

**MINUTES OF A MEETING OF THE COUNCIL HELD IN THE CIVIC CENTRE,
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON WEDNESDAY, 27 APRIL 2005
COMMENCING AT 5.30 PM**

<u>ITEM</u>	INDEX	<u>PAGE NO.</u>
	<u>PART A - OPENING OF MEETING</u>	2
1	OPENING PRAYER	2
2	APOLOGIES	2
3	CONFIRMATION OF MINUTES	2
	<u>PART F - PRESENTATIONS</u>	2
16	AUCKLAND REGIONAL COUNCIL DELEGATION - DRAFT ANNUAL PLAN	2
17	CITATION	2
4	URGENT BUSINESS	3
	<u>PART B- REPORT OF THE MAYOR</u>	3
	<u>PART C - REPORTS OF TE TAUMATA RUNANGA, NEW LYNN COMMUNITY BOARD, WAITAKERE COMMUNITY BOARD, MASSEY COMMUNITY BOARD AND HENDERSON COMMUNITY BOARD</u>	4
5	TE TAUMATA RUNANGA	4
6	NEW LYNN COMMUNITY BOARD	4
	1 GLEN EDEN BOWLING CLUB SITE LEASE FOR PRE-SCHOOL	4
	2 OTHER MATTERS CONSIDERED	4
7	WAITAKERE COMMUNITY BOARD	4
8	MASSEY COMMUNITY BOARD	5
	1. PROPOSED REVOCATION OF RESERVE STATUS AND SALE OF LAND AT REFLECTION DRIVE, WEST HARBOUR	5
	2 OTHER MATTERS CONSIDERED	5
9	HENDERSON COMMUNITY BOARD	5
	<u>PART D - REPORT OF THE CHIEF EXECUTIVE OFFICER</u>	6
10	LOCAL GOVERNMENT NEW ZEALAND CONFERENCE AND ANNUAL GENERAL MEETING	6
11	ELECTED MEMBERS' REMUNERATION - REMUNERATION AUTHORITY DETERMINATION	6
12	APPOINTMENT TO THE WAITAKERE ARTS AND CULTURE DEVELOPMENT TRUST BOARD	8

<u>PART E - STANDING COMMITTEE REPORTS</u>		8
13	CITY DEVELOPMENT COMMITTEE	8
	1. PROPOSED RESERVE EXCHANGE - OPANUKU STREAM RESERVE	8
	2. WAITAKERE INFORMATION ACCESS PROJECT - UPDATE ON THE CITY PORTAL	8
	3. OTHER MATTERS CONSIDERED	8
14	FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE	9
	1. BORROWING AND INVESTMENT REPORT	9
	2. OTHER MATTERS CONSIDERED	9
15	PLANNING AND REGULATORY COMMITTEE	9
	1. BYLAW REVIEW UNDER THE LOCAL GOVERNMENT ACT 2002	9
	2. DOG REGISTRATION FEES - 2005/2006	10
	3. OTHER MATTERS CONSIDERED	11
	4. DISTRICT PLAN - BETHELLS APPEALS	11
<u>PART G - PROCEDURAL MATTERS</u>		11
18	QUESTIONS	11
19	NOTICE OF MOTION	11
<u>PART H - PUBLIC EXCLUDED MATTERS</u>		13
20	SWANSON STRUCTURE PLAN - ENVIRONMENT COURT MEDIATION	13
21	PLANNING AND REGULATORY COMMITTEE: DISTRICT PLAN - BETHELLS APPEALS	13
	PROCEDURAL MOTION TO EXCLUDE THE PUBLIC	13
22	CLOSING PRAYER	15

WAITAKERE CITY COUNCIL



**MINUTES OF A MEETING OF THE COUNCIL HELD IN THE CIVIC CENTRE,
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON WEDNESDAY, 27 APRIL 2005
COMMENCING AT 5.30 PM**

PRESENT:

Mayor	RA	Harvey, QSO, JP
Deputy Mayor	CA	Stone
Councillors	DQ	Battersby, JP
	PJ	Booth, OBE
	MFP	Chan, JP
	JM	Clews, QSO, JP
	LA	Cooper
	AK	Corban, OBE, JP
	RP	Dallow, QPM, JP
	WW	Flaunty, QSM, JP (until 6.00 pm)
	DE	Gilmour
	PA	Hulse
	JP	Lawley
	VS	Neeson, JP

OBSERVERS:

M Te Huia	(Deputy Chairperson Te Taumata Runanga)
P van der Voort, JP	(Chairperson New Lynn Community Board)
CA Shepherd, JP	(Chairperson Waitakere Community Board)
JA Good	(Chairperson Massey Community Board)
SJ McDonald	(Henderson Community Board)
WS Bainbridge	(Deputy Chairperson Henderson Community Board)
SF Davies	(Waitakere Community Board)
GPJ Marshall, JP	(New Lynn Community Board)

IN ATTENDANCE:

Chief Executive Officer
Director: City Services
Director: Strategy & Development
Director: Public Affairs
Director: Finance
Acting Director: Corporate & Civic Services
Acting Legal Services Manager
Manager: Maori Issues
Group Manager: Planning & Community Services
Acting Group Manager: Democracy and Support Services
Projects Manager Democracy
Security Manager
Mayoral Executive
Committee Administrator - D Tukutama
Committee Secretaries: A Chan
N Delamere
O Schuster

Councillor Michael Lee, Chairman, Auckland Regional Council
Councillor Paul Walbran, Auckland Regional Council
Brian Monk, Director Finance, Auckland Regional Council
Alan Thompson, CEO, Auckland Regional Transport Authority
Peter Casey, Chief Operating Officer, Auckland Regional Holdings

PART A - OPENING OF MEETING

1 OPENING PRAYER

Dr Mark Strom from the Bible College of New Zealand Inc. said the Opening Prayer.

2 APOLOGIES

677/2005

MOVED by Cr Stone, seconded Cr Clews:

That apologies from Cr Clow for absence and Cr Flaunty for early departure be received and sustained.

CARRIED

3 CONFIRMATION OF MINUTES

678/2005

MOVED by Cr Flaunty, seconded Cr Clews:

That the minutes of the Meetings of the Council held on Wednesday, 2 March 2005, Wednesday, 16 March 2005 and Wednesday, 30 March 2005, including the public excluded minutes, as circulated, be taken as read and now be confirmed.

CARRIED

PRECEDENCE OF BUSINESS

679/2005

MOVED by Cr Gilmour, seconded Cr Hulse:

That Part F - Presentations, Item 16: Auckland Regional Council Delegation - Draft Annual Plan and Item 17: Citation be accorded precedence at this time.

CARRIED

PART F - PRESENTATIONS

16 AUCKLAND REGIONAL COUNCIL DELEGATION - DRAFT ANNUAL PLAN

A delegation, from the Auckland Regional Council which comprised Michael Lee (Chairman, Auckland Regional Council), Councillor Paul Walbran, Alan Thompson (Chief Executive Officer, Auckland Regional Transport Authority), Peter Casey (Chief Operating Officer, Auckland Regional Holdings), Brian Monk (Director Finance, Auckland Regional Council), gave an overview of the Auckland Regional Council's draft Annual Plan 2005/2006.

6.00 pm Cr Flaunty left the meeting.

17 CITATION

The Mayor gave a Citation to Hayden Smith to acknowledge his commitment and contribution to the Waitemata Harbour Clean Up Trust.

The Order of Business resumed at Item 4: Urgent Business.

4 URGENT BUSINESS

There was no Urgent Business.

PART B - REPORT OF THE MAYOR

680/2005

MOVED by Cr Clews, seconded Cr Hulse:

That the Report of the Mayor be received.

CARRIED

681/2005

MOVED by Cr Dallow, seconded Cr Clews:

1. That the Council expresses its disappointment at the revelation of the existence of Police Ghost Units and that the Commissioner of Police and the Minister of Police be requested to justify the statistics issued today on police clearance rates of offences.
2. That the Waitakere City Council takes the issue of returning the drinking age from 18 to 20 to the Zone One Meeting of Local Government New Zealand to be held on Friday, 29 April 2005 in Manukau City.

CARRIED

682/2005

MOVED by Cr Hulse, seconded Cr Cooper:

1. That officers report back to Council on the Waitakere Ranges and Foothills proposals for enhancing awareness and promoting the potential for business, including the concept of farmers' markets, as provided for in the District Plan and which would continue to be provided for under any proposed legislation.
2. That the funding allocated for the development of a business incentive package in the Annual Plan 2004/2005 now be applied to this project.

CARRIED

PART C - REPORTS OF TE TAUMATA RUNANGA, NEW LYNN COMMUNITY BOARD, WAITAKERE COMMUNITY BOARD, MASSEY COMMUNITY BOARD AND HENDERSON COMMUNITY BOARD

5 TE TAUMATA RUNANGA

683/2005

MOVED by Cr Cooper, seconded Cr Chan:

That the report of the Meeting of Te Taumata Runanga held on Monday, 18 April 2005 be received.

CARRIED

6 NEW LYNN COMMUNITY BOARD

1. GLEN EDEN BOWLING CLUB SITE LEASE FOR PRE-SCHOOL

684/2005

MOVED by Cr Clews, seconded Cr Lawley:

1. That the Chief Executive Officer be given authority in the absence of any objections or submissions on the reclassification to apply to the Department of Conservation for the reclassification of the part of Westview Reserve (part Lot 4, DP 49712; part Lot 2, DP 52708 and part Allotment 744 Parish of Waikomiti) as shown on the plan attached at page A118 of the agenda of the New Lynn Community Board meeting held on Monday, 4 April 2005, under Section 24 of the Reserves Act 1977 as a Local Purpose (community buildings) reserve as specified in Section 23 of that Act for the purposes of granting a lease to the pre-school.
2. That Council continues to pursue accommodation for the teenage parents school with high priority.

2. OTHER MATTERS CONSIDERED

685/2005

MOVED by Cr Clews, seconded Cr Lawley:

That the report of the Meeting of the New Lynn Community Board held on Monday, 4 April 2005 be received.

CARRIED

7 WAITAKERE COMMUNITY BOARD

686/2005

MOVED by Cr Hulse, seconded Cr Battersby:

That the report of the Meeting of the Waitakere Community Board held on Tuesday, 5 April 2005 be received.

CARRIED

8 MASSEY COMMUNITY BOARD

1. PROPOSED REVOCATION OF RESERVE STATUS AND SALE OF LAND AT REFLECTION DRIVE, WEST HARBOUR

687/2005

MOVED by Cr Neeson, seconded Cr Chan:

1. That the intention to revoke the reserve status of Lot 50 Deposited Plan 118891 be publicly notified and that in the absence of any objections the reserve status be revoked and the approval of the Minister of Conservation be sought to this revocation because the reserve can no longer be used for public access and therefore its maintenance is an unnecessary expense to Council.
2. That after the revocation, Lot 50 Deposited Plan 118891 be offered for sale by tender to the two adjoining owners who have expressed interest therein and the final price be negotiated with the highest tenderer but having regard to the recommendation of Council's registered valuer.

CARRIED

2. OTHER MATTERS CONSIDERED

688/2005

MOVED by Cr Chan, seconded Cr Neeson:

That the report of the Meeting of the Massey Community Board held on Wednesday, 6 April 2005 be received.

CARRIED

9 HENDERSON COMMUNITY BOARD

689/2005

MOVED by Cr Corban, seconded Cr Gilmour:

That the report of the Meeting of the Henderson Community Board held on Thursday, 7 April 2005 be received.

CARRIED

ADJOURNMENT

690/2005

MOVED by Mayor Bob Harvey, seconded Cr Battersby:

That the meeting stand adjourned until 8.05 pm.

CARRIED

7.33 pm The meeting adjourned.

8.07 pm The meeting reconvened. Cr Gilmour was not present.

PART D - REPORT OF THE CHIEF EXECUTIVE OFFICER

10 LOCAL GOVERNMENT NEW ZEALAND CONFERENCE AND ANNUAL GENERAL MEETING

8.11 pm Cr Gilmour returned to the meeting.

691/2005

MOVED by Cr Hulse, seconded Cr Chan:

1. That the Local Government New Zealand Conference and Annual General Meeting report be received.
2. That the Mayor attends the Local Government New Zealand 2005 Conference at Christchurch from 24 to 27 July 2005.
3. That the Deputy Mayor attends the Local Government New Zealand 2005 Conference at Christchurch from 24 to 27 July 2005.
4. That Council determines that Councillors Battersby and Cooper attend the Local Government New Zealand Conference, and that Mihi Te Huia be invited to attend.
5. That the Chairperson of the Waitakere Community Board be appointed to attend the Local Government New Zealand 2005 Conference in her capacity as Deputy Representative for Zone One of the New Zealand Community Boards' Executive Committee and that the costs of her attendance be met by the Council.
6. That Council determines not to make any nominations for the positions of President or Vice President of Local Government New Zealand.
7. That the Mayor be appointed the Waitakere City Council presiding delegate for the purposes of the Local Government New Zealand Annual General Meeting on Wednesday 27 July 2005 and be authorised to cast Waitakere City Council's votes at the meeting.
8. That the Deputy Mayor be nominated as the alternate presiding delegate for the purposes of the Local Government New Zealand Annual General Meeting.
9. That Councillors Battersby and Cooper be nominated as the delegates for the purposes of the Local Government New Zealand Annual General Meeting.
10. That Council sends a remit to the Local Government New Zealand 2005 Annual General Meeting on traffic enforcement by means of speed and red light cameras and that this activity be funded by Local Authorities retaining the resultant fine revenue.

CARRIED

11 ELECTED MEMBERS' REMUNERATION - REMUNERATION AUTHORITY DETERMINATION

692/2005

MOVED by Cr Dallow, seconded Cr Stone:

1. That the Elected Members' Remuneration - Remuneration Authority Determination report be received.
2. That the Council recommends the following salaries for Elected Members to the Remuneration Authority:

- Deputy Mayor - \$70,812 per annum;
 - Chairpersons of Standing Committees (City Development, Planning and Regulatory and Finance and Operational Performance Committee) - \$67,593 per annum;
 - Committees:
 - Chairperson of Hearings - \$57,454 per annum;
 - Chairperson of Projects Special - \$57,454 per annum;
 - Chairperson of Arts and Events Special - \$57,454 per annum;
 - Chairperson of Emergency Services Committee - 0;
 - Chairperson of Performance Review Committee - 0;
 - Chairperson of Tenders Subcommittee - 0;
 - Chairperson of Long Term Council Community Plan and Annual Plan Special Committee - 0.
 - Other Councillors - \$47,804 per annum;
 - Community Boards Chairpersons - \$21,887 per annum;
 - Community Board Members - \$11,266 per annum.
3. The following reimbursements and expenses be recommended to the Remuneration Authority:
- That Councillors and Community Board Members receive a monthly allowance to cover reimbursement of the following costs incurred as appropriate;
 - Reimbursement of one domestic line rental and one domestic line maintenance charge related to telephone, fax and email operation and the call minder facility (currently \$45.20);
 - Reimbursement of one cell phone on the basis of the Waitakere City Call Plan including the Call Minder facility (currently \$35) when a cell phone is made available to be used on Council business;
 - Reimbursement of the best flat rate monthly fee available to the Council for Jet Stream 400 or its equivalent (currently \$69) (not currently available to Community Board Members).
4. That Councillors and Community Board Members claim reasonable business related core costs on telephone or cell phone on a monthly basis provided they are supported by presentation of an account detailing to whom the calls have been made.
5. That Councillors be paid a flat monthly fee of \$20 to cover all consumables (not currently available to Community Board Members) for computers including lap tops, printers, facsimiles etc.
6. That Councillors be supplied with either a personal computer at home or a lap top if necessary. Those Councillors that provide their own computer equipment be paid an additional monthly allowance of \$50 (not currently available to Community Board Members other than the Chairs).
7. That no other telephones, fax machines or cell phones be provided to Elected Members except that the Mayor be provided with a cell phone and the Council will pay for all expenses except private calls.
8. That when on approved Council business all actual or related expenses be met by the Council.
9. That the rate for reimbursing an Elected Member for travel, using their own motor vehicle on Council business is the maximum set by the Remuneration Authority - \$0.70 per kilometre and that the Council also pays the approved rate to appointed Members. Any infringement fees e.g. parking and speeding infringements are by law the responsibility of the offender.

10. That the Chairperson of Te Taumata Runanga be paid a salary of \$19,373 per annum.
11. That all appointed non-elected Members of Council Committees and Subcommittees except the Hearings Committee be paid a meeting fee of \$198 per meeting.

CARRIED

12 APPOINTMENT TO THE WAITAKERE ARTS AND CULTURE DEVELOPMENT TRUST BOARD

693/2005

MOVED by Cr Cooper, seconded Cr Corban:

1. That the Appointment To The Waitakere Arts And Culture Development Trust Board report be received.
2. That Councillor Gilmour be appointed as a Council representative to the Waitakere Arts and Cultural Development Trust Board to replace Councillor Stone.

CARRIED

PART E - STANDING COMMITTEE REPORTS

13 CITY DEVELOPMENT COMMITTEE

1. PROPOSED RESERVE EXCHANGE - OPANUKU STREAM RESERVE

694/2005

MOVED by Cr Hulse, seconded Cr Dallow:

That in the absence of any objections, the proposal to exchange approximately 270m² of the Opanuku Stream Reserve (Lot 3 DP 113401) with approximately 270m² of land forming Lot 42 DP 112091 be approved.

CARRIED

2. WAITAKERE INFORMATION ACCESS PROJECT - UPDATE ON THE CITY PORTAL

695/2005

MOVED by Cr Hulse, seconded Cr Dallow:

That Cr Cooper be appointed to represent Council on the Waitakere Online Editorial Board.

CARRIED

3. OTHER MATTERS CONSIDERED

696/2005

MOVED by Cr Hulse, seconded Cr Booth:

That the report of the Meeting of the City Development Committee held on Thursday, 7 April 2005 be received.

CARRIED

14 FINANCE AND OPERATIONAL PERFORMANCE COMMITTEE

1. BORROWING AND INVESTMENT REPORT

697/2005

MOVED by Cr Clews, seconded Cr Corban:

1. That The National Bank of New Zealand and the ANZ Banking Group be replaced in the Liability Management and Investment Policy with ANZ National Bank Limited as an approved counterparty for counterparty credit risk purposes.
2. That ABN AMRO New Zealand Limited be added to the Liability Management and Investment policy as an approved counterparty for counterparty credit risk purposes.

CARRIED

2. OTHER MATTERS CONSIDERED

698/2005

MOVED by Cr Clews, seconded Cr Corban:

That the report of the Meeting of the Finance and Operational Performance Committee held on Monday, 11 April 2005 be received.

CARRIED

15 PLANNING AND REGULATORY COMMITTEE

1. BYLAW REVIEW UNDER THE LOCAL GOVERNMENT ACT 2002

699/2005

MOVED by Cr Neeson, seconded Cr Gilmour:

1. That the bylaws listed below be repealed for the reasons given in the Agenda report of the Planning and Regulatory Committee meeting held on Tuesday, 12 April 2005:
 - No.3 (1990) Land Subdivision & Development
 - No.12 (1990) Certification Fee for Document
 - No.15 (1990) Dangerous Goods Approvals & Inspection Fees
 - No.16 (1990) Fencing of Swimming Pools
 - No.23 (1990) Clean Indoor Air
2. That officers prepare a statement of proposal and summary of information in respect of the proposals to repeal each of these bylaws for inclusion in the special consultative procedure relating to the review of the Council's Bylaws scheduled for October/November 2005.

CARRIED

2. DOG REGISTRATION FEES - 2005/2006

700/2005

MOVED by Cr Neeson, seconded Cr Booth:

1. That the following 2005/2006 dog registration and associated fees be set:

DOG REGISTRATION & ASSOCIATED FEES 2005/2006			
REGISTRATION FEES		Fee for Late Registration after 1/8/05 (GST incl)	Fee if Paid On or Before 1/8/05 (GST incl)
1.	Entire Dog (not castrated) & Entire Bitch (not spayed)	\$141.00	\$94.00
2.	Neutered Dog (castrated male & spayed female)	\$102.00	\$68.00
3.	Dog Owner Licence Holder with un-neutered dog	\$82.50	\$55.00
4.	Dog Owner Licence Holder with neutered dog Superannuitants	\$72.00	\$48.00
5.	Seeing Eye & Hearing Ear Dogs	\$4.50	\$3.00
OTHER FEES			Fee
Replacement Registration Tags			\$3.00
<u>Impoundings:</u>			
First			\$65.00
Second			\$130.00
Third			\$195.00
Subsequent			\$260.00
Sustenance Fee (day or part thereof)			\$15.00
<u>Adoptions:</u>			
Adoption Fee			\$45.00
Adoption Registration Fee (for SPCA adoptions into Waitakere City & Waitakere Animal Welfare Services adoptions)			\$20.00

2. That all dog owners who book to sit the Dog Owner Licence test prior to the penalty date of 1st August 2005 pay the reduced fee within a week of passing the test; or pay the fee which they would have otherwise paid within a week of failing the test, otherwise the late fee applies to whatever category each dog falls into.
3. That for all newly acquired dogs (providing the owners have not been served an infringement notice), a reduced pro-rata fee based on the months of the year be applicable.
4. That where an adult dog is impounded and unregistered, or for which the owner is served an infringement notice, the full registration fee including the penalty be applied.
5. That the dog registration fees adopted for the 2005/2006 financial year be publicly notified in accordance with Section 37(6) of the Dog Control Act 1996.

CARRIED

3. **OTHER MATTERS CONSIDERED**

701/2005

MOVED by Cr Neeson, seconded Cr Gilmour:

That the report of the Meeting of the Planning and Regulatory Committee held on Tuesday, 12 April 2005 be received.

CARRIED

4. **DISTRICT PLAN - BETHELLS APPEALS**

The Planning and Regulatory Committee report regarding the District Plan - Bethells Appeals was considered in the Public Excluded section of the meeting as Item 21.

PART F - PRESENTATIONS

16 **AUCKLAND REGIONAL COUNCIL DELEGATION - DRAFT ANNUAL PLAN**

17 **CITATION**

These items were considered following Item 3: Confirmation of Minutes.

PART G - PROCEDURAL MATTERS

18 **QUESTIONS**

-

19 **NOTICE OF MOTION**

COUNCILLOR DEREK BATTERSBY - WAITAKERE RANGES LEGISLATION

702/2005

MOVED by Mayor Bob Harvey, seconded Cr Neeson:

That the letter written to the Mayor and Councillors by Councillor Derek Battersby, namely:

"Dear Mayor and Councillors,

I refer to a memorandum dated 13 th April 2005. There is a list of actions to be taken before council votes to proceed with the legislation options.

Councillors are currently being lobbied strongly from pro legislation to no legislation. There is a wide range of views.

From my prospective the draft legislative bill may undermine the democratic property rights of those within the protected zone of normal process's afforded in our district plan and right of appeal to the environmental court that are afforded to the rest of the community. There will be other questions.

It would give me more comfort to hear other expert views from outside council.

I note that the schedule does not afford that opportunity.

I note that council has spend \$454,000.00 on this project with little opportunity for councillors to access other expert views

To that end I request that the Mayor and councillors support my views and request the Chief Executive Officer arrange for a list of suitable of experts to offer other insights to the proposed legislation and outcomes that may occur should the legislation be enacted. The experts to be selected by the council chairs. Council could meet with the panel on 18th May within the workshop framework scheduled. A sample below :-

Ken Palmer

Phone 64 9 373 7599 ext. 87828

email k.palmer@auckland.ac.nz

Teaching and research interests include local government law and planning law. He is author of Planning Law in New Zealand, Local Government Law in New Zealand and Planning and Development Law in New Zealand. He has published extensively on planning law in academic journals in New Zealand and abroad.

John Maassen

Contact details

Phone 64 6 358 6123

E-mail jmaassen@cooper-rapley.co.nz

One of the leading practitioners in the field of resource management law in the central North Island, John has developed core advocacy skills and an ability to carry out incisive legal analysis over a number of years appearing as an advocate in a range of jurisdictions including the District Court, Environment Court, High Court and Court of Appeal. He also has appeared as a Crown Prosecutor on District Court jury trials. John is previously from Waitakere City and understands the issues well.

Judge David Sheppard

Appointed a Judge of the Planning Tribunal in May 1980 following many years law practice in Auckland in planning and local government law. He was appointed Principal Planning Judge in 1987 and with the Resource Management Amendment Act (1996) became Principal Environment Judge. He retired as Principal Environment Judge and as a full time Environment Judge at the end of March 2001. Judge Sheppard has himself taken part in Planning Tribunal and Environment Court decisions on many significant resource management cases, and has given papers at numerous seminars and conferences both in New Zealand and overseas. Judge Sheppard has also been a member of the Legislation Advisory Committee and is based at Auckland."

be received.

CARRIED

703/2005

MOVED by Cr Battersby, seconded Cr Neeson:

That Council resolves to take the action requested in the letter, namely that the Chief Executive Officer arranges for a list of suitable experts who could give a range of professional opinions on the proposed legislation and likely outcomes from whom the Mayor, Deputy Mayor and Chairs of Council's Committees could select experts to meet with Councillors at a workshop on 18 May 2005.

CARRIED

PART H - PUBLIC EXCLUDED MATTERS

20 SWANSON STRUCTURE PLAN - ENVIRONMENT COURT MEDIATION

21 PLANNING AND REGULATORY COMMITTEE: DISTRICT PLAN - BETHELLS APPEALS

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

704/2005

MOVED by Cr Gilmour, seconded Cr Neeson:

That the public be excluded from the following part of the proceedings of this meeting, namely, Swanson Structure Plan - Environment Court Mediation and Planning and Regulatory Committee - District Plan - Bethells Appeals.

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation 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 the matters to be considered.	Reason for passing this resolution in relation to the matters.	Ground(s) under Section 48(1)(a) for the passing of this resolution.
<ul style="list-style-type: none"> • Swanson Structure Plan - Environment Court Mediation; • Planning and Regulatory Committee: District Plan - Bethells Appeals. 	<p>The withholding of information is necessary in order to:</p> <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); • 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> <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)(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 reports contain information which if released could affect the Council's negotiations.*

CARRIED

8.42 pm The public were excluded.

Minute Numbers 705/2005 to 707/2005 are recorded in the Confidential Section of these Minutes.

8.45 pm The public were readmitted.

RESTATEMENTS

The Council resolved while the public were excluded:

Swanson Structure Plan - Environment Court Mediation

(Moved by Cr Clews, seconded Cr Cooper) (resolution 705/2005 no. 4) *"That resolution 705/2005 nos. 1-3 be made available in the public arena, but the associated Agenda report remains confidential until such time as the Environment Court has released its final decision on all of the Swanson Structure Plan references."*

Planning and Regulatory Committee: District Plan - Bethells Appeals

(Moved by Cr Dallow, seconded Cr Chan) (resolution 707/2005) *"That the Planning and Regulatory Committee: District Plan - Bethells Appeals Agenda report and resolution 706/2005 remain confidential until further notice."*

20 SWANSON STRUCTURE PLAN - ENVIRONMENT COURT MEDIATION

705/2005

MOVED by Cr Clews, seconded Cr Cooper:

1. That the Swanson Structure Plan - Environment Court Mediation report be received.
2. That, having considered the further technical information presented at the 26 April 2005 workshop, the Council confirms its support for the Swanson Structure Plan but, in response to the references that have been lodged with the Environment Court, amends and clarifies the Council's position in the following ways:
 - by adopting the recommendations contained within Melean Absolum's landscape assessment (March 2005), with a resultant reduction in lot numbers; and
 - by adopting the recommendations contained within Sarah Flynn's ecological report (March 2005), which would result in additional planting; and
 - supporting the use of prohibited activity status for any additional lots; and

- supporting in principle the taking of financial contributions to facilitate required planting on properties without subdivision entitlements; and
 - supporting the use of covenants or similar legal mechanisms to ensure a permanent subdivision pattern, once Structure Plan entitlements have been utilised.
3. That all parties to the Environment Court proceedings shall be advised in writing of the Council's revised position, prior to the commencement of the final mediation session.
4. That resolution 705/2005 nos. 1-3 be made available in the public arena, but the associated Agenda report remain confidential until such time as the Environment Court has released its final decision on all of the Swanson Structure Plan references.

CARRIED

22 CLOSING PRAYER

Cr Booth said the Closing Prayer.

8.47 pm

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

CONFIRMED AT AN ORDINARY MEETING OF
THE COUNCIL HELD ON

DATE:.....

CHAIRPERSON:.....

