

**MINUTES OF THE HEARING BY COMMISSIONERS HELD IN THE COUNCIL CHAMBER AT  
WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,  
ON THURSDAY, 27 NOVEMBER 2008, COMMENCING AT 9.34 AM**

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**PRESENT:** Commissioners: Cr VS Neeson, JP (Chairman)  
Cr WW Flaunty, QSM  
Cr JP Lawley, JP

**OBSERVER:** Commissioner: Cr PG Mitchell

**IN ATTENDANCE:** Group Manager: Planning and Community Service: P Brown  
Resource Planner: N Pollard  
Parks Consents Planner: H Kingi  
Committee Secretary: S Simiona

**1 NOTIFIED SECTION 127 APPLICATION OF THE RESOURCE MANAGEMENT ACT 1991 BY RICHMOND EDEN LIMITED (R MAXWELL) TO VARY THE CONDITIONS OF CONSENT OF LUC-2002-0091 AND LUC-2005-0926 WHICH WILL REMOVE THE REQUIREMENT TO CONSTRUCT A WALKWAY BETWEEN LANDING AND GRENDRON ROADS, AND REMOVE THE PROPOSED RECREATION RESERVE, AT 42 – 46 LANDING ROAD, TITRANGI**

9.30 am The Commissioner Chairman Cr Neeson opened the Hearing introduced the panel of Commissioners Crs Judy Lawley and Warren Flaunty, Council officers present and asked Counsel for the Applicant Mr Russell Bartlet to introduce the presenters for the Applicant. Commissioner Neeson introduced Cr Paul Mitchell stating that Cr Mitchell was an observer at the hearing to introduce him to Hearing procedures having just completed his Hearing Commissioner training.

Commissioner Neeson outlined the nature of the application and the proceedings for the Hearing.

Commissioner Neeson asked the panel of Commissioners if there were any conflicts of interest. Commissioners Flaunty and Lawley advised that they had no conflicts of interest.

9.38 am Russell Bartlet Counsel (on behalf of the applicant) gave an opening address and introduced the presenters for the applicant Mr Barry Kaye and Mr Antony (Tony) Smith.  
(Track No. 88) (Track Duration: 00:03:50).

9.40 am Barry Kaye Consultant Planner (on behalf of the applicant) presented evidence.  
(Track No. 88) (Track Duration: from 00:03:51 to 00:44:48).

10.20 am Antony Smith Consulting Engineer, Jackson Clapperton & Partners Limited (on behalf of the applicant) presented evidence and responded to questions from Commissioner Lawley regarding Lot 15 on the original plan.  
(Track No. 89) (Track Duration: 00:18:16).

10 36 am Presentation of evidence by the applicant concluded.

**ADJOURNMENT**

- 10.38 am Commissioner Neeson adjourned the Hearing until 10.55 am.
- 11.58 am Commissioner Neeson reconvened the Hearing.
- 10.59 am Dr Darius Singh (submitter in opposition to the application) presented evidence and responded to questions from Commissioners Flaunty, Neeson and Lawley.  
(Track: No. 90) (Track Duration: 00:12:02).
- 11.11 am Christine Mitchell (submitter in opposition to the application) submitted evidence and responded to questions from Commissioners Neeson, Lawley and Flaunty.  
(Track No: 91) (Track Duration: 00:06:30).
- 11.19 am Dr Mels Barton (submitter in opposition to the application) submitted evidence and responded to questions from Commissioners Flaunty and Lawley.  
(Track No 92) (Track Duration: 00:21:40).
- 11.40 am Kath Dewer (on behalf of the Green Party submitter in opposition to the application) submitted evidence.  
(Track No: 93) (Track Duration: 00:08:12).
- 11.49 am Robert Richards (submitter in opposition to the application) submitted evidence and responded to questions from Commissioner Flaunty.  
(Track No 94) (Track Duration: 00:06:49).
- 11.58 am Tieke and William Horring (submitters in opposition to the application) submitted evidence and responded to questions from Commissioners Flaunty, Neeson and Lawley.  
(Track No: 95) (Track Duration: 00:16:38).
- 12.14 pm Simon Hunt (submitter in opposition to the application) submitted evidence.  
(Track No: 96) (Track Duration: 00:01:12).
- 12.19 pm Mr Davidson organiser of the Landing Road Riparian Care Group (submitters in opposition to the application) submitted evidence.  
(Track No: 97) (Track Duration: 00:03:58).

**ADJOURNMENT**

- 12.23 pm Commissioner Neeson adjourned the Hearing until 1.00 pm
- 1.03 pm Commissioner Neeson reconvened the Hearing.
- 1.04 pm Commissioner Neeson gave an opportunity for Council officers to respond to any issues that were raised at the Hearing.

1.05 pm Commissioner Neeson stated that she would like to put a question to Mr Bartlet before the right of reply commenced.

Commissioner Neeson asked Mr Bartlet for clarification of his position as to why the applicant did not want to establish the walkway and pay a contribution as opposed to constructing the walkway and getting the consent finalised and Council paying its contribution?

Mr Bartlet replied that was his sentiment exactly and stated that as Council officers had indicated many years ago that a timber and gravel walkway was not acceptable this had led to the current application being lodged. Mr Bartlet also stated that the applicant is more than willing to construct a walkway and stairs as per the original application.

(Track No: 99) (Track Duration: 00:06:10).

### **ADJOURNMENT**

1.09 pm Commissioner Neeson adjourned the Hearing until 1.19 pm.

1.22 pm Commissioner Neeson reconvened the Hearing.

1.22 pm Mr Bartlett Counsel for the applicant asked for the proceedings to adjourn until a further date to enable his client and the Council to work through the design and costing for the establishment of the walk way. Mr Bartlet responded to further questions from Commissioner Neeson.

Commissioner Neeson asked Councils Group Manager, Mr Philip Brown for clarification as in the circumstance it seemed a sensible idea to work through the costing and reach agreement.

Commissioner Flaunty asked Councils Group Manager, Mr Philip Brown a contour question for the construction of the walkway. Commissioner Flaunty asked if the walkway could be constructed in a straight line down the slope. Mr Brown replied that the contour design worked best by going across the face of the slope and by accepting Lot 15 there would be better flexibility of where the walkway should be placed.

Commissioner Lawley asked if there was now a need to deliberate. Mr Brown replied that in light of what had just transpired there was no need to deliberate but if agreement could not be reached between the applicant and Council officers then the applicant still had the opportunity to come back to the Commissioners.

Commissioner Neeson stated that she would like some workable answer by Monday, 22 December 2008.

(Track No: 100) (Track Duration: 00:07:55)

### **ADJOURNMENT**

1.30 pm Commissioner Neeson adjourned the Hearing with a further date to be set if required.