

**Before a Hearings Commissioner appointed by
The Kāpiti Coast District Council**

In the Matter of

the Resource Management Act 1991
(Act)

And

In the Matter of

of an application under section 88 of
the Act by Kapiti Retail Holdings
Limited for the construction and
operation of a Countdown
supermarket at 160 Kāpiti Road,
Paraparaumu RM210151.

**Memorandum of Counsel on behalf of
Kapiti Retail Holdings Limited
regarding next steps post hearing
(RM210151)**

Dated: 24 March 2022

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lane neave.

May it Please the Court

1. This memorandum is filed by Counsel for Kapiti Retail Holdings Limited (**KRHL**) following the adjournment of the hearing of RM210151 on 22 March 2022 and in response to Minute 2 from the Commissioner dated 24 March 2022.

KRHL's Position

2. Having taken into account the points raised in Minute 2, KRHL wishes to provide the Commissioner with the benefit of its current position on the application to assist the Commissioner and parties.
3. KRHL intends to:
 - (a) offer the mitigation of the additional north west approach lane on Kapiti Road as a requirement prior to operation of the supermarket, in place of the previously proposed condition 28;
 - (b) provide a design of the proposed upgrade to the north west approach lane to the Commissioner and parties (this is expected to take two weeks to be prepared); and
 - (c) provide information about capacity scenarios for the proposed upgrade in light of the uncertainty regarding traffic volumes used in the model, including stress testing for certain growth rates.
4. The purpose of offering the matters in paragraph 3 is to address the residual concerns of the traffic experts for the submitters, who confirmed at the hearing, that appropriate mitigation on the north west approach would likely resolve their residual concerns around the consent application.
5. The provision of a revised updated set of conditions for consideration of the Council reporting officer was also discussed at the conclusion of the hearing. Counsel suggests this conferencing process between Ms Panther Knight and Ms Rydon incorporating matters discussed at the hearing.

Next Steps

6. Given the above, KRHL proposes the following in terms of post hearing process:

- (a) KRHL file a supplementary statement from Mr Tim Kelly on **8 April 2022** containing:
 - (i) the proposed design of the proposed upgrade to the north west approach lane; and
 - (ii) stress testing of the proposed upgrade for greater growth rates.
 - (b) Ms Panther Knight file an updated set of consent conditions on **8 April 2022** for the Council reporting officer's review.
 - (c) Joint witness conferencing take place **after 8 April 2022** on the following matters:
 - (i) **Transport:** the appropriateness of the proposed design of the north west approach lane and results of the proposed stress testing.
 - (ii) **Planning:**
 - (A) The appropriateness of the proposed revised conditions of consent;
 - (B) A summary of the resource consenting requirements for further potential development of the land within the Airport Mixed Use Zone within the Kapiti Landing site and potential permitted development.
7. Joint witness conferencing of the traffic experts on the now proposed mitigation and information on stress testing that is to be provided has the potential to resolve residual concerns about the performance of the mitigation in certain future growth scenarios. Therefore, it is proposed that directions on any further steps beyond those sought above, including the need for further legal submissions from the parties on the legal receiving environment, be made following the proposed conferencing taking place, if needed.

Dated this 24th day of March 2022

A handwritten signature in blue ink, appearing to read 'Joshua Leckie'.

Joshua Leckie/Katharine Hockly
Counsel for Kapiti Retail Holdings Limited