



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

**Date:** Wednesday, 9 December 2015  
**Time:** 1.30pm  
**Meeting Room:** Level 26, Room 1  
**Venue:** 135 Albert Street  
Auckland

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## Unitary Plan Committee

### OPEN AGENDA

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#### MEMBERSHIP

<b>Chairperson</b>	Cr Alf Filipaina
<b>Deputy Chairperson</b>	Deputy Mayor Penny Hulse
<b>Members</b>	Cr Anae Arthur Anae
	Cr Dr Cathy Casey
	Cr Chris Darby
	Cr Denise Krum
	Member Liane Ngamane
	Cr Calum Penrose
	Member Josie Smith
	Cr Wayne Walker
	Cr Penny Webster
<b>Ex-officio</b>	Mayor Len Brown, JP

(Quorum 6 members)

Quorum must include at least 2  
named voting members

**Katherine Wilson**  
**Democracy Advisor**

**2 December 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

At the close of the agenda apologies from Cr WD Walker were 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, 24 November 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 Hearings Panel - Update on progress

File No.: CP2015/25552

### Purpose

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

### Executive Summary

2. By mid-November 80% of scheduled hearings have been finished with the hearings on the regional and district plan topics almost completed.
3. The programme continues to track to budget.
4. Participation rates remain steady.
5. Submitters on site specific topics on rezoning and precincts are seeking greater amounts of hearing time.
6. A limited number of pre-hearing processes have been organised for the site specific topics
7. Hearing days have been assigned for site specific topics in 2016 but there is a risk that the large number of additional hearing time requests could put pressure on the hearing schedule.
8. The Local Government (Auckland Transitional Provisions) Amendment Act was passed by Parliament in November 2015. This Act will help reduce the risks to the hearing schedule by allowing a reduced quorum and additional Panel members.
9. The Panel's recommendations will be presented in four main sections being: an introduction and overview; reports on the individual hearing topics; a clean version of the Unitary Plan text incorporating the recommended changes; and a clean version of the recommended maps created in the GIS viewer.

### 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 be forwarded to local boards, the Independent Maori Statutory Board and advisory panels for their information.

### Comments

10. On 8 September 2015 the IHP provided an update to the Unitary Plan Committee on hearing progress, participation and mechanisms to improve the hearing 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 as at November 2015

#### Schedule

11. Hearing events are on track against schedule, with 80% of scheduled events now completed.
12. Hearings on the regional and district plan topics are now almost complete.

13. Most hearing events have been completed on time, despite an increasing number of requests by submitters for additional hearing time.
14. The schedule for the site specific hearings has been established. Based on the RSVPs received so far the rezoning and precinct hearings should be able to be completed by the target date of 30 April 2015.

#### Budget

15. The programme continues to track within budget. The cost of any additional panel members appointed under the amended legislation can be met from existing budget.

#### Participation

16. The overall participation rate for the hearing programme has remained steady between 9-11% (percentage of those notified who actually attended hearing events). This includes both primary and further submitters. Participation rates are higher when further submitters are removed.
17. Participation rates for individual submitters on the scheduled item topics to date (the best indicator for the site specific hearings on the RUB, rezoning and precincts) are higher than the rates for individual submitters cross all the hearing topics,, ranging from 2.3% to 15.7%.

#### Rezoning and Precincts

18. The pre-hearing processes for the site specific hearings on the RUB, rezoning and precincts have been confirmed and are on track.
19. A limited number of precincts was proposed by Auckland Council to be part of issue-based mediation which is due to take place in December. Mediation proposed by Unitec on the Wairaka precinct is currently underway.
20. While the RSVP rate for the rezoning and precinct topics has been relatively low, a high proportion of submitters have sought additional speaking time at the hearings which will put pressure on the Panel's ability to complete the hearings on schedule (subject to the legislative changes discussed below).

#### Other hearing processes

21. The Panel has continued to issue interim guidance to assist submitters preparing evidence for hearings. Guidance has been issued on 035: Air Quality, 076: Major Recreation zones: and Chapter G (General Rules), in addition to the earlier best practice guidance for RUB, rezoning and precincts
22. The Panel has also issued a direction on the relationship between the Resource Management Act and the Building Act and has sought legal submissions in response.

#### Legislative Changes

23. The Local Government (Auckland Transitional Provisions) Amendment Bill was introduced and passed under urgency on 19 November 2015.
24. The Act gives the Panel the ability to hold hearings with a reduced quorum of two members and allows the appointment of three additional Panel members.
25. With a reduced quorum and additional members, the Panel will be better able to run concurrent hearings on the site specific topics which will introduce a greater certainty of the hearing schedule being completed on time.

### IHP Recommendations

26. With just over six months until recommendations are due to be presented by the Panel to Council some clarification can be given based on current thinking on how the recommendation will be set out. Council officers have also been kept abreast of this structural design for the recommendations.
27. There will be four main parts to the recommendations. Firstly an overview report will set out the Panel's processes and approach, broad directions and major policy shifts together with reasons and finally matters to do with scope.
28. The second part will be a series of reports on the individual hearing topics. Each report will provide the following;
  - An overview of the topic and the Panel's recommendations;
  - A section for each issue identified by the Panel to include:
    - a statement of the issue,
    - the Panel's recommendations and reasons (including any section 32AA evaluation; and
    - confirmation of scope to make the recommendation;
  - Any consequential changes;
  - Source documents.
29. The third main part of the recommendations will be a clean version of the Panel's recommended text of the Plan. This will be presented as a series of pdfs and will include the appendices to the Plan.
30. The fourth part will be a clean version of the Panel's recommended maps created in the GIS viewer.

## **Consideration**

### **Local Board views and implications**

31. 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**

32. 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**

33. 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 - Director Regulatory Services



## 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 Update on decisions made under delegated authority

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, Puhinui Zoning and Precincts - Council position for hearings

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 hearings - Tamaki Precinct

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, Devonport Peninsula Precinct - Council position for hearings**

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 Position for Mediation and Hearings: Iwi Precincts - North**

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.