
Hearings Committee

OPEN MINUTES

Minutes of a meeting of the Hearings Committee held in the Level 26, 135 Albert Street, Auckland on Tuesday, 15 December 2015 at 2.00pm.

PRESENT

Chairperson	Cr Linda Cooper, JP	
Deputy Chairperson	Cr Penny Webster	
Members	Cr Anae Arthur Anae	
	Cr Chris Darby	From 2.05 pm, Item C1.
	Cr Calum Penrose	
	Mr David Taipari	From 2.14 pm, Item C2.
	Cr Wayne Walker	From 2.02 pm, Item 7.
	Mr Glenn Wilcox	

ABSENT

Mayor Len Brown, JP
Deputy Mayor Penny Hulse

ALSO PRESENT

Cr Dr Cathy Casey	
Cr Bill Cashmore	From 2.08 pm, Item C1.
Cr George Wood	

1 Apologies

Resolution number HEA/2015/148

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

That the Hearings Committee:

- a) **accept the apology from Mayor LCM Brown, and Deputy Mayor PA Hulse for absence, and Cr WD Walker and Member DE Taipari for lateness.**

CARRIED

2 Declaration of Interest

Chairperson LA Cooper declared an interest in Item C1, Appeals against the Provisional Local Alcohol Policy.

3 Confirmation of Minutes

Resolution number HEA/2015/149

MOVED by Chairperson LA Cooper, seconded by Member G Wilcox:

That the Hearings Committee:

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 17 November 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 Noting the decisions to appoint local elected members to Accord Territorial Authority hearings panels - 9 and 26 November 2015

Cr WD Walker entered the meeting at 2.02 pm.

Resolution number HEA/2015/150

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

That the Hearings Committee:

- a) **note the decision to appoint local elected member Brenda Brady to the Accord Territorial Authority Panel to consider the Oraha Rd Special Housing Area plan variation.**
- b) **note the decision to appoint local elected member Murray Kay to the Accord Territorial Authority Panel to consider the Oruarangi Road, Māngere Rd Special Housing Area plan variation.**

CARRIED

8 Noting the urgent decision of 9 November 2015 to appoint a hearing commissioner

Resolution number HEA/2015/151

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

That the Hearings Committee:

- a) **note the decision to appoint David Hill to make decisions on an application for resource consent to establish a helicopter pad for regular use at an existing vineyard site at 80 Onetangi Road, Waiheke.**

CARRIED

9 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

10 Procedural motion to exclude the public

Resolution number HEA/2015/152

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.**
- b) **agree that Pdraig McNamara, Partner, Simpson Grierson, be permitted to remain for Confidential Item C1, Appeals against the Provisional Local Alcohol Policy, after the public has been excluded, because of their knowledge of legal proceedings relating to the Provisional Auckland Council Local Alcohol Policy, which will help the Hearings Committee in its decision-making.**

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 Appeals against the Provisional Local Alcohol Policy

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
<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>	<p>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege.</p> <p>In particular, the report contains information that has been prepared for the purposes of litigation, and policy positions that would disadvantage the council if they were to be made public prior to the conclusion of legal proceedings..</p> <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 has been prepared for the purposes of litigation, and policy positions that would disadvantage the council if they were to be made public prior to the conclusion of legal proceedings.</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: Ahuareka Trustees (No. 2) 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 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.

C3 Resource Consent Appeals: Status Report 15 December 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.

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

2.05 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.

2.21 pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Appeals against the Provisional Local Alcohol Policy

Resolution number HEA/2015/153

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

That the Hearings Committee:

- f) agree that the decisions, report and attachments regarding 'Appeals against the Provisional Local Alcohol Policy', not be re-stated in the open section of the minutes.

C2 New Resource Consent Appeal: Ahuareka Trustees (No. 2) Limited v Auckland Council

Resolution number HEA/2015/154

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

That the Hearings Committee:

- c) agree that the decisions and report regarding 'New Resource Consent Appeal: Ahuareka Trustees (No. 2) Limited v Auckland Council', not be re-stated in the open section of the minutes.

C3 Resource Consent Appeals: Status Report 15 December 2015

Resolution number HEA/2015/155

MOVED by Deputy Chairperson MP Webster, seconded by Member DE Taipari:

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

Attachments

A 15 December 2015, Hearings Committee, Item C3 - Status Report 15 December 2015

2.21 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:.....