

**BEFORE THE NEW PLYMOUTH DISTRICT COUNCIL INDEPENDENT HEARING
COMMISSIONERS**

IN THE MATTER of a request for Private Plan Change NPDC PLC18/00048
by Oakura Farm Park Limited to rezone land at Oakura
within the New Plymouth District

Memorandum from the Kaitake Community Board

- Point 1 This reply is provided in response to the Memoranda of Counsel for Oakura Farm Park Limited dated 6 August 2019 and 12 August 2019.
- Point 2 The Kaitake Community Board (KCB) is disturbed by the intent of the 6 August Memorandum that proposes the Hearing should be continued for another four months. The application and subsequent hearing has resulted in very considerable costs to the community, both in the time required for lay people to understand the application and its effects, as well as in the very large financial outlay that has been required.
- Point 3 The KCB believes the applicant has had ample opportunity to organise and produce his evidence and should not be provided with an opportunity to add new issues in a further submission. In our opinion we believe this would allow the applicant to produce a quite different application, not the one the community has had to address through the submission period. It will add substantially to the costs to the community regarding time and money.
- Point 4 The KCB wishes to make the following points from the 12 August Memorandum.
In Para 9 the counsel for the applicant states: *'the body of evidence presented after the applicant case was uncharacteristic of most private plan change hearings. A substantial body of evidence was presented at the hearing which had not been pre-circulated, and which the applicant has had no opportunity to address.'*
The KCB believes this has no bearing as the considerable lack of information provided by the applicant meant many submitters had no evidence to judge the worth of the application prior to the hearing. Also the evidence that was presented at the hearing by the submitters was generated from the original application and from the evidence/submissions of other submitters' original submissions to it, and the Officer's s42A report and applicant's further evidence following that. While some submitters elaborated on original submissions at the hearing it was only within the scope of everything already raised in submissions and filed well in advance of the hearing and therefore available to all parties.

Point 5 In Para 10 the counsel for the applicant states: *'In these circumstances, the principles of natural justice require that the applicant be given a fair opportunity to respond to the evidence presented.'*

The KCB finds it interesting that the principles of natural justice are put forward as a deferment defence. We refer to the complete lack of fair play demonstrated by the applicant in applying for the private plan change, after his firm promises made during the 2010 Tobin Hearing. Under the circumstances we believe this application has not been based on those principles and the point has no merit.

Point 6 In Para 11 the counsel for the applicant states: *'While all parties share an interest in securing a prompt and timely resolution of this matter, forcing the hearing to close prematurely and without all necessary evidence to make an informed decision, will result in an injustice, and unnecessarily give rise to appeal risk.'*

The KCB views the statement as an implied threat.

Point 7 Accordingly the KCB believes the hearing should be now closed and the Commissioner's decision decided on the evidence already provided.

Dated at Oākura on 21 August 2019



Doug Hislop
Chair
Kaitake Community Board