
Hearings Committee

OPEN MINUTES

Minutes of a meeting of the Hearings Committee held in the Level 26, 135 Albert Street, Auckland on Tuesday, 15 March 2016 at 2.00pm.

PRESENT

Chairperson	Cr Linda Cooper, JP	Until 2.28 pm, Item 7
Deputy Chairperson	Cr Penny Webster	From 2.01pm, Item 2
Members	Cr Anae Arthur Anae	
	Cr Chris Darby	
	Cr Calum Penrose	
	Mr David Taipari	
	Cr Wayne Walker	From 2.14 pm, Item 9, until 2.59 pm, Item 7
	Mr Glenn Wilcox	

ABSENT

Mayor Len Brown, JP
Deputy Mayor Penny Hulse

ALSO PRESENT

Cr Dr Cathy Casey	
Cr John Watson	
Cr George Wood	
Lemauga Lydia Sosene	Māngere-Ōtāhuhu Local Board Chair
Nick Bakulich	Māngere-Ōtāhuhu Local Board member

1 Apologies

Resolution number HEA/2016/10

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

That the Hearings Committee:

- a) **accept the apologies from Mayor LCM Brown and Deputy Mayor PA Hulse for absence.**

CARRIED

2 Declaration of Interest

Deputy Chairperson MP Webster entered the meeting at 2.01 pm

Chairperson LA Cooper declared an interest in Item 7, District Licensing Committee 2016 recruitment process.

Deputy Chairperson MP Webster declared an interest in Item 9, Appointment of independent commissioners: Application for resource consent to subdivide a 3.1906ha site into 4 sites and waiver the requirement for an Esplanade Reserve at 1346 Laurie Southwick Parade, Hobbs Bay.

Note: Cr WD Walker subsequently declared an interest in Item 9, Appointment of independent commissioners: Application for resource consent to subdivide a 3.1906ha site into 4 sites and waiver the requirement for an Esplanade Reserve at 1346 Laurie Southwick Parade, Hobbs Bay at the item.

3 Confirmation of Minutes

Resolution number HEA/2016/11

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

That the Hearings Committee:

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 16 February 2016, including the confidential section, as a true and correct record.**

CARRIED

4 Local Board Input

Lemauga Lydia Sosene, Chair of Māngere-Ōtāhuhu Local Board, and Nick Bakulich, Māngere-Ōtāhuhu Local Board member spoke at Item 7, District Licensing Committee 2016 recruitment process.

5 Extraordinary Business

There was no extraordinary business.

6 Notices of Motion

There were no notices of motion.

Note: Items 8, 9 and 10 were taken prior to Item 7, District Licensing Committee 2016 recruitment process.

8 Appointment of Independent Commissioners - Notice of Requirement for a Designation for a Primary School and Early Childhood Education Centre at 47 & 49 Gilbransen Road, Huapai

Resolution number HEA/2016/12

MOVED by Deputy Chairperson MP Webster, seconded by Member G Wilcox:

That the Hearings Committee:

- a) **appoint Janine Bell (Chair), Dave Serjeant and Juliane Chetham to hear submissions, and to make a recommendation on the Notice of Requirement for a designation for a Primary School and Early Childhood Education Centre at 47 and 49 Gilbransen Road, Huapai under section 171 of the Resource Management Act 1991.**
- b) **delegate authority to the Chairperson of the Hearings Committee to make a replacement appointment should any of the independent commissioners in (a) above be unavailable.**

CARRIED

9 Appointment of independent commissioners: Application for resource consent to subdivide a 3.1906ha site into 4 sites and waiver the requirement for an Esplanade Reserve at 1346 Laurie Southwick Parade, Hobbs Bay

Note: Deputy Chairperson MP Webster declared an interest in this item and took no part in the discussion or voting on the matter.

Deputy Chairperson MP Webster left the meeting at 2.10 pm.

Cr WD Walker entered the meeting at 2.14 pm.

Note: Cr WD Walker declared an interest in this item and took no part in the discussion or voting on the matter.

Resolution number HEA/2016/13

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

That the Hearings Committee:

- a) **appoint Kitt Littlejohn (Chair), Mark Farnsworth, and Rebecca Skidmore to hear submissions and determine the application for a four lot subdivision by Panuku Development Auckland, located at 1346 Laurie Southwick Parade, Hobbs 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 in (a) above be unavailable.**

CARRIED

10 District and Regional Plans Appeal Status Report at 29 February 2016

Resolution number HEA/2016/14

MOVED by Cr C Darby, seconded by Member DE Taipari:

That the Hearings Committee:

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

CARRIED

7 District Licensing Committee 2016 recruitment process

Deputy Chairperson MP Webster returned to the meeting at 2.28 pm.

Note: Chairperson LA Cooper declared an interest in this item and took no part in the discussion or voting on the matter. The Chairperson vacated the chair in favour of Deputy Chairperson MP Webster at 2.28 pm.

Chairperson LA Cooper retired from the meeting at 2.28 pm.

Lemauga Lydia Sosene, Chair of Māngere-Ōtāhuhu Local Board and Nick Bakulich, Māngere-Ōtāhuhu Local Board member, were in attendance to speak to this item and give a PowerPoint presentation. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Resolution number HEA/2016/15

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

That the Hearings Committee:

- a) thank Lydia Sosene, Chair of Māngere-Ōtāhuhu Local Board and Nick Bakulich, Māngere-Ōtāhuhu Local Board member, for their attendance and presentation.**

CARRIED

Cr WD Walker left the meeting at 2.59 pm.

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

That the Hearings Committee:

- a) approve the process for recruiting five chairpersons and ten members to Auckland Council's District Licensing Committee in 2016.
- b) appoint a selection panel consisting of senior managers from Democracy Services, Licensing and Compliance Services, and Legal Services, and one or two Independent Māori Statutory Board member(s) to decide selection criteria, shortlist and interview candidates and present their recommendation to the committee for approval to appoint.
- c) provide guidance concerning specific criteria to be included.
- d) nominate one or two Hearings Committee councillors to provide input into selection criteria for District Licensing Committee candidates.
- e) agree that the next District Licensing Committee contract term be until 30 June 2020 to align with Auckland Council's financial year and enable elected members to appoint the committee early in the electoral term.

The motion was put to the vote by a show of hands and was declared EQUAL.

The Acting Chairperson exercised her casting vote against, so the motion was Lost.

LOST

Resolution number HEA/2016/16

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

That the Hearings Committee:

- a) request a report be brought to an upcoming Regional Strategy and Policy Committee meeting outlining different options to appoint the new District Licensing Committee, including the option of extending the term of current commissioners.**

CARRIED

Note: In accordance with Standing Order 1.8.6, Member DE Taipari requested his dissenting vote be recorded.

Attachments

- A 15 March 2016, Hearings Committee, Item 7 - Mangere-Otahuhu Local Board presentation

11 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

12 Procedural motion to exclude the public

Resolution number HEA/2016/17

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

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 New Resource Consent Appeal: Munoz v Auckland Council - proposed construction of two further residential units, Mount Albert

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 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 Resource Consent Appeals: Status Report 15 March 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)(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

3.28 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.

3.35 pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 New Resource Consent Appeal: Munoz v Auckland Council - proposed construction of two further residential units at 129 Taylors Road, Mount Albert

Resolution number HEA/2016/18

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

That the Hearings Committee:

- b) agree that the decisions and report regarding 'New Resource Consent Appeal: Munoz v Auckland Council - proposed construction of two new residential units at 129 Taylors Road, Mount Albert' not be restated in the open section of the minutes.

C2 Resource Consent Appeals: Status Report 15 March 2016

Resolution number HEA/2016/19

MOVED Cr CM Penrose, seconded by Cr C Darby:

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

Attachments

- A 15 March 2016, Hearings Committee, Item C2, Resource Consent Appeals Status Report 15 March 2016

3.35 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:.....