

CENTRAL OTAGO DISTRICT COUNCIL

RC230398 – D J JONES & N R SEARELL FAMILY TRUST

MINUTE 3 OF HEARING PANEL

1. The Panel has received a Memorandum of Counsel on behalf of the Applicant requesting adjournment of the Hearing (as attached). Given the circumstances, we have accepted this request.
2. The Applicant requested the Hearing be adjourned to 7-8 November if possible. The Panel is unavailable on these dates.
3. The Applicant has since confirmed with Ms Lines that it accepts that the next available Hearing date is likely to be February 2025 at the earliest.
4. Ms Lines will now work with the Applicant and parties to identify a suitable date for the Hearing to be held early next year.
5. If there are any questions arising from this Minute, please direct those in the first instance to Ms Lines, Council's Hearing Facilitator who can be reached at phone number 021 976 340, or e-mail tarryn.lines@codc.govt.nz.

DATED this 8 day of October 2024

Signed by



Rosalind Day-Cleavin
Chair of Hearing Panel

**BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY THE
CENTRAL OTAGO DISTRICT COUNCIL**

IN THE MATTER OF

The Resource Management Act 1991 (**RMA** or
the Act)

AND

IN THE MATTER OF

Of the Central Otago Operative District Plan
(**CODP**) and Proposed Plan Change 19 to the
Central Otago District Plan (**PC19**)

AND

IN THE MATTER OF

Application to the Central Otago District
Council (**CODC**) by **DJ Jones Family Trust**
and NR Searell Family Trust for subdivision
and land use resource consent for residential
subdivision and development at 88 Terrace
Street, Bannockburn (**RC230398**)

**MEMORANDUM OF COUNSEL FOR
D. J JONES FAMILY TRUST AND N.R SEARELL FAMILY TRUST
REQUESTING ADJOURNMENT OF HEARING**

Dated: 7 October 2024

Presented for filing by:
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**MEMORANDUM OF COUNSEL FOR
D. J JONES FAMILY TRUST AND N.R SEARELL FAMILY TRUST REQUESTING
ADJOURNMENT OF HEARING**

TO: The Hearings Panel

Introduction

- 1 This memorandum is filed on behalf of DJ Jones Family Trust and NR Searell Family Trust (the **Applicant** or the **Trust**) in respect of the Trust's application to the Central Otago District Council (**CODC**) for resource consent for residential subdivision and development at 88 Terrace Street, Bannockburn.
- 2 This application is set down to be heard on 14-15 October 2024.
- 3 The Applicant requests an adjournment of the hearing set for 14-15 October, due to a change in personal circumstances of Mr Chris Fowler, who is Counsel for the Applicant.

Reason for request

- 4 Mr Fowler's mother became very unwell last week. Her family has been advised that she is not likely to live for more than a few more days. Her rapid decline was not expected when this matter was originally set down for hearing. Mr Fowler's siblings have returned from overseas to be with their mother, and are making arrangements for a funeral to take place late this week or early next week.
- 5 Given these circumstances, Mr Fowler will not be available to attend the hearing as scheduled, and has not been available to carry out the preparation for hearing which would normally take place during this time.
- 6 The Applicant has considered instructing alternative counsel, but given the shortness of time and the extensive background leading up to this hearing, that is not viewed as a practicable option.
- 7 Counsel acknowledges that this request is made shortly before the hearing is scheduled to commence. However, it is submitted that an adjournment as requested would not create unreasonable delay, nor undue prejudice to any party, and would still enable the Consent Authority to run an efficient and fair hearing process for all parties.

Request for new hearing date

- 8 Counsel has ascertained the availability of the witnesses who have provided evidence for the Application, and can advise that they are available on the dates 7-8 November 2024.
- 9 The Applicant respectfully requests that the hearing be adjourned to those dates, if the Panel is available at that time.
- 10 Alternatively, the Applicant seeks an adjournment to alternative dates, to be determined having regard to the availability of the Panel and the witnesses and Counsel for the Applicant.

Dated 7 October 2024



Margo Perpick
On behalf of DJ Jones Family Trust and NR Searell Family Trust