

BEFORE THE KĀPITI COAST DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 84 to the Kāpiti Coast District Plan

STATEMENT OF EVIDENCE

Evidence of: TIM KELLY, Director Tim Kelly Transportation Planning Ltd
Subject Area: Transportation Issues
On Behalf of: Kāpiti Coast Airport Holdings Ltd
Date: 27 January 2017

INTRODUCTION

- 1 My name is Tim Kelly. I am a director of my own traffic engineering and transportation planning practice.
- 2 I have worked in the traffic engineering and transportation planning field since 1983. I hold a Bachelor of Arts degree in Geography, and a Master of Science degree in Traffic Engineering and Transportation Planning, both from the University of Sheffield in the United Kingdom.
- 3 I am a full Member of the Chartered Institute of Logistics and Transport, and the IPENZ Transportation Group (a Technical Interest Group of IPENZ).
- 4 My career to date has been spent in the consultancy sector of transportation, in both the United Kingdom and New Zealand. During my career, I have provided policy advice regarding traffic and transportation matters, and undertaken assessments for a wide variety of development proposals across New Zealand.

- 5 This experience includes traffic assessments and the provision of evidence in support of Plan Change 73 (**PC73**) in 2007 and the following appeal to the Environment Court in May 2009. Subsequent to this, I have been retained by Kāpiti Coast Airport Holdings Ltd (**KCAHL**) to advise on traffic engineering and modelling matters as they relate to the airport development area. In addition, I have worked on transportation assessments in the wider Kāpiti area and throughout New Zealand.
- 6 I can confirm that I am very familiar with the geographic area of relevance to this evidence.

CODE OF CONDUCT STATEMENT

- 7 While this is not an Environment Court hearing, I nonetheless confirm that I have read the Code of Conduct for Expert Witnesses issued as part of the Environment Court Practice Note 2014. I agree to comply with the Code and am satisfied that the matters which I address in my evidence are within my field of expertise. I am not aware of any material facts that I have omitted which might alter or detract from the opinions I express in my evidence. I understand that I have an overriding duty to assist the Hearing Panel in an impartial manner and that I am not an advocate for the party which has engaged me.

BACKGROUND

- 8 KCAHL is seeking changes to rules in the Operative District Plan (**ODP**) which relate to the development of the airport area. Specifically, the changes sought to the ODP are to remove 'Prohibited' activity status for the following activities:
- a) noise sensitive activities outside of the Air Noise Boundary not specifically provided for as a permitted activity – proposed to be classified as a discretionary activity (rule D.9.1.6(i));
 - b) one department store – proposed to be classified as a non-complying activity (rule D.9.1.6(ii));
 - c) supermarkets – one proposed to be classified as a discretionary activity, and one as a non-complying activity (rule D.9.1.6(iii));
 - d) more than one store of between 151m² and 1,500m² gross floor area that retails groceries or non-specified food lines – proposed to be classified as a discretionary activity (rule D.9.1.6(iv)); and

- e) any consequential amendments to the ODP that may be necessary to achieve the purpose of this private plan change request.
- 9 A Private Plan Change request (**PPC84**) was lodged with Kāpiti Coast District Council (**KCDC**) in July 2015.

KEY ISSUE

- 10 As discussed above, PPC84 seeks to modify the status of the activities above from 'Prohibited' to either 'Non-Complying' or 'Discretionary'. None of these activities would be given 'Permitted' or 'Controlled' activity status, so no development could occur as of right. In all cases, allowance is made for any transportation effects to be assessed (if identified as an actual or potential effect).
- 11 At 'best', PPC84 is seeking to classify activities as 'Discretionary'. In my view, it is important to recognise that a plan change that does not give 'Permitted' or 'Controlled' activity status to any activities cannot itself be considered to have any traffic 'effects'. For this reason, I consider there to be no traffic effects associated with PPC84 itself.
- 12 I understand the issue at this hearing to be what activity status is most appropriate for achieving the objectives and policies of the ODP. My evidence seeks to provide some assistance to the hearing committee on this matter.

ASSESSMENT

Transportation Effects of Currently Prohibited Activities

- 13 There is no disagreement that the activities which are the subject of PPC84, if constructed and operational, would generate traffic activity with associated impacts on the transportation network.
- 14 As stated in the PPC84 application, because these activities are currently 'Prohibited', KCAHL is unable to plan or generate development proposals for those activities in the airport area. This means that the types of essential information normally used to aid estimates of traffic activity (such as tenant/operator, nature of goods to be sold, catchment area, hours of operation, staffing levels, timing of development, etc) are not currently available. Given that some assessment of traffic effects will necessarily form part of applications for consent under KCAHL's proposed relief, that information will (in due course) be available for KCDC to consider.

- 15 At this stage and for the purpose of this private plan change request, any assessment of associated traffic activity can only be at the broadest level and heavily qualified in terms of assumptions.
- 16 Mr Colegrave has prepared an indicative assessment of the possible change in land-use outcomes with PPC84, summarised by **Table 1**.

Activity Type	Estimated Future GFA (m ²)	
	Without PC	With PC
Clothing, Footwear and Personal Accessories Retailing	0	1,000
Department Stores	0	6,000
Electrical and Electronic Goods Retailing	3,000	2,000
Food & Liquor Retailing	0	2,000
Food & Beverage Services (cafes/restaurants/bars)	2,000	1,500
Furniture, Floor Coverings, Houseware and Textile Goods Retailing	3,000	2,000
Hardware, Building and Garden Supplies Retailing	4,000	2,500
Pharmaceutical and Other Store-Based Retailing	0	1,000
Recreational Goods Retailing	3,000	2,000
Other	5,000	0
TOTAL	20,000	20,000

TABLE 1: Estimated Development Floor Areas Without & With PPC84
(Source: Insight Economics)

- 17 Application of the original PC73 trip generation rates and adjustment factors (for trips by other modes, pass-by trips and trip-chaining) to these floor areas has been used to derive broadly indicative estimates of associated vehicular activity for the critical weekday PM peak period. The results of this assessment are summarised by **Table 2**.

Activity Type	Estimated Vehs/Hr	
	Without PC	With PC
Clothing, Footwear and Personal Accessories Retailing	0	50
Department Stores	0	300
Electrical and Electronic Goods Retailing	72	48
Food & Liquor Retailing	0	100
Food & Beverage Services (cafes/restaurants/bars)	21	16
Furniture, Floor Coverings, Houseware and Textile Goods Retailing	72	48
Hardware, Building and Garden Supplies Retailing	19	12
Pharmaceutical and Other Store-Based Retailing	0	50
Recreational Goods Retailing	72	48
Other (e.g. marine / automotive retail)	53	0
TOTAL	310	672

TABLE 2: Estimated Traffic Generation Without & With PPC84
(Vehicle Movements/Hour, Weekday PM Peak Period)

- 18 This indicates that the change in activity mix shown by **Table 1** could result in an increase in vehicular activity from 310 to 672 movements/hour.
- 19 Based upon the original trip distribution (which I consider remains broadly relevant with the completion of the Expressway), this increase could split approximately 60% / 40% between Kapiti Road to the east and west, resulting in increases of 217 and 145 vehicle movements/hour respectively.
- 20 On their own, these traffic increases could adversely affect conditions on Kapiti Road, especially between the Airport and the town centre area.
- 21 I have intentionally emphasised the uncertainty inherent in these statements. I reiterate that these relatively precise traffic numbers mask a large degree of uncertainty associated with the unknown details of any development.

Ability for KCDC to Control Effects of Airport Development

- 22 As I have described, the possibility of any adverse traffic effects upon the transportation network arising from PPC84 alone is precluded by the proposed changes to activity status.
- 23 In all cases, the changes sought through PPC84 would give KCDC full discretion to review all aspects of every development.
- 24 I anticipate that whether any consent application enabled by PPC84 would need to be supported by an Integrated Transportation Assessment (ITA) would be addressed on a

case-by-case basis. For smaller applications (possibly involving modifications or extensions of existing activities) it is possible that the preparation of a ITA would not be justified. Larger activities are, however, more likely to meet that test.

- 25 Where an ITA is required, the Council (or commissioners if appointed on its behalf) would have regard to its findings when deciding whether consent should be granted. Where smaller applications will generate some adverse traffic effects, those applications will still need to assess those effects and provide methods to avoid, remedy or mitigate those effects (although not to the level of detail required by an ITA, which would be reserved for larger developments with potentially more significant effects).
- 26 This provides certainty that any effects upon the operation of the transportation network associated with development will be fully addressed at the appropriate time, with the benefit of full details regarding the specific development proposal and the performance of the transportation network at the time of the application.
- 27 Without PPC84, development within the Airport Mixed Use Precinct (**AMUP**) can take place up to a threshold of 102,900m² GFA as a 'Controlled' activity. However, a requirement for stages of the Western Link Road to be under construction or completed prior to development above 43,050m² GFA could not be fulfilled (even though the Expressway will be operational), triggering 'Restricted Discretionary' activity status with an associated requirement for a detailed traffic assessment.
- 28 PPC84 seeks a change in activity status for approximately 20,000m² GFA of development. If at least part of this development was to occur prior to the wider 43,050m² GFA threshold being reached, then development having 'Controlled' activity status would be replaced with development having 'Discretionary' activity status, including an ability to require ITAs. Overall, this will mean that the opportunity for KCDC to review and control any potential effects on the transportation network will be increased.

Consistency with Objectives & Policies

- 29 The ODP includes a number of objectives and policies, relevant to the Airport Zone and transportation issues with PPC84, against which the proposed amendments need to be assessed. I address these below.

- 30 Objective 19.1.1 is to *“achieve significant sustainable aviation, business and employment opportunities by enabling the efficient utilisation of the land for aviation and associated activities and supporting non-aviation business activities, while avoiding, remedying or mitigating adverse effects”*.
- 31 To achieve that objective, Policy 19.1.1.2 provides that *“A range of uses in the ‘Airport Mixed Use Precinct’ will be permitted to support aviation activities and provide for non-aviation, commercial and other employment opportunities.”* The explanation for that policy identifies that certain specified activities carry a status requiring resource consent *“to enable the Council to manage potential adverse effects”*.
- 32 Objective 19.1.2 is to *“protect the amenities of areas surrounding the Airport from adverse environmental effects from airport use and development”*.
- 33 To achieve that objective, Policy 19.1.2.5 provides that *“development within the Airport Zone shall ensure that any traffic effects are avoided, remedied and mitigated through restrictions on the timing of development”*. The explanation discusses the threshold limits for development in the Airport Mixed Use Precinct (discussed above in my evidence) and goes on to mention that the rules of the operative District Plan *“allow some control flexibility, provided that a traffic assessment of the effects on the local road network and broader State Highway network within the District is undertaken”*.
- 34 As I have indicated above, the changes in activity status which are sought by PPC84 would give Council an increased opportunity to review and control any potential effects on the transportation network. In my view, this would result in a greater degree of alignment with these objectives and policies.

RESPONSE TO SUBMISSIONS

- 35 I have reviewed the submissions and further submissions made on behalf of Coastlands Shoppingtown Ltd, Ngahina Developments Ltd, Alpha Corporation Ltd, Sheffield Properties Ltd, Richard Paul Mansell, the Ngahina Trust and the NZ Transport Agency.
- 36 I respond to the issues raised in turn below.

Contrary to the Operative Wellington Regional Policy Statement (RPS)¹

37 I understand that Coastlands and other submitters have submitted that the proposal is contrary to the promotion of a “compact well designed and sustainable regional form that has an integrated, safe and responsive transport network” under the operative RPS. I also understand that the RPS became operative after the changes made to the provisions for the Airport Zone through PC73 and that, therefore, the consistency of the proposed changes with the RPS is an issue to be determined in this hearing.

38 For the reasons I have described, PPC84 does not impact upon the opportunities for KCDC to review the potential effects of development within the Airport area upon the operation of the transportation network. Therefore, in my opinion it cannot be sustained that the proposed changes would be contrary to the matters listed in the RPS above, when all they do is allow KCDC to assess (at the time of an application) the effects of that application, and the consistency of that application with the relevant planning instruments (including the relevant provisions of the RPS) under the test in s104 of the RMA.

Traffic Generation Predictions are Low²

39 I understand that Coastlands and other submitters have submitted that the traffic generation predictions included in the traffic assessment are considered to be at the low end of the scale.

40 As I have described, there is significant uncertainty relating to any estimates of traffic volumes at this stage when very little is known about any development. The figures that were provided were based upon the accepted and peer reviewed figures used in the PC73 process (and applied recently by KCDC during the PDP process) and hence I consider to be a reasonable ‘best estimate’. I note that the submitter has not offered any alternative figures or modelling to suggest what higher traffic generation predictions may be generated through development that would potentially be enabled through PPC84. In the absence of such information, it is difficult to assess the veracity of such claims from a traffic engineering perspective.

¹ For example, *Coastlands Shoppingtown Ltd Submission, paragraph 2.1.4 (23 March 2016)*

² For example, *Coastlands Shoppingtown Ltd Submission, paragraph 2.1.9 (23 March 2016)*

No Assessment of Traffic Effects³

- 41 Coastlands and other submitters have also raised concerns relating to potentially significant effects upon the strategic and local transport networks, the need for network upgrades sooner as a result of the proposal and the lack of any assessment of those effects.
- 42 In my opinion, there is no disagreement between the parties that the activities for which a change in status is sought would have associated traffic generating characteristics and effects. However, for these activities to have such effects they firstly require consent which, in turn, would require detailed assessments of transportation impacts and a demonstration that any adverse traffic effects upon the operation of the road network would be appropriate (or able to be avoided, remedied or mitigated). Otherwise, consent would not be granted.

Contrary to Kāpiti Expressway Objectives⁴

- 43 Coastlands and other submitters have submitted that PPC84 is contrary with the objective *“to enhance efficiency and journey time reliability from, to and through the Kapiti District, Wellington’s CBD, key industrial and employment centres, port, airport and hospital”*.
- 44 As discussed above, it is my opinion that PPC84 will not itself have any traffic effects and so, in the absence of change from the status quo, could not be contrary to the objective above. Potential impacts upon the Expressway and its interchanges with relevant local roads would be addressed by an assessment of the traffic effects (which may extend to an ITA, depending on the size and scale of an application) at the consenting stage.

No Consequential Provisions⁵

- 45 I understand that the principal concern of the New Zealand Transport Agency (NZTA) is that PPC84 contains no consequential provisions about the transport modelling information required to be lodged with the resource consents that would be enabled, and that changes to Chapter F of the ODP might be a useful component of PPC84.

³ For example, Coastlands Shoppingtown Ltd Submission, paragraph 2.1.9 (23 March 2016)

⁴ For example, Coastlands Shoppingtown Ltd Submission, paragraph 2.1.9 (23 March 2016)

⁵ NZ Transport Agency Submission, p3 (23 March 2016)

46 In my opinion, it would be logical for the extent of analysis and assessment to be determined on a case-by-case basis, taking account of the characteristics and scale of each application. For this reason, I do not consider that it is necessary to prescribe modelling or other assessment requirements at this stage. Instead, I believe that it would be more appropriate for the future applicant and Council to ensure that future decisions are sufficiently informed.

RESPONSE TO S42A REPORT (& SUPPORTING DOCUMENTATION)

47 I have read the s42A report prepared by Boffa Miskell on behalf of KCDC, dated 19 December 2016, and the supporting traffic assessment prepared by Don Wignall of the same date.

48 The s42A report recommends the approval of PPC84, subject to the following amendments:

- more than one store of between 151m² and 1,500m² GFA that retails groceries or non-specified food lines as non-complying (rather than full discretionary) activities; and
- noise sensitive activities that are not otherwise permitted as non-complying (rather than full discretionary) activities.

49 The conclusions of the supporting KCDC traffic assessment raise concerns regarding the traffic impacts associated with the change in activity-mix which would be likely to eventuate. For example:

*“PC84 would have the effect of locating higher traffic generating activities, such as a department store, on Airport land. Analysis undertaken by Council has demonstrated that this would intensify traffic pressures, generate substantial adverse effects ...”.*⁶

50 As I have described, the point in contention is not whether the activities in question would generate more traffic activity, but whether appropriate controls remain in place to provide an opportunity for potential traffic effects to be reviewed.

⁶ Memo from Don Wignall to Robert Schofield, 19 December 2016 (paragraph 2.21)

52 The s42A report appears to acknowledge this point. From a detailed examination of the existing controls available within ODP and how these would be modified by PPC84, the s42A report states that:

*"I therefore consider the resource consent process would be an appropriate method for addressing the traffic effect of the subject retailing activities."*⁷

53 In arriving at this position, the s42A report records that:

*"In terms of traffic effects, I note that ... any resource consent application under the amended rule for the Airport Zone under the ODP would require a thorough assessment of its traffic effects, including the impact on Kapiti Road, following the opening of the Mackays to Peka Peka Expressway (expected within the next few months). In regard to the submission from the NZTA, I would expect that such assessments (either by the applicant or the Council) would draw on the latest information on current and predicted future volumes and patterns, including output from revised traffic modelling."*⁸

54 This supports my view that sufficient controls would remain in place to provide for a detailed review of potential traffic effects at the consent stage, when more current and comprehensive information is available regarding the operation of the road network.

CONCLUSIONS

55 PPC84 will not itself give rise to any traffic effects as it will not give 'Permitted' or 'Controlled' activity status to any potential development.

56 PPC84 will not be contrary to any of the transportation objectives of the Regional Policy Statement.

57 KCDC will not lose any opportunities to assess and review the effects of development within the Airport area upon the operation of the transportation network – indeed such opportunities may be increased through the consenting process.

58 From a traffic perspective, PPC84 will more appropriately achieve the objectives and policies of the operative District Plan, and the purpose of the Resource Management Act

⁷ s42A report, paragraph 5.57

⁸ s42A report, paragraph 5.56

1991, namely the sustainable management of the airport area.

Tim Kelly, January 2017