

**MINUTES OF AN EXTRAORDINARY MEETING OF THE PLANNING AND REGULATORY  
COMMITTEE HELD IN THE MANUKAU ROOM, WAITAKERE CENTRAL,  
6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,  
ON FRIDAY, 13 FEBRUARY 2009,  
COMMENCING AT 9.36 AM**

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**PRESENT:** Councillors VS Neeson, JP (Chairman)  
WW Flaunty, QSM, JP (Deputy Chairman) (until 10.28 am)  
DQ Battersby, JP  
LA Cooper, JP  
AK Corban, OBE, JP  
MM Jolley  
JP Lawley, JP (until 10.00 am)  
PG Mitchell (from 9.37 am)

Deputy Mayor PA Hulse (ex-officio)

**OBSERVER:** Councillor RP Dallow, QPM, JP

**IN ATTENDANCE:** Group Manager: Planning & Community Services  
Team Leader: Regulatory Legal  
Principal Planner  
Communications Advisor: Mayoral Office  
Committee Secretary: D Tukutama

**ALSO IN  
ATTENDANCE:** H Ash, Solicitor, Simpson Grierson

**PART A - OPENING OF MEETING**

**1 APOLOGIES**

96/2009

MOVED by Cr Hulse seconded Cr Corban:

That apologies from Cr Chan for absence, Cr Mitchell for lateness, and Crs Lawley and Flaunty for early departure, be received and sustained.

**CARRIED**

9.37 am Cr Mitchell entered the meeting.

**2 URGENT BUSINESS**

There was no Urgent Business.

**3 CONFLICTS OF INTEREST**

Elected Members were reminded via the agenda, of the 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.

**PART B - PUBLIC EXCLUDED MATTER**

**4 SWANSON STRUCTURE PLAN - ENVIRONMENT COURT DECISION**

97/2009

MOVED by Cr Cooper, seconded Cr Jolley:

**PROCEDURAL MOTION TO EXCLUDE THE PUBLIC**

1. That the public be excluded from the following part of the proceedings of this meeting, namely, Swanson Structure Plan - Environment Court Decision.

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.
Swanson Structure Plan - Environment Court Decision	The withholding of information is necessary in order to: <ul style="list-style-type: none"><li>• maintain legal professional privilege.</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.

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 parts of the proceedings of the meeting in public as follows:

- *The matter contained legal issues that as a result of the Environment Court decision required to be updated to the Council by Council's Counsel.*
2. That Heather Ash, Solicitor, Simpson Grierson be permitted to remain at this meeting, after the public has been excluded, because of her knowledge of each of the matters to be discussed. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because of background information and advice which will be required by the Council when assessing options available to it and in explaining any decision to the community.

**CARRIED**

- 9.37 am The public were excluded.
- 10.00 am Cr Lawley left the meeting.
- 10.28 am Cr Flaunty left the meeting.
- 11.17 am The public were re-admitted.

## RESTATEMENT

The Planning and Regulatory Committee resolved while the public were excluded:

### **Swanson Structure Plan - Environment Court Decision**

(Moved by Cr Battersby, seconded Cr Hulse) (resolution 100/2009) ***“Agree to publicly release the Swanson Structure Plan - Environment Court Decision report and associated resolutions and advise the parties of the Council’s decision not to appeal, without delay.”***

## 4 SWANSON STRUCTURE PLAN - ENVIRONMENT COURT DECISION

10.00 am Cr Lawley left the meeting.

10.28 am Cr Flaunty left the meeting.

98/2009

MOVED by Cr Mitchell, seconded Cr Jolley:

The Planning and Regulatory Committee resolved to:

**Receive** the Swanson Structure Plan - Environment Court Decision report.

**CARRIED**

MOVED by Cr Mitchell, seconded Cr Jolley:

The Planning and Regulatory Committee resolved to:

**Agree** that Council should lodge a pro-forma appeal to the High Court against the Swanson Structure Plan decision.

**LOST**

**NOTE:** Cr Corban requested that his vote for the motion be recorded.

99/2009

MOVED by Cr Battersby, seconded Cr Cooper:

The Planning and Regulatory Committee resolved to:

**Agree** that Council should not appeal the Swanson Structure Plan decisions to the High Court.

**CARRIED**

**NOTE:** Pursuant to Standing Order 32.12 Crs Corban, Jolley and Mitchell requested that their vote against the motion be recorded.

100/2009

MOVED by Cr Battersby, seconded Cr Hulse:

The Planning and Regulatory Committee resolved to:

**Agree** to publicly release the Swanson Structure Plan - Environment Court Decision report and associated resolutions, and advise the parties of the Council's decision not to appeal, without delay.

**CARRIED**

11.18 am

The Chairman thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AT A MEETING OF THE PLANNING  
AND REGULATORY COMMITTEE HELD ON

**DATE:**.....

**CHAIRMAN:**.....