



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

**Date:** Wednesday, 10 September 2014  
**Time:** 1.30pm  
**Meeting Room:** Council Chamber  
**Venue:** Auckland Town Hall  
301-305 Queen Street  
Auckland

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## Unitary Plan Committee

### OPEN AGENDA

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#### MEMBERSHIP

|                           |                          |
|---------------------------|--------------------------|
| <b>Chairperson</b>        | Cr Alf Filipaina         |
| <b>Deputy Chairperson</b> | Deputy Mayor Penny Hulse |
| <b>Members</b>            | 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         |
| <b>Ex-officio</b>         | Mayor Len Brown, JP      |

(Quorum 5 members)

**Maureen Koch**  
**Democracy Advisor**

**3 September 2014**

Contact Telephone: (09) 357 3096  
Email: [maureen.koch@aucklandcouncil.govt.nz](mailto:maureen.koch@aucklandcouncil.govt.nz)  
Website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)

## 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**

An apology from Cr CM Casey has 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**

That the Unitary Plan Committee:

- a) confirm the ordinary minutes of its meeting, held on Tuesday, 12 August 2014, as a true and correct record.

**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.

## Proposed Auckland Unitary Plan - delegations for mediation and hearings

File No.: CP2014/19874

### Purpose

1. The purpose of this report is to establish an urgent decision process for confirming the council's position on submissions on the Proposed Auckland Unitary Plan (PAUP) at mediation sessions held by the Auckland Unitary Plan Independent Hearings Panel (IHP).
2. The report recommends that the Unitary Plan Committee delegates to the Chair, Deputy Chair and two other members of the committee the power to make, on behalf of the Unitary Plan Committee, urgent decisions on the council's position on submissions that may be required for IHP mediation sessions.
3. The report also seeks that the Manager Regional and Local Planning and Manager Unitary Plan are delegated the authority to confirm the council's position in respect of technical matters (as opposed to policy matters) at any mediation sessions held by the IHP and at the hearings.

### Executive summary

4. Hearings are about to commence on the PAUP. Some hearing topics will be set down for mediation by the IHP prior to a hearing. The council is required to attend all mediation sessions, and mediations can be set down at very short notice. Submitters and the council must be able to confirm their position in response to proposed changes to the PAUP that are put forward at mediation. Mediation sessions may be confirmed by the IHP with insufficient time to arrange for a Unitary Plan Committee decision.
5. In order to meet this requirement, it is recommended that the Unitary Plan Committee delegates the authority to confirm the council's position on policy matters during mediation. It is also possible that some technical matters may proceed to mediation prior to a hearing. The report also recommends delegations to address these matters.
6. The recommendations contained in this report will enable the council to actively participate in any mediation sessions that occur prior to the PAUP hearings, and to comply with the relevant legislation and IHP procedures. It will also enable the council to address proposed changes of a technical nature (as well as the policy matters delegated to the four councillors) during the course of mediation and at the hearings.

### Recommendations

That the Unitary Plan Committee:

- a) delegate the Chair, Deputy Chair and two other members of the Unitary Plan Committee, the authority to confirm the council's position in respect of submissions on the Proposed Auckland Unitary Plan at mediation sessions held by the Auckland Unitary Plan Independent Hearings Panel. A least two members are required for an urgent decision to be made.
- b) delegate the Manager Regional and Local Planning and Manager Unitary Plan, the authority to confirm the council's position in respect of technical matters (as opposed to policy matters) at mediation sessions held by the Auckland Unitary Plan Independent Hearings Panel and at the hearings.

## Comments

7. Hearings are about to commence on the Proposed Auckland Unitary Plan (PAUP). Some hearing topics will be set down for mediation by the Auckland Unitary Plan Independent Hearings Panel (IHP) prior to a hearing. At this stage it would appear that only a small number of Regional Policy Statement topics will be referred to mediation, however the IHP has signalled its intention to fully explore mediation opportunities for regional plan and district plan provisions contained within the PAUP. The council is required to attend all mediation sessions (s.134(1)(b) of the Local Government (Auckland Transitional Provisions) Act and all parties must be able to confirm their position in response to proposed changes to the PAUP that are put forward at mediation (clause 50, IHP Procedures document).
8. In order to meet this requirement, it is recommended that the Unitary Plan Committee delegates the authority to urgently confirm the council's position on policy matters during mediation. In many situations, the committee will have discussed a mediation topic prior to the mediation session taking place, and as such, the delegates will have a good sense of the committee's position in response to the submissions.
9. The proposed delegates are the Chair, Deputy Chair and two other members of the committee. Decisions made under this delegation would be reported to the Unitary Plan Committee as soon as practicable after the decision is made.
10. It is possible that some technical matters may also proceed to mediation prior to a hearing. Examples of this include:
  - the structure of the PAUP;
  - the grouping of overlays in the text of the PAUP relative to the maps;
  - whether  $dBA_{L10}$  or  $dBA_{LEq}$  is the most appropriate method to measure noise; or
  - the specific manner in which framework plans are referred to in the rules of the PAUP.
11. The committee has previously delegated its authority to the Manager Regional and Local Planning and Manager Unitary Plan to run the council's case in relation to these kinds of topics, provided the council's approach remains the same. It is possible that an alternative approach put forward in the submissions may be better than the current approach. As a result, it is also recommended that the Manager Regional and Local Planning and Manager Unitary Plan are delegated the authority to confirm the council's position in respect of these kinds of topics during mediation and at the hearings.
12. The recommendations contained in this report will enable the council to actively participate in any mediation sessions that occur prior to the PAUP hearings and comply with the Local Government (Auckland Transitional Provisions) Act and the IHP Procedures document. They will also enable the council to address proposed changes of a technical nature (as opposed to policy matters) during the course of mediation and at the hearings.

## Consideration

### Local board views and implications

13. The delegations discussed in this report are not considered to have any impact on local boards. As such, the views of local boards have not been sought in relation to the matter.

### Māori impact statement

14. The delegations discussed in this report are not considered to have any impact on Maori.

## Implementation

15. The recommendations made in this report can be implemented within the existing Unitary Plan budget.

## Attachments

There are no attachments for this report.

## Signatories

|            |  |
|------------|--|
| Author     | John Duguid - Manager Plan Development           |
| Authoriser | Penny Pirrit - Regional & Local Planning Manager |



## Exclusion of the Public: Local Government Official Information and Meetings Act 1987

That the Unitary Plan Committee:

- a) exclude the public from the following part(s) of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

### C1 Proposed Auckland Unitary Plan - council position for mediation and hearings

| Reason for passing this resolution in relation to each matter  | Particular interest(s) protected (where applicable)  | Ground(s) under section 48(1) for the passing of this resolution   |
|--|--|--|
| The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7. | <p>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege.</p> <p>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege.</p> <p>In particular, the report contains material which is subject to legal professional privilege.</p> | <p>s48(1)(a)</p> <p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p> |