

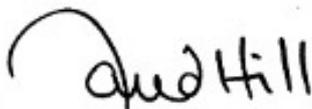
**IN THE MATTER OF**      the Resource Management Act 1991  
**AND**  
**IN THE MATTER OF**      an application by Te Tai Tokerau  
Water Trust to the Kaipara District  
Council.

---

**RESOURCE MANAGEMENT ACT 1991  
MINUTE #1  
INDEPENDENT HEARING PANEL**

---

1. Kaipara District Council has appointed and delegated to Independent Hearing Commissioner David Hill (as Chair with others) the decision making on Te Tai Tokerau Water Trust's (the Trust) application for resource consent to construct and operate a water storage reservoir on multiple landholdings near Redhill Road, Redhill Cemetery Road and Turkey Flat Road, Redhill.
2. The application was publicly notified on 12 October 2021 with submissions closing on 9 November 2021, at which time three submissions were received.
3. One submission, by J & D Adolph Limited, was opposed to a grant of consent and sought to be heard. That submission expressed concern regarding the taking of water from four outlets of the Notorious Drain (Okapakapaka Stream) to fill the reservoir on the availability of water for the submitter's activities.
4. By email via Council dated 29 November 2021, Counsel for the Trust, Mr Graeme Mathias, sought that the submission by J & D Adolph Limited be struck out under s41D RMA as disclosing no reasonable or relevant case ((1)(b)) and that it would be an abuse of process to allow the submission or the part to be taken further ((1)(c)).
5. Mr Mathias submits that because the submission seeks to impose restrictions on an existing resource consent (water take) granted by the Northland Regional Council:
  - (i) *It raises no submission with respect to the consent for which consent is sought which is of course the construction and operation of a water storage reservoir; and*
  - (ii) *It seeks to have the Kaipara District Council amend an existing consent issued by another authority. That is or course outside the ambit and authority of the Kaipara Council.*
6. On 6 December 2021 I received a recommendation report from Council's s42A reporting officer Ms Jessica Hollis that I had requested. Ms Hollis agreed with Mr Mathias' analysis and conclusion, and recommended that the submission be struck out for the reasons advanced.
7. I note that the strike out provision provides for striking out only the offending part of a submission. In this instance I am satisfied that the brevity of the submission discloses no residual issue(s) that might be relevant to the consent application made.
8. Accordingly, I direct that the submission from J & D Adolph Limited be struck out under s41D(1)(b) and (c) RMA.



David Hill (Chairperson)  
Independent Hearing Panel

7 December 2021