

BEFOR THE SELWYN DISTRICT COUNCIL

RC225180

In the matter of the Resource Management Act 1991
Sections 88-120, Resource Management Act 1991

Between **Party** KeaX Limited
 Role Applicant

And **Party** Robyn Casey, Clark and Elizabeth Casey and Dave
 and Donna Kewish ("Joint Submitters")
 Role Submitter

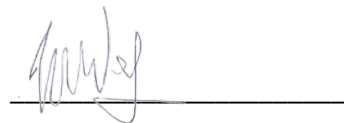
**MEMORANDUM OF COUNSEL FOR THE JOINT SUBMITTERS AS TO PROCEDURAL
MATTER**

Date 2 March 2023

J M van der Wal
Barrister
40 Walker Street Chambers
Christchurch
Also at 14 Queen Street
Blenheim

TO THE HEARING COMMISSIONER:

- 1 Counsel is instructed by the Joint Submitters to raise a concern regarding a procedural issue arising from admission to the hearing room at the commencement of day two of this hearing, prior to Counsel's arrival.
- 2 The Joint Submitters instruct that prior to commencement of day two, they arrived at the hearing venue at 8:30 AM, but were prevented from entering. They observed that the s42A officers and the Applicant had been admitted to the room.
- 3 They instruct that they were informed by a Council officer that only the s42A officers and the Applicant were permitted to enter the hearing room. As a result the Applicant and s42A officers were together in the hearing room for some 30 minutes without any other parties being permitted to be present.
- 4 The Joint Submitters wish to indicate that they are concerned that this brings into question the impartiality of the s42A officers. Counsel also submits that this also raises issues of fairness and respectfully requests that you take this into account when evaluating the s42A officers' evidence, including the further summary statements which it is noted were prepared and circulated prior to the Joint Submitters' evidence being heard.



J M van der Wal

Counsel for the Joint Submitters