

**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  
Tim Kelly  
for Kapiti Retail Holdings Limited**  
Dated: 22 March 2022

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## INTRODUCTION

1. My full name is Tim Kelly. I am owner and director of Tim Kelly Transportation Planning Limited, a traffic engineering and transportation planning practice.
2. I have the qualifications and experience set out at paragraphs 2 - 6 of my statement of evidence dated 24 February 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. To assist the hearing, given my evidence was finalised prior to receipt of the Section 42A report, I also provide comments on the Section 42A report, submitter evidence and the Hearing Version of the proposed conditions of consent relating to transportation matters.

## KEY POINTS

5. The proposal (including both a Countdown supermarket and associated trade retail tenancies) (**Proposal**) at 160 Kāpiti Road (**Site**) has been the subject of extensive and detailed assessments to both identify and address potential effects upon the operation of the transportation network.
6. These assessments examined potential impacts upon the length of the Kāpiti Road corridor (between the Langdale Avenue and Arawhata Road intersections). The methodology and time periods adopted were intentionally for a 'worst-case' assessment.
7. Council raised a number of matters in relation to the assessments through section 92 information requests, all of which have been addressed to its satisfaction.
8. The design of the Site will ensure its ease of use by vehicle movements associated with customers, staff and service vehicles. The Site will be self-sufficient with regard to the provision of off-street parking. Provision will be made for cycle parking and a Travel Plan has been proposed to encourage the uptake of alternatives to the private car.

9. The Applicant has volunteered a package of measures within the road reserve to promote the use of public transport, ensure safety and pre-empt the possibility of significant additional delays. The provision of an additional traffic lane on the Friendship Place approach to the Kāpiti Road roundabout will mitigate effects associated with the Proposal and will also be beneficial for vehicle movements exiting from the Kāpiti Landing area.
10. Uncertainty in the traffic forecasting process has been acknowledged and addressed through an appropriate condition (28).
11. Submitters have raised issues which primarily relate to traffic growth, the form and timing of the proposed mitigation. No submitter has presented any contrary information regarding existing and forecast traffic volumes. Only one submitter has undertaken modelling, which largely confirms the findings of my own assessments. All of the matters raised by the submitters have been rebutted by Council and I concur with the Council's assessment.
12. The Council's Transport Safety Officer considers the Proposal to be acceptable and with a level of effect which is less than minor. The Planning Officer agrees, enabling her to recommend that consent be granted.

## **SECTION 42A REPORT**

13. I have read the report of the Council Planning Officer, and the supporting statement of evidence prepared by Mr Trotter, Council's Transport Safety Leader.
14. These documents present a comprehensive assessment of the Proposal and an accurate summary of the liaison between the Applicant and Council.
15. I note specifically that Mr Trotter:
  - (a) agrees that the trip rates applied in my assessment are conservative (paragraph 6.8);
  - (b) agrees with the application of the trip rates, the time periods assessed and the geographic extent of the model (paragraph 7.2);
  - (c) agrees that the proposed mitigation can be achieved within road reserve and will provide adequate LOS (paragraph 7.5);

- (d) agrees that the proposed condition is an appropriate way of dealing with the Saturday peak period growth issue (paragraph 7.12);
  - (e) agrees that effects on the wider network are limited (paragraph 8.1);
  - (f) agrees that the proposed access arrangements are satisfactory (paragraph 9.3) and that servicing activity can be accommodated (paragraph 12.2); and
  - (g) is fully supportive of the Travel Plan initiatives (paragraph 11.2).
16. Mr Trotter rebuts all of the concerns raised by the submissions (section 13).
17. Finally, Mr Trotter concludes that the Proposal is acceptable from an overall transportation point of view and that the effects will be less than minor (paragraph 14.4).
18. The Planning Officer concurs with Mr Trotter's assessment (paragraph 51), leading her to recommend that the Commissioner grant consent, subject to conditions (paragraph 143).

## **PROPOSED CONSENT CONDITOINS**

19. I accept all of the transport related conditions as appropriate, subject to my comments about proposed condition 28 below which I have now discussed and resolved with Mr Trotter.
20. Proposed condition 28 relates to the monitoring of delays at the Friendship Place roundabout and triggers for mitigation. While I am in general agreement with the intent of the condition, I consider that amendments can be made it in order to ensure that it is as certain and enforceable as possible. Specifically:
- (a) I consider that comparing the results of surveys carried out before and after operation of the Proposal to quantify the effects of the Proposal implicitly assumes that all other factors remain constant. In practice, even natural variability in volumes between days could introduce differences which are unrelated to the operation of the Proposal. In my view, a more efficient and targeted approach would be to undertake a single survey of all movements post-opening and

after a suitable time period to account for the “novelty factor” of a new store offering. As the movements to and from the Proposal can be readily identified, these can be removed to give the ‘without Proposal’ scenario in the same time period, on which the agreed SIDRA assessment can be undertaken;

- (b) the proposed survey and assessment can be undertaken within 12 months of the commencement of operation of the Proposal. I see no necessity to extend this to 24 months, particularly as I believe all parties would wish to see certainty in the provision of mitigation measures as soon as practically possible if it is required;
- (c) finally, I consider that the requirement proposed by Council that the LOS should not drop below C to be unduly strict in the context of assessments for the busiest hour of the peak periods in an urban area. In my view, a standard of LOS D would offer acceptable network performance for such periods.

- 21. I have discussed these points with Mr Trotter. We have agreed on points a) and b) above. On point c) we have agreed that the application of LOS D up to a maximum delay of 40 seconds/vehicle is appropriate.
- 22. Based on these comments, proposed amendments to the wording of Condition 28 are included in the Summary Evidence statement of Kay Panther Knight.

## **SUBMITTER EVIDENCE**

### **Statement of Evidence of Andy Carr**

- 23. Mr Carr (‘Concern 1’, paragraphs 18 – 31) is critical of the negative growth rates adopted for the Saturday peak period model. This matter has been discussed extensively with Council as detailed in the section 92 responses, and as a result we agreed to adopt a zero growth assumption. Therefore, a negative growth rate is not relied on. Uncertainty in future volumes for this period has been acknowledged and addressed through the proposed conditions as discussed above.
- 24. Mr Carr (paragraph 29) raises the issue of further potential development within the Airport Mixed Use Precinct. Development of up to 102,900m<sup>2</sup> GFA

in this area has Controlled Activity status. As set out in Ms Panther Knight's primary evidence, the applicable rule of the District Plan requires any development exceeding 43,050m<sup>2</sup> in total in Kapiti Landing to seek resource consent, including the provision of a transport assessment to consider the cumulative impact on the safety and efficiency of the transport network. Further, as also set out in Ms Panther Knight's primary evidence, trip generation thresholds are set out in the Transport chapter of the District Plan, which require restricted discretionary activity status to infringe, and again the provision of a transport assessment.

25. Any such assessment would be likely to identify capacity issues at the Friendship Place roundabout. In this regard, the mitigation measure which is currently proposed will be beneficial for both the efficiency of existing movements exiting from the Kāpiti Landing development and also for the prospects of securing further development in this area.
26. Mr Carr ('Concern 2', paragraph 33 on) raises concerns regarding the viability of the proposed mitigation measures.
27. Regarding the additional approach lane from Friendship Place, Mr Carr (paragraph 42) acknowledges that this provides an increase in capacity but is critical of the length. In my view, the issue is whether this provides sufficient additional capacity to mitigate the identified effect of the Proposal and modelling confirms that this is the case. The provision of a longer approach lane is not necessary to address the effects of the Proposal.
28. Mr Carr is correct (paragraph 43) that we have not provided indicative plans for the additional lane on the Kāpiti Road (NW) approach and questions how we can be sure that this can be achieved within road reserve. Firstly, when the roundabout was originally constructed, this approach had two lanes (I understand that one lane was subsequently removed to address a safety issue associated with through traffic using both lanes), so space has already been demonstrated to be available. Secondly, even if the design were to require any incursion into the adjacent land, this land is in the ownership of the Applicant and so its use would not be problematic.
29. With regard to the issues above, I note that Mr Carr has not presented any alternate calculations of traffic growth, any capacity assessments of the

roundabout or any evidence that the proposed mitigation cannot be achieved.

### **Statement of Evidence of Michael Nixon**

30. Many of the comments made by Mr Nixon are points of agreement with my assessments.
31. Mr Nixon has undertaken SIDRA modelling of his own, of the Friendship Place roundabout. Reassuringly, this appears (paragraphs 11.8, 12.2) to confirm my results, leading him to confirm that the short left turn lane proposed on the Friendship Place approach provides the required mitigation.
32. The only points on which we differ appear to relate to the design of this mitigation measure and the point in time at which an additional left-turn lane is required on the Kāpiti Road (NW) approach.
33. Regarding the design, I do not consider that effectively widening the Friendship Place approach to accommodate two vehicles raises any safety issues. The provision of a longer second approach lane may provide some additional benefit but is not necessary in order to provide the required level of mitigation for the Proposal. As I noted above, I consider that the provision of any additional capacity on the Friendship Place approach will be beneficial for those businesses operating within the Kāpiti Landing area (and I am surprised that the relevant landowner has not already sought to make this improvement for the benefit of their own tenants, given its concerns about actual and potential delays on this approach to the roundabout).
34. In my view, Condition 28 (with amendments as proposed in Ms Panther Knight's summary statement) is a pragmatic means of addressing uncertainty in the Saturday peak period traffic volumes and Council is comfortable with this approach. The construction of an additional approach lane at the outset which may not be required is not warranted.

## CONCLUSION

35. My understanding is that Countdown has strong track record in the development and operation of sites which are internally safe and efficient, and which minimise impacts on the adjacent road network. In my view, the proposed arrangements will operate safely and without causing congestion on the adjacent road network. There is consensus on these matters from the Council.

A handwritten signature in black ink that reads "Tim Kelly". The signature is written in a cursive, slightly slanted style.

**Tim Kelly**

22 March 2022