

**BEFORE THE PALMERSTON NORTH CITY COUNCIL**

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*IN THE MATTER OF the Resource Management Act 1991*

*AND*

*IN THE MATTER OF an application by the Anglican Diocese of Wellington for the refurbishment, strengthening and extension to the heritage listed building known as All Saints Church, 338 Church Street, Palmerston North*

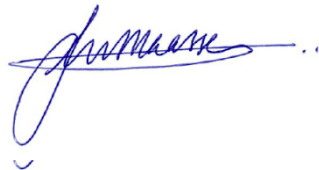
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**MEMORANDUM OF COUNSEL IN RESPONSE TO MINUTE NO. 5  
AND OTHER MATTERS  
DATED FEBRUARY 2021**

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**MAY IT PLEASE THE PANEL:**

- [1] This Minute responds to the Panel's Minute No. 5 that adopts a question at [14] postulated by the Council itself. That question places the assessment of appropriateness by reference to the process established by the Commissioners. However, what is in issue is whether legal submissions from the Council in the form and manner presented by Mr Jessen are ever appropriate irrespective of what the Panel directed. It is not accepted that the Panel invited the Council to make submissions in the manner provided by Mr Jessen but if the Panel did extend the invitation for the Council to make submissions of the type presented then the question of whether that meets the RMA arises. That matter is not made plain by Minute 5.
- [2] Therefore, the Applicant urgently requests that the question in Minute 5 has at least added at the end of the sentence *and in light of the provisions of the RMA*. That will ensure the Panel's intention of capturing the Applicant's objection in Counsel's Memorandum is achieved.



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John Maassen  
Counsel for the Applicant