

Directions/Minute of the Commissioner #2
LUC23/48350
Application for resource consent for K.D Holdings Limited for the extension of
existing commercial building at 39 – 41 Molesworth Street, New Plymouth.

In relation to this proposal, following the pre-circulation of all the reports and evidence required under Section 103B of the Resource Management Act 1991 (RMA), the Applicant, the submitters and the Section 42A Reporting officer met; the result of which was suggested amendments to the application and proposed conditions of consent. The Applicant and submitters filed emails to the effect that with the agreement from the meeting, they no longer wished to be heard.

To confirm the position of all the parties, and clarify matters as to pre-circulated evidence and proposed conditions, a pre-hearing conference (via Zoom) was conducted at 11.30am on Tuesday 6th August 2024. In attendance were Mr Grieve and Ms Martin for the Applicant, Ms Gibson for Ngāti Tāwhirikura Hapū, Mr Zeiltjes on behalf of Ngāti Te Whiti, Ms Thomson (Section 42A Reporting officer) and Mr Watkins for New Plymouth District Council (NPDC) and Ms Hickmott, Hearing Administrator for NPDC.

As a result of the pre-hearing conference and agreement amongst the parties, the hearing scheduled to commence at **9.00am Thursday 8 August 2024** at the New Plymouth District Council Civic Centre, 84 Liardet Street, New Plymouth is set aside.

The process agreed at the pre-hearing conference, is as follows:

1. The planners for the parties are to conference and prepare a revised set of conditions and include a revised full set of plans, reflecting the understood outcomes of the parties' positions and the issues raised by the Commissioner as to the conditions. The resulting Joint Witness Statement (JWS) from the conferencing session is to be sent to Jane Hickmott (jane.hickmott@npdc.govt.nz), Hearings' Administrator at NPDC, by way of email, for distribution to the parties.
2. The next step is for the submitters to advise their position as to the JWS referred to in Step 1. This should include any changes to their position as to their submission and evidence. Noting that the submitters have already advised that they no longer wish to be heard. These statements are to be sent to Jane Hickmott (jane.hickmott@npdc.govt.nz), Hearings' Administrator at NPDC, by way of email, for distribution to the parties.
3. The final step following the completion of Step 2, is for the Applicant to advise their position as to the material filed in Steps 1 and 2. Mr Grieve, counsel for the Applicant, advised that the Applicant offered the conditions discussed at the pre-hearing conference on an *Augier* basis. In addition, Mr Grieve had already advised that the Applicant no longer wished to be heard. This statement is to be sent to Jane Hickmott (jane.hickmott@npdc.govt.nz), Hearings' Administrator at NPDC, by way of email, for distribution to the parties.
4. On receipt of all the material set out in Steps 1 – 3 above, the Commissioner will then proceed to prepare a decision. As indicated at the pre-hearing conference, it is anticipated that the decision report will be completed on or before 15 working days of receipt of all the material set out in Steps 1 – 3.
5. Any correspondence to the Commissioner should be directed through Jane Hickmott Hearings' Administrator at NPDC (jane.hickmott@npdc.govt.nz).



Mark St.Clair
Independent Commissioner - Chair
Date 6 August 2024