Minutes of a meeting of the Planning Committee held remotely on Thursday, 13 August 2020 at 10.02am. The meeting can be viewed on the Auckland Council website at [https://councillive.aucklandcouncil.govt.nz/](https://councillive.aucklandcouncil.govt.nz/)

**PRESENT**

<table>
<thead>
<tr>
<th>Chairperson</th>
<th>Cr Chris Darby</th>
<th>Physically present</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputy Chairperson</td>
<td>Cr Josephine Bartley</td>
<td></td>
</tr>
<tr>
<td>Members</td>
<td>Cr Dr Cathy Casey</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Deputy Mayor Cr Bill Cashmore</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cr Fa’anana Efeso Collins</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cr Pippa Coom</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cr Linda Cooper, JP</td>
<td>From 10.20am, Item 8</td>
</tr>
<tr>
<td></td>
<td>Cr Angela Dalton</td>
<td>From 10.18am, Item 8</td>
</tr>
<tr>
<td></td>
<td>Cr Alf Filipaina</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cr Christine Fletcher, QSO</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mayor Hon Phil Goff, CNZM, JP</td>
<td>Until 11.55am, Item C1</td>
</tr>
<tr>
<td></td>
<td>IMSB Member Hon Tau Henare</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cr Shane Henderson</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cr Richard Hills</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cr Tracy Mulholland</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cr Daniel Newman, JP</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cr Greg Sayers</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cr Desley Simpson, JP</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cr Sharon Stewart, QSM</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cr Wayne Walker</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cr John Watson</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cr Paul Young</td>
<td></td>
</tr>
</tbody>
</table>

**Note:** All members attended by electronic link.

**ABSENT**

IMSB Member Liane Ngamane
Note: a roll-call was conducted that ascertained the following councillors were in attendance by electronic link at the commencement of the meeting:

- Mayor P Goff ✓
- Deputy Mayor BC Cashmore ✓
- Cr J Bartley ✓
- Cr C Casey ✓
- Cr E Collins ✓
- Cr P Coom ✓
- Cr A Dalton ✓
- Cr C Fletcher ✓
- IMSB Member T Henare ✓

- Cr S Henderson ✓
- Cr R Hills ✓
- Cr T Mulholland ✓
- Cr D Newman ✓
- Cr G Sayers ✓
- Cr D Simpson ✓
- Cr S Stewart ✓
- Cr W Walker ✓
- Cr J Watson ✓
- Cr P Young ✓

1 **Apologies**

There were no apologies.

2 **Declaration of Interest**

There were no declarations of interest.

3 **Confirmation of Minutes**

Resolution number PLA/2020/45

MOVED by Cr J Bartley, seconded by Cr P Young:

**That the Planning Committee:**

a) confirm the ordinary minutes of its meeting, held on Thursday, 2 July 2020, including the confidential section, 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

Resolution number PLA/2020/46

MOVED by Cr A Dalton, seconded by IMSB Member T Henare:

That the Planning Committee:

a) receive the public input from Lucille Rutherford regarding rainwater tanks and thank her for her attendance.

CARRIED

6 Local Board Input

There was no local board input.

7 Extraordinary Business

There was no extraordinary business.

8 Plan Change to the Auckland Unitary Plan - Rainwater Tanks

A PowerPoint presentation was given in support of the item. A copy has been placed on the official minutes and is available on the Auckland Council website as a minutes attachment.

Cr A Filipaina joined the meeting at 10.18 am.
Cr L Cooper joined the meeting at 10.20 am.

Resolution number PLA/2020/47

MOVED by Cr C Darby, seconded by Cr W Walker:

That the Planning Committee:

a) delegate to the Chair and Deputy Chair of the Planning Committee, and an Independent Māori Statutory Board member, the authority to approve the notification of an Enabling Rainwater Tanks Plan Change to the Auckland Unitary Plan (Operative in Part) and Auckland District Plan (Hauraki Gulf Islands Section) identified as option 3 in the agenda report, subject to addressing any changes required in response to feedback from local boards and iwi authorities

b) request staff to report back to the Planning Committee as soon as practicable on the options for mandating the installation of rainwater tanks in certain situations.

CARRIED UNANIMOUSLY ON VOICES

Attachments

A 13 August 2020, Planning Committee: Item 8 - Plan Change to the Auckland Unitary Plan - Rainwater Tanks, Presentation
9 Auckland Unitary Plan (Operative in Part) - Request to make Plan Change 7 operative

Resolution number PLA/2020/48

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

That the Planning Committee:

a) approve Plan Change 7 to the Auckland Unitary Plan (Operative in Part), as it relates to the provisions that were subject to the withdrawn appeals regarding the First State Pensioner Housing at 6-12 Pelham Avenue, Point Chevalier and the former Bridgens and Company shoe factory at 326 New North Road, Kingsland

b) request staff to complete the necessary statutory processes to publicly notify the date on which Plan Change 7 becomes operative in full as soon as possible, in accordance with the requirements of Schedule 1 of the Resource Management Act 1991.

CARRIED ON VOICES

10 Auckland Unitary Plan (Operative in Part) - Request to make Plan Change 27 operative

Resolution number PLA/2020/49

MOVED by Cr T Mulholland, seconded by Cr A Dalton:

That the Planning Committee:

a) approve the proposed amendments under Plan Change 27: Amendments to Schedule 14.1 Schedule of Historic Heritage that are not subject to the provisions of the regional coastal plan, being the proposed amendments to the historic heritage places set out in Attachment B to the agenda report that are not subject to the provisions of the regional coastal plan

b) adopt the proposed amendments to the historic heritage places subject to the provisions of the regional coastal plan, set out in Attachment A to the agenda report, and refer these to the Minister of Conservation for approval

c) request staff to undertake the steps in Schedule 1 of the Resource Management Act 1991 to make operative in part Plan Change 27 to the Auckland Unitary Plan (Operative in Part) the proposed amendments to the historic heritage places set out in Attachment B to the agenda report that are not subject to the provisions of the regional coastal plan.

d) request staff to undertake the steps in Schedule 1 of the Resource Management Act 1991 to make the parts of Plan Change 27 to the Auckland Unitary Plan (Operative in part) subject to the provisions of the regional coastal plan operative, once they are approved by the Minister of Conservation.

CARRIED ON VOICES
11  **Auckland Unitary Plan (Operative in Part) – Request to make Plan Change 33 operative**

Resolution number PLA/2020/50
MOVED by Cr D Simpson, seconded by Cr C Darby:

**That the Planning Committee:**

a)  **approve Private Plan Change 33, 131 Remuera Road, Remuera to the Auckland Unitary Plan (Operative in Part) under clause 17(2) of Schedule 1 of the Resource Management Act 1991**

b)  **request staff to complete the necessary statutory processes to publicly notify the date on which the plan change becomes operative as soon as possible, in accordance with the requirements in clause 20(2) of Schedule 1 of the Resource Management Act 1991.**

CARRIED ON VOICES

12  **Auckland Unitary Plan – Delegations for Appeals and Declaration Proceedings**

Note: changes to original recommendation clause b) were made with the agreement of the meeting.

Resolution number PLA/2020/51
MOVED by Deputy Mayor BC Cashmore, seconded by Cr E Collins:

**That the Planning Committee:**

a)  **delegate to the Tier 3 Manager in the Plans and Places Department, the authority to:**

i)  **defend the council’s decision on appeals relating to council and private plan changes to the Auckland Unitary Plan**

ii)  **agree to amendments to council and private plan changes to address technical matters and policy matters where the intent of the council’s decision is maintained**

iii)  **determine the council’s interpretation for declaration proceedings regarding the interpretation of provisions in the Auckland Unitary Plan**

b)  **delegate authority to the Chair and Deputy Chair of the Planning Committee, and a member of the Independent Māori Statutory Board the authority to determine, in consultation with the Mayor’s office, the council’s position in response to appeals on council and private plan changes to the Auckland Unitary Plan beyond the authority delegated to the Tier 3 Manager in the Plans and Places Department where an urgent decision is required**

c)  **agree that at least two of the members in clause b) are required to be in agreement for an urgent decision to be made.**

CARRIED ON VOICES

Note: Pursuant to Standing Order 1.8.6, IMSB Member Henare requested that his dissenting vote be recorded.
13  **COVID-19 Recovery (Fast-track Consenting) Act - establishing delegations**  
Note: change to original recommendation clause a), were made and agreed to by the meeting.

Resolution number PLA/2020/52  
MOVED by Cr T Mulholland, seconded by Deputy Mayor BC Cashmore:  
**That the Planning Committee:**  

a) delegate all responsibilities, duties and powers in relation to resource consent applications and notices of requirement processed under the COVID-19 Recovery (Fast-track Consenting) Act 2020 to the tier three manager in the Resource Consents department (in relation to resource consents) and the tier three manager in the Plans and Places department (in relation to notices of requirement), in consultation with the Mayor’s office, subject to:  
   i) the restrictions set out in the *General rules applying to all delegations – Auckland Council* (as set out in Attachment A to this report);  
   ii) compliance with the red flag process set out in this report; and  
   iii) consultation with the relevant tier three manager within the Legal Services department when deciding whether to appeal a matter to the High Court.

CARRIED ON VOICES

14  **Planning Committee Forward Work Programme**  
Note: change to the original recommendation clause b) were made and agreement to by the meeting.

Resolution number PLA/2020/53  
MOVED by Cr C Darby, seconded by Cr J Bartley:  
**That the Planning Committee:**  

a) approve the Planning Committee’s forward work programme.  

b) agree that the Planning Committee’s forward work programme be reported monthly for information, be next reviewed immediately following the Governing Body decisions in response to the review of Auckland Council’s Council Controlled Organisations, and thereafter at least every six months.

CARRIED ON VOICES

15  **Summary of Planning Committee information items and briefings - 13 August 2020**

Resolution number PLA/2020/54  
MOVED by Cr C Darby, seconded by Cr J Bartley:  
**That the Planning Committee:**  

a) receive the Summary of Planning Committee information items and briefings – 13 August 2020 report.

CARRIED ON VOICES
16 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

17 Procedural motion to exclude the public

Resolution number PLA/2020/55

MOVED by Cr C Fletcher, 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:

<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)(g) - The withholding of the information is necessary to maintain legal professional privilege. In particular, the report discusses current proceedings in the Environment Court and High Court.</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 ON VOICES

11.42am 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.

12.06 pm The public was re-admitted.
RESTATMENTS

It was resolved while the public was excluded:

C1  Confidential: Auckland Unitary Plan – Proposed Plan Change - Okura – Environment Court Decision on Immediate Legal Effect and Next Steps

Resolution number PLA/2020/56

MOVED by Cr W Walker, seconded by Cr J Watson:

d) agree that the decisions and report remain confidential until a decision is made on the public notification of proposed Plan Change 41 - Ōkura Precinct and the declaration and judicial review proceedings initiated by Ōkura Holdings Limited in the Environment Court and High Court respectively have been resolved.

12.06 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:..........................................................................................