

<b>Report to:</b>	<b>Council – Public Excluded</b>	<b>File #</b>
<b>Date:</b>	23 February 2022	
<b>Subject:</b>	Wakatu Quay Potential Development Partner MOU	
<b>Prepared by:</b>	Wendy Walker, Project Manager & Chris Sturgeon, Programme Lead, KMDP	
<b>Input sought from:</b>	KDC Staff, KMDP Governance Group	
<b>Authorised by:</b>	Will Doughty	

### 1. SUMMARY

Cooper Developments Ltd is the preferred potential development partner for the Wakatu Quay development. The purpose of this MOU is to document the intent of both Cooper Developments Ltd and KDC to work together to carry out due diligence on the Wakatu Quay development to establish, for both parties, the commercial feasibility of the project.

### 2. RECOMMENDATION

THAT the Council:

- (1) approves the contents of the MOU
- (2) delegates the Mayor and CEO to sign the MOU on behalf of Kaikōura District Council following confirmation to them from the KMPD project team of scope and costs associated with tasks outlined in Schedule A.

### 3. BACKGROUND

The Kaikoura Marine Development Programme (KMDP) is delivering the Wakatu Quay project on behalf of Council. In November 2021 expressions of interest were invited from potential investors/developers and business owner/tenants to partner with Council to deliver this development.

The KMDP EOI Evaluation Panel selected Cooper Developments Ltd as the preferred partner for progression to the next stage of the project in January 2022. Due diligence is required by both parties over the next few months into the commercial arrangements and commercial feasibility of the project. It is intended that both parties work collaboratively through that due diligence phase. Successful completion of these investigations will lead to a contractual relationship with Coopers as development partner with KDC.

The intent of the MOU is to outline how the parties will work together through this phase and what tasks need to be completed before any contractual relationship can be established. It is recognised that costs will be incurred by both parties in this phase and so Schedule A outlines what the tasks are anticipated to be and who is anticipated to meet those costs. It is acknowledged that Coopers will not be charging for their time and input into those tasks identified as the responsibility of KMDP as they are for mutual benefit.

At the time of preparation of the MOU further work was being undertaken by the KMDP project team in conjunction with Coopers to develop the scope and cost for each task. It is therefore recommended that the Council approves the MOU and delegates the Mayor and CEO to sign once the scope and costs have been identified and set in the context of the overall project budget.

It should be noted the MOU is not legally binding (other than aspects such a confidentiality obligations) but signals the intent to work collaboratively together over the next few months to get to a joint outcome.

#### 4. FINANCIAL IMPLICATIONS AND RISKS

This activity is within the KMDP Wakatu Quay budget for FY2022.

#### 5. COMMUNITY OUTCOMES SUPPORTED



##### **Community**

We communicate, engage and inform our community



##### **Development**

We promote and support the development of our economy



##### **Services**

Our services and infrastructure are cost effective, efficient and fit-for-purpose



##### **Environment**

We value and protect our environment



##### **Future**

We work with our community and our partners to create a better place for future generations