

**MINUTES OF A MEETING OF THE PLANNING AND REGULATORY COMMITTEE
HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN,
WAITAKERE CITY, ON TUESDAY, 11 APRIL 2006
COMMENCING AT 9.30 AM.**

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PRESENT:

Councillors	VS	Neeson, JP (Chairperson)
	RP	Dallow, QPM, JP (Deputy Chairperson) (from 9.55 am)
	DQ	Battersby, JP (until 12.01 pm)
	MFP	Chan, JP (until 11.53 am)
	JM	Clews, QSO, JP
	RI	Clow
	LA	Cooper
	AK	Corban, OBE, JP (until 11.54 am)
	WW	Flaunty, QSM, JP
	DE	Gilmour (until 11.25 am)
	PA	Hulse
	JP	Lawley (until 12.04 pm)
	CA	Stone

IN ATTENDANCE:

Group Manager: Planning and Community Services
Director: Public Affairs
Director: Strategic Performance
Group Manager: Asset Management
Manager: Legal Services
Manager: Solid Waste
Operational Compliance Team Manager
CFA - Resource Management - Enforcement
Team Leader - Enforcement Support
Senior Analyst Environmental
Committee Secretary: A Chan

**ALSO
IN ATTENDANCE**

Matthew Casey, Barrister
Robert Enright, Kensington Swan

PART A - OPENING OF MEETING

1 APOLOGIES

606/2006
MOVED by Cr Flaunty, seconded Cr Clews:

That apologies from Cr Dallow for lateness and Cr Gilmour for early departure be received and sustained.

CARRIED

2 URGENT BUSINESS

There was no Urgent Business.

3 CONFIRMATION OF MINUTES

607/2006

MOVED by Cr Cooper, seconded Cr Corban:

That the minutes of the Meeting of the Planning and Regulatory Committee held on Tuesday, 14 March 2006, as circulated, be taken as read and now be confirmed.

CARRIED

PART B - PRESENTATION

4 ENVIRONMENTAL RISK MANAGEMENT AUTHORITY

On the invitation of the Planning and Regulatory Committee, Geoff Mayes, Compliance Operation Manager, Hazardous Substance, from Environmental Risk Management Authority made a presentation on Dangerous Goods issues.

9.55 am Cr Dallow entered the meeting.

PART C - REGULATORY / ENFORCEMENT

5 LEGAL UPDATE (AS AT 4 APRIL 2006)

608/2006

MOVED by Cr Battersby, seconded Cr Flaunty:

That the Legal Update As at 4 April 2006 be received.

CARRIED

609/2006

MOVED by Cr Stone, seconded Cr Hulse :

That the Chief Executive Officer be asked to report to Council on the issues involved in reviewing the current District Plan provisions relating to car parking requirements and noise levels in urban areas, particularly in regard to:

- a) the operating of such facilities as The Trusts Stadium, establishment of entertainment precincts, events and vibrant town centre activities;
- b) the impact of car parking requirements on business development and opportunities.

CARRIED

6 PAINTED APPLE MOTH - OMBUDSMAN COMPLAINT

610/2006

MOVED by Cr Clews, seconded Cr Clow:

1. That the Painted Apple Moth - Ombudsman Complaint report be received.
2. That Council:
 - a) accepts, on the basis of the findings in the Di Marco report, that there was no reasonable basis upon which it might be concluded that the aerial spraying of Foray 48B amounted to a nuisance that was "likely to be injurious to health or offensive" for the purposes of s23 of the Health Act 1956;
 - b) notes the opinion of Dr Di Marco that future aerial spraying of Foray 48B is unlikely to constitute a nuisance that is "injurious to health or offensive" provided the risk management measures developed and implemented to date continue to be applied.
3. That Council takes reasonable steps to advocate to Central Government for the periodical review and monitoring of the health effects of any past or future aerial spraying of Foray 48B within the City or elsewhere.

CARRIED

611/2006

MOVED by Cr Hulse, seconded Cr Flaunty:

That when Council receives the final report from the Peoples Enquiry into the health effects of the Painted Apple Moth Spray Programme, it be reported to the Planning and Regulatory Committee with recommendations.

CARRIED

PART D - PUBLIC EXCLUDED MATTER

7 SWANSON STREAM LAND SLIP

PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

612/2006

MOVED by Cr Clow, seconded Cr Gilmour:

That the public be excluded from the part of the proceedings of this meeting relating to the matter set out below.

The general subject of each 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 each of matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under Section 48(1)(a)(i) for the passing of this resolution.
<ul style="list-style-type: none">• Swanson Stream Land Slip	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.

That Matthew Casey (Barrister) and Robert Enright (Kensington Swan) be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of the matter and the legal processes involved. This knowledge will be of assistance in relation to the matter to be discussed.

CARRIED

11.24 am The public were excluded.

11.25 am Cr Gilmour left the meeting.

11.53 am Cr Chan left the meeting.

11.54 am Cr Corban left the meeting.

Minute Number 613/2006 is recorded in the Confidential Section of these Minutes.

12.00 pm The public were re-admitted.

RESTATEMENT

The Planning and Regulatory Committee resolved while the public were excluded (Moved by Cr Dallow, seconded Cr Clews) (Resolution 613/2006 no. 2) *"That the Swanson Stream Land Slip report remain confidential until further notice."*

12.01 pm Cr Battersby left the meeting.

12.04 pm Cr Lawley left the meeting.

12.05 pm The Chairperson 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:.....

CHAIRPERSON:.....