

WAIPA DISTRICT COUNCIL

Land use consent application for 582 Parallel Road, Cambridge

MINUTE OF COMMISSIONER ALAN WITHY

Dated 13 October 2022

1. The purpose of this MINUTE is to make administrative directions.

2. The land use consent application lodged by Kiwifruit Investments Limited (the Applicant) to continue developing a kiwifruit block at 582 Parallel Road is scheduled to be heard by me on Thursday 20 October 2022.

3. The owners of neighbouring land at 598 Parallel Road, N and V Jennings (the Jennings), submitted in opposition to the application and requested that they be heard on their submission at the hearing. Mr Lang, counsel for the Jennings, wrote to the Council on 5 October 2022 advocating the need for the Applicant to also apply for resource consent under Rule 4.4.2.58 of the Waipā District Plan. The relevant parts of Rule 4.4.2.58 state:

Rule – Tree planting

No trees within a ... shelterbelt which are or are likely to grow to more than 6m in height shall be planted closer than any of the distances specified below:

- a. *30m from any dwelling on an adjoining site...*

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity...

Council subsequently sought and obtained legal advice. That legal advice concurs with that of Mr Lang. Council accepts that legal advice.

4. To ensure all parties can participate in a robust and fair resource consent process which reduces, to the extent practicable, the risk of subsequent legal challenge, Council considers it reasonable and appropriate to postpone the hearing of the current application until such time as an additional application under Rule 4.4.2.58 has been prepared, lodged and progressed to the same procedural point as the current application.

5. For that reason, pursuant to section 91 of the Resource Management Act 1991 the hearing date of 20 October 2022 for the current application is vacated. A new hearing date will be scheduled once a notification decision on the additional application is known.



Alan Withy

Independent RMA Commissioner

13 October 2022