
Unitary Plan Committee

OPEN MINUTES

Minutes of a meeting of the Unitary Plan Committee held in the Council Chamber, Auckland Town Hall, 301-305 Queen Street, Auckland on Tuesday, 14 October 2014 at 1.30pm.

PRESENT

Chairperson	Alf Filipaina	
Deputy Chairperson	Penny Hulse	From 1.42pm, Item 5
Members	Cr Anae Arthur Anae	
	Cr Dr Cathy Casey	
	Cr Chris Darby	
	Cr Denise Krum	Until 2.35pm, Item 9
	Member Liane Ngamane	
	Cr Wayne Walker	
	Cr Penny Webster	

APOLOGIES

Member Josie Smith	Absence
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ALSO PRESENT

Cr Bill Cashmore	
Cr George Wood	Until 3.59pm, Item

1 Apologies

Resolution number UNI/2014/25

MOVED by Chairperson AM Filipaina, seconded by Member Ngamane:

That the Unitary Plan Committee:

- a) **accept the apology from Deputy Mayor Penny Hulse for lateness, Member Josie Smith for absence and Councillor Denise Krum for early departure.**

CARRIED

2 Declaration of Interest

There were no declarations of interest.

3 Confirmation of Minutes

Resolution number UNI/2014/26

MOVED by Chairperson AM Filipaina, seconded by Cr MP Webster:

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.**

CARRIED

4 Petitions

There were no petitions.

Deputy Chairperson PA Hulse joined the meeting at 1.42 pm.

5 Public Input

5.1 Public Input – Auckland 2040: Richard Burton - Unitary Plan Hearings Processes

Richard Burton spoke to the Committee and tabled his submission.

A copy of the submission is attached to the official copy of the minutes and is available on the Auckland Council website as a minutes attachment.

Resolution number UNI/2014/27

MOVED by Chairperson AM Filipaina, seconded by Cr DA Krum:

That the Unitary Plan Committee:

- a) **receive the public input presentation by Richard Burton on behalf of Auckland 2040 regarding Unitary Plan Hearings processes.**
- b) **thank Richard Burton for attending the Unitary Plan Committee meeting.**

CARRIED

Attachments

- A 14 October 2014, Unitary Plan Committee, Item 5.1 - Public Input - Richard Burton Auckland 2040, tabled submission

6 Local Board Input

6.1 Mike Cohen - Chair, Devonport-Takapuna Local Board: Unitary Plan Processes

Mike Cohen, Chair Devonport-Takapuna Local Board was in attendance to present to the Unitary Plan Committee regarding:

- The Unitary Plan is arguably the most important document ever prepared in local government and can have a significant impact positive or negative on the lives of ordinary Aucklanders
- Ordinary members of the public are being put off from attending Unitary Plan hearings to represent their views because:
 - the process is intimidating for ordinary people
 - they may have to attend several meetings in order to represent the points they wish to make but working people find it difficult to get time off to attend one meeting let alone many
 - the time available is sometimes inadequate for ordinary people to get their points across
- The council should submit to the government that the time allowed for the Unitary Plan hearings process is woefully inadequate, especially when compared to similar past processes, and that the time should be extended to allow all Aucklanders to participate, rather than just planners and developers, who might otherwise dominate proceedings

Resolution number UNI/2014/28

MOVED by Cr C Darby, seconded by Cr CM Casey:

That the Unitary Plan Committee:

- a) **receive the presentation from the Chair Devonport-Takapuna Local Board regarding the Proposed Auckland Unitary Plan hearings process.**
- b) **thank Mike Cohen for attending the Unitary Plan Committee.**

CARRIED

7 Extraordinary Business

7.1 Extraordinary Business - Expansion of Delegations for Mediation and Hearings

Resolution number UNI/2014/29

MOVED by Chairperson AM Filipaina, seconded by Cr MP Webster:

That the Unitary Plan Committee:

- a) **consider an extraordinary item regarding the expansion of delegations for mediation and hearings for the Proposed Auckland Unitary Plan at item 10 of this agenda:**
 - i) **the reasons the matter was not on the agenda is that it has only recently become apparent that the current delegations for urgent decision making do not extend to parts of the hearing process other than mediation.**
 - ii) **the reason for urgency being that the speed at which the Unitary Plan Hearings Panel is operating means an urgent decision may be required outside the scheduled meetings of the Unitary Plan Committee.**

CARRIED

8 Notices of Motion

There were no notices of motion.

9 Auckland Unitary Plan Independent Hearings Panel - Update on progress

Cr DA Krum left the meeting at 2.35 pm.

Resolution number UNI/2014/30

MOVED by Cr C Darby, seconded by Chairperson AM Filipaina:

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, Independent Maori Statutory Board and all advisory panels for their information.**

CARRIED

Cr C Penrose joined the meeting at 3.15pm.

MOVED by Cr CM Casey, seconded by Member L Ngamane:

That the Unitary Plan Committee:

- a) **acknowledge the complexity of the process for lay submitters and ask staff to report on extending the Proposed Auckland Unitary Plan Hearings process by three months.**

The motion was put to the vote by a show of hands, and was declared EQUAL.

The Chairperson exercised their casting vote against so the motion was Lost.

LOST

10 Consideration of Extraordinary Items

10.1 Extraordinary Business - Expansion of Delegations for Mediation and Hearings

Resolution number UNI/2014/31

MOVED by Cr MP Webster, seconded by Chairperson AM Filipaina:

That the Unitary Plan Committee:

- a) rescind resolution number UNI/2014/17, Item 9 – Proposed Auckland Unitary Plan – delegations for mediation and hearings, 10 September 2014, as follows:
- a) ~~delegate to the Chair, Deputy Chair and two other members of the Unitary Plan Committee, (to be appointed by the Chair and Deputy Chair) 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 three members are required for an urgent decision to be made.~~
 - b) ~~delegate to 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.~~
 - c) ~~monitor the actions of the working group on a regular basis and if necessary review delegations in a) above as required.~~

and replace with:

That the Unitary Plan Committee:

- a) delegate to the Chair, Deputy Chair and two other members of the Unitary Plan Committee, (to be appointed by the Chair and Deputy Chair) the authority to confirm the council's position in respect of submissions on the Proposed Auckland Unitary Plan at mediation sessions and any other hearings process held by the Auckland Unitary Plan Independent Hearings Panel. At least three members are required for an urgent decision to be made.
- b) delegate to 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.
- c) monitor the actions of the working group on a regular basis and if necessary review delegations in a) above as required.

CARRIED

11 Procedural motion to exclude the public

Resolution number UNI/2014/32

MOVED by Chairperson AM Filipaina, seconded by Cr MP Webster:

That the Unitary Plan Committee:

- a) **exclude the public from the following part(s) of the proceedings of this meeting.**
- b) **agree that David Mead, Stephen Brown, Kevin Wong-toi, Trevor Mackey, Alastair Cribbens, Peter Raeburn (Consultants) be permitted to remain for Confidential Items:**

C1 - Proposed Auckland Unitary Plan - council position for mediation and hearings: Significant infrastructure, transport, biodiversity and significant Ecological Areas, natural hazards, outstanding natural landscapes and outstanding natural features, natural character of the coastal environment, and

C2 - Proposed Auckland Unitary Plan - council position for mediation and hearings: water - stormwater, water - fresh and geothermal water, water - water allocation and use after the public has been excluded

because of their knowledge of the specific subjects being discussed which will help the Unitary Plan Committee in its decision-making.

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: Significant infrastructure, transport, biodiversity and significant Ecological Areas, natural hazards, outstanding natural landscapes and outstanding natural features, natural character of the coastal environment

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: water - stormwater, water - fresh and geothermal water, water - water allocation and use

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.

The text of these resolutions is made available to the public who are present at the meeting and form part of the minutes of the meeting.

CARRIED

3.20pm The public was excluded.

Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and are not publicly available.

5.35pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Proposed Auckland Unitary Plan - council position for mediation and hearings: Significant infrastructure, transport, biodiversity and significant Ecological Areas, natural hazards, outstanding natural landscapes and outstanding natural features, natural character of the coastal environment

Resolution number UNI/2014/38

That the Unitary Plan Committee:

hhh) agree that the report, attachments and resolution remain confidential.

C2 Proposed Auckland Unitary Plan - council position for mediation and hearings: water - stormwater, water - fresh and geothermal water, water - water allocation and use

Resolution number UNI/2014/41

That the Unitary Plan Committee:

dd) agree that the report, attachments and resolution remain confidential.

C3 Report on King Salmon decision

Resolution number UNI/2014/42

That the Unitary Plan Committee:

b) agree that the report, attachments and resolution remain confidential.

5.36 pm

The Chairperson thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF THE UNITARY PLAN
COMMITTEE HELD ON

DATE:.....

CHAIRPERSON:.....