



## 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, 9 February 2004**                      **TIME:**                      **9.30am**

**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.

3 February 2004

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, 9 FEBRUARY 2004 COMMENCING AT 9.30 AM.**

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**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, 9 FEBRUARY 2004 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, 8 December 2003

**RECOMMENDATION**

That the minutes of the Ordinary Meeting of the Finance and Operational Performance Committee held on Monday, 8 December 2003, as circulated, be taken as read and now be confirmed.



## **PART I - PRESENTATIONS**

### **4 ENTERPRISE WAITAKERE PERFORMANCE REPORT**

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

The purpose of this report is to provide the Finance and Operational Performance Committee with an overview of Enterprise Waitakere's performance to the end of the second quarter of 2003/2004.

*A1-A11* This report outlines the progress being made by Enterprise Waitakere against the objectives and performance measures agreed as part of the three-year service contract between the Council and Enterprise Waitakere for the 2003/2004 financial year. The report submitted by Enterprise Waitakere is attached at pages A1 to A11, and will be presented by the Chief Executive Officer of Enterprise Waitakere, Clyde Rogers.

#### **BACKGROUND**

As part of the 2003/2004 Annual Plan process the Council agreed that Enterprise Waitakere should receive core funding on a three-year basis given the relationship between the two organisations. The purpose of three-year funding is to provide Enterprise Waitakere with greater stability and certainty of funding to enable more strategic and long-term focused planning.

The Council agreed that some \$580,000 pa (part of which includes a contribution to Director fees) should be made available to Enterprise Waitakere for each of the three years from 2003/2004-2005/2006 to cover core services to be set out in annually agreed objectives, actions and performance measures.

For the 2003/2004 financial year objectives, actions and performance measures have been arranged under the following headings:

- Enterprise Incubator;
- Small to Medium Sized Enterprise (SME) Support;
- Strategy, Advocacy and Networking;
- Cluster Development - marine, organics, film and tourism;
- Investment Attraction.

#### **STRATEGIC CONTEXT**

A strong innovative economy is one of the Council's nine strategic platforms outlined in the Long Term Council Community Plan. Enterprise Waitakere is the primary delivery mechanism for economic development initiatives and also acts as an advocate for economic development of the City.

## ISSUES

### Overall Performance

The performance to date of Enterprise Waitakere has been solid progress and shown good results across the majority of performance measures. Activities of particular note are highlighted in the section below. It should also be noted that the strategy for the Enterprise Incubator has been reassessed in light of the recent changes that New Zealand Trade and Enterprise (NZT&E) has made to its own national incubator strategy and associated funding, as a result Enterprise Waitakere has been putting effort into positioning WestSmart Incubator, a business development capability centre.

### Highlights to Date

- **Enterprise Incubator & Small to Medium Sized Enterprise (SME) Support** – the incubator is taking on the concept of ‘anchor’ tenants and further links have been made to the business training programmes offered by Enterprise Waitakere. Over 100 businesses have been mentored under New Zealand Trade & Enterprise and Business in the Community programmes.
- **Strategy, Advocacy and Networking** - to date Enterprise Waitakere has drawn down approximately \$1million of Government funding to support local businesses.
- **Cluster Development** -
  - **Film** – the Film Summit was well received by industry players, and Enterprise Waitakere has been a key partner in progressing development of a concept document for the Auckland screen production industry as a first stage for assessment under the Major Regional Initiative Funding.
  - **Organics** – a leadership group for the cluster has been established and export plans for selected companies completed.
  - **Tourism** – advertising has been placed in a number of appropriate publications and the capacity needs of 50 local businesses are being assessed.
  - **Marine** – an enterprise-training programme has been developed.
- **Investment Attraction** - over 40 businesses assisted which has resulted in two maturing into further investment in the current period. This is a good level of progress given the typically long lead times for inward investment enquiries.

### Quarter 3 Priority Areas

Enterprise Waitakere has advised of the following priorities for its activities in Quarter three:

- Decision on Whenuapai;
- Henderson Valley Studios-Public/Private Partnership;
- Launch of Henderson Prospectus;
- Valley Studios;
- Economic Development Forum at AUT;
- Local Internship programme launched;
- Ignite-DVD launched with secondary schools.

## RESOURCES

Services to the value of \$580,000 are under contract with Enterprise Waitakere in the 2003/2004 financial year as agreed through the Annual Planning process.

## CONCLUSION

The performance report of Enterprise Waitakere is presented to the Finance and Operational Performance Committee for consideration.

## RECOMMENDATION

That the Enterprise Waitakere Performance Report be received.

Report prepared by: Jen Cook, Partnerships and Advocacy Leader: Economic Development.



## **PART II - PROPERTY**

### **5 LOPDELL HOUSE STRUCTURAL ASSESSMENT**

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

This report updates the Finance and Operational Performance Committee on the findings of the Lopdell House Structural Assessment and recommends a course of action.

#### **BACKGROUND**

Council, the arts sector and the community have identified Lopdell House for development as a regional arts precinct. It is generally agreed the physical state of Lopdell House is acting as a ceiling for development beyond the type of activities currently in place. In June 2003, the Finance and Operational Performance Committee approved commissioning an "Existing Conditions Analysis" to assist in defining physical constraints and opportunities for development.

#### **STRATEGIC CONTEXT**

The Arts and Cultural Strategy, adopted by Council in 2002, identifies Lopdell House as one of two major arts precincts or hubs for Waitakere City. However, there has been a history of separate development of the arts organisations that operate from the building. Council has supported establishment of an independent Lopdell House Development Trust to consider a holistic approach.

The current, more integrated, arts development approach is in part the result of a Portage Licensing Trust initiative, which has received individual applications from each of the arts organisations within the building for development funding. The Trust has expressed a firm commitment to responding positively to the concept of a holistic arts precinct.

#### **ISSUES**

The structural assessment was undertaken by Beca Carter Hollings & Ferner Ltd, with a primary focus on seismic performance and a visual assessment of key structural elements.

In summary, the report finds:

- the original drawings are not available so assessment was based on visual inspection and knowledge of typical construction details of that era;
- the building was constructed in 1930, prior to requirements for earthquake consideration in design;
- Lopdell House has a current Building Warrant of Fitness, and its assessed strength is above that of an "earthquake prone" building, for which there is a statutory requirement to carry out strengthening;
- it is significantly below the standard required by current codes for new building strength, but with current usage and floor loading, strengthening is at the discretion of the building owner; and
- if any alteration substantially changed the usage or increased the floor loading, it would trigger "a requirement to comply more closely to an equivalent new building".

The report made two points of context:

- Titirangi is an area of very low seismic activity; and
- the new Building Bill has more onerous provisions in relation to upgrading in the event of change in use.

In conclusion, the report stated:

*“We consider some form of overall strengthening would be desirable for a building of this type should it undergo a major refurbishment, and particularly so if substantial parts of the building undergo a change of use with increased occupancy levels. We consider it structurally feasible for Lopdell House to be retrofitted to achieve a more satisfactory level of performance.”*

The report recommends a course of action that can be summarised as:

1. A comprehensive search for the original structural drawings.
2. Investigation into the northern retaining wall, regarding soil load and stormwater provisions.
3. Further visual inspection of the subfloor, concrete core testing and repair of corroded reinforcement.
4. A more comprehensive structural analysis, with regard to identifying retrofit and strengthening options.

In response, Council staff have initiated No 1 (drawings search), No 2 (investigation into northern retaining wall) and No 3 (concrete core testing) as a priority.

The report makes the point that No 4 (retrofit and strengthening options) can be costly and would be largely dependant on the target level of performance required. For this reason, it is recommended that the Lopdell House Development Trust consider this aspect within their holistic planning project and financial planning.

## RESOURCES

In order to conduct the priority structural investigative work, an estimated \$5,500 is required. There is \$20,000 in the current Public Affairs budget for feasibility work, of which \$5,500 has been spent on the preliminary Structural Assessment, leaving a further \$14,500 for the work outlined to be done in the current financial year.

The estimate for detailed structural investigation into retrofitting is \$15,000, which would appropriately be considered in the 2004/2005 Annual Plan within the context of any proposal brought forward from the Lopdell House Development Trust.

## CONCLUSION

The Lopdell House Structural Assessment recommended further investigation into the northern retaining wall and concrete core testing. This work can be commissioned within current budget provision.

A more comprehensive structural analysis, with regard to identifying retrofit and strengthening options, should be undertaken within the framework of any Lopdell House Development Trust concept proposals, and required funding be considered in the 2004/2005 Annual Plan.

## **RECOMMENDATIONS**

1. That the Lopdell House Structural Assessment Report be received.
2. That the Finance and Operational Performance Committee recommend to the Long Term Council Community Plan and Annual Plan Special Committee that the funding for any structural works or proposals for any development of Lopdell House be considered as per the 2004/2005 Annual Plan approval process, in relation to any Lopdell House Development Trust proposals.

Report prepared by: Janet Cole; Project Manager: Revitalisation and Duncan Miller;  
Acting Team Leader: Property Assets.



## **6 UPDATE ON OPOU ROAD HALL, FRENCH BAY**

### **PURPOSE OF THE REPORT**

The purpose of this report is to update the Finance and Operational Performance Committee on options for the future of Opopu Road Hall. The report also seeks direction from the Finance and Operational Performance Committee on a preferred option to be progressed.

### **BACKGROUND**

The Opopu Road Hall in Opopu Reserve, French Bay, Titirangi is owned by the Waitakere City Council and has been unavailable for community use since April 2002 after Council officers found it to be structurally unsound. The total repair cost (including structural repairs, waterproofing the toilets and general maintenance) is estimated at around \$50,000. Demolition of the Hall is estimated at approximately \$7,000 as some of the costs could be recovered from materials that can be re-used.

A12

A map attached at page A12 shows the location of the Hall and other community facilities in the area. In the past the Hall was used for community activities including social dances, family parties, election voting and the Titirangi Orpheus Sea Scout Group. In recent years usage of the Hall has decreased significantly due to a range of factors including lack of parking as the Hall is located at the end of a narrow cul de sac road and has no off street parking. The Hall is also situated in a residential area and noise and traffic generated by Hall users has caused problems for the community. The main users of the Hall as at April 2002 were the Sea Scout Group.

An update report on the future of Opopu Road Hall was submitted to the New Lynn Community Board for consideration at its 31 March 2003 meeting and also to the Finance and Operational Performance Committee at its 7 April 2003 meeting. The New Lynn Community Board requested that the Finance and Operational Performance Committee defer the decision to demolish or repair the Opopu Road Hall,

*“That the Finance and Operational Performance Committee be requested to defer the decision to demolish or repair the Opopu Road Hall.”*

and recommended that the Hall be leased to the Orpheus Sea Scouts should their fundraising activities be successful,

*“That the New Lynn Community Board expresses its preference for Opou Hall to be leased to the Orpheus Sea Scout Group should its fundraising activities be successful.”*

635/2003

In April 2003 the Finance and Operational Performance Committee deferred a decision on the future of Opou Road Hall and the Orpheus Sea Scouts were given six months to fundraise for the repairs,

*“1. That the recommendation from the New Lynn Community Board to defer any decision on the Opou Road Hall in French Bay be endorsed, and that a progress report on fundraising by the Titirangi Orpheus Sea Scouts Group to repair the Opou Road Hall be brought back to the Finance and Operational Performance Committee in six months time.”*

739/2003

Within that time the Orpheus Sea Scouts successfully fundraised \$40,652. In October 2003, the Finance and Operational Performance Committee resolved to retain and repair the Opou Road Hall committing up to \$10,000 from Council's Property Renewals Budget towards the repairs. The Finance and Operational Performance Committee also recommended to the New Lynn Community Board that a lease of the Opou Road Hall be granted to the Orpheus Sea Scouts,

*“3. That the Finance and Operational Performance Committee recommends to the New Lynn Community Board that a lease of the Opou Road Hall be granted to the Titirangi Orpheus Sea Scouts.”*

2030/2003

In November 2003 the New Lynn Community Board deferred a decision on the lease of the Opou Road Hall to allow time for discussion to address issues regarding the Hall (as raised by Opou Road residents during public forum at that meeting) and where possible identify terms in the lease to accommodate these

*“That consideration of recommendations 3 and 4 in the Agenda Report be deferred to the meeting on 1 December 2003 where practicable, to allow time for discussion between the parties concerned in order that the issues raised be addressed and where possible be accommodated in the lease, and for officers to research into the status of the Opou Reserve.”*

4029/2003

A facilitated meeting was then held on 25 November 2003 with the Orpheus Sea Scouts and Opou Road residents. Council officers advised the New Lynn Community Board at their December 2003 meeting that a number of the issues raised could be addressed through the terms of a lease and any additional measures put in place by the Community Board. The New Lynn Community Board resolved to approve a lease in principle to the Orpheus Sea Scouts for the Opou Road Hall. The Board also referred the matter of the future of the Opou Road Hall together with a petition presented by the Opou Road residents to the December 2003 Finance and Operational Performance Committee meeting for review of their previous decision on the Hall

- “1. That the New Lynn Community Board approves in principle a lease with the Scout Association of New Zealand for the footprint of the Opou Road Hall on Opou Reserve, French Bay Titirangi.
2. That the New Lynn Community Board refers the matter of the future of Opou Road Hall, together with the petition from the Opou Road Hall residents received at the Board meeting held on Monday, 1 December 2003, back to the Finance and Operational Performance Committee for review of their previous decision on the Hall and recommends that an opportunity be given for representatives from Opou Road residents (one who has signed the petition and one who has not signed the petition) and a representative from the Scout Association to speak at that meeting.”

4222/2003

On Friday, 5 December 2003 the Orpheus Sea Scouts withdrew their application for the lease of Opou Road Hall along with the availability of the funds they had raised for repairing the Opou Road Hall. They advised the Finance and Operational Performance Committee that their decision was due to the adverse reaction of some of the local community to the Orpheus Sea Scouts contributing to the repairs and leasing the Opou Road Hall.

At their December 2003 meeting the Finance and Operational Performance Committee resolved 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”.*

4315/2003

## STRATEGIC CONTEXT

The Urban Villages Pathway aims to make the town centres a vibrant fun place to live, giving people choices about recreation in their town centres.

The Council's Strategic Plan is to join and improve the city's parks, bush and streams to form a link throughout the town centres.

Council's Well-being and Urban Village Pathway strategic and policy objectives aims to provide networks of appropriate and accessible public buildings as key community focal points and through a wide range of low cost, low impact community activities.

## ISSUES

A12

As at 2001, the Titirangi South area within which the Opou Road community is located had a total population of 3237. A relatively high number of Council and non-Council owned community facilities are available for use in the area as marked on the map attached at page A12. The Council carries out maintenance required for Council owned Halls on a case-by-case basis in cooperation with the Hall Management Committees. In addition the Council also administers the Community Hall Fund, which had \$42,000 available in 2002/2003 for small grants of \$500-\$3,000 to eligible Hall Management Committees to contribute to the maintenance and running expenses costs of the Halls (both Council and Community owned).

Councillors, Community Board members, and Council staff made a site visit to Opop Road Hall in late January 2004 to assess the recent state of the hall. The outcomes of the site visit and any suitable recommendations to be tabled will be presented verbally by Council officers at the Finance and Operational Performance Meeting on 9 February 2004.

The New Lynn Community Board and Council have also considered and made appropriate recommendations and resolutions for the classification of Opop Road Reserve according to whether the Opop Road Hall is retained or demolished

- “1. That if the Opop Road Hall is to be retained, area “A” on the plan as attached at page A1 to the Agenda report (being part Lot 30 on Deposited Plan 13120) be classified under Section 16 (2A)(a) of the Reserves Act 1977 as a local purpose (community buildings) reserve as specified under Section 23 of the Act.
2. That area “B” (and area “A” if the Opop Road Hall is not to be retained) on the plan as attached at page A1 to the Agenda report (being part Lot 30 on Deposited Plan 13120 and Allotment 467 Parish of Waikomiti) be classified under Section 16 (2A)(a) of the Reserves Act 1977 as a scenic reserve as specified under section 19 of the Act.”

4412/2003

### Community Consultation

A questionnaire regarding Opop Road Hall was distributed to 400 homes in and around Opop Road in February 2003. Copies were also distributed to the Orpheus Sea Scouts and the Paturoa Residents and Ratepayers Association. Community response to the questionnaire was strong with 143 completed and returned to the Council. Of the responses 54% (the majority) believe that the Hall should be demolished and the land reverted to reserve, and 39% prefer that the Hall be repaired. The main reasons cited on the survey responses for demolition were concerns over the significant amount of funds required to repair Opop Road Hall. Following the results of the questionnaire two options were identified for the future of the Opop Road Hall, French Bay and included in the reports to the Finance and Operational Performance Committee in April and October 2003. The options include the following:

#### Option One - Repair the Opop Road Hall

Option One involves carrying out the repairs to Opop Road Hall estimated at \$50,000 and making the Hall available for community use. If repaired the Hall will provide a facility for use by appropriate local groups and Opop Reserve will continue to provide public leisure and recreation space and access to the coastal environment. Although this option would preserve the Opop Road Hall for long term community use potential use of the Hall is restricted by the residential location, and lack of parking.

As the Orpheus Sea Scouts no longer wish to lease or use the hall other potential users include suitable and limited community groups and activities such as antenatal classes and General election voting. However, Council officers consider it unlikely that any other community groups would be interested or successful in fundraising to contribute to the Hall repairs and applying for the lease of the Hall as no other groups have the history of regular use and connection to Opop Road Hall that the Orpheus Sea Scouts have. In addition, many funding organisations will not fund community groups for repairs to buildings not owned by the group especially if they have not regularly used the building in the past. Further, any plans to repair and lease the Opop Road Hall should take into account the concerns and opposition of most Opop Road residents towards the renewal of the Hall.

### Option Two - Demolish the Opopu Road Hall and Revert Site to Park Land

Option Two involves demolishing the Opopu Road Hall and reverting the site back to park land. With the exception of the Orpheus Sea Scouts, community groups have not used Opopu Road Hall regularly for a number of years. Due to the withdrawal of the Orpheus Sea Scouts application for the lease of the Opopu Hall demand for use of the hall has decreased and is unlikely to increase in the future due to logistical difficulties associated with using the hall including location, lack of parking, and noise restrictions. The completed questionnaires showed that the majority of the community participating in the consultation support demolition of the Hall and reverting the site back to park space. Since the survey has been carried out the residents of Opopu Road have approached both the New Lynn Community Board and the Finance and Operational Performance Committee through public forum and a petition to dismantle the Hall and protect the special nature of Opopu Reserve by classifying it as a Scenic Reserve. The petition was presented on the basis that the Hall is in an inappropriate location that has caused problems for the community and there is a range of community facilities in the area available for community use.

Opopu Reserve is valued by both the local and wider community as one of few green spaces in the area and is a unique site as it offers a tranquil and scenic public space with little or no traffic pollution including noise. Under this option the utilities would be sealed and the site grassed over on completion of demolition of the Hall. Over the past eighteen months members of the community have advised Council officers that they would be interested in donating native plants to the site if reverted to park land. If this option is agreed the Parks Department would organise a planting day with the local community to enhance any future landscaping developments of the park.

### **RESOURCING**

Council's Property Renewals budget has committed \$10,000 towards the repairs to renew the building. If the Opopu Road Hall is to be demolished it is recommended that total demolition costs of up to \$10,000 be funded by the Property Renewals budget. As the Orpheus Sea Scouts fundraising of \$40,000 is no longer available to the Council for contribution to the renewal of the Opopu Road Hall, additional funds of approximately \$40,000 are required if the Hall is to be retained and repaired.

### **CONCLUSION**

The Opopu Road Hall in Opopu Reserve, French Bay, Titirangi is owned by the Waitakere City Council and has been unavailable for community use since April 2002 after Council officers found it to be structurally unsound. Repair costs for the Hall were estimated at around \$50,000 and demolition costs were estimated at around \$7,000. As at April 2002 the Orpheus Sea Scout Group were the most regular users of the Hall and in April 2003 the Finance and Operational Performance Committee gave them six months to fundraise for the repairs. The Sea Scouts successfully fundraised approximately \$40,000 and in October 2003 the Finance and Operational Performance Committee resolved to retain the Hall committing up to \$10,000 from Council's Property Renewals Budget towards the repairs.

In November 2003 the New Lynn Community Board deferred a decision on the lease of the Hall to address issues raised by Opopu Road residents at that meeting who were mostly against the renewal of the Hall. After a facilitated meeting was held with residents of Opopu Road and the Orpheus Sea Scouts to discuss the issues as related to the lease of the Hall the Community Board approved a lease in principle with the Orpheus Sea Scouts for the Opopu Road Hall. The Board also referred the matter of the future of the Opopu Road Hall and a petition presented by Opopu Road residents against the renewal of the Hall to the Finance and Operational Performance Committee for review of the previous decision.

In December 2003 the Orpheus Sea Scouts withdrew their application for the lease of Opu Road Hall and the availability of the funds they had raised for repairing the Opu Road Hall due to the adverse reaction of some of the local community towards the renewal and lease of the Opu Road Hall to the Orpheus Sea Scouts. At the December 2003 meeting the Finance and Operational Performance Committee resolved to make a site visit to the Opu Road to assess the state of the Hall first hand. Any outcomes and/or suitable recommendations from the site visit on 28 January 2004 will be presented verbally by Council officers at the February 2004 meeting.

Two options have been considered for the future of the Opu Road Hall including demolition and renewal of the building. Council officers seek direction from the Finance and Operational Performance Committee on the future of the Hall and recommend that the Finance and Operational Performance Committee endorse either that the Opu Road Hall be retained and repaired or that it be demolished and reverted back into park space. As the Orpheus Sea Scouts have withdrawn their funding available to the Hall an additional \$40,000 would be required to fund the repairs. With the exception of the Sea Scouts, community groups have not used Opu Road Hall regularly for a number of years. Demand for use of the Hall is likely to decrease in the future due to logistical difficulties associated with using the Hall including location, lack of parking, and noise restrictions. Council officers consider it unlikely that any other community groups would be interested or successful in fundraising to contribute to the Hall repairs and applying for the lease of the Hall as no other groups have the history of regular use and connection to Opu Road Hall that the Orpheus Sea Scouts have. Further, any plans to repair and lease the Opu Road Hall should take into account the concerns and opposition of most Opu Road residents towards the renewal of the Hall.

### **RECOMMENDATIONS**

1. That the Update on Opu Road Hall, French Bay Report be received.
2. That the Finance and Operational Performance Committee endorse either:
  - a. that the Opu Road Hall be retained and repaired and direct Council Officers to seek expressions of interest from suitable community groups to contribute to the repairs of the Opu Road Hall and lease the Opu Road Hall;
  - or
  - b. that the Opu Road Hall be demolished and the site reverted back to park space.
3. The Finance and Operational Performance Committee approve that up to \$10,000 from Council's Property Renewals Budget be made available for either contribution to repair costs of the Opu Road Hall or demolition of Opu Road Hall.

Report prepared by: Polly O'Brien, Leisure Services: Project Leader Community Resources.



**PART III - LEGAL AND CONSTITUTIONAL**

**7 AFFIXATION OF COMMON SEAL**

**EXECUTION OF DOCUMENTS: 28 November 2003 - 30 January 2004**

<b>Nº</b>	<b>NAME</b>	<b>PARTICULARS</b>
2843	WCC - Moss Keeran	Drainage easement in gross - CT 12883 - 19-25 Kamara Road - SPW21770
2844	WCC - Andrew Ian McMillan	Drainage easement in gross - CT 12884 - 19-25 Kamara Road - SPW 21770
2845	WCC - CH & HC Pinto	Drainage easement in gross - CT 12885 - 19-25 Kamara Road - SPW 21770
2846	WCC - Tessie Maria Milford	Drainage easement in gross - CT 12886 - 19-25 Kamara Road - SPW 21770
2847	WCC - Keybuild Ltd	Drainage easement in gross - CT 122654 - 100 Kervil Avenue - SPW 21760
2848	WCC - Sapich Brothers Ltd	Fencing Agreement - CT 67713 - 148-150 Forest Hill Road - SPW 21414
2849	WCC	Declaration that Plan Change No.5 Operative from 2/12/2003 - resolution 2082/2003
2850	WCC	Declaration that Plan Change No.6 Operative from 2/12/2003 – resolution 2083/2003
2851	WCC - PA & LM Stanford	Deed of Settlement - resolution 4214/2003
2852	WCC - W&M Smith	Withdrawal of Caveat - 326 Royal Road, Massey - SO 44.2(a)
2853	WCC	Control of Liquor in Public Places Bylaw 2003 - resolution 4205/2003
2854	WCC - Michael Ward (1969) Ltd	Lease of Unit F, 2-4 Waipareira Ave by delegated authority of Director: Corporate & Civic Services 27/11/2003
2855	WCC - Westpac - Glen Mall (No.39)	Deed of Extension of Lease - Finance & Operational Performance Committee 12/8/2003 - resolution 939/2003
2856	WCC - LK Arthars & A Shearer	Deed of Waiver - s.40 Public Works Act 1981 - resolution 1289/2003
2857	WCC - CP & K Eldridge	Surrender of Consent Notice D079060.2 - CT.NA122B/302 - Makora Road/Ginders Drive - W17223
2858	WCC - SL & SQ Ea	Drainage easement in gross - CT.NA133B/314 - 29 Newington Road - SPW 20971
2859	WCC - I Tiumalu	Deed of Waiver - s.40 Public Works Act 1981, Resolution 1289/2003
2860	WCC - DG Smith & JM Grogan	Deed of Waiver - s.40 Public Works Act 1981, Resolution 1289/2003
2861	WCC - PA Quinn & RJK Quinn	Deed of Waiver - s.40 Public Works Act 1981, Resolution 4347/2003

<b>Nº</b>	<b>NAME</b>	<b>PARTICULARS</b>
2862	WCC - Tony Tay & Associates	Water Supply easement in gross - CTs 34104-34112 - 76-80 Hetherington Road - SPW 21239
2863	WCC - Tony Tay & Associates	Fencing Agreement re CTs.34108-34116, 34119-34120 - 76-80 Hetherington Road - SPW 21239
2864	WCC - PJ & S Donoghue	Withdrawal of Caveat C.875067.1 - CT NA1301/48
2865	WCC - Dale Michael Ashworth	Drainage in gross CT.119285 - 13 Halcombe Place - SPW 21456
2966	WCC - Iese Afa	Drainage Easement in gross - CT 45501 - 28 La Rosa Street - SPW 21326
2867	WCC - The Crown (Tranz Rail) - Carter Holt Harvey	Assignment of Grant of Rights on railway land at Henderson
2868	WCC - Waitakere Regional Sports Trust - Douglas Pharmaceuticals Ltd	Agreement to be naming rights sponsor for the All Weather Athletics Track & Sports Field
2869	WCC - Trustees Executors Ltd	Deed of Modification of Debenture Trust Deed - Resolution 4195/2003
2870	WCC - Tranz Rail Ltd	Variation to record granting of Additional Rights re Deed of Grant 60470 - 92-94 Metcalfe Road - SPW 21627 - RMA20021883
2871	WCC - DM Papa	Fencing Agreement - CT 108480 - 654-656 Te Atatu Road - SPW 21589
2872	WCC - Ontario Developments Ltd	Fencing Agreement - CT 108480 - 654-656 Te Atatu Road - SPW 21589
2873	WCC - PJ & S Donoghue	Authority for Use of dedicated road outside Nos.38 & 40 Tainui Road, Titirangi
2874	WCC - Propvest Development Ltd	Water Supply Easement in gross - CTs 121434-121443 - 92-94 Metcalfe Road - SPW 21627
2875	WCC - Propvest Development Ltd	Drainage & Maintenance of Stormwater Quality Device Easement in gross - CTs 121434-121443 - 92-94 Metcalfe Road - SPW 21627
2876	WCC - Waitakere City Council as subdivider	Fencing Agreement - CTs 115979-115980 - 443-479 West Coast Road - SPW 19675 (Lessee: Ministry of Education)
2877	WCC - Balance Construction Ltd	Drainage Easement in gross - CTs 112466-112468 - 46A Ambler Avenue - SPW 21795
2878	WCC	Addendum to Deed of Extension of Lease - New Lynn Library at Lynnmall
2879	WCC - Helena Karora	Warrant of Appointment & Evidence of Identify - No.WCC096
2880	WCC - Grant Gillard	Warrant of Appointment & Evidence of Identify - No.WCC098
2881	WCC - Alan Forster	Warrant of Appointment & Evidence of Identify - No.WCC099

<b>Nº</b>	<b>NAME</b>	<b>PARTICULARS</b>
2882	WCC - Graeme Turner	Warrant of Appointment & Evidence of Identify - No.WCC100
2883	WCC - Richard Greaves	Warrant of Appointment & Evidence of Identify - No.WCC101
2884	WCC - Peter Proctor	Warrant of Appointment & Evidence of Identify - No.WCC102
2885	WCC - Edward Donaghy	Warrant of Appointment & Evidence of Identify - No.WCC103
2886	WCC - John Gutch	Warrant of Appointment & Evidence of Identify - No.WCC105
2887	WCC - John Nicholls	Warrant of Appointment & Evidence of Identify - No.WCC106
2888	WCC - Jill Edwards	Warrant of Appointment & Evidence of Identify - No.WCC109
2889	WCC - Robert Menzies	Warrant of Appointment & Evidence of Identify - No.WCC110
2890	WCC - Fred Bishop	Warrant of Appointment & Evidence of Identify - No.WCC111
2891	WCC - Terrence Brown	Warrant of Appointment & Evidence of Identify - No.WCC107
2892	WCC - John McKeown	Warrant of Appointment & Evidence of Identify - No.WCC112
2893	WCC - Jon Roscoe	Warrant of Appointment & Evidence of Identify - No.WCC116
2894	WCC - Michael Lazonby	Warrant of Appointment & Evidence of Identify - No.WCC113
2895	WCC - Keith Walker	Warrant of Appointment & Evidence of Identify - No.WCC114
2896	WCC - Bruce Hawkins	Warrant of Appointment & Evidence of Identify - No.WCC115
2897	WCC	Resource Management Act 1991 - Fees and Charges 2003/2004 - resolution 1013/2003 - 28/5/2003
2898	WCC	Bylaw No.32 2002 Health Protection - Skin piercing (new bylaw) - resolution 3350/2002 - 27/11/2002
2899	WCC	Bylaw No.7 1991 Traffic - Amendment No.62003 (bus priority lane) - resolution 804/2003 - 30/4/2003
2900	WCC	Bylaw No.26 1994 Food Safety - Amendment No.1 2003 (food grading) - resolution 1014/2003 - 28/5/2003
2901	WCC	Bylaw No.4 1990 General Bylaw - Amendment No.6 2003 (Street numbering) - resolution 1525/2003 - 30/7/2003
2902	WCC - Tranz Rail Limited	Variation to Deed of Grant 58113 to record granting of Additional Rights re Watermain at Totara Ave and Metcalfe Rd

Nº	NAME	PARTICULARS
2903	WCC - MG & SL Ward	Deed of Waiver - S.40 Public Works Act 1981 - Resolution 1289/2003
2904	WCC - Christine Henley	Warrant of Appointment & Evidence of Identity - No.WCC097
2905	WCC - Joseph Todd	Warrant of Appointment & Evidence of Identity - No.WCC104
2906	WCC - Maylene Brown	Warrant of Appointment & Evidence of Identity - No.WCC095
2907	WCC - Glen Moser	Warrant of Appointment & Evidence of Identity - No.WCC108
2908	WCC - Northeast Developments Ltd	Release of Uncompleted Works & Maintenance Bond - Corbans Village Lot 7 - SPW 21088
2909	WCC - SC & TG Devery	Drainage easement in gross - CT 112577 - 4 Lyndhurst Road - SPW 21645
2910	WCC - SC & TG Devery	Surrender of Drainage easement in gross created by Transfer 567018 - CT NA2033/99 - 4 Lyndhurst Road - SPW 21645
2911	WCC - Roskill Properties Ltd	Deed of Renewal of Lease - Director of Corporate & Civic Services approval 17/11/2003

### **RECOMMENDATIONS**

1. That the Affixation of the Common Seal Report 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 IV - FINANCE**

### **8 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**

A13 This report covers expenditure for the 5 months ending 30 November 2003. The financial summaries are attached at page A13.

#### **ISSUES**

A full financial review, including forecasts through to the end of the year, is currently being carried out, the results of which will be reported as part of the 2004/2005 Draft Annual Plan process due to commence shortly.

If Councillors require any further information in respect of this report, please contact either the writer or the Director: Finance prior to the meeting to enable the query to be researched.

#### **RECOMMENDATION**

That the Operating and Capital Expenditure Summaries be received.

Report Prepared by: Alec Third, Chief Management Accountant.



### **9 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**

A14 The Special Fund balances as at 30 November 2003 and summary transactions for the first five months of the current financial year are attached at page A14.

If Councillors require any further information in respect of this report, please contact either the writer or the Director: Finance prior to the meeting to enable the query to be researched.

#### **RECOMMENDATION**

That the Status of Special Funds be received.

Report prepared by: Alec Third, Chief Management Accountant.



**10 BORROWING AND INVESTMENT REPORT**

This report has been circulated separately with the agenda.



**11 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 Finance and Operational Performance 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**

*A15* A summary schedule of payments made for the period 14 November 2003 to 18 December 2003 is attached at page A15.

*A16-19* A further schedule of all payments of \$5,000 and above, together with the reason for the payment is attached at pages A16 to A19. 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.



12 **DRAFT DEVELOPMENT AND FINANCIAL CONTRIBUTIONS POLICY**

**PURPOSE OF THE REPORT**

This report brings the draft policy on Development Contributions to the Finance and Operational Performance Committee for initial consideration. Councillors may wish to workshop this policy prior to its planned adoption as part of the Draft 2004/2005 Annual Plan.

**BACKGROUND**

The Local Government Act 2002 introduced comprehensive new provisions that will allow local authorities to recover, as development contributions, the capital expenditures relating to growth. The Local Government Act 2002 (Section 106) requires councils to adopt policies for contributions as part of the suite of Funding and Financial Policies (Section 102).

At the Council meeting on 25 March 2003, the Long Term Council Community Plan and Annual Plan Special Committee resolved:

*“That a development contributions policy be prepared during the next twelve months in order that the policy be adopted as an amendment to the Long Term Council Community Plan for the 2004/2005 year.*

*That a detailed work programme to progress development contributions be presented to the Finance and Operational Performance and the Environmental Management Committees in June 2003.”*

568/2003

In June 2003, both the Finance and Operational Performance Committee and the Environmental Management Committee approved the principles, objectives and timelines of this project.

*“That the Finance and Operational Performance Committee approve the principles, objectives and timelines of the Development and Financial Contributions Project as detailed in the report.”*

1141/2003

*“That the Environmental Management Committee approves the principles, objectives and timelines of the Development and Financial Contributions project as detailed in the agenda report.”*

1184/2003

Council has previously developed Financial Contributions as part of preparing the District Plan, and these sections of the District Plan still have appeals outstanding. Under the Draft Development Contributions policy it is proposed that the only Financial Contributions in the District Plan should be regarding environmental effects, with the other costs of growth pursued under the Development Contributions under the Local Government Act. With regard to the matter of the outstanding Financial Contributions appeals, The Environmental Management Committee on 11 November 2003 passed the following resolutions:

*“That without prejudice discussions be held with the appellants to the District Plan Financial Contribution provisions, with a view to achieving an agreement based on deleting the district plan’s financial contributions chapter, but retaining those provisions relating to mitigation of environmental effects.*

*That the outcome of the discussions around the District Plan Financial Contribution provision be reported back to the Environmental Management Committee.”*

4131/2003

With regard to the principles guiding development contributions policy, the Local Government Act 2002 provides a broad framework. The reasons for choosing development contributions and financial contributions are linked back to the revenue and financing policy and the requirements of section 101 (3). This section outlines the matters that need to be considered in developing the Revenue and Financing Policy which includes development and financial contributions as a funding method.

They are:

- the community outcomes to which the activity primarily contributes;
- the distribution of benefits between the community and any identifiable part of the community and individuals;
- the period over which those benefits are expected to occur;
- the extent to which the actions or inactions of particular individuals or a group contributes to need to undertake the activity;
- the costs and benefits, including consequences for transparency and accountability, of funding the activity distinctly from other activities; and
- the overall impact of any allocation of liability for revenue needs on the current and future social, economic, environmental and cultural well being of the community.

This framework enables Councils to take into account the specific strategic goals under community outcomes and the overall impact of development contributions on the current and future social, economic, environmental and cultural well-being of the community.

Council has adopted (June 2003) the following objectives for the policy:

1. that Council can fairly, simply, predictably and robustly, both recover the costs of growth and mitigate the effects of growth;
2. that District Plan appeals regarding financial contributions are resolved;
3. that Monitoring and financial processes are established to assess progress and to assist implementation; and
4. that a sustainable development approach will taken in accordance with the Local Government Act 2002 and Council’s sustainable development priority in the Long Term Council Community Plan.

## STRATEGIC CONTEXT

Development Contributions offer a funding mechanism for Council to achieve key community objectives for lively and effective urban living and working areas. When applied in accordance with Council's key strategic goals, Development Contributions will reflect the true demands of growth and allow the level of amenity Council seeks to provide its workers, business people and residents.

Financial contributions and development contributions are an important funding tool for the City because they are the means by which some of the costs associated with growth can be allocated to those who profit from, or are directly involved with, this growth.

The most likely scenario is that Development Contributions will increase over the amount of the current Financial Contributions regime, as the new provisions enable Councils to require contributions for a greater range of growth driven costs.

It is expected that the new provisions allowing for charging development contributions will be a more efficient mechanism for offsetting the financial costs of growth than the financial contribution provisions of the Resource Management Act as once they are adopted, there are no appeal rights as exists under the Resource Management Act. The only way in which development contributions might be challenged is through judicial review procedures, which are primarily focussed on process, or on a site by site basis as resource consents are requested.

These new provisions also allow for development contributions in respect of 'community infrastructure' (i.e. community amenities such as halls and libraries), which is not permitted within the previous legal framework underpinning the current financial contributions policy. This now allows Councils to consider contributions for 'non-network' infrastructure.

## ISSUES

### 1. Draft Policy Summary

The policy as proposed is consistent with the original objectives set by Council. In brief, the policy proposes that:

*"Council may require development contributions from development where the effect, including the cumulative effect of development, is to require new or additional assets or assets of increased capacity, and as a consequence, the Council incurs capital expenditure. This also includes capital expenditure Council has already incurred in anticipation of growth. The incurred capital expenditure itself must be to appropriately provide for community facilities, which in Waitakere City Council's case, is considered to be those facilities which provide for the social, economic, environmental and cultural wellbeing of the community."*

### 2. Costs of Growth

Development contributions will be taken to offset the capital costs of growth as indicated in the Long Term Council Community Plan 2003. This covers roading, transport, parks, all three waters, and community facilities.

The costs of growth are a key issue for this city, as it is one of the fastest growth areas in the country as part of the Auckland region. While development contributions can and will contribute to the capital expenditure of the city, it is unlikely that ALL costs of growth can be recovered through this mechanism, for example, impacts of past growth.

The policy has proposed the following principles to ensure that costs of growth are met by those who incur the cost:

- a. where capital works are required to meet growth then Waitakere will recover the costs over time;
- b. current levels of service are taken as sufficient, except where an increased level of service is required to meet increased population (eg such as more park facilities in an established urban area); and
- c. where a backlog of work exists, then that cost component will be borne by rates, or Financial Contributions. If undertaking the backlog work increases the capacity of the infrastructure in order to facilitate growth, then the increased capacity component will be funded by developer contributions.

A staged programme is being proposed. The introduction of the initial policy and a schedule by June 2004 based on the current Long Term Council Community Plan 2003 will of necessity be on the conservative side as unconfirmed future possible costs are not yet included in the Long Term Council Community Plan 2003. A second phase of development will see an updated Development Contributions Policy and Schedule, consistent with the Long Term Council Community Plan 2006, ready for adoption in June 2006. The two stage programme allows Council to 'test drive' the new policy and schedule in time to include the finetuned future growth planning and costs being developed for the Long Term Council Community Plan 2006.

It is proposed that a three yearly revision process, timed to fit with the three yearly Long Term Council Community Plan process, will continue to capture future increased costs, and any changes in Long Term Council Community Plan projections. Some Councils are planning to adopt a revised schedule every year but this is considered unnecessary and confusing at this stage.

### 3. Consultation

The project plan identifies key stakeholders as:

Stakeholder	Action
Funding partners eg. Infrastructure Auckland, Transfund, Central Government Departments.	Draft policy will be sent for comment during Annual Plan 2004 consultation
Developers	Workshop 27 November 2003, establish focus group, two sessions with focus group, and formal consultation process during Annual Plan 2004.
Councillors	Council has adopted the project plan and key policy principles in June 2003. Agenda items to Environmental Management, and as part of Annual Plan deliberations February to March 2004, and a workshop as part of the Asset Management Plans workshop in early February 2004. Other workshops as requested.

Stakeholder	Action
Staff	<p>Staff are working in teams on the policy and schedule.</p> <p>A general staff workshop and information session will be held February 2004.</p> <p>Training will be rolled out during April to June 2004 to those staff directly implementing the Development Contributions regime.</p>

Council could expect some critical comment from the developer community. This will be mitigated by:

- comparability - there will be increased costs across the whole region as each Council will be seeking to impose increased contributions;
- consultation - prior consultation processes will enable staff to gauge the likely level of resistance prior to the statutory consultation period next year and work through issues as they arise.

#### 4. Peer Review Process

Legal and technical reviews of the policy are planned into the project programme.

#### 5. Support for Strategic Objectives

Financial modelling, scheduled for February 2004, will indicate whether the lower cost of infrastructure associated with more intensive development is reflected in Waitakere's Development Contributions schedule. This work is intended to be complete by the end of March 2004.

It is expected that the Phase Two version for the Long Term Council Community Plan 2006 will enable staff to ensure that the Development Contributions schedule facilitates local development in Waitakere City's identified growth areas. Some of this work is dependent on work currently underway such as the Growth Management Plan and key strategy updates such as Heritage, Leisure and Parks.

#### 6. Relationship with Financial Contributions

Waitakere City Council has a financial contributions policy developed under the provisions of the Resource Management Act 1991 and which is included in the District Plan. However, as these are subject to appeal, Council has been, in practice, collecting financial contributions under the transitional provisions in the Local Government Act 1974. Council has been concerned for some time that many of the costs associated with growth are not being fully met by our current financial contributions mechanisms.

For the sake of clarity in communications, the steering group are keen to ensure that consistent terminology is applied across the organisation.

- **Financial Contributions** means those taken under the Resource Management Act as part of our District Plan environmental effects provisions;
- **Development Contributions** means those taken under the Local Government Act as part of our Development Contributions policy for the costs of growth.

An agenda item went to Environmental Management on 11 November 2003 to gain a mandate to approach appellants to the District Plan Financial Contribution provisions. It is expected that the negotiations will include an agreement to the proposed draft Development Contributions policy prior to the Financial Contributions policy in the District Plan being removed.

#### 7. Reserve Contributions

The basis for setting land values in reserve is based on market value (based on a willing buyer/willing seller) and each reserve will be considered on that basis.

Council will take contributions at the issue of either a building consent or (in the case of a subdivision) prior to the granting of the s224(c) completion certificate. This provides both surety of collecting the money and administrative efficiency.

Council reserves the right to reassess contributions if there is a significant time delay between the issue of the resource consent and the triggers referred to above.

#### 8. Interest Costs

An issue unresolved at this stage is whether interest costs generated by the loan post-construction can be included in the Development Contributions schedule. Legal and financial advice to date is in conflict and clarity is being sought by staff.

### RESOURCES

This project is resourced under the Long Term Council Community Plan and Annual Plan 2003/2004. There is no budget provision in the Annual Plan 2004/2005 as the main requirements will be staff time. Some funding may be required in the 2005/2006 year.

### CONCLUSION

Financial Contributions and Development Contributions are an important funding tool for the City because they are the means by which some of the costs associated with growth can be allocated to those who profit from, or are directly involved with, this growth.

A draft Policy Development and Financial Contributions Policy has been developed which is consistent with the objectives and principles adopted by Council in June 2003. The policy proposes that Council takes Development Contributions for network and community infrastructure, at the time of resource consents, building consents or service connection applications. Financial Contributions will be taken under the Resource Management Act provisions for environmental effects.

This agenda item brings the draft policy to the Finance and Operational Performance Committee for initial discussion and adoption for consultation in the 2004/2005 Annual Plan. Councillors may wish to engage in a workshop on this issue prior to adoption in March 2004.

### RECOMMENDATIONS

1. That the Draft Development and Financial Contributions Policy Report be received.
2. That the Draft Development and Financial Contributions Policy be adopted and recommended to Council for consultation in the Draft 2004/2005 Annual Plan.

Report prepared by: Cathy Kenkel, Group Manager: Strategic Planning and Policy and Tony Miguel; Group Manager: Asset Management.



## 13 CHANGES TO RATING DIFFERENTIALS AND RATING MODELS 2004/2005 YEAR

### PURPOSE OF THE REPORT

The purpose of this report is to set out details of the current Uniform Annual Charges and Rating Differentials and to ascertain from the Finance and Operational Performance Committee details of any changes to the current rating system and level of uniform annual charges that it wishes to consider as part of the 2004/2005 Annual Plan process.

### STRATEGIC CONTEXT

Rates are levied under the provisions of the Local Government Act 2002, the Local Government (Rating) Act 2002, and the total rate requirement as contained in the Annual Plan is allocated between ratepayers in accordance with the revenue and financing policy adopted by the Council.

### BACKGROUND

Under the Local Government (Rating) Act 2002 where changes to the rating system, rating differentials or levels of uniform annual charges are proposed, these must be considered as part of the Annual Plan approval process.

### ISSUES

#### Level of Uniform Annual General Charge

The Local Government (Rating) Act 2002 provides that the maximum amount of rates sought from Uniform Annual General Charges and targeted rates set on a uniform basis must not exceed 30% of the total revenue from all rates.

In the 2003/2004 year the Uniform Annual General Charge was set at \$460 on every separately used or inhabited part of a rating unit. Targeted rates set on a uniform basis were:

Waste Disposal Charge	\$ 8
Harbourview Charge	\$ 8
Rural Sewerage Charge	\$63
Environment Monitoring Charge	\$15

The revenue from these charges amounted to 26.77% of total rates revenue including water revenue.

The maximum Uniform Annual General Charge that could have been levied to keep within the 30% limit would have been approximately \$510.

#### Impact of changes to the level of Uniform Annual Charges

The characteristics of Uniform Annual Charges are that when the level of Charges as a percentage of total rates revenue increases, properties with a land value around the average have little or no change to their rates, but where the land value of any property is above the average, the higher property value, the more the rates will decrease. In the case of properties with a land value less than the average, the lower the land value of a property, the more the rates will increase.

A20-A22 This is illustrated on the schedules attached at pages A20 to A22, which shows a comparison of rates levied for the 2003/2004 year with the rates that would have been payable if the level of the Uniform Annual General Charge had been set at alternately \$410 or \$510. Column B shows that rates levied for the 2003/2004 year on the land value in column A. Column C indicates the level of rates that would have been payable if the Uniform Annual General Charge had been set at \$510, and column E shows the corresponding figure with a Uniform Annual General Charge of \$410.

When considering the options for the 2004/2005 year, if the overall level of Uniform Annual Charges remains unchanged at around 26.77%, and if no other significant changes are made to the rating system and differentials, generally rates on all properties will increase by the same percentage as the overall increase in the net rate requirement after allowance for growth in the rating base.

However if the rate requirement for wastewater increases by more than the average overall increase, as wastewater targeted rates costs are levied on Inner Area properties only, rates on Inner Area will increase by a greater percentage than Outer Area Properties. The converse applies if the wastewater rate requirement increase is less than the overall increase in the total rate requirement.

The Finance and Operational Performance Committee needs to determine what alternate levels of Uniform Annual General Charge (if any) should be presented to model the impact of the draft 2004/2005 Annual Plan.

#### **Stepped Differential on Residential Properties**

Currently the rating differentials applying to properties other than Business Sector properties are as follows:

	<b>Differential Factor applying to the base rate in the dollar</b>
For the 1 <sup>st</sup> \$90,000 of land value per separately occupied part of a rating unit	1.00
For the part of the land value per separately occupied part of a rating unit over \$90,000 but less than \$240,000	0.69
For the part of the land value per separately occupied part of a rating unit over \$240,000	0.52

These differential factors applied to single residential properties have remained the same for the past two years since the last property revaluation, and reflect the impact of similar differentials that applied to the pre September 2001 values since the 2000/2001 year.

The next revaluation of properties will occur on 1 September 2004. These new revised values will be used for sharing the rate requirement between properties for the 2005/2006 year. It is probable that the differential factors will have to be revised for that year.

It is appropriate that the stepped differential applying to properties in the residential and other categories, and multi-unit residential differential rating categories remain unchanged until the 2005/2006 year.

### Business Sector Differential

Currently 20.5% of the total rate requirement is sourced from Business Sector properties.

Factors taken into account in determining the level of contribution to rates by Business Sector properties are the assessed costs of providing services to the sector as a whole, rather to individual properties in the sector. Under the current revenue and financing policy the costs to be recovered from Business Sector properties include:

Town Centre Revitalisation	50% of costs
City Image services in town centres	50% of costs
Roading – assessed cost of damage to roads caused by heavy motor vehicles – currently approximately	60% of costs
Stormwater – cost based on impermeable surface area - approximately	18% of costs
Wastewater – based on the Sector's use of water – approximately	16% of costs
In respect of most other costs, the Business Sector bears the same share as its share of land value – approximately	7.6% of costs

These costs indicate that the Business Sector should bear not less than approximately 18% to 19% of the total rate requirement.

However the Sector also benefits from various Economic Wellbeing initiatives and programmes. These costs could also be taken into account when determining the share of the total rate requirement borne by the Sector. The Sector also benefits from parking enforcement, and should receive an appropriate share of any surplus from this activity.

Prior to the 1999/2000 year the Business Sector contributed approximately 25% of the total rate requirement. This was reduced to 21% from the 1999/2000 year, and further reduced to the current 20.5% from the 2002/2003 year.

A further analysis of the Business Sector costs will be carried out following the determination of the draft 2004/2005 Annual Plan rate requirement, and reported to the Finance and Operational Performance Committee at its March meeting.

### CONCLUSION

Any proposals to change the level of Uniform Annual Charges and Rating Differentials for the 2004/2005 year must be considered during the Annual Plan adoption process. Decisions will be required, preferably at this meeting, but before the draft Annual Plan is approved, on possible changes to the rating system in order that the indicative impact of those proposed changes may be incorporated with the impacts of the 2004/2005 total rate requirement.

### RECOMMENDATIONS

1. That the Changes to Rating Differentials and Rating Models 2004/2005 Report be received.
2. That the Finance and Operational Performance Committee determine the levels of the Uniform Annual General Charge to be modelled for consideration based on the 2004/2005 Annual Plan rate requirement.

3. That the stepped differential rating factors for properties in the residential and other categories, and multi-unit residential properties differential categories remain unchanged for the 2004/2005 year, and be reviewed following the revaluation of properties in September 2004.
4. That a review of the Business Sector differential be undertaken on the 2004/2005 Annual Plan indicative rate requirement, and be reported to the Finance and Operational Performance Committee at its March 2004 meeting.

Report prepared by: J MacKenzie, Group Manager: Rates.



**PART V - GENERAL**

**14 EXEMPTION FOR REPORTING UNDER THE LOCAL GOVERNMENT ACT 2002 -  
WEST AUCKLAND COMMUNITY CARE TRUST**

**PURPOSE OF THE REPORT**

The purpose of the report is to seek an exemption from Council for the West Auckland Community Care Trust to comply with the accountability and reporting requirements of the Local Government Act 2002 relating to Council Controlled Organisations.

**BACKGROUND**

The Local Government Act 2002 requires organisations that fit within the definition of a Council Controlled Organisation, Section 6 (1), to meet certain obligations contained within the Act.

The former Waitemata City Council established the West Auckland Community Care Trust in June 1987. The Council has the power to directly appoint seven of the eight Trustees and this meets the definition of a Council Controlled Organisation within the Local Government Act 2002. The reporting requirements of the Act include the preparation of a Statement of Intent and a public Annual Report. However, the Act allows for an exemption to meet those requirements if the organisation is small and is not a Council Controlled Trading Organisation.

A23-A27 Correspondence from the Office of The Controller and Auditor-General on the reporting requirements of the West Auckland Community Care Trust is attached at pages A23 to A27. Discussions have taken place with Audit New Zealand on the suitability of exempting the West Auckland Community Care Trust from the Local Government Act 2002 reporting requirements.

**STRATEGIC CONTEXT**

The Council has the power to create various entities to assist in meeting community outcomes and delivering its strategic objectives. These entities are able to secure alternative sources of funds and resources that compliment Council activities. The Council may support these entities by direct shareholding, funding or other means of assistance in kind. Where appropriate, formal documentation is prepared and the activities of the entity monitored and assessed by Council.

## EXEMPTION FOR REPORTING COMPLIANCE UNDER THE LOCAL GOVERNMENT ACT 2002

Section 7(3) of the Local Government Act 2002 provides for Council Controlled Organisations to be exempted from meeting accountability and reporting requirements at the discretion of the Local Authority. An exemption may be granted by resolution of the Local Authority with regard to the following matters:

- the nature and scope of activities provided by the organisation; and
- the costs and benefits, if an exemption is granted, to the Local Authority, the Council Controlled Organisation and the Community.

A28-A29 The West Auckland Community Care Trust, at its last meeting on 16 December 2003, signalled its intention to distribute the remainder of its unallocated funds of approximately \$54,500 at 30 June 2004 to the Kowhai Education Trust and to dissolve the Trust. The Minutes of the Ordinary meeting of the West Auckland Community Care Trust are attached at pages A28 to A29.

Given the intent of the Trust to dissolve at the end of June 2004, it is considered appropriate that Council give an exemption from the accountability and reporting requirements of the Local Government Act 2002. The preparation of a Statement of Intent for 2004/2005 would serve no purpose, with the Trust having no unallocated funds.

A financial report is to be prepared by the Finance Unit disclosing the full distribution of funds from the Trust to various organisations since its inception. This report will be provided to the Committee after the next meeting of the Trust, planned to be held in June 2004.

### CONCLUSION

The West Auckland Community Trust has signalled its intention to allocate all remaining funds and dissolve the Trust in June 2004. An exemption is sought from Council from compliance with the accountability and reporting requirements of a Council Controlled Organisation under the Local Government Act 2002.

### RECOMMENDATIONS

1. That the information be received.
2. That it be recommended to Council that the West Auckland Community Care Trust be granted an exemption under Section 7 (3) of the Local Government Act 2002 on the basis that the Trust has signalled its intention to distribute all unallocated funds then dissolve the Trust.

Report prepared by: Andrew Pollock, Director: Finance.



15 **AUCKLAND WAR MEMORIAL MUSEUM AND MUSEUM OF TRANSPORT AND TECHNOLOGY DRAFT ANNUAL PLANS 2004/2005**

**PURPOSE OF THE REPORT**

The purpose of this report is to inform the Finance and Operational Performance Committee as to the progress towards the setting of the Auckland War Memorial Museum and Museum of Transport and Technology levies for 2004/2005.

**BACKGROUND**

At the meeting of the Finance and Operational Performance Committee on 6 December 2003, a report on the Auckland War Memorial and Museum of Transport and Technology proposed 2004/2005 levies was received and the following resolutions passed.

- “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.*
  - *The Museum of Transport & Technology \$4,400,000.*
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.”*

4334/2003

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

4335/2003

*“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.”*

4336/2003

A30-A31 A copy of the report is attached at pages A30 to A31.

**STRATEGIC CONTEXT**

Statute provides for mandatory funding from Territorial Local Authorities to the Auckland War Memorial Museum and the Museum of Transport and Technology. Both of these facilities contribute to the preservation of cultural and heritage history on a regional basis.

**ISSUES**

Since the meeting of the Finance and Operational Performance Committee on 8 December 2003, the respective Museums have released their draft Annual Plans for public submission. A copy of each draft Annual Plan has been placed in the Councillors Lounge.

There has been no change to the levies from the report of 8 December 2003. The Museum Trust Board published their draft Annual Plan with a levy above that approved by the Electoral College. The Electoral College approved a levy of \$14,375,000 and the Museum Trust Board did not adjust their proposed levy and published a levy of \$14,554,000, a difference of \$179,000.

The Electoral College scheduled a meeting for 30 January 2004 to discuss the levy. The members of the Electoral College have all indicated their approval of the funding being retained at \$14,375,000. The levy being based upon an increase for inflation of 2% and ensuring depreciation is funded. If the Museum does not accept the Electoral College's position, then both parties are required to go to arbitration. The levy for the Museum of Transport and Technology has remained at \$4,400,000 as approved by the Electoral College.

The respective budgets of the Museums have been subject to scrutiny by the Electoral College and Officer review. No matters have been identified that warrant special consideration by a formal submission on the draft Annual Plans. All matters have been addressed through the Electoral College process.

### **CONCLUSION**

The Electoral College has resolved to accept the level of funding requested by the Museum of Transport and Technology for publishing in their draft 2004/2005 Annual Plan.

The Electoral College has also resolved to limit the level of levy in respect of the Auckland War Memorial Museum to \$14,375,000, which is based on the formula "depreciation plus a 2% increase on the balance of the operating costs". The Museum Trust Board have not adjusted their levy requirement and the Electoral College is to meet to discuss the issue.

This Committee will receive a verbal update with regard to the Electoral College meeting held on 30 January 2004.

### **RECOMMENDATION**

That the information be received.

Report prepared by: Andrew Pollock, Director: Finance.



16 **TE KAWERAU A MAKI WORK PROGRAMME AGREEMENT FORMAL MONITORING REPORT**

**PURPOSE OF THE REPORT**

The purpose of the report is to update the Finance and Operational Performance Committee of the formal monitoring and performance systems that are in place with respect to Council's Work Programme Agreement with Te Kawerau A Maki.

**BACKGROUND**

Waitakere City Council has for over a decade been seen as a leader among Local Authorities in developing meaningful working relationships with Maori. This leadership has been driven both by the need to respond to legislative imperatives (outlined below), and the Council's own values and strategic goals which seek to honour the Treaty of Waitangi, value inclusion and diversity, and recognise the value of indigenous people and their cultures (Agenda 21).

The steps Council has put in place as part of its approach have included:

- The establishment of Te Taumata Runanga as a Standing Committee of the Council in order to involve local Maori in decision-making, and provide an avenue whereby the Maori community can provide advice to Council.
- The establishment of working relationships and contracts for service with iwi groups having manawhenua status (holding customary authority) within the city.
- The incorporation of Maori protocols and cultural practices as part of Civic protocols and ceremonies.
- Development of strategic work programmes to address issues raised by the Maori community and incorporation of Maori view points within policy documents (e.g. Marae Support Policy, District Plan, Treaty of Waitangi Principle in Long-Term Council Community Plan).
- Provision of staff resources to support Council engagement with the Maori community.
- Of particular importance in looking at the contract with Te Kawerau A Maki is the second bullet point listed above. Council has entered into formal relationships with both iwi groups holding manawhenua status in the City - Te Kawerau A Maki and Ngati Whatua. These relationships are unique and quite different in terms of detail and quantity of work due to the levels of capacity and desire to be involved in council projects on the part of each party.
- The relationship with Te Kawerau A Maki involves both a Memorandum of Understanding that sets out the framework for how the Council and the iwi will relate, and a more detailed contract for service (Work Programme Agreement), which is accompanied by a detailed annual work programme. This is a formal consultancy contract.
- The move to put in place the contractual arrangement was driven by the Resource Management Act in the early 1990's. The Act requires Councils, in achieving the purpose of the Act, to (among other things):
- Recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- Have particular regard to the concept of Kaitiakitanga (guardianship or stewardship) and the exercise of this by manawhenua.
- Take account of the principles of the Treaty of Waitangi.

Meeting these requirements means that Council requires input and advice from iwi in the preparation of plans and policies in respect of the management of resources, and in respect of decision making under the Act.

In order to be able to meet Council and statutory timeframes, this means that iwi groups need to be resourced appropriately in order to be able to research, consult internally and respond. Waitakere City Council recognised this need and has made provision to resource iwi input.

In addition to meeting legislative requirements, Council has also sought iwi input into a range of other projects and programmes. These include input into the design of buildings and other projects to reflect indigenous design elements from the Waitakere area, input into the Sister Cities programme with protocol assistance and the carving of Po Whenua, and input into various strategies and plans.

The Resource Management Act requirements have now been reinforced by the Local Government Act 2002. This Act requires Councils to provide for opportunities for Maori to contribute to local decision-making and have in place processes for liaising with Maori. In terms of decision-making in respect of land or a body of water, Councils must take into account the relationship of Maori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna and other taonga. Local authorities must also consider ways in which they can foster the capacity of Maori to contribute to local decision-making.

These requirements extend beyond resource management issues, and, in non-resource management issues, beyond groups with customary authority over an area. They provide a broader statutory basis for consultation with and input from manawhenua groups, among the wider Maori community.

In 2002 Council determined to move to longer-term contracts (3 years) with a range of social service and other organisations in the City. This approach was extended to the contract with Te Kawerau A Maki. The contract was developed between the parties, and authority to enter into it was granted by the Tenders Subcommittee in accordance with Council's procurement policies.

## **STRATEGIC CONTEXT - ISSUES**

### **Setting And Monitoring Of Work Programme**

Council's approach in this area is driven by legislative requirements and by Council's own strategic objectives. Council has a Treaty of Waitangi priority within its Long Term Council Community Plan, which states that Council will work with iwi to better understand and support their rights as manawhenua. The Long Term Council Community Plan also calls on Council to work with iwi in achieving other strategic goals. The contract in place with Te Kawerau A Maki is an explicit way of doing this.

While the contract is for a three-year period, the work programme is reviewed and developed annually. This allows for changing Council and iwi priorities to be taken account of, and alignment with each year's Annual Plan to occur. The Maori Issues Manager leads the negotiation process, with projects for inclusion into the work programme being identified by Managers and project leaders from across the Council, and by Te Kawerau A Maki representatives.

Discussions on the work programme and particular projects are held fortnightly. These meetings allow representatives of Te Kawerau A Maki to meet with the Maori Issues Manager and staff with respect to various contracts. Week to week monitoring happens within this framework. It also allows new or unforeseen projects or Council requirements to be added throughout the year. A more formalised monitoring framework is now also being established.

The Maori Issues Manager leads the monitoring process and is currently finalising the Iwi Register which is to be used as a tool for monitoring all project work commissioned under the contract, its status and the performance by both iwi and Council in respect of the issue. This is intended to be an on-line tool that will enable any perceived gaps in reporting back by either party to be closed.

A32-A50

A review of outputs for the 2003 Calendar year is attached at pages A32 to A50 This review shows that a significant amount of work was undertaken, and that, in the opinion of the writer, Council received work equivalent to 3.0FTE's.

### **CONCLUSION**

After reviewing outputs provided and advice received in respect of the 2003 year, the writer is confident that Te Kawerau A Maki have delivered a work programme consistent with the application of 3.0FTE's of staff resource to the Council.

This report will become a Yearly feature. A report on the relationship with Ngati Whatua O Orakei will be provided later in the year, when contract review discussions are complete.

### **RECOMMENDATIONS**

That the Te Kawerau a Maki Work Programme Agreement Formal Monitoring Report be received.

Report prepared by: Warahi Paki, Manager: Maori Issues



## **PART VI - SUBCOMMITTEE REPORTS**

### **17 REGIONAL ARTS AND CULTURE FUNDING ALLOCATION SUBCOMMITTEE**

**THE SUBCOMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON WEDNESDAY, 3 DECEMBER 2003**

#### **1 Future use of AUCKLAND REGIONAL SERVICES TRUST (ARST) funding**

##### **The Subcommittee Recommends:**

1. That the sum of \$225,000 granted from the Auckland Regional Services Trust Fund to Waitakere Playhouse Theatre Trust be repaid to the Auckland Regional Services Trust Fund, through the 2004/2005 Annual Plan process.
2. That a further allocation of \$20,000 be made from the Auckland Regional Services Trust Fund to the Creative Solutions/Toi Whenua project.

#### **2 OTHER MATTERS CONSIDERED**

A51-A52

The Subcommittee 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 A51 to A52.

**The Subcommittee Recommends:**

That the Ordinary Meeting report of the Regional Arts and Culture Funding Allocation Subcommittee held on Wednesday, 3 December 2003 be received.

DA Yates, JP  
**CHAIRPERSON**



**18 TENDERS SUBCOMMITTEE**

**THE SUBCOMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS ORDINARY MEETING HELD ON FRIDAY, 12 DECEMBER 2003 AND ITS EXTRAORDINARY MEETING HELD ON THURSDAY, 18 DECEMBER 2003.**

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**MATTERS CONSIDERED**

A53-A59

The Subcommittee dealt with a number of items for which it has delegated powers to act and copies of the minutes of the meetings are attached at pages A53 to A59.

**The Subcommittee Recommends:**

That the Ordinary Meeting report of the Tenders Subcommittee held on Friday, 12 December 2003 and the Extraordinary Meeting report of the Tenders Subcommittee held on Thursday, 18 December 2003 be received.

JM Clews, QSO, JP  
**CHAIRPERSON**



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

**19 LOPDELL HOUSE ARTS PRECINCT DEVELOPMENT**

**20 ACQUISITION UNDER PUBLIC WORKS ACT FOR ROADING PURPOSES - LOT 4 DP121630**

These items will be considered in the Confidential Supplement of the agenda, and have been circulated to members separately with this agenda.

**PROCEDURAL MOTION TO EXCLUDE THE PUBLIC**

That the public be excluded from the following part of the proceedings of this meeting, namely Lopdell House Arts Precinct Development and Acquisition Under Public Works Act for Roading Purposes – Lot 4 DP121630.

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>Lopdell House Arts Precinct Development</li> </ul>	<p>The withholding of information is necessary in order to protect information where the making available of the information would</p> <ul style="list-style-type: none"> <li>Disclose a trade secret.</li> <li>Be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</li> </ul>	<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>
<ul style="list-style-type: none"> <li>Acquisition Under Public Works Act for Roading Purposes - Lot 4 DP121630.</li> </ul>	<ul style="list-style-type: none"> <li>Enable any local authority holding the information to carry on, 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)(b)(i)(ii) and 7(2)(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 could affect the commercial position of the person who has supplied the information and information that would affect Council's negotiations.*

