

Auckland Unitary Plan: Question and answers

What is the Independent Hearings Panel?

The Auckland Unitary Plan Independent Hearings Panel is a statutory body established under special legislation (the Local Government (Auckland Transitional Provisions) Act 2010). It was appointed by the Minister for the Environment and Minister of Conservation in consultation with the Council and the Independent Māori Statutory Board.

It is chaired by an Environment Court Judge. It is independent of the Council.

What does the Panel do?

The Panel is responsible for holding hearings and reviewing submissions and evidence on the Proposed Auckland Unitary Plan make recommendations to the Council about any changes the Panel considers should be made to the proposed Auckland Unitary Plan.

The Panel also has the power to make recommendations about changes to the Plan that were not raised by submitters (i.e. out of scope changes).

What are the Panel's recommendations?

The changes the Panel considers should be made to the proposed Auckland Unitary Plan based on consideration of all of the submissions and the evidence provided during its hearings process.

Over the past two years the Panel has reviewed over 13,000 submissions, received 10,000 pieces of evidence and held 249 days of hearings.

So, this has been a long process?

Yes, the Auckland Unitary Plan has been in development for the past five years, including almost two years of independent hearings starting in September 2014 and finishing in mid-May 2016.

Does this mean the Auckland Unitary Plan is decided?

No, the Panel has provided their recommendations on the Proposed Auckland Unitary Plan. This is not a final version of the Plan. Decisions on the Panel's recommendations will be made by the Council in August 2016.

When will it do that?

Council will make its decisions on the Panel's recommendations from 10 to 18 August 2016 in meetings open to the public. It is required by law to publicly notify all of its decisions by 19 August.

How will decisions be made?

The Council's decisions must be based on the Panel's final reports, recommendations and their reasons for making recommendations. The Council's decisions will be to either accept or reject each Panel recommendation.

What happens if the Council rejects a recommendation?

If the Council rejects a recommendation it must explain why and provide an alternative solution that is within the scope of submissions made on the Proposed Auckland Unitary Plan.

Also, the Council can accept a recommendation outside the scope of public submissions but only where it is recommended by the Panel. The Panel must identify any of its recommendations to Council that are beyond the scope of submissions.

Can the Council consider other information when making decisions?

No. The Council must not consider submissions or evidence that was not been before the Panel.

What happens next?

On 27 July councillors will be briefed on the Panel's recommendations and in the afternoon the media and public will be able to view all of the information provided by the Panel on the Council website.

How will people know what's decided?

Decisions and the decision-making process on the Auckland Unitary Plan will be fully transparent with the Council's decisions being made in meetings open to the public. These meetings will also be available for viewing on the Council's [live streaming](#) service.

The Council will also publicly notify all of its decisions on its website on 19 August.

Can the public appeal?

The Act allows limited appeals on the Council's decisions on the Auckland Unitary Plan to the Environment Court as follows:

If the Council rejects a recommendation of the Panel a person who made a submission on the Proposed Auckland Unitary Plan topic related to that recommendation may appeal to the Environment Court in relation to that matter.

If the Council accepts a recommendation made by the Panel that is identified by the Panel as beyond the scope of a submission, any person, whether they made a submission on the Proposed Auckland Unitary Plan or not, can appeal that matter to the Environment Court if that person is, was or will be unduly prejudiced by the decision.

There are separate rights of appeal to the Environment Court relating to decisions on designations / heritage orders.

The Act for the Proposed Auckland Unitary Plan also allows submitters to appeal to the High Court on points of law only.

When will the Unitary Plan come into force?

The limited appeals period is available for 20 working days from when the Unitary Plan is publicly notified. Separate appeal timeframes apply to decisions on designations / heritage orders.

The Unitary Plan cannot be made fully operative until all appeals on the Council's decisions on recommendations are resolved.

If there are appeals to certain parts of the Unitary Plan, those parts of the Plan cannot be treated as operative, and the corresponding parts of the Council's legacy plans would remain in effect.

This means that consents will be required under both legacy plans and the Auckland Unitary Plan.