
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, 14 October 2014 at 10.00am.

PRESENT

Acting Chairperson Cr Penny Webster
Members Cr Anae Arthur Anae
Cr Calum Penrose
Member David Taipari
Cr Wayne Walker From item 7, 10:08am
Member Glenn Wilcox

APOLOGIES

| | |
|--------------------------|-------------|
| Cr Linda Cooper | For absence |
| Mayor Len Brown | For absence |
| Deputy Mayor Penny Hulse | For absence |
| Cr Chris Darby | For absence |

ALSO PRESENT

Cr Cathy Casey

1 Apologies

Resolution number HEA/2014/128

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

That the Hearings Committee:

- a) **accept the apologies from Chairperson LA Cooper, Mayor LCM Brown, and Deputy Mayor PA Hulse for absence, and Cr C Darby for absence on council business.**

CARRIED

2 Declaration of Interest

There were no declarations of interest.

3 Confirmation of Minutes

Resolution number HEA/2014/129

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, 10 September 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 Determination of an Objection to the Construction of a Public Stormwater line through 3 Lyons Avenue, to service 9 Lyons Avenue, Murrays Bay

Mr Russell Keach, the applicant provided a verbal presentation.

Mr Richard Fanselow, the objector, provided a PowerPoint presentation, a copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Cr WD Walker entered the meeting at 10.08 am.

Resolution number HEA/2014/130

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

That the Hearings Committee:

- a) **request that the item be discussed at a later stage in the meeting.**

CARRIED

Attachments

- A 14 October 2014, Hearings Committee, Item 7 - Presentation of objector, Mr Richard Fanselow.

8 Appointment of Hearing Commissioners: Application for resource consent to establish a comprehensive care retirement village at 187 Campbell Road, Greenlane

Resolution number HEA/2014/131

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

That the Hearings Committee:

- a) **appoint a hearing panel of Karyn Sinclair (Chair), Rebecca Skidmore, Nigel Mark-Brown, Sheena Tepania, and Local Board Chair Julie Fairey (or Local Board Member Ken Baguley as alternate), to make a decision on the applications for resource consent for the construction, operation and maintenance of a comprehensive care retirement village at 187 Campbell Road, Greenlane.**
- b) **delegate authority to the Chairperson of the Hearings Committee to make replacement appointments should any of the appointed commissioners be unavailable.**

CARRIED

9 District and Regional Plans Appeal Status Report at 26 September 2014

Resolution number HEA/2014/132

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

That the Hearings Committee:

- a) **receive the report.**

CARRIED

10 Urgent Decision: Draft Decision of the Board of Inquiry on the Ara Tuhono - Puhoi to Wellsford Road of National Significance, Puhoi to Warkworth Section

Resolution number HEA/2014/133

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

That the Hearings Committee:

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

CARRIED

11 Urgent Decision: Appointment of Independent Commissioners: an application for resource consent for the proposed demolition of a Scheduled Building at 143 White Swan Road, Mt Roskill

Cr C Casey tabled a document of email correspondence relating to Puketapapa Local Board's support for public notification. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Resolution number HEA/2014/134

MOVED by Acting Chairperson MP Webster, seconded by Cr CM Penrose:

That the Hearings Committee:

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

CARRIED

Attachments

- A 14 October 2014, Hearings Committee, Item 11 - Puketapapa Local Board email correspondence

12 Urgent Decision: Appointment of Independent Commissioners: an application for resource consent for the proposed demolition of a pre-1940 building and associated building works at 8-22 Vermont Street, Ponsonby

Resolution number HEA/2014/135

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

That the Hearings Committee:

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

CARRIED

13 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

14 Procedural motion to exclude the public

Resolution number HEA/2014/136

MOVED by acting 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.**

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 Resource Consent Appeal: Proposed construction of a new three-storey dwelling at 36 Sunny Brae Crescent, Westmere

| 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, confidential without prejudice discussions will be undertaken during appeal negotiations. | 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 Consent Appeals: Status Report 14 October 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. |

C3 Urgent Decision: Resource Consent Appeal – Westbrooke v Auckland Council (ENV-2014-000186)

| 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). | 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. |

| | | |
|--|--|--|
| | <p>In particular, the report contains information that could compromise the council in undertaking without prejudice negotiations of this appeal that is before the Environment Court.</p> | |
|--|--|--|

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

10.59am 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.

Secretarial note: Item 7 Determination of an Objection to the Construction of a Public Stormwater line through 3 Lyons Avenue, to service 9 Lyons Avenue, Murrays Bay, was deliberated in confidential.

11.20am The public was re-admitted.

Secretarial note: Item 7 Determination of an Objection to the Construction of a Public Stormwater line through 3 Lyons Avenue, to service 9 Lyons Avenue, Murrays Bay, was resolved at this time.

7 Determination of an Objection to the Construction of a Public Stormwater line through 3 Lyons Avenue, to service 9 Lyons Avenue, Murrays Bay

Resolution number HEA/2014/140

MOVED by Deputy Chairperson MP Webster, seconded by Cr CM Penrose:

That the Hearings Committee:

- a) **hear and determine the objection by the owner of 3 Lyons Avenue, Murrays Bay, pursuant to section 460 and Schedule 12 of the Local Government Act 1974**
- b) **endorse the proposed stormwater connection and its associated route through the neighbouring property at 3 Lyons Avenue, Murrays Bay, to undertake drainage works generally as set out in the officer's report pursuant to section 460 of the Local Government Act 1974 and as referenced on the drawing Woods 61058-100 Rev 1**
- c) **request that the property of number 3 Lyon Avenue be reinstated to the condition it was in prior to the stormwater connection being installed.**

CARRIED

Secretarial note: Pursuant to Standing Order 3.15.5, Member DE Taipari and Member G Wilcox requested their dissenting votes be recorded.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Resource Consent Appeal: Proposed construction of a new three-storey dwelling at 36 Sunny Brae Crescent, Westmere

- b) agree that the decisions, report and attachments regarding Resource Consent Appeal: Proposed construction of a new three-storey dwelling at 36 Sunny Brae Crescent, Westmere, not be restated in the open section of the minutes.

C2 Resource Consent Appeals: Status Report 14 October 2014

- b) agree that the report and attachments remain confidential, but agree that the list and description of current appeals as of 3 October 2014, apart from Council's status position on the appeals, be re-stated in the open section of the minutes.

Attachments

A 14 October 2014, Hearings Committee, Item C2 - Resource Consent Appeals Report

C3 Urgent Decision: Resource Consent Appeal – Westbrooke v Auckland Council (ENV-2014-000186)

- b) agree that the decisions, report and attachments regarding 'Urgent Decision: Resource Consent Appeal: Westbrooke v Auckland Council (ENV-2014-000186)', not be re-stated in the open section of the minutes.

11.22 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:.....