

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an application to Kapiti Coast District Council for non-complying resource consent for a proposed 53 lot subdivision (including earthworks and infrastructure) at Otaihanga, Kapiti Coast

**SECOND MEMORANDUM OF COUNSEL FOR THE APPLICANT
IN RESPONSE TO MINUTE 2**

Dated: 25thth day of August 2022

Bartlett Law
Level 9, Equinox House
111 The Terrace, PO Box 10852
Wellington
Tel: (04) 472 5579
Fax: (04) 471 0589
Solicitor Acting: Penelope Ryder-Lewis
E: prl@btlaw.co.nz

Counsel: P D Tancock
Harbour Chambers
Level 2, Solnet House
70 The Terrace, PO Box 10242
Wellington
Tel: (04) 499 2684
E: phernne.tancock@legalchambers.co.nz

MAY IT PLEASE THE PANEL:

1. Counsel for the applicant is in receipt of Minute 2 and is in the process of compiling the relevant information sought in that request. The purpose of this memorandum is to provide the Panel with a suggested timetable to complete the hearing.
2. Conferencing sessions occurred this week as directed.
3. The Council and the applicant intend to provide responses to Minute 2 (including conferencing statements) by midday Thursday 1st September.

Suggested Timetabling for Resumed Hearing

4. The Commissioners have also requested that the Council and applicant confer on a timetable to resume the hearing of this matter.
5. It is noted that the applicant's planning expert, Mr Hansen, will be overseas in Mexico from 12th September – 12th October 2022, therefore the applicant would like the opportunity for Mr Hansen to provide his planning response to the Panel as part of the applicant's right of reply prior to his departure.
6. Counsel understands that the Panel and Council have all confirmed availability for Wednesday 7th September 2022.
7. Counsel anticipates that the Panel may have questions for both the Council and the applicant arising from the revised set of conditions, conferencing statements and further new information submitted. Re-convening the hearing in person at this point would allow the Panel the opportunity to question the Council Officers and the applicant on any of the new material, prior to the applicant's reply.

8. Counsel anticipates that the right of reply would be delivered in person that day, if possible, including the reply from Mr Hansen (planning) and Ms Fraser (traffic) and various responses to matters throughout the hearing requested by the Panel.
9. Counsel would like to reserve leave to provide legal closing as part of the right of reply in writing (if necessary), due to counsel having heavy pre-existing hearing commitments over this time.
10. If that is required, counsel suggests that the applicant's closing legal submissions be provided to the Panel in writing by Friday 23rd September 2022.



P D TANCOCK
Counsel for the applicant

Dated: the 25th day of August 2022