

AUCKLAND UNITARY PLAN INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

FACT SHEET

Fact sheet 8 – Communicating with the IHP

Date: 10 August 2015

This fact sheet has been developed to assist those participating in the hearings process for the Proposed Auckland Unitary Plan (the Plan). Please refer to the Auckland Unitary Plan Hearing Procedures document and procedural minutes at www.aupihp.govt.nz for more detail about the hearing process.

The hearings process is a requirement of the Local Government (Auckland Transitional Provisions) Act 2010 (LGATPA) and will be carried out by an independent hearings panel that has been appointed by the Minister for the Environment and the Minister of Conservation.

In response to a number of enquiries and memoranda from parties involved in the hearings on the Proposed Auckland Unitary Plan, the following information provides some general direction for parties in dealing with the Panel.

The Panel's hearing process is generally less formal and more collaborative than past plan hearing processes

You are welcome to communicate with the Panel in less formal ways than by memorandum of counsel. A brief email with listed questions or points will be responded to and will be recorded in the Panel's register of enquiries. Please follow the guidelines below.

The Panel encourages parties to enter into their own discussions outside of the steps in the hearing process to resolve issues and agree approaches. This includes discussions with Auckland Council. The outcomes of these discussions should be reported through the pre-hearing process so that they can be recorded in the Parties and Issues report prior to the hearing.

Guidelines for communicating with the Panel

Communications with the Panel should be clear and succinct. Please focus on the matter of particular concern and avoid lengthy or unnecessary material.

All communication with the Panel should start by clearly identifying the following information, as applicable:

- Submitter name and number;
- Hearing topic and number;
- Relevant plan provision(s);
- Existing situation (brief summary);

- Changes sought (brief summary).

If the Panel needs more information about the matters raised it will contact you.

The hearing process on the proposed Unitary Plan is not the same as a Council, Environment Court or Board of Inquiry process

While the Panel has regard to these processes, it is not bound to follow them. The Panel has to enable delivery of a hearing programme within a tight statutory timeframe and with the resources available to it. The Panel will use its statutory powers to determine its own procedures to achieve that.

It is important to note that the LGATPA provides a substantially amended process to that in Schedule 1 to the RMA, incorporating a range of pre-hearing processes such as expert conferences and mediation, which may be used to reduce or even eliminate the need for oral hearings of submissions.

The hearing programme must be managed to complete the hearings in the time available

Adjournments and extensions of time are unlikely to be granted. Because of the flow-on effects on other hearings and parties, the Panel cannot change the hearing schedule to suit the individual requirements of parties.

The Panel understands that the hearing schedule may create some challenges for parties involved across multiple hearing topics and their counsel and witnesses. In developing the schedule the Panel has tried to avoid concurrent events that are likely to involve the same areas of expertise and interest, but it is not always possible to achieve this.

Most events are expected to be held on level 16 of 205 Queen St so it should usually be possible for counsel and witnesses to move between a hearing and other types of events (pre-hearing meeting, mediation or expert conference). The panel office staff will assist you where possible.

Speaking time will be carefully managed by the Panel

Submitters who wish to be heard will be given a limited time to speak at the hearing and will need to focus on the main points relevant to the hearing topic. Submitters may apply for additional time. The pre-hearing notice will tell you how to do this. See also [procedural minute 10](#).

Oral presentations should focus on the issues. The Panel will not sit through lengthy introductions or unnecessary traverses of legal authorities, submitter credentials or general background.

Where there are a number of submitters making the same point the Panel may further restrict speaking time of each submitter to avoid repetition. In these cases the Panel recommends submitters 'band together' to present their case.

Again it is important to note that the LGATPA departs from previous RMA process and reduces the emphasis on oral presentation at hearing. There is a range of pre-hearing processes and the Panel will read material in advance of the hearing.

Evidence must be pre-circulated. It will assist the Panel if legal submissions are also provided prior to the hearing. The Panel will read the relevant material before the hearing so will not require the submissions or evidence to be read out at the hearing.

Please see the Panel's [procedural minute #9](#) on the preparation and presentation of evidence for more information. There is an evidence template on the [hearings page](#) of the website if you need some help getting started. You can find it under 'hearing schedule documents'.

If evidence is provided after the deadline the Panel may decide to disregard this evidence.

The hearing programme is issue based so some matters raised in a single submission may involve multiple hearings

Concerns have been raised about the impact of this on the parties, including the extra time commitment and the disaggregation of submission points leading to a loss of context provided by the complete submission.

The Panel will consider allowing an expert witness to appear once and for the submitter or counsel simply to refer to this evidence at subsequent hearings.

The Panel may also allow a submitter to provide an overview of their entire submission where this is clearly of benefit to the hearing process.

However the extent to which submitters can introduce material relevant to another hearing topic is limited by procedural fairness and the need for hearing sessions to be focussed on specific topics. The Panel will not allow parties to address specific changes about matters that are not in front of the Panel at that time.

Please use the website

There is a dedicated website the Panel uses to provide information about the process and the schedule (www.aupihp.govt.nz). This website will be updated to share information as it becomes available and so reduce the amount of individual correspondence with the Panel on the same matters.

From October 2014 the website will also contain communication between the Panel and parties where this communication is of general interest or relates to a specific hearing topic.

Please note that publication of this communication on the website is **not** a substitute for service of documents on other parties. Parties are responsible for ensuring they send any communication to the persons directly affected by that communication.

The Panel office has an email list to alert counsel, consultants and other parties to new or changed information being placed on this website. If you would like to be added to this list please let us know (info@aupihp.govt.nz or 09 979 5566).