

Directions/Minute of the Commissioner #1
SUB24/50201.01
Application for Washer Family Trust Limited
1 and 9 Washer Road, Omata

1. Pursuant to section 34A of the Resource Management Act 1991 (RMA), independent commissioner Mark St Clair has been appointed by New Plymouth District Council (NPDC) to hear and determine the application lodged by Washer Family Trust Limited (the Applicant) for a consent notice variation for a boundary adjustment between two existing lots at 1 and 9 Washer Road, Omata.
2. NPDC issued a hearing notice dated 8 April 2026 (copy attached to this Minute), setting out the filing dates for the section 42A Report, all the Applicant's evidence and for any submitter calling expert evidence. The hearing notice also scheduled the commencement of the hearing, in person, at **9am on Tuesday 16 June 2026** at the New Plymouth District Council Civic Centre, 84 Liardet Street, New Plymouth.
3. I observe that this hearing for the consent notice variation is for a separate application to the subdivision and land use consent application at the same property that I heard last year. There are submitters that have requested to be heard as to the consent notice variation and as such a hearing is required under section 100 (b) of the RMA. I also observe that there are some different submitters to those who participated in last year's hearing on the subdivision and land use application.
4. I received a request from the Applicant for the hearing to be conducted on-line. I instructed hearing administrator, Ms Claire Kelly – Acting Governance Manager at NPDC, to contact the Applicant, all the submitters and the Council officers, as to their ability and accessibility to participate in an on-line hearing. Some submitters requested the hearing be in person, noting previous issues with remote access.
5. Section 39AA of the RMA, sets out a discretion on the use of remote access facilities, as follows;
 - (4) *An authority may make a direction under subsection (2) provided that the authority—*
 - (a) *considers it appropriate and fair to do so; and*
 - (b) *is satisfied that the necessary remote access facilities are available.*
6. I have considered the request and responses from all the parties. I find that it is not appropriate or fair for the hearing to be conducted by the use of remote access facilities and I am not satisfied that the necessary remote access facilities are available. In the present circumstances, the hearing is to be in person.
7. At this stage I do not propose to conduct a site visit, given I visited the site and surrounding environment for last year's hearing. That said, should additional matters be raised at the forthcoming hearing, I may request a further site visit.
8. The filing dates for the section 42A Report, all the Applicant's evidence and for any submitter calling expert evidence remain in place as per the hearing notice dated 8 April 2026. I direct that all parties are to provide the section 42A Report, all the

Applicant's evidence and for any submitter calling expert evidence to Claire Kelly (claire.kelly@npdc.govt.nz), Acting Governance Manager at NPDC, by way of email. In addition, I request that as soon as practicable following receipt of any such reports or evidence received from the parties, NPDC provides a copy to all other parties to these proceedings by way of email with a link to the Council's website.

9. Pursuant to s41C(1) of the RMA, the Commissioner directs that in respect of expert evidence pre-circulated in accordance with these Directions, the hearing will be conducted in the following manner:
 - The section 42A report(s) will be taken as read;
 - The applicant that has provided the pre-circulated evidence is to call the witness in person;
 - The witness should be introduced and asked to confirm his or her qualifications and experience;
 - The witness should be asked to confirm the matters of fact and opinion contained in the brief of evidence;
 - The witness will then be given an opportunity to draw to the attention of the Commissioner the key points in the brief. No new evidence shall be introduced, unless it is specifically in response to matters raised in other pre-circulated briefs of evidence supplied by another party – in such cases the new evidence shall be presented in written form as an Addendum to the primary brief of evidence and it may be verbally presented by the witness. If there is any variation between what the witness says and what is in the brief of evidence, the Commissioner will assume that the written brief is the evidence unless the content of the brief is specifically amended by the witness;
 - The witness may then be questioned by the Commissioner.
10. Non-expert evidence should be tabled and read aloud on the day that the relevant party appears at the hearing.
11. The Hearing Commissioner requests that any party that is legally represented file legal submissions by **midday on Monday 15 June 2026**.
12. The hearing will be conducted in a manner which is appropriate and fair, but without unnecessary formality. Subject to adequate notice, the Commissioner will receive written or spoken evidence in Te Reo Māori. If any party wishes to present evidence in Te Reo Māori, they are requested to contact Claire Kelly (claire.kelly@npdc.govt.nz), Acting Governance Manager at NPDC, no later than **3pm on Tuesday 28 April 2026**.
13. The Commissioner also requests that all parties (the NPDC reporting officer, the applicant, and any of the submitters) calling expert witnesses liaise amongst themselves in order to facilitate their respective experts conferencing on matters relevant to their specific areas of expertise prior to the preparation of their reports or evidence (including any applicable conditions of consent) and through to the commencement of the hearing. The aim of the conferencing should be to identify areas

of agreement and disagreement which can then be noted in the reports and evidence (Environment Court Practice Note 2023, Sections 9.3 and 9.4).

14. The Commissioner will attempt to focus on the issues of contention during the hearing and in deliberations thereafter and so the assistance of the parties to clearly identify areas of expert agreement and disagreement in this manner will be greatly appreciated.
15. 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: 24 April 2026