

WAIPA DISTRICT COUNCIL

Land use consent applications, 582 Parallel Road, Cambridge

MINUTE OF COMMISSIONER ALAN WITHY

Dated 23 February 2023

1. The purpose of this MINUTE is to record proceedings at the Hearing held on Wednesday 22 February 2023, and to make further administrative directions.
2. Two land use consent applications lodged by Kiwifruit Investments Limited (the Applicant) relating to 582 Parallel Road were considered.
3. The Applicant was represented by Dr J Forret as Counsel.
4. One Submitter (Mr & Mrs Jennings who live in an adjoining property at 598 Parallel Road) was represented by Mr Jennings and Barrister Mr P Lang as Counsel.
5. **The first item considered** related to notification requirements for the second Application. (The first Application had previously been limited notified to the Jennings and was ready for hearing.)
6. The Commissioner heard from Counsel for the Applicant and the Jennings, before considering a non-notification recommendation from the s42A Reporting Officer (RO), Ms L Cowan who is a planner.
7. Having considered the pre-circulated evidence, the submissions of both the Applicant and the Jennings, the Commissioner concluded that **limited notification to the Jennings only** was appropriate in terms of s95 - s95E of the RMA.
8. This conclusion was primarily based on the expert evidence of Ms Soanes a Landscape Architect. Ms Soanes concluded ... *“Overall, I consider that the proposal will result in a **moderate adverse** effect on the landscape and rural character and a **moderate-high adverse** effect on the landscape and visual amenity from the Submitters’ property at 598 Parallel Road.”* (Paragraph 3.21)
9. Ms Soanes’ evidence was the only landscape architect evidence presented to Council and was sufficiently cogent and strong that the Commissioner decided limited notification of the second Application to the Jennings only was appropriate.
10. Because the Jennings were already present to address their submission on the first Application, were ready to immediately submit on the second Application and agreed (with the Applicant) to waive the normal time-requirements before the second Application might be heard, it was sensible to **proceed immediately to hear both Applications together.**
11. The Commissioner accordingly in relation to the second Application, waived with consent of Counsel for the Applicant and the Submitter, the normal “20 day

notification” and “exchange of evidence” requirements in terms of s37 and s37A of the RMA.

12. The Hearing on both Applications then commenced. The hearing was adjourned at 5.10 pm with the consent of the parties. The Commissioner then conducted a site visit of the Application site and the Jennings’ property.
13. **It was agreed** that Counsel for the Applicant may provide a further written right-of-reply and would provide a suite of recommended conditions, by close-of-business on Monday 27 February 2023.
14. Also it was agreed that the RO might if she wished, provide further comments regarding the conditions suggested by witnesses for the Applicant and herself. Subsequent to the hearing, the RO has confirmed that they do not intend to provide any amended conditions and wish to remain with their s42A report recommendation.



Alan Withy
Independent RMA Commissioner
23 February 2023