

**Napier City Council**  
**Bupa New Zealand**  
**DIRECTIONS OF THE COMMISSIONER**  
**Minute 1**

**Introduction**

- [1] Pursuant to section 34A(1) of the Resource Management Act 1991 (RMA), the Napier City Council (NCC) delegated to independent commissioner Rob van Voorthuysen the function of hearing the submissions on an application made by Bupa New Zealand (the applicant) relating to a proposed retirement village and carehome at 25 Ulyatt Road, Napier.

**Hearing**

- [2] The following directions relate to the hearing:
- The hearing will take place on Tuesday 21 and Wednesday 22 August 2018 at The Crown Hotel, 22A Waghorne Street, Ahuriri commencing at 9.00am each day.
  - Sara Parlato, a Regulatory Administrator at the NCC, will be in contact with submitters to arrange an order of appearance. The general order will be:
    - Applicant
    - Submitters in support
    - Submitters in opposition
    - Section 42A Report author
    - Applicant's right of reply (which may be given at the hearing or in writing thereafter)
  - A Section 42A Report<sup>1</sup> will be made available on **Wednesday 25 July 2018**, allowing the applicant and submitters to have regard to its contents when preparing their evidence. It would be extremely helpful to the commissioner 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.
  - Pursuant to section 41B(2) of the RMA, the applicant is directed to provide their expert evidence to NCC no later than **Wednesday 8 August 2018**.
  - If experts for the applicant intend to base their evidence on technical reports that they authored, and which were included as appendices to 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.
  - Pursuant to section 41B(3) of the RMA, submitters who intend to call expert evidence<sup>2</sup> in support of their submissions are directed to provide a written statement of that evidence to NCC by **Wednesday 15 August 2018**.
  - 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 NCC by **Wednesday 15 August 2018**.
  - If the applicant proposes to have legal counsel present opening legal submissions, the applicant is requested to provide those submissions to the NCC by **Friday 17 August 2018**.
  - All pre-circulated material received will be posted on the NCC website.

<sup>1</sup> A Section 42A Report includes a discussion of the submissions. It recommends (with reasons) whether the consent applications should be granted or not. That recommendation does not bind the commissioner.

<sup>2</sup> Expert evidence is that written by qualified planners, engineers or scientists, for example, prepared in accordance with the Environment Court's Practice Note 2014 for expert witnesses.

- All original submissions and pre-circulated evidence 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 they and their experts will not be required to read any such material aloud at the hearing. Reading that material aloud at the hearing would be an inefficient use of time as the commissioner will have already read it.
- At the hearing the applicant's experts may table and read aloud supplementary evidence responding to any expert evidence lodged by submitters. The commissioner anticipates that any supplementary evidence will be concise.
- All people appearing at the hearing will be allowed to verbally and briefly highlight key points from their submissions or evidence for the benefit of the commissioner. The commissioner will then ask any questions he may have.

### Website

[3] All information relevant to the hearing will be made available on the NCC website: <https://www.napier.govt.nz/our-council/consultations/current-consultations/>

### Service on the council

- [4] Any evidence addressed by this Minute must be lodged:
- By post addressed to Napier City Council, Private Bag 6010, Napier 4142. Attention: Sara Parlato; or
  - By hand delivery to Napier City Council, 215 Hastings Street, Napier. Attention: Sara Parlato; or
  - By email to [sarap@napier.govt.nz](mailto:sarap@napier.govt.nz)
- [5] All evidence provided electronically must be in either Microsoft WORD or PDF format. It should be 'unlocked' so that it is able to be annotated by the commissioner.



Rob van Voorthuysen  
Commissioner  
12 July 2018