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## Hearings Committee

### OPEN MINUTES

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Minutes of a meeting of the Hearings Committee held in the Committee Meeting Room, Civic 15, 1 Greys Avenue, Auckland on Tuesday, 12 August 2014 at 10.00am.

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#### PRESENT

**Acting Chairperson**  
**Members**

Penny Webster  
Cr Anae Arthur Anae  
Cr Chris Darby  
Cr Calum Penrose  
Member David Taipari  
Cr Wayne Walker  
Member Glenn Wilcox

From 10.09am, Item 11

#### APOLOGIES

Cr Linda Cooper	absence
Cr Chris Darby	lateness
Cr Wayne Walker	lateness

#### ALSO PRESENT

Cr Cathy Casey

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**1 Apologies**

Resolution number HEA/2014/101

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

**That the Hearings Committee:**

- a) **accept the apologies from Cr LA Cooper for absence, and Cr WD Walker and Cr C Darby for lateness.**

**CARRIED**

**2 Declaration of Interest**

There were no declarations of interest.

**3 Confirmation of Minutes**

Resolution number HEA/2014/102

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

**That the Hearings Committee:**

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 8 July 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.

Secretarial Note: Item 7 - Determination by the Hearings Committee of an Objection to Proposed Stormwater Connection through 213 Hillsborough Road and 2A Olsen Road, Hillsborough – was deferred until 10.20am, as per hearing schedule, with agreement of the meeting. This item was taken after Item 12 – Appointment of Independent Commissioners: Application for resource consent - Proposed Café, 311 Richmond Road, Grey Lynn.

**8 Urgent Decision: Determination of Hearing Commissioners - Resource Consent, 117 Third View Avenue, and 108 Beachlands Road, Beachlands**

Resolution number HEA/2014/103

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

**That the Hearings Committee:**

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

**CARRIED**

**9 Appointment of hearing commissioners for hearing for Private Plan Change 35 - Puhinui Gateway to the Auckland Council District Plan (Manukau Section) and associated applications for resource consent**

Secretarial note: Changes to the original recommendation were incorporated with the agreement of the meeting.

Resolution number HEA/2014/104

MOVED by Member DE Taipari, seconded by Cr AJ Anae:

**That the Hearings Committee:**

- a) **rescind the following decision made at the 20 September 2013 Hearings Committee meeting:**

***Resolution number HC/2013/17***

***MOVED by Cr NM Raffills, seconded by Cr AJ Anae:***

***That the Hearings Committee:***

- a) ***appoint a Hearing Panel of Independent Commissioners David Kirkpatrick (Chairperson), Greg Hill, Bill Kapea and Ian Gunn to hear submissions and to make a decision on Private Plan Change 35: Puhinui Gateway to the Auckland Council District Plan (Manukau Section).***
- b) ***delegate the Chairperson of the committee to appoint alternate members to the Hearings Panel in the event that the appointed members of the Hearings Panel are unavailable.***

**CARRIED**

- b) **appoint a hearing panel of four independent commissioners – Jan Heijs, Ian Munro, William Kapea, Janine Bell (Chair) – with expertise in plan changes, resource consents, legal issues, iwi and cultural heritage matters, transport, stormwater and environmental issues, to hear submissions and make decisions on:**

- i) **Private Plan Change 35 – Puhinui Gateway to the Auckland Council District Plan (Manukau Section)**
- ii) **P43678 – Regional Water Permit (Surface Water Diversion)**
- iii) **P43679 – Regional Water/Discharge Permit (Stormwater)**
- iv) **P43680 – Regional Land Use Consent (Streamworks)**

- c) **delegate authority to the Chair of the Hearings Committee to make replacement appointments in the event that any of the appointed members of the hearing panel is unavailable.**

**CARRIED**

**10 Appointment of Commissioner/s: Notice of Requirement Plan Amendment 69 to the Auckland Council District Plan (Manukau Section) 149 Roscommon Road, Manurewa: Wiri Oil Terminal.**

Resolution number HEA/2014/105

MOVED by Member DE Taipari, seconded by Cr AJ Anae:

**That the Hearings Committee:**

- a) **appoint an Independent Commissioner – Sheena Tepania – to determine whether limited or public notification is required (pursuant to section 95A-E of the Resource Management Act 1991) of the Notice of Requirement for the Wiri Oil Terminal at 149 Roscommon Road in Manurewa.**
- b) **upon the notification (limited or public) and should a subsequent Hearing be required:**
  - i) **That the Hearings Committee appoint a panel of three Commissioners – Sheena Tepania (chair), Louise Wickham, Dave Serjeant – to hear submissions and make final recommendations on the Notice of Requirement for the Wiri Oil Terminal at 149 Roscommon Road in Manurewa pursuant to section 171 of Resource Management Act 1991.**
- c) **in the event that the independent Commissioner or any of the Hearings Panel appointed become unavailable, that the Chair of the Hearings Committee be delegated authority to make replacement appointments.**

**CARRIED**

**11 Appointment of Hearing Commissioners: Applications for Private Plan Change and Resource Consents - Proposed mixed use development at 170, 178, 180 and 182 Balmoral Road and 2, 4, and 16 Rocklands Avenue, Balmoral**

*Cr C Darby entered the meeting at 10.09am.*

Resolution number HEA/2014/106

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

**That the Hearings Committee:**

- a) **reconfirm the appointment of independent commissioners – alternate Les Simmons (Chair), Kitt Littlejohn and Karyn Sinclair – to hear and determine Private Plan Change 209 to the Operative Auckland Council District Plan (Auckland City Isthmus Section 1999), seeking to rezone land at 16 Rocklands Avenue and part 178 Balmoral Road, Balmoral.**
- b) **appoint the same commissioners as appointed in clause a) above to concurrently hear submissions and make decisions on applications for resource consents R/LUC/2013/3990 and R/REG/2013/4253 at 170, 178, 180, 182, Balmoral Road and 2, 4 and 16 Rocklands Avenue, Balmoral.**
- c) **appoint a Local Board member – Ken Baguley (Troy Churton - alternate) – to the panel appointed in clause a) above.**
- d) **delegate authority to the chairperson of the Hearings Committee to make replacement appointments in the event that any of the appointed commissioners are unavailable.**

**CARRIED**

**12 Appointment of Independent Commissioners: Application for resource consent - Proposed Café, 311 Richmond Road, Grey Lynn**

Resolution number HEA/2014/107

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

**That the Hearings Committee:**

- a) **appoint a panel of three independent commissioners (including one as chair) – Kitt Littlejohn (Chair), Richard Knot and Barry Kaye – to hear submissions and make a decision under section 104 of the Resource Management Act 1991 on the application for resource consent (R/LUC/2014/267) to establish a café at 311 Richmond Road, Grey Lynn.**
- b) **delegate to the Chairperson of the Hearings Committee the authority to make replacement appointments should any of the independent commissioners and/or local board member appointed under (a) above be unavailable.**

**CARRIED**

Secretarial note: Item 13 – Draft Decision of the Board of Inquiry on the Ara Tuhono - Puhoi to Wellsford Road of National Significance, Puhoi to Warkworth Section – was deferred until after Item 7 – Determination by the Hearings Committee of an Objection to Proposed Stormwater Connection through 213 Hillsborough Road and 2A Olsen Road, Hillsborough – with agreement of the meeting.

**7 Determination by the Hearings Committee of an Objection to Proposed Stormwater Connection through 213 Hillsborough Road and 2A Olsen Road, Hillsborough**

Resolution number HEA/2014/108

MOVED by Deputy Chairperson MP Webster, seconded by Cr AJ Anae:

**That the Hearings Committee:**

- a) **hear and determine the objections from the owners of 2A Olsen Avenue and 213 Hillsborough Road, Hillsborough pursuant to section 460 and Schedule 12 of the Local Government Act 1974.**

**CARRIED**

Resolution number HEA/2014/109

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

**That the Hearings Committee:**

- b) **agree that the hearing be adjourned and be reconvened after an onsite meeting between the applicants' engineer, the council engineers and the objectors, and David Hill as a council appointed mediator.**

**CARRIED**

**13 Draft Decision of the Board of Inquiry on the Ara Tuhono - Puhoi to Wellsford Road of National Significance, Puhoi to Warkworth Section.**

A document containing the indicative draft comments on draft conditions of consent from the draft decision of the Board of Inquiry into the Ara Tuhono – Puhoi to Wellsford Road of National Significance: Puhoi to Warkworth Section, was tabled at the meeting.

A copy of the tabled document has been placed in the official minutes and is available at the Auckland Council website as a minutes attachment.

Secretarial note: Changes to the original recommendation b) were incorporated with the agreement of the meeting.

Resolution number HEA/2014/110

MOVED by Member DE Taipari, seconded by Cr C Darby:

**That the Hearings Committee:**

- a) **agree that due to time constraints, comments on the draft decision of the Board of Inquiry on the Ara Tuhono – Puhoi to Wellsford Road of National Significance – Puhoi to Warkworth Section as tabled at the meeting of 12 August 2014 form the basis of the council’s response to the Board of Inquiry.**
- b) **delegate to the Deputy Chair of the Hearings Committee, Cr CM Penrose and Member G Wilcox the approval of the final wording of the comments to the Board of Inquiry before the 22 August.**

**CARRIED**

**Attachments**

A Tabled Information: Indicative draft comments on draft conditions of consent from the draft decision of the Board of Inquiry into the Ara Tuhono – Puhoi to Wellsford Road of National Significance: Puhoi to Warkworth Section.

**14 District and Regional Plans Appeal Status Report at 31 July 2014**

Resolution number HEA/2014/111

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

**That the Hearings Committee:**

- a) **receive the report.**

**CARRIED**

**15 Consideration of Extraordinary Items**

There was no consideration of extraordinary items.

**16 Procedural motion to exclude the public**

Resolution number HEA/2014/112

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

**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 Resolution of an Appeal by Consent Order - Snowplanet Appeal to Plan Change 123 Hibiscus Coast Gateway Recreation and Entertainment Zone**

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.

**C2 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 pertaining to 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.



**C3 New resource consent appeal: Hill 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.	<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, to enable the council to undertake without prejudice negotiations of an appeal that is before the Environment Court..</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>

**C4 Urgent Decision: Resource Consent Appeal - Blair Investments Limited v Auckland Council - 8 Harrison Road, Auckland**

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.	<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 information that relates to an appeal currently before the Environment Court.</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>

**C5 New Resource Consent Appeals: D and K Eastgate v Auckland Council and Armadale Holdings Ltd 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.	<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 information used in council negotiations to resolve resource consent appeals.</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>

**C6 New Resource Consent Appeals: Papakura Private Hospital v Auckland Council and Strata Title Admin Body Corporate 176156 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, the report contains information used in council negotiations to resolve resource consent 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.

**C7 Resource Consent Appeals: Status Report 12 August 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**

11.46am 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.

12.19pm The public was re-admitted.

## **RESTATEMENTS**

It was resolved while the public was excluded:

### **C1 Resolution of an Appeal by Consent Order - Snowplanet Appeal to Plan Change 123 Hibiscus Coast Gateway Recreation and Entertainment Zone**

Resolution number HEA/2014/113

That the Hearings Committee:

- c) agree that the report, decisions and attachments regarding – Resolution of an Appeal by Consent Order - Snowplanet Appeal to Plan Change 123 Hibiscus Coast Gateway Recreation and Entertainment Zone – not be stated in the open section of the minutes until the consent order is approved by the Environment Court.

### **C2 Appeals to Plan Change 32: Clevedon Village to the Auckland Council District Plan (Manukau Section) – Update and Direction**

Resolution number HEA/2014/114

That the Hearings Committee:

- e) agree that the decisions, report and attachments regarding – Appeals to Plan Change 32: Clevedon Village to the Auckland Council District Plan (Manukau Section) – Update and Direction – not be restated in the open section of the minutes.

### **C3 New resource consent appeal: Hill v Auckland Council**

Resolution number HEA/2014/115

That the Hearings Committee:

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

### **C4 Urgent Decision: Resource Consent Appeal - Blair Investments Limited v Auckland Council - 8 Harrison Road, Auckland**

Resolution number HEA/2014/116

- b) agree that the report, decisions and attachments regarding Urgent Decision: Resource Consent Appeal - Blair Investments Limited v Auckland Council - 8 Harrison Road, Auckland – not be restated in the open section of the minutes.

**C5 New Resource Consent Appeals: D and K Eastgate v Auckland Council and Armadale Holdings Ltd v Auckland Council**

Resolution number HEA/2014/117

That the Hearings Committee:

- d) agree that the decisions, report and attachments regarding – New Resource Consent Appeals: D and K Eastgate v Auckland Council and Armadale Holdings Ltd v Auckland Council – not be restated in the open section of the minutes.

**C6 New Resource Consent Appeals: Papakura Private Hospital v Auckland Council and Strata Title Admin Body Corporate 176156 v Auckland Council**

Resolution number HEA/2014/118

That the Hearings Committee:

- d) agree that the decisions, report and attachments regarding ‘New Resource Consent Appeals: Papakura Private Hospital v Auckland Council and Strata Title Admin Body Corporate 176156 v Auckland Council’ not be restated in the open section of the minutes.

**C7 Resource Consent Appeals: Status Report 12 August 2014**

A copy of the document entitled ‘Appeals: Status Report 12 August 2014’ has been placed in the official minutes and is available at the Auckland Council website as a minutes attachment.

Resolution number HEA/2014/119

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 31 July 2014, apart from Auckland Council’s status position on the appeals, be re-stated in the open section of the minutes.

**Attachments**

- A Appeals: Status Report 12 August 2014

12.19 pm

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:**.....