

Commissioner Minute Number 3

20 July 2023

Applications RC225715 / RC225716 – Kevler Development Limited

Additional Transportation Evidence

Additional transportation evidence has been received today (20 July 2023) from the Applicant's transport engineer, Mr Metherrall. The evidence follows discussion between Mr Metherrall and the Council's Transportation s42A report writer, Mr Collins. It contains additional assessment of safety risk at intersections. I have been told that the material has been forwarded to Mr Collins who will provide a supplementary written statement at the hearing. This would require the Council s42A reporting planner Mr Bigsby to respond to the new information at the hearing.

The late evidence does not comply with the 10 working day time limit of s41B(2). I must therefore consider under s37(1) whether to waive the failure to comply with the time limit, taking into account the matters in s37A(1) including *"the interests of any person who, in its opinion, may be directly affected by the extension or waiver."*

I have been provided with and reviewed a copy of the additional evidence, and considered whether its acceptance might pre-judice any other parties to the proceeding.

I am satisfied that the late inclusion of the additional transportation assessment will not prejudice any of the submitters who wished to be heard at the hearing. It does not alter the nature of the application nor its effects.

All of the submissions lodged raised specific issues, and sought specific relief relating to those issues. None of the submitters raised transport matters relating to safety risk at the Springston Rolleston Road / Selwyn Road intersection. I note that transport safety issues were raised in the Ministry of Education submission, however the concerns and relief sought were limited to construction effects and to traffic movements affecting Rolleston College and Lemonwood Grove School.

Accordingly, the additional matters raised are beyond the scope of issues and relief raised and sought in the individual submissions, therefore I consider it does not prejudice those parties.

I note that Mr Bigsby may need to respond and reconsider some of the conclusions and recommendations of his s42A report in light of this information, however this is no different to the situation arising in the normal course of a hearing where as s42A officer he may need to amend his assessment and conclusions in light of hearing evidence and questioning.

Accordingly under s37(1) RMA:

I agree that the additional evidence provided by Mr Metherrall be accepted and that it and a copy of this minute be circulated to all parties who wished to be heard.

I direct that Mr Collins provide a written statement to be circulated prior to the commencement of the hearing to all parties who wished to be heard.



Graham Taylor
Commissioner

20 July 2023