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## Hearings Committee

### OPEN MINUTES

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Minutes of a meeting of the Hearings Committee held in the Room 1, Level 26, 135 Albert Street, Auckland on Wednesday, 10 December 2014 at 10.00am.

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#### **PRESENT**

<b>Chairperson</b>	Cr Linda Cooper, JP	
<b>Members</b>	Cr Anae Arthur Anae	
	Cr Calum Penrose	
	David Taipari	
	Cr Wayne Walker	From Item 10 - 10.28am
	Glenn Wilcox	

#### **APOLOGIES**

Deputy Chairperson Cr Penny Webster	On council business
Deputy Mayor Penny Hulse	On council business
Cr Chris Darby	On council business
Cr Wayne Walker	For lateness

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**1 Apologies**

Resolution number HEA/2014/149

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

**That the Hearings Committee:**

- a) **accept the apologies from Deputy Mayor PA Hulse, Deputy Chairperson MP Webster and Cr C Darby for absence on council business, and Cr W Walker for lateness.**

**CARRIED**

**2 Declaration of Interest**

There were no declarations of interest.

**3 Confirmation of Minutes**

Resolution number HEA/2014/150

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

**That the Hearings Committee:**

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 4 November 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**

**5.1 Extraordinary Business - Appeals to a decision by Auckland Transport relating to six Notices of Requirement to designate land for the City Rail Link project**

Resolution number HEA/2014/151

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

**That the Hearings Committee:**

- a) **consider an extraordinary item regarding 'Appeals to a decision by Auckland Transport relating to six Notices of Requirement to designate land for the City Rail Link project' at item 16 and C3 of these minutes:**
  - i) **the reason the matter was not on the agenda is recent discussions between appellants and Auckland Transport have resulted in substantial progress towards the resolution of appeals and this information has only recently been made available to Auckland Council Planning team**
  - ii) **the reason for urgency being that mediation is scheduled from 11 to 16 December 2014, and having the ability to settle the appeals at mediation will be helpful and expected by the Environment Court, so delegated authority to agree to appropriate changes to NoR conditions is required.**

**CARRIED**

**5.2 Extraordinary Business - Resource Consent Appeals: 2 Rangatira Road, Birkenhead - Good & Lobb v Auckland Council and Ryman Healthcare Limited v Auckland Council**

Resolution number HEA/2014/152

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

**That the Hearings Committee:**

- a) **consider an extraordinary item regarding 'Resource Consent Appeals: 2 Rangatira Road, Birkenhead – Good & Lobb v Auckland Council and Ryman Healthcare Limited v Auckland Council at item 16 and C4 of these minutes:**
  - i) **the reason the matter was not on the agenda is that the subject appeals are recently received**
  - ii) **the reasons for urgency being that the Environment Court has requested the council to inform its position by 19 December 2014 in respect to attendance of court-assisted mediation.**

**CARRIED**

**6 Notices of Motion**

There were no notices of motion.

**Adjournment of Meeting**

Resolution number HEA/2014/153

MOVED by Chairperson LA Cooper, seconded by Mr G Wilcox:

**That the Hearing Committee:**

- a) **agree to adjourn the meeting.**

**CARRIED**

Secretarial note:                      The meeting adjourned at 10:05 am  
and reconvened at 10:10 am.

**7 Pukekohe West School and Early Childhood Education Centre notice of requirement - appointment of hearing commissioners**

Resolution number HEA/2014/154

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

**That the Hearings Committee:**

- a) **appoint a hearing panel of independent commissioners consisting of Janine Bell (Chair), Melean Absolum, Nigel Mark-Brown, and Sheena Tepania, who have expertise in the notice of requirement process, traffic, planning and landscape, and infrastructure issues, to hear submissions and make a recommendation to the requiring authority on the notice of requirement for designation for the Pukekohe West School and Early Childhood Education Centre (Auckland Council District Plan (Franklin Section) Amendment 42)**
- b) **delegate authority to the Chairperson of the Hearings Committee to make replacement appointments in the event that any of the appointed members of the hearing panel are unavailable.**

**CARRIED**

**8 Appointment of Hearings Panel - Notices of Requirement and Resource Consent applications for Glenvar Ridge Road and Long Bay Primary School**

Resolution number HEA/2014/155

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

**That the Hearings Committee:**

- a) **appoint a panel of independent commissioners consisting of Jenny Hudson (Chair), Michael Parsonson, Rebecca Skidmore, and Mark Farnsworth, to hear submissions and make recommendations on the Notices of Requirement (refs: PA213, PA214 and PA215) and decisions on the Resource Consent applications (refs: LQ/2140220, REG/2140221 and REG/2140222) under sections 168A , 171 and 104 of Resource Management Act 1991 (the “RMA”)**
- b) **delegate authority to the Chair appointed in (a) above to make recommendations on the Notices of Requirement (refs: PA213, PA214 and PA215) and decisions on the Resource Consent applications (refs: LQ/2140220, REG/2140221 and REG/2140222), should no submissions be received**
- c) **delegate authority to the Chairperson of the Hearings Committee to make a replacement appointment should any of the independent commissioners be unavailable.**

**CARRIED**

**9 Appointment of Commissioners to make Decisions on the Applications for Resource Consent and to make Recommendations on the Notices of Requirement for NZTA’s Southern Corridor Improvements Project**

Resolution number HEA/2014/156

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

**That the Hearings Committee:**

- a) **appoint Leigh McGregor, independent commissioner, to make a decision on the notification of the Notices of Requirement and resource consent applications for the Southern Corridor Improvements Project under Sections 95, 95A and 95B of the Resource Management Act 1991 (RMA)**
- b) **appoint the same commissioner under (a) to make a recommendation on the Notices of Requirement and a determination on the resource consent applications if these proceed without the need for notice or a hearing is not required**
- c) **appoint Sheena Tepania, independent commissioner, and Murray Kay, Franklin Local Board member, if either the Notices of Requirement or the resource consent applications are publically notified or limited notified under section 95 of the RMA, to sit with Leigh McGregor (Chair) to hear submissions and make the council’s final recommendation on the Notices of Requirement and decision on the resource consent applications**
- d) **delegate authority to the Chairperson of the Hearings Committee to make replacement appointments should any of the appointed independent commissioners or elected member in (a)-(c) above be unavailable.**

**CARRIED**

**10 Appointment of independent commissioners to make decisions on resource consent applications by Auckland Transport for the City Rail Link project**

*Cr WD Walker entered the meeting 10.28am.*

Resolution number HEA/2014/157

MOVED by Mr G Wilcox, seconded by Cr CM Penrose:

**That the Hearings Committee:**

- a) appoint Alan Watson, independent commissioner, to make decisions where required on the notification of the resource consent applications for the City Rail Link (CRL) project under Sections 95, 95A and 95B of the Resource Management Act 1991 (RMA)
- b) appoint the same commissioner under (a) to make a determination on the resource consent applications for the CRL project pursuant to section 104 of the RMA if any of the applications proceed without the need for notice or if a hearing is not required
- c) appoint independent commissioners Simon Berry, Alan Pattle and Basil Morrison to sit with Alan Watson (Chair) to hear submissions and make the council's final decision on all the resource consent applications for the CRL project
- d) delegate authority to the Chairperson of the Hearings Committee to make replacement appointments should any of the appointed independent commissioners in (a)-(c) above be unavailable.

**CARRIED**

**11 Appointment of Independent Commissioners: Resource Consent Application for Demolition, 258 Remuera Road, Remuera**

Resolution number HEA/2014/158

MOVED by Cr AJ Anae, 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 'Hanna Block' building at 258 Remuera Road, Remuera, 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 in (a) above be unavailable.

**CARRIED**

**12 Appointment of Independent Commissioners: Resource Consent Application to vary conditions of consent for a retirement village at 1-2 Squadron Drive, Hobsonville**

Resolution number HEA/2014/159

MOVED by Mr DE Taipari, seconded by Chairperson LA Cooper:

**That the Hearings Committee:**

- a) **appoint David Mead, independent commissioner, to make a decision on the notification of the application for resource consent to vary Condition 3 of the consent to establish a 315-unit retirement village at 1 – 2 Squadron Drive Hobsonville, pursuant to sections 95, 95A and 95B of the Resource Management Act 1991 (“the RMA”);**
- b) **appoint the same commissioner as appointed in (a) above to make a decision on the application pursuant to section 104 of the RMA, 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;**
- c) **appoint three further commissioners, Robert Scott, Michael Parsonson, and Mark Farnsworth to sit with the commissioner as appointed in (a) above as chair, in the event that the application proceeds on a notified basis and a hearing is required, to hear submissions and make a decision on the application pursuant to section 104 of the RMA;**
- d) **delegate authority to the Chairperson of the Hearings Committee to make replacement appointments should any of the independent commissioners in (a)-(c) above be unavailable.**

**CARRIED**

**13 District and Regional Plans Appeal Status Report at 28 November 2014**

Resolution number HEA/2014/160

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

**That the Hearings Committee:**

- a) **receive the District and Regional Plans Appeal Status Report.**

**CARRIED**

**14 Update on the appointment process of local elected members to Special Housing Area hearing panels**

Elizabeth McKenzie, Principal Advisor Hearings, presented to the committee and tabled a memo, 'Appointment of local elected members to special housing area hearings panels' in support of the item. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Resolution number HEA/2014/161

MOVED by Chairperson LA Cooper, seconded by Mr DE Taipari:

**That the Hearings Committee:**

- a) **receive the tabled memo and thank Elizabeth McKenzie for her update.**

**CARRIED**

**Attachments**

- A 10 December 2014, Hearings Committee, Item 14 - Memo, Appointment of local elected members to special housing area hearings panels

**15 Noting the urgent decision of 17 November 2014: Whenuapai Special Housing Area - appointment of local elected member to Accord Territorial Authority Panel**

Resolution number HEA/2014/162

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

**That the Hearings Committee:**

- a) **note the decision to appoint Lisa Whyte to the Accord Territorial Authority Panel made under urgency.**

**CARRIED**

**16 Consideration of Extraordinary Items**

Two extraordinary items were considered in the confidential section at C3 and C4.

**17 Procedural motion to exclude the public**

Resolution number HEA/2014/163

MOVED by Chairperson LA Cooper, seconded by Cr WD Walker:

**That the Hearings Committee:**

- a) **exclude the public from the following parts 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 Appeals: Status Report 10 December 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.



**C2 Noting the urgent decision of 27 November 2014: New Resource Consent Appeal: New Zealand Fire Service Commission 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 that could compromise the council in undertaking without prejudice negotiations of this 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.

**C3 Extraordinary Business - Appeals to a decision by Auckland Transport relating to six Notices of Requirement to designate land for the City Rail Link project**

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 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.

**C4 Extraordinary Business - Resource Consent Appeals: 2 Rangatira Road, Birkenhead - Good & Lobb v Auckland Council and Ryman Healthcare 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
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 these 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**

11.10am 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.

11.24am The public was re-admitted.

### **RESTATEMENTS**

It was resolved while the public was excluded:

#### **C1 Resource Consent Appeals: Status Report 10 December 2014**

Agree that the report and attachments remain confidential, but agree that the list and description of current appeals as of 28 November 2014, apart from council's status position on the appeals, be re-stated in the open section of the minutes.

##### **Attachments**

A 10 December 2014, Hearings Committee, Item C1 - Resource Consent Appeals Report

#### **C2 Noting the urgent decision of 27 November 2014: New Resource Consent Appeal: New Zealand Fire Service Commission v Auckland Council**

Agree that the decisions, report and attachments regarding 'Noting the urgent decision of 27 November 2014: New Resource Consent Appeal: New Zealand Fire Service Commission v Auckland Council', not be re-stated in the open section of the minutes.

#### **C3 Extraordinary business - Appeals to a decision by Auckland Transport relating to six Notices of Requirement to designate land for the City Rail Link project**

Agree that the decisions and report regarding 'Appeals to a decision by Auckland Transport relating to six Notices of Requirement to designate land for the City Rail Link project', not be restated in the open minutes.

#### **C4 Extraordinary Business - Resource Consent Appeals: 2 Rangatira Road, Birkenhead - Good & Lobb v Auckland Council and Ryman Healthcare Limited v Auckland Council**

Agree that the decisions, report and attachments regarding 'Resource Consent Appeals: 2 Rangatira Road, Birkenhead – Good & Lobb v Auckland Council and Ryman Healthcare Limited v Auckland Council', not be restated in the open minutes.

11.24 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:**.....