

**Directions/Minute of the Commissioner #6  
SUB21/47781**

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

1. Pursuant to section 91(1) of the Resource Management Act 1991 (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 was placed on hold, on 10 June 2022 so that an application for land use consent could be filed with Council.
2. The land use application was lodged on 23 August 2022 and I have now received from Council a section 95 of the RMA decision report for said land use application. The section 95 of the RMA decision is that the land use application should proceed on a non-notified basis, with the decision being made by officers under delegated authority. In addition, I have now been delegated the authority pursuant to section 34A of the RMA, to hear and determine the land use application, alongside the application lodged by B, M and R Sim (the Applicant) to undertake a 6 lot subdivision at 6 and 42 Leith Road, Okato, New Plymouth. As such, the application is now removed from being on hold pursuant to section 91(1) of the RMA.
3. Now that land use application is at stage to be considered, the process now requires that Council prepare a section 42A report and similarly the applicant and submitter have the opportunity to file evidence on the revised application.
4. I observe that since the subdivision application was placed on hold, the National Policy Statement for Highly Productive Land 2022 has come into force on 17 October 2022. I would be assisted if the parties could address this matter in their responses as timetabled below. In addition, I would also be assisted by any material as to the integrated nature of the two applications, including any recommendations as to a revised set of conditions.

Accordingly:

5. Pursuant to section 103B(2) of the RMA, the Commissioner directs that the NPDC section 42A report be provided to the parties, by way of email with a link to the Council's website, no later than **3pm on Tuesday 6 December 2022**.
6. Pursuant to section 103B(3) of the RMA, the Commissioner directs that the Applicant is to provide written briefs of all their evidence to Jane Hickmott (jane.hickmott@npdc.govt.nz), Hearings' Administrator at NPDC, by way of email, no later than **3pm on Tuesday 20 December 2022**.
7. The Commissioner requests that as soon as practicable following receipt of any such evidence received pursuant to Direction 6, NPDC provides a copy to all other parties to these proceedings by way of email with a link to the Council's website.
8. Pursuant to section 103B(4) of the RMA, the Commissioner directs that if any person who has made a submission intends to present expert evidence at the hearing, including expert planning evidence, then that party is to provide a written brief of that expert evidence to Jane Hickmott (jane.hickmott@npdc.govt.nz), Hearings' Administrator at NPDC, by way of email, no later than **3pm on Tuesday 24 January 2023**.

9. The Commissioner requests that as soon as practicable following receipt of any such evidence received pursuant to Direction 8, NPDC provides a copy to all other parties to these proceedings by way of email with a link to the Council's website.
10. In terms of Directions 5, 6 and 8 the reports and evidence should be provided to NPDC electronically by email. Hard copies of the evidence should only be provided on request.
11. On receipt and review of the above section 42A report and any evidence, I will then set out the next steps in the hearing process.
12. Any correspondence to the Commissioner should be directed through Jane Hickmott Hearings' Administrator at NPDC ([jane.hickmott@npdc.govt.nz](mailto:jane.hickmott@npdc.govt.nz)).



Mark St.Clair  
**Independent Commissioner - Chair**  
**Date 23 November 2022**