

WELLINGTON CITY COUNCIL

SR 471670

RESOURCE CONSENT: PROPOSAL TO ESTABLISH A COMPREHENSIVE CARE RETIREMENT VILLAGE, 26 DONALD STREET AND 37 CAMPBELL STREET, KARORI

MINUTE 2 OF INDEPENDENT HEARING PANEL

1. This Minute is in response to the Memorandum of Counsel on behalf of Ryman Healthcare Limited (“**Ryman**”) dated 28 July 2022 (“**Ryman Memorandum**”). We also comment on next procedural steps.

Ryman Memorandum

2. In the Ryman Memorandum we have been asked to:
 - (a) note that Ryman do not intend to call an ecological expert evidence in relation to impacts on natural waterways; and
 - (b) issue a direction requiring submitters to advise whether any expert evidence is to be called by 5 August 2022.
3. We note the point in relation to the effects on natural waterways. At this point, we agree that this does not appear to be a point in issue.
4. We do not intend to issue the requested direction at this stage for the reasons outlined below.
5. In our Minute 1 (paragraph 9) we did not direct that expert conferencing occur rather we stated (for ease of reference):

We are not formally directing the undertaking of, or participation in, formal pre-hearing engagement, discussions or expert conferencing at this stage. We do, however, encourage pre-hearing liaison and extend that encouragement to any of the parties prior to the commencement of the hearing.

6. As noted at paragraph 11 of Minute 1 we may direct expert witness conferencing at some point, but we are not doing that now. We are very mindful of the timetable constraints in this regard.
7. In addition, we did not direct that the Applicant meet with Council and submitters we simply encouraged the Applicant to do so. We are pleased to read that the Applicant has made progress in this regard and intends to continue with this engagement as set out in the Ryman Memorandum.
8. As per paragraph 12 of Minute 1 we are simply asking the Applicant to provide us with a report on progress of any such engagement by 16 August. Receiving a report on this engagement should be instructive in determining if expert conferencing (between the Council’s and Applicant’s expert witnesses) would be of benefit. At that time, and to the extent it is possible, it would be useful if any submitters could

alert the Hearings Administrator as to their intentions (if any) regarding calling their own expert witnesses. We mention this solely to assist us in any directions we might issue at that point regarding expert conferencing. In particular, it would seem to us that if there is to be expert conferencing between experts being called by the Applicant and Council, then it makes sense to extend that participation opportunity to submitters' experts also.

Next steps

9. We have asked the Hearings Administrator to issue a notice of hearing that includes the dates, times, and venue for the hearing and, for ease of reference, repeats the evidence exchange dates set out in Minute 1.
10. All communications should be with the WCC Hearing Administrator who can be reached at Krystle.Leen@wcc.govt.nz or by ringing 021 193 4081.

DATED this 1st day of August 2022



Helen Atkins
Chair – Independent Hearings Panel

For and on behalf of:
Commissioner Angela Jones
Commissioner DJ McMahon