
Hearings Committee

OPEN MINUTES

Minutes of a meeting of the Hearings Committee held in the Level 26, 135 Albert Street, Auckland on Tuesday, 3 March 2015 at 1.30pm.

PRESENT

Chairperson	Cr Linda Cooper, JP	
Deputy Chairperson	Cr Penny Webster	
Members	Cr Anae Arthur Anae	
	Cr Chris Darby	From 1.38pm, Item 7
	Cr Calum Penrose	
	Mr David Taipari	
	Cr Wayne Walker	Until 3.00pm, Item C1
	Mr Glenn Wilcox	

APOLOGIES

Ex-officio	Mayor Len Brown, JP
	Deputy Mayor Penny Hulse

ALSO PRESENT

	Cr Cathy Casey	
	Cr George Wood	From 2.59pm, Item C3

1 Apologies

Resolution number HEA/2015/16

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

That the Hearings Committee:

- a) **accept the apology from Mayor Len Brown for absence and Deputy Mayor Penny Hulse for absence on council business.**

CARRIED

2 Declaration of Interest

There were no declarations of interest.

3 Confirmation of Minutes

Resolution number HEA/2015/17

MOVED by Deputy Chairperson MP Webster, seconded by Cr AJ Anae:

That the Hearings Committee:

- a) **confirm the ordinary minutes of its meeting, held on Wednesday, 11 February 2015, 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.

Precedence of Business

Resolution number HEA/2015/18

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

That the Hearings Committee:

- a) **agree that item 8, Waterview Shared Path NoR and Resource Consents - Appointment of Commissioners, and item 9, Appointment of Commissioners - Private Plan Changes 372 and 373 to the Auckland Council District Plan - Auckland City Isthmus Section 1999, be accorded precedence at this time.**

CARRIED

8 Waterview Shared Path NoR and Resource Consents - Appointment of Commissioners

Resolution number HEA/2015/19

MOVED by Member G Wilcox, seconded by Member DE Taipari:

That the Hearings Committee:

- a) appoint a panel of three independent commissioners, Mark Farnsworth, Chair, Melean Absolum, and Ian Munro to hear submissions and make a recommendation on notice of requirement 374 for the Waterview Shared Path
- b) appoint the same panel of independent commissioners in recommendation (a) above to hear submissions and make a decision on the application for resource consents LUC/2014/4855 R/REG/2014/4810 and R/REG/2014/4811
- c) delegate authority to the Chair of the Hearings Committee to make replacement appointments in the event that any of the appointed commissioners are unavailable.

CARRIED

9 Appointment of Commissioners - Private Plan Changes 372 and 373 to the Auckland Council District Plan - Auckland City Isthmus Section 1999

Resolution number HEA/2015/20

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

That the Hearings Committee:

- a) appoint a panel of four independent commissioners Kitt Littlejohn, Chair, William Kapea, Nigel Mark-Brown, and Rebecca Skidmore to hear submissions and make a decision on private plan changes 372 and 373 to the operative Auckland Council District Plan - Auckland City Isthmus Section 1999
- b) delegate authority to the Chair of the Hearings Committee to make replacement appointments in the event that any of the appointed commissioners in (a) above are unavailable.

CARRIED

Cr C Darby entered the meeting at 1.38 pm.

7 Objection against a noise abatement notice

Ms Michelle Campbell and her son Mr Bronson Webb were in attendance to address the committee concerning Ms Campbell's objection against the noise abatement notice.

Resolution number HEA/2015/21

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

That the Hearings Committee:

- a) hear the objection to the noise abatement notice by the owner Ms Campbell pursuant to section 55 of Dog Control Act 1996
- b) agree to determine the objection to the noise abatement notice in the confidential section of the meeting.

CARRIED

10 Appointment of Independent Commissioners: Application for resource consent for partial demolition, 9 London Street, St Marys Bay

Resolution number HEA/2015/22

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

That the Hearings Committee:

- a) **appoint the rostered independent duty commissioner, and appoint John Hill (or Richard Knott as an alternative) as heritage commissioner to sit with the duty commissioner, to make a notification decision on the application for resource consent to demolish a pre-1944 building in the Residential 1 zone at 9 London Street, St Marys Bay, pursuant to section 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 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 in (a) above and a local board representative from an adjacent local board area 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 appoint a local board representative if a hearing is required and make replacement appointments should any of the independent commissioners in (a) – (c) above be unavailable.**

CARRIED

11 District and Regional Plans Appeal Status Report at 27 February 2015

Resolution number HEA/2015/23

MOVED by Member DE Taipari, seconded by Cr C Darby:

That the Hearings Committee:

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

CARRIED

12 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

13 Procedural motion to exclude the public

Resolution number HEA/2015/24

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

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 Appeals to a decision by Auckland Council relating to Auckland Council District Plan Operative Auckland City Isthmus Section 1999 Plan Change 339 - Volcanic Viewshafts

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). 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.

C2 New Resource Consent Appeal: Craddock Farms Limited v Auckland Council - 254 Patumahoe Road, Patumahoe

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.

C3 Deliberations on an objection against a noise abatement notice

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)(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.</p> <p>In particular, the protection of such members, officers, employees, and persons from improper pressure or harassment while deliberating whether or not to uphold the noise abatement notice.</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>

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

2.30pm 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.

3.06pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Appeals to a decision by Auckland Council relating to Auckland Council District Plan Operative Auckland City Isthmus Section 1999 Plan Change 339 - Volcanic Viewshafts

The Hearings Committee agreed that the decisions and report regarding ‘Appeals to a decision by Auckland Council relating to Auckland Council District Plan Operative Auckland City Isthmus Section 1999 Plan Change 339 - Volcanic Viewshafts’, not be re-stated in the open section of the minutes.

C2 New Resource Consent Appeal: Craddock Farms Limited v Auckland Council - 254 Patumahoe Road, Patumahoe

The Hearings Committee agreed that the decisions, report and attachment regarding ‘New Resource Consent Appeal: Craddock Farms Limited v Auckland Council - 254 Patumahoe Road, Patumahoe’, not be re-stated in the open section of the minutes.

C3 Deliberations on an objection against a noise abatement notice

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

3.07 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:.....