

Directions/Minute of the Commissioner #6
LUC24/48662 and SUB24/50201
Application for Washer Family Trust Limited
1 and 9 Washer Road, Omata

1. Having sent out Minute #5 dated 7 October 2025 confirming the engagement of Mr Laing to provide an independent legal opinion, setting out the questions for which I was seeking legal advice and providing time frames for that advice and responses from the parties, I received a memorandum from the Applicant's counsel Mr Young in the late afternoon of 7 October 2025. That memorandum was distributed to the parties today.
2. Having agreed to not oppose my seeking independent legal advice under section 41C of the Resource Management Act (RMA) at the hearing, the Applicant, having since further considered section 41C of the RMA, sets out in the memorandum that I do not have the power to seek said independent legal advice as I have not advised that I have formed a view as to section 41C(4)(a) of the RMA; namely;

the activity that is the subject of the hearing may, in the authority's opinion, have a significant adverse environmental effect;
3. I am however satisfied that I have the power under section 41C(4) to make the directions as set out in Minute #5, and in these circumstances, it is not necessary or appropriate that I revisit my directions.
4. To explain my position further for the benefit of all parties, I agree that the evidence present by the Applicant is that the application does not have any adverse environmental effects. That said I note that the section 42A reporting officer's evidence is that there are significant adverse environmental effects.
5. It is not appropriate for me to reach a concluded decision as to the significance of the adverse effects of the proposal at this point of the process. However, at this point in proceedings with contested evidence pointing both ways, I have formed the opinion for the purposes of section 41C(4)(a) that there may be significant adverse environmental effects.
6. I have also found that the other requirements of section 41C(4) are met and that I can seek independent legal advice as I have done.
7. It follows that the questions, directions and timeframes set out in Minute #5 remain in place.
8. Any correspondence to the Commissioner should be directed through Claire Kelly, Governance Advisor at NPDC (claire.kelly@npdc.govt.nz).



Mark St.Clair
Independent Commissioner - Chair
Date: 8 October 2025