

Before the Independent Hearings Panel
Kāpiti Coast

under: the Resource Management Act 1991 (*RMA*)

in the matter of: Submissions and further submissions in relation to
Proposed Plan Change 2: Intensification to the Kāpiti
Coast District Plan

and: **Ryman Healthcare Limited**

and: **Retirement Villages Association of New Zealand
Incorporated**

Memorandum of counsel on behalf of **Ryman Healthcare
Limited** and the **Retirement Villages Association of New
Zealand Incorporated**

Dated: 28 March 2023

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**MEMORANDUM OF COUNSEL ON BEHALF OF RYMAN
HEALTHCARE LIMITED AND THE RETIREMENT VILLAGES
ASSOCIATION OF NEW ZEALAND INCORPORATED**

- 1 This memorandum of counsel is provided on behalf of Ryman Healthcare Limited (*Ryman*)¹ and the Retirement Villages Association of New Zealand (*RVA*)² in relation to Proposed Plan Change 2 to the Kāpiti Coast District Plan (*PC2*).
- 2 On 10 March 2023 expert planning evidence from Dr Phil Mitchell (Mitchell Daysh, Partner) was lodged with the Panel on behalf of Ryman and the RVA. Dr Mitchell intended to present this evidence at Ryman and the RVA's hearing session on PC2.
- 3 Dr Mitchell is now unexpectedly required to attend an Environment Court hearing at the same time as Ryman and the RVA's hearing session due to an overrun of his cross-examination. Given the compressed timeframes and decision-making process applying to PC2, Ryman and the RVA do not wish to disrupt the hearing schedule. Accordingly, a colleague of Dr Mitchell's, Ms Nicki Williams (Mitchell Daysh, Associate), is available to take Dr Mitchell's place in providing independent expert planning evidence.
- 4 Ms Williams has prepared a short statement of evidence (also filed herewith) to confirm her experience, compliance with the Environment Court Code of Conduct and her views on Dr Mitchell's evidence.
- 5 Ryman and the RVA's respectful view is that, unless the Panel has any concerns, in the circumstances it would be more convenient and efficient for Ms Williams to give planning evidence at the hearing instead of delaying the hearing session. Ms Williams fully supports the evidence of Dr Mitchell filed on 10 March 2023. Accordingly, there are submitted to be no process concerns or prejudice against any other parties. Ms Williams will be available to answer any questions concerning planning matters.

Luke Hinchey / Alice Hall
Counsel for Ryman and the RVA
28 March 2023

¹ Submitter 197.

² Submitter 196.