

WAITAKERE CITY COUNCIL



MINUTES OF AN ORDINARY MEETING OF THE ENVIRONMENTAL MANAGEMENT
COMMITTEE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE,
LINCOLN, WAITAKERE CITY, ON TUESDAY, 11 NOVEMBER 2003,
COMMENCING AT 9.30 AM.

<u>ITEM</u>	INDEX	<u>PAGE NO.</u>
1	<u>APOLOGIES</u>	1
2	<u>URGENT BUSINESS</u>	1
3	<u>CONFIRMATION OF MINUTES</u>	2
4	<u>PRESENTATION - FRIENDS OF THE WHAU</u>	2
	<u>PART I - REGULATORY / ENFORCEMENT</u>	2
5	<u>LEGAL UPDATE (AS AT 29 OCTOBER 2003)</u>	2
6	<u>LIQUOR LICENSING POLICY</u>	2
7	<u>CONTROL OF LIQUOR IN PUBLIC PLACES BYLAW</u>	3
9	<u>CLOSED LANDFILL REGULATORY COMPLIANCE AND CONTAMINATED SITE MANAGEMENT</u>	4
	<u>PART II - DISTRICT PLAN / STRUCTURE PLANS</u>	4
8	<u>DISTRICT PLAN - FINANCIAL CONTRIBUTIONS APPEALS</u>	4
13	<u>PAINTED APPLE MOTH UPDATE REPORT FROM THE MINISTRY OF AGRICULTURE AND FORESTRY</u>	5
10	<u>UPDATE ON PROGRESSING 'BABICH' APPEAL TO THE DISTRICT PLAN</u>	6
	<u>PART III - ENVIRONMENTAL MANAGEMENT</u>	6
11	<u>WATER SERVICES ASSESSMENT TIMELINE AND WATER FOCUS GROUP</u>	6
12	<u>OPTIONS FOR COUNCIL INVOLVEMENT IN APPLICATIONS FOR COMMERCIAL RELEASE OF GENETICALLY MODIFIED ORGANISMS</u>	6

14	<u>WAITAKERE RANGES PROJECT - CONSULTATION UPDATE</u>	7
5	<u>LEGAL UPDATE (AS AT 29 OCTOBER 2003)</u>	7
	<u>PART I - REGULATORY / ENFORCEMENT</u>	8
5	<u>LEGAL UPDATE (AS AT 29 OCTOBER 2003) - ESTATE HOMES LIMITED V WAITAKERE CITY COUNCIL (28 MARCH 2002) (RANUI STATION ROAD)</u>	8
	<u>PROCEDURAL MOTION TO EXCLUDE THE PUBLIC</u>	8

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MINUTES OF AN ORDINARY MEETING OF THE ENVIRONMENTAL MANAGEMENT COMMITTEE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON TUESDAY, 11 NOVEMBER 2003, COMMENCING AT 9.34 AM.

PRESENT:

Councillors	PA	Hulse (Chairperson)
	DA	Yates, JP (Deputy Chairperson) (from 9.45 am)
	BA	Brady, JP
	JM	Clews, QSO, JP
	RP	Dallow, QPM, JP (from 10.19 am)
	AC	Fenton
	OE	Hoskin, MNZM, JP
	JP	Lawley
	GE	Nash, JP
	GB	Presland
	GW	Russell, JP
	CA	Stone

IN ATTENDANCE:

Group Manager: City Development Projects
Group Manager: Strategic Planning and Policy
Manager: Field Services
Legal Services Manager
Water Projects Manager: Project Services
Landscape Planning Co-ordinator
District Plan Co-ordinator (Acting)
Partnerships and Advocacy Leader, Environmental
Contract Solicitor: B McDonald
Solicitor: S Grounds
District Licensing Inspector: C Taylor
Senior Policy Analyst, Social Policy
Senior Policy Adviser, District Plan
Senior Analyst Environmental Policy
Committee Secretary: O Schuster
S Simiona

1 **APOLOGIES**

4124/2003

MOVED by Cr Hoskin, seconded Cr Clews:

That apologies from Crs Battersby and Neeson for absence and Cr Yates for lateness be received and sustained.

CARRIED

2 **URGENT BUSINESS**

There was no Urgent Business.

3 CONFIRMATION OF MINUTES

4125/2003

MOVED by Cr Nash, seconded Cr Hoskin:

That the minutes of the Extraordinary Meeting of the Environmental Management Committee held on Tuesday, 9 September 2003, Ordinary Meeting held on Tuesday, 7 October 2003 including the Public Excluded minutes, Extraordinary Meeting held on Tuesday, 7 October 2003 and the Extraordinary Meeting held on 22 October 2003 including the Public Excluded minutes, as circulated, be taken as read and now be confirmed.

CARRIED

4 PRESENTATION - FRIENDS OF THE WHAU

Doug Craig, Secretary for Friends of the Whau, made a brief presentation on the work of the Friends of the Whau in regard to stream care and restoration and presented the case for Council adoption of a bylaw via the special consultative procedure as laid out in the Local Government Act 2002.

9.45 am Cr Yates entered the meeting.

PART I - REGULATORY / ENFORCEMENT

5 LEGAL UPDATE (AS AT 29 OCTOBER 2003)

DEFERRED

4126/2003

MOVED by Cr Hoskin, seconded Cr Russell:

That Item 5: Legal Update (as at 29 October 2003) be deferred until the end of the meeting.

CARRIED

6 LIQUOR LICENSING POLICY

DECLARATION OF INTEREST

9.54 am Crs Clews and Lawley declared an interest and left the room taking no part in the discussion or voting on Item 6: Liquor Licensing Policy.

10.19 am Cr Dallow entered the meeting.

10.20 am Cr Dallow declared an interest left the room taking no part in the discussion or voting on Item 6: Liquor Licensing Policy.

The Chairperson consented to the following presenting their submission on the Liquor Licensing Policy:

- Roger Parton, Chief Executive of Clubs New Zealand.
- Colin Tucker, Massey.

4127/2003

MOVED by Cr Presland, seconded Cr Yates:

1. That the information be received.
2. That the Environmental Management Committee approves the recommended changes to the draft Policy that are numbered 1-18 in this Agenda Report.
3. That the Environmental Management Committee adopts the Policy as a final Liquor Licensing Policy, subject to the recommended changes being incorporated by Council Staff.
4. That the Policy will become operative on 1 April 2004.
5. That the District Plan Rules in relation to liquor licensing be reviewed and brought into line with the new Liquor Licensing Policy, and that such a review would include a review of the District Plan Noise Rules.
6. That staff undertake further analysis in accordance with the requirements of the Local Government Act and report back to the Environmental Management Committee, in early 2004, on the appropriateness of the proposed amendments to the Amusement Gallery Bylaw, in the context of the new Liquor Licensing Policy and proposed citywide alcohol strategy.
7. That a project plan for the development of a citywide alcohol strategy be brought to the Environmental Management Committee for approval in February 2004.

CARRIED

7 CONTROL OF LIQUOR IN PUBLIC PLACES BYLAW

4128/2003

MOVED by Cr Russell, seconded Cr Hoskin:

1. That the information be received.
2. That Clause 9 of the draft bylaw be amended by adding at the end of the clause the words "as prescribed in Section 242 of the Local Government Act 2002".
3. That it be recommended to Council that the draft Control of Liquor in Public Places Bylaw, as amended be adopted in that form.

CARRIED

PRECEDENCE OF BUSINESS

4129/2003

MOVED by Cr Fenton, seconded Cr Brady:

That Item 9: Closed Landfill Regulatory Compliance and Contaminated Site Management be accorded precedence at this time.

CARRIED

9 CLOSED LANDFILL REGULATORY COMPLIANCE AND CONTAMINATED SITE MANAGEMENT

4130/2003

MOVED by Cr Brady, seconded Cr Russell:

1. That the information be received.
2. That Cr Hulse and Council staff be thanked for there outstanding work in relation to Landfill.

CARRIED

The Order of Business resumed at Item 8: District Plan - Financial Contributions Appeals.

PART II - DISTRICT PLAN / STRUCTURE PLANS

8 DISTRICT PLAN - FINANCIAL CONTRIBUTIONS APPEALS

10.43 am Crs Clews, Dallow and Lawley returned to the meeting.

4131/2003

MOVED by Cr Nash, seconded Cr Russell:

1. That the information be received.
2. That without prejudice discussions be held with the appellants to the District Plan Financial Contribution provisions, with a view to achieving an agreement based on deleting the district plan's financial contributions chapter, but retaining those provisions relating to mitigation of environmental effects.
3. That the outcome of the discussions around the District Plan Financial Contribution provision be reported back to the Environmental Management Committee.

CARRIED

9 **CLOSED LANDFILL REGULATORY COMPLIANCE AND CONTAMINATED SITE MANAGEMENT**

This item was considered following Item 7: Control of Liquor in Public Places Bylaw.

PRECEDENCE OF BUSINESS

4132/2003
MOVED by Cr Presland, seconded Cr Russell:

That Item 13: Painted Apple Moth Update Report from the Ministry of Agriculture and Forestry be accorded precedence at this time.

CARRIED

13 **PAINTED APPLE MOTH UPDATE REPORT FROM THE MINISTRY OF AGRICULTURE AND FORESTRY**

4133/2003
MOVED by Cr Presland, seconded Cr Dallow:

1. That the Painted Apple Moth Report be received.
2. That Cr Presland on behalf of the Environmental Management Committee prepare written questions for Ministry of Agricultural and Forestry to address regarding Dr Clearwater's development and trailing of the alternative pheromone.

CARRIED

The Order Of Business resumed at Item 10: Update On Progressing 'Babich' Appeal To The District Plan.

ADJOURNMENT

4134/2003
MOVED by Cr Brady, seconded Cr Hoskin:

That the meeting stand adjourned until 11.10 am.

CARRIED

10.59 am The meeting adjourned.

11.15 am The meeting reconvened. Crs Brady, Dallow and Fenton not present.

10 UPDATE ON PROGRESSING 'BABICH' APPEAL TO THE DISTRICT PLAN

4135/2003

MOVED by Cr Russell, seconded Cr Presland:

1. That the information be received.
3. That upon completion of the additional technical investigations and any necessary amendments to the Babich Concept Plan, the Concept Plan, associated District Plan provisions, and the proposed application to move the Metropolitan Urban Limit be brought back to the Environmental Management Committee for approval.

CARRIED

11.16 am Crs Brady and Dallow returned to the meeting.

PART III - ENVIRONMENTAL MANAGEMENT

11 WATER SERVICES ASSESSMENT TIMELINE AND WATER FOCUS GROUP

11.20 am Cr Fenton returned to the meeting.

4136/2003

MOVED by Cr Yates, seconded Cr Nash:

1. That the information be received.
2. That Council adopts June 2005 as the completion date for the Water Services Assessment.

CARRIED

12 OPTIONS FOR COUNCIL INVOLVEMENT IN APPLICATIONS FOR COMMERCIAL RELEASE OF GENETICALLY MODIFIED ORGANISMS

4137/2003

MOVED by Cr Presland, seconded Cr Lawley:

1. That the information be received.
2. That a policy/position statement on the implications of commercial release of Genetically Modified Organisms for the City be prepared for consultation through the 2004/2005 Annual Plan (year 2 of the Long Term Council Community Plan).
3. That the Council indicates to Environmental Risk Assessment Authority that, in the interim, it wishes to be notified of all applications for approval of a new organism within Waitakere City.

CARRIED

4138/2003

MOVED by Cr Russell, seconded Cr Presland:

That Waitakere City Council investigate forming a cooperative effort in developing a joint approach to Genetically Modified Organisms together with Rodney District Council, Kaipara District Council, North Shore City Council and Northland Regional Council.

CARRIED

4139/2003

MOVED by Cr Stone, seconded Cr Fenton:

That Council will proactively with the Organics Cluster to investigate any appropriate ways to manage the impacts of possible Genetically Modified Organisms release on the Organics Cluster, including possible development of a possible bylaw.

CARRIED

13 PAINTED APPLE MOTH UPDATE REPORT FROM THE MINISTRY OF AGRICULTURE AND FORESTRY

This item was considered following Item 9: Closed Landfill Regulatory Compliance and Contaminated Site Management.

14 WAITAKERE RANGES PROJECT - CONSULTATION UPDATE

4140/2003

MOVED by Cr Nash, seconded Cr Fenton:

That the Waitakere Ranges Project - Consultation Update Report be received.

CARRIED

5 LEGAL UPDATE (AS AT 29 OCTOBER 2003)

4141/2003

MOVED by Cr Clews, seconded Cr Fenton:

That the Legal Update Report be received.

CARRIED

PART I - REGULATORY / ENFORCEMENT

5 LEGAL UPDATE (AS AT 29 OCTOBER 2003) - ESTATE HOMES LIMITED V WAITAKERE CITY COUNCIL (28 MARCH 2002) (RANUI STATION ROAD)

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

12.18 pm Cr Hoskins left the meeting.

12.22 pm Cr Fenton left the meeting.

4142/2003

MOVED by Cr Presland, seconded Cr Russell:

1. That the public be excluded from the following part of the proceedings of this meeting, Legal Update (as at 29 October 2003) - Estate Homes Limited v Waitakere City Council (28 March 2002) (Ranui Station Road).

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 matter to be considered.	Reason for passing this resolution in relation to the matter.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none">• Legal Update (as at 29 October 2003) - Estate Homes Limited v Waitakere City Council (28 March 2002) (Ranui Station Road)	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none">• Maintain legal professional privilege.	<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)(g) 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 matter concern legal issues currently before the Environment Court.*
2. That Robert Enright, Kensington Swan be permitted to remain at this meeting, after the public has been excluded, because of his knowledge of each of the matters to be discussed. This knowledge, which will be of assistance in relation to the of the matter to be discussed, is relevant to that matter because of background information and advice which will be required by Environmental Management Committee when assessing the options available to it and in explaining any decision to the community.

CARRIED

12.09 am The public were excluded.

Minute Number 4143/2003 is recorded in the Confidential Section of these Minutes.

12.27 am The public were readmitted.

RESTATEMENT

The Committee resolved while the public were excluded (Moved by Cr Russell, seconded Cr Presland) (resolution 4143/2003 no. 2) *“That the letter from Council’s Solicitors regarding the Court’s decision on Estate Homes Limited v Waitakere City Council (28 March 2002) Ranui Station Road remain confidential”.*

12.28 pm

The Chairperson thanked members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AT AN ORDINARY MEETING OF
THE ENVIRONMENTAL MANAGEMENT
COMMITTEE HELD ON

DATE:.....

CHAIRPERSON:.....

