## Kōmiti Whakarite Mahere / Planning Committee

### OPEN MINUTES

Minutes of a meeting of the Planning Committee held in the Reception Lounge, Auckland Town Hall, 301-305 Queen Street, Auckland on Thursday, 2 July 2020 at 10.03am.

### PRESENT

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairperson</td>
<td>Cr Chris Darby</td>
<td>Until 12.29pm, Item 15</td>
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<tr>
<td>Deputy Chairperson</td>
<td>Cr Josephine Bartley</td>
<td>From 10.05am, Item 2, Presiding from 12.29pm</td>
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<tr>
<td>Members</td>
<td>Cr Dr Cathy Casey</td>
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<td></td>
<td>Deputy Mayor Cr Bill Cashmore</td>
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<td></td>
<td>Cr Fa’anana Efeso Collins</td>
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<td></td>
<td>Cr Pippa Coom</td>
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<td>Cr Linda Cooper, JP</td>
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<td>Cr Angela Dalton</td>
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<td></td>
<td>Cr Alf Filipaina</td>
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<td></td>
<td>Cr Christine Fletcher, QSO</td>
<td>By electronic link</td>
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<td></td>
<td>Mayor Hon Phil Goff, CNZM, JP</td>
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<td></td>
<td>IMSB Member Hon Tau Henare</td>
<td>By electronic link</td>
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<tr>
<td></td>
<td>Cr Richard Hills</td>
<td>From 10.59am, Item 9</td>
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<td></td>
<td>Cr Tracy Mulholland</td>
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<td></td>
<td>Cr Daniel Newman, JP</td>
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<td></td>
<td>IMSB Member Liane Ngamane</td>
<td>By electronic link</td>
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<td></td>
<td>Cr Greg Sayers</td>
<td>By electronic link</td>
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<td></td>
<td>Cr Desley Simpson, JP</td>
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<td></td>
<td>Cr Sharon Stewart, QSM</td>
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<td></td>
<td>Cr John Watson</td>
<td>From 10.11am, Item 8</td>
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<td></td>
<td>Cr Paul Young</td>
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</tbody>
</table>

### ABSENT

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
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<tbody>
<tr>
<td>Members</td>
<td>Cr Shane Henderson</td>
</tr>
<tr>
<td></td>
<td>Cr Wayne Walker</td>
</tr>
</tbody>
</table>

### ALSO PRESENT

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brent Catchpole</td>
<td>Chairperson, Papakura Local Board</td>
</tr>
<tr>
<td>Angela Fulljames</td>
<td>Deputy Chairperson, Franklin Local Board</td>
</tr>
<tr>
<td>Phelan Pirrie</td>
<td>Chairperson, Rodney Local Board</td>
</tr>
</tbody>
</table>
1 **Apologies**

Resolution number PLA/2020/34

MOVED by Cr C Darby, seconded by Cr P Young:

*That the Planning Committee:*

a) accept the apology from Cr S Henderson for lateness, on council business; and Cr W Walker for absence.

CARRIED

Note: Cr S Henderson subsequently did not attend.

Resolution number PLA/2020/35

MOVED by Cr C Darby, seconded by Cr E Collins:

*That the Planning Committee:*

b) approve the electronic attendance of:

- Cr C Fletcher
- Cr G Sayers
- IMSB Member T Henare
- IMSB Member L Ngamane

CARRIED

2 **Declaration of Interest**


*Cr J Bartley joined the meeting at 10.05am.*

3 **Confirmation of Minutes**

Resolution number PLA/2020/36

MOVED by Cr C Darby, seconded by Cr D Simpson:

*That the Planning Committee:*

a) confirm the ordinary minutes of its meeting, held on Thursday, 4 June 2020, as a true and correct record.

CARRIED

4 **Petitions**

There were no petitions.
5 Public Input

5.1 Public input - Ngāti Tamaoho Trust - Rainwater tanks

This item was deferred to the 6 August 2020 meeting of the Planning Committee to be heard with a related item.

6 Local Board Input

There was no local board input.

7 Extraordinary Business

There was no extraordinary business.

8 Spatial Land Use Frameworks for Supporting Growth Transport Detailed Business Cases

Phelan Pirrie, Chair Rodney Local Board addressed the committee.

Cr J Watson joined the meeting at 10.10am.

Resolution number PLA/2020/37

MOVED by Cr C Darby, seconded by Cr G Sayers:

That the Planning Committee:

a) approve the preparation of Spatial Land Use Frameworks for the Kumeu-Huapai and Wainui Silverdale Dairy Flat areas for the Supporting Growth Detailed Business Case process

b) establish a Political Working Party of the Chair of the Planning Committee, the Councillor for the Rodney Ward, the Rodney Local Board Chair, and an Independent Māori Statutory Board member to approve the draft Spatial Land Use Frameworks for consultation in conjunction with the Supporting Growth Detailed Business Case process.

CARRIED

Note: Items 9, 10, 11 and 12 were considered together.

9 Auckland Unitary Plan – Drury East Private Plan Change Requests – Overview

A PowerPoint presentation was given relating to Item 9 - Auckland Unitary Plan – Drury East Private Plan Change Requests – Overview; Item 10 - Auckland Unitary Plan - Private Plan Change Request: Kiwi Income Property (Drury East); Item 11 - Auckland Unitary Plan - Private Plan Change Request : Oyster Capital (Drury East); and Item 12 - Auckland Unitary Plan - Private Plan Change Request : Fulton Hogan (Drury East). A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.
Cr A Filipaina left the meeting at 10.30am.
Cr A Filipaina returned to the meeting at 10.41am.
Cr R Hills joined the meeting at 10.58am.

Note: changes to the original recommendation, adding new clauses b) and c) were made with the agreement of the meeting.

Resolution number PLA/2020/38

MOVED by Cr C Darby, seconded by Deputy Mayor BC Cashmore:

That the Planning Committee:

a) receive the Auckland Unitary Plan – Drury East Private Plan Change Requests – Overview report.

b) note Auckland Transport intend to make a submission on the private plan changes, in relation to the challenges associated with transport infrastructure funding and delivery issues

c) note that staff will report back to the Planning Committee on a potential Auckland Council submission.

CARRIED

Attachments

A 2 July 2020, Planning Committee: Item 9 - Auckland Unitary Plan – Drury East Private Plan Change Requests – Overview

10 Auckland Unitary Plan - Private Plan Change Request : Kiwi Income Property (Drury East)

Note: changes to the original recommendation were incorporated under clause a) with the agreement of the meeting.

Note: A presentation was provided in support of this item at Item 9 - Auckland Unitary Plan – Drury East Private Plan Change Requests – Overview.

Resolution number PLA/2020/39

MOVED by Deputy Mayor BC Cashmore, seconded by Cr C Darby:

That the Planning Committee:

a) accept in whole the private plan change request by Kiwi Income Property included as Attachment C, D and E to the agenda report for the following reasons:

i) the grounds to reject a private plan change request under clause 25(4) are limited. The following grounds to reject are not considered to be met by this private plan change request:

A) the request is not frivolous or vexatious

B) the substance of the request has not been considered or given effect to or rejected by the Council or the Environment Court within the last two years

C) the provisions of the Auckland Unitary Plan subject to the private plan change request have been operative for at least two years

D) the private plan change request could give effect to the Regional Policy Statement objectives and policies related to infrastructure provision and transport integration, as required by Part 5, provided a funding mechanism is agreed
ii) the coarse-grain assessment of the request indicates that the private plan change may not be in accordance with sound resource management practice related to the uncertainty over infrastructure provision. If a reject ground is present, council does not have to reject the request, but may do so. Taking into account caselaw, it is reasonable and appropriate for the Council not to reject the private plan change request on this ground. This is because there are a number of methods that may be able to be used to close the funding gap, the merits of which will need to be tested through the private plan change submission and hearings process.

iii) accepting the private plan change request will enable a range of matters relating to infrastructure provision and management of the natural environment to be considered on their merits, during a public participatory planning process.

iv) it is not appropriate to adopt the private plan change request.

v) it is not appropriate to deal with the private plan change as if it was a resource consent application because of the scale of the project.

CARRIED

11 Auckland Unitary Plan - Private Plan Change Request : Oyster Capital (Drury East)

Note: changes to the original recommendation were incorporated under clause a) with the agreement of the meeting.

Note: A presentation was provided in support of this item at Item 9 - Auckland Unitary Plan – Drury East Private Plan Change Requests – Overview.

Resolution number PLA/2020/40

MOVED by Deputy Mayor BC Cashmore, seconded by Cr C Darby:

That the Planning Committee:

a) accept in whole the private plan change request by Oyster Capital included as Attachments C, D and E to the agenda report for the following reasons:

i) the grounds to reject a private plan change request under clause 25(4) are limited. The following grounds to reject are not considered to be met by the private plan change request:

A) the request is not frivolous or vexatious

B) the substance of the request has not been considered or given effect to or rejected by the Council or the Environment Court within the last two years

C) the provisions of the Auckland Unitary Plan subject to the private plan change request have been operative for at least two years

D) the private plan change request could give effect to the Regional Policy Statement objectives and policies related to infrastructure provision and transport integration, as required by Part 5, provided a funding mechanism is agreed
ii) the coarse-grain assessment of the request indicates that the private plan change may not be in accordance with sound resource management practice due to the uncertainty over infrastructure provision. If a reject ground is present, council does not have to reject the request, but may do so. Taking into account relevant caselaw, it is reasonable and appropriate for the Council not to reject the private plan change request on this ground. This is because there are a number of methods that may be able to be used to close the funding gap, the merits of which will need to be tested through the private plan change submission and hearings process.

iii) accepting the private plan change request will enable a range of matters relating to infrastructure provision and management of the natural environment to be considered on their merits, during a public participatory planning process.

iv) it is not appropriate to adopt the private plan change request.

v) it is not appropriate to deal with the private plan change as if it was a resource consent application because of the scale of the project.

CARRIED

12 Auckland Unitary Plan - Private Plan Change Request : Fulton Hogan (Drury East)

Note: changes to the original recommendation were incorporated under clause a) with the agreement of the meeting.

Note: A presentation was provided in support of this item at Item 9 - Auckland Unitary Plan – Drury East Private Plan Change Requests – Overview.

Resolution number PLA/2020/41

MOVED by Deputy Mayor BC Cashmore, seconded by Cr C Darby:

That the Planning Committee:

a) accept in whole the private plan change request by Fulton Hogan Land Development included as Attachments C, D and E to the agenda report for the following reasons:

i) the grounds to reject a private plan change request under clause 25(4) are limited. The following grounds to reject are not considered to be met by this private plan change request:

   A) the request is not frivolous or vexatious

   B) the substance of the request has not been considered or given effect to or rejected by the Council or the Environment Court within the last two years

   C) the provisions of the Auckland Unitary Plan subject to the private plan change request have been operative for at least two years

   D) the private plan change request could give effect to the Regional Policy Statement objectives and policies related to infrastructure provision and transport integration, as required by Part 5, provided a funding mechanism is agreed
ii) the coarse-grain assessment of the request indicates that the private plan change may not be in accordance with sound resource management practice due to the uncertainty over infrastructure provision. If a reject ground is present, council does not have to reject the request, but may do so. Taking into account relevant caselaw, it is reasonable and appropriate for the Council not to reject the private plan change request on this ground. This is because there are a number of methods that may be able to be used to close the funding gap, the merits of which will need to be tested through the private plan change submission and hearings process

iii) accepting the private plan change request will enable a range of matters relating to infrastructure provision and management of the natural environment to be considered on their merits, during a public participatory planning process

iv) it is not appropriate to adopt the private plan change request

v) it is not appropriate to deal with the private plan change as if it was a resource consent application because of the scale of the project.

CARRIED

13 Summary of Planning Committee information items and briefings - 2 July 2020

Resolution number PLA/2020/42

MOVED by Cr D Simpson, seconded by Cr A Filipaina:
That the Planning Committee:

a) receive the Summary of Planning Committee information items and briefings – 2 July 2020 report.

CARRIED

14 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

15 Procedural motion to exclude the public

Resolution number PLA/2020/43

MOVED by Cr C Darby, seconded by Deputy Mayor BC Cashmore:
That the Planning 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 Confidential: Auckland Unitary Plan (Operative in Part) - Proposed Plan Change 5 Whenuapai - Response To Engine Testing Noise Issues

<table>
<thead>
<tr>
<th>Reason for passing this resolution in relation to each matter</th>
<th>Particular interest(s) protected (where applicable)</th>
<th>Ground(s) under section 48(1) for the passing of this resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>s7(2)(c)(ii) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to damage the public interest. s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege. In particular, the report contains draft documents from the New Zealand Defence Force relating to the content of the variation that will be proposed under the Resource Management Act.</td>
<td>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.</td>
</tr>
</tbody>
</table>

The text of these resolutions is made available to the public who are present at the meeting and form part of the minutes of the meeting. CARRIED

12.29pm The public was excluded.

Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and are not publicly available.

12.51pm The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

C1 Confidential: Auckland Unitary Plan (Operative in Part) - Proposed Plan Change 5 Whenuapai - Response To Engine Testing Noise Issues

Resolution number PLA/2020/44

MOVED by Cr J Bartley, seconded by Cr J Watson:

That the Planning Committee:

e) agree to restate the decisions in clauses a) to d) once Proposed Plan Change 5 – Whenuapai has been made operative, and the report and attachments remain confidential.
12.51pm 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:..............................................