
Auckland Plan Committee

OPEN MINUTES

Minutes of a meeting of the Auckland Plan Committee held in the Reception Lounge Level 2, Auckland Town Hall, 301-305 Queen Street, Auckland on Tuesday, 12 February 2013 at 10.05 am.

PRESENT

| | | |
|---------------------------|-------------------------------|---|
| Chairperson | Deputy Mayor Penny Hulse | |
| Deputy Chairperson | Cr George Wood, CNZM | |
| Councillors | Cr Anae Arthur Anae | (From 11.35 am, Item 9; until 1.17 pm, Item 10) |
| | Cr Cameron Brewer | |
| | Cr Dr Cathy Casey | |
| | Cr Sandra Coney, QSO | |
| | Cr Hon Chris Fletcher, QSO | (Until 1.06 pm, Item 10) |
| | Cr Michael Goudie | |
| | Cr Ann Hartley, JP | |
| | Cr Mike Lee | |
| | Cr Des Morrison | |
| | Cr Richard Northey, ONZM | |
| | Cr Calum Penrose | |
| | Cr Dick Quax | (From 1.58 pm, Item 14) |
| | Cr Noelene Raffills, JP | |
| | Cr Sharon Stewart, QSM | (Until 12.52 pm, Item 10) |
| | Member David Taipari | |
| | Member Patience Te Ao | |
| | Cr Sir John Walker, KNZM, CBE | |
| | Cr Wayne Walker | |
| | Cr Penny Webster | |

APOLOGIES

| | | |
|-------|---------------|---------------------|
| Mayor | Len Brown, JP | On Council business |
| Cr | Alf Filipaina | On Council business |

1 Apologies

Resolution number APC/2013/1

MOVED by Cr W Walker, seconded Deputy Mayor PA Hulse:

That apologies from Councillor Stewart for early departure, Councillor Quax for lateness and Mayor Brown and Councillor Filipaina for absence on Council business, be accepted.

CARRIED

2 Declaration of Interest

There were no declarations of interest.

3 Confirmation of Minutes

Resolution number APC/2013/2

MOVED by Cr GS Wood, seconded Cr AJ Anae:

That the minutes of the Auckland Plan Committee held on Monday, 17 December 2012, be confirmed as a true and correct record, subject to the following amendment to Item 12 – Housing Strategic Action Plan: Stage 1 Draft for Approval, resolution g) to read as follows:

- g) Amend section 4 (Next Steps) of the Housing Action Plan to note that a financial evaluation of the non regulatory options is underway.**

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 Notices of Motion

There were no notices of motion.

9 Hauraki Gulf Marine Spatial Plan

Cr Anae entered the meeting at 11.35 am.

Moved: Deputy Mayor Hulse Seconded: Cr P Webster

That the Auckland Plan Committee:

- (a) Approve the following recommendations of the Hauraki Gulf Forum dated 10 December 2012:
 - (i) That the project structure shown in Figure 1, Attachment A be endorsed.
 - (ii) That the proposed project steering group comprising 8 iwi representatives and 8 representatives of local government and statutory agencies be endorsed.
 - (iii) That one of the members of Auckland Council and one of the members of the Waikato Regional Council on the steering group, be members of the Hauraki Gulf Forum.
 - (iv) That the current chair of the Hauraki Gulf Forum, be the Forum's representative on the project steering group.
 - (v) That the Hauraki Gulf Marine Spatial Plan project manager, once appointed, ensures regular reports are provided to the Hauraki Gulf Forum.
 - (vi) That the Forum ensures the Hauraki Gulf Marine Spatial Plan is fulfilling the requirements of the Hauraki Gulf Marine Park Act by providing feedback, assistance and guidance from both the Forum and its representatives on the steering group and management team.
 - (vii) That the Hauraki Gulf Forum provide secretarial services to the project steering group.
- (b) Agree that the roles of the groups shown in the project structure in Figure 1, Attachment A are as follows:
 - (i) The Stakeholders' Working Group will compile information and evidence, analyse, represent all points of view, debate and resolve conflicts and work together as a group, and with the Project Steering Group, to achieve consensus on the proposed Hauraki Gulf Marine Spatial Plan.
 - (ii) The Project Steering Group will provide leadership, strategic thinking, challenge, testing and guidance to the Stakeholders' Working Group, to achieve consensus on the proposed Hauraki Gulf Marine Spatial Plan and recommend it to the relevant statutory authorities.
 - (iii) The decision-making organisations will include: statutory planning authorities (Auckland Council and Waikato Regional Council for coastal plans and Auckland Unitary Plan under the Resource Management Act 1991, DoC for marine reserves and MPI for sustainability measures under the Fisheries Act and aquaculture plans), and implementation (Iwi management plans) and monitoring (Hauraki Gulf Forum for monitoring of overall implementation under the Hauraki Gulf Marine Park Act).
 - (iv) The final decision-making over the management under the Resource Management Act of the Coastal Marine area of the Auckland region remains the statutory responsibility of the Auckland Council.
- c) Agree to appoint Councillors Webster and Morrison (one of whom being a member of the Hauraki Gulf Forum) to be the Auckland Council representatives to the Hauraki Gulf Marine Spatial Plan Project Steering Group.

Cr Lee moved the following amendments, seconded by Cr Fletcher:

- a) That the Auckland Plan Committee recognises the outstanding unique values of the Hauraki Gulf and endorses progressing Spatial planning for the Hauraki Gulf.
- b) That the Auckland Plan Committee endorses its earlier rejection (2 October 2012) of the membership basis of the proposed project steering group and instead recommends the adoption of a similar process to that used in the preparation of the only existing statutory spatial plan, the Spatial Plan for Auckland (see Part 6, Section 79 of the Local Government (Auckland Council) Amendment Act 2010) known as the 'Auckland Plan.'
- c) That this should include as much as practicable, co-operation and co-ordination with the Waikato Regional Council, working with recognised Iwi groups and Mana Whenua and the many stakeholders listed in the proposed Stakeholders Groups.
- d) That as with the preparation of the Auckland Spatial Plan (the Auckland Plan), the Hauraki Gulf Spatial Plan should be subject to the Special Consultative Procedure (s.83 of the Local Government Act 2002) to acknowledge the importance of the Hauraki Gulf to the people of Auckland.

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

For:

Councillors: Cameron Brewer
Dr Cathy Casey
Sandra Coney
Hon Chris Fletcher
Mike Lee
Calum Penrose
Sharon Stewart
Sir John Walker
Wayne Walker

Against:

Councillors: Anae Arthur Anae
Michael Goudie
Ann Hartley
Penny Hulse
Des Morrison
Richard Northey
Noelene Raffills
David Taipari
Patience Te Ao
Penny Webster
George Wood

The division was declared LOST by 9 votes to 11.

LOST

The Chairperson put the substantive motion:

Resolution number APC/2013/3

MOVED by Cr P Webster, seconded Cr NM Raffills:

That the Auckland Plan Committee:

- (a) **Approve the following recommendations of the Hauraki Gulf Forum dated 10 December 2012:**
 - (i) **That the project structure shown in Figure 1, Attachment A be endorsed.**
 - (ii) **That the proposed project steering group comprising 8 iwi representatives and 8 representatives of local government and statutory agencies be endorsed.**
 - (iii) **That one of the members of Auckland Council and one of the members of the Waikato Regional Council on the steering group, be members of the Hauraki Gulf Forum.**
 - (iv) **That the current chair of the Hauraki Gulf Forum, be the Forum's representative on the project steering group.**
 - (v) **That the Hauraki Gulf Marine Spatial Plan project manager, once appointed, ensures regular reports are provided to the Hauraki Gulf**

Forum.

- (vi) That the Forum ensures the Hauraki Gulf Marine Spatial Plan is fulfilling the requirements of the Hauraki Gulf Marine Park Act by providing feedback, assistance and guidance from both the Forum and its representatives on the steering group and management team.
 - (vii) That the Hauraki Gulf Forum provide secretarial services to the project steering group.
- (b) Agree that the roles of the groups shown in the project structure in Figure 1, Attachment A are as follows:
- (i) The Stakeholders' Working Group will compile information and evidence, analyse, represent all points of view, debate and resolve conflicts and work together as a group, and with the Project Steering Group, to achieve consensus on the proposed Hauraki Gulf Marine Spatial Plan.
 - (ii) The Project Steering Group will provide leadership, strategic thinking, challenge, testing and guidance to the Stakeholders' Working Group, to achieve consensus on the proposed Hauraki Gulf Marine Spatial Plan and recommend it to the relevant statutory authorities.
 - (iii) The decision-making organisations will include: statutory planning authorities (Auckland Council and Waikato Regional Council for coastal plans and Auckland Unitary Plan under the Resource Management Act 1991, DoC for marine reserves and MPI for sustainability measures under the Fisheries Act and aquaculture plans), and implementation (Iwi management plans) and monitoring (Hauraki Gulf Forum for monitoring of overall implementation under the Hauraki Gulf Marine Park Act).
 - (iv) The final decision-making over the management under the Resource Management Act of the Coastal Marine area of the Auckland region remains the statutory responsibility of the Auckland Council.
- c) Agree to appoint Councillors Webster and Morrison (with one Councillor being a member of the Hauraki Gulf Forum) to be the Auckland Council representatives to the Hauraki Gulf Marine Spatial Plan Project Steering Group.

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

For:

Councillors: Anae Arthur Anae
Michael Goudie
Ann Hartley
Penny Hulse
Des Morrison
Noelene Raffills
David Taipari
Patience Te Ao
Penny Webster
George Wood

Against:

Councillors: Cameron Brewer
Dr Cathy Casey
Sandra Coney
Hon Chris Fletcher
Mike Lee
Richard Northey
Calum Penrose
Sharon Stewart
Sir John Walker
Wayne Walker

The division was declared EQUAL.

The chair exercised casting vote for, so motion was CARRIED.

CARRIED

Resolution number APC/2013/4

MOVED by Cr Hulse, seconded Cr Walker:

That the meeting adjourned at 12.22 pm and reconvened 12.50 pm.

CARRIED

Crs Lee, Raffills and Mr David Taipari were not present.

10 Managing Risks Associated with the Outdoor use of Genetically Modified Organisms (GMO): report on the ICWP Draft Proposed Plan Provisions and Section 32 Evaluation

Mark Bishop, Team Leader Land Management and Nola Rundle, Specialist Land spoke to their presentation, a copy of which has been placed on the minute book file and can be viewed at the Auckland Council website.

Cr Stewart exited the meeting at 12:52 pm.

Member Taipari returned to the meeting at 12:57 pm.

Cr Lee returned to the meeting at 1:06 pm.

Cr Fletcher exited the meeting at 1:06 pm.

Cr Raffills returned to the meeting at 01:14 pm.

Cr Anae exited the meeting at 1:17 pm.

MOVED by Cr GS Wood, seconded Cr P Webster:

That the Auckland Plan Committee:

- a) Notes the various management approaches to Genetically Modified Organisms (GMOs) of the legacy councils.
- b) Notes the work of the Inter Council Working Party (ICWP) on Genetically Modified Organisms (GMOs) Risk Evaluation and Management Options.
- c) Confirms their position on what, if any, management approach to Genetically Modified Organisms (GMOs) should be included in the March draft of the Unitary Plan, based on any recommendations of the Unitary Plan Political Working Party.

Option 2) Insert objective in Draft Unitary Plan – insert GMO-related similar objective from the Draft Auckland Regional Policy Statement into Draft Unitary Plan:

“Genetically modified organisms do not adversely affect the social, cultural, economic and environmental well-being of people in the Auckland region.

- d) Receives the report of the Inter Council Working Party (ICWP) on Genetically Modified Organisms (GMOs) Risk Evaluation and Management Options.

Cr W Walker moved an amendment, seconded by Cr S Coney:

- c) Option 3) Insert GMO related provisions as per ICWP “draft proposed plan change” – Insert provisions verbatim into Draft Unitary Plan.

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

For:

Councillors: Cameron Brewer
Cathy Casey
Sandra Coney
Penny Hulse
Mike Lee
Richard Northey
Sir John Walker
Wayne Walker

Against:

Councillors: Michael Goudie
Ann Hartley
Des Morrison
Calum Penrose
Noelene Raffills
David Taipari
Patience Te Ao
Penny Webster
George Wood

The division was declared LOST by 8 votes to 9.

The Chairperson put the substantive motion:

Resolution number APC/2013/5

MOVED by Cr GS Wood, seconded Cr P Webster:

That the Auckland Plan Committee:

- a) **Notes the various management approaches to Genetically Modified Organisms (GMOs) of the legacy councils.**
- b) **Notes the work of the Inter Council Working Party (ICWP) on Genetically Modified Organisms (GMOs) Risk Evaluation and Management Options.**
- c) **Confirms that the position on the management approach to Genetically Modified Organisms (GMOs), (to be included in the March draft of the Unitary Plan, based on recommendations of the Unitary Plan Political Working Party) is as follows:**
 - Option 2) **Insert objective in Draft Unitary Plan – insert GMO-related similar objective from the Draft Auckland Regional Policy Statement into Draft Unitary Plan.**

“Genetically modified organisms do not adversely affect the social, cultural, economic and environmental well-being of people in the Auckland region.
- d) **Receives the report of the Inter Council Working Party (ICWP) on Genetically Modified Organisms (GMOs) Risk Evaluation and Management Options.**

CARRIED

[Secretarial Note: Pursuant to Standing Order to 3.15.5, Cr Coney requested her vote against the motion be recorded.]

11 Scope and process for second Auckland Plan Annual Implementation Update (AIU)

Cr Casey exited the meeting at 1:38 pm.

Robert Simpson, Principal Policy Analyst, Strategic Planning and Megan Tyler, Manager Central & Islands, spoke to their presentation, a copy of which has been placed on the minute book file and can be viewed at the Auckland Council website.

Resolution number APC/2013/6

MOVED by Deputy Mayor PA Hulse, seconded Cr DM Morrison:

That the Auckland Plan Committee:

- a) **Receives the Scope and process for second Auckland Plan Annual Implementation Update (AIU) report.**
- b) **Notes work in progress on the format of the Annual Implementation Update (Attachment A).**
- c) **Notes and accepts the proposed chapter-by-chapter scope for the second Annual Implementation Update.**
- d) **Notes progress on the various processes being undertaken internally and externally with stakeholders to support Auckland Plan Implementation and ensure comprehensive and consistent reporting through the Annual Implementation Update.**
- e) **Resolves to receive the Annual Implementation Update in September of each financial year.**

CARRIED

12 Auckland Council's response to the Productivity Commission's Draft Report on Local Government Regulation

Craig Glover, Principal Policy Analyst and Denise O'Shaugnessy, Team leader Strategic Plan spoke to their presentation, a copy of which has been placed on the minute book file and can be viewed at the Auckland Council website.

Resolution number APC/2013/7

MOVED by Cr P Webster, seconded Member DE Taipari:

That the Auckland Plan Committee:

- a) **Notes that many of the findings in the *Towards better local regulation* draft report are consistent with the key messages raised by Auckland Council in its 2012 submission to the Productivity Commission.**
- b) **Delegates the Chair and Deputy Chair, to work with the Independent Maori Statutory Board (IMSB) and with officers to draft and approve Auckland Council's submission to the Productivity Commission.**
- c) **Agrees that an offer be made for representatives of Auckland Council to meet with the Commission to discuss any issues arising from its report, the Council's submission and any assistance the Council can provide in the additional work the Commission is undertaking.**
- d) **Endorses the suggested approach to the submission is as follows:**
 - i) **supports the Commission's high level messages in respect of:**
 - **the need for more clarity around the respective roles of central and local government in regulation making;**
 - **the impact of central government processes on the quality of local regulation;**
 - **the lack of evidence to support the view that the passing of the 2002 Local Government Act led to an 'explosion' of local regulation;**
 - **the fact that almost all local regulation is required or empowered by statute law (i.e. driven by central government); and**
 - **the need for improvements to regulatory monitoring, enforcement and assessment systems.**
 - ii) **Supports the proposed allocation framework, but suggests that it be modified to be more explicit about Auckland's unique regulatory needs and scale.**
 - iii) **Supports the Commission's findings on the relationship between central and local government in respect of regulatory functions and reiterate the relevant positions taken in the 2012 submission.**
 - iv) **Supports the Commission's findings that regulation can legitimately vary between jurisdictions to reflect local preferences but suggests that the Commission be more explicit in recognising the need for nationally set regulation to take into account Auckland's unique situation.**
 - v) **Suggests the Commission expand its explanation as to why national regulations are sometimes applied inconsistently to include the quality of the drafting and consultation processes.**
 - vi) **Supports the Commission's undertaking to conduct further research into the issue of unfunded mandates.**

- vii) **Advocates for increased provision for the use of infringement notices as a key enforcement mechanism and support the Commission's intention to undertake further research in this regard.**
- viii) **Supports the Commission's findings that a more balanced approach to regulatory performance assessment is required.**
- ix) **Suggests to the Commission that more work is required to fully understand the costs, benefits and other implications of any change to the Environment Court RMA appeals process before any policy position can be recommended.**

CARRIED

13 Auckland Design Manual

Cr Quax entered the meeting at 1:58 pm.

Resolution number APC/2013/8

MOVED by Deputy Mayor PA Hulse, seconded Cr NM Raffills:

That the Auckland Plan Committee:

- a) **Approves the structure of the Auckland Design Manual as outlined in Attachments 1-3.**
- b) **Notes that the Auckland Design Manual will be a non-statutory web-based document.**
- c) **Notes that the first release of the Auckland Design Manual will be reported to the committee later in 2013 for approval.**
- d) **Notes that delegation for the on-going updating of the Auckland Design Manual will be reported for approval to the committee at the time of the first release of the Auckland Design Manual.**

CARRIED

14 New Zealand Productivity Commission Report on International Freight Transport Services Inquiry

Cr Webster exited the meeting at 2:00 pm.

Cr Coney exited the meeting at 2:00 pm.

Resolution number APC/2013/9

MOVED by Member DE Taipari, seconded Cr DM Morrison:

That the Auckland Plan Committee:

- a) **Receives the New Zealand Productivity Commission Report on International Freight Transport Services Inquiry report.**
- b) **Requests that a copy of this report be forwarded to all Local Boards for information.**

CARRIED

15 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

2.08 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 AUCKLAND PLAN
COMMITTEE HELD ON

DATE:.....

CHAIRPERSON:.....