

BEFORE THE WESTLAND DISTRICT COUNCIL

IN THE MATTER OF APPLICATION FOR SECTION 127 VARIATION TO RESOURCE CONSENT –
Variation to land use resource consent 220119 to amend conditions 1, 2, 4, 5, 16 and 18 on land
legally described as Lot 2 DP 577153 to allow for the commercial use of a building within the
Rural Zone (ODP) and General Rural Zone (PDP), located at 240 Taramakau Highway, Kumara
Junction

APPLICANT BM Loader, c/- Scoped Planning and Design Limited

MINUTE N0.4 OF INDEPENDENT COMMISSIONER – HEARING OFF HOLD, EVIDENCE
EXCHANGE AND RESCHEDULED HEARING DATE.

DATED 3 SEPTEMBER 2025

HEARING OFF HOLD AND RESCHEDULED HEARING DATE

1. As laid out in Procedural Minute 3, Pursuant to Section 91A of the RMA, the applicant requested the application be placed on hold to allow for time for them to comprehensively address the issues raised in the processing planners s.42a report.
2. The applicant has provided an application addendum in response to the s.42a report. This has been uploaded to the Westland District Council website.
3. The applicant has requested a new hearing date be set subject to their agent's availability.
4. Westland District Council have liaised with all parties on their availability.

The new hearing date is **Friday 7th November 2025**. The hearing will be held at 36 Weld Street, Hokitika, commencing at 9am.

EVIDENCE EXCHANGE AND HEARING PROCESS

5. As laid out in procedural minute 1, dated 28 May 2025. Any person who has made a submission and who is intending to call expert evidence must provide briefs of this expert evidence to the Council and the applicant no later than 5 working days before the hearing. This would be no later than Friday 31st October 2025.
6. Parties proposing to present opening submissions, summary statements, or legal submissions, are encouraged to pre-circulate them in advance of the hearing, preferably at least three (3) working days prior to the hearing.
7. The submitter evidence timeframe does not apply to non-expert evidence, or evidence to be presented by submitters who are "non-experts" (persons who do not provide expert evidence at these types of proceedings). They will have the opportunity to present written or oral evidence at the hearing in the normal manner. While they do not need to pre-circulate any written statements before the hearing commences, it is encouraged.
8. Any reports and evidence should be provided to the Council electronically by email to kate.fleming@westlanddc.govt.nz. Hard copies of the evidence should be provided on request. All evidence and information will be made available at www.westlanddc.govt.nz.
9. The purpose of the exchange of evidence is to provide sufficient opportunity for the Commissioner and for the parties to consider any expert or technical evidence in advance of the hearing to assist all parties in understanding that evidence.

Expert Conferencing

10. If the parties are intending to call expert witnesses, they are encouraged to liaise amongst themselves in order to facilitate their respective experts conferencing on matters relevant to their specific areas of expertise prior to the preparation of their reports or evidence (including any applicable conditions of consent). The aim of the conferencing should be to identify areas of agreement and disagreement which can then be noted in their reports, evidence or a joint witness statement.

The Commissioner will attempt to focus on the issues in contention during the hearing and so the assistance of the parties to clearly identify areas of expert agreement and disagreement in this manner will be greatly appreciated.

Viewing evidence

11. The Council is required to make all briefs of evidence available at its offices as follows:

- a. the Council's evidence, to any person who made a submission and stated a wish to be heard;
- b. the applicant's evidence, to any person who made a submission; and
- c. any submitter's evidence, to any other person who made a submission.

To meet these requirements, a copy of the section 42A Report and any associated expert reports, the applicant's evidence and any expert evidence provided by submitters will be made available both online and at the Westland District Council offices.

Hearing procedure and presenting evidence

12. The hearing will be conducted in the following manner:

- a. Introductions, housekeeping and procedural matters (if any).
- b. The Applicant presents the application.
- c. Commissioners' questions.
- d. Submitters who have indicated they wish to be heard (and their witnesses).
- e. Commissioners' questions of submitters and their witnesses.
- f. Council officer(s) present their report and respond to any new information.
- g. Applicant's right of reply.

13. Kate Fleming from the Council will be in contact with all parties who wish to present at the hearing to ascertain times for the presentation. This is in order that scheduling can occur and that we make the most efficient use of everyone's time.

Evidence in Te Reo Maori

14. If any party wishes to present evidence in Te Reo Mori, they are requested to advise Kate Fleming, Hearing Administrator, no later than 23rd October 2025 4pm, so that an interpreter can be arranged.

Edith Bretherton

Independent Hearing Commissioner

Date: 2 September 2025