

**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,
8 FEBRUARY 2010 COMMENCING AT 9.33 AM**

TABLE OF CONTENTS

<u>ITEM</u>	<u>PAGE NO.</u>
<u>PART A - OPENING OF MEETING</u>	1
1 APOLOGIES	1
2 URGENT BUSINESS	2
3 CONFLICTS OF INTEREST	2
4 CONFIRMATION OF MINUTES	2
<u>PART B - LEGAL AND CONSTITUTIONAL</u>	2
5 AFFIXATION OF COMMON SEAL	2
<u>PART C - FINANCE</u>	3
6 OPERATING AND CAPITAL EXPENDITURE FORECAST REPORT AS AT 30 NOVEMBER 2009	3
7 STATUS OF SPECIAL FUNDS	3
8 STATUS OF AUCKLAND REGIONAL SERVICES TRUST ARTS FUND	3
9 BORROWING AND INVESTMENT REPORT	4
10 PAYMENTS APPROVED	4
<u>PART D - GENERAL</u>	4
11 SIX MONTH REVIEW OF SPORT WAITAKERE 2009/2010	4
12 THE TRUSTS STADIUM 2009/2010 FOUR MONTH PERFORMANCE REVIEW	5
13 MANAGEMENT CONTRACT FOR THE CORBAN GREEN COMMUNITY FACILITY	5
14 COMMUNITY HALLS AND MARAE FUND ALLOCATION 2009/2010	6
15 AUCKLAND WAR MEMORIAL MUSEUM AND THE MUSEUM OF TRANSPORT AND TECHNOLOGY - ELECTORAL COLLEGE UPDATE ON DRAFT ANNUAL PLANS 2010/2011	6
16 AUCKLAND REGIONAL AMENITIES FUNDING BOARD - DRAFT FUNDING PLAN 2010/2011	7
17 CONTRACT NO. TA080290B - TRIANGLE ROAD AND CENTRAL PARK DRIVE CYCLEWAYS CONSTRUCTION - APPROVAL TO AWARD	7
18 WAIKUMETE CEMETERY APPROVAL TO NEGOTIATE CREMATION FEES	9

<u>PART E - REPORTS FROM THE SUBCOMMITTEES</u>	9
19 TENDERS SUBCOMMITTEE	9
<u>PART F - PUBLIC EXCLUDED MATTER</u>	9
20 NEW LYNN TRANSIT ORIENTED DEVELOPMENT PROJECT - LAND ACQUISITION FOR TOTARA AVENUE FOOTPATH AND TOTARA AVENUE - HETANA STREET INTERSECTION	9

**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,
8 FEBRUARY 2010 COMMENCING AT 9.33 AM**

PRESENT: Councillors RI Clow (Chairman)
JM Clews, QSO, JP (Deputy Chairman)
DQ Battersby, QSM, JP
BA Brady, JP (until 11.05 am) (from 11.22 am)
MFP Chan, JP
AK Corban, OBE, JP
RP Dallow, QPM, JP (from 9.41 am until 10.56 am)
(from 11.18 am)
WW Flaunty, QSM, JP
PA Hulse (from 9.55 am until 10.08am) (from 10.22 am)
MM Jolley
PG Mitchell

Mayor RA Harvey, QSO, JP (ex officio) (from 9.39 am to 10.56 am)

IN ATTENDANCE: Associate Director: Finance
Director: Finance
Director: Corporate and Business Services
Deputy Director: City Services
Group Manager: Funds Management
Group Manager: Rates and Financial Transactions
Deputy Group Manager: Assets
Service Manager: Leisure
Manager: Transport Services
Manager: Arts
Manager: Development and Investment Analysis
Manager: Government Relations
Property Consultant, Strategic Projects
Senior Community Liaison Officer
Recreation Partnership Projects Leader
Recreation Planner: Leisure Services
Transport Engineer: Planning and Design
Community Grants Officer
Project Co-ordinator: Development and Investment Group
Committee Secretary: C Fernandes

ALSO IN ATTENDANCE: Simon Wickham, Chief Executive Officer, The Trusts Stadium

PART A - OPENING OF MEETING

1 APOLOGIES

70/2010

MOVED by Cr Corban, seconded Cr Jolley:

That apologies from Crs Cooper, Lawley and Neeson for absence, and Cr Hulse for lateness, 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**

71/2010

MOVED by Cr Flaunty, seconded Cr Clews:

The Finance and Operational Performance Committee resolved to:

Receive the minutes of the meeting of the Finance and Operational Performance Committee held on Monday, 7 December 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**

DECLARATION OF INTEREST

9.36 am Cr Flaunty declared an interest and withdrew from table, taking no part in the discussion or decision on Item 5: Affixation of Common Seal.

72/2010

MOVED by Cr Jolley, seconded Cr Clow:

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

9.37 am Cr Flaunty returned to the table.

PART C - FINANCE

6 OPERATING AND CAPITAL EXPENDITURE FORECAST REPORT AS AT 30 NOVEMBER 2009

9.39 am Mayor Bob Harvey entered the meeting.

9.41 am Cr Dallow entered the meeting.

73/2010

MOVED by Cr Clews, seconded Cr Chan:

The Finance and Operational Performance Committee resolved to:

Receive the Operating and Capital Expenditure Forecast report as at 30 November 2009.

CARRIED

7 STATUS OF SPECIAL FUNDS

74/2010

MOVED by Cr Clews, seconded Cr Jolley:

The Finance and Operational Performance Committee resolved to:

Receive the Status of Special Funds report.

CARRIED

9.55 am Cr Hulse entered the meeting.

8 STATUS OF AUCKLAND REGIONAL SERVICES TRUST ARTS FUND

DECLARATION OF INTEREST

9.58 am Cr Corban declared an interest and withdrew from table, taking no part in the discussion or decision on Item 8: Status of Auckland Regional Services Trust Arts Fund.

75/2010

MOVED by Cr Mitchell, seconded Cr Brady:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Status of Auckland Regional Services Trust Arts Fund report.
2. **Agree** to allocate the balance of the Auckland Regional Services Trust Arts Fund in accordance with the original recommendation made by the Regional Arts Funding Allocation Subcommittee as follows:
 - Waitakere Arts and Cultural Development Trust: \$2,928 (interest)
 - Lopdell House Development Trust: \$66,782 (interest)
 - Waitakere Pacific Arts and Cultural Centre: \$339,479 (allocated funds plus interest)

3. **Agree** to disburse the allocated funds to the Waitakere Arts and Cultural Development Trust and the Lopdell House Development Trust
4. **Agree** to directly fund the upgrade of the existing tin sheds occupied by the Waitakere Pacific Arts and Cultural Centre for all-weather use to a maximum sum of \$80,000 from the \$339,479 noted in recommendation 2 above.
5. **Agree** to bring back a further report providing options for the disbursement of the balance of the allocated funding for the Waitakere Pacific Arts and Cultural Centre.

CARRIED

10.07 am Cr Corban returned to the table.

9 BORROWING AND INVESTMENT REPORT

10.08 am Cr Hulse left the meeting.

76/2010

MOVED by Cr Clow, seconded Cr Dallow:

The Finance and Operational Performance Committee resolved to:

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

CARRIED

10 PAYMENTS APPROVED

77/2010

MOVED by Cr Dallow, seconded Mayor Bob Harvey:

The Finance and Operational Performance Committee resolved to:

Receive the Payments Approved report.

CARRIED

PART D - GENERAL

11 SIX MONTH REVIEW OF SPORT WAITAKERE 2009/2010

10.22 am Cr Hulse returned to the meeting.

78/2010

MOVED by Cr Mitchell, seconded Cr Brady:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Six Month Review of Sport Waitakere 2009/2010 report.
2. **Agree** the Chief Executive Officer be delegated authority to negotiate a two-year Partnering Agreement between Waitakere City Council and Sport Waitakere Trust, for the period July 2010 to June 2012 and that the Partnering Agreement be executed as negotiated.

CARRIED

12 **THE TRUSTS STADIUM 2009/2010 FOUR MONTH PERFORMANCE REVIEW**

DECLARATION OF INTEREST

10.26 am Cr Dallow declared an interest and withdrew from table, taking no part in the discussion or decision on Item 12: The Trusts Stadium 2009/2010 Four Month Performance Review.

79/2010

MOVED by Cr Brady, seconded Cr Jolley:

The Finance and Operational Performance Committee resolved to:

1. **Receive** The Trusts Stadium 2009/2010 Four Month Performance Review report.
2. **Approve**, subject to resolution 4 below, two-year funding from 1 July 2010 to 30 June 2012 for the Waitakere City Stadium Trust, subject to the negotiation of an appropriate service agreement with the Waitakere City Stadium Trust up to the maximum approved in the Long Term Council Community Plan 2009-2019.
3. **Approve**, subject to resolution 4 below, that the Chief Executive Officer be delegated authority to negotiate and enter into a two-year funding agreement from 1 July 2010 to 30 June 2012 with the Waitakere City Stadium Trust.
4. **Note** that resolution 2 and 3 above are subject to confirmation by the Auckland Transition Agency.

CARRIED

10.55 am Cr Dallow returned to the table.

10.56 am Mayor Bob Harvey and Cr Dallow left the meeting.

13 **MANAGEMENT CONTRACT FOR THE CORBAN GREEN COMMUNITY FACILITY**

80/2010

MOVED by Cr Brady, seconded Cr Jolley:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Management Contract for the Corban Green Community Facility report.
2. **Agree**, subject to resolution 3 below, that McLaren Park Henderson South Community Initiative Incorporated be granted the management contract for the proposed community facility to be located on Corban Green.
3. **Note** that resolution 2 above is subject to confirmation by the Auckland Transition Agency.

CARRIED

14 **COMMUNITY HALLS AND MARAE FUND ALLOCATION 2009/2010**

DECLARATION OF INTEREST

11.01 am Cr Clews declared an interest and withdrew from table, taking no part in the discussion or decision on Item 14: Community Halls and Marae Fund Allocation 2009/2010.

81/2010

MOVED by Cr Hulse, seconded Cr Mitchell:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Community Halls and Marae Fund Allocation 2009/2010 report.
2. **Agree** to the allocation of funds for the Community Halls and Marae Fund Allocation 2009/2010 as outlined in the table below:

Applicant	Funds Requested	Funds Allocated
Hoani Waititi Marae Trust	\$3,000.00	\$3,000.00
Laingholm District and Citizens Association	\$2,525.00	\$2,525.00
Waiatarua Residents & Ratepayers Association	\$2,944.88	\$2,944.88
Whenuapai Residents & Ratepayers Association	\$3,000.00	\$3,000.00
Huia Cornwallis Residents & Ratepayers Association	\$3,000.00	\$3,000.00
Piha Community Centre Society Incorporated	\$2,000.00	\$2,000.00
Herald Island Residents & Ratepayer Association	\$3,000.00	\$3,000.00
Glen Eden Community & Recreation Centre	\$3,000.00	\$3,000.00
Paturoa Bay Residents & Ratepayers Association	\$3,000.00	\$3,000.00
TOTAL	\$25,469.88	\$25,469.88

CARRIED

11.02 am Cr Clews returned to the table.

15 **AUCKLAND WAR MEMORIAL MUSEUM AND THE MUSEUM OF TRANSPORT AND TECHNOLOGY - ELECTORAL COLLEGE UPDATE ON DRAFT ANNUAL PLANS 2010/2011**

11.05 am Cr Brady left the meeting.

82/2010

MOVED by Cr Chan, seconded Cr Mitchell:

The Finance and Operational Performance Committee resolved to:

Receive the Auckland War Memorial Museum and the Museum of Transport and Technology - Electoral College Update on Draft Annual Plans 2010/2011 report.

CARRIED

16 **AUCKLAND REGIONAL AMENITIES FUNDING BOARD - DRAFT FUNDING PLAN 2010/2011**

11.18 am Cr Dallow returned to the meeting.

83/2010

MOVED by Cr Clow, seconded Cr Corban:

The Finance and Operational Performance Committee resolved to:

Receive the Auckland Regional Amenities Funding Board - Draft Funding Plan 2010/2011 report.

CARRIED

11.22 am Cr Brady returned to the meeting.

17 **CONTRACT NO. TA080290B - TRIANGLE ROAD AND CENTRAL PARK DRIVE CYCLEWAYS CONSTRUCTION - APPROVAL TO AWARD**

MOVED by Cr Hulse, seconded Cr Battersby:

The Finance and Operational Performance Committee resolved to:

1. **Receive** Contract No. TA08029B - Triangle Road and Central Park Drive Cycleways Construction - Approval to Award report.
2. **Approve** the reallocation of \$400,000 from the Upper Opanuku Walk and Cycleway budget to the On Road Cycle Lanes budget to accommodate the shortfall in the budget allocation for the Triangle Road and Central Park Drive Cycleways project.
3. **Approve** the cancellation of Pomaria Road and Te Pai Place Cycleways project from the 2009/2010 work programme.
4. **Approve** that, subject to a satisfactory credit check, the tender from John Fillmore Contracting Limited for Contract No. TA08029B - Triangle Road and Central Park Drive Cycleways Construction, in the sum of \$2,572,907.88 plus \$321,613.47 GST, totalling \$2,894,452.35 be accepted.

5. **Approve** that authority to enter into Contract No. TA08029B - Triangle Road and Central Park Drive Cycleways Construction on behalf of the Council be delegated to the Acting Director: City Services.

AMENDMENT

MOVED by Cr Flaunty, seconded Cr Corban:

The Finance and Operational Performance Committee resolved to:

1. **Receive** Contract No. TA08029B - Triangle Road and Central Park Drive Cycleways Construction - Approval to Award report.
2. **Approve** the reallocation of \$400,000 from the Upper Opanuku Walk and Cycleway budget to the On Road Cycle Lanes budget to accommodate the shortfall in the budget allocation for the Triangle Road and Central Park Drive Cycleways project.
3. **Approve** the cancellation of Pomaria Road and Te Pai Place Cycleways project from the 2009/2010 work programme.
4. **Approve** the cancellation of tender for Contract No. TA08029B - Triangle and Central Park Drive Cycleways Construction and re-tender with a reduced scope of work.

AMENDMENT CARRIED

The amendment then became the Substantive Motion and was put by the Chairman.

SUBSTANTIVE MOTION

84/2010

The Finance and Operational Performance Committee resolved to:

1. **Receive** Contract No. TA08029B - Triangle Road and Central Park Drive Cycleways Construction - Approval to Award report.
2. **Approve** the reallocation of \$400,000 from the Upper Opanuku Walk and Cycleway budget to the On Road Cycle Lanes budget to accommodate the shortfall in the budget allocation for the Triangle Road and Central Park Drive Cycleways project.
3. **Approve** the cancellation of Pomaria Road and Te Pai Place Cycleways project from the 2009/2010 work programme.
4. **Approve** the cancellation of tender for Contract No. TA08029B - Triangle and Central Park Drive Cycleways Construction and re-tender with a reduced scope of work.

CARRIED

NOTE: Pursuant to Standing Order 32.12 Crs Battersby, Brady, Clews, Clow and Hulse requested that their vote against the substantive motion be recorded.

18 WAIKUMETE CEMETERY APPROVAL TO NEGOTIATE CREMATION FEES

85/2010

MOVED by Cr Clews, seconded Cr Dallow:

The Finance and Operational Performance Committee resolved to:

1. **Receive** the Waikumete Cemetery Approval to Negotiate Cremation Fees report.
2. **Agree** that cremation fees may be negotiated on a case by case basis and with selected funeral directors following review and recommendation by Waikumete Cemetery management, and as approved by the Acting Director: City Services

CARRIED

PART E - REPORTS FROM THE SUBCOMMITTEES

19 TENDERS SUBCOMMITTEE

86/2010

MOVED by Cr Clow, seconded Cr Clews:

The Finance and Operational Performance Committee resolved to:

Receive the meetings reports of the Tenders Subcommittee held on Friday, 18 December 2009 and Friday, 22 January 2010.

CARRIED

PART F - PUBLIC EXCLUDED MATTER

20 NEW LYNN TRANSIT ORIENTED DEVELOPMENT PROJECT - LAND ACQUISITION FOR TOTARA AVENUE FOOTPATH AND TOTARA AVENUE - HETANA STREET INTERSECTION

87/2010

MOVED by Cr Dallow, seconded Cr Jolley:

That the public be excluded from the following part of the proceedings of this meeting, namely New Lynn Transit Oriented Development Project - Land Acquisition for Totara Avenue Footpath and Totara Avenue - Hetana Street Intersection.

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 under Section 48(1)(a) for the passing of this resolution.
New Lynn Transit Oriented Development Project - Land Acquisition for Totara Avenue Footpath and Totara Avenue - Hetana Street Intersection	The withholding of information is necessary in order to: <ul style="list-style-type: none"> • enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). 	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.

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.*

CARRIED

11.47 am The public were excluded.

Minute Number 88/2010 is recorded in the Confidential Section of these Minutes.

11.49 am The public were readmitted.

RESTATEMENT

New Lynn Transit Oriented Development Project - Land Acquisition for Totara Avenue Footpath and Totara Avenue - Hetana Street Intersection

The Finance and Operational Performance Committee resolved while the public were excluded (Moved by Cr Dallow, seconded Cr Mitchell) (resolution 88/2010, no 5) **“Agree that the New Lynn Transit Oriented Development Project - Land Acquisition for Totara Avenue Footpath and Totara Avenue - Hetana Street Intersection report and associated resolutions remain confidential until such time as the reasons for confidentiality no longer exist.”**

11.50 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:.....