
Hearings Committee

OPEN MINUTES

Minutes of a meeting of the Hearings Committee held in the Level 26, 135 Albert Street, Auckland on Tuesday, 20 October 2015 at 2.00pm.

PRESENT

Chairperson	Cr Linda Cooper, JP	
Deputy Chairperson	Cr Penny Webster	
Members	Cr Anae Arthur Anae	
	Cr Chris Darby	
	Cr Calum Penrose	
	Mr David Taipari	From 2.06pm, Item 7.
	Cr Wayne Walker	From 2.07pm, Item 7.

ABSENT

Mayor Len Brown
Deputy Mayor Penny Hulse
Mr Glenn Wilcox

ALSO PRESENT

Cr Dr Cathy Casey

1 Apologies

Resolution number HEA/2015/124

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

That the Hearings Committee:

- a) **accept the apologies from Mayor LCM Brown, Deputy Mayor PA Hulse and Member G Wilcox for absence, and Cr C Darby for early departure on council business.**

CARRIED

2 Declaration of Interest

There were no declarations of interest.

3 Confirmation of Minutes

Resolution number HEA/2015/125

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

That the Hearings Committee:

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 15 September 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: Application for resource consent to upgrade lighting columns and sports fields at Fowlds Park, Morningside

Member DE Taipari entered the meeting at 2.06 pm.

Cr WD Walker entered the meeting at 2.07 pm.

Resolution number HEA/2015/126

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

That the Hearings Committee:

- a) **appoint Cherie Lane (Chair), Melean Absolum and Bill Kapea to hear submissions and determine the application for resource consent by Auckland Council Parks, to upgrade the lighting columns and sports fields at Fowlds Park, 50 Western Springs Road Morningside, 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 in (a) above be unavailable.**

CARRIED

8 Appointment of Hearing Commissioners: Resource consent, 70-72 Waitakere Road, Waitakere.

Resolution number HEA/2015/127

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

That the Hearings Committee:

- a) **appoint Les Simmons (Chair), Kim Hardy, Kevin Mohan and local board member Vanessa Neeson to hear and determine the application for resource consent by Industrial Processors Limited to discharge contaminants into air in association with the operation of an existing aggregate processing facility located at 70-72 Waitakere Road, pursuant to section 104 of the Resource Management Act 1991.**
- b) **delegate to the chairperson of the Hearings Committee the authority to make replacement appointments in the event that any hearing commissioners appointed in a) above are unavailable.**

CARRIED

9 Noting the decisions to appoint local elected members to Accord Territorial Authority hearings panels - 23 September 2015

Resolution number HEA/2015/128

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

That the Hearings Committee:

- a) **note the decision to appoint local elected member Bill McEntee to the Accord Territorial Authority Panel to consider the Hingaia Special Housing Area plan variations.**
- b) **note the decision to appoint local elected member Stephen Udy to the Accord Territorial Authority Panel to consider the Flatbush Strategic Special Housing Area plan variation.**

CARRIED

10 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

11 Procedural motion to exclude the public

Resolution number HEA/2015/129

MOVED by Deputy Chairperson MP Webster, 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 Appeal: Proposed removal of a scheduled Norfolk Island Pine tree, 50 Station Road, Otahuhu

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>

C2 New Resource Consent Appeal: Strand 25 Limited - proposed eight level commercial building for office, retail and cafe activities at 25-33 The Strand, Parnell

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>

C3 Resource Consent Appeals: Status Report 20 October 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>

C4 Noting the urgent decision of 30 September 2015: Oddfellows Holdings 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 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.

The text of these resolutions was made available to the public who were present at the meeting and formed part of the minutes of the meeting.

CARRIED

2.14 pm 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.

2.23 pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Resource Consent Appeal: Proposed removal of a scheduled Norfolk Island Pine tree, 50 Station Road, Otahuhu

Resolution number HEA/2015/130

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

That the Hearings Committee:

- b) agree that the decisions and report regarding 'Resource Consent Appeal: proposed removal of a scheduled Norfolk Island Pine tree, 50 Station Road, Otahuhu' not be restated in the open section of the minutes.

C2 New Resource Consent Appeal: Strand 25 Limited - proposed eight level commercial building for office, retail and cafe activities at 25-33 The Strand, Parnell

Resolution number HEA/2015/131

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

That the Hearings Committee:

- b) agree that the decisions and report regarding 'New Resource Consent Appeal: Strand 25 Limited - proposed eight level commercial building for office, retail and café activities at 25-33 The Strand, Parnell' not be restated in the open section of the minutes.

C3 Resource Consent Appeals: Status Report 20 October 2015

Resolution number HEA/2015/132

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

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 9 October 2015, apart from council's status position on the appeals, be re-stated in the open section of the minutes.

Attachments

A 20 October 2015, Hearings Committee, Item C3 - Status Report 20 October 2015

C4 Noting the urgent decision of 30 September 2015: Oddfellows Holdings Limited v Auckland Council

Resolution number HEA/2015/133

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

That the Hearings Committee:

- b) agree that the decisions, report and attachments regarding 'Noting the urgent decision of 30 September 2015: Oddfellows Holdings Limited v Auckland Council', not be re-stated in the open section of the minutes.

2.23 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:.....