

Minute of Commissioner Alan Withy to all parties: LU/0147/22

20 October 2022

1. The purpose of this minute is to make further administrative directions.
2. A procedural meeting was held on 17 October between Council staff and the applicant in respect of postponed hearing and updating of the application as lodged, and lodgement of a new consent for shelterbelt trees. The outcome of that meeting advised to me and agreed between attendees is that:

New application, trees

- a. The applicant will apply for a new resource consent for the Cryptomeria to be planted inside the Barbary hedge on the western road frontage and for the already planted Cryptomeria along the eastern road frontage. That consent will also include any Cryptomeria on the eastern boundary with the Jennings property that might be less than 10m from the road. The western and northern boundaries with the Jennings property will be replanted with a Pittosporum species (Karo) that grows no higher than 5m when mature.
- b. The applicant will propose a consent condition (amongst possible other conditions) that the roadside shelterbelts are trimmed to 4m.

Updated application, kiwifruit infrastructure

- c. An updated application will be submitted to council in respect of the existing application.

Processing

- d. Council staff will process the updated application and new application expeditiously.

Hearing date

- e. I have also been requested to consider a hearing date at no more than 4 weeks from when the new site application and revised application are received by Council.

3. I am unable to confirm a revised hearing date until the new and revised applications have been received and processed by council, given the considerations around statutory timeframes.
4. I **direct Council** that following the receipt of the new and revised applications, the Council:
 - a. Provide copes to myself and all parties as soon as practicable after they are received

- b. New application: provide a section 42A report for the new application including a recommendation on notification within 10 working days of the application being received. I will make a determination on notification or otherwise in accordance with the powers delegated to me.
 - c. Updated application: provide a concise supplementary statement from the reporting planner within 10 working days in respect of the existing application that assesses:
 - i. The changes between the original and amended application.
 - ii. Planning assessment as to whether the updated application is within scope of the original application.
 - iii. A statement on any revised planning assessments relating to adverse effects and statutory matters.
5. I **direct the applicant and submitter** that following the applicant and submitter receiving the updated and new applications under direction 4, they advise me (within 5 working days of them receiving the updated and new applications):
 - a. Whether there is any prospect of a negotiated or mediated agreement without the need for a hearing (Applicant and Submitter); and
 - b. Whether the submitter wishes to withdraw their request to be heard, or if they wish to proceed to a hearing (Submitter only).
6. Following my receipt of the advice under direction 5, I will issue a further minute setting out:
 - a. My decision in respect of notification of the new application; and
 - b. Any hearing or procedural directions in response to the advice provided to me under direction 5.
7. All communications should be through Ms Rachel Murray: Rachel.Murray@waipadc.govt.nz (*Executive Assistant to Group Manager District Growth & Regulatory Services*)
8. Please advise the parties accordingly.



Alan Withy
Independent Commissioner