

Publicly notified resource consent application RMA/2023/325

Address: 187 Fitzgerald Avenue

Description: Demolition of a Group 2 heritage building and earthworks in a heritage setting

Notice of hearing

Please note that the above resource consent application has been set down for a hearing before a Commissioner as follows:

Date: Tuesday, 12th September 2023

Time: 9:30am

Venue: Committee Room No. 1
2nd Floor, Civic Offices
53 Hereford Street

Council officers' report

A copy of the Council officers' report will be circulated at least three weeks before the hearing.

Pre-circulation of evidence

The Resource Management Act requires the applicant, and submitters who intend to call expert evidence, to provide their briefs of evidence before the start of the hearing, as follows:

Applicant: The applicant must provide the Council with all the briefs of evidence that they intend to present at the hearing, at least 10 working days beforehand, i.e. by 5.00pm on Tuesday, 29th August 2023.

The Council will then circulate the evidence to submitters.

Submitters: Submitters who intend to call expert evidence at the hearing must send their briefs of evidence to both the Council and the applicant at least five working days before the hearing, i.e. by 5.00pm on Tuesday, 5th September 2023.

Please send the evidence to resourceconsentapplications@ccc.govt.nz

Copies of all evidence will be provided to the Commissioner prior to the hearing.

A copy of the Council's procedures for Resource Management Hearings is attached, and more information about hearings is available in an information sheet on our website: [P-326 Resource Consent Hearings](#).

In the meantime, if you have any questions about the circulation of evidence or the hearing process, please contact the Team Leader Planning on 03 941 8187 or by emailing jonathan.gregg@ccc.govt.nz.

Resource Consent Hearing Process

Notified resource consent applications can be heard by either a Council Hearings Panel or by one or more Commissioners.

Commissioners have authority delegated to them by the Council to consider resource consent applications under the Resource Management Act 1991. They are independent persons who have professional expertise in the area of resource management (e.g. lawyers or planning consultants).

Hearings Panels are usually made up of a Commissioner sitting with two elected representatives (Councillors and Community Board members).

The hearing process is the same, whether the application is heard by a Hearings Panel or Commissioner(s).

The normal procedures at a hearing are as follows:

1. The Chairperson/Commissioner opens the meeting, welcomes everyone, notes the nature of the application, introduces the Council officers, and briefly outlines the procedure. At this stage they will usually also confirm the names of those attending who wish to be involved in the hearing. Please advise the Chairperson/Commissioner if you have any particular time constraints.
2. The applicant presents their case to the Panel/Commissioner, either personally or through a solicitor or representative. The applicant may call witnesses where necessary (e.g. specialists such as planning consultants, traffic engineers or architects), and the Panel/Commissioner may ask questions.
3. Any persons who made submissions in support of the application then present their case. Again this may be personally or through representatives / witnesses and the Panel/Commissioner may ask questions.
4. Any persons who made submissions in opposition to the application then present their case, either personally or through representatives / witnesses. The Panel/Commissioner may again ask questions.
5. A Council planner, sometimes followed by other specialist Council officers, presents their pre-circulated report. The Panel/Commissioner may ask questions of the officers. The Chairperson/Commissioner will ask the Council officers whether they have any further comments to make in the light of the information presented by the applicant and submitters.
6. Each party has the opportunity to present their case at the appropriate place in the proceedings and should ensure that all relevant matters are raised at that time. There is no right of cross examination. If any party wishes to seek clarification of a matter raised by another party, the request for clarification should be directed to the Chairperson/Commissioner who may, if he / she considers it appropriate, pursue the matter with the other party.
7. After all parties have presented their case, the applicant is allowed a "right of reply" to any matters raised at the hearing.
8. The Chairperson/Commissioner adjourns the meeting and the decision on the application is then made in private. A site visit is commonly undertaken by the Panel/Commissioner before the hearing is declared closed.
9. The decision is released in writing to the applicant and all submitters as soon as is practicable. This is usually sent out within three weeks of the close of the hearing.
10. The applicant and submitters may have the right to appeal the Council's decision to the Environment Court. If appeals are allowed, details on how to do this will be included with the decision.

NOTE: Please note that while most hearings follow the general order outlined above, the procedure is not fixed and may be altered at the discretion of the Chairperson/Commissioner on the day of the hearing to maintain flexibility.