
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, 25 February 2014 at 10.00am.

PRESENT

Chairperson	Cr Linda Cooper, JP	
Deputy Chairperson	Cr Penny Webster	From 10:05am, Item 7
Members	Cr Chris Darby	
	Cr Calum Penrose	
	Member Glenn Wilcox	

APOLOGIES

Cr Anae Arthur Anae	For absence
Deputy Mayor Penny Hulse	For absence
Member David Taipari	For absence

ALSO PRESENT

Cr Cathy Casey	From 10:06am, Item 7
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1 Apologies

Resolution number HEA/2014/28

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

That the Hearings Committee:

- a) **accept the apologies from Cr Arthur Anae, Deputy Mayor Penny Hulse and Member David Taipari for absence.**

CARRIED

Motion

Resolution number HEA/2014/29

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

That the Hearings Committee:

- a) **congratulate former independent commissioner David Kirkpatrick on his appointment as an Environment Court judge.**

CARRIED

2 Declaration of Interest

There were no declarations of interest.

3 Confirmation of Minutes

Resolution number HEA/2014/30

MOVED by Member G Wilcox, seconded by Cr CM Penrose:

That the Hearings Committee:

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 11 February 2014, 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.

7 Appointment of Commissioners: Notice of Requirement - Plan Amendment 188 to the Auckland Council District Plan (Rodney Section) and resource consent applications for a new Water Reservoir at 403 Old North Road, Huapai.

Member Glenn Wilcox declared an interest in the item and neither spoke nor voted.

Deputy Chairperson MP Webster entered the meeting at 10.05am.

Councillor C Casey entered the meeting at 10.06am.

Resolution number HEA/2014/31

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

That the Hearings Committee:

- a) **appoint Leigh McGregor (alternate Alan Watson or David Hill) as independent commissioner to determine notification on the Notice of Requirement for water purposes and the accompanying regional consent for the diversion and discharge stormwater from the site and to discharge any overflows at 403 Old North Road, Huapai.**
- b) **appoint the same commissioner to make a recommendation on the NoR and a decision on the regional and land use consent applications if these proceed without the need for notice or a hearing is not required.**
- c) **appoint Bill Kapea (alternate Sheena Tepania) as a further independent commissioner who will, together with the independent commissioner appointed under (a), hear submissions and make Council's final recommendation on the NoR and make a determination on the related resource consent applications if either the Notice of Requirement or the resource consent applications are notified and a hearing is required.**
- d) **delegate the Chairperson of the Hearings Committee the authority to make replacement appointments.**

CARRIED

8 Process for review of the independent commissioner pool

Resolution number HEA/2014/32

MOVED by Cr LA Cooper, seconded by Cr C Darby:

That the Hearings Committee:

- a) **approve the review and appointment process for independent commissioners that will be conducted between 26 February and 31 May 2014**
- b) **delegate to the chairperson and the deputy chairperson of the Hearings Committee the authority to appoint two panels, with each panel comprising a senior manager from Democracy Services, a senior manager from Resource Consents or Regional and Local Planning, and a member of the Independent Maori Statutory Board or a staff member nominated by the Independent Maori Statutory Board.**
- c) **request that the selection panels provide a list of preferred candidates in a report to the Hearings Committee on 7 May 2014, for approval to recruit.**

CARRIED

9 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

10 Procedural motion to exclude the public

Resolution number HEA/2014/33

MOVED by Deputy Chairperson MP Webster, 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 Two new Resource Consent Appeals relating to the proposed demolition of an existing dwelling and construction of a new three-storey dwelling at 34 Sunny Brae Crescent, Westmere, 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). Confidential without prejudice discussions will be undertaken during 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: Gregory v Auckland Council (ENV-2014-AKL-000014) Proposed demolition of an existing dwelling and construction of a new three-storey dwelling at 27 Arthur Street, Freemans Bay, 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). Confidential without prejudice	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.

	discussions will be undertaken during appeal negotiations.	
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C3 Five Appeals Against Resource Consents Granted to Watercare Services Limited for the Central Interceptor Project - Western Springs to Mangere Wastewater Treatment Plant

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 report contains discussion of matters that are subject of appeals to 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.

C4 Appeals to Private Plan Changes 12 and 38 to the Auckland Council District Plan (Papakura and Franklin Sections), Plan Change 19 to the Auckland Council Regional Policy Statement and Plan Change 3 to the Auckland Council Regional Plan: Air Land and Water

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, given the sensitivity of negotiations on appeal matters, there is a need to avoid the potential prejudice or disadvantage of such 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.

C5 Confidential decision 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)(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, making the report public could compromise the Council's negotiation position in respect of an Environment Court appeal.	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

10.30am 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.

10.50am The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Two new Resource Consent Appeals relating to the proposed demolition of an existing dwelling and construction of a new three-storey dwelling at 34 Sunny Brae Crescent, Westmere, 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:
Gregory v Auckland Council (ENV-2014-AKL-000014)
Proposed demolition of an existing dwelling and construction of a new three-storey dwelling at 27 Arthur Street, Freemans Bay, Auckland**

That the Hearings Committee:

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

C3 Five Appeals Against Resource Consents Granted to Watercare Services Limited for the Central Interceptor Project - Western Springs to Mangere Wastewater Treatment Plant

That the Hearings Committee:

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

C4 Appeals to Private Plan Changes 12 and 38 to the Auckland Council District Plan (Papakura and Franklin Sections), Plan Change 19 to the Auckland Council Regional Policy Statement and Plan Change 3 to the Auckland Council Regional Plan: Air Land and Water

That the Hearings Committee:

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

C5 Confidential decision made under urgency

Recommendation/s

That the Hearings Committee:

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

10.50am

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:.....