



## 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,        11 August 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.

6 August 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, 11 AUGUST 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, 7 July 2003

**RECOMMENDATION**

That the minutes of the Ordinary Meeting of the Finance and Operational Performance Committee held on Monday, 7 July 2003, as circulated, be taken as read and now be confirmed.



## **PART I - PROPERTY**

### **4 PROPOSED LEASE RENEWAL, ECOWATER PREMISES - 133 CENTRAL PARK DRIVE, HENDERSON**

#### **PURPOSE OF THE REPORT**

The purpose of this report is to seek approval to negotiate a new commercial property lease of EcoWater's existing premises at 133 Central Park Drive, Henderson.

#### **BACKGROUND**

The present lease for EcoWater's premises at 133 Central Park Drive, Henderson was entered into by Council on 20 March 2001. The lease, for a term of three years, has a final expiry date of 31 May 2004. During the course of the lease, the property was sold, and the new owners are The Watson Family Investment Trust.

#### **STRATEGIC CONTEXT**

Provision of premises for EcoWater is essential to deliver the Council's Three Waters Platform.

#### **ISSUES**

Council has plans to relocate and house all of its services and departments, including EcoWater, in a new Civic Centre in Henderson in the near future. However, the proposed new building will not be available for occupation until 2006.

Council has already made significant investments in the premises at 133 Central Park Drive, such as installing a fibre optic link, and trying to find alternative accommodation for EcoWater for only two years would not be practicable.

Therefore, it will be necessary to ensure that the existing accommodation arrangements continue to be available in the interim.

When approached recently on a without prejudice basis, the landlord indicated that he is amenable to considering a new lease for Council, and has since made a proposal incorporating the following major conditions:

1. New lease to be in the form of the current edition of the Auckland District Law Society Lease – 4<sup>th</sup> Edition 2002 (2). This is the standard lease agreement used in most commercial leases, and is satisfactory to Council.
2. Lease term to be negotiated. The landlord has proposed four years from 1 June 2004 to 31 May 2008. Council's preference is for two, two-year terms, which would permit a lease expiry in mid-2006.
3. Rights of renewal to be negotiated, in conjunction with the negotiations of the lease term. Council's preference is for a right of renewal after two years, in mid-2006.
4. The current rental to 31 May 2004 is \$115,000.00 plus GST. Rental increases during the new term are proposed to continue the schedule in the current lease, i.e. by \$5,000.00 plus GST per annum. Therefore, the annual rents for the first two years of the new lease would be:

Lease Period	Amount of Rent per Annum
1 June 2004 – 31 May 2005	\$120,000.00 plus GST
1 June 2005 – 31 May 2006	\$125,000.00 plus GST

### FUNDING REQUIREMENTS

Funding for the lease of the premises at 133 Central Park Drive will be sourced from EcoWater's annual operating budget.

No provision has been made in the 2003/2004 budget for relocation costs on the assumption that the negotiations will be successful.

### CONCLUSION

The Committee is requested to approve negotiation of a new lease as proposed above and to authorise the Chief Executive to negotiate and settle the agreement.

### RECOMMENDATIONS

1. That the information be received.
2. That the Chief Executive be authorised to negotiate and execute a new lease with The Watson Family Investment Trust for a two-year lease period, with a right of renewal for a further period of up to two years.
3. That the Chief Executive report back to the Finance and Operational Performance Committee upon the conclusion of the lease negotiations.

Report prepared by: Tony Miguel, Group Manager, Asset Management.



## 5 LEASE OF BRICK VILLA AT HARBOURVIEW

### PURPOSE OF THE REPORT

The purpose of this report is to consider granting a lease of the Brick Villa at 19 Longbush Road, Te Atatu Peninsula to the EcoMatters Environment Trust.

### BACKGROUND

A1

The building available for lease is a turn of the century brick bay villa located at 19 Longbush Road, Te Atatu Peninsula as shown on the map attached at page A1. This large three bedroomed building with views over the Waitemata Harbour and the adjacent Harbourview parkland has had its exterior completely refurbished by Waitakere Properties but a complete renovation of the interior is still required. It has been estimated that the cost to refurbish the interior will be in the order of \$100,000. It is situated on a freehold lot (Lot 87 on Deposited Plan 203198) which is currently shown as Living Environment in the District Plan but the process has been commenced to amend this to Open Space. The building is not identified as a heritage building under the District Plan.

## **STRATEGIC CONTEXT**

In 1998, Council approved a Community Leases Policy, which in part encourages the maximised use of its community facilities and states that priority will be given to groups undertaking activities that will make a significant contribution to:

- Improving access to information, education and learning opportunities;
- Encouraging the community to be involved in looking after the City's natural, heritage and cultural resources;
- Fostering cooperation, partnership, and sharing of resources between community groups; and
- Promoting a sense of belonging and identify for all people in Waitakere City.

Council's Harbourview People's Park Open Space Management Plan has identified that the brick villa should serve the purpose of an education and information centre for Harbourview and/or be a facility for the benefit of the community. The plan also identifies that the villa has both significant architectural and historical value.

## **ISSUES**

Expressions of interest were invited from community groups to lease the brick villa. Public advertisements were places on two occasions but only one application was received as a result of this advertising. That application was from EcoMatters Environment Trust.

The Trust's application states that they propose to use the brick house for the purposes of running an environmental education centre with an emphasis on the wetland and marine ecology of the local environment. In addition they wish to develop a small organic café and shop within the building to operate during hours which are appropriate for the residential nature of the surrounding area. The Trust also proposes to make provision for public use of the building by community groups for meetings, workshops, training sessions and other similar uses at appropriate times.

The lease to the Trust will ensure that the heritage character of the building is maintained and that the fit out of the building is in keeping with its historic nature. A commercial kitchen for a café will be installed and the Trust's lease will allow for a sublease to a suitable café operator. The building will be fitted with solar water heating and provision will be made on site for car parking using appropriate sustainable materials. The Trust will be responsible for obtaining any necessary consents for this work.

The Community Leases Policy provides for a standard five year lease term (with a provision that the lease may be renewed for a further five year term if Council continues to be happy with this use) and it is proposed that a lease of this term should be granted at the minimum rental under the lease policy.

## **RESOURCING**

EcoMatters intends to apply to a variety of funding agencies for funding to refurbish the interior of the villa.

## **CONCLUSION**

The Trust's application is in keeping with the intention expressed in the Harbourview Open Space Management Plan that this building be used as an education and information centre for Harbourview and/or be a facility for the benefit of the community and it is therefore recommended that a lease be granted to the EcoMatters Environment Trust for the Brick Villa at 19 Longbush Road.

## **RECOMMENDATIONS**

1. That the information be received.
2. That the Chief Executive be given authority to negotiate and execute and conclude a lease under the Local Government Act 2002 with the EcoMatters Environment Trust for the footprint of the brick villa at 19 Longbush Road, Te Atatu Peninsula.

Report prepared by: Alastair Dougal, Solicitor, Legal Services.



## **6 PAREMUKA LAKE LEASE OF CROWN LAND**

### **PURPOSE OF THE REPORT**

The purpose of this report is to recommend that the Finance and Operational Performance Committee authorise the lease of part of the railway corridor from the Crown.

### **BACKGROUND**

In the early 1990's Council created the Paremuka Lake as part of the urban development of the Paremuka catchment. This lake is primarily for flood detention and water quality improvements.

### **STRATEGIC CONTEXT**

The Paremuka is an integral part of the urban landscape in the Sturges area and provides a demonstration of the Council's strategies for the Three Waters, Green Network and Urban and Rural Villages.

### **ISSUES**

In 2001 it was decided that the outfall structure from the Lake should be aesthetically improved as it distracted from the visual amenity of the area.

As part of this process it was realised that the outlet structure is within the railway reserve (now owned by the Crown). While public drainage can be land not owned by the Council, it is not considered appropriate to have the art work on land not owned by the Council without legal right or access to the art work.

A2

Following discussions between Council and the Crown on how to clarify and regularise this issue, the Crown has offered to create a lease over the land with an annual rental of \$50. Refer page A2 for plan of proposed lease land. The area of land is approximately 2100m<sup>2</sup>.

### **RESOURCES**

The costs of creating the Lease will be included in the overall costs of implementing this project. The lease costs will be paid for out of the annual costs of maintaining and operating water quality treatment devices throughout the city and can be funded from the 2003/2004 Annual Plan.

## CONCLUSION

Creating a lease between Council and the Crown is the most cost effective method of regulating the construction of the art work on the Paremuka Lake outlet structure.

## RECOMMENDATIONS

1. That the information be received.
2. That the Chief Executive be authorised to enter into a lease with the Crown for approximately 2100m<sup>2</sup> of land adjacent to Paremuka Lake.

Report prepared by: Richard Taylor, Assets and Network Manager.



## 7 LEASE OF LAND AT NEW LYNN FROM NEW ZEALAND RAILWAYS CORPORATION

### PURPOSE OF THE REPORT

This report seeks the Finance and Operational Performance Committee's approval to enter into a lease of land at New Lynn for the provision of a park and ride facility.

### BACKGROUND

New Lynn is one of Waitakere City's three main town centres and provides the major transport interchange for the City. Waitakere City Council has been working with the Auckland Regional Council, Auckland Regional Transport Network Limited and other parties for a number of years over the upgrade of rail and bus services. Incremental improvements to the rail corridor are now being implemented with Britomart having opened earlier this month, rail services now being run until 8.00 pm at night and later this year increased peak frequencies from New Lynn being implemented. New Lynn is the largest transit depot within the City, with over 600 bus services using the centre each working day.

A3

Council's goals have been to implement park and ride outside of the City's main town centres. However there are limited opportunities to provide this outside of New Lynn. The identified site (Area A on map attached at page A3) provides an opportunity to provide a park and ride facility for cars from the New Lynn Heights / Green Bay / Titirangi area, without the need to drive into the main town centre. The 2,780 m<sup>2</sup> site will allow for approximately 90 spaces, depending upon layout. The current area that is being informally used for park and ride has approximately 30 – 40 cars parked during the day.

### STRATEGIC CONTEXT

Transport planning at a regional level is guided by the Regional Land Transport Strategy and the Regional Growth Strategy. The Regional Passenger Transport Plan indicates that park and ride facilities should be provided at major rail stations such as New Lynn by 2006. Development of park and ride supporting the bus and rail network is a key component of meeting Council's strategic goals for transport.

Purpose-built park and ride facilities are already in place at Glen Eden, Swanson, and Ranui. At the other stations (New Lynn, Fruitvale, Sunnyvale, Henderson and Waitakere), areas are available and being used for park and ride.

## ISSUES

A3

Council has the opportunity to lease land adjacent to the rail corridor at New Lynn (area A on map attached at page A3) for the provision of approximately 90 park and ride spaces. The lease will allow right of way access over the land marked area B. This land is currently informally used as park and ride, however New Zealand Railways Corporation has had the land available for lease, with interest being shown in it as a car yard. New Zealand Railways Corporation has provided Council with the opportunity to lease this land for park and ride supporting buses and trains. The terms of the lease are for a period of five years with a five years renewal period, at a rental of \$4000 per annum plus GST.

Council and the Auckland Regional Council are about to commence a joint destination marketing/personalised transport campaign in the New Lynn area over the next few months. This will be reported to the August meeting of the Environmental Management Committee. It would be appropriate that the development of the park and ride coincide with this project.

Detailed plans for the site have not yet been developed, however preliminary costings indicate that \$30,000 is sufficient for leasing, lighting, fencing from the rail corridor and a minor tidy-up of the seal. Should Council wish to reseal this site, costs are likely to range between \$17,000 and \$42,000 depending upon the type of seal used. External sources of funding, such as Infrastructure Auckland, would need to be investigated.

## RESOURCES

Council has currently budgeted \$30,000 in 2003/2004 for development of this site as park and ride. This would be sufficient to allow for lease of the land, some improvements in amenities, including lighting, fencing and minor improvements to the seal. Should Council wish to consider resealing the site, this would need to be considered as part of the 2004/2005 Annual Plan, if external funds are not available.

## CONCLUSION

Leasing of this site as park and ride will allow for the provision of park and ride in close proximity to the New Lynn bus and rail services.

## RECOMMENDATIONS

1. That the information be received.
2. That the Chief Executive be authorised to complete negotiations and execute under seal a Deed of Lease of the land shown on the diagram attached at page A3 to the agenda report from New Zealand Railways Corporation to the Council.

Report prepared by: Glenda Lock, Project Manager, Transport Projects.



**PART II - LEGAL AND CONSTITUTIONAL**

**8 AFFIXATION OF COMMON SEAL**

**EXECUTION OF DOCUMENTS: 1 JULY 2003 - 31 JULY 20003**

<b>N°</b>	<b>NAME</b>	<b>PARTICULARS</b>
2614	WCC - LJ, AL, LD and DM Pauling	Drainage Easement in gross - CT.59867 - 5-7 Metcalf Road - SPW 21427
2615	WCC - Loncey Wanakore	Warrant of Appointment & Evidence of Identity - No.0059
2616	<i>No document executed under this reference</i>	
2617	WCC - 435 West Limited	Water Supply Easement in gross - CTs.74677-74681 - 433-437 West Coast Road - SPW 20913
2618	WCC - 435 West Limited	Drainage Easement in gross - CTs.74677-74681 - 433-437 West Coast Road - SPW 20913
2619	WCC	Consent of Caveator under Caveat D410350.1 to transfer T5628993.1 to I and AM Covich of 40 Sunnyvale Road
2620	WCC - Christine Latimer	Fencing Agreement re CTs.91701 and 91702 - 164 Henderson Valley Road - SPW 21704
2621	WCC - Neil Construction Limited	Drainage Easement in gross - CTs.65720 & 65721 - 28-30 Hercules Drive - SPW 21533
2622	WCC - P and KL Kumar	Fencing Agreement re Lots 1 and 2 DP 323072 - 5 Bedford Street - SPW 21570
2623	WCC - Northeast Developments Limited	Right-of-way Easement in gross - CTs.91371-74, 91379-82 - 75-96 Winery Way - SPW 21308
2624	WCC - Northeast Developments Limited	Fencing Agreement - CTs.91371-91382 - 75-96 Winery Way - SPW 21308
2625	WCC	Lease of Archives Building - Unit G, 4 Waipareira Avenue - Resolution 2832/2002
2626	WCC - K Binning	Transfer of land adjacent to 124 Edmonton Road - part Lot 1 DP 139640
2627	WCC - SR Hargreaves	Deed of Waiver, S.40 Public Works Act 1981 - 23 Serwayne Place, Sunnyvale - Resolution 1289/2003
2628	WCC	Consent of Local Authority under Statutory Land Charge C129752.1 to certain land dealings - CT.NA766/157 - 132 Bruce McLaren Road
2629	WCC	Consent by Encumbrancer under Memorandum of Encumbrance D566782.1 to Variation of Mortgage C5812552 - CT.NA981/5 - 55 Candia Road
2630	WCC - Waitakere Properties Limited	Fencing Agreement - 46-67 Harbour View Road - CTs.93632, 93638-642 - SPW 21356
2631	WCC - Joseph Industries Limited	Drainage Easement in gross - CTs.NA136B/895-898 - 14 Millbrook Road - SPW 19881

<b>N°</b>	<b>NAME</b>	<b>PARTICULARS</b>
2632	WCC - Yuen Lam Ng	Drainage Easement in gross - CT.39152 - 42 Cutler Street - SPW 21512
2633	WCC - RM Brown and KA Miller	Drainage Easement in gross - Cts.81834-839 - 2-8 Awaroa Road - SPW 21715
2634	WCC - AS Rice and JR Harrison	Fencing Agreement re Lot 2 DP 313907 - 64 Matipo Road - SPW 19628
2635	WCC – Alan Ahmu	Warrant of Appointment and Evidence of Identity – No.WCC001
2636	WCC – Andrew Chalton	Warrant of Appointment and Evidence of Identity – No.WCC002
2637	WCC – John Cox	Warrant of Appointment and Evidence of Identity – No.WCC003
2638	WCC – Robert Davidson	Warrant of Appointment and Evidence of Identity – No.WCC004
2639	WCC – Colin Diprose	Warrant of Appointment and Evidence of Identity – No.WCC005
2640	WCC – Neville Exler	Warrant of Appointment and Evidence of Identity – No.WCC006
2641	WCC – Pesile Faau	Warrant of Appointment and Evidence of Identity – No.WCC007
2642	WCC – Teresa Hart	Warrant of Appointment and Evidence of Identity – No.WCC008
2643	WCC – Huw Hill-Male	Warrant of Appointment and Evidence of Identity – No.WCC009
2644	WCC – Joachim Lechtenborger	Warrant of Appointment and Evidence of Identity – No.WCC0010
2645	WCC – Francis Ma	Warrant of Appointment and Evidence of Identity – No.WCC011
2646	WCC – John McKeown	Warrant of Appointment and Evidence of Identity – No.WCC012
2647	WCC – Kim McLeod	Warrant of Appointment and Evidence of Identity – No.WCC013
2648	WCC – Adam Moller	Warrant of Appointment and Evidence of Identity – No.WCC014
2649	WCC – Dean Nuralli	Warrant of Appointment and Evidence of Identity – No.WCC015
2650	WCC – David Rankin	Warrant of Appointment and Evidence of Identity – No.WCC016
2651	WCC – Ram Reddy	Warrant of Appointment and Evidence of Identity – No.WCC017
2652	WCC – Martin Sharp	Warrant of Appointment and Evidence of Identity – No.WCC018
2653	WCC – Colin Waite	Warrant of Appointment and Evidence of Identity – No.WCC019
2654	WCC – Roscoe Webb	Warrant of Appointment and Evidence of Identity – No.WCC020
2655	WCC – Roger Wilson	Warrant of Appointment and Evidence of Identity – No.WCC021
2656	WCC – Graham Leonard	Warrant of Appointment and Evidence of Identity – No.WCC022

<b>N°</b>	<b>NAME</b>	<b>PARTICULARS</b>
2657	WCC – Ian Davis	Warrant of Appointment and Evidence of Identity – No.WCC023
2658	WCC – Peter Kovacevich	Warrant of Appointment and Evidence of Identity – No.WCC024
2659	WCC – Peter Reid	Warrant of Appointment and Evidence of Identity – No.WCC025
2660	WCC – Ranjit Ranatunga	Warrant of Appointment and Evidence of Identity – No.WCC026
2661	WCC – Richard Taylor	Warrant of Appointment and Evidence of Identity – No.WCC027
2662	WCC – Zoran Pilipovic	Warrant of Appointment and Evidence of Identity – No.WCC028
2663	WCC – Eric Williams	Warrant of Appointment and Evidence of Identity – No.WCC029
2664	WCC – Dave Ball	Warrant of Appointment and Evidence of Identity – No.WCC030
2665	WCC – Tony Miguel	Warrant of Appointment and Evidence of Identity – No.WCC031
2666	WCC – Dick Fong	Warrant of Appointment and Evidence of Identity – No.WCC032
2667	WCC – Rowan Stenberg-Calder	Warrant of Appointment and Evidence of Identity – No.WCC033
2668	WCC – Lawrie Blair	Warrant of Appointment and Evidence of Identity – No.WCC034
2669	WCC – Bronwyn Jackson	Warrant of Appointment and Evidence of Identity – No.WCC035
2670	WCC – Jill Edwards	Warrant of Appointment and Evidence of Identity – No.WCC036
2671	WCC – Alfredo Sodo	Warrant of Appointment and Evidence of Identity – No.WCC037
2672	WCC – David Gordon	Warrant of Appointment and Evidence of Identity – No.WCC038
2673	WCC – Chris Olsen	Warrant of Appointment and Evidence of Identity – No.WCC039
2674	WCC – Stephen Lamusitele	Warrant of Appointment and Evidence of Identity – No.WCC040
2675	WCC – Olga Caine-Caitlin	Warrant of Appointment and Evidence of Identity – No.WCC041
2676	WCC – Joe Balchin	Warrant of Appointment and Evidence of Identity – No.WCC042
2677	WCC – Terry Moorehouse	Warrant of Appointment and Evidence of Identity – No.WCC043
2678	WCC – Reginald Pritchard	Warrant of Appointment and Evidence of Identity – No.WCC044
2679	WCC – Pam Pooley	Warrant of Appointment and Evidence of Identity – No.WCC045
2680	WCC – Andrew Richards	Warrant of Appointment and Evidence of Identity – No.WCC046
2681	WCC – Iuso Puheke	Warrant of Appointment and Evidence of Identity – No.WCC047

<b>N°</b>	<b>NAME</b>	<b>PARTICULARS</b>
2682	WCC – Johnathan Akapo	Warrant of Appointment and Evidence of Identity – No.WCC048
2683	WCC – Joshua Paito	Warrant of Appointment and Evidence of Identity – No.WCC049
2684	WCC – Malakai Tameilau	Warrant of Appointment and Evidence of Identity – No.WCC050
2685	WCC – Michael Letele	Warrant of Appointment and Evidence of Identity – No.WCC051
2686	WCC – Philip Larmer	Warrant of Appointment and Evidence of Identity – No.WCC052
2687	WCC – Goeffrey Keith England	Warrant of Appointment and Evidence of Identity – No.WCC053
2688	WCC – Joe Alefao	Warrant of Appointment and Evidence of Identity – No.WCC054
2689	WCC – Isaiah Kalava	Warrant of Appointment and Evidence of Identity – No.WCC055
2690	WCC – Vineet Sharma	Warrant of Appointment and Evidence of Identity – No.WCC056
2691	WCC – Collett Taylor	Warrant of Appointment and Evidence of Identity – No.WCC057
2692	WCC – Kevin Fan	Warrant of Appointment and Evidence of Identity – No.WCC058
2693	WCC – Wolfgang Nethe	Warrant of Appointment and Evidence of Identity – No.WCC059
2694	WCC – Jason Sheehan	Warrant of Appointment and Evidence of Identity – No.WCC060
2695	WCC – Jacob Te Wao	Warrant of Appointment and Evidence of Identity – No.WCC061
2696	WCC – John Gillespie	Warrant of Appointment and Evidence of Identity – No.WCC062
2697	WCC – Kim Nankivell	Warrant of Appointment and Evidence of Identity – No.WCC063
2698	WCC – Andrew Bilham	Warrant of Appointment and Evidence of Identity – No.WCC064
2699	WCC – Mathew Parry	Warrant of Appointment and Evidence of Identity – No.WCC065
2700	WCC – David Raymond Nelson	Warrant of Appointment and Evidence of Identity – No.WCC066
2701	WCC – John Franciscus Koolen	Warrant of Appointment and Evidence of Identity – No.WCC067
2702	WCC – Shelley Diane Renkema	Warrant of Appointment and Evidence of Identity – No.WCC068
2703	WCC – Helen Mui Lean Chin	Warrant of Appointment and Evidence of Identity – No.WCC069
2704	WCC – Samuel Johnson-Chung	Warrant of Appointment and Evidence of Identity – No.WCC070
2705	WCC – Jayesh Kumar Solanki	Warrant of Appointment and Evidence of Identity – No.WCC071
2706	WCC – Neville Olsen	Warrant of Appointment and Evidence of Identity – No.WCC072

<b>N°</b>	<b>NAME</b>	<b>PARTICULARS</b>
2707	WCC – Ban Najim Alden	Warrant of Appointment and Evidence of Identity – No.WCC073
2708	WCC – Christopher Mark Thomas	Warrant of Appointment and Evidence of Identity – No.WCC074
2709	WCC – Geoffrey William Tremain	Warrant of Appointment and Evidence of Identity – No.WCC075
2710	WCC – Barry Saich	Warrant of Appointment and Evidence of Identity – No.WCC076
2711	WCC – Natalie Kay Marsden	Warrant of Appointment and Evidence of Identity – No.WCC077
2712	WCC – Stuart Richard Liddell	Warrant of Appointment and Evidence of Identity – No.WCC078
2713	WCC – Don Samaranayaka	Warrant of Appointment and Evidence of Identity – No.WCC079
2714	WCC – Jonathan Bruce Reddell	Warrant of Appointment and Evidence of Identity – No.WCC080
2715	WCC – Karen Ruth Pegrume	Warrant of Appointment and Evidence of Identity – No.WCC081
2716	WCC – Sriya Erangane Fernando	Warrant of Appointment and Evidence of Identity – No.WCC082
2717	WCC – Patrick Richard Stuart Andrews	Warrant of Appointment and Evidence of Identity – No.WCC083
2718	WCC – Paul Andrew Bailey	Warrant of Appointment and Evidence of Identity – No.WCC084
2719	WCC – Bethany Megan Evans	Warrant of Appointment and Evidence of Identity – No.WCC085
2720	WCC – Neville Colling	Warrant of Appointment and Evidence of Identity – No.WCC086
2721	WCC – Alan George Tresadern	Warrant of Appointment and Evidence of Identity – No.WCC087
2722	WCC - Belvedere Tennis Club	Deed of Guarantee - joint guarantee for Waitakere City Racquets Sports Trust - Picasso Drive, West Harbour
2723	WCC - Waitakere City Racquets Sports Trust	Deed of Lease - Picasso Drive, West Harbour -sublease to Belvedere Tennis Club
2724	WCC - J Malamatenios	Water Supply Easement in gross - CTs.NA111A/624-628 - 71 Woodglen Road - SPW 17824
2725	WCC - 435 West Limited	Water Supply Easement in gross - CT.74686 - 433-437 West Coast Road Stage 2B - SPW 20913
2726	WCC - 435 West Limited	Right-of-Way Easement in gross - CT.74686 - 433-437 West Coast Road Stage 2B - SPW 20913
2727	WCC	Discharge of Memorandum of Encumbrance C.445089.1 - CTs.NA96A/262, NA95D/255 & NA76C/279 - The National Trading Company of NZ Limited
2728	WCC - MJ Moore, DL Miller and RJ Earwaker	Deed of Waiver - S.40 Public Works Act 1981 - Resolution 1289/2003

<b>N°</b>	<b>NAME</b>	<b>PARTICULARS</b>
2729	WCC - EL Luke, MJ Medland, NM Nisbet and AR Clark	Notice of Premium Property Holdings Limited's exercise of option to purchase Hobsonville Airbase land being part Lot 2 DP 206311 - CT.13C/261
2730	WCC - European Commission	Contract Amendment: Project PLUS Contract EVK4 - CT2001-00062
2731	WCC - Abdul Rauf Dean	Memorandum of Transfer - Surrender of Drainage Easement - CT.2097/47 - 34 Vera Road, Te Atatu
2732	WCC - Max Wilde	Warrant of Appointment and Evidence of Identity - No.WCC088
2733	WCC	Certificate under S.36 Building Act 1991 - CT.NA4C/520 - 38-44 Glenesk Road (ABA20032129)
2734	WCC - CM Joll and GW Halse	Drainage Easement in gross CT.88900 - 4 Seabrook Avenue - SPW 21674
2735	WCC - JS and LI Chartrand	Deed of Waiver - S.40 Public Works Act 1981 - Resolution 1289/2003
2736	WCC - McDonald's Restaurants (NZ) Limited	Instrument to surrender right-of-way easement created by T.553598.4 - CT's.NA36C/824 and 67083

### **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**

### **9 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**

A4 - A5

This report covers expenditure for the twelve months ending 30 June 2003. The financial summaries are attached at pages A4 to A5.

#### **ISSUES**

All indications are that Council is on track to meet expenditure levels forecast during the Half Yearly and Third Quarter reviews. The figures presented are still only preliminary as the formal year end accounts have not as yet been completed. A full report on the year end financial position will be presented when the draft Annual Report is placed on the Committees agenda.

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.



### **10 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**

A6

The summary of Special Fund balances as at 30 June 2003 and summary transactions for the twelve months (full financial year) to that date are attached at page A6.

Carry forward commitments and budgeted revenue/expenditure in respect of the new financial year will be analysed and presented with the first report for the current (new) year.

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.



**11 BORROWING AND INVESTMENT REPORT**

This report has been circulated separately with the agenda.



**12 PAYMENTS FOR APPROVAL**

**PURPOSE OF THE REPORT**

The purpose of this report is to advise of payments made by the Council.

**BACKGROUND**

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**

*A7 - A8* A summary schedule of payments made for the period 13 June 2003 to 10 July 2003 is attached at pages A7 to A8.

*A9 - A13* A further schedule of all payments of \$5,000 and above, together with the reason for the payment is attached at pages A9 to A13. 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 payments made be approved.

Report prepared by: Andrew Pollock, Director: Finance.



**13 APPLICATION FOR RATING RELIEF**

**PURPOSE OF THE REPORT**

The purpose of this report is to advise the Finance and Operational Performance Committee of an application by Cohousing New Zealand Limited for the rating relief on the property at 449 - 457 Swanson Road.

**BACKGROUND**

In September 2002, an approach was received from Cathy Angell on behalf of Cohousing New Zealand Limited seeking remission of rates on the Earthsong Eco-Neighbourhood development. As a result of discussions with some Councillors, and communications by letter and email, Cohousing New Zealand Limited made a submission on the 2003/2004 Annual Plan.

An application has now been received requesting rating relief of an unspecified amount.

*A14 - A18*

A copy of the submission to the 2003/2004 Annual Plan together with the application for rates relief is attached at pages A14 to A18.

**STRATEGIC CONTEXT**

In considering any application for remission of the uniform annual general charge, Council should consider whether any precedent will be set by the approval of the application, the likely consequences, including the obligation to approve other applications on the grounds of natural justice, and the impact of the decision on other ratepayers.

Any such decision should also be made with a specific policy objective in mind.

**LEGISLATIVE PROVISIONS**

Relief of rates can only be granted within the provisions contained in the Local Government (Rating) Act 2002, and Rating Powers Act 1988.

The Local Government (Rating) Act 2002 provides that rates may be remitted if the local authority has adopted a remission policy, and is satisfied that the conditions and criteria in the policy are met.

Section 139 of the Act contains a transitional provision that a local authority may remit rates after the commencement of that Section as if the Rating Powers Act 1988 were in force. This provision applies until 30 June 2004.

In adopting the Annual Plan for the 2003/2004 year, the Council resolved to use the transitional provisions of Section 139 rather than develop and adopt a new policy under the Local Government (Rating) Act 2002.

The rates remission policy adopted by the Council in 1988 makes provision only for remission of rates for community and sporting organisations, and cannot apply to this current application.

Section 177 of the Rating Powers Act 1988 provides that rates may be remitted on being satisfied after full enquiry that extreme financial hardship on any individual exist or would be caused by requiring payment of the whole or part of the rates. Apart from the fact that the ratepayer of these properties is a company rather than an individual, there is no indication that the provisions of Section 177 would apply in this case.

Section 21 of the Rating Powers Act 1988 provides that a local authority may, on its own motion or on the application of any ratepayer who is the occupier of more than one separately rateable property in the district, reduce or cancel any separate uniform annual charge or uniform annual general charge in respect of one or more of the separately rateable properties occupied by that occupier in the district if it considers it reasonable in the circumstances to do so.

### **APPLICATION FOR RATES RELIEF**

The application for rates relief cites the grounds as being:

- Public good – through the open accessibility to the public for guided tours;
- Consideration for the non profit status of the development company;
- Recognition of the extremely high environmental standards of the eco neighbourhood which has received BRANZ Green home Scheme excellent rating;
- High extra costs experienced by the individual members for rates on the undeveloped areas of land on top of rates on the individual properties.

As the company is not eligible for rates relief under the extreme financial hardship provisions or rates remission for community groups policy, rates relief can only be considered in relation to the levying of uniform annual general charges.

Because of the possible implications of a precedent being set, the exercise of the power to reduce or cancel uniform annual general charges on their own should not be considered in the overall context of rates relief.

It is more appropriate for this power to be exercised in the application of a policy objective dealing with the circumstances when it is appropriate for the uniform annual general charge to be not levied on the grounds of equity, or after considering the reason that the charges are levied, and separate from issues such as the financial circumstances of a ratepayer.

Issues such as any agreed public good should be dealt with by grants or payments outside of the rating system, in order to maintain the transparency and integrity of the rating system.

The non profit status of the company is not a valid reason to remit a uniform annual general charge, nor are factors relating to environment standards, and extra costs incurred on what is essentially a private venture.

It is more appropriate that any financial assistance be dealt with by the making of grants for meeting specified agreed outcomes in accordance with a policy developed for such a purpose.

### **CONCLUSION**

The application is for rates relief as a means of financial assistance or incentive, which is outside of the current policies on remission of rates. An application for rates relief on the grounds of extreme financial hardship cannot be sustained.

Therefore the application cannot be supported.

The remission of rates is required to be reviewed by June 2004.

**RECOMMENDATIONS**

1. That the information be received.
2. That the application for rates relief by Cohousing New Zealand Limited be declined.

Report prepared by: Andrew Pollock, Director: Finance.



## PART IV - GENERAL

### 14 KEEP WAITAKERE BEAUTIFUL TRUST PROGRAMME REVIEW

#### **PURPOSE OF THE REPORT**

The purpose of this report is to update the Finance and Operational Performance Committee on the Keep Waitakere Beautiful Trust Work Programme for the six months, January to June 2003.

#### **BACKGROUND**

Keep Waitakere Beautiful was established as a Council-Community partnership in 1993. Keep Waitakere Beautiful is affiliated to the Keep New Zealand Beautiful Society and became incorporated as the Keep Waitakere Beautiful Trust in August 2002.

A Memorandum of Understanding between Council and Keep Waitakere Beautiful Trust came into effect in September 2002. The Memorandum of Understanding has been developed as a process to manage the interface between Keep Waitakere Beautiful Trust and Waitakere City Council with regard to the delivery of an annual programme of community based events and projects.

Council resolved in March 2003 to support longer term funding arrangements with selected community organisations. This funding is designed to apply to those organisations with which Council has a long term or core funding relationship. In June 2003 Keep Waitakere Beautiful applied for longer term funding through the Long Term Council Community Plan / Annual Plan process in line with the above resolution. On Monday, 30 June 2003 at a Special Meeting to approve the Long Term Council Community Plan and Annual Plan Council approved the application (1335/2003).

A Service Performance Contract for professional services was entered into between Council and the Keep Waitakere Beautiful Trust for an agreed annual work programme on Wednesday, 16 July 2003.

#### **STRATEGIC CONTEXT**

Keep Waitakere Beautiful helps Council to achieve its strategic vision, in particular, with regard to environmental, community and education incentives. The work programme undertaken by Keep Waitakere Beautiful assists specifically in the achievement of the draft strategic platforms as follows:

- **Green Network** – restoring key green network linkages, expanding community understanding of and support for environmental protection, assisting in the provision of people friendly green spaces in urban areas (i.e. Trees for Babies, Adopt a spot, Schools assistance, Operation Spring Clean, War on Weeds).
- **Three Waters** – educate and support people to care for streams and safeguard water resources (through Clean Stream Waitakere and involvement with the Twin Streams project).
- **Active Democracy** – grow the ability of communities to make a difference (all Keep Waitakere Beautiful programmes involve the community in enhancement of the City in a positive way).

## ISSUES

*A19 - A21*

The report attached at pages A19 to A21 entitled the Keep Waitakere Beautiful Trust Programme Review outlines some of the major achievements for Keep Waitakere Beautiful Trust between January and June 2003. This report is required to be presented to the Finance and Operational Performance Committee under the Memorandum of Understanding and Service Performance Contract.

## RESOURCES

Council provides funding for the Keep Waitakere Beautiful programme through the Annual Plan process. Keep Waitakere Beautiful applied for longer term funding through the Long Term Council Community Plan / Annual Plan process and this was approved on Monday, 30 June 2003 at a Special Meeting to approve the Long Term Council Community Plan and Annual Plan (1335/2003). Keep Waitakere Beautiful also receives financial support in the form of cash and in-kind sponsorship from the local community.

## CONCLUSION

The Keep Waitakere Beautiful Trust Programme Review report outlines the results and major achievements for Keep Waitakere Beautiful Trust between January and June 2003, and demonstrates fulfilment of the annual work programme to date.

## RECOMMENDATION

That the information be received.

Report prepared by: Jacki Byrd, Parks and Community Projects Co-ordinator.



**PART V - SUBCOMMITTEE REPORTS**

**15 EMERGENCY SERVICES SPECIAL COMMITTEE**

**THE SPECIAL COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON TUESDAY, 5 AUGUST 2003**

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**MATTERS CONSIDERED**

*A22 - A23*

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 A22 to A23.

**The Special Committee Recommends:**

That the Ordinary Meeting report of the Emergency Services Special Committee held on Tuesday, 5 August 2003 be received.

DQ Battersby, JP  
**CHAIRPERSON**



**16 TENDERS SUBCOMMITTEE**

**THE SUBCOMMITTEE SUBMITS THE FOLLOWING REPORTS OF ITS ORDINARY MEETINGS HELD ON FRIDAY, 4 JULY 2003 AND FRIDAY, 18 JULY 2003, ITS EXTRAORDINARY MEETING HELD ON WEDNESDAY, 23 JULY 2003 AND ITS ORDINARY MEETING HELD ON FRIDAY, 1 AUGUST 2003**

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**MATTERS CONSIDERED**

*A24 - A34*

The Subcommittee dealt with a number of items for which it has delegated powers to act and a copy of the minutes of the meetings are attached at pages A24 to A34.

**The Subcommittee Recommends:**

That the Ordinary Meeting reports of the Tenders Subcommittee held on Friday, 4 July 2003 and Friday, 18 July 2003, the Extraordinary Meeting report of the Tenders Subcommittee held on Wednesday, 23 July 2003 and the Ordinary Meeting report of the Tenders Subcommittee held on Friday, 1 August 2003 be received.

JM Clews, QSO, JP  
**CHAIRPERSON**

