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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 Monday, 23 May 2016 at 2.00pm.

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#### **PRESENT**

<b>Chairperson</b>	Cr Linda Cooper, JP	
<b>Deputy Chairperson</b>	Cr Penny Webster	From 2.02 pm, Item 4.
<b>Members</b>	Cr Chris Darby	From 2.05 pm, Item 7, until 2.56 pm, Item C2.
	Cr Calum Penrose	
	Mr David Taipari	From 2.03 pm, Item 7.
	Cr Wayne Walker	From 2.02 pm, Item 4.
	Mr Glenn Wilcox	

#### **ABSENT**

Cr Anae Arthur Anae  
Mayor Len Brown, JP  
Deputy Mayor Penny Hulse

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**1 Apologies**

Resolution number HEA/2016/20

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

**That the Hearings Committee:**

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

**CARRIED**

**2 Declaration of Interest**

Cr C Darby declared an interest at Item C2, New resource consent appeal: Royal Forest and Bird Protection of New Zealand Society Incorporated v Auckland Council - 60 Tiri Tiri Rd, Birkdale.

**3 Confirmation of Minutes**

Resolution number HEA/2016/21

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

**That the Hearings Committee:**

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 15 March 2016, including the confidential section, as a true and correct record.**

**CARRIED**

**4 Local Board Input**

There was no local board input.

*Deputy Chairperson MP Webster and Cr WD Walker entered the meeting at 2.02 pm.*

**5 Extraordinary Business**

There was no extraordinary business.

**6 Notices of Motion**

There were no notices of motion.

**7 Appointment of Independent Commissioners – New Zealand Transport Agency, Notices of Requirement and Resource Consents, Glen Innes to Tamaki Drive, Shared Path Project (Sections 2, 3 and 4)**

*Member DE Taipari entered the meeting at 2.03 pm.*

*Cr C Darby entered the meeting at 2.05 pm.*

Resolution number HEA/2016/22

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

**That the Hearings Committee:**

- a) **appoint Robert Scott (Chair), David Mead, and Basil Morrison for Sections 2, 3 and 4 the New Zealand Transport Agency ‘Glen Innes to Tamaki Drive Shared Path’ project, to hear and make;**
  - (i) **a recommendation on the Notices of Requirement under sections 171 of the Resource Management Act 1991, and**
  - (ii) **a decision on the application for Resource Consents under sections 104 of the Resource Management Act 1991;**
- b) **delegate authority to the chairperson appointed under (a) above to make a recommendation and/or determine the application for resource consents in the event that a hearing is not required for a Section of the project.**
- c) **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 Appointment of Hearing Commissioners for applications for resource consent for stormwater and playing field upgrades at 90 Sunnynook Road (Sunnynook Park) and Wairau Intermediate School**

Resolution number HEA/2016/23

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

**That the Hearings Committee:**

- a) **appoint Jenny Hudson (Chair), Melean Absolum, and Jan Heijs to hear submissions and make a decision under section 104 of the Resource Management Act 1991 on the applications for resource consents LCO-214694, REG-214696, REG-214823 and LW-2142699 for stormwater infrastructure and playfield resources at 90 Sunnynook Road (Sunnynook Reserve) and Wairau Intermediate School.**
- b) **to delegate to the Chair appointed in (a) above to make decisions on the Resource Consent applications, should no submissions be received or a hearing otherwise not be required.**
- c) **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 Local Elected Members to Accord Territorial Authority Hearings Panel (HASHAA Hearings) - Various Special Housing Areas**

Resolution number HEA/2016/24

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

**That the Hearings Committee:**

- a) **appoint Murray Kay, Brenda Brady, Shane Henderson, Vanessa Neeson, Phelan Pirrie, John McLean, Brent Catchpole, Bill McEntee, Lisa Whyte, and Bridget Graham to a pool of local elected members who will, as required, sit on the Accord Territorial Authority Panels, which will hear and decide on the proposed plan variations for the re-zoning of the remaining Special Housing Areas from future urban to residential zones under the Proposed Auckland Unitary Plan (PAUP) including concurrent qualifying development consents.**
- b) **delegate authority to the chairperson of the Hearings Committee to make a replacement appointment should any of the elected members appointed in a) above be unavailable.**

**CARRIED**

**10 Local board involvement in resource consenting processes**

Resolution number HEA/2016/25

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

**That the Hearings Committee:**

- a) **approve a review the role of local boards in resource consenting processes, including the effectiveness of the current trigger processes and consenting information provision, input into notification, substantive decision input opportunities, decision-making and related matters.**
- b) **approve the establishment a working party made up of four governing body, one Independent Maori Statutory Board member and four local board representatives to undertake the review.**
- c) **appoint the Chairperson LA Cooper, Deputy Chairperson MP Webster, Cr CM Penrose, Cr WD Walker, and Mr David Taipari as working party representatives.**
- d) **request that local boards appoint four representatives for the working party, and preferably with a geographical spread.**
- e) **request that the working party:**
  - i) **identify a mechanism for ensuring all local boards are informed of progress**
  - ii) **report back to this committee on the results and recommendations of the working party prior to the end of this political term for information purposes**
- f) **note that any recommended revisions to current processes for local board involvement in resource consenting will be reported to the Governing Body for a decision early in the new political term.**

**CARRIED**

Note: In accordance with Standing Order 1.8.6, Deputy Chairperson MP Webster requested her dissenting vote be recorded.

**11 District and Regional Plans Appeal Status Report at 29 April 2016**

Resolution number HEA/2016/26

MOVED by Cr WD Walker, seconded by Member DE Taipari:

**That the Hearings Committee:**

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

**CARRIED**

**12 Noting the decision to appoint a local elected member to Accord Territorial Authority hearings panel - 27 April 2016**

Resolution number HEA/2016/27

MOVED by Deputy Chairperson MP Webster, seconded by Cr WD Walker:

**That the Hearings Committee:**

- a) **note the decision to appoint local elected member Brenda Brady to the Accord Territorial Authority Panel to consider the Crows Rd Special Housing Area plan variation.**

**CARRIED**

**13 Noting the urgent decision of 27 April 2016 to appoint hearing commissioners**

Resolution number HEA/2016/28

MOVED by Cr WD Walker, seconded by Cr CM Penrose:

**That the Hearings Committee:**

- a) **note the decision to appoint Sheena Tepania (Chair), David Mead and Janine Bell to hear submissions and make a recommendation to the Requiring Authority on the Notice of Requirement form the Minister of Education for a designation for a primary school and early childhood education centre at 187 Flat Bush School Road.**

**CARRIED**

**14 Objection to the issue of a noise abatement notice**

This item has been deferred until the next Hearings Committee meeting on Tuesday, 21 June 2016.

**15 Consideration of Extraordinary Items**

There was no consideration of extraordinary items.

**16 Procedural motion to exclude the public**

Resolution number HEA/2016/29

MOVED by Chairperson LA Cooper, 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: Onehunga Enhancement Society Incorporated v Auckland Council – Old Mangere Bridge, Mangere**

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 New resource consent appeal: Royal Forest and Bird Protection of New Zealand Society Incorporated v Auckland Council - 60 Tiri Tiri Rd, Birkdale**

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 regarding 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 Noting the urgent decisions of 26 and 27 April 2016: Osborne v Auckland Council, Pownall v Auckland Council and The National Trading Company of New Zealand 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.

**C4 Noting the urgent decision of 11 May 2016: Friends of Fowlds Park Incorporated 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 the appeal 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**

2.54 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.

2.57 pm The public was re-admitted.



## RESTATEMENTS

It was resolved while the public was excluded:

**C1 New Resource Consent appeal: Onehunga Enhancement Society Incorporated v Auckland Council – Old Mangere Bridge, Mangere**

Resolution number HEA/2016/30

MOVED by Cr WD Walker, seconded by Member DE Taipari:

That the Hearings Committee:

- b) agree that the decisions and report 'New Resource Consent Appeal Onehunga Enhancement Society Incorporated v Auckland Council Old Mangere Bridge, Mangere' not be restated in the open section of the minutes.

**C2 New resource consent appeal: Royal Forest and Bird Protection of New Zealand Society Incorporated v Auckland Council - 60 Tiri Tiri Rd, Birkdale**

Resolution number HEA/2016/31

MOVED by Cr WD Walker, seconded by Member DE Taipari:

That the Hearings Committee:

- c) agree that the decisions, report and attachments regarding 'New resource consent appeal: Royal Forest and Bird Protection of New Zealand Society Incorporated v Auckland Council – 60 Tiri Tiri Rd, Birkdale' not be restated in the open section of the minutes.

**C3 Noting the urgent decisions of 26 and 27 April 2016: Osborne v Auckland Council, Pownall v Auckland Council and The National Trading Company of New Zealand Limited v Auckland Council**

Resolution number HEA/2016/32

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

That the Hearings Committee:

- d) agree that the decisions, report and attachments regarding 'Noting the urgent decisions of 26 and 27 April 2016: Osborne v Auckland Council, Pownall v Auckland Council and The National Trading Company of New Zealand v Auckland Council', not be re-stated in the open section of the minutes.

**C4 Noting the urgent decision of 11 May 2016: Friends of Fowlds Park Incorporated v Auckland Council**

Resolution number HEA/2016/33

MOVED by Cr WD Walker, seconded by Member DE Taipari:

That the Hearings Committee:

- b) agree that the decisions, report and attachments regarding 'Noting the urgent decision of 11 May 2016: Friends of Fowlds Park Incorporated v Auckland Council', not be re-stated in the open section of the minutes.

2.57 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:**.....