

**Directions/Minute of the Commissioner #5
SUB21/47781**

**Application for resource consent for B, M and R Sim for a 6 lot subdivision at 6 and 42
Leith Road, Okato, New Plymouth.**

- a) The hearing commenced at 10am on Wednesday 8 June 2022. In addressing any preliminary procedural matters, I informed the parties as to what I observed as a potential scope issue related to the subdivision application before me. Namely, that as a result of the expert planning conferencing, the Planning Joint Witness Statement (JWS) and the supplementary evidence from Ms Gerente (for the Applicant) and Ms Buttimore (for the Council), that a land use consent was also required for the proposal. I observed to the parties that a land use consent application had not been filed, only a subdivision consent application. Furthermore, I noted that an assessment of the potential effects of the land use had not been undertaken and nor had a notification assessment under section 95 of the Resource Management Act 1991 (RMA). Finally, I observed that the delegation to me for the hearing under section 34A of the RMA, only related to a subdivision consent.
- b) I suggested to the parties that a potential way forward was for me to issue a section 91(1) of the RMA decision placing the application on hold, while an application for land use was filed and assessed as required; until such time as the land use consent application caught up procedurally with the subdivision consent application. At this point I adjourned the hearing to provide the parties with the opportunity to consider this approach, suggest any alternatives or raise any issues in opposition. At the resumption of the hearing, the parties advised that they had discussed the matter and agreed with the approach outlined above.
- c) For completeness, I record that, in line with section 18A(a) of the RMA and with the agreement of the parties, I recommenced the hearing as to the subdivision consent matters and the hearing was adjourned at 4.11pm Wednesday 8 June 2022.
- d) Therefore, pursuant to section 91(1) of the RMA, the subdivision consent application SUB21/47781 from B, M and R Sim for a subdivision at 6 and 42 Leith Road, Okato, New Plymouth is placed on hold as an application for land use consent is also required and that it is appropriate to do so in order to better understand the proposal.
- e) Again for completeness, I would be assisted if the exact nature of any land use consent application was established between the parties, noting the matters raised in the Planning JWS and the additional matters raised in the hearing by Ms Buttimore, as to identified vehicle crossings, driveway locations, building platforms for Lots 2 and 3 and any assessment as to earthworks and landscape treatment, depending on the specifics of what the Applicant proposes.
- f) 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 10 June 2022