

**KAPITI COAST DISTRICT COUNCIL**

**APPLICATION FOR RESOURCE CONSENT: RM210151 – KAPITI RETAIL HOLDINGS LTD**

**MINUTE 11 OF COMMISSIONER**

1. The Applicant has provided and circulated to parties a supplementary statement of evidence from Mr Kelly in response to Minute 10.
  2. I am satisfied that this provides, and reconfirms some of the already available, information that was requested on the inputs to Mr Kelly's modelling.
  3. Mr Carr may now respond to the specific question I asked in Minute 9, i.e. whether he considers the proposed mitigation works are acceptable in terms of the traffic growth parameters confirmed in Minute 8.
  4. I am satisfied that the safety issues raised by Mr Carr and Mr Trotter have been responded to, and I do not require any further comment by the experts on that.
  5. The Applicant has also filed a Memorandum of Counsel expressing concern that the actions of a submitter have been unnecessarily drawing out the hearing process, and requesting that the process now be concluded by the Applicant filing its Closing Statement and proposed conditions. Counsel for Templeton Kapiti Limited has, in an e-mail received today, requested that the process outlined in Minute 4 be followed.
  6. The main purpose of the post-hearing process has been to provide the Applicant with an opportunity to review and update the mitigation it was offering as part of the application as lodged, in light of valid concerns and issues raised at the hearing particularly in relation to traffic growth parameters and effects on the network including on the Friendship Place roundabout.
  7. In embarking on that process I have been conscious to provide the submitters (and the Council reporting team) with ample opportunity to provide comment (in terms of legal, planning, and expert traffic advice) on the appropriate traffic growth parameters and on the updated mitigation being offered in response to my directions on that. To that end, the process outlined in Minute 4 should be followed to its conclusion.
  8. I note that legal submissions have been received, post hearing, from the submitters (Templeton Kapiti Limited and Young Supermarkets Ltd/Modern Merchants Ltd), as per Minute 4, on:
    - the assumptions to be made regarding traffic growth, volumes and whether the development potential assessed for the Airport Zone is appropriately limited to permitted activities or should also include controlled activities.
  9. In Minute 4 (Item 7) it was also indicated that further legal submissions may be made by the submitters when all the information has been circulated. This is in the context of a process that has involved additional information, two joint witness statements, supplementary evidence from Mr Kelly, and amended designs for proposed mitigation. Counsel for the above submitters have referred to that further opportunity as part of their inputs to date.
  10. It is therefore appropriate that further legal submissions may be made, however I would urge counsel for the submitters to keep these succinct and to not restate the matters already canvassed in legal submissions to date.
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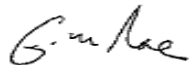
11. My further directions are as follows:

- Mr Carr to provide any further comment specifically on whether he considers the proposed mitigation works are acceptable in terms of the traffic growth parameters confirmed in Minute 8, by **22 June 2022**; and
- Submitters to file any further legal submissions (with respect to Mr Kelly's supplementary statements, the proposed designs, joint witness statements, and the proposed draft conditions) by **28 June 2022**.

12. I will then review the information but expect to then be able to request that the Applicant file a Closing Statement together with final proposed conditions of consent and plans.

**DATED** this 15<sup>th</sup> day of June 2022

Signed by

A handwritten signature in black ink, appearing to read "GM Rae".

**GM Rae, Independent Commissioner**

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