

**Directions/Minute of the Commissioner #1**  
**SUB24/50201.01**  
**Application for Washer Family Trust Limited**  
**1 and 9 Washer Road, Omata**

1. Pursuant to section 34A of the Resource Management Act 1991 (RMA), independent commissioner Mark St Clair has been appointed by New Plymouth District Council (NPDC) to hear and determine the application lodged by Washer Family Trust Limited (the Applicant) for a consent notice variation for a boundary adjustment between two existing lots at 1 and 9 Washer Road, Omata.
2. NPDC issued a hearing notice dated 8 April 2026 (copy attached to this Minute), setting out the filing dates for the section 42A Report, all the Applicant's evidence and for any submitter calling expert evidence. The hearing notice also scheduled the commencement of the hearing, in person, at **9am on Tuesday 16 June 2026** at the New Plymouth District Council Civic Centre, 84 Liardet Street, New Plymouth.
3. I observe that this hearing for the consent notice variation is for a separate application to the subdivision and land use consent application at the same property that I heard last year. There are submitters that have requested to be heard as to the consent notice variation and as such a hearing is required under section 100 (b) of the RMA. I also observe that there are some different submitters to those who participated in last year's hearing on the subdivision and land use application.
4. I received a request from the Applicant for the hearing to be conducted on-line. I instructed hearing administrator, Ms Claire Kelly – Acting Governance Manager at NPDC, to contact the Applicant, all the submitters and the Council officers, as to their ability and accessibility to participate in an on-line hearing. Some submitters requested the hearing be in person, noting previous issues with remote access.
5. Section 39AA of the RMA, sets out a discretion on the use of remote access facilities, as follows;

*(4) An authority may make a direction under subsection (2) provided that the authority—*  
*(a) considers it appropriate and fair to do so; and*  
*(b) is satisfied that the necessary remote access facilities are available.*
6. I have considered the request and responses from all the parties. I find that it is not appropriate or fair for the hearing to be conducted by the use of remote access facilities and I am not satisfied that the necessary remote access facilities are available. In the present circumstances, the hearing is to be in person.
7. At this stage I do not propose to conduct a site visit, given I visited the site and surrounding environment for last year's hearing. That said, should additional matters be raised at the forthcoming hearing, I may request a further site visit.
8. The filing dates for the section 42A Report, all the Applicant's evidence and for any submitter calling expert evidence remain in place as per the hearing notice dated 8 April 2026. I direct that all parties are to provide the section 42A Report, all the

Applicant's evidence and for any submitter calling expert evidence to Claire Kelly ([claire.kelly@npdc.govt.nz](mailto:claire.kelly@npdc.govt.nz)), Acting Governance Manager at NPDC, by way of email. In addition, I request that as soon as practicable following receipt of any such reports or evidence received from the parties, NPDC provides a copy to all other parties to these proceedings by way of email with a link to the Council's website.

9. Pursuant to s41C(1) of the RMA, the Commissioner directs that in respect of expert evidence pre-circulated in accordance with these Directions, the hearing will be conducted in the following manner:
  - The section 42A report(s) will be taken as read;
  - The applicant that has provided the pre-circulated evidence is 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 the attention of the Commissioner 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, the Commissioner will assume that the written brief is the evidence unless the content of the brief is specifically amended by the witness;
  - The witness may then be questioned by the Commissioner.
10. Non-expert evidence should be tabled and read aloud on the day that the relevant party appears at the hearing.
11. The Hearing Commissioner requests that any party that is legally represented file legal submissions by **midday on Monday 15 June 2026**.
12. The hearing will be conducted in a manner which is appropriate and fair, but without unnecessary formality. Subject to adequate notice, the Commissioner will receive written or spoken evidence in Te Reo Māori. If any party wishes to present evidence in Te Reo Māori, they are requested to contact Claire Kelly ([claire.kelly@npdc.govt.nz](mailto:claire.kelly@npdc.govt.nz)), Acting Governance Manager at NPDC, no later than **3pm on Tuesday 28 April 2026**.
13. The Commissioner also requests that all parties (the NPDC reporting officer, the applicant, and any of the submitters) calling expert witnesses liaise amongst themselves in order to facilitate their respective experts conferencing on matters relevant to their specific areas of expertise prior to the preparation of their reports or evidence (including any applicable conditions of consent) and through to the commencement of the hearing. The aim of the conferencing should be to identify areas

of agreement and disagreement which can then be noted in the reports and evidence (Environment Court Practice Note 2023, Sections 9.3 and 9.4).

14. The Commissioner will attempt to focus on the issues of contention during the hearing and in deliberations thereafter and so the assistance of the parties to clearly identify areas of expert agreement and disagreement in this manner will be greatly appreciated.
15. Any correspondence to the Commissioner should be directed through Claire Kelly, Governance Advisor at NPDC ([claire.kelly@npdc.govt.nz](mailto:claire.kelly@npdc.govt.nz)).



Mark St.Clair  
Independent Commissioner - Chair  
**Date: 24 April 2026**

**Directions/Minute of the Commissioner #2**  
**SUB24/50201.01**  
**Application for Washer Family Trust Limited**  
**1 and 9 Washer Road, Omata**

1. Further to Minute #1 dated 24 April 2026 and notice of the hearing from New Plymouth District Council (NPDC) dated 8 April 2024, the purpose of this minute is to set out some particular matters that I would be assisted in being addressed in the section 42A of the Resource Management Act 1991 (RMA) Report, any expert evidence and any submissions, to be filed in accordance with the timetable set out in said hearing notice.
2. I observe that since the subdivision and land use consent applications were placed on hold last year, a suite of new or revised National Policy Statements and National Environmental Standards have come into force. In particular, I note a new National Policy Statement on Natural Hazards 2025. I would be assisted if the parties could address the relevance of this new or revised national direction, if any, in their responses as timetabled in the hearing notice. In addition, I would also be assisted by any material as to the integrated nature of the two applications (the subdivision/land use application and the s221 of the RMA application), including any recommendations as to a revised set of conditions to address matters of consistency. I record that I am asking these questions in relation to conditions now so that they can be addressed at the hearing. The parties should not take from this that I have in anyway decided to grant or decline the application.
3. The timetable set out in the hearing notice and the manner in which the hearing is to be conducted as set out Minute #1, remain in place.
4. Any correspondence to the Commissioner should be directed through Claire Kelly, Governance Advisor at NPDC ([claire.kelly@npdc.govt.nz](mailto:claire.kelly@npdc.govt.nz)).



Mark St.Clair  
Independent Commissioner - Chair  
**Date: 6 May 2026**

**Directions/Minute of the Commissioner #3**  
**SUB24/50201.01**  
**Application for Washer Family Trust Limited**  
**1 and 9 Washer Road, Omata**

1. On Friday 29 May 2026, three briefs of evidence from the Applicant were filed and distributed to the parties in line with timetable. One further brief of evidence from the Applicant was received later the same day at 4.42pm. It was not distributed to the parties at that time.
2. This latter brief of evidence is only just outside the timeframe specified and considering sections 37 and 37A of the Resource Management Act 1991 (RMA), I extend the timeframe and accept the late filing.
3. I have instructed New Plymouth District Council to distribute the late evidence to the parties.
4. For completeness, I extend the timeframe for the submitters to file expert evidence, should they choose to do so, by one day, till **midday Tuesday, 9 June 2026**.
5. The rest of the timetable set out in the hearing notice and the manner in which the hearing is to be conducted as set out Minute #1, remain in place.
6. Any correspondence to the Commissioner should be directed through Claire Kelly, Acting Governance Manager at NPDC ([claire.kelly@npdc.govt.nz](mailto:claire.kelly@npdc.govt.nz)).



Mark St.Clair  
Independent Commissioner - Chair  
**Date: 2 June 2026**

**Directions/Minute of the Commissioner #4**  
**SUB24/50201.01**  
**Application for Washer Family Trust Limited**  
**1 and 9 Washer Road, Omata**

1. The section 42A Report of the Resource Management Act 1991(**RMA**) and all the Applicant's evidence has been filed and distributed to the parties. The submitters did not file any expect evidence. In addition, the parties have identified their appearance confirmation as per the hearing notice.
2. I have reviewed the section 42A Report and Applicant's evidence. In terms of appearances, at this stage I do not have any questions for Ms Franklin or Ms Hooper and as such I do not require them to attend the hearing. They are of course welcome to attend. Should any questions arise for Ms Franklin or Ms Hooper during the hearing, they may be responded to in writing. If necessary, I will set a timetable for those responses at the hearing.
3. On reviewing the evidence of Mr Rendall, I observe that Mr Rendall introduces an alternative scheme plan layout "Option 2" (see paras 33 – 39 and Appendix B of his evidence dated 29-05-26). My initial question relates to whether the alternative scheme is within the scope of the application? I draw this to the parties' attention now, so that they might address this question at the hearing.
4. The hearing timetable is attached to this minute. The parties will observe that I amended the order in which I wish to hear from them to reflect that the submitters are heard separately from the applicant's case, with any submitters in support of an application appearing before those submitters in opposition to an application. In addition, the 45 minutes sought by the applicant to close their case following their witnesses is excessive and not necessary given they have a right of reply. At this point I signal that the right of reply should be writing and that I will address the timetable for that, at the hearing itself.
5. The rest of the timetable set out in the hearing notice and the manner in which the hearing is to be conducted as set out Minute #1, remain in place.
6. Any correspondence to the Commissioner should be directed through Claire Kelly, Acting Manager Governance at NPDC ([claire.kelly@npdc.govt.nz](mailto:claire.kelly@npdc.govt.nz)).



Mark St.Clair  
Independent Commissioner - Chair  
**Date: 10 June 2026**

**Directions/Minute of the Commissioner #5**  
**SUB24/50201.01**  
**Application for Washer Family Trust Limited**  
**1 and 9 Washer Road, Omata**

1. Today, legal submissions were filed on behalf of the Applicant and submitters.
2. I have briefly reviewed those legal submissions and observe that the submissions for the submitters raise a number of issues as to geotechnical engineering matters. In Minute #4 dated 10 June 2026, I signalled that I did not have any questions for Ms Franklin and as such, Ms Franklin was not required to attend the hearing. In light of the submitters' legal submissions, I now have some questions for Ms Franklin and would be obliged if she could attend the hearing. If this is possible, could the Applicant please advise Ms Kelly, the hearing administrator.
3. Any correspondence to the Commissioner should be directed through Claire Kelly, Acting Governance Manager at NPDC ([claire.kelly@npdc.govt.nz](mailto:claire.kelly@npdc.govt.nz)).



Mark St.Clair  
Independent Commissioner - Chair  
**Date: 15 June 2026**

**Directions/Minute of the Commissioner #6**  
**SUB24/50201.01**  
**Application for Washer Family Trust Limited**  
**1 and 9 Washer Road, Omata**

1. The hearing commenced at 9.00am Tuesday 16 June 2026 and having heard from all the parties, I adjourned the hearing at 3.02pm on the same day, signalling that I would issue a minute, setting out the next steps.
2. Those steps are:
  - a) Mr Rendall and Mr Robinson, the planning experts, are to conference and prepare a revised set of conditions addressing all applications (subdivision, land use and variation of consent notices), including any relevant plans to be attached, and file a Joint Witness Statement (JWS) with Ms Claire Kelly, Acting Governance Manager at NPDC ([claire.kelly@npdc.govt.nz](mailto:claire.kelly@npdc.govt.nz)) by **12noon Tuesday 23 June 2026**. That JWS is to be distributed to the parties.
  - b) The submitters then have the opportunity to comment on the conditions in the abovementioned JWS. Any comments on the conditions are to be emailed to Ms Claire Kelly, Acting Governance Manager at NPDC ([claire.kelly@npdc.govt.nz](mailto:claire.kelly@npdc.govt.nz)) by **12noon Tuesday 30 June 2026**. Those comments are to be distributed to the parties. As signalled at the hearing, this is not an opportunity to relitigate what has already been addressed at the hearing, rather any commentary should focus on the conditions.
  - c) The Applicant then has the opportunity for its right of reply. The reply statement should be filed with Ms Claire Kelly, Acting Governance Manager at NPDC ([claire.kelly@npdc.govt.nz](mailto:claire.kelly@npdc.govt.nz)) by **12noon Tuesday 7 July 2026**. The reply statement is to be distributed to the parties. So that the parties are aware, a right of reply is the applicant's opportunity to respond to matters raised in the hearing. It is not the opportunity to submit new evidence.
3. Once all of the above has been filed and distributed, I will decide if I have all the information I require to proceed to deliberations and writing up a decision. As signalled at the hearing, I will then close the hearing by way of a minute, with the decision due within 15 working days of the close of the hearing.
4. Any correspondence to the Commissioner should be directed through Claire Kelly, Acting Governance Manager at NPDC ([claire.kelly@npdc.govt.nz](mailto:claire.kelly@npdc.govt.nz)).



Mark St.Clair  
Independent Commissioner - Chair  
**Date: 17 June 2026**

**Directions/Minute of the Commissioner #7**  
**SUB24/50201.01**  
**Application for Washer Family Trust Limited**  
**1 and 9 Washer Road, Omata**

1. Further to Minute #6 dated 17 June 2026, the Joint Witness Statement from the planning experts as to recommended conditions and the Applicant's reply statement were duly filed in line with the timetable. The submitters did not file any comments on the recommended conditions.
2. Having reviewed all the material provided, I consider I have all the information I require to proceed to deliberations and writing up a decision. The hearing is formally closed as of today, Tuesday 14 July 2026.
3. Any correspondence to the Commissioner should be directed through Claire Kelly, Acting Governance Manager at NPDC ([claire.kelly@npdc.govt.nz](mailto:claire.kelly@npdc.govt.nz)).



Mark St.Clair  
Independent Commissioner - Chair  
**Date: 14 July 2026**