

**MINUTES OF A MEETING OF THE FINANCE AND OPERATIONAL PERFORMANCE  
COMMITTEE HELD IN THE COUNCIL CHAMBER AT WAITAKERE CENTRAL,  
6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE, ON MONDAY,  
7 DECEMBER 2009, COMMENCING AT 9.34 AM**

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**PRESENT:**

Councillors	RI	Clow (Chairman)
	JM	Clews, QSO, JP (Deputy Chairman)
	DQ	Battersby, QSM, JP
	BA	Brady, JP (until 10.40 am) (from 10.44 am)
	MFP	Chan, JP
	LA	Cooper, JP (from 9.38 am)
	AK	Corban, OBE, JP (from 9.45 am)
	RP	Dallow, QPM, JP (until 10.23 am) (from 10.50 am, until 10.54 am)
	WW	Flaunty, QSM, JP
	PA	Hulse (until 10.30 am) (from 10.45 am)
	MM	Jolley (from 9.56 am)
	JP	Lawley, JP (until 10.30 am) (from 10.39 am, until 10.50 am)
	PG	Mitchell
	VS	Neeson, JP (until 10.17 am)

**OBSERVERS:**

EAG Grimmer, MNZM (Chairman, Henderson Community Board)  
GPJ Marshall (Chairman, New Lynn Community Board)

**IN ATTENDANCE:**

Director: Corporate and Business Services  
Director: Finance  
Deputy Director: Finance  
Deputy Director: Community Wellbeing  
Associate Director: Finance  
Group Manager: Funds Management  
Deputy Group Manager: Assets  
Corporate Sustainability Manager  
Manager: Transport Services  
Manager: Transport Strategy  
Manager: Assurance Services  
Manager: Arts  
Manager: Government Relations  
Service Manager: Parks and Planning  
Legal Services Manager  
Solicitor – M Hieatt  
Senior Transport Engineer Planning  
Project Development Officer: Parks and Open Spaces  
Council Controlled Organisation Advisor  
Strategic Advisor: Transport  
Strategic Advisor: Sustainability  
Committee Secretary: J Moore

**ALSO  
IN ATTENDANCE:**

John Wadsworth, Chief Executive, Waitakere Enterprise  
Bryan Mogridge, Chairman, Waitakere City Holdings Limited

## **PART A - OPENING OF MEETING**

### **1 APOLOGIES**

1970/2009

MOVED by Cr Flaunty, seconded Cr Clews:

That apologies from Crs Cooper, Corban and Jolley for lateness, and Crs Lawley and Neeson for early departure, be received and sustained.

**CARRIED**

### **2 URGENT BUSINESS**

There was no Urgent Business.

### **3 CONFLICTS OF INTEREST**

Members were reminded via the agenda, of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have.

### **4 CONFIRMATION OF MINUTES**

9.38 am Cr Cooper entered the meeting.

1971/2009

MOVED by Cr Clews, seconded Cr Brady:

The Finance and Operational Performance Committee resolved to:

**Receive** the minutes of the meeting of the Finance and Operational Performance Committee held on Monday, 9 November 2009, as circulated, and that they be taken as read and now be confirmed.

**CARRIED**

## **PART B - LEGAL AND CONSTITUTIONAL**

### **5 AFFIXATION OF COMMON SEAL**

1972/2009

MOVED by Cr Lawley, seconded Cr Dallow:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Affixation of Common Seal report.
2. **Agree** that the action taken in affixing the Common Seal on the documents as set out in the agenda report be adopted.

**CARRIED**

### **PRECEDENCE OF BUSINESS**

1973/2009

MOVED by Cr Dallow, seconded Cr Brady:

That Item 17: Council Controlled Organisations – First Quarter Reporting be accorded precedence at this time.

**CARRIED**

### **17 COUNCIL CONTROLLED ORGANISATIONS – FIRST QUARTER REPORTING**

9.45 am Cr Corban entered the meeting.

9.56 am Cr Jolley entered the meeting.

1974/2009

MOVED by Cr Clews, seconded Cr Brady:

The Finance and Operational Performance Committee resolved to:

**Receive** the Council Controlled Organisations – First Quarter Reporting report.

**CARRIED**

The Order of Business resumed at Item 6: Operating and Capital Expenditure Forecast Report as at 31 October 2009.

### **PART C - FINANCE**

### **6 OPERATING AND CAPITAL EXPENDITURE FORECAST REPORT AS AT 31 OCTOBER 2009**

10.17 am Cr Neeson left the meeting.

1975/2009

MOVED by Cr Clews, seconded Cr Dallow:

The Finance and Operational Performance Committee resolved to:

**Receive** the Operating and Capital Expenditure Forecast Report as at 31 October 2009.

**CARRIED**

### **7 STATUS OF SPECIAL FUNDS**

10.23 am Cr Dallow left the meeting.

1976/2009

MOVED by Cr Cooper, seconded Cr Lawley:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Status of Special Funds report.
2. **Agree** to correct the balance of the following funds:

- Auckland Regional Services Trust Arts Fund (reduce by \$117,235);
  - Community Sports Fund (increase by \$79,706);
  - Harbourview Orangihina Fund (increase by \$291,458); and
  - Waikumete Cemetery and Park Fund (increase by \$11,038).
3. **Agree** to transfer \$30,000 from the Vehicle Testing Plant Replacement Reserve Fund, no longer required for its specific purpose, to the General Fund.

**CARRIED**

## **8 BORROWING AND INVESTMENT REPORT**

10.30 am Crs Hulse and Lawley left the meeting.

1977/2009

MOVED by Cr Mitchell, seconded Cr Clow:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Borrowing and Investment Report.
2. **Approve** the Borrowing and Investment Report.

**CARRIED**

## **PART D - GENERAL**

### **9 CONTRACT NO. SD09006C – ELECTRICITY – APPROVAL TO AWARD**

10.39 am Cr Lawley returned to the meeting.

1978/2009

MOVED by Cr Clews, seconded Cr Jolley:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Contract No. SD09006C – Electricity – Approval to Award report.
2. **Approve**, subject to resolution 4 below, the award of Contract No. SD09006C - Electricity be delegated to the Chief Executive Officer on the recommendation of the Auckland Transition Authority procurement work stream sponsor subject to the contract sum being within budget, with the outcome to be reported back to the Finance and Operational Performance Committee.
3. **Approve**, subject to resolution 2 above and 4 below, the financial commitment for Contract No. SD09006C – Electricity be made in the 2010/2011, 2011/2012 and 2012/2013 financial years in the amount provided in the Long Term Council Community Plan 2009 – 2019, subject to contract final approval.
4. **Note** that resolutions 2 and 3 above for Contract No. SD09006C - Electricity be subject to confirmation by the Auckland Transition Agency.

**CARRIED**

**10 REGIONAL LAND TRANSPORT PROGRAMME 2009-2012 FUNDING SUBSIDY SHORTFALL**

10.40 am Cr Brady left the meeting.

1979/2009

MOVED by Cr Cooper, seconded Cr Battersby:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Regional Land Transport Programme 2009-2012 Funding Subsidy Shortfall report.
2. **Note** that the allocated subsidy in the Regional Land Transport Programme 2009-2012 has a shortfall of \$10,920,356 compared to the subsidy allowance in the Long Term Council Community Plan 2009-2019 for the 2009/2010, 2010/2011 and 2011/2012 financial years.
3. **Agree** that the Annual Plan 2009/2010 for transport be amended as set out in the table below:

<b>Recommended Transport Budget for Annual Plan 2009/2010</b>			
	<b>Approved Budget</b>	<b>Recommended Budget</b>	
<b>Details</b>	<b>Subsidised</b>	<b>Subsidised</b>	<b>Non-Subsidised</b>
<b>Operation and maintenance of local roads</b>			
Urban Maintenance General	\$1,527,000	\$1,443,000	
Flood Damage General	\$384,000	\$274,000	
Street Lighting Maintenance	\$1,069,000	\$859,000	
Street Lighting Power	\$2,219,000	\$1,106,130	\$864,465
Bus Shelters	\$88,000	\$81,000	
<b>Renewals of Roads</b>			
Bus Shelters Renewals	\$273,000	\$272,000	
Road Rehabilitation/ Reconstruction	\$2,249,616	\$2,000,000	\$249,616
<b>Capital Works</b>			
School Travel Plans	\$740,000	\$395,000	\$345,000
Cycleway On Road Cycle Lanes	\$5,019,700	\$720,000	\$2,284,600
Bus Shelter Construction	\$260,000	\$88,780	\$69,288

4. **Note** that the following projects will not be completed:
- (i) Road reconstruction activities that will not be carried out in 2011/2012 as planned in the Long Term Council Community Plan 2009-2019, as follows:
    - Parrs Cross Road, Henderson;
    - Lincoln Road, Henderson;
    - Parker Road, Waitakere;
    - Parker Avenue, New Lynn; and
    - School Road, Henderson.
  - (ii) The School Travel Plan infrastructure projects planned for 2011/2012 will not be implemented;
  - (iii) Funding for demand management and community programmes has been reduced by 20% and there is no certainty of funding for 2010/2011 and 2011/2012; and
  - (iv) A number of walk and cycleway projects will not be implemented as set out in the table below:

<b>Walk and Cycleway Projects that will not be implemented in 2011/2012</b>			
<b>Details</b>	<b>2009/2010</b>	<b>2010/2011</b>	<b>2011/2012</b>
Cycleway On Road Cycle Lanes (Rathgar Road)	\$1,275,400		
Cycleway Universal Drive–Lincoln Road to Swanson Road		\$1,450,000	
Cycleway Hobsonville Road – State Highway 16 to Buckley Avenue			\$680,000
Cycleway Portage Road – Neville Street to Kinross Street			\$300,000
Project Twin Streams Cycleway Pioneer Street to West Wave		\$200,000	\$400,000

5. **Agree** that the transport work programme be reassessed in the 2010/2011 financial year, to determine priorities taking into account the reduced New Zealand Transport Agency subsidy and to enable Council to determine if it wishes to reinstate any programmes.

**CARRIED**

## 11 **AUCKLAND REGIONAL TRANSPORT NETWORK LIMITED UPDATE**

1980/2009

MOVED by Cr Clews, seconded Cr Chan:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Auckland Regional Transport Network Limited Update report.
2. **Agree** that the Annual Report 2008/2009 of Auckland Regional Transport Network Limited be adopted, noting that Auckland Regional Transport Network Limited made a net surplus after tax of \$601,000.

3. **Approve** Waitakere City Council to vote as a shareholder in favour of the following resolutions for Auckland Regional Transport Network Limited's 2009 annual shareholders meeting, to be held by way of written resolution in lieu of a physical meeting:
  - i) That the Auckland Regional Transport Network Limited company and the Auckland Regional Transport Network Limited group consolidated financial statements for the year ended 30 June 2009 together with the auditor's report and directors' report be received, considered and adopted; and
  - ii) That the Controller and Auditor-General be appointed as auditor of the company and the consolidated group until the conclusion of the next annual meeting and that the directors be authorised to fix the auditor's fees.
4. **Approve** that the Chief Executive Officer be delegated authority to vote on behalf of Waitakere City Council and sign documents required to give effect to the resolutions of Auckland Regional Transport Network Limited's 2009 annual shareholders meeting.

**CARRIED**

## 12 **VARIATION TO WATERCARE SERVICES LIMITED SHAREHOLDERS' AGREEMENT**

10.44 am Cr Brady returned to the meeting.

10.45 am Cr Hulse returned to the meeting.

1981/2009

MOVED by Cr Clews, seconded Cr Mitchell:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Variation to Watercare Services Limited Shareholders' Agreement report.
2. **Approve** changes to clause 18 of Watercare Services Limited Shareholders' Agreement as follows:
  - Not be a member of:
    - (i) a local authority; or
    - (ii) a principal contractor, licensee or franchisee of any council controlled organisation or council organisation engaged in the provision of such services; and
3. **Approve** that authority be delegated to the Chief Executive Officer to sign the Deed of Variation of Shareholders' Agreement relating to Watercare Services Limited, executing the variation on behalf of Waitakere City Council.

**CARRIED**

**13 ACQUISITION OF LAND FOR ROAD AT SCENIC DRIVE NORTH, SWANSON**

1982/2009

MOVED by Cr Hulse, seconded Cr Mitchell:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Acquisition of Land for Road at Scenic Drive North, Swanson report.
2. **Agree** that the land at 1131 Scenic Drive North, Swanson, shown bordered by bold black line and marked A on the diagram attached to the minutes at page A71, be acquired for road.

**CARRIED**

**14 RELEASE OF FUNDS TO KEN MAUNDER PARK COMMUNITY TRUST**

10.50 am Cr Lawley left the meeting.

1983/2009

MOVED by Cr Battersby, seconded Cr Clow:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Release of Funds to Ken Maunder Park Community Trust report.
2. **Approve** the release of funds up to \$330,000 plus GST to the Ken Maunder Park Community Trust for the works completed as per progress payments on invoices, less retentions, in relation to the development of the public toilet and changing room facilities at Ken Maunder Park, subject to the executed Access Agreement between the Council and the Ken Maunder Park Community Trust.
3. **Agree** that retentions from approved progress payments to the Ken Maunder Park Community Trust in relation to the development of the public toilet and changing room facilities at Ken Maunder Park are held in accordance with contract documents, and that:
  - a) 50% to be paid upon practical completion of the public toilet and changing room facilities, that is upon issue of a Code Compliance Certificate or if a Code Compliance Certificate is not available at that time a Certificate of Public Use under section 363A of the Building Act 2004; and
  - b) With the remaining 50% being paid at the end of the defects liability period subject to satisfying any defected works.

**CARRIED**

**15 SALE OF LAND – TRIG ROAD, WHENUAPAI**

10.50 am Cr Dallow returned to the meeting.

1984/2009

MOVED by Cr Cooper, seconded Cr Clews:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Sale of Land – Trig Road, Whenuapai report.
2. **Approve**, (subject to resolutions 4 and 5 below,) that it be recommended to Council, to sell the land at 27-31 Trig Road, Whenuapai to the New Zealand Transport Agency.

3. **Agree**, (subject to resolution 4 below), to recommend to Council, that the Chief Executive Officer be authorised to negotiate the sale of 27-31 Trig Road, Whenuapai and execute all necessary documentation for the sale.
4. **Note** that resolutions 2, and 3 above be subject to confirmation by the Auckland Transition Agency.

**CARRIED**

## 16 **SALE OF LAND – TE ATATU ROAD, TE ATATU SOUTH**

10.54 am Cr Dallow left the meeting.

1985/2009

MOVED by Cr Brady, seconded Cr Jolley:

The Finance and Operational Performance Committee resolved to:

**Receive** the report on the Sale of Land – Te Atatu Road, Te Atatu South report and reject the Sale of Land – 130-132 Te Atatu Road, Te Atatu South.

**CARRIED**

## **PART E - REPORTS FROM THE SUBCOMMITTEES**

### 18 **TENDERS SUBCOMMITTEE**

1986/2009

MOVED by Cr Clow, seconded Cr Flaunty:

The Finance and Operational Performance Committee resolved to:

**Receive** the reports of the meetings of the Tenders Subcommittee held on Friday, 13 November 2009 and Friday, 27 November 2009.

**CARRIED**

## **PUBLIC EXCLUDED MATTER**

### 19 **LAND SUBDIVISION RESERVE FUND**

1987/2009

MOVED by Cr Jolley, seconded Cr Brady:

1. That the public be excluded from the following part of the proceedings of this meeting, namely, Land Subdivision Reserve Fund.

The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation of the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of the matter to be considered.	Reason for passing this resolution in relation to the matter.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
Land Subdivision Reserve Fund.	The withholding of information is necessary in order to:	That the public conduct of the relevant part of the proceedings of the meeting

	<p>enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>
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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)(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 report contains information which if released could affect Council's negotiations.*

2. **Agree** that EAG Grimmer, MNZM (Chairman, Henderson Community Board) and GPJ Marshall (Chairman, New Lynn Community Board) be permitted to remain for Item 19: Land Subdivision Reserve Fund after the public has been excluded, because of their knowledge of the matter, geographic areas under discussion in Item 19: Land Subdivision Reserve Fund and explaining any decision to the Community.

**CARRIED**

11.08 am The public were excluded.

Minute number 1988/2009 is recorded in the confidential section of these minutes.

11.33 am The public were readmitted.

**RESTATEMENT**

**Land Subdivision Reserve Fund**

The Finance and Operational Performance Committee resolved while the public were excluded (Moved by Cr Clews, seconded Cr Battersby ) (resolution 1988/2009, no. 2) ***“Agree that Land Subdivision Reserve Fund report and associated resolutions remain confidential until such time as the reasons for confidentiality no longer exist”.***

11.34 am The Chairman thanked Members for their attendance and attention to business and declared the meeting closed.

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

**DATE:**.....

**CHAIRMAN:**.....