

**Napier City Council**  
**Resource Consent Application**

**RMS19006 – 16 and 38 Willowbank Avenue, Napier**

**DIRECTIONS OF THE COMMISSIONER**

**Minute 1**

**INTRODUCTION**

[1] Pursuant to section 34(A)(1) of the Resource Management Act 1991 (RMA), the Napier City Council (NCC) delegated to independent commissioner Janeen Kydd-Smith the functions of hearing the submissions on the application made by Durham Property Investments Limited (the Applicant) relating to a proposed residential subdivision and development in the Main Residential Zone, at 16 and 38 Willowbank Avenue, Napier.

**HEARING**

[2] The following directions relate to the hearing.

- The hearing will be held on **Wednesday, 26 May 2021** at the Ocean Suite, East Pier Hotel, 50 Nelson Quay, Napier commencing at 9.00am.
- If additional time is required for the hearing, the hearing will recommence on **Thursday, 27 May 2021** at the Ocean Suite, East Pier Hotel, 50 Nelson Quay, Napier; at 9.00am.
- Sara Parlato from NCC will be in contact with submitters to arrange an order of appearance. The general order will be:
  - Applicant
  - Submitters
  - 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, 5 May 2021**, 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 whether or not they agree or disagree (with reasons) within 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 **Tuesday, 11 May 2021**, and NCC are directed to circulate this evidence to all parties on **Wednesday, 12 May 2021**.

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

- 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 Tuesday, 18 May 2021**, and NCC are directed to circulate this evidence to all parties on **Wednesday, 19 May 2021**.
- 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 Napier City Council **by Tuesday, 18 May 2019**, and NCC are directed to circulate this evidence (if provided) to all parties on **Wednesday, 19 May 2021**.
- All evidence received will be posted on the Napier City Council website.
- At the hearing the applicant's experts may table and read out loud rebuttal evidence responding to any expert evidence lodged by submitters. The commissioner anticipates that any rebuttal evidence will be concise and will not raise new matters.
- 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 out loud at the hearing. Reading that material out loud at the hearing would be an inefficient use of time as the commissioner would have already read it.
- 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.

## WEBSITE

- [3] All information relevant to the hearing will be made available on the Napier City Council website: [www.napier.govt.nz](http://www.napier.govt.nz)

## SERVICE ON THE COUNCIL

- [4] Any evidence addressed by this Minute must be lodged:
- By post addressed to the Napier City Council, Private Bag 6010, Napier 4142. Attention: Sara Parlato
  - By hand delivery to Napier City Council, Dunvegan House, 215 Hastings Street, Napier 4110. Attention: Sara Parlato
  - 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 easily annotated by the commissioner as she reads it.



Janeen Kydd-Smith  
**Independent Commissioner**

22 April 2021

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<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.