



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth
District Council**

23rd June 2025

Washer Family Trust Limited
C/- Landpro
Chris Rendall
Via Email: chris@landpro.co.nz

Dear Chris,

RE: APPLICATION FOR LANDUSE RESOURCE AND SUBDIVISION AT WASHER ROAD.

Under section 133A of the RMA 1991 changes have been made to the approved officer's report dated 19th June 2025. These changes have been made to correct the parties which will be subject to limited notification. Deletions are shown in a ~~strike through~~, and additions are shown in **bold underline**.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Zane Wood', with a stylized flourish at the end.

Zane Wood
Planning and Development Lead
New Plymouth District Council

**NOTIFICATION REPORT UNDER SECTION 95 OF THE RESOURCE MANAGEMENT
ACT 1991 FOR APPLICATIONS LUC24/48662 AND SUB24/50201**

Applicant:	Washer Family Trust Limited
Site Address:	1 and 9 Washer Road, Omata
Legal Description:	Lot 20 DP 385658 and Lot 31 DP 385658
Site Area:	0.470ha + 56.0513ha for a total of 56.4583ha
Zoning:	Rural Production Zone
District Plan Overlays	<ul style="list-style-type: none">▪ Local Road and State Highway▪ Noise Control Boundary▪ Waterbody (unnamed tributary)▪ Coastal Hazard Flooding Area▪ Coastal Erosion Hazard Area▪ Archaeological Sites of Significance (various)▪ Sites of Cultural Significance (various)▪ Coastal Environment▪ Designation (NZTA-3)
Proposal	<p><u>Subdivision:</u> Boundary adjustment subdivision between two existing lots</p> <p><u>Land Use:</u> Ability to site dwellings/structures within side yard setbacks</p>
Status:	<p><u>Subdivision:</u> Discretionary Activity</p> <p><u>Land Use:</u> Restricted Discretionary Activity</p>
Application received:	14 th November 2024

SITE DESCRIPTION AND SURROUNDING ENVIRONMENT

1. The subject site (refer Figure 1) includes the properties at 1 and 9 Washer Road which forms part of the Tapuae Estate, a rural-residential development between suburbs Oakura and Omata. The estate was created in 2008 and includes 30 rural-residential allotments set amongst balance allotments, held in common ownership and used for rural production and common recreation purposes. As part of the proposal, new access was formed to the coast via a new esplanade reserve. A scheme plan of the approved estate showing development lots and the balance farm lots is shown in Figure 2.
2. Number 1 Washer Road (Lot 31 DP 385658) is the balance farm allotment of the estate. This parcel also includes common recreational facilities such as a tennis court, pavilion and horse-riding facility. Lot 1 contains a number of sites of archaeological and cultural significance which fall within the Rohe of Taranaki iwi and Ngāti Tāiri hapū.
3. Existing Lot 20 DP 385658 is an undeveloped rural-residential allotment. The allotment is fully fenced and includes a portion of bush glad gully on its northern western margin.

4. Washer Road is accessed from State Highway 45 and ends at the Tapuae Estate boundary. The road provides access to a shared right of way which traverses the site.
5. The Assessment of Environmental Effects (AEE) by Landpro provides a comprehensive description of the existing site and should be read in conjunction with this report.

Figure 1: Application Site.



PROPOSAL

Subdivision Consent

6. The applicant proposes to undertake a 2-lot boundary adjustment of 2 existing records of title as shown in Figure 3 and described in Table 1.

Table 1: Proposed Subdivision: 1 and 9 Washer Road.

Lot #	Area	Proposed Use	Notes
Lot 1:	0.4070ha	Rural residential allotment to be developed at a later date.	The area of Lot 1 would be the same as the area of existing Lot 20 DP 385658. The lot boundaries would be located approximately 40m eastwards from their current location. Access to Lot 1 would continue to be via the already established internal private road network. Existing easements and consent notices would be transferred to the new title.

Lot 2:	56.0573ha	Balance estate allotment.	Lot 2 would be retained for rural production and common recreational purposes as the Tapuae Estate balance lot. Consistent with the current ownership of Lot 31 DP 385658, Lot 2 would be held in 1/30 th shares. All existing access to this lot would be retained. Existing easements and consent notices would be transferred to the new title.
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Land Use Consent

7. The application seeks the ability to establish a future dwelling on Lot 1 within 5m of the new boundary with Lot 2.
8. Whilst a land use consent allowing dwellings to be built to within 5m of side yards was approved in 2013¹, this approval related to the boundaries of Lots 1-30 DP 385658 that existed at the time. Whilst this consent has been partially enacted on other sites within the Estate, the subdivision proposal seeks to adjust the existing boundaries rendering the scope of the approval land use consent to be superseded. It is therefore considered that a new land use consent is required to allow dwellings to be located within 5m of the boundary.

STATUTORY REASONS FOR THE APPLICATION

9. Resource consents processed within the New Plymouth District are currently subject to two planning documents, being the Operative District Plan (ODP), established in 2005 and the Proposed District Plan 2023 (PDP). Following the completion of formal statutory transition process, the PDP will replace the ODP in its entirety.

Proposed District Plan 2023

10. Decisions were released on the PDP on the 13th of May 2023 and an appeals version of the PDP released on the 14th of September 2023.
11. The zoning of the site under the PDP is Rural Production Zone (RPROZ). I have reviewed the appeals lodged to the PDP decisions and have not identified any specific appeals affecting the proposed rezoning. The zoning of the site is therefore settled. The relevant Rules and Effects Standards for this proposal are summarised in Table 2 below:

Table 2: Relevant PDP Subdivision Rules and Effects Standards.

SUBDIVISION			
Rules			
Rule #	Rule Name	Status	Comments
SUB-R1	Boundary adjustment	CON	Activity status is controlled where: <i>1. the boundary adjustment does not: a. alter the permitted activity status of any existing permitted activities occurring on the allotments or the ability of an existing permitted activity to continue to comply as a permitted</i>

¹ Refer LUC13/46103.01.

			<p><i>activity under the rules and effects standards in this Plan; or</i></p> <p><u>Complies:</u></p> <p>The boundary adjustment would not change the existing land uses.</p> <p><i>b. increase the extent or degree to which any consented or otherwise lawfully established activity occurring on the allotments does not comply with a rule or effects standard in this Plan; and</i></p> <p><u>Complies:</u></p> <p>The boundary adjustment would not change the existing lawfully established uses for either Lot 20 or Lot 31 DP 385658.</p> <p><i>2. in the Rural Production Zone, the boundary adjustment does not result in additional potential for residential units as a permitted activity.</i></p> <p><u>Complies:</u></p> <p>Following the completion of the boundary adjustment, one dwelling can be built in both Lots 1 and 2. This is consistent with the pre-development state and allows compliance with SUB-R1(2) to be achieved.</p> <p>3. All subdivision Effects Standards are complied with.</p>
WB-R6	Subdivision of land containing or adjoining a natural waterbody	RDIS	This rule is triggered in all cases where a subdivision contains or adjoins a natural waterbody. Proposed Lot 2 has an unnamed tributary of the Tapuae Stream.
CE-R11	Subdivision of land with Coastal Environment	DIS	Part of the application site lies within the Coastal Environment
SASM-R15	Subdivision of land that contains any part of a scheduled site or area of significance to Māori	DIS	The subdivision application site contains the unverified and verified extent of multiple sites of cultural significance.
HH-R28	Subdivision of land containing any part of a scheduled archaeological site	DIS	The subdivision application site contains the unverified and verified extent of multiple sites of archaeological significance.

Effects Standards			
SUB-S1	Minimum lot size	Complies	The proposed meets the minimum lot size areas for the RPROZ (4000m ²)
SUB-S2	Requirements for building platform(s) for each allotment	Complies	The application includes a geotechnical report from Red Jacket demonstrating that Lot 1 has available a stable and flood risk free building platform which meets the requirements of SUB-S2(1) and (2).
SUB-S3	Stormwater treatment, catchment and disposal	Complies	
SUB-S4	Water supply	Complies	The new allotments can be provided with self-sufficient potable water supply (including firefighting water supply) in a way which meets SUB-S4.
SUB-S5	Sewage disposal	Complies	The new allotments can be provided with self-sufficient sewage disposal in a manner which meets SUB-S5.
SUB-S6	Network utility services	Complies	Existing easements providing for network utilities would be retained and transferred to the new titles where applicable.
SUB-S7	Transport, access and connectivity	Complies	The proposed accessway can comply with the Rules and Effects Standards of the Transport Chapter.
SUB-S8	Requirements for esplanade reserves or esplanade strips	Complies	No esplanade strips or reserves are required for this proposal.

12. Table 3 outlines the relevant rules and effects standards related to the land use consent.

Table 3: Relevant PDP Land Use Rules and Effects Standards.

LAND USE			
Rules			
Rule #	Rule Name	Status	Comments
RPROZ-R3	Residential unit	RDIS	The application is unable to meet RPROZ-S3(1) as it fails to comply with the Effects Standards of the Rural Production Zone. The application commits to designing a future building to comply with Effects Standard NOISE-S4 in accordance with RPROZ-S3(2).
RPROZ-R38	Building activities	RDIS	The proposal is unable to comply with the Effects Standards of the Rural Production Zone.

Effects Standards				
RPROZ-S2	Minimum setbacks	structure	Does not comply	<p>The proposed building platform on Lot 1 would not meet the required setbacks to the private boundary under and RPROZ-S2(2)(c).</p> <p>The Effects Standard requires a setback of 15m whereas the proposed building footprint would be set back 5m at a single point on the private boundary with Lot 2².</p>

13. Overall, the combined subdivision and land use application is for a Discretionary Activity under the PDP.

Operative District Plan 2005.

14. The site is located within the Rural Environment Area of the ODP. Given there are no appeals on the applicable PDP subdivision and land use rules, no consents are required under the ODP.

² Refer indicative building footprint shown in scheme plan RC01 dated 27th May 2024 submitted with the application.

Figure 2: Scheme Plan of Tapuae Estate. Source: McKinlay Surveyors.

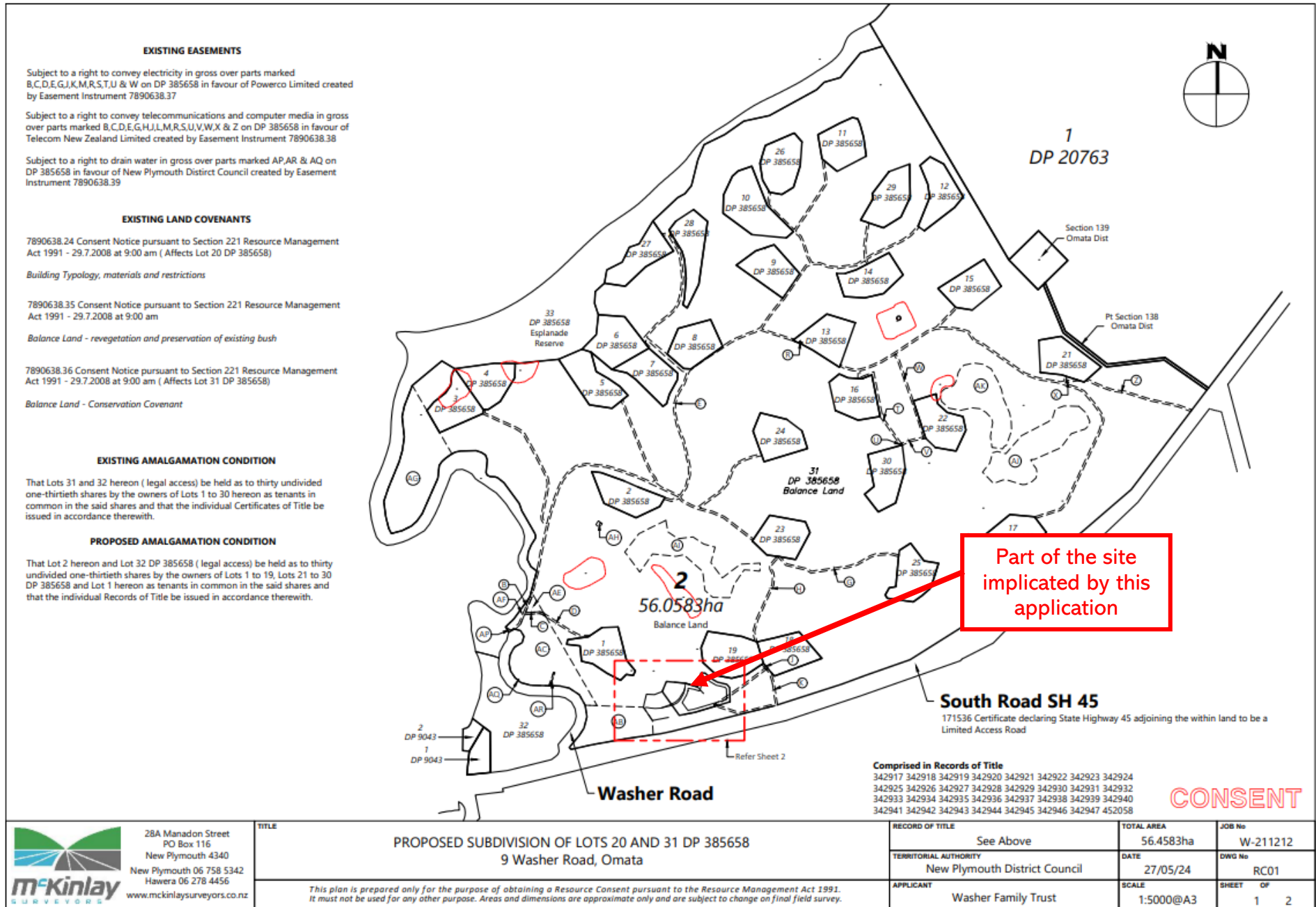
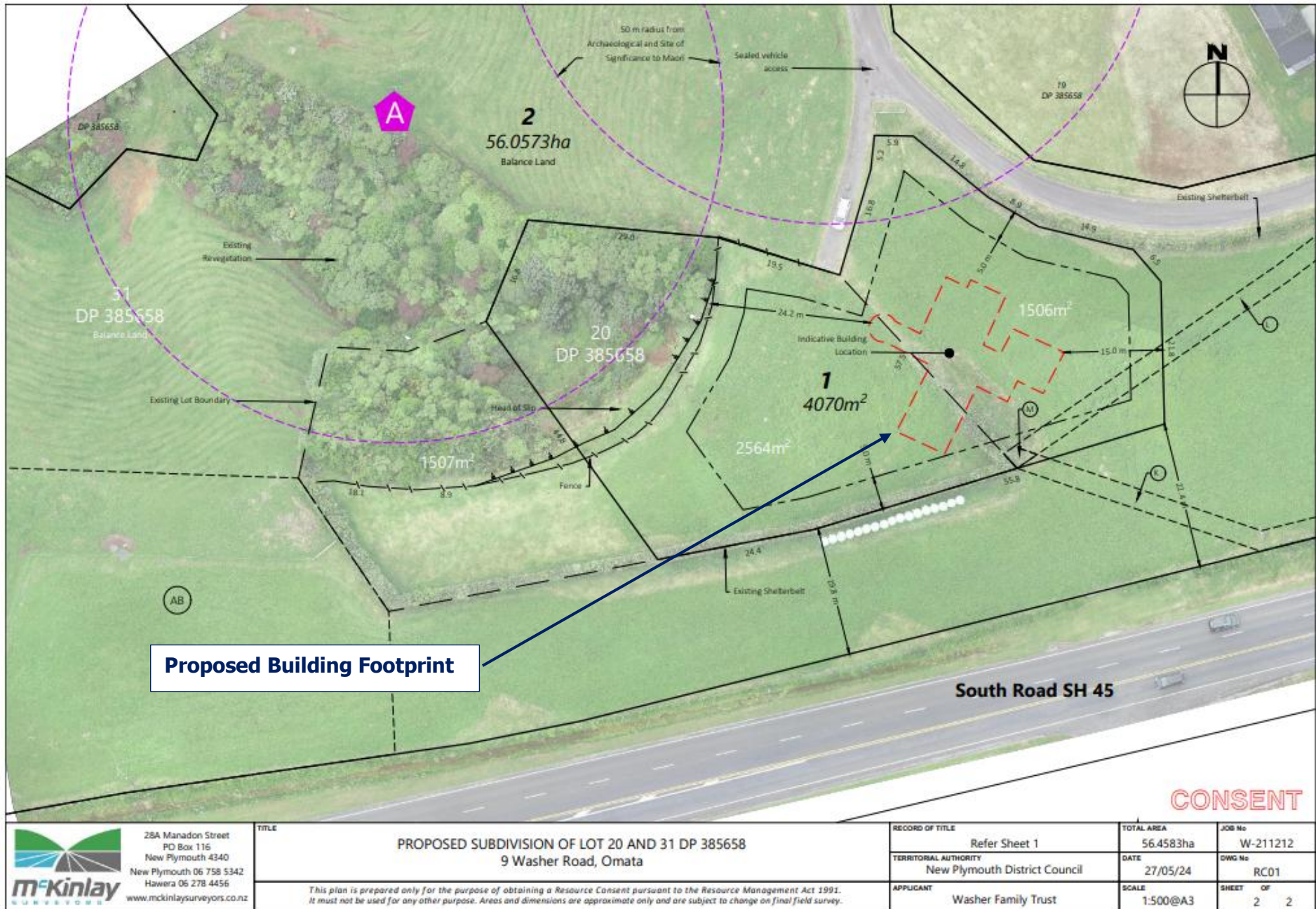


Figure 3: Proposed Site Plan. Source: McKinlay Surveyors.



NOTIFICATION DECISION

Public Notification (Section 95A)

15. The Council must follow the steps set out in the section below, in the order given, to determine whether to publicly notify an application for a resource consent (s95A(1)).

Step 1: Mandatory public notification in certain circumstances

- The applicant has not requested that the application be publicly notified.
- the applicant has not refused to provide further information or refused to agree to commissioning a report under s95C.
- The application is not made jointly with an application to exchange recreation reserve land.

Step 2: If not required by Step 1, public notification precluded in certain circumstances

- The application is not subject to a rule or national environmental standard that precludes notification.
- The proposal is for a Discretionary Activity and fails to meet the preclusion tests under s95A(5) of the Act. The combined application is therefore not precluded from public notification.

Step 3: If not precluded by step 2, public notification is required in certain circumstances

- The application is not for a resource consent for one or more activities subject to a district plan rule or NES that would require notification.
- The consent authority decides, in accordance with s95D that the activity will have or is likely to have adverse effects on the environment that are more than minor.

16. The following effects have been disregarded for the purposes of the notification decision (s95D and 95E):

Assessment Criteria

17. The combined application is for a Discretionary Activity and therefore the assessment of adverse effects is not restricted.

Trade Competition

18. I am not aware of any trade competition effects relating to this application and no written approvals have been provided with the application.

The Permitted Baseline

19. Sections 95D(b) and 95E(2)(a) of the Act provide that when determining the extent of the adverse effects of an activity or the effects on a person respectively, a Council 'may disregard an adverse effect if a rule or national environmental standard permits an activity with that effect'. This is known as the permitted activity baseline test.

20. The permitted activity baseline applies to consideration of both who is affected and whether effects are or are likely to be more than minor under both the public and limited notification assessments. If a Council applies the permitted activity baseline, it is only the adverse effects

over and above those forming a part of the baseline that are relevant when considering those two issues.

21. The permitted baseline has not been applied to this proposal given its involves a subdivision of land which requires a resource consent in all cases regardless of its scale and intensity. Overall, there is no credible comparison between the effects which may be expected as permitted activity and the effects of the proposal.

Adjacent Properties/Persons

22. Effects on persons who own or occupy the site, and adjacent sites have been disregarded under s95D(a)(ii).

Written Approvals

23. The written approval of the parties provided are outlined in Table 4:

Table 4: Written approvals provided.

Address	Name	Legal Description
1 Washer Road	Fast Fox Limited	Lot 1 DP 385658
3 Washer Road	Peter and Clare Foster	Lot 4 DP 385658
4 Washer Road	Satinder and Sukhi Benipal	Lot 5 DP 385658
5 Washer Road	Robert and Denise Dowman	Lot 2 DP 385658
6 Washer Road	Dean and Andrea Eggers	Lot 24 DP 385658
7 Washer Road	Peter and Robyn Campbell	Lot 23 DP 385658
10 Washer Road	Stephen and Dini Heinemann	Lot 19 DP 385658
11 Washer Road	Kevin and Lynnette Ewans	Lot 18 DP 385658
12 Washer Road	Satinder and Sukhi Benipal	Lot 8 DP 385658
16 Washer Road	Not 2 B Limited	Lot 28 DP 385658
17 Washer Road	Fiona and Jason McIntyre	Lot 9 DP 385658
18 Washer Road	Williams Trust Limited	Lot 10 DP 385658
20 Washer Road	Daniel Coster	Lot 12 DP 385658
25 Washer Road	Robert and Noelene Petrie	Lot 16 DP 385658
26 Washer Road	Mitchell and Holly Baker	Lot 22 DP 385658
27 Washer Road	Anne Lyon	Lot 30 DP 385658
28 Washer Road	Joseph Lawn and Emma Bennett	Lot 15 DP 385658
29 Washer Road	Fast Fox Limited	Lot 21 DP 385658
30 Washer Road	Grant and Paula Holdt	Lot 17 DP 385658

Assessment of Effects on the Wider Environment

24. In light of the matters which trigger the need for consent under the PDP I considered the following effects:
- Waterbodies
 - Coastal Environment
 - Access and traffic
 - Cultural Archaeological effects
 - Ability to provide building platform
 - Rural Character and amenity effects

Effects on Waterbodies

25. Whilst the site contains recorded waterbodies, these are not located in the vicinity of the boundary change between Lots 20 and 31. Effects on waterbodies are therefore concluded as being minor.

Coastal Environment

26. Whilst the application site contains land which is subject to the Coastal Environment overlay, the land to be adjusted between the boundaries is not located within the overlay. Effects on coastal values and coastal related hazards are therefore considered to be minor.

Traffic and Access

27. The proposed access arrangement is consistent with the existing situation with both Lots 1 and 2 gaining access from the already formed internal private right of way network which is accessed via Washer Road and State Highway 45.
28. Lot 1 would have direct frontage to rights of way on the northern and eastern boundaries of the site. Whilst the final site layout for Lot 1 has yet to be determined, it is envisaged that a driveway can be formed in a manner which meets the permitted activity criteria of the Transport Chapter. No physical alignment changes to the right of way are required and there would be no increase in the number of allotments accessing the right of way.
29. The scheme has been considered by the council's Development engineer, Arunima Subi-Manilal. Ms. Subi-Manilal raises no specific concerns regarding the proposed access and maneuvering layout.
30. Overall, I conclude that the traffic and access related effects of the proposal are minor.

Ability to Provide Building Platform

31. The aim of the proposed subdivision is to move the current building platform on Lot 20 further away from ground which is known to be unstable located within the existing gully to the north-west of the site.
32. The application includes a geotechnical report from Red Jacket who have assessed the new building site to the east of its current location and confirmed that this location can provide for foundations which meet the requirements of the Building Act. The findings of the report, including further statements provided as part of a further have been accepted by Ms Subi-Manilal. Overall, the application demonstrates that a stable and flood free building platform can be created.

Rural Character

33. The PDP which defines 'Rural Character' as *"the combination of elements and characteristics that make an area 'rural' rather than 'urban'. Rural character includes the key elements of spaciousness, vegetation of varying types, low density, built form and open space between buildings, with a predominance of primary production orientated activity as the prevailing working environment, and typically lacks urban infrastructure such as kerb and channel, street lighting, solid fences and footpaths, but can include network utilities such as telecommunications."*

34. The Rural Production Zone Chapter and Subdivision Chapters are particularly relevant to the issue of rural character. Like the ODP, the PDP provides clear direction that rural character should generally be maintained.

Spaciousness and the sense of low density:

35. Proposed lot 1 can be developed for a single dwelling consistent with the existing development rights of parent Lot 20. Overall, the proposal to adjust the boundaries would not reduce the existing general sense of spaciousness and low built density.

Vegetation:

36. The site is dominated by a covering of pastoral grass dispersed with areas of protected bush created under the original subdivision. All existing bush areas would be maintained and unaffected by this proposal.

Production Orientated:

37. There would be no net increase in the number of titles and there would be no obvious increase in development potential over and above the existing situation.
38. Given the majority of the application site would be retained for rural production purposes, the production orientated characteristics of the site would be retained.

Rural Based Industry and Rural Infrastructure:

39. The site contains no obvious rural industry or rural infrastructure.

Rural Character Conclusion:

40. In summary, a new rural residential allotment being created, the key aspects of rural character would be maintained. Overall effects on rural character would be minor.

Effects conclusions:

41. The effects of the proposal are considered to be minor.

Step 4: Public Notification in special circumstances

42. There are no special circumstances which require the application to be publicly notified.

Public Notification Conclusion:

43. The application need not be publicly notified under s95A of the Act.

Limited Notification (s95B)

Step 1: certain affected groups and affected persons must be notified

44. No protected customary rights groups or customary marine title groups are affected by the activity.

45. The site adjoins the Tapuae Stream which forms part of the Statutory Acknowledgement Area under the Taranaki Iwi Claims Settlement Act 2016. An email was sent to Taranaki iwi on 19th November 2024. No response was received at the time this report was finalised.
46. Whilst a formal written approval has not been provided from Taranaki iwi, email correspondence was provided from Ngāti Tāiri hapū who are mana whenua of the Tapuae Stream and surrounding Rohe. The correspondence outlines that hapū hold no concerns with the proposed development. Based on the response of mana whenua I am satisfied that effects on the Statutory Acknowledgement Area would be less than minor.

Step 2: if not required by step 1, limited notification precluded in certain circumstances

47. The application is not subject to a rule or national environmental standard that precludes notification.
48. As a Discretionary Activity, the combined application is not precluded from limited notification under s 95B.

Step 3: if not precluded by step 2, certain other affected persons must be notified

49. In the case of any other activity, determine whether a person is an affected person in accordance with s95E.

Assessment of Affected Parties

Rural Amenity Effects and the Ability to use the Land

50. I have considered the actual and potential effects resulting from the development including a future dwelling on Lot 1 and the ability to use the land being subdivided.
51. Unlike s95A³ the Council is not precluded from considering the effects of the development on persons that own or occupy the land under Step 3 of s95B. Whilst effects on some of the landowners have been disregarded as they have provided their approval for the development, effects on owners that have not provided their approval must be considered.
52. Future development of a dwelling on Lot 1 would primarily affect the outlook and rural amenity of the property at 10 Washer Road (Lot 19 DP 385658) to the east of Lot 1. Effects on persons associated with this property have been disregarded under s95E(3) of the Act as they have provided their written approval. All other existing dwellings within the Estate are located a sufficient distance away (250m+) to reduce possible outlook and rural amenity effects to a less than minor level on persons associated with them.
53. Turning to the general ability to use the land being subdivided. The application would alter the boundary between Lot 20 owned by the Washer Family Trust and Lot 31, which is held in shared ownership between 30th shares persons.
54. Following lodgment of the application, the Council received unsolicited correspondence from several of the individual owners of Lot 31. The correspondence received raised a consistent theme that some of the joint owners of Lot 31 did not agree with the proposal and did not

³ s95A(8) directs the consent authority to decide if adverse effects are likely to be more than minor under s95D. In undertaking this assessment under S95D, the consent authority must disregard any effects on persons who own or occupy the land in, on, or over which the activity will occur; or any land adjacent to that land.

consent to the adjustment to the boundaries between Lots 20 and 31. The concerns raised centre around the swapping of land within Lot 31 which is considered to be usable and productive with land contained within the gully area of Lot 20 which is deemed to be not as functional.

55. Whilst the receipt of unsolicited correspondence is not uncommon in consent processes, the issues highlight the fact that the boundaries of land held in common ownership would be changed and this broadly impacts on some of the owner's ability to use the land in a manner which is agreed by the common owners.
56. The parties which have a legal interest in the land and have not provided their written approval include the owners of 2, 8, **11**, 13-15, **19** and 21-24 Washer Road. Effects on person associated with these properties include the general ability to use the land and are at least minor therefore requiring the application be subject to limited notification.
57. Separate to the effects related to the use of the land, I retain a general concern whether, if consent is granted, the subdivision can be given effect too. Whilst the Act provides for the ability to apply for and have granted, resource consents on land which is not owned by the applicant, for any survey plan to be deposited, any consent holder is required to meet the certification requirements under the RMA and other statutes such as the Land Transfer Act 2017. The depositing process includes the transfer of easements which require written consent by every registered owner of an interest in the land. In this case that endorsement has not been provided.

Reverse Sensitivity Effects

58. Reverse sensitivity effects can arise where new noise sensitive activities or incompatible activities not associated with the surrounding land use are introduced to an environment where existing effects-intensive activities take place. Rural areas and sites located close to State Highways can be prone to reverse sensitivity effects as it involves many activities inherent with the day-to-day use of the land which generate effects such as road and rural production noise, dust and odour associated with production-based activities. If not well managed, reverse sensitivity effects have the potential to compromise the existing and future rural production activities which have legitimately been established.
59. I consider that the proposed density and layout of the proposed subdivision means that reverse sensitivity road noise or rural production effects are unlikely to be created.
60. Whilst Lot 1 is located within the noise control boundary overlay, any new future dwelling would be able to be credibly comply with the permitted activity requirements of Effects Standard Noise-S3. Compliance with this requirement would need to be demonstrated at the building consent stage.
61. Whilst the site is located within a Rural Production Zone, Lot 1 is not located in proximity to any obvious nuisance related activities such as dairy milking sheds, feed pads, farm quarries or other rural related industry.
62. On this basis I believe that reverse sensitivity effects on persons associated with the mentioned properties are less than minor.

Effects on hapū:

63. The Tapuae Estate includes approximately 15 sites of archaeological and cultural significance. The high density of sites underscores the significance of the site within the wider cultural Rohe. In all cases the PDP outlines that subdivisions of land containing archaeological and cultural sites of significance are discretionary activities.
64. The applicant has engaged with and received positive endorsement from Ngāti Tāiri hapū⁴ who are mana whenua over the area.
65. Overall, based on the positive feedback received from hapu, the proposed subdivision and land use consent would have less than minor impacts on the recorded site of significance and cultural values more broadly.

Step 4: further notification in special circumstances

66. There are no special circumstances which require the application to be limited notified to additional specific persons.

Conclusion

67. It is concluded under s95B of the RMA that the application needs to be limited notified. The parties considered affected are shown in Table 5 below:

Table 5: Parties which are subject to limited notification:

Address	Name	Legal Description
2 Washer Road	Philip Pryde and Robyn Marshall	Lot 3 DP 385658
8 Washer Road	David and Heather Sellen	Lot 25 DP 385658
<u>11 Washer Road</u>	<u>Kevin and Lynnette Ewans</u>	<u>Lot 18 DP 385658</u>
13 Washer Road	Rayner Management Limited	Lot 7 DP 385658
14 Washer Road	Brent and Maree Schumacher	Lot 6 DP 385658
15 Washer Road	Brenda Moore	Lot 27 DP 385658
<u>19 Washer Road</u>	<u>Rhys Vosper and Maria Vosper-Rink</u>	<u>Lot 14 DP 385658</u>
21 Washer Road	Barbara Cameron and Deborah Williams	Lot 29 DP 385658
22 Washer Road	Stephen and Fiona Frowde	Lot 11 DP 385658
23 Washer Road	John and Patrick Cameron	Lot 26 DP 385658
24 Washer Road	James and Denise Seed	Lot 13 DP 385658

Report by:



Name **Campbell Robinson**
Position **Consultant Planner**

Date **19th June 2025**

Notification Decision

Acting under Delegated Authority, and for the reasons set out in the above assessment, the application for resource consent SUB24/50201 and

⁴ Refer email from Rachael King, Ōakura Pā Treasurer, dated 30th April 2025.

LUC24/48662, need not be publicly notified under s95A of the Resource Management Act 1991, but be limited notified to the persons identified in Table 5 under s95B of the Resource Management Act 1991.



Name Richard Watkins
Position PRINCIPAL PLANNER
under Delegated Authority

Date 19th June 2025