



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

Date: Tuesday, 14 October 2014
Time: 1.30pm
Meeting Room: Council Chamber
Venue: Auckland Town Hall
301-305 Queen Street
Auckland

Unitary Plan Committee

OPEN AGENDA

MEMBERSHIP

Chairperson	Alf Filipaina
Deputy Chairperson	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 5 members)

Sarndra O'Toole
Democracy Advisor

8 October 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

ITEM	TABLE OF CONTENTS	PAGE
1	Apologies	5
2	Declaration of Interest	5
3	Confirmation of Minutes	5
4	Petitions	5
5	Public Input	5
6	Local Board Input	5
7	Extraordinary Business	6
8	Notices of Motion	6
9	Auckland Unitary Plan Independant Hearings Panel - Update on progress	7
10	Consideration of Extraordinary Items	
PUBLIC EXCLUDED		
11	Procedural Motion to Exclude the Public	11
C1	Proposed Auckland Unitary Plan - council position for mediation and hearings	11
C2	Proposed Auckland Unitary Plan - council position for mediation and hearings	11
C3	Report on King Salmon decision	11

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

That the Unitary Plan Committee:

- a) confirm the ordinary minutes of its meeting, held on Thursday, 18 September 2014, including the confidential section, 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.

Auckland Unitary Plan Independent Hearings Panel - Update on progress

File No.: CP2014/22970

Purpose

1. This report is an update on progress made by the Auckland Unitary Plan Independent Hearings Panel since last reported in May 2014.

Executive summary

2. The Independent Hearings Panel (IHP or Panel) is a statutory body appointed by the Ministers for the Environment and Conservation. The Panel's job is to hear submissions and evidence on the Proposed Auckland Unitary Plan (PAUP) and then report back to the Auckland Council about changes it recommends should be made to the Plan.
3. The panel office at 205 Queen Street has been set up where most of the hearings will take place. The rooms are meeting expectations by Panel and staff.
4. Staff supporting the Panel and hearing process have nearly all been appointed. Recent appointments include two additional planners and 15 contracted mediators and facilitators. A full time planning technician is currently in the process of being seconded from within council for the data management of submissions.
5. Hearings have commenced. To ensure they run according to the hearings schedule available on the IHP website templates, processes and an on-line booking system for submitters to use have been developed.
6. The Ministry for the Environment (MfE) will be undertaking an evaluation of the hearing process. A terms of reference document is currently under development for sign off by the IHP and MfE.

Recommendation/s

That the Auckland Unitary Plan Committee:

- a) note that the hearings on the proposed Auckland Unitary Plan have commenced and that quarterly updates will be provided by the Auckland Unitary Plan Committee from the Independent Hearings Panel.
- b) request this report and resolutions be forwarded to local boards for their information.

Comments

Background

7. On the 20 May 2014 the IHP provided an update to the Unitary Plan Committee on progress made on the establishment of the office and scheduling of hearings. The report included an update on structure and staff appointments, premises for the IHP, Hearing Procedures document, IHP website and hearing timetable.

Establishment of the Independent Hearings Panel

Premises for the IHP

8. The IHP and support team moved into level 15, Tower 1, 205 Queen Street at the end of June 2014. Level 16 has been used for mediation, expert conferencing, staff meetings and hearings. These rooms have been successfully set up, tested and are meeting expectations.

9. Given that 130 people can be accommodated on level 16 (to meet fire safety requirements) off site venues will be required for some hearings. Off-site venues will include Aotea Centre and other council venues.

Staff appointments

10. As the committee will be aware, council staff were appointed in the first quarter of this year to support the IHP for the duration of the process. More recently, 15 mediators and facilitators have been appointed to assist the Independent Hearings Panel during the pre-hearing phase to clearly identify the issues and agreements reached on a particular hearing topic. This will reduce the time and cost of the hearings. The mediators and facilitators are now underway with mediation and expert conferencing sessions.
11. In addition, two planners have been seconded and a planning technician will be seconded to help out with data management of submissions.
12. The IHP staffing levels will continue to be monitored to ensure against unnecessary delays to the hearings schedule. All staffing levels are currently being managed within allocated budgets.

Hearing Progress

Hearing schedule

13. The hearing schedule has been developed as an outcome of workshops with the Panel and staff in July. The schedule was made available on the aupihp website in August. It includes dates for pre-hearing meetings, mediation, expert conferencing and hearings up until the end of February 2015.
14. The order of the hearing of submissions will be from the general to the specific. Hearings start on the Regional Policy Statement followed by more detailed topics such as Auckland-wide provisions, overlays and zones. The place-based provisions (e.g. precincts), rezoning requests and designations will be heard last.
15. The schedule is updated on a regular basis. Submitters are being advised of the need to refer to the website for the most up to date schedule. Times and venues will be added to the schedule as they become available.
16. The IHP has been receiving a large number of memorandums of counsel from lawyers and planners requesting the schedule to be amended to allow for more hearing time, changes to the order of hearing topics or the enablement of submitters to speak to all of their PAUP matters in one single appearance. The position of the IHP is that no changes will be made to the schedule unless absolutely necessary. To address the matters raised within the memoranda and explain the Panel's position a judicial conference is being held on 3 October 2014.

Commencement of hearings

17. Prior to hearings commencing, the IHP support staff have been establishing a transparent process to enable the hearing of submissions to run according to schedule. This has involved having regular process meetings with the support team and the Panel and creating a number of templates to support the process (e.g. Parties and Issues Report, notification letters, process diagrams and checklists).
18. Hearing of submissions have commenced with the first hearing being 002 E-plan and Miscellaneous on 25 September 2014. This hearing dealt with submissions generally seeking outcomes outside of the scope of what the PAUP contains.
19. By the end of October the IHP will have completed all the pre-hearing meetings for Regional Policy Statement, including some overlay hearing topics (033 General Coastal Marine zone and activities, 034 Coastal zones and 035 Air Quality). Between November 2014 and February 2015 hearings, mediation and expert conferencing will be held for these hearing topics. The IHP planning team have completed the Parties and Issues reports to support these hearings.

20. The next tranche of pre-hearing meetings in January will cover overlays, the City Centre zone, Future Urban zone and Auckland wide provisions. The IHP planners are currently working on the Parties and Issues reports for these. These will be completed by the end of November to allow sufficient time for pre-hearing notification letters to be sent out in December.

Hearing Procedures Document

21. A Hearing Procedures document has been developed by the IHP to provide direction to all those participating in the hearing process on the overall principles and procedures that will apply, and the role of support staff and Auckland Council. This document is currently being updated as a result of Panel directions to combine the expert conferencing and amend evidence exchange timetables.
22. A number of procedural minutes have also been released to address late submissions, speaking time at hearings, evidence exchange and directions for council to advise the Panel of its approach to managing the large number of site specific submissions on the Rural Urban Boundary, the schedules, precincts and rezonings.

Website

23. Since May 2014 the website has been updated to include the following information for submitters:
- Updated factsheets, including translations in Samoan, Tongan, Maori, Korean and Chinese.
 - Procedural Minutes
 - Biographies for mediators and facilitators
 - Judicial conferences
 - Hearing schedule
 - All the hearing topics have been loaded. As relevant documents become available for public viewing pertaining to a particular hearing topic these are uploaded by the hearing administration team.
24. The website is continuously being updated with information relating to hearings and the hearing process, and submitters are being advised of the need to refer to the website for the most up to date information.
25. By the end of October the website will provide a one-stop-shop option for submitters on the proposed Unitary Plan to schedule their attendance, upload evidence and receive information about the process in a self-service manner. This function will replace existing manual processes that would otherwise struggle to cope with the scale and complexity of requests to attend hearings, scheduling hearings and emailing reminders and notices on top of the cost to print and post the material.

Evaluation by the Ministry for the Environment

26. The MfE will be undertaking an evaluation to assess the effectiveness of the hearings process in relation to the central goals of better decision making, opportunities for submitter involvement, timeliness and efficiencies of process.
27. A terms of reference document between the IHP, Auckland Council and the MfE (the partner agencies) for the evaluation of the Proposed Auckland Unitary Plan hearings process is being developed.

Consideration

Local board views and implications

28. The view of local boards are able to be represented by the attendance of all local board chairs at the Unitary Plan Committee.

Māori impact statement

29. It is considered that there are no specific impacts on Maori arising from any decisions made by the Unitary Plan Committee in response to this report.

Implementation

30. The Panel and the IHP support team will continue to work accordingly to the hearing schedule. The delivery of the hearings and the support to the Panel is being delivered within existing allocated budgets.

Attachments

There are no attachments for this report.

Signatories

Authors	Phill Reid - Unitary Plan Integration Manager
Authorisers	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.	s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege. In particular the report contains legal advice..	s48(1)(a) 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.

C2 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.	s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege. In particular, the report contains legal advice..	s48(1)(a) 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.

C3 Report on King Salmon decision

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.	s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege. In particular, the report contains information for the Unitary Plan Committee on a new legal authority..	s48(1)(a) 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.