



Reference: PPC18/00049

**New Plymouth District Council
Private Plan Change 49: Johnston Street, Waitara Rezoning**

**Commissioners' Procedural Direction 2
Dated: 3 December 2020**

Introduction

1. New Plymouth District Council (Council) has delegated authority to Independent Commissioners Mr Stephen Daysh (Chair) and Mr James Whetu to hear the application for a private plan change to the Operative District Plan. The application seeks to rezone 11.34 hectares of land on the southern side of Waitara from Rural Environment Area (with Future Urban Development Overlay) to Residential A Environment Area and Open Space zonings.

The Hearing and Site Visit

2. The hearing was held on Wednesday 25th and Thursday 26th November 2020 at the Waitara Library and Service Centre on Queen Street in Waitara.
3. The Commissioners carried out a site visit prior to the hearing.

Hearing Adjournment

4. The Commissioners adjourned the hearing after it was agreed of the parties present that further consideration of the updated proposed plan provisions and structure plan presented by both the Applicant and the Council staff representatives required further discussion and some updating to deal with a range of issues identified during the course of the hearing.

Directions relating to Updating Proposed plan provisions including structure Plan and Closing by Applicant

5. As agreed by the parties present at the conclusion of the hearing on Thursday 26th November 2020 the Planners representing the Applicant, Council and Te Kotahitanga o Te Atiawa Trust shall meet to discuss and prepare an updated version of the proposed plan provisions and structure plan to cover the outstanding matters discussed at the hearing.
6. Given her specific list of recommendations provided in her written statement provided at the hearing, Ms Wilcox shall be invited to attend this meeting.
7. Other relevant experts, including the cultural experts representing hapu are welcome to attend the meeting at the discretion of the parties.

8. Ms Hooper shall be responsible for convening the meeting and preparing a further "tracked" version of the proposed plan provisions and an updated structure plan which clearly outlines:
 - a. Those plan and structure plan provisions which are agreed as per all parties outlined in paragraphs 5 and 6 of these directions; and
 - b. Those plan and structure plan provisions where there are differences of opinion and wording/structure plan details, what these differences are and the reasons why any of the parties prefer a different approach.
9. The Applicant shall file a written right of reply by 5p.m. on Friday 11th December 2020 including:
 - a. Their legal position on the Schedule One procedural matters discussed at the hearing and a copy of any further relevant case law;
 - b. The updated plan provisions and structure plan in the form directed in paragraph 8 of these directions; and
 - c. Any other closing comments that the Applicant would like to be considered in its right of reply.

Close of Hearing and Decision Process

10. Upon receipt of the Applicant's right of reply the Commissioners will formally close the hearing through a written direction.
11. Under our delegated authority from NPDC we are to make a recommendation to the Council who will formally consider this recommendation and make a decision at their first meeting of 2021, which is scheduled for March 2021.
12. We will produce a draft decision report including a recommendation and provide this to the Council reporting staff for a "fact check" on or before 12 February 2021, which is the date we have been provided by the Council in order to ensure our recommendation will get on the Agenda for the March Council meeting.

Communications

13. All and any correspondence relating to this Direction, should contact Julie Straka (julie.straka@npdc.govt.nz) at New Plymouth District Council.



Commissioner Stephen Daysh (Chair)

Commissioner James Whetu