

**Directions/Minute of the Commissioner #3**  
**LUC24/48662 and SUB24/50201**  
**Application for Washer Family Trust Limited**  
**1 and 9 Washer Road, Omata**

1. The hearing is scheduled to commence at 9.00am tomorrow, at New Plymouth District Council offices. That remains the case.
2. On reviewing the material handed up, the “Joint Submissions by 8 Freehold Residents” (Joint Submission) which has also been distributed to the parties, at section 3 on Page 2, the Joint Submission references, “*The Residential and Building Covenants include an express prohibition on further division or subdivision.*”. It further refers to LINZ Instrument 7890638.42 (Encumbrance) with a copy attached to the Joint Submission. I have attached that LINZ instrument to this minute.
3. In terms of material I currently have before me, that does not include:
  - a) A copy of the Record of Title for both Lots 20 and 31 DP 385658
  - b) A copy of the resource consent/s for the establishment of the Farm Park
  - c) A copy of the consent notice that attaches to Lot 31 DP 385658
4. I would be obliged if the documents set out in Item 3 a) – c) above could be provided at the commencement of the hearing tomorrow morning by the Applicant.
5. I have briefly reviewed the legal submissions for the Applicant, that were helpfully filed today and circulated to the parties. The submissions do not appear to address issue as to the prohibition on further subdivision.
5. Therefore, as a procedural matter at the commencement of the hearing, I wish the Applicant to address;
  - a) Does the Record of Title itself restrict further subdivision ?
  - b) If yes, what is the nature of the consent notice/covenant restricting further subdivision?
  - c) If a prohibition on further subdivision is in place, is the Applicant applying to vary the consent notice/covenant?
  - d) Has an application for variation of consent notice/covenant been lodged?
  - e) What process should follow?
6. Any correspondence to the Commissioner should be directed through Claire Kelly), Governance Advisor at NPDC ([claire.kelly@npdc.govt.nz](mailto:claire.kelly@npdc.govt.nz)).



Mark St.Clair  
Independent Commissioner - Chair  
**Date: 1 October 2025**