



MINUTES

**Ordinary Council meeting
Monday, 20 May 2024**

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**MINUTES OF TAURANGA CITY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE BAY OF PLENTY REGIONAL COUNCIL CHAMBERS,
REGIONAL HOUSE, 1 ELIZABETH STREET, TAURANGA
ON MONDAY, 20 MAY 2024 AT 8.33AM**

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

IN ATTENDANCE: Marty Grenfell (Chief Executive), Paul Davidson (Chief Financial Officer), Barbara Dempsey (General Manager: Community Services), Nic Johansson (Head of Transport), Christine Jones (General Manager: Strategy, Growth & Governance), Alastair McNeill (General Manager: Corporate Services), Gareth Wallis (General Manager: City Development & Partnerships), Carlo Ellis (Manager: Strategic Maori Engagement), Wally Potts (Acting General Manager: Infrastructure), Phil Kai Fong (Team Leader Strategic Property), Dana Leslie (Contractor), Cathy Davidson (Manager: Directorate Services), Derek McFadden (Senior Project Manager), Jason Spencer (Transport Programme Manager – Dual Funding), Neil Mason (Programme Director: Major Projects), Shawn Geard (City Centre Transport Advisor), Simon Collett (Manager Commercial Property), Andrew Mead (Manager: City Planning & Growth), (Jenna Quay (Events Facilitation Manager), Janine Speedy (Team Leader: City Planning), Emily McLean (Programme Lead: City Development), Coral Hair (Manager: Democracy & Governance Services), Anahera Dinsdale (Acting Team Leader: Governance Services), Caroline Irvine (Governance Advisor), Aimee Aranas (Governance Advisor), Janie Storey (Governance Advisor)

Commissioner Tolley complimented staff on doing a lot of work to get the reports to this last decision making meeting.

1 OPENING KARAKIA

Commissioner Shadrach Rolleston opened the meeting with a karakia and acknowledged the recent passing of Mr Bill Nepia.

2 APOLOGIES

Nil

3 PUBLIC FORUM

Nil

4 ACCEPTANCE OF LATE ITEMS

4.1 Acceptance of late items

RESOLUTION CO11/24/1

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Accepts the following late tabled items for consideration at the meeting:
- Commitment to and Funding of Transport Investment to Enable Housing Supply
 - Cameron Road Stage 2 - Urban Transformation Project
 - Cameron Road Stage 2 - Procurement Progression for Detailed Design (*public excluded*)

The above items were not included in the original agenda because they were not available at the time the agenda was issued, and discussion cannot be delayed until the next scheduled meeting of the Committee because decisions are required in regard to these items.

CARRIED

5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN

Nil

6 CHANGE TO THE ORDER OF BUSINESS

Changes to the order of business would be required to be made during the meeting.

7 CONFIRMATION OF MINUTES

7.1 Minutes of the Council meeting held on 25 March 2024

RESOLUTION CO11/24/2

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Stephen Selwood

That the minutes of the Council meeting held on 25 March 2024 be confirmed as a true and correct record.

CARRIED

Update on Item 11.1 Egret Avenue/Te Mutu Crescent Land Categorisation

- It was noted that staff were in the process of negotiating settlements, were initiating early works to tidy up Egret Avenue and looking at designs to address the Tomo and hold the bank secure. The work was expected to commence in several weeks and would be completed within the time frame for accessing the funding.
- Staff had unsuccessfully attempted to include the demolition costs on several occasions, but there was a separation between the category 2 and category 3 funding.

8 DECLARATION OF CONFLICTS OF INTEREST

Commissioner Rolleston noted for Item 11.7 – Asset Realisation Reserve – Classification of Properties, that he was a Member of the New Zealand Conservation Authority.

Commissioner Wasley noted for Item 13.4 – Tauranga Western Corridor: Special Development Project Draft Project Assessment Report – Council Response to Kainga Ora, that his daughter had a property in that area.

9 DEPUTATIONS, PRESENTATIONS, PETITIONS

Nil

10 RECOMMENDATIONS FROM OTHER COMMITTEES

10.1 Matapihi Southern Pipeline Advisory Group

Staff Coral Hair, Manager: Democracy & Governance Services
Anahera Dinsdale, Acting Team Leader: Governance Services

Discussion points raised

- Commissioner Rolleston noted that the Advisory Group had been set up in response to a spill that had occurred so that Council could work with the community to resolve the issues such as odour and access.
- Although the issues had been resolved there was still a desire from the Matapihi community to stay connected as the pipeline goes through their community. A change of meeting frequency from quarterly to twice a year was requested to allow them receive wider updates of items around the network.
- It was noted that the pipe went through a number of communities, some of which may also want to have a say.

RESOLUTION CO11/24/3

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the report "Matapihi Southern Pipeline Advisory Group".
- (b) Adopts the recommendations of the Matapihi Southern Pipeline Advisory Group and makes the following changes to the Memorandum of Understanding and Terms of Reference for the Matapihi Southern Pipeline Advisory Group:
 - (i) Meeting Frequency: No less than two meetings per year.
 - (ii) Changes to Tauranga City Council Quorum: Either One (1) Elected Member or a General Manager and a staff member from Tauranga City Council present at the meeting.

CARRIED

11 BUSINESS

11.1 Whareroa Marae - Future-proofing Option

Staff Christine Jones, General Manager: Strategy, Growth & Governance
Phillip Kai Fong, Team Leader Strategic Property
Danna Leslie, Contractor
Carlo Ellis, Manager: Strategic Māori Engagement

Key points

- Acknowledgement of iwi talking about the impacts of their community which had been occurring for a long time resulting in intertwined emotions.
- The iwi were now getting to a position of moving forward.
- Acknowledgement of the Commissioners who had investigated the situation thoroughly and worked to address the problems for the iwi.
- The impacts grown in and around Whareroa, with decisions being made by Council, the Crown and the property owners around them.
- It was a desperate situation, with a solution provided that was orientated for Whareroa to follow a pathway to assist them when they were ready to do so.
- Acknowledgement of the liaison work carried out by Danna Leslie to allow Council to get to this point.

Discussion points raised

- Commissioners acknowledged the good information provided in the report.
- Commissioner Tolley noted that they had met and talked with Ngāti Kuku and Ngāi Tūkairangi regarding the future of Whareroa Marae which was essentially unresolvable. Council had sought legal advice, considered the status of existing consents and planning processes, carried out a Port industrial area study and would continue to consider these items.
- The hardest challenge the Marae would face was the weather which would become worse with climate change.
- Commissioners were grateful to be able to talk together with iwi about what long term solutions there were for the area and to hear the opportunities on the part of the original rohe to find a place for Whareroa to continue and to bring it to a conclusion before they left the Council.
- Commissioner Rolleston advised that Whareroa was important to the whole of Tauranga and Council had brought the issue front and centre and provided the opportunity to determine what a managed retreat solution would be for the Marae in the future when they were ready to leave with an area of land set aside that they may use.
- Acknowledgement of the leadership from Whareroa Marae, Ngāti Kuku and Ngāi Tūkairangi for having the hard and challenging conversations with their people, resulting in some wanting to move and others not wanting to.

RESOLUTION CO11/24/4

Moved: Commission Chair Anne Tolley
Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report "Whareroa Marae - Future-proofing Option".
- (b) Agrees in principle to providing the Whareroa Marae community with land to be available as a future proofing option to mitigate some of the issues faced by this community subject to:
 - (i) Appropriate mechanisms being available to achieve the objective while providing for the continued operation of the airport activity; and
 - (ii) Discussions and agreements with Whareroa Marae community; and

- (iii) Discussions and agreements with the Crown and Western Bay of Plenty District Council as joint signatories to the 'Deed Terminating Tauranga Airport Joint Venture'.

CARRIED

11.2 Tauranga Local Water Done Well - Preferred Structure

Staff Wally Potts, Acting General Manager: Infrastructure
Cathy Davidson, Manager: Directorate Services
Nic Johansson, Head of Transport
Paul Davidson, Chief Financial Officer

Key points

- Promotion of water reform with a broad range of options for local water done well with a focus on more detailed wording and the five key objectives to meet those
- Acknowledgement of the input from the Commissioners and the peer direction given over last five years with staff now knowing what needed to be focused on.
- Since the 29 April 2024 meeting announcements had been made with regard to Watercare and Auckland Council to enable local water done well with staff continuing on clear funding and financial structure to ensure that they meet the local water done well requirements. The recommendation were a refinement of the 29 April 2024 report.
- It was requested that a further recommendation be added noting that connections with iwi and hapu of the district would occur to ensure that they remained connected moving forward.

Discussion points raised

- Commissioner Tolley noted that legislation would require councils to provide a water plan to the Minister of Local Government by July 2025 outlining the way forward. The decisions on how the Council would meet the standards would need to be made by the incoming Council early in their term.
- Appreciation for the work that had gone into the proposal to date and noted the need to lock in the steps with mana whenua and the Western Bay of Plenty District Council to develop an operational plan and to set up a Council Controlled Organisation (CCO), while not precluding the inclusion of other councils when they were ready.
- The proposal did not preclude continuing discussions with Hamilton City Council although they did not have metering or ringfenced revenue stream as yet and was a good start for the new Council to prepare to make the decisions that they had to make.
- Commissioner Selwood noted that the proposal presented the opportunity for an independent utility to charge for the service and to pay the debt that had been raised. The Council balance sheet would shift to a CCO which would become a good water services provider and allow Council to invest in other major infrastructure to allow the city to grow. A larger scale entity being set up increased the size of the assets, the revenue scope and consolidated the expertise of the staff to run it.
- Commissioners noted that the past three years had been hard on staff, but the investments had been continued to be made so that the assets were in a good state. They appreciated that while there was still not a clear pathway forward, a start had been made.

RESOLUTION CO11/24/5

Moved: Commissioner Stephen Selwood
Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report "Tauranga Local Water Done Well - Preferred Structure".

- (b) Notes the key objectives for the development of a water entity include obtaining sufficient borrowing capacity for waters and council, retaining local ownership, the development of partnership models and improving the efficiency of water delivery and its integration with council planning and operations.
- (c) Notes that Council will continue to monitor legislative developments for the establishment of water entities and the impacts this will have on the establishment of a water entity for Tauranga as outlined in this paper.
- (d) Approves the preferred option of establishing a Council Controlled Organisation (CCO) model with Western Bay of Plenty District Council.
- (e) Establishes a project team to prepare the organisation for joint delivery of three water services across the Western Bay of Plenty.
- (f) Notes that Council will continue to investigate structure options involving other councils and approves the development of a CCO model that enables further councils to be included in the future
- (g) Notes that options may include both two (water and wastewater) and three water (including stormwater) options both on immediate set up and over time.
- (h) Notes that as part of the CCO structure development, Council would investigate opportunities for volumetric wastewater charging.
- (i) Notes that discussions would continue to connect with iwi partners and hapu of the district.

CARRIED

11.3 15th Avenue to Welcome Bay Single Staged Business Case

Staff Neil Mason, Programme Director: Major Projects
Derek McFadden, Senior Project Manager
Jason Spencer, Transport Programme Manager – Dual Funding
Nic Johansson, Head of Transport

External Matt Soper, Stantec – online

Key points

- Corrections – paragraph 49 refers to recommendation (e) (iv) this should be (c) (iv) and recommendation (b) (ii) should refer to as the 2024-34 Long Term Plan.
- Endorsement for the scope to put to NZTA for subsidy of the two stages which better align with the government policy statement to relieve congestion, improve active modes, increase public transport and enhance access to destinations along the corridor.
- Objective was the benefit of significant improvements to public transport and cycling, driven by travel and operating cost savings.
- Pre-implementation had occurred to start construction by mid-2025, with 100% funding as NZTA were not expected to approve until 24 September 2024.
- The full business case was not able to be completed as yet, but would include full stormwater costs and an assessment of the funding allocation from NZTA.
- Seeking approval for the Chief Executive to approve the final business case, subject to conditions that the implementation would not start until the full and complete funding was allocated to completion.

In response to questions

- In relation to a query regarding work being commenced in zone 3 it was noted that this included works on the James Cook Drive/Welcome Bay roundabout.

- NZTA had advised that the pavement rehabilitation cost was not eligible as the work was not a requirement of the project and considered a business as usual cost for the Council.
- The system would be flexible with Council being able to allocate traffic lanes as it needed to.
- In answer to a query regarding the implementation of T2 and T3 it was noted that modelling had been carried out by the team which had demonstrated the T2 benefits and by going to T3 it would not go to the benefit. Although Council would likely want to go to T3, they may do so as a transition in time with an increase of buses or through the parking policy. The balance was to get as many vehicles through the corridor while managing the wider effects.
- It would be a Council decision as to when it moves to T3 based on facts in the business case and reliant of T2. If NZTA accept that it would be Council's ability to do so, they would target T2 lanes.
- Implementation of new system would take education, so should not be overly complicated. To start it would be simple signalling of lane changes with more changes as it progresses through.
- Stormwater work was still being closed out and would be included in the submitted business case. The estimated top end additional cost were \$13M which would reduce as the plan was optimised and funding options considered. Discussions had also been held with NZTA regarding the potential for them to co-fund the work.

Discussion points raised

- While the works were critically important for the city to reduce congestion in peak hours, cycling and walking should not be the only focus for low risk improvements as there may be other sources of funding available including spaces and places and community funding.
- Add recommendation (m) to allow use of bus lanes outside of busy times.

RESOLUTION CO11/24/6

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receives the report "15th Avenue to Welcome Bay Single Staged Business Case".
- (b) Approves Stage 1 Pre-implementation activities from October 2024 subject to:
 - (i) NZTA endorsement of the SSBC with funding approval for the remaining Stage 1 pre-implementation activities at 51% Funding Assistance Rate (FAR).
 - (ii) 2025/2035 Long Term Plan approval of sufficient funding to complete the Pre-implementation of Stage 1.
- (c) Approves that Stage 1 of the Project moves from Pre-implementation to Implementation activities under management of Council's Major Projects Unit subject to:
 - (i) Stage 1 scope is generally as described in the Option Analysis section and attachments to this Paper noting that changes will occur as the designs are developed but these changes are not to significantly alter the overall Stage 1 scope and outcomes.
 - (ii) NZTA endorsement of the SSBC with funding approval for Implementation at 51% Funding Assistance Rate (FAR) for Stage 1.
 - (iii) The Stage 1 Forecast Cost at Completion (FCAC) (P95) is reforecast at the milestones set out in paragraph 51 (i.e., a, b and c) by an independent qualified Quantity Surveyor and tracks less than or approximately equal to the FCAC (P95) contained in the Final SSBC approved by NZTA.
 - (iv) The Stage 1 Implementation Estimate (IE) (P95) is less than the approved 2025/2035 Long Term Plan budget for Stage 1 plus any other funds approved by the Council at the time.

- (d) Notes that Pre-implementation and Implementation phases for Stage 2 of the Project will be under management of Council's Low Cost Low Risk unit (LCLR) or other programme with allocated budget as set out in para 43 below.
- (e) Approves Stage 1 as noted in (b & c) above irrespective of whether Hairini Bridge abutment strengthening is approved by Council.
- (f) Delegates authority to the Chief Executive to approve submission of the Final SSBC to NZTA.
- (g) Notes that the SSBC will only request NZTA co-funding for the Stage 1 amount detailed in para 43.
- (h) Notes that there is scope, cost and funding uncertainty with respect to stormwater treatment requirements in Stages 1 and 2 and relevant costs included in this report will need to be adjusted accordingly.
- (i) Notes that if Hairini Bridge abutment strengthening is approved this could affect the Project Programme (see Attachment 1).
- (j) Notes that on 12 February 2024 Council approved early Pre-implementation works between March-September 2024 to the value of \$3.5M (P95) that are were forecast to be completed prior to the expected NZTA approval of Project funding.
- (k) Notes that the final SSBC is expected to be completed in June 2024.
- (l) Accepts the risk that if actual costs for Stage 1 exceed the P50 estimates contained in the Final SSBC and these costs are not fully covered by NZTA Cost Scope Adjustment(s), Council will have to fund 100% of the shortfall.
- (m) Notes that the current bus lane from Hairini Bridge will be included in the business case for possible general traffic use outside of peak hours.

CARRIED

11.4 Speed Management Plan

Staff Nic Johansson, Head of Transport
Shawn Geard, City Centre Transport Advisor

Key points

- The plan had been approved for consultation on 12 February 2024, with over 1,000 responses being received. Appreciation to the community for providing input into the plan.
- The recommendations aligned with feedback with areas outside schools expected to be reduced to 30kph by 30 June 2024.
- The proposed government policy statement was different to the previous one with regards to speed management and had options on how to accommodate that.

In response to questions

- Commissioners agreed that they wanted to keep children safe, but noted the absence of evidence of what was happening outside schools in relation to near misses accidents so that there was a clearer picture. If the limits outside schools was currently at 40kph, then make a start to get rest to 40kph and put pressure on road policing to be there to enforce it as that was not being done well.
- Justification for the logic of the proposal for the length of the CBD with no reasons provided for extending the limits at one end and leaving it the same at the other.
- Commissioner Tolley noted that they could not support the recommendations and accept that provision for case by case reduction was not just related to speed. There needed to be evidence of continual speeding or near misses to accompany the maps that have a large number of compulsory 30kph areas.

- It was noted that the locations included where the road environment does not allow for 50kph currently where there were narrow streets or raised speed traffic calming devices that reduce the speed. Rather than spending funds on invariable infrastructure, the proposed reduction was a cheaper permanent option.
- While it was noted that the consultation maps did include the 30kph areas, Commissioners considered that this was different to actually talking to people about reducing the limit to 30kph all of the time. With a population of 160,000 living in the city and 1,000 responses, that left 159,000 people that had no idea that Council were planning to affect them by reducing a number of areas to a 30kph speed limit. Many would not be aware until it happened.
- A letter drop was not used during the consultation, but many other methods were. An example was that the Matua limits were based on a survey with 63% agreeing to a reduction in those specified areas.
- Commissioners sought information on the view of the road user and road transport forums with evidence that they had been spoken to which would provide a balance in the discussion along with maps where accidents had occurred to be able to warrant a change in the speed limits.
- It was noted that an option of 40kph had been included to try and achieve a reduced speed, rather than using an infrastructure intervention as people often did not look at signage. Central government were pushing for increased police presence onto the streets and more was being seen around the city at present. Staff had access to crash data, but Council should not lean on that and be brave enough to impose limits with the predicted modelling rather than crash evidence. It was important to put all factors in and consider the safety of all road users and children at school. A 40kph for Fraser Street would make better use of the area and make people safer.

Discussion points raised

- Commissioners considered that insufficient work had been done on the report and requested that it lie on the table. A more comprehensive report providing the information sought was requested to be presented to the 10 June 2024 meeting.

RESOLUTION CO11/24/7

Moved: Commission Chair Anne Tolley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Lays the report on the table with further information to be provided to the 10 June 2024 Council meeting with the evidence requested.

CARRIED

11.5 Ferry Proposal

Staff Nic Johansson, Head of Transport
Simon Collett, Manager Commercial Property

Key points

- The proposal noted that an established operator within the Hauraki Gulf was looking to provide a downtown Mount Maunganui to the City ferry service with two vessels making 20 trips a day.
- The ferries would carry 30 people and 15 bikes and did not require any additional infrastructure to support them.
- Funding was being sought to assist with the service subject to financial support also from the Bay of Plenty Regional Council who were still deliberating on their Long Term Plan.

In response to questions

- There were no plans to provide parking at Mount Maunganui at this stage as Council were initiating a parking management plan and ferry considerations would be added to it.

- They were hoping to have the proposal in operation by March-April 2025 and staff were trying to pre-empt any issues that may arise.
- The Regional Council had doubts and needed to find certainty to the viability of the service.

Discussion points raised

- Commissioner Tolley suggested that the land alongside old police station be considered for use as a secure bike park.
- Commissioners noted that they had been seeking a ferry service for the past three years and this was a great opportunity to test the market and hoped to see it expand in the future.

RESOLUTION CO11/24/8

Moved: Commission Chair Anne Tolley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receives the report "Ferry Proposal" and attachments; and
- (b) Underwrites up to 50% of the funding required to trial ferry operations up to a maximum amount of \$1.4M payable over the first two years of the trial (i.e. \$700K per annum) of rate funded expenditure.
- (c) Notes:
 - (I) This underwrite is conditional on the other 50% being funded by Bay of Plenty Regional Council.
 - (II) For the 2025 financial year Council staff will seek to identify savings throughout the year to fund this amount if required. If the underwrite is required and savings cannot be achieved this will be funded by an increase in debt for that year.
 - (III) For the second year of the trial in 2026, the underwrite will be included in the 2026 Annual Plan and/or rate setting process.
- (d) The attachments can be transferred into open following completion of the trial.

CARRIED

11.6 Temporary Road Closure Report for Events 2024-2025

Staff Nic Johansson, Head of Transport
Jenna Quay, Events Facilitation Manager

Key points

- Publicly notified consultation ends on 31 May 2024.
- There would be three less event days and one new event from the previous summer.

In response to questions

- In answer to a query regarding feedback during road closures, it was noted that there had been 10 complaints over the of the whole summer, with most of these being in relation to other issues such as waste rather than road closures.
- Businesses operating during closures were accommodated as much as possible. Staff worked closely with them and provided pre advance warning and in some cases access and their own path to their business.
- The number of events was fairly consistent, with next summer looking similar to the last, but with less events on Marine Parade. The numbers of people attending the events generally increased each year.

RESOLUTION CO11/24/9

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receives the report "Temporary Road Closure Report for Events 2024-2025".
- (b) Pursuant to Clause 11(e) of the Tenth Schedule of the Local Government Act 1974, grants approval to close the roads and car parks listed on Attachment A to ordinary vehicular traffic on the dates and during the hours stated for the purposes of facilitating safe and successful operations during the following events contingent on no objections are received during the formal notification period.

CARRIED

11.7 Asset Realisation Reserve - Classification of Properties

Staff Paul Davidson, Chief Financial Officer
Simon Collett, Manager Commercial Property

Key points

- Correction – reference to Kailua Road should be Kairua Road
- The reserve was established in July 2023, with the initial programme of potential sales over 12-24 months and the key requirement to classify the properties under the Property Acquisition and Disposal Plan.
- All but one of the properties had been classified as surplus and a request for an engagement process was being undertaken with mana whenua to ensure that they had adequate time to consider the areas.
- The Orchard Block was residual land from the implementation of the water scheme and was leased to the Institute of Plant and Food Research who owned items on the land. Engagement had not yet been held with mana whenua and if the proposals relating to the sale were not met it would be referred back to Council.
- The proceeds from the sales were critical to provide support to Te Manawataki o Te Papa.

In response to questions

- In response to a query as to whether there was any opportunity for other sites to be developed as a carpark if 134-136 Greerton Road was to be sold, it was noted that Council would work through the process first with further considerations to be done before any sale took place. Currently Council provided free parking to visitors to the Greerton village, the land was owned by Council with no impediments.
- Resolution (g) was added noting the property at 134-146 Greerton Road as strategic and that the matter be brought back for another decision with .
- In answer to a query as to culturally sensitivity, it was noted that the process was being given a lot more time

RESOLUTION CO11/24/10

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report "Asset Realisation Reserve - Classification of Properties".
- (b) Resolves that the disposal of the following properties be classified as Surplus Property in accordance with Council's Property Acquisitions and Disposals Policy ("the PADP") subject to first consulting appropriately with Mana Whenua and Mana Whenua not raising any specific objections to the proposed classification:

- i. 59C Esmeralda Street, Welcome Bay;
- ii. 53D Esmeralda Street, Welcome Bay;
- iii. 2014L Kairua Road, Welcome Bay;
- iv. 15 Herald Way, Welcome Bay;
- v. 32 Keilor Road, Otūmoetai;
- vi. 140 Grange Road, Otūmoetai;
- vii. 96B Sherwood, Bellevue;
- viii. 31,33,35 Glasgow Street, Tauranga;
- ix. 149 Second Avenue, Tauranga;
- x. 35A & 35B Third Avenue and 1-3 43 Third Avenue, Tauranga;
- xi. 65-73 Cross Road, Tauranga; and
- xii. 85 Cross Road, Tauranga.

(“**the Surplus Properties**”) noting that:

- xiii. Subject to any legal obligations identified in this report, if these Surplus Properties are suitable for open market disposal, Council will follow the PADP and engage with Mana Whenua with respect to the proposed classification and then, should Mana Whenua not raise material objection to the proposed classification offer Mana Whenua the right of first refusal; and
- xiv. If Mana Whenua declines the offer, the Surplus Properties will be considered for disposal through an open market process.

- (c) Resolves that the disposal of part of the property at 376 No.1 Road, Te Puke (“**the Orchard Block**”) be classified as a Strategic Disposal under the PADP, with the site-specific strategic objectives if the Orchard Block is sold to New Zealand Institute for Plant and Food Research Limited (“**PFR**”), including:
- (i) Improved community resilience and economic development as a sale to PFR will support the continued operation of PFR and the company’s research into sustainable crops; and
 - (ii) Strategic Disposal to PFR will achieve market value, enabling the sale proceeds to be allocated towards other strategic works.

Notes that dependent on the outcome of consultation with Mana Whenua on the Orchard Block, the matter may need to come back to Council for a further decision.

- (d) Resolves that if an agreement for sale and purchase cannot be reached with PFR 12 months from the date of the Orchard Block’s classification under the PADP, then it is recommended that the Orchard Block be reclassified as a Surplus Property and the process to offer the property to Mana Whenua as prescribed under the PADP be carried out.
- (e) Resolves that as both the Surplus Properties and Orchard Block are held in the Asset Realisation Reserve, the proceeds of the disposal of the properties will be used to fund Council capital projects.
- (f) Resolves to initiate the procedure to revoke the reserve status, under section 24 of the Reserves Act 1977, of the property at 140 Grange Road, being a Local Purpose Reserve (Scout Hall Site), for the following specific reasons:
- (i) The Scout Hall building has been demolished;
 - (ii) The reserve no longer provides any significant community value in terms of its status and classification under the Reserves Act.

- (iii) The property has been reviewed from a whole organisation perspective and assessed as no longer required for strategic or operational purposes, and
- (iv) Subject to completion of revocation, the Council wishes to dispose of this property.
- (g) Notes that 134-136 Greerton Road, Tauranga; is to be reconsidered for classification as a possible strategic property and/or for disposal with conditions.

CARRIED

11.8 Te Manawataki o Te Papa Financial Strategy including Infrastructure Funding and Financing Levy

Staff Paul Davidson, Chief Financial Officer

Key points

- Includes a number of strategies and an update on the external funding in terms of the Asset Realisation Reserve with the carpark buildings still included.
- The report finalises the IFF transactions to come into effect from 1 July 25 noting that it was within the consulted range. The levy proposal included a requirement to include a buffer for commercial with a rate of 6% which was higher than the upper range. Provided financing comes through a competitive process would continue.
- If the IFF levy was accepted the process would move forward with some of the information that would still be included in public excluded.
- All delegations were in place for the Chief Executive and Chief Financial Officer to execute apart from recommendation (d) which was a Council decision.

In response to questions

- All proceeds would initially go into the Asset Realisation Fund with the first use of funds from Smiths Farm and the Marine Precinct being for the Te Manawataki o Te Papa projects.
- In relation to a question regarding the reasoning for the reassessment to .7 it was noted that under the IFF legislation, it would be treated as a grant when comes into Council, and would then be taken off the amount that could be funded from development contributions. This had been flagged as a potential future correction to the legislation. The other factor was the reassessment of growth to the project.
- The change in the Smith's farm proceeds was a reflection of the sale price. This had not been finalised yet as the infrastructure costs were still to be taken out.

Discussion points raised

- Add resolution (m) to confirm that the proceeds from Smiths farm and the marine precinct be transferred to Te Manawataki o Te Papa.

RESOLUTION CO11/24/11

Moved: Commission Chair Anne Tolley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receives the report "Te Manawataki o Te Papa Financial Strategy including Infrastructure Funding and Financing Levy".
- (b) Notes the latest updated funding tables in paragraph 17 and 35.
- (c) Confirms, based on this updated funding, that loans will be available from the airport and parking activities to reflect the amounts noted in table 3 paragraph 35.

- (d) Confirms the Infrastructure Funding and Financing levy for Te Manawataki o Te Papa, with a levy amount up to \$128 (including GST) for FY 2026 for a median residential levy payer and up to \$464 (including GST) for FY 2026 for a median commercial levy payer.
- (e) Confirms the levy will commence 1 July 2025.
- (f) Notes the amounts of the maximum levy are within the consulted range for the residential ratepayer, and that for the commercial ratepayer could exceed the amount consulted on by approximately 6% to allow for a buffer amount for the levy at the time the levy proposal was drafted.
- (g) Notes that the amount of maximum levy contains a buffer amount to allow for potential movements in interest rates from the time the levy proposal was completed.
- (h) Confirms the delegation to two Commissioners to sign the Monitoring Deed once in final form and confirms the delegation to the Chief Executive (CE) or Chief Financial Officer (CFO) to negotiate minor or technical amendments to the Monitoring Deed.
- (i) Agrees that two Commissioners may sign any ancillary documents that are deeds.
- (j) Agrees the changes to the Infrastructure Funding and Financing Funding and Administration Agreement (IFFFAAA) outlined in a confidential attachment to this report and confirms the delegation to the CE and CFO to finalise these amendments to the IFFFAAA and any other documents that are agreements and agree any further changes to the IFFFAAA and such documents that are minor or technical amendments.
- (k) Agrees by delegation to the CE and CFO to sign any amendments necessary to the existing Transport System Plan IFF contractual documents to achieve consistency with the Te Manawataki o Te Papa IFF (as agreed between Council and the Special Purpose Vehicle).
- (l) Approves the 'Draft Levy Remission and Postponement Policies' included in a confidential attachment and delegates authority to the CE or CFO to agree minor or technical changes.
 - (a) **Attachment 1** can be transferred into the open upon the conclusion of the IFF transaction, subject to any commercial terms being redacted as agreed with Crown Investment Partners and other agencies.
 - (b) **Attachment 2** can be transferred into the open upon conclusion of the IFF transaction, subject to any commercial terms being redacted as agreed with Crown Investment Partners and other agencies.
 - (c) **Attachment 3** can be transferred into the open upon the conclusion of the IFF transaction, subject to any commercial terms being redacted as agreed with Crown Investment Partners and other agencies.
 - (d) **Attachment 4** can be transferred into the open upon the conclusion of the IFF transaction, subject to any commercial terms being redacted as agreed with Crown Investment Partners and other agencies.
 - (e) **Attachment 5** can be transferred into the open upon the conclusion of the IFF transaction, subject to any commercial terms being redacted as agreed with Crown Investment Partners and other agencies.
- (m) Confirms that proceeds from Smiths farm and the marine precinct asset divestment will be allocated to the Asset Realisation Reserve the first instance to fund Te Manawataki o Te Papa.

CARRIED

At 10.29am the meeting adjourned.

At 10.52am the meeting reconvened.

11.10 483 Cameron Road - Indoor Court Project

Staff Barbara Dempsey, General Manager: Community Services

Key points

- The report outlines the use of the building as indoor courts for a number of sporting activities, the items to be upgraded and the seismic rating.
- The property had presented an opportunity to utilise the 600m² mezzanine floor for an Emergency Operations Centre (EOC) and when not in use by Bay Venues Limited (BVL) for their use as additional office space.
- With the mixed activity, the EOC and the carpark underneath it was recommended that the Council retain ownership and enter into a lease with BVL to allow them use of an uninhibited floor area for indoor sports as they would normally expect.
- Staff would come back with planning instruments to charge for parking in the carpark.
- While there was room for three BVL staff on the ground floor, they wanted up to ten staff which could be housed on the mezzanine floor and also be used when large tournaments were held.
- The space was set up to move in and EOC furniture and fittings could be sourced from the civil defence budget.
- Both organisations could run effectively together and the space would be taken over as an EOC during any significant event.
- It was requested that recommendation (b) be changed from a basketball court to an indoor court facility.

In response to questions

- There was never any intention to spend any of the upgrade funding on the mezzanine floor and it provided an opportunity to set up an EOC which Council were required to have.
- A heads of agreement would be made with BVL and the maintenance of the exterior of the building would be included in the Council's asset management plan. BVL would be responsible for internal improvements such as line marking and sporting equipment.

RESOLUTION CO11/24/12

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report "483 Cameron Road - Indoor Court Project".
- (b) Approves that the 483 Cameron Road building remains in Council ownership and a lease or heads of agreement be executed to ensure Bay Venues Limited have the necessary ability to operate and maintain a Community Indoor Court facility.
- (c) Approves the conversion of a section of the mezzanine floor for the purpose of establishing an Emergency Operating Centre.
- (d) Approves staff to liaise with Bay Venues Limited and proceed with the policy framework to enable dedicated free and public paid carparking at 483 Cameron Road.

CARRIED

11.11 City Centre Public Realm Design Guidelines

Staff Gareth Wallis, General Manager: City Development & Partnerships
Emily McLean, Programme Lead: City Development

Key points

- The guidelines were provided as an action in the city centre action plan outlining framework for consistency of the developed of streetscape and urban environments within the city centre.
- Some of the landscaping had been completed and they now wanted to roll this across the city for the next 10 years.

In response to questions

- Commissioner Tolley noted that the Council were spending a great deal of money to create a bright and vibrant city centre that was full of activity, but the palette of brown, grey and beige that was noted in the plan was natural but dull with the only colour being from pohutukawa trees which flower for two weeks. They were looking for more colour from exotics that would reflect the over 100 years of European civilisation and recognise the 20% of the population born outside of New Zealand.
- For anyone walking or cycling around the green necklace, they would require shade in the summer and light in the winter and the use of 85% native plants would not provide that, instead it would likely be a dark damp unpleasant space that people would not use or feel safe in. That area needed vibrancy in the environment to lift the spirits of users.
- It was noted that the creation of vibrancy was the goal through the activities people would undertake in the spaces. The palette was quite specific and taken from a geology and ecology basis deliberately to move away from dark grey. There would be shell flexed through the concrete which could be enhanced more.
- The public art strategy was also adopting colour through art, signage and way finding which would also add to the streetscapes.
- Colour and vibrancy was an integral part of the space and the guidelines were designed in a way to build and add as much colour as was wanted with specific wording added in terms of building on that basis with clear direction to add colour and vibrancy.
- It was agreed that the multiculturalism, diversity and expressions through colour be noted in the guidelines to provide flavour and life and to understand a basis for introducing a much more diverse palette of colour.
- Commissioners also requested that the east-west connections for cycling were considered across the peninsula. There also needed to be a key connection and alignment with planning frameworks in documents such as the district plan with a clear focus on what was being achieved. It was noted that staff were working with the plan change 38 team on that issue with a whole work steam around urban design and framework and working in tandem with the public work standards.
- All sections of the organisation were on the journey to develop the guidelines and once these were signed off, the level of requirements agreed to would need to be considered when staff were developing spaces in the future and to involve the urban foresters.
- Commissioners noted that there was also a clear need for flexibility so that the guideline did not just become the mantra as developments were different and it therefore need to be inherent in that. It was noted that was included.
- There were also heritage missing and bringing in that balance with the likes of the Herres Arc needing to be protected and looked after. Reference to mana whenua areas also provides stories and narratives that needed to be included in a live document to monitor how the city develops over time. It was noted that this had been given consideration and staff were cognoscenti of things that would change over time.
- Feedback had been received from the urban design panel and the climate change adaption was not strong. Staff were considering a peer review and base case of what other choices there were from a sustainable perspective. The recommendations included an update review

of the guidelines every three years so that it could be flexible into the future to capture the changes into a wholesale change.

- The guideline was a starting point and to guide teams on how to start a project and it was relevant for heritage to be updated into the document when a project comes up to understand the stories with a place based approach.
- The challenge would be trying to assume agreement on one motif or story for the city centre as a whole, so it would become richer with a place based approach. An interpretation board would tell the stories appropriate to each space.
- In response to a query as to the proposed laneways on the plan and whether this bound Council to buy property to create laneways it was noted that it was more that the plan depicted that if they were there this is how it could look and feel and provided an opportunity to work with developers in those areas. It was noted that dash lines would replace the solid lines to depict possible laneways. Any decision to purchase or create a laneway would need to come back to Council for decision.

RESOLUTION CO11/24/13

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report "City Centre Public Realm Design Guidelines".
- (b) Endorses the proposed guidelines "Tauranga City Centre Public Realm Design Guidelines" (Attachment 1) to be utilised to promote cohesive, high-quality public space design and development, including public streets, subject to the amendments raised within this meeting being re-presented to Council at its meeting on 10 June 2024 for sign off.

CARRIED

13.12 Commitment to and Funding of Transport Investment to Enable Housing Supply

Staff Christine Jones, General Manager: Strategy, Growth & Governance
Richard O Kane, Senior Project Manager
Jason Spencer, Transport Programme Manager – Dual Funding

The report is attached to the minutes as a tabled document.

Key points

- The report provided an overall picture of the issue and complexity of growth and the infrastructure investment needed for transport and delivery.
- Staff had been working diligently to bring all of the components together working with SmartGrowth and NZTA to put it all in place. At the back of the work was a significant decision on the Te Papa community to get the delivery on the ground through delivery phases including the LTP and IFF to fund over it 30 years as a compulsory charge. There would be changes to the structure resulting in significant economic benefit and a well-run transport system for the city so that people could get to work and home again.
- The IFF levy would be in force from 1 July 2024 and if Council were not able to implement this, it would be at a cost to Council. Chairperson Tolley had written to the relevant Ministers noting that they had relied on the letter of best endeavours before committing to the levy decision. The previous Ministers for Finance, Transport and Housing had been working together on a way forward on options. No response had been received to the letters to the Ministers, which outlined matters of direction from the Commissioners to continue on the current pathway or from a central government level.

In response to questions

- Commissioner Tolley noted that the item had been raised with the Ministers in order to get flexibility with the letters of best endeavours as NZTA could not commit funding beyond three years. The government was now considering extending this to ten years, but the IFF was for 30 years, therefore the extension to 10 years does not help. The Crown had agreed to go through the National Land Transport Programme and discuss how to fund those projects and how it might be implemented. Council wanted confirmation from the current government that the commitment still stands as it was imperative to provide a process to fund the infrastructure needed.
- The timing of the NZTA funding was 24 September 2024 when the levy was to be introduced by Council on 1 July 2024 or that the funding agreed to in the national land transport program. Four of the top five major projects were in Tauranga which reflected the criticality of those. There was a critical need between transport and housing which the new government policy statement recognised, yet there was nothing set in concrete resulting in a time lag for that. Council had done all that it could and all of the sub-regional partners were in agreement, and were now hoping that the government was listening and Tauranga were successful and included in the programme.
- Commissioner Selwood noted that it was difficult from a transport perspective with urban development and the government seeking transport to enable housing, but this did not seem to be the case with NZTA. Cameron Road stage 2 was fundamental to the future of the city with 1,000 homes a year needing to be built, half of which were from urban intensification along Cameron Road. Council needed to enable a shift close to public transport or provide safe walking or cycling options to a destination and Cameron Road as it was the best location where this could be achieved with all of the amenities along the corridor. This work was interdependent on stage 1 and had to proceed or the city would not be able to manage future growth.
- The Chief Executive noted that a conscious commitment to spend had been made and Council need to continue to persevere and work with the Ministers and NZTA to retrospective funding the two projects as subject to IFF funding and locals pay share

Discussion points raised

- Add to recommendation (c) plus matters specific to the Transport System Plan IFF Projects including where in the interim TCC had funded the Crown share.

RESOLUTION CO11/24/14

Moved: Commission Chair Anne Tolley

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the report "Commitment to and Funding of Transport Investment to Enable Housing Supply".
- (b) Notes that Council is unable to fully deliver planned transport investments which enable intensification and greenfield housing land supply unless the Crown's funding share commitment is secured.
- (c) Continues to seek a response projects from Ministers in relation to the 'Letter of Best Endeavours' matters raised in the 29 April 2024 letter from Chairperson Anne Tolley to Ministers Willis, Bishop and Brown, plus matters specific to the Transport System Plan IFF Projects including where in the interim TCC had funded the Crown share.

CARRIED

Attachments

- 1 Tabled late report - Commitment to and Funding of Transport Investment to Enable Housing Supply - Council 2024-05-20

13.13 Cameron Road Stage 2 - Urban Transformation Project

Staff Nic Johansson, Head of Transport
Richard O Kane, Senior Project Manager
Jason Spencer, Transport Programme Manager – Dual Funding

The report is attached to the minutes as a tabled document.

Key points

- The report was to update on matters to consider retrospective funding up to \$6M including uncertainties and affordability and the ranking of two projects.
- The progression of the detailed design for waters was the most efficient way to design the works.

In response to questions

- Commissioner Tolley noted that it was not just a transport issue it was about transforming a corridor wider than Cameron Road and sets out changing what was visible above ground as well as the huge amount of changes to services, water, power and fibre underground as required infrastructure for the 15,000 people living along that peninsula corridor. Doing the design all together would reap the rewards of stage 1 for stage 2 and was critical part of the growth of the city to enable 25,000 houses and link the industrial estate with the port.
- In relation to a query regarding the distinction between NZTA and controlled time, it was noted that the IAF funding agreement aligned with the Cameron Road works with the intention that once the government policy statement and the land transport programme was finalised with the new milestones. If they failed to deliver the funding at risk could be re-negotiated but it was not guaranteed that it would be received.
- In the event that Council could not get funding through inclusion in the land transport plan, an interim holding pattern needed to be agreed to for consideration once the decisions made on 24 September 2024 had been provided.
- In response to a question relation as to whether the IFF funding could be applied to other projects if not successful, it was noted that Council could apply by going through a process of variation to the Order in Council as that was how it was set. It could possibly be a cumbersome 4-6 month process. A reallocation within the capital projects would also be required which would need to be balanced and tested with the criteria for any new project having to be adhered to.

Discussion points raised

- Commissioner Tolley noted that this was all the more reason for the letter of best endeavours. Council would need to remind the government about their focus on IFF funding as a major assistance tool to local government and if it was not working, no one else would pick it up resulting in more requests to the government.
- It was noted that the Commissioners had confidence of the work done within the past 3.5 years with Crown agencies, NZTA and HUB to understand the difficulties with the current and previous actions. This should give the incoming Council confidence that the woes for the city and the import/export market was able to grow in a sensible and managed way and had made it clear to the government that changes in legislation were needed to make the process more flexible.
- Inclusion of spaces and places in recommendation (d).

RESOLUTION CO11/24/15

Moved: Commission Chair Anne Tolley
Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receives the report "Cameron Road Stage 2 - Urban Transformation Project".
- (b) Notes that NZTA has confirmed consideration of retrospective funding approval of \$6.1m for Cameron Road Stage 2. Further notes that this is not a guarantee of funding and that proceeding with design is at Council's financial risk.
- (c) Notes that NZTA funding being received is subject to both the following:
 - (i) A business case being approved by the NZTA Board; and
 - (ii) The project being included in the approved National Land Transport Programme.
- (d) Progresses detailed design Cameron Road Stage 2 for transport, waters and places and spaces.

CARRIED

13 PUBLIC EXCLUDED SESSION

Resolution to exclude the public

RESOLUTION CO11/24/16

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

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

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
<p>13.1 - Public Excluded minutes of the Council meeting held on 25 March 2024</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)(ii) - 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 otherwise to damage the public interest</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>

12.12 - Cameron Road Stage 2 - Procurement Progression for Detailed Design	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
13.6 - Supplementary Report - Harington Street carpark - Variation of Encumbrance	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

CARRIED

At 12.27pm the meeting adjourned.

At 1.29pm the meeting reconvened.

11 BUSINESS *(continued)*

11.9 Decisions on Independent Hearings Panel Recommendations on Plan Change 33 - Enabling Housing Supply

Staff Christine Jones, General Manager: Strategy, Growth & Governance
 Janine Speedy, Team Leader: City Planning
 Andrew Mead, Manager City Planning & Growth

An updated report was tabled and is attached to the minutes

Key points

- Significant plan change for housing intensification in response to central government direction.
- Implements the medium density residential standard to allow three stories and three dwellings across all of the residential zones, as a permitted activity giving effect to Policy 3 of the National Policy Statement on Urban Development.
- Policy 3 required Council to enable as much height as possible in the city centre zone and greater height intensity around commercial centres.
- Purpose was to delete the existing requirements and rezone to medium density residential across residential zones, with the high density residential zone identified adjacent to the commercial centres of 4-6 stories and eight stories along the Cameron Road corridor and within the relevant commercial zones. Any buildings of four or more dwellings would still be required to go through a resource consent process.
- The city centre had unlimited height in most of the zone, but had triggers such as the flight path which would limit the height in some areas.
- Recommendation to rezone Smiths Farm to medium density residential.
- There were a number of qualifying matters, many of these were existing in the city pan. The most significant new qualifying matter was the limited height around the coastal environment which triggered a need for a resource consent.
- A public workshop was held on 29 March 2024 which discussed the six recommendations from the Independent Hearing Panel (IHP) that did not align with the staff recommendations.

In response to questions

- Lots of submissions and evidence had been put in front of the IHP including the retaining of heights and zoning for Mount Maunganui North as included in the report.
- Am – height around mm town centre whether fully aligns with or any variation in the height proposing
- It was noted that in relation to the building heights at Mount Manganui north area that there were qualifying matters that would apply requiring a resource consent and a further assessment. Commissioners noted that Appendix 15 was referred to in the reasons.

Discussion points raised

- Commissioners acknowledged the enormous amount of work carried out by staff which had caused a huge strain on resources and noted their appreciation for all that had been done.
- Commissioners noted they had revised the recommendations put forward and had accepted four of those put forward by the IHP and rejected two which would be passed on to the Minister for the Environment. These included:
 - retaining height and zoning for Mount Maunganui with an alternate to increase the height from 12m to 22m within the commercial centre and upzoning to increase the height 22m within 400 metres of the walkable catchment and 16m for residential land withing 400-800 metres walkable catchment of the town centre.
 - retaining a height limit of 16m in Area F of the city centre zone.
- There was clearly a reference to the evidence that was presented, notwithstanding the alternative recommendation there were a number of requirements in terms of qualifying matters that need resource consent once getting above a certain number of residential units, with a focus on urban design.
- Commissioners noted that the plan change had taken into account the community input and acknowledged the contributions made.

RESOLUTION CO11/24/17

Moved: Commission Chair Anne Tolley
 Seconded: Commissioner Stephen Selwood

That the Council:

- Receives the report "Decisions on Independent Hearings Panel Recommendations on Plan Change 33 - Enabling Housing Supply".
- Accepts all recommendations in the report of the IHP on proposed Plan Change 33 – Enabling Housing Supply in accordance with clause 104, Schedule 1 of the RMA and adopts the reasons in the report, with the exception of the IHP recommendations set out in Table 1 below, which includes the reasons for rejecting recommendations, and any alternative recommendations in accordance with clause 101(1)(b), Schedule 1 of the RMA:

Table 1- Rejected IHP Recommendations

A	Recommendation rejected	Alternative recommendation (if any)
	Retaining the heights and zoning for Mount Maunganui North as originally proposed by the Council when PC33 was notified.	As shown in Attachment 3: <ol style="list-style-type: none"> Increasing the notified height from 12 metres to 22 metres within the commercial centre. Upzoning and increasing the notified height from MDRS to 22 metres for the residential land within 400metres walkable catchment of the town centre, and 16 metres for the residential land within 400-800 metres walkable

		<p style="text-align: center;">catchment of the town centre</p> <p>Reasons</p> <p>The Council has reviewed the relevant material prepared through the plan-making process including the notified plan provisions, the section 32 report, the section 42A reports, statements of evidence and the IHP’s recommendation.</p> <p>The alternative recommendation to increase the notified height within the commercial centre at Mount Maunganui North (generally located between Pacific Avenue and Tawa Street), and to upzone and increase height for adjacent residential land, better accords with the relevant statutory considerations under the RMA.</p> <p>The alternative recommendation will give effect to the National Policy Statement on Urban Development 2020 as a whole. In particular:</p> <ol style="list-style-type: none"> 1. It will ensure a well-functioning urban environment (Objective 1 and Policy 1); and 2. It will create further development opportunities that will improve housing affordability by supporting competitive land and development markets (Objective 2); 3. It will contribute to the City’s development capacity requirements (Policy 2); 4. It will enable building heights and densities of urban form commensurate with the level of commercial activity and community services (Policy 3(d)); and 5. The height and density requirements are modified only to the extent necessary to accommodate qualifying matters (Policy 4). <p>Opportunities at Mount Maunganui North for higher density residential development (in particular, apartments of 16-22 m in height being approximately 4-6 storeys) will contribute to a well-functioning urban environment. The development opportunities provided for through the alternative recommendation are commensurate with the Town Centre role and function of the Mount Maunganui North commercial area, as assessed in Appendix 9 to the section 42A report. The level of commercial activity and community services in the centre supports 22 m of height within, and within a 400 m walkable catchment of, the town centre, and 16 m for residential land within 400-800 m walkable catchment of the town centre.</p> <p>We accept the evidence of Mr Kemeys that although such opportunities may not be taken up in the short term, if they are not provided for, the Council risks being unable to meet its long term development capacity requirements under the National Policy Statement on Urban Development 2020, as assessed in Appendix 7 of to the section 42A report. The alternative recommendation will make an important contribution to the required development capacity by supporting feasibility and delivery of a range of housing products as the Tauranga market adapts to changing conditions.</p> <p>Larger scale apartments will deliver higher yields, which will reduce the total number of developments required to meet growth projections and, if this occurs, the market share of apartments in Tauranga would be met by a small number of developments in limited locations. Enabling the greatest height nearest centres, including the commercial centre at Mount Maunganui North, will provide stronger direction to the market that this scale and product is supported in those locations, which will in turn support</p>
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	<p>competitive land and development markets.</p> <p>While greater height and density of urban form will be provided for through the alternative recommendation, the associated plan provisions and resource consent requirements will enable management of identified cultural, landscape, coastal environment, natural character and outstanding natural features and landscapes values. Qualifying matters are proposed to set the maximum heights in Appendix 15 to the Council’s closing statement. This responds appropriately to the complexities raised from multiple qualifying matter overlays in Mount Maunganui North and the scale of change planned for the area. Coastal and cultural landscape values will be managed as a matter of national importance through a new qualifying matter overlay. An urban design assessment is required for all residential developments comprising of four or more independent dwelling units. As set out in the evidence of Mr Lucca, the urban design principles incorporated into Plan Change 33 policies include public interface; housing design; high quality developments; building bulk and scale; residential amenity; urban trees; site context and interface; movement networks; sustainability; and safety and security. Based on Mr Lucca’s evidence and other available information, we consider that the alternative recommendation will assist in maintaining a level of consistency, both for developers and the Council, that relevant urban design principles are addressed to support the wellbeing of residents and the community.</p> <p>In terms of s 32AA of the RMA, the alternative recommendation is the most appropriate way to achieve the objectives (having regard to efficiency, effectiveness, reasonably practicable options and the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated (including opportunities for economic growth and employment)). In particular, some benefits of increased height and density opportunities at Mount Maunganui North are able to be realised, while costs (including adverse environmental, economic, social and cultural effects) will be appropriately mitigated through the plan provisions and resource consent process. The analysis in the section 32AA report at Appendix 5 of the section 42A report (including section 3.1) is adopted to the extent relevant to the alternative recommendation.</p> <p>The alternative recommendation to increase the notified height within the commercial centre and upzone and increase height for adjacent residential land is in accordance with the Council’s functions under the RMA, because it provides for increased development opportunities while ensuring integrated management of development and effects on natural and physical resources, in particular the natural and physical resources that are managed through qualifying matter overlays.</p> <p>While not a matter than can override the higher order planning instruments such as the National Policy Statement on Urban Development 2020, the alternative recommendation will also achieve the sustainable management purpose of the RMA, recognise and provide for the matters of national importance in section 6 of the RMA (including natural character of the coastal environment and the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga), and have regard to section 7 of the RMA (including the efficient use and development of natural and physical resources, and maintenance and enhancement of the quality of the environment).</p>	
B	Recommendation rejected	Alternative recommendation (if any)

<p>Removing the height limit over Area F in the City Centre Zone and consequential changes to the maps in Chapter 17 and relevant provisions.</p>	<p>As shown in Attachment 3: Retain a height limit of 16 metres in Area F in the City Centre Zone.</p>
<p>Reasons</p> <p>The Council has reviewed the relevant material prepared through the plan-making process including the notified plan provisions, the section 32 report, the section 42A reports, statements of evidence and the IHP’s recommendation.</p> <p>The alternative recommendation to retain a 16 m height limit in Area F better accords with the relevant statutory considerations under the RMA.</p> <p>Having regard to all relevant matters (including the shading analysis included as Appendix 12 to the section 42A report), the 16 m height limit will ensure amenity of the public waterfront area and prevent unreasonable shading.</p> <p>The alternative recommendation will give effect to the National Policy Statement on Urban Development 2020 as a whole. In particular:</p> <ol style="list-style-type: none"> 1. It will ensure a well-functioning urban environment (Objective 1 and Policy 1); and 2. It enables building heights to realise as much development capacity as possible, to maximise the benefits of intensification (Policy 3(a)). <p>Retaining a height limit in Area F permits appropriate height and density of urban form as of right, while creating a resource consenting threshold for taller buildings which provides for regulatory oversight of developments to ensure a well-functioning urban environment. The height limit does not prohibit taller buildings. Overall, this approach enables as much development capacity as possible, to maximise the benefits of intensification.</p> <p>The alternative recommendation is consistent with other relevant management plans and strategies of the Council prepared under the Local Government Act 2002, which emphasise the importance of the waterfront area to the vitality and amenity of the City.</p> <p>The Council’s strategic direction for the City Centre is clearly expressed in several documents, including the City Centre Strategy 2012 and the City Centre Action and Investment Plan 2022-32 (as outlined in the reporting planner’s section 42A report). The alternative recommendation is consistent with these documents because it will ensure an attractive and well-functioning city centre. As the city centre intensifies, the design of buildings will become more important, and the alternative recommendation will provide an appropriate level of control over this.</p> <p>In terms of s 32 of the RMA, the alternative recommendation is the most appropriate way to achieve the objectives (having regard to efficiency, effectiveness, reasonably practicable options and the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated (including opportunities for economic growth and employment). In particular, the 16 m height limit appropriately balances the potential costs of constraints on development with the benefits of maintaining amenity of the public waterfront area.</p> <p>The 16m height limit for Area F is in accordance with the Council’s</p>	

	<p>functions under the RMA, because it provides for development opportunities while ensuring integrated management of development and effects on an important natural and physical resource, namely the public waterfront.</p> <p>While not a matter than can override the higher order planning instruments such as the National Policy Statement on Urban Development 2020, the alternative recommendation will also achieve the sustainable management purpose of the RMA and maintain and enhance amenity values in accordance with s 7(c) of the RMA.</p>
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- (c) Delegate to the Commission Chair the authority to sign and send a letter referring any rejected IHP recommendations, together with reasons for rejecting the recommendation and any alternative recommendations, to the Minister for the Environment in accordance with the resolutions of Council.
- (d) Publicly notify the decisions of the Council in accordance with clause 102, Schedule 1 of the RMA by 30 June 2024 including any recommendations of the IHP that it accepts or that it rejects together with the reasons for doing so and any alternative recommendation that it has provided for a rejected recommendation.
- (e) Notes that on public notification under clause 102, Schedule 1 of the RMA, all the recommendations of the IHP that are accepted by Council are incorporated into the Tauranga City Plan and are deemed approved under clause 17(1), Schedule 1 and become operative in accordance with clause 20, Schedule 1 of the RMA.
- (f) That the General Manager: Strategy, Growth and Governance be delegated the authority to approve any minor editorial changes and consequential changes (if any) to the proposed plan under clauses 16 and 95(2)(o), Schedule 1 of the RMA.
- (g) Adopt the non-statutory urban design guide (Residential Outcomes Framework) included as Attachment 2.
- (h) That the General Manager: Strategy, Growth and Governance be delegated the authority to approve any minor editorial changes to the Residential Outcomes Framework.

CARRIED

Attachments

- 1 Tabled - Decisions on IHP Recommendations on Plan Change 33 - Enabling Housing Supply
- 2 Tabled - Attachment 3 to Decision on the IHP Recommendations on Plan Change 33 - Enabling Housing Supply

12 DISCUSSION OF LATE ITEMS

Nil

13 PUBLIC EXCLUDED SESSION *(continued)*

Resolution to exclude the public

RESOLUTION CO11/24/18

Moved: Commissioner Bill Wasley
 Seconded: Commissioner Shadrach Rolleston

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

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
13.2 - Tauriko West Development Agreement	s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
13.3 - Te Tumu Infrastructure Corridors and Active Reserve Compensation Arrangements	s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
13.4 - Tauranga Western Corridor: Specified Development Project Draft Project Assessment Report - Council Response to Kainga Ora	s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
13.5 - Blue Haven - Procurement Approval	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 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
13.7 - Baypark Stadium	s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
13.8 - Baypark Tauranga Netball Centre	s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for

		which good reason for withholding would exist under section 6 or section 7
13.9 - Appointment of a Mana Whenua Representative to the Tauranga Art Gallery Trust Board	<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
13.10 - City Wharf Infrastructure Funding	<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)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</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
13.11 - Car Park Provision for 2 Devonport Road Developer	<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)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</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
Item 11.5 - Ferry Proposal - Confidential Attachment 1	<p>s7(2)(c)(ii) - 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 otherwise to damage the public interest</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>	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>Item 11.5 - Ferry Proposal - Confidential Attachment 2</p>	<p>s7(2)(c)(ii) - 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 otherwise to damage the public interest 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>Item 11.5 - Ferry Proposal - Confidential Attachment 3</p>	<p>s7(2)(c)(ii) - 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 otherwise to damage the public interest 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>Item 11.5 - Ferry Proposal - Confidential Attachment 4</p>	<p>s7(2)(c)(ii) - 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 otherwise to damage the public interest 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>Item 11.8 - Te Manawataki o Te Papa Financial Strategy including Infrastructure Funding and Financing Levy - Confidential Attachment 1</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>11.8 - Te Manawataki o Te Papa Financial Strategy including Infrastructure Funding and Financing Levy - Confidential Attachment 2</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>11.8 - Te Manawataki o Te Papa Financial Strategy including Infrastructure Funding and Financing Levy - Confidential Attachment 3</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>11.8 - Te Manawataki o Te Papa Financial Strategy including Infrastructure Funding and Financing Levy - Confidential Attachment 4</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>Item 11.8 - Te Manawataki o Te Papa Financial Strategy including Infrastructure Funding and Financing Levy - Confidential Attachment 5</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 ACKNOWLEDGEMENTS

Commissioner Tolley on behalf of the Commissioners, acknowledged through the Chief Executive the work they had done with the Executive Team and staff over the three and a half years that they had been in office. She noted together they had all weathered the storm carrying out fantastic work leading the organisation through massive changes which had resulted in confidence, changes in attitude, a willingness to take on the role of a major employer within city and become a significant investor in ensuring that Tauranga residents could live, work, learn, play and manage the growth to become a great place to live.

Commissioners trusted that staff would manage to have a good rest prior to the upcoming election, and hoped that it would deliver a Council as forward facing as they had been and prepared to take the leadership of the city back as it deserved to be fastest growing and best looking city in the country.

The Chief Executive noted that this was his last opportunity in the Chambers with the Commissioners thanked them on behalf of the community for they had what done and achieved in their time at Council. He noted that the Commissioners had engaged with the community like no others had, they had shown courage to made decisions to define the future of city for decades to come. When people were looking back they would be able to see that the Commissioners were part of that decision making and instrumental in enabling it to be realised and for staff to take immense pride and encouragement with the direction for city going forward and become the stewards believing in it.

The Chief Executive reiterated that the Commissioners had enabled the organisation to grow in confidence and capability and over the last three years, with the sum of the capital works in that time overshadowing any previous Council and appreciated the way in which they had provided that confidence and guidance to all. He noted that while many were still the same staff, they now had the a confidence that was completely different to that of three years ago. The Executive team had 200 years of experience in the public service and whilst some outside of the organisation may view that as boring or conservative, the Commissioners term of office had resulted in them being able to

work with a professional board that very few public servants had the opportunity to experience.

The Chief Executive commended and thanked the Commissioners for what they had done for the city and the organisation and he and the Executive Team wished them all a well-deserved a break and looked forward to having them back to celebrate the openings of the many projects that had been commenced under their guidance.

15 CLOSING KARAKIA

Commissioner Shadrach Rolleston closed the meeting with a karakia.

The meeting closed at 3.34 pm.

The minutes of this meeting were confirmed as a true and correct record at the Ordinary Council meeting held on 10 June 2024.

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Commission Chair Anne Tolley
CHAIRPERSON