
Hearings Committee

OPEN MINUTES

Minutes of a meeting of the Hearings Committee held in the Level 26, 135 Albert Street, Auckland on Wednesday, 19 August 2015 at 9.33am.

PRESENT

Chairperson Members

Linda Cooper, JP
Cr Anae Arthur Anae
Cr Chris Darby
Cr Calum Penrose
Mr David Taipari

Cr Wayne Walker
Mr Glenn Wilcox

From 9:58 am, Item 7, until 11.44 am,
Item C6.

Until 11.20 am, Item 14.

ABSENT

Mayor Len Brown
Deputy Mayor Penny Hulse
Cr Penny Webster

ALSO PRESENT

Cr Dr Cathy Casey

1 Apologies

Resolution number HEA/2015/85

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

That the Hearings Committee:

- a) **accept the apologies from Mayor LCM Brown, Deputy Mayor PA Hulse and Deputy Chairperson MP Webster for absence, and Member DE Taipari for lateness.**

CARRIED

2 Declaration of Interest

Cr Darby declared an interest at Item C1, Resource Consent Appeals: Northcote Point Preservation Society incorporated v Auckland Council (ENV-2015 AKL-000101), Northcote Residents' Association Inc. v Auckland Council (ENV-2015 AKL-000100), Herne Bay Residents Association Incorporated v Auckland Council (ENV-2015 AKL-000099) – Princess Street Northcote Point, Curran Street and Westhaven Drive, Westhaven.

3 Confirmation of Minutes

Resolution number HEA/2015/86

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

That the Hearings Committee:

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 21 July 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 objection to creek widening Hillcrest

Member DE Taipari entered the meeting at 9.58 am and left the meeting at 10.10 am.

Staff gave a PowerPoint presentation in support of this item. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

The objector was not in attendance at the hearing.

Resolution number HEA/2015/87

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

That the Hearings Committee:

- a) **hear the objection to creek widening Hillcrest, pursuant to section 181 and Schedule 12 of the Local Government Act 2002.**
- b) **agree to determine the objection to creek widening Hillcrest, pursuant to section 181 and Schedule 12 of the Local Government Act 2002 in the confidential section of the meeting.**

CARRIED

Attachments

A 19 August 2015, Hearings Committee, Item 7 - Hillcrest Creek Widening

Secretarial note: The committee determined the objection at Item C6, Deliberations on an objection to creek widening Hillcrest.

The decision was restated in the open section of the minutes.

8 Appointment of Commissioners - private plan change 375 to the Auckland Council District Plan (Auckland City Isthmus Section 1999) for the rezoning of the University of Auckland's Tamaki campus at 231 and 261 Morrin Road, St Johns

Resolution number HEA/2015/88

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

That the Hearings Committee:

- a) **appoint Janine Bell (chair), Gavin Lister, Sheena Tepania and local board member Nigel Turnbull to hear submissions and make a decision on private plan change 375 to the operative Auckland Council District Plan (Auckland City Isthmus Section 1999).**
- b) **delegate authority to the chairperson of the Hearings Committee to make replacement appointments should any of the independent commissioners or local board members appointed under a) above be unavailable.**

CARRIED

9 Appointment of Commissioners - Private Plan Change 79 to the Auckland Council District Plan (Auckland City Central Area Section 2005) for the rezoning of Queen Elizabeth Square on Lower Queen Street

Resolution number HEA/2015/89

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

That the Hearings Committee:

- a) **appoint David Hill (chair) and David Mead to hear submissions and make a decision on Private Plan Change 79 to the operative Auckland Council District Plan (Central Area Section 2005).**
- b) **delegate authority to the chairperson of the Hearings Committee to appoint replacement commissioners should any of the commissioners appointed in (a) above be unavailable.**

CARRIED

Secretarial note: This item was reconsidered at the end of the open section of the agenda.

10 Appointment of Commissioners: Notice of Requirement to alter Britomart Transport Centre Designation 314 - Plan Amendment 80 to the Auckland Council District Plan (Central Area Section)

Member DE Taipari returned to the meeting at 10.20 am.

Resolution number HEA/2015/90

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

That the Hearings Committee:

- a) **appoint Alan Watson (chair), Rebecca Macky, David Mead and Basil Morrison to make a recommendation on the Notice of Requirement for the alteration of Designation 314.**
- b) **delegate authority to the chair appointed in (a) above to make a recommendation on the Notice of Requirement (ref: 314) should no submissions be received or where submissions are received and submitters and the Requiring Authority do not wish to be heard.**
- c) **delegate to the chairperson of the Hearings Committee the authority to make replacement appointments should any of the commissioners appointed in (a) above be unavailable.**

CARRIED

11 Appointment of Commissioners: Notice of Requirement to alter Designation D09-32 (Newmarket Viaduct) - Plan Amendment 377 to the Auckland Council District Plan (Isthmus Section)

Resolution number HEA/2015/91

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

That the Hearings Committee:

- a) **appoint Les Simmons (chair) and Richard Blakey to make a recommendation on the Notice of Requirement (ref: PM377) for the alteration of Designation D09-32 (Newmarket Viaduct).**
- b) **delegate authority to the chair appointed in (a) above to make a recommendation on the Notice of Requirement (ref: PM377) should no submissions be received or where submissions are received and submitters and the Requiring Authority do not wish to be heard.**
- c) **delegate to the chairperson of the Hearings Committee the authority to make replacement appointments should any of the commissioners appointed in (a) above be unavailable.**

CARRIED

12 Appointment of commissioners: Application for resource consent - proposed Stage 4/5 expansion of St Lukes Mall and associated works at multiple properties, including 80 St Lukes Road, Mount Albert

Resolution number HEA/2015/92

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

That the Hearings Committee:

- a) **request the item, Appointment of commissioners: Application for resource consent - proposed Stage 4/5 expansion of St Lukes Mall and associated works at multiple properties, including 80 St Lukes Road, Mount Albert, is deferred until the section 95 report is completed and can be presented to the Hearings Committee.**

CARRIED

Cont ...

Resolution number HEA/2015/93

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

That the Hearings Committee:

b) approve, in the event that:

- i) the applicant requests notification of the application, or;**
- ii) the Hearings Committee concludes after reading the section 95 report that notification is appropriate, or;**
- iii) the Hearings Committee concludes after reading the section 95 report that the application can proceed on a non-notified basis;**

to appoint Leigh McGregor (chair), Dave Serjeant, Rebecca Skidmore, Janine Bell, and local board member Christopher Dempsey to consider the application, hear submissions (if notification happens) and make a determination, under section 104 of the RMA, on the application for resource consent (R/LUC/2015/529) to construct the Stage 4/5 expansion of St Lukes Mall and associated works over multiple properties, including 80 St Lukes Road, Mount Albert.

CARRIED

Secretarial note: Pursuant to Standing Order 1.8.6, Member DE Taipari and Member G Wilcox requested their dissenting votes be recorded.

Resolution number HEA/2015/94

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

That the Hearings Committee:

c) delegate to the chairperson of the Hearings Committee the authority to make replacement appointments should any of the independent commissioners or the local board member appointed in (b) above be unavailable.

CARRIED

Secretarial note: Pursuant to Standing Order 1.8.6, Member DE Taipari requested his dissenting vote be recorded.

13 Appointment of commissioners: Application for resource consent to establish a helipad at 72 Onetangi Road, Waiheke Island

Resolution number HEA/2015/95

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

That the Hearings Committee:

- a) appoint David Hill to make decisions, where required under sections 95, 95A and 95B of the Resource Management Act 1991 (RMA), on the notification of the application for resource consent to establish a helipad for regular helicopter usage at 72 Onetangi Road, Waiheke Island.**
- b) subject to the notification decision in (a) above, either:
 - i) appoint the same commissioner as in (a) above to make a determination, pursuant to section 104 of the RMA, on the application for resource consent to establish a helipad for regular helicopter usage at 72 Onetangi Road, Waiheke Island, if the application proceeds without the need for notice or if a hearing is not required; or****

- ii) appoint Craig Shearer and local board member Troy Churton to sit with the independent commissioner appointed under (a) above as Chair, to hear submissions and make a determination, pursuant to section 104 of the RMA, on the application for resource consent to establish a helipad for regular helicopter usage at 72 Onetangi Road, Waiheke Island, if the application proceeds with notice and a hearing is required.
- c) delegate to the chairperson of the Hearings Committee the authority to make replacement appointments should any of the independent commissioners or local board member appointed in (a) and (b) above be unavailable.

CARRIED

14 Determination of Hearing Commissioners: Resource consents, Westpac Mussels Distributors Limited, Firth of Thames.

Cr WD Walker left the meeting at 11.20 am.

Resolution number HEA/2015/96

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

That the Hearings Committee:

- a) appoint Dave Serjeant (chair) and Sheena Tepania to make notification determinations under section 95 of the Resource Management Act 1991 (“RMA”) on the applications by Westpac Mussels Distributors Limited for coastal permits for two mussel spat collection activities in the Firth of Thames;
- b) subject to the notification decision above , either;
 - i) appoint the same commissioners as in (a) to determine the applications pursuant to section 104 of the RMA, should they proceed on a non-notified basis or otherwise not require a hearing; or
 - ii) appoint Hugh Leersnyder to sit with the commissioners appointed under (a) to hear submissions and determine the merits of the applications pursuant to section 104 of the RMA, if the applications are notified and hearings are required;
- c) delegate to the chairperson of the Hearings Committee the authority to make replacement appointments to the hearings panel in the event that any member appointed under resolution a) or b) is unavailable.

CARRIED

Secretarial note: With the agreement of the committee, Item 9 - Appointment of Commissioners - Private Plan Change 79 to the Auckland Council District Plan (Auckland City Central Area Section 2005) for the rezoning of Queen Elizabeth Square on Lower Queen Street was reconsidered at this time because new information had been received concerning the resolution.

9 Appointment of Commissioners - Private Plan Change 79 to the Auckland Council District Plan (Auckland City Central Area Section 2005) for the rezoning of Queen Elizabeth Square on Lower Queen Street

Resolution number HEA/2015/97

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

That the Hearings Committee:

- a) **agree that as new information had been received the following resolution from the Hearings Committee held on 19 August 2015 be revoked as follows:**
- i) **Resolution number HEA/2015/89**
~~appoint David Hill (chair) and David Mead to hear submissions and make a decision on Private Plan Change 79 to the operative Auckland Council District Plan (Central Area Section 2005).~~
~~delegate authority to the chairperson of the Hearings Committee to appoint replacement commissioners should any of the commissioners appointed in (a) above be unavailable.~~

CARRIED

Resolution number HEA/2015/98

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

That the Hearings Committee:

- b) **appoint David Hill (chair), David Mead and Basil Morrison to hear submissions and make a decision on Private Plan Change 79 to the operative Auckland Council District Plan (Central Area Section 2005)**
- c) **delegate authority to the chairperson of the Hearings Committee to appoint replacement commissioners should any of the commissioners appointed in (b) above be unavailable.**

CARRIED

15 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

16 Procedural motion to exclude the public

Resolution number HEA/2015/99

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 Resource Consent Appeals: Northcote Point Preservation Society incorporated v Auckland Council (ENV-2015 AKL-000101), Northcote Residents' Association Inc. v Auckland Council (ENV-2015 AKL-000100), Herne Bay Residents Association Incorporated v Auckland Council (ENV-2015 AKL-000099) – Princess Street Northcote Point, Curran Street and Westhaven Drive, Westhaven

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 these 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.

C2 New Resource Consent Appeal: The Selwyn Foundation - proposed residential care facility and ancillary activities at the Selwyn Village retirement village, Point Chevalier

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.

C3 New resource consent appeals: Marjo v Auckland Council (ENV-2015-AKL-90) 27 Minnehaha Avenue, Takapuna; and Gustafson Family Trust and others v Auckland Council (ENV-2015-AKL-89) 9 Preston Avenue, Belmont

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 these 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.

C4 New Resource Consent Appeal: Jayashree Corporation Limited - 234 Lake Road, Hauraki

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 Resource Consent Appeals: Status Report 19 August 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, the report contains information that could compromise the council in undertaking without prejudice negotiations of these 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.

C6 Deliberations on an objection to creek widening Hillcrest

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)(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. 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 project to widen Hillcrest Creek.	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

11.34 am 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.

11.51 am The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Resource Consent Appeals: Northcote Point Preservation Society incorporated v Auckland Council (ENV-2015 AKL-000101), Northcote Residents' Association Inc. v Auckland Council (ENV-2015 AKL-000100), Herne Bay Residents Association Incorporated v Auckland Council (ENV-2015 AKL-000099) – Princess Street Northcote Point, Curran Street and Westhaven Drive, Westhaven.

That the Hearings Committee:

- b) agree that the decisions and report regarding 'Resource Consent Appeals: Northcote Point Preservation Society Incorporated v Auckland Council (ENV-2015 AKL-000101), Northcote Residents' Association Incorporated. v Auckland Council (ENV-2015 AKL-000100), Herne Bay Residents Association Incorporated v Auckland Council (ENV-2015 AKL-000099) - Princess Street Northcote Point, Curran Street and Westhaven Drive, Westhaven', not be re-stated in the open section of the minutes.

C2 New Resource Consent Appeal: The Selwyn Foundation - proposed residential care facility and ancillary activities at the Selwyn Village retirement village, Point Chevalier

That the Hearings Committee:

- b) agree that the decisions and report regarding 'New Resource Consent Appeal: The Selwyn Foundation proposed residential care facility and ancillary activities at the Selwyn Village retirement village, Point Chevalier' not be restated in the open section of the minutes.

C3 New resource consent appeals: Marjo v Auckland Council (ENV-2015-AKL-90) 27 Minnehaha Avenue, Takapuna; and Gustafson Family Trust and others v Auckland Council (ENV-2015-AKL-89) 9 Preston Avenue, Belmont

That the Hearings Committee:

- c) agree that the decisions and report regarding 'New resource consent appeals: Marjo Auckland Council (ENV-2015-AKL-90) 27 Minnehaha Avenue, Takapuna; and Gustafson Family Trust (ENV-2015-AKL-89) 9 Preston Avenue, Belmont' not be re-stated in the open section of the minutes.

C4 New Resource Consent Appeal: Jayashree Corporation Limited - 234 Lake Road, Hauraki

That the Hearings Committee:

- c) agree that the decisions and report regarding 'New Resource Consent Appeal: Jayashree Corporation Limited - 234 Lake Road, Hauraki' not be re-stated in the open section of the minutes.

C5 Resource Consent Appeals: Status Report 19 August 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 6 August 2015, apart from council's status position on the appeals, be re-stated in the open section of the minutes.

Attachments

- A 19 August 2015, Hearings Committee, Item C5 - Resource Consents Appeals: Status Report 19 August 2015

C6 Deliberations on an objection to creek widening Hillcrest

Resolution number HEA/2015/105

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

That the Hearings Committee:

- a) endorse the proposed Hillcrest Creek widening works and the undertaking of drainage works generally as set out in the agenda report pursuant to section 181 of the Local Government Act 2002 and as referenced on the attached technical drawings from Search Consulting Limited, for the following reasons;
 - i) it is necessary to enable land drainage and stream remediation to mitigate extensive flooding in the wider area
 - ii) it is the most practicable route, safe and cost effective option to address the flooding problem.
- b) agree that the decision under clause a) be restated in the open section of the minutes.

11.52 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:.....