

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an application for resource consent for a 139 two storey residential unit development in 18 blocks and associated 311 lot subdivision including 170 car parks and associated earthworks at 240 Kapiti Road, Paraparaumu (Lot 1 DP 88870)

**Minute #1 of Independent Commissioner
240 Kapiti Road Paraparaumu
Applicant: Gresham Trust
Kapiti Coast District Council RM 220070**

I have been delegated authority from Kapiti Coast District Council to consider the above application and the submissions received. A hearing has been scheduled to assist me to make a determination on the resource consent application.

Hearing details:

Location: Paraparaumu Library Meeting Room, 9 Iver Trask Way, Paraparaumu.

Date: Thursday 10 and Friday 11 November 2022

Time: 9.30am start

1. Submission of Expert Evidence:

The Resource Management Act sets out procedures for the pre exchange of evidence which is a requirement for all expert evidence at hearings. The following is the timeline for the submission of this evidence taking into account that Labour Day is included in this period:

Council evidence

A copy of the planning officer's recommendation report and any expert evidence prepared by Council officers or advisers must be provided to the applicant and submitters 15 working days before the hearing (section 103B(2) of the Act). This would be no later than **5pm on Tuesday 18 October 2022**.

Applicant's evidence

A copy of evidence from Gresham Trust as applicant must be provided to the Council 10 working days before the hearing (section 103B(3)). This would be no later than **5pm on Wednesday 26 October 2022**.

Submitters' evidence

A person who has made a submission and who is intending to call expert evidence must provide briefs of this evidence to the Council and the applicant at least 5 working days before the hearing (section 103B(4)). This would be no later than **5pm on Wednesday 2 November 2022**.

Non-expert evidence

Submitter lay evidence over 2 pages in length and any legal submissions should be tabled in advance of the hearing by **5pm Monday 7 November 2022**. This can be summarised or shorter statements read aloud on the day that the relevant party appears at the hearing.

2. Viewing evidence:

The Council is required to make all briefs of evidence available at its offices. To meet this requirement, a copy of the Council planner's recommendation report and any associated expert reports, the applicants evidence and any evidence provided by submitters will be made available at the Council offices at the timeframes set out above. In addition all parties will be sent an electronic link to the evidence submitted.

3. The Hearing:

A useful guide to the conduct of hearings can be found at:

<http://www.mfe.govt.nz/publications/rma/everyday-guide-rma-appearing-council-resource-consent-hearing>.

Pursuant to s41C(1) of the RMA, I direct that in respect of expert evidence pre-circulated in accordance with these Directions, the hearing will be conducted in the following manner:

- The section 42A report(s) and all pre-circulated evidence will be taken as read;
- The applicant or submitter that have provided the pre-circulated evidence is to call the witness in person;
- The witness should be introduced and asked to confirm his or her qualifications and experience;
- The witness should be asked to confirm the matters of fact and opinion contained in the brief of evidence;
- The witness will then be given an opportunity to draw to my attention the key points in the brief. No new evidence shall be introduced, unless it is specifically in response to matters raised in other pre-circulated briefs of evidence supplied by another party – in such cases the new evidence shall be presented in written form as an Addendum to the primary brief of evidence and it may be verbally presented by the witness.
- I may then question the witness.

4. Site visit

I will be undertaking a site visit prior to the hearing commencing. I will do so unaccompanied by any other parties. I may undertake a further site visit during or after the hearing.

5. Correspondence

Any correspondence with me should be directed through Heather Wright via Heather.Wright@kapiticoast.govt.nz and I will endeavour to respond as soon as I can.

The hearing is a formal semi-judicial process, but will be conducted as informally as possible, consistent with the procedures specified in the Resource Management Act 1991 (the Act). All parties will have a fair and reasonable opportunity to present their submissions. Following presentations by the applicant, the submitter will have an opportunity to address the Commissioner, then followed by the Council's planner and any relevant council adviser. The applicant will then have a right of reply.

Hearing coordinators from the Council will be in touch with all parties who wish to present at the hearing to ascertain times for the presentation. This is in order that scheduling can occur and that we make the most efficient use of everyone's time.

A handwritten signature in black ink, appearing to read 'Lindsay Daysh', with a long horizontal flourish extending to the right.

Lindsay Daysh
Independent Commissioner
5 October 2022