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# Auckland Development Committee

## OPEN MINUTES

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Minutes of a meeting of the Auckland Development Committee held in the Reception Lounge, Auckland Town Hall, 301-305 Queen Street, Auckland on Thursday, 11 June 2015 at 9.41am.

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### PRESENT

<b>Chairperson</b>	Deputy Mayor Penny Hulse	
<b>Deputy Chairperson</b>	Cr Chris Darby	
<b>Members</b>	Cr Anae Arthur Anae	
	Cr Cameron Brewer	From 9.52 am, Item 6.1
	Cr Dr Cathy Casey	
	Cr Ross Clow	
	Cr Linda Cooper, JP	
	Cr Alf Filipaina	Until 1.58 pm, Item C3
	Cr Hon Christine Fletcher, QSO	From 9.52 am, Item 6.1
	Member Liane Ngamane	
	Cr Calum Penrose	
	Cr Dick Quax	Until 4 pm, Item C5
	Cr Sharon Stewart, QSM	Until 1.06 pm, Item C3
	Member David Taipari	From 9.45 am, Item 5.2
	Cr Wayne Walker	
	Cr John Watson	Until 11.29 am, Item 15
	Cr Penny Webster	
	Cr George Wood, CNZM	

### ABSENT

Mayor Len Brown, JP  
Cr Bill Cashmore  
Cr Denise Krum  
Cr Mike Lee  
Cr Sir John Walker

### ALSO PRESENT

Vernon Tava  
Harry Doig

Waitemata Local Board  
Puketapapa Local Board

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## 1 Apologies

Resolution number AUC/2015/106

MOVED by Chairperson PA Hulse, seconded by Cr CM Penrose:

**That the Auckland Development Committee:**

- a) **accept the apologies from Cr WB Cashmore and Cr DA Krum for absence on council business, Cr ME Lee and Cr JG Walker for absence, Cr AM Filipaina for early departure, and Member DE Taipari for lateness.**

**CARRIED**

## 2 Declaration of Interest

There were no declarations of interest.

## 3 Confirmation of Minutes

Resolution number AUC/2015/107

MOVED by Chairperson PA Hulse, seconded by Deputy Chairperson C Darby:

**That the Auckland Development Committee:**

- a) **confirm the ordinary minutes of its meeting, held on Thursday, 14 May 2015, including the confidential section, as a true and correct record.**

**CARRIED**

## 4 Petitions

There were no petitions.

## 5 Public Input

Secretarial note: Mr Ben Ross agreed not to address the committee at this meeting regarding the Auckland Plan and its guiding development, specifically to balancing economic vs (physical and social) environment impacts as we grow.

### 5.2 Public Input - Sarah Anderton and Marija Batistich, on behalf of the Southern Gateway Consortium - Plan Change 35

*Member DE Taipari entered the meeting at 9.45am.*

Resolution number AUC/2015/108

MOVED by Cr CM Penrose, seconded by Deputy Chairperson C Darby:

**That the Auckland Development Committee:**

- a) **thank Sarah Anderton and Marija Batistich, on behalf of the Southern Gateway Consortium, for their public input regarding Plan Change 35 (Puhinui Gateway) to Auckland Council District Plan (Manukau Section).**

**CARRIED**

**6 Local Board Input**

**6.1 Local Board Input - Waitemata Local Board - Vernon Tava**

*Cr CE Fletcher entered the meeting at 9.52 am.*

*Cr CE Brewer entered the meeting at 9.52 am.*

Vernon Tava, Waitemata Local Board member, was in attendance to speak to the Auckland Development Committee on behalf of the local board regarding the proposed private plan change 79 to the Auckland Council District Plan (Operative Auckland City Central Area Section 2005) relating to the zoning of Queen Elizabeth Square, Auckland Central.

Resolution number AUC/2015/109

MOVED by Chairperson PA Hulse, seconded by Cr LA Cooper:

**That the Auckland Development Committee:**

- a) **thank Vernon Tava, Waitemata Local Board for his presentation to the Auckland Development Committee regarding the Auckland Development Committee on the Proposed Private Plan Change 79.**

**CARRIED**

**7 Extraordinary Business**

There was no extraordinary business.

**8 Notices of Motion**

There were no notices of motion.

**9 Reports Pending Status Update**

Resolution number AUC/2015/110

MOVED by Chairperson PA Hulse, seconded by Deputy Chairperson C Darby:

**That the Auckland Development Committee:**

- a) **note the status of Auckland Development Committee resolutions requiring follow up reports as at 11 June 2015.**

**CARRIED**

**10 Summary of information memos and briefings - 11 June 2015**

Resolution number AUC/2015/111

MOVED by Deputy Chairperson C Darby, seconded by Cr LA Cooper:

**That the Auckland Development Committee:**

- a) **receive the summary of information memos and briefings – 11 June 2015.**

**CARRIED**

**11 Proposed Plan Change 28 (PC28) Auckland Council District Plan (Franklin Section) - To be made operative**

Resolution number AUC/2015/112

MOVED by Cr CM Penrose, seconded by Deputy Chairperson C Darby:

**That the Auckland Development Committee:**

- a) approve in accordance with the consent orders issued by the Environment Court, Plan Change 28 (Kingseat) to the Auckland Council District Plan (Franklin Section) to be made operative in accordance with Clause 17 of the First Schedule of the Resource Management Act 1991.
- b) authorise the Manager Planning South to complete the statutory processes required under Clause 20 to the First Schedule to the Resource Management Act 1991, to make Proposed Plan Change 28 to the Auckland Council District Plan (Franklin Section) operative, including the determination of the operative and notification date.

**CARRIED**

**12 Request to Extend the Time Limit for Proposed Plan Change 35 (Puhinui Gateway) to Auckland Council District Plan (Manukau Section)**

Resolution number AUC/2015/113

MOVED by Cr CM Penrose, seconded by Cr MP Webster:

**That the Auckland Development Committee:**

- a) agree to grant, pursuant to Section 37A of the Resource Management Act 1991, an extension of time for Private Plan Change 35 to 19 July 2017.

**CARRIED**

**13 Proposed Private Plan Change 79 to the Auckland Council District Plan (Operative Auckland City Central Area Section 2005) Relating to the Zoning of Queen Elizabeth Square, Auckland Central**

*Cr CM Penrose left the meeting at 10.04 am.*

Resolution number AUC/2015/114

MOVED by Cr LA Cooper, seconded by Cr MP Webster:

**That the Auckland Development Committee:**

- a) resolve pursuant to clause 25(2)(b) of the First Schedule to the Resource Management Act 1991 to accept for notification the private plan change request (PA 79) by Precinct Properties Downtown Limited to amend the Auckland Council District Plan, Operative Auckland City – Central Area Section 2005, by deleting the Public Open Space 1 zone from Queen Elizabeth Square, and replacing it with the Pedestrian-Orientated Activity Area notation; and that the request be publicly notified in accordance with clause 26 of the First Schedule to the Act for the following reasons:
  - i) the proposal does not meet the statutory tests 25(4)(a) to (e) for rejecting the Proposed Private Plan Change in that it is not frivolous or vexatious, the matter has not been dealt with within the previous two years, is not contrary to sound resource management practice and will not make the District Plan inconsistent with Part 5 of the Act;

- ii) the applicant has not requested the Council adopt the plan change request and the primary beneficiary is the applicant;
  - iii) the Council, in its capacity as regulatory authority, is able to consider all the details of the proposed private plan change request and submissions prior to making a decision on the merits of the rezoning;
  - iv) the level of detail contained in the request is suitable for a plan change request, and while there is a resource consent lodged for development of the site at present, the plan change request will provide certainty to the applicant, the Council and the public as to the future form of development of the subject land.
- b) authorise the Manager Planning: Central and Islands to notify Plan Change 79 in accordance with clause 26 of the First Schedule of the Resource Management Act 1991.

**CARRIED**

#### 14 Housing for Older Persons

A PowerPoint presentation was provided. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

The meeting adjourned at 10.05 am and reconvened at 10.10 am. On reconvening, Cr CM Casey and Cr CM Penrose were absent.

*Cr CM Penrose returned to the meeting at 10.11 am.*

*Cr CM Casey returned to the meeting at 10.12 am.*

*Cr CE Brewer left the meeting at 10.59 am.*

*Cr CE Brewer returned to the meeting at 11.09 am.*

Secretarial note: Changes to the original motion were made with the agreement of the meeting.

Resolution number AUC/2015/115

MOVED by Cr CE Fletcher, seconded by Cr LA Cooper:

**That the Auckland Development Committee:**

- a) approve the objectives for the Housing for Older Persons partnership approach, as outlined in the agenda report, including an additional objective as follows:
  - x) *develop an engagement plan that will ensure Mana Whenua and urban Maori authorities are fully aware of opportunities and are encouraged to participate to enable recognition of Koroua and Kuia.*
- b) authorise Auckland Council Property Limited, in liaison with council, Auckland Council Property Department and Community Development Arts and Culture, and in accordance with the approved objectives in clause a), to:
  - i) seek Community Housing Providers that will partner with council to deliver Housing for Older Persons (HfOP) services.
  - ii) negotiate the proposed terms, structure and operating parameters (Stage 1), including the basis upon which partnerships will seek development services (Stage 2).

- iii) identify issues and implications for council that will form part of any requirement and/or proposal to consult with the community on any partnership proposal that will form part of the Annual Plan consultation process in early 2016.
- c) request Auckland Council Property Limited to report back to the Auckland Development Committee prior to the end of 2015, with recommendations in respect to clause b).

A division was called for, voting on which was as follows:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr AJ Anae	Cr CM Casey	
Cr CE Brewer		
Cr RI Clow		
Cr LA Cooper		
Deputy Chairperson C Darby		
Cr AM Filipaina		
Cr CE Fletcher		
Chairperson PA Hulse		
Member Ngamane		
Cr CM Penrose		
Cr D Quax		
Cr SL Stewart		
Member DE Taipari		
Cr WD Walker		
Cr J Watson		
Cr MP Webster		
Cr GS Wood		

The motion was declared CARRIED by 17 votes to 1.

CARRIED

#### **Attachments**

- A 11 June 2015 - Auckland Development Committee - Item 14 - Housing for Older Persons - PowerPoint Presentation

## **15 Auckland Development Committee - Proposed Forward Work Programme**

*Member DE Taipari left the meeting at 11.18 am.*

*Member DE Taipari returned to the meeting at 11.28 am.*

*Cr J Watson left the meeting at 11.29 am.*

Resolution number AUC/2015/116

MOVED by Cr CM Penrose, seconded by Cr MP Webster:

**That the Auckland Development Committee:**

- a) agree to the work programme under Attachment A of the agenda report to guide the work of this committee over the next twelve months, noting that it will be updated monthly and reviewed approximately every six months.

CARRIED

## **16 Consideration of Extraordinary Items**

There was no consideration of extraordinary items.

### Precedence of Business

Resolution number AUC/2015/117

MOVED by Chairperson PA Hulse, seconded by Cr CM Penrose:

**That the Auckland Development Committee:**

- a) **agree that Item C2 – Three Kings Land Exchange – be considered at this time as Item 18.**

**CARRIED**

### 18 Three Kings Land Exchange

The original confidential report was tabled at the open meeting. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

MOVED by Cr CM Casey, seconded by Cr WD Walker, a substitute motion to the original recommendation, as follows:

That the Auckland Development Committee:

- a) agree to defer the decision on the Three Kings Land Exchange proposal until such time when the two applications for plan changes submitted by Fletcher Residential Ltd (PA372 and PA373) have been decided.

A division was called for, voting on which was as follows:

<b><u>For</u></b>	<b><u>Against</u></b>	<b><u>Abstained</u></b>
Cr CM Casey	Cr AJ Anae	
Deputy Chairperson C Darby	Cr CE Brewer	
Cr AM Filipaina	Cr RI Clow	
Cr CE Fletcher	Cr LA Cooper	
Member Ngamane	Chairperson PA Hulse	
Member DE Taipari	Cr CM Penrose	
Cr WD Walker	Cr D Quax	
	Cr SL Stewart	
	Cr MP Webster	
	Cr GS Wood	

The motion was declared **LOST** by 7 votes to 10.

Secretarial note: Changes to the original motion were made to clause a) as a revised staff recommendation.

Resolution number AUC/2015/118

MOVED by Cr MP Webster, seconded by Cr LA Cooper:

**That the Auckland Development Committee:**

- a) **agree to issue a notice of intention under s.15(2) of the Reserves Act 1977 regarding the proposed exchange of reserve land at the Three Kings Reserve with adjoining land at 985 Mount Eden Road, and as indicated on the plan tabled at the meeting (revised Attachment C of the agenda report attached to these minutes).**
- b) **direct that any objections received during the notice period are to be considered by a panel comprising the persons appointed to hear Plan Modification 372, or other such persons as required in the event of unavailability, given their particular knowledge of the proposed development.**



- c) request that the panel report back to Auckland Council Property Limited within 10 working days of the close of the notice period, by way of a statement, to the extent to which the objections may be allowed or accepted, or disallowed or not accepted.
- d) request that Auckland Council Property Limited (ACPL) report back to the Auckland Development Committee for the committee to resolve to request an exchange under s.15(1) of the Reserves Act 1977 on the terms of the land exchange agreement, the final terms of which will have been finalised by ACPL to include, but not be limited to, the conditions outlined within the agenda report.

A division was called for, voting on which was as follows:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr AJ Anae	Cr CM Casey	
Cr CE Brewer	Deputy Chairperson C Darby	
Cr RI Clow	Cr AM Filipaina	
Cr LA Cooper	Cr CE Fletcher	
Chairperson PA Hulse	Cr WD Walker	
Member Ngamane		
Cr CM Penrose		
Cr D Quax		
Cr SL Stewart		
Member DE Taipari		
Cr MP Webster		
Cr GS Wood		

The motion was declared CARRIED by 12 votes to 5.

**CARRIED**

#### **Attachments**

- A 11 June 2015 - Auckland Development Committee - Item 18 - Three Kings Land Exchange - Tabled Report

#### **17 Procedural motion to exclude the public**

Resolution number AUC/2015/119

MOVED by Cr CE Fletcher, seconded by Cr CE Brewer:

**That the Auckland Development Committee:**

- a) exclude the public from the following part(s) of the proceedings of this meeting.
- b) agree that Nick Roberts, Barker and Associates, and Melinda Dickey, Brookfields Lawyers, be permitted to remain for Confidential Item C4: Proposed Auckland Unitary Plan submissions - Residential Zones and C5: Proposed Auckland Unitary Plan submissions - council position for mediation and hearings - Sustainable Design after the public has been excluded, because of their knowledge of the topics, which will help the Auckland Development 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 Confidential Reports Pending Status Update

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
<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>	<p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</p> <p>In particular, the report contains commercially sensitive information regarding development proposals.</p> <p>s7(2)(c)(i) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied.</p> <p>In particular, the report contains commercially sensitive information regarding development proposals.</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>

Secretarial note: Item C2 – Three Kings Land Exchange – was considered in the open section of the meeting as Item 18, following Item 16 – Consideration of Extraordinary Items.

### C3 Special Housing Areas: Tranche 7

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
<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>	<p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the</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>

	subject of the information.  In particular, the report contains information which, if released, would potentially prejudice or disadvantage commercial activities.	
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#### C4 Proposed Auckland Unitary Plan submissions - Residential Zones

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.

#### C5 Proposed Auckland Unitary Plan submissions - council position for mediation and hearings - Sustainable Design

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**

12.19pm The public was excluded.

4.20 pm The public was re-admitted.

#### **RESTATEMENTS**

It was resolved while the public was excluded:

#### **C1 Confidential Reports Pending Status Update**

Resolution number AUC/2015/120

MOVED by Chairperson PA Hulse, seconded by Cr AM Filipaina:

That the Auckland Development Committee:

- a) note the status of Auckland Development Committee confidential resolutions requiring follow-up confidential reports as at 11 June 2015.

**C2 Three Kings Land Exchange**

This item was considered in the open section of the meeting, prior to Item 16 – Consideration of Extraordinary Items.

**C3 Special Housing Areas: Tranche 7**

Resolution number AUC/2015/123

MOVED by Cr CM Penrose, seconded by Chairperson PA Hulse:

That the Auckland Development Committee:

- g) agree that the decisions, report and attachments regarding the Special Housing Areas tranche 7 proposals remain confidential until all due processes have been concluded, and that the Mayor and Deputy Mayor be delegated responsibility to release information on these special housing areas as may be required.

**C4 Proposed Auckland Unitary Plan submissions - Residential Zones**

Resolution number AUC/2015/132

MOVED by Chairperson PA Hulse, seconded by Cr RI Clow:

Restatement

- p) note that the report and attachments regarding – Proposed Auckland Unitary Plan submissions – council position for mediation and hearings – Residential zones will remain confidential until the conclusion of the Proposed Auckland Unitary Plan Hearings.
- q) note that the decisions a) to o) will be reflected in the draft provisions that will be made available on the Proposed Auckland Unitary Plan Independent Hearings Panel website one week prior to mediation commencing on 27 July 2015.

**C5 Proposed Auckland Unitary Plan submissions - council position for mediation and hearings - Sustainable Design**

Resolution number AUC/2015/134

MOVED by Deputy Chairperson C Darby, seconded by Chairperson PA Hulse:

That the Auckland Development Committee:

- a) support retaining the sustainable design controls for residential development, with the threshold kept in line with the threshold that triggers the requirement for a resource consent for multiple dwellings in the Mixed Housing zones.

MOVED by Deputy Chairperson C Darby, seconded by Cr WD Walker, a substitute motion to the original recommendation, as follows:

That the Auckland Development Committee:

- b) support retaining the sustainable design controls for office development.

A division was called for, voting on which was as follows:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr CM Casey	Cr AJ Anae	Cr CE Fletcher
Cr RI Clow	Cr CE Brewer	
Deputy Chairperson C Darby	Cr LA Cooper	
Cr WD Walker	Chairperson PA Hulse	

Member Ngamane  
Cr CM Penrose  
Member DE Taipari  
Cr MP Webster  
Cr GS Wood

The motion was declared LOST by 4 votes to 9.

Resolution number AUC/2015/135

MOVED by Cr LA Cooper, seconded by Cr AJ Anae, a substitute motion to the original recommendation, as follows:

That the Auckland Development Committee:

- b) support deleting the sustainable design controls for industrial development and relying instead on policies and assessment criteria for development that requires a resource consent.

Secretarial note: Pursuant to Standing Order 1.8.6, Deputy Chairperson C Darby and Cr WD Walker requested their votes against clause b) be recorded, and CE Fletcher requested her abstention be recorded.

Resolution number AUC/2015/136

MOVED by Cr MP Webster, seconded by Cr AJ Anae, a substitute motion to the original recommendation, as follows:

That the Auckland Development Committee:

- c) support deleting the sustainable design controls for office development and relying instead on policies and assessment criteria for development that requires a resource consent

Secretarial note: Pursuant to Standing Order 1.8.6, Deputy Chairperson C Darby and Cr WD Walker requested their votes against clause c) be recorded, and CE Fletcher requested her abstention be recorded.

Resolution number AUC/2015/137

MOVED by Cr MP Webster, seconded by Member L Ngamane:

Restatement

- d) note that the report and attachments regarding – Proposed Auckland Unitary Plan submissions – council position for mediation and hearings – Sustainable Design will remain confidential until the conclusion of the Proposed Auckland Unitary Plan Hearings.
- e) note that the clauses a) to e) 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.

4.20 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 AUCKLAND  
DEVELOPMENT COMMITTEE HELD ON

**DATE:**.....

**CHAIRPERSON:**.....