

22nd October 2025

BEFORE NEW PLMOUTH DISTRICT COUNCIL - Independent Commissioner Mark St. Clair

IN THE MATTER of applications by Washer Family Trust Limited for land use and subdivision resource consents at 1 and 9 Washer Road, Omata

MEMORANDUM OF THE S42A REPORTING OFFICER

1. I refer to Commissioner Mark St. Clair's "Minute 5" dated on Tuesday 7th October 2025.
2. The minute outlined that in response to receipt of legal advice from Mr Duncan Laing that:

"The submitters and/or Section 42A Reporting Officer may then prepare a written response as to the procedural matter, being the Applicant's position and the independent legal advice...."
3. I have reviewed the legal advice of Mr Laing which confirms the following:
 - The proposal involves a subdivision of land as defined under s218(1) of the RMA; and
 - Existing consent notice 7890638.35 would need to be either varied or cancelled to give effect to the proposal.
4. The Council accepts the independent advice of Mr Laing.
5. Based on the findings of the independent advice, I would make the following process points.
 - To give effect to the proposed boundary adjustment subdivision **and** land use consent, the applicant needs to apply for and have approved by NPDC, an application to vary or cancel:
 - consent notice 7890638.24 which relates to Lot 20 DP 385658 **and**
 - consent notice 7890638.35 which relates to Lot 31 DP 385658.
 - The process to vary or cancel consent notices is outlined under s221(3) and s221(3A) of the RMA.
 - The process to vary or cancel a consent notice includes a requirement for the consent authority to consider whether an application requires notification under s95 of the RMA.
 - Any application to vary or cancel the relevant consent notices should be considered in conjunction with the proposed land use and subdivision consent as the matters, based on the advice received, appear to be interrelated.

Campbell Robinson
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