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## Hearings Committee

### OPEN MINUTES

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Minutes of a meeting of the Hearings Committee held in the Level 26, 135 Albert Street, Auckland on Tuesday, 17 November 2015 at 2.04 pm.

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#### PRESENT

<b>Chairperson</b>	Cr Linda Cooper, JP	
<b>Deputy Chairperson</b>	Cr Penny Webster	From 2.52 pm, Item 7, until 3.33 pm, Item C5.
<b>Members</b>	Cr Anae Arthur Anae Cr Chris Darby Cr Calum Penrose Cr Wayne Walker Mr Glenn Wilcox	

#### ABSENT

Mayor Len Brown, JP  
Deputy Mayor Penny Hulse  
Mr David Taipari

#### ALSO PRESENT

Cr Dr Cathy Casey Mr Graeme Easte	Albert-Eden Local Board member
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**1 Apologies**

Resolution number HEA/2015/134

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

**That the Hearings Committee:**

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

**CARRIED**

**2 Declaration of Interest**

There were no declarations of interest.

**3 Confirmation of Minutes**

Resolution number HEA/2015/135

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, 20 October 2015, including the confidential section, as a true and correct record.**

**CARRIED**

**4 Local Board Input**

Graeme Easte, Albert-Eden Local Board member, spoke at Item 7, Decision on Notification: Resource consent, 80 St Lukes Road St Lukes.

**5 Extraordinary Business**

There was no extraordinary business.

**6 Notices of Motion**

There were no notices of motion.

**7 Decision on Notification: Resource consent, 80 St Lukes Road St Lukes**

*Deputy Chairperson MP Webster returned to the meeting at 2.52 pm.*

Graeme Easte, Albert-Eden Local Board member, spoke to this item.

The applicant, represented by Vaughan Smith, Vaughan Smith Planning, and David Drew, Scentre (New Zealand) Limited, gave a PowerPoint presentation in support of the item. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Resolution number HEA/2015/136

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

**That the Hearings Committee:**

- a) **receive the presentation on whether the 'Stage 4/5' (R/LUC/2015/529 AND R/REG/2015/530) applications shall proceed as notified, limited notified or non-notified pursuant to Section 95 of the Resource Management Act 1991.**
- b) **agree to determine the item, Decision on Notification: Resource consent, 80 St Lukes Road St Lukes, in the confidential section of the meeting.**

**CARRIED**

**Attachments**

A 17 November 2015, Hearings Committee, Item 7 - St Lukes Stage 4/5 presentation

**8 Appointment of Independent Commissioners: Draft variation to the Regional Parks Management Plan to include Te Muri Regional Park**

Resolution number HEA/2015/137

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

**That the Hearings Committee:**

- a) **appoint Barry Kaye (Chair) and Sheena Tepania or a new independent commissioner, with expertise in kaupapa Māori / Treaty of Waitangi, to hear submissions and make recommendations on the draft variation to the Regional Parks Management Plan to incorporate Te Muri Regional Park.**
- b) **delegate authority to the chairperson of the Hearings Committee to make replacement appointments should any of the independent commissioners appointed in (a) above be unavailable.**

**CARRIED**

**9 Appointment of commissioners: Notice of Requirement and resource consent applications - Auckland Transport, Newmarket Level Crossing Project**

Resolution number HEA/2015/138

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

**That the Hearings Committee:**

- a) **appoint Simon Berry (Chair), Janine Bell, and David Mead to hear and make decisions on the resource consent applications pursuant to section 104 of the Resource Management Act 1991 (RMA) and a recommendation on the Notice of Requirement pursuant to section 171 of the RMA, for the Newmarket Level Crossing Project.**
- b) **delegate authority to the chairperson of the Hearings Committee to make replacement appointments should any of the independent commissioners appointed in (a) above be unavailable.**

**CARRIED**

**10 Appointment of hearing commissioners - Milford Shopping Centre, 114 Kitchener Road, Milford**

*Cr AJ Anae left the meeting at 3.00 pm.*

Resolution number HEA/2015/139

MOVED by Cr C Darby, seconded by Deputy Chairperson MP Webster:

**That the Hearings Committee:**

- a) **appoint Karyn Sinclair (Chair), Melean Absolum, Craig Shearer , and Phelan Pirrie, Rodney Local Board member, to hear and determine the application for resource consent by NZRPG to extend an existing mall with retail and residential components, including associated land use and earthworks consents pursuant to section 104 of the Resource Management Act 1991. The site is located at 114 Kitchener Road, Milford.**
- b) **delegate authority to the chairperson of the Hearings Committee to make replacement appointments in the event that any hearing commissioners appointed in a) above be unavailable.**

**CARRIED**

**11 Hearings Committee Policy - Treaty Audit Update**

Note: Changes to the original recommendation were incorporated with the agreement of the meeting.

Resolution number HEA/2015/140

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

**That the Hearings Committee:**

- a) **approve the revised Hearings Committee Policy as set out in 'Attachment A' to the agenda report.**
- b) **request that council staff monitor and review implementation of the policy on an annual basis, and report identified issues and possible solutions for the Hearings Committee consideration.**

**CARRIED**

**12 District and Regional Plans Appeal Status Report at 31 October 2015**

Resolution number HEA/2015/141

MOVED by Cr C Darby, seconded by Chairperson LA Cooper:

**That the Hearings Committee:**

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

**CARRIED**

**13 Consideration of Extraordinary Items**

There was no consideration of extraordinary items.

**14 Procedural motion to exclude the public**

Resolution number HEA/2015/142

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

**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 Auckland Transport Notice of Requirement to designate land for road for the Medallion Drive link - Appeal**

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 Auckland Transport's and 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.

**C2 Appeal relating to the Wiri Oil Services Limited Notice of Requirement for a Designation**

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 with 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 Resource Consent Appeal Update: North Eastern Investments Limited v Auckland Council, 56 Fairview Avenue, Albany**

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 expresses opinions about an appeal currently before the Environment Court and one on which without prejudice discussions will be undertaken.	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 Resource Consent Appeals: Status Report 17 November 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.

**C5 Deliberations on the Decision on Notification: Resource consent, 80 St Lukes Road St Lukes**

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 on whether the 'Stage 4/5' (R/LUC/2015/529 AND R/REG/2015/530) applications shall proceed as notified, limited notified or non-notified.	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**

3.10 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.

4.08 pm The public was re-admitted.

**RESTATEMENTS**

It was resolved while the public was excluded:

**C1 Auckland Transport Notice of Requirement to designate land for road for the Medallion Drive link - Appeal**

Resolution number HEA/2015/143

MOVED by Chairperson LA Cooper, seconded by Cr C Darby

That the Hearings Committee:

- b) agree that the decisions, report and attachments regarding 'Auckland Transport Notice of Requirement to designate land for road for the Medallion Drive link - Appeal', not be re-stated in the open section of the minutes.

**C2 Appeal relating to the Wiri Oil Services Limited Notice of Requirement for a Designation**

Resolution number HEA/2015/144

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

That the Hearings Committee:

- b) agree that the decisions, report and attachments regarding 'Appeal relating to the Wiri Oil Services Limited Notice of Requirement for a Designation', not be re-stated in the open section of the minutes.

**C3 Resource Consent Appeal Update: North Eastern Investments Limited v Auckland Council, 56 Fairview Avenue, Albany**

Resolution number HEA/2015/145

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

That the Hearings Committee:

- c) agree that the decisions, report and attachments regarding 'Resource Consent Appeal Update: North Eastern Investments Limited v Auckland Council, 56 Fairview Avenue, Albany', not be re-stated in the open section of the minutes.

**C4 Resource Consent Appeals: Status Report 17 November 2015**

Resolution number HEA/2015/146

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

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

**Attachments**

A 17 November 2015, Hearings Committee, Item C4 - Status Report 17 November 2015

**C5 Deliberations on the Decision on Notification: Resource consent, 80 St Lukes Road St Lukes**

Resolution number HEA/2015/147

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

That the Hearings Committee:

- b) delegate to the chairperson of the committee the approval of the final wording of notification decision.
- c) agree that the decision under a) not be restated in the open section of the minutes, but the notification decision be made publicly available within 7 days.

4.08 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:**.....