

Proposed Auckland Unitary Plan

Outcome of judicial review proceedings brought by The Straits Protection Society Incorporated and advice of related Environment Court appeal rights

Auckland Council gives notice that the judicial review proceedings brought by The Straits Protection Society Incorporated have now been determined and that the High Court's decision gives rise to a right of appeal to the Environment Court in relation to the Council's decision to delete the Rural Urban Boundary for the Hauraki Gulf Islands (specifically, for Waiheke Island).

Background

On 20 June 2017 the High Court released its decision in *The Straits Protection Society Incorporated v Auckland Council* [2017] NZHC 1351, issuing a declaration that "the recommendation provided by the Auckland Unitary Plan Independent Hearing Panel to the Auckland Council in relation to the Rural Urban Boundary as it affected the Hauraki Gulf Islands was beyond the scope of submissions made on the Proposed Auckland Unitary Plan and should have been identified as such in terms of section 144(8(a) of the Local Government (Auckland Transitional Provisions) Act 2010" (**LGATPA**).

The effect of the declaration is that, when making its decision to delete the Rural Urban Boundary for the Hauraki Gulf Islands, the Council accepted an "out of scope" recommendation which gives rise to a specific right of appeal under section 156(3) of the LGATPA.

The High Court directed that a copy of its decision be served on all affected submitters and that public notice of the decision and advice as to rights of appeal be arranged by Auckland Council. A copy of the decision is available for download on the Council's Unitary Plan Appeals webpage at <http://www.aucklandcouncil.govt.nz/EN/planspoliciesprojects/plansstrategies/unitaryplan/Pages/paupappeals.aspx>.

Appeal rights and timeframes

As a result of the declaration a right of appeal to the Environment Court, in relation to the matter of the deletion of the Rural Urban Boundary as it affects the Hauraki Gulf Islands, is available to persons who satisfy the criteria set out in section 156(3) of the LGATPA. Any appeal must be filed within 20 working days of the date of this public notice. Anyone considering filing an appeal with the Environment Court is encouraged to first seek legal advice.

The Council's website at www.aucklandcouncil.govt.nz/unitaryplan and the Environment Court's website at <https://www.environmentcourt.govt.nz/auckland-unitary-plan-appeals/> provide useful information about appeals, including advice as to how to make an appeal and a copy of the relevant notice of appeal for section 156(1) appeals (which can be downloaded from the Court's "Auckland Unitary Plan Appeals" webpage).

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Find out more: phone 09 301 0101
or visit aucklandcouncil.govt.nz