

**MINUTES OF A HEARING BY COMMISSIONERS HELD IN THE COUNCIL CHAMBER AT
WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,
ON THURSDAY, 19 NOVEMBER 2009, COMMENCING AT 9.31 AM**

PRESENT: Commissioners: Cr VS Neeson, JP
Cr DQ Battersby, QSM, JP
Cr LA Cooper, JP

IN ATTENDANCE: Group Manager - Planning and Community Service: P Brown
Resource Planner: M Sherring
Manager - Development Services: S Wharton
Subdivisions and Consents Engineer: R Chand
Committee Secretary: M Petherick

**NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE
RESOURCE MANAGEMENT ACT 1991 BY ALEX AND ISABEL SMILLIE TO UNDERTAKE A
THREE LOT SUBDIVISION AT A GREATER DENSITY THAN PROVIDED FOR IN THE
ORATIA STRUCTURE PLAN; WITH ASSOCIATED ARCHAEOLOGICAL, SUBDIVISION,
EARTHWORKS LAND USE INFRINGEMENTS AND DEVELOPMENT AT A SITE THAT MAY
BE CONTAMINATED BEING PREVIOUSLY USED FOR HORTICULTURAL ACTIVITY AT 110
PARKER ROAD, ORATIA**

9.31 am Commissioner Neeson opened the Hearing welcomed the applicant and submitters. 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 Cooper advised that they had no conflicts of interest. Commissioner Neeson also advised that she had no conflicts of interest.

Commissioner Neeson introduced Council's Group Manager - Planning and Community Service: P Brown and invited him to introduce Council officers present.

Commissioner Neeson invited the applicant to introduce the presenters that would be giving evidence on behalf of the applicant.
(Track No: 74) (Track Duration: 00:03:48)

Presentation of evidence by the applicant commenced.

9.37 am Kit Littlejohn, Counsel (on behalf of the applicant) presented evidence.
(Track No: 76) (Track Duration: 00:26:47)

10.04 am Alex Smillie (applicant) presented evidence and responded to a question from Commissioner Cooper.

Commissioners Cooper, Battersby and Neeson requested clarification from Council's Resource Planner: M Sherring as to why this property was not included in the Oratia Structure Plan.
(Track No: 77) (Track Duration: 00:14:54)

10.20 am Chris Solleder, Engineer - Cato Bolam (on behalf of the applicant) presented evidence and responded to questions from Commissioners Battersby and Cooper.

Commissioners Neeson and Cooper requested that Council's Manager - Development Services: S Wharton clarified points raised in Chris Solleder's evidence.

(Track No: 78) (Track Duration: 00:20:49)

10.41 am Kit Littlejohn, Counsel (on behalf of the applicant) presented evidence on behalf of Jan Woodhouse, Landscape Architect.

Resource Planner: M Sherring clarified points raised in Jan Woodhouse's evidence.

(Track No: 79) (Track Duration: 00:13:09)

ADJOURNMENT

10.54 am Commissioner Neeson adjourned the hearing.

11.16 am Commissioner Neeson reconvened the hearing.

Presentation of evidence by the applicant continued.

11.18 am Kim Parslow, Senior Environmental Planner - Cato Bolam (on behalf of the applicant) presented evidence and responded to questions from Commissioner Neeson.

Commissioner Battersby requested that Council's Group - Manager Planning and Community Service: P Brown clarified points raised in Kim Parslow's evidence.

(Track No: 80) (Track Duration: 00:33:10)

Presentation of evidence by the applicant concluded.

Presentation of evidence by the submitters commenced.

11.52 am Andrew McPhee, Policy Planner - Auckland Regional Council (submitter in opposition of the application) presented evidence and responded to questions from Commissioners Neeson, Cooper and Battersby.

(Track No: 81) (Track Duration: 00:22:19)

12.41 pm Dr Mels Barton, Waitakere Ranges Protection Society (submitter in opposition of the application) spoke to her submission and responded to questions from Commissioners Cooper and Battersby.

(Track No: 83) (Track Duration: 00:23:31)

Presentation of evidence by the submitters concluded.

Commissioner Neeson checked if Council officers would like to clarify any points raised by the applicant and submitters in their evidence.

Group Manager - Planning and Community Service: P Brown addressed issues raised around cumulative effects and discretionary activity specifically in relation to the Oratia Structure Plan and responded to questions from Commissioners Cooper, Battersby and Neeson.

Resource Planner: M Sherring clarified issues raised by the applicant around non-complying activity.

Commissioner Neeson invited the applicant to present the right of reply.

12.57 pm Kit Littlejohn (on behalf of the applicant) gave the right of reply addressing issues around cumulative and precedence effects associated with the development and responded to questions from Commissioner Battersby.

1.21 pm Commissioner Neeson thanked everyone for their attendance and advised that the Commissioners would deliberate the decision in private and that the decision would be available within 15 working days.

Note: Friday, 11 December 2009, release of the decision has been extended pursuant to section 37 of the Resource Management Act 1991. The due date is now Thursday, 21 January 2010.