

IN THE MATTER of the Resource Management Act 1991

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IN THE MATTER of an application under section 88 of the Act to the **Kaipara District Council** (ref RM190299) by **Patrick Cullinan** (Applicant) for resource consent to operate a gymnasium and other activities at 106 Moir Street Mangawhai (“Application”)

BEFORE Independent Commissioner: Mark Farnsworth for Kaipara District Council.

Third Direction of the Hearing Panel

1. This application, by Patrick Cullinan, is for resource consents for: the operation of a commercial gymnasium; separate commercial activities for processing and storing firewood for delivery; storage of a vehicle for event transport, and a workshop and storage facility for a local concrete foundation and fence hire business.
2. Kaipara District Council (Council) had initially appointed, Independent Hearing Commissioner Alan Watson to hear and decide the consent application. The national COVID situation has impacted on the hearing timelines; Mr Watson in his Section Direction dated 26 August 2021 noted / directed:
 - *“The hearing for this application made has been postponed due to COVID and the prevailing national lockdown arrangement;*
 - *The applicant or his representative is to report to the Council regarding progress on arranging the additional information to be presented at the hearing, that information being a further noise assessment and the results of a meeting on the site with Council reserves staff;*
 - *Reports are to be in writing and provided each Friday (as below) prior to 12 noon to the Mangawhai Office of Council at Unit 6, The Hub, 6 Molesworth Street, Mangawhai and may be sent in email form to rmanotified@kaipara.govt.nz; and*
 - *The reports shall be provided on **10 September, 17 September and 24 September** unless extended by way of a further direction.”*

Reports were received by Council on the due dates, but each were update from the applicant’s agent, Mr Adam Booth, advising how or why the information has been unable to be provided. The latest update, received on 24 September 2021, set out how expert evidence could be provided going forward.

3. Given the ongoing COVID situation prevailing in the Auckland region I have been appointed by Kaipara District Council to replace Mr Watson in order to expediate this matter.
4. I am seeking hearing participants feedback (via Council rmanotified@kaipara.govt.nz) on the following proposed timelines options by the close of work on Monday 4 October.

Option 1

Hearing October 21 at Mangawhai

The reports shall be provided on 15 October (applicant), and 19 October (Council & Submitters).

Reports are to be in writing and provided by the close of day on the appropriate date to the Mangawhai Office of Council at Unit 6, The Hub, 6 Molesworth Street, Mangawhai and may be sent in email form to rmanotified@kaipara.govt.nz;

Option 2

Hearing October 28 at Mangawhai

The reports shall be provided on 22 October (applicant), and 26 October (Council & Submitters).

Reports are to be in writing and provided by the close of day on the appropriate date to the Mangawhai Office of Council at Unit 6, The Hub, 6 Molesworth Street, Mangawhai and may be sent in email form to rmanotified@kaipara.govt.nz;

4. Any questions regarding this Third Direction should be directed to Jodi Tollemache, Planning Technical Support Officer for Council, via email rmaconsents@kaipara.govt.nz



Mark C Farnsworth MNZM
Panel Chair

29 September 2021