

WAIPA DISTRICT COUNCIL

Land use consent applications, Parallel Road, Cambridge

MINUTE OF COMMISSIONER ALAN WITHY

Dated 15 February 2023

1. The purpose of this MINUTE is to make further administrative directions.
2. Land use consent applications have been lodged by Kiwifruit Investments Limited (the Applicant) relating to Parallel Road.
3. A Hearing was scheduled for Thursday 20 October 2022, but for various reasons did not proceed. A Hearing is now scheduled for Wednesday 22 February 2023.
4. In response to my previous Minute of 25 January 2023, I have now received the following documents from Counsel on the Council Officer notification recommendation on resource consent application LU/0252/22 (the **Second Application**):
 - a. A letter dated 7 February 2023 from Counsel for the Applicant; and
 - b. Legal Submissions dated 10 February 2023 from Counsel for NB and VL Jennings.
5. As signaled in paragraph 5(c) of my previous Minute, I will invite counsel for both the Applicant and the Jennings to address the Council Officer notification recommendation on the Second Application at the commencement of the hearing set down for Wednesday, 22 February 2023, before I make a notification decision on that Application.
6. To ensure that all parties are clear on the order of procedure for the hearing, I direct that:
 - a. The first matter to be heard on Wednesday, 22 February 2023 will be the Council Officer notification recommendation on the Second Application.
 - b. I will take as read:
 - I. The Officer notification report and recommendation dated 21 December 2022;
 - II. The letter of Counsel for the Applicant dated 7 February 2023; and
 - III. The Legal Submissions of Counsel for the Jennings dated 10 February 2023.
 - c. I will invite Counsel for both the Applicant and the Jennings to address me on any further matters relevant to the notification recommendation on the Second Application. I will also invite the reporting Council Officer for any further comment on the notification recommendation.

- d. I will then adjourn the hearing to consider all relevant information and to make a decision on the notification process to apply to the Second Application.
- e. I will then reconvene the hearing to advise all parties of my decision on the notification process to apply to the Second Application.
- f. I will, at this point, then invite and consider comment from the parties on any procedural consequences that my decision on the notification process to apply to the Second Application may have on the substantive hearing on resource consent application LU/0147/22 (the **First Application**).
- g. I will deal with any further directions, if required, at that time.
- h. I will seek legal advice from Ms Le Bas throughout this process.



Alan Withy
Independent RMA Commissioner
14 February 2023