

PROPOSED KAIPARA DISTRICT PLAN

Report to the Hearings Panel – Late Submissions and Trade Competition

Date: 18 August 2025



Kaipara te Oranganui • Two Oceans Two Harbours

1 Introduction

1. The Proposed Kaipara District Plan (**PDP**) was publicly notified on 28 April 2025, with a closing date for lodging submissions being 30 June 2025. 365 submissions were received in total. This report has been prepared to assist the Hearings Panel. This report is prepared for the opening hearing of the PDP and addresses three matters:
 - (a) Submissions received after the closing date (referred to as “late submissions”);
 - (b) Submissions that indicated that the submitter is a trade competitor; and
 - (c) Submissions that have opposed or supported the whole of the PDP.
2. While consideration of clauses (a) and (b) above require a decision and/or action by the Hearings Panel, inclusion of submissions that have opposed or supported the whole of the PDP is simply to inform the Hearings Panel of the breadth of the scope of the submissions.
3. This report includes recommendations, but it should be noted that those recommendations are not the decisions of the Hearings Panel. It is expected that the Hearings Panel will make any decision by way of directions following the opening hearing.

2 Consideration of Late Submissions

2.1 Statutory Framework

4. This section of the report sets out the statutory framework within which the Council must consider whether to allow late submissions. The starting point is clause 1 of Schedule 1 of the Resource Management Act (**RMA**) which states that where any time limit is set in this Schedule, a local authority may extend it under section 37 of the RMA. Sections 37 and 37A deal with the power and requirements of a waiver and extension of time limits. Section 37(1)(a) states:
 - (1) A consent authority or local authority may, in any particular case, -
 - (a) extend a time period specified in this Act or in regulations, whether or not the time period has expired; or
 - (b) waive a failure to comply with a requirement under this Act, regulations, or a plan for the time or method of service of documents.
5. Section 37A then sets out the requirements for waivers and extensions as follows:
 - (1) A consent authority or local authority must not extend a time limit or waive compliance with a time limit, a method of service, or the service of a document in accordance with section 37 unless it has taken into account -
 - (a) the interests of any person who, in its opinion, may be directly affected by the extension or waiver; and
 - (b) the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and
 - (c) its duty under section 21 to avoid unreasonable delay.
 - (2) A time period may be extended under section 37 for -
 - (a) a time not exceeding twice the maximum time period specified in this Act; or
 - (b) a time exceeding twice the maximum time period specified in this Act if the applicant or requiring authority requests or agrees.
 - ...
 - (6) A consent authority or a local authority must ensure that every person who, in its opinion, is directly affected by the extension of a time limit or the waiver of compliance with a time limit, a method of service, or the service of a document is notified of the extension or waiver.
6. It is noted that there is no maximum time period specified in the RMA for submissions and therefore section 37A(2) does not apply. Rather, the RMA specifies that the closing date for

submissions on a proposed plan shall be at least 40 working days after public notification (refer clause 5(3)(a) of Schedule 1 of the RMA).

2.2 Consideration of Late Submissions

7. Five submissions were received after 30 June 2025. The nature and content of the late submissions vary; some are site specific and relate to one particular property, while others address District-wide matters. Details of the late submissions are set out below in Table 1.

Table 1: Details of late submissions

Submitter number	Submitter	Date received by Council	Matters addressed in the submission
357	Catholic Diocese of Auckland	4 July 2025	<p>Opposes the inclusion of Sacred Heart Catholic Church and surrounds (HH-DAR-31) as a Historic Heritage Feature.</p> <p>Opposes the inclusion of Catholic Church of St Agnes and surrounds (HH-KAIH-01) as a Historic Heritage Feature.</p>
358	J. Wintle	8 July 2025	<p>Concern that RPROZ-R1 (also referenced R2) would unnecessarily limit the enjoyment of amenity values. Request for clarity on how these provisions are intended to meet the objectives of the PDP without limiting the ability to continue enjoying the submitter's property.</p> <p>Request for more flexibility to enable dwellings that are required for seasonal workers.</p> <p>Impact of the PDP on the submitter's property, particularly existing activities.</p> <p>Need for clear transitional provisions for activities currently underway.</p> <p>Need for clarity how access to dwellings will be maintained where "maintenance" activities may trigger a need for resource consent.</p> <p>A lower activity status of discretionary activity is sought for subdivision of Rural Production Zoned sites that does not comply with the minimum lot size.</p>
359	M. Calder	3 July 2025	<p>Retain the zoning of 12 Alcemene Lane, Baylys Beach as General residential zone.</p> <p>Retain GRZ-R3 a–d, and that locations not served by a reticulated wastewater system are only allowed 1 dwelling per 2000m² of net site area.</p> <p>Retain the definition of 'reticulated' as used in this rule, to only refer to wastewater</p>

Submitter number	Submitter	Date received by Council	Matters addressed in the submission
			<p>networks managed by network utility operators.</p> <p>Amend the zoning of Gillespie Farm, Baylys Beach for future growth (e.g. Future Urban Zone) rather than residential, and is only be rezoned through a subsequent change to the District Plan.</p>
360	D. and J. Patel	4 July 2025	<p>Retain the proposed rezoning of parts of Oneriri Road (including Takahoa Bay and Hinamoki Estates) from Rural zone to Rural lifestyle zone, which allows subdivision to a minimum of 0.4 hectares.</p>
361	Disabled Persons Assembly New Zealand	3 July 2025	<p>Requests for Council to establish a Disability Advisory Group.</p> <p>That tangata whaikaha Māori disabled be included in all planning and discussions around Māori Purpose Zones.</p> <p>That Council include disabled people as co-partners in all emergency preparedness planning with a focus on removing barriers in this space.</p> <p>That Council establish a voluntary register for disabled people to identify their requirements in case of emergency and/or evacuation.</p> <p>That Council collaborate with disabled people to actively raise awareness of the need for the region's disability community to prepare for emergencies.</p> <p>That Council ensure that all rebuilds, and new builds are accessible and based on Universal Design principles.</p> <p>That Council advocate for Universal Design with key stakeholders including, for example, architects, landscape designers, engineering consultants, and project managers.</p> <p>That Council work with Northland Regional Council on developing accessible public transport options.</p> <p>That all council decision-making bodies consider the needs of disabled and Māori disabled people as part of all planning processes.</p>

2.3 Recommendations and Reasons

8. The five late submissions were received no later than eight days after the close of submissions. The matters in section 37A(1) have been taken into account when considering the late submissions. Starting with section 37A(1)(a), there is no prejudice to any person directly affected by the Hearings Panel accepting the late submissions, particularly as the further submission period has not yet commenced. Should the Hearings Panel decide to waive the failure of submissions to comply with the time limit and accept the submissions, the content of those submissions (in particular, the decisions requested) will be included with the summary of decisions requested when further submissions are invited. There is therefore an opportunity for affected landowners to lodge a further submission in support or opposition to any of the late submissions.
9. Similarly the interests of the community in section 37A(1)(b) will be best represented by accepting the submissions and allowing further submissions. This will allow the community to consider the decisions sought in the late submissions, particularly given that several of the late submissions raise issues that are likely to be of interest to the wider community.
10. Accepting the late submissions will not create any delays to the PDP process in accordance with section 37A(1)(c). It is more efficient for the Hearings Panel to make the decision on late submissions now before the summary of decisions requested is notified, rather than later after the notification for further submissions has occurred.
11. The late submissions raise matters that are within the scope of the PDP, with the exception of Disabled Persons Assembly New Zealand [361] which seeks establishment of processes that sit outside the PDP (in addition to points which are relevant to the PDP). The submission from J. Wintle [358] addresses a zone which was included in the Draft PDP, but has not been carried through into the PDP. However, the issues raised in the submission such as amenity, dwellings for seasonal workers and subdivision are still relevant resource management matters.
12. It is considered appropriate that those matters be tested through the Schedule 1 RMA process along with all matters raised in the other 360 submissions received.
13. Accordingly, taking into account the matters set out in section 37A(1) of the RMA, it is recommended that the Hearings Panel accept all five submissions so that interested parties will have the opportunity to view these submissions during the further submission period and will be able to lodge further submissions in support or opposition. The issues raised can then be considered in the appropriate hearing(s).

3 Trade Competition

3.1 Statutory Framework

14. Clause 6(3) and (4) of Schedule 1 of the RMA limits submissions from any person who could gain an advantage in trade competition through the submission, unless it meets the following requirements:
 - (3) Any other person may make a submission but, if the person could gain an advantage in trade competition through the submission, the person's right to make a submission is limited by subclause (4).
 - (4) A person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that—
 - (a) adversely affects the environment; and
 - (b) does not relate to trade competition or the effects of trade competition.

15. Consequently, there is a box on the Form 5 submission form (both electronic and physical forms) about trade competition that requires each submitter to complete. The following submitters checked the trade competition statement meaning they could gain an advantage in trade competition:
- (a) L. Sheppard [2 and 128];
 - (b) Y. Stewart [148];
 - (c) Atlas Quarries Ltd and Hukatere Quarries Ltd [152];
 - (d) R. Woolnough [176];
 - (e) P. Hunt [228];
 - (f) Takahoa Bay Society [233]; and
 - (g) Baylys Beach Holiday Park [266].

3.2 Recommendation

16. As many of these appear to be lay submitters, it is possible they ticked the box in error or did not fully understand the question. It is therefore recommended that the Hearings Panel issue a direction requesting further information on trade competition from the submitters listed above. If the submitters could genuinely gain an advantage in trade competition, then there are two paths as set out in clause 6(4) of Schedule 1 of the RMA whereby the submissions are admissible. The submitters would therefore need to comply with clause 6(4)(a) and (b) of Schedule 1 of the RMA.

4 Submissions relating to the whole of the PDP

17. While most of the submissions received relate to specific provisions, zones, overlays or matters, there are a number of submissions that have opposed or supported the whole of the PDP, outlined in Table 2 below.

Table 2: Submissions opposing or supporting the whole PDP

Submission number	Submitter	Oppose / Support
20	C. Silvester	Support
30	A. Flavell	Oppose
50	Evolve Planning and Landscape	Oppose
68	H. Campion	Support
90	D. Green	Support
91	J. Green	Support
94	J. Green	Support
114	M. Foster	Support

Submission number	Submitter	Oppose / Support
124	R. Foster	Support
169	T. Mere. A. Kepa	Oppose
215	Hodges	Support
275	L & M Adams	Oppose
319	J. Warden	Oppose
358	J. Wintle	Oppose

18. Submissions of this type are difficult to address through the s42A reports because the nature of the opposition or support is not known. The purpose of recording these submissions is to alert the Hearings Panel to submissions that could potentially cover an unconstrained breadth of issues. Council intends to contact these submitters prior to drafting the section 42A report on general matters to better understand the submitter's concerns or interests (notwithstanding that the submissions lodged provide broad scope).