

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

HEARING DIRECTION 2 FROM THE INDEPENDENT HEARINGS PANEL

12 FEBRUARY 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, with the submissions closing date specified as 5:00pm on 19 December 2025 (**submissions closing date**).
- 1.2 Under clause 98(3) of Schedule 1 and section 37 of the Resource Management Act 1991 (**RMA**), and for the reasons set out in section 37A of the RMA, the Independent Hearings Panel (**the Panel**) has the authority to accept or reject any submissions lodged after the submissions closing date (**late submissions**).
- 1.3 This direction relates to late submissions and the waiver process. This direction will be made publicly available and uploaded to the website.

2. Categories of Late Submissions

- 2.1 Auckland Council (**the Council**) has provided the Panel with details of submissions lodged after the submissions closing date. The Panel considers that these submissions fall into five general categories:
- (a) **Received on 19 December after 5:00pm but before 11:59pm –**
Approximate number of submissions: 82.
 - (b) **Received on time but required to re-submit due to system or document errors –**
Approximate number of submissions: 12.¹

¹ It is unclear whether submissions in Category 2 are technically “late”, given that the submission was filed within time. For the avoidance of doubt, the Panel has considered these as late submissions.

- (c) **Hard copy submissions handed in to a Council facility where the date and time of receipt cannot be verified** – *Approximate number of submissions: 257.²*
- (d) **Received on or after 20 December 2025 and up to 31 January 2026** – *Approximate number of submissions: 47.*
- (e) **Received from 1 February 2026 onwards** - *Approximate number of submissions as at preparation of this direction: 1.*

3. Matters to be taken into account

3.1 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 Summary of Decisions Requested (SDR), the further submission period, and the hearing programme. This is of particular relevance given that PC120 is a streamlined planning process, and the Ministerial direction has provided 20 months for completion of the process.

Submission closing date

3.2 The Panel notes that the submissions closing date already included an increase from the standard statutory 20 working days to 34 working days.

² It is possible that some, if not all, of these submissions were provided to the Council within the submission period and are not “late”, but, as for Category 2, for the avoidance of doubt, the Panel has considered these as late submissions.

Category 1 – Received on 19 December after 5:00pm but before 11:59pm

- 3.3 The Panel considers that there is no prejudice to any party or to the PC120 process associated with late filing on the same calendar day.

Category 2 – Received on time but required to re-submit due to system or document errors

- 3.4 It is unclear whether the errors requiring re-submission relate to the submitter error or the electronic submission system. However, irrespective of this, the Panel considers that there is no prejudice to any party or to the PC120 process arising from accepting these submissions. The prejudice to the Category 2 submitters would, however, be significant if their otherwise “on time” submissions were to be rejected due to technical errors.

Category 3 – Hard copy submissions handed in to a Council facility where the date and time of receipt cannot be verified

- 3.5 The Council advises that Category 3 submissions are hard copy documents that were handed in by submitters to Council facilities such as libraries, but the date and time of receipt cannot be verified; due to the Christmas holiday closure of Council facilities, the submissions were scanned and then provided to the Council planning team in January 2026.
- 3.6 As for Category 2, the Panel considers that there is no prejudice to any party or to the PC120 process arising from accepting these submissions. The prejudice to the Category 3 late submitters would, however, be significant if their submissions were to be rejected when they were physically handed in to Council facilities, and it is the Council that cannot verify whether that was within time or not.

Category 4 – Received on or after 20 December 2025 and up to 31 January 2026

- 3.7 The RMA excludes the period from 20 December to 10 January in the following year from the definition of “working day”. The first statutory working day after the submissions closing date of Friday 19 December 2025 was Monday 12 January 2026. Any submissions received after the submissions closing date were therefore not late by any measurable statutory working days until 12 January 2026.

3.8 The Council has advised the Panel that acceptance of late submissions to 31 January 2026 will not further delay preparation and notification of the SDR. The Panel considers that there is no prejudice to any party or to the PC120 process associated with accepting submissions up to 31 January 2026.

Category 5 – Received from 1 February 2026 onwards

3.9 Submissions in this category were received approximately six weeks after the submissions closing date, and three weeks after the resumption of statutory working days. The submissions closing date for PC120 had already been increased from the standard statutory 20 working days to 34 working days.

3.10 While there may be a small (but unknown future) number of submissions in this category, they are very late. Prejudice to submitters who lodged their submissions on time increases with lateness, and a line must be drawn at some point.

3.11 The Council's ability to prepare and notify the SDR may also be compromised, which would delay further submissions and the hearing programme, potentially impacting the ability of the Panel to make its recommendations on submissions in time for the Council to comply with its obligation to notify the decision in accordance with the Ministerial direction.

4. Acceptance of Late Submissions to 31 January 2026

4.1 The Panel Chair has determined that all late submissions received up to and including 31 January 2026 are accepted, on the basis that:

- No party will be unduly prejudiced by their acceptance.
- Acceptance will assist in achieving a full and fair assessment of PC120.
- The Council has confirmed that accepting the submissions will not cause a delay in preparation and notification of the SDR and, therefore, the hearing process.

4.2 Submissions that fall within Categories 1 to 4 (paragraph 2.1 (a) - (d) above) are therefore **accepted**. This is approximately 398 submissions, which is a small proportion of the approximately 10,000 submissions received on time.

4.3 For the avoidance of doubt, any corrected or resubmitted versions of submissions originally lodged on time (Category 2) are accepted as part of those submissions.

5. Submissions Lodged on or after 1 February 2026 – Waiver Required

5.1 The Panel Chair has determined that any submission received on and after 1 February 2026 will not automatically be accepted. A submitter must apply to the Panel for a waiver under section 37 of the RMA.

5.2 Any waiver request must include:

- Why the submission was late and why it could not reasonably have been lodged by the submissions closing date.
- Reasons the Panel should accept the late submission.
- How acceptance would assist in achieving an adequate assessment of PC120.
- Information addressing fairness, including how acceptance would not disadvantage any other person or the PC120 process.

5.3 The Panel notes that it is unlikely to grant waivers unless exceptional circumstances exist, as doing so may impact the preparation and notification of the SDR (or require re-notification of the SDR), the further submission period, and the hearing programme.

5.4 Any waiver application must be provided to:

- Email: pc120hearings@aucklandcouncil.govt.nz; or
- Posted to: ATTN: Secretariat
Independent Hearings Panel – PC120
Private Bag 92300
Victoria Street West
Auckland 1142

5.5 Any enquiries regarding this direction, or related matters, should be addressed to the Secretariat of the Independent Hearings Panel at pc120hearings@aucklandcouncil.govt.nz.



Sarah Shaw

Chair

Independent Hearings Panel – PC120

Date: 12 February 2026