
Hearings Committee

OPEN MINUTES

Minutes of a meeting of the Hearings Committee held in the Level 26, 135 Albert Street, Auckland on Tuesday, 31 March 2015 at 9.34am.

PRESENT

Chairperson	Cr Linda Cooper, JP	
Deputy Chairperson	Cr Penny Webster	
Members	Cr Calum Penrose	From Item 7, 9:43am.
	Mr David Taipari	From Item 7, 9:37am.
	Cr Wayne Walker	
	Mr Glenn Wilcox	

ABSENT

Cr Anae Arthur Anae
Cr Chris Darby
Deputy Mayor Penny Hulse
Mayor Len Brown, JP

ALSO PRESENT

Cr Cathy Casey

1 Apologies

Resolution number HEA/2015/28

MOVED by Member G Wilcox, seconded by Cr WD Walker:

That the Hearings Committee:

- a) **accept the apologies from Cr AJ Anae for absence, Cr C Darby and Deputy Mayor PA Hulse for absence on council business and Mr David Taipari for lateness.**

CARRIED

2 Declaration of Interest

Cr Penny Webster declared an interest in Item 7, Appointment of Independent Commissioners - Notice of Requirement for an alteration to Designation 167 - Weiti Crossing (Penlink) and associated applications for resource consent.

3 Confirmation of Minutes

Resolution number HEA/2015/29

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

That the Hearings Committee:

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 3 March 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.

7 Appointment of Independent Commissioners - Notice of Requirement for an alteration to Designation 167 - Weiti Crossing (Penlink) and associated applications for resource consent.

Deputy Chairperson MP Webster declared an interest in this item and left the meeting at 9.37 am.

Member DE Taipari entered the meeting at 9.37 am.

Cr CM Penrose entered the meeting at 9.43 am.

Resolution number HEA/2015/30

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

That the Hearings Committee:

- a) **appoint Dave Serjeant (chair), Rebecca Skidmore, Bill Kapea and Michael Parsonson to hear submissions and make a recommendation on the Notice (ref: PA191 – Designation 167 – Weiti Crossing (Penlink)) and decisions on the applications for resource consent (refs: LAN-63657, REG-64134, REG-63666, COA-63667, LAN-63669, REG-63660, REG-63659, REG-63664, REG-63665, REG-63658, REG-63661, REG-63887) under section 171, 181 and 104 of the Resource Management Act 1991 (the “RMA”)**
- b) **delegate authority to the chair appointed in (a) above to make a recommendation on the Notice (ref: PA191 – Designation 167 – Weiti Crossing (Penlink)) and decisions on the applications for resource consent (refs: LAN-63657, REG-64134, REG-63666, COA-63667, LAN-63669, REG-63660, REG-63659, REG-63664, REG-63665, REG-63658, REG-63661, REG-63887) should no submissions be received or where submissions are received and submitters do not wish to be heard and the Requiring Authority/applicant do not wish to be heard.**
- c) **delegate authority to the Chairperson of the Hearings Committee to make a replacement appointment should any of the independent commissioners be unavailable.**

CARRIED

8 Appointment of Independent Commissioners: Application for resource consent - proposed mixed use development at 317-319 New North Road and 20 & 22 Aitken Terrace, Kingsland, Auckland 1021

Deputy Chairperson MP Webster returned to the meeting at 9.44 am.

Resolution number HEA/2015/31

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

That the Hearings Committee:

- a) **appoint independent commissioners Karyn Sinclair (chair), Ian Munro and Alan Pattle and local board member Chris Dempsey to hear submissions and determine the application for resource consent by Joint Investments Holdings Limited, to develop the site at 317-319 New North Road and 20 & 22 Aitken Terrace, Kingsland, under section 104 of the Resource Management Act 1991.**
- b) **delegate authority to the Chairperson of the Hearings Committee to make replacement appointments should any of the independent commissioners or the local board representative in (a) above be unavailable.**

CARRIED

9 Noting the urgent decision of 24 February 2015: 181-191 Walters Road, Takanini

Resolution number HEA/2015/32

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

That the Hearings Committee:

- a) **note the decision to appoint independent commissioner Kathleen Ryan made under urgency.**

CARRIED

10 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

11 Procedural motion to exclude the public

Resolution number HEA/2015/33

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

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 Appeals - Proposed construction and operation of a retirement village at 187 Campbell Road, Greenlane, Auckland: Melton v Auckland Council (ENV-2015-AKL-000043); and Ryman Healthcare Limited v Auckland Council (ENV-2015-AKL-000044)**

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 council's 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 19 March 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 5 March 2015: Resource Consent Appeal: Grace 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 relating to an Environment Court appeal, and the disclosure of information may prejudice the council's 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.

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

9.48am 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.

10.01am The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 New Resource Consent Appeals - Proposed construction and operation of a retirement village at 187 Campbell Road, Greenlane, Auckland: Melton v Auckland Council (ENV-2015-AKL-000043); and Ryman Healthcare Limited v Auckland Council (ENV-2015-AKL-000044)

The Hearings Committee agreed that the decisions, report and attachment regarding 'New Resource Consent Appeals - Proposed construction and operation of a retirement village at 187 Campbell Road, Greenlane, Auckland: Melton v Auckland Council (ENV-2015-AKL-000043); and Ryman Healthcare Limited v Auckland Council (ENV-2015-AKL-000044)', not be re-stated in the open section of the minutes.

C2 Resource Consent Appeals: Status Report 19 March 2015

The Hearings Committee agreed that the report and attachments remain confidential, but agree that the list and description of current appeals as of 19 March 2015, apart from council's status position on the appeals, be re-stated in the open section of the minutes.

Attachments

- A 31 March 2015, Hearings Committee, Item C2 - Resource Consent Appeals: Status Report 19 March 2015

C3 Noting the urgent decision of 5 March 2015: Resource Consent Appeal: Grace v Auckland Council

The Hearings Committee agreed that the decisions, report and attachments regarding 'Noting the urgent decision of 5 March 2015: Resource Consent Appeal: Grace v Auckland Council', not be re-stated in the open section of the minutes.

10.01 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:.....