

Submission on application concerning resource consent that is subject to public notification by consent authority

To Kāpiti Coast District Council
Submission on Resource consent application lodged by Kāpiti Retail Holdings Limited with resource consent reference number RM210151
Name of submitter Modern Merchants Limited

Introduction

- 1 This is a submission on an application from Kāpiti Retail Holdings Limited (**Applicant**) for a resource consent in respect of the construction and operation of a supermarket and two trade supplier tenancies (and ancillary works) (**Application**) at 160 Kāpiti Road, Paraparaumu (**Site**).
- 2 We are the head lessor of New World Kāpiti at 159 Kāpiti Road, Paraparaumu (**New World Kāpiti**). New World Kāpiti is located within Kāpiti Landing, a business park comprising a variety of retail activities. New World Kāpiti is on the opposite side of Kāpiti Road from the Site, and is served by the same road network.
- 3 It is acknowledged that Foodstuffs and ourselves are trade competitors for the purposes of s 308B of the Resource Management Act 1991 (**RMA**). However, we are directly affected by an effect of the activity to which the Application relates that adversely affects the environment; and our submission is limited so that it does not relate to trade competition or the effects of trade competition. On this basis, this submission does not breach the trade competition provisions of the RMA.

Scope and reasons for submission

- 4 This submission relates to the Application in its entirety.
- 5 This submission opposes the Application, to the extent that transportation effects are not appropriately avoided, remedied or mitigated and, if granted, the Application:
 - 5.1 May not promote the sustainable management of resources and therefore may not achieve the purpose and principles of the RMA;
 - 5.2 May be contrary to Part 2 and other provisions of the RMA;
 - 5.3 May not meet the reasonably foreseeable needs of future generations;
 - 5.4 May not enable social, economic and cultural wellbeing;
 - 5.5 May be contrary to the purposes and provisions of the relevant statutory planning instruments; and
 - 5.6 May not avoid, remedy or mitigate adverse environmental effects, including on the surrounding road network and New World Kāpiti.
- 6 Apart from the transportation effects noted above, this submission is otherwise neutral regarding whether the Application is granted.

7 The following reasons are given in particular, without derogating from the generality of the above reasons.

Transportation effects

8 The Application may adversely affect the operation of the road network that serves New World Kāpiti, including the operation of the Kāpiti Road / Friendship Place roundabout (**Roundabout**). Access to New World Kāpiti is also directly from the Roundabout.

9 The Application is supported by an Integrated Transportation Assessment prepared by Tim Kelly Transportation Planning Ltd dated July 2021 (**ITA**). In addition, a response to a request under s 92 of the RMA relating to transportation matters was prepared by Tim Kelly Transportation Planning Ltd dated 12 August 2021.

10 The Application and the ITA indicate that:

10.1 The primary access to the Site will be directly from the Roundabout; and

10.2 The secondary access to the Site will be at the south-east end of the Site, and will operate left-in/left-out only, with right turn entry and exit manoeuvres physically prohibited by a median barrier.

11 Arising from the Application, and in particular the ITA and the transportation s 92 response:

11.1 The traffic modelling supporting the ITA appears to consider existing traffic volumes based on traffic counts commissioned in June 2018.

11.2 It is unclear that the traffic modelling reflects the existing environment. In particular, it is unclear that the traffic modelling has considered consented, but not yet constructed, development in the vicinity (including within Kāpiti Landing)¹.

11.3 Traffic growth is mentioned in the ITA, however it is unclear whether that has been applied to the traffic modelling.

11.4 The ITA explains that the traffic modelling shows poor performance of the Roundabout without mitigation.

11.5 The ITA proposes mitigation in the form of a short (10m) additional approach lane on the Friendship Place approach to the Roundabout (**Proposed Mitigation**).

11.6 The ITA indicates that 'Space appears to be available to enable this modification [the Proposed Mitigation] with minor physical works to reposition the footpath and kerbline on the northern side of the Friendship Place approach [to the Roundabout].'

¹ Kāpiti Landing is not fully developed at this stage but it is understood that there may be some consented development within Kāpiti Landing that is not yet constructed.

- 11.7 It is unclear that the Proposed Mitigation is able to be completed entirely within the Friendship Place road reserve - the detailed plans in support of the Application do not appear to show the full extent of the Proposed Mitigation.
- 11.8 It is unclear that the Proposed Mitigation is adequate or appropriate, and in particular it is unclear that the length of the 10m additional approach lane is adequate or appropriate.
- 11.9 It is unclear that the Proposed Mitigation is adequate or appropriate if the traffic modelling needs to be updated to consider consented, but not yet constructed, development in the vicinity (including within Kāpiti Landing).
- 11.10 It is unclear whether the appropriateness of allowing right turn entry from Kāpiti Road to the secondary access to the Site has been considered by the Applicant, which may have some benefit in terms of reducing pressure on the Friendship Place roundabout (both to outbound Friendship Place vehicles and to eastbound Kāpiti Road vehicles).

Relief sought

- 12 We seek clarification of the various matters noted above, and that the Application be declined if the transportation effects are not appropriately avoided, remedied or mitigated (including through appropriate conditions of consent).
- 13 We seek to be heard in support of this submission.

Date 10 November 2021

By the submitter's solicitors and authorised agents
DLA Piper New Zealand

Signature



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