

BEFORE THE NEW PLYMOUTH DISTRICT COUNCIL

IN THE MATTER OF

Section 357 objection to the decline of a non-notified subdivision consent SUB22/48013 at 118 Wortley Road, Lepperton, New Plymouth

APPLICANT

Aaron Stephens

**1ST MINUTE OF INDEPENDENT COMMISSIONER - HEARING
PROCEDURES AND COMMISSIONER DIRECTIONS
DATED 17 OCTOBER 2025**

Minute of Independent Commissioner #1
S357 Objection – SUB22/48013

Commissioner appointment

1. I, Gina Sweetman have been appointed by New Plymouth District Council (the Council) pursuant to section 34A of the Resource Management Act 1991 (the RMA) to hear and determine this objection under s357 of the RMA.

Consideration of the Objection and Hearing Date

2. I have reviewed both the Decision and the Objection. At this point, I require further information before I can determine whether a hearing is required or whether I can make a decision on the papers. I am proceeding on the basis that a hearing will be required. As the decline of the consent was on the basis of policy direction and Part 2 RMA, it is unlikely that I will need to visit the site and so the hearing may be held online. This may change as further information becomes available.
3. The hearing has been scheduled for Wednesday 17th December 2025. The location of the hearing will be confirmed closer to the time.

Specific questions to the parties

4. Having reviewed the Decision and the Objection, I have the following questions to the two parties:
 - How does the granting of a land use consent for a second dwelling on a site of this size in close proximity to the existing dwelling reconcile with the objectives and policies of the operative and proposed district plans?
 - If an esplanade strip already exists, is it lawful to require an additional width to be provided on subdivision?
 - What conditions/restrictions apply to the land use consent for the second dwelling on the site? Are there any additional rules in the Operative or Proposed District Plan regarding the second dwelling?
 - Is it vires to impose conditions on a resource consent that prevents further subdivision or land use consents?

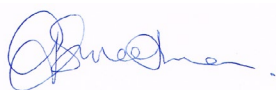
Exchange of evidence

5. I hereby direct the following pre-circulation of evidence in advance of the hearing commencing:
 - The Council is directed to provide a response to the matters raised in the s357 objection and to the questions in paragraph 4 above. A copy of the Council's response must be provided to the Applicant no later than 10 working days before the hearing. This would be no later than 4pm, Tuesday 2 December 2025.

- The Applicant is directed to respond to the questions in paragraph 4 above and may choose to provide any additional evidence and a rebuttal to the Council response. The response and any further evidence or rebuttal is directed to be provided to the Council no later than 5 working days before the hearing. This would be no later than 4pm, Tuesday 9 December 2025.
6. The material directed and requested in paragraph 5 is to be provided to the Council electronically as Word documents by email. Hard copies of the evidence should only be provided on request. I am to be sent copies of the material on receipt.
 7. Pursuant to s41C(1) of the RMA, I direct that in respect of any expert evidence pre-circulated in accordance with these Directions, the hearing will be conducted in the following manner:
 - All pre-circulated evidence will be taken as read;
 - Where the applicant has provided pre-circulated evidence, they are to call the witness in person;
 - The witness should be introduced and asked to confirm his or her qualifications and experience;
 - The witness should be asked to confirm the matters of fact and opinion contained in the brief of evidence;
 - The witness will then be given an opportunity to draw to my attention the key points in the brief. No new evidence shall be introduced, unless it is specifically in response to matters raised in other pre-circulated briefs of evidence supplied by another party – in such cases the new evidence shall be presented in written form as an Addendum to the primary brief of evidence and it may be verbally presented by the witness. If there is any variation between what the witness says and what is in the brief of evidence, I will assume that the written brief is the evidence unless the content of the brief is specifically amended by the witness; and
 - I may then question the witness.
 8. I cordially request that any non-expert evidence (including legal submissions) be provided two working days in advance of the hearing, or otherwise if not pre-provided, be read aloud on the day of the hearing.

Correspondence

9. Any correspondence with me should be directed through Julie Straka at julie.straka@npdc.govt.nz or 06 759 5688.



Gina Sweetman
Independent Commissioner
20 October 2025