

IN THE MATTER OF the Resource Management Act 1991
AND
IN THE MATTER OF an application to Kaipara District Council by **Patrick Cullinan** for the operation of a gymnasium and other activities at 106 Moir Street, Mangawhai.

SECOND DIRECTION OF THE HEARING COMMISSIONER

1. The hearing for the above application made in accordance with the Resource Management Act 1991 (**RMA**), has been postponed given the current national lockdown arrangements. The Direction dated 24 August 2021 provides the details.
2. Kaipara District Council (**Council**) has now received a request dated 25 August 2021 from the applicant's representative (Adam Booth, licensed cadastral surveyor) that there be sufficient time after the lockdown to be able to arrange additional information for the hearing. That information is stated as being a noise assessment and the results of a meeting (to be arranged) on the application site with Council reserves staff. Additional time is sought to allow for relevant parties to access the application site and to report on findings.
3. I am appointed to hear and decide this application and accordingly, to deal with related matters such as this request.
4. In doing so, I note the applicant is wanting to provide additional information that could assist with the consideration of the application; the current postponement of the hearing providing some opportunity to arrange additional information; the constraints associated with the lockdown, which mean the site cannot be readily accessed; and, the duty under the RMA (section 21) to avoid any unreasonable delay in deciding the application.
5. The request from the applicant's representative can be accommodated, but only with strict management to ensure there is no unreasonable delay in hearing the application and further, that the hearing is carried out as promptly as is possible in all the circumstances. This will mean, by way of this Second Direction, the applicant/applicant's representative providing regular reports to Council regarding progress.
6. **The applicant is therefore directed that:**
 - He 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**

- The reports shall be provided on **10 September, 17 September and 24 September** unless extended by way of a further direction.
7. This Second Direction will be sent to all the parties to this application to keep them informed of proceedings.
 8. Any correspondence relating to this Second Direction and related matters should be sent to the Council through Ms Angela Mellsop at **rmanotified@kaipara.govt.nz**
 9. Whilst not being directly relevant to this Second Direction, I record that the applicant did not earlier provide expert evidence 10 working days before the hearing as required in advice from the Council. Neither was expert evidence received from the submitters, but I accept they may not be intending to present expert evidence, rather relying on their own personal representations, or non-expert evidence, which is fine. In the circumstance of the expert evidence from the applicant not having been provided, I expect the hearing to be conducted in the manner of all evidence being presented in full at the hearing, unless another arrangement is made.



AR Watson
Hearing Commissioner
26 August 2021