

Western Bay of Plenty District Council
DIRECTIONS OF THE COMMISSIONERS

Introduction

- [1] Pursuant to section 34A(1) of the Resource Management Act 1991 (RMA), the Western Bay of Plenty District Council (Council) has appointed independent commissioners Amy Robinson, Shadrach Rolleston and Rob van Voorthuysen to hear and decide an application from the Glen Isla Protection Society Incorporated (applicant) for a resource consent (land use) for the construction of a coastal protection structure (buried rock riprap wall) and associated activities on the Council recreation reserve at 95 Seaforth Road (Lot 18 DPS 22035), the adjoining esplanade reserve at Lot 19 DPS 22035 and 12 Glen Isla Place, Waihi Beach.
- [2] The purpose of this Minute is to set out the timetable for reporting, evidence and legal submissions exchange.

Hearing

- [3] The Hearing is scheduled to commence on **Tuesday 6 May 2025**.
- [4] The location of the Hearing is the Tauranga Racecourse Event Centre, 1383 Cameron Road, Greerton.
- [5] The Hearing will commence at **9:00 am**.
- [6] The following directions relate to the Hearing:
- (a) The order of appearance will be:
 - Applicant
 - Submitter(s)
 - Section 42A Report author response
 - Applicant's Right of Reply which may be given verbally at the Hearing or in writing thereafter
 - (b) A Section 42A Report¹ from the Council will be available on or before **Wednesday 9 April 2025**², allowing the applicant and submitters to have regard to its contents when preparing their evidence. It would be extremely helpful to the Commissioners if the applicant and submitters could indicate in their evidence if they agree or disagree (with reasons) with the Section 42A Report author's recommendations.
 - (c) Pursuant to section 41B(2) of the RMA, the applicant is directed to provide their expert³ evidence (if any) to the Hearings Administrator by **4.00pm** on **Wednesday 16 April 2025**. This evidence will be made available to all parties by the Hearings Administrator.
 - (d) If experts for the applicant intend to base their evidence on technical reports that they authored, and which were included as part of the application, then the experts need not repeat material contained in those reports in their evidence. It will be sufficient for the evidence to cross-refer to that material.
 - (e) Pursuant to section 41B(3) of the RMA, submitters who intend to call expert evidence in support of their submissions are directed to provide a written statement of that evidence to the Hearing Administrator no later than **4.00pm** on **Monday 28 April 2025**. This evidence will be made available to all parties by the Hearings Administrator.
 - (f) If submitters intend to provide written evidence themselves, or have non-expert people appear on their behalf, then they are requested and strongly urged to also provide a written statement of that evidence to the Hearings Administrator no later than **4.00pm** on **Monday 28 April 2025**. These statements will be made available to all parties by

¹ A Section 42A Report includes a discussion of the application and the submissions. It recommends (with reasons) whether the consent applications should be granted or not. That recommendation does not bind the Commissioners.

² Allowing for Easter and ANZAC Day.

³ Expert evidence is that written by qualified planners, engineers or scientists, for example, prepared in accordance with the Environment Court's Practice Note for expert witnesses.

the Hearings Administrator.

- (g) If applicant or submitter evidence to be presented by non-expert people is not provided to the Hearing Administrator by the above date, then those people should bring ten (10) hard copies to the Hearing.
- (h) If the applicant or any submitters propose to have legal counsel present legal submissions, they are requested to provide those legal submissions to the Hearings Administrator no later than **4.00pm on Thursday 1 May 2025**.
- (i) All original submissions, pre-circulated evidence and legal submissions will be taken as read at the Hearing. Accordingly, pursuant to section 41C(1)(b) of the RMA, the applicant and submitters are directed that all such material will not be read aloud at the Hearing, as that would be an inefficient use of time as the Commissioners will have already read it.
- (j) At the Hearing the applicant's experts may table and read aloud supplementary or rebuttal evidence responding to any expert evidence lodged by submitters. We anticipate that any such evidence will be concise.
- (k) All people appearing at the Hearing will be allowed to verbally and briefly highlight key points from their evidence or legal submissions for the benefit of the Commissioners. The Commissioners will then ask any questions that they may have.
- (l) Should any submitter wish to speak in Te Reo, utilise Sign Language, or utilise visual aids (PowerPoint, etc) they are requested to liaise directly with the Hearings Administrator, as soon as possible, but prior to **Friday 25 April 2025** regarding their needs.
- (m) If any participant intends to attend the Hearing remotely (e.g. by way of Zoom) then they must ensure that a copy of all written material that they will refer to or read from (including speaking notes) during their presentation is provided to the Hearings Administrator no later than **4.00pm on Wednesday 30 April 2025**.

Correspondence

- [7] Participants must not attempt to correspond with or contact the Commissioners directly. All correspondence relating to the Hearing or this Minute must be addressed to the Council Hearings Administrator, Steve Rice.

Service on the Council

- [8] All evidence and legal submissions addressed by this Minute must be lodged with the Council:
 - Preferably by email to steve@riceres.co.nz
 - By post addressed to Steve Rice, PO Box 431, Waikato Mail Centre, Hamilton 3240.
- [9] Evidence and legal submissions lodged **must** be provided in **Microsoft WORD** format. The documents must be 'unlocked' so that they can be annotated by the Commissioner.



Rob van Voorthuysen
Commissioner (Hearing Chairperson)
Date 6 March 2025