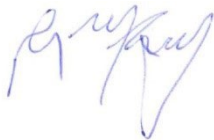


POST HEARING MINUTE #3
APPLICATION BY BRYAN AND KIM ROACH LUC23/48350

1. The following is further to my Post Hearing Minutes dated 28 March 2025 and 17 April 2025.
2. The Minute dated 17 April 2025 (Minute 2) set directions for the Applicant's team to prepare an amended pergola plan and PDP assessment of it to be filed with the Right of Reply on 28 April 2025. Given the impending statutory holidays and the limited time available, I invited Mr Grieve to submit an achievable timeline for the directions to be met by, if they were considered impracticable to achieve by 28 April 2025.
3. Mr Grieve submitted the attached *'Memorandum of Counsel for the Applicant Bryan & Kim Roach & South Taranaki Trustees Limited'* on Thursday 17 April 2025 for consideration. That memorandum sought extension until Friday 9 May 2025 for the Applicant's expert team to respond to the directions set out in Minute 2 and for the Right of Reply to be filed.
4. I find the time extension to Friday 9 May 2025 to be appropriate, and hereby amend the due dates set out in paragraphs 5 and 6 of Minute 2, from Monday 28 April 2025 to **Friday 9 May 2025.**



Philip McKay
Independent Commissioner
On behalf of New Plymouth District Council

Dated: 22 April 2025

**BEFORE THE NEW PLYMOUTH DISTRICT COUNCIL APPOINTED
INDEPENDENT HEARINGS COMMISSIONER PHILIP MCKAY**

IN THE MATTER

of the Resource
Management Act 1991
("RMA")

AND

IN THE MATTER

of an application under
section 88 of the Act by
**BRYAN & KIM ROACH
& SOUTH TARANAKI
TRUSTEES LTD** to the
**NEW PLYMOUTH
DISTRICT COUNCIL** for
a land use consent to
construct a dwelling and
associated retaining
and fencing at 24/26
Woolcombe Terrace,
New Plymouth.
(LUC24/48512)

**MEMORANDUM OF COUNSEL
FOR THE APPLICANT BRYAN & KIM ROACH & SOUTH TARANAKI
TRUSTEES LIMITED (ROACH)**

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NEW PLYMOUTH
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Fax No. 06 757 9852
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Lawyer Acting: SWA Grieve

MAY IT PLEASE THE COMMISSIONER:

1. Counsel and the applicant would like to thank the Commissioner for his Post Hearing Minute #2 dated 17 April 2025 received this afternoon.
2. Counsel has noted the Commissioner's directions as set out in paragraphs 3-6 and has urgently been in contact with Mr and Mrs Roach and as many of the relevant experts as he has been able to contact in the short time this afternoon allowed – particularly when people are heading away for the Easter break (and some have not been contactable).
3. In the limited time that counsel has had to discuss those matters with the limited number of experts that he has – it is apparent that some people are heading away for the Easter break out of New Plymouth – and also of course after Easter Monday on 21 April 2025 – there is another short week until ANZAC Day on 25 April 2025 (and some people are also away on leave in the intervening period between Easter Monday and ANZAC Day – and not available again until 28 April 2025).
4. On that basis after discussions with the limited number of experts that counsel has been able to contact – and Mr and Mrs Roach in particular – counsel has been instructed to file this Memorandum on behalf of the applicant to respectfully request that the matters set out in paragraphs 5 and 6 of the abovementioned Post Hearing Minute #2 be filed with Ms Straka by Friday 9 May 2025.
5. Counsel is of the view that that would be a reasonably achievable timeline for the Commissioner's directions to be met, to achieve all of those matters in the circumstances.
6. If the Commissioner has any further queries of counsel – then please do not hesitate to let me know.
7. We await further directions.

Dated at New Plymouth this 17th day of April 2025



S W A Grieve
Counsel for Bryan & Kim Roach & South Taranaki
Trustees Limited