

**Directions/Minutes of Commissioners #1**  
**Proposed Plan Change 12 – Mission Special Character Zone - Napier City Council**

Pursuant to section 34A of the Resource Management Act 1991 (RMA), Mr M St.Clair (Chair), and Mr R Kirkiri, both independent commissioners, have been appointed by Napier City Council (NCC) to hear and recommend Proposed District Plan Change 12 – Mission Special Character Area to the Napier City Council District Plan.

A hearing has been set down for **Monday 17 and Tuesday 18 September 2018**. On the first day of the hearing, the hearing will commence at 10am. On the second day of the hearing, the hearing will commence at 9.00am, unless otherwise directed by the Commissioners. The hearing is scheduled to be held at the East Pier Hotel, 50 Nelson Quay, Ahuriri, Napier. A formal hearing notice will be issued by NCC, confirming the time date and location of the hearing. At this stage, the hearing is scheduled for two days. Should further hearing time be required, the Commissioners will make that determination at the hearing.

The Commissioners have considered whether any orders are appropriate under section 41B of the RMA. That section provides that an authority controlling a hearing may direct that briefs of expert evidence be provided to the authority prior to the hearing. An expert is a person who holds professional qualifications in the field relevant to the evidence produced. The purpose of the pre-circulation of expert evidence is to allow the evidence to be read and assimilated by all parties to the hearing.

The Commissioners further note that the consent authority must give written or electronic notice to the parties, that the Council's Section 42A Report and any submitter expert evidence is available at the consent authority's offices.

The Commissioners have been advised that the Council has commissioned two Cultural Impact Reports and that those reports are to be completed and provided to the Section 42A reporting officer for inclusion in their report by **Friday 24 August 2018**. It is important to the timetabling of the hearing that the Cultural Impact Reports are completed by that date.

Accordingly:

1. Pursuant to section 42A(3)(a) of the RMA, the Commissioners direct that the NCC section 42A report/s be provided to the parties, by way of email, directing the parties to the NCC website, no later than **5pm on Monday 27 August 2018**.
2. Pursuant to section 41B(3) and (4) of the RMA, the Commissioners direct that if any person who has made a submission intends to present expert evidence at the hearing, including expert planning evidence, then that party is to provide a written brief of that evidence to Mrs K Hunt, Hearing Administrator at the NCC (kathryn.hunt@napier.govt.nz) no later than **5pm on Wednesday 5 September 2018**.
3. The Commissioners request that as soon as practicable following receipt of any such evidence received pursuant to Direction 2, NCC provides a copy to all other parties to these proceedings by way of email, directing the parties to the NCC website, no later than **5pm on Friday 7 September 2018**.
4. In terms of Directions 1, and 2 the reports and evidence should be provided to NCC electronically by email or be made available for downloading from the NCC website <https://www.napier.govt.nz/services/planning-and-resource-consents/district-plan/changes/plan-change-12/>. Hard copies of the reports or evidence should only be provided on request.

5. Pursuant to s41C(1) of the RMA, the Commissioners direct that in respect of expert evidence pre-circulated in accordance with these Directions, the hearing will be conducted in the following manner:
  - The section 42A report(s) will be taken as read;
  - The submitters that have provided the pre-circulated expert evidence are to call the witness in person;
  - The witness should be introduced and asked to confirm his or her qualifications and experience;
  - The witness should be asked to confirm the matters of fact and opinion contained in the brief of evidence;
  - The witness will then be given an opportunity to draw to the attention of the Commissioners the key points in the brief. No new evidence shall be introduced, unless it is specifically in response to matters raised in other pre-circulated briefs of evidence supplied by another party – in such cases the new evidence shall be presented in written form as an Addendum to the primary brief of evidence and it may be verbally presented by the witness. If there is any variation between what the witness says and what is in the brief of evidence, the Commissioners will assume that the written brief is the evidence unless the content of the brief is specifically amended by the witness;
  - The witness may then be questioned by the Commissioners.
6. Non-expert evidence, including any lay evidence or legal submissions should be tabled and read aloud on the day that the relevant party appears at the hearing.
7. The Commissioners also request that all parties (the NCC reporting officers and submitters) calling expert witnesses liaise amongst themselves in order to facilitate their respective experts conferencing on matters relevant to their specific areas of expertise prior to the preparation of their reports or evidence (including any applicable district plan provisions). The aim of the conferencing should be to identify areas of agreement and disagreement which can then be noted in the reports and evidence. The Commissioners will attempt to focus on the issues of contention during the hearing and in their deliberations thereafter and so the assistance of the parties to clearly identify areas of expert agreement and disagreement in this manner will be greatly appreciated.
8. For any party who may not wish to attend the hearing, the Commissioners would appreciate if those parties could advise the Council as to their position as to any recommendations that may come through in the section 42A report. Again this would assist the Commissioners in both the hearing and their deliberations.
9. Any correspondence with the Commissioners should be directed to the Hearing Administrator, Mrs K Hunt at NCC in the first instance. Email: [kathryn.hunt@napier.govt.nz](mailto:kathryn.hunt@napier.govt.nz).



**Mark St. Clair (Chair)**  
13 August 2018.