
Kōmiti Whakarite Mahere / Planning Committee

OPEN MINUTES

Minutes of a meeting of the Planning Committee held remotely on Thursday, 3 February 2022 at 10.00am. The meeting can be viewed on the Auckland Council website at the following link:
<https://councillive.aucklandcouncil.govt.nz/>

PRESENT

Chairperson	Cr Chris Darby	
Deputy Chair	Cr Josephine Bartley	
Members	Cr Dr Cathy Casey	
	Deputy Mayor Cr Bill Cashmore	
	Cr Fa'anana Efeso Collins	
	Cr Pippa Coom	
	Cr Linda Cooper, JP	
	Cr Angela Dalton	
	Cr Alf Filipaina, MNZM	From 10.04am
	Cr Christine Fletcher, QSO	
	Mayor Hon Phil Goff, CNZM, JP	
	Cr Shane Henderson	
	Cr Richard Hills	
	Cr Tracy Mulholland	From 10.04am
	Cr Daniel Newman, JP	From 10.06am
	Cr Greg Sayers	
	Cr Desley Simpson, JP	
	Cr Sharon Stewart, QSM	
	Cr Wayne Walker	
	Cr John Watson	From 10.13am
	IMSB Member Glenn Wilcox (alternate)	
	IMSB Member Karen Wilson	
	Cr Paul Young	

ABSENT

IMSB Member Hon Tau Henare

ALSO PRESENT

IMSB Chair David Taipari

Note: a roll call was conducted that ascertained the following members were in attendance at the commencement of the meeting:

Cr Chris Darby	✓	Cr Shane Henderson	✓
Cr Josephine Bartley	✓	Cr Richard Hills	✓
Cr Dr Cathy Casey	✓	Cr Tracy Mulholland	
Deputy Mayor Cr Bill Cashmore	✓	Cr Daniel Newman, JP	
Cr Fa'anana Efeso Collins	✓	Cr Greg Sayers	✓
Cr Pippa Coom	✓	Cr Desley Simpson, JP	✓
Cr Linda Cooper, JP	✓	Cr Sharon Stewart, QSM	✓
Cr Angela Dalton	✓	Cr Wayne Walker	✓
Cr Alf Filipaina		Cr John Watson	
Cr Christine Fletcher, QSO	✓	IMSB Member Karen Wilson	✓
Mayor Hon Phil Goff, CNZM, JP	✓	Cr Paul Young	✓
IMSB Member Hon Tau Henare (apology)		IMSB Member Glenn Wilcox (alternate)	✓

1 Apologies

Resolution number PLA/2022/1

MOVED by Cr C Darby, seconded by Cr J Bartley:

That the Planning Committee:

- a) accept the apology from IMSB Member T Henare for absence.

CARRIED

Cr A Filipaina entered the meeting at 10.04 am.
Cr T Mulholland entered the meeting at 10.04am.

Acknowledgement

Independent Māori Statutory Board Member Glenn Wilcox, Mayor P Goff, Chairperson Cr C Darby and Cr A Filipaina acknowledged the recent passing of Independent Māori Statutory Board Member Liane Ngamane. A minute's silence was observed.

Cr D Newman entered the meeting at 10.06 am.
Cr J Watson entered the meeting at 10.13 am.

2 Declaration of Interest

There were no declarations of interest.

3 Confirmation of Minutes

Resolution number PLA/2022/2

MOVED by Cr C Darby, seconded by Cr J Bartley:

That the Planning Committee:

- b) confirm the ordinary minutes of its meeting, held on Tuesday, 30 November 2021 as a true and correct record.**

CARRIED

4 Petitions

There were no petitions.

5 Public Input

There was no public input.

6 Local Board Input

There was no local board input.

7 Extraordinary Business

There was no extraordinary business.

8 Delegated authority for Auckland Council's feedback on Transforming Aotearoa New Zealand's resource management system: our future resource management system

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

Resolution number PLA/2022/3

MOVED by Cr J Bartley, seconded by Cr E Collins:

That the Planning Committee:

- a) delegate authority to the Chair and Deputy Chair of the Planning Committee, the Chair and Deputy Chair of the Environment and Climate Change Committee, and an Independent Māori Statutory Board member to approve council's input into *Transforming Aotearoa New Zealand's resource management system: Our future resource management system - Materials for Discussion* due 28 February 2022.**
- b) note that council's input into *Transforming Aotearoa New Zealand's resource management system: Our future resource management system - Materials for Discussion* will be based on the council's previous submissions as outlined in this agenda report.**

CARRIED

Attachments

- A 3 February 2022, Planning Committee Item 8: Delegated authority for Auckland Council's feedback on Transforming Aotearoa New Zealand's resource management system: our future resource management system, presentation**

9 Auckland Unitary Plan (Operative in Part) – Request to make operative Private Plan Change 58 - 470 and 476 Great South Road and 2 and 8 Gatland Road, Papakura

Cr S Stewart left the meeting at 10.40 am.

Resolution number PLA/2022/4

MOVED by Cr D Newman, seconded by Cr A Dalton:

That the Planning Committee:

- a) approve Private Plan Change 58 - 470 and 476 Great South Road and 2 and 8 Gatland Road, Papakura 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

10 Auckland Unitary Plan – Consideration of private plan change request – O'Hara Farm, Waiuku

A presentation and a document were provided. Copies have been placed on the official minutes and are available on the Auckland Council website as a minutes attachments.

Note: changes were made to the original recommendation, adding new clauses c) and d) as a Chair's recommendation.

New clause a) i) was added and changes were incorporated under clause a) ii), with the agreement of the meeting.

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

That the Planning Committee:

- a) accept the private plan change request by Gardon Trust, Matoaka Holdings, and Pokorua Limited in relation to approximately 32.5 hectares at 43, 45A, 92 and 130 Constable Road, Waiuku (known as O'Hara, Waiuku), included as Attachment A to the agenda report, pursuant to clause 25(2)(b) of Schedule 1 to the Resource Management Act for the following reasons:**
 - i) notwithstanding the new clause 25(4A) of Schedule 1, which provides that the council cannot accept/adopt a private plan change request that does not incorporate the Medium Density Residential Standards, the council has the discretion to accept this private plan change request pursuant to clause 35(2) of Schedule 12, as this private plan change request meets the requirements of clause 35(1) of Schedule 12.**
 - ii) accepting the private plan change request will enable a range of matters (in particular, infrastructure funding, soils, climate impacts and cultural values) to be considered on their merits during a public participatory process.**
 - iii) it is inappropriate to adopt the private plan change. The private plan change proposal is not identified as a location for future growth in the Auckland Plan and there is currently no provision for funding the full costs of water and wastewater infrastructure required.**

- iv) the grounds to reject a private plan change request under clause 25(4) are limited and, having regard to relevant case law:
 - A) the request is not frivolous. The applicant has provided supporting technical information and the private plan change has a resource management purpose.
 - B) the request is not vexatious and the applicant is not acting in bad faith by lodging the private plan change request.
 - C) the substance of the request has not been considered within the last two years.
 - D) due to the lack of funding available for the infrastructure required to support development in the Waiuku area (in particular transport infrastructure), a coarse-grain assessment of the request indicates this aspect of the private plan change may not be in accordance with sound resource management practice. However, as more detailed information relating to the cost of the required infrastructure is needed, and there remains a prospect that a funding solution can be found, it is not recommended that the council rejects the private plan change request on this ground.
 - E) a coarse-grain assessment does not indicate that the private plan change will make the Auckland Unitary Plan contrary to Part 5 of the Resource Management Act.
 - F) the provisions of the Auckland Unitary Plan subject to the private plan change request have been operative for at least two years.
- v) it is not appropriate to deal with the private plan change as if it was a resource consent application as the request seeks to rezone a substantial area of land for development over a period of time rather than undertake a single development project.
- 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 Gardon Trust, Matoaka Holdings, and Pokorua Limited for O'Hara, Waiuku pursuant to Schedule 1 to the Resource Management Act 1991.
- c) delegate authority to the Chair and Deputy Chair of the Planning Committee and a member of the Independent Māori Statutory Board to approve a council submission on the private plan change to address the matters raised in the agenda report and any other relevant matter, noting council's concerns that lack of infrastructure in particular for transport and water to sustain this development and the unbudgeted cost of this provision.
- d) authorise the Chair and Deputy Chair of the Planning Committee to reinforce with the Minister for the Environment concerns about the delays to the finalisation of the National Policy Statement for Highly Productive Land and requests that the Minister also affords greater protection for rural production in the land use and planning system through the objectives of the proposed Natural and Built Environment Act.

Note: Following discussion, the chair deferred the item to be considered later in the meeting.

Attachments

- A 3 February 2022, Planning Committee Item 10: Auckland Unitary Plan – Consideration of private plan change request – O'Hara Farm, Waiuku, presentation
- B 3 February 2022, Planning Committee Item 10: Auckland Unitary Plan – Consideration of private plan change request – O'Hara Farm, Waiuku, precinct provisions (updated Attachment A to the agenda report)

11 Summary of Planning Committee information items and briefings (including the forward work programme) – 3 February 2022

Resolution number PLA/2022/5

MOVED by Cr C Darby, seconded by Cr J Bartley:

That the Planning Committee:

- a) **tuhi / note the progress on the forward work programme included as Attachment A of the agenda report.**
- b) **tūtohi / receive the Summary of Planning Committee information items and briefings – 3 February 2022.**

CARRIED

The meeting adjourned at 11.47am and reconvened at 11.55am.

Cr S Stewart returned to the meeting at 11.55 am.

Note: Discussion on Item 10 continued.

10 Auckland Unitary Plan – Consideration of private plan change request – O'Hara Farm, Waiuku - continued

Resolution number PLA/2022/6

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

That the Planning Committee:

- a) **accept the private plan change request by Gardon Trust, Matoaka Holdings, and Pokorua Limited in relation to approximately 32.5 hectares at 43, 45A, 92 and 130 Constable Road, Waiuku (known as O'Hara, Waiuku), included as Attachment A to the agenda report, pursuant to clause 25(2)(b) of Schedule 1 to the Resource Management Act for the following reasons:**
 - i) **notwithstanding the new clause 25(4A) of Schedule 1, which provides that the council cannot accept/adopt a private plan change request that does not incorporate the Medium Density Residential Standards, the council has the discretion to accept this private plan change request pursuant to clause 35(2) of Schedule 12, as this private plan change request meets the requirements of clause 35(1) of Schedule 12.**
 - ii) **accepting the private plan change request will enable a range of matters (in particular, infrastructure funding, soils, climate impacts and cultural values) to be considered on their merits during a public participatory process.**
 - iii) **it is inappropriate to adopt the private plan change. The private plan change proposal is not identified as a location for future growth in the Auckland Plan and there is currently no provision for funding the full costs of water and wastewater infrastructure required.**
 - iv) **the grounds to reject a private plan change request under clause 25(4) are limited and, having regard to relevant case law:**
 - A) **the request is not frivolous. The applicant has provided supporting technical information and the private plan change has a resource management purpose.**

- B) the request is not vexatious and the applicant is not acting in badfaith bylodging the private plan change request.
 - C) the substance of the request has not been considered within the last two years.
 - D) due to the lack of funding available for the infrastructure required to support development in the Waiuku area (in particular transport infrastructure), a coarse-grain assessment of the request indicates this aspect of the private plan change may not be in accordance with sound resource management practice. However, as more detailed information relating to the cost of the required infrastructure is needed, and there remains a prospect that a funding solution can be found, it is not recommended that the council rejects the private plan change request on this ground.
 - E) a coarse-grain assessment does not indicate that the private plan change will make the Auckland Unitary Plan contrary to Part 5 of the Resource Management Act.
 - F) the provisions of the Auckland Unitary Plan subject to the private plan change request have been operative for at least two years.
- v) it is not appropriate to deal with the private plan change as if it was a resource consent application as the request seeks to rezone a substantial area of land for development over a period of time rather than undertake a single development project.
- 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 Gardon Trust, Matoaka Holdings, and Pokorua Limited for O'Hara, Waiuku pursuant to Schedule 1 to the Resource Management Act 1991.
- c) delegate authority to the Chair and Deputy Chair of the Planning Committee and a member of the Independent Māori Statutory Board to approve a council submission on the private plan change to address the matters raised in the agenda report and any other relevant matter, noting council's concerns that lack of infrastructure in particular for transport and water to sustain this development and the unbudgeted cost of this provision.
- d) authorise the Chair and Deputy Chair of the Planning Committee to reinforce with the Minister for the Environment concerns about the delays to the finalisation of the National Policy Statement for Highly Productive Land and requests that the Minister also affords greater protection for rural production in the land use and planning system through the objectives of the proposed Natural and Built Environment Act.

CARRIED

Note: Pursuant to Standing Order 1.8.3, Cr C Fletcher requested that her abstention to the vote be recorded.

Pursuant to Standing Order 1.8.6, the following councillors requested that their dissenting votes be recorded against clause a):

- Cr S Henderson
- Cr R Hills
- IMSB Member K Wilson

12 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

12.18 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:.....