

**MINUTES OF AN ORDINARY MEETING OF THE FINANCE AND OPERATIONAL
PERFORMANCE COMMITTEE HELD IN THE CIVIC CENTRE,
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON THURSDAY, 16 MAY 2002,
COMMENCING AT 9.36 AM.**

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6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON THURSDAY, 16 MAY 2002,
COMMENCING AT 9.36 AM.**

PRESENT: Councillors JM Clews, QSO, JP (Chairperson)
BA Brady, JP (Deputy Chairperson)
DQ Battersby, JP
RP Dallow, QPM, JP
AC Fenton (until 12.31 pm)
PA Hulse (until 12.26 pm)
JP Lawley (from 9.45 am)
GE Nash, JP
VS Neeson, JP
GB Presland
GW Russell
CA Stone
DA Yates, JP

OBSERVERS: Mrs G Marshall (New Lynn Community Board)

IN ATTENDANCE: Director: Finance
Director: Strategic Projects
Director: Corporate and Civic Services
Manager: Legal Services
Library and Information Services Manager
City Projects Manager
Project Manager: Urban Design
Parks Data Project Manager
Manager: Policy Development
Acting Revenue Services Manager
Acting Leisure Services Manager
Partnerships and Advocacy Leader: Governance and Infrastructure
Senior Leisure Projects Leader
Acting Team Leader - Leisure
Transportation Engineer Asset Development
Strategic Planner Monitoring
Community Activity Facilitator, Leisure Services
Property Officer, Consultancy Services
Executive Officer (Legal)
Funds Accountant
Chief Management Accountant
Revenue Accountant
Editor - Writer: S Schischka
Committee Secretary: S Simiona

1 APOLOGIES

921/2002
MOVED by Cr Neeson, seconded Cr Dallow:

That apologies from Cr Hoskin for absence and Cr Lawley for lateness be received and sustained.

CARRIED

2 URGENT BUSINESS

There was no Urgent Business.

3 CONFIRMATION OF MINUTES

922/2002

MOVED by Cr Dallow, seconded Cr Neeson:

That the minutes of the Ordinary Meeting of the Finance and Operational Performance Committee held on Thursday, 11 April 2002, as circulated, be taken as read and now be confirmed.

CARRIED

PRECEDENCE OF BUSINESS

923/2002

MOVED by Cr Brady, seconded Cr Dallow:

That Item 25 - Massey Leisure Centre Six Monthly Report and Item 26 - Sport Waitakere - Six Month Report be accorded precedence at this time.

CARRIED

PART V - GENERAL

25 MASSEY LEISURE CENTRE SIX MONTHLY REPORT

9.40 am Cr Presland left the meeting.

924/2002

MOVED by Cr Neeson, seconded Cr Brady:

That the information be received.

CARRIED

26 SPORT WAITAKERE - SIX MONTH REPORT

9.43 am Cr Presland returned to the meeting.

925/2002

MOVED by Cr Neeson, seconded Cr Russell:

That the information be received.

CARRIED

The Order of Business resumed at Item 4 - Lease of Birdwood Depot.

PART I - PROPERTY

4 LEASE OF BIRDWOOD DEPOT

9.45 am Cr Lawley entered the meeting.

926/2002

MOVED by Cr Neeson, seconded Cr Fenton:

1. That the information be received.
2. That the Chief Executive be authorised to negotiate and conclude short term leases with suitable tenants for Birdwood Depot or part thereof (Lot 1, Deposited Plan 50606) under Section 572(3) of the Local Government Act 1974.

CARRIED

5 “OLD NEW LYNN HOTEL” - 3176 - 3178 GREAT NORTH ROAD

927/2002

MOVED by Cr Battersby, seconded Cr Lawley:

1. That the information be received.
2. That the property owners (Lots 11, 12 and 13 DP 22829) be advised that Council is prepared to acquire Nos. 3176-3180 Great North Road by agreement in the sum \$330,000 GST inclusive or Lots 12 and 13 DP 22829 in the sum \$180,000 GST inclusive.
3. That failing agreement under 2 above, that Council is prepared to pay the sum \$180,000 GST inclusive immediately on the basis that Lots 12 and 13 DP 22829 are transferred by the registered proprietors to Council, with the actual price to be determined by the Land Valuation Tribunal in accordance with the provisions of the Public Works Act 1981, with costs at the discretion of the Tribunal in accordance with Section 90(1) of the Public Works Act 1981.
4. That in the event acquisition cannot be achieved by negotiated agreement consistent with Council's valuation advice, acquisition of Lots 12 and 13 DP 22829 be undertaken in accordance with the provisions of the Public Works Act 1981 to permit the restoration and reinstatement of the Old New Lynn Hotel in accordance with the related heritage order, with the adjoining Lot 12 acquired as a public work for access and car parking purposes.

CARRIED

PART II - LEGAL AND CONSTITUTIONAL

6 AFFIXATION OF COMMON SEAL

928/2002

MOVED by Cr Nash, seconded Cr Neeson:

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.

CARRIED

7 RATE ARREARS PROFILE AND COLLECTION PROCEDURES

10.10 am Cr Stone left the meeting.

929/2002

MOVED by Cr Battersby, seconded Cr Neeson:

1. That the information be received.
2. That it be recommended to Council that Bankruptcy Notices be served in respect of the arrears outstanding and that in the event settlement is not achieved within one month that a petition be filed in the High Court so as to secure the Official Assignee to deal with the debtors' affairs:
 - Rate Account 17220 - 49a Pleasant Road, Glen Eden
 - Rate Account 28505 - 8 Newland Grove, Henderson
 - Rate Account 9643 - 17 Willerton Avenue, New Lynn

CARRIED

PART III - FINANCE

8 REALLOCATION AND CARRY-OVER OF 2001/2002 FUNDING FOR PIHA PUBLIC TOILETS AND WASTEWATER UPGRADE PROJECT

930/2002

MOVED by Cr Yates, seconded Cr Fenton:

1. That the information be received.
2. That funding allocated in the 2001/2002 Annual Budget for the upgrade and renewal of the Piha Toilets and Wastewater systems be carried forward to the 2002/2003 Annual Plan.
3. That \$12,000 from the North Piha Road Stream Bank Erosion, \$6,000 from the Piha Beach South (end) Restore and Sand Ladder and \$12,000 from the North Piha Beach Sand Ladders budgets be reallocated to the Piha Toilet and Sewage upgrade project and carried forward to the 2002/2003 Annual Plan.

CARRIED

9 REALLOCATION OF TRANSPORT ASSETS BUDGET

931/2002

MOVED by Cr Neeson, seconded Cr Nash:

1. That the information be received.
2. That apart from providing two lanes from the Aquatic Centre to the existing Alderman Drive/Sel Peacock Drive roundabout, the upgrading of this roundabout be deleted from the 2001/2002 Annual Budget.
3. That \$31,700 be transferred from savings within the Alderman Drive/Sel Peacock Drive Intersection budget to fund the Network Improvements - Don Buck Road/Triangle Road Intersection.

CARRIED

10 THIRD QUARTER REPORT

932/2002

MOVED by Cr Nash, seconded Cr Neeson:

That the information be received.

CARRIED

ADJOURNMENT

933/2002

MOVED by Cr Clews, seconded Cr Neeson:

That the meeting stand adjourned until 11.15 am.

CARRIED

10.58 am The meeting adjourned.

11.20 am The meeting reconvened.

11 REQUEST FOR LOAN GUARANTEE - WAITAKERE CITY RACQUETS SPORTS TRUST

934/2002

MOVED by Cr Neeson, seconded Cr Nash:

1. That the information be received.
2. That a guarantee to Auckland Savings Bank Limited be authorised to be given jointly with Belvedere Tennis Club Inc to a term loan advance in the sum \$130,000 to Waitakere City Racquets Sports Trust, subject to the term loan being repaid over a 15 year period and all funds advanced being applied to the satisfaction of the Director: Finance to extinguish existing interest bearing indebtedness.
3. That the Deed of Lease under Section 54(1) of the Reserves Act 1977 between the Council and Waitakere City Racquets Sports Trust be approved to be extended until 30 September 2017, subject to the terms and conditions being reviewed and amended as outlined so as to be to the satisfaction of Council's Corporate Solicitor in all respects.
4. That no guarantee fee be charged to the Trust in this instance, recognising that the funds are applied to retire existing debt, but the Trust meet the costs of the variation of lease in the normal manner.

CARRIED

12 STATUS OF SPECIAL FUNDS

935/2002

MOVED by Cr Battersby, seconded Cr Nash:

That the information be received.

CARRIED

11.25 am Cr Stone returned to the meeting.

13 THIRD QUARTER REVIEW

936/2002

MOVED by Cr Dallow, seconded Cr Lawley:

1. That the information be received.
2. That the information in respect of proposed capital expenditure carry forward projects be considered during the final deliberations process of the 2002/2003 Annual Plan for inclusion in that plan.

CARRIED

14 BORROWING AND INVESTMENT REPORT

937/2002

MOVED by Cr Nash, seconded Cr Lawley:

That the information be received.

CARRIED

15 TREASURY MANAGEMENT FACILITIES

938/2002

MOVED by Cr Nash, seconded Cr Neeson:

1. That the information be received.
2. That the continuation of the existing facilities and facility limits as outlined in the agenda report to the meeting be approved.
3. That the terms and conditions applicable to the ANZ Banking Group (New Zealand) Limited facilities agreement be accepted to a limit of \$50 million term debt draw down and a limit of \$7.5 million risk management instruments for interest rate hedging and the common seal of Waitakere City Council be authorised to be affixed to that document.
4. That the Chief Executive and the Director: Finance be delegated authority to act as Councils authorised representatives for the purposes of the 'General Conditions' forming part of the said facilities agreement with the ANZ Banking Group (New Zealand) Limited.

CARRIED

16 PAYMENTS FOR APPROVAL

939/2002

MOVED by Cr Dallow, seconded Cr Nash:

That the information be received and that the contracts let, and the payments made, be approved.

CARRIED

17 LOCAL GOVERNMENT (RATING) ACT 2002

940/2002

MOVED by Cr Neeson, seconded Cr Lawley:

That the information be received.

CARRIED

18 APPLICATION FOR REMISSION OF RATES - WEST LYNN GARDENS SOCIETY

941/2002

MOVED by Cr Battersby, seconded Cr Presland:

1. That the information be received.
2. That the Finance and Operational Performance Committee confirm the level of rates remission at 100% of rates (excluding Uniform Annual Charges) approved in 1999.

CARRIED

19 APPLICATION FOR REMISSION OF RATES - WAITAKERE RANGES PROTECTION SOCIETY

11.50 am Cr Presland declared an interest and left the room.

942/2002
MOVED by Cr Battersby, seconded Cr Hulse:

That the information be received.

CARRIED

943/2002
MOVED by Cr Battersby, seconded Cr Hulse

That the Waitakere Ranges Protection Society be given 50% mandatory rate remission for the 2002/2003 year as per Clause E of Part 2 of the Second Schedule of the Rating Powers Act 1988.

CARRIED

20 RATES MODELLING 2002/2003 YEAR

11.55 am Cr Presland returned to the meeting.

944/2002
MOVED by Cr Fenton, seconded Cr Brady:

That the information be received.

CARRIED

PART IV - SUBCOMMITTEE REPORTS

21 REGIONAL ARTS AND CULTURE FUNDING ALLOCATION SUBCOMMITTEE

1. THE AUCKLAND REGIONAL SERVICES TRUST FUND - BRIEFING AND CURRENT STATE

945/2002
MOVED by Cr Yates, seconded Cr Lawley:

That any further allocation of the Auckland Regional Services Trust Fund capital be deferred until a draft Arts and Cultural Strategy is available to guide the Regional Arts and Culture Funding Allocation Subcommittee in its decision-making.

CARRIED

2. CREATIVE CITIES - BRIEFING AND CURRENT ISSUES

946/2002

MOVED by Cr Yates, seconded Cr Lawley:

That a sum of \$14,500 be allocated from the interest of the Auckland Regional Services Trust monies held by Waitakere City Council to the Creative Cities Scheme for 2002.

CARRIED

3. OTHER MATTERS CONSIDERED

947/2002

MOVED by Cr Yates, seconded Cr Lawley:

That the Inaugural Meeting report of the Regional Arts and Culture Funding Allocation Subcommittee held on Monday, 22 April 2002 be received.

CARRIED

22 TENDERS SUBCOMMITTEE

948/2002

MOVED by Cr Clews, seconded Cr Presland:

That the Special Meeting report of the Tenders Subcommittee held on Friday, 24 April 2002 and the Ordinary Meeting report of the Tenders Subcommittee held on Friday, 3 May 2002 be received.

CARRIED

PART V - GENERAL

23 INFRASTRUCTURE AUCKLAND - DRAFT ANNUAL PLAN AND LONG TERM FUNDING PLAN

949/2002

MOVED by Cr Stone, seconded Cr Presland:

That the information be received.

CARRIED

950/2002

MOVED by Cr Brady, seconded Cr Presland:

That the Finance and Operational Performance Committee approves the letter attached at pages A57 to A62 to the agenda report, together with the modifications arising from discussion at the meeting, as its submission on Infrastructure Auckland's draft Annual Plan and Long Term Funding Plan.

CARRIED

951/2002

MOVED by Cr Stone, seconded Cr Fenton:

That the Finance and Operational Performance Committee nominates Cr Clews to present the submission at a public hearing to be held by Infrastructure Auckland after 17 May 2002 and tentatively scheduled for 5 June 2002.

CARRIED

24 2001/2002 COMMUNITY CENTRE SIX MONTHLY PERFORMANCE REPORT

12.26 pm Cr Hulse left the meeting.

12.31 pm Cr Fenton left the meeting.

952/2002

MOVED by Cr Battersby, seconded Cr Dallow:

That the information be received.

CARRIED

25 MASSEY LEISURE CENTRE SIX MONTHLY REPORT

This item was considered following Item 3 - Confirmation of Minutes.

26 SPORT WAITAKERE - SIX MONTH REPORT

This item was considered following Item 3 - Confirmation of Minutes

27 LIBRARIES EXTENDED OPENING HOURS

953/2002

MOVED by Cr Battersby, seconded Cr Dallow:

1. That the information be received.
2. That the Sunday hours of opening in the three hub libraries, Massey, New Lynn and Henderson becomes a permanent, ongoing service provision.
3. That the Ranui hours of opening be: Monday to Friday 10.00 am to 5.00 pm and Saturday 10.00 am to 12.00 noon.

CARRIED

PART VI - CONFIDENTIAL ITEMS

28 PROPOSED GLEN EDEN LIBRARY RELOCATION

29 LAND PURCHASE - CORNER OF ALDERMAN DRIVE, HENDERSON

30 LEGAL ISSUES - FUTURE DEVELOPMENT UNIT 19, LOT 1 DP 152489

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

954/2002

MOVED by Cr Battersby, seconded Cr Lawley:

That the public be excluded from the following part of the proceedings of this meeting, namely Proposed Glen Eden Library Relocation, Land Purchase - Corner of Alderman Drive, Henderson and Legal Issues - Future Development unit 19, Lot 1 DP 152489.

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"> • Proposed Glen Eden Library Relocation; • Land Purchase - Corner of Alderman Drive; • Legal Issues - Future Development unit 19, Lot 1 DP 152489. | <p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> • To enable the local authority holding the information to carry on, without prejudice or disadvantage; negotiations (including commercial and industrial negotiations). • Maintain legal professional privilege. | <p>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</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)(g) and (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 and information containing legal and professional advice which is subject to legal and professional privilege.*

CARRIED

12.34 pm The public were excluded.

12.49 pm Cr Lawley left the meeting.

Minute numbers 955/2002 to 959/2002 are recorded in the Confidential Section of the Minutes.

12.55 pm The public were re-admitted.

The Committee while the public were excluded resolved that Minute Number 955/2002 - Proposed Glen Eden Library Relocation be made available in the public arena.

28 PROPOSED GLEN EDEN LIBRARY RELOCATION

12.49 pm Cr Lawley left the meeting.

955/2002

MOVED by Cr Battersby, seconded Cr Clews:

1. That the information be received.
2. That the Council owned properties legally defined as Lot 7 DP62620; Lot 1 DP51163 and Lot 2 DP76823 be approved as the site for the development of the Glen Eden Library and Citizen's Advice Bureaux building with associated car-parking and forecourt community/public open space.
3. That work on the tender and design phases of the development process commence forthwith as a commitment against the 2002/2003 Annual Plan.
4. That it be recommended to Council that a further \$275,000 be allocated in the 2003/2004 Annual Plan towards the development costs of a new library in Glen Eden to be funded from loan.
5. That a report be brought back to the Finance and Operational Performance Committee regarding proposed landscaping and forecourt development funding options, once consultation with the Glen Eden Community over revitalisation proposals has been undertaken.

CARRIED

12.56 pm

The Chairperson thanked members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AT AN ORDINARY MEETING OF THE
FINANCE AND OPERATIONAL PERFORMANCE
COMMITTEE HELD ON

DATE:.....

CHAIRPERSON:.....

PART VI - CONFIDENTIAL ITEMS

28 PROPOSED GLEN EDEN LIBRARY RELOCATION

12.49 pm Cr Lawley left the meeting.

955/2002

MOVED by Cr Battersby, seconded Cr Clews:

1. That the information be received.
2. That the Council owned properties legally defined as Lot 7 DP62620; Lot 1 DP51163 and Lot 2 DP76823 be approved as the site for the development of the Glen Eden Library and Citizen's Advice Bureaux building with associated car-parking and forecourt community/public open space.
3. That work on the tender and design phases of the development process commence forthwith as a commitment against the 2002/2003 Annual Plan.
4. That it be recommended to Council that a further \$275,000 be allocated in the 2003/2004 Annual Plan towards the development costs of a new library in Glen Eden to be funded from loan.
5. That a report be brought back to the Finance and Operational Performance Committee regarding proposed landscaping and forecourt development funding options, once consultation with the Glen Eden Community over revitalisation proposals has been undertaken.

CARRIED

29 LAND PURCHASE - CORNER OF ALDERMAN DRIVE, HENDERSON

956/2002

MOVED by Cr Battersby, seconded Cr Neeson:

1. That the information be received.
2. That the purchase of Lot 1 as identified on the approved subdivision plan of Pt Lot 1 DP 59689, being an areas of 3533m² of land on the corner of Alderman Drive, be approved.
3. That the funding source for the purchase of the land at Alderman Drive be loan reallocated from the New Lynn Property Acquisitions budget approved in the draft 2002/2003 Annual Plan.

CARRIED

