

**Before the Hearing Commissioner appointed by Napier City Council**

**In the matter** of the Resource Management Act 1991  
**(the Act)**

**And in the matter** of an application by The Te Awa Land  
Development Company Limited to  
establish a comprehensive suburban  
commercial development at 35 Kenny  
Road, Napier

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**Memorandum of Counsel for the Applicant**

**29 October 2019**

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LJB-136562-4

## INTRODUCTION

- 1 This memorandum has been lodged in response to the Directions of the Commissioner Minute 1 dated 15 October 2019.
- 2 Paragraph 2 of the Minute states:
  - All ... pre-circulated evidence will be taken as read at the hearing. ....
  - However, all people appearing at the hearing will be allowed to briefly highlight key points for the benefit of the commissioner. The commissioner will then ask any questions she may have.
- 3 The applicant has pre-circulated evidence from five witnesses. They are:
  - 3.1 Cameron Drury (planning);
  - 3.2 Aaron Campion (traffic);
  - 3.3 Daniel Martens (acoustic);
  - 3.4 Paul Wilson (lighting)
  - 3.5 Johan Ehlers (servicing).
- 4 The applicant respectfully requests that attendance in person be waived for the following witnesses:
  - 4.1 Daniel Martens; and
  - 4.2 Paul Wilson.
- 5 If the Commissioner has questions for those witnesses, the witnesses can either:
  - 5.1 Be available by telephone or skype to answer any questions; or
  - 5.2 Provide written answers to questions – if the Commissioner is prepared to put her questions in writing.

6 It would be most helpful to the applicant if the Commissioner could confirm:

6.1 Whether attendance in person has been waived for the witnesses listed in paragraph 4 above; and

6.2 Whether the Commissioner is likely to have any questions for any of those witnesses so that arrangements can be made for the witnesses to be available to answer those questions by telephone, or in writing.

29 October 2019



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Lara Blomfield  
Counsel for Te Awa Land  
Development Company Limited