



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

Date: Tuesday, 8 September 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
Members	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

1 September 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.

Independent Māori Statutory Board

- Members of the Independent Māori Statutory Board who are appointed members of the committee remain.
- Independent Māori Statutory Board members and staff remain if this is necessary in order for them to perform their role.

Staff

- All staff supporting the meeting (administrative, senior management) remain.
- Other 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.

Council Controlled Organisations

- Representatives of a Council Controlled Organisation can remain only if required to for discussion of a matter relevant to the Council Controlled Organisation.

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1 Apologies

Apologies from Cr CM Casey, 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, 11 August 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 7.7 provides for Public Input. Applications to speak must be made to the Democracy Advisor, in writing, no later than **one (1) clear working day** 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 6.2 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 **one (1) day's** 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 6.1 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 Hearing Panel - Update on Progress

File No.: CP2015/17779

Purpose

1. To update the Unitary Plan Committee on progress made by the Auckland Unitary Plan Independent Hearings Panel (the Panel) since last reported in June 2015.

Executive Summary

2. The hearings programme is now entering into the final phase being the hearings on site specific matters. The programme remains on track and within budget. Participation rates by submitters and further submitters are slowly declining as the hearings continue despite a number of initiatives to support this participation.
3. The Panel is continuing to release interim guidance on some topics to assist parties to prepare evidence.
4. An innovative approach is being taken to hearings on designations, with the Panel taking the lead and commissioning planners to prepare independent reports on the various new notices of requirement, roll-overs and modifications to existing designations.
5. To support the ability of the hearings to remain on track for completion by July 2016 there is the possibility of legislative change.

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

6. On 9 June 2015 the Panel provided an update to the Unitary Plan Committee on hearing progress, participation and mechanisms to improve the process and budget. The recommendations were accepted. These included forwarding the report to Local Boards, the Independent Maori Statutory Board and advisory panels for their information.

Hearing Programme at 3 August 2015

Schedule

7. Hearing events are on track against schedule with 68 per cent of scheduled events completed and 64 per cent of all hearings now complete. The hearings themselves are generally being completed within the allocated time (76 per cent of hearing events).
8. All hearing topics have now been finalised and notified with the exception of new topics 080 and 081 (rezoning and precincts) and 001 (whole of plan). It is expected that these topics will be notified in late August 2015.
9. The creation of hearing topics 080 and 081 to hear submissions on rezoning and precincts marks an important step towards the completion of the hearing programme. The approach taken by the Panel to hear submissions on site specific matters, particularly zoning, has been to minimise the number of hearings and enable submitters to appear once to speak to all of their submission points.

10. Council management and team members have been constructively supporting the Panel and Independent Hearings Panel (IHP) staff through providing suggestions for the establishment of these hearings and have worked closely with IHP staff to ensure that the submissions are correctly placed within hearing topics 080 and 081 to support notifications and evidence preparation.
11. The timeliness of evidence has not changed significantly over the quarter. Primary evidence provided on time has dipped slightly for Council from 70 per cent to 64 per cent and for all submitters has remained stable with 74 per cent of evidence provided on time.

Re-zoning and precincts

12. A dedicated programme is being implemented by the Independent Hearings Panel to support the hearings on site specific matters. Explanatory letters sent mid-August to all submitters on these topics set out the following:
 - notification information including hearing dates and evidence exchange dates;
 - submission point tracking support by way of a link to an improved 'Find my hearing tool';
 - invitation to face to face 'drop-in clinics' for support on the Independent Hearing Panel processes. Sessions held from 3 – 7 pm in Orewa, Manukau, Henderson and the central city during week of 17 August 2015;
 - Interim Guidance from the hearings Panel on best practice approaches to re-zoning and precincts.
13. Further support to lay submitters has been provided through the now updated Independent Hearing Panel video. This now includes hearing scenes that show how hearings need not be seen as formal or intimidating by lay submitters.
14. Hearings will be held in Henderson, Orewa, Manukau and the central city.

Budget

15. The budget for 2015/16 has been confirmed. Underspend for the programme in the 2014/15 year has been carried forward. The programme continues to track within budget.

Participation

16. Participation rates (percentage of those notified who actually attended hearing events) continue to decline slowly. Overall participation percentage (previous quarter in brackets) is 9.1 per cent (10.3 per cent). The rate with individual further submitters removed, being 15.3 per cent (18 per cent), is the best representation of participation as many individual further submitters unintentionally linked themselves to multiple hearing topics by supporting or opposing entire primary submissions.
17. Participation rates for individual submitters, community groups and special interest groups are 2.6 per cent (2.7 per cent), 7.2 per cent (8.4 per cent) and 9.2 per cent (7.1 per cent) respectively. This continues to reflect feedback from some submitters about the demands of the process.

Interim Guidance

18. Interim Guidance has been issued on the following topics where the Panel has reached an agreed interim position on likely recommended changes to the PAUP;
 - 020 Volcanic Viewshafts
 - 029 & 030 Pre-1944 and Special Character.
19. Further Interim Guidance has also been released to guide the preparation of evidence on site specific hearings. This is entitled 'Best practice approaches to re-zoning, precincts and changes to the RUB'.

Legislative changes

20. The Panel continues to seek legislative change to support the management of the site specific hearings in 2016. These changes relate to the quorum needed for hearings, the appointment of additional panel members and confirming the option of releasing interim recommendations.

Approach to Designations

21. A different approach is being taken to progress the Designation topic (074) to hearings. The Panels power to commission independent expert advice reports under section 142 of the Local Government Auckland Transitional Provisions Act 2010 is being used with external consultants commissioned to prepare independent planning reports assessing all roll-over, modifications and new designations proposed within the PAUP.
22. This is the first time this approach has been used and it has been supported both by Council and the Designation Requiring Authorities.

Consideration

Local Board views and implications

23. The views of local boards are able to be represented by the attendance of all local board chairs at the Unitary Plan Committee meetings.

Māori impact statement

24. 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

25. 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

Author	Phill Reid - Hearings Panel Planning Manager
Authoriser	Penny Pirrit – General Manager - Plans & Places

Work Programme for rezoning and precincts

File No.: CP2015/18523

Item 10

Purpose

1. To update the Unitary Plan Committee on the work programme for rezoning and precincts.
2. The report was not available at the time the agenda was created. The report will be circulated as an addendum agenda.

Recommendation/s

That the Unitary Plan Committee:

- a) consider the report when available.

Attachments

There are no attachments for this report.

Signatories

Author	Katherine Wilson - Democracy Advisor
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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 - Rural Urban Boundary - Okura/LongBay

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. .	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.