

**Directions/Minutes of Commissioner #1**  
**LU 5959 Land Use Consent Application – Soul Friend Pet Cremations**

1. Pursuant to section 34A of the Resource Management Act 1991 (RMA), independent commissioner Mr M St.Clair has been appointed by Palmerston North City Council (PNCC) to hear and determine an application for Land Use Consent LU 5959 from Soul Friend Pet Cremations (the Applicant) for a proposed pet cremation business and associated activities at 94 Mulgrave Street, Ashhurst, Palmerston North.
2. At this point I would usually set down a hearing date, place and time; a timetable for the pre-circulation of any evidence pursuant to section 103B of the RMA and set out the manner in which the hearing would be conducted. However, before issuing any such minute, I observed in the application, that the completed Form 9 identifies that consent is required from Manawatu Whanganui Regional Council (MWRC) (Page 2 of Form 9) and with more specificity in the application cover letter (Paragraph 4) that that application is for discharge to air permit. The air discharge permit is further detailed in the application at Item 4, Page 1; Paragraph 4, Page 24; and Paragraphs 1- 8, Page 30.
3. I am aware of section 91 of the RMA, which is set out as follows;

**91      *Deferral pending application for additional consents***

- (1) *A consent authority may determine not to proceed with the notification or hearing of an application for a resource consent if it considers on reasonable grounds that—*
    - (a) *other resource consents under this Act will also be required in respect of the proposal to which the application relates; and*
    - (b) *it is appropriate, for the purpose of better understanding the nature of the proposal, that applications for any 1 or more of those other resource consents be made before proceeding further.*
  - (2) *Where a consent authority makes a determination under subsection (1), it shall forthwith notify the applicant of the determination.*
  - (3) *The applicant may apply to the Environment Court for an order directing that any determination under this section be revoked.*
4. On enquiry to Ms S Figlioli, Democracy & Governance Administrator at PNCC, I have been advised by officers that an application for a discharge to air permit has been lodged with MWRC. However, a decision under sections 95 – 95E of the RMA has not been made by MWRC. Officers also provided information from the Applicant's agent (WSP), setting out the reasons why the Applicant wishes to de-couple the applications and proceed to hearing of the land use application as soon as possible.
  5. At this point it is unknown if application for the air discharge permit will or will not be notified in some form, or if a hearing as to that application will be required. I also observe that some of the submissions to the limited notified land consent application have raised issues in relation to air discharge matters.
  6. In reaching a determination as to whether or not to proceed to hearing, I am mindful of sections 18A and 21 of the RMA, respectively in relation to procedural principles and to avoid unreasonable delay. In addition, I am also aware of the case of *Affco New Zealand Limited v The Far North District Council A6/94* in which the then Planning Tribunal set out that, amongst other things, “ ... good resource management practice requires that in general all the

*resource consents required for a project should be carefully identified from the outset, and applications for them all should be made so that they can be considered together or jointly.”<sup>1</sup>*

7. Taking account of all of the above, and in particular the practice set out in the *Affco New Zealand Limited v The Far North District Council A6/94* case, I find that the land use consent application by Soul Friend Pet Cremations should not proceed to hearing at this time. Once the decision as to notification of the application before MWRC is made, the matter of land use application hearing date can be revisited. For the purposes of clarification to the parties, I note that I am only delegated authority under section 34A of the RMA from PNCC in relation to the land use application.
8. In terms of section 91(2) of the RMA, I direct that PNCC provide the Applicant, and as a matter of fairness the submitters to the limited notified land use application, with a copy of this minute.
9. Any correspondence to the Commissioner should be directed through Ms Susana Figlioli, Democracy & Governance Administrator at PNCC at [susana.figlioli@pncc.govt.nz](mailto:susana.figlioli@pncc.govt.nz)



**Mark St.Clair**  
30 August 2021

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<sup>1</sup> *Affco New Zealand Limited v The Far North District Council A6/94* Page 13