



# **MINUTES**

**Ordinary Council meeting  
Monday, 24 July 2023**

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**MINUTES OF TAURANGA CITY COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE BAY OF PLENTY REGIONAL COUNCIL CHAMBERS, REGIONAL HOUSE,  
1 ELIZABETH STREET, TAURANGA  
ON MONDAY, 24 JULY 2023 AT 10.30AM**

**PRESENT:** Commission Chair Anne Tolley, Commissioner Shadrach Rolleston, Commissioner Stephen Selwood, Commissioner Bill Wasley

**IN ATTENDANCE:** Marty Grenfell (Chief Executive), Kathryn Sharplin (Manager Finance)- Barbara Dempsey (General Manager: Community Services), Christine Jones (General Manager: Strategy, Growth & Governance), Alastair McNeill (General Manager: Corporate Services), Sarah Omundsen (General Manager: Regulatory and Compliance), Gareth Wallis (General Manager: City Development & Partnerships), Mike Naude (Director of Civic Developments), Sarah Stewart (Principal Strategic Advisor), Simon Collett (Manager: Commercial Property), Graeme Frith (Team Leader: Legal & Business Support), Coral Hair (Manager: Democracy & Governance Services), Sarah Drummond (Governance Advisor), Anahera Dinsdale (Governance Advisor), Janie Storey (Governance Advisor)

## **1 OPENING KARAKIA**

Commissioner Shad Rolleston opened the meeting with a karakia.

## **2 APOLOGIES**

Nil

## **3 PUBLIC FORUM**

### **3.1 John Robson – Te Manawataki o Te Papa**

#### **Key Items**

- Wanted to note as a matter of public record that there had been little debate for the project and it was likely that all recommendations at the meeting would be accepted without discussion.
- As an ex-Councillor he had objected to the process from the beginning, including partnering with Willis Bond and all of the steps that followed and considered the project was an insult to democracy.
- Make no mistake if the right people were elected next year the whole lot of the decisions would be reversed.
- The media coverage to date had been appalling, with the ratepayers being up for significantly more than the \$151.5M noted.
- The business case showed the cost of Opex to 2029 as \$130M which was the real cost that would have to be paid by the ratepayers. The numbers were frightening and a burden on ratepayers.
- These types of initiatives were a confirmation bias and the irony to do any upside was only a sensitivity analysis. The discount rate of 4% was obscene, as were other numbers including the value of Māori culture with a 20% return. This was a taniwha and like one, it was a fiction.
- Some of the numbers in the business case did not match and the public had a right to know what these were.

### 3.2 Nigel Tutt – Priority One – Te Manawataki o Te Papa

#### Key Items

- Priority One supports the Council investment in Te Manawataki o Te Papa.
- At present the CBD was something that the city could not always be proud of which had been of concern for a long time.
- The work would create a vibrant CBD along with partnerships with private investors and the government working towards the same goal.
- Lack of action had been a problem in the past, but now people were hearing that the CBD would continue to grow. Historically the Council had been indecisive resulting in investors choosing to go elsewhere or not investing at all.
- The CBD blueprint had been discussed for over a decade but now after a year it looked much stronger and would showcase seven of those developments and instil confidence in civic investments.
- Council was not responsible for the entire investment in the CBD but Council's investment sent a strong signal. There was confidence in the Council by the private sector which would encourage further investment.

## 4 ACCEPTANCE OF LATE ITEMS

### 4.1 Acceptance of Late Item - Te Manawataki o Te Papa Limited Board

A report from the Te Manawataki o Te Papa Limited Board was tabled

#### RESOLUTION CO12/23/1

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Bill Wasley

That the late item tabled report from Te Manawataki o Te Papa Limited Board be received and considered at the meeting.

**CARRIED**

## 5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN

Nil

## 6 CHANGE TO THE ORDER OF BUSINESS

1. Te Manawataki o Te Papa Limited Board report and presentation would be considered after the first two reports, the Overview and Design and Cost update.
2. Recommendations from Te Manawataki o Te Papa Limited Board Report and the Design and Cost Update report would be revisited after the presentation from the Board Chair Kim Wallace.
3. Recommendations (h) and (i) from the Design and Cost Update report relating to delegations to the Chief Executive to enter into contracts on behalf of Council and transferring attachments into the public, could not be considered until there was a financial strategy in place and therefore would be considered after the Financial Strategy recommendations had been dealt with. There was a recommended condition (h) (iii) that would require Council to go into public excluded to consider due to the commercial sensitivity around this condition.
4. The recommendations of the Financial Strategy would be considered after the Asset Realisation Reserve recommendations had been considered.

## 7 CONFIRMATION OF MINUTES

### 7.1 Minutes of the Council meeting held on 3 July 2023

#### RESOLUTION CO12/23/2

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the minutes of the Council meeting held on 3 July 2023 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 - Overview Report

**Staff** Marty Grenfell, Chief Executive  
Christine Jones, General Manager: Strategy, Growth & Governance  
Gareth Wallis, General Manager: City Development & Partnerships

#### Key points

- The report gave the history of the development of the projects noting the adoption of the master plan in 2021 and \$303.4M included in the 2022 Long Term Plan Amendment (LTPA) to proceed with the development.
- The Otamataha Trust had signed a co-ownership and formed a charitable trust for Site A and a Council Controlled Organisation (CCO) was set up to oversee the delivery of the programme.
- There were still a number of gateways to be met to proceed to the completion of the detailed business case, the financial strategy and cost estimates all of which had been covered in reports to the meeting to allow Commissioners to be given the confidence to proceed.
- The Chief Executive commended staff and consultants for all of the reports put forward to the meeting.

#### Discussion points raised

- Commissioner Tolley noted that the process had gone on for a long period of time. It was important that the Council partnered with the private sector to maintain the centre of the city as the heart of the city.
- National media had recently shown that the city centre had died, which had happened over time as Council did not partner to rebuild or maintain it. Credit goes to those businesses who were still doing business.
- Te Manawataki o Te Papa was the focus of the Commission to invest in community, its infrastructure and transport systems to enable the city to develop and grow over time.

- The re-energising of the city centre would provide a centre for all to be proud of, a place to take and meet people, to gather and to provide opportunities to further enhance the tertiary education role, professional offices, retail and entertainment. The precinct would provide people with a range of activities and an integrated campus approach, working together not just for those who live here, but also for others who come to Tauranga each year.
- Urbanisation intensification along Cameron Road would also reduce car dependence, carbon emissions and congestion and reshape the city's growth into the future by attracting more people to come in to live, work and play.
- The business case looked at all of the benefits, including environmental benefits, and quantified them as much as they could be. There were a number of intangible social, community and amenity benefits noted as fundamental foundations of the city that would give the city a true meaning as well as celebrating the cultural aspects.

### RESOLUTION CO12/23/3

Moved: Commissioner Stephen Selwood

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report "Te Manawataki o Te Papa - Overview Report".

**CARRIED**

## 11.2 Te Manawataki o Te Papa - Design and Cost Update Report

**Staff** Gareth Wallis, General Manager: City Development & Partnerships  
Mike Naude, Director of Civic Developments

**External** Wayne Silver, Director Willis Bond – via teams  
Rohan McCain, Willis Bond

Presentation by Wayne Silver

### Key points

- Mr Silver acknowledged the enormous effort from everyone to bring the project status to this point including the number of packages which were at different stages of design.
- As the designs evolved the pricing of each project would become more precise.
- The Masonic Park budget was below the costings estimated in December 2022 as they were able to realise savings and crystallise the costs before it went to tender.
- The Library and Community Hub was the next project to be developed and was currently in the detailed design stage.
- Baycourt was the least detailed developed project and had not commenced any detailed planning as the scope was still being debated by Council.
- The cost for the Library and Community Hub had come in at \$240,000 over the December 2022 estimate, following the teams finding a total of \$1.5M in achievable savings. The team were confident that they would be able to find \$240,000 to bring the total cost to \$91.5M.
- Willis Bond was able to inform the costs for 90 Devonport Road to these projects in relation to the wooded structure. \$800,000 in additional costs were included as a basis of the learnings from that consenting process and would be absorbed into the costs.
- Preserving the contingency and escalation allowances of 14% was important in terms of risk management before letting construction contracts and to cover any unknown events.
- The Exhibition Centre and Museum was 60% through the developed design with work now being focused around the component parts of the facade, how they fitted around the building and the cost.
- The ground floor had been completely redesigned with the café and merchandising area opening out to Hamilton Street. Also because of the evolution of work and the height and

length of that area a hybrid of wood and steel framing would be used to reduce the number of columns needed. This would also allow a better visitor experience and layout for exhibitions, especially international grade exhibitions and would not affect the greenstar rating.

- The costs for the Civic Whare, Exhibition and Museum was \$2.7M over the previous estimate but they were highly confident savings could be achieved through the developed design. The project was due for completion in 2028.
- Landscaping was 50% developed designed which included safety and security issues for the public with refinement of the ramping and street furniture. \$300,000 had already been identified in savings to bring it within budget and there was a total escalation and contingency of 27% as any work coming out of the ground was always a bigger risk area.
- Project packages had been identified with LT McGuinness in a logical construction order to determine how to physically set up the site, provide work access and unload vehicles.
- Landscaping sat within each of the building packages as the public needed to access the buildings safely once each was completed.
- Masonic Park would be completed over the next 12 months, enabling works commenced on the library and community hub ready to start construction in February 2024 and the Civic Whare, Exhibition and Museum enabling works would be started in March 2024.
- The total variance of 1.18% was an achievement given the amount of additional detail included in each of the projects.
- Risks included the building of a wooden structure as there was no national standard making it a challenge for all to smooth out the consenting path; identifying and approving value engineering and the purchasing and pre committing of timber and steel prior to approval. A prompt turnaround was required to continue to work together and commit to the programme.
- The capacity of local sub-contractors was also a risk as there would be a lot of construction going on in the CBD. The programme was designed to accommodate a seamless transition of trades and this should be readily achievable with an approved pipeline of works.

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

- In relation to cost savings with the value engineering, it was noted that this cycle was gone through with each project all day every day, to continually identify opportunities to interrogate the designers and costs and come up with a package of options for Council to decide on.
- Key risks included subcontractor capacity, scope creep, escalating costs and the like. While the Te Manawataki o Te Papa Board were confident there was a clear mandate, there were still items into the future that were unknown.
- All value engineering options would be listed with potential savings so that the Council could prioritise and select which ones to implement.
- Each of the buildings were complementary to one another so an integrated construction programme with builders and designers was enormously valuable and would save costs. Any plans to re-establish on site at a later date would be more expensive.
- The provision of shade over the stage in the amphitheatre was still a work in progress.
- The handover of the library and community hub for the soft fit out was due in January 2026 with it due to open to the public in the second quarter of the year.
- A flythrough presentation of the Library and Community Hub was provided.

#### **Discussion points raised**

- The archaeological site within the development provided an opportunity to tell the colonial story and more recent history which was as important as the strong mana whenua link.
- Commissioners congratulated the Willis Bond team for the work done to date and noted that keeping the increased costs at 1.18% was an excellent result. They acknowledged that staff had also worked hard to ensure the scope had not crept out and had kept focused to keep within reach of the cost.



## 11.2.1 Te Manawataki of Te Papa Limited – Board Report

**External** Kim Wallace, Chairperson

Tabled report

### Key points

- The four Independent Directors all shared the vision and brought different sets of skills to the table to ensure that the projects were delivered on time, on budget and within expectations.
- Risks included cost, time and scope challenges which the Board were monitoring and managing and they were firmly committed and actively engaged in setting up strategies and relationships to achieve the goals set out in their letter and statement of intent.
- The Board intended to retain and preserve sufficient contingencies as these were absolutely critical throughout the life of the project.
- The Board had a high level of confidence that the value engineering opportunities of \$2.6M would be achieved based on the information provided by Willis Bond.
- The Board were very cognisant that Council had consulted on the project and that any overspend would be detrimental to strengthening community confidence and the project team had been instructed to actively pursue all cost estimates within the budget.
- The Board emphasises that the delivery programme should be based on the fundamental premise of a single staged programme of projects which would provide cost efficiencies and noted that if broken the project would incur high incidental costs.
- The capital project costs included fitout costs that were the subject of an ongoing review, with any changes being managed through an approval process to retain as much as practically possible within the budget.
- The Board wanted to know that the money would be available from both external and ratepayer funding so that early procurement of timber and steel could be undertaken as it presented an opportunity to manage cost escalation. The Board recommended that Council lock in the supply in the near term at the current pricing. Further information on this would be presented to the Board once a Council decision had been made to proceed with the projects.
- The Board had gained further confidence from the asset realisation reserve and the independent review undertaken and supported the maximising of external funding before the use of the airport or asset management reserve.
- The Board had met with Willis Bond and independent advisors and considered that the Development Management Agreement costs presented value for money and were reflective of the risk and project complexities. The additional benefits included their learnings from 90 Devonport Road and other similar projects they had undertaken which showed that their expertise helped manage key project risks with construction complexities and consenting issues.
- The updated Tauranga Moana Waterfront master plan would be discussed at the next Board meeting as this project had only recently been added to the Board's governance scope.

### In response to questions

- The contingencies and cost escalation was considered sufficient given the phase that the design was at for each building and there were a number of value engineering opportunities that were actively being progressed to look at. The Board wanted to look more at prioritising these with Council and make recommendations to ensure any unforeseen or unanticipated events could be investigated further.

**RESOLUTION CO12/23/4**

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receives the report "Te Manawataki o Te Papa - Board Report".

**CARRIED**

**Attachments**

- 1 TMoTP Limited - Board Paper 21 July 2023 to Council meeting 24 July 2023

**11.2 Te Manawataki o Te Papa - Design and Cost Update Report** *(continued)***RESOLUTION CO12/23/5**

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Bill Wasley

- (a) Receives the report "Te Manawataki o Te Papa - Design and Cost Update Report".
- (b) Receives the Library Community Hub Developed Design and approves the associated cost estimates.
- (c) Receives the Civic Whare, Exhibition and Museum Preliminary Design and approves the associated cost estimates.
- (d) Receives the Masonic Park Detailed Design and approves the associated cost estimates.
- (e) Receives the Civic Precinct Landscaping 50% Developed Design and approves the associated cost estimates.
- (f) Reallocates \$1.0 million unspent Civic Heart Demolition budget to Te Manawataki o Te Papa.
- (g) Requires that the overall cost estimate will be further refined, including exploring value engineering opportunities during the detailed design phase of the programme, to within a revised budget of \$306.3 million (\$303.4 million approved in May 2022, \$1.88 million approved in March 2023 and \$1.0 million Civic Heart demolition underspend).

**CARRIED**

**Attachments**

- 1 Presentation - Willis Bond Te Manawataki o Te Papa

**11.3 Te Manawataki o Te Papa Business Case**

**Staff** Christine Jones, General Manager: Strategy, Growth & Governance  
Sarah Stewart, Principal Strategic Advisor

**External** Edward Guy, Managing Director Rationale Consulting  
Malcolm Gibb, Contractor, Rating Review – Finance

Presentation and tabled replacement page 131 attached.

**Key points**

- The business case was started some time ago with cost estimates being included in various budgets. \$306.3M had now been approved by way of a Council resolution for Willis Bond to design, with Council agreement sought for final approval.

- Mr Guy tabled an updated Figure 40 Benefits Map (replacement page 131 of the Business Case) and apologised that the figure had not been updated in the agenda.
- Mr Guy provided an overview of the history, information gathering, refreshments undertaken and multi criteria analysis to show how they got to this point of validation of the service delivery being provided, the number of visitations and the multitude of benefits being invested in.
- Core investment objectives were tracked and monitored including the wider economic benefits, inclusiveness and attracting people to the precinct giving a promotor score of 35.
- The investor logic map noted the problems, how to measure the benefits and the response to attract people and businesses to the area. Council was currently failing to meet arts, culture, heritage and manakitanga outcomes and the proposal created opportunities to deliver these, including an enhanced sense of inclusiveness and belonging and an understanding of what Tauranga represented.
- Multi criteria analysis included options based on investment objectives, cost, risk and other business needs to be able to see where the value was delivered.
- Visitation model figures were conservative and work was continuing on each of the elements comparing them with other cities with similar facilities.
- The cost benefit analysis currently sat between 1 and 2.
- The benefit map identified core investment objectives, all of which tied into Tauranga City Council's strategic directions and delivered a vast array of objectives.

It was agreed that the meeting would continue past the two hour requirement and adjourn for a break at the conclusion of this item.

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

- The projects created a much safer environment for workers and visitors due to the increased number of people that would be in the area.
- The analyses included in the case study had erred on conservatism all the way through. GHD had done some of the work and made recommendations.
- The \$26M included in the Opex budgets going forward was additional to existing budgets.
- The depreciation on the services Council currently had were accepted, but there would be additional depreciation and costs based on assumptions including additional staff and increased visitations. There would be additional costs for a higher level of service.

#### **Discussion points raised**

- Commissioners gave thanks to all involved in the compilation and presentation of the business case, and especially to Sarah Stewart for her input.

#### **RESOLUTION CO12/23/6**

Moved: Commissioner Stephen Selwood

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the report "Te Manawataki o Te Papa Business Case"; and
- (b) Adopts Te Manawataki o Te Papa Business Case that recommends proceeding with the delivery of the programme of works, subject to the replacement Figure 40 (page 131) as tabled at the meeting; and
- (c) Delegates to the Chief Executive the authority to rectify any minor errors or omissions that are identified in the Te Manawataki o Te Papa Business Case prior to publication.

**CARRIED**

#### **Attachments**

- 1 Presentation - Business Case
- 2 Tabled document - Business Case replacement page 131

At 12.55pm the meeting adjourned.

At 1.29pm the meeting reconvened.

#### **11.4 Financial Strategy - Te Manawataki o Te Papa**

**Staff** Christine Jones, General Manager: Strategy, Growth & Governance

Presentation attached.

##### **Key points**

- The Strategy was based on assumptions as noted in other reports and would be funded from a mixture of ratepayer and external funding, including an airport activity contribution and asset realisation fund. Further work was to be done on this and reported on in the future.
- Changes were noted since the adoption of the LTPA with the total budget of \$303.4M increasing to \$306.3M.
- The Government had indicated a reduced or redacted amount of funding being received due to the recent flooding events in the country.
- There was a lot of work going on to realise opportunities.
- An appropriateness assessment was undertaken with the airport activity including how many visitors travel by other means, international visitors, domestic visitors from outside the region and inside region and how the airport was affected. A conservative approach was taken based on a series of assumptions, with sound processes and methodology. Air NZ had signalled that they agreed with the assessment, however further work was to be undertaken in consultation with them.
- Any community amenity or IFF levy for the ratepayer share would need to go through a public process.
- Three attachments were also to be dealt with in Public Excluded.

##### **Discussion points raised**

- Commissioners acknowledged TECT as a founding funder with their contribution of \$21M noting that it provided strong recognition of confidence and support for the project.
- Funding conversations needed to be held with neighbouring councils as these projects were building the heart of the region.
- Commissioner Tolley noted that as the fifth largest city it was time that Tauranga got more assistance from central government than the \$14M noted to provide these cultural facilities.

#### **RESOLUTION CO12/23/7**

Moved: Commissioner Stephen Selwood

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report –“Financial Strategy – Te Manawataki o Te Papa”.

**CARRIED**

##### **Attachments**

- 1 Presentation - Financial Strategy

## 11.5 Asset Realisation Reserve

**Staff** Christine Jones  
Simon Collett, Manager: Commercial Property

Presentation attached.

### Key points

- Establishing the reserve was commencing a process, not deciding to sell as the normal Council policies would still need to apply.
- The assessment process included identifying assets that were not required for core Council business or be managed in a different way.
- Policy and legal considerations included proceeds going to debt repayment, however the Council had the discretion to apply these separately by way of a resolution to any other purpose. If a decision was inconsistent with the policy the process needed to be transparent and prescribe why and the policy amended for the future.
- An annual review of properties would be undertaken, with potential sites being managed through the reserve approach.
- Two attachments were included in the public excluded section of the agenda.

### RESOLUTION CO12/23/8

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council :

- (a) Receives the report "Asset Realisation Reserve".
- (b) Approves the creation of an Asset Realisation Reserve approach which will be used to:
  - (i) Manage Council properties and assets, initially acquired from sources other than the Strategic Acquisitions Fund, which have been assessed as:
    - No longer needed for operational or strategic purposes, or
    - Identified as available for disposal (externally or to a Tauranga City Council activity) to achieve a strategic purpose and a defined trigger or timeframe for that disposal has been determined; and
    - Includes, for avoidance of doubt, assets associated with commercial activities that Council no longer wishes to own or operate.
  - (ii) Hold the resulting sale proceeds from Council properties and assets.
  - (iii) Fund Council capital projects, with the decision to fund capital projects from the Asset Realisation Reserve to be made via Council resolution.
- (c) Approves that on sale of assets managed through the Asset Realisation Reserve approach, any debt associated with that asset will be not repaid unless Council, by further resolution, determines full or partial debt repayment shall occur.
- (d) Notes that property or an asset identified to be managed through the Asset Realisation Reserve approach is not necessarily a decision to sell that property or asset, but a recognition that the property/asset is no longer required by Council for operational purposes or is available for strategic disposal.
- (e) Notes that an annual review of Council's property holdings will be undertaken, with those properties which are identified as no longer required by Council for operational purposes or are available for strategic disposal managed through the Asset Realisation Reserve approach.

- (f) Notes that the potential sale of any Council properties or assets held by the Asset Realisation Reserve will be assessed and managed on a case-by-case basis and in accordance with Council's legislative requirements and policies, including the Property Acquisitions and Disposals Policy and Significance and Engagement Policy.
- (g) Approves all the properties listed in Attachment 1, subject to not being required for any alternate operational purpose, being managed through the Asset Realisation Reserve approach and approve staff to progress the sale or potential sale of those properties.
- (h) Approves the Asset Realisation Reserve to be used as a source of funding for the Te Manawataki o Te Papa project in the first instance.
- (i) In accordance with section 80 of the Local Government Act notes that, with respect to the decision to hold sale proceeds in the newly established Asset Realisation Reserve:
  - (i) The decision is inconsistent with the Property Acquisitions and Disposals Policy (section 5.8.5) which states that proceeds from the disposal of surplus property will be returned to the council activity that funded the purchase; and
  - (ii) The reasons for the decision are addressed in this Asset Realisation Reserve Report; and
  - (iii) Council intends to amend the Property Acquisitions and Disposals Policy to accommodate the decision.
- (j) Retains the information contained within Attachments 2 and 3 in public excluded until the respective property sale has been completed. Details associated with unsold properties will remain confidential and are to be redacted from any public release.

**CARRIED**

## **Attachments**

- 1 Presentation - Asset Realisation Reserve

## **11.4 Financial Strategy - Te Manawataki o Te Papa** *(continued)*

### **RESOLUTION CO12/23/9**

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Bill Wasley

That the Council:

- (b) Approves the Financial Strategy – Te Manawataki o Te Papa with the following key elements:
  - (i) Reconfirmation that the ratepayer funded loan shall be a maximum of \$151.5 million; and
  - (ii) Council will seek to maximise external funding sources, including grants and development contributions; and
  - (iii) To the extent that the funding sources (b)(i) and (b)(ii) are insufficient to fund the full capital costs, the balance will be funded by:
    - Airport Activity funding up to \$13 million; and/or
    - Asset Realisation Reserve.
- (c) Notes that the decision on the quantum of airport activity and/or Asset Realisation Reserve funding to be applied to Te Manawataki o Te Papa will be made by way of subsequent resolutions of Council after consideration of what is appropriate, further legal advice on the application of the airport activity funding, the outcome of any

required consultation processes, and assessment of compliance with any relevant legal requirements.

- (d) Confirms that Council considers that sufficient funding will be available to proceed with the Te Manawataki o Te Papa investment within the approved budget.
- (e) Retains Attachments 1 and 2 in confidential to maintain legal professional privilege and to enable Council to carry out, without prejudice or disadvantage, commercial activities.
- (f) Transfers Attachment 3 into open when consultation and any associated negotiation with direct stakeholders is complete.

**CARRIED**

## 11.2 Te Manawataki o Te Papa - Design and Cost Update Report *(continued)*

### RESOLUTION CO12/23/10

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Stephen Selwood

That the Council:

- (h) Delegates to the Chief Executive authority to enter into contracts on behalf of Council for the delivery of the Te Manawataki o Te Papa (Site A) programme of works as further outlined within the Te Manawataki o Te Papa Design and Cost Update Report – July 2023 (attachment 1), subject to:
  - (i) Endorsement by the Te Manawataki o Te Papa Board (Ltd.); and
  - (ii) Sufficient funds being available in accordance with the Te Manawataki o Te Papa Financial Strategy Report resolutions approved by Council at this 24 July 2023 meeting; and
  - (iii) Condition of commercial sensitivity (as per attachment 2 confidential resolution).
- (i) Transfers **Attachment 2** into the open when contract negotiations are complete.

**CARRIED**

## 11.6 Te Manawataki o Te Papa - Willis Bond - Development Management Agreement

**Staff** Gareth Wallis, General Manager: City Development & Partnerships  
Graeme Frith, Team Leader: Legal & Business Support

**External** David Lambie – Consultant

### Key points

- The next stages of the project were all underpinned by Willis Bond.
- The Development Management Agreement was with Willis Bond for the delivery of the Te Manawataki o Te Papa programme of works. Staff were satisfied that the detailed scoping, clear set of processes and delegations provided clarity to all.
- The agreement was consistent with the partnering agreement and the quality and performance of Willis Bond in living the values, providing the expectation of expertise and giving surety with mitigation of risk.

### Discussion points raised

- Commissioners noted that the relationship had been strongly examined when Willis Bond came into the project and they had been impressed throughout the whole process to date especially with the wider expertise they brought to the table and the pace they were able to work at.



**RESOLUTION CO12/23/11**

Moved: Commissioner Stephen Selwood  
Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report "Te Manawataki o Te Papa - Willis Bond - Development Management Agreement".
- (b) Delegates to the Chief Executive authority to enter into a Development Management Agreement on behalf of Council with Willis Bond for delivery of the Te Manawataki o Te Papa (Site A) programme of works as further outlined within the Te Manawataki o Te Papa Design and Cost Update Report July 2023.

**CARRIED**

**11.7 Tauranga Moana Waterfront - Masterplan Update**

**Staff** Gareth Wallis, General Manager: City Development & Partnerships  
Mike Naude, Director of Civic Developments

**Discussion points raised**

- Commissioners noted that the project was a credit to all who had been working on it and looked forward to seeing it eventuate.
- The four Commissioners had chaired steering groups on all components and as such were able to raise questions throughout the masterplan process.
- Commissioner Tolley acknowledged Dean Flavell who was present at the meeting for his patience in waiting 20 years as Council's Heritage Collection Manager for the decision to be made to showcase some of the local taonga to the community.

**RESOLUTION CO12/23/12**

Moved: Commissioner Stephen Selwood  
Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the report "Tauranga Moana Waterfront - Masterplan Update".
- (b) Receives the updated Masterplan and acknowledges the location of the Whare Waka, and the additional pavilion/public convenience on the Strand South Reserve.

**CARRIED**

**12 DISCUSSION OF LATE ITEMS**

Nil

**13 PUBLIC EXCLUDED SESSION****Resolution to exclude the public****RESOLUTION CO12/23/13**

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:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48 for the passing of this resolution</b>
<p><b>13.1 - Public Excluded Minutes of the Council meeting held on 3 July 2023</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)(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> <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>Confidential Attachment 2 - 11.2 - Te Manawataki o Te Papa - Design and Cost Update Report</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>Confidential Attachment 1 - 11.4 - Financial Strategy - Te Manawataki o Te Papa</b></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>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>Confidential Attachment 2 - 11.4 - Financial Strategy - Te Manawataki o Te Papa</b></p>	<p>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege</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>Confidential Attachment 3 - 11.4 - Financial Strategy - Te Manawataki o Te Papa</b></p>	<p>s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities  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>Confidential Attachment 2 - 11.5 - Asset Realisation Reserve</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>Confidential Attachment 3 - 11.5 - Asset Realisation Reserve</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>

**CARRIED**

**14 CLOSING KARAKIA**

Commissioner Shad Rolleston closed the meeting with a karakia.

**The meeting closed at 2.22 pm.**

**The minutes of this meeting were confirmed as a true and correct record at the Ordinary Council meeting held on 14 August 2023.**

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**CHAIRPERSON**