

**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, 8 JUNE 2010,
COMMENCING AT 9.31 AM**

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ROAD, HENDERSON, WAITAKERE, ON TUESDAY, 8 JUNE 2010,
COMMENCING AT 9.31 AM**

PRESENT: Councillors VS Neeson, JP (Chairman)
DQ Battersby, QSM, JP
BA Brady, JP
MFP Chan, JP
JM Clews, QSO, JP
LA Cooper, JP
AK Corban, OBE, JP (from 9.34 am)
JP Lawley, JP
PG Mitchell (from 9.34 am)

Deputy Mayor PA Hulse (ex-officio)

**ALSO
PRESENT:** GPJ Marshall (Chairman, New Lynn Community Board)
WR Davis (New Lynn Community Board)

IN ATTENDANCE: Group Manager: Planning and Community Services
Acting Chief Executive Officer
Manager: Legal Services/General Counsel
Manager: Field Services
Acting Manager: Public Affairs
Solicitor/Team Leader: Legal - Regulatory
Contract Solicitor: D Collins
Strategic Advisor: Waitakere Ranges
Committee Secretary: D Tukutama

**ALSO IN
ATTENDANCE:** R Barnes, Protect Piha Heritage Society Inc.
B Carroll, Piha Yes Campaign

PART A - OPENING OF MEETING

1 APOLOGIES

747/2010
MOVED by Cr Battersby, seconded Cr Clews:

That apologies from Crs Clow, Dallow, Flaunty and Jolley for absence, and Cr Corban for lateness, be received and sustained.

CARRIED

2 URGENT BUSINESS

There was no Urgent Business.

3 CONFLICTS OF INTEREST

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

748/2010

MOVED by Cr Lawley, seconded Cr Cooper:

The Planning and Regulatory Committee resolved to:

Receive the minutes of the meeting of the Planning and Regulatory Committee held on Tuesday, 13 April 2010, as circulated, and that they be taken as read and now be confirmed.

CARRIED

PART B - REGULATORY/ENFORCEMENT

5 LEGAL UPDATE (AS AT 31 MAY 2010)

9.34 am Crs Corban and Mitchell entered the meeting.

749/2010

MOVED by Cr Mitchell, seconded Cr Brady:

The Planning and Regulatory Committee resolved to:

Receive the Legal Update (as at 31 May 2010) report.

CARRIED

6 PROTECT PIHA HERITAGE SOCIETY INC – PAYMENT OF COSTS

750/2010

MOVED by Cr Neeson, seconded Cr Mitchell:

The Planning and Regulatory Committee resolved to:

Receive the Protect Piha Heritage Society Inc - Payment of Costs report.

CARRIED

751/2010

MOVED by Cr Lawley, seconded Cr Clews:

The Planning and Regulatory Committee resolved to:

1. **Agree** to reconfirm the previous decision of the Planning and Regulatory Committee to enforce payment in full of Environment Court ordered costs owed by Preserve Piha Heritage Society Inc.

2. **Direct** the Chief Executive Officer to conclude a method of payment which may be an arrangement, for the Court ordered costs to be paid in full, over time.

CARRIED

PART C - REPORT OF THE SUBCOMMITTEE

7 SWIMMING POOL EXEMPTION SUBCOMMITTEE

752/2010

MOVED by Cr Battersby, seconded Cr Clews:

The Planning and Regulatory Committee resolved to:

Receive the meeting report of the Swimming Pool Exemption Subcommittee held on Thursday, 22 April 2010.

CARRIED

PART D - PUBLIC EXCLUDED MATTER

8 PROPOSED PLAN CHANGE 32: PENIHANA NORTH

753/2010

MOVED by Cr Lawley, seconded Cr Neeson:

That the public be excluded from the following part of the proceedings of this meeting, namely Proposed Plan Change 32: Penihana North.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation 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 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.
Proposed Plan Change 32: Penihana North	The withholding of information is necessary in order to: <ul style="list-style-type: none">• enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	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)(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 information which if released could affect Council's negotiations.*

CARRIED

10.35 am The public were excluded.

Minute number 754/2010 is recorded in the confidential section of these minutes.

11.37 am The public were re-admitted.

RESTATEMENT

The Planning and Regulatory Committee resolved while the public were excluded (Moved by Cr Lawley, seconded Cr Cooper) (resolution 754/2010, No. 5) **“Agree to publicly release resolution numbers 1, 2 and 3, and those parts of the report that do not relate to confidential appeal matters and that resolution No. 4 remain confidential until such time as the reasons for confidentiality no longer exist.”**

8 PROPOSED PLAN CHANGE 32: PENIHANA NORTH

754/2010

MOVED by Cr Lawley, seconded Cr Cooper:

The Planning and Regulatory Committee resolved to:

1. **Receive** the Proposed Plan Change 32: Penihana North report.
2. **Agree** to delegate to the Chairman of the Planning and Regulatory Committee final approval of any minor amendments made prior to public notification to proposed Plan Change 32: Penihana North and the section 32 analysis report.
3. **Agree** that pursuant to the First Schedule to the Resource Management Act 1991, that proposed Plan Change 32: Penihana North be publicly notified.

11.38 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:.....