
Unitary Plan Committee

OPEN MINUTES

Minutes of a meeting of the Unitary Plan Committee held in the Level 26, 135 Albert Street, Auckland on Monday, 11 May 2015 at 1.32pm.

PRESENT

Chairperson	Cr Alf Filipaina	
Deputy Chairperson	Deputy Mayor Penny Hulse	From 1.35pm, Item C1, until 2.48pm, Item C1.
Members	Cr Dr Cathy Casey	
	Cr Chris Darby	From 2.09pm, Item C1.
	Cr Denise Krum	
	Member Liane Ngamane	
	Cr Wayne Walker	
	Cr Penny Webster	

ABSENT

Cr Anae Arthur Anae
Member Josie Smith

ALSO PRESENT

Cr Linda Cooper	Until 2.48pm, Item C1.
Peter Haynes	Albert-Eden Local Board Chair
Cr Mike Lee	Until 1.45pm, Item C1.
Cr George Wood	From 3.26pm, Item C3 until 4.17pm, Item C3.

1 Apologies

Resolution number UNI/2015/67

MOVED by Chairperson AM Filipaina, seconded by Cr CM Casey:

That the Unitary Plan Committee:

- a) **accept the apology from Cr AJ Anae, Mayor LCM Brown and Member J Smith for absence and Cr C Darby for lateness.**

CARRIED

2 Declaration of Interest

There were no declarations of interests.

3 Confirmation of Minutes

Resolution number UNI/2015/68

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 Wednesday, 29 April 2015, including the confidential section, as a true and correct record.**

CARRIED

4 Petitions

There were no petitions.

5 Public Input

There was no public input.

6 Local Board Input

There was no local board input.

7 Extraordinary Business

There was no extraordinary business.

8 Notices of Motion

There were no notices of motion.

9 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

10 Procedural motion to exclude the public

Resolution number UNI/2015/69

MOVED by Chairperson AM Filipaina, seconded by Cr WD Walker:

That the Unitary Plan Committee:

- a) exclude the public from the following part(s) of the proceedings of this meeting.
- b) agree that Melinda Dickey, Legal Counsel Brookfields, David Mead, Lead Planner Affordable Housing at HillYoung Cooper and Deanne Rogers, Lead Planner Retirement Villages at CampbellBrown be permitted to remain for Confidential Item C1, Proposed Auckland Unitary Plan submissions - council position for mediation and hearings - Retirement Villages and Affordable Housing after the public has been excluded because of their knowledge of Retirement Villages and Affordable Housing.
- c) agree that Deborah Rowe, Lead Planner at the Planning Company and Tania Richmond, Lead Planner at Richmond Planning be permitted to remain for Confidential Item C2, Proposed Auckland Unitary Plan submissions - council position for mediation and hearings - Historic Heritage Schedules after the public has been excluded because of their knowledge of Historic Heritage Schedules.
- d) agree that Nicki Green, Senior Policy Consultant at Andrew Stewart and Claudia Hellberg, Strategic Planning Team Manager at Andrew Stewart be permitted to remain for Confidential Item C3, Proposed Auckland Unitary Plan submissions - council position for mediation and hearings - Wastewater Network, On-site Wastewater and Stormwater management after the public has been excluded, because of their knowledge of Wastewater and Stormwater Networks, 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 submissions - council position for mediation and hearings - Retirement Villages and Affordable Housing

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 submissions - council position for mediation and hearings - Historic Heritage Schedules

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 Proposed Auckland Unitary Plan submissions - council position for mediation and hearings - Wastewater Network, On-site Wastewater and Stormwater management

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.

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

1.34pm 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.

4.44pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Proposed Auckland Unitary Plan submissions - council position for mediation and hearings - Retirement Villages and Affordable Housing

Resolution number UNI/2015/70

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

That the Unitary Plan Committee supports:

Retirement Villages

- a) the Retirement Village zone being deleted from the Proposed Auckland Unitary Plan
- b) provision for retirement villages being made in urban residential and business zones on the following basis:
 - i) as a restricted discretionary activity (normal Resource Management Act tests for notification) in the Terrace Housing and Apartment Buildings zone, Mixed Housing Urban zone and Mixed Housing Suburban zone (currently provided for as a discretionary activity in these zones)
 - ii) retaining the activity status of retirement villages in all other residential zones
- c) a review of the objectives and policies in residential and business zones to determine whether some amendments are required as a consequence of the deletion of the Retirement Village zone
- d) development controls in residential and business zones that manage 'external' effects (such as maximum building height, height in relation to boundary and maximum building coverage) applying to retirement villages without any additional flexibility
- e) potential effects associated with amenity that is internal to a site (e.g. access to private open space, outlook, privacy etc) being managed through a resource consent requirement for retirement villages where the council would maintain some discretion over site layout, orientation and privacy between units, communal open space areas and carparking
- f) provision being made for small-scale additions and alterations to retirement villages as a permitted activity
- g) assessment matters and criteria being included for retirement villages that are restricted discretionary activities, adapted from those currently existing in the Retirement Village zone
- h) suitable alternative zones being identified and applied to any land that is currently subject to the Retirement Village zone. This work will be discussed further with the Unitary Plan Committee as part of the re-zoning hearing topic later in 2015.

- i) adapting the retirement village concept plans that are included in the Proposed Auckland Unitary Plan so that they can be incorporated into a precinct for the following retirement village sites;
- 42 Herd Road, Hillsborough – Selwyn Heights
 - 43 Target Street, Pt Chevalier – Selwyn Village
 - 142 Shakespeare Road, Milford – The Poynton
 - 10 Ranfurly Road, Epsom – Elizabeth Knox.

CARRIED

Resolution number UNI/2015/71

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

That the Unitary Plan Committee supports:

Affordable Housing

- j) a mixed mandatory/bonus-based approach to the affordable housing requirements in the Proposed Auckland Unitary Plan. This approach was previously endorsed by the committee in response to submissions on the Regional Policy Statement chapter of the Proposed Auckland Unitary Plan
- k) the objectives, policies and rules of the Proposed Auckland Unitary Plan being amended to better recognise:
- i) a broader focus on affordability for low to moderate income households
 - ii) the mixed mandatory/bonus-based approach
 - iii) flexibility over the delivery of affordable houses in terms of how affordability is measured (i.e. related to incomes and house prices), size and mix of dwellings, the need for retention and clustering
- l) retaining the requirement of 10% affordability for developments of 15 more residential lots/units in new urban areas
- m) additional height being provided in existing urban areas in return for affordable units, generally as follows:
- i) in the following zones, where an affordable unit is provided, then additional floorspace may be added at a ratio of 4 square metres of additional floorspace to every 1 square metre of affordable floorspace, up to a maximum number of additional storeys as follows:
 - Metropolitan Centre and Mixed Use zones - Up to 2 additional floors
 - Town and Local Centre zones – One additional floor
 - Terraced Housing and Apartment Buildings zone in areas within the additional height overlay – One additional floor (for apartment typologies only)
- (Note: any view shaft or height sensitive area rules that apply to a site would take precedence over these bonus provisions. All applications under the bonus provisions would have to meet the relevant development controls and design criteria for the zone)
- n) further work being undertaken in conjunction with the submissions on residential provisions to confirm an appropriate bonus in the Mixed Housing Urban and Mixed Housing Suburban zones

Restatements

- o) notes the report and attachments regarding – Proposed Auckland Unitary Plan submissions – council position for mediation and hearings – Retirement Villages and Affordable Housing will remain confidential until the conclusion of the Proposed Auckland Unitary Plan Hearings
- p) notes the resolutions a) - n) above will be restated in the open section of the minutes and reflected in the draft provisions on the Proposed Auckland Unitary Plan Independent Hearings Panel website as soon as practicable after the meeting.

CARRIED

Secretarial note: Pursuant to Standing Order 3.15.5, Cr W Walker requested his dissenting vote be recorded.

C2 Proposed Auckland Unitary Plan submissions - council position for mediation and hearings - Historic Heritage Schedules

Resolution number UNI/2015/72

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

That the Unitary Plan Committee supports:

- a) advising the Independent Hearings Panel that it will not pursue the local board views contained within the council's submission on the Proposed Auckland Unitary Plan seeking to add new places to the Historic Heritage Schedules from the Albert Eden Local Board, Howick Local Board, Mangere-Otahuhu Local Board and Whau Local Board. These submissions points should be considered as part of a future plan change once the Proposed Auckland Unitary Plan becomes operative.
- b) advising the Independent Hearings Panel that it will withdraw submission point 5716-422 seeking to add 3 Clarks Lane to the Historic Heritage Schedule because the landowner was not contacted prior to notification.
- c) advising the Independent Hearings Panel that it will withdraw submission point 5716-545 seeking to add the Walsh Brothers First Flight path at 250 Porchester Road to the Historic Heritage Schedule because scheduling is not the most appropriate method to manage the heritage values associated with this place.
- d) advising the Independent Hearings Panel that it will pursue the remainder of its submission on the Historic Heritage Schedule through the hearing process.
- e) confirming Early Road Links and Onehunga Mall Historic Heritage Areas (with revised boundaries) in response to the Council's submission on this topic.

Restatements

- f) note that the report and attachments regarding – Proposed Auckland Unitary Plan submissions – council position for mediation and hearings – Historic Heritage Schedules will remain confidential until the conclusion of the Proposed Auckland Unitary Plan Hearings
- g) note that resolutions a) – e) above will be restated in the open section of the minutes and reflected in the draft provisions on the Proposed Auckland Unitary Plan Independent Hearings Panel website as soon as practicable after the meeting.

CARRIED

C3 Proposed Auckland Unitary Plan submissions - council position for mediation and hearings - Wastewater Network, On-site Wastewater and Stormwater management

Resolution number UNI/2015/73

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

That the Unitary Plan Committee supports:

Wastewater Network Management

- a) retaining the current activity statuses for wastewater network discharges, subject to integration with the coastal wastewater discharge rules
- b) amending the permitted activity controls for wastewater overflows from new networks and exfiltration from existing networks to ensure compliance with s.70(1) of the Resource Management Act (which contains rules about discharges)
- c) retaining the Permitted and Controlled activity controls for overflows from new wastewater networks and Restricted Discretionary activity controls for overflows from the combined sewer networks, recognising that the council's submissions seeks otherwise
- d) amending the on-site wastewater rules and wastewater network rules relating to wastewater discharges from a private wastewater network (including associated treatment plants) to avoid duplication and inconsistency.

CARRIED

Resolution number UNI/2015/74

MOVED by Cr WD Walker, seconded by Cr C Darby:

That the Unitary Plan Committee supports:

On-site Wastewater Management

- e) amending the on-site wastewater rules to enable the discharge of treated wastewater from on-site wastewater systems to freshwater to be considered, while retaining the preference for discharge to land
- f) retaining the current scope of the section relating to on-site treatment and disposal of domestic-type wastewater, but with provision for trade waste where there is no public wastewater network, and including treatment and disposal from private systems serving single and multiple sites
- g) retaining the provision for trade waste discharges via on-site treatment and disposal systems as a discretionary activity while clarifying that this rule does not regulate trade waste discharges to public wastewater networks
- h) retaining the direct reference to the current Technical Publication 58: On-site wastewater systems: design and management manual (note: Technical Publication 58 is being reviewed).
- i) retaining the current approach of permitting only one type of on-site disposal method on small sites and otherwise requiring a resource consent subject to staff having further discussions with Auckland Council's chief engineer to see if possible options to provide for innovations in this area.
- j) removing the current prohibited activity rule for discharges of treated wastewater or domestic type wastewater directly to water (making this activity a Discretionary activity)
- k) adding a Discretionary activity rule for the on-site disposal of untreated wastewater via new long drops.

CARRIED

Resolution number UNI/2015/75

MOVED by Cr WD Walker, seconded by Cr CM Casey: an amendment to clause u) of the original recommendation as follows:

That the Unitary Plan Committee supports:

Stormwater Management

- u) retaining the definition of 'high use road', which triggers particular stormwater contaminant management requirements, from roads that carry 5,000 vehicles per day.

The motion was put to the vote by a show of hands and was declared CARRIED by four to three.

CARRIED

The Chairperson put the substantive motion.

Resolution number UNI/2015/76

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

That the Unitary Plan Committee supports:

Stormwater Management

- l) retaining the overall stormwater management rule framework and approach, including both land use and discharge rules
- m) retaining the application of stormwater management flow and quality rules (as relevant) at the time of redevelopment
- n) retaining the application of mitigation or treatment requirements to impervious areas across the entire site impervious area where the new or redeveloped impervious area covers more than 50 per cent of the site (in situations where this currently applies)
- o) amending the default activity status for stormwater discharges from Discretionary to Restricted Discretionary and including relevant assessment criteria
- p) retaining the approach of having Maximum Impervious Area controls in general residential and, where relevant, in some business and other zones
- q) amending the rules for impervious areas not connected to the stormwater network to apply as development controls
- r) amending the default activity status for stormwater quality rules from Discretionary to Restricted Discretionary and providing relevant assessment matters
- s) amending Controlled activity rules for stormwater quality to Permitted activities subject to controls
- t) retaining stormwater treatment requirements for specific roofing/cladding materials unless it is demonstrated that industry standards for sealing cladding will sufficiently meet the design effluent quality requirements in the long term
- u) retaining the definition of 'high use road', which triggers particular stormwater contaminant management requirements, from roads that carry 5,000 vehicles per day
- v) retaining the Design Effluent Quality Requirements that apply to high contaminant generating activities

- w) retaining the Stormwater Management Area - Flow overlay approach of applying land use rules to manage flows in catchments of streams susceptible to changes in flow, subject to modifying thresholds, refining performance standards and improving integration
- x) removing Stormwater Management Area – Flow overlays in the Future Urban zone and replacing these with Auckland-wide rules applying to greenfield comprehensive/large scale development to achieve stormwater mitigation to protect, and enhance where practical stream health
- y) amending errors in the Stormwater Management Area – Flow overlay maps
- z) amending the approach to new impervious surfaces in the Stormwater Management Flow overlay from one that requires Controlled activity resource consent above a threshold (currently 25m²) to a Permitted activity requiring stormwater flow mitigation in accordance with specific design and sizing guidance
- aa) increasing (i.e. relaxing) the threshold above which mitigation is required in a Stormwater Management Area - Flow overlay to align with the scale of building development that would require a building consent
- bb) retaining the Stormwater Management Area – Flow hydrology mitigation requirements, subject to technical refinements, particularly in relation to soils with low permeability

Restatements

- cc) note that the report and attachments regarding – Proposed Auckland Unitary Plan submissions – council position for mediation and hearings – Wastewater Network Management, On-site Wastewater and Stormwater Management will remain confidential until the conclusion of the Proposed Auckland Unitary Plan Hearings
- dd) note that the resolutions a) - bb) above will be restated in the open section of the minutes and reflected in the draft provisions on the Proposed Auckland Unitary Plan Independent Hearings Panel website as soon as practicable after the meeting.

CARRIED

4.44 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:.....