

Reasons that the original motion to sell Haylock Park should be revoked **Tabled at Council**  
**on 10 October 2019** Late Item

1. The legal opinion quoted from by the CE, and which the Councillors relied on for their decision, on 29<sup>th</sup> August, to sell Haylock Park has been requested. It has not been produced and therefore we can assume that it does not exist.

As a consequence, the motion to sell Haylock Park should be revoked.

2. If our Council has obtained a legal opinion in response to my tabled legal opinion it has not been provided to the Councillors. Legal privilege does not apply. It is safe to assume that any new legal opinion does not disagree with my legal opinion that found that this property was an "Endowment Property", as per the Local Government Act.

Therefore it cannot be sold in the way proposed by our Council.

3. Clause 78 of the LGA has not been complied with:-

*In the course of decision making the views of persons likely to be affected or likely to have an interest in the matter must be considered*

In regard to the land proposed for sale including Haylock Park. Dr Haylock's family being an interested party, as per the legislation, were not consulted and their views were not considered.

This needed to happen and a record of the discussion kept.

4. Mayor Watson has compromised the process by expressing in the Manawatu Standard dated 3<sup>rd</sup> October a reason for selling Haylock Park which was at variance from that expressed in the consultation. The stated reason for selling was as a "funding Source" to help pay for the new Community Centre, however in the newspaper Mr Watson is quoted as saying "For me this is not about money". As he chaired the process in its entirety, this published statement of his position, expressing his conflict with Council's position that the money was required for assisting the funding of the Community Centre, must invalidate the motion to sell 85% of Haylock Park.

Therefore the motion to sell should be revoked.

5. Clause 77 of the LGA has not been complied with:-

*Identify all reasonably practicable options for the achievement of the objective of a decision*

*Assess the advantages and disadvantages of the options.*

In regard to any of the land proposed for sale including Haylock Park

This has not happened.

This process needed to happen and be recorded.

6. Clause 82 of the LGA has not been complied with;-

*Provide reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of person likely to be affected by, or to have an interest in, the matter.*

In regard to the land proposed for sale including Haylock Park

Proof of the failure to comply can be taken from the fact that when the people affected understand what was proposed they are 95% opposed according to a newspaper poll that received 396 responses.

1. **That this document. Reasons that the original motion to sell Haylock Park should be revoked:** be tabled.
2. **That Council begin a process to revoke resolutions 19/RDC255, 19RDC256 and 19/RDC/257 concerning the sale of Haylock Park based on;-**
  - **Council has not provided Councillors with the legal opinion it received on the Haylock Park land.**
  - **That the second legal opinion Council sought has also not been provided to Councillors**
  - **Clause 78 of the LGA has not been complied with.**
  - **The Mayor's comments in the newspaper saying that the reason for the sale is not about the money has invalidated the process.**
  - **Clause 77 of the LGA has not been complied with.**
  - **Clause 82 of the LGA has not been complied with.**
  - **The Bulls community is against the sale of the land known as Haylock Park.**

*If motion 2 fails.*

3. **That the sale of Haylock Park be put on hold until I can obtain a ruling from the Auditor General whether our processes in this matter have been lawful.**

Graeme Platt