

**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 RM210151

## **Joint Witness Statement Planning**

Dated: 14 April 2022

---

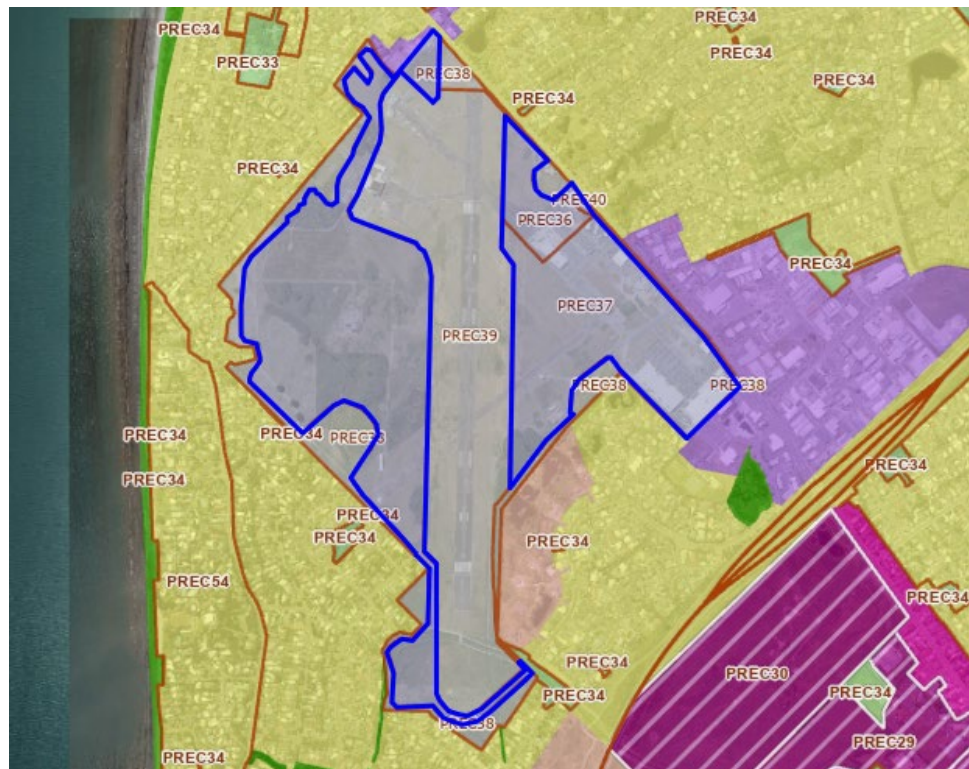
## INTRODUCTION

1. At the direction of the Hearings Commissioner, expert planning conferencing took place via Microsoft Teams between 1pm and 4pm on Monday 11 April 2022 and reconvened on Wednesday 13 April between 8am and 9am. This occurred without involvement of the Court or an independent facilitator.
2. This Joint Witness Statement (**JWS**) responds to paragraph 2.3(a) of Minute 4 (dated 5 April 2022) associated with the Kapiti Retail Holdings Limited (**The Applicant**) proposal for a Countdown supermarket on the site at 160 Kāpiti Road, Paraparaumu.
3. The following expert witnesses attended the conferencing session (together **the Witnesses**) and have jointly prepared this JWS:
  - Kay Panther Knight on behalf of the Applicant;
  - Marnie Rydon on behalf of the Kāpiti Coast District Council; and
  - Christine Edgley on behalf of Templeton Kāpiti Limited.
4. The Witnesses confirm that the session has been conducted in accordance with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and this JWS has been prepared in accordance with Appendix 3 to that document.

## Issues Discussed

5. In order to determine the geographic extent to which this advice applies, the Witnesses agreed to consider the following area (and as illustrated in Figure 1 below):
  - All land zoned Airport Zone, excluding the Buffer Precinct (Prec38) and the Core Precinct (Prec39).
  - This therefore includes the Mixed Use Precinct (Prec37) (to the east and west of the Core Precinct) and the Heritage and Curtilage Precincts (Prec40 and 36 respectively).

**Figure 1: Geographic extent of development area considered**



6. Expert conferencing concerned the extent of permitted development in the “Development Area” illustrated in Figure 1. Conferencing specifically considered the following questions:
- What are the permitted activities in the Development Area?
  - What are the controlled activities in the Development Area?
  - What are the matters of control for the above activities that require controlled activity consent?
  - What activities anticipated to be developed in the Development Area would be expected to trigger Rule TR-R2 (Vehicle Movements)?
  - What GFA of a new development could be undertaken as a permitted activity in the Development Area that would access the site from Friendship Place?
  - What are the recently consented activities in the Development Area?

## ISSUE 1

### What are the permitted activities in the Development Area?

#### *Matters Agreed*

7. Community facility up to 400m<sup>2</sup> GFA per Rule CF-R2, noting that an associated retail component is not permitted.
8. Temporary events per Rule TEMP-R1 subject to the following standards:
  - Must not exceed 3 consecutive days in total duration within any 12 month period.
  - Must only occur between the hours of Monday – Thursday 7am – 10pm; Friday and Saturday 7am – 11pm and Sunday 8.30am – 10pm.
  - Must not exceed 150 vehicle movements in any one hour or 1,200 vehicle movements per day, whichever is greater.
9. Activities in the Mixed Use Precinct as listed in Rule AIRPZ-R5:
  - Aviation activities and aviation service activities
  - One hotel / motel activity
  - Industrial activities
  - Trade / wholesale
  - Commercial (including logistics or distribution uses) and retail activities, provided retail activities are limited to:
    - (i) Retail activity ancillary to industrial or warehousing activities
    - (ii) Home improvement retail activities
    - (iii) Automotive and marine supplier activities
    - (iv) Small-scale convenience retail activities
    - (v) Small-scale commercial service activities
    - (vi) Retail activity permitted by the definition of service station
    - (vii) Retail of farm machinery and equipment
    - (viii) Large format retail activities.

And subject to the following permitted activity standards<sup>1</sup>:

---

<sup>1</sup> The Witnesses have incorporated only those standards of relevance to considering intensity and associated traffic generation. For example, height and landscape standards are not listed.

- Any retail activity associated with any non-retail activity must not exceed 15% of the gross floor area of the non-retail activity, or 150m<sup>2</sup> gross floor area, whichever is the lesser.
  - The total area for Large Format Retail activities must not exceed 10,000m<sup>2</sup> gross floor area.
  - There shall be no limit on the floor area for Automotive and Marine Supplier activities.
  - The total area for Home improvement retail activity must not exceed 17,000m<sup>2</sup> gross floor area.
  - The total area for Small-Scale Convenience Retail activity must not exceed 1,500m<sup>2</sup> gross floor area. However, an additional 800m<sup>2</sup> gross floor area shall be permitted if the total gross floor area of all development within the Airport Zone exceeds 200,000m<sup>2</sup> gross floor area.
  - The total area for Small-Scale Commercial Services must not exceed 1,200m<sup>2</sup> gross floor area. However, an additional 700m<sup>2</sup> gross floor area shall be permitted once the total gross floor area of all development within the Airport Zone exceeds 200,000m<sup>2</sup> gross floor area.
  - For both Small-Scale Convenience Retail and Small Scale Commercial Service activities, a maximum of 8 such individual activities shall be located in a single “node” (i.e. in adjoining tenancies) or single integrated development. There shall be a minimum of 100 metres between such nodes.
  - The Airport owner must provide a yearly monitoring report to the *Council* (or longer period at the discretion of the *Council*) to assist it to monitor compliance with the above standards.
10. Residential activity for those whose employment requires residence within the Airport Zone, subject to standards as follows:
- Be ancillary to a permitted activity on site
  - Not include more than one residential unit per site
  - Not be greater than 70m<sup>2</sup> in total floor area per site
  - Residential buildings must be acoustically insulated and comply with the requirements of NOISE-R14
  - Be limited to accommodation for a caretaker or other person whose employment requires that they live on the site where they are employed
  - No residential accommodation for those whose employment requires residence within the Airport Zone shall be sold or otherwise disposed of except in conjunction with the associated industrial building. The residential building may however be removed from the site.

11. The Witnesses agree that Rule AIRPZ-R10 which permits “residential activity (excluding visitor accommodation which is not temporary residential rental accommodation) in the Airport Mixed Use Precinct located to the west of the Airport Core Precinct and outside of the Airport Noise Effects Advisory Overlay as identified on the District Plan Maps that has obtained subdivision consent for the residential activity” is not relevant to this exercise in determining permitted activities within the Development Area, given Marnie has confirmed no subdivision consent for residential activity has been obtained.
12. In an effort to provide the Commissioner and Transport Engineers with an easy to reference summary, the Witnesses have distilled the preceding list into a summary, included as **Appendix A** to this JWS.

*Matters Disagreed – Residential*

13. Christine considers Rule AIRPZ-R2 (as a permitted activity default rule) permits residential activity within the Development Area with the exception of workers accommodation covered by Rule AIRPZ-R9 and residential activity to the west of the Airport Core Precinct and outside the Noise Effects Advisory Overlay (and already subject to a subdivision consent) covered by Rule AIRPZ-R10.
14. The drafting of Rules AIRPZ-R9 and AIRPZ-R10 are consistent with this interpretation, in that they specify particular types of residential activities and then apply specific standards to those activities. Christine considers this is supported by the inability to identify which Airport Zone rule other than AIRPZ-R2 an application for residential activity (that was not of the activity type specified in Rules AIRPZ-R9 or AIRPZ-R10) would require consent under, and the policy intent to support a range of activities within the Airport Zone where these are consistent with the safe functioning of the airport and avoiding reverse sensitivity effects (as covered by the General District Wide provisions in the Noise Chapter).
15. Christine considers this interpretation is also consistent with the development and progression of the Operative District Plan rules to date, as the notified Proposed District Plan rule (rolled over from the Operative District Plan 1999) which prohibited noise sensitive activities (other than listed exemptions) in the Airport Zone was removed through the District Plan review process and the reversal of the default “activities not listed” rule from Non-Complying to Permitted.
16. Kay and Marnie do not agree, noting that the catch-all Rule AIRPZ-R2 specifically references “any activity which is not specified” as another activity status in the Airport Zone chapter. To this end, Rules AIRPZ-R9 and R10 clearly specify the types of residential activity that are permitted and therefore, any residential activity that does not comply with or is captured by these rules is not anticipated or permitted. Conversely, Kay and Marnie consider Christine’s interpretation would, for example, envisage residential activity within the Core Precinct (an area of the Airport Zone intended for

aviation activities) as a permitted activity. This cannot be the intent of the Zone and its varied sub-precincts.

17. Rule AIRPZ-R9 provides for the limited residential activity for “those whose employment requires residence within the Airport Zone” and to remain permitted, the standards limit such activity to one unit per site, not greater than 70m<sup>2</sup> in total floor area per site and standard 2 notes “no residential accommodation for those whose employment requires residence within the Airport Zone shall be sold or otherwise disposed of except in conjunction with the associated industrial building. The residential building may however be removed from the site”.
18. Rule AIRPZ-R10 provides for limited residential activity as a permitted activity west of the Core Precinct, where it has already obtained subdivision consent for the residential activity. The standard requires residential activity under this rule to meet the General Residential Zone permitted activity standards.
19. Kay and Marnie therefore disagree with Christine’s interpretation that any other residential activity beyond these limited activities would be permitted and not subject to the same level of control or the General Residential zone standards. Kay and Marnie’s interpretation is supported by reference to the objectives and policies relevant to the Airport zone which do not promote, encourage or reference residential activity.
20. Kay and Marnie discussed what consent would be required for residential activity in the Development Area that did not comply with the permitted activity standards in Rules AIRPZ-R9 and R10. Kay considers a restricted discretionary activity consent would arise under Rule AIRPZ-R17 as “*Activities which do not comply with one or more of the permitted or controlled activity standards and are not listed as discretionary, non-complying or prohibited activities*”.
21. Marnie considers residential activity within the Development Area that is not covered by the permitted activity Rules AIRPZ-R9 and AIRPZ-R10 would require a discretionary activity consent under section 87B of the RMA.

## **ISSUE 2**

### **What are the controlled activities in the Development Area?**

#### *Matters Agreed*

22. Buildings and structures in the area marked as Proposed Runway 12/30 that comply with the standard which requires no above ground buildings, structures, facilities or uses with are inconsistent with runway use.
23. New buildings (excluding minor buildings), subject to the following standards:

- Within the Airport Mixed Use Precinct, any development where the cumulative GFA in the Precinct does not exceed 102,900m<sup>2</sup>
- The following thresholds apply to all development within the Airport Mixed Use Precinct:
  - (i) (Standard 7(a)): For any development that exceeds 43,050m<sup>2</sup>, a transport assessment must be carried out which considers the impact of the cumulative development of the area on the safety and efficiency of the transport network. The assessment must include but not be limited to the following matters:
    - The proposed staging of the operation of the development;
    - Traffic and transport generation pre- and post-development operation;
    - Transport network upgrades;
    - The design of off-site roading links and intersections; the route and design of internal airport roads;
    - Public safety measures; and
    - Environmental and community impacts.
  - (ii) (Standard 7(b)): For any development that exceeds a cumulative GFA of 62,500m<sup>2</sup> a further transport assessment must be carried out which considers the impact of the cumulative development of the area on the safe and efficient operation of the transport network. The assessment shall address the same factors as specified in standard 7(a).

24. New airport roads.

*Matters Disagreed – Provision of Existing GFA for Development Area*

25. If the Commissioner determines that the Transport Engineers should account for controlled activities within the traffic modelling (i.e., accepting that any new GFA will require controlled activity consent under Rule AIRPZ-R13), and with specific reference to activities permitted in Rule AIRPZ-R5, Marnie and Kay consider that understanding the existing GFA of specified activities and as a cumulative total in the Development Area would assist in better determining the extent of permitted activities able to be established and therefore worthy of considering in the upcoming transport modelling.
26. Kay's primary evidence<sup>2</sup> identified that the "total constructed GFA of Kapiti Landing is understood to be approximately 22,000m<sup>2</sup>" and that some of the

---

<sup>2</sup> Kay included a cumulative approximate constructed total in Kapiti Landing of 22,000m<sup>2</sup> GFA in her primary evidence (paragraph 103). Prior to conferencing, Kay had requested Council provide the annual monitoring report required by Rule AIRPZ-R5.11, however Council confirmed no such monitoring report has been supplied by the Airport owner to Council. Kay requested that Christine seek to provide that information for conferencing. Refer paragraph 28.



activity listed thresholds are also understood to have been exceeded, for example, small-scale convenience retail. Any new GFA requires controlled activity consent according to Rule AIRPZ-R13, and a development where the cumulative GFA exceeds 43,050m<sup>2</sup>, a transport assessment is required alongside that controlled activity consent application.

27. Therefore, if more substantive information is available regarding what GFA could still be constructed as a controlled activity (again, leaving aside the vehicle per day trigger of Rule TR-R2), Kay and Marnie agree this would be useful for the Transport Engineers to consider, and to enable the planners to further streamline the Witnesses' advice.
28. While Christine agrees that existing GFA relating to the listed activities is relevant in determining the remaining development available for the specified activities to proceed as Permitted/Controlled Activities, she notes that this information was not specifically requested of the planners in Minute 4 and records that she suggested during conferencing that clarification be sought on this matter. She notes that in the event this information is required and sought directly from the parties, any agreed outcome from that process can be used to determine the remaining overhead (a relatively simple calculation).

### **ISSUE 3**

#### **What are the relevant matters of control for the above activities that require controlled activity consent?**

##### *Matters Agreed*

29. For new buildings (excluding minor buildings) subject to Rule AIRPZ-R13, the following matters of control apply:
  - Subject site layout and design including location of building(s) and building curtilages, landscaping, carparking, fencing and surface treatments.
  - External design, colour, finish and appearance of buildings.
  - Within the area marked "curtilage" on the District Plan Maps, the desirability of maintaining views of, and a visual connection to, part of the primary runway from the cab of the control tower in the Airport Heritage Precinct.
  - The installation of water saving devices and energy efficient technologies.
  - The provision of communal open space.
  - The extent of consistency with the Design Guidelines for the Airport Zone in Appendix 22.
  - The Council's Subdivision and Development Principles and Requirements 2012.

- The extent of consistency with the Crime Prevention Through Environmental Design principles in Appendix 6.
  - The imposition of financial contributions in accordance with the Financial Contributions chapter.
  - The expected traffic generation from the Airport Zone.
  - The effects on the transport network and State Highway 1 within the District, and the timing of any improvement works on the transport network and State Highway 1.
30. For new airport roads subject to Rule AIRPZ-R14, the following matters of control apply:
- The route, design, and standard of construction of the road, including pedestrian footpaths, cycle paths, landscaping, stormwater runoff, earthworks, preservation of viewshafts of the Tararua Ranges and Kapiti Island, safety and the provision of access for public transport.
  - Compliance with Council's Subdivision and Development Principles and Requirements 2012.
  - The imposition of *financial contributions* in accordance with the Financial Contributions chapter.
  - In respect of any proposed new intersection with *Council roads*, the preparation of a traffic management plan.
  - The extent of consistency with Council's Subdivision Best Practice Guide.

## ISSUE 4

### **What activities anticipated to be developed in the Development Area would be expected to trigger Rule TR-R2 (Vehicle Movements)?**

#### *Matters Agreed*

31. All activities listed under Issue 1 of this Statement that trigger either the 100vpd or 200vpd thresholds will require restricted discretionary activity consent pursuant to Rule TR-R10.
32. Christine records that the trigger in Rule TR-R2 is not cumulative and each individual application in the development area will be assessed against this rule individually.

#### *Matters Disagreed*

33. The Witnesses discussed whether the Development Area was subject to the 100vpd or 200vpd threshold of Rule TR-R2. Christine's view is that current formed vehicle access to Kapiti Road is gained via Friendship Place and

therefore the relevant trigger is 200vpd because the activities on the site do not gain “all public vehicle access” directly onto Kapiti Road.

34. Kay notes that the formed road of Friendship Place (i.e., vested road) comprises a conservatively measured distance of 40m before it joins the Kapiti Road corridor, which is defined as a major community connector. Kay considers that the 100vpd threshold is most sensibly applied in this instance.
35. Marnie considers the applicable vpd threshold to be 100 as the movement is from Friendship Place onto Kapiti Road and this is where manoeuvring is performed on the roundabout not technically within Friendship Place.

## ISSUE 5

**What GFA of a new development could be undertaken as a permitted activity in the Development Area that would access the site from Friendship Place?**

*Matters Agreed*

36. Given all buildings require controlled activity consent, no GFA can be undertaken as a permitted activity within the Development Area.

## ISSUE 6

**What are the recently consented activities within the Development Area?**

*Matters Agreed*

37. The Witnesses rely on Marnie’s schedule of consented activities listed in the Section 42A Report.
38. The Witnesses agree that the most relevant recent consents are that for the Mitre 10 expansion (RM180235) and that for a regular (weekly) market and associated buildings, including relocation of a hangar and kitset farm shed (RM210258).




---

Kay Panther Knight




---

Marnie Rydon




---

Christine Edgley

**APPENDIX A**  
**ACTIVITIES SUMMARY TABLE**

## Activities Summary Table

\* noting that no GFA is permitted pursuant to Rule AIRPZ-R13 which requires controlled activity consent for all new buildings in the Airport Zone

\*\* noting that any development that exceeds a cumulative GFA of 43,050m<sup>2</sup> in the Mixed Use Precinct requires a transport assessment to be carried out and again at 62,500m<sup>2</sup> – as controlled activities under Rule AIRPZ-R13

\*\*\* noting that any activity that exceeds the applicable vpd threshold requires restricted discretionary activity consent pursuant to Rule TR-R10

<b>Activity</b>	<b>Limitation / Qualification</b>
Community facility	Max 400m <sup>2</sup> GFA
Temporary events	Up to 3 days in 12-month period 150 vehicle movements per hour or 1,200 vehicle movements per day (whichever is greater)
Aviation activities* and aviation service activities	<i>Defined as:</i> any activity undertaken in the Airport Zone which is directly related to the use of the land for aviation purposes. This includes the physical infrastructure of the Kapiti Coast Airport (such as runways, terminal and control towers) and the storage, maintenance and use of aircraft.
Hotel / motel	One only in Mixed Use Precinct (MUP) No limit on number of rooms
Industrial activities	
Trade / wholesale	
Commercial activities*, including logistics or distribution	<i>Defined as:</i> any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).  NB retail activity restrictions below
Retail activities limited to:	
Retail ancillary to industrial or warehousing	Max 15% of GFA of non-retail activity or 150m <sup>2</sup> GFA (whichever is lesser)
Home improvement retail	Max 17,000m <sup>2</sup> GFA throughout MUP
Automotive and marine supplier	
Small-scale convenience retail	Max 1,500m <sup>2</sup> GFA with an additional 800m <sup>2</sup> permitted if total GFA of Airport Zone exceeds 200,000m <sup>2</sup> GFA Max 8 individual activities in a single node; with nodes separated by 100m
Small-scale commercial service	Max 1,200m <sup>2</sup> GFA with an additional 700m <sup>2</sup> permitted if total GFA of Airport Zone exceeds 200,00m <sup>2</sup> Max 8 individual activities in a single node, with nodes separated by 100m
Service station	
Retail of farm machinery and equipment	
Large format retail	Max 10,000m <sup>2</sup> GFA throughout MUP  <i>Defined as:</i> means a retail activity of at least 500m <sup>2</sup> GFA. Within the Airport Mixed Use Precinct, large format retail is restricted to the following activities defined by Australian and New Zealand Standard Industrial

Activity	Limitation / Qualification
	Classification (ANZSIC 2006): manchester and other textile goods; <ol style="list-style-type: none"> <li>1. floor coverings;</li> <li>2. furniture; and</li> <li>3. domestic hardware;</li> <li>4. houseware; and</li> <li>5. hardware and building supplies.</li> </ol>
Residential activity for those whose employment requires residence within the Airport Zone	Be ancillary to permitted activity on site Not include more than 1 unit per site Not be greater than 70m <sup>2</sup> in total floor area per site  Based on the definition of <i>site</i> , 12 caretaker units would be “permitted” under Rule AIRPZ-R9 within the Development Area (noting the buildings themselves would require controlled activity consent)
<i>Christine considers any residential activity within the Development Area other than that covered by Rules AIRPZ-R9 and AIRPZ-R10 is permitted under Rule AIRPZ-R2</i>	<i>Subject to a total maximum of 102,900m<sup>2</sup> GFA within the MUP and provided individual applications do not exceed the limits in TR-R2.</i>