

**MINUTES OF THE HEARING BY COMMISSIONERS HELD IN THE COUNCIL CHAMBER AT
WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,
ON THURSDAY, 26 MARCH 2009, COMMENCING AT 9.35 AM**

PRESENT: Commissioners: Cr VS Neeson, JP (Chairman)
Cr DQ Battersby, JP
Mr J Childs

IN ATTENDANCE: Group Manager: Planning and Community Service, P Brown
Resource Planner: N Pollard
Senior Strategic Advisor: Urban Design & Development, R Sewell
Project Manager - Urban Design, P Joyce
Committee Secretary: S Simiona

**1 NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE
RESOURCE MANAGEMENT ACT 1991 BY DUOPHARMA PACIFIC LIMITED TO
CONSTRUCT AN EIGHT STOREY APARTMENT BUILDING WITH GROUND FLOOR
LEVEL COMMERCIAL SPACE AT 543 TE ATATU ROAD, TE ATATU PENINSULA**

9.35 am The Commissioner Chairman Cr Neeson opened the Hearing introduced the panel of Commissioners Cr Derek Battersby and Mr John Childs and Council officers present.

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 Battersby and Childs advised that they had no conflicts of interest. Commissioner Neeson also advised that she had no conflicts of interest.

9.40 am The Reporting Planner Nick Pollard addressed the Commissioners regarding the addendum to the Agenda, advising that information already received had been omitted to be included and requested that this information be tabled.

Commissioner Neeson accepted that the information be tabled.

9.42 am Chris Hansen representing Vision 7 Limited advised the Commissioners that due to a New Zealand Post mishap his client had not receive the Agenda and Volume II until Tuesday, 24 March 2009 thus giving his client inadequate time to prepare their evidence and stated that they might not be able present at this Hearing and could the Hearing be schedule for a further day.

9.44 am Commissioner Neeson stated that she intended to adjourn the Hearing for 2 minutes to enable the Commissioners to discuss this information.

ADJOURNMENT

9.44 am The Hearing adjourned.

9.48 am The Hearing reconvened.

9.48 am Commissioner Neeson stated that to enable the Hearing to finish in one day the Commissioners had agreed that Mr Hansen on behalf of his client could forward a written submission within four working days of the Hearing closure, to enable the Commissioners take into account his client's comments with their deliberations.

Commissioner Neeson inquired if Mr Hansen's client would be agreeable to this arrangement.

Mr Hansen advised that his client would be agreeable.

9.49 am Commissioner Neeson asked Mr Twan Peters (Architect for the applicant) if the applicant agreed with the proposal.

9.49 am Mr Twan Peters (Architect for the applicant) stated that the applicant agreed with the proposal.

Late Submissions

9.50 am MOVED by Commissioner Childs, seconded Commissioner Battersby that the late submissions be accepted.

CARRIED

9.51 am Twan Peters (Architect for the applicant) presented evidence and responded to questions from Commissioners Neeson, Childs and Battersby
(Track: 48) (Track Duration: 00:35:00)

10.26 am Terry McCarthy Geotechnical Engineer at Soil & Rock Consultants (for the applicant) presented evidence and responded to questions from Commissioners Childs, Battersby and Neeson.
(Track 49) (00:20:16)

10.47 am Tony Smith Director Civil Engineering, Fraser Thomas Ltd (for the applicant) presented evidence and responded to questions for Commissioner Childs
(Track No: 50) (Track Duration 00:16:37)

ADJOURNMENT

11.03 am The Commissioner Neeson adjourned the Hearing until 11.20 am.

11.22 am The Hearing reconvened.

11.24 am Phillip Brown Chartered Professional Engineer & Director of Traffic Engineering & Management Ltd (for the applicant) presented evidence and responded to questions from Commissioner Childs.
(Track No: 51) (Track Duration: 00:30:02)

11.57 am Rachel Foster Acoustic Engineer MAUNSELL/AECOM Ltd (for the applicant) presented evidence and responded to questions from Commissioners Childs and Battersby.
(Track No: 52) (Track Duration: 00:15:18)

- 12.13 am Twan Peters requested that as the Landscape Architect for the applicant could not be present at the Hearing that he be able to read the written evidence by Chris Hinton of Katsura Landscape Architects.
- Commissioner Neeson granted the request.
(Track No: 53) (Track Duration: 00:02:23)
- 12.15 pm Conway Stewart Planning Consultant (for the applicant) presented evidence and responded to questions from Commissioners Childs and Battersby.
(Track No: 54) (Track Duration: 00:30:30)
- 12.47 pm Commissioner Neeson asked Twan Peters (Architect for the applicant) to provide a commentary of the proposed plans for the apartment. Mr Twan responded to questions from Commissioners Childs, Neeson and Battersby.
(Track No: 55) (Track Duration: 00:12:00)
- 12.58 pm Presentation of evidence by the applicant concluded.

ADJOURNMENT

- 12.59 PM Commissioner Neeson adjourned the Hearing until 1.30 pm.
- 1.40 pm The Hearing reconvened.
- 1.40 pm Presentation of evidence by submitters commenced.
- 1.41 pm Robert Taylor, Louise Taylor and Ken Taylor (submitters in opposition to the application) presented evidence and responded to questions from Commissioners Childs and Neeson.
(Track No: 56) (Track Duration: 00:17:34)
- 2.00 pm Graeme Smith on behalf of the Te Atatu Business Association Inc (submitters in opposition to the application) presented evidence and responded to questions from Commissioners Childs and Neeson.
(Track No: 57) (Track Duration: 00:07:38)
- 2.08 pm Maurits Kelderman (submitter in opposition to the application) presented evidence and responded to questions from Commissioner Childs.
(Track No: 58) (Track Duration: 00:14:40)
- 2.25 pm Ian Boyd-Bell Trustees Services Manager Public Trust Office (on behalf of Mrs Iris Jackson submitter in opposition to the application) presented evidence and responded to questions from Commissioner Neeson.
(Track No: 59) (Track Duration: 00:14.50)
- 2.38 pm Michael Bain (submitter in opposition to the application) presented evidence and responded to questions from Commissioner Childs.
(Track No: 60) (Track Duration: 00:13:43)
- 2.52 pm Roger and Junita Stratton (submitters in opposition to the application) presented evidence.
(Track No: 61) (Track Duration: 00:09:25).

- 3.01 pm Gerald Rowan on behalf of St Paul's Anglican Church (submitter in opposition to the application) presented evidence and responded to questions from Commissioner Childs.
(Track No: 63) (Track Duration: 00:24:34)
- 3.27 pm Nicki Sullivan (submitter in opposition to the application) presented evidence.
(Track No: 64) (Track Duration: 00:07:24)
- 3.36 pm Christine Coste (submitter in opposition to the application) presented evidence and responded to questions from Commissioner Childs.
(Track No: 65) (Track Duration: 00:18:18)
- 4.08 pm Jim Cornes on behalf of the Te Atatu Residents and Ratepayers Association (submitter in opposition to the application) presented evidence.
(Track No: 67) (Track Duration: 00:11:54)

ADJOURNMENT

- 4.22 pm Commissioner Neeson adjourned the Hearing for 15 minutes.
- 4.42 pm The Hearing reconvened.
- 4.42 pm The Reporting Planner Nick Pollard responded to questions raised earlier in the Hearing by the Commissioners.
- 4.44 pm Twan Peters (Architect on behalf of the applicant) gave the right of reply.
- Rachel Foster Acoustic Engineer MAUNSELL/AECOM Ltd responded to questions raised by the submitters regarding noise.
- Commissioner Battersby asked Mr Twan Peters what weighting the applicant placed on the Town Centre Community Implementation Plan (TCCIP).
- Mr Peters replied that the TCCIP was a non statutory document and was not required to be taken into account. However the applicant had given some credence to the document.
(Track No: 69) (Track Duration: 00:16:23)
- 5.01 pm Commissioner Neeson thanked everyone for their attendance and advised that the Commissioners would be reserving their decision, closed the Hearing and informed all parties that they would be notified of the decision within 15 working days from receipt of the written submission from Mr Chris Hansen on behalf of his client Mrs Jackson.

Note: The written submission from Mr Hansen was received by the Council on Monday, 6 April 2009, release of the decision has been extended pursuant to section 37 of the RMA, the due date is now Wednesday, 20 May 2009.

Note: Commissioner Battersby on behalf of the panel of Commissioners signed off the decision on Wednesday, 20 May 2009. If a copy of the decision is required please ☎ the Committee Secretary on 836 8000 ext: 8820.