
Hearings Committee

OPEN MINUTES

Minutes of a meeting of the Hearings Committee held in the Level 26, 135 Albert Street, Auckland on Tuesday, 16 February 2016 at 2.00pm.

PRESENT

Chairperson	Cr Linda Cooper, JP	
Deputy Chairperson	Cr Penny Webster	
Members	Cr Anae Arthur Anae	
	Cr Chris Darby	From 2.06 pm, Item 8.
	Cr Calum Penrose	
	Mr David Taipari	From 2.01 pm, Item 2.
	Cr Wayne Walker	From 2.05 pm, Item 7.
	Mr Glenn Wilcox	

ABSENT

Mayor Len Brown, JP
Deputy Mayor Penny Hulse

ALSO PRESENT

Cr Dr Cathy Casey

1 Apologies

Resolution number HEA/2016/1

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

That the Hearings Committee:

- a) **accept the apologies from Mayor LCM Brown and Deputy Mayor PA Hulse for absence, and Cr C Darby and Mr DE Taipari for lateness.**

CARRIED

2 Declaration of Interest

There were no declarations of interest.

Member DE Taipari entered the meeting at 2.01 pm

3 Confirmation of Minutes

Resolution number HEA/2016/2

MOVED by Chairperson LA Cooper, seconded by Cr CM Penrose:

That the Hearings Committee:

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 15 December 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: Notice of Requirement and applications for resource consent made by Watercare Services Limited for the Runciman Water Reservoirs Project, Pukekohe

Cr Dr C Casey entered the meeting at 2.02 pm.

Cr WD Walker entered the meeting at 2.05 pm.

Resolution number HEA/2016/3

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

That the Hearings Committee:

- a) **appoint Leigh McGregor (Chair), Melean Absolum, Cherie Lane, and Bill Kapea to hear and make, under sections 171 and 104 of the Resource Management Act 1991, a recommendation and decisions on the Notice of Requirement and applications for resource consent by Watercare Services Limited for the Runciman Water Reservoirs Project at 108 Runciman Road, Pukekohe East.**
- 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

8 District and Regional Plans Appeal Status Report at 30 January 2016

Cr C Darby entered the meeting at 2.06 pm.

Resolution number HEA/2016/4

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

That the Hearings Committee:

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

CARRIED

9 Noting the urgent decisions of 17 December 2015 to designate supplementary duty commissioners and appoint hearing commissioners

Resolution number HEA/2016/5

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

That the Hearings Committee:

- a) **note the decision to designate Leigh McGregor and Ian Munro to act as duty commissioners for the period from 1 January 2016 to 1 July 2016.**
- b) **note the decision to appoint Karyn Sinclair (Chair), Mark Farnsworth and Bill Kapea to make a decision on resource consent applications for the proposed New Old Mangere Bridge.**
- c) **note the decision to appoint Rebecca Macky (Chair), Alan Pattle, Robert Scott, and Hibiscus and Bays Local Board Chair Julia Parfitt to make decisions on an application for resource consent to establish and operate a managed fill facility, Blackbridge Road, Pine Valley.**

CARRIED

10 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

11 Procedural motion to exclude the public

Resolution number HEA/2016/6

MOVED by Chairperson LA Cooper, seconded by Member DE Taipari:

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: Status Report 16 February 2016

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)(j) - The withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage. 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 Noting the urgent decisions of 17 December 2015: Madhava Limited v Auckland Council and Gilbert 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 Noting the urgent decision of 9 February 2016: Plan Change 372 Appeals - Three Kings

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

2.16pm 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.

2.20pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Resource Consent Appeals: Status Report 16 February 2016

Resolution number HEA/2016/7

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

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 4 February 2016, apart from council's status position on the appeals, be re-stated in the open section of the minutes.

Attachments

- A 16 February 2016, Hearings Committee, Item C1 - Status Report 16 February 2016

C2 Noting the urgent decisions of 17 December 2015: Madhava Limited v Auckland Council and Gilbert v Auckland Council

Resolution number HEA/2016/8

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

That the Hearings Committee:

- c) agree that the decisions, report and attachments regarding 'Noting the urgent decision of 17 December 2015: Madhava Limited v Auckland Council and Gilbert v Auckland Council', not be re-stated in the open section of the minutes.

C3 Noting the urgent decision of 9 February 2016: Plan Change 372 Appeals - Three Kings

Resolution number HEA/2016/9

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

That the Hearings Committee:

- b) agree that the decisions, report and attachments regarding 'Noting the urgent decision of 9 February 2016: Plan Change 372 Appeals – Three Kings', not be re-stated in the open section of the minutes.

2.20 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:.....