



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

Date: Tuesday, 27 May 2014
Time: 10.00am
Meeting Room: Committee Meeting Room
Venue: Civic 15
1 Greys Avenue
Auckland

Hearings Committee

OPEN 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

19 May 2014

Contact Telephone: (09) 373 6211
Email: mary.binney@aucklandcouncil.govt.nz
Website: www.aucklandcouncil.govt.nz

TERMS OF REFERENCE

The Hearings Committee will have responsibility for:

- Decision making (including through a hearings process) under the Resource Management Act 1991 and related legislation;
- Hearing and determining objections under the Dog Control Act 1996;
- Decision making under the Sale and Supply of Alcohol Act 2012
- Hearing and determining matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002. This delegation cannot be sub-delegated;
- Hearing and determining matters arising under bylaws, including applications for dispensation from compliance with the requirements of bylaws;
- Receiving recommendations from officers and appointing independent hearings commissioners to a pool of commissioners who will be available to make decisions on matters as directed by the Hearings Committee;
- Receiving recommendations from officers and deciding who should make a decision on any particular matter including who should sit as hearings commissioners in any particular hearing;
- Monitoring the performance of decision makers including responding to complaints made about decision makers;
- Where decisions are appealed or where the Hearings Committee decides that the Council itself should appeal a decision, directing the conduct of any such appeals; and
- Adopting a policy or policies and making any necessary sub-delegations relating to any of the above areas of responsibility to provide guidance and transparency to those involved.

Not all decisions under the Resource Management Act 1991 and other enactments require a hearing to be held and the term “decision making” is used to encompass a range of decision making processes including through a hearing. “Decision making” includes, but is not limited to, decisions in relation to applications for resource consent, plan changes, notices of requirement, objections, existing use right certificates and certificates of compliance and also includes all necessary related decision making.

In adopting a policy or policies and making any sub-delegations, the Hearings Committee must ensure that it retains oversight of decision making under the Resource Management Act 1991 and that it provides for Councillors to be involved in decision making in appropriate circumstances.

For the avoidance of doubt, these delegations confirm the existing delegations (contained in the Chief Executive’s Delegations Register) to hearings commissioners and staff relating to decision making under the RMA and other enactments mentioned below but limits those delegations by requiring them to be exercised as directed by the Hearings Committee.

Relevant legislation includes but is not limited to:

Resource Management Act 1991;	Fencing of Swimming Pools Act 1987;
Building Act 2004;	Gambling Act 2003;
Local Government Act 2002;	Sale of Liquor Act 1989;
Local Government Act 1974;	Sale and Supply of Alcohol Act 2012
Local Government (Auckland Council Act) 2009;	Health Act 1956;
Local Government (Auckland Transitional Provisions) Act 2010;	Biosecurity Act 1993;
Dog Control Act 1996;	Related Regulations; and
	Council Bylaws.

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1 Apologies

At the close of the agenda no apologies had been received.

2 Declaration of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

At the close of the agenda no requests for declarations of interest had been received.

3 Confirmation of Minutes

That the Hearings Committee:

- a) confirm the ordinary minutes of its meeting, held on Wednesday, 7 May 2014, including the confidential section, as a true and correct record.

4 Local Board Input

Standing Order 3.22 provides for Local Board Input. The Chairperson (or nominee of that Chairperson) is entitled to speak for up to **five (5)** minutes during this time. The Chairperson of the Local Board (or nominee of that Chairperson) shall wherever practical, give **two (2)** days notice of their wish to speak. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders.

This right is in addition to the right under Standing Order 3.9.14 to speak to matters on the agenda.

At the close of the agenda no requests for local board input had been received.

5 Extraordinary Business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

- (a) The local authority by resolution so decides; and
- (b) The presiding member explains at the meeting, at a time when it is open to the public,-
 - (i) The reason why the item is not on the agenda; and
 - (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

- (a) That item may be discussed at that meeting if-
 - (i) That item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”

6 Notices of Motion

At the close of the agenda no requests for notices of motion had been received.

Local Alcohol Policy Project: Appointment of Hearings Panel to hear submissions on the draft Auckland Council Local Alcohol Policy

File No.: CP2014/03356

Purpose

1. To appoint a hearings panel to hear submissions on the draft Auckland Council Local Alcohol Policy, deliberate and make recommendations to the Governing Body (including any proposals for a provisional Auckland Council Local Alcohol Policy).

Executive Summary

2. Auckland Council is currently developing a local alcohol policy (LAP), in accordance with the Sale and Supply of Alcohol Act 2012 ("the Act"). Once adopted, the LAP will regulate the sale, supply and consumption of alcohol across the Auckland region.
3. In developing a LAP, the Act requires the council to follow the special consultative procedure under the Local Government Act 2002 to consult with the public on a draft LAP.
4. Staff have prepared a report for the Regional Strategy and Policy Committee (RSPC) to consider on 13 May 2014. The report recommends that the RSPC adopt the Local Alcohol Policy Project Statement of Proposal ("the Statement of Proposal"), which includes the draft Auckland Council Local Alcohol Policy for public consultation.
5. If the RSPC adopts the Statement of Proposal, staff plan to commence the special consultative procedure by giving public notice and receiving written submissions from mid-June to mid-July 2014.
6. A hearings panel would then be required to complete the following (as per recommendation (a) of this report):
 - consider these written submissions
 - hear submissions on the draft Auckland Council Local Alcohol Policy
 - deliberate
 - make recommendations to the Governing Body (including any proposals for a provisional Auckland Council Local Alcohol Policy).
7. Hearings would be scheduled for late-August to September 2014.
8. Staff estimate that oral submissions will take up to seven days (including one day for local boards to present their views), with another day needed for the hearings panel to deliberate on the submissions.

Recommendation/s

That the Hearings Committee:

- a) appoint a hearings panel of up to five members, including up to four councillors and one member of the Independent Māori Statutory Board, to hear submissions on the draft Auckland Council Local Alcohol Policy, deliberate and make recommendations to the Governing Body (including any proposals for a provisional Auckland Council Local Alcohol Policy).
- b) delegate authority to the Deputy Chairperson of the Hearings Committee to make replacement appointments in the event that any member of the hearings panel is unavailable.

- c) note the following in relation to local boards:
- i) that throughout June and July 2014, council staff will hold workshops with, and report to, all local boards to gather their feedback on the draft Local Alcohol Policy and that this feedback will be provided to the hearings panel established under resolution (a) for its consideration.
 - ii) that staff will schedule a day for local boards to present their feedback directly to the hearings panel.

Discussion

Background

9. Auckland Council is currently developing a local alcohol policy (LAP), in accordance with the Sale and Supply of Alcohol Act 2012 (“the Act”). The Act specifically empowers local authorities to develop these policies to regulate the sale, supply and consumption of alcohol at a local level. Licensing decision-makers (including District Licensing Committees and the Alcohol Regulatory and Licensing Authority) will then be required to have regard to the content of LAPs when making decisions under the Act. This effectively enables local authorities, in consultation with their communities and stakeholders, to have greater influence over their local licensing environments.

Requirement for Special Consultative Procedure and Hearings Panel

10. The Act prescribes the process for developing a LAP. In particular, it:
- outlines the matters that local authorities must have regard to when developing a LAP (section 78(2))
 - requires local authorities to consult with the Police, inspectors and Medical Officers of Health before producing a draft LAP (section 78(4))
 - requires local authorities to develop a draft LAP (section 78(1)), to give public notice of the draft LAP and to use the special consultative procedure under the Local Government Act 2002 to consult with the public (section 79(1)). (The draft policy then becomes the provisional policy.)
 - requires local authorities to publicly notify the provisional policy and to allow submitters to appeal against the provisional policy (section 80).
11. In line with these statutory requirements, staff have prepared a report for the Regional Strategy and Policy Committee (“the RSPC”) to consider on 13 May 2014. The report recommends that the RSPC adopt the Local Alcohol Policy Statement of Proposal (“the Statement of Proposal”), which includes the draft Auckland Council Local Alcohol Policy for public consultation using the special consultative procedure.
12. If the RSPC adopts the Statement of Proposal, staff plan to commence the special consultative procedure by giving public notice and receiving written submissions from mid-June to mid-July 2014. A hearings panel would then be required to complete the following (as per recommendation (a) of this report):
- consider these written submissions
 - hear submissions on the draft Auckland Council Local Alcohol Policy
 - deliberate
 - make recommendations to the Governing Body (including any proposals for a provisional Auckland Council Local Alcohol Policy).
13. Hearings would be scheduled for late August – September 2014 and the Hearings Panel would report back to the Governing Body with a provisional Local Alcohol Policy (in accordance with the Act) in late 2014. The policy would then be subject to an appeals process.

Hearings format

14. Staff propose that the hearings be conducted using a combination of the following:
- Traditional style hearings, particularly for statutory stakeholders such as the Police and the Medical Officer of Health.
 - 'Forum' style hearings, which would be similar to workshops and would be based on the model used as part of the Long Term Plan and Annual Plan consultation processes.
 - Local board feedback sessions, where by all local boards are invited to provide feedback directly to the Hearings Panel (as per recommendation (c) of this report).

Anticipated volume of submissions and number of hearing days

15. The table below provides an overview of the number of written and oral submissions received during consultation on other similar projects in order to provide the Committee with an indication of the likely workload associated with the Hearings Panel.

Consultation	Written submissions received		Number of oral submissions heard	Number of hearing days (excluding deliberations)	Notes
	Total	Pro Forma			
Wellington City Council draft LAP	1,861	1,292	60	4	Feedback from staff at Wellington City Council indicates that the number of submissions received was lower than expected, possibly due to the amount of pre-consultation engagement completed
Christchurch City Council draft LAP	4,060	3,007	161	4	
Auckland Council draft Gambling Venue Policies	10,374	10,028	61	4	

16. Based on these figures, as well as the significant level of interest that has been expressed on the LAP Project to date (both from the public and stakeholders), staff estimate that oral submissions will take up to seven days (including one day for local boards to present their views), with another day needed for the hearings panel to deliberate on the submissions.

Consideration

Local Board Views

17. Throughout the development of the draft LAP, staff have regularly engaged with, and considered the views and preferences of local boards. In particular, staff:
- regularly reported to the Alcohol Programme Political Working Party, which included local board membership
 - provided local boards with individualised research summaries on alcohol-related issues within their local board areas
 - held workshops with local boards on the issues and options paper
 - reported to local boards to gather feedback on the position paper.

18. Following the approval of the Statement of Proposal, staff will attend workshops with interested local boards, and report to all local boards for their feedback via formal resolution. This feedback will be included in the report to the Hearings Panel along with submissions that are received from stakeholders and the public.

Maori Impact Statement

Research and data on Māori and alcohol

19. Where possible, staff have gathered data on alcohol-related issues by ethnicity. For example, data collected from the three Auckland-based district health boards (2012) showed that for the 2010/11 fiscal year, Māori had proportionately higher rates of alcohol-related emergency department presentations.

Engagement with Māori

20. Throughout the initial engagement phases of the project, staff worked with the Policies and Bylaws team, Te Waka Angamua (Māori Strategy and Relations Department), policy advisors at the Independent Māori Statutory Board (IMSB) and Hapai Te Hauora to deliver a program for engaging with Māori on alcohol issues. As part of this, staff ran a workshop with rangatahi (youth), organised a rangatahi engagement session as part of the Atamira event and held a hui with mana whenua and mataa waka to discuss both the LAP Project and the Alcohol Control (Liquor Ban) Bylaw Project.
21. The IMSB was also represented on the Political Working Party and Hapai Te Hauora Tapui was represented on the Public Health Sector Reference Group.
22. During the special consultative procedure, staff intend to continuing working with Te Waka Angamua to encourage Māori to submit as part of this process.

Recommendation for IMSB to be involved in Hearings Panel

23. Staff recommend that one member of the IMSB be appointed to the hearings panel.

General

24. NA

Implementation Issues

25. NA

Attachments

There are no attachments for this report.

Signatories

Authors	Belinda Hansen - Principal Policy Analyst Michael Sinclair - Team Leader, Regionwide Social Policy
Authorisers	Penny Pirrit - Regional & Local Planning Manager

Proposal to Extend Timeframes for Decision on Variation 13 to Proposed Plan Change 14 (Rural Provisions) to Auckland Council District Plan (Franklin Section)

File No.: CP2014/08580

Purpose

1. The purpose of this report is to seek approval from the Hearings Committee to extend the timeframe imposed under the Resource Management Act 1991 (the "Act") to process, hear submissions and release decisions on Variation 13 (V13) to Proposed Plan Change 14 (PC14) to the Auckland District Plan (Franklin Section).

Executive summary

2. Variation 13 to PC14 seeks to address the issue of the transfer of rural lot rights created in the Waikato District and utilised in the Auckland District by prohibiting the transfer of subdivision rights between the two districts. The term transferable rural lot right relates to the ability to create a right to subdivide land at one location but transfer this same right to another location where it is utilised.
3. The issue has arisen because the former Franklin District Council's District Plan included provision for transferable title rights across its rural district. However, at the time of the Auckland Council formation, Franklin District was split into three districts (Auckland, Waikato and Hauraki) and the Operative District Plan still allows for the transfer of titles across these new boundaries.
4. Variation 13 was notified by Waikato District Council and Auckland Council on 28 July and 31 July 2012 respectively. Twenty nine submissions were received by Auckland Council. A request for further submissions was notified by Auckland Council on 11 October 2012 and six further submissions were received. Although public notification occurred on different dates for Waikato District Council and Auckland Council, the content of Variation 13 was the same for each council.
5. Clause 10 of the First Schedule of the Act requires a council to have released and notified its decisions on a council plan change within two years from the notification date of the plan change. Section 37A of the Act allows a council to extend this time period by doubling it or in some circumstances even extending it by more than doubling it. However, in order to do so consideration must be given to: the interests of persons affected; the achievement of an adequate assessment of effects; and the need to avoid unreasonable delay.
6. An extension of time is necessary to enable the completion of reports and collection of data to support a hearing process for Variation 13.

Recommendation/s

That the Hearings Committee:

- a) grant an extension of time, pursuant to section 37A of the Resource Management Act 1991, for council to hear submissions and release decisions on Variation 13 to Plan Change 14.

Comments

7. Plan Change 14 (PC14) to the Operative Franklin District Plan was notified by the former Franklin District Council on 30 September 2003. PC14 was a comprehensive replacement of the existing rural issues, objectives, policies and rules section of the Operative Franklin District Plan, aiming to better manage growth in the rural and coastal parts of the district, while offering environmental benefits.
8. As part of PC14, a "transferable rural lot right" provision was introduced throughout the Rural and Coastal zones to manage growth, and to reduce the levels of land fragmentation that currently exist in the rural areas (as the district has a large number of vacant rural lots). This mechanism relies on a "donor lot" being created, giving rise to a transferable right which could be used in another geographical location to create an additional lot ("receiver lot") beyond what would normally be considered.
9. When PC14 was notified in 2003, with the inclusion of a transferable rural lot right, it was not anticipated that there would be further local government reform and that Franklin District would be dissolved and its land area amalgamated into three separate and distinct territorial authorities. The creation of new territorial boundaries has meant in the context of implementing transferable rural lot right provisions that donor and receiver lots may be located in different territorial authority jurisdictions.
10. It is evident that the transferable rural lot right mechanism has created an industry for transfers from low-cost land areas to high-cost areas (most notably in Auckland). Information to date suggests that when a transfer rural lot right is being created, the resulting subdivision benefit is being realised entirely within the Auckland District. There is also evidence that the majority of donor lots are in the Waikato District. This means that the focus of amalgamating land in land fragmented areas in the Auckland District is being diffused where donor lots capable of generating a transferable rural lot right are located outside the Auckland District.
11. To address the undesirable consequences and complexity of implementing transferable rural lot right across territorial districts, Variation 13 proposed that the method of transferable rural lot rights be confined to subdivisions in which the donor lot and receiver lot are allocated within Auckland. Variation 13 was notified on 31 July 2012. A similar approach was adopted by the Waikato District Council in a complementary variation which seeks to ensure that any transfer of lots occurs only on an intra-district basis within the Waikato District.
12. To date Auckland Council has spent considerable time addressing issues raised in submissions. It has worked with Waikato District Council to research issues raised in submissions and to hold a joint hearing, which has added considerable complexity. The extension sought extends the allowed statutory timeframe for release of the plan change decision following notification (i.e. two years) by 12 months. This increases the plan change period by fifty percent and is well short of a doubling in time allowed by the Act.
13. The extension would support the achievement of a better assessment of effects especially in regard to understanding the historical pattern of receiver lots created by transfers. The extension would not represent an unreasonable delay but would provide sufficient time for the process to be completed. The interests of any person would not be adversely affected or prejudiced.

Consideration

Local board views and implications

14. The extension of time sought is a statutory matter not requiring consultation with the Local Board. Any decision reached on this issue will be provided to the Local Board as information.

Maori impact statement

15. As part of the statutory notification process Auckland and Waikato District Councils notified all iwi groups with mana whenua in the area affected by Variation 13. There were no submissions received from iwi groups, nor were there any submissions relating to Maori values. The Iwi groups notified included:

Ngati Maru
Ngati Tamatera
Ngati Whanaunga
Ngati Paoa
Te Patukirikiri
Ngati Tamaoho
Te Ara Rangatu o Ngati Te Ata o Waiohua
Te Akitai Waiohua Iwi Authority
Ngai Tai ki Tamaki Trust

Implementation

16. There will be the usual administrative tasks that are associated with the hearing and decision making process.

Attachments

There are no attachments for this report.

Signatories

Authors	Barry Mosley - Principal Planner South
Authorisers	Penny Pirrit - Regional & Local Planning Manager

District and Regional Plans Appeal Status Report at 27 May 2014

File No.: CP2014/09699

Purpose

1. To provide an update on the current status of outstanding appeals region wide.

Executive Summary

2. This report provides a summary of current district and regional plan appeals (refer Attachment A). Should Councillors have detailed questions concerning specific appeals, it would be helpful if they could be raised with Warren MacLennan – (Mobile 021 646590), or email warren.maclennan@aucklandcouncil.govt.nz, prior to the meeting.

Recommendation/s

That the Hearings Committee:

- a) receive the report.

Discussion

3. The summary table is attached as Attachment A.

Consideration

Local Board Views

4. Local Board views have not been sought.

Maori Impact Statement

5. The decision requested of the hearings Committee is to receive this progress report on appeals rather than to decide each appeal.
6. All of these appeals relate to Plan Changes or Notices of Requirement which are being processed according to the Resource Management Act. As each appeal is negotiated or settled, a report is prepared for the Committee's consideration which includes a Maori Impact Statement covering matters related to each specific matter.

General

7. There are no further matters requiring consideration.

Implementation Issues

8. There are no implementation issues.

Attachments

No.	Title	Page
A	Regionwide Appeals Status Report at 27 May 2014	17

Signatories

Authors	Warren Maclellan - Manager North West Planning
Authorisers	Penny Pirrit - Regional & Local Planning Manager

REGIONWIDE APPEALS STATUS REPORT AT 27 May 2014

Auckland Council District Plan (Rodney Section) 4 Appeals

Lodgement No	Appellant (Applicant)	Location	Description	Status
ENV-2013 AKL-000111	Snowplanet Limited	Silverdale	PC123 Hibiscus Coast Gateway Recreation and Entertainment Zone	Pre Hearing Conference 22 August 2013 Further Court direction 11 Nov. 2013. Further Memorandum by 16 Dec. 2013. Consent documents prepared and being considered by parties.
ENV-2013 AKL-000117	Trustees of Runwild Trust & Others	Silverdale	PC123 Hibiscus Coast Gateway Recreation and entertainment zone	Pre-Hearing Conference 22 August 2013 Further Court direction 11 Nov. 2013. Transport Planning Caucusing statement filed 20 January 2013. Mediation held 3 February 2014. Expert caucusing set for 25 March and reconvened mediation set for 3 April 2014. <i>Timeline revised; information from appellant to be supplied. Further mediation to occur once information received.</i>
ENV-2013-AKL-000118	Matakana Museum Ltd	Matakana Country Park	PC148	Mediation held. Meeting with appellants held 31 January 2014 and site visit/discussion 18 February 2014. Officer response to appellant, following site visit provided in March 2014. <i>Further meeting with appellants April 2014 and discussions continuing</i>
ENV-2014-AKL-000	Te Arai Beach Preservation Society and Others	Te Arai	PPC166 – Re-Arai. (Adding a scheduled activity to provide for subdivision in exchange for 172 ha of public open space)	Mediation held 27 and 28 March 2014. Further mediation held on 8 April 2014. <i>Consent documents lodged with Environment Court April 2014; now awaiting Environment Court response.</i>

Auckland Council District Plan (North Shore Section) – 1 appeal

Lodgement No	Appellant (Applicant)	Location	Description	Status
Env-2013-akl-000030	Milford Centre Ltd v. Auckland council	Milford	Appeal by MCL in respect of the Council's decision to decline the Private Plan Change application seeking residential towers and apartments at the Milford Mall site.	Environment Court hearing commenced 12 November 2013. Hearing held. Environment Court Interim Decision released 12 Feb 2014. <i>Final decision 1 May 2014. Plan Change adopted in modified form. Costs awarded in favour of Council and Milford Residents Association.</i>

Auckland Council District Plan (Isthmus Section) – 5 Appeals

Lodgement No	Appellant (Applicant)	Location	Description	Status
ENV-2014-AKL-000030	Foodstuffs (North Island) Limited	Various locations within the Albert-Eden, Mangere-Otahuhu, Puketapapa, Waitemata, and Whau Local Board areas	Appeal lodged against decisions by Watercare in relation to the designation of surface construction sites for the Central Interceptor wastewater project	The Environment Court has provided directions on the appeal. The applicant, Watercare, after consulting with all the parties to the appeals, is to report to the Court by 30 April 2014 with a timetable for the efficient determination of the appeals and to advise the Court whether or not all parties agree to court-assisted mediation.
ENV-2014-AKL-000025	Mangere Bridge Residents and Ratepayers Association, The Manukau Harbour Restoration Society (Incorporated), and The Onehunga Enhancement Society (Incorporated)	Various locations within the Albert-Eden, Mangere-Otahuhu, Puketapapa, Waitemata, and Whau Local Board areas	A joint appeal lodged against decisions by Watercare in relation to the designation of surface construction sites for the Central Interceptor wastewater project	The Environment Court has provided directions on the appeal. The applicant, Watercare, after consulting with all the parties to the appeals, is to report to the Court by 30 April 2014 with a timetable for the efficient determination of the appeals and to advise the Court whether or not all parties agree to court-assisted mediation.
ENV-2014-AKL-000028	Body Corporate 346086 – St Lukes Garden Apartments	Various locations within the Albert-Eden, Mangere-Otahuhu, Puketapapa, Waitemata, and Whau Local Board areas	Appeal lodged against decisions by Watercare in relation to the designation of surface construction sites for the Central Interceptor wastewater project	The Environment Court has provided directions on the appeal. The applicant, Watercare, after consulting with all the parties to the appeals, is to report to the Court by 30 April 2014 with a timetable for the efficient determination of the appeals and to advise the Court whether or not all parties agree to court-assisted mediation.
ENV-2014-AKL-000029	St Lukes Environmental Protection Society Incorporated	Various locations within the Albert-Eden, Mangere-Otahuhu, Puketapapa, Waitemata, and Whau Local Board areas	Appeal lodged against decisions by Watercare in relation to the designation of surface construction sites for the Central Interceptor wastewater project	The Environment Court has provided directions on the appeal. The applicant, Watercare, after consulting with all the parties to the appeals, is to report to the Court by 30 April 2014 with a timetable for the efficient determination of the appeals and to advise the Court whether or not all parties agree to court-assisted mediation.
ENV-2014-AKL-000027	St Lukes Garden Apartments Progressive Society Incorporated	Various locations within the Albert-Eden, Mangere-Otahuhu, Puketapapa, Waitemata, and Whau Local Board areas	Appeal lodged against decisions by Watercare in relation to the designation of surface construction sites for the Central Interceptor wastewater project	The Environment Court has provided directions on the appeal. The applicant, Watercare, after consulting with all the parties to the appeals, is to report to the Court by 30 April 2014 with a timetable for the efficient determination of the appeals and to advise the Court whether or not all parties agree to court-assisted mediation.

Auckland Council District Plan (Hauraki Gulf Islands Section) – 2 Appeals

Lodgement No	Appellant (Applicant)	Location	Description	Status
ENV-2009-AKL-000329	Auckland Council (former ARC)	Islands – general	HGI district plan review – Landform 5 (productive land) activity status for buildings.	All issues resolved with the exception of the activity status of buildings in Landform 5 (productive land). The Council presented its evidence in the Environment Court hearing completed on 23 May 2013. Awaiting Environment Court decision.
ENV-2009-AKL-000336	Thumb Pt & Others	Waiheke Island	HGI district plan review – various topics, including Air Transport (helicopter / noise), Subdivision (minimum site size Landform 5), landform classification (site-specific), activity status for buildings in Landform 1 (Coastal Cliffs) and Landform 2 (Dune Systems).	Agreement largely reached between parties. Environment Court hearing on outstanding matters completed on 23 May 2013. Awaiting Environment Court decision.

Auckland Council District Plan (Central Area Section) – 1 Appeal

Lodgement No	Appellant (Applicant)	Location	Description	Status
ENV-2010-AKL-000263	Cooper and Company Limited	Auckland CBD	PC 41 is a private plan change by Cooper and Company which seeks to replace the existing 24m height control on the Seafarers' site with a stepped height control of 55.24m on the eastern two thirds of the site and 35.40m on the remaining western third of the site.	<p>Environment Court released its decision on 24 December 2013 that the plan change be confirmed.</p> <p>Cooper & Company has made an application seeking costs of \$111,565.68 against Council.</p> <p>Council's response to Cooper & Company's costs application was filed with the Court on 14 March 2014.</p> <p><i>Awaiting Court decision on cost application.</i></p>

Auckland Council District Plan (Manukau Section) - 5 Appeals

Lodgement No	Appellant (Applicant)	Location	Description	Status
ENV 2012-Akl-000117	Hugh Green	Flat Bush Stage 2	PC 20 Flat Bush. Council initiated plan change to release Greenfields land for urban development.	Draft consent order to be finalised and lodged with Environment Court by mid-June 2014.
ENV 2012-Akl-000133	Thomas and Adamson	Flat Bush Stage 2	PC 20 Flat Bush. Council initiated plan change to release Greenfields land for urban development.	Draft consent order to be finalised and lodged with Environment Court by mid-June 2014.
ENV 2012-Akl-000223	H.K Hattaway	Clevedon	PC32 Clevedon Village	Environment Court to set evidence exchange timetable, with hearing anticipated late October 2014.
ENV 2012-Akl-000226	Watercare services Limited	Clevedon	PC32 Clevedon Village	Environment Court to set evidence exchange timetable, with hearing anticipated late October 2014.
ENV 2012-Akl-000220	John Hunt	Clevedon	PC32 Clevedon Village	Draft settlement agreement with recommendation to settle appeal to be reported to Hearings Committee 11 June 2014.

Auckland Council District Plan (Papakura Section) - 3 Appeals

Lodgement No	Appellant (Applicant)	Location	Description	Status
ENV-2013-AKL-000154,	Auckland Transport	Drury South	PC 12 (NB: Also PC38 in Franklin and Changes 3 and 19 in the ALWP and RPS respectively) – Industrial rezoning	Consent order signed. Appeal resolved.
ENV-2013-AKL-000155)	Drury and Ramarama Protection Society	Drury South	PC 12 (NB: Also PC38 in Franklin and Changes 3 and 19 in the ALWP and RPS respectively) – Industrial rezoning	Appeal negotiations ongoing-witness conferencing and mediation.
ENV-2013-AKL-000151	Nick deVisser and Teresa Hislop	Drury South	PC 12 (NB: Also PC38 in Franklin and Changes 3 and 19 in the ALWP and RPS respectively) – Industrial rezoning	Appeal negotiations ongoing.

Auckland Council District Plan (Franklin Section) - 4 Appeals

Lodgement No	Appellant (Applicant)	Location	Description	Status
ENV - 2013 - AKL - 000139 ENV - 2013 - AKL - 000140 ENV - 2013 - AKL - 000141	Pulin & Ors Auckland Transport, Ngati Tamaoho.	Kingseat	New Town	Mediation commences 30 Jan 2014 at the Environment Court.
ENV-2013-AKL-000154,	Auckland Transport	Drury South	PC 38 (NB: Also PC12 in Papakura and Changes 3 and 19 in the ALWP and RPS respectively) – Industrial rezoning	Consent order signed. Appeal resolved.
ENV-2013-AKL-000155)	Drury and Ramarama Protection Society	Drury South	PC 38 (NB: Also PC12 in Papakura and Changes 3 and 19 in the ALWP and RPS respectively) – Industrial rezoning	Appeal negotiations ongoing-witness conferencing and mediation.
ENV-2013-AKL-000151	Nick deVisser and Teresa Hislop	Drury South	PC 38 (NB: Also PC12 in Papakura and Changes 3 and 19 in the ALWP and RPS respectively) – Industrial rezoning	Appeal negotiations ongoing.

Auckland Council Regional Policy Statement – 4 Appeals

Lodgement No	Appellant (Applicant)	Location	Description	Status
ENV-2010-AKL-000340	Counties Power Limited	Southern Region (Infrastructure Provision)	Proposed Change 8 (Outstanding Natural Landscapes) to the Auckland Regional Policy Statement	Signed a memorandum, agreeing with Auckland Council's revised wording of Change 8 provisions dated July 2012. Did not participate at the Environment Court hearing 20/21 May 2013. Awaiting decision

Lodgement No	Appellant (Applicant)	Location	Description	Status
ENV-2010-AKL-000332	Federated Farmers of New Zealand	Regionwide (Outstanding Natural Landscapes in Rural Areas)	Proposed Change 8 (Outstanding Natural Landscapes) to the Auckland Regional Policy Statement	<p>Confined their relief to the ONL at Ponui Island.</p> <p>Have left their appeal open to enable South Ponui Ltd, a section 274 party to their appeal, to participate in the Environment Court hearing.</p> <p>Did not participate at the Environment Court hearing 20/21 May 2013.</p> <p>Awaiting decision</p>
ENV-2010-AKL-000336	Man O'War Station	Site Specific Appeal (Waiheke)	Proposed Change 8 (Outstanding Natural Landscapes) to the Auckland Regional Policy Statement	<p>Prepared landscape evidence and participated in the Environment Court hearing 20/21 May 2013.</p> <p>Awaiting decision</p>
ENV-2010-AKL-000341	Mighty River Power	Regionwide (Infrastructure Provision)	Proposed Change 8 (Outstanding Natural Landscapes) to the Auckland Regional Policy Statement	<p>Have no issues with the revised wording of Change 8 provisions dated July 2012.</p> <p>Did not participate at the Environment Court hearing 20/21 May 2013.</p> <p>Awaiting decision</p>

Auckland Council Regional Plan (Air, Land Water and Coastal) - ALL RESOLVED

Exclusion of the Public: Local Government Official Information and Meetings Act 1987

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 Appeal against Plan Change 38 - Schedule of heritage buildings - North Shore section Auckland Council District Plan

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
<p>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.</p>	<p>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege.</p> <p>In particular, the report contains a recommendation for an open-ended delegation (for reasons of efficiency) which the appellant may misconstrue at this stage in the proceedings.</p> <p>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).</p> <p>In particular, the report contains a recommendation for an open-ended delegation (for reasons of efficiency) which the appellant may misconstrue at this stage in the proceedings.</p>	<p>s48(1)(a)</p> <p>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.</p>