

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

Under

the Resource Management Act 1991
(Act)

And

In the Matter

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

**Summary Statement of
Kay Panther Knight
for Kapiti Retail Holdings Limited**

Dated: 22 March 2022

Lane Neave

Vero Centre, Level 8/48 Shortland Street
CBD, Auckland 1010

Auckland

Solicitor Acting: Joshua Leckie/Katharine Hockly

Email: joshua.leckie@laneneave.co.nz

[/Katharine.hockly@laneneave.co.nz](mailto:Katharine.hockly@laneneave.co.nz)

Phone: 03 372 6307 / 03 409 0321

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INTRODUCTION

1. My full name is Kay Panther Knight. I am Director of Forme Planning Limited.
2. I have the qualifications and experience set out at paragraphs 2 - 4 of my statement of evidence dated 8 March 2022.
3. I reconfirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014.
4. In this statement, I provide a summary of the key points in my evidence.

KEY POINTS

5. Kāpiti Retail Holdings Limited (**KRHL** or the **Applicant**) proposes to develop the land at 160 Kāpiti Road, Paraparaumu (**Site**) to construct and operate a supermarket activity and two trade retail activities, along with associated car parking, access, servicing, including flood storage tanks, and landscaping (**Proposal**). Off-site mitigation in the form of an additional left-turn lane within the road reserve of Friendship Place, pedestrian refuge on Kāpiti Road and possible bus stops is also included in the Proposal.
6. The Proposal requires consent for a non-complying activity under the Kāpiti Coast Operative District Plan 2021 (**District Plan**).
7. The Proposal has been assessed in my primary statement of evidence and in other supporting evidence (and in the Application documentation itself) in respect of the potential and actual effects on the environment. Overall, I conclude that the Proposal results in less than minor adverse effects in respect of transport, economics, urban design (including signage), servicing and infrastructure, natural hazards, temporary construction, contaminated soil and cultural values.
8. The Applicant's evidence has considered in detail effects relating to economics, transport and urban design and concludes (with agreement from Council):
 - (a) The effects on the role, function, health and vitality of centres, particularly Paraparaumu town centre are less than minor and the

Proposal will not cause retail distribution effects that result in any “tumbleweed scenario”. Further, there is no shortage of industrial land supply such that the Proposal adversely affects the District’s ability to accommodate industrial use demand, including having regard to reverse sensitivity effects on adjacent industrial land.

- (b) The use of the Site for a Supermarket (and permitted trade retail) is suitable in urban design terms having regard to its location accessible to a primary urban transport corridor that accommodates a variety of modes of transport; is well connected to both the Paraparaumu town centre and the residential catchment this convenience retail is intended to serve; and in terms of design and site layout, is compatible with the surrounding existing and anticipated environment. Operational and functional requirements are well-provided for in the design, including appropriate separation of public and service vehicle manoeuvring; clear legible connections between street, car park and store entrance; and recognisable and attractive modern branding.
 - (c) Finally, with regards to transport effects, which remain the only matter in contention as posited by Submitters. These effects have been comprehensively assessed by Mr Kelly for the Applicant and Mr Trotter for the Council, who both conclude that, with suitable mitigation (to be imposed by clear and enforceable conditions), the effects on the transport network are less than minor. Mr Kelly rightly confirms that it is in the best interests of the Applicant, and Countdown as operator, to ensure that the proposed access arrangements operate safely and without causing congestion on the adjacent road network, and this is achieved by the Proposal, subject to conditions that form part of the Application.
9. I have undertaken a detailed assessment of the relevant objectives, policies, rules and assessment criteria (where relevant given the overall non-complying activity status) of all relevant planning documents. I conclude that the Proposal is generally consistent with these provisions.
10. Specifically, I consider that the Proposal is not contrary to any relevant planning provisions in respect of the Policy Test under Section 104D(1)(b). Moreover, the Proposal satisfies the requirements of the National Policy

Statement on Urban Development, the relevant National Environmental Standard on Contamination, the Regional Policy Statement and the relevant Regional Plans.

11. In respect of the particularly relevant objectives and policies of the District Plan, I make the following summary points:
 - (a) Overall, I consider that the Proposal is consistent with the objectives and policies in respect of District-wide matters, Business Activities and the General Industrial zone, including Objectives DO-O3, DO-O8, DO-O11, DO-O15, DO-O16, Policies BA-P1, BA-P3, UEDI-P1, UEDI-P2, GIZ-P1, GIZ-P2, GIZ-P3 and GIZ-P4.
 - (b) Likewise, the Proposal is consistent with objectives and policies relating to infrastructure, natural hazards, transport and urban design.
 - (c) With regards to Policy BA-P2, in my primary evidence I conclude that the Proposal is inconsistent with sub-clause (1)(b), by virtue of its strict wording and the intention of a supermarket to serve daily convenience needs beyond just the “immediate residential neighbourhood”, but that regardless, that sub-clause is not considered to be determinative in isolation. Rather, I consider that, when taken as a whole, the Proposal is generally consistent with Policy BA-P2.
12. I therefore conclude that the Proposal passes both gateway tests set out in Section 104D of the Resource Management Act (**the Act**).
13. I consider that the Proposal is acceptable pursuant to Section 104 of the Act, taking into account positive effects and all other matters addressed in my primary evidence. To summarise, the following positive effects are considered to arise:
 - (a) The community benefit resulting from the provision of an additional full-service supermarket within the Paraparaumu community, having particular regard to additional competition and a corresponding positive benefit on grocery prices.

- (b) The resultant reduction in travel time for residents to fulfil their grocery needs and a more sustainable travel pattern for customers given the proposed supermarket's location proximate to the catchment it serves and the alternative modes of transport promoted to and from the Site.
 - (c) The new employment offer as an economic benefit both during construction and when operational, noting that a supermarket of this size typically employs 80 – 100 staff, being a mix of full- and part-time employees, in addition to the employment opportunities within the two trade retail activities, and during construction on-site.
 - (d) Additional indirect economic effects arising from the Proposal as a catalyst for additional investment within the local community.
 - (e) A comparatively efficient use of an existing but vacant physical resource, being a well-serviced, urban Site with convenient access to transport routes, Paraparaumu town centre and residential catchment, and a corresponding comparative improvement in the amenity afforded to the surrounding area by redeveloping an under-utilised Site visible from Kāpiti Road as a key urban corridor.
14. Submissions received on the Application, and supported in corporate and expert transport evidence, raised concern regarding transport effects, specifically in relation to the efficiency in function and safety of the Kāpiti Road / Friendship Place roundabout. I consider these effects have been wholly addressed by Mr Kelly in evidence and further covered in Mr Kelly's summary statement today. Specifically, the effects have been assessed and, subject to mitigation which forms part of the Application, can be appropriately mitigated to a less than minor degree. Conditions are to be imposed which will ensure this mitigation occurs as and when required. Further commentary regarding condition 28 in particular is addressed below. In summary, I consider no matters raised by the submitters, including in supporting evidence, alter my view that it is appropriate to grant consent to the Proposal.
15. As set out in the Section 42A Hearing Report, the Council has also recommended grant of consent.
16. I conclude that the Application should be granted resource consent, subject to the conditions as set out (and as proposed to be amended) in Appendix 1

to my primary evidence, with the following additional amendment to condition 28.

17. Mr Kelly has identified that condition 28 as drafted requires amendment in order to ensure its certainty and enforceability. These amendments have been discussed with and agreed to by Mr Trotter for the Council. The changes include requiring only one survey post-operation and setting an achievable Level of Service that still offers “acceptable network performance”. Mr Kelly and Mr Trotter continue to consider that the monitoring condition approach remains appropriate and that provision of an additional left-turn lane on the north-western approach of the intersection is not immediately required. I support this approach and consider that, with the amendments proposed, the condition is certain and enforceable.

Delays and Level of Service (LOS) at the Kapiti Road (western) arm of the Friendship Place/Kapiti Road roundabout (the roundabout) shall be monitored ~~for a period of 24 months~~ after opening of the supermarket, the process for monitoring, to be carried out by Applicant, is as follows:

~~a. A classified turning traffic count for all movements at the roundabout shall be undertaken on a Saturday during an agreed time period and month prior to the commencement of construction to form the baseline traffic counts and an assessment undertaken using SIDRA by a suitably qualified transportation engineer.~~

~~b. 12 months after commencement of operation of the Supermarket – A classified turning traffic count for all movements at the roundabout shall be undertaken on a Saturday during an agreed time period and month prior to the commencement of construction to form the baseline traffic counts and an assessment undertaken using SIDRA by a suitably qualified transportation engineer.~~

~~c. 24 months after commencement of operation of the Supermarket – A classified turning traffic count for all movements at the roundabout shall be undertaken on a Saturday during an agreed time period and month prior to the commencement of construction to form the baseline traffic counts and an assessment undertaken using SIDRA by a suitably qualified transportation engineer.~~

a. Within 12 months of the commencement of operation of the Supermarket, a classified turning traffic count for all movements at the roundabout shall be undertaken on at least one Saturday peak period (times and months to be agreed with the Council). Calibrated SIDRA assessments shall then be undertaken based on this count information, for two scenarios:

i. excluding those movements to/from the supermarket

ii. including all movements.

If the results of the capacity tests for b) or c) survey above show the LOS falling below GD (with delay greater than 40 seconds/vehicle) on the north-western Kapiti Road arm of the roundabout as a result of the additional Supermarket traffic movements, then mitigation works in the form of widening the north-western Kapiti Road arm of the roundabout shall be progressed by the Applicant through detailed design and implementation (at the Applicant's cost) in accordance with details to be submitted and approved in writing to the Access and Transport Manager.

18. All other amendments sought to conditions as set out in Appendix 1 to my primary evidence have been accepted by the Council in its Response to the Applicant's evidence dated 15 March 2022.
19. I conclude overall that the Proposal can appropriately be granted consent, since:
 - (a) Both gateway tests of Section 104D are passed;
 - (b) The Proposal is generally consistent with the objectives and policies of the relevant planning documents, including in respect of the non-industrial use of the General Industrial zoned Site;
 - (c) The Proposal results in less than minor adverse effects overall; and
 - (d) The Proposal results in positive effects as set out above.



Kay Panther Knight

22 March 2022