

MINUTES

ENVIRONMENTAL MANAGEMENT COMMITTEE

MINUTES OF THE MEETING OF THE ENVIRONMENTAL MANAGEMENT COMMITTEE OF THE AUCKLAND REGIONAL COUNCIL HELD IN THE , GROUND FLOOR, 21 PITT STREET, AUCKLAND ON TUESDAY 20 OCTOBER 2009 AT 9.37 AM.

PRESENT:

Cr	Dianne	Glenn	(Chair) <i>(Until 11.40am, Item E.1; From 11.50am, Item E.1)</i>
Cr	Judith	Bassett	
Cr	Bill	Burrill	<i>(Until 11.55am, Item E.1; From 12.10pm, Item C.2)</i>
Cr	Clive	Carter	<i>(Until 10.00am, Item B.2)</i>
Cr	Joel	Cayford	<i>(Until 12.20pm, Item C.2)</i>
Cr	Sandra	Coney	<i>(Until 12.05pm, Item E.1)</i>
Cr	Michael	Lee	<i>(From 9.40am, Item B.1, Until 12.05pm, Item E.1)</i>
Cr	Christine	Rose	<i>(Until 12.05pm, Item E.1)</i>
Cr	Jan	Sinclair	<i>(From 9.40am, Item B.1) (Chair Item E.1 from 11.40am, until 11.50am)</i>
Cr	Paul	Walbran	<i>(From 9.45am, Item B.1)</i>

APOLOGIES:

Cr	Michael	Barnett	
Cr	Michael	Lee	<i>(For lateness)</i>
Cr	Brent	Morrissey	
Cr	Christine	Rankin	

IN ATTENDANCE:

Ms	Janine	Bell	
Ms	Louise	Mason	
Mr	Peter	Winder	
Mr	John	Burns	Legal counsel
Mr	Simon	Ladd	Legal counsel
Mr	Brett	Lane	
	Supporting	Officers	

A PROCEDURAL ITEMS

A.1 MINUTES

RESOLVED

That the minutes of the meeting held on 6 October 2009 be confirmed.

B ITEMS FOR DECISION

B.1 MAHURANGI ACTION PLAN LANDOWNER ASSISTANCE FUND M030 03

RESOLVED

- a) That the report be received.
- b) That the applications as outlined in Attachment 1 be approved (noting that six of these applications as listed in Attachment 4 will be subject to Auckland Transition Agency approval).
- c) That the applications as outlined in Attachment 2 be declined.

B.2 RESOURCE MANAGEMENT (SIMPLIFYING AND STREAMLINING) AMENDMENT ACT 2009 - CHANGES TO HEARINGS PROCEDURES

L256-R01-03

Committee Secretary: 20 October 2009

During debate on the motions, the Committee agreed on amendments to the special conditions stipulated. This was done through a process of consensus. The Chair put the substantive motion.

RESOLVED

- a) That the report be received.
- b) That it be recommended to Council that the Auckland Regional Council standing orders be amended, to allow the Environmental Management Committee the discretion to appoint fewer than three commissioners (independent or elected representatives) to hear and decide resource consent applications, under special circumstances where:
 - I. the application is for a relatively minor or straightforward matter
and
 - II. three or fewer submitters wish to be heard.

- c) That it be recommended to Council that Auckland Regional Council standing orders clause 3.1.5 be amended to read:

"3.1.5 Special Meetings Convened for the Purpose of Hearings

When any hearing is held under the Resource Management Act 1991:

- a) *When a committee meeting is convened to hear **and decide** any matter under the Resource Management Act 1991, the quorum for special hearing meetings shall **generally** be two elected members of the Council.*

*The number of persons nominated for hearing meetings (other than joint hearings) shall **generally** be three.*

- b) **The Environmental Management Committee may appoint fewer than three commissioners (independent or otherwise) to hear and decide applications under special circumstances where:**
 - i. **the application is for a relatively minor or straightforward matter**
and
 - ii. **three or fewer submitters wish to be heard.**
- c) *When a committee meeting is convened to hear **and decide** any matter under s.102 of the Resource Management Act 1991 in conjunction with any other consent authority, the quorum for the meeting is **two commissioners either elected members of the Council, or independent commissioners or a combination.***

- d) *On all other occasions the quorum of a committee shall be determined by Council in accordance with Standing Order 2.4.4."*

B.3 ASSIGNMENT OF INDEPENDENT COMMISSIONERS TO NON NOTIFIED AUCKLAND REGIONAL COUNCIL CONSENTS C512-01

RESOLVED

- a) That the report be received.

For consent application 37322 and 37323:

- b) That independent commissioner, Mrs Gwen Bull be delegated authority to grant or refuse consent, and to determine appropriate conditions of consent on behalf of the Auckland Regional Council in the above non-notified consents.
- c) That an alternate independent commissioner, Ms Jennie Hoadley, be delegated authority to grant or refuse consent, and to determine appropriate conditions of consent on behalf of the Auckland Regional Council in the above non-notified consents, if required.

For consent application 37166 and 37167:

- d) That independent commissioner, Ms Jennie Hoadley, be delegated authority to grant or refuse consent, and to determine appropriate conditions of consent on behalf of the Auckland Regional Council in the above non-notified consents.
- e) That an alternate independent commissioner, Mr Les Simmons, be delegated authority to grant or refuse consent, and to determine appropriate conditions of consent on behalf of the Auckland Regional Council in the above non-notified consents, if required.

B.4 ASSIGNMENT OF COMMISSIONERS TO RESOURCE CONSENT HEARINGS C512-01

Committee Secretary: 20 October 2009

There was no business to conduct under this item.

RESOLVED

That the report be received.

**B.5 DELEGATION OF SETTLEMENT OF COURT PROCEEDINGS
C512-12**

Committee Secretary: 20 October 2009

There was no business to conduct under this item.

RESOLVED

That the report be received.

ITEM D.1 WAS TAKEN AT THIS JUNCTURE.

C ITEMS FOR INFORMATION

**C.1 REPORT FROM GENERAL MANAGER
C736-P266-04, E01**

RESOLVED

That the report be received.

THE MEETING ADJOURNED TO 1.00 PM 28 OCTOBER 2009.

**C.2 ENVIROSCHOOLS ANNUAL REPORT 2008-2009
P266-04-06**

Committee Secretary: 20 October 2009

A revised and expanded version of Table 1 in the agenda report was distributed to the Committee. (not attached)

RESOLVED

That the report be received.

C.3 YOUTH SUSTAINABILITY DEVELOPMENT PROGRAMME
P266-04-06

RESOLVED

That the report be received.

C.4 UPDATE ON THE WAI CARE PROGRAMME
P266-40

RESOLVED

That the report be deferred to next month's meeting.

ITEM C.1 WAS TAKEN AT THIS JUNCTURE.

D ADMINISTRATIVE ITEMS

D.1 PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

RESOLVED

That, pursuant to the provisions of Section 48(1)(a) of the Local Government Official Information & Meetings Act 1987, the public be excluded from the following proceedings of this meeting; the subject matter, the reasons and specific grounds for exclusions are set below:

E.1:	PINE HARBOUR MARINA LTD, REQUEST FOR ARC APPROVAL OF 2009 DREDGING AND DISPOSAL METHODOLOGY AND MONITORING PROGRAMME
Reason:	Legal Professional Privilege
Grounds:	Withholding of the information is necessary to maintain legal professional privilege - Section 7(2)(g) of the Act
Specifics:	The report provides legal advice on the subject indicated in the report title.
Leave to remain	That Simon Ladd, as legal counsel for the ARC, be permitted to remain after the public has been excluded.

ITEM E.1 WAS TAKEN AT THIS JUNCTURE.

Committee Secretary: 20 October 2009

At the conclusion of the confidential session, the Committee returned to consider the items for information.

ITEM C.2 WAS TAKEN AT THIS JUNCTURE.

THE MEETING ADJOURNED AT 12.42 PM.

MINUTES

ENVIRONMENTAL MANAGEMENT COMMITTEE

MINUTES OF THE RECONVENED MEETING OF THE ENVIRONMENTAL MANAGEMENT COMMITTEE OF THE AUCKLAND REGIONAL COUNCIL HELD IN THE , GROUND FLOOR, 21 PITT STREET, AUCKLAND ON WEDNESDAY 28 OCTOBER 2009 AT 1.16 PM.

PRESENT:

Cr	Dianne	Glenn	(Chair)
Cr	Judith	Bassett	
Cr	Sandra	Coney	
Cr	Michael	Lee	
Cr	Brent	Morrissey	
Cr	Christine	Rose	
Cr	Jan	Sinclair	

APOLOGIES:

Cr	Michael	Barnett
Cr	Bill	Burrill
Cr	Christine	Rankin

IN ATTENDANCE:

Ms	Janine	Bell	
Mr	John	Burns	Legal counsel
Mr	Brett	Lane	
Mr	Bruce	Thomas	
Ms	Elizabeth	Wells	
Mr	Peter	Winder	
	Supporting	Officers	

Committee Secretary: 28 October 2009

The Chair reconvened the meeting from 20 October 2009, to further consider item E.1.

D.1 PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

RESOLVED

That, pursuant to the provisions of Section 48(1)(a) of the Local Government Official Information & Meetings Act 1987, the public be excluded from the following proceedings of this meeting; the subject matter, the reasons and specific grounds for exclusions are set below:

E.1:	PINE HARBOUR MARINA LTD, REQUEST FOR ARC APPROVAL OF 2009 DREDGING AND DISPOSAL METHODOLOGY AND MONITORING PROGRAMME
Reason:	Legal Professional Privilege
Grounds:	Withholding of the information is necessary to maintain legal professional privilege - Section 7(2)(g) of the Act
Specifics:	The report provides legal advice on the subject indicated in the report title.

THE MEETING CLOSED AT 1.48 PM.