

Hearings Committee

OPEN MINUTES

Minutes of a meeting of the Hearings Committee held in the Level 26, Room 1 & 2, 135 Albert Street, Auckland on Wednesday, 11 February 2015 at 1.30pm.

PRESENT

Chairperson	Cr Linda Cooper, JP	
Deputy Chairperson	Cr Penny Webster	From 1.53pm, Item 9.
Members	Cr Chris Darby	
	Cr Calum Penrose	
	Member David Taipari	From 1.37pm, Item 7.
	Cr Wayne Walker	From 1.32pm, Item 7, until 2.20pm, Item 11.
	Member Glenn Wilcox	

APOLOGIES

	Cr Arthur Anae	Absence
	Cr Wayne Walker	Apologies for early departure
Ex-officio	Mayor Len Brown	Absence
Ex-officio	Deputy Mayor Penny Hulse	Absence

ALSO PRESENT

Cr Cathy Casey	From 1.32pm, Item 7, until 2.10pm, Item 11.
----------------	---

1 Apologies

Resolution number HEA/2015/1

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

That the Hearings Committee:

- a) **accept the apologies from Cr AJ Anae, Mayor LCM Brown and Deputy Mayor PA Hulse for absence and Cr WD Walker for early departure.**

CARRIED

2 Declaration of Interest

There were no declarations of interest.

3 Confirmation of Minutes

Resolution number HEA/2015/2

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

That the Hearings Committee:

- a) **confirm the ordinary minutes of its meeting, held on Wednesday, 10 December 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 Process for appointing elected members to Special Housing Area hearings panels

Elizabeth Wells, Manager SHA Consenting was in attendance to present to the Hearings Committee regarding the Process for appointing elected member to Special Housing Area hearings panels.

Cr C Casey entered the meeting at 1.32pm.

Cr WD Walker entered the meeting at 1.32pm.

Member DE Taipari entered the meeting at 1.37pm.

Resolution number HEA/2015/3

MOVED by Cr LA Cooper, seconded by Member DE Taipari:

That the Hearings Committee:

- a) **delegates to the Hearings Committee Chairperson, one IMSB member and Councillor Penrose the power to appoint elected members in accordance with section 89 of the Housing Accords and Special Housing Areas Act 2013 to sit as panel members for Special Housing Area hearings, and requests that those decisions be reported to a subsequent meeting of the Hearings Committee.**

CARRIED

8 Appointment of hearing panel - Proposed filming charges and amendments to the Auckland Film Protocol

Richard Stuckey, Principle Policy Analyst and Katie Bowdler, Northern Resource Consenting were in attendance to present to the Hearings Committee regarding the Appointment of hearing panel - Proposed filming charges and amendments to the Auckland Film Protocol.

Resolution number HEA/2015/4

MOVED by Cr LA Cooper, seconded by Member DE Taipari:

That the Hearings Committee:

- a) **appoint a panel of up to three members, including Councillor Denise Krum, Councillor Ross Clow and one member of the Independent Māori Statutory Board, to receive and consider submissions on the proposed charges for filming in a public place and associated amendments to the Auckland Film Protocol and make recommendations on these for adoption by the relevant committees**
- 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

9 Appointment of Independent Commissioners: Application for resource consents - Integrated Development Plan, 101 - 135 Halsey Street, Auckland Central

Jennifer Valentine and Robert Andrews were in attendance to present to the Hearings Committee on the Appointment of Independent Commissioners: Application for resource consents - Integrated Development Plan, 101 - 135 Halsey Street, Auckland Central.

Deputy Chairperson MP Webster entered the meeting at 1.53pm.

Resolution number HEA/2015/5

MOVED by Cr C Darby, seconded by Member G Wilcox:

That the Hearings Committee:

- a) **appoint a panel of four independent commissioners, Leigh McGregor as chair, Gavin Lister, Philip Brown and Basil Morrison as members to hear submissions and make a decision under section 104 of the Resource Management Act 1991 on the application for resource consent (R/LUC/2014/4432) for an Integrated Development Plan at 101-135 Halsey Street, Auckland Central**
- b) **delegate to the Chairperson of the Hearings Committee the authority to make replacement appointments should any of the independent commissioners under (a) above be unavailable.**

CARRIED

10 Appointment of Independent Commissioners: Application for resource consents - SkyPath at Northcote Point, Auckland Harbour Bridge and Westhaven

Jennifer Valentine and Robert Andrews were in attendance to present to the Hearings Committee on the Appointment of Independent Commissioners: Application for resource consents – SkyPath at Northcote Point, Auckland Harbour Bridge and Westhaven.

Secretarial note: Cr Chris Darby declared an interest in item 10, Appointment of Independent Commissioner: Application for resource consents - SkyPath at Northcote Point, Auckland Harbour Bridge and Westhaven.

Cr C Darby left the meeting at 1.55pm.

Resolution number HEA/2015/6

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

That the Hearings Committee:

- a) **appoint a panel of four independent commissioners, Karyn Sinclair as chair, Melean Absolum, Jenny Hudson and Mark Farnsworth to hear submissions and make a decision under section 104 of the Resource Management Act 1991 on the application for resource consent (R/LUC/2014/3364 and R/REG/2014/3365) for a combined pedestrian/bicycle pathway known as SkyPath connecting Northcote Point to Westhaven on the eastern side of the Auckland Harbour Bridge**
- b) **delegate to the Chairperson of the Hearings Committee the authority to make replacement appointments should any of the independent commissioners appointed under (a) above be unavailable.**

CARRIED

Cr C Darby entered the meeting at 2.03pm at the conclusion of this item.

11 Appointment of Independent Commissioners: Application for resource consent - Proposed New Zealand International Convention Centre, Hobson Street, Auckland Central

Jennifer Valentine and Robert Andrews were in attendance to present to the Hearings Committee on the Appointment of Independent Commissioners: Application for resource consents - Proposed New Zealand International Convention Centre, Hobson Street, Auckland Central.

Cr C Casey left the meeting at 2.10pm.

Cr WD Walker left the meeting at 2.20 pm.

Resolution number HEA/2015/7

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

That the Hearings Committee:

- a) **appoint three independent commissioners, David Hill as chair, Simon Berry and Richard Knott to make the notification determination under sections 95A and 95B of the Resource Management Act 1991 on the application for resource consent (R/LUC/2014/5383, R/REG/2014/5396 and R/REG/2014/5398) to develop the New Zealand International Convention Centre in Auckland Central**
- b) **subject to the notification decision above, either;**
 - i) **appoint the same panel of three independent commissioners (including one as chair), plus Basil Morrison should the application be non-notified or a hearing not required, to make a decision under section 104 of the Resource Management Act 1991 on the application for resource consent (R/LUC/2014/5383, R/REG/2014/5396 and R/REG/2014/5398) to develop the New Zealand International Convention Centre in Auckland Central; or**
 - ii) **appoint a panel of four independent commissioners, including the chair and commissioner appointed under (a), should the application be notified, to hear submissions and make a decision under section 104 of the Resource Management Act 1991 on the application for resource consent (R/LUC/2014/5383, R/REG/2014/5396 and R/REG/2014/5398) to develop the New Zealand International Convention Centre in Auckland Central**
- c) **delegate to the Chairperson of the Hearings Committee the authority to make replacement appointments should any of the independent commissioners appointed under (a)-(c) above be unavailable.**

CARRIED

12 Noting the urgent decision of 23 December 2014: 12 Nick Johnstone Drive, Waiheke Island

Resolution number HEA/2015/8

MOVED by Cr LA Cooper, seconded by Member DE Taipari:

That the Hearings Committee:

- a) **note the decision to appoint independent commissioners Janine Bell, and if required Craig Shearer and Mark Farnsworth, made under urgency.**

CARRIED

13 Noting the urgent decision of 16 January 2015: 98 Beach Haven Road, Beach Haven

Resolution number HEA/2015/9

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

That the Hearings Committee:

- a) **note the decision to appoint the independent duty commissioner, and John Hill (or Richard Knott as an alternative) made under urgency.**

CARRIED

14 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

15 Procedural motion to exclude the public

Resolution number HEA/2015/10

MOVED by Deputy 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 New Resource Consent Appeal: Hobsonville Limited v Auckland Council – 6 Memorial Park Lane, Hobsonville

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 relating to an environment court appeal, and the disclosure of information may prejudice the councils position in regards to negotiations and the potential settlement of the appeal..	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 11 February 2015

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 Noting the urgent decision of 23 January 2015: 46 Michaels Avenue, Ellerslie

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.

C4 Noting the urgent decision of 2 February 2015: Resource Consent Appeal, Lot 1 DP 419092, North Cove, Kawau Island

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.

C5 Noting the urgent decision of 2 February 2015: Redvale landfill, Dairy Flat

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.

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

2.33pm 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.

2.33pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 New Resource Consent Appeal: Hobsonville Limited v Auckland Council – 6 Memorial Park Lane, Hobsonville

agree that the decisions, report and attachments regarding the New Resource Consent Appeal: Hobsonville Limited v Auckland Council – 6 Memorial Park Lane, Hobsonville remain confidential.

C2 Resource Consent Appeals: Status Report 11 February 2015

agree to release to the open agenda the list and description of current appeals as of 27 January 2015, apart from Council's status position on the appeals.

Attachments

A 11 February 2015, Hearings Committee, Item C2 - Resource Consent Appeals Report

C3 Noting the urgent decision of 23 January 2015: 46 Michaels Avenue, Ellerslie

agree that the decisions, report and attachments regarding 'Noting the urgent decision of 23 January 2015: 46 Michaels Avenue, Ellerslie', not be re-stated in the open section of the minutes

C4 Noting the urgent decision of 2 February 2015: Resource Consent Appeal, Lot 1 DP 419092, North Cove, Kawau Island

agree that the decisions, report and attachments regarding 'Noting the urgent decision of 2 February 2015: Resource Consent Appeal, Lot 1 DP 419092, North Cove, Kawau Island', not be re-stated in the open section of the minutes.

C5 Noting the urgent decision of 2 February 2015: Redvale landfill, Dairy Flat

agree that the decisions, report and attachments regarding 'Noting the urgent decision of 2 February 2015: Redvale landfill, Dairy Flat', not be re-stated in the open section of the minutes.

2.33 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:.....