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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, 4 November 2014 at 1.30pm.

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#### **PRESENT**

<b>Chairperson</b>	Cr Linda Cooper, JP	
<b>Deputy Chairperson</b>	Cr Penny Webster	Until 3:33pm, Item C1
<b>Members</b>	Cr Anae Arthur Anae	
	Cr Chris Darby	
	Cr Calum Penrose	
	Glenn Wilcox	

#### **APOLOGIES**

Deputy Mayor Penny Hulse  
David Taipari  
Cr Wayne Walker

#### **ALSO PRESENT**

Cr Dr Cathy Casey

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**1 Apologies**

Resolution number HEA/2014/141

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

**That the Hearings Committee:**

- a) **accept the apologies from Member D Taipari and Cr W Walker for absence and Deputy Mayor PA Hulse for absence on council business.**

**CARRIED**

**2 Declaration of Interest**

There were no declarations of interest.

**3 Confirmation of Minutes**

Resolution number HEA/2014/142

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

**That the Hearings Committee:**

- a) **confirm the ordinary minutes of its meeting held on Tuesday, 14 October 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 Objection against a Menacing Dog Classification**

Carolynne Moran gave a verbal presentation, accompanied by witnesses Margaret Eagle and Tyrone Mansell. She also tabled a letter in support. A copy of the document has been placed on the official copy of these minutes and can be viewed on the Auckland Council website as a minutes attachment.

Resolution number HEA/2014/143

MOVED by Cr LA Cooper, seconded by Deputy Chairperson MP Webster:

**That the Hearings Committee:**

- a) **heard and determined the objection to the menacing dog classification by the owner Ms Moran and her witnesses, pursuant to section 33A of Dog Control Act 1996.**

**CARRIED**

**Attachments**

A 4 November 2014, Hearings Committee, Item 7 - Letter of Mr C. Slack

Secretarial note: With the agreement of the committee the meeting went into confidential for items C2 and C1 before hearing items 8 and 9.

### 11 Procedural motion to exclude the public

Resolution number HEA/2014/144

MOVED by Cr LA Cooper, seconded by Deputy Chairperson MP Webster:

**That the Hearings Committee:**

- a) exclude the public from the following part(s) of the proceedings of this meeting.
- b) 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:

### C2 Deliberations on an objection against a Menacing Dog Classification

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)(f)(ii) - The withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of such members, officers, employees and persons from improper pressure or harassment.  In particular, the protection of such members, officers, employees, and persons from improper pressure or harassment while deliberating whether or not to classify the dog as menacing.	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 Consent Appeals: Status Report 4 November 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**

3.21pm 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.

3.37pm The public was re-admitted.

**8 Appointment of a Hearings Panel to hear submissions on the draft Auckland Council Local Approved Product Policy**

Resolution number HEA/2014/147

MOVED by Cr C Darby, seconded by Cr AJ Anae:

**That the Hearings Committee:**

- a) **appoint a hearings panel of up to five members, including Councillors Cooper, Krum, Quax and Stewart and one member of the Independent Māori Statutory Board, and Cr Penrose as alternate, to hear submissions on the Auckland Council's draft Local Approved Product Policy, deliberate and make recommendations to the Regional Strategy and Policy Committee**
- b) **delegate authority to the Chairperson of the Hearings Committee to make replacement appointments in the event that any member of the hearings panel is unavailable**
- c) **note the following in relation to local boards:**
  - i) **that throughout November and December 2014 council staff will gather local boards feedback on the draft Local Approved Product Policy and that this feedback will be provided to the hearings panel for its consideration**
  - ii) **that staff will schedule a day for local boards to present their feedback directly to the hearings panel**
- d) **note that council staff will gather feedback from Māori on the draft Local Approved Product Policy via hui throughout November and December 2014 and this feedback will be provided to the hearings panel for its consideration.**

**CARRIED**

**9 Appointment of Independent Commissioners: Resource Consent Application for Demolition, 43 Arthur Street, Freemans Bay**

Resolution number HEA/2014/148

MOVED by Cr LA Cooper, seconded by Cr CM Penrose:

**That the Hearings Committee:**

- a) **appoint the rostered independent duty commissioner, and appoint John Hill (or Richard Knott as alternate) as heritage commissioner to sit with the duty commissioner, to make a notification decision on the application for resource consent to demolish the building at 43 Arthur Street, Freemans Bay, pursuant to sections 95 of the Resource Management Act 1991 (“the RMA”)**
- b) **approve that in the event the decision reached in (a) above is that the application proceeds on a non-notified basis or otherwise does not require a hearing, the same commissioners as appointed in (a) above be appointed to make a substantive decision on the application pursuant to section 104 of the RMA**
- c) **approve that in the event the decision reached in (a) above is that the application proceeds on a notified basis and a hearing is required, the same commissioners as appointed in (a) above be appointed to hear submissions and make a substantive decision on the application, pursuant to section 104 of the RMA**
- d) **delegate authority to the chairperson of the Hearings Committee to make a replacement appointment should any of the independent commissioners above be unavailable.**

**CARRIED**

**10 Consideration of Extraordinary Items**

There was no consideration of extraordinary items.

**RESTATEMENTS**

It was resolved while the public was excluded:

**C2 Deliberations on an objection against a Menacing Dog Classification**

That the Hearings Committee:

agree that the decision under a) not be restated in the open section of the minutes, but be made publicly available within 7 days.

**C1 Resource Consent Appeals: Status report 4 November 2014**

That the Hearings Committee:

agree that the report and attachments remain confidential, but agree that the list and description of current appeals as of 24 October 2014, apart from council's status position on the appeals, be re-stated in the open section of the minutes.

**Attachments**

A 4 November 2014, Hearings Committee, Item C1 - Resource Consent Appeals Report

3.53 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:**.....