



**AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD IN THE CIVIC  
CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON WEDNESDAY, 28 JUNE 2006  
COMMENCING AT 5.30 PM**

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**PART A - OPENING OF MEETING**

**1 OPENING PRAYER**

Mr Randhir Sen from the Waitakere Baha'i Community will say the Opening Prayer.



**2 APOLOGIES**



**3 CONFIRMATION OF MINUTES**

- Meeting Minutes - Wednesday, 17 May 2006
- Wednesday, 24 May 2006
- Wednesday, 14 June 2006

**RECOMMENDATION**

That the minutes of the Meetings of the Council held on Wednesday, 17 May 2006, Wednesday, 24 May 2006 and Wednesday, 14 June 2006, including the public excluded minutes, as circulated, be taken as read and now be confirmed.

*Page 24-25  
Part H*

The public excluded minutes are attached at pages 24 to 25 of the Confidential Supplement labelled Part H.



**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.



## **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**

### **5 NEW LYNN COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 29 MAY 2006**

#### **MATTERS CONSIDERED**

1-7  
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 1 to 7 in the supplement labelled Part C.

#### **The Board Recommends:**

That the report of the Meeting of the New Lynn Community Board held on Monday, 29 May 2006 be received.

P van der Voort, JP  
**CHAIRPERSON**



### **6 WAITAKERE COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 30 MAY 2006**

#### **MATTERS CONSIDERED**

8-17  
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 8 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, 30 May 2006 be received.

CA Shepherd, JP  
**CHAIRPERSON**



7 **MASSEY COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 31 MAY 2006**

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**MATTERS CONSIDERED**

18-27  
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 27 in the supplement labelled Part C.

**The Board Recommends:**

That the report of the Meeting of the Massey Community Board held on Wednesday, 31 May 2006 be received.

JA Good  
**CHAIRPERSON**



8 **HENDERSON COMMUNITY BOARD**

**THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 1 JUNE 2006**

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**MATTERS CONSIDERED**

28-32  
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 28 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, 1 June 2006 be received.

EAG Grimmer, MNZM  
**CHAIRPERSON**



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

### **9 MOSELLE AVENUE, LINCOLN / WESTPARK MARINA, WEST HARBOUR**

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

The purpose of this report is to provide an update with respect to Waitakere Properties Limited's involvement under Declaration of Trust in relation to the above lands and to seek authority to exit further involvement and close the respective Trust accounts prior to 30 June 2006.

#### **BACKGROUND**

##### **9 Moselle Avenue (FDU1 and 2 DP 205998B - Corner Moselle and Waipareira Avenues)**

A1-A8

This property was originally part of the Vehicle Testing Station site developed by Waitakere Properties Limited in the early 2000s and on-sold for an approved development subject to a "buy back" option in Council's favour in the event that the specified outcome was not achieved by the purchaser within a defined timeframe. Council elected to exercise that option in April 2005 and completed re-purchase of the property on 5 May 2005 in the sum \$180,000 net of GST. The property was then returned to Waitakere Properties Limited under the Declaration of Trust mechanism for resale. A copy of the report considered by Council on that occasion is attached at pages A1 to A8.

Subsequently, the property has been on-sold for a suitable development consistent with the site theme for vehicle related activities and in December 2005 an interim distribution was made to Council from the Trust account in the sum \$300,000, enabling full reimbursement of the Strategic Land Acquisition Loan together with interest for the intervening period, and leaving a surplus in excess of \$100,000 for Council's general purposes. In addition, the company has reimbursed costs to relocate a fibre optic cable serving the Civic Centre, which had originally been laid inappropriately across that part of FDU1 required as building platform. Construction of the two industrial units on the site has now commenced, the intended tenant for the larger unit being Smith & Smith Glass.

The remaining balance held in the Trust account, being just in excess \$60,000, is intended to be applied, subject to Council authorisation, as a final distribution to clear the equivalent deficit in the West Harbour (Westpark Marina) Trust Account so as to enable that account to be closed also.

#### **Westpark Marina**

Waitakere Properties Limited has administered the land based component of Westpark Marina under Declaration of Trust since 1998. More recently, the landholding under Waitakere Properties Limited's jurisdiction has been limited to underlying freehold subject to long term leaseholds (currently at a peppercorn rental) to Westpark Marina Limited or its subsidiaries.

Council has from time to time independently pursued, under the Public Works Act, reacquisition of the leasehold estate over certain allotments. There are other current issues at the marina involving the Seabed Head and Sub-Licences (now both renewed), dredging and the relationship with berth-holders, which have not involved Waitakere Properties Limited. Additionally, while development is the prerogative of the lessee, the role as head lessor has been focused on enforcement and the company has had to defend legal proceedings issued by Westpark with respect to refusal of consent to undertake development on Lot 8 contrary to the lease user clause.

However, Council has taken a holistic approach and Council officers are working with Westpark Marina representatives on an ongoing basis to improve the interface and address each party's goals and objectives as constructively as possible.

In the circumstances, Waitakere Properties Limited is "piggy in the middle" and does not have a role to play consistent with its Statement of Intent. Council officers agree that the relationship between Council and Westpark Marina Limited can be simplified by re-vesting the fee-simple estate and providing flexibility to Council to negotiate outcomes without any intervening third party.

Therefore, the Board of Waitakere Properties Limited has, with Council officer approval, resolved to seek authority to re-vest the underlying fee-simple of the various allotments in Council and terminate the trustee relationship at this location. That necessitates extinguishing the current deficit in the trust account, about \$60,000, which has occurred absent any income stream over recent years.

### **CURRENT**

The opportunity exists to effectively "set off" the credit balance held in the Testing Station Trust Account (all of which can be considered "profit") against the deficit balance in the West Harbour (Westpark Marina) Trust Account. Re-vesting of the fee-simple estates at the Marina can then be implemented with closure of the related financial aspects achieved on a cash neutral basis.

Further, given the resolution of immediate issues around renewal of the Seabed Sub-Licence by Council, it is possible now to actively further on-shore objectives. Westpark Marina Limited have proposed that the building intended to house various workshops providing for marina related uses previously intended for Lot 8 (where proximity to residential housing had been contentious) be established on part Lot 7 as shown on the plans, subject to obtaining the required land use and building consents. The workshops will face into the boat yard and away from the area for trailer boat and car parking already sub-leased by Council. There is a demand for premises of this nature at the Marina and there are expressions of interest held by Westpark with respect to all four of the proposed workshop tenancy areas.

That use is contrary to the permitted user clause in the lease for Lot 7 which provides that the lessee "will not use this said land other than for one or more of the purposes of shops, restaurants, car park, club premises or facilities, commercial or recreational amenities for the use and convenience of the general public as well as that of the boating public". Waitakere Properties Limited has successfully defended that position in relation to Lot 8 when Waitakere Properties Limited issued High Court proceedings for the purpose of securing consent. However, the lease provision is historic and the proposed development of Lot 7 would be in a manner which is not inconsistent with the general development concept envisaged by the Empowering Act and the District Plan, and is not proximate to residential housing as was the case with the earlier development intention on Lot 8. Therefore, provision for this outcome could be secured by a simple variation of lease to provide for such use, with little in the way of adverse effect on neighbouring properties. Council's endorsement of that outcome is now sought.

### **RECOMMENDATIONS**

1. That the 9 Moselle Avenue, Lincoln / Westpark Marina, West Harbour report be received.
2. That Waitakere Properties Limited be requested to forthwith re-vest the fee-simple estates held in the remaining allotments at Westpark Marina in Council pursuant to the provisions of the Declaration of Trust, so as to extinguish any ongoing involvement as bare trustee on Council's behalf.

3. That consequent upon the disposal of FDU1 & 2 on DP 205998B and relocation of the fibre optic cable a final distribution of the credit balance held in the Testing Station Trust Account be paid to Council not later than 30 June 2006 and that authority be given to apply all or any part of the final distribution of the credit balance in the Testing Station Trust Account to credit the West Harbour (Westpark Marina) Trust Account, so as to extinguish the deficit balance in that account in conjunction with the re-conveyance of landholding.
4. That a variation of the Lease of Lot 7 in form satisfactory to the Legal Services Manager to permit the workshop development shown on the plans accompanying this report be approved.

Report prepared by: Ross McLeod, Director: Corporate & Civic Services.



## 10 NAME CHANGE FOR THE ARTS, EVENTS AND CULTURE SPECIAL COMMITTEE

### PURPOSE OF THE REPORT

The purpose of this report is to recommend to the Council that the name of the Arts, Events and Culture Special Committee be changed to the Arts, Culture and Events Special Committee.

### BACKGROUND

Originally this Committee was referred to as the Arts and Events Special Committee. At the meeting of Council on 26 October, 2005 it was recommended that the name be changed to the Arts, Events and Culture Special Committee, and new delegations were approved:

- “1. *That the scope and delegations for the Arts, Events and Culture Special Committee, City Development Committee, Finance and Operational Performance Committee, and Community Sport Fund Allocation Subcommittee as attached at pages A1 to A11 to the Agenda report and as amended by Council be adopted.*

2039/2005

The inclusion of the word ‘Culture’ in the title of this Committee was in recognition of the fact that the Arts and Events Special Committee was increasingly involved in dealing with issues related to culture, and also recognised that the definition of culture is very broad, and includes the arts and other manifestations of human intellectual achievement regarded collectively, which falls under the field of activity of the Arts and Events Special Committee.

### ISSUES

Increasingly, the Arts, Events and Culture Special Committee has been referred to as the Arts, Events and *Cultural* Special Committee. It has been commented that the connotations of the incorrect pronunciation of the name of the Committee appear to indicate that the Arts, Events and Culture Special Committee has a more restricted field of activity than it does in fact have, and fails to recognise the array of endeavours that could be considered to reflect culture. By changing the name of the Committee to the Arts, Culture and Events Special Committee, the likelihood of incorrect pronunciation is much less.

## RESOURCES

No resources are required.

## CONCLUSION

That the name of the Arts, Events and Culture Special Committee be changed to the Arts, Culture and Events Special Committee to avoid the incorrect pronunciation of the Committee's name.

## RECOMMENDATIONS

1. That the Name Change for the Arts, Events and Culture Special Committee report be received.
2. That the name of the Arts, Events and Culture Special Committee be changed to the Arts, Culture and Events Special Committee.

Report prepared by: Stephen McDaid, Committee Secretary (Intern).

HV O'Rourke  
**CHIEF EXECUTIVE OFFICER**



## PART E - REPORTS FROM THE STANDING COMMITTEES

### 11 CITY DEVELOPMENT COMMITTEE

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 1 JUNE 2006**

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### MATTERS CONSIDERED

1-7  
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 7 in the supplement labelled Part E.

### **Your Committee Recommends:**

That the report of the Meeting of the City Development Committee held on Thursday, 1 June 2006 be received.

PA Hulse  
**CHAIRPERSON**



12 **FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 12 JUNE 2006**

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1. **LAND PURCHASE - CENTRAL PARK DRIVE EXTENSION**

18  
Part H

The report from Finance and Operational Performance Committee: Land Purchase - Central Park Drive Extension will be considered in the Public Excluded section of the meeting as Item 20 (attached at page 18 in the Confidential Supplement labelled Part H).

2. **OTHER MATTERS CONSIDERED**

8-17  
Part E  
26-27  
Part H

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 8 to 17 in the supplement labelled Part E. The public excluded minutes are attached at page 26-27 of the Confidential Supplement labelled Part H.

**Your Committee Recommends:**

That the report of the Meeting of the Finance and Operational Performance Committee held on Monday, 12 June 2006 be received.

JM Clews, QSO, JP  
**CHAIRPERSON**



13 **PLANNING AND REGULATORY COMMITTEE**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 6 JUNE 2006**

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**MATTERS CONSIDERED**

18-20  
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 18 to 20 in the supplement labelled Part E.

**Your Committee Recommends:**

That the report of the Meeting of the Planning and Regulatory Committee held on Tuesday, 6 June 2006 be received.

VS Neeson, JP  
**CHAIRPERSON**



14 **TE TAUMATA RUNANGA**

**I NOHO TE TAUMATA RUNANGA KOMITI MANE TE KAU MA RUA O PIPIRI 2006**

**YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 12 JUNE 2006**

**MATTERS CONSIDERED**

21-24  
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 21 to 24 in the supplement labelled Part E.

**NGA TAKE E WHIRIWHIRIA**

E whakatau 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, 12 June 2006 be received.

TW Taua, MNZM  
**CHAIRPERSON**



15 **RECOMMENDATIONS FROM OTHER MEETINGS**

**RECOMMENDATION FROM CREATIVE COMMUNITIES SCHEME ALLOCATION SUBCOMMITTEE MEETING WEDNESDAY, 10 MAY 2006**

**NOTE:** The following recommendation was inadvertently omitted from inclusion in the June 2006 Finance and Operational Performance Committee's agenda, the allocation of funding to groups needs to be ratified before the next meeting of that Committee and has therefore been brought to the Council for endorsement.

**CREATIVE COMMUNITIES SCHEME ALLOCATION - SECOND ROUND 2005/2006**

**The Creative Communities Scheme Allocation Subcommittee recommends:**

That the schedule of grants as set out be allocated and that the balance of funds (\$7,511.93) be carried forward to the first 2006/2007 Creative Communities Scheme funding round.

No.	Group Name	Funding Requested	Funding Allocated
	Auckland Tuvalu Society Inc	Application Ineligible	
	Chinese New Settlers Services Trust	\$730.00	\$600.00
	City of Sails Chorus Inc	\$1,500.00	\$1,200.00
	Friendship Centre Trust	\$651.71	\$0.00
	Hoani Waititi Marae	\$5,510.00	\$3,750.00
	Indie Media Group Limited	\$4,750.00	\$4,000.00
	Marco Trust	\$2,201.00	\$0.00

No.	Group Name	Funding Requested	Funding Allocated
	Margaret Lewis	\$4,312.00	\$3,500.00
	Massey Community House	\$2,914.00	\$2,000.00
	Mothers Artists Network	\$3,860.00	\$0.00
	Te Airihi Anita Mitchell	\$2,240.00	\$1,750.00
	Te Kotuku Kohanga Reo	\$3,000.00	\$2,280.00
	Te Ukaipo Mercy Initiatives for Rangatahi Limited	\$3,280.00	\$1,300.00
	Anabelle Cameron Lewis	\$1,800.00	\$1,500.00
	Antoine Gasperini	\$5,000.00	\$0.00
	Class Act Opera Trust	\$2,600.00	\$2,000.00
	Handweavers & Spinners Guild Auckland Inc	\$683.13	\$683.00
	Phil Tchernegovski	\$4,052.35	\$2,500.00
	Te Atatu Schools Music Festival	\$4,319.73	\$4,000.00
	Waitakere City Orchestra	\$2,180.00	\$2,000.00
	Lopdell House Society Inc	\$7,425.00	\$4,000.00
	McCahon House Trust	\$3,629.00	\$3,000.00
	Te Tangi Ka'ara Ki Avaiki Trust	\$2,363.92	\$2,350.00
	The Tone Zone Health Studio Charitable Trust	\$5,599.00	\$0.00
	<b>TOTAL</b>	<b>\$74,600.84</b>	<b>\$42,413.00</b>



## **PART F - PRESENTATIONS**

### **16 CITATIONS**

- A** The Mayor will give a Citation to Tere Tuakana-Kapi in recognition of his commitment to the community.
- B** The Mayor will give a Citation to Graeme Murdoch for a lifetimes dedication to historical research.
- C** The Mayor will give a Citation to Karel Witten-Hannah for a lifetimes dedication in teaching excellence at Massey High School.



## **PART G - PROCEDURAL MATTERS**

### **17 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.



**18 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 MATTER**

**19 HENDERSON VALLEY STUDIOS - INVESTOR APPROVAL**

**20 REPORT FROM FINANCIAL AND OPERATIONAL PERFORMANCE COMMITTEE - LAND PURCHASE - CENTRAL PARK DRIVE EXTENSION**

**21 WILSHER VILLAGE - POTENTIAL RE-DEVELOPMENT AND PROPOSED ACQUISITION**

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, Report from Finance and Operational Performance Committee - Land Purchase - Central Park Drive Extension, Wilsher Village - Potential Redevelopment and Proposed Acquisition, and Henderson Valley Studios - Investor Approval.

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.
Henderson Valley Studios - Investor Approval.	The withholding of information is necessary in order to: <ul style="list-style-type: none"> <li>• Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information;</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.

<p>Report from Finance and Operational Performance Committee - Land Purchase - Central Park Drive Extension.</p>	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> <li>• protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information;</li> <li>• enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</li> </ul>	<p>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>
<p>Wilsher Village - Potential Re-development and Proposed Acquisition.</p>	<p>The withholding of information is necessary in order to:</p> <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>	<p>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>

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) and 7(2)(b)(ii) of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public as follows:

- *The reports contain information which if released could be detrimental to the commercial position of the supplier of the information and could affect the Council's negotiations.*



22 **CLOSING PRAYER**

