
Governing Body

OPEN MINUTES

Minutes of an extraordinary meeting of the Governing Body held in the Reception Lounge, Auckland Town Hall, 301-305 Queen Street, Auckland on Wednesday, 24 February 2016 at 2.00pm.

PRESENT

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

ALSO PRESENT

Andy Baker, Franklin Local Board Chair
Shale Chambers, Waitematā Local Board Chair
Angela Dalton, Manurewa Local Board Chair
Peter Haynes, Albert-Eden Local Board Chair
Vanessa Neeson, Henderson-Massey Local Board Chair
Desley Simpson, Ōrākei Local Board Chair

1 Affirmation

There was no affirmation.

2 Apologies

There were no apologies.

3 Declaration of Interest

There were no declarations of interest.

4 Acknowledgements and Achievements

There were no acknowledgements.

5 Petitions

There were no petitions.

8 Extraordinary Business

There was no extraordinary business.

9 Notices of Motion

There were no notices of motion.

Precedence of Business

Resolution number GB/2016/15

MOVED by Mayor LCM Brown, seconded by Cr LA Cooper:

That the Governing Body:

- a) **agree that Item 11: Proposed Auckland Unitary Plan - Auckland Council's current position on the zoning maps be accorded precedence at this time.**

CARRIED

Order of Items

The Chairperson advised that Item 11 - Proposed Auckland Unitary Plan - Auckland Council's current position on the zoning maps - would first be introduced by staff, who would provide a PowerPoint presentation at this point.

This introduction would be followed by Items 6.1 - Public Input and Item 7.1 Local Board Input, which both related to Item 11.

Item 11 - Proposed Auckland Unitary Plan - Auckland Council's current position on the zoning maps - would then be considered after Items 6.1 and 7.1.

Cr D Quax's alternative motion to revoke two resolutions of the Unitary Plan Committee would be considered as a foreshadowed motion, to be put if Item 11 - Proposed Auckland Unitary Plan - Auckland Council's current position on the zoning maps motion was lost.

Introduction of Item 11 - Proposed Auckland Unitary Plan - Auckland Council's current position on the zoning maps

6 Public Input

6.1 Public Input - Item 11 - Proposed Auckland Unitary Plan - Auckland Council's current position on the zoning maps

The following were present to provide public input presentations:

- Penny Bright
- Lisa Prager, representing the Westmere Heritage Protection Association and Sally Hughes, representing the Character Coalition
- Flora Apulu and Alex Johnston, Chair and Deputy Chair of Auckland Council's Youth Advisory Panel
- Peter Jefferies, representing Community Housing Aotearoa
- Richard Burton, representing Auckland 2040, accompanied by Guy Haddleton and Dr Kenneth Palmer
- Don Stock, Chairperson of the Mission Bay Kohimarama Residents' Association
- Dr Sudhvir Singh, representing Generation Zero
- Julie Stout and David Gibbs, representing the NZ Institute of Architects and Urban Auckland.

Supporting documents were tabled at the meeting. Copies have been placed on the official minutes and are available on the Auckland Council website as minutes attachments.

His Worship the Mayor thanked the public input presenters.

Attachments

- A 24 February 2016, Governing Body, Item 6.1 - Penny Bright Tabled Information
- B 24 February 2016, Governing Body, Item 6.1 - Sally Hughes (Character Coalition) Tabled Information
- C 24 February 2016, Governing Body, Item 6.1 - Flora Apulu (Youth Advisory Panel) Tabled Information
- D 24 February 2016, Governing Body, Item 6.1 - Alex Johnston (Youth Advisory Panel) Tabled Information
- E 24 February 2016, Governing Body, Item 6.1 - Richard Burton (Auckland 2040) Tabled Information
- F 24 February 2016, Governing Body, Item 6.1 - Dr Sudhvir Singh (Generation Zero) Presentation

The meeting adjourned at 4.05pm

The meeting reconvened at 4.14pm, Deputy Mayor PA Hulse and Cr MP Webster were not present.

7 Local Board Input

7.1 Local Board Input - Item 11 - Proposed Auckland Unitary Plan - Auckland Council's current position on the zoning maps

Shale Chambers, Waitemata Local Board Chair, Angela Dalton, Manurewa Local Board Chair, Peter Haynes, Albert-Eden Local Board Chair, and Desley Simpson, Ōrākei Local Board Chair made a presentation to the meeting as a group.

Deputy Mayor PA Hulse returned to the meeting at 4.17 pm.

Cr MP Webster returned to the meeting at 4.18 pm.

Vanessa Neeson, Henderson-Massey Local Board Chair and Andy Baker, Franklin Local Board Chair made a presentation to the meeting. Andy Baker noted the apologies of Efeso Collins, Ōtara-Papatoetoe Local Board Chair, and Lydia Sosene, Māngere-Ōtāhuhu Local Board Chair.

His Worship the Mayor thanked the local board presenters.

11 Proposed Auckland Unitary Plan - Auckland Council's current position on the zoning maps

A copy of the PowerPoint presentation relating to this item has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Note: Clauses g) and h) were incorporated into the motion by the mover, with the agreement of the meeting.

Cr MP Webster left the meeting at 5.29 pm.

Cr MP Webster returned to the meeting at 5.35 pm.

Cr R Clow left the meeting at 5.39 pm.

Cr R Clow returned to the meeting at 5.48 pm.

MOVED by Deputy Mayor PA Hulse, seconded by Cr AM Filipaina:

That the Governing Body:

- a) maintain its current position as set out in the evidence lodged with the Independent Hearings Panel.
- b) note that the council has not made any decisions on the zoning maps in the Proposed Auckland Unitary Plan. This decision will be made in August 2016 after considering the recommendations from the Auckland Unitary Plan Independent Hearings Panel.
- c) note the proposed changes discussed in the council's evidence respond to guidance from the Auckland Unitary Plan Independent Hearings Panel in relation to avoiding spot-zoning or pepper-potting the zoning maps. Remaining strictly within the scope of submissions on the Proposed Auckland Unitary Plan would not meet the Panel's guidance.
- d) note that the special legislation for the Proposed Auckland Unitary Plan passed by the Government allows the Auckland Unitary Plan Independent Hearings Panel to recommend changes that are not within the scope of submissions, but balances this by enabling anyone who is prejudiced by the council agreeing to accept the Panel's recommendations to appeal the council's decision to the Environment Court.

- e) note the concerns expressed by members of the public and community groups about the council's current position on the zoning maps in the Proposed Auckland Unitary Plan.
- f) request staff to instruct the council's lawyers to stress to the Auckland Unitary Plan Independent Hearings Panel on 3 March 2016, the importance of considering natural justice and fairness issues when considering the council's position and that presented by other submitters at the re-zoning hearings.
- g) ask the Chief Executive to design an urgent community process, run by an independent working group, to undertake the following:
 - i) facilitate discussion on residential zoning and provide opportunities for the community to express their views
 - ii) focus discussion in areas of Auckland where council's evidence proposes substantial changes to the zoning in the notified plan
 - iii) prepare a report to be provided to the Independent Hearings Panel by 31 May 2016, reflecting the range of community views heard by the working group.
- h) ask the Chief Executive to direct staff to proactively communicate with residents of areas most affected by proposed 'out of scope' changes to inform them of the process that can enable non-submitters to join with submitters who are already part of the Independent Hearings Panel process.
- i) direct the Auckland Development Committee to hold two workshops specifically on the zoning maps as soon as practicable after recommendations on changes on the zoning maps are received from the Auckland Unitary Plan Independent Hearings Panel on 22 July 2016. These workshops are over-and-above the two full day workshops already planned in August, prior to the council making its decisions on the Proposed Auckland Unitary Plan.

The meeting adjourned at 5.58pm.

The meeting reconvened at 6.18pm, Cr C Darby, Deputy Mayor PA Hulse and Cr WD Walker were not present.

Deputy Mayor PA Hulse returned to the meeting at 6.20 pm.

Cr C Darby returned to the meeting at 6.20 pm.

Cr WD Walker returned to the meeting at 6.20 pm.

Resolution number GB/2016/16

MOVED by Cr D Quax, seconded by Cr DA Krum:

That the Governing Body:

- a) **agree that, pursuant to Standing Order 1.6.1, the motion under debate now be put to a vote.**

CARRIED

Note: Pursuant to Standing Order 1.8.6, Cr AM Filipaina and Deputy Mayor PA Hulse requested that their dissenting votes be recorded.

MOVED by Deputy Mayor PA Hulse, seconded by Cr AM Filipaina:

That the Governing Body:

- a) maintain its current position as set out in the evidence lodged with the Independent Hearings Panel.
- b) note that the council has not made any decisions on the zoning maps in the Proposed Auckland Unitary Plan. This decision will be made in August 2016 after considering the recommendations from the Auckland Unitary Plan Independent Hearings Panel.

- c) note the proposed changes discussed in the council's evidence respond to guidance from the Auckland Unitary Plan Independent Hearings Panel in relation to avoiding spot-zoning or pepper-potting the zoning maps. Remaining strictly within the scope of submissions on the Proposed Auckland Unitary Plan would not meet the Panel's guidance.
- d) note that the special legislation for the Proposed Auckland Unitary Plan passed by the Government allows the Auckland Unitary Plan Independent Hearings Panel to recommend changes that are not within the scope of submissions, but balances this by enabling anyone who is prejudiced by the council agreeing to accept the Panel's recommendations to appeal the council's decision to the Environment Court.
- e) note the concerns expressed by members of the public and community groups about the council's current position on the zoning maps in the Proposed Auckland Unitary Plan.
- f) request staff to instruct the council's lawyers to stress to the Auckland Unitary Plan Independent Hearings Panel on 3 March 2016, the importance of considering natural justice and fairness issues when considering the council's position and that presented by other submitters at the re-zoning hearings.
- g) ask the Chief Executive to design an urgent community process, run by an independent working group, to undertake the following:
 - i) facilitate discussion on residential zoning and provide opportunities for the community to express their views
 - ii) focus discussion in areas of Auckland where council's evidence proposes substantial changes to the zoning in the notified plan
 - iii) prepare a report to be provided to the Independent Hearings Panel by 31 May 2016, reflecting the range of community views heard by the working group.
- h) ask the Chief Executive to direct staff to proactively communicate with residents of areas most affected by proposed 'out of scope' changes to inform them of the process that can enable non-submitters to join with submitters who are already part of the Independent Hearings Panel process.
- i) direct the Auckland Development Committee to hold two workshops specifically on the zoning maps as soon as practicable after recommendations on changes on the zoning maps are received from the Auckland Unitary Plan Independent Hearings Panel on 22 July 2016. These workshops are over-and-above the two full day workshops already planned in August, prior to the council making its decisions on the Proposed Auckland Unitary Plan.

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

<u>For</u>	<u>Against</u>	<u>Abstained</u>
Cr AJ Anae	Cr C Brewer	
Mayor LCM Brown	Cr C Casey	
Cr W Cashmore	Cr R Clow	
Cr LA Cooper	Cr C Darby	
Cr AM Filipaina	Cr CE Fletcher	
Deputy Mayor PA Hulse	Cr DA Krum	
Cr CM Penrose	Cr ME Lee	
Cr MP Webster	Cr D Quax	
	Cr SL Stewart	
	Cr JG Walker	
	Cr WD Walker	
	Cr J Watson	
	Cr GS Wood	

The motion was declared LOST by 8 votes to 13.

The foreshadowed motion was proposed for discussion. Clauses c), d) and e) were incorporated with the agreement of the meeting.

MOVED by Cr D Quax, seconded by Cr CE Fletcher:

That the Governing Body:

- a) revoke the Unitary Plan Committee decision of 10 November 2015:

That the Unitary Plan Committee:

- a) *confirms the proposed zoning changes as shown on maps under separate cover for the Central and West Auckland geographic areas as Council's position.*
- b) *supports the approach to zoning changes which are not directly supported by any submission, but which give effect to the Regional Policy Statement in the Proposed Auckland Unitary Plan (as proposed to be amended by the Council), and which are the most appropriate way to achieve the objectives of the Proposed Auckland Unitary Plan.*

- b) revoke the Unitary Plan Committee decision of 24 November 2015:

That the Unitary Plan Committee:

- a) *confirms the proposed zoning changes as shown on maps (Attachment C, D and E) for the North and South Auckland geographic areas as Council's position.*

and replace them with:

That the Governing Body:

- a) remove from the proposed Auckland Unitary Plan maps the 'out of scope' zoning changes made on 10 November 2015, which were not directly supported by any submission, and that this now be confirmed as Auckland Council's position.
- b) remove from the proposed Auckland Unitary Plan maps the 'out of scope' zoning changes made on 24 November 2015, which were not directly supported by any submission, and that this now be confirmed as Auckland Council's position.

That the Governing Body:

- c) note that the proposed 'out of scope' zoning changes (other than minor changes correcting errors and anomalies) seek to modify the Proposed Auckland Unitary Plan in a substantial way.
- d) note that the timing of the proposed 'out of scope' zoning changes impacts the rights of those potentially affected, where neither submitter or further submitter, and for whom the opportunity to participate in the process is restricted to Environment Court appeal.
- e) in the interests of upholding the principle of natural justice and procedural fairness withdraw that part of its evidence relating to 'out of scope' zoning changes (other than minor changes correcting errors and anomalies).

Extension of Meeting Time

Resolution number GB/2016/17

MOVED by Mayor LCM Brown, seconded by Cr CE Fletcher, at 8.03pm:

That the Governing Body:

- a) **agree pursuant to standing order 1.1.3, that an extension of time for 15 minutes be granted.**

CARRIED

Resolution number GB/2016/18

MOVED by Cr D Quax, seconded by Cr CE Fletcher:

That the Governing Body:

a) **revoke the Unitary Plan Committee decision of 10 November 2015:**

That the Unitary Plan Committee:

- a) *confirms the proposed zoning changes as shown on maps under separate cover for the Central and West Auckland geographic areas as Council's position.*
- b) *supports the approach to zoning changes which are not directly supported by any submission, but which give effect to the Regional Policy Statement in the Proposed Auckland Unitary Plan (as proposed to be amended by the Council), and which are the most appropriate way to achieve the objectives of the Proposed Auckland Unitary Plan.*

b) **revoke the Unitary Plan Committee decision of 24 November 2015:**

That the Unitary Plan Committee:

- a) *confirms the proposed zoning changes as shown on maps (Attachment C, D and E) for the North and South Auckland geographic areas as Council's position.*

and replace them with:

That the Governing Body:

- a) **remove from the proposed Auckland Unitary Plan maps the 'out of scope' zoning changes made on 10 November 2015, which were not directly supported by any submission, and that this now be confirmed as Auckland Council's position.**
- b) **remove from the proposed Auckland Unitary Plan maps the 'out of scope' zoning changes made on 24 November 2015, which were not directly supported by any submission, and that this now be confirmed as Auckland Council's position.**

That the Governing Body:

- c) **note that the proposed 'out of scope' zoning changes (other than minor changes correcting errors and anomalies) seek to modify the Proposed Auckland Unitary Plan in a substantial way.**
- d) **note that the timing of the proposed 'out of scope' zoning changes impacts the rights of those potentially affected, where neither submitter or further submitter, and for whom the opportunity to participate in the process is restricted to Environment Court appeal.**
- e) **in the interests of upholding the principle of natural justice and procedural fairness, withdraw that part of its evidence relating to 'out of scope' zoning changes (other than minor changes correcting errors and anomalies).**

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

For

Cr C Brewer
Cr C Casey
Cr R Clow
Cr C Darby
Cr CE Fletcher

Against

Cr AJ Anae
Mayor LCM Brown
Cr W Cashmore
Cr LA Cooper
Cr AM Filipaina

Abstained

Cr DA Krum	Deputy Mayor PA Hulse
Cr ME Lee	Cr CM Penrose
Cr D Quax	Cr MP Webster
Cr SL Stewart	
Cr JG Walker	
Cr WD Walker	
Cr J Watson	
Cr GS Wood	

The motion was declared CARRIED by 13 votes to 8.

CARRIED

Attachments

A 24 February 2016 - Governing Body - Item 11 - Unitary Plan PowerPoint presentation

10 City Rail Link and Auckland Transport Alignment Programme Update

This item was deferred to the 31 March 2016 Governing Body meeting

12 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

8.08 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 GOVERNING BODY HELD
ON

DATE:.....

CHAIRPERSON:.....