

**BEFORE A PANEL OF HEARINGS COMMISSIONERS
OF THE PALMERSTON NORTH CITY COUNCIL
UNDER THE RESOURCE MANAGEMENT ACT 1991**

IN THE MATTER of a Resource Consent Application
for the operation of a non-rural activity in a Rural
zone at 126 Turitea Road, together with a
subdivision consent for a two lot subdivision

APPLICANT Guardian Tree Services Limited

Commissioners: Mr Tangi Utikere (Chairperson)
Ms Susan Baty
Mrs Aleisha Rutherford

MINUTE No. 4 OF HEARINGS COMMISSIONERS DATED 16 DECEMBER 2019

[1] This Minute follows the message in response circulated on 13 December. This Minute is being issued after the Chair of the Panel had been advised via the Committee Administrator that Mr Auckram is reluctant to engage with the submitters, due to the matter being currently before RMA Commissioners. That position is understandable, and even though the expectation was for him to provide generic advice on the RMA process, rather than the specifics before this Panel, this Minute is intended to provide clarity for all parties.

[2] Firstly, the concerns expressed by the submitters in their email referred to 'Limited Notification'. The nature of the notification is not an issue that we address. The submitters had been identified as potentially affected parties and have submitted as part of this process.

[3] The position of all three submitters has very eloquently been made in person as part of the hearing. We are also in receipt of written information that was presented by them to support their position(s) on the Application.

[4] The suggestion of 'negotiations' occurring between Council Officers and the Applicant is also inaccurate. As part of the RMA process it is entirely in order for Expert Witnesses to conference on points of disagreement, and to present that to the Panel for their consideration.

[5] While the late circulation of updated proposed conditions could potentially be seen as an issue of procedural fairness, such a concern has been largely mitigated in our assessment. This is due to the position of submitters being very clearly articulated at the hearing as outlined in

Para [3] above. In addition, there were a number of questions put to submitters by the commissioners, and we feel that has allowed us to have a very clear understanding of the issues and concerns as they see them, along with how those concerns might sit alongside any conditions contained in any of the options handed up to us.

[6] The most recent Minute directed the filing of the Applicant's *Right of Reply*. Prior to the deadline for the filing of the *Right of Reply*, Mr O'Leary indicated via email that the *Reply* was complete, but sought an extension until 12.00pm today. The reason for the request is so that the Applicant could provide a finalised table of conditions as requested by Commissioners. The extension request is granted.

[7] Once we are in receipt of the complete *Right of Reply*, and answers to any follow up questions that we may have of the Applicant, we will then turn our minds to assess the Application in light of all the relevant information in front of us. This is ultimately the Panel's role, and then it will issue a decision in due course.

Signed at Palmerston North this 16th day of December 2019.



Mr Tangi Utikere
Commissioner Chair

