



Proposal to establish a new Council Controlled Organisation

We believe establishing a new CCO to govern and lead the delivery of Tauranga's civic precinct redevelopment is the right thing to do.

* indicates a mandatory field

Tell us what you think

Tell us why you think that

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Tell us what you think	Tell us why you think that	First name: *	Surname: *	Organisation name (if applicable):
You must appoint appropriately qualified and experienced professionals- architects and planners with civic experience not just a council body of unqualified.	Being in the architecture industry, I don't believe we have the experienced local specialists. We need to seek specialist groups from outside tauranga and seek reference to successful examples of engaging the waterfront and city from around the world.	Peta	Cummings	
Is this a truly selected group by whom? We seem to be getting to many decisions made what I call the old boys club, eg those who wanna see money spent because they themselves have money. Tauranga is in need of sprucing up but money being g spent wrongly	As longtime resident we did see Tauranga developing steadily then all of a suddenly we had wannabe things to happen.	Noel	Wylie	
No! more rich people getting more of ratepayers money. No doubt the budget will blow out and you will pay your rich mates even more money to sit around. If you can't manage this project then why did you propose it in the first place to include this cost?	No! more rich people getting more of ratepayers money. No doubt the budget will blow out and you will pay your rich mates even more money to sit around. If you can't manage this project then why did you propose it in the first place to include this cost?	Elizabeth	Blankenaar	
Waste of money, are there not people already employed by the council that it is their job to do this type of work??	As above, plus the Commissioners should not be making these decisions as they were not voted in. Undemocratic.	Melissa	Hodgson	
How about we stop wasting our rates and just do maintenance for a couple of years. STOP PROJECTS and just let us all catch up from COVID, price increases and war !!!		Sheryll	Hunt	
It sounds like a good idea to have industry experts come in and sit on the board of this project. There are many local people with great experience in private development projects of shopping centres, marae, schools, public spaces that don't work for council but could lend their expertise	It sounds like a good idea to have industry experts come in and sit on the board of this project. There are many local people with great experience in private development projects of shopping centres, marae, schools, public spaces that don't work for council but could lend their expertise	Charlotte	Clarke	
Not until we have a elected council then we have the right to vote on these and other matters.	Because I believe as a ratepayer we should have the right to vote on these and other matters. While we are in statutory management these decisions should not be made.	Donna	Johnson	Ratepayer
I like the idea of a development in the CBD, and using a CCO will be fine, I still don't think that the project will be met with positivity.	I think the design is a pretty though ugly, the choice of diarrhea brown for the colour of the big roof and high rise puts me off, distracts from the positives too much. I think a classic style that won't date is a better way to go, that way the investment pays off for longer and the city won't be pressured to update the design anywhere near as often as with the current design. This will look dated and cheap before it is even finished.	Sean	Cordery	
I agree that this is a great idea and the right step to take.	I understand this will be a complex project, and the city will be best served by an experienced / qualified / impartial and non-political entity to deliver the project.	Tyler	Buckley	
To ensure that the redevelopment of Tauranga City Centre is completed in a timely professional manner the set up of a CCO is a good idea. My question is when the development is completed will the CCO set up be reviewed as it is not the right set up for the ongoing management of the complete Tauranga City Centre, maybe once development is complete a CCO should be set up for the Museum, theatre and exhibition centre to hopefully increase the commercial viability of these facilities	I think a CCO is necessary, as Tauranga has had a disfunctional Council for many years which has hindered the development of our City, and left us with its current state! Once the Commissioners leave this is an excellent option to protect the progress and completion of the projects without interference. We have had too many u turns by the old Councillors in previous years.	Jeanette	Warnes	
We believe it is prudent and necessary to establish a new CCO to govern and lead the delivery of a civic precinct redevelopment for Tauranga.	Transparent. Financial accountability. Meeting project deadlines on time and within budget. A board with expertise and a staff member to oversee the wider picture/ project is absolute and appropriate.	Shirley-Marie	Whata-Coffin	
CCO is the best mechanism for the activity described. Section 27. Preferred CCO option describes the reasons why.	Highly paid professionals within the sphere required is critical. TCC does not have the qualified staff as determined by Pedersen's report. Critical though to have one or even more, two Council staff though as part of the board and steering committee. This is similar to what we had at The Vines, a \$200M development with outstanding operators such as Pete Cooney and Matt Lagerberg as Directors, specialists in design and planning, two board members, and GM, all contributing. Specialists in delivering such a huge project for the city are so very important.	Tony	Arlidge	
No,no,no,no and no. Enough spending money you don't have and when we ratepayers are being asked to front up with more money each year we do not need this too.	Do you realise times are tough and inflation is biting into what one can spend money on, having to decide what to cut out to survive? My wife and I are superannuants and we just cannot afford more rate increases, especially on a project like this. We pay enough now to you to make decisions not to have it farmed out to a CCO. I am ropeable with this.	Dean	Stewart	
I think that the preferred proposal is the best vehicle for delivering what is quite a complex proposal successfully over time. There will be significant funding input from funding sources outside Council so it will add to the stability of the project to have significant control with an entity that is somewhat separated from TCC. If the arrangement works well then it may be appropriate for the CCO to be engaged in the delivery of other high cost projects of particular community interest in due course. Given the nature of the sites I would expect a high and continuing level of engagement with Mana Whenua.	The proposed CCO gives a quite specific focus to the project being undertaken and removes it at least partially from the politics of Local Government. These can be uncertain to say the least as the history of the Museum will attest.	Mary	Dillon	
There should be no need for a new CCO.	Because the Commissioners should not be undertaking the Heart of the city development. Especially when the commissioners are government appointees and in no way represent the wishes of Tauranga ratepayers. Citizens are having to tighten their belts and many cannot afford the basic necessities of food and shelter. Commissioners enjoy high salaries and standards of living and are unaware of the realities of life for everyday people. Now is not the time to be building grandiose unnecessary nice to haves.	Vicki	Coe	
I think it's a sensible business centred initiative to achieve the outcomes of the build given that the council will need to be managing day to day business. It allows for separation between what is a substantial project with requisite expertise and an agency (council) tasked with everyday business and both demand different structural cognisance. The key is how the CCO is mandated. I'm particularly interested in its function with respect to how mana whenua linterests are determined versus representing all tangata whenua who fall in the district boundaries. I'm interesting in processes that ensure the most skilled collaborations with respect to the visual competency of the builds. That the CCO embeds excellence over expediency.	It is counterintuitive for the council to involve itself with the daily rituals of a build when the district requires their attention to the growing complexity of their job rather than the very distinctive skill set that city building requires. I also think that a specialist team representing Maori architecture, environmental and landscape design, public art, curatorship and project management should drive the participation of the hapu and iwi of Tauranga Moana to be represented in the city. To not do so would be divisive in nature.	Julie	Paama-Pengelly	Te Tuhi Mareikura Trust

<p>1. Considering what has gone before, this is, on the surface, a relatively harmless proposal. By gone before I mean, of course, the commissioners' decision to snatch the civic precinct away from resident and ratepayer ownership and dispose of it for \$1 to satisfy the political conscience of the powers behind Tauranga's local government and settle historically inaccurate claims for compensation, claims that it is not Tauranga's duty to settle anyway.</p> <p>2. My opinion has not changed. I view TCC's plan to build the civic precinct as ill-considered. The site has already-identified stability and liquefaction problems and the cost is inevitably going to soar well beyond the budgeted \$ 303.4 million. Wayne Silver of Willis Bond was reported in a BOP Times piece on the 25th of May 2022 as saying that, "... parts of the project would need a 12-month settlement period because of the type of land." Imagine what that delay could do to the cost. Willis Bond also said in its report to TCC that the costs "...remain subject to a vast number of assumptions..." Not just a few but a "vast number". Plenty of warning signs there!</p> <p>3. I also view TCC's consultation process as falling short of the standard required by the LGA. The current consultation process - which starts off by being called feedback - is sloppy and inadequate. That's hardly surprising, given that at its 14th November meeting TCC set the standard by saying that there would be "a small consultation process closing in mid-December."</p> <p>4. From the beginning, TCC has been guilty of aggressive overreach and its consultation process contains more obfuscation and confusion than clear-cut information. I hate to mix metaphors, but I have to say that this project may well turn out to be a Pandora's Box instead of the pot of gold that is being promised, and I wonder if TCC really knows what it is getting into.</p> <p>5. If I thought it would do any good I would respond to the survey by asking TCC to abandon the project altogether or at least put it on hold until better research has been done, especially research into the stability of the site and the financial feasibility. But, I know that would be a waste of time. So, I'll make a suggestion about an improvement to the consultation process.</p> <p>6. In his August report (para 6) Max Pedersen states that great care will need to be taken in the design of the CCO and the structure of the relationship between it and the council. I assume that Max is talking about a CCO to control the building operation and that that is what this present survey is about. But, isn't there another CCO to be created as well: one for the ownership of the land? On the 3rd of October TCC approved "a new Council Controlled Organisation (CCO) Charitable Trust that will own the land referred to as Site A." How many CCOs will play a part in this project? Well, whatever the number and purpose care will need to be taken in their set up. It's going to be full of complexities and it is crucial that it be done in an open and democratic manner.</p> <p>7. My suggestion is that TCC should set up a community panel (the Panel) to:</p> <p>(a) act as a direct link between TCC and the community and consult with the community about all the CCOs,</p> <p>(b) peruse all relevant documents, including all the CCO documents, the charitable trust document, and the lease between TCC and the land owner, and make recommendations to TCC on behalf of the community about the content of such documents and the effect they will have on the community.</p> <p>(c) whatever else I have overlooked.</p> <p>8. The Panel would be, but in a much larger way, like the Links Avenue community consultation group.</p> <p>9. TCC would provide the Panel with whatever information it was necessary for it to have to be able to carry out its job properly.</p> <p>10. TCC would meet the running costs of the Panel and would pay a meeting fee to its members. TCC would also engage and pay the costs of an independent specialist lawyer to advise the Panel. I recognise that the legal costs would amount to a large sum.</p> <p>11. The Panel would not be part of any CCO, nor would it have any binding decision-making power.</p> <p>12. Obviously, there are other matters to be considered, but I believe that my suggestion is worthy of serious consideration by the council. It would not replace TCC's obligation to consult but it would go some way towards helping with it.</p> <p>13. I do not agree that there is a need for a CCO to be created to handle the design and building process. Wellington City Council is getting its new exhibition centre built under the supervision of a council in-house business unit and so far as I am aware that project is going ahead on time and within budget. Willis Bond is the contractor on that project. On the other hand, the Christchurch City Council has used a CCO in the development of its multi-use stadium and it is well known that that project is \$150million over budget and a year late. Perhaps TCC should re-think its decision to set up a CCO to manage the civic precinct project.</p>		Barry	Scott	
<p>The Papamoa Residents and Ratepayers Association is against the establishment of a CCO.</p>	<p>We do not support the establishment of a Council Controlled Organisation CCO to control the civic precinct redevelopment. It is also questionable if there are sufficient funds to build the design which will work on the ground conditions of the site. Even considering to create a CCO before this is sorted and costed is way ahead of reality. The reasons are ..</p> <p>1. The supervision and control of the redevelopment should be kept inhouse by creating a project team with the necessary skills (if required) as part of the council staff. This will allow control, supervision and community guidance by elected councillors and by the residents and ratepayers who are paying for any redevelopment costs. Are the council staff inadequately trained to do this?</p> <p>2. The ploy of creating a CCO looks to be a method of removing any public input and comment and locking up the redevelopment to a small group of vested interests and political lackeys who will be appointed, each with their own agenda. This will assuredly not be representative of the views of the ratepayers.</p> <p>3. Committing the ratepayers to the cost of running a “forever” CCO shows again how out of touch the commissioners are with the ratepayers and the commissioners disregard of the costs of their decisions.</p> <p>4. The appointees will be the right combination of political lackeys and as usual many of the appointees will lack any suitable skills other than political acumen.</p> <p>5. The cost of a new (another) CCO will be large, top dollar wages for each appointment. This is not needed in the current time of austerity. How many layers of management do the commissioners want to lock in this redevelopment, currently there is Willis and Bond, consultants, TCC staff and now another layer, a CCO.</p> <p>6. The redevelopment plans that have been shown to the public are not the final drawings and agreed layouts. Public feedback must be further sought, locking it all up behind a CCO means secrecy will endure and put another layer or barricade against any public feedback on the project.</p> <p>7. Why give away control of potentially Tauranga's largest civic expense?</p> <p>8. “There would be a new Board and at least one employee” Just employ the employee, there is no need for a Board.</p> <p>In summary, a CCO is an ill-conceived idea, designed only to remove any responsibility from the council staff and commissioners and to hinder/stop any further community/ratepayer consultation or engagement on the redevelopment and leave the redevelopment in the hands of politically appointed members. The council and commissioners currently do not engage with the community, the creation of a CCO will be another layer of “non engagement” at a very high ongoing debt cost to the ratepayers. As usual, the ratepayers will be paying the tab.</p>	Philip	Brown	Papamoa Residents and Ratepayers Association
<p>Council employees should project manage the proposed civic center, and be held to account, for mistakes, and any cost over runs.</p>	<p>You have enough managers, and team leaders, are you not willing to take ownership?.</p> <p>If this is the case, don't proceed.</p> <p>Regarding the proposed museum, a recent council referendum, for a new museum, got a resounding NO</p>	Peter Douglas	Stanley	
<p>Priority One is the economic development agency for Tauranga and the western Bay of Plenty. We strongly support the proposal for Council to establish a new CCO to govern and lead delivery of Te Manawataki o Te Papa.</p>	<p>Significant private sector investment is going into the CBD over the next 5-8 years (refer to the Priority One CBD Blueprint for details) and it is important that Council plays its role in supporting a vibrant CBD where the community wants to work, live and play.</p> <p>Te Manawataki o Te Papa is a significant, once-in-a-generation project to ensure best practice place-making in the CBD and will play a critical role in ensuring the future of not only the CBD, but the city from an attraction and retention perspective. Investment in public amenity in the CBD also supports the significant private sector investment into commercial office, student accommodation and residential apartments in the CBD.</p> <p>In our view a CCO model provides the best approach to ensuring robust, effective governance focused on delivery of such an important, large-scale project.</p>	Greg	Simmonds	Priority One
<p>Refer to attached</p>	<p>Refer to attached</p>	Rob & Sally	Paterson	

2nd December 2022

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The Chief Executive Officer
Tauranga City Council
Private Bag 12022
TAURANGA 3143

Attn: Gareth Wallis (Facilitator)
General Manager Community Services

Re: PROPOSAL TO ESTABLISH TCC COUNCIL CONTROLLED ORGANISATION – FEEDBACK

Please find enclosed our Feedback submission on the above proposal, along with annexures viz. copies of our submissions dated 5th and 30th September 2022 and the submission by Barry Scott, dated 5th September 2022

Please acknowledge receipt and confirm our feedback has been placed before Commissioners.

Yours faithfully,



Rob Paterson for self & Citizens Advocacy Tauranga



2 DECEMBER 2022

PROPOSAL TO ESTABLISH A TCC COUNCIL CONTROLLED ORGANISATION regarding the Redevelopment of Civic Precinct 'Site A' Tauranga.

Rob Paterson, Tauranga, Retired, wish to submit feedback to the above proposal on which Council is calling for Community feedback between 21st November 2022 to 2nd December 2022 (only 11 days). In our view, full public consultation in terms of the Local Govt. Act 2002 is required and we do not believe that criteria has been met here –because of inadequate consultation and the pathetic time frame allowed for feedback. Following on from our previous submissions filed in September 2022 on the whole Civic Precinct Project dealing with the Trust Deed and the Transfer of the 'Site A' to the resultant Trust entity with lease back to Council we note the steps to implement and achieve that are now in train.

Flowing on from that initiative, we now have this current CCO proposal to run the Civic Precinct projects involved with the site development when in our view, Council itself on behalf of all TCC ratepayers (who are after all meeting the entire cost), should be capable of organising this function in house.

Our previous submissions confirm that we oppose the whole ill-conceived Civic Precinct exercise and attached are our submissions of 5 September and 30 September 2022 (including annexures), confirming our strong opposition and the reasons therefore. Also attached is the previous submission of 5th September 2022 in opposition made by Barry Scott the contents of which we fully endorse.

It is assumed from what is said that this proposed new CCO will be 100% Council owned and operated however it should be borne in mind that the major existing CCO namely Bay Venues limited has been a financial disaster so much so that Council was seriously looking at bringing it back in house prior to the inexplicable appointment of Commissioners by Ms. Mahuta. All that CCO's achieve in our view are to create another layer of expensive and inefficient bureaucracy with little accountability.

It looks to us from the Council minutes of 14th November, 2022 that the Commissioners do not really appreciate the implications of what they are doing here and to a large degree are being led by the assessments of the situation made by TCC staff, Max Pederson and Willis Bond.

The worst feature is that the whole exercise from woe to go should never have been entertained, as it results in the dissipation and loss of ratepayer's assets and puts those assets and future assets valued at hundreds of millions of dollars at serious risk.

It is said in the public report on the TCC website that ('we' whoever that might be) think 'this is the right thing to do to set our city centre up for success'. This is a trite cliché taken from

current race-based slogans (spin/propaganda) when' ***in fact it is the wrong thing to do***' as inevitably in our view time will prove this option to be a disaster.

The real problem here is alluded to by one eminent commentator who has observed "*it is hard to imagine a more stupid or dangerous way of making decisions than by putting those decisions in the hands of those people who bear no responsibility or personal cost for being wrong*".

It follows from what we have said previously, that we oppose the whole charade including this current CCO nonsense. Clearly administration of the Civic Precinct projects should remain under direct control of Council. There seems to be a suggestion however that Council staff, even with access to consultants, are not up to the task and having regard to past performances, we could not argue with that conclusion. The CCO documents including the constitution will be complicated and getting proper governance of the CCO by exactly whom is of extreme concern.

Perhaps a Ratepayers Community Group comprising architects, planners, accountants and lawyers etc should be set up to critique the proposals.

This next stage seems to be simply to draft/approve the CCO documents including a constitution and the composition of the CCO. We trust it is not envisaged to implement any form of shared control. Regarding the land lease in the final analysis, we ask who actually will be the lessee and we note Council staff advice it will not be this proposed CCO nor will it be the owner of the lands

From everything we have seen in the past in our view is this so called CCO feedback is simply paying lip service to public consultancy as the outcome has clearly already been pre-determined and it is a fait accompli.

The TCC website as usual is unsatisfactory messy short on detail with no provision to submit feedback and views with no public hearing date being allocated. CCO governance of course excludes TCC ratepayers' input and there is no advantage demonstrated as to why this vehicle is even being proposed. It looks like a Board of up to 6 and a CEO will be appointed with estimated costs of \$600,000 p.a. - frankly we do not believe that amount is even close to the real spend up. Surely the TCC/ Willis Bond partnership should have been able to take care of the business. In a recent report to Council Willis Bond said "**it is important to note that the costs presented (\$303.40m) are based on early concept level designs and remain subject to a vast number of assumptions and are exposed to the risks of costs escalating faster than forecast**" - it is fair to ask who would build in the face of such risks. This is an insane project. In addition, of course, there is no guarantee that with the likelihood of liquefaction being encountered that any substantial building can take place on the lower Willow Street levels.

Consultancy under S56 and meeting the principles of Consultation under s82 Local Govt Act 2002 leaves plenty to be desired in this case.

The solutions previously floated by us as to the way this project should have been approached had considerable merit but Council have simply ignored that.

Finally, we are seriously concerned that although we tried to contact TCC staff regarding this matter and left messages earlier in the week no one got back to us until yesterday and not returning calls promptly hinders public getting info' from staff in a timely manner.

Relevant staff contact info' details should also be mandatory on the Council website itself so please ensure in future this appears there.

It has become obvious that many matters are being pushed through at short notice with limited time frames for the public to respond and this seems to be a deliberate ploy in line with the current Labour Govt policy which has drawn damning criticism from all quarters. This Council policy should cease and matters dealt with in a balanced and rational way.

Turning to TCC Council minutes of 14 Nov 2022 consultation other than with vested interests has not been extensive and it is of concern that in item 36 of the Agenda Messrs Grenfell and McNeill seem to infer that the consultation here needs to be relatively brief- why is that so?

It is of concern where Commissioners can choose to sign off hugely expensive growth and other major projects without valid business cases and when staff are reported to talk openly about the need to 'get stuff signed off while the Commissioners are still here'.

The result seems to be an increasing number of rushed projects and flawed consultation processes at record debt levels with adverse practical and financial implications. There is little sign of well-informed properly considered evidence-based outcomes being made in consultation with the whole Tauranga community. It follows the decision-making processes and outcomes to date have been appalling which is clearly evidenced by everything that is happening around Tauranga currently. With respect may we suggest Council review its whole modus operandi forthwith

CONCLUSION

This proposed CCO is an expensive time-consuming complicated exercise. It is totally unnecessary and any project supervision should be able to be attended to in house by existing Council staff with assistance from qualified consultants if required.

For these reasons we request that the Commissioners do not proceed with this proposal.



ROB PATERSON for self
and CITIZENS ADVOCACY TAURANGA
2 December 2022

COPY

**PROPOSAL TO ESTABLISH A NEW TCC COUNCIL
CONTROLLED ORGANISATION**
In respect of Site A of the Tauranga Civic Precinct

Feedback /Submissions – Rob Paterson, 5th September 2022

At the outset let me say I am appalled by this race-based proposal and totally oppose this plan in its entirety. I make the following points

1. Nothing relating to this proposal was even hinted at or raised when the inane Civic Precinct CBD proposals estimated to cost between \$300-400million were floated earlier this year – this new CCO proposal has come out of left-field! I ask where did this proposal suddenly originate from and who initiated this nonsense. It certainly did not appear in the Annual Plan 2022/2023 nor the Long-Term Plan. The lack of transparency surrounding this scheme is appalling.
2. There have clearly recently been meetings and discussions on this proposal between the Commissioners and Council staff with some part maori vested interests and other vested interests who will bear no cost in implementing or maintaining this aberration. The full cost and future costs of this will fall back on TCC ratepayers and residents.
3. As a result of the discussions, it seems COUNCIL have come up with this inane CCO or Charitable Trust nonsense which involves the whole block (Site A), bounded by Willow, Wharf, Durham & Hamilton Streets including the Baycourt facility. Setting this up will be a very costly exercise, it will in my opinion be unworkable and why would any Council ever contemplate it. All that simply needs to happen is to retain the status quo namely Council would continue to own all the land on behalf of TCC Residents and Ratepayers i.e the Tauranga Community.
4. Disposing of these TCC ratepayers very valuable assets estimated to be worth at least \$16 million without proper ratepayers' consultation and without obtaining ratepayers fully informed approval is unconscionable and wrong, especially when actioned by the Commissioners who are unelected administrators. (refer to Auditor-General).

5. Any representations made by the likes of Messrs Mikaere and Reese and others need to be independently critiqued as some of the assertions made on the history of the land involved are in my view misleading. This looks like self-serving twaddle promoted by some vested maori interests and the Anglican Church to get the result they want.
(Read Myth 5 of Gate Pa book p 121 to 126 see annexed) which dispels the myths.
6. In addition, as I understand it this site was probably initially reclaimed land anyway and the following should be noted
- *No confiscation of Te Papa land was possible as sale was pre-1840
 - *Te Papa Block was sold by Maori owners to CMS in 1838
 - *The Land sale to CMS was subsequently approved by Land Claims Commissioner William Spain in 1840s after the Treaty was signed.
7. What is the predilection Council have with giving away land: -
- Ex Gate Pa Bowling Club leased land -for Gate Pa cultural centre
 - 11 Mission Street, The Elms (7 Mission Street was affected also)
 - Dive Crescent reclaimed land -split 50/50 with maori interests
 - 60 Chapel Street (Mobil station)
 - Current Civic Precinct
8. Giving away ratepayers' assets, on fatuous grounds none of which have ever even met the criteria for Waitangi Tribunal claims is scandalous.
9. In the end analysis,
- * Essentially who will in practical terms own any buildings on land?
 - What will the lease and administration payments be?
 - What other payments are there relating to CCO that we do not know anything about.
 - Where are details of proposed Charitable Trust Deed and Lease back to Council
 - Will there be constraints on further improvements on the land
 - By the look of it none of the above passes the sniff test.
10. COUNCIL have made sure there will be very limited public feedback on this proposal by allowing only 13 days from 24 August to 6 September

2022 for submissions . Is this proper consultation? -the answer is no way and a referendum would have been the best solution even if this thing had any merit which it doesn't.

11. As usual, the TCC website containing the feedback documents is hard to access, difficult to follow and in a nutshell a mishmash.
12. The photoshot fronting the open consultations section for this matter prominently displays one Kohu, who was convicted of criminal offences in relation to the Tauranga Town Hall occupation in 1988 including attempted arson and was sentenced to 2 1/2 years imprisonment - Kohu is quite unsuitable to be portrayed as a role model for this proposal.
13. In my opinion the overall summary provided by Council attempting to justify this proposal is puffery inaccurate in most respects, misleading and untruthful. I also believe the proposal is unlawful

OUTCOME I ask that Council do not proceed with this misguided ill -informed CCO /Charitable Trust proposal based primarily on mistruths and false premises. By attempting to use these grounds as a means to justify the ends Council are trying to achieve then if Council goes ahead it will in my opinion be complicit in the deception.

Annexures/References

Gate Pa and Te Ranga -The Full Story- McLean and Robinson (p121 -126) 2018

A Centennial History of Tauranga -Gifford and Williams 1940
(Chapter xxviii Missionary Land Transactions p188 -205)

NZ Confiscation Schedule and commentary.

ROB PATERSON SUBMITTER

5 September 2022

30th September 2022

COPY

The Commissioners
Tauranga City Council
Private Bag12022
Tauranga

Email:

Attn: Anne Tolley

URGENT

Good afternoon Commissioners,

RE: TAURANGA CITY COUNCIL – PROPOSAL TO ESTABLISH A NEW TCC COUNCIL-CONTROLLED ORGANISATION in respect of "Site A" Tauranga Civic Precinct in CBD

We wrote to Council on 6th September 2022 and delivered the feedback documents to Council offices on that date. We have not received any acknowledgement of our letter etc and although I chased this up earlier today no one dealing with the matter has responded to me.

We therefore have no idea whether the Commissioners have received and perused our feedback submissions and annexures or the submission filed by Barry Scott which we fully support. Therefore please find annexed further copies of these for your information and attention .

The issue is that the Tauranga City Council operating with Local Govt. Commissioners appointed (the Council) are effectively proposing to give away a major ratepayer asset, namely the Council Civic Precinct site (marked Site 'A' on the annexed plan), an area that we would estimate to be about 2 hectares (20,000 m2) located in Tauranga Central CBD.

Many TCC ratepayers take issue with this proposal as it divests a large and very valuable asset out of the direct control of TCC ratepayers. The land is said to have an estimated value of \$17million but some estimates have put the value as high as \$100million – remember that is for the bare land only but on top of that, Council then intend to spend \$300-400million with new on-site improvements viz Museum, Whare, Library and so forth which will then be erected on leasehold land, not on freehold land owned and controlled by TCC ratepayers which is the current position. Furthermore, there will remain on the land a substantial building namely Baycourt Performing Arts and Events complex currently being a Council asset.

In effect, Council and TCC ratepayers will lose full control of the entire Civic Precinct property when there is no good or valid reason to take this approach, and which in our opinion is based on false assertions misconceptions and mistruths the veracity of which have never been

robustly checked or verified. The 3 annexures duly referenced annexed to the initial feedback form put paid to the myths and mistruths regarding the land in question and confiscations.

The attached feedback submissions lodged by Rob Paterson & Citizens Advocacy Tauranga and Barry Scott clearly spell out the position (there will of course be other similar feedback submissions lodged against the proposal) and we maintain Council should not be proceeding with this aberration.

It is noted that Council intend to finally deal with the inane proposal with indecent haste on Monday 3rd October 2022. We find this quite incongruous as there is no urgency. To date, there has been no proper public consultation as required by Local Govt. Act, simply a feedback option between 24th August 2022 and 6th September 2022 (13 days) which is not public consultation at all and the very short notice even for feedback is ludicrous. Let us reiterate and make it quite clear feedback is not public consultation and there has been no opportunity given for a full public hearing of submissions.

Possible Solution

Separate the land on the lower level with Willow Street frontage being part of Site "A" from the land on the Upper level which accommodates Baycourt, the adjacent lawns and the bank in front of it.

Do not proceed with any proposed museum which the Tauranga public have consistently maintained they do not want, do not proceed with a new library as the existing set up in Goddards Arcade seems to be working very well and on the question of the Whare (meeting house) this could be erected on the lower land (possibly dedicated as a park) with the cost of constructing any whare and associated development to be met by local maori interests and not TCC ratepayers.

It would give the CBD much needed recreational greenspace. This also addresses the fact Council's present proposal is based largely on misconceptions and mistruths. The possible solution being floated would save ratepayers \$300 to \$400 million plus give a green space in the middle of the CBD along with a maori whare presence. It also gets over the problem with what to do with the low-lying land which has already been flagged as having Geotech issues and alarmingly developers will not put a price on addressing this issue. Essentially there would be no real cost to ratepayers so it is a win win situation.

Outcome Requested

We confirm that we strenuously oppose the proposal in its present form in its entirety and the Commissioners (Council) are requested not to proceed with this ill-conceived proposal.

Regards,

Rob Paterson for self & Citizens Advocacy Tauranga

P.S Late this afternoon finally received email confirmation from TCC indicating that the feedback submission was received.

D. Gone forever. So far as I can tell from the proposal that has been presented, the transfer of the land to the CCO will be absolute; it will not be subject to any provisions or conditions that might allow it to be transferred back to the city. This valuable and strategically crucial piece of city land will be gone forever. If circumstances change and it becomes necessary for the city to retake ownership and control of the land it is inevitable that that will only be able to be done at a huge cost! A cost that residents and ratepayers will end up paying through their rates.

E. No exit or variation strategy. It is inevitable that future fluctuations and changes in the circumstances of the city, the council and OT, even NZ as a whole, will bring about problems that cannot be planned and engineered for today. But, so far as I can tell, the proposal does not include any provision for either the form of ownership to be changed or the lease to be varied or cancelled. There is no exit or variation strategy. That is not commercially sound.

F. Treaty claims. TCC has arbitrarily and without proper research into OT's claims, decided to give away an important and valuable piece of city land to satisfy those claims. Along with that, it has given OT the right to share equally in the governance of the land. Even the Waitangi Tribunal, when it dealt with the claims and grievances, was not prepared to go that far! I wonder if other hapu and Iwi feel that they have claims and grievances with regard to the same piece of land. Has TCC investigated that possibility?

The step that TCC is proposing to take is ultra vires and not legally valid in other ways and the council could well find itself bogged down in a morass of legal challenges in the future. Legal challenges that the ratepayers will have to pay for.

G. Uproar! At present most residents and ratepayers are not aware of the implications of the proposal, and that is because they do not understand what it means. Eventually they will understand and when that happens there will be an uproar. I am not talking about uproar along the lines of cultural divisions, although that is bound to happen. The major uproar is going to be about the huge give-away of assets that belong to the residents and ratepayers of the city and future part control of those assets to an entity that is outside the council and the community. Future councils could be handicapped for years by this council's grossly wrong decision.

H. Referendum. TCC should initiate a referendum to test the true feelings of the community about the proposal.

I. A dangerous precedent. If this proposal is carried through to reality by TCC it could create a dangerous precedent. Could there be a similar claim made, for example, against the Gate Pa site?

J. Consultation. TCC minutes reveal that there has already been considerable discussion between the possible partners in the CCO about the arrangements that are embodied in the proposal; and that's alright, things have to start somewhere. It's consultation from now on that has to be done properly.

This may well be the biggest decision that the Tauranga community has ever had to make and it must be treated accordingly when it comes to consultation! The funding of legal representation for the community and the creation of a community panel must be part of that process.

Most importantly the consultation process mustn't be conducted so that residents and ratepayers become no more than spectators or bystanders. They must be given time to consider and make submissions about the proposal; they must be given abundant information about the details, they must be told everything about every meeting on the subject, there must be no "confidential" meetings with

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Proposal to establish a new Council Controlled Organisation (CCO)

Submission from Barry Scott

1. I have already completed and returned the council's online form, but the form was inadequate for the length of my submissions. So, I am sending a separate submission.

2. As I understand the proposal; TCC intends to sell the land to a yet to be created CCO for \$1 - make a gift of it, in other words - and then lease it back at a peppercorn rental. The proposal says that the CCO "would own the land and be jointly governed by the Council and the Otamataha Trust."

This looks somewhat like the co-governance scheme put forward as the part of the Three Waters proposal.

3. My submissions are:

A. Satisfying the Otamataha Trusts' (OT) demands is not our city's problem. The proposal refers to "...long-standing (mana whenua) grievances associated with the ownership of the land..." TCC says that gifting the land to the CCO and giving OT a joint share in governance is "...the right thing to do..." Really!

TCC's proposal is an attempt to solve a problem that in the opinion of a large majority of Tauranga's residents and ratepayers isn't our city's problem. The commissioners, are appointees of the Minister and central government, not elected representatives of the citizens of our city, and whilst they may be concerned to grant a form of compensation that will satisfy OT's demands, they do not have the right to do that by giving away valuable Tauranga city assets - assets that belong to our residents and ratepayers, not central government. If the commissioners and central government see OT's demands as being a serious problem that must be satisfied or made to go away, let central government do that from its own funds and resources. Don't touch our city's assets!

B. Control. The use of the term "*Council Controlled*" is either naive or is deliberately meant to be misleading. If TCC thinks it is going to be able to control this co-governed Behemoth, this Chaos-Monster, it is dreaming!

A question with regard to the CCO that will have to be considered is how deadlocks between the trustees are going to be broken. And, given that TCC and OT are each going to appoint the same number of trustees to the CCO, and that the interests of the two groups of trustees will at times differ, it is inevitable that deadlocks will come about. The method prescribed for breaking such deadlocks will have to be undeniably fair and beyond bias and corruption.

C. Legal representation and Panel. The CCO documents and the lease back to TCC will be legally complex; well beyond a layman's comprehension. Nevertheless TCC will present them to our citizens and expect a majority to make sense out of them. That's not possible. I submit that TCC should act for the wellbeing of the community (Section 10 LGA) by funding the services of an appointed single legal representative to act on behalf of the community in advising its members about the meaning of the documents and the effect that their adoption will have on the city and its citizens, and also to find any legal proceedings that may reasonably become necessary with regard to such documents. It is only fair that the community should not be denied proper legal representation because of the cost. Furthermore, TCC should appoint a community panel to represent the community in discussions with itself and OT and should fund its reasonable costs.