
Hearings Committee

OPEN MINUTES

Minutes of a meeting of the Hearings Committee held in the Level 26, 135 Albert Street, Auckland on Tuesday, 21 June 2016 at 2.02 pm.

PRESENT

Chairperson	Cr Linda Cooper, JP	
Deputy Chairperson	Cr Penny Webster	
Members	Cr Chris Darby	From 3.40 pm, Item 11.
	Cr Calum Penrose	
	Mr David Taipari	From 2.12 pm, Item 10.
	Mr Glenn Wilcox	

ABSENT

Mayor Len Brown
Deputy Mayor Penny Hulse
Cr Anae Arthur Anae
Cr Wayne Walker

ALSO PRESENT

Cr Dr Cathy Casey
Cr Bill Cashmore

1 Apologies

Resolution number HEA/2016/34

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

That the Hearings Committee:

- a) **accept the apologies from Mayor LCM Brown and Deputy Mayor PA Hulse for absence on council business, and Cr AJ Anae and Cr WD Walker for absence, and Cr C Darby and Member DE Taipari for lateness.**

CARRIED

2 Declaration of Interest

There were no declarations of interest.

3 Confirmation of Minutes

Resolution number HEA/2016/35

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

That the Hearings Committee:

- a) **confirm the ordinary minutes of its meeting, held on Monday, 23 May 2016, 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: application for resource consent to expand a chicken broiler farm at 214 and 222A South Head Road, Parkhurst

Resolution number HEA/2016/36

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

That the Hearings Committee:

- a) **appoint Kitt Littlejohn (Chair), Robert Scott, Kevin Mahon, and Vanessa Neeson to hear submissions and determine the application by D B Chicks 2014 Ltd to expand an existing chicken broiler farm at 214 and 222A South Head Road, Parkhurst, under section 104 of the Resource Management Act 1991 (references L66397, REG66399, REG66400, and REG66401).**
- 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

Note: Pursuant to standing Order 1.8.6, Member G Wilcox requested that his dissenting vote be recorded.

8 Appointment of independent commissioners: application for resource consent to carry out additions and convert to a childcare centre, an existing residential building at 159 Victoria Road, Devonport.

Resolution number HEA/2016/37

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

That the Hearings Committee:

- a) **appoint Janine Bell (Chair), Kim Hardy, John Hill, and Vernon Tava to hear submissions and determine the application by Butterbee Childcare Limited to carry out additions and alterations to an existing building and operate a childcare centre at 159 Victoria Road, Devonport, under section 104 of the Resource Management Act 1991 (references LN-2142117),**
- 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

9 Designation of independent commissioners as duty commissioners to determine resource consent applications and section 357 objections

Resolution number HEA/2016/38

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

That the Hearings Committee:

- a) designate, in accordance with clause 4.2.7 of the Hearings Committee Policy, the following independent commissioners to act as duty commissioners for the period from 1 July 2016 until 30 June 2017:
- | | |
|--------------------|--------------------|
| i) Mark Farnsworth | ii) Richard Blakey |
| iii) Robert Scott | iv) Barry Kaye |
| v) Kathleen Ryan | vi) Janine Bell |
| vii) Jenny Hudson | viii) Justine Bray |
| ix) Dave Serjeant | x) Leigh McGregor |
| xi) Ian Munro | xii) Cherie Lane |
- subject to Commissioners Bell, Lane and Ryan no longer being duty commissioners for the period after 1 October 2016.
- b) designate, in accordance with clause 4.2.7 of the Hearings Committee Policy, the following independent commissioners to act as duty commissioners for the period from 1 October 2016 until 30 June 2017:
- i) Greg Hill
 - ii) David Hill
 - iii) Lee Beattie
- c) approve, in accordance with clause 5.2 of the Hearings Committee Policy, the above listed duty commissioners to be available for assigning by the Resolutions Team Principal Planners and Manager for the purpose of hearing and determining 357 objections.
- d) delegate, in accordance with clause 4.2.8 of the Hearings Committee Policy, to the Resolutions Team Principal Planners and Manager the authority to assign one or more duty commissioners to make decisions on resource consent applications that staff consider are not significant or contentious and where no hearing is required.
- e) delegate, in accordance with clause 4.2.8 of the Hearings Committee Policy, to the Resolutions Team Principal Planners and Manager the authority to assign additional commissioners beyond the “duty” group but from the approved list of independent commissioners, as may be necessary depending on particular skills or knowledge required for a particular resource consent application or section 357 objection determination.

CARRIED

10 Noting the urgent decision of 31 May 2016 to appoint hearing commissioners

Member DE Taipari entered to the meeting at 2.12 pm.

Resolution number HEA/2016/39

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

That the Hearings Committee:

- a) **note the decision to appoint Jenny Hudson (chair), Orchid Atimalala, Melean Absolum, independent commissioners, and Margaret Miles, Upper Harbour Local Board member, to make decisions on a publicly notified application for resource consent relating to 186 Atkins Road and 662 Ocean View Road, Tomarata.**

CARRIED

Note: With the agreement of the meeting, Items 12 and 13 were accorded precedence at this time.

12 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

13 Procedural motion to exclude the public

Resolution number HEA/2016/40

MOVED by Deputy Chairperson MP Webster, 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 21 June 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.

C2 Noting the urgent decision of 7 June 2016: Mitchell 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.	<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 could compromise the council in undertaking without prejudice negotiations of the appeal that are before the Environment Court.</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>

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

2.14 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.

2.17 pm The public was re-admitted.

Note: The meeting adjourned at 2.17 pm and reconvened at 2.39 pm.

11 Objection to the issue of a noise abatement notice

Cr C Darby entered the meeting at 2.40 pm.

Ms Pope, the objector, gave a presentation and tabled documents in support of her objection. Staff gave a presentation and tabled documents in support of the noise abatement notices. Copies have been placed on the official minutes and are available on the Auckland Council website as minutes attachments.

Resolution number HEA/2016/44

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

That the Hearings Committee:

- a) **hear the objection to the council officers' decision to issue the abatement notice to Ms Mikayla Pope of Mt Roskill, Auckland, pursuant to Section 55(3) of the Dog Control Act 1996.**
- b) **agree to determine the objection to the council officers' decision to issue the abatement notice to Ms Mikayla Pope of Mt Roskill, Auckland, in the confidential section of the meeting, pursuant to Section 55(3) of the Dog Control Act 1996.**

CARRIED

Attachments

- A 21 June 2016, Hearings Committee, Item 11, Objection to the issue of a noise abatement notice - Objector's supporting evidence
- B 21 June 2016, Hearings Committee, Item 11, Objection to the issue of a noise abatement notice - staff supporting evidence

Procedural motion to exclude the public

Resolution number HEA/2016/45

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:

C3 Deliberations on an objection to the issue of noise abatement notices

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 whether or not to uphold the objection to the decision to issue noise abatement notices.	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

3.20 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.

3.30 pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Resource Consent Appeals: Status Report 21 June 2016

Resolution number HEA/2016/41

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

- b) agree that the report and attachments remain confidential, but agree that the list and description of current appeals as of 10 June 2016, apart from council's status position on the appeals, be re-stated in the open section of the minutes.

Attachments

- A 21 June 2016, Hearings Committee, Item C1, Resource Consent Appeals: Status Report 21 June 2016

C2 Noting the urgent decision of 7 June 2016: Mitchell v Auckland Council

Resolution number HEA/2016/42

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

- b) agree that the decisions, report and attachments regarding 'Noting the urgent decision of 7 June 2016: Mitchell v Auckland Council', not be re-stated in the open section of the minutes.

C3 Deliberations on an objection to the issue of noise abatement notices

Resolution number HEA/2016/46

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

- e) agree that the decisions under a) to d) not be restated in the open section of the minutes, but be made publicly available within 7 days.

3.30 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:.....