

Directions/Minute of the Commissioner #4
LUC24/48662 and SUB24/50201
Application for Washer Family Trust Limited
1 and 9 Washer Road, Omata

1. The hearing commenced at 9.00am on 2 October 2025, with presentations from all the parties. I adjourned the hearing at 4.45pm on the same day having explained to the parties the purpose of the adjournment which is further addressed in this minute.
2. At the hearing, an initial procedural matter related to questions I raised in Minute #3 about any consent notices that may prevent further subdivision, was there an application to cancel or vary any consent notices, and if so, what process should be followed. Mr Young, counsel for the applicant, verbally responded to my questions in Minute #3 at the hearing, that in brief I summarise as follows; the boundary adjustment being applied for was not within the definition of “subdivision” in the Resource Management Act (RMA), and as such an application to amend the consent notice under section 221 of the RMA was not required. Mr Young helpfully filed those oral submissions in writing which provide the full reasoning and they have been placed on the hearing website <https://www.npdc.govt.nz/council/hearings/2025/october/washer-family-trust-limited/>.
3. In terms of Mr Young’s legal submissions on the procedural matter, I explained at the hearing that I wished to seek independent legal advice on the matter under section 41C of the RMA. The applicant advised at the hearing, that they would not oppose such advice being sought.
4. Therefore, I request that New Plymouth District Council seek to engage a barrister/solicitor that has the capacity, capability and time to undertake the task. At the same time, I will prepare a set of questions as to the issues around the procedural matter I seek to be addressed. I will issue a separate minute with the specific questions I wish to be addressed.
5. For completeness, as advised at the hearing, the submitters and the section 42A reporting officer will be provided the opportunity to respond in writing to the written legal submissions from Mr Young and the independent legal advice being sought. In addition, the Applicant will be provided the opportunity to respond to the independent legal advice being sought and any response from the submitters and/or the section 42A Reporting Officer. I will advise as to the timeframe for those responses once a date for the filing of the legal opinion has been confirmed. Again, as explained at the hearing any responses need to be focused on the procedural matter, and it is not an opportunity to relitigate matters already addressed at the hearing. Finally, as advised at the hearing, at this stage, the remainder of the process will be conducted “on the papers” and the hearing will not be reconvened with the parties appearing in person.
6. 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: 6 October 2025