

NOTICE OF MEETING

FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

I hereby give notice that an Ordinary Meeting of the Finance and Operational Performance Committee will be held on:-

DATE: **Monday, 9 June 2003** **TIME:** **9.30 am**

VENUE: **Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City**

to consider the business as set out herein and to take any necessary action connected therewith.



9 June 2003

Sharon Simiona
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8820

MEMBERSHIP:

Councillors	JM	Clews, QSO, JP (Chairperson)
	BA	Brady, JP (Deputy Chairperson)
	DQ	Battersby, JP
	RP	Dallow, QPM, JP
	AC	Fenton
	OE	Hoskin, MNZM, JP
	PA	Hulse
	JP	Lawley
	GE	Nash, JP
	VS	Neeson, JP
	GB	Presland
	GW	Russell, JP
	CA	Stone
	DA	Yates, JP

Mayor Bob Harvey, QSO, JP (ex officio)

(Quorum 5 members)

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(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

**AGENDA FOR AN ORDINARY MEETING OF THE FINANCE AND OPERATIONAL
PERFORMANCE COMMITTEE TO BE HELD IN THE CIVIC CENTRE,
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON MONDAY, 9 JUNE 2003 COMMENCING AT 9.30 AM.**

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1 APOLOGIES



2 URGENT BUSINESS

Section 46A(7) and (7A) of the Local Government Official Information and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the item is a minor matter; and
- (ii) the Chairperson has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting; and
- (iii) the Committee resolves to deal with the item.

No resolution, decision, or recommendation may be made in respect of the item except to refer the item to a subsequent meeting for further discussion.

NOTE: Urgent Business need not be dealt with now and may be delayed until later in the meeting.



3 CONFIRMATION OF MINUTES

Ordinary - Monday, 12 May 2003

RECOMMENDATION

That the minutes of the Ordinary Meeting of the Finance and Operational Performance Committee held on Monday, 12 May 2003, as circulated, be taken as read and now be confirmed.



4 LOT 4 DP 187089 - 423 - 429 WEST COAST ROAD - LOAN ADVANCE

PURPOSE OF THE REPORT

This report backgrounds the history of Council involvement in relation to the above land and the current status of the registered first mortgage advance made to promote the establishment and operation of a Wananga on the property and will facilitate the Committee receiving a presentation from and on behalf of the Te Whanau O Waipareira Trust in relation to that loan.

BACKGROUND

A1 - A3

Council has advanced the Te Whanau O Waipareira Trust \$2m secured by registered first mortgage over lands at 423 - 429 West Coast Road, Oratia, being 12.6458ha, contained in Certificate of Title No.117B/312, copy attached at pages A1 to A2. An extract from Council's GIS map is also attached at page A3.

The effective date of advance was 1 July 1998, the interest rate being intended to cover the Council's cost of borrowing together with an additional .5% administration charge. Interest is payable quarterly, and all payments have been met on due date throughout the term of the advance, interest initially being charged at 8½%, and as from 1 July 2000, at 8%.

The arrangement underpinned acquisition by the Trust of the land in late 1997 at public auction from the Parr Family. The land is adjacent to other Council landholding at Parrs Park utilised as the Hoani Waititi Marae, the Kura Kaupapa, and intended for the then proposed Wananga Development Project to be undertaken by the Trust and was considered to be integral to that outcome. The loan term was for a maximum of 5 years, to enable the borrower to facilitate the project and required the borrower to obtain permission to establish and operate the Wananga within 2 years from the date of advance of the principal sum. Failure to achieve that outcome within the timeframe entitled Council to early repayment.

"Permission to establish and operate the Wananga" was identified to mean the obtaining of all necessary statutory and local authority consents, permissions and approvals under the Resource Management Act 1991, Local Government Act 1974, Building Act 1991, Education Act 1989 and every other relevant statute and bylaw to develop and use the property for the purpose of a Wananga. The term included (but without limitation) the provision of residential accommodation to be provided for staff and students enrolled at the Wananga together with all cultural, recreational and other amenities and facilities associated with the Wananga.

The parties also acknowledged that the establishment and operation of the Wananga would be undertaken through a Body Corporate by Order-in-Council under the Education Act 1989, and the transfer of the property, or any portion of the property, to such entity was also a circumstance requiring the borrower to repay in full the principal sum outstanding.

Following updated presentations to Council in June and August 2000, approval was then given (3062/2000) for the existing loan arrangement to be continued to 31 August 2001. At that time, after a further presentation, Council authorised (2006/2001) that the existing loan advance to the Te Whanau O Waipareira Trust be authorised to be continued for the full term (to 30 June 2003) on the current arrangement subject to an update report on the Wananga proposal being brought back to the new Council in August 2002.

Although Council had undertaken considerable work itself with a view to enabling the Wananga, had obtained approval to revoke the reserve status of portion of Parris Park to facilitate that outcome, and stood ready to progress the project, the practical reality at that point was that government funding had not been able to be accessed by the Trust and nothing had eventuated consistent with the original vision. By contrast, Te Whanau O Waipareira Trust had a considerable capital sum invested in the property, and a significant ongoing outgoing to Council to service the debt and pay rates, and other initiatives with regard to the delivery of tertiary education opportunity within Waitakere City suggested that at least the bulk of the landholding was in fact unlikely ever to be applied as a Wananga.

In that circumstance, at the July 2002 meeting of this Committee authority was granted (2318/2002) for the Chief Executive of Waitakere Properties Limited to enter into discussions with the Trust with a view to progressing the development potential of the property for residential purposes. The practical possibility of proceeding in that manner had arisen in the intervening period by virtue of the fact that some development had been undertaken on the adjoining property to the east, which had provided for a potential roading connection. The existing narrow frontage to West Coast Road exhibited by the land owned by the Trust and subject to Council's mortgage security is immediately adjacent to a road bridge and represents an unsuitable entry point, both for traffic management reasons and because it is low lying, and is adjacent to a watercourse and stability sensitive for roading construction.

Waitakere Properties' subsequent approach had as its principal objective the maximisation of the commercial and strategic value to both parties in undertaking development of the site through a "partnering" approach between Council and the Trust, delivered in a tax efficient manner under the normal Deed of Trust mechanism. It was acknowledged that could encompass design parameters which preserved the ability to give effect in future to the original concept and/or expansion associated with the marae and kura kaupapa and an indicative "in principle" proposal was advanced by Waitakere Properties to the Trust which endeavoured to recognise the Trust as the ultimate beneficiary and suggested further negotiations to deal with the associated governance, financial and other issues.

This proposal would also have achieved a clear separation in relation to Council's regulatory role, and recognised that as the land is owned by the Te Whanau O Waipareira Trust any outcome could only be achieved on a negotiated basis.

CURRENT

Although Council also endeavoured to facilitate an outcome in the intervening period (see correspondence dated 6 September 2002 and 2 October 2002 from Council to the Trust, and the Trust's response on 16 October 2002, and the further letters to the Trust dated 2 April 2003 and 21 May 2003, circulated separately) the matter has not advanced in the intervening period and the mortgage advance will be due for repayment at the end of the month.

A4 - A5

Council has received correspondence from the Te Whanau O Waipareira Trust dated 26 May 2003, attached at pages A4 to A5 which confirms that the Trust is now seeking to make a presentation at this meeting, essentially as outlined in that letter.

ISSUES

It is evident that the current proposal is to develop part of the site as a sustainable residential housing development, assisted by the involvement of a private sector commercial developer and various government agencies. The project is being seen as a case study project in terms of the Government's Sustainable Development Plan of Action. There are as yet no substantive developments towards advancing the Wananga concept, although it remains the Trust's intention to seek to secure a government commitment to that outcome supported by the appropriate capital funding, and some funding for business planning and initial work in establishing the Wananga has previously been made available by the Government.

The legal authority for Council's advance derived originally from S.601 of the Local Government Act 1974, given the Trusts intent to promote the Wananga outcome. A justification for continuing involvement in the event that a residential housing proposal on the basis outlined is substituted is much less clear cut.

The current land value shown on the District Valuation Roll is \$3.1m which suggests the property now provides, in conjunction with the Trust's other resources, adequate security for borrowing sufficient to clear Council's existing loan advance and provide the Trust with flexibility as to future development, and the Trust has demonstrated the capacity to service the level of borrowing required.

Council, in turn, would remain ready and willing to take any other steps which would assist the Wananga in future, and would be able to exercise an independent role in relation to any resource consents and other regulatory approvals required by the Trust and/or its development partners for the current project.

CAVEAT

A6 - A7

An update title search undertaken in conjunction with preparation of this agenda item has disclosed a caveat by Royce Investments Limited registered as No.5442926.1 A copy of that document is attached at pages A6 to A7.

This is indicative that the Trust entered into an agreement in November 2002 to dispose of part of the property containing 3.72ha to a third party. The terms and conditions attaching to that arrangement are not known to Council and there was no formal consultation or advice with respect to that outcome. The transaction appears to be a direct breach of the express conditions of the mortgage which provide that Council shall have a right of first refusal on stated terms with respect to any land considered by the Trust to be surplus to the requirements for the Wananga. That condition was inserted in conjunction with others that require consultation as to the intended final form of the Wananga and emphasise the need to be compatible with the outcome of community design processes impacting upon the Parris Park area and the future development of that recreation reserve.

While Council is involved in the sustainable development housing project from a design perspective, the fact is that the Te Whanau O Waipareira Trust appears to have acted in contravention of a term of the mortgage agreement. Officers feel it may be more appropriate for Council to seek to exit its present role which is effectively as financier and leave both the Trust and Royce Investments Limited to establish appropriate commercial lending relationships as necessary, with the Council continuing to assist the project through its involvement with the project design team.

CONCLUSION

Council's direction in relation to this matter is sought. The officer view is that given the status of the Wananga project, and the use for which the land is now proposed to be applied, Council should seek to have the mortgage repaid while continuing to support the Trust's aspirations through other means. The Council may however wish to consider other options once it has heard the presentation from the Chief Executive of Te Whanau O Waipareira Trust.

RECOMMENDATIONS

1. That the information be received.
2. That Council determine its position in relation to the mortgage advance as either:
 - a) That the Te Whanau O Waipareira Trust be advised that repayment of the first mortgage advance secured over the lands contained in Certificate of Title No.117B/312 is required at the expiration of the loan term, and that interest will be payable at the default rate prescribed under the Memorandum of Mortgage, 14%, should the principal sum become overdue, with Council reserving its other entitlements under the mortgage document meantime.

or

 - b) Some other position as it determines appropriate.

Report prepared by: Ross McLeod, Director: Corporate & Civic Services and Graham Wakefield, Executive Officer (Legal).



PART I - PROPERTY

5 SURRENDER OF RIGHT-OF-WAY AT MELVIEW PLACE, NEW LYNN

PURPOSE OF THE REPORT

This report seeks the Finance and Operational Performance Committee's approval to surrender a right-of-way easement in gross over the common property of a housing development at Melview Place, New Lynn.

BACKGROUND

In 1997 when Council granted a resource consent to subdivide the housing development at 1 Melview Place, New Lynn under the Unit Titles Act 1972 it stipulated that a right-of-way easement in favour of Council be granted over the common property on the eastern boundary. This was to provide pedestrian access from Melview Place to a privately owned property and thence by easement over that land to the suburban railway line. This easement over the Melview Place development was subsequently granted and was registered under No.D282367.6. However the easement over the privately owned property at the rear was never granted.

A8

It was later agreed that public access would instead be provided a little way to the east through Ambrico Historical Reserve and thence by easement in favour of Council at a different location over the land of the same private owner at the rear of the reserve to the railway land. The original easement therefore over the common property of the housing development at Melview Place became superfluous. The location of this superfluous easement is shown on the diagram attached at page A8.

ISSUES

The superfluous easement cannot at any event be used for access purposes because the required linking easement to the railway line was never granted, and in addition to this, the owner of the land in the rear has erected a paling fence along his boundary which has in effect of denying access from the north most point of the easement onto his land. This easement area has now become a place where non-resident activities intimidate the residents on both sides. Rubbish is also dumped in this area.

To remedy the problem the Body Corporate of the housing development in Melview Place has requested Council to surrender this superfluous easement.

RESOURCES

The Body Corporate has agreed to pay all costs involved in this surrender.

CONCLUSION

The Body Corporate request is reasonable and it is appropriate for Council to comply with it by having the superfluous easement surrendered.

RECOMMENDATIONS

1. That the information be received.
2. That the right-of-way easement at Melville Place, New Lynn registered under No.D282367.6 be surrendered by Council.
3. That all documents necessary to achieve this be executed under seal.

Report prepared by: Maurice Hieatt, Solicitor.



6 SALE OF PART OF ROYAL RESERVE

PURPOSE OF THE REPORT

The purpose of this report is to seek the Finance and Operational Performance Committee's recommendation to Council that it approve the sale of a small piece of recreation reserve adjacent to 40 Royal Road, Massey, exempt the sale from the requirement to offer the land back to the original owner and approve the payment of the proceeds of sale into the reserves account.

BACKGROUND

Mr and Mrs Vizer own a property at 40 Royal Road, Massey. Their property is adjacent to a ten metre wide strip of Royal Reserve. This strip at one time provided access to the reserve from Royal Road, however access into Royal Reserve over this strip has since been blocked by the Puawairua Te Kohanga Reo building and flax bushes around their area. The effect of this has been to make the access strip, some ten metres wide and thirty four metres long, largely redundant as an access way. More direct access to the reserve is available in nearby Beauchamp Drive.

Mr and Mrs Vizer have approached Council and requested that they be allowed to purchase the portion of the access strip adjacent to the property they own.

A9

The access way is part of Lot 21 on Deposited Plan 47947 which is set aside as a recreation reserve under the Reserves Act 1977. The area the Vizors wish to purchase is an area of 347 square metres, has now been defined as Section 1 on Survey Office Plan 314506 and is shown on the plan attached at page A9.

This matter was put before the Massey Community Board at their meeting in May 2002 and they resolved:

1. *That the information be received.*
2. *That the Board authorises the public notification under the Reserves Act 1977 of Council's intention to revoke the reserve status of approximately 380 square metres of Royal Reserve adjacent to 40 Royal Road in order that this area of unused access way may be sold to the adjoining owner.*
3. *That in the absence of any written objections, it be recommended to Council that the reserve status of the area of approximately 380 square metres of Royal Reserve adjacent to 40 Royal Road be revoked in order that this area of unused access way may be sold to the adjoining owner."*

860/2002

In the absence of objections, the Community Board's recommendation was put before Council at its meeting held on 31 July 2002 and they resolved:

"That the reserve status of the area of approximately 380 square metres of Royal Reserve adjacent to 40 Royal Road be revoked in order that this area of unused access way may be sold to the adjoining owner."

2439/2002

Iwi have been consulted on the proposed reserve revocation and sale and have not raised any objection to the proposal. The intention to revoke the reserve status of the area adjacent to 40 Royal Road was publicly advertised on 17 May 2002 and no objections or submissions were received. Application has been made to the Department of Conservation and it has approved the proposed reserve revocation.

STRATEGIC CONTEXT

The Parks Strategy on page 34 states:

Existing neighbourhood parks that do not fulfil a useful neighbourhood role...should be considered for divestment provided that:

- *Public consultation is carried out*
- *The reserve does not meet any Green Network or public access functions*
- *There is no historical/cultural significance to the land including the way the land was acquired*
- *The land does not have a high level of attractive appearance; and*
- *The proceeds of the sale are directed towards park development within the area.*

ISSUES

In the present case it is submitted that the piece of reserve land in question fulfils all the criteria set out in the Parks Strategy for divestment, in that public consultation has been carried out, the part of the reserve is not serving any public access function, there is no known historical or cultural significance attached to the land and iwi consultation has been carried out to ascertain that the land does not have any significance to iwi. Council has already received Department of Conservation approval to the revocation of the reserve status of the portion of the access way which the Vizor's wish to purchase. This process involved public and iwi consultation.

Section 230 of the Local Government Act 1974 requires Council to give public notice of its intention to sell. Council must also direct where the proceeds from sale will go.

For the sale to proceed this Committee must now recommend to Council that approval to the sale be given, that Section 40 of the Public Works Act 1981 shall not apply and that the proceeds of sale be paid into the reserves account.

Section 40 of the Public Works Act 1981 provides that where any land held for a public work is no longer required for that public work, the local authority shall offer to sell the land to the person from whom it was acquired. However section 40 (4) provides that where the local authority believes on reasonable grounds that, because of the size, shape or situation of the land it could not expect to sell the land to any person who did not own land adjacent to the land to be sold, then the land may be sold to the owners of the adjacent land at a price to be negotiated.

In this instance, it is submitted that because of the small size of the piece of reserve to be sold and the fact that it is a part of a strip adjacent to private land and that Council could not reasonably expect to sell the land to any person who did not own adjacent land, that it is reasonable and appropriate to sell this area to the Vizors.

Section 25 of the Reserves Act 1977 provides that where reserve land under the control of a local authority is to be disposed of, then the Minister of Conservation has the power to direct the manner and purpose of disposal. However this power has now been delegated to local authorities. As this piece of recreation reserve was vested in Council as the result of a subdivision, it is recommended that the proceeds of sale in this instance should be paid into Council's reserves account. A registered valuer has put a value on this piece of land of \$20,000 inclusive of Goods and Services Tax.

The required public notice under section 230 of the Local Government Act will be given of the time and place of the Council meeting and the purport of the resolution.

CONCLUSION

Mr and Mrs Vizor have approached Council about selling to them a portion of unused access way on Royal Reserve adjacent to their property. The piece of reserve in question is of little use to Council and is considered suitable for divestment.

As a result of this approach by Mr and Mrs Vizor, the Massey Community Board recommended that the area of the encroachment be revoked as reserve and sold to the Vizors. Council has already approved the revocation of the reserve status of this piece of access way. For the sale to proceed, Council must now approve the sale of the land and that the proceeds of sale shall be paid into the reserves account. Council must also determine that Section 40 of the Public Works Act shall not apply in this case. It is recommended that this Committee make these recommendations to Council.

RECOMMENDATIONS

1. That the information be received.
2. That it be recommended to Council that approval be given to the sale of 347 square metres of recreation reserve adjacent to 40 Royal Road (Section 1 on Survey Office Plan 314506) and that the proceeds of sale be paid into the reserves account.
3. That it be recommended to Council pursuant to section 40(4) of the Public Works Act 1981 that because of the size, shape and situation of the area of esplanade reserve to be sold that Council could not expect to sell the land to any person who did not own land adjacent to the land to be sold, and the land may be sold to the owners of the adjacent land, Mr and Mrs Vizor.

Report prepared by: Alastair Dougal, Solicitor.



7 DEVELOPMENT OF 10 AMBRICO PLACE

PURPOSE OF THE REPORT

The purpose of this report is to bring back the analysis of the development options for 10 Ambrico Place and recommend a preferred approach for Waitakere Properties Limited to implement.

BACKGROUND

At the 10 March 2003 meeting of the Finance and Operational Performance Committee it considered the options for the future development of 10 Trading Place (the former "Homeworks" site) by Waitakere Properties Limited. Whilst Waitakere Properties Limited had previously been instructed by Council to undertake a medium density development, because of the issues raised, it was recommended that a range of options be examined before determining the final form of development. The Committee resolved:

"That Waitakere Properties Limited be instructed to consider alternative options for the development of 10 Ambrico Place (Lot 1 DP 124443) including, but not limited to:

- *A model "affordable sustainable building" development*
- *A joint Waitakere City Council/Housing New Zealand tenanted Housing for Older Adults site*
- *A conventional, but reduced intensity, medium density housing development*
- *Allowing for a demonstration house to be built on the site in partnership with Forest Research Institute and BRANZ as part of a Kyoto Protocol sustainable development programme funded by the Foundation for Research, Science and Technology*
- *Childcare facilities."*

428/2003

STRATEGIC CONTEXT

New Lynn is one of Waitakere's three major "defined town centres", along with Henderson and Massey North. Sitting astride the rail line, with a significant employment and retail base, a surrounding residential community and keen developer interest, New Lynn's continuing success is vital to attaining a sustainable future for the whole city.

Ambrico Place is within a 5 minute walk of the New Lynn town centre shops. As such it is a key strategic location for the development of medium and high density housing to help support the town centre. Development of the area for medium density residential housing has taken place largely over the last 6 years since the New Lynn Charette, with the "Homeworks" site remaining as the sole industrial type use within a predominantly residential area.

ISSUES

A10 - A12

Waitakere Properties Limited have, in accordance with Council's instruction, has analysed the commercial feasibility of the options outlined in the resolution. Their full report is attached at pages A10 to A12.

Residential Market

In terms of any of the residential options the following market context is a significant consideration.

The subject site is surrounded by terrace style residential accommodation of varying standards. Prevailing local market conditions suggest that terrace style residential in this location would find a market around \$200,000 to \$230,000 for a two to three bedroom unit.

At this prevailing market level, having regard to the initial property cost to the Council, any development of the site undertaken by a private sector developer would, of commercial necessity, tend toward the lower end of the market spectrum in appearance and quality.

This is an important fact when considering the development options for the site. Development of a lower quality required to ensure a commercial return is not likely to be undertaken by the Company and it would be suggested would not be acceptable to the local residents or the Council.

Analysis Of Options

Model "Affordable Sustainable Building" Development

A range of "affordable" sustainable building options have been investigated by Waitakere Properties Limited including:

- Passive solar design
- Improved insulation
- Solar hotwater feeding into instant gas
- Water reduction measures such as low pressure taps, dual flush toilet
- Rainwater tank
- Sustainable window design
- Sustainable building materials

Waitakere Properties Limited have concluded that all of these options could be included in any of the residential building options at minimal additional cost to the development.

Waitakere City Council / Housing New Zealand Housing for Older Adults

Housing New Zealand have continued to express an interest in being involved in the development, however they have indicated that they do not view it as suitable for older adults as it is terrace housing. Waitakere Properties Limited have also expressed some reservation that Housing New Zealand is likely to require a reduction in the quality of the development in order to meet their financial criteria, although this is yet to be discussed in detail with them.

Conventional Medium Density Housing Development

A13

Because of the state of the residential market in New Lynn at the moment, Waitakere Properties Limited indicate that, given the amount paid for the land, a conventional but quality design Medium Density Housing would lose in the order of \$300,000 when developed. A proposed development plan is attached at page A13.

Waitakere Properties Limited believe that the only way such a development could break even would be to create a low quality of housing with poor design and materials. They have indicated that they would be reluctant to be associated with that type of development and this is not recommended.

Conventional, Reduced Intensity, Medium Density Housing Development

A14

Because of the current housing market, Waitakere Properties Limited believe that a well designed, high quality reduced intensity development would lose around \$200,000. A proposed development plan to deliver this outcome is attached at page A14.

Demonstration House with Forest Research Institute and BRANZ

Because Forest Research Institute and BRANZ wished to undertake this demonstration house in a separated house, rather than terraced dwelling, an alternative site on Olympic Park is being investigated and the 10 Ambrico Place option has been ruled out.

Childcare Facilities

A15 - A16

Two options, shown at page A15 to A16, with and without residential, have been developed by Waitakere Properties Limited, and either of these delivers a situation where a commercial return on the investment can be generated. There is a strong demand for childcare facilities in New Lynn and would support Council's Wellbeing and First Call for Children objectives to locate such a facility within close proximity of both the town centre and a significant residential community. A contaminated site analysis has been undertaken on the site by Waitakere Properties Limited and this indicates that the site is suitable for development for a childcare centre.

Because of the market conditions for residential there is a marginal difference between an option which incorporates housing and a childcare centre and one that just includes a childcare centre.

Given the community aspirations around open space and reduced intensity development on the site, it is considered that an option which allows for the childcare centre, and retains the relatively open nature of the rest of the site, would be a preferable development.

Implementation of this option would involve Waitakere Properties Limited undertaking the subdivision of the land, formation of the roads and appropriate site works and landscaping, and then selling the site, subject to appropriate conditions, to a childcare centre operator.

A number of childcare centre operators have been consulted with and expressed an interest in the site, clearly demonstrating this options viability. Waitakere Properties Limited is confident of securing a written commitment from one operator, should Council approve this option.

RESOURCES

10 Ambrico Place has been transferred to Waitakere Properties Limited, who are responsible for paying the rates on the site, however now that it is untenanted, there is no income being received to offset the interest costs of the \$625,000 loan on the site, as well as the costs of keeping the site secure and well maintained once the tenant has vacated. Speed on decision making around the site will minimise these costs.

Should Council wish to pursue an option that would lose money, then a recommendation to the Annual Plan for funding would be required.

CONCLUSION

A range of options for the development of 10 Ambrico Place has been investigated. The analysis of options indicates that residential development on the site will result in a significant financial loss, unless a substandard development is undertaken. Of all the options looked at, the development of a childcare facility is the most financially viable, and would also allow for retaining a more open character on the site, in accordance with community aspirations.

RECOMMENDATIONS

1. That the information be received.
2. That Waitakere Properties Limited be authorised to negotiate conclusion of a childcare development on 10 Ambrico Place (Lot 1 DP 124443).

Report prepared by: Lois Easton, Group Manager: City Development Projects, Strategy and Development.



8 NEW LYNN LIBRARY - DEVELOPMENT OPTIONS

PURPOSE OF THE REPORT

The purpose of this report is to inform the Finance and Operational Performance Committee as requested on the prospects of commercial development in the New Lynn Library building, with a recommendation as to whether Waitakere Properties Limited, or Council should undertake the development.

BACKGROUND

The development of the New Lynn Library has been protracted because Council's aspirations for excellent urban design, architectural, retail and civic outcomes have depended on resolving complex property and legal issues, whilst also meeting high community and commercial expectations. As a way of investigating possible opportunities for private sector involvement in the New Lynn Library, Council passed the following resolutions:

"That Waitakere Properties Limited be briefed to investigate the commercial and residential opportunities relating to the library."

956/2003

"That a report be brought back to the June 2003 Finance and Operational Performance Committee on the prospects of commercial development in the library, with a recommendation as to whether Waitakere Properties Limited or Council undertake the development."

957/2003

STRATEGIC CONTEXT

The Auckland Regional Growth strategy, to which Waitakere City is a signatory, underlines the objectives of bringing people back into the town centres by encouraging them to live, work, and play in the core area. This will encourage the development of a vibrant centre, focused on the provision of quality spaces and amenities.

One of the objectives of the 'Long Term Council Community Plan 2003/2004....' is the 'Urban and Rural Villages' platform. Within this strategy is the continued urban consolidation programme. This sets out that Council will continue to "practice and support sustainable urban development", providing "...for a mix of housing styles to serve a changing population". In order to assess its performance, one of the goals that the Council is using is to measure itself against an attempt to ensure that "over half of all new housing is in town centres or on major public transport routes."

The City's programme has been very successful in achieving these outcomes, and there is ongoing work to document and quantify these successes. In New Lynn, successes include; the Community Centre, Manawa Wetlands and the Rewarewa Bridge, which all won awards, Memorial Drive, the extension of Lynn mall, and \$150 million of stimulated private-sector redevelopment of both commercial and residential property, all within 10 minutes walk of the rail station.

ISSUES

Waitakere Properties Limited was briefed to investigate the opportunities of commercial and residential development within the New Lynn Library project.

Commercial Opportunities

Waitakere Properties Limited advise that there is a need to further investigate the commercial prospects of retail in the New Lynn Library. However, early indications include the following:

- The development of 300 to 400 sq.m. of commercial space adjacent to the Memorial reserve, whether part of the library or not, would be a feasible opportunity.
- The strongest prospect for commercial development is likely to be food related e.g. coffee shop/deli, bakery etc.
- The prospect of other retail such as bookshops is not considered a feasible option at this present time.
- There is some concern regarding the setback from the street and the "obstruction" of Memorial Square, however this was considered commercially tolerable.

Residential Opportunities

As concerns the residential component, Waitakere Properties Limited indicate that this would provide at best, a marginal commercial return. The provision of apartments within the commercial core of New Lynn would be viewed as extremely risky having regard to the following:

- The lack of comparable products in the immediate area renders the assessment of design requirements, market value and market demand problematic.
- The best comparison available is the Crown Lynn Condominiums, which present a different offering to the market. Whilst this development is further from walkable amenities, it does offer better facilities in the form of a superior environment and on-site residential leisure facilities such as a gym, pool and recreational area.
- In the absence of certainty by comparison, a developer would normally undertake extensive research in order to establish market need, values, and rates of sale. The small size of the development would mitigate against such research, and indeed, it would be likely that such research would not yield significant qualitative or quantitative information sufficient to provide a developer with any degree of comfort.
- It would be expected that a developer undertaking these apartments would look for significant pre sales prior to commencing on the development. The extent needed from the pre sales would be in the region of 50% - 80%. However, the opportunity for achievement of this level of sales is an essentially unknown element.
- Furthermore, there is no opportunity to phase the development which places a further premium on the need to gain pre sales.
- In order to gain bank funding for the development there would probably be a requirement to underwrite the total project costs with equity and pre sales.
- The provision of secured carparking for the apartments in an adjoining carparking structure would prove problematic with respect to securing the exclusive use of the parking for tenants.

It is the combination of the degree of uncertainty associated with such development, the need to mitigate that risk by the attainment of pre-sales, and the punitive costs of building a parking structure or providing underground car parking, which precludes the development proceeding under purely commercial operating conditions.

This viewpoint has been reinforced by the private commercial development community in its response to the recent 'Request for Submission of Proposals on the Development of a New Lynn Civic Precinct' (RFP). A primary influencing factor with all the developers was the fact that at present, the core area is still not perceived to be commercially viable with weak demand for residential development requiring the need to attain a large volume of pre sales in order to gain sufficient financial backing.

With such close scrutiny being afforded to the library and the iconic nature of the development, it would be a major setback if the development of apartments were to have the effect of limiting the market potential with a commercial failure. It is possible that the development may have the opposite effect and actually drive the market. However, it is considered too high a risk at the present time and in this particular location. It remains a distinct possibility that future developments in a more commercially favourable location will better serve New Lynn in providing a successful example of high quality town centre residential development.

CONCLUSION

In summary the market considerations suggest that development of apartments in this location and with limited ability to secure pre-sales would probably not take place under normal market conditions. This is reinforced with reports from Waitakere Properties Limited and the recent Request For Proposals process. It is the opinion of staff that although residential development in the town centre is a core aim of Council's strategies, in this particular instance the opportunity is unsuitable in the present market.

On a broader basis there is a need for Council, as a key player in the City, to support the strategies of urban consolidation and the improvement of the commercial vitality of town centres. Some ground floor retail development, such as a café, would enliven the frontage to the Square. Now that the re-construction of McRae Way is not part of the project, the current budget would probably allow for some commercial tenancy space within the brief.

With this in mind, it is recommended that the commercial option remain open when developing the preliminary concept design. Once there is a concept to take to the market, Waitakere Properties Limited will approach prospective tenants in order to establish a contract that aligns itself with the strategic direction.

The library will remain the dominant occupant of the building, so it is appropriate that Council itself should undertake the development, with Waitakere Properties Limited acting in its capacity as development consultant to Council.

RECOMMENDATIONS

1. That the information be received.
2. That the brief for the New Lynn Library concept plan allow for the possibility of commercial tenancy space on the ground floor if feasible.
3. That Waitakere Properties Limited be commissioned to approach prospective tenants in order to establish a contract for a complementary commercial activity that aligns itself with Council's strategic direction.

Report prepared by: Mark Witherington, Project Manager, City Development Projects.



PART II - LEGAL AND CONSTITUTIONAL

9 AFFIXATION OF COMMON SEAL

EXECUTION OF DOCUMENTS: 6 MAY 2003 TO 30 MAY 2003

N°	NAME	PARTICULARS
2574	WCC - Transportation Auckland Corporation Limited	Surrender of Easement for right-of-way created by Transfer C210805.16 – CT's NA 122B/914 and 119D/238
2575	WCC - Transportation Auckland Corporation Limited	Surrender of Easement for right-of-way and maintenance right created by Transfer 394023.1 – CT's NA119D/238 and Lots 2 and 6 DP 317094
2576	WCC - Transportation Auckland Corporation Limited	Surrender of Easement for right-of-way created by Transfer 553598.4 – CT's NA59D/943 and 119D/238
2577	WCC – Aik Guan Law and Kim Lan Lai	Agreement to Mortgage - 34 Rathgar Road – CT.NA15B/821
2578	WCC – Aik Guan Law and Kim Lan Lai	Caveat re Agreement to Mortgage – 34 Rathgar Road – CT.NA15B/821
2579	WCC - Karen Ruth Pegrume	Warrant of Appointment and Evidence of Identity – No.0054
2580	WCC	Memorandum of Transfer surrendering drainage easement in gross created by Transfer 611201 – CT.73858
2581	WCC	Memorandum of Transfer surrendering drainage easement in gross created by Transfer 611201 – CT.14B/290
2582	WCC	Memorandum of Transfer surrendering drainage easement in gross created by Transfer 611201 – CT.10B/720
2583	WCC – SL Stelmock and M and H Trustee Services Limited	Memorandum of Transfer - Exchange at Herald Island of Pt Lot 1 DP 205937 re CT.GN818547.1 – Resolution 1388/2000
2584	WCC – Sriya Erangane Fernando	Warrant of Appointment and Evidence of Identity – No.0055
2585	WCC – Harry O'Rourke	Priority Personnel Authorisation – Issued in accordance with the Civil Defence Emergency Management Act 2002
2586	WCC – Housing New Zealand Limited	Drainage Easement gross – CT.NA59095 – 12 Pine Street – SPW 21306
2587	WCC – NZ Rail Corporation	Lease of land near Glen Eden Railway Station – Resolution 938/2003
2588	WCC – Waitakere Properties Limited	Water Supply Easement in gross re CT.NA137A/346 – 54-78 Gunner Drive, Harbour View Estate Stage 1 – SPW 21516
2589	WCC	Discharge of Memorandum of Encumbrance B642325.8 re CT.NA63D/610 – 157 Lincoln Road – SPW 13669
2590	WCC – Inder Bhan and Amarjeet Kaur Singh	Drainage Easement in gross – CT.NA43628 – 101 Hutchinson Avenue – SPW 19961

N°	NAME	PARTICULARS
2591	WCC – Western Developments Limited	Drainage Easement in gross – CT's.80978, 80979 and 80980 – Holmes Drive South and Berkshire Terrace – Stage 4 SPW 19014/4
2592	WCC – Taegu Properties Limited	Surrender of Drainage Easement in gross – CT.NA24A/562 – 43 Seymour Road – SPW 21727
2593	WCC	Memorandum of Transfer surrendering Drainage Easement in gross created by Transfer 611201 – CT.NA73857
2594	WCC - Estate Homes Limited	Drainage Easement in gross – CT's.77950-77954, 77963 and 77964 – Metcalfe Road Stage 4 – SPW 20937

RECOMMENDATIONS

1. That the information be received.
2. That the action taken in affixing the Common Seal on the documents as set out in the agenda report be adopted.

Report prepared by: Magdalene Conceicao, Executive Officer (Legal).



PART III - FINANCE

10 LIMEBURNERS BAY HERITAGE AREA

PURPOSE OF THE REPORT

The purpose of this report is to seek sufficient funding to establish a vehicular barrier and associated signage required to protect the historic site at Limeburners Bay.

BACKGROUND

A17 - A21

A report outlining the background in relation to this matter was prepared for consideration by the Projects Special Committee at its meeting of 4 June 2003. A copy of that report is attached at pages A17 to A21.

The report recommended that the Projects Special Committee approve the establishment of an appropriate barrier structure and signage at the southern end of the paper road that leads from Scott Road to the Limeburners Bay foreshore, sufficient to prevent unauthorised access of vehicles into the land containing the Joshua Carder and Carder Brothers heritage sites.

A verbal report will be given at the meeting, to advise of the decision of the Projects Special Committee in relation to the issues raised in the report.

ISSUES

It is estimated that the establishment of a vehicle barrier and signage would be completed for less than \$5,000.

Funding for heritage protection works at Limeburners Bay was previously approved by the Council at its meeting of 25 July 2001, on the basis that the works would only be established if there was a demonstrated need. The resolution was as follows:

- “2. *That the Council undertake to fund security fencing and other protection works at the Carder Brothers Heritage Site, at Limeburners Bay, Hobsonville, on an interim basis from short term borrowing which will be repaid from the Transit New Zealand Heritage Fund when received.*”

1727/2001

However, the relatively low cost of the works currently proposed mean that they can be accommodated within existing budgets that will not be fully spent within the current financial year. It will therefore not be necessary to raise the money separately through a loan.

It is proposed that the works would be completed using unspent funds in the ‘Street Lighting Main Street Development’ budget. Expenditure from this budget was reliant on a joint funding approach with United Networks that has not occurred within the current financial year. Sufficient funds are available from this source to establish the barrier and signage.

No other unbudgeted resources are required.

RECOMMENDATIONS

1. That the information be received.
2. That funding for the establishment of an appropriate barrier structure and signage at the southern end of the paper road that leads from Scott Road to the Limeburners Bay foreshore be reassigned from proposed savings in the 'Street Lighting Main Street Development' budget, subject to the prior approval of the Projects Special Committee to undertake this work.

Report prepared by: Philip Brown, Group Manager Planning & Community Services.



11 AQUATIC CENTRE MAINTENANCE SHUTDOWN - VENTILATION SYSTEM IMPROVEMENTS

PURPOSE OF THE REPORT

The purpose of this report is to obtain approval for the funding of maintenance work on the Aquatic Centre main pool area ventilation system using surplus funds from the Street Lighting Main Street Development budget.

BACKGROUND

The Aquatic Centre Maintenance Shutdown project commenced at the end of March 2003 and is currently in progress. This project is an integral part of the long-term maintenance for the original main and dive pool areas at the Centre. The maintenance work comprises a number of diverse and separate work packages but did not include any work on the ventilation system.

During the New Zealand Age Group Championships, which took place at the Centre from Sunday, 1 to Thursday, 6 March 2003, the operation of the ventilation system servicing the main pool area proved to be inadequate, prompting complaints from members of the public. At the time, external ambient air temperatures were high, and this was compounded by the high spectator numbers.

The matter was promptly addressed and temporarily resolved by the opening of spill air dampers in the system. Sinclair Knight Merz, a consultant with considerable experience with the design of ventilation systems was subsequently appointed to review the ventilation system, identify problem areas and give recommendations on improvements that could be introduced to enhance the performance of the system.

STRATEGIC CONTEXT

West Wave Aquatic Centre is a public facility that provides a safe and enjoyable venue for people to relax and play, linking into two of Council's strategic platforms, namely Urban & Rural Villages and Strong Communities. The key consideration of the facility is safety, requiring a forward looking focus that will consider, and where appropriate integrate, future technologies that will enhance its safety.

Maintaining a high standard of safety and a comfortable environment will ensure that, via this facility, Council is able to meet its commitments in respect of a number of its priorities, e.g. Safe City, Sustainable Development, First Call for Children, Lifelong Learning.

ISSUES

The report by Sinclair Knight Merz recommends the implementation of a number of measures to improve the performance of the ventilation system. This work is not complex in nature and can be undertaken within a short timeframe, with completion before the end of June 2003. The timing of this conveniently coincides with the shutdown project.

The cost of the work is estimated at \$75,500, broken down as follows:-

Professional fees (Sinclair Knight Merz) :	\$ 7,500.00
Professional fees (Consultancy Services) :	\$ 2,000.00
Installation of three roof fans :	\$31,500.00
Control system improvements and heat sensors :	\$10,000.00
Conversion of heat reclaim coils to heat sinks :	\$10,000.00
Repair and modification of dampers :	\$11,500.00
Commissioning :	<u>\$ 3,000.00</u>
Total	\$75,500.00

The implementation of the above works will improve the performance of the existing ventilation system. Benefits that will be derived will include:-

- An economiser cycle, driven by software, that will ensure effective and energy-efficient operation of the system
- The co-generation system will be able to operate at peak efficiency throughout the year, reducing operating costs of this system

RESOURCES

The Aquatic Centre Maintenance Shutdown project does not have any budget for this work.

There are sufficient surplus funds from the Street Lighting Main Street Development budget for this work.

CONCLUSIONS

The scope of the current Aquatic Centre Maintenance Shutdown project does not include the maintenance or modification of the existing ventilation system servicing the main pool area. The performance of this system under a combination of external high ambient air temperatures and large spectator/competitor numbers is not adequate to ensure consistent spectator comfort.

Modifications that will enhance the performance of the system and result in a number of benefits can be implemented this financial year whilst the main pool area is shutdown for maintenance.

RECOMMENDATIONS

1. That the information be received.
2. That \$75,500.00 be transferred from the Street Lighting Main Street Development budget to the Aquatic Centre Maintenance Shutdown budget for the implementation of improvements to the ventilation system.

Report prepared by: Chris Thomas, Acting Business Manager: Environmental, Consultancy Services.



12 AQUATIC CENTRE MAINTENANCE SHUTDOWN - DIVE POOL REMEDIAL WORKS

PURPOSE OF THE REPORT

This report has been directed to the Projects Special Committee (4 June 2003) and is on this agenda to consider any recommendations forwarded from that Committee.

BACKGROUND

The original Aquatic Centre was constructed on a fast track timescale for the Commonwealth Games in 1989. Poor performance by the main contractor during construction resulted in their replacement prior to completion. Another contractor completed construction.

The dive pool has a history of tiling problems and the cause of this has never been satisfactorily resolved. These tiles will be replaced under the Aquatic Centre Maintenance Shutdown project which is currently underway. A contingent allowance has been made under this project for limited surface preparation of the existing concrete beneath the tiles.

The existing tiles have been removed, enabling an inspection of the concrete surface to be undertaken. The following has been observed:-

- The location of expansion joints in the tiles did not match those in the concrete.
- Sealant in the tile expansion joints had become rigid.
- There were insufficient expansion joints in the tiling.
- In places, the surface finish of the concrete wall to which the tiles were fixed was extremely smooth, adversely affecting the adhesion of tiles to the surface.
- The wall faces are not true (vertically and horizontally) requiring the extensive use of plaster prior to installation of the tiles.
- There are numerous cracks in the walls of the dive pool. These extend right through the walls. There is evidence of "weeping" at some of these cracks. Some of the cracks are significant enough to warrant concern.
- Openings created in the wall for a planned submerged speaker system (that was never installed) have been sealed, but some of the reinforcement is exposed.
- A number of she-bolt holes used in the shuttering were poorly sealed (She-bolts are essentially special spacers that maintain a specified distance between shuttering faces and also hold the opposite shuttering panels together).
- The concrete expansion joints appear substandard in that:
 - they do not line up;
 - they are not straight;
 - electrical cable was used as a de-bonding agent;
 - the rebate finish is poor and inconsistent.

The above matrix of problems is thought to have contributed to the tiling problems in the dive pool.

The cracks and condition of the joints are a cause for concern. A preliminary inspection by a structural engineer from CH2M Beca indicates that remedial works will need to be undertaken before tiling can proceed. Due to its current workload and resource availability, CH2M Beca has advised that it is unable to assist with a more detailed assessment of the problem.

Sinclair Knight Merz, a specialist consultancy firm with substantial experience in water retaining structures and concrete has been appointed to review the problems, establish the extent of these, identify remedial works required and ensure that these take cognisance of tiling and pool dimension requirements.

STRATEGIC CONTEXT

West Wave Aquatic Centre is a public facility that provides a safe and enjoyable venue for people to relax and play, linking into two of Council's strategic platforms, namely Urban and Rural Villages and Strong Communities. A key consideration of the facility is safety, requiring a forward looking focus that will consider, and where appropriate integrate, future technologies that will enhance its safety.

Maintaining a high standard of safety and continuity of service will ensure that, via this facility, Council is able to meet its commitments in respect of a number of its priorities, e.g. Safe City, Sustainable Development, First Call for Children, Lifelong Learning.

ISSUES

Impact On Aquatic Centre Shutdown Project

As a consequence of the problems encountered it has been necessary to temporarily suspend works on the tiling of the dive pool. The potential impacts on the Aquatic Centre Shutdown Project are:-

- Delay in the re-opening of the dive pool to the public and user groups. The delay may be two to three months or longer depending on the remedial work required. This will have an adverse effect on organisations that are planning to use the facility for swimming meets and could potentially affect the revenue stream.
- Increased costs as a result of disruption of the works to be undertaken by the tiling contractor. These will include cost of hire of temporary scaffolding currently erected in the pool for the purpose of undertaking the tiling
- Increased costs as a result of the temporary barricading of the dive pool until such time as the pool is re-filled
- Increased costs associated with the investigation and implementation of remedial works.

In order to minimise the delay in the re-opening of the dive pool and thus the impacts on the shutdown project, Sinclair Knight Merz has already been appointed to investigate and recommend remedial works. The appointment of suitable contractors to undertake the remedial works will be made as quickly as possible once funding is approved.

Remedial Works

Despite the negative impact on the West Wave Aquatic Centre, the shutdown project has provided a window of opportunity to address and resolve the defects in the dive pool. This window of opportunity will not re-occur within the next 20 years and hence it is important that the defects are properly and adequately addressed at the current time.

At the time of publishing of this report, the full extent and cost of remedial measures was not known. However, initial indications of the likely extent of the remedial works and the best estimate of associated costs is given below:-

• Application of glass reinforced plaster over cracks :	\$ 5,000.00
• Vertical wall construction joint repairs :	\$ 15,000.00
• Horizontal wall construction joint repairs :	\$ 5,000.00
• Floor control joint repairs :	\$ 10,000.00
• She-bolt hole repairs :	\$ 1,000.00
• Internal plastering of concrete surface :	\$ 40,000.00
• Pressure grouting of cracks :	\$ 10,000.00
• Temporary scaffolding for remedial works :	\$ 20,000.00
• Temporary barricading of dive pool :	\$ 5,000.00
• Treatment of exposed reinforcement :	<u>\$ 2,000.00</u>
Total estimated cost (physical works only) :	\$113,000.00

The estimated full cost of remedial works, including professional fees and increased costs arising out of delays to current maintenance contracts under the Aquatic Centre Maintenance Shutdown project is broken down as follows:-

• Professional fees (Sinclair Knight Merz) :	\$ 15,000.00
• Professional fees (Octa Associates Limited) :	\$ 8,000.00
• Professional fees (Consultancy Services) :	\$ 7,000.00
• Disruption to current contracts :	\$ 20,000.00
• Remedial Works :	\$113,000.00
• Contingency :	<u>\$ 27,000.00</u>
	\$190,000.00

Notwithstanding the above it is emphasised that these estimates are based on the limited information available at the time of writing this report and final costs could be as high as \$250,000.00. Consequently, authority is sought for the higher value of \$250,000.00.

Implementation Strategy

It is proposed that the remedial work be undertaken immediately in order to minimise the impact of delays.

Sinclair Knight Merz will assess the problem and report on the nature and extent of the remedial works that will be required.

The remedial works will be of a specialised nature and there are very few specialist contractors able to undertake this work. Due to the varied nature of the remedial works, it is anticipated that a number of separate contracts will be let. Specialist contractors will be identified as soon as possible and will be contacted to establish their availability and to brief them of the remedial works required. This will take place in advance of any decision on funding for this work. Award of any contract, however, will be dependent upon the prior authorisation of funds by the Finance and Operational Performance Committee.

Project Management of the tender process and implementation of remedial works will be undertaken by Octa Associates Limited, Council's appointed project managers for the Aquatic Centre Maintenance Shutdown project. This will enable the works to be coordinated with other maintenance contracts and will ensure that impacts on these can be managed and where possible, be mitigated.

Consultancy Services will act as Client Representative with responsibilities for budget control, client-side project management, health and safety of the works site and supervision under the direction of the specialist consultant.

The proposed timeline for the re-opening of the dive pool is as follows:-

- Report submitted by Sinclair Knight Merz : 28 May 2003
- Tenders negotiations completed : 11 June 2003
- Remedial works completed : 7 July 2003
- Tiling works completed : 18 August 2003
- Dive pool re-filled with water : 22 August 2003
- Dive Pool re-opened : 1 September 2003

RESOURCES

Funding amounting to \$250,000.00 is required to undertake the remedial works on the dive pool. The 2002/2003 Annual Plan has no provision for this work.

It is anticipated that \$65,000.00 will be expended this financial year, and that the balance will need to be carried forward.

Although there is an element of repair work being undertaken the significant portion is considered to be renewal. As such it is appropriate that this is funded from surplus depreciation funds.

CONCLUSIONS

Defects discovered in the dive pool will have to be repaired before new tiles are laid in the pool. This will delay the re-opening of the dive pool and will result in additional costs. Remedial works should be implemented as soon as possible to minimise the delay in re-opening the pool.

Whilst the initial estimate of the costs associated with the repair of defects is \$190,000.00, it is expected that the final cost could be up to \$250,000.00. Hence funding of \$250,000.00 is sought for the work. The 2002/2003 Annual Plan has no provision for this work, which should be funded from surplus depreciation funds.

RECOMMENDATIONS

1. That the information be received.
2. That the matter of remedial works to the dive pool be referred to Council for the approval of funding of \$250,000.00, drawn from surplus depreciation funds.

Report prepared by: Chris Thomas, Acting Business Manager: Environmental, Consultancy Services.



13 OPERATING AND CAPITAL EXPENDITURE SUMMARIES

PURPOSE OF THE REPORT

The purpose of this report is to inform the Finance and Operational Performance Committee as to the level of the year to date operating and capital expenditure by Unit compared to budget.

BACKGROUND

A22 - A23

This report covers expenditure for the ten months ending 30 April 2003. The financial summaries are attached at pages A22 to A23.

ISSUES

All indications are that Council is on track to meet expenditure levels forecast during the Half Yearly and Third Quarter reviews. A further review is scheduled to be reported through to the Long Term Council Community Plan and Annual Plan Special Committee in June.

If you require any further information in respect of this report, other than of a general nature, please contact either the writer or the Director: Finance prior to the meeting to enable the query to be researched.

RECOMMENDATION

That the information be received.

Report prepared by: Alec Third, Chief Management Accountant.



14 STATUS OF SPECIAL FUNDS

PURPOSE OF THE REPORT

The purpose of this report is to keep the Finance and Operational Performance Committee informed as to the status of Special Funds.

FUNDS

A24

The summary of Special Fund balances as at 30 April 2003 and summary transactions for the ten months to date is attached at page A24.

If you require any further information in respect of this report, other than of a general nature, please contact either the writer or the Director: Finance prior to the meeting to enable the query to be researched.

RECOMMENDATION

That the information be received.

Report prepared by: Alec Third, Chief Management Accountant.



15 BORROWING AND INVESTMENT REPORT

This report has been circulated separately with the agenda.



16 PAYMENTS FOR APPROVAL

PURPOSE OF THE REPORT

The purpose of this report is to advise of payments made by the Council. This is in accordance with Council policy and the Public Bodies Contracts Act.

BACKGROUND

The Public Bodies Contracts Act requires the reporting to the Council of payments made under delegation. This report provides details of payments made to external suppliers in excess of \$5,000. In addition there is a summary listing which aggregates payments made to various organisations and suppliers for the Committee's information. These payments have already been processed as allowed by delegations approved by the Council. If any Councillor requires information regarding the nature of any payment, that information can be provided.

PAYMENTS

A25 A summary schedule of payments made for the period 18 April 2003 to 15 May 2003 is attached at page A25.

A26 - A29 A further schedule of all payments of \$5,000 and above, together with the reason for the payment, is attached at pages A26 to A29. If a Committee member wishes to ask specific questions relating to any of these payments prior to the meeting, then such questions can be directed to the Director: Finance.

RECOMMENDATIONS

1. That the information be received.
2. That the contracts let and the payments made be approved.

Report prepared by: Andrew Pollock, Director: Finance.



PART IV - GENERAL

17 STREET NUMBERING AMENDMENT TO BYLAW 4

PURPOSE OF THE REPORT

This report seeks to strengthen the provisions of Bylaw No 4 1990, Public Places, to enable the Council to ensure proper street numbering of premises throughout the City.

After 30 June 2003, new processes for enacting Bylaws take effect, resulting in additional cost and time delay.

BACKGROUND

At a recent meeting the issue of street numbering was raised as a matter of public health and safety. Emergency Services need to be able to quickly and accurately identify premises in response to emergency calls. However, not all buildings are clearly numbered and it can be difficult to find a particular premise from the street.

While this is particularly an issue with commercial and industrial premises, it also applies to some residential properties.

STRATEGIC CONTEXT

Good street numbering is a direct contributor to "Building a Safe City", one of Council's five priorities. It achieves this through the "Community safety and accessible health & support services" strategic platform.

ISSUES

The implementation of street numbering varies very widely within Waitakere City. Some numbers are as small as 25mm (1 inch). Some are 150mm (6 inches), and some are larger still. Some are absent entirely.

There is a similar wide variety of numbering sizes and styles available for sale in the city's building supplies and home improvement stores.

Council's Bylaw No. 4 does require that:

"The owner or occupier of every building shall mark such building... with such numbers, being in no case less than 50mm in height as the local authority shall direct or approve..."

and:

"Every such number shall be placed upon any building in such a position as to render the same readily visible from any street fronted by such a building; or if no such position is available, shall be placed upon a post, fence, or gate near or adjacent to, and readily visible from, such street."

It is clear that Council has in place a Bylaw that can be used to enforce a level of uniformity and compliance in street numbering.

The Bylaw itself does not specify a minimum width or line thickness, and provides no guidance on *legibility*: presumably a building could be numbered in pencil and still comply, providing this was *visible* from the street. Whether it could be read is an entirely different matter.

To address the health and safety issue with street numbering, it may be desirable to strengthen the Bylaw's provisions to bring an enforceable minimum standard to street numbering.

Accordingly, Legal Services have drafted a proposed Bylaw amendment, which follows in the recommendation.

The proposed changes:

- address the legibility issue, requiring numbers to conform to minimum dimensions: height, width, and line thickness;
- stipulate a requirement for larger numbers for commercial properties than would be necessary for residential properties;
- allows Council to enforce compliance when necessary within clear, time-bound parameters;
- otherwise provide a two-year time window for compliance; and
- places ultimate responsibility for compliance on the building owner, whether or not the building owner is the occupier for the time being.

RESOURCES

The enforcement of the Bylaw can be undertaken in Commercial and Industrial areas by existing resources.

CONCLUSION

Council currently has a Bylaw for street numbering. However, it has some limitations.

Street numbering is a health and safety issue.

RECOMMENDATIONS

1. That the information be received.
2. That it be recommended to Council that Council resolve by way of Special Order the following amendment to General Bylaw No.4 1990

GENERAL BYLAW NO.4 1990 - AMENDMENT NO.6, 2003

The Waitakere City Council acting in pursuance and exercise of the powers and authorities conferred upon it by the Local Government Act 1974, the Bylaws Act 1910 and all other powers and authorities in any way enabling it **HEREBY RESOLVES**, by Special Order, to amend General Bylaw No.4 1990, as follows:

1. Short Title

The short title of this Bylaw shall be the Waitakere City Council General Bylaw No.4 1990, Amendment No.6, 2003.

2. Commencement

This amendment shall come into force on Monday, 1 September 2003.

3. Amendment

Clause 244 is hereby revoked and the following new clause substituted:

244 Street Numbering of Buildings

244.1 Every building shall at all times be marked with the number allocated to that building by the Council pursuant to s.319B of the Local Government Act 1974.

244.2 If at any time the Council (in exercise of its powers under s.319B of the Local Government Act 1974) alters the number of a building, the marking must be altered to comply with that change within one calendar month of written notification of the change being given by the Council to the owner or occupier of the building.

244.3 Building marking shall be comprised of characters which:

- (a) Subject to clause 244.4, comply with the specification in clause 244.5
- (b) Are affixed or placed in a position which is readily visible from the street to which the building has frontage and either:
 - (i) upon a post, fence, gate or letterbox located immediately adjacent to the street boundary or
 - (ii) if there is no such post, fence, gate or letterbox, upon the building itself.

244.4 Nothing in clause 244.3 shall be construed as requiring the marking which existed on 31 May 2003, and which complied with this Bylaw at that date, to be changed or replaced prior to 31 July 2005.

244.5 Building marking shall comply with the following:

- (a) residential building shall be marked with characters which are:
 - (i) not less than 50mm in height and 30mm in overall width (except for the number "1" or the letter "l").
 - (ii) Made out of lines not less than 3mm in width.
- (b) all other building shall be marked with characters which are:
 - (i) not less than 75mm in height and 40mm in overall width (except for the number "1" or the letter "l").
 - (ii) Made out of lines not less than 5mm in width.

244.6 Building marking shall be maintained in good legible and visible condition at all times. Any marking which is covered up or obscured shall be immediately uncovered. Any marking which is obliterated or defaced shall be immediately replaced.

244.7 Responsibility for compliance with this clause lies with the owner and occupier for the time being of any building but the fact that the owner of a building is not the occupier of that building shall not be a defence to a conviction for an offence against this Bylaw.

244.8 Any person who neglects for one month after written notice to mark a building in accordance with this part of this Bylaw commits an offence.

4. Affixing of the Seal

That the Common Seal of the Waitakere City Council be affixed to such documents as may be necessary to give effect to the Special Order and be attested as soon as practicable by any two of the following:

- Mayor, or Deputy Mayor or Councillor;
- Chief Executive, or the Acting Chief Executive in his absence;
- Director: Corporate and Civic Services.

3. Advertising

That the Council duly advertise its intention to introduce the Bylaw:

- i) Not less than 21 clear days before confirming its intention to introduce the Bylaw, and again,
- ii) Not more than 14 clear days and not less than 7 clear days before introducing the Bylaw.

4. Confirmation

That the Special Order be set down for confirmation at an ordinary meeting of Council scheduled for Wednesday, 30 July 2003 commencing at 5.30 pm.

Report prepared by: Andrew L Cawston, Manager Executive Office.



18 **RESEARCH ON OPTIONS FOR USE OF COMMUNITY SPORT FUND MONEY**

PURPOSE OF THE REPORT

The purpose of this report is to inform the Finance and Operational Performance Committee on the process for investigating the options for utilising the remaining Community Sport Fund money.

BACKGROUND

The Community Sport Fund was set up as a partnership between the Hillary Commission (which was central government funded) and territorial local authorities. The Community Sport Fund was the Hillary Commission's major contribution towards assisting and developing local sport, fitness and leisure activity initiatives and development.

In 2002, as a result of Central Government initiatives, the Hillary Commission, NZ Sports Foundation and the policy arm of the Office for Tourism and Sport were replaced with Sport and Recreation New Zealand. A decision was then made by Sport and Recreation New Zealand to cease the Community Sport Fund as of June 2002. The rationale for this decision was that, to achieve its goals, Sport and Recreation New Zealand must target its available resources towards strategic initiatives that will achieve the most value. As a result Waitakere City Council will not receive any further funding to divest to the community through the Community Sport Fund.

When Sport and Recreation New Zealand ceased the Community Sport Fund they informed councils that any loans and unallocated funds received from the Hillary Commission did not need to be returned and could continue to be loaned or used for other purposes consistent with those for which they were received. Following this announcement the November 2002 Finance and Operational Performance Committee (upon recommendation of the Community Sport Fund Allocation Subcommittee) endorsed a further funding round of the Community Sport Fund to be held in March 2003 to be allocated from the reserve fund (3314/2002).

The following resolution was also passed:

“That research on options available for the use of the reserve fund be undertaken and that the Community Sports Fund Allocation Subcommittee be involved in the consultation and it be reported back to the Finance and Operational Performance Committee”.

3314/2002

This report is an update on this research.

STRATEGIC CONTEXT

Leisure facilities and activities contribute to the well being of the City's residents, by providing recreation opportunities that promote health and social cohesion. The Council's Leisure Strategy, Community Facility Plan, Parks Strategy and Funding Policy guide the provision of these facilities and activities to ensure that they are available to all residents, responsive to changing demands and provided efficiently.

Council's strategic objective for leisure is that a comprehensive range of leisure, recreation and sports services and facilities are provided.

To improve the wellbeing of the City's people and communities, the Council provides and supports a diverse range of leisure opportunities through facility operation and development, direct funding, assistance to access other funding and support of activity initiatives.

Through the Draft Strategic Plan adopted by Council in November 2002, Council has adopted a platform of Strong Communities stating that in the next 10 years Council will develop the City as a renowned hub of social activity, arts, leisure, sports and recreation.

ISSUES

Between current uncommitted funds and money to be paid back through loans, Council has a pool of funds left, which including outstanding loans due for repayment over the next five years, is estimated to be \$997,000 as at 30 June 2003. A decision therefore needs to be made as to the best use of these remaining funds.

Decisions on the use of the remaining funds have been delayed due to the need to await decisions and directives being taken by organisations external to Council. The outcome of these decisions and directives could potentially affect where Council would have the greatest impact with utilising these funds. These decisions and directives have included the poll for supermarkets to be granted the right to sell alcohol, which if it had been granted would have impacted on the money the Licensing Trusts would have available to support local sporting and physical leisure activity organisations. Also, the direction Sport and Recreation New Zealand is taking with their new strategic relationships with the Regional Sports Trusts and councils may potentially change how and where groups can obtain some of the sporting provisions previously funded through the Community Sport Fund. Therefore, once Sport Waitakere has finalised their funding agreement with Sport and Recreation New Zealand for the new financial year, Council will be able to make a more informed decision for the future use of the remaining funds.

Current Situation

Funding from the Hillary Commission, now Sport and Recreation New Zealand, provided Council with the opportunity to support community sport from three aspects:

- **Subsidy Funding**
Through the Community Sport Fund applications for subsidy funding were considered from all community groups for initiatives that involved sport, fitness and/or physical leisure activities. There were two categories of funding for which groups could apply for, 'coach or volunteer training' and 'project costs'. The purpose of the project costs' subsidy was to fund initiatives, activities or promotions that offered opportunities for existing members or would help attract new members. This subsidy also provided for the purchase of equipment that was vital to an activity (excluding permanent fixtures at a facility).
- **Loan Funding**
The purpose of providing loan funding was to improve or develop new or existing sport, fitness or physical leisure facilities. By providing a low interest loan option it enabled Council to support facility development projects for sporting groups.
- **Club Development Funding**
The Hillary Commission introduced the Club Development Fund in 2001. Through this fund Councils were given the option to set aside up to 50% of funding from the Community Sport Fund for the development of local club sport. Following this decision a resolution was passed by the Council's Community Facilities and Recreation Committee to commit \$50,000 from the Community Sport Fund to a Club Development Fund (164/2001). The aim of this Fund was to provide support for projects that encouraged clubs to address issues and identify options for building a secure future for their sport.

Process For Developing Options and Making a Recommendation

To allow Council to utilise the remaining funds in the most effective way research needs to be undertaken to ensure Council is in an informed position to make its decision on the use of these funds. Therefore the following steps are being carried out as part of the research to provide Council with the necessary information:

- **Investigating Options Available**

This investigation will include:

- A detailed analysis of the funding opportunities the Community Sport Fund provided in the past
- What alternative funding sources are realistically available to provide the funding opportunities that were once provided to community groups through the Community Sport Fund
- Identifying any alternative options that may be available outside the scope of what the Community Sport Fund previously provided for

- **Identifying Gaps**

The investigation will highlight to Council where gaps have been created in funding provision due to the removal of the Community Sport Fund. This will then provide the information necessary for Council to utilise the remaining funds in an area that will have the greatest benefit to the community.

- **Benchmarking With Other Councils**

Enquiries have been made to seven other territorial local authorities regarding their response to the removal of this source of funding for local sporting organisations. The following information has been gathered so far:

- Many of the authorities are not in a situation like Waitakere where a pool of funds was remaining due to the provision of loan funding.
- Four of the councils have asked for funding to be provided through their annual plan to allow funding to be available through a scheme similar to the Community Sport Fund.
- Auckland City Council and Manukau City Council are not asking for rates funding to replace the Community Sport Fund, and are instead helping to direct organisations seeking funding to other sources.
- Auckland City Council is using their remaining funds to continue supporting sportville concepts, sport consultancy and loans funding.

- **Making the Recommendation**

The Community Sport Fund Allocation Subcommittee will discuss and analyse the options available for utilising the remaining funds from the Community Sport Fund. A report will then be presented to the Finance and Operational Performance Committee outlining the options investigated and the recommendation of the Subcommittee.

RESOURCES

No additional resources are required.

CONCLUSION

When Sport and Recreation New Zealand ceased the Community Sport Fund in June 2002, Council had a pool of uncommitted funds still remaining and monies out on loan, totalling an estimated \$997,000 as at 30 June 2003. Sport and Recreation New Zealand announced that councils were not required to return any unspent funds and were able to utilise these funds for purposes consistent with those for which they were received. Council officers are therefore currently investigating options available for the use of these remaining funds, which will be discussed through the Community Sport Fund Allocation Subcommittee. Once Council is in a position to make an informed decision on the future use of these remaining funds, a report outlining the options investigated and the recommendation of the Subcommittee will be presented to the Finance and Operational Performance Committee.

RECOMMENDATIONS

1. That the information be received;
2. That the process for developing options for the use of the remaining Community Sport Fund money be endorsed, and that the recommendations of the Community Sport Fund Allocation Subcommittee be brought back to the Finance and Operational Performance Committee for decision.

Report prepared by: Helen Anderson, Leisure Projects Leader.



19 DEVELOPMENT CONTRIBUTIONS PROJECTS OUTLINE

PURPOSE OF THE REPORT

The purpose of this report is to present, for the Finance and Operational Performance Committee's approval, the proposed work programme for the development and implementation of Development and Financial Contributions.

BACKGROUND

Waitakere City Council has a financial contributions policy developed under the provisions of the Resource Management Act 1991 and which is included in the District Plan. However, as these are subject to appeal, Council has been, in practice, collecting financial contributions under the transitional provisions in the Local Government Act 1974. Council has been concerned for some time that many of the costs associated with growth are not being fully met by our current financial contributions mechanisms.

The Local Government Act 2002 has introduced comprehensive new provisions that allow local authorities to recover, as development contributions, the capital expenditures relating to growth. The Local Government Act 2002 (Section 106) requires councils to adopt policies for contributions as part of the suite of Funding and financial policies (Section 102).

At Council meeting on 25 March, 2003, the Long Term Council Community Plan and Annual Plan Special Committee resolved:

- “1. That the information be received.
2. That a development contributions policy be prepared during the next twelve months in order that the policy be adopted as an amendment to the Long Term Council Community Plan for the 2004/2005 year.”
3. That a detailed work programme to progress development contributions be presented to the Finance and Operational Performance and the Environmental Management Committees in June 2003.”

568/200)

At this stage, it is expected that some environmental effects could be addressed by contributions taken under the Resource Management Act, and other costs of growth including community infrastructure provision, could be taken under the Local Government Act 2002. If this course is taken, it could mean that some outstanding appeals against the District Plan could be resolved by Council removing the proposed requirement. However, this will be examined during the course of the project and brought to the appropriate Council committee for consideration.

STRATEGIC CONTEXT

Financial contributions and development contributions are an important funding tool for the City because they are the means by which some of the costs associated with growth can be allocated to those who profit from, or are directly involved with, this growth.

It is expected that the new provisions allowing for charging development contributions will be a more efficient mechanism for offsetting the financial costs of growth than the financial contribution provisions of the Resource Management Act as once they are adopted, there are no appeal rights as exists under the Resource Management Act. The only way in which development contributions might be challenged is through judicial review procedures, which are primarily focussed on process, or on a site by site basis as resource consents are requested.

These new provisions also allow for development contributions in respect of 'community infrastructure' (i.e. community amenities such as halls and libraries), which is not permitted within the previous legal framework underpinning the current financial contributions policy. This now allows Councils to consider contributions for 'non-network' infrastructure.

The detailed requirements of a development contributions policy are extensive under the new Act, including explanations and justifications for the ways in which the contributions are calculated, the significant assumptions underlying the calculations (e.g. growth projections and their expected impacts in different areas), land values for new areas (subdivisions) and how the development contributions will be triggered.

ISSUES

1. Principles to guide the project:

With regard to the principles guiding development contributions policy, the LGA 2002 provides a broad framework.

The reasons for choosing development contributions and financial contributions are linked back to the revenue and financing policy and the requirements of section 101 (3). This section outlines the matters that need to be considered in developing the Revenue and Financing Policy which includes development and financial contributions as a funding method. They are:

- The community outcomes to which the activity primarily contributes;
- The distribution of benefits between the community and any identifiable part of the community and individuals;
- The period over which those benefits are expected to occur;
- The extent to which the actions or inactions of particular individuals or a group contributes to need to undertake the activity
- The costs and benefits, including consequences for transparency and accountability, of funding the activity distinctly from other activities;
- The overall impact of any allocation of liability for revenue needs on the current and future social, economic, environmental and cultural well being of the community.

This framework enables Council's to take into account the specific strategic goals under community outcomes and the overall impact of development contributions on the current and future social, economic, environmental and cultural well-being of the community.

2. Objectives of the project:

1. That Council can fairly, simply, predictably and robustly, both recover the costs of growth and mitigate the effects of growth.
2. That District Plan appeals regarding financial contributions are resolved.
3. That Monitoring and financial processes are established to assess progress and to assist implementation.
4. That a sustainable development approach will taken in accordance with the LGA 2002 and Council's sustainable development priority in the Long Term Council Community Plan.

3. Project timeline and milestones:

In broad outline, the project is seen as divided into three stages:

- Stage 1 – Policy development and preliminary consultation with key stakeholders including staff and developers. This stage will include the resolution of District Plan appeals regarding Financial Contributions. Expected completion - December 2003.
- Stage 2 - Modelling, consultation through the Long Term Council Community Plan and Annual Plan process. Peer and legal review. Adoption. Expected completion - June 2004.
- Stage 3 – implementation.

Stage One: Information and draft policy development:

Gather information eg gap analysis, regional information etc.

Establish internal work streams for each area of contribution.

Engage in regional work initiatives.

Establish methodology to identify impacts of growth and how costs should be allocated.

Establish broadbrush policy positions.

Establish linkages to other major Council initiatives e.g. sustainability assessments, Asset Management Plans, District Plan changes and appeals resolutions.

Stage Two: Modelling, review, consultation and adoption:

Work through issues for each team. This will be an iterative process.

Workshops prior to Long Term Council Community Plan – November 2003/Feb 2004.

Preliminary consultation with key stakeholders.

Peer and legal review.

Adopt draft policy as part of Long Term Council Community Plan / Annual Plan 2004/2005.

Consultation as part of the Long Term Council Community Plan.

Adopt June 2004.

Stage Three: Implementation and Monitoring

Establish internal processes to support new policy implementation.

Staff and developer training sessions.

Establish monitoring process and procedures.

Review June 2005.

The milestones are:

- **June 2003** – scope and milestones approved by Finance and Operational Performance Committee and Environmental Management Committee.
- **Dec 2003** – working policy position agreed, District Plan appeals resolved, preliminary consultation underway, initial methodologies work shopped and agreed, preliminary budget recalculations for Long Term Council Community Plan.
- **Feb 2004** – initial budget projections for Long Term Council Community Plan recalculations, and first drafts of policy and implementation plan work shopped by Councillors for inclusion in Long Term Council Community Plan / Annual Plan 2004/2005 documentation.
- Peer and legal reviews.
- **April 2004** – Draft Development Contributions plan adopted by Council for consultation in Long Term Council Community Plan / Annual Plan.
- **June 2004** – adoption of Development and Financial Contributions Policy.
- **July 2004** – roll out implementation training and internal process changes.
- **June 2005** – review in preparation for Long Term Council Community Plan 2005/2006.

RESOURCES

Council will not be the first Council to deliver a Development Contributions policy and will therefore be able to learn from and adapt other Council's policies and programmes. At various stages in the process, consultation will be undertaken with developers and affected stakeholders. Peer and legal reviews at key stages are also part of the detailed project plan.

However, it is likely that Waitakere City Council will have particular concerns it wishes to have reflected in its own Development Contributions policy and practice.

Staff time and budget have been allocated to these tasks.

CONCLUSION

The purpose of this report is to present, for the Committee's approval, the proposed work programme for the development and implementation of a Development and Financial Contributions Policy.

The Local Government Act 2002 (Section 106) requires local councils to adopt policies for contributions as part of the suite of Funding and Financial policies (Section 102).

This project outline presents a plan to do this work, and aims to have a draft policy ready for consultation for the Long Term Council Community Plan and Annual Plan 2004/2005.

The report proposes principles, objectives and timelines for the Finance and Operational Performance Committee's consideration.

RECOMMENDATIONS

1. That the information be received.
2. That the Finance and Operational Performance Committee approve the principles, objectives and timelines of the Development and Financial Contributions project as detailed in the report.

Report prepared by: Cathy Kenkel, Group Manager: Strategic Planning and Policy.



20 ONE STOP SHOP PROPOSAL

PURPOSE OF THE REPORT

The purpose of this report is to advise on key proposals developed by the One Stop Shop work stream and the steps involved in further progressing these proposals.

BACKGROUND

The One Stop Shop work stream is currently working on a number of initiatives aimed at improving service delivery, with overall progress to be reported in the near future. The proposed improvements range from minor enhancements to major enhancements, with implementation varying from short term to long term

The focus of this report is on a select number of projects that will deliver significant gains and can be implemented within a relatively short timeline.

These projects are inter-related and encompass redesign of the "front of shop" customer interaction areas, better use of staff skills, the consolidation of key staff involved in consent processing and the provision of a wider range of advisory services.

STRATEGIC CONTEXT

The One Stop Shop work programme is designed to give effect to the Council's Strategic Plan by ensuring that people, processes and systems are aligned so that customer-facing operations promote the strategic platforms.

It is recognised that this is a long-term objective and in order to make progress a specific deliverable at this stage is to provide a One Stop Shop that gives the effect to the friendly face of Council.

The work stream recognises that an optimum version cannot be implemented immediately due to space constraints. However the changes proposed will move us in the right direction and ensure that customer operations can be placed to assist Council in achieving the strategic direction more effectively once we have relocated to the Civic Future.

ISSUES

Key issues identified by the work stream are as follows:

Issue	Comment
Often no immediate interaction between Council staff and visiting customers	It is often not until they have been waiting in a queue, for say 10 minutes at the main counter, that customers have their first conversation with staff
Frequent, lengthy queues at the counter	Queues can generate customer frustration and do not reflect an organisation that is customer-focussed
No customer segmentation	The architect with a consent application for a major development can stand in a queue with someone who wants to query a parking infringement notice
Staff with specialist skills, outside core multi-skilled functions, are not readily available to provide advice at the counter	Whilst the skills of multi-skilled staff generally allow for the majority of transactions to be appropriately handled, there are often cases where specialist advice is required
Consents requiring input from the asset groups need to be forwarded on to a number of locations leading to process delays	The need to route consents through a number of different locations (Moselle Ave, Central Park Drive, and the Civic Centre) delays the overall process and does not foster a group approach
No consolidated complaints management process	Service complaints are currently received at a number of separate points and there is no consistency in the manner in which these are addressed nor is there a team approach to issues straddling more than one area.

PROPOSALS

As a pre-requisite to determining customer interaction layouts and resource allocations, services required by customers have been segmented into two prime categories as follows:

- a) Low level complexity, short duration transactions, and
- b) High complexity, lengthy duration transactions

This segmentation was a key driver in developing the following proposals to overcome the issues highlighted earlier:

Proposal	Features
A revamped reception area at the Civic Centre main front entrance (Refer Appendix attached at page A30)	<ul style="list-style-type: none"> • Will accommodate a base level of 2 staff with up to 3 as necessary and could possibly incorporate a concierge - type role • All customers will be received here in the first instance • All low level, short duration transactions will be handled by this team (the more complex, high duration requests handled at main counter) • Other customers will be either redirected for other services or seated pending being met by other staff • Changes can be implemented by 30 June 2003

Proposal	Features
<p>The establishment of a team, led by a Development Account Manager, consolidated in the Civic Centre to provide asset inputs into the consent process plus advisory services on asset activities</p>	<ul style="list-style-type: none"> • Team will comprise 5 staff, with potential for more staff as demand is determined providing skills encompassing the 3 waters, parks, roads and transportation, geo-technical, and structural • Team will be located adjacent to the main counter area • Team will work on consents (building & resource consents) in a shared area that negates the need for some of the consents to leave the building. The bulk of consents related to EcoWater will still be processed off-site • Team will be available to provide specialist advisory services at the main counter • The Development Account Manager will ensure that asset consent requirements are met in addition to fulfilling a key liaison role with developers.
<p>The establishment of additional planners to provide advisory services</p>	<ul style="list-style-type: none"> • Team will initially comprise 1 FTE roistered staff member with a possible expansion to 2 in the near future. This position will work closely with the existing Planners in the Counter Team • Team may be located adjacent to the main counter area or within the existing resource consents team • Prime functions are to provide back up to Planner's Help desk and additional advisory services at the counter
<p>A revamped area encompassing the main counter and adjacent areas (Refer Appendix attached at page A31)</p>	<ul style="list-style-type: none"> • Will accommodate additional resources of 7 staff, as per proposals 2) and 3) above • Provision for additional meeting space and interaction areas between staff and customers • Provision of a viewing area for electronic access by customers to property bag information – facility required within 18 months • Main counter area will be divided to screen off counter staff, when working on processing applications, from customers • Changes are unlikely to be implemented until August 2003
<p>Escalated complaints enhancement process</p>	<ul style="list-style-type: none"> • Nominated staff will fulfil a co-ordination role in representing their area in any escalated complaints that relate to activities and responsibilities of that area

A31

In terms of design progress, it should be noted that:

- A detailed design has been prepared for the front reception area
- The design for the main counter area is at a concept level at this stage

The proposal to revamp the existing main counter area will potentially displace up to twelve staff from their existing workstations in the Field Services and Consent Services wings plus staff currently accommodated under the stairs.

However, a recent survey of pending accommodation requirements across all sections of Council (excluding the above staff displacement proposal) indicates that, based upon 2003/2004 budget proposals, there is a pending shortfall of at least 25 permanent workstations and 15 temporary workstations.

It is therefore recommended that accommodation for the 12 displaced positions be addressed as part of Council's overall accommodation review.

JUSTIFICATION

The main counter / cashier area was last revamped midway through 1999.

Since then, customer expectations and demands have increased; evidenced by increased property bag requests, an increase in the depth of information requested, increased advice and application process times (particularly influenced by new immigrants) and the increased complexity of applications, particularly associated with medium density housing and the need to develop environmentally sensitive sites.

As Council intends to relocate to Henderson in 2006, it could be argued that no further changes to the Civic Centre layout should be made. On the other hand, the current set up is not allowing Council to meet the demands and expectations of our customers and recent trends would strongly indicate that this gap will progressively widen over the next three years. This situation is accentuated when comparing Waitakere's set up with those of Auckland, North Shore and Manukau City Councils, which have all recently been redesigned to better meet the needs of their customers.

Whilst the proposals are designed to enhance Council's One Stop Shop philosophy, and to provide a greater quality of service delivery, it should be noted, however, that these have been tempered to some degree by both layout limitations imposed by the Civic Centre design and budget constraints.

COMMUNICATION

The proposed changes will be communicated to developers and customers by providing information on services. As well it is proposed to hold a workshop with developers and their agents in July 2003 to advise proposals and a booking system for major developers.

CONCLUSION

The One Stop Shop work stream has identified proposals that will progress the Council's strategic direction and it is recommended that consideration be given to the changes required at the counter and downstairs reception area.

A key conclusion of the process has been identifying the need to provide a co-ordinated service for developers at the counter to avoid foot traffic to various locations. This proposal can be implemented by 31 August 2003, subject to changes to the downstairs counter and recruitment of appropriate staff.

RECOMMENDATION

That the information be received.

Report prepared by: Paul Tate, on behalf of One Stop Shop work stream.



21 LOPDELL HOUSE ARTS DEVELOPMENT

PURPOSE OF THE REPORT

This report informs the Finance and Operational Performance Committee of progress in the setting up of an interim trust to undertake a full feasibility study on the viability of an expanded Lopdell House Arts facility. It also requests approval for access and information to facilitate that study and raises the issue of seismic and structural evaluation.

BACKGROUND

Lopdell House has operated as the main regional gallery and arts centre for Waitakere City since the late 1980's. The Lopdell House Society, a community elected body with two Councillor appointees, runs the gallery complex. They have a partnership agreement with the Titirangi Community Arts Council to manage a community gallery on the first floor. The programme delivered by the Lopdell House Society includes a full schedule of exhibitions of regional and national interest, a public programme of educational events and projects and a specific schools programme. The Lopdell House Society is under contract to Council through an Agreement for Service Delivery, which includes specific Performance Measures that are agreed annually and monitored by Council's Arts Manager and through six-monthly reporting to the City Development Committee.

Titirangi Drama Inc. occupies the basement area of the building. The group pays a community rate rental to Council and runs the theatre as a stand-alone, non-profit making operation.

The second floor of the building is occupied by a cluster of small businesses paying modest rentals and on short-term leases. Vodafone also leases one room on this floor on a commercial long-term basis.

There is a longer-term lease to the A Tavola Bread Shop and Café on the ground floor. The top floor has, over the years been leased to restaurant businesses. These have all failed to thrive, particularly as the café/restaurant culture has grown in the village. The top floor is currently leased on a short-term basis to a small post-production film business while Hames Sharley complete a feasibility study on a proposal from the Rialto Chain to site small cinemas there.

Council manages the tenancies, maintenance and renewals. Internal renewal work proposed for the current year has been deferred awaiting clarification on the future plans for the building.

Over the last few years both the main gallery complex and the theatre group have been developing plans for refurbishment and expansion and have applied to the Portage Licensing Trust, and other funding bodies, for assistance with these plans.

Into this complex situation of tenancies and aspirations, the Portage Licensing Trust proposed in 2002 to Council that they have an interest in contributing to a more holistic development of Lopdell House as an arts and cultural precinct. This interest has resulted in a process of consultation with the key stakeholders over a period of some months and a proposal to set up an independent trust to develop and manage this proposal.

The City Development Committee endorsed this proposal in principle in Dec 2002.

- “1. *That the information be received.*
2. *That the establishment of a trust, to be called the Lopdell House Arts precinct Development Trust, to undertake the redevelopment of Lopdell House, be approved in principle, subject to Council approval of the final Trust Deed.*
3. *That the Trust Deed for a Lopdell House Arts precinct Development Trust and deed of Lease be brought back to the City Development Committee in the New Year.”*

3524/2002

A number of options around the structure of such a trust have been explored over the past months. The complex nature of the existing tenancies and activities within the house has made it difficult to find a structure which is viable and would be acceptable to a group of voluntary trustees. The proposal to be outlined in this report offers an interim solution which will allow the preliminary work to be done and will establish whether a large-scale restructuring of the internal areas of the house is viable.

STRATEGIC CONTEXT

Lopdell House is identified in the Waitakere City Arts and Cultural Strategy as one of two key arts precincts which contribute significantly to the cultural infrastructure of the city.

The Strategic Review process has also identified ‘flourishing arts precincts’ (e.g. Lopdell House and the Corban Estate) as a priority in the short and medium term.

Lopdell House is a lynch pin in the wider Titirangi town centre. Its development and enhanced connections to the village are a key focus for the future.

ISSUES

The following issues have been identified:

- In order to begin the investigation of the proposed development of Lopdell House, the working party, made up of the key stakeholders and Council staff, has initiated the setting up of an interim trust which is independent of Council and supported by independent legal services. It is not requesting a lease, or transfer of title, from Council. It is proposing the setting up of an agreement for ‘access and information’ between the trust and Council. Council will retain ownership of the building and continue current management and maintenance.
- The interim trust wishes to complete the initial investigation into all aspects of the cluster of proposals and, in particular, the structural and engineering implications of these.
- If, at the end of this process, there is reason to continue, the interim trust will propose a second trust be formed and will come back to Council to negotiate a full lease or other suitable form of tenure, to enable access further funding and to proceed with development.
- It is proposed that the interim trust and the final trust be ‘independent’ of Council, in the sense that it will not have Councillor membership as of right (although Councillors can be trustees in a private capacity if they so wish). The relationship with Council, and performance monitoring and reporting, is to be defined through contractual relationships such as agreements, leases and/or funding contracts. This proposal for an independent trust, with no officially appointed Councillors, is supported by Council’s Legal Services Manager.
- If the work of the interim trust finds that structural, or other issues make the proposal not viable, then they will dis-establish the trust.

- The proposed trustees for the Lopdell House Arts Development Trust are as follows:

Lopdell House Society:	Allan Wild
	Dan Greig
Titirangi Drama Inc:	Elizabeth Watkinson
Titirangi Community Arts Council:	Joan Easterbrooke-Smith
Portage Licensing Trust:	Ross Clow
Community Representatives:	Terry Bates
	Mike Carter
	Greg Presland (in a private capacity)

- The Hames Sharley feasibility study for possible cinema development on the top floor of Lopdell House has already indicated that seismic and structural engineering issues may be critical. The building was constructed in 1930 and refurbished in 1985/86. No records of any general structural analysis can be located and it is almost certain the building will be deficient in the light of current building codes. Significant structural analysis, particularly in terms of current requirements for seismic loads will be required for any proposal to change the internal layout of the building and may apply to a continuation of the present activities. The new trust wishes to request that Council undertakes an 'existing conditions analysis' of the building as soon as possible in order to allow it to commission more specific structural planning. Council's City Projects Manager has confirmed that Council is responsible for this base-line structural analysis.

N.B. The 'Existing Conditions Analysis' is a separate piece of work from any feasibility study that the trust may undertake in relation to proposed changes to the building. It needs to precede the trust's work and provide a baseline for further work.

It is recommended by Council's Consultancy Services that such work should be undertaken by Beca Consultants, who have a track record of expertise in this field. It is estimated that the work may cost in the vicinity of \$12,000.

RESOURCES

The Trust will apply immediately to the Portage Licensing Trust for a grant to undertake feasibility studies.

A budget of \$50,000 has been identified for consideration in the 2003/2004 Draft Annual Plan for Project Management. Now that an independent trust is being established, this funding may not be required in the 2003/2004 financial year.

The immediate seismic and structural analysis of the building could be financed immediately from the uncommitted balance of \$93,000 held in the Waitemata Asset Acquisition Fund if Council wished. Alternatively, the work could commence in July and be funded from the \$50,000 budgeted for project management in the Draft Annual Plan.

Staff from Public Affairs have been involved in discussions around the form and establishment of the Trust. While it is proposed that the Trust will be independent of Council, it is expected that the Arts Manager will act in a liaison role with the Trust as it undertakes its investigations.

CONCLUSION

Getting to this point in the setting up of a viable governance structure for the development of a Lopdell House Arts Precinct has been a complex journey. The aspirations of the various organisations within the house are complex and ambitious.

The issues of the structural integrity of the building are of concern and need to be addressed by Council prior to extensive planning taking place. It is almost certain that the building will be deficient in the light of current building codes.

The proposal outlined in this report is for an interim trust to be set up as an independent community trust with access to the site and to relevant Council information. The trust wishes to work in partnership with Council in order to take into account the other investigations currently underway and the wider issues of access, parking and village development.

RECOMMENDATIONS

1. That the information be received.
2. That Council approves the setting up of an agreement to provide access and information to the Lopdell House Arts Development Trust, including requirements in regard to reporting back to Council the results of preliminary feasibility studies.
3. That Council approve the commissioning of an 'Existing Conditions Analysis' of Lopdell House and provide direction as to funding.

Report prepared by: Naomi McCleary, Manager/Arts.



22 WHAU CROSSING

This report has been circulated separately with the agenda.



PART V - SUBCOMMITTEE REPORTS

23 CREATIVE COMMUNITIES SCHEME ALLOCATION SUBCOMMITTEE

THE SUBCOMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON WEDNESDAY, 14 MAY 2003 AND ITS RECONVENED MEETING HELD ON TUESDAY, 20 MAY 2003

1. CREATIVE COMMUNITIES SCHEME ALLOCATION - APRIL 2003

The Subcommittee Recommends:

That the Creative Communities Scheme Allocation Subcommittee consider grants in accordance with the guidelines and make their recommendations for allocation of funding to the next Finance and Operational Performance Committee.

Application No	Group Name	Funds Requested	Amount Allocated
8	Acoustic Stylz	\$2,087.00	0.00
9	Auckland Christian Mandarin Church, Lovingcare Kindergarten	\$1,313.00	\$400.00
10	Auckland Country Music Association	\$3,000.00	\$1,000.00
11	Auckland Refugee Council (Inc.)	\$3,250.00	\$1,000.00
12	Crosstown Camping Trust	\$960.00	0.00
13	Ecomatters Environment Trust	\$4,500.00	0.00
14	Fiona Maureen Ritchie	\$3,000.00	0.00
15	Further Education Training Service	\$4,663.00	\$1,300.00
16	Glen Eden Baptist Community Kindergarten	\$5,104.00	\$1,000.00
17	Glen Eden Intermediate School	\$5,000.00	\$1,350.00
18	Jasmine Clark	\$2,900.00	\$1,000.00
19	La Robinson-Johnson	\$4,943.00	800.00
20	Living Theatre	\$5,000.00	0.00
21	Nga Kakano O Te Kaihanga Trust	\$4,931.00	\$1,500.00
22	Oratia Out of School Care Facility	\$5,266.00	\$2,000.00

Application No	Group Name	Funds Requested	Amount Allocated
23	Pacific Arts (Pacific Islands Advisory Board)	\$5,650.00	\$2,000.00
24	Pasifika Healthcare	\$5,000.00	0.00
25	Ranui Baptist Church	\$2,596.00	0.00
26	Ranui Community House	\$4,320.00	\$2,000.00
27	Ranui Kindergarten	\$2,512.00	0.00
28	Rhythm 'n Steps Dance Academy	\$500.00	400.00
29	Samoan Youth Fellowship - Massey Parish	\$9,764.00	\$1,500.00
30	Show West	\$1,250.00	0.00
31	St Paul's Anglican Church	\$1,000.00	\$500.00
32	Summerland Primary School	\$8,960.00	0.00
33	Te Atatu Peninsula Community House Society Inc.	\$1,492.00	\$900.00
34	Te Korowi O Ti Iwi Trust	\$4,816.00	\$1,200.00
35	Te Roopu Kapahaka O Te Atatu	\$2,335.00	\$460.00
36	Te Whanau O Waipareira Trust	\$4,375.00	0.00
37	Titirangi Pottery Club	\$4,855.00	0.00
38	Titirangi Rudolf Steiner School	\$2,400.00	\$1,500.00
39	Tomorrows Revelation Dance Company	\$1,000.00	\$500.00
40	Torotoro Trust	\$5,500.00	\$2,000.00
41	Vision Aspac Inc	\$2,912.00	0.00
42	Waitakere Central Community Arts Council	\$2,250.00	\$1,200.00
43	Waitakere City Orchestra	\$19,800.00	\$2,500.00
44	Waitakere Homeschool Support Group	\$2,000.00	\$1,000.00
45	West Auckland Primary Schools Multicultural Festival	\$3,700.00	\$2,000.00

Application No	Group Name	Funds Requested	Amount Allocated
46	West Coast Community Arts Trust	\$1,371.00	0.00
47	Contemporary Music Festival	\$475.00	\$470.00
48	Art West Gallery	\$2,450.00	0.00
49	Chris Kabimbi Mwana Ngoy	\$4,358.00	0.00
50	Chris Kabimbi Mwana Ngoy	\$4,704.00	0.00
51	Class Act Opera Trust	\$3,000.00	\$1,600.00
52	Connolly Irish Dancing School	\$6,216.00	\$1,000.00
53	ESPMC's	\$5,000.00	0.00
54	Faye Norman	\$4,830.00	0.00
55	Frances Mary Hill	\$1,300.00	0.00
56	Free Spirit Peace Productions	\$5,000.00	0.00
57	Iranian Community Trust	\$6,780.00	0.00
58	Ivy Granite Frontage Productions	\$5,000.00	0.00
59	Kaurilands School	\$1,800.00	\$1,000.00
60	Laingholm Primary School	\$388.00	\$388.00
61	Legacy Shakespeare Company	\$1,265.00	0.00
62	Like Minds Project at Framework Trust	\$3,200.00	\$1,500.00
63	Mau Dance Ltd	\$3,000.00	0.00
64	Pacific Culture Art Exchange Centre	\$1,000.00	0.00
65	Pure Magic Concerts	\$1,680.00	\$1,000.00
66	Red Eye Films	\$4,800.00	\$1,400.00
67	Solo-Fua loapo	\$1,552.00	0.00
68	Swanson Residents and Ratepayers Assoc	\$1,350.00	0.00
69	Te Atatu Peninsula Kindergarten	\$941.00	0.00

Application No	Group Name	Funds Requested	Amount Allocated
70	Te Kura Kaupapa Maori o Hoani Waititi Marae	\$3,000.00	\$1,000.00
71	Theatre For The Blind	\$5,000.00	\$1,000.00
72	W.E.S.T Co	\$4,500.00	\$1,000.00
73	Waitakere Indian Association	\$4,500.00	\$850.00
TOTAL		\$243,364.00	\$43,218.00
Amount Available For Allocation			\$45,468.75

2. OTHER MATTERS CONSIDERED

A32 - A41

The Subcommittee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages A32 to A41.

The Subcommittee Recommends:

That the Ordinary Meeting report of the Creative Communities Scheme Allocation Subcommittee held on Wednesday, 14 May 2003 and its Reconvened Meeting held on Tuesday, 20 May 2003 be received.

VS Neeson, JP
CHAIRPERSON



24 EMERGENCY SERVICES SPECIAL COMMITTEE

THE SPECIAL COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON TUESDAY, 3 JUNE 2003

MATTERS CONSIDERED

A42 - A43

The Special Committee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages A42 to A43.

The Special Committee Recommends:

That the Ordinary Meeting report of the Emergency Services Special Committee held on Tuesday, 3 June 2003 be received.

DQ Battersby, JP
CHAIRPERSON



25 **TENDERS SUBCOMMITTEE**

THE SUBCOMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON FRIDAY, 16 MAY 2003 AND FRIDAY, 30 MAY 2003

1. **PK03600A PARKS LANDSCAPE PROGRAMMED MAINTENANCE CONTRACT**

The Subcommittee Recommends:

- (i) That the tender from Techscape Limited for Contract PK03600A Parks Landscape Programmed Maintenance in the sum of \$3,378,946.00 plus \$422,368.25 GST, totalling \$3,801,314.25 be accepted.
- (ii) That authority to enter into Contract PK03600A Parks Landscape Programmed Maintenance on behalf of Council be delegated to the Director: City Services.
- (iii) That authority to exercise the right of renewal for the period of the 2005/2006, 2006/2007 and 2007/2008 financial years be delegated to the Director: City Services, subject to Council providing the budget and the quality of the contractors performance be accepted by Council.
- (iv) That the Contractor's bond be set at \$75,000.

2. **PK003600B SPORTS PARKS PROGRAMMED MAINTENANCE CONTRACT**

The Subcommittee Recommends:

- (i) That the tender from Techscape Limited for Contract PK03600B Sports Parks Programmed Maintenance in the sum of \$1,110,527.00 plus \$138,815.88 GST, totalling \$1,249,342.88 be accepted.
- (ii) That authority to enter into Contract PK03600B Sports Parks Programmed Maintenance on behalf of Council be delegated to the Director: City Services.
- (iii) That authority to exercise the right of renewal for the period of the 2004/2005, 2005/2006, 2006/2007 and 2007/2008 financial years be delegated to the Director: City Services, subject to Council providing the budget for each of these years, and subject to the quality of the contractors performance being acceptable by Council.
- (iv) That the Contractor's bond be set at \$50,000.

3. OTHER MATTERS CONSIDERED

A44 - A49

The Subcommittee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meeting is attached at pages A44 to A49.

The Subcommittee Recommends:

That the Ordinary Meeting report of the Tenders Subcommittee held on Friday, 16 May 2003 and Friday, 30 May 2003 be received.

JM Clews, QSO, JP
CHAIRPERSON



PART VI - CONFIDENTIAL ITEMS

26 TWIN STREAMS AND SUNNYVALE PARK AND RIDE

27 PROJECT TWIN STREAMS

These items will be considered in the Confidential Supplement of the agenda, and have been circulated to members separately with this agenda.

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following parts of the proceedings of this meeting, namely Twin Streams and Sunnyvale Park and Ride and Project Twin Streams.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation of each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each of the matters to be considered.	Reason for passing this resolution in relation to each of the matters.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none">• Twin Streams and Sunnyvale Park and Ride• Project Twin Streams	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none">• Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	<p>That the public conduct of the relevant parts of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 7(2)(i) of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public as follows:

- *The reports contain information which if released would affect the Council's negotiations.*

