



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

Date: Wednesday, 10 September 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	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)

Louis Dalzell
Democracy Advisor

4 September 2014

Contact Telephone: (09) 373 6211
Email: louis.dalzell@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 Tuesday, 12 August 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.

Hearings Panel for Waikumete Cemetery Reserve Management Plan

File No.: CP2014/19316

Purpose

1. To seek the appointment of a hearings panel to consider submissions to the Draft Waikumete Cemetery Reserve Management Plan (Draft RMP).

Executive summary

2. Waikumete Cemetery has been in operation since 1878 but has not had an effective planning instrument to manage aspects of the site.
3. Pursuant to the Reserve Act 1977, a hearings panel is required to consider submissions to the Draft RMP and to then make a recommendation to the Parks, Recreation & Sport Committee on amendments to the Draft RMP.
4. In a report to the Parks, Recreation and Sport Committee on 10 June 2014, the committee gave a recommendation endorsing the appointment of a hearings panel made up of an Independent Hearings Commissioner (chair), three appointed members of affected Local Boards and Councillor Ross Clow (Resolution no. PAR/2014/26).

Recommendations

That the Hearings Committee:

- a) note the Parks, Recreation and Sport Committee 10 of June 2014 meeting Resolution no. PAR/2014/26.
- b) appoint a hearings panel comprised of one Independent Commissioner (Chair), one Councillor, one Independent Maori Statutory Board member, and one Local Board Chair, to hear submissions on the Draft Waikumete Cemetery Reserve Management Plan (Draft RMP), and to make a recommendation to the Parks, Recreation & Sport Committee on amendments to the Draft RMP.
- 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 hearings panel under b) is unavailable.

Comments

5. Waikumete Cemetery has been in operation since 1878 but has not had an effective planning instrument to manage aspects of the site. The Draft RMP sets out a pathway to address the historic part of the cemetery, while developing the reserve towards its ultimate use as a memorial park.
6. Based on specialist work prepared by the former Waitakere City Council in 2010, the Draft RMP proposes to expand burial and ash interment services into approximately 18 hectares of the 43 hectares of undeveloped land. This would allow the cemetery to meet the demand for new burial plots until 2060 and provide an adequate timeframe for council to budget for any progressive acquisition of open space, subject to budget allocation under the Long Term Plan 2015 – 2025, for a new cemetery beyond 2060.

7. A hearings panel is required to consider submissions to the Draft RMP and to then make a recommendation to the Parks, Recreation & Sport Committee on amendments to the Draft RMP.
8. In a report to the Parks, Recreation & Sport Committee on 10 June 2014, the committee gave a recommendation for a hearings panel to comprise an Independent Hearings Commissioner (chair), three appointed members of affected Local Boards and Councillor Ross Clow (Resolution no. PAR/2014/26).
9. The timeframe for completion of the reserve management plan is;
 - 16 July 2014 - Publicly notify the Draft RMP
 - 16 September 2014 – end of two-month public notification & consultation period
 - October 2014 – Submissions analysis
 - November 2014 – Hearings & amendments to Draft RMP
 - February 2015 – Report to Parks, Recreation & Sport Committee for approval to adopt the Waikumete Cemetery Reserve Management Plan

Consideration

Local board views and implications

10. Multiple combined West Local Board workshops have contributed to the Draft RMP, the latest was held on the 18th February 2014.

Māori impact statement

11. The Waikumete Urupa Komiti engages directly with cemetery operations management on a regular basis. Staff are also conducting a workshop on the Draft RMP directly with the komiti on 4 September, which will assist the komiti with preparation of a submission, should they decide to do so.
12. Staff have kept the Independent Maori Statutory Board advised of the project, to which the board have requested that the Urupa komiti is consulted as a key stakeholder.
13. Te Kawerau a Maki has been advised of the project and received invitations to all workshops and open days.

Attachments

There are no attachments for this report.

Signatories

Authors	Richard Mann - Principal Policy Analyst
Authorisers	Penny Pirrit - Regional & Local Planning Manager

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 Proposed Change 8 to the Auckland Council Regional Policy Statement - Outstanding Natural Landscapes

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)(g) - The withholding of the information is necessary to maintain legal professional privilege.</p> <p>In particular, the report contains information used in council negotiations to resolve appeals.</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 information used in council negotiations to resolve 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>

C2 Urgent Decision: Report Back on Mediation 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.	<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's negotiations to resolve appeals 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>

C3 Urgent Decision: Resource Consent Appeals - 1 Hibiscus Coast Highway, Silverdale: ENV-2014-AKL-000133 - Auckland Transport v Auckland Council, ENV-2014-AKL-000135 - Runwild Trust & Silverdale Golf Range 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
<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)(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 appeals to the Environment Court and discussions on the council's position on the 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>

C4 Resource Consent Appeals: Status Report 10 September 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
<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)(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 local authority to undertake without prejudice negotiations of appeals that are 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>