
Hearings Committee

OPEN MINUTES

Minutes of a meeting of the Hearings Committee held in the Level 26, 135 Albert Street, Auckland on Tuesday, 15 September 2015 at 2.02pm.

PRESENT

Deputy Chairperson	Penny Webster	
Members	Cr Anae Arthur Anae	
	Cr Chris Darby	
	Ms Liane Ngamane	(alternate)
	Cr Calum Penrose	
	Cr Wayne Walker	From 2.07pm, Item 7 until 3.26pm, Item C1.
	Mr Glenn Wilcox	

ABSENT

Chairperson Linda Cooper
Mayor Len Brown, JP
Deputy Mayor Penny Hulse
Mr David Taipari

1 Apologies

Resolution number HEA/2015/106

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

That the Hearings Committee:

- a) **accept the apologies from Chairperson LA Cooper, Mayor LCM Brown, and Deputy Mayor PA Hulse, and Member DE Taipari for absence, and Cr WD Walker for lateness and early departure.**

CARRIED

2 Declaration of Interest

There were no declarations of interest.

3 Confirmation of Minutes

Resolution number HEA/2015/107

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

That the Hearings Committee:

- a) **confirm the ordinary minutes of its meeting, held on Wednesday, 19 August 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 connection through 63A Arawa Street, New Lynn to service 3216 Great North Road, New Lynn

Cr WD Walker entered the meeting at 2.07 pm.

Cr WD Walker left the meeting at 2.12 pm.

The applicant, represented by Dr C Kirman, Ian Fistonich, Chris Shortt, Brendon Liggett, and Lahiru Wijenardhana, tabled a document in support of this item.

The objectors, Ting (Amber) Li and Zhi Zheng, tabled a document in support of this item.

Copies have been placed on the official minutes and are available on the Auckland Council website as minutes attachments.

Resolution number HEA/2015/108

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

That the Hearings Committee:

- a) **hear and consider the objection by the owners of 63A Arawa Street, New Lynn, to the proposed stormwater connection and line extension, pursuant to section 460 and Schedule 12 of the Local Government Act 1974.**
- b) **agree to determine the objection to the construction of a proposed stormwater connection through 63A Arawa Street, New Lynn to service 3216 Great North Road, New Lynn, in the confidential section of the meeting.**
- c) **agree that the decision made in the confidential section of the meeting will be restated in the open section of the minutes.**

CARRIED

Attachments

A 15 September 2015, Hearings Committee, Item 7 - Legal Submissions on behalf of the applicant

B 15 September 2015, Hearings Committee, Item 7 - Objectors' supporting documents

8 Appointment of commissioners: Proposed Private Plan Change 39 - Atlas Concrete, Takapuna

Cr AJ Anae left the meeting at 3.01 pm.

Cr AJ Anae returned to the meeting at 3.08 pm.

Resolution number HEA/2015/109

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

That the Hearings Committee:

- a) **appoint Janine Bell (Chair), Ian Munro, and local board member Janet Fitzgerald to hear submissions and make a decision on Private Plan Change 39 (Atlas Concrete Ltd) to the operative Auckland Council District Plan (North Shore Section 2002).**
- b) **delegate authority to the chairperson of the Hearings Committee to appoint replacement commissioners or local board members should any of the commissioners appointed in (a) above be unavailable.**

CARRIED

Resolution number HEA/2015/110

MOVED by Member G Wilcox, seconded by Member L Ngamane by way of addition:

That the Hearings Committee:

- c) **appoint Bill Kapea to the hearings panel for tikanga Maori expertise.**

CARRIED

9 Appointment of independent commissioners for the resource consent hearing associated with the Northern Interceptor and Greenhithe Bridge Watermain Duplication and Causeway applications

Cr WD Walker returned to the meeting at 3.16 pm.

Resolution number HEA/2015/111

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

That the Hearings Committee:

- a) **appoint Leigh McGregor (Chair), Jan Heijs, and Mark Farnsworth to hear submissions and make recommendations on the Resource Consent applications.**
- b) **delegate to the Chair appointed in (a) above the authority to make decisions on the Resource Consent applications, should no submissions be received or a hearing otherwise not be required.**
- c) **delegate to the Chair of the Hearings Committee the authority to make replacement appointments should any of the commissioners appointed in (a) above be unavailable.**

CARRIED

10 Appointment of Commissioners: Application for resource consent – proposed multi-level retirement complex at 2 and 6 Valley Road, Browns Bay

Resolution number HEA/2015/112

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

That the Hearings Committee:

- a) **appoint David Hill (Chair), Richard Knott, and local board member Margaret Miles to hear submissions and determine the application for resource consent by Oceania Healthcare Limited, to construct and operate a four to five storey retirement village at 2 & 6 Valley Road, Browns Bay, 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 local board member appointed in (a) above be unavailable.**

CARRIED

11 Appointment of Independent Commissioners: Application for resource consents by Auckland Transport for a new Half Moon Bay Ferry Terminal

Resolution number HEA/2015/113

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

That the Hearings Committee:

- a) **appoint Cherie Lane (Chair), Gavin Lister, and Sheena Tepania to hear submissions and determine the application by Auckland Council for resource consents to develop a new Half Moon Bay Ferry Terminal, 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 appointed independent commissioners in (a) above be unavailable.**

CARRIED

12 District and Regional Plans Appeal Status Report at 31 August 2015

Resolution number HEA/2015/114

MOVED by Cr C Darby, seconded by Member L Ngamane:

That the Hearings Committee:

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

CARRIED

13 Noting the delegated decision of 12 August 2015: Massey North Special Areas

Resolution number HEA/2015/115

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

That the Hearings Committee:

- a) **note the decision to reappoint Alan Watson and appoint Leigh McGregor, Ian Munro, Les Simmons and Rebecca Skidmore for current and future resource consent applications in all precincts within the Massey North Special Areas.**

CARRIED

14 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

15 Procedural motion to exclude the public

Resolution number HEA/2015/116

MOVED by Deputy Chairperson MP Webster, 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 Approval of supplementary independent commissioners

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)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. In particular, the report contains the names and personal information of candidates submitted to council on a confidential basis for recruitment purposes.	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 Appeal to New Zealand Transport Agency's Notices of Requirement to alter two designations for the Southern Corridor Improvements project

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 regard 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 Appeal - 299A Don Buck Road, Massey

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 this appeal that is 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 - 61 Margan Avenue, New Lynn

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 this appeal that is 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.

C5 Resource Consent Appeals: Status Report 15 September 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 Appeal by Messrs Soroka and Baigent relation to Variation 13 to Plan Change 14 of the Auckland District Plan (Franklin Section)

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 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.	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.

C7 Deliberations of an objection to the construction of a proposed stormwater connection through 63A Arawa Street, New Lynn to service 3216 Great North Road, New Lynn

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 construction of a proposed stormwater connection through 63A Arawa Street, New Lynn.</p>	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

3.25pm 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.

3.43pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Approval of supplementary independent commissioners

That the Hearings Committee:

- b) agree that the report regarding 'Approval of supplementary independent commissioners' remain confidential, and the decision will be made publically available once all candidates have been notified.

C2 Appeal to New Zealand Transport Agency's Notices of Requirement to alter two designations for the Southern Corridor Improvements project

That the Hearings Committee:

- b) agree that the decisions and report regarding 'Appeal to New Zealand Transport Agency's Notices of Requirement to alter two designations for the Southern Corridor Improvements project' not be restated in the open section of the minutes.

C3 New Resource Consent Appeal - 299A Don Buck Road, Massey

That the Hearings Committee:

- b) agree that the decisions and report regarding 'New Resource Consent Appeal - 299A Don Buck Road, Massey' not be restated in the open section of the minutes.

C4 New Resource Consent Appeal - 61 Margan Avenue, New Lynn

That the Hearings Committee:

- b) agree that the decisions and report regarding 'New Resource Consent Appeal - 61 Margan Avenue, New Lynn' not be restated in the open section of the minutes.

C5 Resource Consent Appeals: Status Report 15 September 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 3 September 2015, apart from council's status position on the appeals, be re-stated in the open section of the minutes.

Attachments

- A 15 September 2015, Hearings Committee, C5 - Resource Consents Appeals: Status Report 15 September 2015

C6 Appeal by Messrs Soroka and Baigent relation to Variation 13 to Plan Change 14 of the Auckland District Plan (Franklin Section)

That the Hearings Committee:

- b) agree that the decisions and report regarding 'Appeal by Messrs Soroka and Baigent relation to Variation 13 to Plan Change 14 of the Auckland District Plan (Franklin Section)' not be restated in the open section of the minutes.

C7 Deliberations of an objection to the construction of a proposed stormwater connection through 63A Arawa Street, New Lynn to service 3216 Great North Road, New Lynn

Resolution number HEA/2015/123

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

That the Hearings Committee:

- a) endorse the proposed stormwater connection to 3216 Great North Road, and its construction through the neighbouring land at 63A Arawa Street, New Lynn, including access to 63A Arawa Street to enable all necessary drainage works generally as set out in the officer's report, and as referenced on plans titled 'Servicing Plan – 3216 Great North Road' Rev A dated 13/06/2015 by Envivo Ltd, and 'Pipe Longsections – 3216 Great North Road' Rev B dated 05/06/2015 by Envivo Ltd, for the following reasons:
 - i) the only practical route of any stormwater drain to serve 3216 Great North Road is through 63A Arawa Street, New Lynn
 - ii) other drainage routes have been considered and are not practical
 - iii) the owners of 63A Arawa Street, New Lynn, have been heard before a committee of council, and their concerns have been considered.
- b) agree that the decision under clause a) be restated in the open section of the minutes.

3.44 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:.....