



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

**Date:** Wednesday, 8 June 2016  
**Time:** 1.30pm  
**Meeting Room:** Level 2 Reception Lounge  
**Venue:** Auckland Town Hall  
301-305 Queen Street  
Auckland

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## **Auckland Development Committee**

### **OPEN AGENDA**

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#### **MEMBERSHIP**

<b>Chairperson</b>	Deputy Mayor Penny Hulse	
<b>Deputy Chairperson</b>	Cr Chris Darby	
<b>Members</b>	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**

**2 June 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, 12 May 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.

## Auckland Unitary Plan Independent Hearings Panel – Update on progress

File No.: CP2016/09850

### Purpose

1. To update the Auckland Development Committee on progress made by the Auckland Unitary Plan Independent Hearings Panel towards its statutory reporting date of 22 July 2016.

### Executive summary

2. The Independent Hearings Panel has now completed the hearings on the Proposed Auckland Unitary Plan and is preparing its recommendations and report to present to Auckland Council on the statutory due date of 22 July 2016.
3. The hearing programme has been a major undertaking for the Panel and its support staff, for submitters and for Auckland Council.
  - a. There were 9,361 primary submitters (with over 92,000 submission points), and 3,915 further submitters (with over one million submission points).
  - b. The hearings began in September 2014 and were completed on 13 May 2016. This involved 249 days of hearing on 70 hearing topics, attended by 4317 submitters, with over 10,000 pieces of evidence submitted.
  - c. 14 days of hearing were held in non-CBD locations (Orewa, Henderson and Manukau).
4. The use of hearing topics created additional opportunity for submitters to be heard, with nearly 40,000 invitations to hearing issued.
5. Over 3000 submitters attended prehearing processes such as mediation and direct discussion.
6. The hearings on specific locations involved the biggest number of submitters, almost the largest number attending the hearings and the highest rate of participation (the % of submitters invited who attended).
7. Attendance by lay submitters (individuals and community groups) is higher for the site specific hearings (14% and 30% respectively) than for core provisions (3.9% and 8.2%), reflecting the potential impacts on individual properties and neighbourhoods.
8. While concern had been expressed at the apparent decline in participation over the course of the hearings in 2015, it is clear that participants, including “lay” submitters, have reversed this trend in 2016 once the hearings address particular locations and affect individual property rights.
9. The Panel is appreciative of the hard work and positive attitude of all participants that has enabled this major planning process to be completed within such challenging statutory timeframes.

### Recommendation/s

- a) This report contains no recommendations.

### Comments

#### Background

10. The Auckland Unitary Plan Independent Hearings Panel has been providing quarterly updates on progress to the former Unitary Plan Committee. These updates have been forwarded by the Unitary Plan Committee to local boards, the Independent Maori Statutory Board and advisory panels for their information.

## Hearing programme

11. The hearing programme got underway in September 2014, on receipt of the submissions and further submissions from Auckland Council, and continued until 13 May 2016. The magnitude of the hearing programme is illustrated by the information below.
  - a. The Panel held 58 hearings on 70 hearing topics.
  - b. The programme involved a total of 242 days of hearing (this includes all hearings up to and including 13 May 2016).
  - c. 98 of these hearing days (40.5%) were for the site specific topics (see paragraph 19 below).
  - d. The full panel sat on 45 hearing days; split panels sat on 198 hearing days;
  - e. Hearings were attended by 4317 submitters:
    - i. 2390 were prime submitters only;
    - ii. 717 were further submitters only;
    - iii. 1209 were both a prime and further submitter.

*Note: This number includes duplicates, as submitters could have come more than once to multiple topics or multiple times to the same hearing topic (e.g. 081).*

  - f. There was a total of 9,361 primary submissions with 92,942 primary submission points and 3,915 further submissions accounting for 1,022,764 submission points. (Note these figures are updated to take account of withdrawn submissions/submission points. The original number of primary submissions received was 9,443.)
  - g. 675 applications were made for the Panel to waive late submissions. 91% of these were accepted. Approximately 200 of these applications were lodged once the hearings programme was well advanced. In some cases where the waiver was not able to be granted, the applicant was encouraged to join with other parties to the hearings who had made similar points.
  - h. Over 10,000 pieces of evidence were submitted. The largest number was for hearing topic 081 rezoning and precincts where 2,800 pieces of evidence were received.
12. The Panel could not have delivered this intensive programme of hearings without high levels of co-operation from all parties, and the Panel is appreciative of the hard work and positive attitude of all participants that has enabled this major planning process to be completed within such challenging statutory timeframes.
13. The hearing programme was based on the principle of working from the strategic to the locally specific, so that the higher order objectives and policies could be heard and then given effect to through the district plan components of the Unitary Plan and in the decisions on specific locations.
14. Accordingly the hearings began with the regional policy statement matters and progressed through regional plan matters (coastal, air, land and water) and onto the district plan matters. These matters are collectively described as the core provisions.
15. The final phase of the hearings (January –April 2016) focused on the application of these provisions to specific areas and individual properties, i.e. the location of the rural urban boundary, mapping of special character and pre-1944, rezoning and precincts. These are collectively described as the site specific hearings.

### Submitter participation - overview

16. The site specific hearings drew the biggest number of submitters, involved the largest proportion of submission points (nearly 32%), almost the largest number attending the hearings (the group of topics making up the regional policy statement drew slightly higher numbers) and the highest participation rate.
17. High overall attendance at the site specific hearings by those scheduled to appear (83.4%). (Note that attendance rates were not recorded for the hearings for core provision topics.)
18. The challenge posed by the final phase of hearing was recognised early and an amendment to the Local Government (Auckland Transitional Provisions) Act 2010 was successfully sought to increase the number of panel members from 8 to 11 and reduce the quorum from 3 to 2 to enable the Panel to provide these submitters with an opportunity to be heard within the statutory timeframe.
19. The additional three panel members joined the Panel in January 2016 and this enabled two panels to be run concurrently to hear site specific matters and gave the flexibility to hold hearings in locations other than the CBD to encourage attendance. On two days three hearings panels ran concurrently. The reduced quorum was only used on one occasion due to a panel member's ill health on the day.
20. In total 14 hearing days were held in non-CBD locations (Orewa, Henderson and Manukau).
21. While issues were raised by submitters during the hearings about the process, the timeframes and the time and cost involved in taking part, overall there has been a high level of positive feedback. The Panel has been commended for the way it has conducted what is essentially a formal statutory process in a way that has made the hearings accessible and to make it as easy as possible for lay participants to take part. There has been extensive positive feedback about the quality of support provided to participants by the Independent Hearings Panel staff.

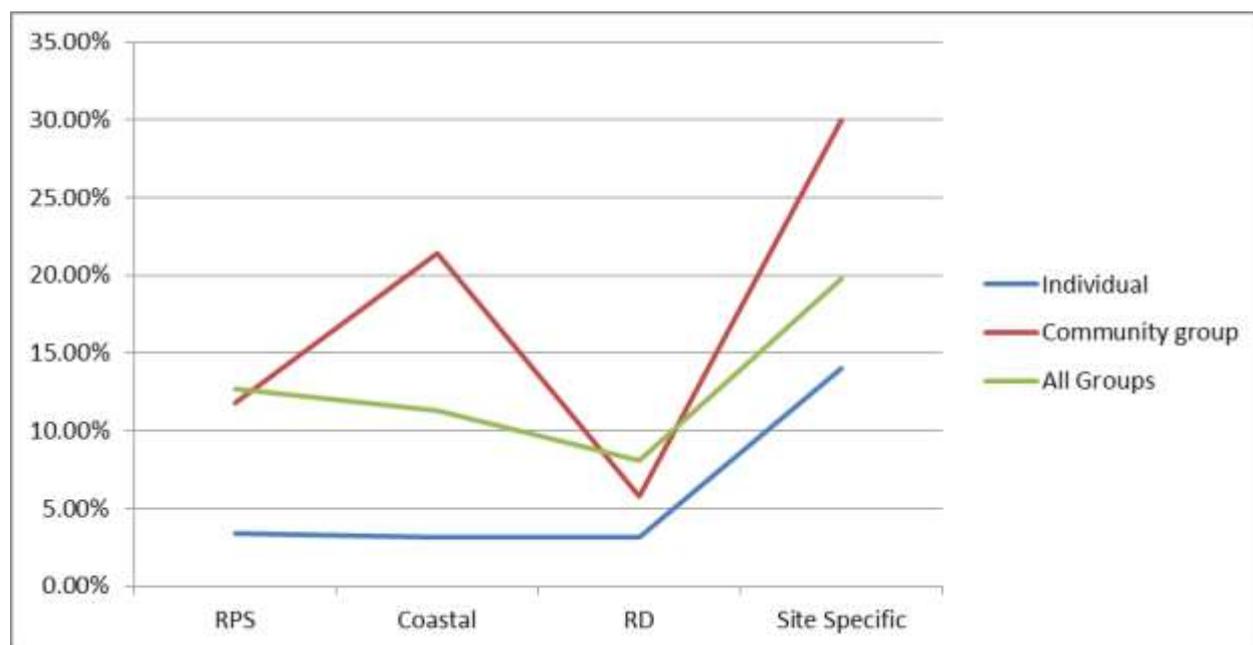
### Submitter participation -pre-hearing processes

22. Part of the Panel's brief was to be inclusive in its approach and use collaborative participation processes to complement the formal hearing process. The main pre-hearing process was mediation, with mediation held for 49 topics as at the end of April 2016.
23. The Panel also provided facilitators to support informal discussion between parties on four occasions and provided support for three workshops, and for six sessions of direct discussion between submitters and council on the Proposed Auckland Unitary Plan schedules of protected values.
24. Just over 3,000 submitters took part in these prehearing processes, as detailed below.
  - a. 227 mediation sessions were attended by 2877 submitters  
(note this figure includes duplication, as submitters will have attended pre-hearing events for multiple topics)
  - b. six days of direct discussion sessions on items of value scheduled in the plan (historic heritage; natural features, landscape and character; significant ecological areas; and trees) were attended by 146 submitters;
  - c. there was also a small number of expert conferences (three) convened to resolve technical matters.
25. While these pre-hearing processes enabled many matters to be resolved before the hearing, and resulted in positive feedback about the usefulness of mediation and direct discussion, there is significant time and cost involved for parties to take part in such sessions, especially if they are involved in multiple hearing topics. This was particularly so for lay submitters (individuals and community groups), who also felt the process was dominated by lawyers and felt discouraged from taking part.

### Submitter participation – hearings

26. The Panel has monitored and reported on submitter participation in the hearing process since the hearings began in late 2014. The participation rate measured shows the percentage of submitters notified of the hearing (invited) who actually attended. Note that:
  - a. the number of submitters involves duplication, i.e. a single submitter may have submission points linked to many hearing topics, which means the number of submitters by hearing topic (a total of 63,243) is significantly higher than the number of individuals who made a submission on the Proposed Auckland Unitary Plan (a total 13,276) (numbers include both primary and further submitters);
  - b. not all submitters are notified of the hearing - only those who have advised they wish to be heard - so the rate does not show what proportion of the total number of submitters attended the hearing.
27. A focus of the monitoring and reporting has been on participation by individuals and community groups to see the extent to which “lay submitters” have taken part in the hearings.
28. A distinction is made between core provision topics (the regional policy statement, the coastal plan and regional/district plan level) and the topics relating to the application of these core provisions to specific sites (016/017 the rural urban boundary; 079 mapping of special character and pre 1944 overlay; 080/081 rezoning and precincts).
29. Overall participation (invited vs attended) in the site specific hearings is 19.8%, compared with 9.5% overall for the hearings on core provisions (regional policy statement, coastal plan and regional and district plans).
30. Attendance by lay submitters (individuals and community groups) is higher for the site specific hearings (14% and 30% respectively) than for core provisions (3.9% and 8.2%), reflecting the potential impacts on individual properties and neighbourhoods.
31. While concern had been expressed at the apparent decline in participation over the course of the hearings in 2015, it is clear that participants, including “lay” submitters, have reversed this trend in 2016 and have become involved in the process once the hearings address particular locations and affect individual property rights. This is demonstrated in the figure below:

**Figure 1 Overview of submitter participation**



### The Panel's recommendations and report

32. The Panel will present its recommendations and report to the Chief Executive of Auckland Council on 22 July.
33. The Panel's recommendations on hearing topic 074 Designations were presented to council on 19 May. This was to allow time to synchronise the requiring authorities' decisions on designations with release of council's decisions on the rest of the plan in accordance with statutory timeframes.

### Budget

34. The programme continues to track below budget, even with the additional cost of the three panel members appointed under the amended legislation at the end of 2015.

## Consideration

### Local board views and implications

35. No applicable.

### Māori impact statement

36. Not applicable.

## Implementation

37. Not applicable.

## Attachments

There are no attachments for this report.

## Signatories

Author	Jeanette Johnston – Auckland Unitary Plan Independent Hearing Panel
Authoriser	Penny Pirrit - Director Regulatory Services



## Proposed Auckland Unitary Plan - Background Information Relating to Historic Heritage, Special (Historic) Character, Pre-1944 Overlay, Sustainable Design, Residential and Designation Hearing Topics

File No.: CP2016/10099

### Purpose

1. To provide the committee with the following information relating to the hearing topics of Historic Heritage, Special (Historic) Character, Pre-1944 Overlay, Sustainable Design, Residential and Designations:
  - a. the relevant provisions in the notified version of the Proposed Auckland Unitary Plan (PAUP);
  - b. the key themes raised in submissions; and
  - c. the council's position at the hearing.

### Executive summary

2. Since September 2015, the council has presented its position in response to submissions on the PAUP to the Independent Hearings Panel (the Panel). The hearings were completed on 13 May 2016 and the Panel's recommendations are due to be received by the council on 22 July 2016. As outlined in detail in the report presented to the committee on 13 April 2016, the council is required to notify its decisions in response to the Panel's recommendations on 19 August 2016.
3. This report is one of a series of reports that will provide the committee with background information on a range of key topics. The report provides information relating to Historic Heritage, Special (Historic) Character, Pre-1944 Overlay, Sustainable Design, Residential and Designations.

### Recommendation/s

This report does not contain any recommendations.

### Comments

#### Historic Heritage, Special (Historic) Character, Pre-1944 Overlay, Sustainable Design and Residential Hearing Topics

4. The council's position on the Historic Heritage, Special (Historic) Character, Pre-1944 Overlay, Sustainable Design and Residential hearing topics was endorsed by the Auckland Development Committee/Unitary Plan Committee on the following dates:

Topic	Committee	Date
Historic Heritage	Unitary Plan Committee	11 May 2015
	Unitary Plan Committee	9 June 2015
Special (Historic) Character	Auckland Development Committee	9 October 2014
	Auckland Development Committee	12 February 2015
	Unitary Plan Committee	21 October 2015
Pre-1944 Overlay	Unitary Plan Committee	21 October 2015
Sustainable Design	Auckland Development Committee	11 June 2015
Residential	Auckland Development Committee	11 June 2015

5. Background information relating to the relevant provisions in the notified version of the PAUP, key themes raised in submissions, interim guidance from the Panel and the council's position at the hearings will be provided at the meeting in the form of PowerPoint presentations.

#### Designation Hearing Topic

6. Designations are a planning technique that authorises works and activities by requiring authorities. Requiring authorities are public work agencies such as the council, government organisations and network utility operators. They essentially replace the need for a land use consent. Approval of the requiring authority is required for any activity that may prevent or hinder the public work or project to which the designation relates.
7. Most designations included in the PAUP were brought forward from the council's operative district plan. Some designations were modified at the request of the requiring authority, and a small number of new designations were included in the PAUP following a notice of requirement being served on the council prior to the notification of the PAUP.
8. The council's submission included a number of improvement to the designations included in the PAUP. The council's position at the designations hearing was aligned with the council submission. The Unitary Plan Committee/Auckland Development Committee did not modify the council's position prior to the hearing.
9. Unless appealed to the Environment Court, the council is the final decision-maker on its own designations (e.g. for regional parks). For the remaining designations included in the PAUP, the council is required to make recommendations to the requiring authorities as to whether the Panel's recommendations should be accepted or rejected. If the council recommends rejecting the Panel's recommendations, it must state the alternative approach and provide reasons. Unless appealed to the Environment Court, requiring authorities are the final decision-makers on their own designations.
10. Further information of the process for making decisions on the Panel's recommendations relating to designations will be provided at the meeting in the form of a PowerPoint presentation.

## Consideration

### Local board views and implications

11. All local board chairs are invited to attend the Auckland Development Committee meeting.

### Māori impact statement

12. The PAUP is of considerable interest to Auckland's Mana Whenua. A number of the topics that will be presented to the committee at the Auckland Development Committee information meetings between April and July 2016 are of high interest to Mana Whenua, and indeed the wider Māori community. However, as the council will not be making any decisions at the information meetings, the report itself does not have any impact on Māori.

## Attachments

There are no attachments for this report.

## Signatories

Author	Celia Davison - Team Leader Unitary Plan
Authorisers	John Duguid - General Manager - Plans and Places Penny Pirrit - Director Regulatory Services