

**KAPITI COAST DISTRICT COUNCIL**

**APPLICATION FOR RESOURCE CONSENT: RM210151 – KAPITI RETAIL HOLDINGS LTD**

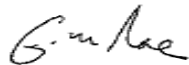
**MINUTE 6 OF COMMISSIONER**

1. Joint Witness Statements (JWS's) have now been received from the planners and the transportation experts in response to Minute 4.
  2. My understanding is that the transportation experts have agreed on a number of matters including:
    - 2.1 A notional growth rate on Kapiti Road of 2% pa can be regarded as an 'outer bound' for both key time periods (para 23 JWS);
    - 2.2 The 'planned or known changes' to the road network do not alter their views regarding the traffic growth rate described above (para 31 JWS);
    - 2.3 The total constructed GFA in Kapiti Landing area is accepted, for the purposes of this exercise, as being approximately 22,000m<sup>2</sup> (para 34);
    - 2.4 For controlled activities the Council has to grant consent but this can be subject to mitigation (para 40).
  3. There are some areas of disagreement, including:
    - 3.1 To what extent will a transportation assessment be required/considered for an application for controlled activity up to a cumulative total of 43,050m<sup>2</sup> GFA (paras 44 – 49);
    - 3.2 The intent and application of Rule TR-R2, and whether the relevant threshold to apply here is 100vpd or 200vpd (paras 51 – 52).
  4. In relation to 3.1 above the transportation JWS highlights a legal/planning question around whether traffic effects from the Airport Zone can be considered even before the threshold of 43,050m<sup>2</sup> of GFA was triggered, noting that one of the matters of control is the traffic generated from the Airport Zone. The transportation JWS further considers that it would be helpful if legal advice was to be provided regarding the ability for Controlled activities to form part of the baseline for the assessments. (I note that is an action step in Minute 4).
  5. The next step in the process outlined in Minute 4 is for *"the legal counsel from all parties to provide any opinion they may wish to express as to the assumptions to be made regarding traffic growth, volumes and whether the development potential assessed for the Airport Zone is appropriately limited to permitted activities or should also include controlled activities"*.
  6. Given there appear to now be a number of areas where agreement has been reached by the traffic experts (including those outlined above), I consider the key areas of advice from legal counsel to further assist me can be focused on the matters outlined in paragraphs 3.1, 3.2 and 4 above.
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7. By way of final comment, I acknowledge that Tim Kelly has prepared a memorandum and concept designs for mitigation works. It may be the case that *“these arguments could become rather academic if the results reported in his Memo are accepted”* (para 50 transportation JWS). However I would prefer that the process outlined in Minute 4 is followed.
8. I look forward to receiving any advice from legal counsel of the parties by 5 May 2022, and if this was to be in the form a joint memorandum that would be most helpful. If more time is to be requested to achieve that please advise Council’s hearing administrator.

**DATED** this 3<sup>rd</sup> day of May 2022

Signed by

A handwritten signature in cursive script, appearing to read "GM Rae".

**GM Rae, Independent Commissioner**

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