of Conservation.

Work started on packing up the Local History section of the Tauranga Library, and staff from the Tauranga District Museum started to identify items that could be salvaged. By 8 September Mayor Noel Pope and Council CEO Alan Bickers had actioned the disconnection of power and water supplies to the Town Hall and authorised council staff to start stripping fittings from the building.

A dawn service was held by Ngāi Tamarāwaho on 14 September, after which the Town Hall was occupied. The protesters flew their flags from the building and painted slogans on the walls, also planting a pouwhenua staking the iwi's claim on the front lawn.

The Council called upon the police to evict the protesters. Reinforcements were called in from Whakatane and Rotorua and on 16 September 1987 the police moved in. Debris including rocks and wood were thrown down the stairwell by protesters and onto the heads of police attempting to gain entry into the Town Hall. Police were then fitted with protective shields and helmets. They used sledgehammers and a chainsaw to smash through the barricades. Fifteen men and eight women were arrested and charged with trespass while press photographers and journalists were threatened with arrest and told to leave the premises by police.

Once the protesters were evicted, demolition of the Town Hall began immediately. The building was reduced to rubble over three days from 22 to 24 September 1987. Rubble and excavated soil was dumped on a swampy area near Huriā Marae. The filled in a swamp later became a sportsground. By early October the Town Hall site was cleared.

Ngāi Tamarāwaho lodged an injunction seeking to halt redevelopment of the land until the Waitangi Tribunal had heard their claim. The injunction was heard at the Hamilton High Court.

The *Bay of Plenty Times* reported the finding of the Town Hall Time Capsule on 2 October 1987. It was found underneath the foundation to the right of the main doors. The contents were handed to city archivist Jinty Rorke. The time capsule was made of glass and the broken pieces are on display in Research Collections at Tauranga City Library. When the capsule was recovered it was found to be lacking its gold sovereigns, although the other items of no commercial value were still in there.

The Town Hall Dome was purchased by Janice Priest and installed at her home in Robins Road for use as a gazebo. Her house in Robins Road was built for Henry Tacey Clarke and originally stood on the Town Hall site. In 1989 designer and leadlighter Paula Dennison created a modern surround to complement two stained glass leadlight windows salvaged from the Tauranga Town Hall. This work can be found above the entrance to the Civic Arcade on Willow Street.

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On 15 October 1987 the Kaimai Trades Council placed a green ban on the Town Hall site in support of Maori wishes that nothing be done on the land until the Waitangi Tribunal dealt with ownership issues.

Tauranga Civic Complex Protest (1988)

The following year, on 27 October 1988, five men barricaded themselves into the new civic building after the High Court in Hamilton refused a restraining order preventing development of the site. At 7am a police sergeant tried to talk to the protesters, but had petrol thrown over him. Books and building materials were used by protesters to barricade themselves into the building. They blocked the stairwell and were covered in paint, glue and solvents.

At approximately 9.15am police with helmets and armed with batons gained entry by smashing a small window. Paint was thrown at police. Two police dogs and their handlers were first inside the building. Protesters poured petrol down the stairwell onto the thousands of piled library books and then set it alight. A constable with his dog deflected a blow to his head with a length of timber. When police moved to make arrests petrol was thrown over the two police dogs which ignited from the already burning fire. The fire brigade doused the flames in the stairwell. One of the protesters was badly burned along with the police dogs. The protesters appeared in court on 16 November.

Tauranga City Libraries Resources:

Bay of Plenty Times (29 June 1915, p. 4). [Town Hall Contract](#).

Bay of Plenty Times (16 March 1916, p. 3). [Municipal Enterprise: Town Hall Building](#).

Bay of Plenty Times (24 September 1930). [Local and General](#).

Bickers, Alan (November 2015). *Record of the Occupation of the Tauranga Town Hall & Public Library in 1987*.

Harris, Aroha (2004). *Hiko: Forty Years of Maori Protest* (pp 100-101, see also Fiscal Envelope Protest p. 125).

Historic Places - Town Hall (Research Collections Vertical File).

O'Malley, Vincent (November 1996). *The Te Papa Block: A History of Church Missionary Society and Crown Dealings, 1839-1867*.

Reece, Alistair (2005). *Te Papa: CMS's Naboth's Vineyard? An examination of issues between the Church Missionary Society and Tangata Whenua of Tauranga Moana, 1839-1867*.

Riseborough, Hazel (1999). *Ngai Tamarawaho: Protectors of the Prophecy* (pp. 141-148).

Rorke, Jinty (1993). *Policing Two Peoples: A History of Police in the Bay of Plenty* (pp. 176-179).

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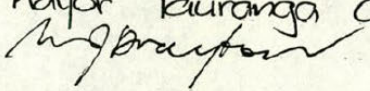
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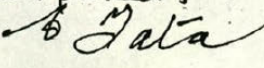
THE HURIA ACCORD.


Ngai Tamarawaho and the Tauranga City Council have resolved and unanimously agree.


1. That the mana whenua and mana tangata of Ngai Tamarawaho is acknowledged in relation to the City.
2. To set up a pae noho takitanga, joint working committee of ten (10) members five (5) from the Tauranga City Council and five (5) from Ngai Tamarawaho. The names to be submitted to the Chairperson Mr Ngawhakaaro Simon by the 11 November 1988.
3. That the pae noho takitanga will work together to bring about speedy resolution to the raupatu claims in Tauranga.
4. The pae noho takitanga will also work together for the good of all people who live in Tauranga. Means to bring about goodwill and harmony, ~~and~~ unity and partnership.

Sign Date 4.11.88. 8.00pm.

Mayor Tauranga City Council


Chairperson - Runanga-nui o Ngai Tamarawaho


Chairperson. - 



13.3 Civic Precinct - Otamataha Trust Accord**File Number:** A13075779**Author:** Phillip Kai Fong, Team Leader Strategic Property**Authoriser:** Christine Jones, General Manager: Strategy & Growth

Section under the Act	The grounds on which part of the Council or Committee may be closed to the public are listed in s48(1)(a) of the <i>Local Government Official Information and Meetings Act 1987</i> .
Sub-clause and Reason:	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).

PURPOSE OF THE REPORT

1. To seek approval to enter into a non-binding Accord between Council and Otamataha Trust ("the Trust") to record a collaborative partnership approach and intentions to work together on the development of the Civic Precinct redevelopment project and to investigate options available to give effect to the intent of the Accord.

RECOMMENDATIONS

That the Council:

- (a) Receives the Civic Precinct – Otamataha Trust Accord Report;
- (b) Agrees in principle to enter into a non-binding Accord between Council and Otamataha Trust ("the Trust") to record a collaborative partnership approach and intentions to work together on the development of the Civic Precinct Redevelopment project substantially on the terms set out in the draft Accord provided as Attachment 2 to this report ("the Accord");
- (c) Acknowledges the mana whenua status of the beneficiaries of the Trust through the Civic Precinct Redevelopment project;
- (d) Instructs staff to investigate options to give effect to the intent of the Accord and report back in early 2022 on the options and recommended way forward.

EXECUTIVE SUMMARY

2. At the Council meeting of 6 December 2021, Council adopted the Tauranga Civic Masterplan (Revised 2021) Report prepared by Willis Bond and Company (Tauranga) Limited ("the Revised Masterplan").
3. A significant part of the Revised Masterplan is to be developed on land bounded by Willow Street, Wharf Street, Durham Street, and Hamilton Street. That land includes 2 parcels of land described as "Allotment 45 Section 1 Town of Tauranga" and "Allotment 38 Section 1 Town of Tauranga" but which are commonly referred to respectively as "Lot 45" and "Lot 38".
4. There is a long and complex history to Lot 45 and Lot 38. The land is significant to both Ngāi Tamarāwaho and Ngāti Tapu and there are unresolved grievances associated with the land.
5. It is accepted that the commencement of a claim, protest or occupation would cause issues for the Civic Precinct Redevelopment project ("the Development") and relationships with development partners, as well as for longer term relationships with iwi and hapū.
6. Council obtained independent advice to seek to address a grievance that has existed for 160 years and to address relationship and development risks. That advice noted that it would be prudent to explore undertaking negotiations with the relevant hapū which, if successful, could:

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- (i) be forward looking and constructive in terms of relationships and recognising the hapū's association with the land;
 - (ii) remove the possibility of a claim being commenced, or other action such as further protest or occupation; and
 - (iii) provide confidence that the Council can move forward and undertake the Development without the uncertainty of potential litigation or other action.
7. Subsequent to that advice, Council and the Trust have been negotiating the terms of a non-legally binding accord. As acknowledged in the Accord, Council wishes to ensure that the Development respects and reflects the significant history and importance of the area to mana whenua and the parties have an aspiration for a partnership and joint ownership of the land underlying the Development.

BACKGROUND

8. In March 2020 Council requested a report on the *"background and broad options associated with the historic issues that impact the development of the Willow Street Precinct, which will include further engagement with hapū"*.
9. Subsequently on 9 June 2020 the Urban Form and Transport Committee considered a report on the Willow Street Precinct – Historic Issues and resolved:
- (a) *Acknowledges Ngai Tamarāwaho's connection with the land in the vicinity of the Willow Street Precinct and, in particular Lot 45 and Lot 38, due to the historical land dealings since the 1830's.*
 - (b) *Approves the Chief Executive progressing discussions with Ngai Tamarāwaho to:*
 - (i) *Understand Ngai Tamarāwaho's view and aspirations for the future of Lot 45 and Lot 38.*
 - (ii) *Explore opportunities to strengthen the relationship between Council and the hapū in respect of Lots 45 and 38, together with the future development of the Willow Street Precinct.*
 - (c) *Requests that the Chief Executive reports to Council on relationship opportunities and action options for consideration and approval.*
 - (d) *Requests that the Mayor, Deputy Mayor and Cr Kelvin Clout meet with representatives of Ngai Tamarāwaho to discuss means and timing for meaningful engagement with the hapū.*
10. The meeting of the Mayor, Deputy Mayor and Cr Clout with Ngai Tamarāwaho did not occur and the matter was not addressed until discussions were recommenced following the appointment of Commissioners in February 2021.
11. The 9 June 2020 report provided information on the history of Lots 38 and 45. While some historical information is reflected in this report, the more complete information is available in the prior report.
12. Ngai Tamarāwaho is mana whenua in relation to Lot 45 and Lot 38 (refer **attachment 1**) – and represent Hapū that lived on Te Papa peninsula, of which that land now houses much of the Tauranga CBD (including Lot 45).
13. Te Papa peninsula has a long and complex history. This includes numerous battles between Maori tribes; the acquisition of Maori land by the Crown Mission Society (CMS) and the contentious sale of land to the Crown. More recently in the late 1980s, Lot 45 (95 Willow Street) was the site of occupations by Ngāi Tamarāwaho, one of which resulted in violence. These events signalled the unresolved 160-year old land grievance.
14. Lot 38 also falls within the Willow Street Precinct and has similarly been identified by Ngai Tamarāwaho as a parcel of interest. It is shown shaded green on the plan at **Attachment 1**. While this parcel forms part of, what was formerly, the CMS land block, it was purchased by Council in 1964 from a private landowner.

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15. After the occupation of the Town Hall site in 1987 and 1988. Ngai Tamarāwaho had applied to the High Court seeking an interim injunction to stop works on the Civic Complex, and the court directed (CP181/88, 28 October 1988) the Council to consult with the hapū at a specified date and time, and that no commercial commitments were to be made, nor any demolition to occur until that hui had occurred. The Huria Accord was created as a result of those hui. A copy of the Huria Accord dated 4 November 1988, is attached at **Attachment 2**
16. In 1997, Ngāi Tamarāwaho brought a claim in the Waitangi Tribunal alleging a breach of the Treaty of Waitangi by the Crown in respect of (among other things) the acquisition of the Te Papa land by the Crown in 1867.
17. The claim by Ngāi Tamarāwaho was addressed as part of the *Te Raupatu o Tauranga Moana* report, which the Waitangi Tribunal released in 2004.
18. In respect of the acquisition from the CMS by the Crown, the Waitangi Tribunal found that:
"...at the time the land was acquired by the Crown, both the CMS and the Crown clearly understood that Te Papa was land held in trust solely, or 'almost exclusively', for the benefit of Maori. We conclude that, while Tauranga Maori were not, strictly speaking, the beneficial owners of the CMS land at Te Papa, the Crown's acquisition of CMS land without making satisfactory provision for the beneficial exercise of an implied trust for them was in breach of its Treaty obligations to act in good faith towards Maori, and actively to protect their interests."

(*Te Raupatu o Tauranga Moana Report*, page 223)

ACCORD WITH OTAMATAHA TRUST

19. The relationship with mana whenua will be pivotal in the success of any outcomes to be achieved on the Civic Precinct site. Council's approach, together with any outcomes achieved, could reshape and strengthen the relationship between Council and hapū.
20. A Trust was established by the New Zealand Mission Trust (Otamataha) Empowering Act 2014. The Empowering Act notes that:
"The Otamataha Trust has been established by the hapu of Ngati Tapu and Ngai Tamarawaho to own and manage land and other property acquired through the historical common interest of those hapu in Tauranga – Te Papa".
21. In August 2021, an Outline Proposal was put to the Trust on the following basis:
 - An accord (agreement) is entered into to acknowledge the past and embrace a partnership approach to the future:
 - There will be an initial accord / agreement in principle to capture the overarching proposal; and
 - There will then be final accord once the details are worked through;
 - The civic precinct land (to be defined) will be jointly owned by Otamataha Trust and Tauranga City Council;
 - There will be a governance arrangement between the Otamataha Trust and Tauranga City Council in relation to the civic precinct land;
 - The Otamataha Trust and Tauranga City Council will work together through the revised master planning process for the civic precinct redevelopment.
22. The Outline Proposal also noted that the initial accord / agreement could include:
 - Acknowledgements of the mana of Ngāi Tamarāwaho, Ngāti Tapu and Te Materāwaho and the relationships with the land as acknowledged in the Otamataha Deed of trust;
 - The history (summarised from the report of Dr Alistair Reese entitled *Te Papa: Naboth's Vineyard?*);

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- Acknowledgements from all parties of the desire to resolve the wrongs of the past and move forward in the spirit of good faith and partnership;
 - Shared vision and principles for the future;
 - Commitments around the shared land ownership and co-governance arrangements;
 - Commitments around the revision of the master planning process.
23. It was envisaged that one significant opportunity of the accord / agreement would be to bring to the forefront the visibility of the history and tikanga of Ngāi Tamarāwaho, Ngāti Tapu and Te Materāwaho in the city centre.
24. The non-binding Accord (refer **Attachment 3**) which Council is being asked to approve pursuant to this report is the initial accord / agreement to capture the overarching proposal. Council will be asked to approve signing a final accord in due course once further details have been worked through and agreement reached on the future land ownership and governance arrangement with the Trust.

STRATEGIC / STATUTORY CONTEXT

25. Iwi and Hapū in Tauranga are on the brink of Treaty Settlement and therefore may soon have improved capacity to be joint financial partners in city projects.
26. Ngāi Tamarāwaho has the support of the Anglican church in relation to the former Church Missionary Society (CMS) land.
27. Ngāi Tamarāwaho has signalled that it wishes to avoid litigation
28. It is timely and prudent to reshape and strengthen the relationship between Council and Ngāi Tamarāwaho to:
- (a) align with the principles of the Treaty of Waitangi;
 - (b) identify and recognise any alignment between the strategic directions of both parties;
 - (c) acknowledge the mana whenua status of Ngāi Tamarāwaho and the historic events that led to present day land grievances; and
 - (d) discontinue the string of contentious past events that have occurred on and around Lot 45 by working in collaboration with Ngāi Tamarāwaho for the benefit of the community.

OPTIONS ANALYSIS

29. The proposed options are summarised below:

Option 1: Enter into a non-binding Accord with the Trust (Recommended)

Pros	Cons
<p>Avoid potential risk and delays with the Revised Masterplan.</p> <p>Removing possibility of Waitangi Tribunal claim or other action such as further protect or occupation.</p> <p>Provide confidence that Council can move forward and implement the Refreshed Masterplan.</p> <p>Relationships strengthened between Council and hapū, particularly through the willingness and openness to collaborate on a number of projects wider than the Civic Rebuild.</p> <p>Ngāi Tamarāwaho status as mana whenua is cultivated through a series of short, medium and long term actions across Te Papa peninsula.</p>	<p>A sector of the community may publicly disagree with this approach.</p> <p>There may be a small increase in both capital and operational cost for the Civic Rebuild e.g. Cultural Advisor Resource.</p>

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<p>Iwi/Hapu support opens more options to assist with potential structures to navigate around the reserve status of Lot 45. This potentially could include the reserve status being revoked, opening up land for the Revised Masterplan.</p> <p>Creation of community buildings and public spaces that recognise unique cultural heritage with improved connection between the past, present and future, of both Māori and Pākehā.</p> <p>A sense of connection is re-created through involvement in this process for mana whenua that have experienced the loss of land.</p> <p>Cultural identity is celebrated through urban design and can be shared with residents and visitors through architecture, stories and art.</p> <p>Public buildings and spaces are created that reflect cultural heritage and our identity as a city.</p> <p>A new partnership approach is trialled that may be beneficial for both Council and Trust and could lead the way for strengthened relationships and partnerships with other iwi and hapū groups.</p> <p>Partnership spirit of the Treaty of Waitangi is implemented.</p> <p>Agreement is more likely to be reached between Council and the Trust in relation to the Revised Masterplan.</p>	
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Option 2: Do not progress Accord and discontinue negotiations with the Trust

(Not Recommended)

<p>Avoidance of any negative community sentiment.</p> <p>No increase in capital and operational cost for the Revised Masterplan e.g. Cultural Advisor Resource.</p>	<p>Uncertainty and development confidence issues.</p> <p>Costs and time associated with potential litigation.</p> <p>Harm to longer term relationships with iwi and hapu.</p>
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FINANCIAL CONSIDERATIONS

30. The financial considerations relevant to this matter will be process costs associated with any governance arrangements and land ownership legal costs. The value of any land ownership transfer will also need to be considered. Until there is further clarity on the likely arrangements the financial considerations are unable to be quantified.

LEGAL IMPLICATIONS / RISKS

31. The initial Accord is a non-binding agreement between Council and the Trust. Subject to the initial Accord being entered into, Council staff will undertake further investigations on options to give effect to the Accord. A further report will then be presented to Council on a final legally binding arrangements in due course once further details have been worked through and agreement reached on the future land ownership and co-governance arrangements with the Trust.
32. The title for Lot 45 is subject to the Reserves Act 1977. The land in this title is classified as Local Purpose Reserve (municipal buildings). This means the Council must manage the land

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to “ensure the use, enjoyment, development, maintenance, protection and preservation as the case may require, of the reserve for the purpose for which it is classified” (Section 40). For land classified as “local purpose reserve”, the purpose is to provide and retain “areas for such local purpose or purposes as are specified in any classification of the reserve” (Section 23). The land also has a sub-purpose of “municipal buildings”. In order to comply with the Act, the focus of the land should be on municipal buildings, or buildings that help serve a local government purpose.

33. The land may also have Public Works Act requirements.
34. Council has sought legal advice and there appears to be a pathway which will enable a joint ownership of the land, and in doing so take into account any legislative requirements that may apply under both the Reserves Act and the Public Works Act. Further detailed assessment of the optimum pathway is required and will be reported back to Council.

SIGNIFICANCE

35. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council’s Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.
36. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
 - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
 - (b) any persons who are likely to be particularly affected by, or interested in, the decision.
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
37. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the matter is of high significance. However, the matter proposed in this report is of low significance (e.g. to enter into a non-binding initial Accord pending agreement on the terms of a final Accord to be entered into between Council and the Trust).
38. Once the preferred option to bring affect to the Accord is decided by Council (via a future Council report), the matter will be ‘significant’ and will require formal consultation through a special consultative process.

ENGAGEMENT

39. Taking into consideration the above assessment, that the matter is within this report is of low significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

NEXT STEPS

40. The next steps are as set out in the Recommendations.

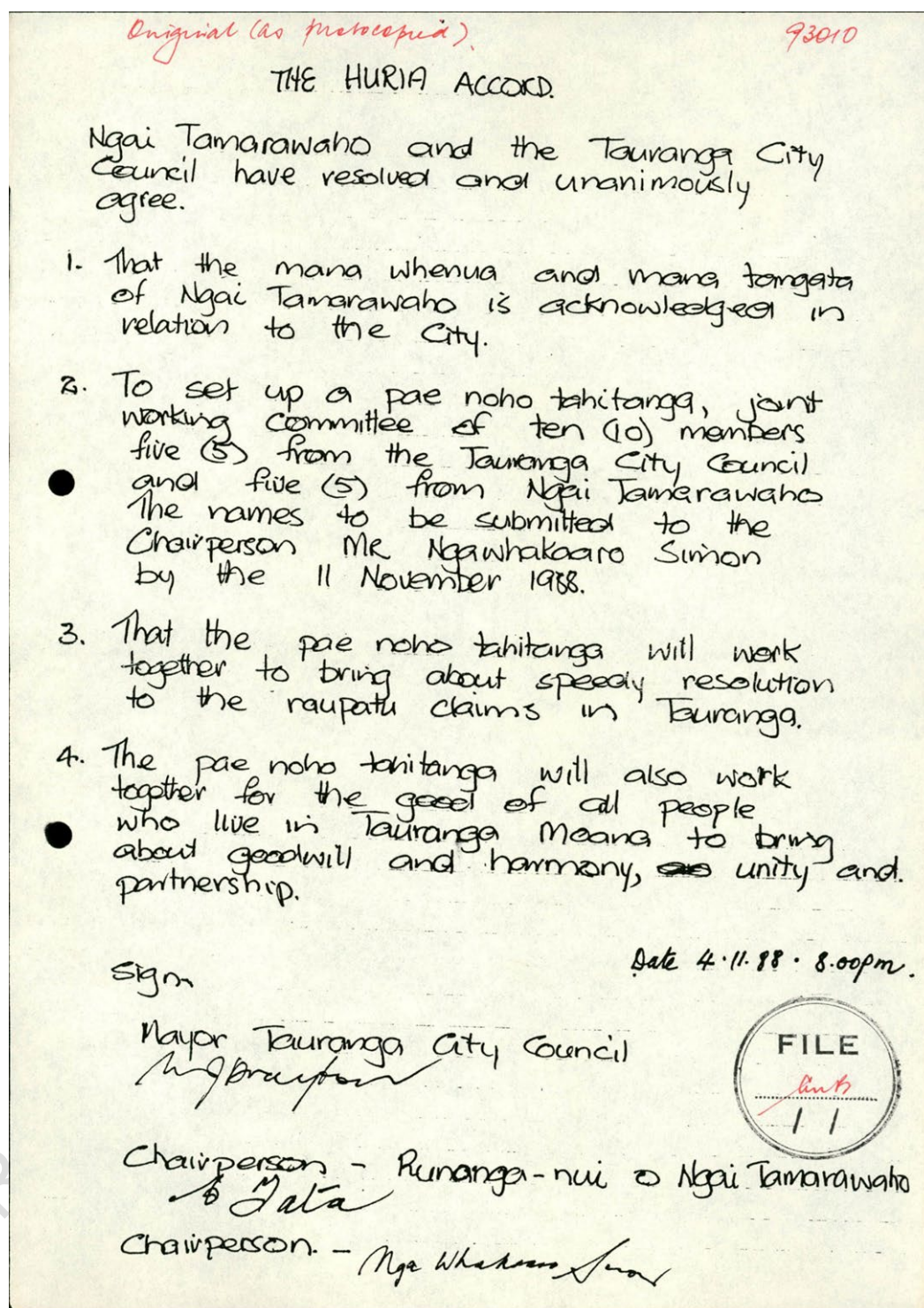
ATTACHMENTS

1. **Willow Street Precinct Plan - Lots 38 and 35 - A11543224**
2. **Huria Accord - A11543339**
3. **Draft Otamataha Trust Accord re Civic Precinct Site - A13107420**



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Dated 2021

ACCORD

BETWEEN

OTAMATAHA TRUST

AND

TAURANGA CITY COUNCIL

2 December 2021: Confidential to negotiations

Page 1

ACCORD**1. PARTIES**

1.1 This accord is between:

- (a) Otamataha Trust (the **Trust**); and
 - (b) Tauranga City Council (the **Council**)
- (together the **parties**).

2. BACKGROUND

- 2.1 The Trust was established by the New Zealand Mission Trust (Otamataha) Empowering Act 2014.
- 2.2 The Trust administers property in Tauranga on behalf of its beneficiaries in accordance with the Otamataha Trust Deed. The beneficiaries of the Otamataha Trust are the members of the Ngāi Tamarāwaho and Ngāi Tapu hapū.
- 2.3 The Council is a local authority under the Local Government Act 2002 with responsibilities in relation to Tauranga City.
- 2.4 There is a significant and complex history to the Te Papa lands as described in many documented references but well described by Dr Alistair Reese in *Te Papa: Naboth's Vineyard?* That history includes the roles of the Church Missionary Society and the Crown in relation to the alienation of the Te Papa lands that were meant to be held in trust for mana whenua. The Waitangi Tribunal has confirmed that the alienations of the Te Papa lands were undertaken in a manner that breached Te Tiriti o Waitangi and its principles.
- 2.5 The civic precinct in Tauranga includes the land bounded by Willow St, Wharf St, Durham St and Hamilton St (**civic precinct land**). The Crown vested some of that land, such as 'Lot 45', in the Council through legislation. That land has been the subject of protest and dispute by mana whenua since the 1800s, which reflects the grievances and breaches that were presented to and accepted by the Waitangi Tribunal.
- 2.6 The Council wishes to develop the civic precinct land to provide modern public amenities and facilities in the heart of Tauranga, in a manner that respects and reflects the significant history and importance of this area to mana whenua (**civic precinct redevelopment project**). That will result in a new and revitalised civic precinct (**new civic precinct**).
- 2.7 The parties have been in constructive discussions in relation to how the civic precinct redevelopment project could move ahead in a manner that respects mana whenua and the historical context.
- 2.8 The parties wish to enter into this accord as an initial step, to record their collaborative partnership approach and intentions to work together towards a solution for the civic precinct land.
- 2.9 The parties intend to work through matters of detail and process and then to enter into a final and binding agreement to record the position reached (**final agreement**).

3. PURPOSE OF ACCORD

3.1 The purpose of this accord is to:

- (a) provide for the Council to acknowledge mana whenua and the historical context to the civic precinct land;
- (b) reflect the constructive discussions between the parties in relation to the civic precinct land;
- (c) record the proposed future arrangements between the parties for the civic precinct land; and
- (d) record the agreed next steps towards the final agreement.

4. ACKNOWLEDGEMENTS

4.1 The Council acknowledges:

- (a) the mana of the Trust and mana whenua;
- (b) the significant history of the Te Papa lands including the civic precinct land to mana whenua; and
- (c) the constructive approach taken by the Trust towards the civic precinct redevelopment project.

4.2 The parties acknowledge the opportunity to redevelop the civic precinct land that reflects the interests of mana whenua and the broader Tauranga community.

4.3 The final agreement will record those acknowledgements and the history in more detail.

5. ASPIRATIONS

5.1 The parties record the following shared aspirations:

- (a) that mana whenua is acknowledged;
- (b) that the history of the Te Papa lands is acknowledged and redressed to the extent possible between the parties;
- (c) that the parties move forward together in a spirit of partnership;
- (d) that the interests of mana whenua are acknowledged and reflected through the civic precinct redevelopment project and new civic precinct including through:
 - (i) joint ownership of the civic precinct land;
 - (ii) co governance of the new civic precinct; and
 - (iii) the master planning and development processes, providing for the recognition and visibility of the history and tikanga of mana whenua in the city centre; and
- (e) that the civic precinct redevelopment project be achieved in a manner that provides benefit for all of the Tauranga communities.

6. PROPOSED APPROACH

6.1 The parties commit to exploring the following approach:

- (a) joint ownership of the civic precinct land;
- (b) a co-governance approach to the new civic precinct;
- (c) continuing the collaborative approach to the master planning process for the civic precinct redevelopment project; and
- (d) ensuring that the civic precinct redevelopment project and new civic precinct appropriately reflect the history and tikanga of mana whenua in the city centre.

7. JOINT OWNERSHIP OF THE CIVIC PRECINCT LAND

- 8. The intention is that the civic precinct land would be vested jointly in Otamataha Trust and Council so that land is held together in partnership.
- 9. There are underlying land status issues to be worked through and resolved, for example under the Reserves Act 1977 and the Public Works Act 1981. The parties will work together in order to address those technical issues, including to the extent necessary with the Crown, with the intention that their aspiration of joint ownership of the civic precinct land can be realised.
- 10. The intention is that civic and public amenities will be established on the civic precinct land. Consequently, no lease rental would be payable to the co-owners for those facilities, but that would be revisited if commercial facilities are established or alternate ground lease or building ownership models are applied resulting in a financial return. These arrangements will be worked through and the details recorded in the final agreement.

11. A CO-GOVERNANCE APPROACH

- 12. The intention is that the parties would form a co-governance entity to govern the new civic precinct to reflect their partnership approach.
- 13. The nature and functions of this co-governance structure would be worked through between the parties and the details recorded in the final agreement.

14. MASTER PLANNING

- 14.1 The intention is that the parties will continue the current collaborative approach to the master planning process for the civic precinct redevelopment project.
- 14.2 One key aspect of that redevelopment will be to ensure that the new civic precinct appropriately reflects the history and tikanga of mana whenua in the city centre.

15. NEXT STEPS

- 15.1 The parties record the following agreed next steps:
 - (a) the technical work on the land status will be progressed to determine whether there are any legal or other impediments to the joint ownership of the civic precinct land;

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- (b) the parties will discuss and develop the proposed co-governance approach to the new civic precinct;
- (c) the parties will continue the collaborative approach to the master planning process for the civic precinct redevelopment project;
- (d) at an appropriate time, the Trust will engage with the beneficiaries of the Trust;
- (e) at an appropriate time, the Council will engage with the community; and
- (f) the parties will work towards a final agreement recording the final positions reached between the parties.

16. **EFFECT OF ACCORD**

- 16.1 The parties are committed to progressing matters as outlined in this accord.
- 16.2 The parties acknowledge that before final binding arrangements and commitments can be entered into, the processes referred to in this accord must be worked through.
- 16.3 While this accord is not intended to be legally binding, and subject to clause 16.2, the final agreement is intended to be a legally binding document.

SIGNED for and on behalf of the)
OTAMATAHA TRUST)
 by: _____
 Signature

 Print name) _____
 Trustee

SIGNED by the)
TAURANGA CITY COUNCIL:)

 Signature

 Print name) _____
 [position]