

Minutes

What: Unitary Plan Political Working Party
 Where: Level 15 meeting room, Civic Building, Auckland Central
 When: Friday 8 February 2013, 11.30am-3.00pm
 Who attended:

Cr Penny Hulse (Chairperson 11.30-1pm; 2pm – 3pm), Cr Ann Hartley,(Chair from 1pm-2pm), Cr Sandra Coney, Cr Michael Goudie, Cr Des Morrison, Cr Noelene Raffills, Mr Glen Tupuhi, Cr Wayne Walker, Cr Penny Webster

Local Board Chairs: Mr Andy Baker, Mr Derek Battersby, Mr Shale Chambers, Ms Lindsay Waugh, Mr Michael Williams

Officers: , Jennifer Caldwell, Penny Pirrit, John Duguid, Claire Richardson, Jacques Victor, Anita Palacio, Jeanette Johnston (minutes) Mark Tamura, Mark Bishop, Megan Tyler, Michael Tucker, David Clelland, Dominic McCarthy, Jenny Fuller

Item	Who	Time
Apologies: David Taipari, Cr Raffills for late arrival.		
Minute taker: Jeanette Johnston		
Item 1: Welcome and overview Acknowledged effort by staff to produce draft Plan. Intent is not to go through line by line. Engage with the community on difficult issues for guidance. Errors identified can be fixed – send these direct to John Duguid (John.duguid@aucklandcouncil.govt.nz)	Chair	
Item 2: Previous minutes The minutes of 11 and 12 December were circulated with the agenda but not discussed. No issues were raised in respect of the minutes.		
Item 3: Unitary Plan structure and content - process Penny Pirrit gave a presentation that will be delivered to the workshop on 11 Feb to familiarise elected representatives with the structure and content of the UP. Summary of presentation: <ul style="list-style-type: none"> • Process going forward: <ul style="list-style-type: none"> APC process – to endorse draft for informal feedback. Stressed this is a working draft for further work, not as the proposed plan; Finalising content and precinct plans up to end of first week of march – editing and not policy changes; Launch on 15 March; Engagement 15 March to 31 May. • Reminder of principles 	Penny Pirrit	

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<ul style="list-style-type: none"> • RMA requirements –regional vs district • Outline of structure/content: <ul style="list-style-type: none"> ○ Importance of objectives and policies in regional policy statement section – only council or the Crown can change these. ○ RPS framework issues – linked to directives of Auckland Plan ○ Auckland wide objectives and policies (District plan responsibilities) ○ Rules – regional and district (Auckland wide); zones, overlays and precincts. <p>Discussion</p> <p>Relationship between zones and precincts – precincts provide for local variation to Auckland wide zone controls.</p> <p>Consideration is being given to whether the distinction between overlays and precincts is clear enough.</p> <p>Cross boundary issues – ramifications of Auckland’s growth for Waikato and Kaipara. Ensure that the approach of Thames and Waikato councils is aligned with UP. Projected growth in south raises some significant environmental issues. These would be lessened if some growth was picked up by adjoining regions.</p> <p>Officers will be engaging with northern and southern councils. These bodies want to see the draft before entering into detailed discussions.</p>		
<p>Item 3 contd – Key issues-new objective on GMOS</p> <p>RDOC resolution 18 October – to bring together all legacy council provisions relating to GMOs, bring together results of intercouncil working party and report back to APC in February.</p> <p>Working party has finalised and accepted a package of work on GMO-related provisions, including draft provisions for inclusion in plans.</p> <p>The working party gives assurance that councils can manage GMOs under the RMA and address financial liability and risk. It recommends discretionary activity status for outdoor trials; and prohibited activity for food and non-food releases.</p> <p>Officers presented three options for the UP – remain silent on GMOs; insert an objective in the draft UP similar to the draft Auckland RPS; insert options from the working party report (CMA and land-based). Officers recommend option 2.</p> <p>Discussion</p> <p>The approach aligns with the national legislative framework and complements the HASNO Act by addressing liability. There is already a national regime and the next step is to consider further restrictions at local level.</p> <p>There is still some legal uncertainty around the role of councils. There are also a number of opinions which support a local role in managing GMOs but question if the courts would uphold restricted status on this activity. There is also a question around the role of the RMA in</p>	<p>Mark Bishop, Megan Tyler, Nola Rundle</p>	

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<p>managing the type of plant material that is planted or not. For these reasons officers prefer option 2.</p> <p>Noted that there are implications for council in terms of skills and resources to administer any provisions.</p> <p>The GMO policies from the draft RPS were copied and distributed.</p> <p>Cr Walker, as a member of the working party, supports inclusion of the full proposal in the March draft. It is a comprehensive approach supported by robust analysis. If there are constraints in terms of officer time, the ARC draft approach would be an acceptable pragmatic alternative, however councillors should be mindful there are significant community expectations following the release of the working party report.</p> <p>Other points raised included:</p> <p>Council should lobby government to incorporate the proposed provisions into the national legal framework. However this would take time.</p> <p>The objective should be reworded to focus on mitigation of risk and potential liability to council. Others thought a focus on risk was too narrow.</p> <p>The UP should not duplicate what is already addressed by the national regime.</p> <p>Cr Coney argued that the draft RPS provisions were not tested and should not be preferred over the extensive work by the working party. The UP should signal in the March draft that council intends to adopt the working party position and include the provision in full in the September version.</p> <p>Concern that council taking responsibility for GMOs has huge resource and legal implications. This could be similar to leaky buildings. Council would have to police and manage it.</p> <p>Direction</p> <p>One person supported option 1; 7 in favour of option 2; 6 in favour of option 3.</p> <p>Feedback to APC is that PWP supported an approach along the lines of option 2 and 3 and wishes to review the relevant legal opinions.</p> <p>Cr Walker asked that if option 2 is supported, the draft plan should make reference to the working party draft provisions.</p>		
<p>Item 3 contd –Key issues - draft UP directions</p> <p>An overview was provided of the key directions in the draft, in particular any elements that have changed from what has previously been presented to PWP.</p> <p>Changes to residential</p> <ul style="list-style-type: none"> • unit size – min of 30m² and 8m² deck or courtyard, retained 9m² width of main bedroom; 3 m min width or living room. • % of south facing units – consider outdoor spaces and solar access. • Trigger for homestar rating – did apply to all houses so imposing 		

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<p>more costs than on commercial buildings. Proposed trigger is for developments of 5+ dwellings.</p> <ul style="list-style-type: none"> • Coastal and riparian yards –have gone back to legacy plan coastal yards to reduce extent that we would have difficulty justifying. Riparian yards reduced to 10m but not allowed to remove vegetation. • Vegetation controls • Urban design assessment process – could hold up consenting process. Will look at preferred providers of design assessment to cope with workload. • Maximum size of second dwelling within a building removed. <p>Discussion</p> <p>Concern at how to balance apartment clustering and public open space. Penny Pirrit advised individual apartment buildings don't provide open space but the development contributions go towards acquiring open space. Subdivision developments have to provide open space.</p> <p>Should talk to major building companies to improve subdivision design. This would produce a better outcome.</p> <p>The current percentage of dwellings over 5persite was questioned so that we have a baseline to determine the impact of removing density controls.</p> <p>Cr Walker expressed his disappointment at some of the changes, in particular homestar, reduction of vegetation controls and the urban design assessment.</p> <p>Penny Pirrit advised that supporting papers will not be released with the draft plan. These will form part of section 32 for notification. The Auckland Plan is the primary source of direction.</p> <p>Varying the minimum apartment size for the CBD and suburbs was suggested but there would not be ministerial support for being so prescriptive.</p> <p>Changes to business</p> <ul style="list-style-type: none"> • Greater consistency with RPS PC 6 retail direction. • Heights in centres – discussion with boards with area plans that want reduced height. Otahuhu wants to review height subject to heritage assessment pilot; Hibiscus Bays remains committed to 4 storeys. Further discussion and involvement of Built Environment Unit. Need to confirm heights to go out in the draft. • Precinct plans for key metro centres where there is a difference between the zone and current rules. • Unable to do all precincts for town centres for March draft. <p>Discussion</p> <p>Detailed exploration with planning experts is needed to appreciate the impacts. Without this input there is a risk of adverse knee jerk reactions that will be hard to manage.</p> <p>Cr Walker though we should look at what Brisbane is doing as a one</p>		

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<p>size fits all approach will not work.</p> <p>Rural provisions</p> <ul style="list-style-type: none"> • Emphasis on rural working environment. • Tightening up of TDRs on subdivision including amalgamation of lots, to ensure adequate incentive. • Vegetation controls (SEAs, continuous indigenous cover). <p>Discussion</p> <p>Concern at the scope to clear substantial trees if in an area less than 1 ha. Officers advised that the proposed approach is similar to Rodney council's position but is not as stringent as Waitakere.</p> <p>Crs Walker and Coney recorded their concerns at the proposed vegetation controls in rural areas.</p> <p>Coastal</p> <ul style="list-style-type: none"> • Mangrove removal – officers have looked at 1990 date but here is not enough aerial photography to support the date. Intention is to use 1996. • SEA marine 1 and 2 - identifying scope for removal of mangroves where SEA value will not be negatively impacted. <p>Discussion</p> <p>A number of councillors argued for an earlier threshold than 1996 as there are enough earlier photographs. Officer support 1996 on the grounds of the widest availability of information and managing environmental risk. Where there is good local data on mangroves it can be used to support additional removal on a case by case basis. The focus has been on a rule that can be implemented across Auckland to provide a baseline. The 1996 rule is a first step prior to further work on specific areas of interest to boards that can be investigated.</p> <p>Crs Coney and Walker recorded their opposition to allowing mangrove removal in marine SEAs.</p> <p>Future urban zone</p> <p>(Land in the RUB before rezoned for urban activity.)</p> <p>Have applied rural protection zone to avoid inappropriate activities, but limit large scale subdivision and non-regional uses. Integrated structure plan rezoning process to be introduced and will be clarified in the plan.</p> <p>Mana Whenua</p> <p>The non-statutory alert layers for Treaty settlement land and cultural heritage cover a lot of Auckland. Maori will need to be consulted as part of resource consent process.</p> <p>Some wording changes have been made to provisions around the decision-making process because legally council cannot refuse to process a resource consent because of lack of engagement.</p> <p>Maori land – flexibility for iwi to realise residential and community and commercial activity.</p> <p>Glen Tupuhi indicated that while the draft was going in the right direction there was concern over some changes which may have</p>		

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<p>significant impact. The IMSB Secretariat needs to work with officers before the APC meeting.</p> <p>Overlays</p> <p>SEAs – controlled activity status for a dwelling.</p> <p>Precautionary approach to historic heritage and character – 1944 settlement areas mapped.</p> <p>Transmission lines – simplification of approach being considered because of feedback from community. Will bring proposed changes to workshop on Monday 11 Feb.</p> <p>Remodelled rules for discharge to air land and water.</p> <p>Domestic fires to be addressed in detail in by law.</p> <p>Earthworks is now called land disturbance.</p> <p>Special purpose zones</p> <p>Standard rules applied.</p> <p>Scope for individual concept plans.</p>		
<p>Item 4: Completing the RUB</p> <p>A report was presented on the RUB workstreams and the process to complete the RUB in the north and west.</p> <ul style="list-style-type: none"> • Four workstreams: <ul style="list-style-type: none"> ○ Stage 1 (updating MUKL) will be included in the UP – on track ○ MUL new edge areas- post March draft to include in September ○ Stage 3 is different process – greenfield investigation – South well advanced. ○ Stage 4 all service rural and coastal towns and village to have a RUB <p>There will be an addendum to the March draft UP to set out these stages.</p> <p>Southern RUB</p> <ul style="list-style-type: none"> • Consulted on five options and additional options sought by submitters. • Full assessment of the options to be reported back to PWP on 15 Feb and to governing body. <p>North and West</p> <p>Technical work on south has taken more resource/time so not able to advance the North and West RUB for July.</p> <p>Options to complete north and west RUB</p> <ul style="list-style-type: none"> • Focus on southern cluster; N and W as a plan changes once UP operative; • Plan variations to UP for north and west but would need change to the RM Reform Bill to allow variations post notification; 	<p>Michael Tucker, David Clelland</p>	

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<ul style="list-style-type: none"> • Leverage off submissions to notified plan to formalise north and west prior to hearings in 2014. • Best fit line in notified UP; • Complete priority areas to include in UP. <p>Preferred option is 2 (variation to the UP). This is being discussed with central government this week and legal opinion has been sought. This option allows time for a thorough process in north and west.</p> <p>Discussion</p> <p>Cr Morrison endorsed the process in the south and stressed the importance of making progress with the enablers to implement the Auckland Plan. He supports the best fit line and fast tracking the work on priority areas.</p> <p>Cr Webster argued for prioritising work on the northwest. There is a need for capacity because of existing pressure and there will be adverse political reaction if this is not addressed. A lot of work went into the Rodney strategy and could be used.</p> <p>There was some support for option 4 (the best fit line) and a suggestion that this incorporate any structure plans that have been developed. Officers noted that only 5-10% of the line has been studied in depth.</p> <p>At next week's PWP meeting more detail will be provided on the southern RUB and the level of complexity so the risk of a best fit line as an interim approach will be clearer.</p> <p>Direction</p> <p>Report back on southern RUB in detail to 15 Feb PWP.</p> <p>Provide an indication of what process would provide a RUB line for the northwest and how this would differ from the process for the south.</p>		
<p>Item 5: Engagement process update</p> <p>The video for the UP engagement process was shown to the working party.</p> <p>The working party was updated on the engagement process focusing on dates of key events and stages e.g. digital conversation hub, start of advertising 25 Feb, launch 15 March</p> <p>The public campaign from Ogilvy will drive people to the digital hub.</p> <p>Looking at ways to go to the community rather than expecting them to come to us.</p> <p>Local board led engagement – working with Local Board Services on the requests from boards and what can be supported.</p> <p>Four civic forums around the region will be promoted through council networks to encourage people to attend who would not normally go to these events.</p> <p>Reports will be provided to boards on the feedback coming through the online channel.</p> <p>Seven libraries are usable for training and on-going support. Pukekohe and Botany are being considered as options but may not have</p>	Carol Hayward	

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<p>adequate internet access.</p> <p>More work still to define detail of community activities.</p> <p>Over 40,000 letters will go out to directly affected parties (SEAs, Outstanding natural character and transmission corridors). Letters will be signed off by the Deputy Mayor.</p> <p>Discussion</p> <p>The potential for confusion with the current census campaign was noted.</p>		
<p>Item 6: GIS viewer and line of enquiry</p> <p>The new public facing GIS viewer and the ePlan line of enquiry was demonstrated</p> <p>It will be possible to check legacy plans to see the differences between these and the new plan.</p> <p>There are several non-statutory layers displayed - floodplains, Treaty settlement, Maori cultural heritage. Officers are seeking advice on whether to include these alert layers, and the wording around the alert layers to avoid this being misconstrued.</p> <p>Line of enquiry is currently in the test environment and the response times are slow.</p> <p>The March version will not offer complete functionality, and the team will continue to expand and improve. The activities for the enquiries are based on the most frequent counter enquiries.</p>		
<p>Item 7: Any other business</p>		
<p>None raised</p>		

	Summary of directions	By whom	Due
1.	<p>Inclusion of provisions on GMOs in the draft UP was supported by the working party with slightly stronger support for option 3 than option 2 (7 to 6).</p> <p>Feedback to APC is that PWP supported an approach along the lines of option 2 and 3 and wishes to review the relevant legal opinions.</p>		
2.	<p>Cr Walker asked that if option 2 is supported, the draft plan should make reference to the working party draft provisions.</p>		
3.	<p>The report on the key issues/changes to provisions was noted for further discussion at the 11 February workshop. Crs Coney and Walker recorded their opposition to the proposed changes to vegetation controls in rural areas and to allow mangrove removal in SEAs. Glen Tupuhi's concerns with changes to mana whenua provisions to be discussed at officer level.</p>		
4.	<p>Further consideration of the best fit line option for progressing</p>		

	Summary of directions	By whom	Due
	the RUB and prioritising the RUB in the northwest.		

	Summary of actions	By whom	Due
1.	Email John Duguid with any errors/queries relating to the draft plan (john.duguid@aucklandcouncil.govt.nz)	All	15 Feb
2.	Wendy Brandon to attend the Auckland Plan Committee meeting when GMOs are considered.		
3.	Working party members to be supplied with the legal opinions relating to GMOs.	Mark Bishop	15 Feb
4.	Provide PWP with baseline % for consents relating to more than five dwellings on a site.	JD	15 Feb
5.	Provide additional information to support 11 Feb workshop discussion of vegetation controls in rural areas.	Mark Tamura	11 Feb
6.	Officers to discuss proposed changes to mana whenua provisions with IMSB secretariat prior to Auckland Plan Committee meeting of 20 Feb.	PP	20 Feb
7.	Report back on southern RUB in detail to 15 Feb PWP.	DC/MT	15 Feb
8.	Provide an indication of what process would provide a RUB line for the northwest and how this would differ from the process for the south.	DC/MT	14 Feb
9.	Provide information on structure plans in the northwest area as context for next week's discussion on the RUB.	PR	15 Feb
10.	Maps for 1996 mangroves; vegetation layers for 11 Feb workshop		

Next meeting: Friday 15 February 2013, 9.00am-12.30pm, Committee Room level 15 Civic Building, Auckland central.