



**Proposed Kaipara District Plan:
Form 6 - Further Submission**
Clause 7 of Schedule 1, Resource Management Act 1991

**If you require any assistance with completing this form,
please contact the District Planning Team:**

Phone: 0800 727 059

or

By Email: districtplanreview@kaipara.govt.nz

Privacy Act Note

All information provided in your further submission is considered public under the Local Government Official Information and Meetings Act 1987 and may be published to progress the process for the private plan change and may be made publicly available.

1. Further Submitter Details <i>(mandatory information)</i>			
Full Name of individual or organisation making further submission:		Pilar Garcia Domingo	
Contact Person <i>(if different from above)</i>			
Email address:		pilar.garcia.domingo	
Preferred method of contact: <i>(select one)</i>		Email: ☒	
		Post ☐	
Submitter contact phone number:		0224173720	
Do you have an Agent acting on your behalf?		Yes ☐	
		No ☐	
Agent name and email address:			
Who is all correspondence to go to?:		Submitter only ☒	Agent only ☐ Both ☐
2. Request to be heard at hearings			
☒ Yes, I wish to be heard at the hearing in support of my further submission			
☐ No, I do not wish to be heard at the hearing in support of my further submission			
If others make a similar submission, I will consider presenting a joint case with them at the hearing		Yes ☐	
		No ☒	
3. Eligibility to make a further submission <i>(for further information on this go to RMA Schedule 1, Clause 8)</i>			
I am (select ONE of the following options:			
☐ A person representing a relevant aspect of public interest.			
☒ A person who has an interest in the proposal greater than the interest that the general public has.			
☐ The local authority.			
4. My reasons for selecting the category ticked above are:			
<i>(For example: Any person representing a relevant aspect of the public interest would likely include public interest environmental groups.</i> OR <i>Any person that has an interest in the proposed policy statement or plan greater than the interest that the general public has is likely to include owners of land and users of resources directly affected by plan provisions. It is also likely to include iwi and hapu where their interests are directly affected.)</i>			
I am the owner of an affected property			

5. Further Submission/s for submission/s notified on the Proposed Kaipara District Plan:

Submission Point Number:	Submitter Name	Support OR Oppose	Reasons for supporting or opposing
<i>Example</i> 123.45	<i>Example</i> John Smith	<i>Example</i> Support	<i>Example</i> I support this because....
152.2	Atlas Quarries Limited	oppose FS121.1	A uniform 500m reverse-sensitivity buffer would force existing legally established titles to obtain costly resource consent for a residential dwelling that is currently permitted. The buffer extent should reflect existing mitigation, including: 1.Landforms — Appendix1 shows the ridge that blocks views and deflects sound from the Hukatere Quarry. Beyond this ridge, quarry effects are not perceived. This ridge should define the maximum buffer extent where no other mitigation is required. 2.Protected vegetation — Mature, dense vegetation within proposed High Natural Character Areas and Outstanding Natural Character Areas provides additional natural screening. The buffer should be based on where quarry activities can realistically occur, not the site boundary, particularly on the sea interface: refer to Appendix2
152.5	Atlas Quarries Limited	FS121.2	Same as above
152.5.11	Atlas Quarries Limited	FS121.3	Same as above
	Also see attached documentation		

YOU ARE WELCOME TO PROVIDE THE REQUIRED INFORMATION ABOVE OR EXTRA INFORMATION ON A SEPARATE PAGE IF YOU WANT TO

Please return this further submission form and any attachments by:

Post to: Kaipara District Council, Private Bag 1001, Dargaville 0340

OR

Email: districtplanreview@kaipara.govt.nz

OR

Hand-deliver this further submission to:

Kaipara District Council, 32 Hokianga Road, Dargaville or

Kaipara District Council, 6 Molesworth Drive, Mangawhai

IMPORTANT!

You must serve a copy of your further submission on the original submitter **within five (5) working days after it is served** on Kaipara District Council. You will find the submitter's contact address on their submission.

Request for Waiver and Acceptance of Late Submission

From Pilar Garcia domingo <pilar.garcia.domingo@outlook.com>

Date Thu 10-Sep-26 10:22 PM

To District Plan Review <districtplanreview@kaipara.govt.nz>; Meagan Walters <mwalters@kaipara.govt.nz>

 2 attachments (1 MB)

Standard PDP Form 6_PGD_260910.pdf; Late Submission 152 Proposed Hukatere Quarry Buffer_20260910.pdf;

CAUTION: This email originated from outside Kaipara District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Commissioner Farnsworth and Members of the Independent Hearings Panel

Request for waiver and acceptance of late submission – Atlas Quarries Ltd and Hukatere Quarries Ltd, Submission 152

I write to respectfully request that the Independent Hearings Panel accept the attached late submission concerning the relief sought by Atlas Quarries Ltd and Hukatere Quarries Ltd under Submission 152, particularly the proposed 500-metre quarry buffer surrounding the Hukatere Quarry and the restrictions proposed for sensitive activities within that buffer.

I am the owner of 198 Te Wairoa Lane (Lot 21), which is directly affected by the proposed buffer.

Reason this submission was not lodged earlier

This submission is late because **I was not notified as an affected party**, despite my property being located within the proposed 500-metre buffer. I only became aware of Submission 152 after neighbouring owners—who had received direct notification—alerted me, and after reviewing the material myself. Once I understood that the proposal could materially affect my ability to establish a dwelling on Lot 21, I acted promptly to prepare this request and the attached submission.

Reason for requesting the waiver

The relief sought by Atlas has the potential to have a significant and direct effect on existing properties surrounding the Hukatere Quarry, including Lot 21 on Te Wairoa Lane, Tinopai.

My concern is not with the continued operation of the quarry. I recognise that the quarry is an established activity and that reasonable planning provisions may be necessary to manage reverse sensitivity.

However, the proposed homogeneous 500-metre buffer doesn't take into account existing mitigation and true areas of quarry activity where it covers existing residential and lifestyle lots in the Te Wairoa Lane, Flounder Road, and Oyster Lane area, and it would prevent or significantly limit the ability to build one dwelling on those existing titles in areas that might not have reverse sensitivity effects and owners will have to incur in substantial additional costs. The assessment supporting the proposed buffer does not adequately consider the role of existing landforms as natural noise buffers. These landforms significantly influence how sound travels across neighbouring lots. Without recognising their buffering effect, the predicted noise impacts on my property may be overstated or inaccurately represented. This omission materially affects the justification for applying such a broad buffer to existing residential titles.

Sections 37 and 37A Resource Management Act

I respectfully request that the Panel exercise its powers under sections 37 and 37A of the Resource Management Act to waive the failure to comply with the submission timeframe and accept the attached submission.

I consider acceptance appropriate because:

- I am directly affected by the relief sought.
- The delay was not deliberate and arose solely because I was **not notified** as an affected party.
- I have acted promptly once becoming aware of the proposal.
- The matters raised are directly relevant to relief already before the Panel through Submission 152.
- Acceptance would assist the Panel in understanding the consequences of the proposed buffer for existing landowners, including the influence of **natural landforms on noise propagation**.
- My submission does not seek to introduce any unrelated new planning issues.
- My submission is focused on achieving an appropriate balance between protection of an established quarry and the reasonable use of existing surrounding properties.
- Acceptance of the submission at this stage would not cause unreasonable delay to the Proposed District Plan process.

I recognise that the Panel must also consider the interests of Atlas Quarries and any other potentially affected party. I have no objection to Atlas being provided with a copy of my submission and being given a reasonable opportunity to respond to the matters I raise.

Request

I therefore respectfully ask that:

1. The failure to lodge the attached submission within the prescribed submission period be waived.
2. The attached submission be accepted as a late submission on Atlas Quarries Ltd and Hukatere Quarries Ltd Submission 152.
3. The matters raised in my submission be considered as part of the relevant hearing concerning the proposed Hukatere Quarry buffer.
4. I be given the opportunity to be heard by the Independent Hearings Panel in support of my submission.

Thank you for considering this request.

Yours sincerely, Pilar García Domingo Owner, **Lot 21 Te Wairoa Lane, Tinopai**

Attachment: Late Submission_Proposed Buffer_Hukatere Quarries_Submission 152

Ngā mihi

Pilar Garcia Domingo

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Late Submission – Proposed Hukatere Quarry Buffer

PROPOSED KAIPARA DISTRICT PLAN

Late Submission concerning Atlas Quarries Ltd and Hukatere Quarries Ltd – Submission 152

Submitter: Pilar Garcia Domingo

Property: 198 Te Wairoa Lane, Tinopai (Lot 21)

Submission addressed: Atlas Quarries Ltd and Hukatere Quarries Ltd – Submission 152

Relevant submission points: Including Submission Points 152.2 and 152.5 and any associated relief relating to the proposed Hukatere Quarry buffer and sensitive activities within that buffer.

Position

I oppose in part the relief sought by Atlas Quarries Ltd and Hukatere Quarries Ltd.

I do not oppose the continued lawful operation of the Hukatere Quarry, nor do I oppose appropriate measures in the Proposed Kaipara District Plan to manage genuine reverse sensitivity effects.

I oppose the proposed 500-metre quarry buffer to the extent that it encompasses existing residential and lifestyle titles in the Te Wairoa Lane, Flounder Road, and Oyster Lane area, and would prevent or materially restrict the ability to establish one dwelling on those existing titles.

Background

I am the owner of the existing property at 198 Te Wairoa Lane (Lot 21).

My property is located within the 500-metre buffer sought by Atlas.

I wish to retain a reasonable and practicable ability to construct one residential dwelling on my existing title.

The topography of my site falls from north to south, away from the quarry. From my site the quarry is not visible, nor can the activity in the quarry be seen. The noise of its operation is already deflected by the landform. I have attached an image at the end of this document taken from Google Earth, annotating the ridge that defines the visual catchment from the quarry. Importantly, **I was not notified as an affected party**, despite my property being located within the proposed buffer. I only became aware of the implications of Submission 152 after independently reviewing material and speaking with neighbouring owners who had received direct notification. Had I been notified, I would have made a submission within the prescribed timeframe.

There are a number of established properties in the Te Wairoa Lane, Flounder Road, and Oyster Lane area which appear to be similarly affected by the proposed buffer.

Reasons for Opposition

1. Existing titles should be distinguished from future residential encroachment

There is an important distinction between:

- subdivision creating additional residential titles around an established quarry; and
- allowing one dwelling to be constructed on an existing legally established title.

Preventing continuing residential encroachment toward a quarry may be a legitimate reverse sensitivity consideration. However, applying effectively the same restriction to existing surrounding properties that have already been legally created is considerably more restrictive. The planning provisions should recognise this distinction.

2. A blanket 500-metre buffer is unnecessarily broad

A uniform 500-metre buffer does not necessarily reflect the actual effects of the quarry at every property or potential building location within that distance.

Relevant circumstances may include:

- distance from the active quarry workings
- topography
- vegetation and screening
- the location and orientation of an individual building platform
- noise levels at the proposed dwelling
- vibration
- dust
- quarry traffic
- acoustic construction
- landscaping
- other site-specific mitigation

A property should not necessarily lose its reasonable residential use simply because some portion or all of the title falls within an arbitrary distance measured from a quarry or mineral resource boundary.

3. Existing properties may be materially affected

Making a new dwelling a non-complying activity could substantially reduce the practical ability to establish a home on an existing property economically. This is a significant planning consequence for existing landowners.

It may also materially affect the use and value of properties that were established before this proposed buffer was introduced.

Such an outcome should only occur where it can be demonstrated to be necessary and proportionate to the actual reverse sensitivity risk.

4. Landforms provide natural mitigation

The landforms surrounding the quarry provide substantial natural mitigation of effects. The ridge between the quarry and Lot 21:

- blocks all direct visibility of quarry operations
- deflects and reduces noise
- separates the visual catchment
- materially reduces the likelihood of reverse sensitivity effects arising from a dwelling on Lot 21

Properties located behind this ridge, including Lot 21, are not exposed to the same effects as properties with direct line-of-sight to the quarry. The proposed buffer does not account for this important physical reality.

5. Less restrictive planning mechanisms are available

There are a number of alternatives available to manage reverse sensitivity without effectively preventing residential use of an existing title. These could include:

- locating a dwelling away from the quarry where practicable
- acoustic assessment
- acoustic insulation or building design
- orientation of dwellings and outdoor living areas
- landscaping or screening
- conditions addressing identified site-specific effects
- where appropriate, a reverse sensitivity covenant or similar mechanism

These measures allow actual effects to be assessed rather than assuming that every dwelling within 500 metres presents the same risk to the quarry.

6. I am not seeking to constrain the quarry

My submission should not be interpreted as opposition to the existing quarry operation.

I acknowledge that a person choosing to establish a dwelling near an existing quarry should reasonably expect some effects associated with that quarry.

My submission seeks a balanced outcome under which the quarry can continue to operate while existing neighbouring properties retain reasonable use of their land.

Relief Sought

Primary relief

I request that the proposed mapped Hukatere Quarry buffer be amended so that existing residential and lifestyle titles accessed from Te Wairoa Lane, Flounder Road, and Oyster Lane are excluded from the buffer where the proposed provisions would otherwise restrict the establishment of one dwelling on those existing titles.

I request that, when reviewing the proposed buffer, consideration be given to the landforms as natural mitigation of effects, and that properties behind the ridge that defines the visual catchment from the quarry be removed from the buffer.

This could be achieved by adjusting the mapped extent of the buffer around these established properties or by another mapping mechanism considered appropriate by the Panel.

Alternative relief

If the Panel considers that these properties should remain physically within the mapped quarry buffer, I request that the rules applying to the buffer expressly provide for:

- One residential dwelling on a title existing as at the date the Proposed Kaipara District Plan was notified.

Such a dwelling should not be a non-complying activity solely because the title is located within the quarry buffer.

Preferably, one dwelling per existing title should be a permitted activity, subject to appropriate performance standards.

If resource consent is considered necessary, it should be no more restrictive than a restricted discretionary activity, with discretion confined to genuine reverse sensitivity matters associated with the quarry.

Those matters could include:

- separation from quarry activities
- noise
- vibration
- dust
- dwelling location and orientation
- acoustic design
- landscaping and screening
- other reasonable mitigation measures

Further or consequential relief

I also seek any consequential amendments to objectives, policies, rules, definitions, maps, or other provisions of the Proposed Kaipara District Plan necessary to give effect to the relief above.

Decision Sought

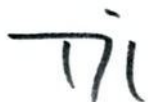
I ask the Independent Hearings Panel to recommend a planning framework that:

- protects the continued lawful operation of the Hukatere Quarry from unreasonable reverse sensitivity effects
- considers the landforms as natural mitigation of effects, reviewing the extent of the proposed buffer
- does not unnecessarily sterilise existing surrounding properties from residential use
- distinguishes existing titles from new subdivision or residential intensification
- removes the established Te Wairoa Lane, Flounder Road, and Oyster Lane properties from the restrictive effect of the proposed quarry buffer; or, alternatively
- expressly preserves the ability to establish one dwelling on each existing title

Hearing

I wish to be heard in support of this submission.

I am not a trade competitor of Atlas Quarries Ltd or Hukatere Quarries Ltd.



Signed: Pilar Garcia Domingo

Date: 07 September 2026

APPENDIX: visual from the quarry (taken from Google Earth)

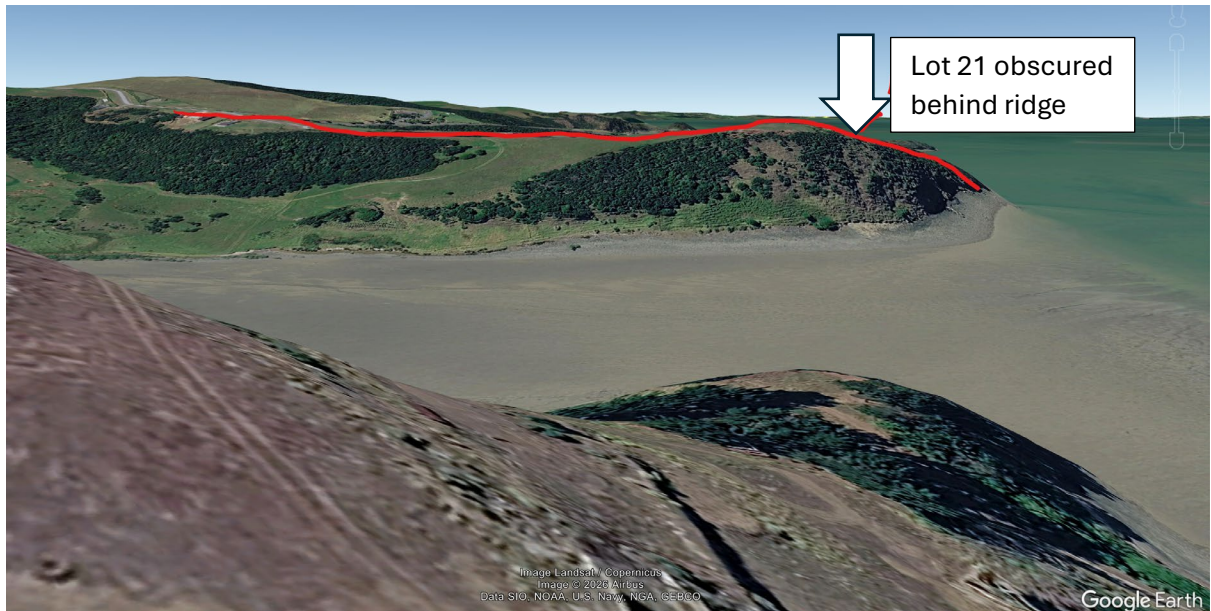


Image 1: View from the Further South-Western corner of the quarry. The red line illustrates the ridge line in the landforms, dividing the areas affected by activities in the quarry from those areas (including Lot 21) behind the ridge, and therefore not affected by any visual impact of the activity, and barely affected by any noise or any other nuisance.