



I hereby give notice that an ordinary meeting of the Unitary Plan Committee will be held on:

Date: Tuesday, 25 February 2014
Time: 1.30pm
Meeting Room: Level 2
Venue: Reception Lounge
Auckland Town Hall
301-305 Queen Street
Auckland

Unitary Plan Committee

OPEN AGENDA

MEMBERSHIP

Chairperson	Cr Alf Filipaina
Deputy Chairperson	Cr Penny Hulse
Members	Cr Anae Arthur Anae
	Cr Dr Cathy Casey
	Cr Chris Darby
	Cr Denise Krum
	Member Liane Ngamane
	Member Josie Smith
	Cr Wayne Walker
	Cr Penny Webster

Ex-officio Mayor Len Brown, JP

(Quorum 6 members)

Suad Allie
Democracy Advisor

20 February 2014

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TERMS OF REFERENCE

Responsibilities

A committee that will give direction to officers on matters associated with the Unitary Plan including:

- Council's submission to the UP (final sign off with parent committee)
- Response to matters raised by the submission process
- Pre-hearing mediation

Substantive issues of policy require approval by the parent committee.

Powers

All powers necessary to perform the Committee's responsibilities.

Except:

- (a) powers that the Governing Body cannot delegate or has retained to itself (see Governing Body responsibilities)
- (b) where the Committee's responsibility is limited to making a recommendation only

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1 Apologies

At the close of the agenda no apologies had been received.

2 Declaration of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

3 Confirmation of Minutes

There are no minutes to confirm.

4 Petitions

At the close of the agenda no requests to present petitions had been received.

5 Public Input

Standing Order 3.21 provides for Public Input. Applications to speak must be made to the Committee Secretary, in writing, no later than **two (2)** working days prior to the meeting and must include the subject matter. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders. A maximum of **thirty (30) minutes** is allocated to the period for public input with **five (5)** minutes speaking time for each speaker.

At the close of the agenda no requests for public input had been received.

6 Local Board Input

Standing Order 3.22 provides for Local Board Input. The Chairperson (or nominee of that Chairperson) is entitled to speak for up to **five (5)** minutes during this time. The Chairperson of the Local Board (or nominee of that Chairperson) shall wherever practical, give **two (2)** days notice of their wish to speak. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders.

This right is in addition to the right under Standing Order 3.9.14 to speak to matters on the agenda.

At the close of the agenda no requests for local board input had been received.

7 Extraordinary Business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

- (a) The local authority by resolution so decides; and
- (b) The presiding member explains at the meeting, at a time when it is open to the public,-
 - (i) The reason why the item is not on the agenda; and

- (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

- (a) That item may be discussed at that meeting if-
 - (i) That item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”

8 Notices of Motion

At the close of the agenda no requests for notices of motion had been received.

Auckland Council submission to the proposed Auckland Unitary Plan 2013

File No.: CP2014/00897

Purpose

1. To seek agreement to a draft version of a whole of council submission to the Proposed Auckland Unitary Plan (PAUP) and endorse its reporting to the Governing Body for final approval and lodgement prior to the close of submissions on 28 February 2014.

Executive Summary

2. The PAUP was notified for submissions on 30 September 2013. Submissions close on 28 February 2014.
3. Staff from across the organisation were given the opportunity to put forward potential amendments to include in a council submission on the PAUP. The clear brief was to identify errors, minor policy refinements and new material (eg plan changes to the operative plans that had reached the decision stage since the PAUP was notified), but not shifts in policy direction.
4. Since the notification of the PAUP, extensive discussion has also taken place between council officers and staff from the Council-controlled Organisations (CCOs), in an effort to ensure any concerns they might have with the PAUP can be addressed through the council's submission. The CCOs were given the opportunity to speak directly to the Unitary Plan Committee on 29 January 2014.
5. The draft submission (under separate cover) reflects the outcomes of Auckland Unitary Plan Committee workshops held on 19, 22 and 26 November 2013, 10 December 2013, 29 January 2014 and 11-12 February 2014.

Recommendation/s

That the Unitary Plan Committee:

- a) endorse the draft submission to the Proposed Auckland Unitary Plan as outlined in Attachment A to the report, subject to the following:
 - i) amend the submission to refer to the need for a Significant Ecological Area to be applied to Kawau Island, but remove the map from the submission.
 - ii) add the following to the list of properties that should be rezoned:

Address	Amendment	Reasons
85-87 Gladstone Road, Parnell	Rezone from Public Open Space – Informal Recreation to Public Open Space - Community	Incorrect Public Open Space zone applied in the PAUP.
5 Hobson Place, Waiuku	Rezone from Public Open Space – Informal Recreation to Light Industry	The site is predominantly zoned Light Industry. A small portion has been incorrectly zoned Public Open Space. The area of land in question is part of the main site and has no public open space characteristics.
23 Commercial Road, Helensville	Rezone from Public Open Space – Sport and Active Recreation to Public Open	Incorrect Public Open Space zone applied in the PAUP.

	Space - Community	
4 Taikata Road, Te Atutu Peninsula	Rezone from Mixed Housing Urban to Town Centre	The site is used solely for vehicle access to the adjacent Town Centre zoned sites.

iii) Add the following items to the submission:

Overlay	Provision	Amendment	Reasons
Sites and Places of Significance to Mana Whenua	J5.1 Activity Table	Remove earthworks control from the activity table: Earthworks on or within 50m of a scheduled site or place of significance to Mana Whenua. D	There is a conflict in the activity status between the Sites and Places of Significance to Mana Whenua overlay and the Auckland-wide rules for earthworks on and around sites of significance to Mana Whenua. Relying on the Auckland-wide rules, which provide a 20 metre buffer, is appropriate.
Sites and Places of Value to Mana Whenua	J5.2 Activity Table	Add a new row in the activity table: <u>Earthworks for the operation, repair and maintenance of existing network utilities. P</u>	To permit earthworks associated with the operation, repair and maintenance of a network utilities, subject to appropriate standards.
Sites and Places of Value to Mana Whenua	J5.2 Development Controls	Add a new development control 2.7 <u>Earthworks for the operation, repair and maintenance of existing network utilities.</u> <u>The permitted activity controls for earthworks for the operation, repair and maintenance of existing network utilities contained in H4.2.1 (Auckland wide earthworks controls) apply.</u>	To permit earthworks associated with the operation, repair and maintenance of network utilities, subject to appropriate standards.

<p>Not applicable</p>	<p>Chapter H: 4.2 Earthworks – 2.1.1.10</p>	<p>Replace existing clause 10 with the following:</p> <p><u>In relation to historic heritage places and sites and places of significance to Mana Whenua, where the 'extent of place' is not mapped, earthworks must be located at least 20m from any scheduled historic heritage place or scheduled sites and places of significance to Mana Whenua.</u></p>	<p>Firstly, it avoids the current duplication between the Auckland-wide earthworks rules and the rules for sites and places of significance to Mana Whenua.</p> <p>Secondly, it clarifies that a 20 metre buffer applies (as opposed to 50 metres).</p> <p>Thirdly, it clarifies that the 20 metre buffer for scheduled historic heritage places does not apply beyond the 'extent of place', where this has been mapped. Most buildings have an 'extent of place' mapped to the property boundary.</p>
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- b) recommend the draft submission to the Governing Body meeting on 27 February 2014, for its adoption as Auckland Council's submission on the Proposed Auckland Unitary Plan.

Discussion

Background

6. The council's goal to create a robust, high-quality Unitary Plan that Aucklanders understand and support is being achieved through an enhanced engagement programme that was adopted by the Auckland Plan Committee in July 2012.
7. Phase One of the enhanced engagement programme ran from August to December 2012 and involved engagement with local boards, key stakeholders, the Independent Maori Statutory Board (IMSB) and Mana Whenua. Council staff also held workshops with approximately 150 people from a variety of sectors. An innovative two week on-line forum, a civic forum hosted by Te Radar and a civic leaders' forum also took place.
8. Feedback from these forums, workshops and events assisted the council in the development of the draft Auckland Unitary Plan which was released for informal public feedback at a two day launch event on 15-16 March 2013. This commenced Phase Two of the enhanced engagement programme (which ran until 31 May 2013) and again involved a number of innovative events (mobile engagement vehicles, planning clinics and mini expos) and forums to encourage public involvement. Public involvement was forthcoming with over 21,000 pieces of feedback received on the draft Auckland Unitary Plan. This enabled the council to make significant changes to the draft provisions.
9. While the draft plan did not have any legal effect under the Resource Management Act (RMA), it did provide the public with the chance to become more familiar with the intended provisions for Auckland before formal notification of the PAUP.

10. The Phase Two draft Auckland Unitary Plan process concluded on 30 September 2013 when the PAUP was publicly notified and opened for formal submissions through until 28 February 2014.
11. Alongside the development of the Auckland Unitary Plan, the Government progressed the Local Government (Auckland Transitional Provisions) Amendment Act 2013. This legislation put in place provision for a specific hearings process to consider submissions and make recommendations on changes to the PAUP.
12. In consultation with the council and the IMSB, the Government appointed the hearings commissioners in December 2013.
13. The commissioners are as follows:
 - David Kirkpatrick (Chair)
 - Des Morrison
 - Janet Crawford
 - Paula Hunter
 - John Kirikiri
 - Stuart Shepherd
 - Greg Hill
 - Peter Fuller
14. This Hearings Panel will hear submissions in respect of the PAUP, and shall make recommendations to the council regarding what changes should be made to the PAUP. The council will then decide whether to accept or reject the Hearings Panel's recommendations. There is a right of appeal to the Environment Court by any submitter against any decision of the council to reject a recommendation of the Hearings Panel. The council's decisions to accept recommendations of the Hearings Panel can only be appealed on points of law, and these appeals are heard by the High Court. The only exception to this is that appeals can be lodged in respect of decisions on designations and heritage orders. If there are no appeals, the PAUP can be made operative in the usual way under clause 20 of Schedule 1 of the RMA.

Work Programme for Submission

15. One of the primary purposes of the enhanced engagement process for developing the plan was to improve the provisions. The opportunity for the council to make a submission itself on the PAUP to improve the provisions is an opportunity that officers recommend be taken.
16. It is important to note that the context for taking the opportunity to make a submission should be to make refinements to continue improving existing provisions rather than to make changes in policy direction. The appropriate time to consider substantial policy matters is once submissions close on PAUP.
17. Starting from this point, internal departments and CCOs were invited to start identifying any errors, new material or policy refinements (minor amendments to policy detail that do not alter the outcomes of the policy approach) that they were aware of.
18. A briefing workshop was held with the Unitary Plan Committee and local board chairs on 19 November. The outcome of this workshop was a direction to progress the development of a council submission.
19. Matters for possible inclusion in the council submission were considered through workshops on 22, 26 November, 10 December, 29 January and 11-12 February 2014. As well as matters raised from internal council departments, a number of CCO representations were made at the workshop on 29 January 2014.

20. Local board views have been brought through the workshops by the inclusion of all local board chairs as participants alongside members of the Unitary Plan Committee. The purpose of this arrangement was to seek the perspectives of local boards on the council submission. In recognition that some community views from local boards may need specific mention, provision has been made for these statements to be clearly identified and included as Part Two of the council submission.

Finalising the draft submission

21. Submissions to the PAUP are due by 28 February 2014.
22. The attached draft council submission has been updated to incorporate all workshop direction provided to officers.
23. It is recommended that the submission be reported to the Governing Body meeting on 27 February 2014 for formal adoption and lodgement prior to 5pm on 28 February 2014.

Matters that have arisen since the draft submission was distributed

24. The following matters have arisen since the draft submission was distributed:

Local Board Views

25. At the Unitary Plan Committee workshop on 12 February, a presentation was made in relation to the draft local board views that had been received from the following local boards:
- Albert-Eden
 - Devonport-Takapuna
 - Franklin
 - Howick
 - Kaipatiki
 - Mangere-Otahuhu
 - Maungakiekie-Tamaki
 - Orakei
 - Otara-Papatoetoe
 - Papakura
 - Puketapapa
 - Rodney
26. Since the workshop, local board views have been received from the Great Barrier Island, Hibiscus and Bays and Manurewa Local Boards. The views of the Great Barrier Island and Manurewa Local Boards have once again been reviewed to assess whether they contain matters that meet the direction from the committee in relation to the scope of Part One of the council submission (i.e. errors, new material and policy refinements). Staff are still in the process of reviewing the views of the Hibiscus and Bays Local Board.
27. The matters raised by the Great Barrier Island Local Board and Manurewa Local Board cover a range of important issues, however they are not considered to fall within the scope set out by the Unitary Plan Committee for Part One of the council submission. They should therefore be included in Part Two (Local Board Views), as agreed between the Unitary Plan Committee and local boards.
28. The final views from all local boards that wish their views to be included in Part Two (Local Board Views) of the council submission are expected to be received prior to the Governing Body meeting on 27 February 2014. A verbal update will be provided to the Unitary Plan Committee on 25 February 2014 and at the Governing Body meeting on 27 February 2014.
29. It is important to note that once submissions close, where there is no conflict of interest, local board chairs are able to be involved in the consideration of submissions on the PAUP that raise local issues. At this stage this work is expected to commence towards the end of 2014, as the early focus of the Unitary Plan Committee after the close of submissions is likely to be on Auckland-wide matters.

Kawau Island

30. A Significant Ecological Area (SEA) was intended to be placed over Kawau Island in the PAUP, however the SEA overlay was omitted from the maps in error. The draft submission includes an amendment to the PAUP to introduce a SEA over the Island. A map is included as part of the draft submission. A detailed ecological survey of the Island has not been completed by council ecologists. It is therefore considered more appropriate that the submission refers to the need for a SEA to be applied, but that the map is not included in the council submission.

Auckland Council Properties Limited

31. Auckland Council Properties Limited (ACPL) gave a presentation to the Unitary Plan Committee on a number of council-owned properties it believed should have an alternative zone to that which has been applied in the PAUP. ACPL alluded to further research they were undertaking across the council's property holdings. A report was recently prepared on behalf of ACPL outlining further possible zone changes. Having reviewed the report, it is considered that the following amendments fall within the scope set out for the council submission by the committee:

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85-87 Gladstone Road, Parnell	Rezone from Public Open Space – Informal Recreation to Public Open Space - Community	Incorrect Public Open Space zone applied in the PAUP.
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Watercare Services Limited

32. Discussions have been ongoing with Watercare Services Limited (WSL) to ensure that any concerns WSL has with the PAUP are addressed through the council submission. A key concern raised by WSL has been the ability to operate, maintain and repair existing pipes within the various heritage, landscape and environmental overlays in the PAUP. Various amendments are included in the draft submission. The following additional amendments are proposed:

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Item 9

<p>Not applicable</p>	<p>Chapter H: 4.2 Earthworks – 2.1.1.10</p>	<p>Replace existing clause 10 with the following:</p> <p><u>In relation to historic heritage places and sites and places of significance to Mana Whenua, where the 'extent of place' is not mapped, earthworks must be located at least 20m from any scheduled historic heritage place or scheduled sites and places of significance to Mana Whenua.</u></p>	<p>Firstly, it avoids the current duplication between the Auckland-wide earthworks rules and the rules for sites and places of significance to Mana Whenua.</p> <p>Secondly, it clarifies that a 20 metre buffer applies (as opposed to 50 metres).</p> <p>Thirdly, it clarifies that the 20 metre buffer for scheduled historic heritage places does not apply beyond the 'extent of place', where this has been mapped. Most buildings have an 'extent of place' mapped to the property boundary.</p>
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Consultation

33. The development of the council's own submission to the PAUP has involved input from departments across the council, CCOs and local boards as described within paragraphs 15-20 above.

Significance of Decision

34. The decision made by the council to submit to the PAUP will in many cases ensure an opportunity to 'front foot' some issues. Some of these issues are of particular interest to the local boards, CCOs and other key stakeholders, parties and have been developed through the ongoing discussions and workshops noted above.
35. The submission also provides the council with the opportunity to iron out some errors such as grammar and spelling, cross referencing and linking, numbering and errors with images (including maps).
36. Clause 6 of the First Schedule of the RMA provides the council with the ability to make a submission to the PAUP.

Decision Making

37. The Governing Body holds the delegated authority to endorse and lodge submissions to RMA proposed plans.

Consideration

Local Board Views

38. Local board chairs have attended the Unitary Plan Committee workshops to help build the council's submission. In addition, local boards have been invited to record their community views within Part Two of the submission.

Maori Impact Statement

39. Staff are separately advising Mana Whenua about the content of Unitary Plan and the process for their submissions. Mana Whenua technical hui were held on 27 and 28 November 2013 and 29 January 2014 to assist Mana Whenua in navigating the PAUP. It is understood that Mana Whenua will lodge their submissions by 28 February 2014.

Financial and Resourcing Implications

40. The submission is within ongoing operational budgets.

Legal and Legislative Implications

41. Legal services were involved in senior management review sessions of matters for possible inclusion within the council submission. As stated in paragraph 27 above, Clause 6 (2) to the First Schedule of the RMA expressly provides for the council to make a submission on its own policy statement or plan.

Attachments

Due to its size and complexity, the attachment is available under separate cover and available on the council's website.

Signatories

Authors	Phill Reid - Unitary Plan Integration Manager
Authorisers	Penny Pirrit - Regional & Local Planning Manager