
Hearings Committee

OPEN MINUTES

Minutes of a meeting of the Hearings Committee held in the Level 26, 135 Albert Street, Auckland on Tuesday, 5 May 2015 at 2.01pm.

PRESENT

Chairperson Cr Linda Cooper, JP
Deputy Chairperson Cr Penny Webster
Members Cr Anae Arthur Anae
Cr Chris Darby
David Taipari
Glenn Wilcox

ABSENT

Mayor Len Brown, JP
Deputy Mayor Penny Hulse
Cr Calum Penrose
Cr Wayne Walker

ALSO PRESENT

Cr Cathy Casey

1 Apologies

Resolution number HEA/2015/37

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

That the Hearings Committee:

- a) **accept the apologies from Deputy Mayor PA Hulse, Cr CM Penrose and Cr WD Walker for absence.**

CARRIED

2 Declaration of Interest

There were no declarations of interest.

3 Confirmation of Minutes

Resolution number HEA/2015/38

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, 31 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

5.1 Extraordinary Business - Appointment of Commissioners and local elected member: Application for resource consents - proposed petrol station at 93-97 Green Lane East and 55 Ohinerau Street, Remuera

Resolution number HEA/2015/39

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

That the Hearings Committee:

- a) **consider an extraordinary item regarding 'Appointment of Commissioners and local elected member: Application for resource consents - proposed petrol station at 93-97 Green Lane East and 55 Ohinerau Street, Remuera' at item 12 of these minutes:**
 - i) **the reason the item was not on the agenda is the matter has only recently been readied for hearing and for greater transparency it is brought to the full committee rather than alternately sought under urgency at a later date.**
 - ii) **the reason for urgency is that to meet statutory timeframes the Hearing Commissioners need to be confirmed and the Notice of Hearing sent before the next meeting of the Hearings Committee on 2 June 2015.**

CARRIED

6 Notices of Motion

There were no notices of motion.

7 District and Regional Plans Appeal Status Report at 30 April 2015

Resolution number HEA/2015/40

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

That the Hearings Committee:

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

CARRIED

8 Noting the decisions to appoint local elected members to Accord Territorial Authority hearings panels - 15 April 2015

Resolution number HEA/2015/41

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

That the Hearings Committee:

- a) **note the decisions to appoint local elected members Murray Kay and Lisa Whyte to the Accord Territorial Authority Panel to consider two Special Housing Area plan variations.**

CARRIED

9 Noting the urgent decision of 23 April 2015: 84 Laurel Oak Drive, Albany

Resolution number HEA/2015/42

MOVED by Deputy Chairperson MP Webster, seconded by Member G Wilcox:

That the Hearings Committee:

- a) **note the decision to accept the request by Third Fairway Developments Limited for direct referral of their application for resource consents to the Environment Court.**

CARRIED

10 Noting the urgent decision of 23 April 2015: Applications of resource consents by Precinct Properties Ltd for the Downtown Shopping Centre re-development

Resolution number HEA/2015/43

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

That the Hearings Committee:

- a) **note the decision to appoint David Hill, Rebecca Skidmore, Kitt Littlejohn and Basil Morrison to make decisions on resource consent applications by Precinct Properties Limited for the Downtown Shopping Centre re-development.**

CARRIED

Member DE Taipari declared an interest in Item 10 and did not take part in the debate nor vote.

11 Noting the urgent decision of 23 April 2015: Resource consent application by Waterfront Auckland for the installation of a public artwork at the northern end of Queens Wharf, Auckland Central

Resolution number HEA/2015/44

MOVED by Cr AJ Anae, seconded by Member G Wilcox:

That the Hearings Committee:

- a) note the decision that the application by Waterfront Auckland to install public artwork at the northern end of Queens Wharf, Auckland Central, shall be publicly-notified.

CARRIED

12 Consideration of Extraordinary Items

12.1 Extraordinary Business - Appointment of Commissioners and local elected member: Application for resource consents - proposed petrol station at 93-97 Green Lane East and 55 Ohinerau Street, Remuera

Resolution number HEA/2015/45

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

That the Hearings Committee:

- a) appoint independent commissioners, Rebecca Macky (Chair), Dave Serjeant, and Nigel Mark-Brown, and Glenda Fryer, Albert-Eden Local Board member, to hear submissions and determine the application for resource consents by BP Oil New Zealand Limited to establish and operate a petrol station at 93-97 Green Lane East and 55 Ohinerau Street, Remuera 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 appointed in (a) above are unavailable.

CARRIED

13 Procedural motion to exclude the public

Resolution number HEA/2015/46

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

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 Report Back on Proposed Settlement of Appeals to Plan Change 123 (Rodney Section) Hibiscus Coast Gateway

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)(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).</p> <p>In particular, the report contains information relating to an Environmental Court Appeal, and the disclosure of information may prejudice the council's position in regards to negotiations for the potential settlement of the appeal.</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>

C2 Resource Consent Appeal: Hurst v Auckland Council (ENV-2015 AKL-000067) - 6 Westend Road, Herne Bay

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)(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).</p> <p>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.</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>

C3 Resource Consent Appeals: Status Report 5 May 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.	<p>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).</p> <p>In particular, to enable the local authority to undertake without prejudice negotiations of appeals that are before the Environment Court.</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>

C4 Noting the urgent decision of 17 April 2015: Resource Consent Appeal: Hillman White 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, 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.

C5 Noting the urgent decision of 23 April 2015: Resource Consent Appeal: Fordyce Road Development 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, 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

2.40pm 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.

2.59pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Report Back on Proposed Settlement of Appeals to Plan Change 123 (Rodney Section) Hibiscus Coast Gateway

The Hearings Committee agreed that the report and resolutions a) and b) above not be restated in the open section of the minutes, but be made publicly available once the consent order is approved by the Environment Court.

C2 Resource Consent Appeal: Hurst v Auckland Council (ENV-2015 AKL-000067) - 6 Westend Road, Herne Bay

The Hearings Committee agreed that the decisions and report regarding 'Resource Consent Appeal: Hurst v Auckland Council (ENV-2015-AKL-000067) - 6 Westend Road, Herne Bay', not be re-stated in the open section of the minutes.

C3 Resource Consent Appeals: Status Report 5 May 2015

The Hearings Committee agreed that the report and attachments remain confidential, but agree that the list and description of current appeals as of 20 April 2015, apart from council's status position on the appeals, be re-stated in the open section of the minutes.

Attachments

A 5 May 2015 - Hearings Committee - Item C3, Resource Consents Appeals: Status Report 20 April 2015

C4 Noting the urgent decision of 17 April 2015: Resource Consent Appeal: Hillman White Limited v Auckland Council

The Hearings Committee agreed that the decisions, report and attachments regarding 'Noting the urgent decision of 17 April 2015: Resource Consent Appeal: Hillman White Limited v Auckland Council', not be re-stated in the open section of the minutes.

C5 Noting the urgent decision of 23 April 2015: Resource Consent Appeal: Fordyce Road Development Limited v Auckland Council

The Hearings Committee agreed that the decisions, report and attachments regarding 'Noting the urgent decision of 23 April 2015: Resource Consent Appeal: Fordyce Road Development Limited v Auckland Council', not be re-stated in the open section of the minutes.

2.59 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:.....