

Re:PPC48

Alexandra Thompson
110A Wairau Road
Oakura 4314

20 August 2019

This memorandum is in response to the Memorandum of Counsel for Oakura Farm Park Limited dated 31 July 2019

It has only recently come to my attention that a memorandum was received by NPDC from the applicant as this information was neglected to be circulated to all submitters involved until recently.

I am concerned about the Applicant's response to request to continue the hearing process for a further four months. The applicant has had ample time and opportunity to produce detailed and robust information. In Mr Muldowney's memorandum dated 12 August 2019, he states that:

*4. Relevantly, section 39 of the RMA requires that where a local authority, or person given authority to conduct hearings, holds a hearing into a plan change, it shall be held in public, and it shall establish a procedure that is **appropriate and fair** in the circumstances.¹*

My concern is that the 'fairness' he mentions in this paragraph applies to all parties and not just the Applicant. It is not fair to extend this process to allow the Applicant to do what he should have done in the first place – and that is to provide 'robust' information.

Earlier in the submission process, some submitters requested to move the hearing until after the school holidays to allow submitters time to prepare their submissions but this was not allowed. Is it then fair for the Applicant to request an extension to 'fill the gaps' he should have included previously?

In 'fairness', the submitters turned up prepared and respectful of the commissioners and the hearing process and feel that all parties had their opportunity to make their case. The Applicant should respect and accept that he has had sufficient time allowed to have his 'idea' for Oakura's future development considered.

Mr Muldowney further emphasises 'fairness' in the paragraph below:

*10. In these circumstances, the principles of natural justice require that the applicant be given a **fair opportunity to respond to the evidence presented**. Much of that response can be presented in closing legal submissions, but there is a genuine need to provide the opportunity for further evidence to be presented, particularly in those areas identified by the s42A authors as being uncertain.*

I completely disagree that it is 'fair' to all parties to allow the Applicant even more time to 'plug the holes' that could've been done properly initially. The term fairness applies to all and not one party!

The recent response from the NPDC's planner (stated below) emphasises the lack of information and evidence included in the Applicant's case.

5.23 Given the current available information and lack of information for particular matters, the potential for significant adverse effects, and the uncertainty of whether the plan change provisions would effectively avoid, remedy or mitigate these effects, at this time, I recommend that the plan change request and application to amend the consent notice be declined

1. Therefore in conclusion, in 'fairness' to all parties enough time, energy and money has been consumed already by this process and I urge the commissioners to apply a 'timely manner' for all and decline this extension.

Alexandra Thompson

Dated 20 August 2019