

<b>MINUTES APPEALS HEARING COMMITTEE</b>	<b>MEETING HELD ON TUESDAY 18 NOVEMBER 2014</b>	<b>TIME 8.30AM</b>
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MINUTES of a meeting of the Appeals Hearing Committee, held at the Council Chambers, Ground Floor, 175 Rimu Road, Paraparaumu, on Tuesday 18 November 2014 commencing at 8.30am.

**PRESENT:**

Cr	M	Bell	(Acting Chair)
Mayor	R	Church	
Cr	D	Ammundsen	
Cr	M	Cardiff	
Cr	W	Welsh	
Cr	P	Gaylor	

**IN ATTENDANCE:**

Ms	S	Foss	(Acting Group Manager Regulatory Services)
Mr	W	Gair	(Principal Resource Consents Planner)
Mr	A	Guerin	(Resource Consents & Compliance Manager)
Ms	S	Moynihan	(Minute Taker)
Mr	L	Manning	(Property Owner, Letmor Construction)

The Acting Chair (Cr Bell) welcomed everyone to the meeting. He explained that due to the sudden and unfortunate loss of Cr Tony Lloyd recently he would be Acting as Chair, and took the opportunity to cite a recent article that Cr Lloyd had published that spoke of this Appeals Hearing Committee as an opportunity to give a human face to Council, that the Committee's role was to consider the task at hand with sympathy, an open-mind and with a focus on finding results. Cr Bell believed that the Committee should continue to hold true to Cr Lloyd's values as a way of providing a tribute to Cr Lloyd's memory.

The Chair read the Council blessing.

**APP 14/11/29  
APOLOGIES**

There were no apologies

**APP 14/11/30  
DECLARATIONS OF INTEREST**

There were no declarations of interest.

**PUBLIC SPEAKING**

The Chair outlined the process for speaking, and invited Mr Manning to speak now prior to the report being presented and again following that.

Mr Manning responded that he had concerns about what this Committee's constitutional place was.

Cr Ammundsen pointed out that this was not a Resource Management Hearing, and he would be advised to speak now and plead his case.

Mr Manning replied that his appeal was lodged under the Resource Management Act (RMA), but he was happy to present his case today.

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Ms Foss apologised to Mr Manning for his uncertainty regards the proceedings this morning. She pointed out that she had spoken to him on the phone and referred him to the Council website to provide relevant background.

Ms Foss explained that the Committee's delegations had recently been altered which was why his appeal couldn't be heard earlier. It was a purely procedural and administrative change only.

Mr Manning requested that he should have his case heard with a proper hearing set up, and the correct amount of time allocated. He felt his resource consent issue had been going on for almost a year without resolution.

Ms Foss clarified that this Committee operated under the Local Government Act (LGA) and there have been no changes to process. It operates in a similar fashion to other triennia.

Mr Manning stated yes it's the LGA 2002, but there was a 2014 amendment that became operable on July 1<sup>st</sup>.

The Chair explained that this Appeals Hearing Committee had the full powers of the Council to make a decision and recommendation to Council. Mr Manning was welcome to continue with his case today. However he also had the choice to adjourn today's proceedings, or withdraw his appeal.

Mr Manning spoke about the LGA Amendment Act of 2014, section 13a under which was a specific schedule that applied to his area of concern. It related to the problems he felt he was experiencing with the Council in respect of the financial contributions sought from him. He was not convinced that the Council could apply that law, as the schedule required changes to the Long Term Plan in respect of the Contributions Policy. So before he could proceed under this forum, he requested understanding of Council's position in applying section 13a to the matters he needed to address.

*8.42am Mr Andrew Guerin (Resource Consents and Compliance Manager) joined the meeting.*

Cr Cardiff spoke through the Chair, about the many items Mr Manning was alluding to. He believed there might be some confusion on his behalf, but that today's debate would not resolve these easily, and he didn't wish Mr Manning to leave disgruntled. He suggested the meeting be adjourned until such time as the section 13a query was answered, through dialogue with Council staff or the CEO, and Mr Manning was clear about the procedures of this Committee.

In response to Mr Guerin's query about his issue, Mr Manning re-iterated that his objection was lodged under the RMA, and this Committee was established under the LGA and he didn't believe it had the jurisdiction to make decisions under the RMA. He felt he had been led to believe that there was no recourse under the RMA and to the LGA to the issues he had raised.

The Mayor proposed to adjourn the meeting in agreement with Cr Cardiff, in order for Council and Mr Manning to seek the requisite advice necessary for this appeal to continue.

Cr Welsh asked if Mr Manning was happy for this to occur.

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Mr Manning thanked Cr Welsh through the Chair and spoke to Cr Cardiff referring to his confusion remark. He believed the confusion was at Council and at a national level regards the RMA, and that was why the new section 13a had been developed.

The Chair then requested the meeting be adjourned. The officers would come back to Mr Manning with an appropriate time.

The Chair advised that he would discuss further, along with Ms Foss, with Mr Manning to ensure he had an appropriate opportunity and time to present.

Mr Manning agreed but still insisted on a formal response from Council as to how his objection under the RMA was going to be dealt with by a hearing under the LGA.

**APP 14/11/32  
DEVELOPMENT CONTRIBUTIONS – LF MANNING (RS-14-1321)**

This report was deferred until the Appeals Hearing Committee could be reconvened at a time suitable for Mr Manning.

**MOVED (Cardiff/Gaylor)**

**That the Appeals Hearings Committee be adjourned until a date to be determined in early 2015.**

**CARRIED**

**APP 14/11/31  
CONFIRMATION OF MINUTES**

The meeting minutes from 23 October 2014 were not confirmed at this time.

*The meeting closed at 8.50am.*

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Chairperson

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Date

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CEO

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Date