



I hereby give notice that an ordinary meeting of the Hearings Committee will be held on:

Date: Wednesday, 12 March 2014
Time: 10.00am
Meeting Room: Committee Meeting Room
Venue: Civic 15
1 Greys Avenue
Auckland

Hearings Committee

OPEN ADDENDUM AGENDA

MEMBERSHIP

Chairperson	Cr Linda Cooper, JP
Deputy Chairperson	Cr Penny Webster
Members	Cr Anae Arthur Anae Cr Chris Darby Cr Calum Penrose Member David Taipari Cr Wayne Walker Member Glenn Wilcox
Ex-officio	Mayor Len Brown, JP Deputy Mayor Penny Hulse

(Quorum 3 members)

Mary Binney
Democracy Advisor

5 March 2014

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Appointment of Commissioners: Objection to Costs for PPC36

File No.: CP2014/03683

Purpose

1. To appoint independent commissioners to hear a cost objection by Haines Planning Limited on behalf of Atlas Concrete Limited and make a decision on the fees to be paid for the processing of Private Plan Change 36 to the Auckland Council District Plan (Franklin Section) – Bombay Motorway and Rural Services Special Zone (PPC36).

Executive Summary

2. Council received a notice of objection to costs from Haines Planning on behalf of Atlas Concrete Limited pursuant to Section 357B of the Resource Management Act 1991 on 13 February. The objection to costs relates to the processing charges for PPC36 in an interim invoice which covered all processing costs up to the hearing and a final invoice which covered all processing costs up to the release of the decision.
3. Council provided a response to the objection received to the interim invoice in August 2013, which provided an explanation to the costs charged and a small adjustment to the invoice to reduce some of the administration time charged. This has not been accepted and an additional objection has been received for the final invoice. Haines Planning have requested that the cost objection be heard.
4. It is recommended that a panel of independent commissioners be appointed to hear the cost objection to the two invoices and make a decision on the fees to be paid.

Recommendation/s

That the Hearings Committee:

- a) appoint a panel of independent commissioners to hear the cost objection and to make a decision on the fees to be paid by Atlas Concrete Limited for the processing of Private Plan Change 36 to the Auckland Council District Plan (Franklin Section) - Bombay Motorway and Rural Services Special Zone.
- b) delegate authority to the Chair of the Hearings Committee to make replacement appointments in the event that any of the independent commissioners being unavailable.

Discussion

Background

5. PPC36 sought to rezone 3.5 hectares at 2038 Great South Road, Bombay from Rural to a new Motorway and Rural Services Special Zone. The proposed zoning provides for rural service activities within the southern portion of the site and fast food, café activities and a service station in the northern portion of the site.
6. PPC36 was lodged on October 2010 and was publically notified on 18 September 2012. Twelve submissions were received.
7. Following a hearing, the council's decision to approve the Plan Change with amendments was released on 12 September 2013.
8. Following the resolution of an appeal, the Auckland Development Committee approved PPC36 to be made operative on 13 February 2014.

Objection to Costs

9. PPC36 was invoiced in two stages. An interim invoice which covered processing charges from when the plan change was lodged through to just before the hearing, was sent out in June 2013. A notice of objection from Haines Planning on behalf of Atlas Concrete Limited pursuant to Section 357B of the Resource Management Act 1991 was received in July 2013. The notice objected to planning, stormwater, development engineering and administration charges.
10. A response to the objection, providing an explanation to the matters raised in the objection and offering a reduction in administration charges was sent in August 2013. No response was received to this letter.
11. A second and final invoice covering processing charges relating to the hearing and decision on the plan change was sent out in January 2014. This was accompanied by a letter requesting a response in relation to the cost objection to the interim invoice.
12. A second notice of objection was received by council on 13 February, objecting to costs in the final invoice, rejecting the response provided to the objection to the interim invoice and seeking that the objections to costs in both the interim and final invoices be considered and heard together. The concerns raised in the second cost objection are similar to those raised in the first objection and primarily cover planning, stormwater, landscape and development engineering charges.
13. The objection seeks that on a without prejudice basis that the Council's total processing charges be reduced from \$85,006.42 to \$40,000 (excluding GST).

Consideration of the Objection

14. Notwithstanding the applicant wishes to be heard, the cost objection will initially be considered by an independent person. This will enable a more independent and transparent process and is consistent with the recommended approach provided by the recent commissioners decision on an objection to costs for the processing of Private Plan Change 38 to the Auckland Council District Plan (Manukau Section). The planner will review the invoice, supporting information and objection notices and recommend whether the costs charged are reasonable or whether a reduction is appropriate.
15. Council will endeavour to resolve the objection to costs without proceeding to a hearing. However if a hearing is required it is recommended that a panel of independent commissioners be appointed to hear the cost objection to the two invoices, and make a decision on the fee to be paid.
16. Although it is not yet known whether the objection will proceed to a hearing, as objections are required to be considered as soon as it reasonably practicable and are governed by other statutory working days in accordance with S357C of the Resource Management Act 1991, it is considered prudent to appoint commissioners in anticipation of a potential hearing. This ensures the cost objection is processed efficiently.

Consideration

Local Board Views

17. The views of the Franklin Local Board have not been sought for the purposes of this report which addresses a procedural matter in appointing commissioners to hear an objection to Council's processing costs for PPC36.

Maori Impact Statement

18. Ngāti Te Ata and Ngāti Tamaoho have had continuous involvement in the plan change process for PPC36. The views of Ngāti Te Ata and Ngāti Tamaoho have not been sought for the purposes of this report which addresses a procedural matter in appointing commissioners to hear an objection to Council's processing costs for PPC36.

General

19. There will be costs associated with hearing the objection. These include administrative, planning and commissioner costs. These costs can be met from the Regional and Local Planning and Democracy Services Department's budgets.

Implementation Issues

20. The recommendation to appoint independent commissioners to hear the cost objection (should it proceed to a hearing) and to make a decision on the fee amount required to be paid is consistent with the Council's policies and strategies and does not trigger the significance policy.

Attachments

There are no attachments for this report.

Signatories

Authors	Lisa Miers – Planner, Regional & Local Planning Manager
Authorisers	Penny Pirrit – Regional & Local Planning Manager