

AGENDA FOR A MEETING OF THE COUNCIL TO BE HELD AT WAITAKERE CENTRAL,
6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE, ON WEDNESDAY,
25 JULY 2007 COMMENCING AT 5.30 PM

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PART A - OPENING OF MEETING

1 OPENING PRAYER

Reverend Judy Cooper from the Hoani Waititi Marae will say the Opening Prayer.



2 APOLOGIES



3 CONFIRMATION OF MINUTES

Meeting Minutes - Wednesday, 20 June 2007
 - Tuesday, 26 June 2007
 - Wednesday, 27 June 2007

RECOMMENDATION

That the minutes of the Meetings of the Council held on Wednesday, 20 June 2007, Tuesday, 26 June 2007 and Wednesday, 27 June 2007, including the public excluded minutes, as circulated, be taken as read and now be confirmed.

*Page 2
Part H*

The public excluded minutes are attached at page 2 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 Chairman 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 CONFLICTS OF INTEREST

The Council has acknowledged in its Code of Conduct that Elected Members need to be vigilant to stand aside from decision making when a conflict arises between their role as a member of the Council and any private or other external interest they might have. This note is provided as a reminder to members to check that no such conflicts arise in relation to any items on this agenda.



PART B - REPORT OF THE MAYOR

6 REPORT OF THE MAYOR

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

RECOMMENDATION

That the Report of the Mayor be received.

RA Harvey, QSO, JP

MAYOR OF WAITAKERE



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, 2 JULY 2007

1. AUCKLAND REGIONAL GOVERNANCE

The Board Supports:

1. That the New Lynn Community Board supports Council's actions and views as presented at the Board meeting, and expresses the following concerns regarding the proposed Greater Auckland Council:
 - The name should remain Auckland Regional Council;
 - The proposed re-naming is not cost effective;
 - Costs around re-branding will be expensive.
2. That the New Lynn Community Board requests a workshop to update Members regarding Auckland Regional Governance at the appropriate time.

2. OTHER MATTERS CONSIDERED

*Pages 1-5
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 5 in the supplement labelled Part C.

The Board Recommends:

That the report of the Meeting of the New Lynn Community Board held on Monday, 2 July 2007 be received.

P van der Voort, JP
CHAIRMAN



8 WAITAKERE COMMUNITY BOARD

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 3 JULY 2007

MATTERS CONSIDERED

*Pages 6-9
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 6 to 9 in the supplement labelled Part C.

The Board Recommends:

That the report of the Meeting of the Waitakere Community Board held on Tuesday, 3 July 2007 be received.

CA Shepherd, JP
CHAIRMAN



9 MASSEY COMMUNITY BOARD

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON WEDNESDAY, 4 JULY 2007

1. AUCKLAND REGIONAL GOVERNANCE

The Board Recommends:

1. That the Massey Community Board as representatives of the community, supports Waitakere City Council's approach to consider proposals to strengthen regional governance with the eight week public consultation process.

2. That the one day public information meeting concerning the Auckland Regional Governance process be extended to two days to ensure that the public are given a fair opportunity to attend.

2. OTHER MATTERS CONSIDERED

Pages 10-18
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 10 to 18 in the supplement labelled Part C.

The Board Recommends:

That the report of the Meeting of the Massey Community Board held on Wednesday, 4 July 2007 be received.

GE Barnard
CHAIRMAN



10 HENDERSON COMMUNITY BOARD

THE BOARD SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON THURSDAY, 5 JULY 2007

1. AUCKLAND REGIONAL GOVERNANCE

The Board Recommends:

That the 1-day public information meeting concerning the Auckland Regional Governance process be extended to 2-days to ensure the public are given a fair opportunity to attend.

2. OTHER MATTERS CONSIDERED

Pages 19-29
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 19 to 29 in the supplement labelled Part C.

The Board Recommends:

That the report of the Meeting of the Henderson Community Board held on Thursday, 5 July 2007 be received.

EAG Grimmer, MNZM
CHAIRMAN



11 WAITAKERE YOUTH COUNCIL

The Waitakere Youth Council's meeting for July was cancelled.

A Wadsworth
CHAIRMAN



PART D - REPORT OF THE CHIEF EXECUTIVE OFFICER

12 CLARK ROAD, HOBSONVILLE - PROPOSED TEMPORARY ROAD CLOSURE

PURPOSE OF THE REPORT

The purpose of this report is to seek approval from the Council to temporarily close part of Clark Road, Hobsonville to all vehicle traffic.

BACKGROUND

A1 There is an unformed paper road located between 18 Clark Road and 2 Scott Road, Hobsonville that extends from Scott Road, Hobsonville to the edge of the Waitemata Harbour. The location of the paper road is indicated on the aerial photograph attached at page A1. This paper road provides practical access to the foreshore and also provides a means of informal access to the adjoining properties on both sides. The current owners do not however use the paper road for that purpose, except on a casual basis.

A2-A3 A recent inspection of the paper road revealed that there has been a considerable amount of vehicular activity in this locality over recent time with the result that the unformed surface of the road is now significantly cut up. While this does not prevent use of the road by pedestrians or cyclists for access to the foreshore the nature of the present state of the road is such that it is likely to significantly deter pedestrian activity. The continued vehicular use of the paper road during the wet months of the year has the potential to cause further erosion and other environmental damage to the road itself and may result in mud and other debris being carried on to Scott Road with consequent risk to other users of that road. Some recent photographs of the paper road which indicate its current state are attached at pages A2 to A3.

ISSUES

Statutory Powers

Council's power to limit the use of roads by the public is quite narrow in scope. The relevant powers are principally found in Clauses 11 and 13 of Schedule 10 of the Local Government Act 1974, with Clause 13 being the provision relevant to this issue.

Clause 13 provides "Where it appears to the council that owing to climatic conditions the use of any road in a rural area, other than a State highway or government road, not being a road generally used by motor vehicles for business or commercial purposes or for the purpose of any public work, may cause damage to the road, the council may by resolution prohibit, either conditionally or absolutely, the use of that road by motor vehicles or by any specified class of motor vehicle for such period as the council considers necessary."

Clause 13 applies to these circumstances because the particular section of road is not a State highway or government road nor is it a road generally used by motor vehicles for business or commercial purposes. It is a road only used for recreational purposes and for the purposes of informal access to the adjoining properties. There are, however, two phrases in this Clause, and which have been underlined above, which require further discussion:

- The ability to use the powers in Clause 13 is predicated upon the existence of climatic conditions that require action to be taken. In this case the ground has become cut up in part because of increased vehicular activity and in part because of the climatic conditions. But for the climatic conditions there would be no need for the Council to take action.

- The power is only available in relation to a "rural area". In its common use "rural" means land relating to or characteristic of the country side or relating to or associated with farming. By contrast 'urban' land is land relating to or constituting a city or town. As the aerial photograph indicates there is some residential settlement in this locality, but the locality generally lacks any 'urban' characteristic. The road itself is Transport Environment in the district plan, the land to the west of the road is Living Environment although it has not been developed for residential purposes, and the land to the north and east is Countryside Environment used for rural and low-density residential activities. On balance it is thought appropriate to say that this locality is 'rural' in character rather than being "residential" in character and that the powers in Clause 13 are available.

Consultation

This is not a case where extensive consultation is considered to be either necessary or appropriate before a decision is made. Officers have discussed this proposal with the owners of the properties to the west and east of the road and those property owners support the proposed action. The decision to impose a temporary vehicle prohibition is most likely to be supported by pedestrian users of the road. The other major users of the road are the people whose actions are causing the damage which the proposed action is intended to limit. It is likely that those people would oppose a temporary prohibition but the proposed restriction upon the use of the road is temporary only and an inconvenience is outweighed by the benefits which will accrue from this action.

RESOURCES

The costs of giving effect to a temporary prohibition of this type are minor, and relate to the costs of publishing the requisite public notice public notice, erection of signage and temporary barriers. These costs can be funded and carried out under the road emergency contract.

CONCLUSION

It is proposed to impose a temporary vehicle ban in relation to the paper road adjacent to 18 Clark Road and 2 Scott Road, Hobsonville to prevent damage during the wet weather during the winter and spring.

RECOMMENDATIONS

1. That the Clark Road, Hobsonville - Proposed Temporary Road Closure report be received.
2. That, pursuant to Clause 13 of Schedule 10 of the Local Government Act 1974, the use of that portion of unformed paper road adjacent to 18 Clark Road and 2 Scott Road, Hobsonville by motor vehicles and motor cycles of all classes (other than emergency vehicles engaged in responding to an emergency) is prohibited for the period:
 - commencing from the date of public notification of this decision; and
 - ending on until 31 December 2007, or such earlier date as the Chief Executive Officer may by notice in writing specify if he is satisfied that the climatic conditions have improved to the point where this temporary prohibition is no longer justified.

Report prepared by: Adam Moller, Senior Transport Engineer, Transport Assets.



13 **HOUSING FOR OLDER ADULTS REVITALISATION PROJECT – SUSPENSORY
LOAN DOCUMENTATION AMENDMENT**

PURPOSE OF THE REPORT

The purpose of this report is to seek a further Council approval in relation to one of the resolutions passed by Council on 27 June 2007 in respect of the \$1.5 million suspensory loan offered by Housing New Zealand Corporation (HNZC) for the Council's housing for older adults (HOFA).

BACKGROUND

The Chief Executive Officer on behalf of the Council, accepted the \$1.5 million suspensory loan from HNZC for the upgrading of five housing for older adults villages by signing a formal letter of offer on 29 June. The mandate for this action was obtained at the 27 June 2007 Council meeting, when the Council resolved:

- "1. *That the Housing for Older Adults Revitalisation - Suspensory Loan Documentation report be received.*
2. *That the Council approve the giving of first mortgage security to secure repayment of the \$1.5 million suspensory loan for upgrading purposes over the following properties:*
 - (a) *Flagstaff Village - 6 Flagstaff Place, Massey Lot 71 DP 76425*
 - (b) *Jack Smyth Village - 14 Royal Road, Massey Lot 1 DP 84282*
 - (c) *Kaurilands Court - 18 Kaurilands Road, Titirangi Pt Lot 3 DP 34220*
 - (d) *North Karaka Court – 19 Karaka Street, New Lynn Lot 33 DP 10124 Lot 10 DP 43957*
 - (e) *Kaumatua Village - 11 Kaumatua Place, Te Atatu Lot 10 DP 59308*
3. *That Director: Finance is directed to update the register of charges once the mortgage security has been given and to affect any other registration of charges required by law.*
4. *That the Council agrees in principle to the granting of a first right of refusal in favour of the Housing New Zealand Corporation at market value in the event that the Council at some time in the future agrees to sell all or any of the properties listed in resolution 2 above.*
5. *That the Chief Executive Officer be delegated authority to negotiate and finalise the terms of the letter of offer, the mortgage security and the right of first refusal.*
6. *That the Chief Executive Officer be authorised to delegate as appropriate the practicalities of the implementation of the loan advance and the giving of the mortgage security by the Council in favour of Housing New Zealand Corporation in accordance with the Local Government Act 2002."*

1158/2007

The resolution regarding the right of first refusal in favour of HNZC (number 4 above) needs to be expanded to fully meet the requirements of one of the conditions contained in the loan offer.

STRATEGIC CONTEXT

Council's strategic priorities that are of particular relevance to housing include 'sustainable development' and 'safe city'. Of further strategic importance when considering Council's provision for housing in the City, are the following platforms: 'urban and rural villages' and 'integrated transport and communication' by ensuring people have choices in housing and have accessibility to transport and communication links and 'strong communities' by supporting the health and wellbeing of the community.

ISSUES

The report to the Council meeting on 27 June 2007 was prepared under some pressure of time for consideration by the Council as a matter of urgency. When preparing that report, and the recommendations of that report which was subsequently adopted by the Council, officers had overlooked the fact that HNZC was seeking a right of first refusal not only in favour of itself but also in favour of "a social housing provider approved by" HNZC. The rationale for this requirement, as it was explained to the Council by HNZC, is that circumstances may arise in the future where the interests of the ongoing provision of social housing may be better provided by a third party and the addition of a reference to the third party provider in the right of first refusal would enable HNZC to pass on the benefits of the right of first refusal without cost to it.

When officers explained to HNZC staff that the Council's resolution was limited to the grant of a right of first refusal in favour of HNZC, they were not prepared to accept the position that it might have to bear any cost to confer the benefit of a right of first refusal on a third-party social housing provider. HNZC has remained insistent that the additional words be included in the right of first refusal. Due to the limitations upon the Chief Executive Officer's delegations in relation to agreements relating to the sale of land it was thought necessary to bring this matter back to the Council for an additional approval. In the interim however the Chief Executive Officer has accepted the loan offer which includes the additional words in the right of first refusal clause conditional upon his receiving further authority from the Council.

As a matter of law the benefit of any contractual right can be assigned to a third-party unless the contract excludes assignment. The same applies to a right of nomination. Very arguably the provision of a right of first refusal in favour of HNZC conferred upon HNZC the right to nominate a third-party social housing provider as the purchaser under the right of first refusal from the Council in any event. The Council's agreement to extend the terms of its former resolution does not in any way create potential prejudice to its position, other than the possible need to deal with a third-party in relation to exercise of a right of first refusal.

RESOURCES

The total cost to Council of the up-grades to the Housing for Older Adults Villages is \$2 million and this has been budgeted for in the Long Term Council Community Plans. This loan of \$1.5 million from the Housing New Zealand Corporation is the result of the first application and it is anticipated that a further \$1.5 million will be applied for in this current year.

CONCLUSION

Further Council approval is required in relation to one of the Resolutions passed by Council on 27 June 2007. Council approval is required to extend the first right of refusal to Housing New Zealand Corporation further to include a social housing provider approved by HNZC. The Chief Executive Officer has accepted the loan offer from Housing New Zealand Corporation, conditional upon Council approving this additional right of first refusal.

RECOMMENDATIONS

1. That the Housing for Older Adults Revitalisation - Suspensory Loan Documentation Amendment report be received.
2. That the Council approve the actions of the Chief Executive Officer in accepting the loan offer conferring a right of first refusal in favour of Housing New Zealand Corporation or "a social housing provider approved by the Corporation" to purchase at market value in the event that the Council at some time in the future agrees to sell, all or any of the following properties:
 - (a) Flagstaff Village - 6 Flagstaff Place, Massey (Lot 71 DP 76425).
 - (b) Jack Smyth Village - 14 Royal Road, Massey (Lot 1 DP 84282).
 - (c) Kaurilands Court - 18 Kaurilands Road, Titirangi (Pt Lot 3 DP 34220).
 - (d) North Karaka Court - 19 Karaka Street, New Lynn (Lot 33 DP 10124 and Lot 10 DP 43957).
 - (e) Kaumatua Village - 11 Kaumatua Place, Te Atatu (Lot 10 DP 59308).

Report prepared by: Stephen Drumm: Group Manager, Service Management: City Services.



14 REPRESENTATION ON TE TAUMATA RUNANGA

PURPOSE OF THE REPORT

The purpose of this report is to request Council to formally appoint a replacement representative to Te Taumata Runanga.

BACKGROUND

Formal advice has been received from Te Roopu Kaumatua o Waipareira regarding the replacement of Poata Northcroft as the representative and Takangaroa Moanaroa as the alternative representative of Te Taumata Runanga.

ISSUES

Te Roopu Kaumatua o Waipareira has advised that Denis Hansen will be its new representative and Jim Brown will be its new alternative representative.

CONCLUSION

The nominations of replacement representatives for Te Roopu Kaumata o Waipareira are brought before the Council for formal appointment.

RECOMMENDATION

That the Representation on Te Taumata Runanga report be received.

Report prepared by: Ngareta Delamere, Committee Secretary.

HV O'Rourke, JP, MNZM
CHIEF EXECUTIVE OFFICER



PART E - REPORTS FROM THE STANDING COMMITTEES

15 CITY DEVELOPMENT COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORTS OF ITS MEETINGS HELD ON THURSDAY, 5 JULY 2007, FRIDAY, 6 JULY 2007 AND TUESDAY, 10 JULY 2007

MATTERS CONSIDERED

*Pages 1-11
Part E
Pages 15-16
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 meetings are attached at pages 1 to 11 in the supplement labelled Part E. The public excluded minutes are attached at pages 15 to 16 of the Confidential Supplement labelled Part H.

Your Committee Recommends:

That the report of the Meetings of the City Development Committee held on Thursday, 5 July, Friday, 6 July and Tuesday, 10 July 2007 be received.

PA Hulse
CHAIRMAN



16 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 9 JULY 2007

MATTERS CONSIDERED

*Pages 12-16
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 12 to 16 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, 9 July 2007 be received.

JM Clews, QSO, JP
CHAIRMAN



17 **PLANNING AND REGULATORY COMMITTEE**

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON TUESDAY, 10 JULY 2007

MATTERS CONSIDERED

*Pages 17-22
Part E
Page 17
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 17 to 22 in the supplement labelled Part E. The public excluded minutes are attached at page 17 of the Confidential Supplement labelled Part H.

Your Committee Recommends:

That the report of the Meeting of the Planning and Regulatory Committee held on Tuesday, 10 July 2007 be received.

VS Neeson, JP
CHAIRMAN



18 **TE TAUMATA RUNANGA**

I NOHO TE TAUMATA RUNANGA KOMITI RAHINA, TE KAU MA ONO O HONGONGOI 2007

YOUR COMMITTEE SUBMITS THE FOLLOWING REPORT OF ITS MEETING HELD ON MONDAY, 16 JULY 2007

MATTERS CONSIDERED

*23-27
Part E
Page 18
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 23 to 27 in the supplement labelled Part E. The public excluded minutes are attached at page 18 of the Confidential Supplement labelled Part H.

NGA TAKE E WHIRIWHIRIA

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

Your Committee Recommends:

That the report of the Meeting of Te Taumata Runanga held on Monday, 16 July 2007 be received.

TW Taua, MNZM
CHAIRMAN



PART F - PRESENTATION

This presentation will take place at 6.30 pm.

19 METRO ACTION PLAN

Michael Barnett, Chairman, Auckland Regional Economic Development Forum, will present an update on the Metro Action Plan which has evolved out of the Metro Project. The Metro Project was created to bring to life a shared vision for the Auckland city-region's economic future as encapsulated in the Auckland Regional Economic Development Strategy (AREDS). The Metro Action Plan containing 31 actions was launched in October 2006. These actions are now being delivered with progress towards implementation reported to the Auckland Regional Economic Development Forum, a standing committee of the Auckland Regional Council.



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 Chairman of the local authority, or through the Mayor to the Chairman 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

Pursuant to Standing Order 28.1, 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

22 PROPOSED DIRECTOR APPOINTMENT AND PROCESS

23 STRATEGIC LAND PURCHASE

This item will be considered in the Confidential Supplement of the agenda, and has been circulated to members separately with this agenda.

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following part of the proceedings of this meeting, namely, Proposed Director Appointment and Process and Strategic Land Purchase.

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

General subject of the 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.
Proposed Director Appointment and Process.	The withholding of information is necessary in order to: <ul style="list-style-type: none"> • protect the privacy of natural persons, including that of deceased natural persons. 	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.
Strategic Land Purchase	The withholding of information is necessary in order to: <ul style="list-style-type: none"> • enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). 	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Sections 7(2)(a) and 7(2)(i) of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public as follows:

- *The reports contain information regarding applications for appointment and information which if released could affect the Council's negotiations.*



24 CLOSING PRAYER

