

**MINUTES OF A MEETING OF THE PLANNING AND REGULATORY COMMITTEE HELD
IN THE COUNCIL CHAMBER, WAITAKERE CENTRAL, 6 HENDERSON VALLEY
ROAD, HENDERSON, WAITAKERE, ON TUESDAY, 10 MARCH 2009,
COMMENCING AT 9.31 AM**

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PRESENT: Councillors VS Neeson, JP (Chairman)
Cr Flaunty, QSM, JP (Deputy Chairman)
DQ Battersby, JP (until 11.57 am)
LA Cooper, JP (from 9.34 am until 11.44 am)
AK Corban, OBE, JP (from 9.37 am)
MM Jolley
JP Lawley, JP (until 11.33 am)
PG Mitchell

Deputy Mayor PA Hulse (ex-officio) (from 9.50 am)
Mayor Bob Harvey (ex-officio) (from 9.36 am until 10.16 am)

IN ATTENDANCE: Group Manager: Planning & Community Services
Group Manager: Consents
Group Manager: Service Management
Manager: Field Services
Manager: Resource Consents
Manager: Sustainable Management
Team Leader: Legal Regulatory
Contract Solicitor: M Davenport
D Collins
Senior Planner: Policy Implementation
Principal Planner
Planner: Policy Implementation
Committee Secretary: D Tukutama

PART A - OPENING OF MEETING

1 APOLOGIES

343/2009
MOVED by Cr Flaunty, seconded Cr Mitchell:

That apologies from Crs Cooper and Hulse for lateness be received and sustained.

CARRIED

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.

4 CONFIRMATION OF MINUTES

344/2009

MOVED by Cr Mitchell, seconded Cr Flaunty:

The Planning and Regulatory Committee resolved to:

Receive the minutes of the meetings of the Planning and Regulatory Committee held on Tuesday, 10 February 2009 and Friday, 13 February 2009 (Extraordinary) as circulated, and that they be taken as read and now be confirmed.

CARRIED

PART B - REGULATORY/ENFORCEMENT

5 LEGAL UPDATE (AS AT 28 FEBRUARY 2009)

9.34 am Cr Cooper entered the meeting.

9.36 am Mayor Bob Harvey entered the meeting.

9.37 am Cr Corban entered the meeting.

9.50 am Cr Hulse entered the meeting.

345/2009

MOVED by Mayor Bob Harvey, seconded Cr Cooper:

The Planning and Regulatory Committee resolved to:

Agree to request the Chief Executive officer to report back to the 7 April 2009 Planning and Regulatory Committee Meeting on issues relating to vexatious litigants, with particular reference to litigation initiated by Peter Mawhinney and associated companies.

CARRIED

346/2009

MOVED by Mayor Bob Harvey, seconded Cr Mitchell:

The Planning and Regulatory Committee resolved to:

Receive the Legal Update (As At 28 February 2009) report.

CARRIED

6 PROPOSED REGULATORY FEES AND CHARGES 2009/2010

10.16 am Mayor Bob Harvey left the meeting.

347/2009

MOVED by Cr Cooper, seconded Cr Lawley:

The Planning and Regulatory Committee resolved to:

1. **Receive** the Proposed Regulatory Fees and Charges 2009/2010 report.

2. **Agree** to recommend to Council at the meeting scheduled to be held on 18 March 2009, that the Proposed Regulatory Fees and Charges 2009/2010, for public consultation be approved, with the following amendments:

- *Fencing of Swimming Pools Act 1987:*
 - (i) *Special Exemption Applications Pursuant To Section 6 or Clause 11 of the Scheduled to the Act (Plus any Committee Hearing Costs). This fee is non-refundable and must be paid prior to hearing.*
 - (ii) *Inspections (Related to newly approved pool building consents).*
 - (iii) *Re-inspections (As a result of non-compliance matters).*

CARRIED

348/2009

MOVED by Cr Cooper, seconded Cr Lawley:

The Planning and Regulatory Committee resolved to:

Agree to remove the option for waiver of the \$252.00 fee for special exemption applications under the Fencing of Swimming Pools Act 1987.

CARRIED

PART C - DISTRICT PLAN / STRUCTURE PLANS

7 PROPOSED PLAN CHANGES 30 AND 31 - EARTHWORKS IN THE TRANSPORT ENVIRONMENT

349/2009

MOVED by Cr Battersby, seconded Cr Mitchell:

The Planning and Regulatory Committee resolved to:

1. **Receive** the Proposed Plan Change 30 And 31 - Earthworks In The Transport Environment report.
2. **Approve** Proposed Plan Change 30 - Earthworks in the Transport Environment that is outside the Waitakere Ranges Heritage Area and Proposed Plan Change 31 Earthworks in the Transport Environment that is within the Waitakere Ranges Heritage Area.
3. **Agree** that Proposed Plan Change 30 - Earthworks in the Transport Environment that is outside the Waitakere Ranges Heritage Area and Proposed Plan Change 31 - Earthworks in the Transport Environment that is within the Waitakere Ranges Heritage Area be publicly notified in accordance with the provisions of the Resource Management Act 1991.

CARRIED

PART D - ENVIRONMENTAL MANAGEMENT

8 RESOURCE MANAGEMENT ACT REFORM

11.33 am Cr Lawley left the meeting.

11.44 am Cr Cooper left the meeting.

11.57 am Cr Battersby left the meeting.

350/2009

MOVED by Cr Mitchell, seconded Cr Corban:

The Planning and Regulatory Committee resolved to:

1. **Receive** the Resource Management Act Reform report.
2. **Agree** that a submission be made to the Parliamentary Select Committee in response to the Resource Management (Simplifying and Streamlining) Amendment Bill 2009.
3. **Agree to** delegate authority to the Chairperson to sign off the final submission to the Parliamentary Select Committee in response to the Resource Management (Simplifying and Streamlining) Amendment Bill 2009, on behalf of the Planning and Regulatory Committee, prior to lodgement.

CARRIED

PART E - REPORT OF THE SUBCOMMITTEE

9 SWIMMING POOL EXEMPTION SUBCOMMITTEE

351/2009

MOVED by Cr Battersby, seconded Cr Jolley:

The Planning and Regulatory Committee resolved to:

Receive the meeting report of the Swimming Pool Exemption Subcommittee held on Thursday, 26 February 2009.

CARRIED

PART F - PUBLIC EXCLUDED MATTERS

10 DISTRICT PLAN APPEAL RESOLUTION - PENIHANA SOUTH

11 PENIHANA NORTH APPEAL SETTLEMENT

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

352/2009

MOVED by Cr Flaunty, seconded Cr Chan:

That the public be excluded from the following parts of the proceedings of this meeting, namely, District Plan Appeal Resolution - Penihana South and Penihana North Appeal Settlement.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each of the matters, 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 each of the matters to be considered.	Reason for passing this resolution in relation to each of the matters.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<p>District Plan Appeal Resolution - Penihana South</p> <p>Penihana North Appeal Settlement.</p>	<p>The withholding of information is necessary in order to:</p> <ul style="list-style-type: none"> • maintain legal professional privilege; • enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). 	<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) 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 report contains legal advice and information which if released could affect Council's negotiations.*

CARRIED

12.04 am The public were excluded.

Minute Numbers 353/2009 to 354/2009 are recorded in the Confidential Section of these Minutes.

12.36 am The public were re-admitted.

RESTATEMENTS

District Plan Appeal Resolution – Penihana South

The Committee resolved while the public were excluded (Moved by Cr Flaunty, seconded Cr Corban) (resolution 353/2009 No. 3) **“Agree that the District Plan Appeal Resolution - Penihana South report and associated resolutions remain confidential until such time as the reasons for confidentiality no longer exist.”**

Penihana North Appeal Settlement

The Committee resolved while the public were excluded (Moved by Cr Chan, seconded Cr Battersby) (resolution 354/2009 No.6) **“Agree that the Penihana North Appeal Settlement reports and associated resolutions remain confidential until such time as the reasons for confidentiality no longer exist.”**

12.37 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:.....