



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

**Date:** Tuesday, 24 March 2015  
**Time:** 2.00pm  
**Meeting Room:** Reception Lounge  
**Venue:** Level 2 Town Hall

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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 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)

**Katherine Sowry**  
**Democracy Advisor**

**18 March 2015**

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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

## **EXCLUSION OF THE PUBLIC – WHO NEEDS TO LEAVE THE MEETING**

### **Members of the public**

All members of the public must leave the meeting when the public are excluded unless a resolution is passed permitting a person to remain because their knowledge will assist the meeting.

### **Those who are not members of the public**

#### General principles

- Access to confidential information is managed on a “need to know” basis where access to the information is required in order for a person to perform their role.
- Those who are not members of the meeting (see list below) must leave unless it is necessary for them to remain and hear the debate in order to perform their role.
- Those who need to be present for one confidential item can remain only for that item and must leave the room for any other confidential items.
- In any case of doubt, the ruling of the chairperson is final.

#### Members of the meeting

- The members of the meeting remain (all Governing Body members if the meeting is a Governing Body meeting; all members of the committee if the meeting is a committee meeting).
- However, standing orders require that a councillor who has a pecuniary conflict of interest leave the room.
- All councillors have the right to attend any meeting of a committee and councillors who are not members of a committee may remain, subject to any limitations in standing orders.

#### Staff

- All staff supporting the meeting (administrative, senior management) remain.
- Only staff who need to because of their role may remain.

#### Local Board members

- Local Board members who need to hear the matter being discussed in order to perform their role may remain. This will usually be if the matter affects, or is relevant to, a particular Local Board area.

#### IMSB

- Members of the IMSB who are appointed members of the meeting remain.
- Other IMSB members and IMSB staff remain if this is necessary in order for them to perform their role.

#### CCOs

Representatives of a CCO can remain only if required to for discussion of a matter relevant to the CCO

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## 1 Apologies

Apologies from Cr AJ Anae, Mayor LCM Brown and Deputy Chairperson PA Hulse have 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, 24 February 2015, 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.

## Update on decisions made under delegated authority

File No.: CP2015/02159

### Purpose

1. To inform the Unitary Plan Committee of directions provided by its four delegated committee members (Councillor Darby, Chairperson Filipaina, Deputy Mayor Hulse and Member Ngamane) between December 2014 and February 2015 on topics for which the council's evidence has been submitted to the Auckland Unitary Plan Independent Hearings Panel (IHP).

### Executive Summary

2. The IHP has broken the hearings process down to approximately 80 discrete topics (excluding designations and precincts). Fourteen topics (including topics that comprise the Regional Policy Statement chapter of the Proposed Auckland Unitary Plan) have been heard by the IHP since September 2014. Now that the Regional Policy Statement has been heard, the IHP has split into two. As a result, the pace of mediation (which occurs in advance of most hearings) and the hearings themselves is rapidly accelerating.
3. The key issues raised in submissions on most hearing topics are presented to the Unitary Plan Committee or Auckland Development Committee for decisions prior to mediation and the hearings. During the course of mediation and in the lead-up to the hearings however, new issues inevitably emerge. As the committee is aware, it is absolutely critical that Auckland Council is able to swiftly confirm its position at mediation and prior to the hearings. It is for this reason that the committee delegated its authority to four of its members last year to make urgent decisions.
4. This report outlines the decisions made by the delegated committee members between December 2014 and February 2015 on topics for which the council's evidence has now been submitted. It is the first report of this nature and will be followed by quarterly reports throughout the hearings process.
5. Now that the council's evidence has been filed, the next step in the process is for the council's case team (comprising legal counsel, planners and technical specialists) to present the council's case at the hearings. The council's planning and other experts may also be asked to provide their own professional advice in response to any questions asked by the IHP or legal counsel for submitters.

### Recommendation/s

That the Unitary Plan Committee:

- a) notes the directions provided by the delegated committee members between December 2014 and February 2015.

### Comments

6. Most decisions in respect of policy changes to the Proposed Auckland Unitary Plan (PAUP) have been made by the Unitary Plan Committee or Auckland Development Committee, however there have been a number of instances since December 2014 where staff have required the delegated committee members to provide an urgent direction. Three of the four members are required to provide direction. The following is a summary of the urgent directions that have been made.

Moorings outside the Mooring zone

7. The PAUP requires resource consent for moorings outside the Mooring zone. Various submitters sought an amendment to the PAUP to provide for existing lawfully established moorings. After considering the issues, the delegated committee members agreed to an amendment to the policies of the PAUP to enable the fact that a mooring was lawfully established prior to the notification of the PAUP to be taken into account in the assessment of a resource consent application.

Significant infrastructure located in the Mooring zone

8. The PAUP includes policies that could be interpreted as preventing essential infrastructure upgrades or new infrastructure that cannot be located elsewhere from locating in the Mooring zone. New Zealand Transport Agency and others sought amendments to those policies. After considering the issues, the delegated committee members agreed to an amendment that would support a resource consent application for significant infrastructure with a “functional need” that “cannot practicably be located outside the Mooring zone”.

Sewage discharge from vessels

9. The PAUP prohibits sewage discharge from boats within 2km of Mean High Water Springs. The majority of submissions oppose this, however there are broad submissions in support of keeping sewage out of the Coastal Marine Area. After considering the issues, the delegated committee members supported amending the PAUP to:
- not allow discharge of sewage from vessels within specific harbours and bays to remove gaps in the 500m regulations; and
  - revert to the 500m offshore distance for sewage discharge from vessels elsewhere.

The specified harbours and bays are shown in **Attachment A**.

Exclusion of livestock from the Coastal Marine Area (CMA)

10. The PAUP prohibits livestock anywhere in the CMA (within specific timeframes). Various submitters opposed this. Broad submissions from the Environmental Defence Society and Forrest and Bird support the approach. After considering the issues, the delegated committee members agreed to:
- provide for horse-riding in the CMA overlays, subject to permitted activity controls;
  - restrict livestock in the CMA in areas where water quality has been identified as degraded and in overlay areas (noting that this covers much of the coastline); and
  - allow for resource consent applications through a non-complying activity status instead of a prohibited activity.

Marina zone

11. The PAUP includes controls that require a non-complying resource consent to expand existing marinas. This control was opposed by several of Auckland’s marina operators. There are general submissions that support the current approach. The PAUP also includes controls on retail, building coverage and the height of buildings and structures within the Marina zone. After considering the issues, the delegated committee members agreed to amend the Marina zone to:
- allow for an expansion of existing marinas into the General Coastal Marine zone by up to 15 per cent as a ‘discretionary activity’;
  - allow for individual retail outlets of up to 300m<sup>2</sup> in the Marina zone and a total cap of 1,000m<sup>2</sup> (while looking at the possibility of further limits on the type of retail);
  - allow for up to 35 per cent building coverage on the landward side of the Marina zone; and
  - allow structures for haulage and lifting up to 18 metres in height above Mean High Water Springs on the seaward side of the Marina zone.

12. The delegated committee members noted that these thresholds can be amended for any particular marina through the Marina precinct provisions, and requested that staff review the various marinas to determine where different rules may be more appropriate. It was also noted that if there is significant opposition from other parties that cannot be addressed through the Marina precincts, the case team will bring the issue back to the committee members. There was no significant opposition that cannot be addressed through the Marina precincts.

#### Minor ports

13. The PAUP applies the Minor Port zone to the ports at Gabador Place and Onehunga. Ports of Auckland Limited submitted that these ports should be zoned Light Industry with a Minor Port Precinct. After considering the issues, the delegated committee members agreed to amend the zoning of the port at Gabador Place to Light Industry with a Minor Port Precinct. The delegated committee members did not agree to the proposed rezoning of the port at Onehunga, but agreed to allow more flexibility for non-port related industry at this port, either through the Minor Port zone or a precinct.

## Consideration

### Local Board Views and Implications

14. The views of local boards are able to be represented by the invitation extended to all local board chairs to attend the Unitary Plan Committee.

### Maori Impact Statement

15. The recommendations made in this report are not considered to have any material impact on Māori.

## Implementation Issues

16. The recommendation made in this report can be implemented within the existing Unitary Plan budget.

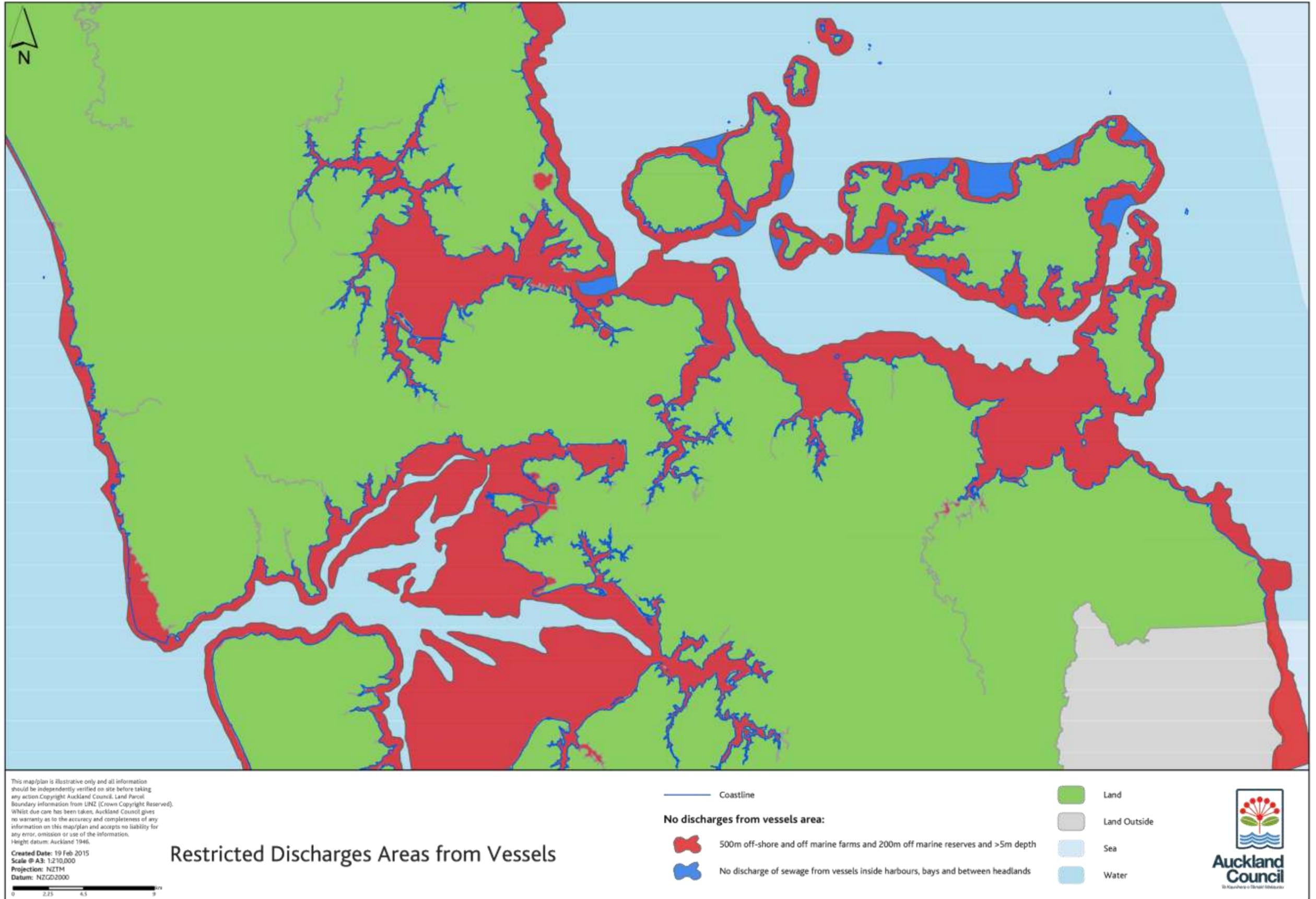
## Attachments

No.	Title	Page
A	10 March 2015, Unitary Plan Committee, Update on decisions made under delegated authority, Areas where discharges of sewage are controlled.	13

## Signatories

Author	John Duguid - Manager Unitary Plan
Authoriser	Penny Pirrit – General Manager - Plans & Places





Item 9

Attachment A

## 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 submissions - council position for mediation and hearings - Maori and Treaty Land and the Maori Purpose Zone**

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.