
Komiti Whakarite Mahere / Planning Committee

OPEN MINUTES

Minutes of a meeting of the Planning Committee held in Room 1, Level 26, 135 Albert Street on 5 February 2019 at 9:33am.

PRESENT

Chairperson
Deputy Chairperson
Members

Cr Chris Darby
Cr Richard Hills
Cr Josephine Bartley
Cr Dr Cathy Casey
Deputy Mayor Cr Bill Cashmore
Cr Ross Clow
Cr Linda Cooper, JP
Cr Alf Filipaina From 9.35am, Item 3
Mayor Hon Phil Goff, CNZM, JP
IMSB Member Hon Tau Henare
Cr Penny Hulse
Cr Mike Lee From 9.56am, Item 8
Cr Daniel Newman, JP
IMSB Member Liane Ngamane
Cr Greg Sayers
Cr Desley Simpson, JP
Cr Sharon Stewart, QSM
Cr Sir John Walker, KNZM, CBE Until 12.32pm, Item 10
Cr Wayne Walker
Cr John Watson
Cr Paul Young

ABSENT

Cr Efeso Collins
Cr Hon Christine Fletcher, QSO

ALSO PRESENT

Kit Parkinson Chair, Ōrākei Local Board

1 Apologies

Resolution number PLA/2019/1

MOVED by Chairperson C Darby, seconded by Cr R Clow:

That the Planning Committee:

- a) **accept the apology from Cr E Collins for absence.**

CARRIED

2 Declaration of Interest

Chairperson C Darby declared an interest in Item 8: Auckland Unitary Plan (Operative in Part) - Proposed Plan Change 5 Whenuapai 3 Precinct - Next Steps.

3 Confirmation of Minutes

Cr A Filipaina joined the meeting at 9.35 am.

Resolution number PLA/2019/2

MOVED by Chairperson C Darby, seconded by Deputy Chairperson R Hills:

That the Planning Committee:

- a) **confirm the ordinary minutes of its meeting, held on Tuesday, 27 November 2018, including the confidential section, as a true and correct record.**

CARRIED

4 Petitions

There were no petitions.

5 Public Input

5.1 Public Input - Akarana Marine Sports Trust

This public input request was subsequently declined by the Chairperson for being outside the terms of reference of the committee, and the item was withdrawn from the meeting.

6 Local Board Input

There was no local board input.

7 Extraordinary Business

There was no extraordinary business.

8 Auckland Unitary Plan (Operative in Part) - Proposed Plan Change 5 Whenuapai 3 Precinct - Next Steps

Chairperson C Darby declared an interest in this item and took no part in the discussion and voting on the matter.

Cr C Darby left the meeting at 9.43am and the Deputy Chairperson, R Hills assumed the chair.

A PowerPoint presentation was provided. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Cr M Lee joined the meeting at 9.56 am.

Resolution number PLA/2019/3

MOVED by Cr L Cooper, seconded by Cr R Clow:

That the Planning Committee:

- a) **approve the development of a variation to Proposed Plan Change 5 – Whenuapai to the Auckland Unitary Plan (Operative in Part) that proposes to rezone approximately 130 hectares of land in Whenuapai that is subject to the 57 dB L_{dn} and 65 dB L_{dn} noise boundaries, or will be within the 65 dB L_{dn} noise boundary.**
- b) **delegate to the Deputy Chair, Deputy Mayor, Albany Ward Councillors and an Independent Māori Statutory Board member the approval of the proposed variation for public notification.**

CARRIED

Attachments

A 5 February 2019, Planning Committee: Item 8 - Auckland Unitary Plan (Operative in Part) - Proposed Plan Change 5 Whenuapai 3 Precinct - Next Steps, presentation

Deputy Chairperson R Hills vacated the chair. Chairperson C Darby returned to the meeting and resumed the Chair at 10.25am.

9 Auckland Unitary Plan (Operative in Part) - Private Plan Change Request from Turnstone Capital Limited – Warkworth North

An amended agenda Attachment E was tabled and a PowerPoint presentation was provided. Copies have been placed on the official minutes and are available on the Auckland Council website minutes attachments.

Note: changes to the original motion were incorporated under subclause a) ii) and the addition of new subclauses a) iv), a) v) and a) vi), with the agreement of the meeting.

MOVED by Chairperson C Darby, seconded by Deputy Chairperson R Hills:

That the Planning Committee:

- a) accept the private plan change request by Turnstone Capital Limited for Warkworth North, included as Attachments A and B to the agenda report, pursuant to clause 25(2)(b) of Schedule 1 to the Resource Management Act for the following reasons:
 - i) The proposal does not undermine the Auckland Plan 2050 (2018) or the Future Urban Land Supply Strategy (2017) in terms of the timing of development and provision of bulk infrastructure.
 - ii) Overall, the bulk infrastructure required for the Warkworth North is advancing, with key water and transport elements already under construction.
 - iii) The applicant has prepared a structure plan to inform the plan change in accordance with Appendix 1 Structure Plan Guidelines of the Auckland Unitary Plan.
 - iv) the council can make a submission on the private plan change to seek that it aligns with the council's Warkworth Structure Plan and address any outstanding infrastructure issues.
 - v) the council's own plan change process for Warkworth North may ultimately join or supersede the private plan change.
 - vi) council notes that the applicant recognises the benefit of delaying notification until further progress has been made on the Warkworth Structure Plan.
 - vii) The request does not meet the criteria for rejection under clause 25(4) of the Schedule 1 of the RMA (having regard to relevant case law). It is not possible to deal with the request as a resource application as the request seeks to rezone land, and it is more appropriate to accept the request than adopt it given the need for further progress to be made with the council's Warkworth Structure Plan and associated infrastructure planning/funding decisions.
- b) delegate authority to the Manager North West and Islands Planning to undertake the required notification and other statutory processes associated with processing the private plan change request by Turnstone Capital Limited pursuant to Schedule 1 of the Resource Management Act 1991.

MOVED by Cr C Casey, seconded by Cr W Walker, an amendment to subclause a) vi) by way of replacement:

- vi) council notes that while the applicant recognises the benefit of delaying notification until after the close of submissions on the Warkworth Structure Plan, the applicant is requested to review the submissions and make consequential amendments to their proposal for notification.

A division was called for, voting on which was as follows:

For

Cr J Bartley
Cr C Casey
Cr M Lee
Cr G Sayers
Cr S Stewart
Cr W Walker
Cr J Watson
Cr P Young

Against

Deputy Mayor BC Cashmore
Cr R Clow
Cr L Cooper
Chairperson C Darby
Cr A Filipaina
Mayor P Goff
Deputy Chairperson R Hills
Cr P Hulse
Cr D Newman
Cr D Simpson
Cr J Walker

Abstained

IMSB Member T Henare
IMSB Member L Ngamane

The motion was declared LOST by 8 votes to 11.

The substantive motion was put.

Resolution number PLA/2019/4

MOVED by Chairperson C Darby, seconded by Deputy Chairperson R Hills:

That the Planning Committee:

- a) **accept the private plan change request by Turnstone Capital Limited for Warkworth North, included as Attachments A and B to the agenda report, pursuant to clause 25(2)(b) of Schedule 1 to the Resource Management Act for the following reasons:**
- i) **The proposal does not undermine the Auckland Plan 2050 (2018) or the Future Urban Land Supply Strategy (2017) in terms of the timing of development and provision of bulk infrastructure.**
 - ii) **Overall, the bulk infrastructure required for the Warkworth North is advancing, with key water and transport elements already under construction.**
 - iii) **The applicant has prepared a structure plan to inform the plan change in accordance with Appendix 1 Structure Plan Guidelines of the Auckland Unitary Plan.**
 - iv) **the council can make a submission on the private plan change to seek that it aligns with the council's Warkworth Structure Plan and address any outstanding infrastructure issues.**
 - v) **the council's own plan change process for Warkworth North may ultimately join or supersede the private plan change.**
 - vi) **council notes that the applicant recognises the benefit of delaying notification until further progress has been made on the Warkworth Structure Plan.**
 - vii) **The request does not meet the criteria for rejection under clause 25(4) of the Schedule 1 of the RMA (having regard to relevant case law). It is not possible to deal with the request as a resource application as the request seeks to rezone land, and it is more appropriate to accept the request than adopt it given the need for further progress to be made with the council's Warkworth Structure Plan and associated infrastructure planning/funding decisions.**
- b) **delegate authority to the Manager North West and Islands Planning to undertake the required notification and other statutory processes associated with processing the private plan change request by Turnstone Capital Limited pursuant to Schedule 1 of the Resource Management Act 1991.**

CARRIED

Note: Pursuant to Standing Order 1.8.6 the following councillors requested that their dissenting votes be recorded:

- Cr C Casey
- Cr D Newman against subclauses a) iv), a) v) and a vi)
- Cr W Walker

Attachments

- A 5 February 2019, Planning Committee: Item 9 - Auckland Unitary Plan (Operative in Part) - Private Plan Change Request from Turnstone Capital Limited – Warkworth North, Item 9 Warkworth tabled document - Letter Agreeing to Process for Notification
- B 5 February 2019, Planning Committee: Item 9 - Auckland Unitary Plan (Operative in Part) - Private Plan Change Request from Turnstone Capital Limited, presentation

10 Auckland Unitary Plan (Operative in Part) - Private Plan Change Request from Orakei Point Trustee Limited to rezone land at Orakei Point, Orakei Road, Orakei

*IMSB Member T Henare left the meeting at 11.40 am.
IMSB Member T Henare returned to the meeting at 11.51 am.
Cr R Clow left the meeting at 12.30 pm.
IMSB Member L Ngamane left the meeting at 12.30 pm.*

MOVED by Chairperson C Darby, seconded by Cr P Hulse:

That the Planning Committee:

- a) accept the private plan change request by Orakei Point Trustee Limited for rezoning 413m² of land at 236 Orakei Road, Orakei (included as Attachment A to the agenda report) for the following reasons:
 - i) having regard to relevant case law the request does not meet the limited grounds for rejection under clause 25(4) of the Resource Management Act; and
 - ii) it is more appropriate to accept the request than adopt it or treat it as a resource consent application.
- b) delegate authority to the Manager Central and South Planning to undertake the required notification and other statutory processes associated with processing the private plan change request.

A division was called for, voting on which was as follows:

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Deputy Mayor BC Cashmore	Cr J Bartley	
Cr R Clow	Cr C Casey	
Cr L Cooper	IMSB Member T Henare	
Chairperson C Darby	Cr M Lee	
Cr A Filipaina	IMSB Member L Ngamane	
Mayor P Goff	Cr G Sayers	
Deputy Chairperson R Hills	Cr D Simpson	
Cr P Hulse	Cr S Stewart	
Cr D Newman	Cr W Walker	
Cr J Walker	Cr J Watson	
	Cr P Young	

The motion was declared LOST by 10 votes to 11.

Note: following discussion and the need for committee to either accept, reject or adopt the private plan change request, the chair ruled that further consideration of the item was required.

The meeting adjourned at 12.32pm and reconvened at 1.01pm.

Cr C Casey, Cr R Clow, IMSB Member T Henare, Deputy Chairperson R Hills, Cr D Newman, IMSB Member L Ngamane, Cr G Sayers, Cr J Walker, Cr W Walker and Cr P Young were not present.

Resolution number PLA/2019/5

MOVED by Chairperson C Darby, seconded by Cr P Hulse:

That the Planning Committee:

- a) **agree to defer further consideration of this item to the committee's next ordinary meeting.**

CARRIED

11 Auckland Unitary Plan (Operative in Part) - Private Plan Change Request from Fletcher Residential Limited to rezone land at 90-104 Felton Mathew Avenue, St Johns

IMSB Member T Henare returned to the meeting at 1.02pm.

Cr C Casey returned to the meeting at 1.03pm.

Cr D Newman returned to the meeting at 1.03pm.

Deputy Chairperson R Hills returned to the meeting at 1.05pm.

IMSB Member L Ngamane returned to the meeting at 1.05pm.

Cr P Young returned to the meeting at 1.05pm.

Resolution number PLA/2019/6

MOVED by Cr D Simpson, seconded by Cr L Cooper:

That the Planning Committee:

- a) **accept the private plan change request by Fletcher Residential Limited for rezoning of 90 Felton Mathew Avenue, St Johns (comprising 4,380m²), included as Attachment A to the agenda report pursuant to clause 25(2)(b) of Part 2 of Schedule 1 to the RMA for the following reasons:**
 - i) **having regard to relevant case law and that the request does not meet the limited grounds for rejection under clause 25(4);**
 - ii) **none of the limited grounds for rejection apply to the request; and**
 - iii) **it is more appropriate to accept the request than ‘adopt’ it or treat it as a resource consent application.**
- b) **delegate authority to the Manager Central and South Planning to undertake the required notification and other statutory processes associated with processing the private plan change request by Fletcher Residential Limited for rezoning of 90 Felton Mathew Avenue, St Johns pursuant to Schedule 1 to the RMA.**

CARRIED

12 Auckland Unitary Plan (Operative in Part) - Update on appeals and making additional parts of the Plan operative.

A document was tabled. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Cr R Clow returned to the meeting at 1.06pm.

Cr W Walker returned to the meeting at 1.07pm.

Resolution number PLA/2019/7

MOVED by Deputy Mayor BC Cashmore, seconded by Deputy Chairperson R Hills:

That the Planning Committee:

- a) **note that the following appeals in respect of the council’s decisions on the Proposed Auckland Unitary Plan are now fully resolved:**
 - i) **ENV-2016-AKL-0000238 – Housing New Zealand Corporation**
 - ii) **ENV-2018-AKL-000149 – Fulton Hogan Limited.**
- b) **request staff publicly notify the following parts of the Auckland Unitary Plan as operative in accordance with clause 20(1) of Schedule 1 of the Resource Management Act:**
 - i) **B5.3.1 Objectives, chapter B5.1 Issues, B5.3.2 Policies, and B5.4 Explanation and principal reasons for adoption**

- ii) mapping of Significant Ecological Areas Overlay as shown in Appendices A and B in Judgement of Whata J, (Royal Forest and Bird Protection Society of New Zealand Incorporated v Auckland Council [2018] NZHC 1069 [18 May 2018]), and in Appendix A of Judgement (no 2) of Whata J (Royal Forest and Bird Protection Society of New Zealand Incorporated v Auckland Council [2018] NZHC 1344 [8 June 2018]); with the exception of SEA-M2-26a and SEA-M2-3262 – which cannot be made operative until the Minister of Conservation has formally approved them as part of the regional coastal plan part of the Auckland Unitary Plan.
- iii) mapping of the extent of Significant Ecological Area Overlay SEA_T_558 at Clevedon Quarry.
- c) note that staff must now send the mapping of Significant Ecological Areas SEA-M2-26a and SEA-M2-3262 – Overlay and Schedule 4 Significant Ecological Areas to the Minister of Conservation for approval, and if approval is given by the Minister of Conservation, request staff publicly notify those parts of the regional coastal plan as operative in accordance with clause 20(1) of Schedule 1 of the Resource Management Act.
- d) note that staff must also send the provisions of the regional coastal plan relating to genetically modified organisms to the Minister of Conservation for approval, and if approval is given by the Minister of Conservation, request staff publicly notify those parts of the regional coastal plan as operative in accordance with clause 20(1) of Schedule 1 of the Resource Management Act.

CARRIED

Attachments

- A 5 February 2019, Planning Committee: Item 12 - Auckland Unitary Plan (Operative in Part) - Update on appeals and making additional parts of the Plan operative, additional appeal

13 Auckland Unitary Plan (Operative in Part) - Request to make Operative Plan Change 8 - Kings College

Cr G Sayers returned to the meeting at 1.11pm.

Resolution number PLA/2019/8

MOVED by Cr A Filipaina, seconded by Deputy Mayor BC Cashmore:

That the Planning Committee:

- a) note that Plan Change 8 to the Auckland Unitary Plan (Operative in Part) is deemed to have been approved by the Council under Clause 17(1) of Schedule 1 of the Resource Management Act.
- b) authorise staff to complete the necessary statutory processes to publicly notify the date on which Plan Change 8 to the Auckland Unitary Plan (Operative in Part) operative.

CARRIED

14 Summary of Planning Committee information memos and briefings - 5 February 2019

Resolution number PLA/2019/9

MOVED by Mayor P Goff, seconded by Cr R Clow:

That the Planning Committee:

- a) **receive the Summary of Planning Committee information memos and briefings – 5 February 2019.**

CARRIED

15 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

16 Acknowledgment

Chairperson C Darby acknowledged outgoing Chief of Strategy and the committee's lead officer, Jim Quinn, for his outstanding work with the committee and Auckland Council during his tenure.

1.14 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 PLANNING COMMITTEE
HELD ON

DATE:.....

CHAIRPERSON:.....