

**MINUTES OF AN EXTRAORDINARY MEETING OF
THE DUNEDIN CITY COUNCIL HELD IN THE
COUNCIL CHAMBER, MUNICIPAL CHAMBERS ON
MONDAY, 17 MARCH 2008, COMMENCING AT
8.13 PM**

PRESENT: Mayor Peter Chin, Councillors Bill Acklin, John Bezett, Syd Brown, Fliss Butcher, Neil Collins, Dave Cull, Michael Guest, Andrew Noone, Chris Staynes, Teresa Stevenson, Richard Walls, Colin Weatherall and Kate Wilson

IN ATTENDANCE: Jim Harland (Chief Executive), Athol Stephens (General Manager Finance and Corporate Support), Nina Darling (Team Leader Governance), Rodney Bryant (Communications Co-ordinator), Paul Freeland (Acting Planning Policy Manager) and Jennifer Lapham (Governance Support Officer)

CHAIR: Mayor Peter Chin

1 APOLOGIES

An apology was received from Councillor Paul Hudson.

It was moved (The Mayor/Brown):

"That the apology be accepted."

Motion carried

2 FINANCE AND STRATEGY COMMITTEE – 17 MARCH 2008: STADIUM PROPOSAL

Consideration was given to resolutions passed at the Finance and Strategy Committee meeting held earlier in the day.

It was moved (Walls/Staynes):

"That the Dunedin City Council commits to the Awatea Street Stadium project on the following terms and conditions:

- 1 The project cost is confirmed at not exceeding \$188 million. The Council's share of the projected budget cost from 1 July 2008 is a further \$79.9 million made up of \$73.5 million plus \$6.4 million as a depreciation allowance. It is noted that the sum of \$11.5 million was committed in the current year to 30 June 2008 making a total Council commitment of \$91.4 million to the project.**
- 2 a) The Mayor in consultation with the Deputy Mayor and CEO confirm within seven working days that property contracts are satisfactory in all respects and will**

enable the Council to meet its commitments arising from these resolutions.

- b) The Council notes that in two property transactions there are conditions imposed by the vendors which need to be removed because the Council has no power to consider them under the provisions of the Local Government Act 2002.
- 3 That a public tender process is entered into with a guaranteed maximum price for construction.
 - 4 That a contract is entered into with the University of Otago in relation to the land it is to purchase and written confirmation be given by the University of Otago as to the facilities that are proposed to be built on the land.
 - 5 A satisfactory conclusion to the planning process and adoption of a Plan Change.
 - 6 That a Service Level Agreement, based on the draft that is included in the "public excluded" part of the agenda of this meeting, is signed as soon as possible and that a project control group will be established in accordance with that agreement and that the Council will be represented by personnel with significant experience in construction, project management and financial marketing. It is noted that the Service Level Agreement will provide inter alia that the Trust reports regularly to the Finance and Strategy Committee.
 - 7 The acceptance by the Council of a tender price is subject to:
 - a) confirmation of Otago Regional Council funding of not less than \$37.5 million.
 - b) the sighting and approval of agreements between the Otago Rugby Football Union and the Carisbrook Stadium Trust for the sale and purchase of the Union's property assets.
 - c) the sighting and approval of occupation and revenue agreements between the Carisbrook Stadium Trust and the Otago Rugby Football Union.
 - d) the Council being satisfied as to the progress made to achieve the private sector funding target of \$45.5 million and any further funds required for the servicing of any bridging finance arranged by the Carisbrook Stadium Trust."
 - e) the Rates and Funding Working Party continues to identify ways in which the ratepayers' contributions to the capital cost of the stadium can be reduced by \$20 million providing it comes from sources other than the Holding Company and in that regard regular reports will be made available to the Finance and Strategy Committee.

- 8 The Council will receive written confirmation from the Community Trust of Otago (as set out in the Council's cashflow information) that they will provide funding in accordance with the following programme:

Community Trust of Otago	31 March 2009	\$2.5m
	31 December 2009	\$2.5m
	30 September 2010	\$2.5m
	30 April 2011	<u>\$2.5m</u>
		\$10.0m

- 9 That where resolutions 1-8 above conflict or are inconsistent with any prior resolutions of the Council the above resolutions 1-8 prevail."

Motion carried on a division 12:2

For: Crs Acklin, Bezett, Brown, Collins, Cull, Guest, Noone, Staynes, Weatherall, Wilson, Walls and Mayor Chin
Against: Crs Butcher and Stevenson

RESOLUTION TO EXCLUDE THE PUBLIC

It was moved (The Mayor/Brown):

"That the public be excluded from the following part of the proceedings of this meeting, namely, Item 3.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to 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 matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under Section 48 (1) for the passing of this resolution.
3	Finance and Strategy Committee meeting held on 17 March 2008		
(8)	Funding the Proposed Stadium at Awatea Street	That the public conduct of the whole or the relevant part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. (Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information)	Section 48(1)(a)

		(Protect privacy of natural persons)	
		(Enable any local authority holding the information to carry out, without prejudice or disadvantage, negotiation (including commercial and industrial negotiations))	
(9)	Otago Rugby Football Union Loan	That the public conduct of the whole or the relevant part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
		(Enable any local authority holding the information to carry out, without prejudice or disadvantage, negotiation (including commercial and industrial negotiations))	
(10)	Venues Management Company	That the public conduct of the whole or the relevant part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
		(Enable any local authority holding the information to carry out, without prejudice or disadvantage, negotiation (including commercial and industrial negotiations))	
(11)	Draft Service Level Agreement - Dunedin City Council and the Carisbrook Stadium Trust	That the public conduct of the whole or the relevant part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
		(Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information)	
		(Enable any local authority holding the information to carry out, without prejudice or disadvantage, negotiation (including commercial and industrial negotiations))	

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 6 or Section 7 of that Act, or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in parenthesis) after each item."

Motion carried

The Council went into non-public at 8.22 pm.