

## Overview

The Auckland Unitary Plan is now operative in part, while subject to a number of appeals to the Environment Court and the High Court. Work to resolve the appeals is underway, and future plan changes are being prioritised to resolve minor issues and errors in advance of a future work programme to maintain and improve the Plan. Key dates and steps related to the Plan are summarised below.

### Brief summary of the Auckland Unitary Plan timeline

**30 September 2013:** Notification of the Proposed Auckland Unitary Plan.

**13 May 2016:** The Auckland Unitary Plan Independent Hearings Panel (the Panel) completed its hearings.

**22 July 2016:** All recommendations on the Proposed Auckland Unitary Plan provided to Auckland Council.

**19 August 2016:** Notification of Auckland Council decisions and decisions version of plans and maps.

**16 September 2016:** Appeal period closes (except for designation appeals – final date 29 November 2016).

**15 November 2016:** Auckland Unitary Plan made Operative in part.

### Auckland Unitary Plan – Operative in part

#### Operative parts of the Auckland Unitary Plan

The Auckland Unitary Plan – Operative in part (the Plan)

Provisions managing land-disturbance activities (earthworks), and freshwater management including water quality and quantity are able to be treated as operative, as they are not subject to any appeals.

#### Exclusions

The parts of the Plan that are subject to appeal and are not operative have been annotated in the Auckland Unitary Plan - Operative in part version (available online).

The regional coastal plan component of the Plan requires the approval of the Minister of Conservation approval and is not yet operative.

The Hauraki Gulf Islands section of the Auckland District Plan remains operative in full as the Gulf Islands were not included in the Auckland Unitary Plan<sup>1</sup>.

#### Appeals against the Auckland Unitary Plan

Several appeals have been lodged against the Plan, including:

- 8 Judicial reviews
- 41 appeals to the High Court

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<sup>1</sup> Note that a future plan change to incorporate the Auckland District Plan - Hauraki Gulf Islands section is required, but has not yet been scheduled for drafting and notification.

- 75 appeals to the Environment Court

Appeals that may be of particular note for the Hauraki Gulf Forum are those affecting the regional coastal plan, regional plan provisions relating to biodiversity, and provisions for rural subdivision:

- Man o' War Farm Ltd - this appeal relates to biodiversity, coastal hazards, livestock access to the coastal marine area, Outstanding Natural Landscapes and Outstanding Natural Character overlays.
- Royal Forest and Bird Protection Society of NZ Inc. - this appeal seeks changes to better give effect to the New Zealand Coastal Policy Statement, amend the significance criteria for Significant Ecological Areas (SEAs) – Marine, and to reinstate specific mapped SEAs.
- Various appeals on rural subdivision provisions (which include the SEA-Terrestrial factors of significance, and seek provisions to enable greater development in rural zones).

The High Court has held a hearing on a test case relating to matters of scope but has not yet issued a decision. The outcome of this hearing may influence other appeals against the Plan.

## **Auckland Unitary Plan – Operative in part**

### **Implications for the Gulf**

The Auckland Unitary Plan recognises the values of the Hauraki Gulf through multiple overlays. These include SEAs, Outstanding Natural Landscapes, Outstanding Natural Character, Outstanding Natural Features, Historic Heritage, Volcanic Viewshafts, and Sites and Places of significance to Mana Whenua.

The Plan responds to the management challenges for the Gulf through the provisions for the use of land and the Coastal Marine Area. On-going use and development of developed areas such as ports and marinas are provided for through zones and precincts. The controls on land use and development manage the potential effects on water quality and other values.

### **Future work**

Proceeding in parallel to the appeals process, Council will be initiating specific plan changes to resolve issues and errors in the Plan, the first of these is anticipated to be initiated this year.

### **Auckland Unitary Plan – Plan changes / recommendations of the Panel**

The Independent Hearings Panel acknowledged that future changes to parts of the Plan may be needed (e.g. land disturbance (earthworks), water quality and quantity and coastal occupation charging).

Further, the plan itself acknowledges the incomplete nature of the identification of significant ecological areas in the marine environment (SEA-Ms), indicating further work is required to address this gap. The Council is in the preliminary stages of developing a work programme to undertake further work in this area.