
Hearings Committee

OPEN MINUTES

Minutes of a meeting of the Hearings Committee held in the Committee Meeting Room, Civic 15, 1 Greys Avenue, Auckland on Tuesday, 26 November 2013 at 10.00am.

PRESENT

Chairperson	Cr Linda Cooper, JP	
Deputy Chairperson	Cr Penny Webster	From 10:06am
Members	Cr Anae Arthur Anae	
	Cr Chris Darby	
	Cr Calum Penrose	
	Member David Taipari	From 10:16am
	Cr Wayne Walker	From 10:02am
	Member Glenn Wilcox	

APOLOGIES

Cr Penny Webster	For lateness
Member David Taipari	For lateness

ALSO PRESENT

Troy Churton	Orakei Local Board
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1 Apologies

Resolution number HEA/2013/1

MOVED by Cr LA Cooper, seconded by Cr CM Penrose:

That the Hearings Committee:

- a) **accept the apologies from Cr Penny Webster and Member David Taipari for lateness.**

CARRIED

2 Declaration of Interest

There were no declarations of interest.

Cr WD Walker entered the meeting at 10:02am.

3 Confirmation of Minutes

There were no minutes to be confirmed.

4 Local Board Input

Troy Churton of the Orakei Local Board was in attendance and addressed the meeting regarding Item 7.

5 Extraordinary Business

There was no extraordinary business.

6 Notices of Motion

There were no notices of motion.

Deputy Chairperson MP Webster entered the meeting at 10:06am.

Member DE Taipari returned to the meeting at 10:16am.

7 Determination of a request for direct referral to the Environment Court by Eldamos Investments Limited on an application for resource consent at 87 & 101 Lunn Avenue, Mt Wellington, Auckland

Troy Churton of the Orakei Local Board was in attendance and addressed the meeting regarding this item.

Resolution number HEA/2013/2

MOVED by Deputy Chairperson MP Webster, seconded by Cr CM Penrose:

That the Hearings Committee:

- a) **agree, pursuant to section 87E of the Resource Management Act 1991, with the direct referral request by Eldamos Investments Limited in relation to their application for resource consent (R/LUC/2013/3567) to establish retail activities at 87 & 101 Lunn Avenue, Mt Wellington and the matter be referred to the Environment Court for determination; and**
- b) **recommend to the Environment Court that a “Friend of the Court” (*amicus curiae*) be appointed to assist submitters navigate the formal court processes.**

A division was called for, voting on which was as follows:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr AJ Anae	Cr C Darby	
Cr LA Cooper	Member DE Taipari	
Cr CM Penrose	Cr WD Walker	
Cr MP Webster	Member G Wilcox	

The division was declared EQUAL.

The chair exercised casting vote for so motion was Carried

CARRIED

8 District and Regional Plans Appeal Status Report at 14 November 2013

Resolution number HEA/2013/3

MOVED by Deputy Chairperson MP Webster, seconded by Cr CM Penrose:

That the Hearings Committee:

- a) **receive the report.**

CARRIED

9 Decision Made Under Urgency

Resolution number HEA/2013/4

MOVED by Cr CM Penrose, seconded by Cr AJ Anae:

That the Hearings Committee:

- a) **note the decision made under urgency, as listed in Attachment A to this report.**

CARRIED

10 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

11 Procedural motion to exclude the public

Resolution number HEA/2013/5

MOVED by Cr C Darby, seconded by Deputy Chairperson MP Webster:

That the Hearings Committee:

a) exclude the public from the following part(s) of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each 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 follows.

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 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

C1 New resource consent appeals: Keefe v Auckland Council and Doyle & Smith v Auckland Council (Weona Walkway, Westmere Park to Lemington Reserve); and Hillman White Limited v Auckland Council and Anthony Paice v Auckland Council (269 Rosedale Road, Albany)

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). In particular, the public conduct of this part of the meeting would be likely to result in the disclosure of information which may prejudice the council's position in relation to these appeals..	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

C2 Resource Consent Appeals: Status Report 26 November 2013

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for	s7(2)(g) - The withholding of the information is necessary to maintain legal professional	s48(1)(a) The public conduct of the part of the meeting would be likely to result

which good reason for withholding exists under section 7.	privilege. In particular, to enable the local authority to undertake without prejudice negotiations of appeals that are before the Environment Court..	in the disclosure of information for which good reason for withholding exists under section 7.
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The text of these resolutions is made available to the public who are present at the meeting and form part of the minutes of the meeting.

CARRIED

11.01am The public was excluded.

Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and are not publicly available.

11.58am The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 New resource consent appeals: Keefe v Auckland Council and Doyle & Smith v Auckland Council (Weona Walkway, Westmere Park to Lemington Reserve); and Hillman White Limited v Auckland Council and Anthony Paice v Auckland Council (269 Rosedale Road, Albany)

That the Hearings Committee:

- b) confirm that the report and the resolutions relating to the appeals by Keefe v Auckland Council (ENV-2-13-AKL-00014236) and Doyle & Smith v Auckland Council (ENV-2013-AKL-000143) not be restated in the open minutes.**
- d) confirm that the report and the resolutions relating to appeals by Hillman White Limited v Auckland Council (ENV-2013-AKL-000131) and Anthony Paice v Auckland Council (ENV-2013-AKL-000138) not be restated in the open minutes.**

C2 Resource Consent Appeals: Status Report 26 November 2013

That the Hearings Committee:

- a) agree to release to the open agenda the list and description of current appeals as of 12 November 2013, apart from Council's status position on the appeals.**

A copy of the Status Report is attached to the official copy of these minutes and is available on Auckland Council's website.

Attachments

- A Current Resource Consent Appeals as at 12 November 2013**

11.58am

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

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF THE HEARINGS COMMITTEE
HELD ON

DATE:.....

CHAIRPERSON:.....