

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

**Procedural Minute No. 6 Revision by
Chairperson of the Independent Hearings
Panel**

27 November 2014

AUCKLAND UNITARY PLAN INDEPENDENT HEARINGS PANEL

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Reference – Procedural Minute #6 (dated 5 August 2014); responses from Auckland Council, Heritage New Zealand, Environmental Defence Society

Submissions seeking modification/additions/deletion to site specific schedules

Some topics have site specific submissions suggesting modifications, additions or deletions to the plan e.g., to the schedules listing Notable Trees or the identification of Significant Ecological Areas.

Procedural Minute #6 set out the Panel's concerns with respect to its jurisdiction in regard to some of these requests and the implications for its programme if all of these individual submission points have to be heard. The Council and other parties were invited to respond.

The Council's reply (23 September 2014) identified 6 categories of submission points in light of the Panel's criteria and identified what should be done with each category i.e., mediation, direct discussions between the Council and submitters/further submitters, expert conferencing or hearing. Before commencing discussions with any parties, the Council sought directions "... on whether such discussions should in fact be delayed until the criteria for scheduling has been the subject of expert conferencing and/or hearing by the Panel so that all parties are clear on the criteria that apply."

The Panel agrees with the Council and Heritage New Zealand that the most efficient way to proceed is to settle the criteria for scheduling before turning to the individual items on the schedules. We are considering whether and how this can be done but meanwhile, for programming purposes, the Panel would like to better understand the number and nature of the modifications, additions and deletions requested by the submitters and particularly the Council as a submitter.

Environmental Defence Society (EDS) expressed a concern that this approach would give a landowner a veto over the consideration of a lawful submission. That is not correct: the submission will remain for consideration by the Panel. However, the Panel consider it relevant and important to know what effect the submission may have, and therefore regards the position of the landowner as a necessary part of its overall consideration.

Accordingly, the Panel will appoint a mediator to work with the submitters to assist them to assess the extent to which each modification/addition/deletion addresses the criteria set out in Procedural Minute #6

1. *On a preliminary basis, we would group these submissions into four categories, noting that in many cases a submission may fit into the first category as well as one of the other three:*
 - i. *those that do not have approval or support from the owner(s) of the item;*
 - ii. *those where the submission contains adequate information which shows that the item meets the relevant plan criteria as proposed in the PAUP;*
 - iii. *those where the item nearly meets the relevant criteria as proposed in the PAUP, such that it may be appropriate to seek more information in respect of specific aspects of the submission to see if the item does indeed meet the criteria; and*

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- iv. *those which are unsupported by detailed information in relation to the relevant criteria as proposed in the PAUP.*

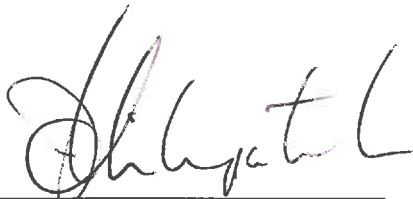
The Panel directs the Council and all submitters with lengthy lists of suggested changes to schedules (as identified by the mediator) to report the results of this 'triage' exercise to a pre-hearing direction setting meeting in March 2014. The 'resolvable submissions' section within the Heritage New Zealand response to Procedural Minute #6 (dated 3 September 2014) is considered a suitable template for how the results of this triaging can be reported. This information will be used to assist the allocation of items to mediation, expert conferences and/or a hearing pathway.

This minute applies to the following topics:

019 Natural features, Landscape and Character
020 Viewshafts
023 SEA and vegetation management
025 Trees
032 Historic Heritage Schedules
037 Mana Whenua sites

Other topics may be added at a later date.

Dated at Auckland this *27th* day of November 2014



Judge David Kirkpatrick
Chairperson, Hearings Panel for
proposed Auckland Unitary Plan

