

**PROPOSED PLAN CHANGE 120 –
HOUSING INTENSIFICATION AND RESILIENCE**

**MINUTE 7 FROM THE INDEPENDENT HEARINGS PANEL
(WAIVER APPLICATIONS ON LATE SUBMISSIONS)**

15 APRIL 2026

1. Introduction

- 1.1 Proposed Plan Change 120 – Housing Intensification and Resilience (**PC120**) to the Auckland Unitary Plan Operative in Part (**AUP**) was notified on 3 November 2025, and submissions closed on 19 December 2025.
- 1.2 On 12 February 2026, the Panel issued a direction (**Direction 2**) to the Council on the process for late submissions and the waiver process. Any submitter lodging a submission on or after 1 February 2026 must apply to the Panel for a waiver of the time limit under section 37 of the Resource Management Act 1991 (**RMA**). The Panel Chair determines whether late submissions can be accepted.
- 1.3 The Panel noted that it is unlikely to grant waivers unless exceptional circumstances exist, as doing so may impact the preparation and notification of the Summary of Decisions Requested (**SDR**) or require re-notification of the SDR, the further submission period, and the hearing programme.

2. Waiver applications received to date

- 2.1 This minute relates to the following three waiver applications:
 - a) On 14 February 2026, the Panel received an application from Annie Lewin, requesting a waiver of the time limit to file a submission on PC120, specifically addressing the critical infrastructure constraints around the Wapiti Ave area. The waiver request stated a change in address and health issues as the reasons for the late submission.

- b) On 23 February 2026, the Panel received an application from the Residents of 165 Tamaki Drive, requesting a waiver of the time limit to file a submission on PC120, specifically addressing the hazard mapping and rezoning of 165 Tamaki Drive from “Terraced Housing and Apartment Building Zone” to “Single House Zone”. The waiver request stated that no formal notification of PC120 was received from the Council.
- c) On 26 March 2026, the Panel received an application from Kathryn Carrington-Czerniak requesting a waiver of the time limit to file a submission on PC120, specifically addressing the hazard mapping and rezoning of the site at 165 Tamaki Drive from “Terraced Housing and Apartment Building Zone” to “Single House Zone”. The waiver request stated that no formal notification of PC120 was received from the Council.

3. Matters to be taken into account

- 3.1 Under clause 98(3) of Schedule 1 and section 37 of the RMA, and for the reasons set out in section 37A of the RMA, the Panel has the authority to accept or reject any submissions lodged after the submissions closing date (late submissions).
- 3.2 Before granting waivers and accepting late submissions, section 37A of the RMA requires the Panel to take into account:
 - a) The interests of any person who, in the Panel’s opinion, may be directly affected by the waiver. This includes the interests of submitters who complied with the time limits.
 - b) The interests of the community in achieving adequate assessment of PC120. Late submissions may include valuable information or perspectives that enhance the quality of the Panel's recommendations and better serve the community's interests. The RMA is also underpinned by public participation.
 - c) The Panel’s duty under section 21 of the RMA to avoid unreasonable delay. This includes whether accepting late submissions would delay the Council’s preparation and notification of the SDR, the further submission period, and the hearing programme. This is of relevance given that PC120 is a streamlined planning process, and the Ministerial direction has set a 20-month timeframe for its completion.

4. Response to waiver applications

- 4.1 The Panel Chair has reviewed the waiver applications and submissions received.
- 4.2 Regarding notification, the Panel Secretariat has checked with the Council planning team and has been informed that the properties listed in the respective waiver requests were mailed a letter notifying them of the PC120. Letters were sent to both the occupier and the owners, where, in some circumstances, the owner is not residing at the property.
- 4.3 The Panel has determined that it will not grant a waiver request to Annie Lewin to file a late submission on PC120 as there is no submission attached to Annie Lewin's waiver request, which prevents the Panel from considering the merits of the waiver application under section 37A of the RMA. The Panel Secretariat has on multiple occasions requested a copy of their submission but has not been provided with one.
- 4.4 The Chair has determined it is appropriate to accept the requests from the residents of 165 Tamaki Drive and Kathryn Carrington-Czerniak to file a late submission on PC120. The reasons for this are that:
- a) The submissions focus directly on the effects of PC120 on specific properties, which the Panel understands would otherwise not be covered by any other submissions.
 - b) Accepting the submissions would not bring any unfair prejudice to other submitters due to the prompt filing of the application for waiver upon being alerted to PC120, and the site-specific scope of the submissions.
 - c) The submissions are brief, and the requirement for the Council to summarise it is unlikely to delay notification of the SDR.
- 4.5 The Panel notes that it is increasingly unlikely that further waivers will be granted given that it is now nearly four months after the close of submissions and the SDR is anticipated to be complete soon.

- 4.6 A copy of the submissions, along with this Minute, will be published online and forwarded to the Council team to summarise for the SDR process.



Sarah Shaw

Chair

Independent Hearings Panel – PC120

Date: 15 April 2026