
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, 11 June 2014 at 10.07am.

PRESENT

Acting Chairperson	Cr Penny Webster	
	Cr Chris Darby	Until 11:58am
Members	Cr Calum Penrose	
	David Taipari	
	Cr Wayne Walker	From 10:57am
	Glenn Wilcox	

APOLOGIES

Cr Arthur Anae	For absence
Chairperson Linda Cooper	For absence
Deputy Mayor Penny Hulse	For absence

ALSO PRESENT

Cr Cathy Casey
Cr Bill Cashmore

1 Apologies

Resolution number HEA/2014/79

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

That the Hearings Committee:

- a) **accept the apologies from Councillor Arthur Anae and Chairperson Linda Cooper and Deputy Mayor Penny Hulse for absence.**

CARRIED

2 Declaration of Interest

Cr Chris Darby declared an interest in Item 7 (Appointment of Hearings Panel - Plan Change 130 (Rodney Section) Peter Snell Youth Village).

3 Confirmation of Minutes

Resolution number HEA/2014/80

MOVED by Cr CM Penrose, seconded by Member DE Taipari:

That the Hearings Committee:

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 27 May 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 Hearings Panel - Plan Change 130 (Rodney Section) Peter Snell Youth Village

Cr Chris Darby declared an interest in this item and left the room.

Resolution number HEA/2014/81

MOVED by Cr CM Penrose, seconded by Member DE Taipari:

That the Hearings Committee:

- a) **appoint a hearing panel of Karyn Sinclair as Chair (Planning) (Janine Bell alternate), Rebecca Skidmore (Visual impacts) (Gavin Lister alternate), Nigel Mark-Brown (infrastructure) and Dianne Hale (Devonport-Takapuna Local Board) (John MacLean alternate), to hear and determine Proposed Plan Change 130 – Peter Snell Youth Village, to the Auckland Plan (Rodney Section) 2011 and the submissions and further submissions received in respect of it.**
- b) **delegate authority to the Chair of the Hearings Committee to make replacement appointments in the event that any of the appointed Commissioners are unavailable.**

CARRIED

8 Appointment of Commissioners - Private Plan Change 271 to Auckland Council District Plan - Auckland City Isthmus Section 1999 and application for resource consents R/LUC/2014/407 and R/REG/2014/484 for the extension of the existing Countdown Supermarket at 114, 116 and 120 Valley Road and 6, 8 and 12 Ewington Ave, Mount Eden

Resolution number HEA/2014/82

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

That the Hearings Committee:

- a) **appoint a panel of Simon Berry as Chair (RMA law) (Leigh McGregor alternate), Richard Blakey (Planning) (Philip Brown alternate), Ian Munro (Urban Design) (David Mead alternate) and Sheena Tepania to hear submissions and make a decision on private plan change 271 to the operative Auckland Council District Plan - Auckland City Isthmus Section 1999.**
- b) **appoint the same panel of commissioners in recommendation (a) to hear submissions and make a decision on the application for resource consents R/LUC/2014/407 and R/REG/2014/484 under the operative Auckland Council District Plan - Auckland City Isthmus Section 1999, the Proposed Auckland Unitary Plan and the Regional Plan: Air, Land and Water.**
- c) **delegate authority to the Chair of the Hearings Committee to make replacement appointments in the event that any of the appointed commissioners are unavailable.**

CARRIED

9 Application for Resource Consent: Proposed removal of a building that is subject to the Proposed Auckland Unitary Plan Pre-1944 Demolition Control, 92 Point Chevalier Road, Point Chevalier

Staff were in attendance to speak to this item and gave a PowerPoint presentation.

A copy of the PowerPoint is attached to the official copy of these minutes and is available on Auckland Council's website.

Resolution number HEA/2014/83

MOVED by Member DE Taipari, seconded by Member G Wilcox:

That the Hearings Committee:

- a) **determine that the application for a restricted discretionary activity land use consent, by the Point Chevalier Operating Parish, to remove a pre-1944 building ("The Old Homestead") and construct a replacement building at 92 Point Chevalier Road, Point Chevalier, shall be publically notified pursuant to section 95A of the Resource Management Act 1991 (RMA), for the reasons that:**
 - i. **The building has considerable heritage and historic significance within its local context.**
 - ii. **The removal of the building has the potential to destroy the historic connection between the heritage building and the local area and result in more than minor adverse effects on the local Point Chevalier and wider Auckland environment.**
- b) **appoint Les Simmons (as chair), John Hill (as heritage specialist) and Greg Moyle (Waitemata Local Board Member), to hear submissions and make a decision, under section 104 of the RMA, on the application as noted in clause a) above.**
- c) **appoint Les Simmons to determine the application as noted in clause a) above under section 104 of the RMA if no hearing is required.**
- d) **delegate authority to the Chair of the Hearings Committee to make replacement appointments in the event that any of the appointed commissioners in (b) or (c) above are unavailable.**

CARRIED

Secretarial note: Pursuant to Standing Order 3.15.5 Cr Calum Penrose and Acting Chairperson Penny Webster requested that their dissenting votes be recorded.

Attachments

- A Item 9 Presentation

10 Urgent Decision: appointment of alternate commissioners for Auckland Wastewater Network Discharge Consent R/REG/3743 and R/REG/3755

10:57am Cr Wayne Walker entered the meeting

Resolution number HEA/2014/84

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

That the Hearings Committee:

- a) **note the decision made under urgency on 26 May 2014.**

CARRIED

11 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

12 Procedural motion to exclude the public

Resolution number HEA/2014/85

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.**
- b) **agree that Melean Absolum be permitted to remain for Confidential Item C1 after the public has been excluded, because of her knowledge of the case and landscape expertise, which will help the Hearings Committee in its decision-making.**

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 32: Clevedon Village to the Auckland Council District Plan (Manukau 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, the report contains matters that are subject to without prejudice negotiations 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.

C1 Resource Consents Appeals: Status Report 11 June 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, the report contains information that could compromise the council in undertaking 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.

C2 Resource Consents Appeals: Status Report 11 June 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, the report contains information that could compromise the council in undertaking 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

10:58am 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.

12:02am The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Appeals to Plan Change 32: Clevedon Village to the Auckland Council District Plan (Manukau Section) - Update and Direction

agree that the report and the decision not be restated in the open minutes.

C2 Resource Consents Appeals: Status Report 11 June 2014

agree to release to the open agenda the list and description of current appeals as of 30 May 2014, apart from Council's status position on the appeals.

Attachments

A Appeals Status Update Report

12:02am

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:.....