Office of Hon Dr Nick Smith

MP for Nelson
Minister for the Environment
Minister for Building and Housing

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Judge David Kirkpatrick
Auckland Unitary Plan Hearings Panel
David.Kirkpatrick@aupihp.govt.nz

Dear Judge Kirkpatrick

Interim Guidance on the Auckland Unitary Plan

You will be aware that during the previous term of Government, as the then Minister for Conservation I worked with Minister Adams to establish the special hearings process for Auckland. Now as Minister for Environment, I can say without doubt that the intent of the legislation is for the Independent Hearings Panel to develop a single resource management plan for the people of Auckland that is of a high quality, and that integrates both the regional policy statement (RPS) and regional and district plan provisions.

I am aware some submitters have raised concerns about the lack of sufficient direction on the proposed RPS to inform evidence on the regional and district-level components of the proposed Auckland Unitary Plan. I am also aware that some submitters have argued that legislative intervention is required to clarify the version of the RPS to which the plan provisions must give effect.

From my review of these matters, I am satisfied that a legislative response is not necessary. In particular, I am satisfied that the current legislation gives the Hearings Panel the broad powers it needs to regulate proceedings, including the ability to issue interim guidance on their likely recommendations, to ensure an efficient and fair process.

I am equally satisfied that the provisions of both the Local Government (Auckland Transitional Provisions) Act 2010 and the Resource Management Act 1991 are clear that the Hearings Panel is required to give effect to the proposed RPS forming part of the proposed Auckland Unitary Plan rather than the existing RPS made operative by the Auckland Regional Council in 1999.

I wish you the all the best in your endeavours in the coming months.

Yours sincerely

Hon Dr Nick Smith
Minister for the Environment