
Hearings Committee

OPEN MINUTES

Minutes of a meeting of the Hearings Committee held in the Level 26, 135 Albert Street, Auckland on Tuesday, 19 July 2016 at 2.00pm.

PRESENT

Chairperson Cr Linda Cooper, JP
Members Cr Anae Arthur Anae
Cr Chris Darby
Cr Calum Penrose
Mr David Taipari
Mr Glenn Wilcox

ABSENT

Mayor Len Brown, JP
Deputy Mayor Penny Hulse
Deputy Chairperson Penny Webster
Cr Wayne Walker

ALSO PRESENT

Cr Dr Cathy Casey

1 Apologies

Resolution number HEA/2016/47

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

That the Hearings Committee:

- a) **accept the apology from Mayor LCM Brown, Deputy Mayor PA Hulse and Deputy Chairperson MP Webster for absence.**

CARRIED

2 Declaration of Interest

There were no declarations of interest.

3 Confirmation of Minutes

Resolution number HEA/2016/48

MOVED by Chairperson LA Cooper, seconded by Cr C Darby:

That the Hearings Committee:

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 21 June 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 Hearing Commissioners for applications for resource consent and notices of requirement associated with the North Harbour 2 and Northern Interceptor Projects

Resolution number HEA/2016/49

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

That the Hearings Committee:

- a) appoint Leigh McGregor (chair), Mark Farnsworth and Michael Parsonson to hear submissions and make a recommendation under section 171 of the Resource Management Act on notices of requirement by Watercare Services Limited for the North Harbour 2 and Northern Interceptor Projects.
- b) appoint the commissioners under (a) to hear submissions and make a decision under section 104 of the Resource Management Act on the associated applications for resource consent REG-2016-1032, REG-2016-1033, REG-2016-1034, REG-2016-1036 (Regional Land Use), REG-2016-1037, REG-2016-1039, REG-2142955, REG-2142956, REG-2142957, REG-2142958, REG-2142959, REG-2142965 for the North Harbour 2 Project.
- c) delegate to the chairperson appointed in (a) above the authority to make decisions on the resource consent applications and to make recommendations on the notices of requirement applications, should no submissions be received or a hearing not otherwise be required.
- d) delegate authority to the chairperson of the Hearings Committee to make a replacement appointment should any of the independent commissioners appointed in (a) above be unavailable.

CARRIED

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

Resolution number HEA/2016/50

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

That the Hearings Committee:

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

CARRIED

9 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

10 Procedural motion to exclude the public

Resolution number HEA/2016/51

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

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 Delegation of powers for mediation to settle appeals to the Notices of Requirement at Redoubt Road-Mill Road

| 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)(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 relating to Environment Court appeals and the disclosure of information may prejudice the council's position in regards to negotiations and the potential settlement of the appeals.</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 Delegation of powers for mediation to settle an enforcement order within the Mangere Gateway Heritage area

| 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)(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 relating to Environment Court enforcement action against the council and the disclosure of information may prejudice the council's position in regards to negotiations and the potential settlement of the appeals.</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> |

C3 New Resource Consent Appeal: Jayashree Limited v Auckland Council appeal on a resource consent condition at 37A Hayr Road, 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 |
|---|--|--|
| <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)(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 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.</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> |

C4 Resource Consent Appeals: Status Report 19 July 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 |
|---|--|--|
| <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)(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 these appeals 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> |

C5 Noting the urgent decisions of 5 July 2016: Gilgit Road Residents' Group & Others v Auckland Council and Learning House and Kids Count Ltd 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 |
|---|--|--|
| <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)(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</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> |

| | | |
|--|---|--|
| | information that could compromise the council in undertaking without prejudice negotiations of these appeals that are before the Environment Court. | |
|--|---|--|

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

2.04 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.

2.16pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Delegation of powers for mediation to settle appeals to the Notices of Requirement at Redoubt Road-Mill Road

Resolution number HEA/2016/52

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

That the Hearings Committee:

- c) agree that the decisions and report regarding 'Delegation of powers for mediation to settle appeals to the Notices of Requirement at Redoubt Road-Mill Road', not be restated in the open section of the minutes.

C2 Delegation of powers for mediation to settle an enforcement order within the Mangere Gateway Heritage area

Resolution number HEA/2016/53

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

That the Hearings Committee:

- b) agree that the decisions and report regarding 'Delegation of powers for mediation to settle an enforcement order within the Mangere Gateway Heritage area', not be restated in the open section of the minutes.

C3 New Resource Consent Appeal: Jayashree Limited v Auckland Council appeal on a resource consent condition at 37A Hayr Road, Three Kings

Resolution number HEA/2016/54

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: Jayashree Limited v Auckland Council appeal on a resource consent condition at 37A Hayr Road, Three Kings' not be restated in the open section of the minutes.

C4 Resource Consent Appeals: Status Report 19 July 2016

Resolution number HEA/2016/55

MOVED by Member G Wilcox, 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 6 July 2016, apart from council's status position on the appeals, be re-stated in the open section of the minutes.

Attachments

- A 19 July 2016, Hearings Committee, Item C4, Resource Consents Appeals: Status Report 19 July 2016

C5 Noting the urgent decisions of 5 July 2016: Gilgit Road Residents' Group & Others v Auckland Council and Learning House and Kids Count Ltd v Auckland Council

Resolution number HEA/2016/56

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

That the Hearings Committee:

- c) agree that the decisions, report and attachments regarding 'Noting the urgent decisions of 5 July 2016: Gilgit Road Residents' Group & Others v Auckland Council and Learning House and Kids Count Ltd v Auckland Council', not be re-stated in the open section of the minutes.

2.16 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:.....