
Hearings Committee

OPEN MINUTES

Minutes of a meeting of the Hearings Committee held in the Level 26, 135 Albert Street, Auckland on Tuesday, 23 August 2016 at 2.01 pm.

PRESENT

Chairperson
Members

Cr Linda Cooper, JP
Cr Anae Arthur Anae
Cr Chris Darby

From 2.05 pm, Item 8, until 2.18 pm, Item
C2

Ms Liane Ngamane (alt.)
Cr Calum Penrose
Mr Glenn Wilcox

ABSENT

Mayor Len Brown, JP
Deputy Mayor Penny Hulse
Mr David Taipari
Cr Wayne Walker
Deputy Chair Penny Webster

ALSO PRESENT

Cr Dr Cathy Casey

1 Apologies

Resolution number HEA/2016/57

MOVED by Cr AJ Anae, seconded by Member G Wilcox:

That the Hearings Committee:

- a) **accept the apology from Mayor LCM Brown, Deputy Mayor PA Hulse, Member DE Taipari, Deputy Chairperson MP Webster and Cr WD Walker for absence, Cr Darby lateness.**

CARRIED

2 Declaration of Interest

Cr C Darby subsequently declared an interest at Item C2, New Resource Consent Appeal: Cowie Street Residents Association Incorporated & Others v Auckland Council - Sarawia Street, Laxon Terrace, Cowie Street and Newmarket Park, Newmarket.

3 Confirmation of Minutes

Resolution number HEA/2016/58

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

That the Hearings Committee:

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 19 July 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: Auckland Transport Notice of Requirement and application for resource consents for the Auckland Manukau Eastern Transport Initiative Stage 2A project

Resolution number HEA/2016/59

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

That the Hearings Committee:

- a) **appoint Leigh McGregor (Chair), William Kapea, and Rebecca Skidmore for the Auckland Manukau Eastern Transport Initiative Stage 2A project by Auckland Transport, to hear and make:**
 - (i) **a recommendation on the Notice of Requirement under section 171 of the Resource Management Act 1991; and**
 - (ii) **a decision on the application for resource consents under section 104 of the Resource Management Act 1991.**
- b) **delegate authority to the chairperson appointed under (a) above to make a recommendation on the NoR and / or determine the application for resource consents in the event that a hearing is not required for either part 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 independent commissioners for resource consents associated with the Tamaki Drive/Ngapipi Road Intersection Improvement Project, Orakei

Cr C Darby entered to the meeting at 2.05 pm.

Resolution number HEA/2016/60

MOVED by Member G Wilcox, seconded by Cr AJ Anae:

That the Hearings Committee:

- a) **appoint Rebecca Macky (Chair), Trevor Mackie, and Gina Sweetman to hear submissions and make a decision under section 104 of the Resource Management Act on the associated applications for resource consents R/LUC/2016/3297, R/REG/2016/3298, R/REG/2016/3299, R/REG/2016/3307 & R/REG/2016/3493 for the upgrade of the Tamaki Drive/Ngapipi Road intersection.**
- b) **delegate to the chairperson appointed in (a) above the authority to make decisions on the resource consent applications should no submissions be received or a hearing not otherwise be required.**
- c) **delegate to the chairperson of the Hearings Committee the authority to make replacement appointments should any of the independent commissioners appointed in (a) above be unavailable.**

CARRIED

9 Appointment of independent commissioners for applications for resource consent associated with the discharge of treated wastewater into the Waiuku Estuary by the proposed Southwest Sub-Regional Wastewater Treatment Plant

Resolution number HEA/2016/61

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

That the Hearings Committee:

- a) **appoint Simon Berry (Chair), Justine Bray, and Gina Mohi to hear submissions and make a decision under section 104 of the Resource Management Act on the associated applications for resource consents R/REG/2016/2749 & R/REG/2016/2751 of the occupation of the CMA by a new outfall structure and the discharge of treated wastewater into the Waiuku Estuary.**
- b) **delegate to the chairperson appointed in (a) above the authority to make decisions on the resource consent applications should no submissions be received or a hearing not otherwise be required.**
- c) **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

10 Appointment of independent commissioners: resource consent application to carry out additions and alterations and convert to a childcare centre, a heritage listed, former church building at 218-220 Beach Road, Campbells Bay

Resolution number HEA/2016/62

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

That the Hearings Committee:

- a) **appoint Greg Hill (Chair), Kim Hardy, and Richard Knott to hear submissions and determine the application by Adrian Rowan to carry out additions and alterations to a heritage listed former church building at 218-220 Beach Road, Campbells Bay, and convert it to a childcare centre catering for up to 150 children, and use it as a community facility after hours, 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

11 Appointment of Hearing Commissioners: Applications for resource consent by Brookby Quarries Ltd to expand quarry operation at 146 Kimptons Road, Brookby

Resolution number HEA/2016/63

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

That the Hearings Committee:

- a) **appoint Robert Scott (Chair), Melean Absolum, and Shona Myers to hear submissions and determine the application by Brookby Quarry Limited pursuant to section 104 of the Resource Management Act;**
- b) **delegate to the chairperson of the Hearings Committee the authority to make replacement appointments should any of the commissioners appointed under clause a) above be unavailable.**

CARRIED

12 Noting the urgent decision of 8 August 2016 to appoint independent commissioners

Resolution number HEA/2016/64

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

That the Hearings Committee:

- a) **note the decision of 8 August 2016 in relation to the application for an outline plan of works and resource consents to undertake the demolition of the Neilson Street road bridge and replace it with an at-grade road corridor.**

CARRIED

13 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

14 Procedural motion to exclude the public

Resolution number HEA/2016/65

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

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: Kendall v Auckland Council - 4 Greenhithe Rd, Greenhithe

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 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.</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 New Resource Consent Appeal: Cowie Street Residents Association Incorporated & Others v Auckland Council - Sarawia Street, Laxon Terrace, Cowie Street and Newmarket Park, Newmarket

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 this appeal that is 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>

C3 New Resource Consent Appeal: Norsho Bulc Limited v Auckland Council - Lot 4 DP 166787 and Lot 2 DP 422009 Blackbridge Road, Pine Valley

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 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.</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 and Notice of Requirement Appeals: Chambers and others – Runciman Water Reservoirs 108 Runciman Road, Pukekohe East

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.

C5 Resource Consent Appeals: Status Report 23 August 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

2.16 pm The public was excluded.

2.28 pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 New resource consent appeal: Kendall v Auckland Council - 4 Greenhithe Rd, Greenhithe

Resolution number HEA/2016/66

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

That the Hearings Committee:

- b) agree that the decisions, report and attachments regarding 'New resource consent appeal: Kendall v Auckland Council – 4 Greenhithe Rd, Greenhithe' not be restated in the open section of the minutes.

C2 New Resource Consent Appeal: Cowie Street Residents Association Incorporated & Others v Auckland Council - Sarawia Street, Laxon Terrace, Cowie Street and Newmarket Park, Newmarket

Resolution number HEA/2016/67

MOVED by Member G Wilcox, seconded by Cr AJ Anae:

That the Hearings Committee:

- b) agree that the decisions and report regarding 'New Resource Consent Appeal: Cowie Street Residents' Association & Others v Auckland Council - Sarawia Street, Laxon Terrace, Cowie Street and Newmarket Park, Newmarket', not be re-stated in the open section of the minutes.

C3 New Resource Consent Appeal: Norsho Bulc Limited v Auckland Council - Lot 4 DP 166787 and Lot 2 DP 422009 Blackbridge Road, Pine Valley

Resolution number HEA/2016/68

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

That the Hearings Committee:

- b) agree that the decisions, report and attachments regarding 'New Resource Consent Appeal: Norsho Bulc Limited v Auckland Council – Lot 4 DP 166787 and Lot 2 DP 422009 Blackbridge Road, Pine Valley' not be restated in the open section of the minutes.

C4 Resource Consent and Notice of Requirement Appeals: Chambers and others – Runciman Water Reservoirs 108 Runciman Road, Pukekohe East

Resolution number HEA/2016/69

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

That the Hearings Committee:

- b) agree that the decisions and report regarding 'Resource Consent and Notice of Requirement Appeals: Chambers and others – Runciman Water Reservoirs 108 Runciman Road, Pukekohe East' not be restated in the open section of the minutes.

C5 Resource Consent Appeals: Status Report 23 August 2016

Resolution number HEA/2016/70

MOVED by Member L Ngamane, seconded by Member G Wilcox:

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

Attachments

- A 23 August 2016, Hearings Committee, Item C5, Resource Consent Appeals: Status Report 23 August 2016

2.29 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:.....