

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of an application under section 88 for
land use consent to demolish the Briscoes
Building which is Heritage 2 listed with
NZHPT, and also Heritage listed in the
Invercargill City District Plan
(Council reference: RMA/2025/115)

BY

104 Dee Street Partnership

DIRECTION No. 1

1. Invercargill City Council (**the Council**) have appointed me as Independent Hearing Commissioner to hear and determine the application for land use consent by 104 Dee Street Partnership.
2. The hearing has been set down to commence on Wednesday 19 August 2026. I have received a request on 29 July 2026 via the Council from the applicant's agent, Ms Christine McMillan to suspend the processing of the application.
3. Ms McMillan has advised that the applicant wishes to suspend the processing of the application in order address matters raised in the s42A report. She has indicated that this information may be confirmed by 22 August 2026.
4. Section 91A of the RMA directs that processing must be suspended if requested by an applicant, unless under subsection 3(c), a total of 130 or more working days have been excluded from the time limits. Advice from the Council on this matter is that no more than 130 working days have been excluded from the time limits
5. Without having detail on the specific matters being addressed, I nonetheless consider that the provision of additional information to address points raised in the s42A report potentially addresses fundamental considerations and/or consents required. Therefore this information is potentially material and helpful to ensuring an adequate assessment of the proposal.
6. Also being mindful of the duty to avoid unreasonable delay, and to provide notice to submitters who may wish to attend the hearing, I consider it reasonable that the applicant should provide a progress report by Monday 17 August 2026. This will enable the Council hearings administrator to liaise with all parties with a view to setting a new hearing date, once there is certainty as to when the information will be provided.

Directions

7. Accordingly, the directions are that:
 - a. The processing of the application is suspended until Monday 24 August 2026
 - b. The applicant is to provide an update in writing as to progress no later than Monday 17 August 2026. This update is to provide a clear indication of when the further information will be lodged and made available to the parties. If it is likely that the information will not be ready by Monday 24 August 2026, then this should be advised and if necessary a further suspension of the processing of the application sought.
 - c. The hearing date of 19 August 2026 is vacated and a new timetable for the circulation of any addendum to Council's Section 42A report and evidence exchange will be issued once a new hearing date is set
8. Any questions in relation to these directions should be directed to Mr Terence Boylan at Invercargill City Council: terence.boyland@icc.govt.nz



Paula Costello
Independent Hearing Commissioner
31 July 2026