

AUCKLAND UNITARY PLAN
INDEPENDENT HEARINGS PANEL

Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau

Private Bag 92300
Victoria Street West,
Auckland 1142

16 March 2016

The Hon Dr Nick Smith
Minister for the Environment
Private Bag 18041
Parliament Buildings
Wellington 6160

Dear Minister,

Thank you for your letter dated 2 March 2016.

In advising parties that the Panel will take into account issues resolved in plan changes which have recently been made operative, we intended to reassure those people who had participated in those processes that we would try to avoid re-litigating the issues as far as reasonably possible.

While considerations of efficiency and our time constraints support that general approach, we acknowledge that other factors may be involved, so that in some cases the outcome of previous processes may not be given much weight. Where, for example, considerable time has elapsed since the plan change was made operative or circumstances have changed such that a fresh assessment of the issues is necessary, then we will of course undertake our own assessment with limited weight being given to the outcome of the earlier process. As you point out, one such circumstance would be where the objectives and policies in a higher order planning document that informed the recent process differed from those in the proposed regional policy statement which we are presently considering.

I should add that the Panel is aware of your involvement in proceedings before the Environment Court in relation to proposed private plan change 372 to the Isthmus section of the Auckland District Plan, relating to the rezoning of land at Three Kings. As I have advised other submitters already, the Panel must take care not to allow its process to trespass on a matter which is presently before the Environment Court. Where issues arise in submissions on the PAUP which also arise in plan changes still being considered in relation to operative plans, the Panel must consider those submissions on their merits and without making any assumptions about what the outcome of the parallel plan change process may be.

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At this stage we are uncertain whether the proceedings in relation to Three Kings may be determined by the Environment Court before we are due to provide our recommendations to the Auckland Council. We are therefore uncertain how we may address submissions on the proposed plan concerning the zoning of land and the proposed precinct in that area. We intend to raise this with other submitters who are interested in the proposed plan provisions for Three Kings when they appear before us on 29 March 2016. You may also wish to address us on this, either in writing or by your counsel.

Yours sincerely,



Judge David Kirkpatrick

Chairperson

Auckland Unitary Plan Independent Hearings Panel

For further information

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