

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

**MINUTE 11 FROM THE INDEPENDENT HEARINGS PANEL
(WAIVER APPLICATIONS ON LATE SUBMISSIONS)**

21 APRIL 2026

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 setting out the process for late submissions and the waiver process. Any submitter lodging a submission on or after 1 February 2026 was required to apply to the Panel under section 37 of the Resource Management Act 1991 (**RMA**) for a waiver of the time limit to file a submission on PC120. 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).
- 1.3 In Minute 7, 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, delaying the further submission period and the hearing programme.

Waiver application received

- 1.4 The Panel has received an application and submission from Mr Chris Seagar on 17 April 2026, requesting a waiver of the time limit to file a submission on PC120. The waiver request stated that no formal notification of PC120 was received from the Council.

Matters to be taken into account

- 1.5 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.

Response to waiver application

- 1.6 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 PC120. Letters were sent to both the occupier and the owners, where, in some circumstances, the owner is not residing at the property.
- 1.7 The Panel has been advised by the Council that the SDR has been completed and is scheduled to be notified on 14 May 2026, and that any late submissions will now impact notification of the SDR.
- 1.8 It is now four months after the close of submissions. Accepting any further late submissions is likely to delay notification of the SDR or require re-notification of the SDR. Notification of the SDR is the statutory trigger for the further submission period, but the Panel and Secretariat also rely on the SDR to undertake scheduling of PC120 hearings.
- 1.9 The Panel has determined that it will not grant a waiver request to Mr Seagar to file a late submission on PC120, as accepting the late submission will delay notification of the SDR and the hearing programme.

1.10 For those reasons of delay, the Panel records that it is very unlikely to grant any further waiver requests unless exceptional circumstances exist.

1.11 A copy of this Minute will be published online and forwarded to the Council team.



Sarah Shaw

Chair

Independent Hearings Panel – PC120

Date: 21 April 2026