

**MINUTES OF A HEARING BY COMMISSIONERS HELD AT WAITAKERE
CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,
ON MONDAY, 18 FEBRUARY 2008, COMMENCING AT 9.34 AM**

PRESENT: Commissioners: Cr VS Neeson, JP (Chairman)
Cr LA Cooper, JP (until 2.53 pm)
Cr WW Flaunty, QSM, JP (until 2.52 pm)
Cr JP Lawley, JP
Mr A Bradbourne

IN ATTENDANCE: Group Manager: Community Service and Planning
Team Leader: Resource Consents: M Wright
Resource Planner: L Cameron
Legal Services Solicitor: S Masoud-Ansori
Committee Secretary: S Simiona

ALSO IN ATTENDANCE: G Warren: Marshall Day Acoustics Limited
G Stevenson: Air & Environmental Sciences Limited

**NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE
RESOURCE MANAGEMENT ACT 1991 BY RITCHIES TRANSPORT HOLDINGS LTD TO
REGULARISE AND EXPAND OPERATIONS AT AN EXISTING BUS DEPOT AT 619 AND
613 SWANSON ROAD**

9.34 am The Chairman Cr Vanessa Neeson opened the meeting outlined the proceedings for the Hearing and introduced the panel of Commissioners, Crs Warren Flaunty, Linda Cooper and Judy Lawley and Mr Alan Bradbourne. The Chairman asked the panel of Commissioners if there were any conflicts of interest. Commissioners Cooper and Flaunty stated that they were members on the Waitakere Hospus Board as was the applicant Mr John Ritchie. The Chairman asked Counsel for the applicant Mr Kitt Littlejohn and Mr Stephen Brownhill Counsel for a submitter Mr Campbell to respond to the statement. Mr Campbell stated that his client was concerned with the association and considered that it would be more appropriate if the two commissioners were not members of the panel as in his professional opinion there could be bias when a decision was been considered.
(Track No: 17) (Track Duration 3:00) & (Track No: 18) (Track Duration 3:53)

ADJOURNMENT

9.41 am The Chairman adjourned the Hearing until 9.46 am to enable the perceived conflict of interest to be considered.

9.53 am The Chairman reconvened the Hearing.

9.53 am The Chairman asked Counsel for the applicant if there were any objections to the panel of Commissioners. Mr Littlejohn Counsel for the applicant stated that he had no objection to the members of the panel. The Chairman asked Council's Legal advisor Ms Setareh Masoud-Ansari for a legal opinion. Ms Masoud-Ansari advised that in the opinion of the Manager: Legal Services that as Waitakere was a small city there would be many occasions that applicants, submitters and Commissioner panel members would come into contact and therefore Council's legal services saw no conflict in this particular case as the organisation in question was a non profit organisation. Mr Brownhill stated his client was still concerned that there would be bias if the two commissioners were on the panel.
(Track No: 19) (Track Duration 02:53)

ADJOURNMENT

9.56 am The Chairman adjourned the Hearing to further consider the perceived conflict of interest.

9.57 am The Chairman reconvened the Hearing.

9.58 am Commissioners Cooper and Flaunty addressed the Hearing stating that given the legal advice they have received they were of the opinion that they would be able to be a part of the panel and considered that there would be no bias on their part with any discussion or decision on the application for resource consent by Ritchie Transport Holdings Limited.
(Track No: 20) (Track Duration 00:43)

9.59 am The Chairman stated that as a result of Council's legal advice at the Hearing and the independent legal advice that was sought by Commissioners Cooper and Flaunty the panel of Commissioners for this Hearing would remain as Crs Flaunty, Cooper, Lawley, Mr Alan Bradbourne and herself Cr Neeson.

9.59 am Presentation of evidence by the applicant commenced.

9.59 am Mr Kitt Littlejohn Counsel for the applicant presented evidence and responded to questions from Commissioners Bradbourne, Lawley and Flaunty
(Track No: 24) (Track Duration 28.20)

10.28 am Mr John Ritchie on behalf of the applicant Ritchie Transport Holdings Limited presented evidence and responded to questions from Commissioners Bradbourne, Flaunty and Cooper.
(Track No: 25) (Track Duration 20:31)

10.48 am Mr Stephen Healiss Swanson Depot Manager, Ritchies Transport Holdings Limited for the applicant presented evidence and responded to questions from Commissioners Neeson, Lawley, Bradbourne, Cooper and Flaunty.
(Track No: 26) (Track Duration 25:5)

ADJOURNMENT

- 11.15 am The Chairman adjourned the Hearing until 11.30 am.
- 11.33 am The Chairman reconvened the Hearing.
- 11.34 am Presentation of evidence from the applicant continued.
- 11.34 am Mr Brett Harris Joint Managing Director, Traffic Design Group Limited for the applicant presented evidence and responded to questions from Commissioners Flaunty, Cooper, Bradbourne. Mr Littlejohn Counsel for the applicant responded to a question by Mr Bradbourne regarding the wash bay and bus parking adjacent to the wash bay.
(Track No: 27) (Track Duration 34:17)
- 12.10 pm Mr Nevil Ian Hegley Principal of Hegley Consultants Limited for the applicant presented evidence and responded to questions from Commissioners Neeson, Flaunty, Cooper and Bradbourne.
(Track No: 28) (Track Duration 35:39)

ADJOURNMENT

- 12.43 pm The Chairman adjourned the Hearing until 1.15 pm.
- 1.18 pm The Chairman reconvened the Hearing.
- 1.20 pm Presentation of evidence by the applicant continued.
- 1.21 pm Mr Peter Reaburn Director and Planning Manager, Cato Bolam Consultants Limited for the applicant presented evidence and responded to questions from Commissioners Bradbourne, Cooper and Lawley. Mr Stephen Healiss responded to a question from Commissioner Cooper regarding traffic movement at the site.
(Track No: 29) (Track Duration 1:00)
- 2.22 pm Mr Littlejohn Counsel for the applicant summarise the applicants evidence and concluded the applicant's presentation.
(Track No: 29) (Track Duration 1:01 to 1:05)
- 2.26 pm Mr Stephen Brownhill Counsel for Mr Campbell a submitter in opposition to the application requested an adjournment to enable his client to present their evidence on Tuesday, 19 February 2008 in light of additional information being presented by the applicant in their evidence.
(Track No: 29) (Track Duration 1:05 to 1:10)
- 2.33 pm Mr Mervyn Dingley submitter in opposition to the application presented evidence and responded to questions from Commissioners Cooper, Bradbourne
(Track No: 30) (Track Duration 04:07)

ADJOURNMENT

- 2.37 pm The Chairman adjourned the Hearing until 2.48 pm.
- 2.52 pm The Chairman reconvened the Hearing.
- 2.52 pm Commissioner Flaunty announced that having just received further legal advice from Council's legal adviser in relation to the advice given earlier, it would be prudent for him not to continue participating on the panel as a Commissioner for this Hearing. Commissioner Flaunty left the Hearing
- 2.53 pm Commissioner Cooper also announced that as she had just received further legal advice from Council's legal adviser in relation to the advice given earlier, it would be prudent for her also not to continue participating on the panel as a Commissioner for this Hearing. Commissioner Cooper left the Hearing.
- 2.55 pm Commissioner Bradbourne stated that as an independent commissioner he would not be influenced by comments made when out on site and holding discussions during recess by the two commissioners that due to further legal advice were required through due diligence to vacate the table.
- 2.56 pm Mr Littlejohn made comment regarding the application and stated that he was available for attending the Hearing on Tuesday, 19 February 2008.

ADJOURNMENT

- 3.00 pm The Chairperson adjourned the Hearing until 9.30 am on Tuesday, 19 February 2008 commencing at 9.30 am.