

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

Date: Tuesday, 9 June 2015
Time: 1.30pm
Meeting Room: Level 26, Room 1
Venue: 135 Albert Street
Auckland

Unitary Plan Committee

OPEN AGENDA

MEMBERSHIP

Chairperson Cr Alf Filipaina
Deputy Chairperson Deputy Mayor Penny Hulse
Councillors 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

**Ex-officio
(without voting rights)** All other Councillors

(Quorum 5 members)

Quorum must include at least 2
named voting members

Katherine Wilson
Democracy Advisor

3 June 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

An apology from Mayor LCM Brown has 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, 26 May 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.

Auckland Unitary Plan Independent Hearings Panel - Update on Progress

File No.: CP2015/09160

Purpose

1. This report is an update on progress made by the Auckland Unitary Plan Independent Hearings Panel since last reported in February 2015.

Executive Summary

2. The Independent Hearings Panel (IHP) 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 the changes it recommends should be made to the Plan.
3. The hearings programme is well underway with 46 per cent of scheduled hearing events having been completed by April 2015. Note that hearing events are yet to be scheduled for some topics.
4. Panel expenditure at end of April 2015 is 52 per cent of budget for the year to date.
5. Overall participation of submitters is 10.3 per cent. Participation by primary submitters at hearings is 22 per cent, on a par with other District Plan and Plan Change processes.
6. Mediation has been successful in clarifying and reducing matters addressed at the hearing and resulting in joint representation at hearings. Mediation has now been scheduled for most hearing topics and additional mediation is being provided where appropriate.
7. The hearing process continues to be modified where appropriate. This includes: issuing interim guidance; use of direct discussion days between Council and submitters; directions on evidence process for submissions on scheduled items; workshops on issues; IHP conferences, and website improvements.
8. The hearing process for the remainder of 2015 will focus on hearings for citywide provisions, overlays, special purpose zones, business zone provisions, residential zone provisions, open space zone provisions, rural zone provisions, and subdivision. Hearings for submissions on precincts, the mapping of zones (rezoning), the RUB and other site specific topics are still to be scheduled.
9. Auckland Council will be reporting back to the Hearings Panel in June 2015, with resourcing and process suggestions for hearing of the remaining unscheduled hearing topics. This will assist the Hearings Panel in scheduling of the remaining hearing topics.
10. While the hearing programme for 2015 is on track, there is a risk that the unscheduled hearings on site specific topics may require more hearing time than is available in 2016.

Recommendation/s

That the Unitary Plan Committee:

- a) receive this report and note the progress of the programme for the hearing of submissions by the Independent Hearings Panel on the Proposed Auckland Unitary Plan
- b) request this report and resolutions are forwarded to local boards, the Independent Maori Statutory Board and advisory panels for their information.

Comments

Background

11. On the 24 February 2015 the IHP provided an update to the Unitary Plan Committee on hearing progress, participation and mechanisms to improve the process, and budget. The resolutions were accepted. These included forwarding the report to Local Boards, the Independent Maori Statutory Board and advisory panels for their information.

Hearing programme at 30 April 2015

Schedule

12. Hearing events are on track against schedule, with 46 per cent of scheduled events now completed (note this excludes events for rezoning and precincts which are not yet scheduled but will be added in June 2015).
13. Hearings on the RPS topics and regional coastal plan are now completed (except RPS GMO). Hearing of regional and district plan topics is now 38 per cent complete.
14. Completion of hearing events within the allocated time remains high at approximately 78 per cent and is not placing any pressure on the current schedule.
15. Tracking of compliance with evidence timetables began in January 2015. Over 70 per cent of evidence has been provided on time, which is a significant achievement given the volume being produced within tight timeframes. The figures at the end of April 2015 show that all evidence lodgement rates have improved slightly.

Budget

16. Financial reports show 52 per cent of the IHP budget spent to 30 April 2015. This is under budget at this point in the financial year. Any budget not spent this financial year will be carried over to the 2015/16 year. This has been agreed to by the Auckland Council finance department.

Participation

17. The overall participation rate for the hearing programme at the end of April is 10.3 per cent (percentage of those notified who actually attended hearing events). This includes both primary and further submitters. Participation has declined slightly compared to the rates in the first quarter of 2015. The rate is higher when submitters who made a further submission are removed (22.3 per cent) or when further submitters are included but individual further submitters removed (18 per cent). The rate with individual further submitters removed (18 per cent) is likely to be the best representation of participation as many individual further submitters unintentionally linked themselves to multiple hearing topics.
18. Participation rates for individual submitters, community groups and special interest are 2.7 per cent, 8.4 per cent and 7.1 per cent respectively and show a slight decline since the beginning of 2015. This reflects feedback from some submitters about the demands of the process.

Mediation and other hearing processes

19. Most mediation sessions to date (92 per cent) have been completed on the day and have not required additional sessions. Where an outcome is not achieved (in terms of a high proportion of matters agreed/resolved) most sessions have been regarded as useful by participants. Mediation is achieving the objective of reducing the matters to address at the hearing. Mediation has now been scheduled for all hearing topics (other than the site specific hearings which have yet to be scheduled) and additional mediation is being provided where appropriate.

20. The Hearings Panel has trialed a process of direct discussion between Auckland Council and submitters. These are intended to allow individual submitters to discuss and resolve minor issues relating to scheduled items such as trees, landscape, significant ecological areas and historic heritage. The potential of this process is being considered for other site specific hearings such as zones and precincts.
21. The Hearings Panel has issued directions on evidence for scheduled items where submissions request deletion or addition of scheduled items. This aims to streamline the mediation and hearing process.
22. Interim guidance has been issued by the Panel on a number of mainly RPS level topics where the Panel has reached an agreed interim position on likely changes to the plan as notified. This assists submitters in preparation for mediation and hearings on other topics. Interim guidance has been issued on: rural subdivision; urban growth; the general structure of the RPS; general provisions and natural hazards. Additional interim guidance may be issued where the Panel considers this appropriate.
23. A workshop was held on the Waitakere Ranges to discuss the layout and workability of these provisions. A smaller working party of submitters and Council planners are progressing this investigation of outcomes expected to assist further mediation on the merits of the provisions themselves.
24. The Hearings Panel has obtained legal advice on framework plans and held a judicial conference on this matter. The outcome of that conference was that Auckland Council will seek a Court declaration on this matter.
25. The Hearings Panel held a meeting in March 2015 on the matter of re-zonings and precincts. This meeting was in response to procedural minute no. 6 and no. 7 - rezoning and precincts and examined the granularity of approach being taken (particularly in relation to re-zonings), any changes needed to the number and contents of hearing topics related to re-zonings and precincts, the joining of hearings on re-zonings and precincts and finally the timeline and reporting programme across these constituent topics. The Council will be producing a more detailed report on this in June 2015. This will inform resourcing and scheduling of remaining unscheduled hearing topics and evaluation of the hearing programme risk.
26. Further improvements have been made to the Panel website to make information easier to find. These improvements include the ability to sort evidence by date or name, an updated video and an addition of a 'what's new' section.
Completion of hearings within the statutory timeframe
27. While the hearing programme for 2015 is on track, there is a risk that the as yet unscheduled hearings on site specific topics may require more hearing time than is available in 2016. This will depend on whether participation rates remain close to the current levels (see above) or whether participation rates increase significantly for these topics.

Consideration

Local Board views and implications

28. The views 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 according 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	Susan Parnell - PA to Manager Planning - North/West Phill Reid - Hearings Panel Planning Manager
Authoriser	Penny Pirrit – General Manager - Plans & Places

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 Business Zones - Advice from Stormwater Experts

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 - Significant Ecological Areas and Vegetation 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.

C3 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.

C4 Proposed Auckland Unitary Plan submissions - council position for mediation and hearings - Major Recreation Facilities

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.