

**MINUTES OF AN ORDINARY MEETING OF THE FINANCE AND OPERATIONAL  
PERFORMANCE COMMITTEE HELD IN THE CIVIC CENTRE,  
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON MONDAY, 8 DECEMBER 2003,  
COMMENCING AT 9.35 AM.**

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**PRESENT:** Councillors JM Clews, QSO, JP (Chairperson)  
BA Brady, JP (Deputy Chairperson)  
DQ Battersby, JP  
RP Dallow, QPM, JP (from 9.45 am)  
AC Fenton  
PA Hulse (until 1.15 pm)  
JP Lawley  
GE Nash, JP  
GB Presland  
GW Russell, JP  
DA Yates, JP

**OBSERVERS:** EG Francke (Chairperson New Lynn Community Board)  
P van der Voort, JP (New Lynn Community Board)

**IN ATTENDANCE:** Director: Finance  
Director: Quality Assurance  
Director: Strategy and Development  
Manager Legal Services  
Manager: Arts  
Manager Solid Waste  
Leisure Services Manager  
Group Manager: City Development Projects  
Group Manager: Planning & Community Services  
Group Manager: Financial Operations  
Group Manager: Asset Management  
Project Manager: Consultancy Services  
Strategic Projects Manager  
Service Manager: Landscape Development  
Special Projects Engineer  
Special Projects Engineer: City Services  
Project Manager: Urban Design  
Funds Accountant  
Solicitor: Legal Services: A Dougal  
District Plan Contractor  
Transport Assets Engineer  
Strategic Planner Monitoring  
Mayoral Executive Officer  
Committee Secretary: S Simiona  
  
Andrew Millard, Director: Rawlinsons Limited

**1 APOLOGIES**

4312/2003

MOVED by Cr Hulse, seconded Cr Fenton:

That apologies from Crs Hoskin, Neeson and Stone for absence be received and sustained.

**CARRIED**

**2 URGENT BUSINESS**

There was no Urgent Business.

**3 CONFIRMATION OF MINUTES**

4313/2003

MOVED by Cr Russell, seconded Cr Nash:

That the minutes of the Ordinary Meeting of the Finance and Operational Performance Committee held on Monday, 10 November 2003, including the public excluded minutes, as circulated, be taken as read and now be confirmed.

**CARRIED**

**PART I - PRESENTATION**

**4 REFERAL FROM NEW LYNN COMMUNITY BOARD - OPOU ROAD HALL**

Mr Mike Scandell resident of Opopu Road addressed the Committee on the future of the Opopu Road Hall, stated that he supported the petition that sought removal of the hall and the reclassification of Opopu Reserve as a Scenic Reserve.

Mr Robert Peart, Scout Leader, Titirangi Orpheus Sea Scouts advised the Committee that due to the adverse reaction by the community to the Sea Scouts upgrading the Opopu Road Hall, the Sea Scouts were no longer seeking to renew their hall lease. Mr Peart sincerely thanked the Council for all the support given to the Sea Scouts with their fund raising drive to bring the hall up to a usable standard.

9.45 am Cr Dallow entered the meeting.

Trevor Pollard, long term resident of Opopu Road, advised the Committee that he supported the use of the Opopu Road Hall by the Sea Scouts.

George Tattersell, long term resident of Opopu Road, also supported the Sea Scouts using the Opopu Road Hall.

4314/2003

MOVED by Cr Brady, seconded Cr Lawley:

That the information be received, including the verbal information presented at the meeting.

**CARRIED**

4315/2003

MOVED by Cr Clews, seconded Cr Lawley:

That the Finance and Operational Performance Committee make a site visit to the Opou Road Hall early in the New Year, prior to the commencement of the 2004/2005 draft Annual Plan deliberations, to assess the state of the hall first hand.

**CARRIED**

10.09 am Crs Battersby, Brady and Yates left the meeting.

## **PART II - PROPERTY**

### **5 EXTENSION OF LEASE ON 131 LINCOLN ROAD, HENDERSON (MOSELLE AVENUE OFFICES)**

4316/2003

MOVED by Cr Nash, seconded Cr Dallow:

1. That the information be received.
2. That Council authorises the Director: Corporate and Civic Services to renew the lease on the Council Offices at 131 Lincoln Road, for a period of three years from 1 July 2003 to 30 June 2006.
3. That the Deed of Variation to the Lease be executed under seal.

**CARRIED**

## **PART III - LEGAL AND CONSTITUTIONAL**

### **6 AFFIXATION OF COMMON SEAL**

4317/2003

MOVED by Cr Dallow, seconded Cr Hulse:

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**

**PART IV - FINANCE**

**7 BORROWING AND INVESTMENT REPORT**

4318/2003

MOVED by Cr Presland, seconded Cr Russell:

That the information be received.

**CARRIED**

**8 PAYMENTS FOR APPROVAL**

4319/2003

MOVED by Cr Dallow, seconded Cr Presland:

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

**CARRIED**

10.16 am Crs Battersby and Yates returned to the meeting.

4320/2003

MOVED by Cr Clews, seconded Cr Hulse:

That information be circulated to Councillors regarding Te Kawerau A Maki contract that includes:

- The report to Tenders Subcommittee 25 October 2002, Item 5: Te Kawerau A Maki Tribal Trust Heads of Agreement - Contract 2002/2003, 2003/2004, 2004/2005, associated minutes, and the work programme approved by the Chief Executive;
- Explanatory information under the Local Government Act 2002, the Resource Management Act 1991 for Maori participation, Transit New Zealand requirements, formal support and other associated work undertaken by Te Kawerau A Maki for Council;
- How the other Territorial Local Authorities within the Auckland Region deliver their statutory obligations regarding Maori participation in Local Government under the Acts.

**CARRIED**

10.20 am Cr Brady returned to the meeting.

**9 QUARTERLY PERFORMANCE REPORT - FIRST QUARTER 2003/2004**

4321/2003

MOVED by Cr Nash, seconded Cr Fenton:

That the information be received.

**CARRIED**

**10 INSURANCE ARRANGEMENTS 2003/2004**

4322/2003

MOVED by Cr Clews, seconded Cr Dallow:

That Item 10: Insurance Arrangements 2003/2004 being discussed lie on the table and not be discussed until further in the meeting.

**CARRIED**

**11 THE FIRST QUARTER FINANCIAL REVIEW**

4323/2003

MOVED by Cr Hulse, seconded Cr Yates:

1. That the information be received.
2. That the extra projects requested by Council be looked at in the context of the Half Yearly Review and any extra funding available.
3. That the Waitakere Ranges portion of the report, as attached at page A34 to the Agenda report, be referred to the Political Liaison Group for information.

**CARRIED**

**PART V - GENERAL**

**12 GOLF ROAD/PORTAGE ROAD - PROPOSED ROUNDABOUT**

4324/2003

MOVED by Cr Nash, seconded Cr Presland:

1. That the information be received.
2. That approval be given for a re-distribution of the Non-Subsidised Network Improvements Budget 2003/2004 to secure \$124,710 representing Councils share of the budget required for the Golf Road/Portage Road roundabout construction.
3. That the Director: City Services be authorised to offset the amount of funding for the Golf Road/Portage Road roundabout construction by adjusting the Roding Network Improvement Programme.

**CARRIED**

**RECOMMITTAL**

The Chairperson, with the consent of the meeting, recommitted Item 10: Insurance Arrangements 2003/2004 at this time.

**10 INSURANCE ARRANGEMENTS 2003/2004**

4325/2003

MOVED by Cr Lawley, seconded Cr Dallow:

That the information be received.

**CARRIED**

**ADJOURNMENT**

4326/2003

MOVED by Cr Clews, seconded Cr Lawley:

That the meeting stand adjourned until 11.20 am.

**CARRIED**

11.10 am      The meeting adjourned.

11.25 am      The meeting reconvened. Crs Brady, Dallow, Hulse, and Lawley were not present.

**13 LOPDELL HOUSE AND CORBAN ESTATE ART CENTRES - ANNUAL REPORT**

11.28 am      Crs Brady, Dallow, Hulse, and Lawley returned to the meeting.

4327/2003

MOVED by Cr Nash, seconded Cr Battersby;

That the information be received.

**CARRIED**

**14 WESTGATE DRIVE LOADING ZONE FOR BULK WATER CARRIERS**

4328/2003

MOVED by Cr Nash, seconded Cr Dallow:

1. That the information be received.
2. That authority be given to construct a 40 metre long recessed parking bay for the bulk water filling station in Westgate Drive, with funding income generated from the sale of water from the bulk filling station.

**CARRIED**

**PRECEDENCE OF BUSINESS**

4329/2003

MOVED by Cr Clews, seconded Cr Lawley:

That Item 17: Application for Funding of Earthsong Centre be accorded precedence at this time.

**CARRIED**

**17 APPLICATION FOR FUNDING OF EARTHSONG CENTRE**

4330/2003

MOVED by Cr Hulse, seconded Cr Yates:

That the information be received.

**CARRIED**

4331/2003

MOVED by Cr Hulse, seconded Cr Yates:

That it be recommended to Council that an interest free loan of \$300,000.00 for three years to Earthsong Eco-Neighbourhood or an appropriate legal entity to develop the Earthsong Centre be granted on terms and conditions to be specified by the Finance and Operational Performance Committee, subject to:

- Satisfaction by the Chief Executive as to community access to the Centre;
- Appropriate security being provided to Council by the borrower to ensure full repayment of the loan can be achieved;
- Loan documentation being prepared and executed to the satisfaction of the Director: Corporate and Civic Services and Manager: Legal Services;
- Councils contribution being acknowledged as per the Memorandum Of Understanding; and
- The planned services to be offered, particularly the planned Earthsong Community Centre, will be of benefit to the people of Waitakere City.

**CARRIED**

4332/2003

MOVED by Cr Hulse, seconded Cr Yates:

1. That it be recommended to Council that, subject to the Chief Executives approval and satisfaction of appropriate loan documentation, security, conditions and requirements to Earthsong Eco-Neighbourhood or an appropriate legal entity, that the Finance and Operational Performance Committee consider final approval of the loan.
2. That the Finance and Operational Performance Committee be advised of the progress of the development of the Earthsong Centre and loan related matters at six monthly intervals.

**CARRIED**

The Order of Business resumed at Item 15: Glen Eden Library - Value Management Process.

**15 GLEN EDEN LIBRARY - VALUE MANAGEMENT PROCESS**

4333/2003

MOVED by Cr Battersby, seconded Cr Presland:

1. That the information be received.
2. That the Schedule of Prices be included in the Glen Eden Library Construction Contract as a contract document in order to realise a cost saving to Council of \$214,071.00.
3. That the recommendation of the Value Management Working Group to implement 'Option 1 - Natural Ventilation and Miscellaneous savings', which would deliver a total cost saving of approximately \$190,000.00 - \$200,000.00 to Council, be endorsed and that the Contractor's confirmed tender price, based on this option, be approved.
4. That the budget for the Glen Eden Library Construction be increased to \$2,928,400.00 (inc. contingency of \$200,000.00).
5. That the Tenders Subcommittee be authorised to proceed with the tender from Hawkins Construction Limited on the basis of 2, 3 and 4 above.
6. That additional funding of approximately \$390,000.00 be reallocated from the Automated Library Systems budget to fund the shortfall in the Glen Eden Library construction budget, with the remainder of the Automated Library Systems budget to be surrendered as a saving.

**CARRIED**

**16 AUCKLAND WAR MEMORIAL MUSEUM AND MUSEUM OF TRANSPORT AND TECHNOLOGY PROPOSED 2004/2005 LEVY**

4334/2003

MOVED by Cr Dallow, seconded Cr Presland:

1. That the information be received.
2. That the Finance and Operational Performance Committee endorses the resolutions passed by the Electoral College in respect of the 2004/2005 proposed levy funding levels of the two Museums, those proposed levies being as follows:
  - The Auckland War Memorial Museum \$14,375,000.00;
  - The Museum of Transport & Technology \$4,400,000.00.
3. That the formula "depreciation plus balance of operating costs plus inflation" be endorsed as the cap for future years levy funding in respect of the Auckland War Memorial Museum unless otherwise resolved by the Finance and Operational Performance Committee.

**CARRIED**

4335/2003

MOVED by Cr Russell, seconded Cr Brady:

That Council supports the matter being forwarded for arbitration if necessary.

**CARRIED**

4336/2003

MOVED by Cr Fenton, seconded Cr Presland:

That the resolutions of the Finance and Operational Performance Committee regarding the Auckland War Memorial Museum and the Museum of Transport and Technology Proposed 2004/2005 Levy, be forwarded to the Chairman of the Electoral College, Auckland War Memorial Museum and MOTAT and other levy contributing local authorities for their information.

**CARRIED**

**17 APPLICATION FOR FUNDING OF EARTHSONG CENTRE**

This item was considered following Item 14: Westgate Drive Loading Zone for Bulk Water Carriers.

**PART VI - SUBCOMMITTEE REPORTS**

**18 COMMUNITY SPORT FUND ALLOCATION SUBCOMMITTEE**

**1. OPTIONS FOR THE USE OF THE COMMUNITY SPORT FUND MONEY**

4337/2003

MOVED by Cr Brady, seconded Cr Hulse:

1. That \$800,000 of the remaining Community Sport Fund money be used to provide strategic loans funding to community clubs and organisations for sporting purposes and be given out in accordance with the criteria to be developed.
2. That the remaining Community Sport Fund money, after loans funding, including the interest earned, be used to fund Club Development projects and be given out in accordance with the criteria to be developed.
3. That a set of criteria be developed to allow Council to make decisions on what Club Development projects and strategic loan funding will be given priority, and that this criteria focus on the long-term strategic improvement for the sport or physical recreation aspect of a club or organisation in Waitakere City.
4. That \$20,000 be allocated from the Community Sport Fund to the Club Audit Project managed by Sport Waitakere.

5. That an additional allocation of up to \$22,000 from the Community Sport Fund be provided to the Club Audit Project managed by Sport Waitakere, subject to an assessment of the progress results and costs to date of the initial club audits by 31 May 2004.
6. That the Club Development Fund Working Party be disestablished.

**CARRIED**

4338/2003

MOVED by Cr Dallow, seconded Cr Brady:

That no further commitment be made from the Community Sports Fund until such time as the club audit and assessment and development of funding criteria has been finalised.

**CARRIED**

**2. OTHER MATTERS CONSIDERED**

4339/2003

MOVED by Cr Brady, seconded Cr Hulse:

That the Ordinary Meeting report of the Community Sport Fund Allocation Subcommittee held on Thursday, 22 May 2003 and its reconvened meeting held on Thursday, 13 November 2003 be received.

**CARRIED**

**19 TENDERS SUBCOMMITTEE**

4340/2003

MOVED by Cr Clews, seconded Cr Presland:

That the Ordinary Meeting reports of the Tenders Subcommittee held on Friday, 7 November 2003 and Friday, 21 November 2003 be received.

**CARRIED**

**PART VII - ITEMS TO BE CONSIDERED WITH THE PUBLIC EXCLUDED**

- 20 **PROJECT TWIN STREAMS - PURCHASE OF PROPERTIES**
- 21 **LAND ACQUISITION HOBSONVILLE AIRBASE**
- 22 **LAND ACQUISITION HUIA**
- 23 **TECHSCAPE LIMITED - PERFORMANCE AND GOVERNANCE REVIEW TERMS OF REFERENCE**
- 24 **IN-VESSEL COMPOSTING FACILITY - KEY PERFORMANCE INDICATORS (FINANCIAL AND NON-FINANCIAL) 12 MONTHS TO JULY 2003**
- 25 **ROAD DESIGNATION ISSUES - 263 LINCOLN ROAD**

**PROCEDURAL MOTION TO EXCLUDE THE PUBLIC**

4341/2003

MOVED by Cr Presland, seconded Cr Lawley:

That the public be excluded from the following parts of the proceedings of this meeting, namely Project Twin Streams - Property Purchase, Land Acquisition Hobsonville Airbase, Land Acquisition Huia, Techscape Limited and Governance Review Terms of Reference, In-Vessel Composting Facility - key performance indicators (financial and non-financial) 12 months to July 2003 and Road Designation Issues – 263 Lincoln Road.

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation of the matters, 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 the matters to be considered.	Reason for passing this resolution in relation to the matters.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none"> <li>• Project Twin Streams: Property Purchase</li> </ul>	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> <li>• protect the privacy of persons, including that of deceased natural persons.</li> <li>• enable the local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> </ul>	<p>That the public conduct of the relevant parts of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>
<ul style="list-style-type: none"> <li>• Land Acquisition Hobsonville Airbase</li> <li>• Land Acquisition Huia</li> </ul>	<ul style="list-style-type: none"> <li>• enable the local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> </ul>	

<ul style="list-style-type: none"> <li>• Techscape Limited - Performance and Governance Review Terms of Reference</li> <li>• In-Vessel Composting Facility - key performance indicators (financial and non-financial) 12 months to July 2003</li> </ul>	<ul style="list-style-type: none"> <li>• enable the local authority holding the information to carry out, without prejudice or disadvantage commercial activities.</li> </ul>	
<ul style="list-style-type: none"> <li>• Road Designation Issues - 263 Lincoln Road</li> </ul>	<ul style="list-style-type: none"> <li>• enable the local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> </ul>	

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)(a)(h)(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 matters will address information which if released would affect the Councils negotiations and commercial activities.*

**CARRIED**

12.40 pm      The public were excluded.

Minute Numbers 4342/2003 to 4350/2003 are recorded in the Confidential Section of the minutes.

1.15 pm      Cr Hulse left the meeting

1.23 pm      The public were readmitted.

**RESTATEMENTS**

The Council resolved while the public were excluded:

1. (Moved by Cr Presland, seconded Cr Fenton) (resolution 4343/2003 no. 4) *“That the Techscape Limited - Performance Governance Review Terms of Reference report and associated recommendations remain confidential until further notice”.*
2. (Moved by Cr Clews, seconded Cr Presland) (resolution 4346/2003) *“That the Land Acquisition Huia report and resolution 4345/2003 remain confidential until such time as the property auction due to be held on Wednesday, 10 December 2003, is concluded”.*
3. (Moved by Cr Nash, seconded Cr Battersby) (resolution 4347/2003 no. 3) *“That the Project Twin Streams – Purchase of Properties report and associated resolutions remain confidential until all related Project Twin Stream properties have been purchased”.*
4. (Moved by Cr Nash, seconded Cr Presland) (resolution 4348/2003 no. 2) *“That the Land Acquisition Hobsonville Airbase report remain confidential while negotiations continue on the surplus land”.*
5. (Moved by Cr Nash, seconded Cr Fenton) (resolution 4349/2003 no. 2) *“That the In-Vessel Composting Facility - Key Performance Indicators (Financial and Non Financial) 12 months to July 2003 report remain confidential until further notice”.*
6. (Moved by Cr Fenton, seconded Cr Lawley) (resolution 4350/2003 no. 3) *“That the Road Designation Issues - 263 Lincoln Road report, the agreement outlined therein and the amount of the payment made pursuant to the agreement and the resolutions relating thereto, remain confidential”.*

1.24 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:**.....

