

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 N0.1 OF INDEPENDENT COMMISSIONER - HEARING PROCEDURES AND
COMMISSIONER DIRECTIONS

DATED 28 MAY 2025

Hearing

1. The hearing to consider and decide the resource consent application set out above will be held on 24 June 2025 at Westland District Council, 36 Weld Street, Hokitika. The hearing will commence at 9am.

Commissioner

2. Pursuant to section 34A of the Resource Management Act 1991 (RMA), the Westland District Council has appointed Ms Edith Bretherton, Independent Hearing Commissioner, to hear and decide this resource consent application. The appointment includes dealing with any procedural issues prior to delivering the decision.

3. The Hearing Commissioner has no conflicts of interest to declare.

Timeframe for Exchange of Evidence

4. Pursuant to Section 103B of the RMA, the following pre-circulation of evidence is required in advance of the hearing commencing:

- a. A copy of the planning officer's Section 42A RMA report (including any briefs of other expert evidence to be called by the Council) must be provided to the applicant and submitters no later than 15 working days before the hearing. This would be no later than 30 May 2025.
- b. A copy of the applicant's evidence must be provided to the Council no later than 10 working days before the hearing. This would be no later than 6 June 2025.
- c. 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 13 June 2025.

5. 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.

6. The above timeframes do 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.

7. In terms of the above, the reports and evidence should be provided to Westland District 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.

8. The purpose of the above 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

9. 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 in deliberations thereafter 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

10. The Council will 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.

11. To meet this requirement, 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 at the timeframes set out above.

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 Māori

14. If any party wishes to present evidence in Te Reo Māori, they are requested to advise Kate Fleming, Hearing Administrator, no later than 6 June 2025 4pm, so that an interpreter can be arranged.

Site Visit

15. The Commissioner intends to undertake a site visit on 24 May 2025 unaccompanied by any other party. A further site visit may be undertaken after the hearing. The applicant is to advise Kate Fleming of any access or health and safety arrangements.

Correspondence

16. Any correspondence with the Commissioner should be directed through Kate Fleming, Hearing Administrator.

Edith Bretherton

Independent Hearing Commissioner

Date 28 May 2025