

**MINUTES FOR AN EXTRAORDINARY MEETING OF THE PLANNING AND REGULATORY  
COMMITTEE HELD AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD,  
HENDERSON, WAITAKERE, ON TUESDAY, 26 SEPTEMBER 2006,  
COMMENCING AT 11.00 AM**

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**PRESENT:** Councillors VS Neeson, JP (Chairman)  
RP Dallow, QPM, JP (Deputy Chairman)  
AK Corban, OBE, JP  
WW Flaunty, QSM, JP  
DE Gilmour  
C Harding, JP  
PA Hulse  
JP Lawley (from 11.17 am)

**IN ATTENDANCE:** Principal Planner  
Manager: Legal Services  
Manager: Resource Consents

**ALSO IN  
ATTENDANCE:** Robert Enright, Kensington Swan  
Brigid McDonald, Kensington Swan  
Andrew Braggins, Kensington Swan

**1 APOLOGIES**

1808/2006

MOVED by Cr Corban, seconded Cr Dallow:

That apologies from Crs Battersby, Chan, Clews, Clow, Cooper and Stone for absence and Cr Lawley for lateness, be received and sustained.

**CARRIED**

**NOTE:** Pursuant to Standing Order 32.12 Cr Gilmour requested that his vote against the motion be recorded.

**PUBLIC EXCLUDED MATTER**

**2 SWANSON STRUCTURE PLAN - APPEALS**

**PROCEDURAL MOTION TO EXCLUDE THE PUBLIC**

1809/2006

MOVED by Cr Hulse, seconded Cr Flaunty:

That the public be excluded from the following part of the proceedings of this meeting namely, Swanson Structure Plan - Appeals.

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.
Swanson Structure Plan - Appeals.	The withholding of information is necessary in order to: <ul style="list-style-type: none"> <li>• maintain legal professional privilege.</li> </ul>	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 prejudice the Council's position in the legal proceedings and be detrimental to the legal professionals supplying the information.*

**CARRIED**

11.10 am The public were excluded.

11.17 am Cr Lawley entered the meeting.

Minute Number 1810/2006 was recorded in the Confidential Section of these Minutes.

12.16 pm The public were re-admitted.

### **RESTATEMENT**

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

### **Swanson Structure Plan - Appeals**

(MOVED by Cr Neeson, seconded Cr Gilmour) (resolution 1810/2006 no. 5): " *That the Swanson Structure Plan - Appeals resolution no.'s 1 to 4 be made available in the public arena, but the associated agenda report shall remain confidential until such time as the Environment Court has released its final decision on all of the Swanson Structure Plan Appeals.*"

## **2 SWANSON STRUCTURE PLAN - APPEALS**

1810/2006

MOVED by Cr Neeson, seconded Cr Gilmour:

1. That the Swanson Structure Plan - Appeals report be received.
2. That Council maintains its preference that any applications for non-complying subdivision of land within the Swanson Structure Plan area be deferred until all references in relation to Variation 88 have been resolved.

3. In relation to the appeal against the Duncan consent, the Council abides the Court's decision and calls no evidence.
4. That all parties to the appeals relating to the Duncan and Brickell applications shall be advised in writing at the earliest opportunity of the Council's position.

**CARRIED**

12.17 pm

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:**.....