
Unitary Plan Committee

OPEN MINUTES

Minutes of a meeting of the Unitary Plan Committee held in the Level 26, 135 Albert Street, Auckland on Tuesday, 9 June 2015 at 1.45pm.

PRESENT

Chairperson	Cr Alf Filipaina	
Deputy Chairperson	Deputy Mayor Penny Hulse	From 1.50pm, Item 9.
Members	Cr Anae Arthur Anae	
	Cr Dr Cathy Casey	
	Cr Chris Darby	
	Cr Denise Krum	Until 3.08pm, Item C2.
	Member Liane Ngamane	
	Member Josie Smith	Until 3.08pm, Item C2.
	Cr Wayne Walker	
	Cr Penny Webster	

ABSENT

Ex-officio	Mayor Len Brown
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ALSO PRESENT

Cr Christine Fletcher	
Cr Calum Penrose	Until 3.50pm, Item C4.

IN ATTENDANCE

Sandra Coney	Waitakere Ranges Local Board Chair
Peter Haynes	Albert-Eden Local Board Chair
Saffron Toms	Waitakere Ranges Local Board Member

1 Apologies

Resolution number UNI/2015/90

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

That the Unitary Plan Committee:

- a) **accept the apology from Mayor LCM Brown for absence and Cr DA Krum and Member J Smith for early departure.**

CARRIED

2 Declaration of Interest

There were no declarations of interest.

3 Confirmation of Minutes

Resolution number UNI/2015/91

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

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.**

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 Auckland Unitary Plan Independent Hearings Panel - Update on Progress

Deputy Chairperson PA Hulse entered the meeting at 1.50pm.

Resolution number UNI/2015/92

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

That the Unitary Plan Committee:

- a) **thank Phil Reid, Chris Turbott and Jeanette Johnston for their presentation to the Unitary Plan Committee on the Auckland Unitary Plan Independent Hearings Panel - Update on Progress.**
- b) **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**
- c) **request this report and resolutions are forwarded to local boards, the Independent Maori Statutory Board and advisory panels for their information.**

CARRIED

10 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

11 Procedural motion to exclude the public

Resolution number UNI/2015/93

MOVED by Chairperson AM Filipaina, seconded by Cr AJ Anae:

That the Unitary Plan Committee:

- a) **exclude the public from the following part(s) of the proceedings of this meeting.**
- b) **agree that Nicki Green from Andrew Stewart be permitted to remain for Confidential Item C1: Business Zones – Advice from Stormwater Experts after the public has been excluded, because of their knowledge of Stormwater, which will help the Unitary Plan Committee in its decision-making.**
- c) **agree that Chris Scrafton from MWH Planning Consultants be permitted to remain for Confidential Item C4: Proposed Auckland Unitary Plan submissions - council position for mediation and hearings - Major Recreation Facilities after the public has been excluded, because of their knowledge of Major Recreation Facilities, 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 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.

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

2.05pm 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.

4.20pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Business Zones - Advice from Stormwater Experts

Resolution number UNI/2015/94

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

That the Unitary Plan Committee supports:

Development Controls for Commercial Zones

- a) amending the maximum impervious area control in the General Business zone from 80 per cent to 100 per cent

Development Controls for Industrial Zones

- b) deleting the maximum impervious area control in industrial zones

Restatements

- c) note that the report regarding – Business Zones – Advice from Stormwater Experts will remain confidential until the conclusion of the Proposed Auckland Unitary Plan Hearings
- d) note that the decisions a)-d) 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

C2 Proposed Auckland Unitary Plan submissions - council position for mediation and hearings - Significant Ecological Areas and Vegetation Management

Secretarial note: The motion was put in parts

Resolution number UNI/2015/95

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

That the Unitary Plan Committee:

- a) supports increasing the amount of vegetation that can be cleared as a Permitted activity for network utility operators within the Significant Ecological Area overlay and under the general vegetation management rules, by replacing the area-based thresholds with margins adjacent to existing infrastructure

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	
Chairperson AM Filipaina	Cr C Darby	
Deputy Chairperson PA Hulse	Cr WD Walker	
Cr DA Krum		
Member Ngamane		
Member Smith		
Cr MP Webster		

The motion was declared **CARRIED** by 7 votes to 3.

CARRIED

Cr AJ Anae left the meeting at 2.47 pm.
Cr AJ Anae returned to the meeting at 2.53 pm.
Cr C Fletcher returned to the meeting at 2.55pm.

Secretarial note: changes were made to the original clauses b), e) and f) with the agreement of the meeting.

Resolution number UNI/2015/96

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

That the Unitary Plan Committee:

- b) supports adding a new Permitted activity to provide for vegetation removal for minor upgrading of road networks within the Significant Ecological Area overlay (excluding the Waitakere Ranges Heritage area) and under the general vegetation management rules**

CARRIED

Resolution number UNI/2015/97

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

That the Unitary Plan Committee:

- c) supports retaining the Permitted activities for existing farming and forestry operations, and clarifying that they apply to existing activities and not new vegetation clearance**

CARRIED

Resolution number UNI/2015/98

MOVED by Chairperson AM Filipaina, seconded by Member Ngamane:

That the Unitary Plan Committee:

- d) supports amending the general vegetation management rules for rural zones so that any vegetation alteration or removal over 250m² of contiguous native vegetation requires consent as a Restricted Discretionary activity, and applies regardless of slope**

CARRIED

Cr DA Krum left the meeting at 3.08 pm.
Member J Smith left the meeting at 3.08 pm.

Resolution number UNI/2015/99

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

That the Unitary Plan Committee:

By way of amendment:

- e) supports retaining the Controlled activity for vegetation clearance up to 300m² to establish a building platform and driveway access in a Significant Ecological Area where there is no practicable alternative, subject to retaining control over the location of the platform on the site**

CARRIED

Resolution number UNI/2015/100

MOVED by Member Ngamane, seconded by Chairperson AM Filipaina:

By way of amendment:

That the Unitary Plan Committee:

- f) supports adding a new Controlled activity for up to 10 dwellings and marae complexes on Māori Land within Significant Ecological Areas where there is no practicable alternative.

CARRIED

Resolution number UNI/2015/101

MOVED by Cr MP Webster, seconded by Cr AJ Anae:

That the Unitary Plan Committee:

- g) supports amending the Permitted activity for tree trimming around existing buildings, to provide for tree trimming generally within Significant Ecological Areas

Restatements

- h) note that the report and attachments regarding – Proposed Auckland Unitary Plan submissions – council position for mediation and hearings – Significant Ecological Areas and Vegetation Management will remain confidential until the conclusion of the Proposed Auckland Unitary Plan Hearings
- i) note that the decisions a)-i) 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 - Historic Heritage Schedules

Resolution number UNI/2015/102

MOVED by Cr AJ Anae, seconded by Deputy Chairperson PA Hulse:

That the Unitary Plan Committee supports:

Significant Historic Heritage Places to be deleted

- a) The following items/places being deleted from Appendix 9.1 – Schedule of Significant Historic Heritage Places and/or the planning maps as they either do not meet the criteria for scheduling or no longer exist:
 - i) Residence at 36 Kaipatiki Road, Glenfield (UID 0864);
 - ii) Midden and possible gum diggers' camp at 110 Hobsonville Road, Hobsonville (UID 0009);
 - iii) Catholic presbytery at 14 Lavelle Road, Henderson (UID 0097);
 - iv) Buchanan and Co. at 35 Albert Street (UID 2537);
 - v) Residence at 12 Princes Street, Otahuhu (UID 2572);

- vi) Former Whitford garage and workshop at 14 Whitford-Maraetai Road, Whitford (UID 2478);
 - vii) Clement Wragge Gardens Complex/Palm Gardens at 4, 6, 8 and 10 Awanui Street and reserve, Birkenhead (UID 0906) (from 4 and 6 Awanui Street only);
 - viii) Residence at 6 Awanui Street, Birkenhead (UID 0878);
 - ix) St Joseph's School Hall and remnant stone wall at 125 Church Street, Onehunga (UID 2599);
 - x) St Paul's Church at 30-32 Taikata Road, Te Atatu (UID 0222);
 - xi) Residence at 120 Hobsonville Road, Hobsonville (UID 0250);
 - xii) Brookes House (Turrett House), 143 White Swan Road, Mt Roskill (UID 2631);
 - xiii) Shop/house at 44 Cheltenham Road, Devonport (UID 1185);
 - xiv) Wilson House (former) at 30 Princes Street, Onehunga; and
 - xv) Settlement site R12_171 at 144 Park Estate Road, Hingaia (UID 0656).
- b) the following items/places being deleted from the planning maps as they have been identified as errors:
- i) Ambrose Trust Cottage, Whitford (UID 1335);
 - ii) the northern extent of place for the Kigour and Orpheus Graves, Cornwallis (UID 0146); and
 - iii) rings/Kirikiri Redoubt R11_956, 621 Papakura-Clevedon Road, Ardmore (UID 0700).

Category Changes

- c) 10 Vulcan Lane, Auckland Central (UID 2620) being changed from category A to category B

Council's approach to evidence on submissions seeking to add new places/items

- d) no heritage evaluations being undertaken in relation to submissions proposing to add new places to the Historic Heritage Schedules, except for additions proposed by the council and additions that relate to properties owned by the council/Council Controlled Organisations.

Submissions relating to council-owned properties

- e) the council's position in mediation being that if the council's heritage team leader agrees that the submission meets the historic heritage threshold criteria in the Proposed Auckland Unitary Plan, the council will support the submission, unless there are strong planning reasons not to do so.

Council submission on 8 Stevensons Crescent, Albany Heights

- f) withdrawing submission 5716-547 that seeks to add 8 Stevensons Crescent, Albany Heights to the schedule at Appendix 9.1

Restatements

- g) 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
- h) note that the decisions a)- h) 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

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

Secretarial note: the motion was put in parts.

Resolution number UNI/2015/103

MOVED by Chairperson AM Filipaina, seconded by Cr AJ Anae:

That the Unitary Plan Committee:

- a) supports retaining the current “operational” provisions (e.g. number of events, lighting and noise) for each Major Recreation Facilities zone and precinct. In some cases it is acknowledged that the current provisions do not reflect the activities that are able to be lawfully carried out. This issue should be explored further during mediation and reported back to the committee
- b) supports amending Objective 2 of the Major Recreation Facilities zone as follows (or words to similar effect):
“Major recreation facilities, their primary activity, accessory activities and a limited range of other activities are enabled across Auckland to:
 - i. ***Provide for the social, economic and cultural well-being of all people and communities***
 - ii. ***Operate and be used in a safe, effective and efficient manner while minimising avoiding, remedying or mitigating adverse effects”***
- c) supports developing a definition of “primary activity” as follows (or words to similar effect):
“The dominant activity at a site, and for the Major Recreation Zone, is the activity as described in the relevant precinct introduction.”
- d) supports identifying the “primary activity” of each facility and listing it as a Permitted activity in the relevant activity table
- e) supports amending the definition of “accessory activity” as follows (or words to similar effect):
“Activities located on the same site as the primary activity, where the activity is incidental to, and serves a supportive function of the primary activity and for the Major Recreation Zone, is an activity undertaken in conjunction with the operation of a permitted activity and does not operate independently from a permitted activity.”

- f) removing the Gross Floor Area thresholds for accessory activities within the Major Recreation Facilities zone and associated precincts
- g) amending the activity status of carnivals, fairs and markets from Discretionary activities to Permitted activities for all facilities, subject to specific performance standards

CARRIED

Secretarial note: Cr CM Casey and Cr W Walker requested their dissenting vote be recorded in relation to resolution c) d) and g) above.

Resolution number UNI/2015/104

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

That the Unitary Plan Committee:

- h) adding a new Major Recreation Facilities zone policy as follows:

“Ensure that any activity or development within the Major Recreation Facilities Zone does not adversely affect:

- i. **The ability of the facility to undertake its primary activity; or**
- ii. **The viability of any metropolitan, town or local centres.”**

CARRIED

Secretarial note: changes were made to the original clause i) with the agreement of the meeting.

Resolution number UNI/2015/105

MOVED by Chairperson AM Filipaina, seconded by Member Ngamane:

That the Unitary Plan Committee:

- i) supports staff reporting back to the committee on an appropriate policy and/or rules to manage the effects of intensification of sensitive activities on the operation of major recreation facilities

CARRIED

Resolution number UNI/2015/106

MOVED by Cr CM Casey, seconded by Cr WD Walker:

That the Unitary Plan Committee:

- j) rejecting the submission of the Eden Park Trust seeking enablement of the development of the Number 2 pitch at Eden Park

CARRIED

Resolution number UNI/2015/107

MOVED by Chairperson AM Filipaina, seconded by Cr AJ Anae:

That the Unitary Plan Committee:

- k) amending the activity table to identify motor sport activities at Avondale Racecourse as a Non-complying activity and at Counties Racing Club as a Permitted activity

CARRIED

Resolution number UNI/2015/108

MOVED by Chairperson AM Filipaina, seconded by Member Ngamane:

That the Unitary Plan Committee:

Restatements

- l) note that the report and attachments regarding – Proposed Auckland Unitary Plan submissions – council position for mediation and hearings – Major Recreation Facilities zone will remain confidential until the conclusion of the Proposed Auckland Unitary Plan Hearings**
- m) note that the decisions a)- m) 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

4.20 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 UNITARY PLAN
COMMITTEE HELD ON

DATE:.....

CHAIRPERSON:.....