



Hastings District Council

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OPEN MINUTES

HEARINGS COMMITTEE

Meeting Date: **Friday, 8 June 2018**

**(A Limited Notified Resource Consent to subdivide 52 and 80
Raymond Road, Haumoana to Create 12 Lifestyle Lots not Meeting
the Minimum Land Area in the Plains Production Zone
(RMA20170355) - A & J Maurenbrecher and D & A Evans)**

HASTINGS DISTRICT COUNCIL

MINUTES OF A MEETING OF THE HEARINGS COMMITTEE
HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC ADMINISTRATION
BUILDING, LYNDON ROAD EAST, HASTINGS ON
FRIDAY, 8 JUNE 2018 AT 10.45AM

*[AND THEN CONTINUED IN PUBLIC EXCLUDED SESSION
ON FRIDAY, 8 JUNE 2018
IN THE GUILIN ROOM, GROUND FLOOR]*

THEN RESUMED IN OPEN SESSION ON FRIDAY, 8 JUNE 2018
IN THE COUNCIL CHAMBER

- PRESENT:** Chair: Councillor G Lyons
Councillor T Kerr
Hastings District Rural Community Board Member: Mr P
Kay
- IN ATTENDANCE:** Environmental Consents Manager (Mr M Arnold)
Team Leader Environmental Consents/Subdivision (Mr C
Sutton)
Senior Environmental Planner Consents (Mrs M Hart)
General Counsel (Mr S Smith) – *present for part of
hearing*
Committee Secretary (Mrs C Hilton)
- ALSO PRESENT:** **“Applicants”**
Mr A and Mrs J Maurenbrecher – Joint Applicants (52
Raymond Road)
Mr D and Mrs A Evans – Joint Applicant (80 Raymond
Road)
Mr J Maassen - Legal Counsel for the Applicants
Ms A Coats, Proarch Consultants Limited - Planner Acting
for Applicants
Mr M Taylor, Horticultural Consultant – Soil Expert
appearing for the Applicants
- “Submitters”**
Mr M Graham
Mr W Gunn

1. APOLOGIES

There were no apologies from the Hearings Committee members rostered on for this hearing.

2. A LIMITED NOTIFIED RESOURCE CONSENT TO SUBDIVIDE 52 AND 80 RAYMOND ROAD, HAUMOANA TO CREATE 12 LIFESTYLE LOTS NOT MEETING THE MINIMUM LAND AREA IN THE PLAINS PRODUCTION ZONE (RMA20170355) - A & J MAURENBRECHER AND D & A EVANS

(Agenda documentation; the applicant and expert submitter evidence had been pre-circulated prior to the hearing) (4 core samples were displayed at the meeting by the applicants)

The Chair, Councillor Lyons and members of the Hearings Committee introduced themselves. The Council officers present were also introduced.

The meeting was advised that the hearings committee had undertaken a site visit that morning, prior to the hearing. It was noted that on the site visit the committee had viewed the various holes on the subject land showing the pan, which had been identified via a plan (*Council's Document System Ref: 56999#0153*) provided by one of the applicants, Mr Maurenbrecher.

The Chair outlined the process to be followed at this hearing, including the presentation of evidence by the parties. Following consideration of the evidence presented, the committee would undertake their deliberations in public excluded (confidential) session.

The Chair noted that the committee members had read the evidence which had been pre-circulated prior to the hearing – being written evidence in two parts on behalf of the applicants (*56999##0120 and 56999##0121*); and a letter forwarded from one of the submitters, Mr M Graham (*56999#0154*).

Mr J Maassen introduced himself, his clients and the others present to give evidence on behalf of the applicants. He advised that it was proposed to address the evidence to be presented on behalf of the applicants, (by Mr Taylor and Mr Maurenbrecher), by way of an interactive oral (Q and A) session. Mrs Evans, one of the applicants, would then present written evidence.

However, Mr Maassen firstly wished to address a preliminary procedural matter. He said he had only just become involved with this application. He noted that Cr Lyons and Mr Kay had been part of the committee hearing submissions to the Proposed District Plan, which had included considering submissions from Mr & Mrs Maurenbrecher and Mr & Mrs Evans and others that this land be rezoned as Rural Residential. That committee had rejected those submissions.

He also stated that all three of the hearings committee members had been on the panel which had made a recent hearing decision in regard to a section 357 objection to a decision to decline consent for Endsleigh Cottages Ltd subdivision at the adjoining site of 42 Raymond Road, Haumoana (hearing held 24/4/18).

Mr Maassen raised a number of concerns on behalf of the applicants, in regard to the Endsleigh Cottages Ltd decision RMA20170335. He particularly referred to three findings in that decision and outlined why his clients had concerns regarding those aspects of that decision. The findings that they contested were set out in Paragraphs 7.1.2; 7.3.3 and 7.3.4 of the decision.

In regard to Paragraph 7.3.4, Mr Maassen highlighted that when deliberating on the Endsleigh Cottages application, the hearings committee had noted the

Maurenbrecher/Evans application as a reason why it needed to protect the integrity of the district plan.

He stated that natural justice was very important and that he believed there was a reasonable likelihood of bias on the part of the hearings committee members. Justice had to be done and had to be seen to be done. The applicants did not have confidence that the committee could apply its decision making in this case, without bias. The applicants did not believe it was appropriate for the committee to consider their application. Therefore, on his clients' behalf, he was seeking that the Maurenbrecher/Evans application be heard by an independent hearings commissioner.

The Open part of the hearing was adjourned at this point, at 11.07am, and the hearings committee reconvened in Public Excluded Session to discuss the issues that had been raised by Mr Maassen, on behalf of the applicants.

The hearing then reconvened in Open Session at 11.53am.

The Chair advised the applicants, their representatives and the other parties and members of the public present, that the committee had discussed the issues raised and had taken legal advice. The Chair then made the following statement.

"If your client accepts the obligation to pay the commissioner's fee in the usual way, we are happy to abort this hearing and have the matter referred to an independent commissioner.

This is somewhat unusual at this stage of the process, but we understand the context of your late involvement.

Absent that, we do not consider the previous decisions you have referred to create an issue in terms of our involvement here. Your client should rest assured we will consider this application on its merits".

At this point, the applicants took the opportunity to further consider their preferred course of action. After brief discussion with his clients, Mr Maassen confirmed to the committee that the applicants still wished to have an independent commissioner consider their application and that they would accept responsibility for the costs involved.

Mr Maassen stated that this course of action was no reflection on the panel, but his clients wanted to ensure the integrity of the process from their point of view.

The hearing was then aborted – at 11.58am.

The Chair acknowledged the submitters and members of the public present and thanked them for attending the hearing. The submitters would be advised of the time and date of the subsequent commissioner hearing in due course.

Confirmed:

Chairman:

Date: