

**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, 12 MAY 2009,
COMMENCING AT 9.30 AM**

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ROAD, HENDERSON, WAITAKERE, ON TUESDAY, 12 MAY 2009,
COMMENCING AT 9.32 AM**

PRESENT: Councillors VS Neeson, JP (Chairman) (until 10.21 am)
WW Flaunty, QSM, JP (Deputy Chairman) (from 9.34 am)
(presiding from 10.22 am)
BA Brady, JP
MFP Chan
RI Clow (from 9.35 am)
AK Corban, OBE, JP
RP Dallow, QPM, JP (from 9.34 am)
MM Jolley
JP Lawley, JP
PG Mitchell (from 9.35 am)

Deputy Mayor PA Hulse (ex-officio) (from 9.55 am)

IN ATTENDANCE: Group Manager: Planning & Community Services
Manager: Field Services
Manager: Resource Consents
Principal Planner: E Shields
Senior Planner: Policy Implementation
Contract Solicitor: D Collins
Committee Secretary: D Tukutama

ALSO

IN ATTENDANCE: M Davenport, Associate Solicitor, Kensington Swan

PART A - OPENING OF MEETING

1 APOLOGIES

724/2009

MOVED by Cr Lawley, seconded Cr Corban:

That apologies from Crs Battersby, Clews, and Cooper for absence, and Cr Hulse for lateness, be received and sustained.

CARRIED

9.34 am Crs Dallow and Flaunty entered the meeting.

2 URGENT BUSINESS

There was no Urgent Business.

9.35 am Crs Clow and Mitchell entered the meeting.

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

725/2009

MOVED by Cr Mitchell, seconded Cr Flaunty:

The Planning and Regulatory Committee resolved to:

Receive the minutes of the meeting of the Planning and Regulatory Committee held on Tuesday, 7 April 2009, as circulated, and that they be taken as read and now be confirmed.

CARRIED

PART B - REGULATORY/ENFORCEMENT

5 LEGAL UPDATE (AS AT 30 APRIL 2009)

726/2009

MOVED by Cr Clow, seconded Cr Flaunty:

The Planning and Regulatory Committee resolved to:

Receive the Legal Update (As at 30 April 2009) report.

CARRIED

6 SWIMMING POOL FENCE SPECIAL EXEMPTION FEE WAIVER

727/2009

MOVED by Cr Jolley, seconded Cr Mitchell:

The Planning and Regulatory Committee resolved to:

1. **Receive** the Swimming Pool Fence Special Exemption Fee Waiver report.
2. **Approve** Option 2 - Status Quo, retention of the option for waiver of the fee by the Swimming Pool Exemption Subcommittee, for special exemption applications.

CARRIED

9.55 am Cr Hulse entered the meeting.

7 PROPOSED REGULATORY CHANGE FOR WAIKUMETE CEMETERY

728/2009

MOVED by Cr Mitchell, seconded Cr Corban:

The Planning and Regulatory Committee resolved to:

Receive the Proposed Regulatory Change For Waikumete Cemetery report.

CARRIED

729/2009

MOVED by Cr Mitchell, seconded Cr Corban:

The Planning and Regulatory Committee resolved to:

Agree that work to develop an option to achieve additional burial capacity in the Waikumete Cemetery by regulatory change, being an alteration to the Designation and Councils Heritage listing, be continued.

CARRIED

NOTE: Pursuant to Standing Order 32.12 Cr Brady requested that her vote against the motion be recorded.

PART C - DISTRICT PLAN / STRUCTURE PLANS

8 REMOVAL OF DEFENCE PURPOSES DESIGNATION OVER PART OF THE LAND AT HOBSONVILLE AIRBASE

730/2009

MOVED by Cr Dallow, seconded Cr Flaunty:

The Planning and Regulatory Committee resolved to:

1. **Receive** the Removal Of Defence Purposes Designation Over Part Of The Land At Hobsonville Airbase report.
2. **Note** that the "Defence Purposes" designation has been removed from the land identified in the Minister of Defence's Removal Notice.

CARRIED

PART D - REPORT OF THE SUBCOMMITTEE

9 SWIMMING POOL EXEMPTION SUBCOMMITTEE

731/2009

MOVED by Cr Flaunty, seconded Cr Jolley:

The Planning and Regulatory Committee resolved to:

Receive the meeting report of the Swimming Pool Exemption Subcommittee held on Thursday, 23 April 2009.

CARRIED

DECLARATION OF INTEREST

10.21 am The Chairman, Cr Neeson, declared an interest and asked the Deputy Chairman, Cr Flaunty, to preside. The Chairman withdrew from the table and left the meeting taking no part in the discussion or decision on the Public Excluded Matter, Item 10: District Plan Appeal Resolution - Ockleston Family Trust.

10.22 am Cr Flaunty assumed the Chair.

PART E - PUBLIC EXCLUDED MATTER

10 DISTRICT PLAN APPEAL RESOLUTION - OCKLESTON FAMILY TRUST

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

732/2009

MOVED by Cr Clow, seconded Cr Mitchell:

That the public be excluded from the following part of the proceedings of this meeting, namely District Plan Appeal Resolution - Ockleston Family Trust.

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.
District Plan Appeal Resolution - Ockleston Family Trust	The withholding of information is necessary in order to: <ul style="list-style-type: none">• maintain legal professional privilege.	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 part of the proceedings of the meeting in public as follows:

- *The report contains information which if released could affect the Council's ability to maintain legal professional privilege.*

CARRIED

10.24 am The public were excluded.

Minute Number 733/2009 is recorded in the Confidential Section of these Minutes.

10.38 am The public were re-admitted.

RESTATEMENT

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

(MOVED by Cr Mitchell, seconded Cr Hulse) (resolution 733/2009 No.3) **“Agree that the District Plan Appeal Resolution – Ockleston Family Trust report and associated resolutions remain confidential until such time as the reasons for confidentiality no longer exist.”**

10.39 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:.....