

IN THE MATTER of the Resource Management Act 1991 (**RMA**)

A N D

IN THE MATTER hearings on submissions on the Proposed Kaipara District Plan

BEFORE Independent Commissioner: Mark Farnsworth
(Chair) for Kaipara District Council.

Second Direction of the Hearing Panel

1. This Second Direction arises from the opening hearing of the Proposed Kaipara District Plan (PDP) held on 25 August 2025 and deals with the issue of trade competition.
2. Ms Carolyn Wratt, the author of the hearing report¹, advised that there is a box on the submission form (Form 5) about trade competition (both electronic and physical forms) that requires each submitter to complete. The following submitters ticked the trade competition box signalling they could gain an advantage in trade competition:
 - L Sheppard [2 & 128].
 - Y Stewart [148].
 - Altas Quarries Ltd and Hukatere Quarries Ltd [152].
 - R Woolnough [176].
 - P Hunt [228].
 - Takahoa Bay Society [233].
 - Baylys Beach Holiday Park [266].
3. Clause 6(3) of Schedule 1 of the Resource Management Act 1991 (RMA) provides that if a person could gain an advantage in trade competition through a submission, that person's right to make a submission is limited by subclause (4).
 4. Clause 6(4) provides that 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.
4. The hearing report recommended the Hearings Panel issue a direction requesting further information on trade competition from the submitters listed above as it appeared that many of those listed may be is possible they inadvertently ticked the box in error or did not fully understand the question.
5. I concur with the recommendation and direct:

¹ Carolyn Wratt, *Report to Hearings Panel - Late Submissions and Trade Competition – 18 August 2025*

- a. The submitters identified in paragraph 2 above should check their submission(s) to see if they may have ticked the 'trade competition box' in error. If an error is found, they are requested to inform the Hearings Administrator of the error by 16 September 2025..
- b. For those submitters who made an appropriate annotation in the 'trade competition box', they are directed to advise \ the Hearings Administrator how they comply with clause 6(4) of Schedule 1 RMA by 16 September 2025.

Questions

6. Any questions regarding this Second Direction should be directed to Meagan Walters, Hearings Administrator at Council via email mwalters@kaipara.govt.nz

A handwritten signature in black ink, appearing to read 'Mark Farnsworth', with a stylized flourish at the end.

Mark C Farnsworth MNZM
Panel Chair

26 August 2025