
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, 8 July 2014 at 10.00am.

PRESENT

Chairperson	Cr Linda Cooper, JP	
Members	Cr Anae Arthur Anae	Until 11.11am, Item C2
	Cr Calum Penrose	From 10.03am, Item 3
	Member David Taipari	
	Cr Wayne Walker	From 10.15am, Item 10
IMSB alternate	Karen Wilson	

APOLOGIES

Cr Chris Darby	absence
Cr Calum Penrose	lateness
Cr Wayne Walker	lateness
Cr Penny Webster	absence
Member G Wilcox	absence

ALSO PRESENT

Julie Fairey - Puketāpapa Local Board Chair	Until 10.35am, Item 14
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1 Apologies

Resolution number HEA/2014/88

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

That the Hearings Committee:

- a) **accept the apologies from Deputy Chairperson MP Webster, Cr C Darby and Member G Wilcox for absence, and Cr CM Penrose and Cr WD Walker for lateness.**

CARRIED

2 Declaration of Interest

There were no declarations of interest.

There were no declarations of interest.

3 Confirmation of Minutes

CM Penrose entered the meeting at 10.03 am.

Resolution number HEA/2014/89

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

That the Hearings Committee:

- a) **confirm the ordinary minutes of its meeting, held on Wednesday, 11 June 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 Urgent Decision: Appointment of Elected Members to Resource Consent Hearings

Cr CM Penrose returned to the meeting at 10.05 am.

Resolution number HEA/2014/90

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

That the Hearings Committee:

- a) **note the decision made under urgency.**

CARRIED

8 Appointment of independent hearing commissioners

Resolution number HEA/2014/91

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

That the Hearings Committee:

- a) **note the release of the decision of the Hearings Committee of 7 May 2014 regarding the appointment of independent hearing commissioners to the open Hearings Committee agenda of 8 July 2014.**

CARRIED

9 Appointment of Commissioners - Notice of Requirement to alter designations and s127 application to change conditions of resource consents for the St Lukes Interchange Project

Resolution number HEA/2014/92

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

That the Hearings Committee:

- a) **appoint a panel of three independent commissioners – Leigh McGregor as Chair (Rebecca Macky as alternate Chair); Orchid Atimalala (Jenny Hudson as alternate); and David Mead (Ian Munro as alternate) – to hear submissions and make a recommendation on the Notice of Requirement and to make a decision on the s127 application to change conditions of resource consents at 820 Great North Road as part of the St Lukes Interchange project (additional left turn lane).**
- b) **delegate authority to the chairperson of the Hearings Committee to make a replacement appointment should any of the independent commissioners be unavailable.**

CARRIED

Secretarial note: Pursuant to Standing Order 3.15.5, Member DE Taipari and Member K Wilson requested that their dissenting vote be recorded.

10 Appointment of Commissioners: application for resource consent - Proposed Removal of a Pre-1940 Building, 44 New Street, Ponsonby

Cr WD Walker entered the meeting at 10.15 am.

Resolution number HEA/2014/93

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

That the Hearings Committee:

- a) **appoint the rostered independent duty commissioner, and appoint John Hill (Richard Knott as alternate) as heritage commissioner to sit with the duty commissioner, to make decisions on the application for resource consent to remove a pre-1940 building at 44 New Street, Ponsonby, pursuant to sections 95 and 104 of the Resource Management Act 1991.**

CARRIED

11 Determination of hearing commissioners: 254 Patumahoe Road, Patumahoe

Resolution number HEA/2014/94

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

That the Hearings Committee:

- a) **appoint a panel of four commissioners – Les Simmons, Chair (Craig Shearer as alternate Chair); Gavin Lister (Melean Absolum as alternate); Louise Wickham (Kevin Mahan as alternate); and Local Board Member Brent Catchpole (Angela Dalton as alternate) – to hear and determine the application by Craddock Farms Limited to establish and operate a chicken egg layer farm for a maximum of 310,000 hens at 254 Patumahoe Road, Patumahoe, pursuant to section 104 of the Resource Management Act 1991.**
- b) **delegate the Chairperson of the Hearings Committee the authority to make replacement appointments.**

CARRIED

12 District and Regional Plans Appeal Status Report at 27 June 2014

Resolution number HEA/2014/95

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

That the Hearings Committee:

- a) **receive the report.**

CARRIED

13 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

14 Procedural motion to exclude the public

Resolution number HEA/2014/96

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

That the Hearings Committee:

- a) exclude the public from the following part(s) of the proceedings of this meeting.
- b) agree that Gerald Lanning, solicitor from Simpson Grierson as legal Counsel for AC, and Robert Scott, Consultant Planner be permitted to remain for Confidential Item C1 - Proposed Mediation Position to Settle Appeals to Plan Change 123 Hibiscus Coast Gateway after the public has been excluded, because of their knowledge of the matter, 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 Proposed Mediation Position to Settle Appeals to Plan Change 123 Hibiscus Coast Gateway

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)(g) - The withholding of the information is necessary to maintain legal professional privilege. 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.

C2 Proposed Mediation to Settle Appeals on Plan Change 148 (Auckland Council District Plan (Rodney Section) 2011) Matakana Country Park

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 used in council negotiations to resolve appeals..	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 appeal: Wedd & Jones 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 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.

C4 Resource Consents Appeals: Status Report 8 July 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 local authority 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.

11.18am The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Proposed Mediation Position to Settle Appeals to Plan Change 123 Hibiscus Coast Gateway

Resolution number HEA/2014/97

That the Hearings Committee:

- e) agree that decisions, report and attachments regarding Proposed mediation position to settle appeals to plan change 123 Hibiscus Coast Gateway, not be re-stated in the open section of the minutes.

C2 Proposed Mediation to Settle Appeals on Plan Change 148 (Auckland Council District Plan (Rodney Section) 2011) Matakana Country Park

Resolution number HEA/2014/98

That the Hearings Committee:

- c) agree that the above decision, report and attachments regarding the proposed mediation to settle appeals on plan change 148 (Auckland Council District Plan (Rodney Section) 2011) Matakana Country Park, not be re-stated in the open section of the minutes.

C3 New resource consent appeal: Wedd & Jones v Auckland Council

Resolution number HEA/2014/99

That the Hearings Committee:

- d) agree that the decisions, report and attachments regarding 'New resource consent appeal: Wedd & Jones v Auckland Council', not be re-stated in the open section of the minutes.

C4 Resource Consents Appeals: Status Report 8 July 2014

Resolution number HEA/2014/100

That the Hearings Committee:

- b) agree that the report and attachments not be re-stated in the open section of the minutes, but agree that the list and description of current appeals as of 30 May 2014, apart from Auckland Council's status position on the appeals, be attached to the open section of the minutes.

Attachments

- A Appeals: Status Report 8 July 2014

11.18 am

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:.....