



**AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD IN THE CIVIC  
CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON WEDNESDAY, 26 APRIL 2006  
COMMENCING AT 5.30 PM**

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**PART A - OPENING OF MEETING**

**1 OPENING PRAYER**

Captain Stephen Jarvis from the Glen Eden Salvation Army will say the Opening Prayer.



**2 APOLOGIES**



**3 CONFIRMATION OF MINUTES**

Meeting Minutes - 15 March 2006  
29 March 2006

**RECOMMENDATION**

That the minutes of the Meetings of the Council held on Wednesday, 15 March 2006 and 29 March 2006, as circulated, be taken as read and now be confirmed.



**4 URGENT BUSINESS**

Section 46A(7) 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 Council by resolution so decides; 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 and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Council may make a decision on a matter determined to be urgent.

**NOTE:** Urgent Business need not be dealt with now and may be delayed until later in the meeting.



## 5 DECLARATION OF COUNCILLOR

In accordance with the provisions under Clause 14 of Schedule 7 of the Local Government Act 2002, the Councillor elected through the 2006 Waitakere Ward By-Election will be required to come before His Worship the Mayor to make and sign the Declaration in the form prescribed, which reads as follows:

*“I, ....., declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the City of Waitakere, the powers, authorities, and duties vested in, or imposed upon, me as a member of the Waitakere City Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, and any other act.”*



## 6 COUNCILLOR APPOINTMENTS

### **PURPOSE OF THE REPORT**

The purpose of this report is to make provision for the Council to consider appointments of the Councillor who has been elected in the 2006 Waitakere Ward By-election, to Committees and other positions as well as any other changes in Council appointments, should the result of the election have been declared in time for the successful candidate to be sworn in at this Council meeting.

### **BACKGROUND**

The election of a Councillor for the Waitakere Ward is currently taking place and the Electoral Officer expects that a decision might be declared in time for the successful candidate to be sworn in at this Council meeting and to assume the duties of an Elected Member from that time. The opportunity then needs to be provided for the Council to make appointments to such Council Committees, Community Boards, and ad hoc/external bodies that as are desired/necessary.

### **ISSUES**

Appointments held by former Councillor Pat Booth need consideration as to how they will be filled. Those that have not been filled to date are:

#### Council Committees and Special Committees

City Development Committee.

Finance and Operational Performance Committee.

Planning and Regulatory Committee.

Long Term Council Community Plan and Annual Plan Special Committee.

Projects Special Committee.

Arts, Events and Culture Special Committee.

Emergency Services Special Committee.

Kay Road Balefill Site Management Committee.

Community Board

Waitakere Community Board

Ad Hoc/External Organisations

Cultural Ambassador for Waitakere City Sister City, Kakogawa, Japan.

Huia/Cornwallis Local Water Agenda Steering Group.

Lopdell House Society Inc Management Committee.

A full schedule will be available on the day of the meeting to consider the appointments.

The Deputy Mayor has advised that the Council may wish to consider other appointments or changes to existing appointments at this time.

**RESOURCES**

No additional resources will be required.

**CONCLUSION**

It is recommended that appointments for the newly elected Waitakere Ward Councillor considered alongside any other appointments the Council wishes to make at this time.

**RECOMMENDATIONS**

1. That the Councillor Appointments report be received.
2. That the Council make the requisite appointments to Committees and other positions.

Report prepared by: Darryl Griffin, Group Manager: Democracy and Support Services.



**PART B - REPORT OF THE MAYOR**

The report of the Mayor will be circulated under separate cover with this agenda.



**PART C - REPORTS OF NEW LYNN COMMUNITY BOARD, WAITAKERE COMMUNITY BOARD, MASSEY COMMUNITY BOARD AND HENDERSON COMMUNITY BOARD**

**7 NEW LYNN COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 3 APRIL 2006**

**1. CHAIRPERSON'S REPORT**

**The Board Recommends:**

That the Council note that the New Lynn Community Board supports Council in its endeavour to increase police staffing on an improved ratio.

**2. OTHER MATTERS CONSIDERED**

The Board 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 1 to 11 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Meeting of the New Lynn Community Board held on Monday, 3 April 2006 be received.

P van der Voort. JP  
**CHAIRPERSON**



**8 WAITAKERE COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 4 APRIL 2006**

**MATTERS CONSIDERED**

The Board 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 12 to 17 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Meeting of the Waitakere Community Board held on Tuesday, 4 April 2006 be received.

CA Shepherd, JP  
**CHAIRPERSON**



1-11  
Part C

12-17  
Part C

9 **MASSEY COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 5 APRIL 2006**

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**MATTERS CONSIDERED**

18-24  
Part C

The Board 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 18 to 24 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Meeting of the Massey Community Board held on Wednesday, 5 April 2006 be received.

JA Good  
**CHAIRPERSON**



10 **HENDERSON COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 6 APRIL 2006**

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**MATTERS CONSIDERED**

25-32  
Part C

The Board 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 25 to 32 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Meeting of the Henderson Community Board held on Thursday, 6 April 2006 be received.

EAG Grimmer, MNZM  
**CHAIRPERSON**



## **PART D - REPORT OF THE CHIEF EXECUTIVE OFFICER**

### **11 LOCAL GOVERNMENT LAW REFORM BILL SUBMISSION**

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

The purpose of this report is to enable the Council to give delegated authority to the Deputy Mayor and the Chairs of the Council's City Development, Planning and Regulatory and Finance and Operational Performance Standing Committees to make a submission to the Local Government and Environment Select Committee on the Local Government Law Reform Bill. The Select Committee has set a deadline of 1 May for submissions and must report back to the House by June.

#### **BACKGROUND**

The Bill proposes a number of amendments to the following statutes:

- the Local Government Act 2002;
- the Local Government Act 1974;
- the Dog Control Act 1996;
- the Litter Act 1979;
- the Local Electoral Act 2001;
- the Rating Act 2001;
- the Rates Rebate Act 1973; and
- the Land Transport Act 1998.

Most of the proposed amendments are of a technical nature however changes to the Rates Rebate Act are important to allow for the smooth implementation of the new Rates Rebate scheme on 1 July 2006.

The closing date for submissions is 1 May 2006. Given the short time frame available to make a submission it is proposed that the Council delegate to the Deputy Mayor and the Chairs of the Council's City Development, Planning and Regulatory and Finance and Operational Performance Standing Committees authority to sign off the submission on behalf of the Council..

#### **ISSUES**

The Bill is what is known as an "Omnibus" Bill which has two major implications:

- The first is the fact that the Bill required the agreement of the Opposition Parties to enable it to be introduced into the House - this resulted in issues that were "political" or controversial being removed. The inclusion, or re-inclusion, of such matters will depend on the ability of submitters to convince the Select Committee. For example, Local Government New Zealand recommends that a topical issue which should not be included in a submission, due to a pending court hearing, concerns the current case between Auckland City Council and the Royal Foundation for the Blind regarding rating;
- The second is that submissions on an Omnibus Bill may only address issues that have a close relationship to the statutes proposed to be amended.. Consequently a number of the issues that Local Government New Zealand was keen to have addressed have been "parked" - such as the desire to allow councils to charge actual and reasonable fees for implementing government regulations e.g. liquor bylaws.

One issue that is not included in the review concerns the ability of councils to make bylaws for waste levies. Since the passing of a remit at the July 2004 AGM, Local Government New Zealand advises that it has consistently advocated for inclusion of provisions in the Bill to expressly provide for the allocation of costs in the form of local waste levies. The proposals to date have focussed on the need to amend s544 of the Local Government Act 1974. Since March 2006 when it became apparent that the amendments would not be included in the Bill, Local Government New Zealand has been involved in various discussions and meetings with the Ministry for the Environment about the alternative option of a national waste levy. This Council is not happy with the outcome or the advocacy by Local Government New Zealand on this issue.

Initial discussions on the principles for a national approach to waste levies, indicate there is support for some form of additional funding for waste minimisation, with a significant proportion of this allocated to local authorities for local/regional waste minimisation solutions. Shortly, Ministry for the Environment will be consulting with all sectors involved on the principles and options being considered. Ministry for the Environment intend to report back to Government and seek direction to proceed with a particular option around July 2006. It is likely that legislative amendment will be required once the policy development is completed. As a result of the current work underway on national levies, Local Government New Zealand does not intend seeking an amendment to section 544 of the Local Government Act as part of this reform Bill. The Manager: Legal Services has, however, signalled to Local Government New Zealand that this Council's submission is likely to include a proposal to amend Section 151(3) of the Local Government Act 2002, to address some issues in relation to that section which came out of the judgment of Justice Asher on the Waste Bylaw. The proposed amendment will attempt to address this issue by another route. There is no real confidence that this proposal will meet with any approval, but it is worth an attempt.

The Council's submission should give specific consideration to supporting or not supporting any submission intended by Local Government New Zealand as well as making any other submission considering necessary and/or appropriate.

### **Proposed Local Government New Zealand Strategy for their submission by Statute:**

#### Amendments to Local Government Act 1974 - Abandoned Vehicles

The draft of the intended change in the Bill has been previously circulated to the local government sector. There was little response and this has been taken as tacit approval for the proposal. Unless there is a robust and consistent reaction to this section of the Bill it is proposed Local Government New Zealand will not be putting forward a sector submission.

#### Amendments to Land Transport Management Act

In relation to local government the proposed changes to enforcement provisions appear to address the previously expressed concerns of the sector. Unless there is a robust and consistent reaction to this section of the Bill it is proposed that Local Government New Zealand will not be putting forward a sector submission.

#### The Litter Act 1979

Local Government New Zealand *advocated* for a number of changes to the Litter Act 1979 to be included in the Local Government Reform Bill. It appears that the changes sought are largely included in the Bill. Therefore, the Local Government New Zealand submission is likely to support the Litter Act changes proposed in the Bill.

### The Dog Control Act 1996

In the initial discussions on the Local Government Law Reform Bill, Local Government New Zealand and the sector asked for numerous changes to the Dog Control Act 1996. It appears that the Dog Control Act changes proposed in the Bill as drafted were asked for by local government. However, not all the changes sought are in the Bill. The Local Government New Zealand submission is likely to support the Dog Control Act changes proposed in the Bill but to also seek the inclusion of some of the changes sought that haven't been included.

### The Local Government Act 2002

There appear to be no problems with the amendments proposed. They are largely technical changes although strong support should be given to the proposed clarity around the authority of councils to make donations in response to disasters.

### The Local Government Rating Act 2001

This amendment re-introduces the right for residents to make lump-sum payments in specific situations. Local Government New Zealand requested this amendment, however, they consider that it is unnecessarily complicated and administratively complex. However, the omission of the lump sum provisions from the original legislation was unfortunate and its reintroduction is welcomed and is worthy of support, in any form.

### Rates Rebate Act 1973

These are necessary changes to enable the new rates rebate scheme to be implemented by July this year. There are still a few issues that need to be addressed with the scheme, such as incorporating separate water charges.

## **RESOURCES**

Resources for the participation in the Select Committee Inquiry, including presentation before the Select Committee if that is considered appropriate by the Council, are provided for in the current Annual Plan.

## **CONCLUSION**

There is again a very short timeframe for the Council to adequately prepare and approve a submission on new legislation proposed. As any submission must be made by 1 May the Council is requested to approve a delegation to enable the Deputy Mayor and the Chairs of the Council's City Development, Planning and Regulatory, and Finance and Operational Performance Standing Committees to sign off any submission proposed on the Local Government Law Reform Bill. Coordination of the submission is underway.

## **RECOMMENDATIONS**

1. That the Local Government Law Reform Bill Submission report be received.
2. That the Council make a submission for consideration by the Government and Environment Select Committee on the Local Government Law Reform Bill with final approval of the submission being delegated to the Deputy Mayor and the Chairs of the Council's City Development, Planning and Regulatory, and Finance and Operational Performance Standing Committees.
3. That the Council approve the attendance before the Select Committee of Councillor Janet Clews to present the submission on behalf of the Council should that be determined as necessary by the Deputy Mayor and the Chairs of the Council's City Development, Planning and Regulatory, and Finance and Operational Performance Standing Committees.

Report prepared by: Darryl Griffin, Group Manager: Democracy and Support Services.



12 **PROPOSED PARTNERING AGREEMENT WITH HOUSING NEW ZEALAND CORPORATION**

(NOTE: A presentation on Housing Matters will immediately follow this item, which includes the signing of the Partnering Agreement between Council and Housing New Zealand Corporation.

The presentation will be made by Helen Fulcher, Chief Executive Officer Housing New Zealand Corporation. The focus will be on the working relationship to improve the supply of affordable housing in Waitakere City, and include the issue about the use of restrictive covenants which can limit the supply of social housing.

Chris Carter, Minister of Housing, and Pat Sneddon, Chairman of the Board - Housing New Zealand Corporation, will be present for the presentation).

**PURPOSE OF THE REPORT**

The purpose of this report is to present a Partnering Agreement (formerly termed a Partnership Framework Agreement) to the Council for signature by the Mayor and Chief Executive Officer of Waitakere City Council and the Chief Executive Officer of Housing New Zealand Corporation at this meeting.

**BACKGROUND**

Waitakere City is facing a number of challenges about the provision of adequate and affordable housing for its residents. There is a high demand for housing, especially low-cost housing, in a time of a falling proportion of people who own their home and a rising proportion of renters. The area has one of the longest waiting lists in the country for state housing. This is due in part to rising house prices across much of the city as well as an increase in the population over time. In addition, Waitakere City is becoming increasingly attractive for those seeking affordable housing due to higher house prices in neighbouring cities in the Auckland Isthmus.

Over the past four months, Councillors have been in discussions with the Minister of Housing, the Hon Chris Carter, and officials, to identify initiatives to respond to current and future housing needs within Waitakere City. In particular, there is a desire to work collaboratively to increase the availability of social and affordable housing, and improve existing housing, such as the older adults service offered by the Council.

A report submitted to the City Development Committee at its Thursday, 6 April 2006 meeting outlined the benefits of a proposed Partnership Framework Agreement with Housing New Zealand Corporation to formalise the working relationship between the parties in relation to current and future joint housing initiatives in Waitakere City. The report proposed that the Committee endorse the idea of Council entering into such an Agreement.

The City Development Committee resolved at its Thursday, 6 April 2006 meeting:

- “2. That it be recommended to the Council that it enter into the proposed Partnership Framework Agreement between Housing New Zealand Corporation and Waitakere City Council.”

521/2006

In response to the City Development Committee resolution, this report presents a Partnering Agreement (formerly termed a Partnership Framework Agreement) to the Council for signature by the Mayor and Chief Executive Officer of Waitakere City Council and the Chief Executive Officer of Housing New Zealand Corporation at this meeting.

## STRATEGIC CONTEXT

The Council's strategic priorities that are of particular relevance to the housing arena include 'sustainable development' and 'safe city'. Other strategic platforms that are supported by this work include 'urban and rural villages', 'integrated transport and 'communication' and 'strong communities'.

These platforms are important given Council's plans for future development in response to the population growth which is occurring in Waitakere City and across the Auckland Region generally. As part of the plans for future growth, Council has set a goal to ensure that high quality urban intensification occurs within and around the town centres of Waitakere City. These urban centres will have transport interchanges and other amenities that support such development.

Strategically, housing is an area that fits neatly into the Eco-City ideals of the Council as part of the movement towards sustainable development goals. Waitakere Eco-City supports the principles of being sustainable, dynamic and just during the ongoing development of the city. It is easy to comprehend how the promotion of providing affordable, sustainable and good quality housing upholds the Eco City ideals.

## ISSUES

### Proposed Partnering Agreement

A1-A12

Given the endorsement of the City Development Committee and the ongoing discussions about housing that are sponsored by the Minister of Housing, it is proposed that Waitakere City Council become a signatory to the Partnering Agreement. The Agreement and its draft Schedules are attached at pages A1 to A12.

#### Purpose

The purpose of the Agreement includes the following:

- To demonstrate that Waitakere City Council and Housing New Zealand Corporation are committed to working collaboratively to achieve the objectives of the Agreement; and
- To support the vision set out in the New Zealand Housing Strategy (2005) that "all New Zealanders have access to affordable, sustainable, good quality housing that is appropriate to their needs"; as developed by Housing New Zealand Corporation in its policy role on behalf of Central Government; and
- To strengthen the partnering between the Council and Housing New Zealand Corporation, and provide guidance on the working relationship between the parties when devising, planning and implementing initiatives and projects; and
- To act as an 'umbrella' document, with all projects or initiatives involving both parties being subject to its provisions.

#### Scope and Objectives

The Agreement aims to guide the working relationship between the Waitakere City Council and Housing New Zealand Corporation and would apply to projects and initiatives where there are shared housing issues within Waitakere City. By maintaining a healthy working relationship between the parties it is expected that good progress can be made in providing a range of housing solutions. The Agreement would run until August 2009.

It has intentionally been called a 'Partnering Agreement' to emphasise the importance of the working relationship between the two parties. With a focus on the nature of the relationship, the Agreement covers the strategic housing goals of each party, their roles and responsibilities, principles for working together, communication protocols, and relevant processes. Any new joint housing initiative or project involving both parties is likely to be subject to the provisions of the Agreement through a separate Schedule.

The Agreement is work in progress; with the parties each agreeing to consult in-house before finalising the Agreement and its Schedules in six months time. It is intended that the Schedules will take the following form:

- **Schedule I** - Relationship management and communication;
- **Schedule II** - Annual work programme for the following financial year; and
- **Schedule III** - Detailed work programme comprising a list of Schedules for each joint housing initiative or project.

Responsibility for upholding the Agreement and for reviewing it annually, will lie with the primary relationship managers, namely, Director: Strategic Planning of Waitakere City Council and the West and North Auckland Regional Manager, Housing New Zealand Corporation (see Schedule I). Both relationship managers recognise they have a mutual interest in upholding the purpose and principles of the Agreement and acknowledge that it is not a legally binding document.

## **RESOURCES**

There are no direct financial costs stemming from the proposed Agreement, although costs are likely to be incurred in relation to devising, planning or implementing any initiatives or projects that arise from it. Any such costs not already covered by specific budgets will be presented for consideration at the relevant Council committee.

## **CONCLUSION**

This report presents an opportunity for Waitakere City Council to enter into a Partnering Agreement with Housing New Zealand Corporation to help provide appropriate and affordable housing and develop a range of housing solutions that will benefit the residents of Waitakere City Council.

## **RECOMMENDATIONS**

1. That the Proposed Partnering Agreement with Housing New Zealand Corporation report be received.
2. That Waitakere City Council enter into the proposed Partnering Agreement with Housing New Zealand Corporation.
3. That the Partnering Agreement be signed at the meeting by the Mayor and Chief Executive Officer on behalf of Waitakere City Council and by the Chief Executive Officer or designated representative of Housing New Zealand Corporation.
4. That any subsequent changes to the Partnering Agreement following in-house consultation be endorsed by the Director: Strategic Planning on behalf of the Mayor and Chief Executive Officer of Waitakere City Council.

Report prepared by: Zoe Cuming; Senior Analyst, Social Policy.



### 13 CLASSIFICATION OF NEW LYNN RESERVES

**(NOTE: This item was deferred from the Council meeting held on Wednesday, 19 April 2006 for consideration at this meeting. A report containing supplementary information sought will be circulated separately).**

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

The purpose of this report is to bring before the Council the proposed new classifications for the New Lynn Reserves under the Reserves Act and to recommend that they be approved.

#### **BACKGROUND**

The administration and management of reserves is governed by the Reserves Act 1977 (the Reserves Act). The Reserves Act requires that all reserves be classified, in accordance with that Act, into one of a number of categories. Local authorities are required to go through the classification process for all reserves vested in them or under their control and management. Classification must be completed before a Reserves Management Plan (also a requirement of the Reserves Act) can become operative.

The Reserves Act requires that all reserves are classified into one of seven categories according to the primary values and purpose of the reserve. The classifications are as follows:

<b>Reserve Classification</b>	<b>Principal Purpose</b>
Recreation Reserve	Provision of Outdoor Recreation
Scenic Reserve	Protection of Scenic Landscapes
Nature Reserve	Protection of Flora and Fauna
Historic Reserve	Protection of Historic Places
Scientific Reserve	Special Areas for Research
Government Purpose Reserve	Set Aside for Defence or Civil Works
Local Purpose Reserve	Any other purpose not included above

A Local Purpose classification is always followed by a sub-classification, which specifies the primary purpose of the reserve, for example Local Purpose (*esplanade*). The classification is important as it indicates the values of a reserve and guides its appropriate use and development. Local Purpose is the most flexible of the classifications and the only one that allows the administering body to develop and manage the reserve as it sees fit without referring to the Minister of Conservation for approval.

Council officers are developing Reserve Management Plans for all parks within Waitakere City. A Reserve Management Plan sets out Council's management intentions and policies for a park or group of parks. The New Lynn Reserves Management Plan included 42 reserves in the New Lynn Ward and was adopted by the New Lynn Community Board in August 2004. As part of the process of preparing the New Lynn Reserves Management Plan, legal titles for the reserves included in the Plan were searched and their classifications scrutinised. Quite a few of the reserves were found to be classified under legislation other than the Reserves Act, or not classified at all, being Council freehold land. The New Lynn Reserves Management Plan contained a table identifying the legal status for each reserve and recommending the appropriate classification under the Reserves Act. The proposed classification category for each is listed below.

<b>Reserve name</b>	<b>Classification category proposed</b>
Ambrico	Local Purpose (Community Purpose)
Ambrico Kiln	Historic Reserve
Bessie Priston	Recreation Reserve
Bob Hill	Recreation

Reserve name	Classification category proposed
Chettle	Recreation and Local Purpose (Drainage)
Clark St Common	Local Purpose (Esplanade)
Copley	Recreation
Cutler	Recreation
Davern	Recreation
Delta Esplanade	Local Purpose (Esplanade)
Delta Triangle	Historic
Drury St Esplanade	Local Purpose (Esplanade)
Durrant Esplanade	Local Purpose (Esplanade)
Gardner Reserve	Recreation
Grandison Green	Recreation
Hinau	Recreation
Ken Maunder	Recreation
Lawson Park	Recreation
Lynwood	Local Purpose (Esplanade)
Manawa Wetland Reserve	Recreation
Manuka	Recreation & Access way
Margan Green	Recreation
Margan Reserve 2	Recreation
Mason Park	Recreation
Maui	Recreation
Miro	Local Purpose (Esplanade)
Northall	Recreation
Portage Esplanade	Local Purpose (Esplanade)
Poturi	Recreation
Queen Mary	Recreation
Rankin Avenue	Recreation
Rata St Esplanade	Local Purpose (Esplanade)
Reid Esplanade	Local Purpose (Esplanade)
Rewarewa Esplanade	Local Purpose (Esplanade)
Seabrook Reserve	Recreation
Todd Triangle	Recreation
Totara Triangle	Local Purpose (Community Purpose)
Trojan Crescent	Recreation
Whau Bridge Reserve	Local Purpose (Esplanade)
Whau Esplanade	Local Purpose (Esplanade)
Willerton Avenue Recreation Reserve	Recreation

A number of actions were required in order for the various parcels of land that make up the New Lynn Reserves to be classified under the Reserves Act. These actions were recommended by the New Lynn Community Board to enable the New Lynn Reserves Management Plan to become operative. The New Lynn Community Board passed resolutions on 4 July 2005 (1258/2005) and 31 October 2005 (2067/2005) in regard to declarations and classifications of New Lynn Reserves set out in two reports. This report amalgamates the two Community Board recommendations and sets out in full the resolutions to be considered by Council.

This report deals with a total of 41 New Lynn Reserves, made up of 83 parcels of land, (Memorial Square is included in the New Lynn Reserves Management Plan but due to boundary changes and the ongoing upgrade, was left as freehold land and not classified as a reserve). Some of these parcels have already been classified, either as an automatic process under Section 16(11) of the Reserves Act 1977, or by a previous Council resolution or Gazette notice. This report makes recommendations in regard to the 58 parcels that still require classification and with 2 parcels that require a change of classification.

This report recommends the appropriate resolution for each parcel. The resolutions differ according to the detailed requirements of the Reserves Act. Three of the classifications require the consent of the Department of Conservation (including the two changes of classification) and several require publication in the New Zealand Gazette before they become effective. Three declarations of reserve and the two changes of classification require public notification. A notice was placed in both the New Zealand Herald and in the Western Leader on 16 August 2005. No objections were received.

Consultation with Maori is required for actions taken under the Reserves Act that are delegated from the Minister of Conservation. Local iwi were consulted at the pre draft and draft stages of the preparation of the New Lynn Reserves Management Plan. Iwi have also been consulted in regard to all of the classification decisions recommended in this report. Kawerau a Maki have confirmed their support in writing. Ngati Whatua have been consulted by way of a meeting held on 27 July 2005 during which all proposed classifications were presented. No objections were made.

Some of the resolutions recommended in this report are decisions delegated to local authorities by the Minister of Conservation pursuant to an Instrument of Delegation.

### **STRATEGIC CONTEXT**

The New Lynn Reserves Management Plan promotes the Green Network, which is an approach to integrate native ecosystems on private and public land, by recreating a vegetated link between the Waitakere Ranges and the sea. The goals of the Green Network are to: provide ecosystem protection, form ecological corridors, enhance the landscape, enhance public access to natural areas, mitigate hazards and protect water quality.

The New Lynn Reserves Management Plan has also been prepared in the context of the Parks Strategy which provides guidelines on the management of parks within the City. The objectives and policies outlined in the Plan fall under the objectives of the Parks Strategy which aims to improve the quality of parks and provide parks services in a fair and equitable way for Waitakere people within financial constraints.

### **ISSUES**

The predominant classification of the reserves included in the New Lynn Reserves Management Plan is that of Recreation Reserve, as the majority of the parks are neighbourhood and local parks providing recreational areas for local residents. There are also a number of Local Purpose (esplanade) Reserves, these being those reserves that are alongside the mean high water mark. In the case of New Lynn, these reserves front on to areas of estuary. The Ambrico Kiln and Delta Triangle reserves have been identified as Historic reserves. The remaining classifications are sites of community buildings (Local Purpose (Community Purpose)), and Drainage areas.

Several of the above reserves contain parcels that have already been classified and no further action is required for those particular parcels. However, 58 parcels that form part of the New Lynn Reserves have never been classified and will require formal declaration or classification under the Reserves Act 1977.

A number of actions are required to complete the classification of each legal parcel. Firstly, a Council resolution is required to either declare the land to be reserve, classify the reserve into a category or to request that the Department of Conservation take the appropriate action (in those instances where Council does not hold delegated authority). The Council resolution may be either an autonomous decision or be a decision delegated to the Council, under the Reserves Act 1977, by the Minister of Conservation. Public notice is required if the parcel is not zoned for reserve purposes under the Operative District Plan. Public notification has been undertaken and no objections have been received. Finally, some classifications require a notice to be published in the New Zealand Gazette before they become operative. Registration of classifications against the respective Computer Registers is also required.

Two legal parcels contained within the Rewarewa Esplanade require a change of classification. Changes of classification must be consented to by the Department of Conservation pursuant to Section 24 of the Reserves Act 1977. The whole of the rest of the reserve known as Rewarewa Esplanade is to be classified as Local Purpose (Esplanade) Reserve; however, the two parcels in question were declared Recreation Reserve by Gazette in 1987, and thereby became automatically classified as Recreation Reserve. It is appropriate to make a request to the Department of Conservation to change these classifications to better accord with the rest of the reserve and to reflect the actual use and characteristics of the parcels.

A13-A15

A detailed legal history of each parcel of land to be classified by this report is attached as pages A13 to A15. This sets out the legal description and acquisition history of the parcel, the current status of the parcel and the intended classification category, the Council resolution required pursuant to the Reserves Act, and a cross-reference to the applicable Recommendation in this report.

## **RESOURCES**

Work on the New Lynn Reserve Management Plan was undertaken by the Parks Planning Section of Waitakere City Council.

Funding was allocated from the Annual Budget to undertake New Lynn Reserve Management Plan and other Management Plans. A budget of \$10,000.00 was allocated from that funding to the classification process for the New Lynn Reserves Management Plan.

## **CONCLUSION**

All reserves are governed by the provisions of the Reserves Act 1977. This Act requires that all reserves have a Management Plan and that all reserves included in a Plan are properly classified under the Act in order for the Management Plan to be operative.

During the preparation of the New Lynn Reserves Management Plan, a search of the legal titles revealed that many of the reserves included in the Plan were either inappropriately classified, or not classified under the Reserves Act.

It is proposed that the classification process required under Sections 14 or 16 of the Reserves Act be completed in order that the above-mentioned reserves are properly classified according to their purpose under the Act. These recommendations have been approved by the New Lynn Community Board.

## **RECOMMENDATIONS**

1. That the Classification of New Lynn Reserves report be received.
2. That, subject in each instance to the completion of the necessary statutory processes, the following parcels be declared to be reserve or classified as follows, pursuant to the Reserves Act 1977:
  - (a) The following parcel to be Declared Historic Reserve pursuant to a delegation from the Minister of Conservation and Section 14 of the Reserves Act 1977:
    - 323m<sup>2</sup> more or less being Lot 4 DP 124443 contained in CFR NA72C/727.

- (b) The following parcel to be Declared Local Purpose (Community Purposes) Reserve pursuant to a delegation from the Minister of Conservation and Section 14 of the Reserves Act 1977:
- 2101m<sup>2</sup> more or less being Lot 3 DP 152489 contained in CFR NA137D/176.
- (c) The following parcels to be Declared Local Purpose (Esplanade) Reserve pursuant to a delegation from the Minister of Conservation and Section 14 of the Reserves Act 1977:
- 3120m<sup>2</sup> more or less being Lot 4 DP 201113 contained in CFR NA129B/371;
  - 2255m<sup>2</sup> more or less being Lot 6 DP 201113 contained in CFR NA129B/373;
  - 126m<sup>2</sup> more or less shown as Section 3 on SO 63156 contained in CFR NA71D/681.
- (d) The following parcels to be Declared Local Purpose (Drainage) Reserve pursuant to a delegation from the Minister of Conservation and Section 14 of the Reserves Act 1977:
- 2078m<sup>2</sup> more or less shown as "B" on SO 68411 being all of the land described in Gazette Notice D.306688.1 (NZ Gazette 1998, p 3042).
- (e) The following parcel to be Declared Local Purpose (Accessway) Reserve pursuant to a delegation from the Minister of Conservation and Section 14 of the Reserves Act 1977:
- 167m<sup>2</sup> more or less being Pt Lot 8 DP 17922 contained in CFR NA1536/35.
- (f) The following parcels to be Declared Recreation Reserve pursuant to a delegation from the Minister of Conservation and Section 14 of the Reserves Act 1977:
- 723m<sup>2</sup> more or less being Part Lot 3 DP 22619 contained in CFR NA603/1;
  - 1776m<sup>2</sup> more or less being Lot 17 DP 73202 contained in CFR NA29B/275;
  - 1116m<sup>2</sup> more or less being Lot 18 DP 73202 contained in CFR NA29B/276;
  - 3872m<sup>2</sup> more or less being Part Lot 1 DP 105100 contained in Balance CFR NA57D/1431;
  - 2942m<sup>2</sup> more or less being Lot 4 and Part Lot 3 DP 9999 contained in CFR NA300/149;
  - 1012m<sup>2</sup> more or less being Lot 13 DP 21157 contained in CFR NA708/394.
- (g) The following parcels to be Classified as Historic Reserve pursuant to Section 16(2A) of the Reserves Act 1977:
- 864m<sup>2</sup> more or less being Lot 3 DP 124443 contained in Part CFR NA11D/1118;
- 204m<sup>2</sup> more or less being Lot 2 DP 206413 contained in CFR NA134C/406.

- (h) The following parcels to be Classified as Local Purpose (Esplanade) Reserve pursuant to Section 16(2A) of the Reserves Act 1977:
- 310m<sup>2</sup> more or less being Lot 2 DP 107088 contained in Part CFR NA599/185;
  - 796m<sup>2</sup> more or less being Lot 3 DP 131573 contained in CFR NA77A/412;
  - 404m<sup>2</sup> more or less being Lot 4 DP 97157 contained in Balance CFR NA45C/337;
  - 713m<sup>2</sup> more or less being Lot 3 DP 98482 contained in Balance CFR NA9A/469 and Balance CFR NA23A/1365;
  - 175m<sup>2</sup> more or less being Lot 2 DP 117897 contained in Balance CFR NA890/171;
  - 956m<sup>2</sup> more or less being Lot 2 DP 110124 contained in Balance CFR NA24C/350;
  - 520m<sup>2</sup> more or less being Lot 4 DP 99634 contained in Balance CFR NA21D/600 and Balance CFR 4D/103;
  - 4165m<sup>2</sup> more or less being Lot 9 DP 93302 contained in CFR NA93D/214;
  - 3239m<sup>2</sup> more or less being Lot 4 DP 93302 contained in Balance CFR NA45B/258, Balance CFR NA1022/271, Balance CFR NA1022/265 and Balance CFR NA 45A/821;
  - 1394m<sup>2</sup> more or less being Lot 2 DP 158083 contained in CFR NA94D/612;
  - 265m<sup>2</sup> more or less being Lot 2 DP 105910 contained in Balance CFR NA705/159;
  - 330m<sup>2</sup> more or less being Lot 2 DP 108591 contained in Balance CFR NA617/227;
  - 233m<sup>2</sup> more or less being Lot 2 DP 123209 contained in Balance CFR NA855/161;
  - 233m<sup>2</sup> more or less being Lot 3 DP 106332 contained in Balance CFR 1156/28;
  - 128m<sup>2</sup> more or less being Lot 4 DP 120495 contained in Balance CFR 62A/915;
  - 187m<sup>2</sup> more or less being Lot 3 DP 120495 contained in Balance CFR 42D/1123;
  - 427m<sup>2</sup> more or less being Lot 2 DP 137894 contained in Balance CFR NA 54C/25 and Balance Composite CFR NA59A/59;
  - 1002m<sup>2</sup> more or less being Lot 4 DP 160114 contained in CFR NA96B/225;
  - 333m<sup>2</sup> more or less shown as "G" on SO 50753 being Part Lot 2 DP 77251 and being part of the land described in Gazette Notice C.058331.1 (NZ Gazette 1989, p.4592);
  - 158m<sup>2</sup> more or less shown as "K" on SO 50753 being Part Lot 2 DP 49151 and being part of the land described in Gazette Notice C.058331.1 (NZ Gazette 1989, p.4592);

- 50m<sup>2</sup> more or less shown as "Q" on SO 50753 being Part Lot 1 DP 63874 and being part of the land described in Gazette Notice C.058331.1 (NZ Gazette 1989, p.4592);
  - 370m<sup>2</sup> more or less being Lot 4 DP 179654 contained in CFR NA110D/298;
  - 200m<sup>2</sup> more or less being Lot 3 DP 181118 contained in CFR NA112B/615;
  - 220m<sup>2</sup> more or less being Lot 24 DP 205256 contained in CFR NA132C/305.
- (i) The following parcels to be Classified as Local Purpose (Drainage) Reserve pursuant to Section (2A) of the Reserves Act 1977:
- 6010m<sup>2</sup> more or less being Lot 61 DP188490 contained in CFR NA118C/300;
  - 332m<sup>2</sup> more or less being Lot 59 DP 188488 contained in CFR NA118C/276.
- (j) The following parcels to be Classified as Local Purpose (Community Purpose) Reserve pursuant to Section 16(2A) of the Reserves Act 1977:
- 935m<sup>2</sup> more or less being Lot 2 DP 142028 contained in Part Proclamation 500.
- (k) The following parcels to be Classified as Recreation Reserve pursuant to Section 16(2A) of the Reserves Act 1977:
- 97m<sup>2</sup> more or less shown as Section 1 SO 59986 contained in CFR NA121C/879;
  - 434m<sup>2</sup> more or less being Lot 58 DP 188489 contained in CFR NA118C/298;
  - 300m<sup>2</sup> more or less being Lot 13 DP 160552 CFR NA96C/140;
  - 3013m<sup>2</sup> more or less being Lot 1 DP 115005 Part CFR NA11D/1118;
  - 843m<sup>2</sup> more or less shown as "J" on SO 64720 and being part of the land described in Gazette Notice D615866.2 (NZ Gazette 2000, p.4268);
  - 428m<sup>2</sup> more or less shown as "K" on SO 64720 and being part of the land described in Gazette Notice D615866.2 (NZ Gazette 2000, p.4268);
  - 169m<sup>2</sup> more or less shown as "L" on SO 64720 and being part of the land described in Gazette Notice D615866.2 (NZ Gazette 2000, p.4268);
  - 2.0648ha more or less being Lot 3 DP 114670 contained in Part CFR NA11D/1118;
  - 3089m<sup>2</sup> more or less being Lot 4 DP 115058 contained in Part CFR NA11D/1118;
  - 3662m<sup>2</sup> more or less being Lot 1 DP 122011 contained in Part CFR NA1186/91;
  - 100m<sup>2</sup> more or less being Lot 3 DP 122011 contained in Part CFR NA1186/91;

- 695m<sup>2</sup> more or less being Lot 1 DP 93206 contained in Balance CFR NA28B/369;
  - 300m<sup>2</sup> more or less being Lot 6 DP 119411 contained in Balance CFR NA58D/486;
  - 475m<sup>2</sup> more or less being Lot 19 DP 202535 contained in CFR NA131B/511;
  - 207m<sup>2</sup> more or less being Lot 1 DP 116274 contained in Balance CFR NA2061/76.
- (l) The following parcel to be the subject of a request to the Minister of Conservation to classify as Historic Reserve pursuant to Section 16(1) of the Reserves Act 1977:
- 225m<sup>2</sup> more or less being Lot 10 DP 39979 contained in Balance CFR NA1509/98.
- (m) The following parcels to be the subject of a request to the Minister of Conservation to change the classification from Recreation Reserve to Local Purpose (Esplanade) Reserve pursuant to Section 24 of the Reserves Act 1977 in order to align with the actual use of the reserve:
- 306m<sup>2</sup> and 1m<sup>2</sup> respectively more or less being Lots 2 and 3 DP 112446 contained in Part CFR 64A/390.

Report prepared by: Mandy McMullin, Reserve Management Planner.

HV O'Rourke  
**CHIEF EXECUTIVE OFFICER**



## **PART E - REPORTS FROM THE STANDING COMMITTEES**

### **14 CITY DEVELOPMENT COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 6 APRIL 2006**

#### **1. PROPOSED PARTNERSHIP FRAMEWORK AGREEMENT WITH HOUSING NEW ZEALAND CORPORATION**

**(NOTE: This item was dealt with as part of Item 12: Proposed Partnering Agreement with Housing New Zealand Corporation).**

**Your Committee Recommends:**

That Council enter into the proposed Partnership Framework Agreement between Housing New Zealand Corporation and Waitakere City Council.

**2. OTHER MATTERS CONSIDERED**

1-5  
Part E

Your Committee 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 1 to 5 in the supplement labelled Part E.

**Your Committee Recommends:**

That the report of the Meeting of the City Development Committee held on Thursday, 6 April 2006 be received.

PA Hulse  
**CHAIRPERSON**



**15 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 10 APRIL 2006**

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**MATTERS CONSIDERED**

6-10  
Part E

Your Committee 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 6 to 10 in the supplement labelled Part E.

**Your Committee Recommends:**

That the report of the Meeting of the Finance and Operational Performance Committee held on Monday, 10 April 2006 be received.

JM Clews, QSO, JP  
**CHAIRPERSON**



**16 PLANNING AND REGULATORY COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 11 APRIL 2006**

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**MATTERS CONSIDERED**

11-14  
Part E  
G  
Part G

Your Committee 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 11 to 14 in the supplement labelled Part E. The public excluded minutes are attached at page 6 of the confidential supplement labelled Part G.

**Your Committee Recommends:**

That the report of the Meeting of the Planning and Regulatory Committee held on Tuesday, 11 April 2006 be received.

VS Neeson, JP  
**CHAIRPERSON**



17 **TE TAUMATA RUNANGA**

**I NOHO TE KOMITI O TE TAUMATA RUNANGA I TE KAU O NGA RA O PAENGA-WHAWHA 2006**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 10 APRIL 2006**

1. **URGENT BUSINESS**

**Your Committee Recommends:**

1. That the Council note that Te Taumata Runanga strongly supports the Waitakere Ranges Heritage Area Bill and asks that the Council includes reference to Te Taumata Runanga's support in its submission on the Waitakere Ranges Heritage Area Bill.
2. That a representative of Te Taumata Runanga be included in the Council delegation when Council presents its submission on the Waitakere Ranges Heritage Area Bill to the Select Committee.

2. **OTHER MATTERS CONSIDERED**

15-19  
Part E

Your Committee 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 15 to 19 in the supplement labelled Part E.

**NGA TAKE E WHIRIWHIRIA**

E whakataua ana Te Taumata Runanga i nga take i whakamanangia i te ture he whakaahua o nga tuhi kua tonoa ki nga mema o te Kaunihera.

**Your Committee Recommends:**

That the report of the Meeting of Te Taumata Runanga held on Monday, 10 April 2006 be received.

TW Taua, MNZM  
**CHAIRPERSON**



## **PART F - PRESENTATIONS**

### **18 INTERNATIONAL COUNCIL FOR LOCAL ENVIRONMENTAL INITIATIVES**

Councillor Hulse will make a presentation on the International Council for Local Environmental Initiatives Conference in South Africa.

### **19 HOUSING MATTERS**

**(NOTE: This item was dealt with as part of Item 12: Proposed Partnering Agreement with Housing New Zealand Corporation).**

Helen Fulcher, Chief Executive Officer Housing New Zealand Corporation, will make a presentation about housing matters. The focus will be on the working relationship to improve the supply of affordable housing in Waitakere City, and include the issue about the use of restrictive covenants which can limit the supply of social housing.

Chris Carter, Minister of Housing, and Pat Sneddon, Chairman of the Board - Housing New Zealand Corporation, will be present for the presentation.



## **PART G - PROCEDURAL MATTERS**

### **20 QUESTIONS**

Pursuant to Standing Order 39.2, any member of the local authority may at any meeting of the local authority at the appointed time, put a question to the Mayor as Chairperson of the local authority, or through the Mayor to the Chairperson of any standing or special committee, or to any officer of the local authority concerning any matter relevant to the role or functions of the local authority concerning any matter that does not appear on the order paper, nor arises from any committee report or recommendation submitted to that meeting.



### **21 NOTICES OF MOTION**

Notices of motion shall be in writing by the mover, stating the meeting at which it is proposed that the notice of motion be considered, and shall be delivered to the Chief Executive Officer at least five clear days before such meeting.



## **PART H - PUBLIC EXCLUDED MATTERS**

### **22 63 KEELING ROAD - PROPOSED ACQUISITION**

### **23 WESTPARK MARINA SEABED SUB-LICENCE - UPDATE**

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 parts of the proceedings of this meeting, namely, 63 Keeling Road - Proposed Acquisition and Westpark Marina Seabed Sub-Licence - Update.

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.
63 Keeling Road - Proposed Acquisition.	The withholding of information is necessary in order to: <ul style="list-style-type: none"> <li>• enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities;</li> <li>• enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> </ul>	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.
Westpark Marina Seabed Sub-Licence - Update.	The withholding of information is necessary in order to: <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>	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)(h) and (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 the Council's negotiations.*



24 **CLOSING PRAYER**

