
Hearings Committee

OPEN MINUTES

Minutes of a meeting of the Hearings Committee held in the Level 26, 135 Albert Street, Auckland on Tuesday, 21 July 2015 at 1.30pm.

PRESENT

Chairperson Cr Linda Cooper, JP
Members Cr Anae Arthur Anae Until 3.51 pm, Item 16
Cr Chris Darby
Cr Calum Penrose
Mr Glenn Wilcox

ABSENT

Mayor Len Brown
Deputy Mayor Penny Hulse
Mr David Taipari
Cr Wayne Walker
Deputy Chairperson Penny Webster

ALSO PRESENT

Cr Dr Cathy Casey

1 Apologies

Resolution number HEA/2015/68

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

That the Hearings Committee:

- a) **accept the apologies from Mayor LCM Brown, Mr DE Taipari, and Cr WD Walker for absence, Deputy Mayor PA Hulse and Deputy Chairperson MP Webster for absence on council business, and Cr AJ Anae and Cr C Darby for early departure.**

CARRIED

2 Declaration of Interest

There were no declarations of interest.

3 Confirmation of Minutes

Resolution number HEA/2015/69

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

That the Hearings Committee:

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 2 June 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 Determination of an objection to the construction of a proposed stormwater line through 24A Garadice Road, to service 22 Garadice Road

Ms Kim Braddock, owner of the property at 24A Garadice Road, represented by Mr Nick Kearney, provided a verbal presentation and tabled documents in support. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Resolution number HEA/2015/70

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

That the Hearings Committee:

- a) **hear the objection by the owner of 24A Garadice Road, Rothesay Bay, pursuant to Section 181 and Schedule 12 of the Local Government Act 2002.**
- b) **agree to determine the objection by the owner of 24A Garadice Road, Rothesay Bay, pursuant to Section 181 and Schedule 12 of the Local Government Act 2002 in the confidential section of the meeting.**

CARRIED

Attachments

- A 21 July 2015 - Hearings Committee - Item 7, Determination of an objection to the construction of a proposed stormwater line through 24A Garadice Road, to service 22 Garadice Road - tabled document of objector

8 Objection to the issue of noise abatement notices

Cr AJ Anae left the meeting at 3.03 pm and returned to the meeting at 3.08 pm.

Cr CM Penrose left the meeting at 3.03 pm and returned to the meeting at 3.08 pm.

Dr. Deborah Waxman, the objector, and her son, provided a verbal presentation and tabled documents in support. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Resolution number HEA/2015/71

MOVED by Cr C Darby, seconded by Cr AJ Anae:

That the Hearings Committee:

- a) **hear the objection to the council officers' decision to issue the noise abatement notices issued to Dr. Deborah Waxman in respect of her dogs Tai, Tov, Fionn and Mazel on 23 May 2015, pursuant to Section 55(3) of the Dog Control Act 1996.**
- b) **agree to determine the objection to the council officers' decision to issue the noise abatement notices issued to Dr. Deborah Waxman in respect of her dogs Tai, Tov, Fionn and Mazel on 23 May 2015, pursuant to Section 55(3) of the Dog Control Act 1996 in the confidential section of the meeting.**

CARRIED

Attachments

- A 21 July 2015 - Hearings Committee - Item 8 - Objection to the issue of noise abatement notices - tabled documents of the objector

Secretarial note: meeting adjourned at 3.04 pm and reconvened at 3.08 pm.

9 Three Kings Reserve - Appointment of Consideration Panel

Resolution number HEA/2015/72

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

That the Hearings Committee:

- a) **appoint Gerry Rowan (Chair), Ian Boothroyd, Bill Kapea, and Nigel Mark-Brown to consider, in the context of the Reserves Act, submissions received in response to the notice of intention to request an exchange of reserve land at Three Kings Reserve under S.15 of the Reserves Act 1977, and report to council officers with their recommendations to the council, as the administering body of the reserve.**
- b) **delegate to the Chairperson of the Hearings Committee the authority to make replacement appointments should any of the commissioners appointed under a) above be unavailable.**

CARRIED

10 District and Regional Plans Appeal Status Report at 30 June 2015

Resolution number HEA/2015/73

MOVED by Cr C Darby, seconded by Cr CM Penrose:

That the Hearings Committee:

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

CARRIED

11 Noting the decision to appoint local elected members to Accord Territorial Authority hearings panel - 4 June 2015

Resolution number HEA/2015/74

MOVED by Cr AJ Anae, seconded by Cr C Darby:

That the Hearings Committee:

- a) **note the decision to appoint local elected member Brenda Brady to the Accord Territorial Authority Panel to consider a Special Housing Area plan variation.**

CARRIED

12 Noting the urgent decisions of 17 June 2015 to appoint hearings commissioners

Resolution number HEA/2015/75

MOVED by Cr AJ Anae, seconded by Cr C Darby:

That the Hearings Committee:

- a) **note the decision to appoint Jenny Hudson, Les Simmons and Stephen Udy to make decisions on the Notice of Requirement – “State Highway 20A”.**
- b) **note the decision to appoint David Serjeant, Sheena Tepania and Craig Shearer to make decisions on the resource consent, Westpac Mussels Distributors Limited.**

CARRIED

13 Noting the urgent decision of 23 June 2015: Redoubt Road - Mill Road Corridor Project

Resolution number HEA/2015/76

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

That the Hearings Committee:

- a) **note the decision to appoint Kitt Littlejohn (Chair), Michael Parsonson, Nigel Mark-Brown, Rebecca Skidmore, and Basil Morrison to make decisions on the Notice of Requirement for Redoubt Road – Mill Road Corridor Project.**

CARRIED

14 Noting the urgent decision of 8 July 2015: 650-680 Whitford-Maraetai Road, Beachlands

Resolution number HEA/2015/77

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

That the Hearings Committee:

- a) **note the decision to appoint Rebecca Macky (Chair), David Hill, Mark Farnsworth and Howick Local Board member Stephen Udy to hear and determine the resource consent application at 650-680 Whitford-Maraetai Road, Beachlands.**

CARRIED

15 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

16 Procedural motion to exclude the public

Cr AJ Anae left the meeting at 3.51 pm.

Resolution number HEA/2015/78

MOVED by Chairperson LA Cooper, 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: N M Growth Limited v Auckland Council (ENV-2015-AKL-85) 8 Minnehaha Avenue, Takapuna

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>

C2 Resource Consent Appeals: Status Report 8 July 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, the report contains information that could compromise the council in undertaking without prejudice negotiations of these 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>

C3 Noting the urgent decision of 17 June 2015: D & S Hayr 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.	<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 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.</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 decisions of 23 June 2015: Real Living (Properties) Limited v Auckland Council and Unique Developers & Trading 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.	<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 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.</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>

C5 Deliberations on an objection to the construction of a proposed stormwater line through 24A Garadice Road, to service 22 Garadice Road

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 objection to a proposed stormwater connection.</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>

C6 Deliberations on an objection to noise abatement notices

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 objection to the decision to issue four noise abatement notices.</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

3.52pm 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.

4.22pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 New resource consent appeal: N M Growth Limited v Auckland Council (ENV-2015-AKL-85) 8 Minnehaha Avenue, Takapuna

That the Hearings Committee:

- b) agree that the decisions and report regarding 'New resource consent appeal: N M Growth Limited v Auckland Council (ENV-2015-AKL-85) 8 Minnehaha Avenue, Takapuna', not be re-stated in the open section of the minutes.

C2 Resource Consent Appeals: Status Report 8 July 2015

That the Hearings Committee:

- b) agree that the report and attachments remain confidential, but agree that the list and description of current appeals as of 8 July 2015, apart from council's status position on the appeals, be re-stated in the open section of the minutes.

Attachments

- A 21 July 2015 - Hearings Committee - Item C2 - Resource Consent Appeals: Status Report 8 July 2015

C3 Noting the urgent decision of 17 June 2015: D & S Hayr v Auckland Council

That the Hearings Committee:

- b) agree that the decisions, report and attachments regarding 'Noting the urgent decision of 17 June 2015: D & S Hayr v Auckland Council', not be re-stated in the open section of the minutes.

C4 Noting the urgent decisions of 23 June 2015: Real Living (Properties) Limited v Auckland Council and Unique Developers & Trading Limited v Auckland Council

That the Hearings Committee:

- c) agree that the decisions, report and attachments regarding 'Noting the urgent decisions of 23 June 2015: Real Living (Properties) Limited v Auckland Council and Unique Developers & Trading Limited v Auckland Council', not be re-stated in the open section of the minutes.

C5 Deliberations on an objection to the construction of a proposed stormwater line through 24A Garadice Road, to service 22 Garadice Road

Resolution number HEA/2015/79

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

That the Hearings Committee:

- a) endorse the proposed stormwater pipeline and its route through the property at 24A Garadice Road, Rothesay Bay and the undertaking of drainage works generally as set out in this agenda report pursuant to Section 181 of the Local Government Act 2002 and as referenced on the technical drawings from Chester Consultants in the 21 July 2015 Hearings Committee agenda, for the following reasons;
 - i) it is the only practicable route from the options considered by the council
 - ii) the council has an obligation to maintain the public stormwater system
 - iii) the timing is appropriate because funding is available
- b) note that compensation is not a matter for the committee to consider and would be considered at a secondary process.
- c) agree that the decision under clause a) and b) be restated in the open section of the minutes.

C6 Deliberations on an objection to noise abatement notices

That the Hearings Committee:

- c) agree that the decision under a) and b) not be restated in the open section of the minutes, but be made publicly available within 7 days.

4.22 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:.....