

20 March 2014

Official Information Request No. 9000127767  
(Please quote this in any correspondence)

Mr Richard Brown  
By email: fyi-request-1434-9b1bf9ef@requests.fyi.org.nz

Dear Mr Brown

**Local Government Official Information and Meetings Act 1987**

**Re: Encroachment on public reserve**

I refer to your email, which we received on 4 February 2014, requesting information about an encroachment on the public reserve at 2R Bucklands Beach Road.

We can confirm that an agreement is in effect between the property owners at 2 Bucklands Beach Road and Auckland Council. This agreement, dated 1991 and agreed by the former Manukau City Council outlined an access partnership between council and the private property owners which allowed for improved access to the reserve for machinery required to maintain it. In concession of this access, the fence line was moved from the legal boundary to a maximum allowable distance over a maximum length onto the reserve. A copy of this agreement and related correspondence is provided as an attachment. Please note that the names of private persons have been withheld under s7(2)(a) of the Act:

**7. Other reasons for withholding official information**

- (2) Subject to sections 6, 8, and 17, this section applies if, and only if, the withholding of the information is necessary to—
  - (a) protect the privacy of natural persons, including that of deceased natural persons;

The agreement also allowed the property owners to work with Council to enhance this accessway by way of paving and planting. The palms in question are covered under the planting definition.

The storage of construction materials on the reserve is not an allowable activity and this has been considered as it would on any Auckland Council reserve. Council officers have visited the site and have contacted the material's owners in regards to their removal. This can be expected to occur in a timely manner. Council officers will, under regular process return to ensure the items have been removed. Auckland Council has standard procedures in regards to unauthorised storage on reserves which it can implement if materials owners do not undertake removal.

Auckland Council has not issued any formal abatement or enforcement notices in regards to the matters raised. The agreement in effect covers some matters raised as appropriate

and the others have been dealt with under standard Council process which, in the first instance is a verbal discussion with the parties.

Should you believe Auckland Council has not responded appropriately to your request, you have the right by way of complaint, under section 27(3) of the LGOIMA, to apply to the Ombudsmen to seek an investigation and review of the decision.

If you have any further queries please contact me on 09 301 0101, quoting Official Information Request No. 9000127767.

Yours sincerely



James Stephens  
Information Advisor  
**AKLC Electoral Office/Public Info Unit**

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