

**AGENDA FOR AN ORDINARY MEETING OF THE MASSEY COMMUNITY BOARD
TO BE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN,
WAITAKERE CITY, ON WEDNESDAY, 6 MARCH 2002,
COMMENCING AT 7.30 PM.**

TABLE OF CONTENTS

<u>ITEM</u>		<u>PAGE NO.</u>
1	APOLOGIES	1
2	CONFIRMATION OF MINUTES	1
3	PUBLIC FORUM	1
4	URGENT BUSINESS	2
5	CHAIRPERSON'S REPORT	2
6	COMMITTEE SECRETARY'S REPORT	3
7	LEASE OF OLD MASSEY LIBRARY BUILDING	7
8	PROPOSED RELOCATION OF OCKLESTON HOUSE, HOBSONVILLE WAR MEMORIAL PARK	9
9	BOARD MEMBERS' REPORTS	12

**AGENDA FOR AN ORDINARY MEETING OF THE MASSEY COMMUNITY BOARD
TO BE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN,
WAITAKERE CITY, ON WEDNESDAY, 6 MARCH 2002,
COMMENCING AT 7.30 PM.**

1 APOLOGIES



2 CONFIRMATION OF MINUTES

Ordinary - Wednesday, 30 January 2002

RECOMMENDATION

That the minutes of the Ordinary Meeting of the Massey Community Board held on Wednesday, 30 January 2002, as circulated, be taken as read and now be confirmed.



3 PUBLIC FORUM

For guidance of Community Board Members, the Council's Standing Orders have the following provisions in regard to Public Forum.

- (i) Members of the public wishing to address the Board in Public Forum shall furnish their names to the Chairperson at the beginning of the meeting; and
- (ii) the Chairperson shall determine the order of speakers, and allow five minutes for speaking time.
- (iii) Questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 provides that no resolution, decision, or recommendation may be made in respect of any specific item of business not on the agenda except to refer the items to a subsequent meeting for further discussion. Therefore, no decision may be made on matters raised in Public Forum. However, written reports on matters raised may be requested from the Chief Executive.



4 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.



5 CHAIRPERSON'S REPORT




It seems somewhat crazy to me that Massey Ward has a designated Community Constable that is not here much of the time, but fighting crime in other areas of Auckland. All the more poignant when the local community has such concerns about crime in our area, and that crime and Police numbers had such a high profile in the last general election. We need a good well organised police force now, not yesterday or tomorrow but today. In the last month I have seen a police presence twice. Once at the Community Board meeting and once as an officer drove by supposedly on his way to Henderson.

Many people live in our community in fear of assault or burglary, this is not how we want New Zealand. How we pressure Council or Government I don't know at present but I would appreciate some feed back from members.

I attended the Powhiri launching construction of our new section of Motorway last week. Getting to and from the event along Hobsonville Road was horrendous, yet motorists must wait almost another two years before any relief is in site. By then, with the burgeoning development imminent at Westgate and at Hobsonville the update will probably be outdated. We seem to improve our roads and motorways in a knee jerk action rather than have a continuing upgrade and fine tuning of transportation systems. Would it I wonder be appropriate to have continuing updates on our traffic situation so that we can pressure the right people to look into problem intersections and junctions on an on going basis.


I sat in on a presentation on proposed Auckland Regional Council plans to improve Air, Land and Water quality. Its ideals will certainly improve the community and environments health standards. With the wealth of rules and regulations that it involves, one would hope a strategy to get the community on board is put in place to ensure it's success.

Bill Moir Reserve is to remain. When funds permit and with help of the community a design strategy will be put in place to improve the location.

Issue	Comments	Reporting Council Officer																								
Usage of West Harbour, Colwill and Lincoln Heights School Halls; Term 4 2001	<p>Council requires West Harbour, Colwill and Lincoln Heights schools to report on the usage of their community halls each term. This resulted from Council providing significant assistance to the schools in 1989 and 1990 to build or extend their halls.</p> <p>The following information is presented for your information for term 4 2001:</p> <p>Term 4 Usage</p> <p>West Harbour School</p> <table data-bbox="597 636 1157 800"> <tr> <td>Karate 3 x weekly</td> <td>3060</td> </tr> <tr> <td>After School Care group 5 x weekly</td> <td>1250</td> </tr> <tr> <td>Drama group</td> <td>250</td> </tr> <tr> <td>Number of people using the hall</td> <td>4560</td> </tr> </table> <p>Lincoln Heights School</p> <table data-bbox="597 846 1157 1010"> <tr> <td>Bible Sundays 1x week</td> <td>800</td> </tr> <tr> <td>Bible Chapel 1 - 2x weekly</td> <td>540</td> </tr> <tr> <td>Home and School; Discos 3 per term</td> <td>330</td> </tr> <tr> <td>Number of people using hall</td> <td>1670</td> </tr> </table> <p>Colwill School</p> <table data-bbox="597 1056 1157 1220"> <tr> <td>Church Group; 1 x weekly</td> <td>350</td> </tr> <tr> <td>Tae Kwon Do: 2 x weekly</td> <td>400</td> </tr> <tr> <td>Private group</td> <td>70</td> </tr> <tr> <td>Number of people using hall</td> <td>820</td> </tr> </table> <p>All Halls continue to hire the halls on an ad hoc basis to community groups and private functions. The facilities continue to be managed by the School's Board of Trustees.</p>	Karate 3 x weekly	3060	After School Care group 5 x weekly	1250	Drama group	250	Number of people using the hall	4560	Bible Sundays 1x week	800	Bible Chapel 1 - 2x weekly	540	Home and School; Discos 3 per term	330	Number of people using hall	1670	Church Group; 1 x weekly	350	Tae Kwon Do: 2 x weekly	400	Private group	70	Number of people using hall	820	<p>Jo Brewster  836 8000 Ext: 8559</p>
Karate 3 x weekly	3060																									
After School Care group 5 x weekly	1250																									
Drama group	250																									
Number of people using the hall	4560																									
Bible Sundays 1x week	800																									
Bible Chapel 1 - 2x weekly	540																									
Home and School; Discos 3 per term	330																									
Number of people using hall	1670																									
Church Group; 1 x weekly	350																									
Tae Kwon Do: 2 x weekly	400																									
Private group	70																									
Number of people using hall	820																									
Update on the Number of Park Projects	<p>Emerald Valley Reserve</p> <p>New concrete and gravel paths have been installed. A junior playground will be installed in early March.</p> <p>Triangle Park</p> <p>New concrete path from Lanham Lane to Don Buck Road has been installed. Funding did not allow for a connection to Cherry Tree Place. This could be considered in the 2002/2003 community board funding for park projects.</p> <p>Fairdene Reserve</p> <p>Concrete paths have been installed and the foundations for the playground. The playground and park furniture installation is to be completed by the middle of March.</p> <p>Community Board Projects</p> <p>The contract for this work has been let and the</p>	<p>Kathryn Howard  836 8000 Ext: 8553</p> <p>Katharine Slack  836 8000 Ext: 8779</p>																								



Issue	Comments	Reporting Council Officer
	<p>work is to be completed by the end of April. The works include:</p> <ul style="list-style-type: none"> • Steps and path down bank at Zita Maria Park. • Seat, table and bin at Whenuapai Beach. • BBQ at Luckens Reserve. • Installing drinking fountains at Te Pai, Moire and Starling Parks. <p>There is still \$1,000 yet to be allocated from the Community Board Fund, suggestions for expenditure of this amount would be the installation of a seat or some specimen trees or plantings.</p> <p>Royal Reserve Walkway Walkway construction is underway and will be completed in early March.</p> <p>Massey Skate Facility Community consultation on skate facilities at Spargo Reserve and Triangle Park will be carried out during March and reported to the April meeting of the board.</p> <p>Fred Taylor Park Works to seal and upgrade the car park and construction a sand field at Fred Taylor Park have been completed.</p> <p>Moire Park Works to seal the through road at Moire Park have commenced and are due for completion in March.</p> <p>Herald Island Domain Works to seal and upgrade the car park at Herald Island Domain will be carried out during March and April.</p> <p>War on Weeds Free bin disposal of weeds during the War on Weeds campaign will be available from 9 March 2002 to 9 April 2002 at Christmas Beach, Massey Community Centre and Luckens Reserve.</p>	<p>Kathryn Howard ☎ 836 8000 Ext: 8553</p> <p>Peter Sewell ☎ 836 8000 Ext: 8759</p> <p>Andrea Johnston-Taylor ☎ 836 8000 Ext: 8526</p>
Conflicts of Interest	New Lynn Community Board requested this report. The issues covered in the report are relevant for all boards and is therefore being referred to the other three boards for their information. A copy of the report is attached at pages A1 to A6.	Andy Roche ☎ 836 8000 Ext: 8854

A1-A6

Issue	Comments	Reporting Council Officer
<p>Community Board Appointment: Herbicide Reduction and Weed Control Working Party</p>	<p>The matter of appointments to outside organisations is brought forward to give Board Members the opportunity of considering appointments on a voluntary basis to the Herbicide Reduction Working Party.</p> <p>This working party is being established at the request of the Environmental Management Committee, to discuss issues related to Council policy on herbicide reduction and weed control. A representative is requested from each Community Board to be on the working party which will meet throughout the next year.</p> <p>A founding document outlining the objectives and roles and responsibilities of the working group, along with the next meeting date is currently being prepared and will be distributed to the representatives as soon as it is available.</p>	<p>Kerry Bodmin  836 8000 Ext: 8777</p>

REPORTS PENDING

During consideration of 2001/2002 Annual Budget the question of staff resourcing to complete requested roading and traffic reports was raised. The lack of staff resources has meant that roading and traffic reports are not being progressed as quickly as desired. A recruitment process to bring Traffic Engineers numbers up to establishment is nearing completion.

Subject	Date Requested	Report Due	Reporting Officer
After-School Traffic Congestions at Edwards Avenue	1 August 2001	3 April 2002	Ross Hill  836 8000 Ext: 8737
Traffic issues at Woodford Road	6 September 2001	3 April 2002	Reg Cutthers  836 8000 Ext: 8740
Thai Buddhist Temple - Rope Road, Whenuapai	30 January 2002	3 April 2002	Colin Aproz  836 8000 Ext: 8618
Traffic Problems Swanson Primary School and Swanson Oaks	30 January 2002	3 April 2002	Reg Cutthers  836 8000 Ext: 8740

RECOMMENDATIONS

1. That the information be received.
2. That the Board appoint a representative on a voluntary basis to the Herbicide Reduction and Weed Control Working Party.

Report prepared by: Sharon Simiona, Committee Secretary.



7 LEASE OF OLD MASSEY LIBRARY BUILDING

PURPOSE OF THE REPORT

To consider granting a lease of the vacated Massey Library building on Triangle Park, Don Buck Road to the Massey Community House and classifying part of the park as a local purpose (community buildings) reserve.

BACKGROUND

A7

The former Massey Library building is situated on Triangle Park on Don Buck Road. A map showing the location of the former Massey Library on the park is attached at page A7.

The part of Triangle Park on which the old library stands has been designated as a reserve under the Reserves Act 1977 but has not had its use classified under that Act. It is shown as open space under the District Plan.

The former library building occupies an area of approximately 350 square metres. It is a single level building constructed in 1980 with brick and fibre cement exterior walls and a galvanised iron roof.

Massey Library Services relocated to the Massey Leisure Centre in November last year, creating an opportunity for alternative uses of the building on Triangle Park. Council had not set a direction for the future of this building or its site, the City Development Committee at its meeting held on 10 December 2001 decided that the former Massey Library should be allocated for community use and that an expression of interest process should be undertaken to establish the most appropriate tenant or tenants for the building (2827/2001).

That meeting also approved the recommendation that the Citizens Advice Bureau building on the corner of Triangle and Don Buck Roads should be made available for commercial use.

STRATEGIC CONTEXT

In 1998, Council approved a Community Lease Policy, which in part seeks to obtain the maximum use from its community facilities.

As well as actually providing buildings, Council wants to make sure these buildings are:

- easy to use, especially for people with disabilities;
- low cost and affordable;
- safe;
- catering for a wide range of needs and communities of interest;
- child and youth friendly;
- accessible;
- well used;
- local centres for communities across the City.

The Council provides community space to ensure there are places for people to meet, talk, play, learn and have fun. A range of different spaces is needed to cater for different activities. Community facilities also help to build community spirit by bringing people together.

The Massey West retail precinct on the corner of Don Buck Road and Triangle Road fulfils a town centre service role for a large area of the Massey Ward to the west of the Northwestern motorway. The provision of this space at Massey West will complement the large number of other services that are already available at the retail precinct, and will support Council's strategic direction in terms of focussing service provision at specific locations.

ISSUES

An expression of interest process was undertaken late last year and applications for the lease of the building closed in January this year. Advertisements were placed in the Western Leader and all the community groups that had previously expressed interest in the building were contacted. Applications were received from the Bethany Centre, the Waitemata Theatre, the Piataata Trust, the James Family Presbyterian Support Group, the Waitakere Multicultural Society and the Massey Community House.

The Massey Community House had previously been awarded a lease of the Citizens Advice Bureau building on the corner of Triangle Road and Don Buck Road by the Massey Community Board:

“That the Acting Chief Executive be given authority to negotiate and conclude a lease with Massey Community House Incorporated for the building currently occupied by the Massey Citizens Advice Bureau once it is vacated, under section 598 of the Local Government Act 1974, and that the lease be executed as negotiated.”

4161/2000

However once the Community House became aware of Council's intention to widen Triangle Road and create a substantial roundabout adjacent to the Citizens Advice Bureau building, the Community House which had intentions to site a playground adjacent to the Triangle Road frontage, became concerned about the future safety of clients and their children. Safety issues were paramount in their request to locate themselves in the vacated Massey Library rather than the Citizens Advice Bureau.

In early February a group of Council officers from Parks, Leisure and Consultancy Services met as the Lease Assessment Committee to consider the applications according to weighted criteria set at an earlier meeting. Applicants were assessed on the following measures:

- governance and management;
- extent of shared use envisaged by each applicant;
- benefit to the community on a city-wide basis;
- contribution to the Massey community;
- the long-term viability of the group;
- the ability of the group to attract external funding.

Assessed against these criteria, the Massey Community House was the highest rating applicant.

The Massey Community House applied on the basis that they would also accommodate the Massey branches of Family Planning and Plunket within the ex-library building. They have also agreed to enter into negotiations with the other applicants with a view to accommodating as many of them as possible on a part or full time basis. This combination of community groups means that the vacated library building will provide not just a community house but a social services centre in a well-placed position in Massey.

As the building is situated on a reserve, its potential uses are circumscribed by its particular classification under the Reserves Act. At present the part of the reserve on which the vacated building stands has not had its use classified under the Reserves Act.

A7

For the lease to the Community House to proceed under the Reserves Act, the land on which the building stands should be classified as a local purpose community buildings reserve. If classified as a local purpose community buildings reserve then essentially the vacated building may be used for community purposes such as a hall, community centre, kindergarten, plunket rooms or other like purpose. It is recommended that the Board take this opportunity to classify the lot on which the vacated library building stands as a local purpose community buildings reserve. The map attached at page A7 shows the area to be classified.

RESOURCES

Council currently has \$5000 allocated in the 2001/2002 annual plan for the relocation of the Massey Community House and this money can be applied to the vacated library building if this Board approves them becoming the tenant.

The Massey Community House is expected to fund all further costs connected with the fit out of the building from external sources.

CONCLUSION

The City Development Committee decided last year that the former Massey Library should be allocated for community use and that an expression of interest process should be undertaken to establish the most appropriate tenant or tenants. This process has now been completed and an assessment of the applicants has shown that the Massey Community House, working as the head tenant with other social service organisations, is the strongest applicant for the building. This gives a real opportunity for Massey to have a social service centre based around the Community House's tenancy.

It is also recommended that in order to allow a lease to the Community House to proceed under the Reserves Act 1977, that the lot on which the library stands on Triangle Park be classified as a local purpose community buildings reserve.

RECOMMENDATIONS

1. That the information be received.
2. That the Chief Executive be given authority to negotiate and conclude a lease with the Massey Community House for the building footprint on Triangle Park (part Lot 31, Deposited Plan 74830) under Section 61 of the Reserves Act and the lease be executed as negotiated.
3. That it be recommended to the Council that Lot 31 on Deposited Plan 74830 be classified under Section 16 (2A)(a) of the Reserves Act 1977 as a local purpose (community buildings) reserve as defined in Section 23 of that Act.

Report prepared by: Alastair Dougal, Property Officer.



8 PROPOSED RELOCATION OF OCKLESTON HOUSE, HOBSONVILLE WAR MEMORIAL PARK

PURPOSE

The purpose of this report is to bring issues around the Designation and proposed SH18 motorway as it impacts on Hobsonville War Memorial Park to the Community Board and to propose a site for relocation of Ockleston House, a heritage building on the reserve.

BACKGROUND

The Transit New Zealand Designation for the proposed SH18 motorway from Massey North to the North Shore bisects Hobsonville War Memorial Park affecting both the Hobsonville Bowling Club and Ockleston House, a nineteenth century farmhouse located on the reserve.

Following the Hearing and Appeal process for the Designation, Council has signed a Consent Order with Transit New Zealand which imposes conditions on Transit New Zealand in relation to a number of issues, including heritage. This Consent Order provides for the relocation of a number of heritage buildings, including Ockleston House.

ISSUES

Transit New Zealand have advised Council that they wish to commence the construction of the SH18 motorway shortly and that determination of alternative sites, and relocation of the heritage buildings needs to take place. Ockleston House is currently located in the middle of Hobsonville War Memorial Park, on land acquired by the Council in the early 1990s for addition to the reserve. It is likely that the whole of this additional land will be acquired by Transit New Zealand with financial compensation being provided to Council. A suitable location off the recently acquired land therefore needs to be found. Because of the limited range of Council owned land in the vicinity and the importance of retaining as close an association with its original site so that the heritage significance is retained, other sites on Hobsonville Domain are the main options which have been considered.

All costs associated with the relocation of Ockleston House will be covered by Transit New Zealand as part of the Resource Consent for their designation.

A8-A9

Options for relocation, their advantages and disadvantages are outlined below. A map of the options proposed for Hobsonville Domain A, B and C, as attached at pages A8 to A9.

Option	Advantages	Disadvantages
<p>Option A</p> <p>Hobsonville Road Hobsonville War Memorial Park Frontage (adjacent to playground)</p>	<ul style="list-style-type: none"> • Retains close association with original site (and therefore heritage significance). • Good relationship with town centre for possible future community use. • Prominent location and surveillance likely to limit vandalism and graffiti. 	<ul style="list-style-type: none"> • May need to develop parking on Hobsonville Road or park for community use. • Building would obscure small amount of frontage of Hobsonville War Memorial Park.

Option	Advantages	Disadvantages
<p>Option B Hobsonville Road / Ockleston Road corner Hobsonville War Memorial Park Frontage (on site of playground, playground moved to east of house)</p>	<ul style="list-style-type: none"> • Retains close association with original site (and therefore heritage significance). • Good relationship with town centre for possible future community use. • Able to utilise existing angle parking on Ockleston Road. • Prominent location and surveillance likely to limit vandalism and graffiti. 	<ul style="list-style-type: none"> • Building would obscure small amount of frontage of Hobsonville War Memorial Park. • Estimated \$15,000 cost required to move playground - although proposed realignment of Hobsonville Road may require this anyway.
<p>Option C Ockleston Road Frontage Hobsonville War Memorial Park - Northern End</p>	<ul style="list-style-type: none"> • Retains close association with original site (and therefore heritage significance). • Able to share car parking with bowling club facility and able to utilise existing angle parking. 	<ul style="list-style-type: none"> • Poor surveillance towards end of stopped road may lead to vandalism and graffiti. • Opportunity for community use reduced as further from town centre. • Building would obscure small amount of frontage of Hobsonville War Memorial Park.
<p>Option D Duke Park - Land Not Required for Motorway</p>	<ul style="list-style-type: none"> • Site could be developed around Ockleston House with parking and other facilities. 	<ul style="list-style-type: none"> • Loses link to original site, reduces heritage significance. • Building loses link to town centre, likely to be more limited opportunity for community use. • Would need car parking to be developed.
<p>Option E Proposed New Reserve on Hobsonville Peninsula (site is yet to be determined)</p>	<ul style="list-style-type: none"> • Site could be developed around Ockleston House with parking and other facilities and integrated with new park. 	<ul style="list-style-type: none"> • Land may not be acquired prior to building required to be moved - resulting in need for temporary storage of building. • Loses link to original site, reduces heritage significance. • Building loses link to town centre, likely to be more limited opportunity for community use.

RESOURCES

All costs associated with the relocation of Ockleston House will be covered by Transit New Zealand.

If Option B were to be carried out, the playground relocation would need to be funded from the Council's parks playground capital budget.

There is no funding provided in 2001/2002 for the playground relocation. Funding would need to be set aside in the Parks Capital Budget for 2002/2003 Annual Plan for Option B to proceed.

SUMMARY

Taking into account the above analysis, Option B can be viewed as the most desirable option for the house relocation. This option allows for a location for the house which will create a direct linkage to the proposed town centre redevelopment and which has a good relationship to the memorial gates.

RECOMMENDATIONS

1. That the information be received.
2. That Transit New Zealand be advised that the preferred option for relocation of Ockleston House (130 Hobsonville Road) be Option B - Hobsonville Road frontage of Hobsonville War Memorial Park on the site of the playground.
3. That a concept plan for the overall development of Hobsonville War Memorial Park be brought back to the Community Board once Transit New Zealand Designation issues regarding the reserve are resolved.
4. That the Community Board recommend to Council that funding be provided in the 2002/2003 Annual Plan for the relocation of the playground at Hobsonville War Memorial Park.

Report prepared by: Renee Lambert and Melanie Laas, Landscape Development.



9 BOARD MEMBERS' REPORTS

Provision has been made on this agenda for Board Members should they so wish to submit a report on their activities during the month in regard to matters within the scope and delegations of the Board. However, to comply with the provisions of the Local Government Official Information and Meetings Act 1987, no decision may be made on matters raised in Board Members' reports.



CONFLICTS OF INTEREST
(New Lynn CB, 4/3/02)

PURPOSE OF THE REPORT

This report has been prepared to provide Board Members with guidance on the issues to be considered when a Board Member believes that s/he may have a conflict of interest over an item being considered by the Board.

BACKGROUND

At its meeting on 4th February 2002 the Board resolved:

That a report be prepared for the Board on issues where Board Members may have an interest, other than a pecuniary interest, in matters under discussion with particular reference to Cr Presland's concerns over a possible conflict of interest in proposed footpaths in the vicinity of his residence.

40/2002

Individual Board Members' behaviours over conflicts of interest are likely to be scrutinised by the community that the Board represents. Confidence in the ability of Board Members to impartially carry out their role is crucial for good governance in a civil society and helps ensure that the decisions taken by the Board are either supported or understood and accepted by the community the Board serves.

It is inevitable in a community such as New Lynn, for many of the issues that come before the Board, that individual Board Members:

- May know those involved,
- Have pre-existing views on an issue or
- Be directly affected by the decision that the Board is considering making.

When these circumstances arise individual Board Members will need to consider whether they should withdraw from a meeting and take no part in the issue under discussion.

STRATEGIC CONTEXT

The role of Local Government and the Community Board is set out in Section 37K and Section 101ZZ of the Local Government Act. Within the ambit of the overall purpose of Local Government a Community Board has particular roles in the following subsections:

- (d) Scope for communities to make choices between different kinds of local public facilities and services:
- (h) For the efficient and effective exercise of the functions, duties, and powers of the components of local government:
- (i) For the effective participation of local persons in Local Government.

The role of the Community Board under section 101ZZ is to take decisions on behalf of the community it represents. At the Inaugural Meeting of the Board all Members made the declaration set out below:

"I, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interest of the New Lynn Community the powers, authorities, and duties vested in or imposed upon me as a member of the New Lynn Community Board by virtue of the Local Government Act 1974, the Local Government Official Information and Meetings Act 1987, or any other Act."

In fulfilling this declaration individual Board Members are faced with balancing the competing needs and demands of different stakeholders in the community and then making their decision in the best interest of the entire community.

ISSUES

Conflicts of interest may arise in a number of ways:

Pecuniary interest

The law on pecuniary interest is set out in the Local Authorities (Members' Interests) Act 1968. Contravening the Act can result in prosecution by the OAG and disqualification from holding office.

Section 3 of this Act prevents elected members (and their spouses) from entering into contracts of more than \$25,000 with the local authority, there are a range of subsections to section 3 which consider particular issues in more detail. This section is unlikely to apply to most Board Members, but further information can be provided if requested.

Section 6 of the Act precludes elected members from voting on a matter in which they have a pecuniary interest.

While pecuniary interest is not defined in the legislation the OAG views the test for pecuniary interest as being:

"Whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned".

The exception to the rule where an interest in common with the public exists allows elected members to take decisions on such matters as user charges for public amenities or the local authority rating system. All members of the public are affected by such decisions and it would be impossible to have local decision making on such issues if elected members were unable to make those decisions.

The circumstances of each particular case will govern whether an elected member has an interest in common with the public. Examples are where a Councillor is involved in setting the level of rates, where they own a property or setting dog license fees where they own a dog.

Factors to be considered by elected members are:

- The nature of the interest, is it the same kind as that of the public?
- The number of people with the same kind of interest as you?

A2

- The purpose of the Act, which requires you approach decision making with an open mind unaffected by personal financial motives?

Even if a pecuniary interest is not in common with the public elected members may still participate in decisions if their pecuniary interest is remote or insignificant, or alternatively an elected member has received a determination from the Office of the Auditor General that no pecuniary interest exists.

The OAG publishes a helpful guide on the Local Authorities (Members' Interests) Act 1968 on its website¹. This guide to the Act provides a précis of a number of the leading cases on pecuniary interest that may help Board Members clarify their understanding of the legislation.

It is clear under the Local Authorities (Members Interests) Act that the decision, whether or not to withdraw from a meeting is a decision for the elected member. The decision to withdraw or remain cannot be imposed by the Local Authority.

Bias

Board Members will often be asked to debate or decide issues about which they have previously expressed firm opinions. Such 'signalling' is at the heart of the democratic process and Board Members will have been elected on the basis of their views on particular issues.

Bias, or predetermination intrudes at the point where individual Board Members or the Board collectively may have lost the ability to consider an issue with an open mind. This does not require that a Board Member empties his / her mind of any previous views on an issue, but rather that s/he consider the issue with an open mind and with the capacity and willingness to be influenced by argument.

With any issue coming before the Board where a Board Member has a pre-existing view on the matter under discussion the member will need to consider whether they:

- Have a genuinely open mind on the issue, are capable of considering all arguments and points of view and genuinely able to be persuaded, and
- Are confident it will appear to the public that this is the case.

Unless a Board Member is confident that s/he can answer "yes" to both questions s/he should consider withdrawing from the meeting.

With bias it is impossible to provide definitive advice to a Board Member as to whether the member should declare an interest and withdraw from the meeting. Each issue will have a unique range of circumstances that will need to be considered. In one of the leading cases in this area the judge as part of his judgement suggested that the appropriate test for a conflict of interest was:

"Would an informed objective bystander form an opinion that there was a likelihood that bias existed?"

If the answer was in the affirmative then bias existed.

¹ OAG (2001) Financial Conflicts of Interest of Members of Governing Bodies
http://www.oag.govt.nz/HomePageFolders/Publications/Financial_Conflicts_of_Interest/Financial_Conflicts.htm

A Footpath Issue

This report was sought in response to an item in the Board Secretary's report outlining the action taken in responding to the South Tairangi Ratepayers plea for a footpath in South Tairangi Road. The Secretary's report noted that the request for the footpath had been added to the list of footpath requests and that it would undergo prioritisation with other requests under Council's footpath policy.

It may be helpful to Board Members to consider a footpath in more depth as a way of illustrating the issues concerned.

For the purposes of the hypothetical example it is assumed:

- That the proposed footpath is directly outside a Board Member's residence.
- That the Board Member has no involvement with the company that is contracted to build new footpaths.
- That the Board Member has made frequent public pronouncements on the desirability of new footpaths.

In addition to these basic assumptions other factors are suggested to show how they may, effect a Board Member's decision in a particular case.

Pecuniary interest

Does the Board Member have a pecuniary interest?

Applying the OAG test – would installing a footpath reasonably give rise to an expectation of a gain or loss of money for the member concerned?

Would the value of the Board Member's property be affected by the provision of a footpath? If property value changed (either up or down) by having a footpath outside the property, then a pecuniary interest would exist.

Would it make a difference if the Board Member ran a home business and the provision of a footpath would be likely to increase the number of potential customers walking past the premises?

Is the interest in common with the public?

All pedestrians in the City have an interest in the provision of footpaths. Those pedestrians who regularly use the road presumably have a greater interest in the early provision of the footpath.

Would it make a difference if the Board Member owned the only property on that side of the road?

Is the pecuniary interest remote or insignificant?

Assuming the property value was to change, in the totality of the value what is an insignificant factor, less than 1%, 10%?

Bias

Each year Council sets the total budget for new footpaths in the New Lynn ward in the Annual Plan appropriation process. The Board's role is to use its local knowledge of community needs to prioritise the various requests within Council's footpath policy framework and available budget.

Is the Board Member able to have a genuinely open mind on the issue of new footpaths, both over whether they should, or should not be provided, and how they are ranked and prioritised across the ward?

In this hypothetical example the Board Member has made a number of previous public statements on the desirability of more footpath provision.

Notwithstanding these statements the Board does not have the power to increase expenditure on footpaths, the Board's role being limited to applying the available funding and prioritising competing requests.

Would a an informed objective bystander form an opinion that the Board Member was able to fairly consider both the provision of the footpath and its ranking in the priority list?

The Board Member would need to have confidence that s/he was able to consider this footpath request fairly in the framework of Council's prioritisation scheme and against other competing requests on resources. S/he would also need confidence that the public would share this belief.

Would it make a difference to public perception if the Board Member was on the Board of Trustees of the local primary school that had requested a new footpath and there were a number of other schools in the ward also requesting new footpaths on routes to school?

No conclusion is drawn on whether the question of a pecuniary interest or bias exists in this hypothetical example as the decision to withdraw, or not withdraw in each case is a matter for the Board Member concerned. Any decision not to withdraw is open to challenge and review by the Auditor General, Ombudsman or through the Courts. Interpretation of the law is in the final analysis a matter for the Courts.

Deciding Whether to Withdraw

The issues around conflicts of interest are by no means simple and there will be many grey areas where making a decision on whether to withdraw or remain and participate in the decision will be difficult. It is suggested that Board Members should adopt the following practice:

- Be alert to the issues, and if in doubt take advice (which should be recorded in writing).
- If time permits obtain a ruling from the Audit Office if advice is needed on a possible pecuniary conflict of interest.
- If time does not permit, and after considering the issues you have a conflict of interest or have remaining doubts disqualify yourself.
- In any case where you elect not to disqualify yourself make a file note, at the same time, of the factors that influenced your decision. In the event of subsequent challenge it will be important to be able to demonstrate that you considered the issues.

If a Board Member decides that it is appropriate to withdraw it is recommended that the Board Member leave the meeting room, rather than merely withdraw from the debating table and ensure that the minutes record the action. Such action removes any risk that of an allegation that the Board Member's mere presence in the room was sufficient to influence other Board Members in their decision.

CONCLUSION

All Board Members will be faced from time to time with issues where they will need to consider withdrawing from the meeting for a particular decision, as a conflict of interest may prevent them taking a decision in the best interest of the New Lynn community.

Due to the range of circumstances that could apply it is impossible to provide categorical advice to Board Members. The area of conflicts of interest is one where in many ways "Perception is reality".

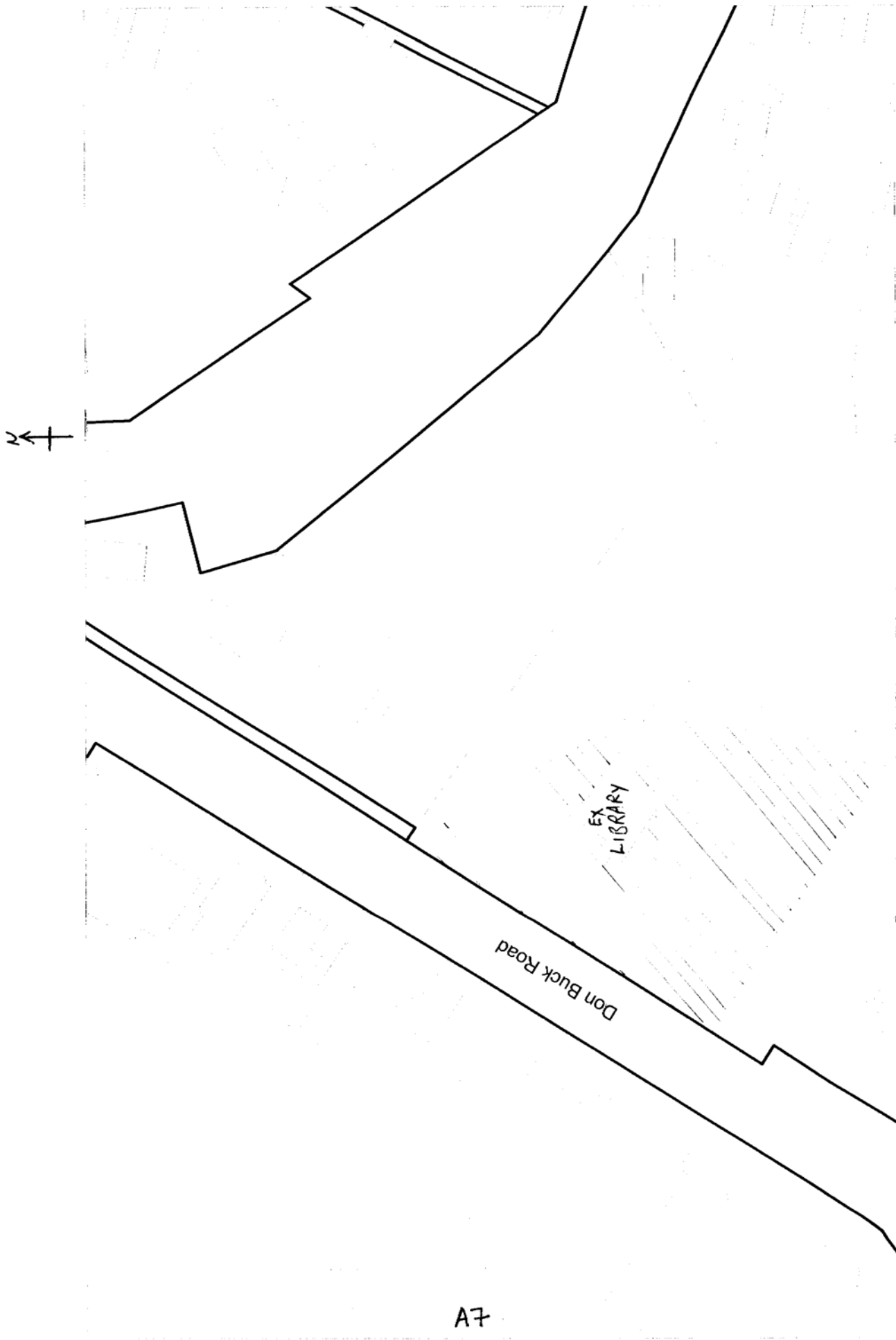
If individual Board Members adopt a rigorous approach to compliance with the law on conflict of interest it is likely that over time the reputation of the Board for fairness will be enhanced. A reputation for an ethical and scrupulously fair attitude in this area is likely to help the community accept those decisions where the Board isn't able to please everyone!

It must be reinforced that this is not an area where staff can make rulings or give binding advice. In all cases the onus of responsibility falls on the individual elected member.

RECOMMENDATION:

That the information be received.

Report prepared by Andy Roche, Acting SMG Co-ordinator.



M.P.P. SHOWING LOCATION OF OLD MASET LIBRARY
 [Hatched Box] AREA TO BE CLASSIFIED LOCATE PURPOSE COMMUNITY BUILDINGS RESERVE



Water Main	Wastewater
Pipe / House Connection	Pipe / House Connection
Valve Chamber	Inlet Chamber
Sluice Valve	Flush Chamber
Reservoir	Inspection Chamber
Reducer	Manhole
Pressure Gauge	Pump Station
Pump Unit	
Pump Station	Stormwater
Pressure Reducing Valve	Pipe / House Connection
Peet Valve	Cesspit
Non Return Valve	Cesspit / Manhole
Meter	Double Cesspit
Fire Hydrant	Inlet / Outlet
Blank Cap	Inspection Chamber
Air Valve	Manhole
Abandoned Service	Open Drain
	Pond

A4 PLAN OF SERVICES

Hobsonville Domain

Park Location: Hobsonville Road

Services shown on public amenity land are not public drains unless used as through drains.

While Council endeavours to provide accurate spatial data no guarantee as to the completeness and accuracy of the data shown on this plan can be given.

All information, including levels and locations, are not of survey grade accuracy and should be verified on site.

For enquiries about the information shown please phone the Call Center (09) 839 0400

Cadastral Information from Land Information New Zealand
Digital Cadastral Database DCDB
Crown Copyright Reserved Digital Licence AK/27470/L

Map Scale 1:8,774
Print Date 14/2/2002



Waitakere City Council
Te Taiao o Waitakere



Waikare City Council
Landscape Development

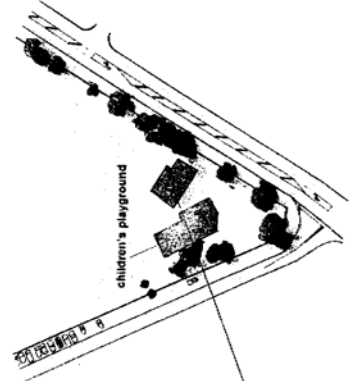
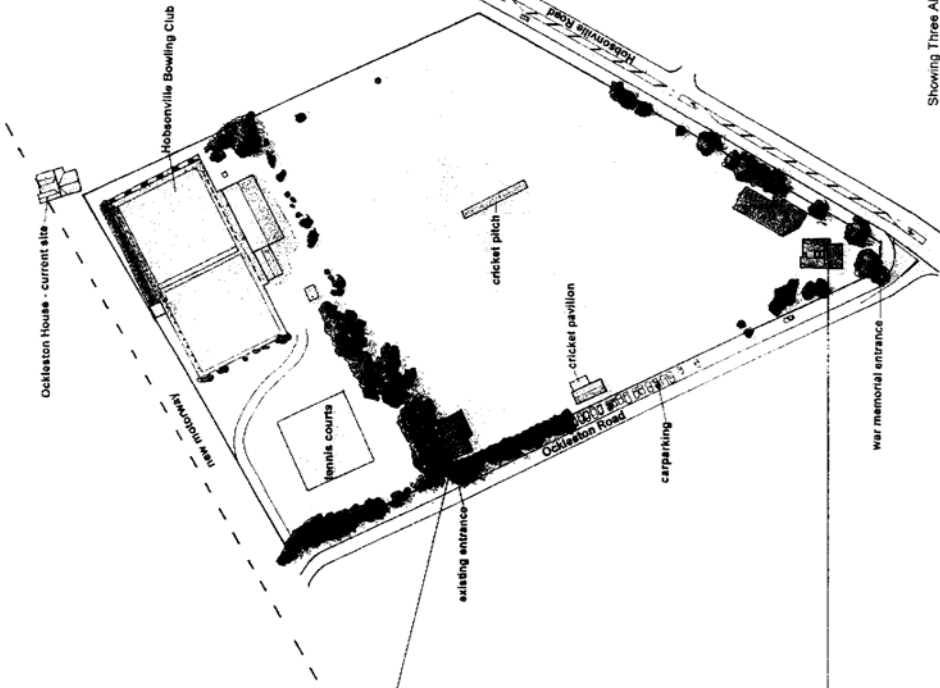
131 Lincoln Road
Private Bag 31208
Waikare City

Job Name
Hobsonville Domain
Showing Three Alternative Sites for Ockleston House
Landscape Concept

Scale: 1:1000

Do not dimension from the center
Check all measurements on the
This drawing is copyright of Mandy McMullin

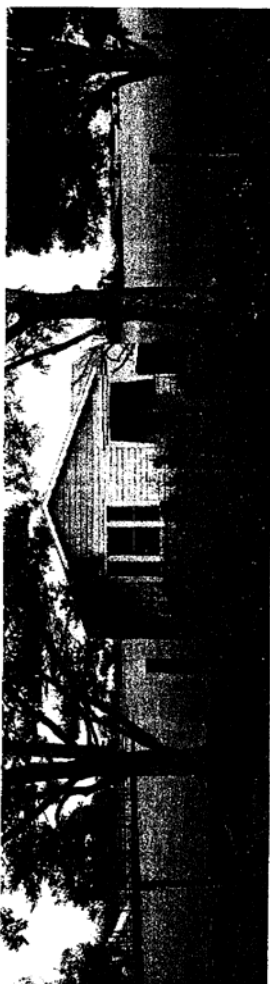
Job No
001
Sheet No
1 of 1
Drawn By
Mandy McMullin
Date
09-01-02
Revisions



OPTION A



OPTION B



OPTION C