

BEFORE THE NEW PLYMOUTH DISTRICT COUNCIL

IN THE MATTER OF

Section 357 objection to the decline of a non-notified subdivision consent SUB22/48013 at 118 Wortley Road, Lepperton, New Plymouth

APPLICANT

Aaron Stephens

**4TH MINUTE OF INDEPENDENT COMMISSIONER – QUESTIONS TO
PARTIES
DATED 15 DECEMBER 2025**

Minute of Independent Commissioner #2
S357 Objection – SUB22/48013

1. At the time I issued Minute 3, I had received and reviewed the planners' joint witness statement, the Council's s42A report and the Applicant's expert evidence. I have now reviewed the Applicant's Counsel's legal submissions.
2. I have not seen mention of the more recent *Rogers vs Christchurch City Council* [2019] NZEnvC 119, relating to the refusal of consent to a non-complying activity. I hereby request that both parties address whether this is a relevant case and whether there are any findings that are relevant to this objection. This is a matter that I will expect to be traversed at the hearing.
3. The Applicant is requested to:
 - provide a full copy of *Far North District Council vs Carrington Farms Limited*
 - provide full copies and summaries of any more recent case law to those cited that is relevant to the use and appropriateness of no-complaints covenants

Correspondence

4. Any correspondence with me should be directed through Julia Straka at julia.straka@npdc.govt.nz.



Gina Sweetman
Independent Commissioner
15 December 2025