

HEARING OF RESOURCE CONSENT APPLICATION RMA/2023/72

DIRECTIONS #1 OF THE INDEPENDENT COMMISSIONER

Introduction

1. I have been appointed by the Invercargill City Council (ICC) as Independent Commissioner to hear and decide the application lodged under the RMA 1991 by the Bluff Oyster and Food Festival Charitable Trust (the Applicant) to demolish the Club Hotel heritage listed buildings in Bluff. The application is referenced as RMA/2023/72.
2. The function of this Direction is to respond to the memorandum of counsel Mr Peirce for the Applicant dated 1 November 2023 in regard to Audio Visual Link and witness appearance, and to set out a direction in relation to evidence presentation, in preparation for the hearing which is set down to commence at the ICC Chambers at 9:30am on Wednesday 15 November 2023.

Appearance of Witnesses / Audio Visual Link

3. The appearance of witnesses by Audio Visual Link (AVL) has been requested in the memorandum of Mr Peirce and I direct that part of the hearing, where required, may be conducted using remote access facilities¹. I have been advised that the ICC Chambers are able to facilitate witnesses appearing by AVL (Teams, Zoom or similar). Parties who wish to appear utilising this method should liaise with ICC Hearings Administration (contact details below) in order to confirm connection details.
4. The attendance of Dr Cropper at the hearing is not anticipated, on the basis that no evidence has been pre-circulated by Dr Cropper².

Hearing Process/Evidence Presentation

5. The pre-circulated evidence, distributed to all parties prior to the hearing in accordance with RMA timeframes, will be read by me prior to the hearing date, and can be 'taken as read'³. It will not be necessary for a verbatim oral presentation of the briefs of evidence at the hearing.

I direct that each witness presenting expert evidence:

- Confirm their qualifications and areas of expertise;
- Can identify any corrections to be made to their evidence brief; and
- Can provide and read out a 'Summary Statement' of their evidence to draw attention to the key points in their statement of evidence, in particular the reasons for disagreement with any other experts in their field of expertise, and/or any updates. As a guide this Summary Statement would be limited to no more than two A4 pages.

Sufficient (15+) paper copies of this Summary Statement should be provided on the day in order to circulate to all parties including submitters

6. For completeness, any legal submissions (from the Applicant or any submitter) are to be presented during the hearing and there is no need for these to be pre-circulated. Again, sufficient paper copies for circulation should be provided.

¹ Section 39AA(3)(b)

² Section 103B(3)

³ Section 41C(1)(b)(ii)

ICC Contact Details

7. If any party wishes to seek further clarification in relation to this Direction or the hearing process please contact Mel Webb in the first instance, email: ResourceConsents@icc.govt.nz or phone 032111777.

DATED 7 November 2023

A handwritten signature in black ink, appearing to be 'Paula Costello', written in a cursive style.

Paula Costello
Independent Commissioner

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