



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

Date: Wednesday, 13 April 2016
Time: 8.30am
Meeting Room: Level 2 Reception Lounge
Venue: Auckland Town Hall
301-305 Queen Street
Auckland

Auckland Development Committee

OPEN AGENDA

MEMBERSHIP

Chairperson	Deputy Mayor Penny Hulse	
Deputy Chairperson	Cr Chris Darby	
Members	Cr Anae Arthur Anae	Cr Calum Penrose
	Cr Cameron Brewer	Cr Dick Quax
	Mayor Len Brown, JP	Cr Sharon Stewart, QSM
	Cr Dr Cathy Casey	Member David Taipari
	Cr Bill Cashmore	Cr Sir John Walker, KNZM, CBE
	Cr Ross Clow	Cr Wayne Walker
	Cr Linda Cooper, JP	Cr John Watson
	Cr Alf Filipaina	Cr Penny Webster
	Cr Hon Christine Fletcher, QSO	Cr George Wood, CNZM
	Cr Denise Krum	
	Cr Mike Lee	
	Member Liane Ngamane	

(Quorum 11 members)

Tam White
Democracy Advisor

8 April 2016

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TERMS OF REFERENCE

Responsibilities

This committee will lead the implementation of the Auckland Plan, including the integration of economic, social, environmental and cultural objectives for Auckland for the next 30 years. It will guide the physical development and growth of Auckland through a focus on land use planning, housing and the appropriate provision of infrastructure and strategic projects associated with these activities. Key responsibilities include:

- Unitary Plan
- Plan changes to operative plans
- Designation of Special Housing Areas
- Housing policy and projects including Papakainga housing
- Spatial Plans including Area Plans
- City centre development (incl reporting of CBD advisory board) and city transformation projects
- Tamaki regeneration projects
- Built Heritage
- Urban design

Powers

(i) 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 explicitly limited to making a recommendation only
- (ii) Approval of a submission to an external body
- (iii) Powers belonging to another committee, where it is necessary to make a decision prior to the next meeting of that other committee.
- (iv) Power to establish subcommittees.

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 no apologies had 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 Auckland Development Committee:

- a) confirm the ordinary minutes of its meeting, held on Thursday, 10 March 2016 and the extraordinary minutes of its meeting, held on Tuesday, 22 March 2016, 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.

Information meetings on the Proposed Auckland Unitary Plan

File No.: CP2016/05397

Purpose

1. To present a programme of information meetings on the Proposed Auckland Unitary Plan (PAUP) between April and July 2016.

Executive Summary

2. Unique legislative arrangements control the submission, hearings process and decision-making relating to the first Unitary Plan for Auckland. The timeframe for council decision-making under those unique arrangements is 20 working days from receipt of the Auckland Unitary Plan Independent Hearings Panel's recommendations.
3. In light of this extremely truncated timeframe and the scale and complexity of issues relating to the PAUP, the unusual step of scheduling regular information meetings has been taken. These meetings are timetabled from April to 22 July 2016 (the date the council expects to receive the Panel's recommendations). Although no decisions will be sought at these meetings, they are to be public meetings.
4. On 8 December 2015, the committee endorsed a focus on topics that will have a significant impact on the ability of the PAUP to deliver on the priorities in the Auckland Plan. The information meetings will cover those specified topics, summarise key issues raised in submissions, identify positions adopted by the council in response to issues raised during the hearings and outline the legislative framework for decision making under the Act.¹
5. There is unlikely to be a practical opportunity to repeat the content of these information meetings after the Panel delivers its recommendations to the council. However, the substantive information is relevant to informed decision-making within the 20 working day statutory time frame.

Recommendation/s

That the Auckland Development Committee:

- a) note the report does not make any recommendations.

Comments

Background

6. Unique legislative arrangements were established to enable Auckland's first Unitary Plan to make the journey from public notification to operative at a faster pace than would normally occur under the Resource Management Act. The arrangements are set out in the Local Government (Auckland Transitional Provisions) Act 2013 (the Act) and involved the establishment of an independent panel (the Auckland Unitary Plan Independent Hearings Panel) tasked with hearing the submissions on the PAUP and making recommendations to the council. Without these arrangements, it is highly likely the PAUP would take several more years to become operative. If that happened, Auckland's planning framework would become incredibly complex and outdated, with a wide range of associated costs to the council and the community.
7. The Panel is required under the legislation to release its recommendations to the council no later than 22 July 2016. The Panel will have spent 22 months reviewing written submissions, scheduling mediations and expert witness conferencing and hearing in person from submitters, and writing its recommendations, reasons for them and completing the relevant analysis.

¹ Local Government (Auckland Transitional Provisions) Act 2010.

8. The council is then required to decide whether to accept or reject each recommendation. The council has 20 working days to do so (i.e. until 19 August 2016). That timeframe could be extended up to a maximum of 20 further working days (i.e. 16 September 2016), but only if the Minister for the Environment, at his discretion, agrees to an extension.

Information meetings

9. The Act specifies that the council has 20 working days to consider the Panel's recommendations and to notify its decisions on the PAUP.
10. To help prioritise the council's response to the Panel's recommendations, on 8 December 2015 the committee endorsed a focus on topics that will have a significant impact on the ability of the PAUP to deliver on the priorities in the Auckland Plan.
11. These topics are as follows:
 - i. The Regional Policy Statement
 - ii. Business
 - iii. Coastal and Port precinct
 - iv. Historic Heritage
 - v. Infrastructure
 - vi. Landscapes
 - vii. Māori land and treaty
 - viii. Mana Whenua sites
 - ix. Natural hazards and flooding
 - x. Residential
 - xi. Rural
 - xii. Rural Urban Boundary
 - xiii. Significant Ecological Areas
 - xiv. Special character and pre-1944
 - xv. Sustainable design
 - xvi. Transport
 - xvii. Viewshafts
 - xviii. Waitakere Ranges
 - xix. Zoning.
12. To assist the council in its consideration of the Panel's recommendations, a series of presentations to the committee over the next few months will provide elected members with information on the council's position on the PAUP presented to the Panel during the hearings on the above topics.
13. The presentations will provide a summary of the notified PAUP, together with the submitters' and the council's position presented to the Panel at the hearing. The schedule of topics for each meeting is set out in Attachment A.

Decision-making

14. The council will receive the Panel's recommendations on the PAUP at the latest on Friday 22 July 2016. The Panel will deliver a recommendations report that outlines its overall process and approach, broad directions and reasons for any changes to the structure of the PAUP, and any major policy shifts and the reasons for these. The Panel will also provide a clean version of the recommended text of the PAUP and a clean version of the recommended maps created in a GIS viewer.

15. Staff will devote the first four days after receiving the recommendations report to quickly identifying any key areas where the Panel's recommendations do not align with the council's position at the hearings. On Wednesday 27 July, a confidential briefing will be given to elected members. The purpose of this briefing is to provide elected members with a general understanding of any key policy and/or structural changes recommended by the Panel, and to explain how to navigate the documentation provided in the Panel's recommendations. A link to the Panel's recommendations (text, maps and recommendations report) will be provided to elected members at this briefing.
16. To further assist elected members navigate and understand the Panel's recommendations, "drop in" sessions will be available with the council's planners on Wednesday 3 August and Thursday 4 August 2016.
17. The council is scheduled to meet on 16, 17 and 18 August to determine the council's decisions in response to the Panel's recommendations.
18. The Act specifies that the council must decide whether to accept or reject each Panel recommendation. If a Panel recommendation is rejected, the council must provide reasons, the alternative provisions it supports and an analysis under section 32 of the Resource Management Act.
19. Alternative provisions must be within scope of submissions and must be based on material that was presented to the Panel at the hearings. That is, the council does not have the ability to present alternative provisions other than those:
 - a) in the notified PAUP; or
 - b) presented in the council's position at the hearings; or
 - c) presented in another submitter's evidence.
20. As outlined in the report to the committee on the 8 December 2016, three important factors to consider when assessing the Panel's recommendations are:
 - a) to ensure the council meets the statutory timeframe for releasing its decision;
 - b) to ensure the decision version of the PAUP continues to deliver on the priorities in the Auckland Plan; and
 - c) to ensure the overall integrity of the PAUP remains intact, and that any provisions that are rejected by the council are replaced with provisions that seamlessly integrate with the rest of the PAUP.

Rejecting recommendations from the Panel

21. The Act establishes a process and a timeline to ensure that submissions on the PAUP are considered from an independent perspective and that the council delivers its decision on the Panel's recommendations within a very tight timeframe.
22. The Act also limits appeals to the Environment Court on the council's decision version of the PAUP to situations where:
 - a) the council has accepted a recommendation that is beyond the scope of submissions and the person wishing to appeal is unduly prejudiced by the council's decision; or
 - b) the council has rejected a recommendation from the Panel.
23. It is important to note that rejecting a provision or a policy approach in the Panel's recommended version of the PAUP could have a significant impact on the overall integration of the PAUP and delay the PAUP from becoming operative. For example, if the council rejected a provision in the Regional Policy Statement chapter of the PAUP, then this could not only affect the related regional and district plan provisions, but could delay a large component of the PAUP from becoming operative.

24. Delaying the PAUP from becoming operative could also have significant cost implications for the council through lengthy appeal processes, as well as even more significant costs for the community in having to continue working under Auckland's legacy planning framework and the PAUP while the appeals are in place.
25. In light of the above, while the Act clearly provides the opportunity for the council to reject recommendations from the Panel, it is critical that the council takes a rigorous approach to the task of considering the recommendations, and carefully weighs up all relevant matters when considering the possibility of rejecting the Panel's recommendations.

Consideration

Local Board views and implications

26. Local boards have played an important role in developing the PAUP. Throughout the process, workshops have been held with local boards, and local board chairs have been invited to attend all relevant committee workshops and meetings. Views from local boards on the notified version of the PAUP were also included in the local board section of the council submission. All local boards who provided views in the council submission were informed of the topics going into the hearings and given the opportunity to present their views to the Panel (in situations where their views differed from that of the Governing Body).
27. Local Board chairs will be invited to the information sessions on the PAUP scheduled from April to July 2016.

Māori impact statement

28. A high level of engagement has occurred between the council and Mana Whenua in developing the PAUP. Mana Whenua are in general agreement that the PAUP takes an important step forward in terms of planning under the Resource Management Act in Auckland. The process of developing the PAUP has fostered a partnership between the council and Mana Whenua. This is reflected in the ongoing work being carried out by the council in relation to Cultural Impact Assessments and sites of significance to Mana Whenua.
29. The Independent Māori Statutory Board and all 19 Mana Whenua groups made submissions on the PAUP. These submissions supported the overall approach and suggested amendments to lift the responsiveness of the PAUP to Māori and Mana Whenua. Most Mana Whenua groups have been active participants in the hearings process.

Attachments

No.	Title	Page
A	Unitary Plan Milestones - April to September 2016	13

Signatories

Author	John Duguid - General Manager - Plans and Places
Authorisers	Penny Pirrit - Director Regulatory Services Jim Quinn - Chief of Strategy

Key

	ADC information meeting
	IHP hearings held
	ADC standard meeting
	Designations
	IHP recommendations due
	Decision-making phase

Milestone	Planned Delivery Date
Auckland Development Committee – Meeting 1 <ul style="list-style-type: none"> - Programme for information meetings - Process and legal framework for the Proposed Auckland Unitary Plan - Structure of Proposed Auckland Unitary Plan - Planning fundamentals 	13 April 2016
Independent Hearing Panel – Hearings <ul style="list-style-type: none"> - Designations (additional) hearing held 	22 April 2016
Auckland Development Committee - Meeting 2 <ul style="list-style-type: none"> - Regional Policy Statement (RPS) - Rural Urban Boundary (RUB) line - Coastal Plan - Port Precinct 	27 April 2016
Independent Hearing Panel - Hearings <ul style="list-style-type: none"> - Rezoning and Precincts (Geographical areas) hearings held 	29 April 2016
Independent Hearing Panel - Hearings <ul style="list-style-type: none"> - Viewshafts (additional) hearing held 	04 May 2016
Auckland Development Committee - Meeting 3 <ul style="list-style-type: none"> - Significant Ecological Areas (SEAs) - Outstanding Natural Landscapes (ONLs) - Viewshafts - Mana Whenua Sites - Māori Land and Treaty 	10 May 2016
Auckland Development Committee (standard meeting) <ul style="list-style-type: none"> - Rezoning and Precincts Closing Statements (reporting on this topic is still to be confirmed) 	12 May 2016 (TBC)
Independent Hearing Panel – Final Hearing <ul style="list-style-type: none"> - General topic (001) hearing held 	13 May 2016

Item 9

Attachment A

Milestone	Planned Delivery Date
Designations IHP recommendations for Auckland Council and Requiring Authorities Designations provided to Auckland Council	19 May 2016
Auckland Development Committee – Meeting 4 <ul style="list-style-type: none"> - Historic Heritage - Historic Character and Pre-1944 - Residential - Designations briefing 	8 June 2016
Auckland Development Committee (standard meeting) Designations recommendations from the IHP	9 June 2016
Designations Auckland Council notifies requiring authorities of its recommendations on designations	17 June 2016
Auckland Development Committee - Meeting 5 <ul style="list-style-type: none"> - Rural - Business - Sustainable design - Zoning 	22 June 2016
Auckland Development Committee - Meeting 6 <ul style="list-style-type: none"> - Natural Hazards and Flooding - Infrastructure - Transport - Recap on process and statutory requirements for decision-making (including conflict of interest) 	4 July 2016
IHP Recommendations (Amended PAUP Reports) filed with Auckland Council	22 July 2016
Confidential Briefing for Elected Members Confidential workshop with elected members – Navigating the IHP Recommendations	27 July 2016
Designations Requiring Authorities inform Council of their decisions	29 July 2016
Drop-in Sessions “Drop-in sessions” for elected members with planners to assist in navigating/understanding the IHP Recommendations	3-4 August 2016

Milestone	Planned Delivery Date
<p>Workshops (TBC)</p> <p>Placeholder for workshops</p>	<p>8 and 9 August 2016 (TBC)</p>
<p>Decision-making</p> <p>Council meeting to consider IHP Recommendations and to make decisions on the PAUP (Decision version of PAUP and reports)</p>	<p>16, 17 and 18 August 2016</p>
<p>COUNCIL DECISION NOTIFIED AND IHP RECOMMENDATIONS RELEASED</p>	<p>19 AUGUST 2016</p>
<p>Appeal period closes excluding Designations. Parts of plan not subject to appeal deemed operative (statutory process) (20 days after Council decision notified)</p>	<p>16 September 2016</p>
<p>Appeal period closes for Designations (30 days after Council decision notified)</p>	<p>30 September 2016</p>