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## Hearings Committee

### OPEN MINUTES

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Minutes of a meeting of the Hearings Committee held in the Council Chamber, Auckland Town Hall, Ground Floor, 301-305 Queen Street, on Tuesday, 11 February 2014 at 10.00am.

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#### PRESENT

<b>Chairperson</b>	Cr Linda Cooper, JP	
<b>Deputy Chairperson</b>	Cr Penny Webster	From 10:03am, Item 7 Until 11:19am, Item C4
<b>Members</b>	Cr Anae Arthur Anae Cr Chris Darby Cr Calum Penrose Member David Taipari Cr Wayne Walker Member Glenn Wilcox	From 10:05am, Item 7

#### APOLOGIES

Deputy Mayor Penny Hulse	For absence
Cr Penny Webster	For lateness

#### ALSO PRESENT

Cr Cathy Casey

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**1 Apologies**

Resolution number HEA/2014/17

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

**That the Hearings Committee:**

- a) **accept the apology from Deputy Mayor Penny Hulse for absence and Cr Penny Webster for lateness.**

**CARRIED**

**2 Declaration of Interest**

There were no declarations of interest.

**3 Confirmation of Minutes**

Resolution number HEA/2014/18

MOVED by Cr AJ Anae, seconded by Member DE Taipari:

**That the Hearings Committee:**

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 10 December 2013, including the confidential section, as a true and correct record.**

**CARRIED**

**4 Local Board Input**

There was no local board input.

**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 10:03am.  
Cr C Darby entered the meeting at 10:05am*

**7 Request for Direct Referral to the Environment Court of an Application lodged by Ahuareka Trustees (No. 2) Limited for a concept subdivision to establish a rural village at 650-680 Whitford-Maraetai Road, Beachlands**

Resolution number HEA/2014/19

MOVED by Deputy Chairperson MP Webster, seconded by Cr LA Cooper:

**That the Hearings Committee:**

- a) **accept the request by Ahuareka Trustees (No. 2) Limited for direct referral of the application (Proposal No. 42081) to the Environment Court pursuant to section 87E of the RMA for the following reasons:**
- i) **there is a strong likelihood that a Council decision would be appealed, either by the applicant or the submitters;**
  - ii) **the matters for consideration are suitable for consideration by the Environment Court;**
  - iii) **it is unlikely direct referral would limit the participation of submitters; and**
  - iv) **taking the above reasons into consideration, the direct referral process will provide a cost and timeliness advantage to all parties involved.**

**CARRIED**

Secretarial Note: Pursuant to Standing Order 3.15.5 Cr WD Walker, Member DE Taipari and Member G Wilcox requested that their votes against the motion be recorded.

**8 District and Regional Plans Appeal Status Report at 24 January 2014**

Resolution number HEA/2014/20

MOVED by Cr C Darby, seconded by Member G Wilcox:

**That the Hearings Committee:**

- a) **receive the report.**

**CARRIED**

*Cr WD Walker left the meeting at 10.35 am.  
Cr WD Walker returned to the meeting at 10.41 am.*

**9 Decisions Made Under Urgency**

Resolution number HEA/2014/21

MOVED by Cr LA Cooper, seconded by Cr AJ Anae:

**That the Hearings Committee:**

- a) **note the decisions made under urgency, as noted in Attachments A and B 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/2014/22

MOVED by Cr C Darby, seconded by Cr CM Penrose:

**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:

**Arch Hill Residents Incorporated & Ors v Auckland Council (ENV-2013-AKL-000181)  
Kindercare Learning Centres Limited v Auckland Council (ENV-2013-AKL-000182)  
Proposed Bunnings Building Improvement Centre, 272-276, 300 & 302 Great North Road, Grey Lynn, Auckland**

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).  Without prejudice discussions will be undertaken as part of the appeal negotiations.	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 New Resource Consent Appeal:

**Ronald Atkins v Auckland Council (ENV-2013-AKL-000175), Henderson Valley Primary School, 389 Henderson Valley Road, Henderson Valley**

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	s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage,	s48(1)(a)  The public conduct of the part of the meeting would be likely to result

exists under section 7.	negotiations (including commercial and industrial negotiations).  In particular, without prejudice discussions with the appellant and the objector will be undertaken as part of the appeal negotiations.	in the disclosure of information for which good reason for withholding exists under section 7.
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### C3 Confidential Decisions Made Under Urgency

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)(j) - The withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage.  In particular, the report sets out the council's response to appeals and public disclosure at this time could disadvantage the council in the response 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.

### C4 Resource Consents Appeals: Status Report 11 February 2014

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, to enable the council to undertake without prejudice negotiations of appeals that are before the Environment Court.	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.

### C5 Delegation to council officers to discuss/mediate on an appeal on Private Plan Change 166 - Te Arai (Auckland Council District Plan (Rodney Section) 2011)

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).  Seeking authority to enter into private negotiations.	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.

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**

10:50am 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.

11:45am The public was re-admitted.

### **RESTATEMENTS**

It was resolved while the public was excluded:

#### **C1 New Resource Consent Appeals:**

**Arch Hill Residents Incorporated & Ors v Auckland Council (ENV-2013-AKL-000181)  
Kindercare Learning Centres Limited v Auckland Council (ENV-2013-AKL-000182)  
Proposed Bunnings Building Improvement Centre, 272-276, 300 & 302 Great North  
Road, Grey Lynn, Auckland**

**That the Hearings Committee:**

- b) agree that this report and the above resolutions not be restated in the open minutes.**

#### **C2 New Resource Consent Appeal:**

**Ronald Atkins v Auckland Council (ENV-2013-AKL-000175), Henderson Valley  
Primary School, 389 Henderson Valley Road, Henderson Valley**

**That the Hearings Committee:**

- b) agree that this report and the above resolution not be restated in the open minutes.**

#### **C3 Confidential Decisions Made Under Urgency**

**That the Hearings Committee:**

- a) note the decisions made under urgency as listed in Attachments A, B, D, E and G to this report.**

**C4 Resource Consents Appeals: Status Report 11 February 2014**

**That the Hearings Committee:**

- a) **agree to release to the open agenda the list and description of current appeals as of 30 January 2014, apart from Auckland 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 Resource Consents Appeals Status Report February 2014

**C5 Delegation to council officers to discuss/mediate on an appeal on Private Plan Change 166 - Te Arai (Auckland Council District Plan (Rodney Section) 2011)**

**That the Hearings Committee:**

- c) **agree that the above decision and report not be re-stated in the open minutes.**

11.45am

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:**.....