

**MINUTE EXTRACT FROM THE NON-PUBLIC MINUTES OF THE COUNCIL MEETING HELD ON TUESDAY
27 OCTOBER 2020**

C5 PROPERTY SALE

A report from Legal advised that Council owned the carpark at 15, 15A, 15B and 15C Dowling Street ("Dowling Street Carpark"). Ngai Tahu Property Limited ("NTP") would like to purchase Dowling Street Carpark for a large office development.

An Agreement for Sale and Purchase had been negotiated between Council and NTP for the Dowling Street Carpark ("Dowling Street Agreement"). The Dowling Street Agreement was conditional upon full Council approval, and various other matters.

Cr Doug Hall left the meeting at 4.14 pm and returned at 4.21 pm.

The Chief Executive Officer (Sandy Graham) and Senior In-House Legal Counsel (Karilyn Canton) spoke to the report and responded to questions.

Moved (Cr Mike Lord/Cr Marie Laufiso):

That the Council:

- a) **Agrees** to sell Dowling Street Carpark Site to Ngai Tahu Property Limited or its nominee upon the following key terms and conditions:
 - i) The purchase price was \$3,000,000 plus GST (if any).
 - ii) The site may only be used for the construction of an office development that was materially in accordance with the Concept Plans.
 - iii) Construction of the office development must begin within 3 years of the settlement of the sale, and be completed within 7 years of settlement.
 - iv) The office development must be built to at least a 4 Green Star rating as assessed by the New Zealand Green Building Council, or an equivalent rating.
 - v) A covenant for a term of 10 years must be registered against the Dowling Street Carpark title to secure the obligations to build an office building materially in accordance with the Concept Plans, within the specified timeframe and to the specified Green Star rating.
- b) **Delegates** to the Council's Chief Executive Officer the power to:
 - i) Negotiate, finalise and sign an Agreement for Sale and Purchase between Council and Ngai Tahu Property Limited or its nominee, upon the key terms and conditions specified in recommendation (b) above, and otherwise as outlined in this report; and
 - ii) Negotiate, finalise and sign a covenant (as referred to in the Dowling Street Agreement) securing the restrictions outlined in this report on the use of the Dowling Street Carpark.

- c) **Delegates** to the Council's Chief Executive Officer the authority to:
- i) extend the date of any conditions in the Dowling Street Agreement; and/or
 - ii) confirm Council's satisfaction of the conditions in the Dowling Street Agreement; and/or
 - iii) enforce the terms of the Dowling Street Agreement (including the associated covenant), including by way of termination/cancellation, if required.
- d) **Resolves** that:
- i) Pursuant to section 40(1), the Dowling Street Carpark was no longer required for a public work and was not required for an exchange under section 105 of the Public Works Act 1981; and
 - ii) The Council did not need to offer all or any part of the Dowling Street Carpark back as the exceptions in section 40(2)(a) apply, namely that it would be impracticable or unreasonable or unfair to offer all or any part of Dowling Street Carpark back.
- e) **Designates** the Mayor and the Council's Chief Executive Officer as the Council's spokespeople in relation to the Dowling Street Agreement.
- f) **Notes** that the Council's Chief Executive Officer was free to bring this matter back to Council at any time.

Division

The Council voted by division:

For: Crs Sophie Barker, David Benson-Pope, Rachel Elder, Christine Garey, Doug Hall, Carmen Houlahan, Marie Laufiso, Mike Lord, Jim O'Malley, Jules Radich, Chris Staynes, Steve Walker, Andrew Whiley and Mayor Aaron Hawkins (14).
Against: Cr Lee Vandervis (1).
Abstained: Nil

The division was declared CARRIED by 14 votes to 1

Motion carried (CNL/2020/001)