

**MINUTES OF AN ORDINARY MEETING OF THE FINANCE AND OPERATIONAL
PERFORMANCE COMMITTEE HELD IN THE CIVIC CENTRE,
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON
MONDAY, 5 APRIL 2004, COMMENCING AT 9.30 AM.**

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MONDAY, 5 APRIL 2004, COMMENCING AT 9.30 AM.**

PRESENT: Councillors JM Clews, QSO, JP (Chairperson)
BA Brady, JP (Deputy Chairperson) (from 9.38 am)
DQ Battersby, JP
AC Fenton (from 9.38 am)
PA Hulse
GE Nash, QSM, JP
VS Neeson, JP
GB Presland (from 10.15 am)
GW Russell, JP (until 11.20 am)
CA Stone
DA Yates, JP

IN ATTENDANCE: Director: Finance
Director: Quality Assurance
Group Manager: Asset Management
Group Manager: Financial Management
Group Manager: Service Management
Project Manager: Strategic Projects Group
Legal Services Manager
Manager: Arts
Property Assets Manager
City Services; Assets Group - Parks Assets Manager
Leisure Projects Leader
Financial Business Analyst
Senior Analyst Pacific Island Policy
Pacific Island Advisory Board Co-ordinator
Recreation Officer, West Wave Recreation Centre: C Dwyer
Recreation Officer, West Wave Recreation Centre: T Patterson
Executive Officer (Legal)
Funds Accountant
Senior Analyst: Governance and Infrastructure
Public Affairs Advisor: External Communications
Committee Secretary: S Simiona

Gary Calvert, Chief Executive Officer, Sport Waitakere

Tony Bates, Lopdell House Arts Development Trust
Tania Wilkinson - Coordinator, Corban Estate Arts Centre

Taha Fasi - Chairperson, Pacific Islands Advisory Board

1 APOLOGIES

485/2004

MOVED by Cr Neeson, seconded Cr Yates:

That an apology from Mayor Bob Harvey, Crs, Dallow, Hoskin and Lawley for absence and Cr Presland for lateness be received and sustained.

CARRIED

2 URGENT BUSINESS

DEFERRED

The Chairperson advised that there was an item of Urgent Business to be considered later in the meeting. The topic for consideration - Pacific Arts Centre, Corban Estate fire Friday, 2 April 2004.

3 CONFIRMATION OF MINUTES

486/2004

MOVED by Cr Brady, seconded Cr Nash:

That the minutes of the Ordinary Meeting of the Finance and Operational Performance Committee held on Monday, 8 March 2004, including the Public Excluded minutes, as circulated, be taken as read and now be confirmed.

CARRIED

PRECEDENCE OF BUSINESS

487/2004

MOVED by Cr Neeson, second Cr Russell:

That Item 16: Regional Arts and Cultural Funding Allocation Subcommittee be accorded precedence at this time.

CARRIED

16 REGIONAL ARTS AND CULTURE FUNDING ALLOCATION SUBCOMMITTEE

Tony Bates - Lopdell House Arts Development Trust and Tania Wilkinson - Coordinator Corban Estate Arts Centre updated the Finance and Operational Performance Committee on developments that both establishments are involved with.

10.15 am Cr Presland entered the meeting.

10.30 am Cr Hulse left the meeting.

10.40 am Cr Fenton left the meeting

488/2004

MOVED by Cr Yates, seconded Cr Russell:

That the presentation by Tony Bates, Lopdell House Arts Development Trust and Tania Wilkinson, Coordinator Corban Estate Arts Centre be received.

CARRIED

489/2004

MOVED by Cr Yates, seconded Cr Russell:

1. That the amount of \$75,000 be set aside from the Auckland Regional Services Trust Fund to support the ongoing development of the Creative Solutions/Toi Whenua project, at \$25,000 per annum for three years.
2. That recommendations Nos. 2 and 3 from the Regional Arts and Cultural Funding Allocation Subcommittee:
 - "2. That the balance of the Auckland Regional Services Trust Fund, after setting aside the sum of \$75,000 for the Creative Solutions/Toi Whenua project, be disbursed to the Waitakere Arts and Cultural Development Trust and the Lopdell House Arts Development Trust, based respectively on the proportion of 2:1, i.e. two-thirds for the development of the Corban Estate Arts Centre and one-third for the development of the Lopdell House Arts Precinct.
 3. That the amount of \$225,000 granted by Council to the Waitakere Playhouse Theatre Trust, if repaid to the Auckland Regional Services Trust Fund, be disbursed in the same manner, i.e. two-thirds to the Corban Estate Arts Centre and one-third to the Lopdell House Arts Precinct."

be referred back to the Subcommittee for further consideration.

CARRIED

490/2004

MOVED by Cr Yates, seconded Cr Russell"

That the Ordinary Meeting report of the Regional Arts and Culture Funding Allocation Subcommittee held on Wednesday, 3 March 2004 be received.

CARRIED

491/2004

MOVED by Cr Presland, seconded Cr Yates:

That the Chief Executive be requested to bring back a report to the Finance and Operational Performance Committee prior to the draft 2004/2005 Annual Plan deliberations updating the situation at the Corban Estate in relation to:

- Leases;
- Uses of the buildings;
- Progress on the feasibility study for options on the site;
- Aspects of the conservation plan for the site.

CARRIED

ADJOURNMENT

492/2004

MOVED by Cr Clews, seconded Cr Neeson:

That the meeting stand adjourned until 10.55 am.

CARRIED

10.43 am The meeting adjourned.

11.01 am The meeting reconvened. Cr Fenton was present. Cr Neeson was not present.

PRECEDENCE OF BUSINESS

494/2004

MOVED by Cr Clews, seconded Cr Battersby:

That Item 2: Urgent Business be accorded precedence at this time.

CARRIED

2 URGENT BUSINESS

Corban Estate Arts Centre

The Chairperson outlined to the Finance and Operational Performance Committee the reason why the Corban Estate Pacific Arts Centre fire should be considered as Urgent Business.

In the early hours of Friday, 2 April 2004 a fire gutted the Pacific Arts Centre at the Corban Estate, as well as substantial damage to the building valuable artefacts were destroyed. The New Zealand Fire Service took six hours to bring the fire under control.

494/2004

MOVED by Cr Battersby, seconded Cr Brady:

That a report on the fire that ravaged the Pacific Arts Centre at the Corban Estate on Friday, 2 April 2004 be considered as Urgent Business as the Council needs to be informed on the state of the buildings.

CARRIED

Pacific Arts Centre - Corban Estate

The Chairperson invited Mr Taha Fasi, Chairperson of the Pacific Islands Advisory Board to address the Committee on the loss of the artefacts due to the fire in the Pacific Arts Centre at the Corban Estate.

11.06 am Cr Neeson returned to the meeting.

11.07 am Cr Hulse returned to the meeting.

11.20 am Cr Russell left the meeting.

495/2004

MOVED by Cr Brady, seconded Cr Fenton:

1. That the information on the fire at the Pacific Arts Centre at the Corban Estate on Friday, 2 April 2004 be received.
2. That the Chief Executive be requested to bring back to the Council a detailed report on the fire on Friday, 2 April 2004 at the Pacific Arts Centre, Corban Estate for further consideration.

CARRIED

The Order of Business resumed at Item 4: Six Month Performance of Massey Leisure Centre.

PART I - PROPERTY

4 SIX MONTH PERFORMANCE OF MASSEY LEISURE CENTRE

496/2004

MOVED by Cr Neeson, seconded Cr Fenton:

That the Six Month Performance of Massey Leisure Centre report be received.

CARRIED

5 SIX MONTH PERFORMANCE OF THE WEST WAVE RECREATION CENTRE

DEFERRED

497/2004

MOVED by Cr Hulse, seconded Cr Brady:

That Item 5: Six Month Performance of the West Wave Recreation Centre be deferred until later in the meeting.

CARRIED

11.30 am Cr Presland left the meeting

PART II - LEGAL AND CONSTITUTIONAL

6 AFFIXATION OF COMMON SEAL

498/2004

MOVED by Cr Battersby, seconded Cr Hulse:

1. That the Affixation Of 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.

CARRIED

PART III - FINANCE

7 OPERATING AND CAPITAL EXPENDITURE SUMMARIES

499/2004

MOVED by Cr Fenton, seconded Cr Brady:

That the Operating and Capital Expenditure Summaries report be received.

CARRIED

8 STATUS OF SPECIAL FUNDS

11.37 am Cr Presland returned to the meeting.

500/2004

MOVED by Cr Nash, seconded Cr Brady:

That the Status of Special Funds report be received.

CARRIED

9 BORROWING AND INVESTMENT REPORT

501/2004

MOVED by Cr Nash, seconded Cr Fenton:

That the Borrowing and Investment Report be received.

CARRIED

10 PAYMENTS FOR APPROVAL

502/2004

MOVED by Cr Nash, seconded Cr Yates:

1. That the Payments For Approval report be received.
2. That the contracts let and payments made be approved.

CARRIED

11 WATER CARE SERVICES LIMITED STATEMENT OF CORPORATE INTENT

503/2004

MOVED by Cr Presland, seconded Cr Nash;

1. That the Water Care Services Limited Statement of Corporate Intent report be received.
2. That Waitakere City Councillors and Officers develop a strategy for reaching agreement between this Council, the Shareholders Group and the Government about what is meant by the sustainable management of water.
3. That the Council develops a strategy for how it might respond to any proposed changes to the regional governance of water put forward by the Government. The strategy should include:
 - An analysis of the potential impact of any proposed new governance structure on Waitakere City initiatives such as Project Twin Streams.
 - Developing an argument that any proposed regional governance structure should emphasise sustainable management of water as its primary objective.
 - Working with other councils in the region and the Shareholders Group to send a common message to Government that sustainable management is a primary objective and any proposed governance structure should ensure that local authorities will have enough influence to facilitate that objective.
4. That the Shareholders Group Representatives from Waitakere City Council make the following general recommendations to the Shareholders Group:
 - That the Shareholders Group focus on strategic directions and key processes stipulated in the Shareholders Agreement, which are the Statement of Corporate Intent, Asset Management Plans, Funding Plans and Board Performance.
 - That the Shareholders Group meets quarterly with additional meetings for emergency purposes only.
 - That the Shareholders Group explores other management options for the Officers Working Group.
 - That the Shareholders Group be provided with more opportunity to workshop key issues, such as the meaning of sustainable management of water, Asset Management Plans, Funding Plans and Statement of Corporate Intent.
5. That the Shareholders Group Representatives from Waitakere City make the following recommendations to the Shareholders Group on the draft Statement of Corporate Intent:
 - That a workshop on the 2005 Statement of Corporate Intent be held when new Board members are elected, with a view to placing the document more in the context of sustainable management of water and the four wellbeings.
 - That a provision be included in the 2004 Statement of Corporate Intent that if the Board wishes to make submissions to Central Government on aspects of the legislation that governs the Company, then it should first discuss its intentions with the Shareholders Group.

- That the following changes be made to Section 5: with additional wording alterations to no: iii Social Policy, bullet point 4 to better reflect the Corporate Citizenship Objectives on page A23 of the Agenda and to be linked to the four wellbeings as stipulated in the Local Government Act 2002.
 - i. Under “**Economic Policy**”
 - Remove “To Manage the Business Efficiently”
 - Include economic instruments for sustainable management options for 1 in 20 to 1 in 200 events (including risk and cost/benefit measurements).
 - ii. Under “**Environmental Policy**”
 - Remove “To Operate the Business in a Sustainable Manner”
 - iii. Under “**Social Policy**”
 - Remove “To Act in a Socially Responsible Manner”
 - Define what Watercare means by “Socially Responsible”
 - Change “Reasonable Corporate Citizen” to read “Responsible Corporate Citizen”
 - Amend the targets under corporate citizenship to include a new target a) “To actively seek opportunities to contribute to the social, economic, environmental and cultural wellbeing of people and communities, thereby aligning Watercare to the principles relating to its shareholding Territorial Local Authority’s as stipulated in Section 14 of the Local Government Act 2002”.
 - iv. That efficiency measures be included in the Statement of Corporate Intent, as follows:
 - Watercare Services Limited be required to achieve a 5% per annum reduction in capital and operating costs; and
 - Watercare Services Limited be required to benchmark its cost per cubic metre of water and wastewater services.
- 6. That a further Council workshop be held in July 2004 to further progress the issues with regard to Watercare’s governance processes.

CARRIED

RECOMMITTAL

The Chairperson with the consent of the meeting, recommitted Item 5: Six Month Performance of the West Wave Recreation Centre at this time.

11.55 am Cr Presland left the meeting.

5 SIX MONTH PERFORMANCE OF THE WEST WAVE RECREATION CENTRE

504/2004

MOVED by Cr Hulse, seconded Cr Nash:

That the Six Month Performance of the West Wave Recreation Centre report be received.

CARRIED

12.00 noon Cr Battersby left the meeting.

PART IV - GENERAL

12 MAINTENANCE OF TOWN CENTRES AND HIGH PROFILE ROADS

12.09 pm Cr Yates left the meeting.

12.15 pm Cr Presland returned to the meeting.

505/2004

MOVED by Cr Hulse, seconded Cr Nash:

1. That the Maintenance of Town Centres and High Profile Roads report be received.
2. That a report be submitted as soon as practicable to the Finance and Operational Performance Committee on possible improvements to Town Centre Maintenance.

CARRIED

13 SPORT WAITAKERE - SIX MONTH REPORT

506/2004

MOVED by Cr Nash, seconded Cr Fenton:

That the Sport Waitakere - Six Month Report be received.

CARRIED

12.25 pm Cr Yates returned to the meeting.

14 COUNCIL CONTROLLED ORGANISATIONS - DRAFT STATEMENTS OF INTENT

12.27 pm Cr Battersby returned to the meeting.

507/2004

MOVED by Cr Fenton, seconded Cr Nash:

1. That the Council Controlled Organisations - Draft Statements Of Intent report be received.
2. That the draft Statements of Intent of Waitakere City Holdings Limited, Waitakere Properties Limited, Waitakere Enterprise Trust Board, and Techscape Limited be amended to reflect the issues referred to in this report, the list of minor changes are attached at pages A32 to A82 to the Agenda report and any other changes identified by Members of the Finance and Operational Performance Committee.

3. That this list of changes be approved by the Chair of the Finance and Operational Performance Committee and be sent to the Chairpersons of:
- Waitakere City Holdings Limited;
 - Waitakere Properties Limited;
 - Waitakere Enterprise Trust Board;
 - Techscape Limited.

CARRIED

PART V - SUBCOMMITTEE REPORTS

15 COUNCIL CONTROLLED ORGANISATIONS GOVERNANCE SUBCOMMITTEE

508/2004

MOVED by Cr Presland, seconded Cr Fenton:

That the Extraordinary Meeting report of the Council Controlled Organisations Governance Subcommittee held on Thursday, 18 March 2004 be received.

CARRIED

16 REGIONAL ARTS AND CULTURE FUNDING ALLOCATION SUBCOMMITTEE

This item was considered following Item 3: Confirmation of Minutes.

17 TENDERS SUBCOMMITTEE

509/2004

MOVED by Cr Clews, Cr Presland:

That the Ordinary Meeting report of the Tenders Subcommittee held on Friday, 12 March 2004 and Friday, 26 March 2004 be received.

CARRIED

PART VI - CONFIDENTIAL ITEM

18 LAND ACQUISITION UPDATE - TRIANGLE LAND, HOBSONVILLE AIRBASE

19 VEHICLE TESTING STATION - JOINT VENTURE PROPOSAL

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

510/2004

MOVED by Cr Stone, seconded Cr Presland:

That the public be excluded from the following part of the proceedings of this meeting, namely Land Acquisition Update - Triangle Land, Hobsonville Airbase; and Vehicle Testing Station - Joint Venture Proposal.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation of each 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 each of the matters to be considered.	Reason for passing this resolution in relation to each of the matters.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none"> • Land Acquisition Update - Triangle Land, Hobsonville Airbase • Vehicle Testing Station - Joint Venture Proposal 	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> • Maintain legal professional privilege. • Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). • Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information - <ul style="list-style-type: none"> - Would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or - Would be likely otherwise to damage the public interest. 	<p>That the public conduct of the relevant parts of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>

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)(c)(i)(ii), 7(2)(g) and 7(2)(i) of that Act which would be prejudiced by the holding of the relevant parts of the proceedings of the meeting in public as follows:

- The matters contain information which if released would affect the Council's negotiations and could have an effect on the commercial position of the person who has supplied the information.

CARRIED

12.54 pm The public were excluded.

Minute Numbers 511/2004 - 512/2004 are recorded in the Confidential Section of these Minutes.

1.00 pm The public were readmitted.

RESTATEMENT

The Committee resolved while the public were excluded:

1. (Moved by Cr Nash, seconded Cr Neeson) (resolution 511/2004 No. 2) *“That the Land Acquisition Update - Triangle Land, Hobsonville Airbase report and associated resolutions remain confidential until further notice”*.
2. (Moved by Cr Presland, seconded Cr Yates) (resolution 512/2004 no. 3) *“That the Vehicle Testing Station - Joint Venture Proposal report and associated resolutions remain confidential until further notice”*.

1.02 pm

The Chairperson thanked members for their attendance and attention to business and declared the meeting closed.

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

DATE:.....

CHAIRPERSON:.....