



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 Wednesday, 12 March 2014 at 10.00am.

PRESENT

Chairperson	Cr Linda Cooper, JP	
Deputy Chairperson	Cr Penny Webster	From 10:02am, Item 2
Members	Cr Anae Arthur Anae	
	Cr Chris Darby	From 10:05am, Item 8
	Cr Calum Penrose	From 10:03am, Item 7
	Member David Taipari	From 10:18am, Item 8
	Cr Wayne Walker	From 10:06am, Item 8
		Until 11:02am, Item C1
	Member Glenn Wilcox	

APOLOGIES

Deputy Mayor Penny Hulse	For absence
Member David Taipari	For lateness

ALSO PRESENT

Councillor Cathy Casey	From 10:06am, Item 8
	Until 11:05am, Item 11
Councillor Bill Cashmore	From 10:08am, Item 8
	Until 11:03am, Item C1

1 Apologies

Resolution number HEA/2014/39

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

That the Hearings Committee:

- a) **accept the apologies from Deputy Mayor PA Hulse for absence and Member David Taipari for lateness.**

CARRIED

2 Declaration of Interest

There were no declarations of interest.

Deputy Chairperson Penny Webster entered the meeting at 10:02am.

3 Confirmation of Minutes

Resolution number HEA/2014/40

MOVED by Member G Wilcox, seconded by Cr AJ Anae:

That the Hearings Committee:

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 25 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 Environment Court Decision on Proposed Plan Change 131 to the Auckland Council District Plan (Rodney Section) and associated changes to the regional documents - Rezoning of Land for Industrial Purposes at Silverdale

Cr Calum Penrose entered the meeting at 10:03am.

Resolution number HEA/2014/41

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

That the Hearings Committee:

- a) **note the decision of the Environment Court to uphold the appeal and cancel Proposed Plan Change 131, Change 16 to the Auckland Council Regional Policy Statement and Variation 6 to the Auckland Council Regional Plan: Air, Land and Water.**

CARRIED

8 Application for Resource Consent: 59 View Road, Mt Eden, Auckland

Cr Chris Darby entered the meeting at 10:05am.

Cr Wayne Walker entered the meeting at 10:06am.

Cr Cathy Casey entered the meeting at 10:06am.

Cr Bill Cashmore entered the meeting at 10:08am.

Member David Taipari entered the meeting at 10:18am.

Resolution number HEA/2014/42

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

That the Hearings Committee:

- a) **determine that the application to demolish a pre-1940 dwelling and subdivide the site at 59 View Road, Mt Eden into four vacant lots, proceed on a non-notified basis pursuant to sections 95A and 95B of the Resource Management Act 1991, for the reasons that:**
- i) **both demolition of an existing dwelling and the subdivision element are restricted discretionary activities and Rule 4.3.2.6 of the Operative Auckland Council District Plan (Auckland City Isthmus Section 1999), requires restricted discretionary activities to be considered without notification and without having to obtain the written approval of affected persons or limit notify to them; and**
 - ii) **there are no “special circumstances” relating to the demolition of this pre-1940 building. The heritage quality and character displayed by the building is poor and the building is not a rare, unique or significant example of a particular architectural or heritage style. There is no significant known interest in the building from heritage groups, nor is the building associated with an event of significance known to the community. The building does not have a high visual profile or landmark value where its loss would impact on local character.**

CARRIED

Secretarial note: *Pursuant to Standing Order 3.15.5 Members David Taipari and Glenn Wilcox requested that their dissenting votes be recorded.*

Resolution number HEA/2014/43

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

That the Hearings Committee:

- b) appoint the rostered independent duty commissioner, and appoint either Cherie Lane, John Hill or Richard Knott as a heritage commissioner to sit with the duty commissioner, to make a decision on the resource consent application pursuant to section 104 of the Resource Management Act 1991.**

CARRIED

14 Appointment of Commissioners: Objection to Costs for PPC36

Secretarial note: Item 14 replaced agenda item 9.

Resolution number HEA/2014/44

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

That the Hearings Committee:

- a) appoint independent commissioners Les Simmons (Chair) and David Hill (alternates Janine Bell and Kit Littlejohn) 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 were unavailable.**

CARRIED

10 District and Regional Plans Appeal Status Report at 28 February 2014

Resolution number HEA/2014/45

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

That the Hearings Committee:

- a) receive the report.**

CARRIED

Secretarial note: Item 11 was deferred until 11:00am as this was the scheduled time for the S460 stormwater connection determination.

12 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

13 Procedural motion to exclude the public

Resolution number HEA/2014/46

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

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 Appeals to Plan Change 28 (PC28): Kingseat to the Auckland Council District Plan (Franklin Section) - Update and Direction

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 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.

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

10:35am 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.

11:00am The public was re-admitted.

11 Determination by the Hearings Committee of an Objection to Proposed Stormwater Connection at 23 Fenton Street, Papatoetoe

Cr C Casey left the meeting at 11.05am.

Resolution number HEA/2014/48

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

That the Hearings Committee:

- a) **hear and determine the objection lodged by the owners of 21A Fenton Street, Papatoetoe pursuant to section 460 and Schedule 12 of the Local Government Act 1974.**
- b) **endorse the proposed connection and its associated route through the neighbouring land at 21A Fenton Street, Papatoetoe to undertake drainage works generally, pursuant to section 460 of the Local Government Act 1974 and as set out in proposal number 40745 (dated 10 August 2012).**

CARRIED

13.2 Procedural motion to exclude the public

Resolution number HEA/2014/49

MOVED by Deputy Chairperson MP Webster, seconded by Member DE Taipari:

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:

C2 Resource Consents Appeals: Status Report 11 March 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 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.

C3 New Resource Consent Appeals: Todd Property Ormiston Town Centre Limited v Auckland Council and Manwa Holdings Limited v Auckland Council

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 allow the discussion 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.

C4 New resource consent appeal: B & J Skinner v Auckland Council, 213 Eskdale Road Birkenhead.

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 an appeal that is 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.

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

11:30am 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.

11:58 The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Appeals to Plan Change 28 (PC28): Kingseat to the Auckland Council District Plan (Franklin Section) - Update and Direction

That the Hearings Committee:

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

C2 Resource Consents Appeals: Status Report 11 March 2014

That the Hearings Committee:

- a) agree to release to the open agenda the list and description of current appeals as of 28 February 2014, apart from Council's status position on the appeals.

Attachments

- A Resource Consent Appeals Status Report

C3 New Resource Consent Appeals: Todd Property Ormiston Town Centre Limited v Auckland Council and Manwa Holdings Limited v Auckland Council

That the Hearings Committee:

- c) agree that the report and the above resolutions remain confidential.

C4 New resource consent appeal: B & J Skinner v Auckland Council, 213 Eskdale Road Birkenhead

That the Hearings Committee:

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

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:.....