

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

**3 November 2022**

1. The purpose of this MINUTE is to make administrative directions around process and timeframes.

## **Background**

2. I have been advised that the Council planner for this application has been offered and has accepted a planning position with the applicant's planning consultancy (Barker & Associates). Council staff only became aware of this on 31 October 2022, and this now provides a clear conflict of interest for Council.
3. Council have advised me their Council planner has discontinued all involvement in this application and any associated applications from Barker & Associates (effective as at 31 October 2022), and that 4Sight consulting Hamilton is confirmed as the independent planning consultant who will pick up and expedite processing.

Accordingly

4. I **direct Council** that
  - a. They provide a section 42A report for the new application including a recommendation on notification note by 5pm Monday November 7<sup>th</sup> 2022. I will make a determination on notification or otherwise in accordance with the powers delegated to me.
  - b. They provide a concise supplementary planning statement by 5pm Monday November 14<sup>th</sup> 2022 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.
  - c. The s42A report and supplementary statement are to be circulated to all parties at the same time they are provided to me.
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](mailto:Rachel.Murray@waipadc.govt.nz) (*Executive Assistant to Group Manager District Growth & Regulatory Services*), **and also** copied to Ms Emma Ruttley:  
[emma.ruttley@waipadc.govt.nz](mailto:emma.ruttley@waipadc.govt.nz) (*Planning Administration Officer*)



Alan Withy  
Independent Commissioner