



# **MINUTES**

**Ordinary Council meeting  
Monday, 25 July 2022**

**Order of Business**

<b>1</b>	<b>Opening karakia</b> .....	<b>4</b>
<b>2</b>	<b>Apologies</b> .....	<b>4</b>
<b>3</b>	<b>Public forum</b> .....	<b>4</b>
<b>4</b>	<b>Acceptance of late items</b> .....	<b>4</b>
4.1	Acceptance of late item - Access options to Parau Farms - update .....	4
<b>5</b>	<b>Confidential business to be transferred into the open</b> .....	<b>5</b>
<b>6</b>	<b>Change to the order of business</b> .....	<b>5</b>
<b>7</b>	<b>Confirmation of minutes</b> .....	<b>5</b>
7.1	Minutes of the Council meeting held on 27 June 2022 .....	5
<b>8</b>	<b>Declaration of conflicts of interest</b> .....	<b>5</b>
<b>9</b>	<b>Deputations, presentations, petitions</b> .....	<b>5</b>
	Nil	
<b>10</b>	<b>Recommendations from other committees</b> .....	<b>5</b>
	Nil	
<b>11</b>	<b>Business</b> .....	<b>5</b>
11.1	Te Manawataki o Te Papa - Securing land for future generations and ongoing community use .....	5
11.2	Partial Reclassification of Gate Pa Recreation Reserve .....	9
11.3	Reclassification of Part of Marine Park .....	10
11.4	Smiths Farm .....	11
11.5	Water Restriction / Water Watchers Plan Update .....	12
11.6	Three Waters Reform - Council Submission on Water Services Entities Bill #1 .....	12
11.7	Traffic & Parking Bylaw Amendment 38 .....	13
11.8	Plan Change 30 (Earthworks) - To make Operative in Full.....	14
11.9	Update on Te Hononga ki Te Awanui - connecting Memorial Park to the city centre.....	14
11.10	Borrowing Programme 2022-2023.....	15
11.11	Council Controlled Organisations' Final Statements of Intent for 2022/2023 to 2024/2025.....	16
11.12	Bay Venues Limited - Strategic Review Update.....	17
<b>12</b>	<b>Discussion of late items</b> .....	<b>17</b>
<b>13</b>	<b>Public excluded session</b> .....	<b>18</b>
13.1	Public Excluded Minutes of the Council meeting held on 27 June 2022 .....	18
13.2	Pitau Road Village .....	18
13.3	Allocation of proceeds - sale of the elder housing villages.....	18
13.4	Appointment of Mana Whenua Board member on Bay Venues Limited.....	19
13.5	Marine Precinct Lot Purchase .....	19
13.6	Exemption to open competition - Water Pump Supply .....	19

---

13.7	Parking Meters Replacement.....	19
13.8	Roadside Mowing provision and funding .....	19
13.9	Access options to Parau Farms - update.....	19
<b>14</b>	<b>Closing karakia .....</b>	<b>20</b>
	<b>Resolutions transferred into the open section of the meeting after discussion .....</b>	<b>20</b>
13.3	Allocation of proceeds - sale of the elder housing villages.....	20

**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 JULY 2022 AT 9.30AM**

**PRESENT:** Commission Chair Anne Tolley, 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), Nic Johansson (General Manager: Infrastructure), Christine Jones (General Manager: Strategy, Growth & Governance), Gareth Wallis (General Manager: City Development & Partnerships), Phillip Kai Fong (Team Leader Strategic Property), Rachael Andrews (Strategic Property Advisor), Gert van Staden (Senior Strategic Advisor), Ross Hudson (Team Leader: Planning), Peter Bahrs (Team Leader: Water Services), Dianne Bussey (Contractor – Three Water Reforms), Cathy Davidson (Manager: Directorate Services), Will Hyde, (Senior Transportation Engineer), Janine Speedy (Team Leader: City Planning), Karen Steer (Planner), Malcolm Smith (Senior Project Manager: Civic Development Projects), Mike Naude (Director of Civic Developments), Sheree Covell (Treasury and Financial Compliance Manager), Kathryn Sharplin (Manager: Finance), Anne Blakeway (Manager: Community Partnerships), Coral Hair (Manager: Democracy Services), Robyn Garrett (Team Leader: Committee Support), Sarah Drummond (Committee Advisor), Anahera Dinsdale (Committee Advisor), Janie Storey (Committee Advisor)

## **1 OPENING KARAKIA**

Commissioner Shad Rolleston opened the meeting with a karakia.

## **2 APOLOGIES**

Nil

## **3 PUBLIC FORUM**

Nil

## **4 ACCEPTANCE OF LATE ITEMS**

### **4.1 Acceptance of late item - Access options to Parau Farms - update**

#### **RESOLUTION CO14/22/1**

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council

Accepts the following public excluded late item for consideration at the meeting:

- Access options to Parau Farms - update

The above item was not included in the original agenda because it was not available at the time the agenda was issued, and discussion cannot be delayed until the next scheduled meeting because a decision is required in regard to this item.

**CARRIED**

## **5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN**

Nil

## **6 CHANGE TO THE ORDER OF BUSINESS**

Nil

## **7 CONFIRMATION OF MINUTES**

### **7.1 Minutes of the Council meeting held on 27 June 2022**

#### **RESOLUTION CO14/22/2**

Moved: Commissioner Stephen Selwood

Seconded: Commissioner Bill Wasley

That the minutes of the Council meeting held on 27 June 2022 be confirmed as a true and correct record.

**CARRIED**

## **8 DECLARATION OF CONFLICTS OF INTEREST**

Nil

## **9 DEPUTATIONS, PRESENTATIONS, PETITIONS**

Nil

## **10 RECOMMENDATIONS FROM OTHER COMMITTEES**

Nil

## **11 BUSINESS**

### **11.1 Te Manawataki o Te Papa - Securing land for future generations and ongoing community use**

**Staff** Marty Grenfell, Chief Executive  
Gareth Wallis, General Manager: City Development & Partnerships  
Phillip Kai Fong, Team Leader Strategic Property

**External** Puhirake Ihaka, Peri Kohe, Buddy Mikaere and Alan Tate - Otamataha Trust  
Dr Alistair Reese, historian and theologian

#### **Key points - Presentation – Dr Alistair Reese**

- The city needed a new heart and many were looking forward to city centre transplant.

- Naboth's vineyard biblical reference - 1 Kings 12 - "I will not give you the inheritance of my ancestors" was the leading motif for iwi describing what happened to Māori land through history.
- Henry Williams of the Church Missionary Society was invited to sail on a yacht to Tauranga in an attempt to stop Ngāpuhi from carrying out utu. He was invited to set up a mission station, known as The Elms.
- Land was negotiated and two parcels - one 350 acres and a larger 1333 acres - from Gate Pa peninsula to The Strand were transferred from local hapū to the Church Missionary Society.
- The land was accepted as a promise to iwi that the missionaries were here to stay and had no intention of leaving them.
- There was a tide of immigration setting upon the area with a hunger for land - so the land was banked on behalf of Māori.
- There was a difference in the European understanding of what a sale was and an indigenous take of what a sale was - for Māori land exchange was relational not transactional and held in trust.
- The Church Missionary perspective was that the land was for the benefit of the native race and the Church, and never to be sold for the purpose of raising money.
- Mr Brown facilitated the signing of the Treaty of Waitangi in Tauranga Moana.
- Governor Gray and the Commissioner agreed to allowing the purchases despite lots of locals being against it. The hunger for land continued and war broke out in Waikato.
- The Crown always had the intention to establish a township and reward the militia with land.
- This caused internal tensions within the Missionary Society as Mr Brown did not support it and the bill was not yet law.
- The Missionary Society yielded in this instance to the pressure of the government and the Crown and 4/5ths of the land was gifted to the Crown and 1/5<sup>th</sup> to The Elms Mission station. This way they were not accused of selling the land.
- A letter written at the time stated that their offer was a very liberal one, that they must be very careful as land was held in trust, and to be careful legally how it was negotiated and it should not be taken.
- Built this city on betrayal and the loss of land - I riro whenua atu me hoki whenua mai - It is land that was taken and therefore it is land that needs to be returned.

Mr Kohu spoke to the meeting:

- In September 1987 a group decided enough was enough. When the Council demolished the old town hall this became focus of a grievance by Ngai Tamarāwaho as Lot 45 and surrounding areas were part of their inheritance.
- Apologised for the point in time actions at the protest. Now 35 years later different tools were used to get the attention of the Council, resulting in the current approach.
- Excited that the Commissioners had brought the discussions to this stage, where a meaningful relationship and partnership had developed with which the foundations were laid at Treaty of Waitangi in 1840 which gave credence to proceed in a partnership.
- Council staff also made it possible, coming to the table, looking at the accord as beneficial to both and to be able to look ahead through passage of time.
- Mr Kohu offered a sincere apology for damage done in 1987 and said that he was grateful that he could come to the table and be in common with the intention of the accord.

Mr Mikaere spoke to the meeting:

- Noted the important occasion for all and thanked the Council for the opportunity to address the meeting.
- The land was acquired by Church Missionary Society in 1838 after a close relationship being developed with iwi.
- Some whanau had been named for Archdeacon Brown and his family.
- Iwi felt keenly the abandonment and confiscation of the land, and the Church giving up their holdings that were to be held in trust.
- It caused great sadness in 1884 when Archdeacon Brown died and no one attended his tangi

as punishment for those that had participated in the confiscations.

- The land had been held over the years with the belief steadfastly maintained it would go some way towards righting a wrong, and that had been achieved while the community purposes were maintained.
- The land was a hugely generous contribution from the hapū to the city.

Mr Ihaka spoke to the meeting:

- Thanked other speakers for their korero which set the scene from that time when church arrived to now, so all understand fully the history behind why this is happening today.
- The facts had been stated and they were speaking on behalf of all Trustees, some of whom were in attendance at the meeting today.
- The current point of view had finally reached reconciliation and Trustees considered it to be reconciliation of everything that had happened.
- Trustees wanted to move forward in terms of the accord as it had the foundation of everything that the Trust wanted to see happen in the area for mana whenua, tangata whenua, the community at large and the Council for their new home.
- Trustees were greatly appreciative of their new standing in this arrangement in terms of the Trust.
- Acknowledged the early times of Ngai Tamarāwaho carried out what they thought was the right thing to do at the time as they were the kaitiaki caretakers in the land in those troubled times.
- Appreciation given to the Commissioners and Chief Executive for brokering everything that had been happening, and to staff who worked tirelessly to get this to where it was today.
- “Tēnei te mihi aroha ki a koutou, mō tēnei rā, mō tēnei kaupapa, nō reira tēnā koutou, tēnā koutou, tēnā koutou katoa”. Our loving acknowledgements to you all, for this auspicious day, for this initiative, thank you all very much.

Mr Tate spoke to the meeting:

- Noted that there would be a section of community that would not be happy.
- He wanted to speak to those people to tell them to ask their children and grandchildren what they thought of the proposal as it was for their future.
- Commended the Council and staff for their forward thinking which was clearly the right thing to do for Tauranga and its future.

### **Key points**

- The discussions with the Otamataha Trust had resulted in securing the land for public use forever for ongoing community wide use and would go a long way to reconciling the grievances that had been within the city for the past 180 years.

### **Commissioners' comments:**

- Dwarfed by magnanimity of tangata whenua for the loss of a huge amount of land and mana and sense of belonging for many generations and acknowledged the importance of this to iwi.
- Appreciation to Dr Alistair Reese and the Trustees for telling their story as it was not known or spoken about, therefore had not ever been acknowledged.
- The steps being taken at this meeting gave a feeling of enormous pride and humility that Council was in the position to be able to take this step.
- Consultation was required with the community before the final decision could be made.
- Confident that knowing the history and understanding it, that most would accept it was the right thing to do as it created exciting opportunities for the city.
- The Trustees had gifted the name of site Te Manawataki o Te Papa - the heartbeat of Te Papa - the heart is the organ that feeds everything and enlivens the body. It acknowledged the role of the story which had given all an understanding of the connection to the land and the responsibility to preserve it.
- It was an elegant solution to the dilemma faced by Archdeacon Brown, the church and people in government positions.

- All were moved by the apology given by Peri Kohu for the actions some 35 years ago, which denoted the passion iwi felt for the land and gave acknowledgement of their history that goes with the land. It was the challenge and loud protest to right the wrongs of the past that got us to the solution and to recognise a way forward.
- Appreciation given to the Otamataha Trust and its members representing the iwi and hapū, for their generosity of spirit in joining with Council in the accord and standing together on a piece of land representing the history going back to the early 1800's.
- Commissioner Rolleston gave his personal acknowledgement to the speakers reflecting on all that had happened beforehand and for each tupuna for making numerous petitions to the Crown to resolve this. This was an opportunity to restore and bring about restitution. Was a local person coming to understand the deep connection, relationship and history with the site.
- This was an opportunity to restore and put right a long-held grievance - hara raru - still had to step through that process as a community but had more to gain than to lose. Council was acknowledging, restoring and reconciling this particular piece of land as it would still be used for its purpose and remain as land held in trust for the church and the community.
- The story of Tauranga and the importance as part of New Zealand's history was poorly understood and inadequately told, and this was an opportunity to also right that wrong and note the importance this city had played for both mana whenua and pakeha and all that came in the decades that followed.

### In response to questions

- A Council Controlled Organisation (CCO) was necessary due to the issues in relation to the land that underlies Te Manawataki o Te Papa. A CCO allowed TCC to have a true partnership arrangement where the Charitable Trust would be made up of the Council and the Otamataha Trust, both having equal sharing arrangements and giving the opportunity to hold the land for future generations in a way that addressed the legal concerns that had to be dealt with for that land.
- In relation to whether there were other similar arrangements with iwi and hapū throughout the country, it was noted that this agreement was a slight variation to what had been seen with other councils and the Crown. This co-ownership agreement unlocked the key developments that Council wished to undertake on the land and the new partnership arrangement and approach going forward would be beneficial for both the Council and mana whenua and led the way for a strengthened relationship with other iwi going forward.

### RESOLUTION CO14/22/3

Moved: Commission Chair Anne Tolley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report 'Te Manawataki o Te Papa – Securing land for future generations and ongoing community use';
- (b) Agrees to consult on options regarding partnership approaches with Otamataha Trust, in particular the future ownership of the land associated with Site A of the Civic Precinct;
- (c) As the preferred option for consultation purposes, approves the co-ownership of the land referred to as 'Site A' of the Civic Precinct with Otamataha Trust, through the establishment of a council-controlled organisation (Option One), with the following proposed structure and arrangements:
  - Transfer of the land to the council-controlled organisation for a nominal sale price of \$1.00 and subject to a perpetual peppercorn ground lease<sup>1</sup> back to Council; and
  - Council retains ownership of any improvements on the land and is entitled to develop and construct further improvements on the land;

---

<sup>1</sup> A peppercorn ground lease refers to a very small or nominal annual payment.



- (d) Notes that, if approved, public consultation on the purpose and principles of creating a council-controlled organisation for Site of the Civic Precinct will commence in late-August 2022

**CARRIED**

The Commissioners thanked all for their support, contribution and attendance at the meeting and for sharing their emotion on what this decision meant to them.

The meeting adjourned at 10.40 am

The meeting reconvened at 10.50 am

## **11.2 Partial Reclassification of Gate Pa Recreation Reserve**

**Staff** Christine Jones, General Manager: Strategy, Growth and Governance  
Rachael Andrews, Strategic Property Advisor  
Janine Speedy, Team Leader: City Planning  
Philp Kai Fong, Team Leader: Strategic Property  
Ross Hudson, Team Leader: Planning

### **Key points**

- A proposal for funding was included in the LTP to carry out further work on the partial reclassification of the historic reserve.
- There were historical obligations with Ngai Tamarāwaho and Pukehinahina Charitable Trust to explore the proposal.
- The land was no longer required by the bowling club and there were no other identified purposes from a recreational perspective.

### **In response to questions**

- It was always the intention to work in with the tennis club in relation to the carparking, but nothing could be done until the reclassification and public notification had been completed. If these were successful, staff would look at how the parking would work in relation to each facility.
- The land across the road was contiguous with this site and it made sense to connect them together.
- There was an opportunity from a heritage perspective to align all reserves and to tell the historic story and connect all of the heritage reserves across the city. This was one of a number of projects being developed with the Otamataha Trust and iwi with a focus around cultural and heritage reserves and the relationship with all iwi and their particular rohe.
- In response to a query on the relationship between how Council developed and promoted cultural sites and other significant battle sites like Pukehinahina and the relationship with others around the country, it was acknowledged that cultural and historical network planning across the city needed to be given more attention and to raise its national importance through storytelling, noting the battles local iwi fought in Waikato, Tauranga, and other areas.
- Once the reclassification was approved staff would work with iwi and tell the land war stories in the area and raise the national importance in the storytelling.

### **Discussion points raised**

- It was suggested that Council meet with the Pukehinahina Trust to consider how the story telling and national significance could be accomplished and how to access national funding in order to do so.
- Need to be clear that there was a process that had to be followed and consultation had to occur.
- A meeting with the Trust would be arranged to discuss the future proposal for the site.

**RESOLUTION CO14/22/4**

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That Council:

- (a) Confirms its support, in principle, of the proposal to establish a Cultural and Historic Centre on that part of the Gate Pā Recreation Reserve shown indicatively as “Upper Site A” at *Figure 1*; and
- (b) Approves in principle, subject to public and tangata whenua notification, the reclassification of that part of the Gate Pā Recreation Reserve shown indicatively at *Figure 2*, from recreation reserve to historic reserve, pursuant to section 24 of the Reserves Act 1977; and
- (c) Authorises public and tangata whenua notification of the proposed re-classification, pursuant to section 24 of the Reserves Act 1977;
- (d) Subject to the reclassification of “Upper Site A” at *Figure 1* (“the reclassification”), authorises staff to commence negotiations with Ngai Tamarāwaho in terms of a proposed lease over “Upper Site A” at *Figure 1* for the Cultural and Historic Centre; and
- (e) Subject to the reclassification, and subsequent agreement and approval of lease terms between Council and Ngai Tamarāwaho for the Cultural and Historic Centre, it is considered that Council will have met its obligation to investigate options pursuant to a Memorandum of Understanding entered into with Ngai Tamarāwaho in 1999 and delivered on the commitment to provide to Ngai Tamarāwaho a place for a Cultural and Historic Centre.

**CARRIED**

**11.3 Reclassification of Part of Marine Park**

**Staff** Christine Jones, General Manager: Strategy, Growth and Governance  
Gert van Staden, Senior Strategic Advisor  
Curtis Bones, Manager: Strategic Property and Commercial Facilitation

**Key points**

- The reclassification would allow for the establishment of a marine and educational facility.
- At the public hearing last month, 300 submissions were received, with 66% supporting the proposal.
- Once objections had been considered and had been adequately addressed, the reclassification could proceed.

**In response to questions**

- A report would be provided in early August regarding the long-term concerns including the increased use of boats, car parking; and the increase in traffic and train movements and the intersection with the rail on Keith Allen Drive; and how these issues would be addressed.
- The University were forecasting 50 FTE’s and would also require parking for researchers. The process document would include applications on how they intended to share parking and if there was capacity for this.

**Discussion points raised**

- A new resolution (e) was noted.

**RESOLUTION CO14/22/5**

Moved: Commissioner Bill Wasley

Seconded: Commission Chair Anne Tolley

That the Council:

- (a) Confirms the objections and other feedback received on the proposal, as contained in Attachment D, and tangata whenua feedback has been considered.
- (b) Confirms the proposed reclassification of a portion of Marine Park, identified by SO plan 530292 and appended to this report as Attachment A, from recreation reserve to local purpose (marine research and education facility) reserve.
- (c) Initiates the lease tender process under the Public Bodies Leases Act 1969.
- (d) Endorses the Chief Executive exercising the delegated authority to appoint a preferred applicant under the Public Bodies Leases Act 1969.
- (e) Requests staff report back in respect of the upgrading and provision of new facilities at Sulphur Point including new boat ramps and proposed formalised carparking being reviewed.

**CARRIED**

**11.4 Smiths Farm**

**Staff** Christine Jones, General Manager: Strategy, Growth and Governance  
Ross Hudson, Team Leader: Planning

**Key points**

- There was further work to be done on active reserves, with the work underway for the plan change to be brought to the August Council meeting.
- If the Council reconfirmed the area was for housing, it would initiate a plan change enabling a housing development on the developable portions of the site under the Special Housing Area legislation.
- An update of the supply and demand for sports field across the district had been undertaken and there would only be a need in that area for 2-3 fields . Sufficient land was available at Pōteriwhi as a fall-back option within that area.

**RESOLUTION CO14/22/6**

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Reconfirms that the Council's owned land at Smiths Farm:
  - (i) is surplus to requirements as Active Reserve; and
  - (ii) can be used for housing purposes.
- (b) Approves staff progressing rezoning the land at Smiths Farm for housing as part of the upcoming plan change to implement the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

**CARRIED**

The meeting adjourned at 11.18 am

The meeting reconvened at 11.35 am

## 11.5 Water Restriction / Water Watchers Plan Update

**Staff** Nic Johansson, General Manager: Infrastructure  
Peter Bahrs, Team Leader: Water Services

### Key points

- Approvals were sought for water restrictions across city into the future due to the requirement last summer.
- While there was currently a lot of rain and some run off happening, the aquifers were still at an uncomfortable level and it would take time for the water to get into underground aquifers.
- The roll out for water watchers was planned for November - in the past this had been successful and benefits accrued from them.
- Some lessons had been learned, improvements and refinements made, and these would be integrated into the water strategy plan.
- While there was the prospect of Waiāri coming online at the end of year, water was a precious resource and still posed challenges for the city going forward.
- The consenting processes for the Tautau and Waiorohi water takes were due in 2026, therefore it was important to note how Council managed the resource sustainably and constructively into the future.
- The Waiāri Kaitiaki Advisory Group was still seeing flow reductions and doing work in the background. There needed to be a fallback position if these flows did not recover.
- A report would be provided to Council in October indicating refinements on how to manage the integrated plan and bringing in Waiāri as water source for future.

### In response to questions

- Staff were carrying out predictive modelling to gain an understanding of the data on the water aquifers. Currently 12-18 months was predicted for recharge.
- A report would be provided on how to manage the pricing and role of water going forward now and into the future.

### Discussion points raised

- There was a need to continually communicate to the community the need to manage water usage, even with Waiāri adding to the supply at the end of year.
- There was also a need to work regionally on more secure water supplies.

## RESOLUTION CO14/22/7

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives this report on the water restriction management over the past 7 months.
- (b) Approves:
  - (i) The water restriction / management plan to remain in place (under bylaw)
  - (ii) The preparation of a medium to long term water management strategy

**CARRIED**

## 11.6 Three Waters Reform - Council Submission on Water Services Entities Bill #1

**Staff** Nic Johansson, General Manager: Infrastructure

**External** Dianne Bussey, Contractor – Three Water Reforms

**Key points**

- The combined submission following feedback from the community was submitted on Friday 22 July 2022 and had been placed on the TCC website.
- A number of pieces of information had been provided by the public outside of the survey questions which had been incorporated in the submission. These mostly related to discontent with the Three Waters reform overall.
- The next piece of legislation was expected in the next quarter and was likely to cover the transition and powers of the new entity.

**In response to questions**

- It was noted that Council wished to speak to its submission. As there were over 10,000 submitters wanting to speak the hearings would probably run over several weeks.
- It was noted that there had been a recent announcement that Local Government New Zealand (LGNZ) was considering abandoning support for three waters and going for two waters. However, this was not announced or discussed at the recent LGNZ Conference.
- Concern was raised that a paragraph in the preamble of the submission had been removed which explained in part the rationale of the shares based on metropolitan assets, with the only reference to it being well into the paper with no context or detail provided for the change. Staff responded noting that it was included in clause 16, but would follow that up. It was also noted that as this was one of the issues of most concern to ratepayers it would form a point to be made when presenting the oral submission.

**Discussion points raised**

- Appreciation was given for the work done to prepare the submission within the tight timeframes and for making sure it happened.

**RESOLUTION CO14/22/8**

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Notes the submission made to Government in relation to the Water Services Entities Bill as tabled at the meeting.

**CARRIED**

**11.7 Traffic & Parking Bylaw Amendment 38**

**Staff** Nic Johansson, General Manager: Infrastructure

**RESOLUTION CO14/22/9**

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receives the Traffic and Parking Bylaw (2012) Amendments Report.
- (b) Adopts the proposed amendments to the Traffic and Parking Bylaw (2012) Attachment as per Appendix B, relating to minor changes for general safety or amenity purposes, to become effective from 26 July 2022.

**CARRIED**

**11.8 Plan Change 30 (Earthworks) - To make Operative in Full**

**Staff** Christine Jones, General Manager: Strategy, Growth and Governance  
Janine Speedy, Team Leader: City Planning  
Karen Steer, Planner

**Key points**

- This was a procedural matter from a decision made by the Hearings Committee. No appeals had been received.

**Discussion points raised**

- Acknowledgement to staff for the work on the setting of guidelines.

**RESOLUTION CO14/22/10**

Moved: Commissioner Stephen Selwood

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the report Plan Change 30 (Earthworks) – To make Operative in Full.
- (b) Pursuant to Clause 17(1) of Schedule 1 of the Resource Management Act 1991, approves Plan Change 30 (Earthworks) (Attachment A) and authorises the Commission Chair and Chief Executive to affix the seal of Council on the Plan Change 30 documents.
- (c) Pursuant to Clause 20 of Schedule 1 of the Resource Management Act 1991, notifies that the approved Plan Change 30 shall become operative on 12 August 2022.
- (d) Endorses the non-statutory sediment and erosion control guideline (Appendix B of this report).

**CARRIED**

**11.9 Update on Te Hononga ki Te Awanui - connecting Memorial Park to the city centre**

**Staff** Gareth Wallis, General Manager: City Development & Partnerships  
Malcolm Smith, Senior Project Manager: Civic Redevelopment Projects  
Mike Naude, Director: Civic Developments

**External** Rebecca Ryder - Boffa Miskell

**Key points**

- Outlined the work to date from The Strand to the Harbourside restaurant, including the installation of the culvert through to Tunks Reserve that would take place over three days early in the new year.
- The second section outlined the project objectives for the overall project and Stage 3 which was the link from Tunks Reserve to Memorial Park.

**In response to questions**

- In response to a query regarding there being no mention of people in the objective for public enjoyment of the water's edge and harbour, it was noted that the priority function was all forms of recreation along the area and links to the water. Staff noted that they would refocus the objective from transportation into recreational priorities.
- The ordering of the timber would be done once the final detail had been agreed. Staff were currently calculating the volumes and contingency at present, along with graphics of what the boardwalk would look like. Prices would then be sought, with the expectation that it would be completed by November 2023.

- A wide range of stakeholders had been consulted including mana whenua, harbour residents, immediate adjacent landowners affected by riparian rights, Bay of Plenty Regional Council (BOPRC) regarding access to spill team and emergency response team, Kiwi Rail, harbour and reserve user groups and water-based groups. It was requested that Envirohub and sustainability enhancement groups be added to the list.
- It was noted that staff had met with BOPRC staff and had received a copy of their intended plans for the area; however, no consent had been lodged at this stage as they were still in a holding pattern.

#### **Discussion points raised**

- While the project was strong on process, it did not seem to be strong on the reasons why the upgrade was being done. It was requested that the objectives included that the project was about the enabling of the harbour and the park to the city.

#### **RESOLUTION CO14/22/11**

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the 'Update on Te Hononga ki Te Awanui – connecting Memorial Park to the city centre' report.
- (b) Endorses the project objectives for Te Hononga ki Te Awanui – connecting Memorial Park to the city centre., addition of objective to include public enjoyment of the water's edge and harbour
- (c) Notes the key tasks and indicative timelines for the three areas of the project.

**CARRIED**

#### **11.10 Borrowing Programme 2022-2023**

**Staff** Paul Davidson, Chief Financial Officer  
Sheree Covell, Treasury and Financial Compliance Manager  
Kathryn Sharplin, Manager: Finance

#### **RESOLUTION CO14/22/12**

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receives the report – "Borrowing Programme 2022-23".
- (b) Approves the Borrowing Resolution for the 2022-2023 financial year:
  - i. The borrowing of \$184,000,000 (the "Borrowing"). This Borrowing being made up of:
    - \$128,000,000 of new loans approved for the financial year 2022-2023 in the Annual Plan 2022-2023;
    - \$56,000,000 of maturing loans during the financial year 2022-2023;
    - That in addition a bank overdraft facility of \$100,000 be retained.
  - ii. The borrowing is to be secured against the rates revenue of Council under the Debenture Trust Deed.

- iii. That the Council may also fund the capital expenditure programme and its working capital requirements from its cash reserves and other internal / external sources of funds.
- (c) Approves that authority is delegated to the Chief Executive and the Chief Financial Officer, subject to the Local Government Act 2002 and the Treasury Policy, to:
- i. determine the details and timing of the Borrowing whether in this financial year or in the future and to raise long or short-term loans, whether by one or more bank facility or other facilities, or by one or more issues of stock, whether by internal funding or external, and whether by wholesale issue or by private placement to habitual investors, to yield a maximum external borrowing identified in (b)(i) above, of \$184,000,000 secured under the Debenture Trust Deed as the Chief Executive and Chief Financial Officer consider appropriate and in accordance with the Council's Treasury Policy; and
  - ii. execute all loan and security documentation in relation to the Borrowing on behalf of Council, including any loan and/or credit agreements and stock certificates, investment statement and any other documents which Council may be required to enter into in respect of the borrowing, and to give one or more certificates in respect thereof for the purposes of Section 118 of the Local Government Act in respect of Council's entry into such borrowing security or related documentation.
- (d) Approves that authority is delegated to the Chief Financial Officer to borrow internally to manage the funding requirements, subject to availability of internal funding and reassign approved borrowings between activities for approved projects.
- (e) Approves that authority is delegated to the Chief Financial Officer to enter into interest rate risk management transactions with institutions.

**CARRIED**

### **11.11 Council Controlled Organisations' Final Statements of Intent for 2022/2023 to 2024/2025**

**Staff** Gareth Wallis, General Manager: City Development & Partnerships  
Anne Blakeway, Manager: Community Partnerships

#### **Key points**

- These were the final Statements of Intent and staff were satisfied that all comments had been incorporated

#### **Discussion points raised**

- Acknowledgement to staff and the CCOs on the huge progress made, making the process much smoother.

### **RESOLUTION CO14/22/13**

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receives the council-controlled organisations' Final Statements of Intent 2022/23 to 2024/25 report.
- (b) Receives and approves Bay Venues Limited's final Statement of Intent 2022/23 to 2024/25 (Attachment 1).
- (c) Receives and approves Tauranga Art Gallery Trust's final Statement of Intent 2022/23 to 2024/25 (Attachment 3).



- (d) Receives and approves Tourism Bay of Plenty's final Statement of Intent 2022/23 to 2024/25 (Attachment 5).
- (e) Notes that Western Bay of Plenty District Council, as joint shareholder, will receive the final Statement of Intent 2022/23 to 2024/25 for Tourism Bay of Plenty at their Council meeting on 11 August 2022.
- (f) Receives and approves Bay of Plenty Local Authority Shared Services Statement of Intent 2022/2023 to 2024/25 (Attachment 7).
- (g) Receives and approves Local Government Funding Agency Statement of Intent 2022/2023 to 2024/25 (Attachment 8).

**CARRIED**

### **11.12 Bay Venues Limited - Strategic Review Update**

**Staff** Gareth Wallis, General Manager: City Development & Partnerships  
Anne Blakeway, Manager: Community Partnerships

#### **Key points**

- Six recommendations from the strategic review had been completed and the other four were on track with some work still to be done to finalise these.

#### **In response to questions**

- Some of the financial actions would be incorporated into the Annual Plan and some into the Long-term Plan (LTP) if additional funding was required.
- While the developments were initially challenging and slow to start, the group had now landed on the key principles with both parties agreeing on how to move forward.
- The art gallery and Tourism BOP had met last week for a brainstorming session and staff would meet with their CEO's and boards to offer assistance on what Council could do to support them and apply this in the best way for the CCO. They were aiming for this to be completed by the end of the year, to commence on 1 July 2023 if not sooner.
- Bay Venues was working hard to include the TCC logo in their communications, signage and branding.
- Feedback had been received from all CCO's that there was no city brand, and while two logos were good it did not sell Tauranga. The CCO's were keen to have that conversation with the Council as one organisation and it was anticipated that by 1 July 2023 there would be significant movement with the co-branding and city branding discussions.
- The city vision - "together we can" should be used to form part of the Tauranga Moana identity.

#### **RESOLUTION CO14/22/14**

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the Bay Venues Limited – Strategic Review Update.

**CARRIED**

## **12 DISCUSSION OF LATE ITEMS**

Nil

### 13 PUBLIC EXCLUDED SESSION

#### Resolution to exclude the public

#### RESOLUTION CO14/22/15

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Bill Wasley

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
<p><b>13.1 - Public Excluded minutes of the Council meeting held on 27 June 2022</b></p>	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege</p> <p>s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>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)</p>	<p>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</p>
<p><b>13.2 - Pitau Road Village</b></p>	<p>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)</p>	<p>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</p>
<p><b>13.3 - Allocation of proceeds - sale of the elder housing villages</b></p>	<p>s6(b) - The making available of the information would be likely to endanger the safety of any person</p> <p>s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including</p>	<p>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</p>

	commercial and industrial negotiations)	
<b>13.4 - Appointment of Mana Whenua Board member on Bay Venues Limited</b>	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(c)(i) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied</p>	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
<b>13.5 - Marine Precinct Lot Purchase</b>	s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	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
<b>13.6 - Exemption to open competition - Water Pump Supply</b>	s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	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
<b>13.7 - Parking Meters Replacement</b>	s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	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
<b>13.8 - Roadside Mowing provision and funding</b>	s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	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
<b>13.9 – Access options to Parau Farms - update</b>	s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	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**

## 14 CLOSING KARAKIA

Commissioner Shad Rolleston closed the meeting with a karakia.

### Resolutions transferred into the open section of the meeting after discussion

#### 13.3 Allocation of proceeds - sale of the elder housing villages

##### RESOLUTION CO14/22/17

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

##### **Expected Elder Housing Portfolio Proceeds**

- (a) Notes that the expected gross proceeds of the Elder Housing Portfolio and Pooles Road properties are circa \$38.6 million, with the final amount to be confirmed following the sale of Pitau Road village and Hinau Street village.
- (b) Notes, dependent on today's decisions, that the total committed and actual expenditure from the sale proceeds to-date is \$7,882,731, this consists of:
  - (i) \$3 million approved development contribution grants for community and papakāinga housing.
  - (ii) \$3.21 million to relocate the Tauranga Women's Collective.
  - (iii) \$1.672 million of costs associated with the disposal of the properties.

##### **Tauranga Women's Collective**

- (c) Decision for this item to remain in public excluded
- (d) Notes that the approved total of \$3,210,000, funded from Pooles Road properties sale, to relocate the Tauranga Women's Collective to alternative premises is an investment in properties that remain in Council ownership and are leased to the Collective at a peppercorn rate.
- (e) Notes that the funds received by the Stormwater activity for the transfer of properties are intended to be used to retire stormwater debt.

##### **Future Reinvestment of Sale Proceeds**

- (f) Adopts the following principles to guide the reinvestment of the remaining proceeds from the sale of the elder housing villages and Pooles Road properties. Funds will be used in such a way as to:
  - (i) Deliver an increase in public, social, affordable and elder housing for Tauranga.
  - (ii) Minimise private individual profit.
  - (iii) Provide opportunity to leverage for additional external funds.
  - (iv) Ensure funds remain within non-profit entity control (i.e. if reinvestment does return a profit, the resulting profit will be reinvested to deliver further public and/or affordable housing and would not return to Council).
  - (v) Result in community benefit being retained long term.

- (g) Authorises staff to work collaboratively with BayTrust on a co-design model for a proposed Housing Equity Fund, based on a possible Tauranga City Council investment of minimum \$20 million, noting that this does not commit Council to investing in the proposed Housing Equity Fund.
- (h) Approves the completion of further work investigating the establishment processes, costs, governance, and potential return on investment of setting up an independent entity versus investing alongside others, such as investment into the proposed Housing Equity Fund.
- (i) Notes that the decision of the quantum of funds and the nature of the reinvestment will be consulted on via the 2023-2024 Annual Plan process.

**Transfer to Open**

- (j) Approves resolutions (a), (b), (d) to (j) being transferred to open. Recommendation and resolution (c), together with this report and attachments, are to remain as confidential.

**CARRIED**

**The meeting closed at 2.20 pm.**

**The minutes of this meeting were confirmed as a true and correct record at the Ordinary Council meeting held on 15 August 2022.**

.....  
**CHAIRPERSON**