<u>IN THE MATTER</u> of the Resource Management

Act 1991 ("the RMA")

AND

<u>IN THE MATTER</u> of an application by Kāpiti

Retail Holdings Limited,

RM210151

DECISION OF COMMISSIONER

INTRODUCTION

1. Kāpiti Retail Holdings Limited ("**the Applicant**") has made application to construct and operate a supermarket with ancillary activities, two trade supplier tenancies, and construction site works on a site at 160 Kāpiti Road, Paraparaumu.

- Resource consent is required, overall, for a non complying activity in terms of the operative Kāpiti Coast District Plan 2021 ("the District Plan"). The application was publicly notified.
- 3. I was appointed pursuant to section 34A of the RMA by the Kāpiti Coast District Council ("**the Council**") to hear submissions and make a decision with respect to this resource consent application.
- 4. In this decision report for reasons of efficiency I make frequent reference to passages I have adopted from the Section 42A Report prepared by Ms Marnie Rydon, consultant planner for the Council.

THE SITE

- 5. The application site ("**the site**") is described as Lots 1 & 2 DP 63027 and Lot 3 DP 63992, with an area of approximately 2.6 hectares, located at 160 Kāpiti Road, Paraparaumu. Only a portion of this site is subject to the application. The extent of the site is detailed in the Architectural Drawings at Appendix 2 of the Assessment of Environmental Effects, dated July 2021.
- 6. It is the site of the former Placemakers trade store and timber yard. The site has access to Kāpiti Road. It is located opposite the Kāpiti Road/Friendship Place roundabout which provides access into the commercial retail area known as Kāpiti Landing situated generally South West of the site. The surrounding area is of mixed use with industrial activities generally to the East and residential properties generally to the North of the site. The Kāpiti Coast Airport lies generally to the North West of the site.
- 7. Further description of the site and surrounding area is provided in the Section 42A Report¹ and is adopted.

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¹ S42A Report, at sections 2.1 & 2.2

THE APPLICATION

8. The proposed activity is described in the application as being for:

"Construction and operation of a supermarket along with ancillary car parking, loading. Servicing, access and landscaping; as well as two trade supplier tenancies; site works to facilitate construction – such works include retaining, cut and fill earthworks and flood storage".

- 9. Further detail of the proposal is provided in Section 4 of the Application's AEE and is adopted.
- 10. The transportation aspects are of most relevant to this hearing and are summarised below.
- 11. The proposal is for all vehicular access to the site to be from Kāpiti Road via two crossings. The primary access is from the roundabout intersection with Friendship Place for all vehicles and all manouevres, and the secondary access from a southern left-in/left-out access.
- 12. The Application proposed an adaptive management approach whereby provision is to be made for a second lane to be added on the Friendship Place approach to the roundabout within the road reserve.
- 13. That was proposed to be implemented by a condition of consent to require an assessment of the direct effect of the supermarket generation on the Level of Service ('LOS') on Kāpiti Road. It would require monitoring of traffic volumes at prescribed periods before and after the operation of the proposal and an assessment of the resulting change in delays, followed by implementation of the additional lane on the North West approach to the Friendship Place roundabout if required.
- 14. Other proposed off-site mitigation works include a realignment of the roundabout approach/exit; construction of a median island/barrier to prohibit right turn movements at the southern crossing; and provision for bus stops on both sides of Kāpiti Road. Those works are described in Mr Kelly's evidence in chief².
- 15. As part of the post-hearing process, the Applicant refined the initial off-site mitigation measures to respond to matters that had been raised. The amendments are explained in a later section of this decision report ('Application as Amended').

NOTIFICATION AND SUBMISSIONS

- 16. The application was publicly notified on 13 October 2021, and submissions closed on 10 November 2021. Submissions were received from Young Supermarkets Limited ('YSL'), Modern Merchants Limited ('MML'), and Templeton Kāpiti Limited ('TKL').
- 17. All three submissions opposed, in part, the application with respect to transportation effects.

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² Mr Kelly's EIC, section 3.9

THE HEARING

- 18. A hearing was held via the Zoom platform on 22 March 2022.
- 19. The following people were in attendance and provided legal submissions and statements of evidence:

Applicant

- Mr Joshua Leckie, counsel
- Mr Kurt Gibbons, company director
- Ms Katherine Marshall, supermarket property manager
- Mr Tim Kelly, consultant transportation engineer
- Mr Richard Knott, urban design consultant
- Ms Kay Panther Knight, consultant planner.

Submitters

- Mr Warwick Goldsmith, counsel for TKL
- Mr Andy Carr, consultant traffic engineer for TKL
- Mr Stephen Quinn, counsel for YSL and MML
- Mr Clayton Young, company director for YSL.
- Mr Michael Nixon, consultant transport engineer for YSL and MML

Reporting Staff

- Ms Marnie Rydon, consultant planner, reporting officer
- Mr Neil Trotter, Council traffic engineer.
- 20. Statements were also received from the following persons who were not in attendance:
 - Mr Glen Bellingham, consultant civil engineer for the Applicant
 - Mr Fraser Colegrave, consultant economist for the Applicant.

POST HEARING

- 21. The hearing was adjourned on 22 March 2022.
- 22. I then issued directions requesting conferencing of the experts and submissions from legal counsel on some important matters that had arisen at the hearing.
- 23. Those directions were for:

- (a) Planning conferencing as to the potential for additional development that might be expected in the Kāpiti Landing area in the Airport Mixed Use Precinct in terms of permitted activities, controlled activities and recently consented activities;
- (b) Traffic conferencing and evidence exchange as to potential future changes in traffic volumes on Kāpiti Road, and at the Friendship Road roundabout;
- (c) Legal submissions as to the assumptions to be made regarding traffic growth volumes and whether the development potential assessed for the Airport Zone and Mixed Use Precinct is appropriately limited to permitted activities or should also include controlled activities; and
- (d) Closing legal submissions from the submitters.
- 24. The outcomes from the post hearing process (i.e. Commissioner minutes, responses from the parties, supplementary statements of evidence, Joint Witness Statements ('JWS'), further legal submissions, and Applicant's closing statement) are held on Council's files and on its website. For efficiency, these matters are addressed in further detail, where relevant, in later sections of this decision report.
- 25. The Reporting Officer, Ms Rydon, provided a memorandum to confirm that the Applicant on 19 July 2022 agreed to extend the processing timeframe for the consent under section 37 of the RMA³.
- 26. The hearing was closed on 19 July 2022.

APPLICATION AS AMENDED

- 27. The post hearing process culminated in the applicant making some amendments to the proposed mitigation. In summary, the key changes are:
 - (a) the additional north-west approach lane on Kāpiti Road to the Friendship Place roundabout on is now offered 'up-front', rather than relying on the original monitoring condition;
 - (b) an additional left-turn lane is to be constructed at the roundabout from Friendship Place heading north on Kāpiti Road; and
 - (c) general upgrades to be made on Kāpiti Road including the provision of crossing points and an eastbound cycle path to enable cyclists to avoid the roundabout.
- 28. These proposed mitigation measures are described, and are shown diagrammatically in concept form, in Mr Kelly's supplementary evidence⁴ on the plans attached to this decision report.

ZONING, AND CONSENT REQUIREMENTS

³ Confirmed in a memorandum from the Council Reporting Officer, dated 19 July 2022

⁴ Tim Kelly, supplementary evidence statements dated 20 May 2022 and 14 June 2022

- 29. The site is in the General Industrial Zone of the District Plan. Part of the wider site (not affected by this application) is designated for a plantation reserve. The site is within the Coastal Environment and is subject to the flood hazard ponding over most of the area where the new building and car parking area are proposed to be constructed.
- 30. The Section 42A report provides a summary⁵ of the specific aspects of the application for which resource consent is required. These include breaches of rules relating to maximum vehicle movements per day; width of access; landscaping; earthworks in a ponding flooding area; maximum area and height for signs, operating a retail activity and over size office activity not ancillary to an industrial activity, and operating an off-licence premises.
- 31. That report also provides an Activity Status Table⁶, which is reproduced below.

Proposed Activity	Rule reference/ description	Activity Status
Vehicle Movements	Rule TR-R10. For a Permitted Activity that does notcomply with relevant requirements Rule TR-R2.	Restricted Discretionary Activity
Access and Landscaping	Rule RR-R11. For a Permitted Activity that does not comply with the requirements of Rule TR-R3.	Discretionary Activity
Earthworks in a Ponding Area	Rule NH-FLOOD-R11. For a Permitted Activity that does not comply with the relevant requirements of Rule NH-FLOOD-R4.	Restricted Discretionary Activity
Building Importance Category (BIC) Type 2c Building	Rule NH-EQ-R23. For the construction of a BIC Type2c building located on sand soils.	Restricted Discretionary Activity
Earthworks outside of the Ponding Area	Rule EW-R5. For a Permitted Activity that does notcomply with relevant requirements of Rule EW-R2.	Restricted Discretionary Activity
Signs	Rule SIGN-R11. For Permitted Activities that do not comply with the relevant requirements of Rules SIGN-R1 and SIGN-R8.	Restricted Discretionary Activity
Retail Activities within the General Industrial Zone	Rule GIZ-R22. For a Permitted Activity that does not comply with the relevant requirements of Rule GIZ-R7.	Non- Complying Activity
Offices within the General Industrial Zone	Rule GIZ-R14. For a Permitted Activity that does not comply with the relevant requirements of Rule GIZ- R8.	Non- Complying Activity
Off-license Premises	Rule GIZ-R20	Non- Complying Activity

⁵ Section 42A Report, paragraph 17

⁶ Section 42A Report, pages 9 & 10

- 32. Consent is also required as a discretionary activity with respect to the National Environmental Standard for assessing and Managing Contamination in Soil to Protect Human Health (NESCS) ⁷.
- 33. I understood there to be no disagreement from the other planning witness engaged in the overall evaluation of the proposal (i.e. Ms Panther-Knight) as to the assessment outlined above. It was also agreed by the planners that, overall, resource consent is required as a non-complying activity.

PRINCIPAL ISSUES IN CONTENTION

Context

- 34. The submissions from TKL, YSL and MML were concerned that the additional traffic generation from the supermarket may impact the operation of the surrounding road network, including the Kāpiti Road/Friendship Place roundabout that provides access to the Airport Zone Mixed-Use Precinct and New World Kāpiti.
- 35. In summary the main concerns were that:
 - (a) there is no clear understanding of the nature and extent of the Friendship Place intersection upgrade required to take account of future development in the Airport Zone;
 - (b) there was insufficient information and assessment provided by the Applicant on traffic modelling data and assumptions; and
 - (c) the adaptive management approach to providing improvements on Kāpiti Road is inappropriate.
- 36. During the course of the hearing, and as part of the post hearing process, additional concerns were raised by submitters regarding the safety of the proposed mitigation measures. This, and the three concerns outlined above, are addressed below under the following sub-headings.

Future development at Kāpiti Landing and the Airport Zone

- 37. The submitters YSL and MML are involved in the operation of the New World Kāpiti supermarket on land within Kāpiti Landing. The submitter TKL owns land within the Airport Zone, and while it does not own the Kāpiti Landing area a related company does own that land.
- 38. I heard that the Kāpiti Landing commercial area is only partly developed, and it is expected there will be considerable new development with resultant increases in traffic generation through Friendship Place, which is the sole access into that area.
- 39. The application as notified, based on Mr Kelly's assessment, did not include any mitigation works on Friendship Place.

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⁷ Section 42A Report, paragraph 28

- 40. As a result of my questioning of some assumptions that had been made in the Applicant's transportation modelling, it was signalled at the hearing that there would need to be further assessment of the effects of the proposal on the Airport Zone and there was at least an inference that further mitigation works may be required to be considered at Friendship Place.
- 41. Accordingly, I issued directions to request information from:
 - (a) the planning witnesses to set out the permitted, controlled, and discretionary activities provided in the District Plan for the Kāpiti Landing site/Airport Zone;
 - (b) the transportation experts to address the factors that might influence the need for mitigation works on Friendship Place, to determine an appropriate growth rate in traffic on the network, and what is the appropriate design for mitigating the traffic effects on the network; and
 - (c) legal counsel from all parties to make a case as to whether the Applicant should be required to make provision as part of its proposal for growth that could occur in the Airport Zone in terms of permitted activities, controlled activities and/or discretionary activities.
- 42. A Planning JWS⁸ was provided, and it confirmed there are no relevant permitted activities within the Airport Zone, and that in essence any new building development will require at least a controlled activity consent. In the Airport Mixed Use Precinct any development exceeding a cumulative total of 102,900m² GFA⁹ within the Precinct will trigger a discretionary activity status. The controlled activity status applicable to new buildings within this zone includes as Matters of Control, the expected traffic generation from the Airport Zone and the effects on the transport network within the District and the timing of any improvement works on the transport network.
- 43. Mr Goldsmith, counsel for TKL, contended that the Applicant should be required to mitigate the effects of future controlled activity development at the Airport Zone as part of this current proposal in terms of consideration under sections 104(1)(a), (b) and (c) of the RMA.
- 44. Mr Quinn, counsel for YSL and MML, submitted that the case *Laidlaw College v Auckland City Council*¹⁰ was relevant. Mr Quinn¹¹ summarised that to be saying: "While KRHL is not required to resolve all existing and future issues with the public road network, it must address the effects of the proposal in the context of the receiving environment".

⁸ Dated 14 April 2022, prepared by Ms Panther-Knight (for Applicant), Ms Rydon (Council reporting officer) and Ms Edgeley (for TKL)

⁹ The Planning JWS at [26] records Ms Panther-Knight's evidence there is currently approximately 22,000m² constructed GFA in Kāpiti Landing

¹⁰ (2011) NZEnvC 92 at [90] and [174]

¹¹ Mr Quinn, opening legal submissions at [42]

- 45. Mr Leckie, counsel for the Applicant, contended that when considering the 'receiving environment' for the purposes of assessing transport effects of the proposal consideration must be constrained to permitted activities and consented activities as per the Court of Appeal's findings in *Queenstown Lakes District v Hawthorn Estate Limited* ¹². Mr Leckie referred to the planning framework for the Airport Zone, which enables Council to assess and impose conditions on all consents for new buildings to ensure that traffic generation is appropriately managed including in relation to road upgrades.
- 46. Having considered these viewpoints I am comfortable that, as a general principle, the Applicant need not be responsible for mitigating the effects of future building development in the Airport Zone, which in all cases will require at least controlled activity consent. I accept Mr Leckie's submissions regarding the consideration of effects being constrained by law to the receiving environment, and Mr Quinn also made specific reference to the effects needing to be addressed in relation to the receiving environment.
- 47. The planning framework enables an assessment of traffic effects, and enables appropriate mitigation to be required, by future developers at the appropriate time. In a later section I address whether the mitigation offered by the Applicant on Friendship Place will properly address the effects of its proposal.
- 48. There was no evidence before me to accept TLK's suggestion, as raised at the hearing and in its response to Minute 7¹³, that if the traffic impacts of the development in the Airport Zone are not managed as part of the current proposal this could result in frustrating, or imposing considerable cost, on any future controlled activity applications that might be made by TKL.

Transportation modelling assumptions

- 49. The transportation modelling work associated with the proposal has had several iterations, as summarised below:
 - (a) The outcome of Mr Kelly's initial modelling for a worst case scenario was to predict a 1.4% weekday peak hour growth rate and a -1.5% growth rate for the Saturday peak hour, meaning that the proposed North West approach lane on Kāpiti Road not required to manage the effects of the proposal;
 - (b) Council officers subsequently requested a Nil Saturday peak hour growth rate be applied to the modelling to account for 'peak-spreading' (as drivers respond to congestion by adjusting their travel time), and under that scenario the North West approach lane is required;
 - (c) To respond to remaining uncertainty of the Council officers regarding the reasons for the traffic count data showing a decline between June 2018 and November 2020 the applicant then offered a monitoring condition. That would require the North West approach lane to be built if peak Saturday traffic was in fact Nil rather than in decline;

¹² (2006) 12 ELRNZ 299 (CA) at [84]

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¹³ Memorandum from TKL, dated 11 May 2022, at [4] and [5]

- (d) It was apparent from statements of evidence and from my questioning of witnesses at the hearing that there was potential uncertainty in the data, and in particular whether a Nil growth rate was appropriate taking account of the recorded decline in traffic having been potentially due to COVID factors.
- (e) Accordingly, after considering the outcomes of the transportation JWS¹⁴, I issued Minute 8 to direct that the Applicant use, for the purposes of designing the mitigation works, a growth rate of 2% per annum on Kāpiti Road and a doubling of the growth rate expected from the Airport Zone onto the Friendship Place roundabout.
- 50. The context for this additional modelling and design work was essentially to 'stress test' Mr Kelly's traffic growth assumptions against some parameters that had been acknowledged by the traffic experts as being at the outer bounds of what might be considered realistic growth.
- 51. Mr Kelly provided a statement of supplementary evidence¹⁵ outlining the results of the updated modelling using the traffic growth parameters described above. He also provided concept plans of the proposed mitigation works.
- 52. Mr Kelly's assessment was that even for scenarios which assume the higher rates of background traffic growth or much higher development within the Kāpiti Landing area, the combined effect of the proposed supermarket and mitigation measures will be to improve conditions relative to those which would otherwise have existed.
- 53. Mr Carr, in his response to Mr Kelly's supplementary statement, supported a modelling approach whereby traffic into Friendship Place is doubled in addition to a 2% increase in traffic on the other approaches. His view was that under this cumulative effect approach the effects are slightly worse if the proposed supermarket and mitigation is in place than if it is not¹⁶.
- 54. The Applicant's position in closing¹⁷ was the modelling of cumulative effects of a 2% increase in the wider network as well as doubling of the traffic to the Friendship Place approach is not realistic or warranted. The Applicant supported Mr Kelly's approach to consider the two scenarios separately, as it would be "highly unlikely" that both scenarios would eventuate. The position was that, even if Mr Carr's approach was adopted, the effects will be minor, in the context of his modelling.
- 55. I find the Applicant's position on this, as supported by Mr Kelly's evidence, to be plausible and it is accepted. The evidence¹⁸ was that applying a 2% growth rate per annum is substantial as it results in 16% growth over the 8 year modelling period.

¹⁴ Dated 29 April 2022, prepared by Mr Kelly (Applicant), Mr Trotter, Council), Mr Carr (TKL) and Mr Nixon (YSL & MML)

¹⁵ Mr Kelly, Supplementary Evidence dated 22 May 2022

¹⁶ Mr Carr's letter dated 22 June 2020 at [4] quantifies the marginal effect as a 15 second delay per vehicle

¹⁷ Applicant's Closing Statement, at [34]

¹⁸ Mr Kelly, Supplementary Evidence at [39].

- 56. In addition, given my findings above on the receiving environment (under `Future Development at Kāpiti Landing') it would be inappropriate to model, and plan mitigation, for cumulative growth on top of that by also assuming a doubling of traffic growth through Friendship Place.
- 57. But in any event, Mr Kelly's evidence is sufficient for me to be satisfied that the mitigation as now proposed (which includes an additional left turn lane onto Kāpiti Road), will offset the effects of the proposed supermarket. Overall, Mr Kelly's evidence¹⁹ is that the mitigation proposed in this application is not required where realistic traffic growth rates are applied up to 2016.

Mitigation on Kāpiti Road

- 58. The submissions of YSL and MML expressed concern at the Applicant's reliance on a monitoring condition to potentially require as yet undesigned future mitigation works on Kāpiti Road. Mr Quinn's legal submission was that an adaptive management approach of this kind has application in a regional consenting context but it is not appropriate when applied to a land use context. He said that, based on the evidence of Mr Nixon, there is a need for mitigation works on the North West approach to the roundabout to be implemented immediately rather than at an unknown time in the future.
- 59. As part of the witness conferencing the Applicant provided a concept design for mitigation works as part of the application to be undertaken on Kāpiti Road, as described above under 'Application as Amended'. This was explained in the Applicant's closing statement as an acknowledgement that there are some limitations in the Council's data in relation to the Saturday peak period that had been relied on to derive the modelled growth rates in KRHL's initial traffic assessment.
- 60. I understand the position of the parties²⁰ to be that through conferencing and the exchange of supplementary evidence the mitigation measures proposed on the North Western approach to the roundabout are broadly appropriate, particularly in the context of conditions requiring a future road safety audit and a detailed design process.
- 61. I raised a question at the hearing regarding the bus stops illustrated on the transportation plans, on whether the Council had control of the location of bus stops as this appeared to be managed by Greater Wellington Regional Council. In response, the Applicant proposed the inclusion of an advice note to confirm the proposed bus stop locations on the consent plans are indicative only, noting also that the Applicant does not rely on the bus stops as mitigation for the traffic effects of the application.
- 62. I accept that the Applicant has adequately demonstrated that bus stops can be accommodated on this stretch of Kāpiti Road, and advice notes (as opposed to conditions) are appropriate.

¹⁹ Evidence in Chief at [48]; Supplementary Evidence at [26].

²⁰ Closing legal submission of YSL and MML, dated 28 June 2022, at [4].

Traffic safety

- 63. Mr Carr raised a possible safety concern with respect to the additional North West approach lane at the Kāpiti Road/Friendship Place roundabout. He accepted the additional lane would improve capacity but also noted that the roundabout was originally constructed to provide two lanes of traffic with through movements on the left lane, and that had created safety issues.
- 64. Mr Kelly's evidence²¹ is that this same issue will not occur as part of the proposed mitigation design due to the additional lane being dedicated to left-turning movements only. The Applicant proposed a further condition to require a post design safety audit to ensure that any potential residual safety issues with the proposed mitigation are identified and managed.
- 65. My understanding from Mr Nixon's answers to questions at the hearing is that the operation of Friendship Place is sensitive to the length of the turning lane but this could be addressed through design and a post design safety audit.
- 66. Overall, I am satisfied that traffic safety considerations for all mitigation works can be appropriately addressed by way of requiring a future road safety audit and a detailed design process, noting also that provision can be made for cyclists' safety.

Conclusion as to Transportation Effects

- 67. It is readily acknowledged that the transportation effects of the proposal are of paramount importance. This is in the context of a high traffic generating activity seeking to establish on a main transportation corridor and with access via a roundabout that provides primary access to the Airport Zone which includes a development area expected to experience substantial new growth.
- 68. The submitters expressed valid concerns as to the modelling assumptions, the mitigation measures, and the approach to future mitigation as part of this application as lodged.
- 69. A fairly extensive post hearing process was necessary to address these issues, and for the reasons provided above I consider the proposal is now at the stage where confidence can be taken that the transportation effects of this proposal on the receiving environment will be no more than minor.
- 70. Other effects of the proposal, not in contention, are addressed below.

STATUTORY REQUIREMENTS

- 71. Under section 104(1), when considering an application, a consent authority is required, subject to Part 2 of the Act, to have regard to (relevantly):
 - a) Any actual and potential effects on the environment of allowing the activity; and

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²¹ Supplementary evidence, at [21] & [22]

- b) Any relevant provisions of
 - v. a regional policy statement; and
 - vi. a plan or proposed plan.
- c) Any other matter the consent authority considers relevant and reasonably necessary to determine the application.
- 72. As the application is, overall, for a non complying activity a consent authority may under section 104D of the Act only grant consent if it is satisfied that either the adverse effects (to which section 104(3)(a)(ii) applies) will be minor; or the activity will not be contrary to the objectives and policies of the District Plan.
- 73. If consent is granted conditions may be imposed under section 108.
- 74. These matters are addressed below in the same order as they are addressed in the Section 42A report.

Effects of the Activity

Positive Effects

- 75. I accept the uncontested evidence of Ms Rydon, supported by Ms Panther Knight, that the proposal has significant positive effects. These can be summarised broadly as:
 - (a) Community benefit from an additional modern supermarket and trade supplier tenancies at Paraparaumu;
 - (b) Resultant reduction in travel time for customers given the proposed supermarket's location proximate to the catchment it serves;
 - (c) New employment opportunities during construction and when operational;
 - (d) Additional indirect economic effects arising from the proposal as a catalyst for additional investment; and
 - (e) Efficient use, and improvement in amenity, of an existing but vacant well-serviced physical resource, with convenient access to transport routes, Paraparaumu town centre and residential catchment.

Transport effects

76. From my findings on the 'Principal Issues in Contention' I consider that the adverse transportation safety effects will be minor.

<u>Urban Design effects</u>

77. The evidence of Ms Rydon, Ms Panther-Knight and Mr Knott was that in essence that any adverse urban design effects of the proposal will be no more than minor provided appropriate landscaping is put in place.

78. There was some discussion at the hearing regarding potential inadequacies in the proffered landscaping condition, relating to there being no link to desired outcomes, and no implementation condition. The amended condition will resolve those deficiencies.

Servicing and Infrastructure effects

- 79. The evidence from Ms Rydon, Ms Panther-Knight, and Mr Bellingham, is that overall the proposed development will result in less than minor adverse effects on the surrounding public infrastructure, and the proposal can be serviced without detriment to the wider environment.
- 80. The Applicant has proposed conditions as recommended by Ms Rydon to require the construction of two new pump stations, individual service connections for each tenancy, and CCTV footage of an existing rising main.

Natural Hazard effects

- 81. The Section 42A Report identifies that the site is subject to ponding and by virtue of its underlying sand soils may be earthquake prone. Conditions were recommended relating to the requirements of the Infrastructure Report and Geotechnical Report lodged with the application.
- 82. Ms Panther Knight accepted those conditions as appropriate to mitigate natural hazard related effects, with a minor amendment to improve implementation.
- 83. Overall, from the evidence, I am satisfied the effects of the activity will be no more than minor.

Economic effects

- 84. I consider the potential adverse economic effects of a proposed supermarket, which is a non-complying activity in the General Industrial Zone, are particularly relevant.
- 85. The key expert evidence before me was from Mr Fraser Colegrave, who concluded ²² that the Proposal will not give rise to any material adverse distributional effects on the Paraparaumu town centre (or any other district centre). Mr Colegrave also concluded there is a relative abundance of industrial zoned land available to meet any possible future needs, and the proposal represents an efficient use of a site that has otherwise remained underutilised for a prolonged period.
- 86. The Section 42A Report records that Council commissioned an independent review by Property Economics Limited, and this in essence supported the conclusions of Mr Colegrave's assessment. Ms Rydon's overall assessment was that "any economic effects of the proposal are less than minor". Ms Panther Knight's evidence came to the same conclusion.
- 87. Based on that evidence, I accept that any adverse economic effects of the proposal are less than minor.

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²² Mr Colegrave, EIC at [53 a - j]

Construction effects

- 88. The Section 42A Report identifies that construction has the potential to result in adverse effects with respect to noise, dust and construction vehicle movements.
- 89. The Applicant has volunteered a condition with respect to the provision of a Construction Management and Construction Traffic Management Plans to mitigate the construction effects of the proposed works to ensure they are less than minor.
- 90. Both Ms Rydon and Ms Panther Knight agree that the conditions proposed will suitably mitigate these temporary effects and that overall the adverse effects in relation to construction will be less than minor.

Contaminated Soil effects

- 91. The site is identified on the Ministry for the Environment's Hazardous Industries and Activities List. To this end, a Preliminary Site Investigation (PSI) was submitted with the application.
- 92. The Section 42A Report supports that the Applicant-proffered condition to prepare a Detailed Site Investigation once the existing buildings on the site have been demolished given the limited ability for soil testing prior to that.
- 93. On that basis I accept the evidence that these effects are less than minor.

Cultural effects

- 94. The Section 42A Report advises that some initial concerns raised by the Ātiawa ki Whakarongotai Charitable Trust had since been resolved to the Trust's satisfaction²³. This was through proffered conditions requiring provision and implementation of an Erosion and Sediment Control Plan which now forms part of the Application, confirmation that proposed tree plantings will be native species, and confirmation that no adverse effects on groundwater and the nearby Wharemaukū Stream will arise.
- 95. On the basis and by imposing the appropriate conditions I am satisfied there are no adverse cultural effects arising from the proposal.

Signage effects

- 96. The proposed signage in several cases exceeds maximum permitted height and area standards in the District Plan for the General Industrial Zone.
- 97. The evidence of Ms Rydon, supported by Ms Panther Knight, was that this is typical signage for supermarkets and is generally in accordance with the character associated within the Working Zones. It was also considered that much of the signage is necessary for transport safety and overall will have a less than minor effect and with no cumulative effects in this location.

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²³ Section 42A Report at [83]

98. Accordingly, I accept the effects of signage will be less than minor.

Overall conclusions on effects

- 99. For all of the above reasons, I accept the planning evidence of both Ms Rydon and Ms Panther Knight which conclude that:
 - (a) there are clear positive effects;
 - (b) the adverse transportation effects will be mitigated by conditions of consent to ensure they are no more than minor; and
 - (c) the other effects of the activity are either not adverse or can be managed by conditions so that they are less than minor.

Relevant Planning Documents

- 100. The expert planning evidence before me was that the proposal is consistent with all relevant planning documents (i.e. for which regard is to be had to in terms of section 104(1)(b)).
- 101. Accordingly, that evidence is accepted but for completeness the relevant documents are summarised below.

Higher Order documents

- 102. The NES for Assessing and Managing Contamination in Soil to Protect Human Health is relevant. The planning evidence was that the proposal is consistent with (and therefore not contrary to) it given the findings of the Preliminary Site Investigation and the Applicant's commitment to preparing and providing a Detailed Site Investigation in due course.
- 103. The evidence was the proposal is consistent with the *National Policy Statement on Urban Development 2020 (NPSUD)* and further it does not preclude the Council's ability to deliver on its obligations under the NPSUD. The proposal catalyses additional growth within Paraparaumu as set out in Mr Colegrave's evidence, and the non-industrial use of General Industrial zoned land is not contrary to the NPSUD as it delivers a feasible commercial use without detriment to the ongoing efficiency of surrounding industrial and other zoned land.

Regional Policy Statement for the Wellington Region 2013 (RPS)

104. Based on my findings on the effects, and in particular on natural hazards, urban design, and cultural effects I accept the planning evidence that the proposal is not contrary to any relevant provisions of the RPS.

District Plan

105. The Section 42A report addresses a number of relevant objectives and policies in the District Wide Matters, Area Specific Matters, and Strategic Directions sections of the District Plan. Whilst not specifically stated in all parts of her assessment, I understand Ms Rydon's evidence to be that the proposal is consistent with the intent of the objectives and policies identified in the report.

- 106. Ms Panther Knight's evidence was that the proposal is entirely consistent with the relevant objectives and policies relating to earthworks, natural hazards and signs, infrastructure, and transport.
- 107. She also assessed the proposal as consistent with the General District Wide Objectives, as follows:
 - (a) Objective DO-O3: it maintains a consolidated urban form within existing urban areas.
 - (b) Objective DO-O8: it enables more convenient access to food retail services, through a variety of transport means, and the site is designed to ensure CPTED principles are followed, with appropriate layout, sight lines and lighting.
 - (c) Objective DO-O11: it delivers a modern, attractive development on an urban site, supporting the role and function of Paraparaumu town centre with high levels of amenity, accessibility, and convenience.
 - (d) Objective DO-O15: it creates significant employment, increased competition, and other customer benefits and generates economic stimulus in the District.
 - (e) Objective DO-O16: it does not preclude the ability for the centres-focused outcomes for business activities to be achieved, based on Mr Colegrave's evidence.
- 108. Ms Panther Knight's evidence also addressed the Business Activities policies (including Policy BA-P1, Policy BA-P2 and Policy BA-P3), as well as the General Industrial Zone objectives and policies (GIZ-P1, GIZ-P2, GIZ-P3, and GIZ-P4).
- 109. Her evidence was that the proposal is entirely consistent with these provisions, with the only exception being in relation to sub-clause (1)(b) of Policy BA-P2. That is, the proposal represents a retail activity that serves a market beyond the daily convenience needs of the immediate residential neighbourhood by virtue of its size and function.
- 110. Ms Panther Knight also assessed the proposal in terms of the relevant assessment framework at (2) of that policy which sets out the situations when retail activities outside of centre zones will be appropriate. From that her overall conclusion was that whilst the proposal is not entirely consistent with Policy BA-P2, it is not contrary to it.
- 111. I consider Ms Panther Knight's evidence is an in-depth and highly competent assessment of the relevant provisions. I was also satisfied with her verbal responses to my questions at the hearing, particularly in relation to the policies regarding out of centre retailing. Accordingly, I accept her evidence which overall was that the proposal "is consistent with all relevant objectives and policies of the District Plan when considered as a whole".²⁴

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²⁴ EIC, at [83].

Any 'Other Matter'

112. There were no 'other matters' in terms of Section 104(1)(c) raised as being relevant to my consideration of the application.

Part 2 RMA

- 113. In the Section 42a Report, Ms Rydon²⁵ considered there is clear guidance given by the District Plan in respect of business activities, and those objectives and policies are coherent and have been prepared having regard to Part 2 and therefore a detailed evaluation of the proposal in terms of Part 2 is not required. Ms Panther Knight's evidence did not include an evaluation in terms of Part 2.
- 114. For completeness however Ms Rydon assessed the proposal as consistent with the purpose of the RMA, in particular:
 - (a) section 5 the proposal involves redevelopment of an existing site and mitigates the effects of the activity on the environment;
 - (b) section 6(h) the risks of natural hazards are mitigated;
 - (c) section 7 represents the efficient use and development of resources, amenity values and the quality of the environment; and
 - (d) section 8 is not inconsistent with the principles of the Treaty of Waitangi.
- 115. On the evidence, and in line with my findings on the effects of the proposal, I consider, overall, that the proposal is consistent with the purposes and principles of the RMA.

OVERALL EVALUATION

- 116. For all of the above reasons I am satisfied on the submissions and evidence that the proposal to which this application relates is:
 - (a) consistent with the relevant matters to be had regard to in terms of Section 104(1); and
 - (b) meets both of the limbs for assessment of a non-complying activity under Section 104D of the RMA.

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²⁵ Section 42A report at [140]

DECISION

For the reasons set out above, under sections 104(1) and 104D of the Resource Management Act 1991, consent is **granted** to the application by Kāpiti Retail Holdings Limited to construct and operate a supermarket with ancillary activities, two trade supplier tenancies, and construction site works on a site at 160 Kāpiti Road, Paraparaumu.

The consent is subject to conditions as attached.

Gary Rae

Hearings Commissioner

6. m lac

3 August 2022

CONDITIONS - Kāpiti Retail Holdings Limited, RM210151

General

- 1. The proposed activity shall be undertaken in general accordance with the following plans attached to the decision all stamped as 'Final Approved Plans' on 3 August 2022:
 - Woodhams Meikle Zhan Architects Plans:
 - o Proposed Site Plan, Job No. 2026-73, DWG No. RMA-101, Rev. G
 - Elevations, Job No. 2026-73, DWG No. RMA-102, Rev. D
 - NR Landscape Architecture Landscape Plans
 - Landscape Concept Plan, Sheet 1 of 3, Rev C
 - o Planting Plan, Sheet 2 of 3, Rev C
 - Plant Schedules, Sheet 3 of 3, Rev C
 - Tim Kelly Transportation Planning Limited Plans:
 - o Indicative Road Layout Changes, Drawing No. 21-005-SK001, Rev. G
 - Maven Associates Plans:
 - Proposed Carpark Flood Volume Plan, Project No. 109022, Drawing No. C202, Rev. A
 - Proposed Earthworks Plan, Project No. 109022, Drawing No. C203, Rev. A
 - Proposed Flood Storage Tank Earthwork Plan, Project No. 109022, Drawing No. C204, Rev. A
 - o Site Overview Plan, Project No. 109022, Drawing No. C400, Rev. A
 - Truck Access Long Section, Project No. 109022, Drawing No. C403, Rev.
 A
 - Proposed Services Standard Details, Project No. 109022, Drawing No. C490, Rev. A
 - Proposed Sediment Control Plan, Project No. 109022, Drawing No. C205,
 Rev. A
 - Proposed Sediment Control Details, Project No. 109022, Drawing No. C206, Rev. A

And the information specifications lodged with the application RM210151, the further information request responses provided by Forme Planning Limited on 3, 9 and 12

August, 30 September and 5 October 2021; and the following plans stamped 3 August 2022 and held on file by Council except where modified by conditions of consent:

- Woodhams Meikle Zhan Architects Plans:
 - Cross Sections, Job No. 2026-73, DWG No. RMA-103, Rev. C
- Tim Kelly Transportation Planning Limited Plans:
 - Vehicle Tracking Plan, Drawing No. 21-005-SK002, Rev. E
 - Vehicle Tracking Plan, Drawing No. 21-005-SK003, Rev. E
 - Vehicle Tracking Plan, Drawing No. 21-005-SK004, Rev. E
 - Vehicle Tracking Plan, Drawing No. 21-005-SK005, Rev. E
 - Annexure E to the Integrated Transport Assessment entitled Travel Plan (draft)

Maven Associates Plans:

- Proposed Retaining Plan, Project No. 109022, Drawing No. C220, Rev. A
- Proposed South-East Retaining Wall Long Section, Project No. 109022, Drawing No. C221, Rev. A
- Proposed Carpark Plan, Project No. 109022, Drawing No. C310, Rev. A
- Proposed Carpark Plan, Project No. 109022, Drawing No. C311, Rev. A
- Proposed Carpark Plan, Project No. 109022, Drawing No. C312, Rev. A
- Proposed Carpark Plan, Project No. 109022, Drawing No. C313, Rev. A
- Proposed Carpark Plan, Project No. 109022, Drawing No. C314, Rev. A
- Proposed Carpark Cross Sections, Project No. 109022, Drawing No. C320, Rev. A
- Stormwater Flooding Cross Sections, Project No. 109022, Drawing No. C401, Rev. A
- Stormwater Flooding Cross Sections, Project No. 109022, Drawing No. C402, Rev. A

- Proposed Private Services Plan, Project No. 109022, Drawing No. C410, Rev. B
- Proposed Private Services Plan, Project No. 109022, Drawing No. C430, Rev. A
- Proposed Private Services Plan, Project No. 109022, Drawing No. C431, Rev. A

Note: Proposed bus stops as illustrated in the drawings referenced in condition 1 are indicative in location and design only. Detailed design and implementation are dependent on the certification of the Regional Council and road controlling authority.

- 2. The consent holder shall comply with the requirements of the Kāpiti Coast District Council's (KCDC's) Subdivision and Development Principles and Requirements 2012 (SDPR: 2012), unless alternatives are proposed by the consent holder and accepted by the Council's Development Engineer.
- 3. Any illumination of signs shall comply with the following:
 - a. All relevant Civil Aviation Authority Requirements; and
 - b. Light levels shall not exceed 10 lux, measured 1.5m inside the boundary of any adjoining Residential Zone.
- 4. Mitigation of flood hazard to create flood free building area and construction of compensatory storage must be undertaken in accordance with the details and specifications within the Infrastructure Report prepared by Maven Associates, dated 2 July 2021 and submitted to Council in relation to application RM210151 except where modified by conditions of consent.

Prior to the Commencement of Works

5. The consent holder shall submit copies of the plans and specifications for the engineering development for approval to the satisfaction of the Council's Development Engineer. The engineering development must be in accordance with Paragraphs 1 to 5 of Schedule 1 contained in Part 4 of the Kāpiti Coast District Council's Subdivision and Development Principles and Requirements, 2012. No works shall commence until the plans are approved by KCDC's Development Engineer.

Note: Engineering drawings shall contain sufficient detail to clearly illustrate the proposal to enable assessment of compliance with the Kāpiti Coast District Council's Subdivision and Development Principles and Requirements, 2012, to enable accurate construction and show individual service connections to each tenancy.

6. The consent holder shall provide the Council's Development Engineer with the names of the Developer's or Owner's Representative(s) appointed in terms of Clause B(ii) of Part 3 of the Kāpiti Coast District Council's Subdivision and Development Principles and Requirements, 2012.

7. The consent holder shall advise the names and professional qualifications of any Suitably Qualified Persons required in terms of Clause B(iii) of Part 3 of the Kāpiti Coast District Council's Subdivision and Development Principles and Requirements 2012.

Suitably Qualified Persons are required for, but not necessarily limited to, the following areas:

- Civil engineering
- Stormwater design and construction
- Water and wastewater design & construction

Note: If the Council considers any of the nominated persons are not acceptable then the consent holder shall nominate alternative persons, or the Council may require the consent holder to employ a specified Suitably Qualified Person or Persons at the consent holder's cost.

- 8. At least 10 working days prior to the commencement of works, the consent holder shall submit for approval in writing by Council's Development Engineer and Access and Transport Manager, a Construction Management Plan (CMP) which shall include the following:
 - a. Details of control of mud and detritus from the site onto the road onsite wheel washing and offsite road sweeping.
 - b. Details of onsite turning for delivery vehicles.
 - c. Site compound location shown on a plan.
 - d. Identified areas for site offices and site operative parking.
 - e. Mitigation for the prevention of discharge of any material beyond the boundary of the subject site.
 - f. Noise controls and hours of construction.
 - g. Stormwater runoff.
 - h. The matters outlined in the Ministry for the Environment's Contaminated Land Management Guidelines No.1 Reporting on Contaminated Sites in New Zealand (Revised 2011).

Note: For the avoidance of doubt, material includes but is not limited to silt, sediment, vegetation and aggregate.

- 9. All earthworks and site investigations and remediation shall be undertaken in accordance with the approved CMP and Site Remedial Action Plan required under condition 21.
- 10. No works shall commence until the CMP required under condition 8 has been approved in writing by Council's Development Engineer.

- 11. The consent holder shall comply with the requirements of the approved CMP. Any proposed amendments to the CMP shall be submitted to the Council's Development Engineer for consideration and approval. No work shall commence until amendments to the CMP have been approved by the Council's Development Engineer in writing.
- 12. A Landscape Management Plan (LMP) shall be provided at least 20 working days prior to the purchasing of plants for approval by Council's Development Engineer and be implemented in the first planting season following completion of the building and civil works. The LMP shall achieve the outcomes contained within the approved Landscape Concept Plan referenced in Condition 1 and as a minimum contain the following:
 - Existing vegetation to be retained;
 - Any vegetation to be removed;
 - The extent of planting, paved (impermeable) surfaces and other landscaping elements;
 - Details of plant species that shall be native to the Foxton Ecological District;
 - Location of plants;
 - Number of plants;
 - Plant grade sizes;
 - An implementation plan describing the methods of soil preparation, details of drainage, fertilising, mulching, spraying, irrigation, staking tree pits, ongoing maintenance, replacing of dead/poorly performing plants and weed and pest management;
 - Scheduling of work, including maintenance to ensure successful establishment; and,
 - The location, height, and type of fencing.
- 13. The consent holder shall investigate the actual material and condition of the existing 800mm private sewer rising main and provide the findings to Council's Development Engineer as part of the detailed design. If the private sewer rising main is found to be not fit for purpose, the pipe shall be upgraded with the necessary details provided to the Council as part of the required building consent.
- 14. Prior to the commencement of works within the road reserve, detailed design of the improvements to the Friendship Place/Kāpiti Road roundabout, the additional left-turn lane on the north-western approach to the roundabout on Kāpiti Road and the secondary access to Kāpiti Road shall be provided for approval in writing by Council's Access and Transport Manager. The approved activity shall not commence operation onsite until the improvement works have been completed.

Note: For the avoidance of doubt, the improvement works referenced in Condition 14 relate to the construction of the crossings to the site; the construction of the left-turn lane from Friendship Place heading north on Kāpiti Road, and the construction

of the additional left-turn lane on the north-western approach to the roundabout on Kāpiti Road. These works are illustrated in concept in the drawings at Condition 1.

Note: Proposed bus stops as illustrated in the drawings referenced in condition 1 are indicative in location and design only. Detailed design and implementation are dependent on the certification of the Regional Council and road controlling authority.

Geotechnical

15. Following the demolition of the existing building and prior to construction of the new building, onsite geotechnical investigations will be undertaken and an updated geotechnical assessment, including recommendations for foundation design to mitigation any liquefaction risk prepared by a suitably qualified person shall be submitted to Council's Development Engineer. All building works on the site shall take into account the findings of the approved report.

Engineering

- 16. The consent holder shall notify Council's Development Engineer prior to commencement of the following stages of work, so that the Council's Development Engineer, or their authorised representative, are present on site to inspect certain stages of the works. These stages are as follows:
 - Commencement of works or recommencement after a substantial lapse;
 - Water reticulation connections and services prior to back fill;
 - Wastewater services and construction of new manholes prior to back fill;
 - Completed earthworks and prepared subgrade (roading and footpaths, if any);
 - Final inspection.
- 17. The development shall have water supply with strainer meter and RPZ which complies with the requirements of OIML R49 (International Organization of Legal Metrology R49:2006 Water Meters Intended for the Metering of Cold Potable Water and Hot Water Parts 1 to 3).

Note: The Consent Holder's attention is drawn to the 'Approved Water Supply Products & Materials List, WS-10: Water Meters' (http://www.Kāpiti coast.govt.nz/Planning/Resource-Consents/Standard-Drawing/WaterStandard-Drawings). Installing an approved water meter is a means of compliance with this condition.

- 18. Firefighting requirements for the development shall comply with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.
- 19. Any unused existing water service connections being abandoned shall be capped at the main.

20. Any unused existing wastewater service connections being abandoned shall be capped at the main.

Contaminated Soil

21. A Detailed Site Investigation (DSI) report detailing the findings of onsite investigation works (soil sampling) following the demolition of the existing building, and a site remedial action plan, shall be submitted at least 20 working days prior to the commencement of the construction works consented under RM210151 for approval in writing by Council's Development Engineer.

Note: The DSI report, remedial action plan and monitoring and management plan shall cover the matters outlined in the Ministry for the Environment's Contaminated Land Management Guidelines No.1 Reporting on Contaminated Sites in New Zealand (Revised 2011).

22. Within 20 working days of the completion of remedial works on the site, a Site Validation Report (SVR) shall be provided to Council. The SVR shall be prepared by a suitably qualified contaminated land professional in accordance with the Ministry of Environment Contaminated Land Management Guidelines, No 1 Reporting and Contaminated Sites in New Zealand and No. 5 Site Investigation and Analysis of Soils. The person preparing the report shall also provide a statement certifying that all works have been carried out in accordance with the requirements of the consent.

Transport

23. Detailed Design and Post Construction road safety audits are to be provided upon completion of works and are required for the proposed alterations to Friendship Place/Kāpiti Road roundabout and the secondary access to Kāpiti Road.

Note: The road safety audits are to be carried out in accordance with guidance contained in the Kāpiti Coast District Council Subdivision and Development Principles and Requirements 2012 and Waka Kotahi (NZTA) guidance.

Note: For the avoidance of doubt, the proposed alterations referenced in Condition 23 relate to the construction of the crossings to the site, the construction of the left-turn lane from Friendship Place heading north on Kāpiti Road, and the construction of the additional left-turn lane on the north-western approach to the roundabout on Kāpiti Road. These works are illustrated in concept in the drawings at Condition 1.

- 24. The Post Construction road safety audit shall be provided to Council's Access and Transport Manager for approval in writing at least 20 working days prior to the opening of the supermarket.
- 25. Any required signage/road markings must be provided in accordance with TCD's, The Manual for Traffic Signs and Signals: 2010 and Traffic Control Devices Manual: 2008.
- 26. A workplace travel plan shall be submitted to Council's Access and Transport Manager for certification at least 20 working days prior to the opening of the supermarket. The

travel plan shall achieve the outcomes of the draft Travel Plan referred to in Condition 1 and outline measures, facilities, and incentives to encourage non-car travel to and from the site.

Advice Notes:

- The consent holder is advised that Council will require notification of the start and completion dates of the works in writing 48 hours before the works are carried out. The consent holder shall fill out and return (by email to the duty compliance officer at compliance.dutyofficer@Kāpiti coast.govt.nz, or by post to Private Bag 60601, Paraparaumu) the form that is attached to the decision letter.
- The consent holder is required to pay to the Kāpiti Coast District Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with Section 36 of the Resource Management Act 1991. These costs* may include site visits, correspondence and the actual costs of materials or services which may have to be obtained.
 - *Please refer to Kāpiti Coast District Council's current schedule of Resource Management fees for guidance on the current hourly rate chargeable for Council's staff.
- Under Section 125 of the Resource Management Act 1991, this resource consent will lapse in five years, unless it is given effect to within that time.
- It is the consent holder's responsibility to comply with any conditions imposed on this resource consent prior to and during (as applicable) exercising this resource consent.
- Please note that a resource consent is not a consent to build. A building consent must be issued prior to any building work being undertaken.
- If you disagree with any of the above conditions or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.
- The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety in Employment Act 1992), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.
- Development Contributions will be required pursuant to Section 198 of the Local Government Act 2002 and the Council's Development Contributions Policy 2021 when creating additional gross floor area for commercial premises. The contributions will

be calculated and levied for each square meter of gross floor area over the existing 3,700m² floor area of building on the site.

The Development Contributions Policy 2021 defines gross floor area as:

The sum of the gross area of all floors of all buildings on a property, measured from the exterior faces of the exterior walls or from the centre lines of walls separating two buildings. Gross floor area also includes covered yards and areas covered by a roof but not enclosed by walls. The gross floor area of a building shall not include:

- Uncovered stairways;
- Floor space in terraces (open or roofed), external balconies, breezeways or porches;
- Roof car parking, lift towers and machinery rooms on the roof having a floor area of not more than 200m²;
- o Car parking areas; and
- o Floor space of interior balconies and mezzanines not used by the public.

The total gross floor area of the development is $4,600\text{m}^2$, accounting for the existing building on the site, an additional 900m^2 of gross floor area is created by this resource consent. The Development Contributions have been calculated in accordance with the fees that applied at the time the consent was lodged based on the calculation for commercial buildings at $0.002 \times \text{GFA}$ where every 500m^2 is considered a residential unit equivalent. The fees are listed below:

Items	Fees including GST(NZD)
Roading & Transport - Districtwide	\$2,075.00
Water Treatment - Paraparaumu	\$6,266.00
Water Reticulation - Paraparaumu	\$1,616.00
Wastewater Treatment - Paraparaumu	\$527.00
Wastewater Reticulation - Paraparaumu	\$250.00
Stormwater - Districtwide	\$185.00
Stormwater Collection & Management - Paraparaumu	\$470.00
Community Infrastructure - Districtwide	\$1,789.00
Subtotal	\$13,178.00
Total based on the additional GFA of 900m ²	\$23,720.40

The contributions are required to be paid prior to the issue of a Code Compliance Certificate under Section 95 of the Building Act 2004 (please refer also to Section 208 of the Local Government Act 2002).

 Works within the legal road will only be approved where they comply with Council procedures and processes which are set out below:

Before undertaking work in the legal road you must make a Corridor Access Request (CAR) and receive a Works Access Permit (WAP) from us. Some examples of activities requiring a permit are:

- trenching works;
- footpaths and entranceways;
- o work within the berm or shoulder of the road; and
- o tree work scaffolding and crane work.
- Before any excavations are undertaken a "Before U Dig" inquiry is required to check for locations of any underground services. This is a web-based service that you or your contractor use to get plans and information emailed out to you. This also provides the mechanism for you to make a Corridor Access Request and provide us with a Traffic Management Plan to protect your site, contractors, and the public during operations. Corridor Access Requests require 5 working days' notice before work can commence and Traffic Management Plans for road closures and events must be received 42 working days in advance of the closure or event. Please note: The "Before U Dig" service has no information on council's buried water, wastewater or stormwater assets. Our mapping tools show the location of the buried council assets.
- Work is required to be undertaken in accordance with Council's guides and standard drawings. Examples of forms, guides and standards drawings (engineering plans) are available for download or print from the Council website and examples include:
 - Vehicle Installation Information;
 - Vehicle Crossing Application Form;
 - Roading Standard Drawings; and
 - Vehicle Crossing Guidelines.
- Evidence of archaeological sites may include kōiwi (human skeletal remains), taonga Māori (Māori artefacts), oven stones, charcoal, shell middens, ditches, banks, pits and old building foundations. If any archaeological site(s) are uncovered during physical works, Ātiawa ki Whakarongotai Charitable Trust will require the contractor to adopt the following protocols:
 - a. Work shall cease immediately within 100 metres of the site of discovery.
 - b. The contractor and subcontractor(s) must shut down all machinery, isolate and secure the site, and advise the project manager.
 - c. No materials relating to the artefacts or site shall be removed.
 - d. The project manager shall promptly advise Ātiawa ki Whakarongotai Charitable Trust.
 - e. If skeletal remains are uncovered, the project manager will also advise New Zealand Police.
 - f. An archaeologist approved by Ātiawa ki Whakarongotai Charitable Trust shall be employed at the expense of the contractor to examine and record the site.

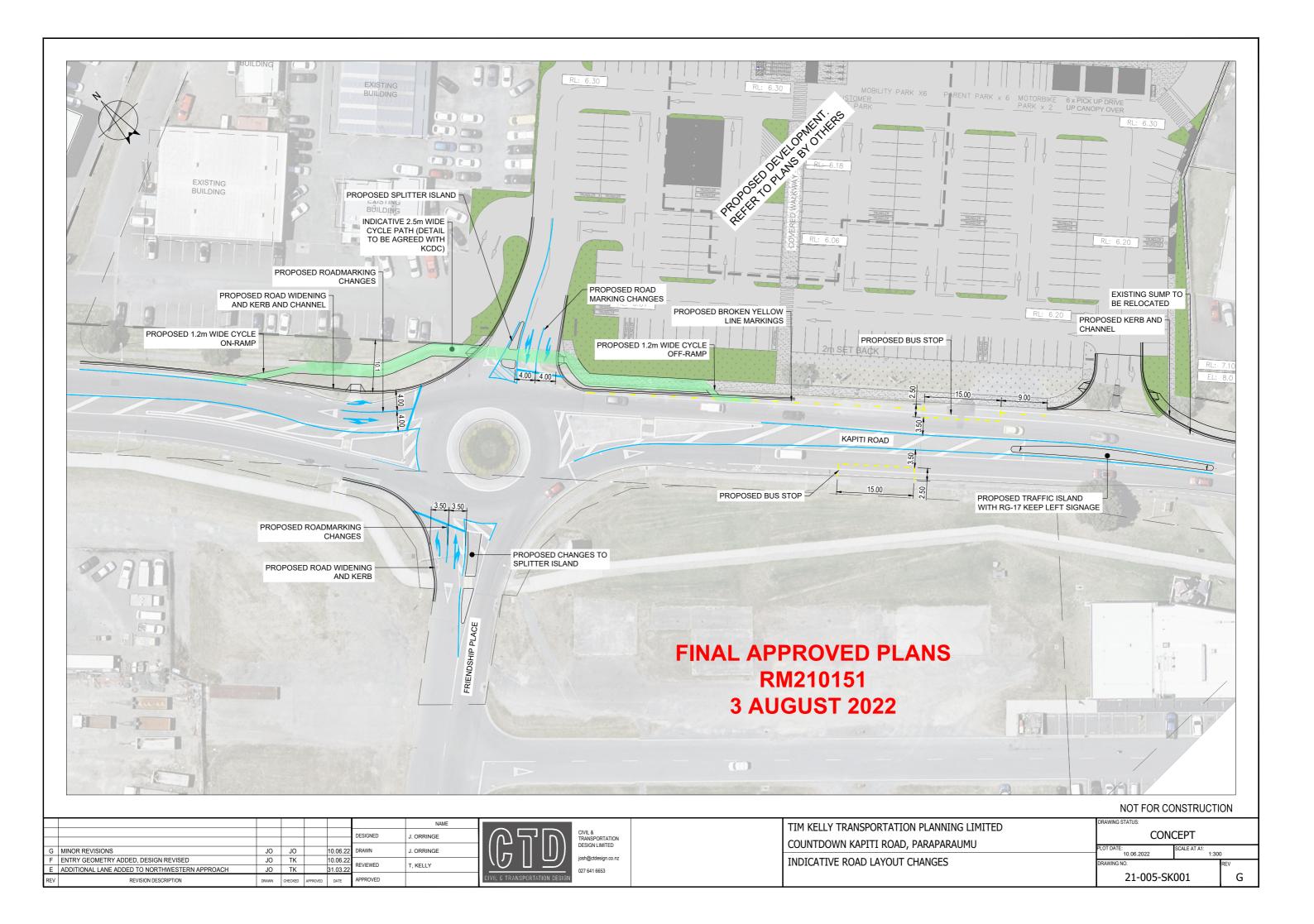
- g. Ātiawa ki Whakarongotai Charitable Trust will at their discretion contact other iwi groups and organise a site inspection by appropriate tangata whenua advisors and the archaeologist.
- h. If as a result of the site inspection and investigation there is a need for an appropriate ceremony, Ātiawa ki Whakarongotai Charitable Trust will arrange such at the contractor's expense.
- i. Materials discovered will be handled and removed by the Ātiawa ki Whakarongotai Charitable Trust representatives responsible for the tikanga appropriate to their removal and preservation, or re-interment.
- j. Works affecting the archaeological site shall not resume until Ātiawa ki Whakarongotai Charitable Trust, and the New Zealand Police in the case of skeletal remains, have given the appropriate consent, approval or authority for work to continue. The contractor and subcontractor(s) will allow representatives of Ātiawa ki Whakarongotai Charitable Trust and the archaeologist all reasonable access to the site to carry out their respective responsibilities or activities under this protocol.

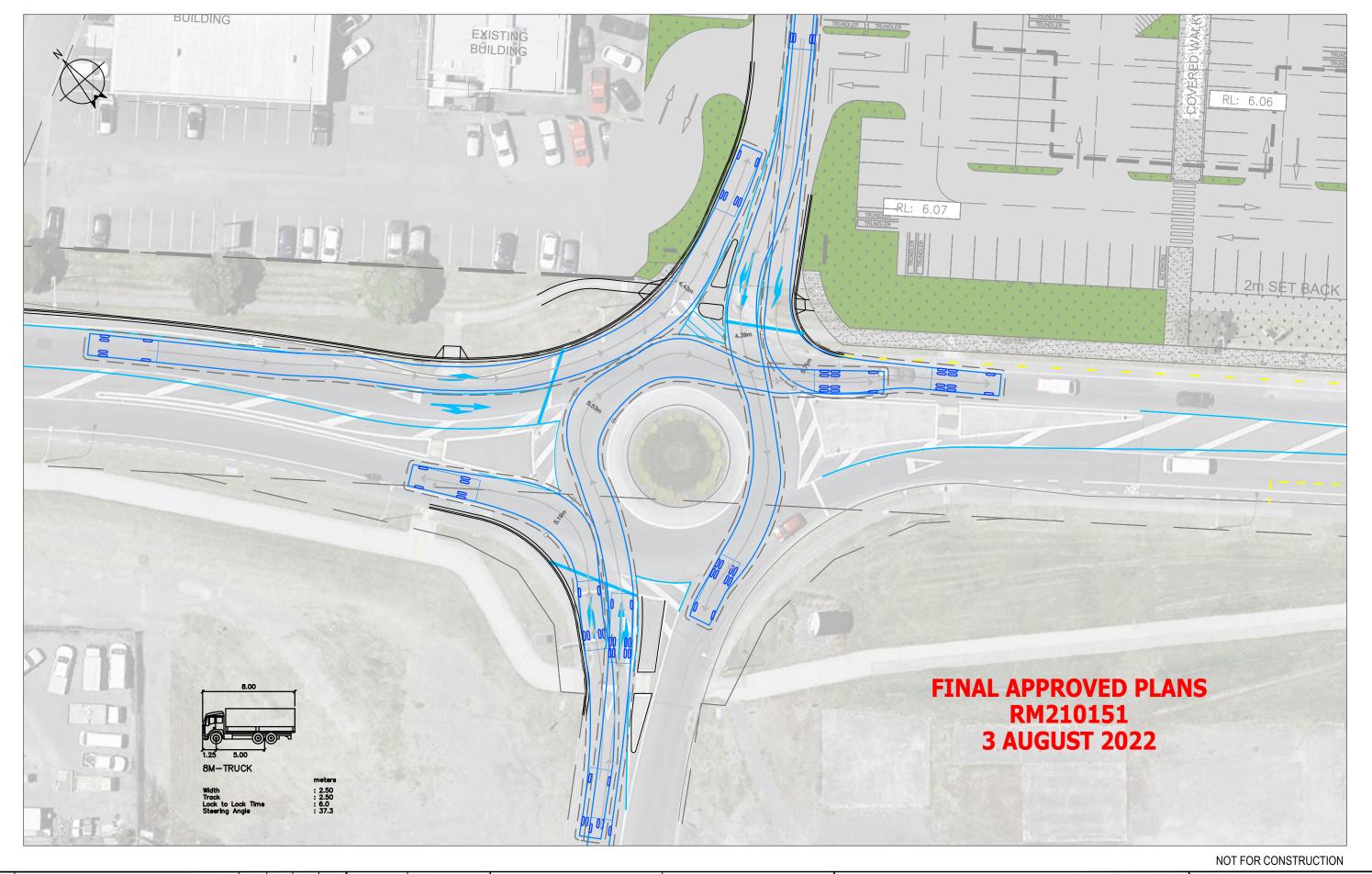
Contact details for iwi representatives are as follows:

Ātiawa ki Whakarongotai Charitable Trust

PO Box 509

Waikanae 5250





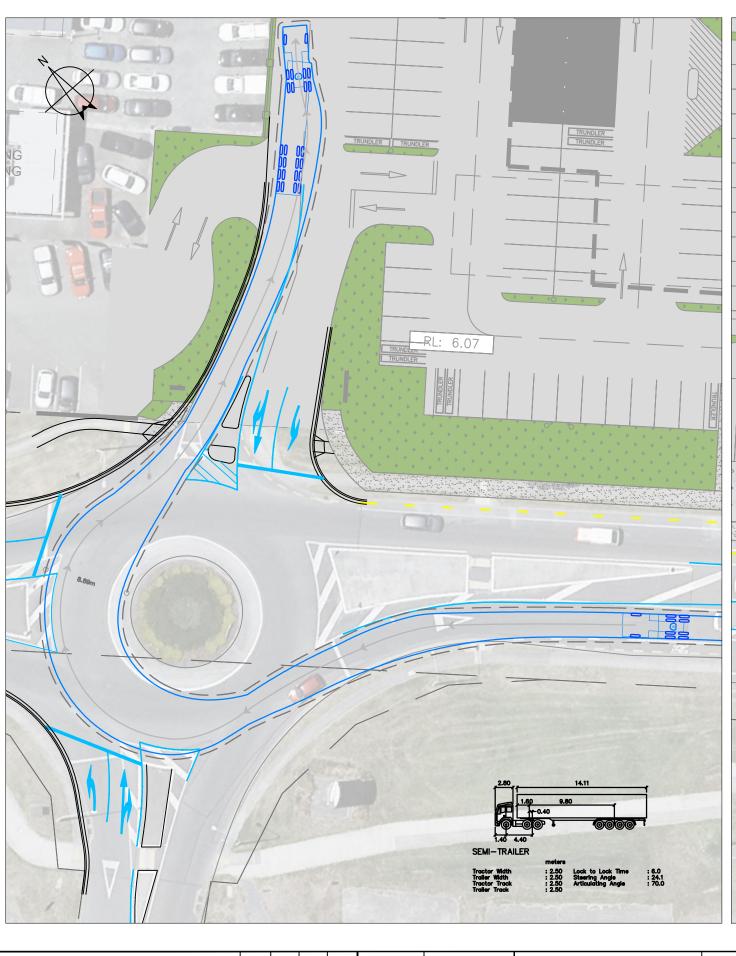
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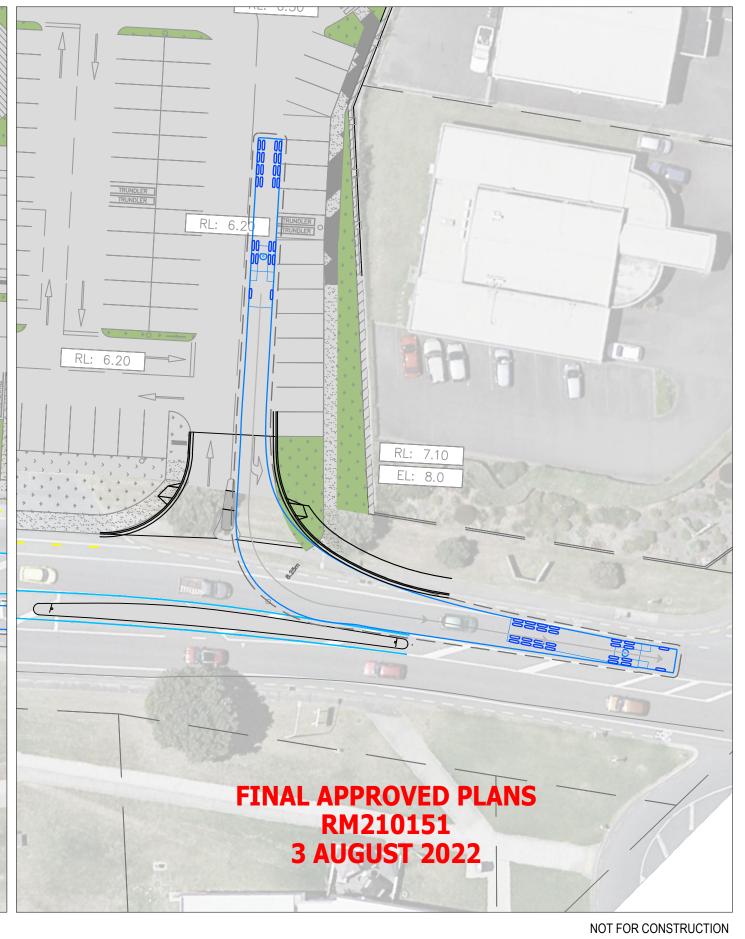


CIVIL &
TRANSPORTATION
DESIGN LIMITED

josh@ctdesign.co.nz
027 641 6653

TIM KELLY TRANSPORTATION PLANNING LIMITED	DRAWING STATUS:			
COUNTDOWN KAPITI BOAD PARAPARAHMI	CONCEPT			
COUNTDOWN KAFITI KOAD, FAKAFAKAONO	PLOT DATE: 01.04.2022	SCALE AT A1: 1:200)	
VEHICLE TRACKING PLAN	DRAWING NO.		REV	
8m MEDIUM RIGID TRUCK	21-005-SK	002	Е	



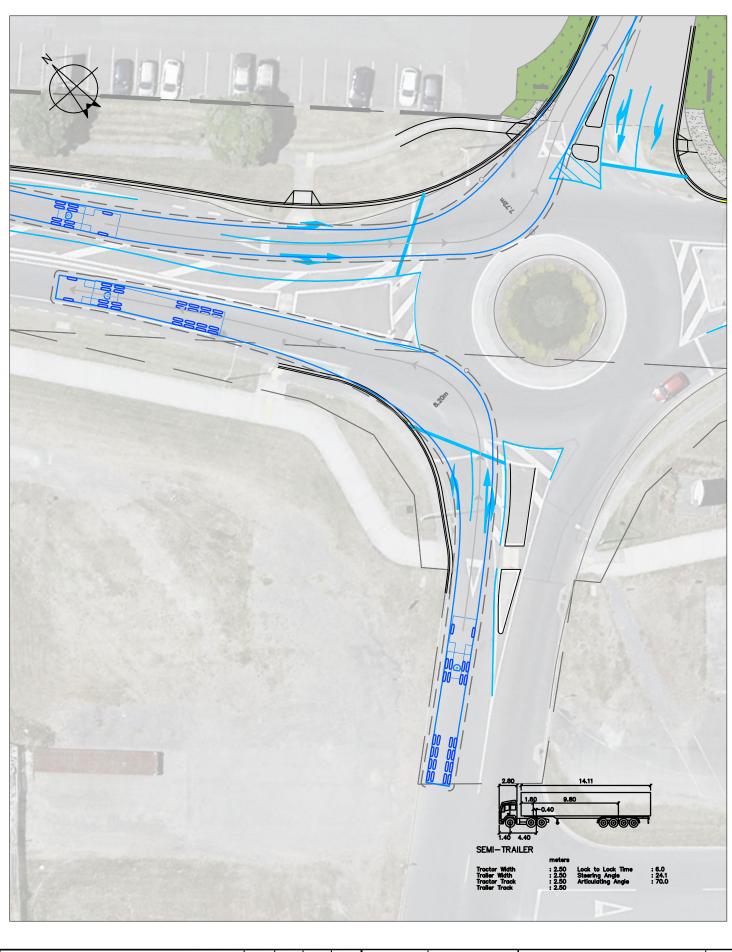


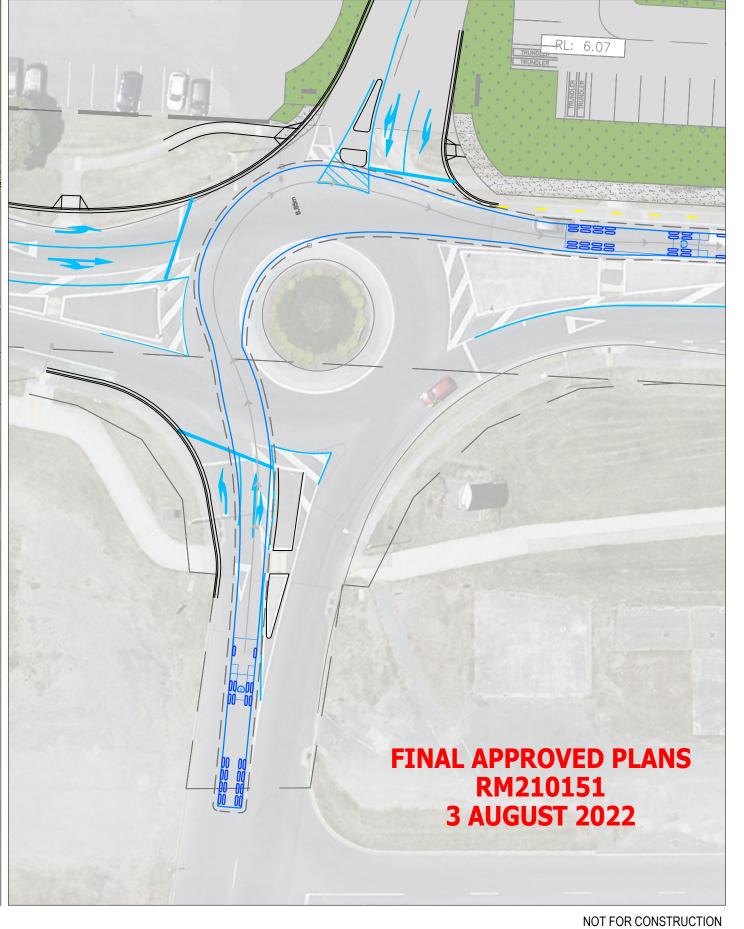
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REV	REVISION DESCRIPTION	DRAWN	CHECKED	APPROVED	DATE	APPROVED	



CIVIL & TRANSPORTATION DESIGN LIMITED josh@ctdesign.co.nz 027 641 6653

1	COUNTDOWN KAPITI ROAD, PARAPARAUMU	DRAWING STATUS: CONCEPT			
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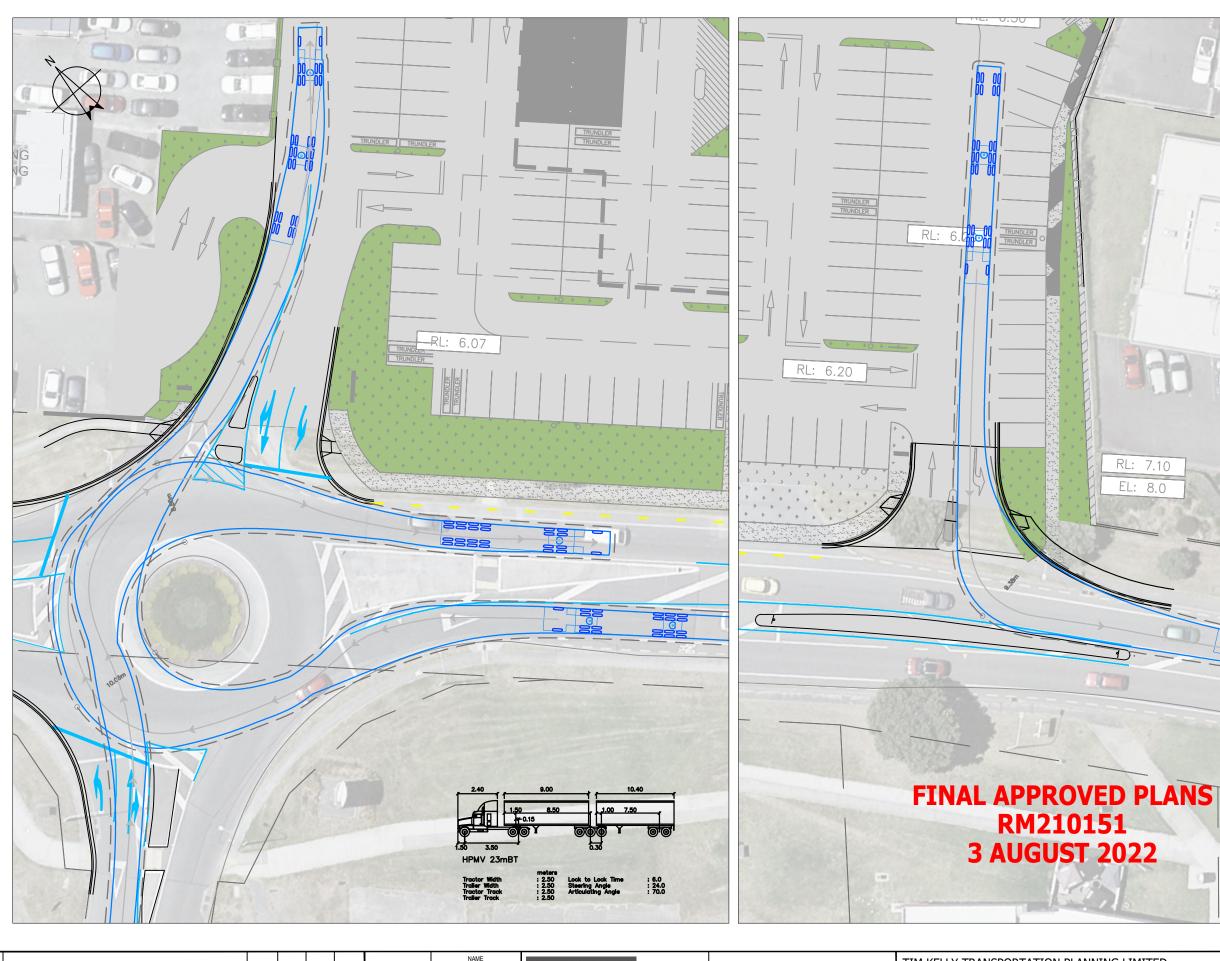


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CIVIL & TRANSPORTATION DESIGN LIMITED josh@ctdesign.co.nz 027 641 6653

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Е	ADDITIONAL LANE ADDED TO NORTHWESTERN APPROACH	JO	TK		31.03.22	DESIGNED	J. ORRINGE
D	DESIGN REVISED TO AVOID LAND TAKE	JO	TK		03.12.21	DEGIGINED	U. ORTANOL
С	LAND TAKE AREA ADDED	JO	TK		01.12.21	DRAWN	J. ORRINGE
В	23m B-TRAIN TRACKING ADDED	JO	TK		29.09.21	REVIEWED	T 1/5111/
Α	ISSUED FOR DISCUSSION	JO	TK		28.09.21	REVIEWED	T, KELLY
REV	REVISION DESCRIPTION	DRAWN	CHECKED	APPROVED	DATE	APPROVED	



CIVIL & TRANSPORTATION DESIGN LIMITED
josh@ctdesign.co.nz
027 641 6653

TIM KELLY TRANSPORTATION PLANNING LIMITED COUNTDOWN KAPITI ROAD, PARAPARAUMU	DRAWING STATUS: CONCEPT			
VEHICLE TRACKING PLAN	PLOT DATE: 01.04.2022 DRAWING NO.	SCALE AT A1: 1:200) REV	
23m B-TRAIN	21-005-SK		E	

RL: 7.10 EL: 8.0

Travel Plan (draft)

1. Scope

There is generally limited scope to significantly influence supermarket customer trips, as most involve significant purchases and/or car travel which is combined with a number of other purposes. Nonetheless, the supermarket design recognises that a small proportion of trips are made on foot, by cycle or public transport and seeks to facilitate and promote such trips.

The primary focus is therefore upon staff trips and encouraging these to use alternative modes of transport to the private car.

Reference has been made to the tools available on the Greater Wellington website regarding sustainable travel initiatives.

2. Objectives

The objective of this Travel Plan is to minimise the quantum of vehicular travel associated with the movement of supermarket staff and customers to and from the site.

3. Methods

A variety of methods are proposed to achieve the objective above:

- site design: provide good accessibility to the established pedestrian and cycle networks in this area and convenient access to the available public bus services in this area;
- provide on-site end-of-trip facilities to encourage cycling as a mode of travel;
- provide information to staff regarding the availability of alternative travel modes;
- guaranteeing a lift home for staff who have not used their own vehicle for travel to work where circumstances make this necessary for staff safety or well-being;
- incentivise staff to use alternatives to private cars;
- minimise longer-distance travel; and
- promote home delivery as an alternative to individual vehicle trips.

4. Implementation

Travel Co-Ordinator

The supermarket should appoint a Travel-Coordinator (a staff member allocated this task), whose roles would include:

- implementation of the measures in this Travel Plan;
- assist staff with the co-ordination of travel (for example, to provide information relating to facilities, co-ordinate vehicle sharing, etc);
- liaison with KCDC relating to travel-related matters;
- liaison with GWRC relating to workplace travel initiatives implementation of measures defined by its 'Get Your Workplace Moving' material and available at http://www.gw.govt.nz/getting-to-work/;

ANNEXURE E: TRAVEL PLAN (DRAFT)

- preparation of a staff travel handbook;
- organisation of initiatives to promote sustainable travel modes.

Site Design

As described in Sections 3 and 4, the site design provides for a direct pedestrian route between the footpath on the Kāpiti Road frontage and the supermarket entrance area. This will be partially covered and will give pedestrians priority over vehicle movements within the parking area. This facility will be available for cyclists to use to wheel bicycles to the area of customer cycle parking.

This pedestrian route would also be convenient for the additional bus stops proposed for both sides of Kāpiti Road adjacent to the supermarket.

Cycle End-Of-Trip Facilities

The customer cycle parking area should not only be secure (enabling customers to lock bicycles to metal stands etc and monitored by CCTV) but should also be weatherproof.

Similarly, staff who cycle should have an area to store bicycles which is secure and weatherproof. A shower and changing facility should be provided for staff use.

Travel Information

As part of their induction, all new staff (both full and part time) should be provided with an information booklet which summarises the available options for travel to and from the supermarket. In addition to the inclusion of information on the walking, cycling and public transportation networks, this should indicate how staff can combine vehicle use where feasible, with reference to the national car-pooling initiative at www.smarttravel.org.nz.

Internal car-pooling (between Countdown employees) can be promoted by introducing potential members to one another through an organised morning tea event or similar.

External car-pooling (between Countdown employees and external employees) can be promoted through reference to www.smarttravel.org.nz.

Guaranteed Trip Home

For staff who walk, cycle, use the bus or car-share, a possibility exists that they may be unable to return home when needed, for example if required to work late or if a family emergency arises. The supermarket should guarantee that any staff will be able to be given a lift home in such circumstances (either by another staff member with a vehicle or by requesting a taxi).

Incentives

The supermarket should monitor staff travel patterns and offer prizes / vouchers for those minimising their private car use (on a monthly or quarterly basis). New staff could be given travel passes for use on the bus/rail network.

Longer-Distance Travel

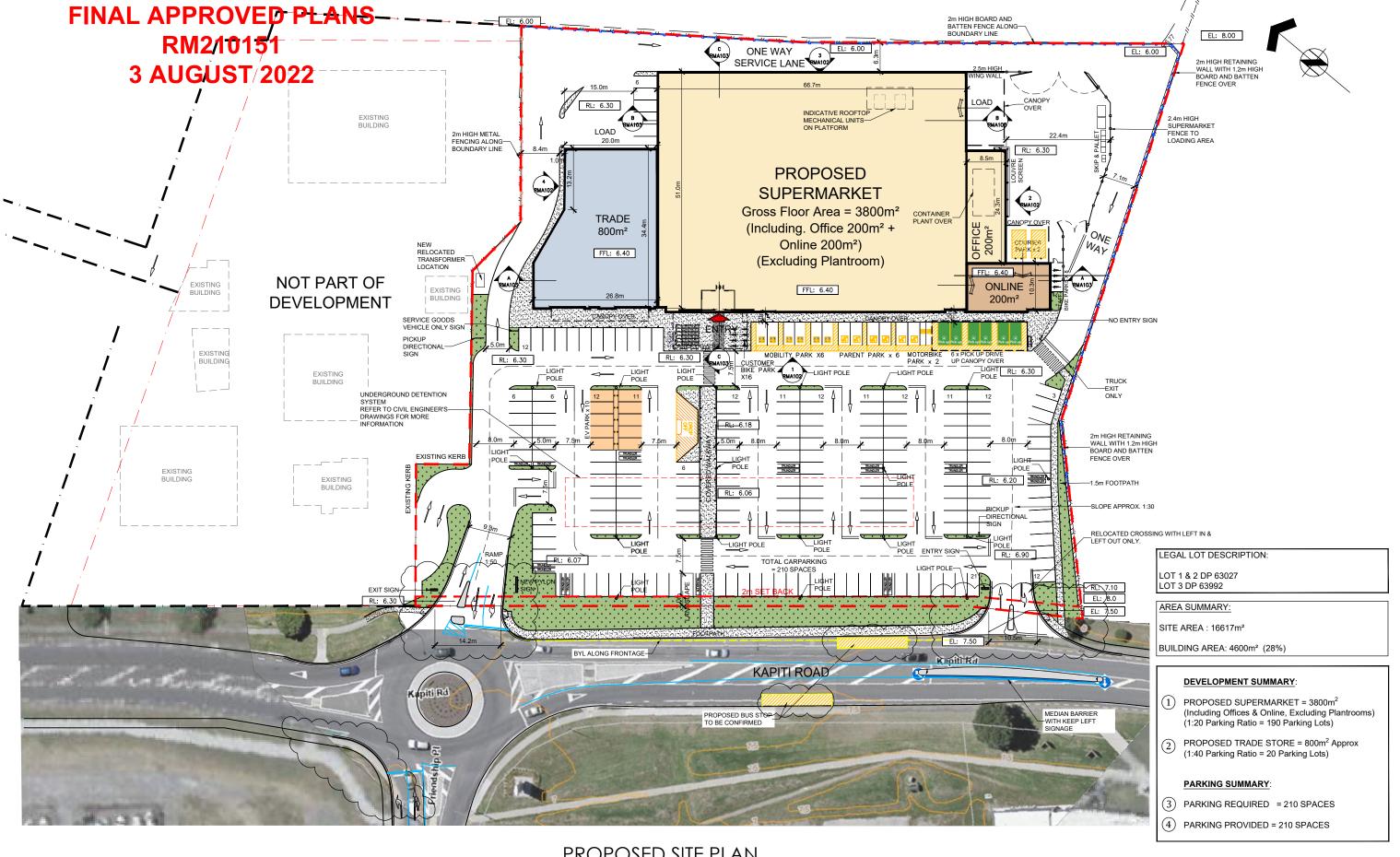
Senior staff members are likely to have requirements to travel within and beyond the region on company business. Some meetings can now be replaced by on-line meetings, reducing the

ANNEXURE E: TRAVEL PLAN (DRAFT)

time, costs and environmental consequences of travel. Where possible, such on-line tools should be used to minimise external travel.

Home Delivery

Countdown is already promoting its home delivery service, which avoids a need for customers to make a vehicle trip to the supermarket. The continuation and expansion of this facility will further reduce overall levels of vehicular activity associated with the supermarket.



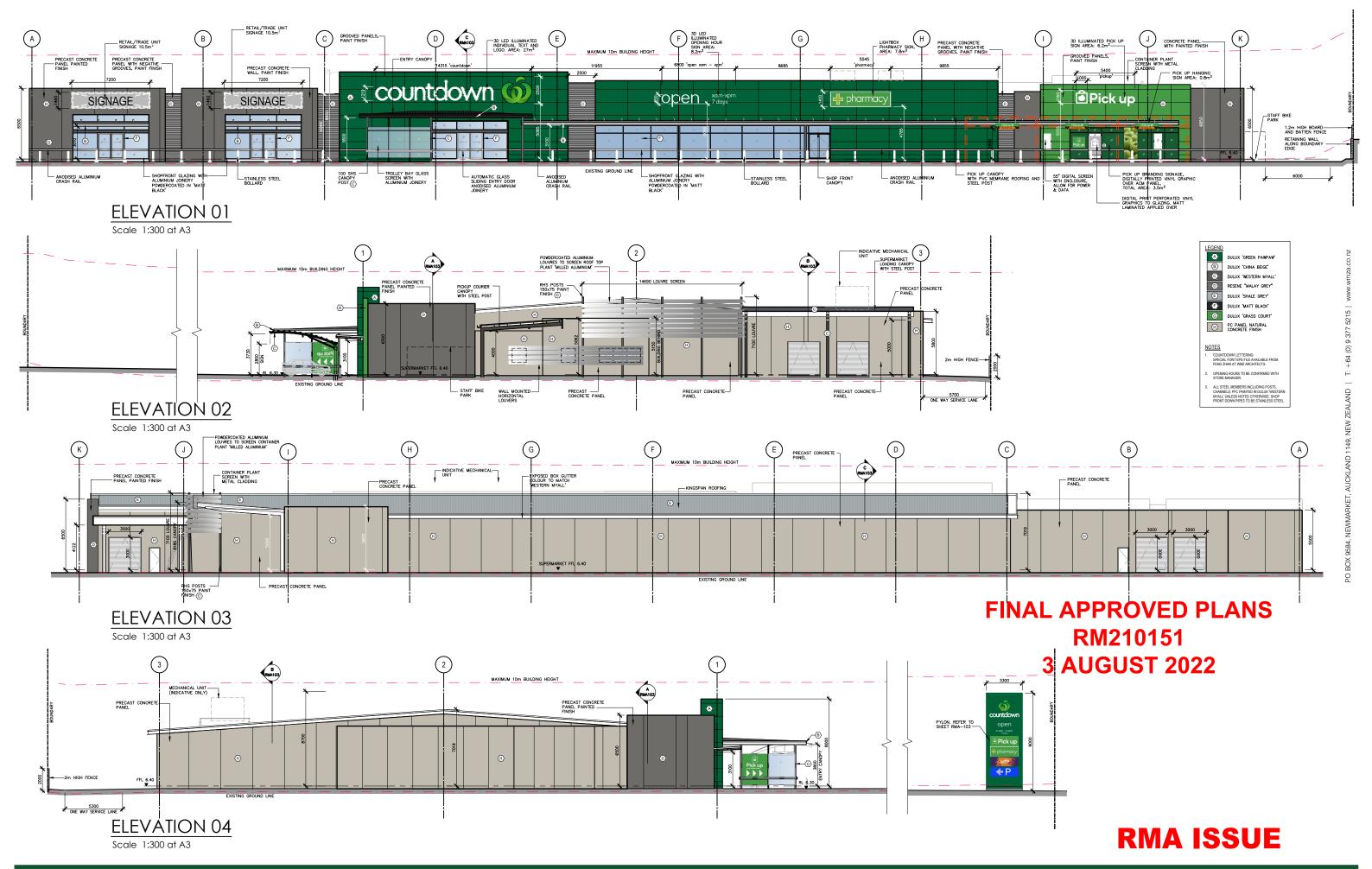
PROPOSED SITE PLAN
Scale 1:750 at A3

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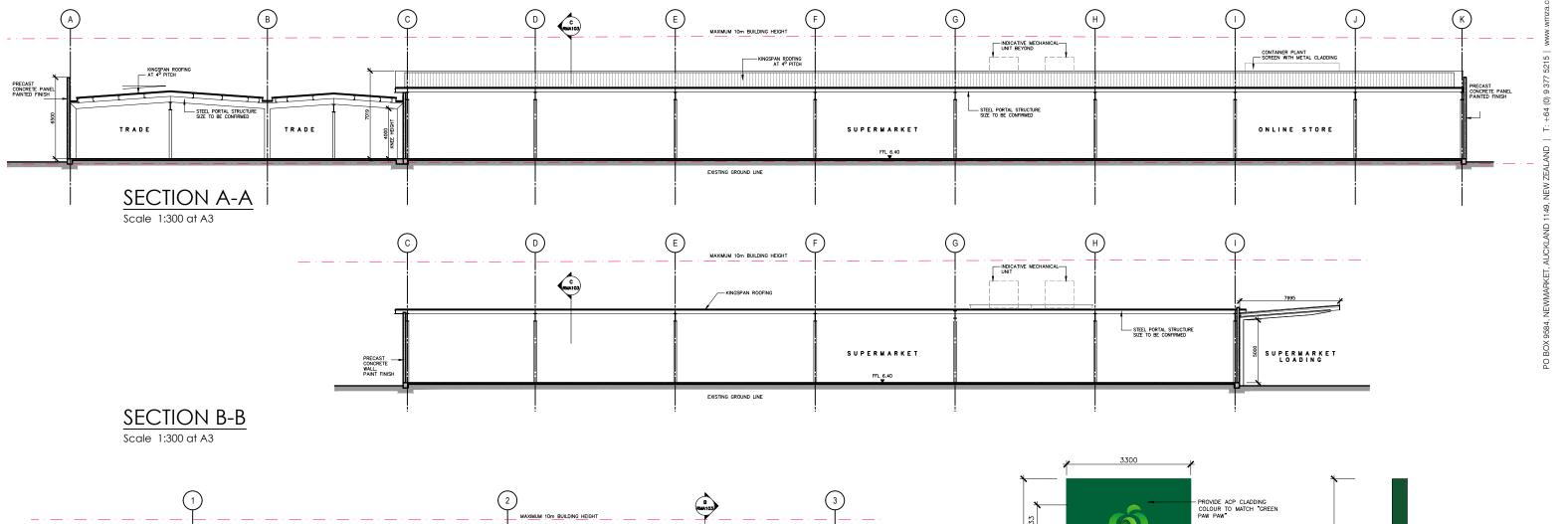


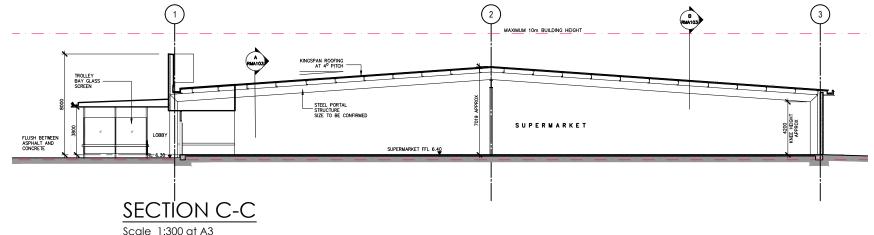
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JOB NO: 2026-73
DWG NO: RMA-101 Rev G

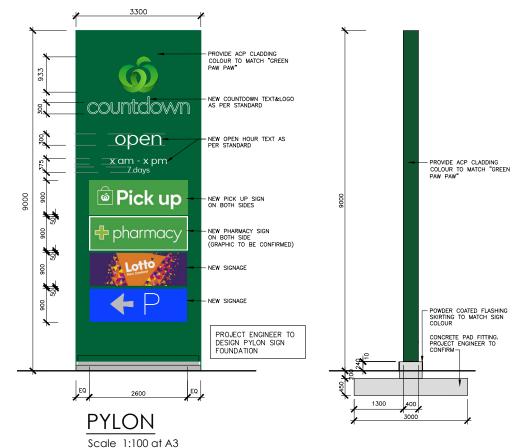












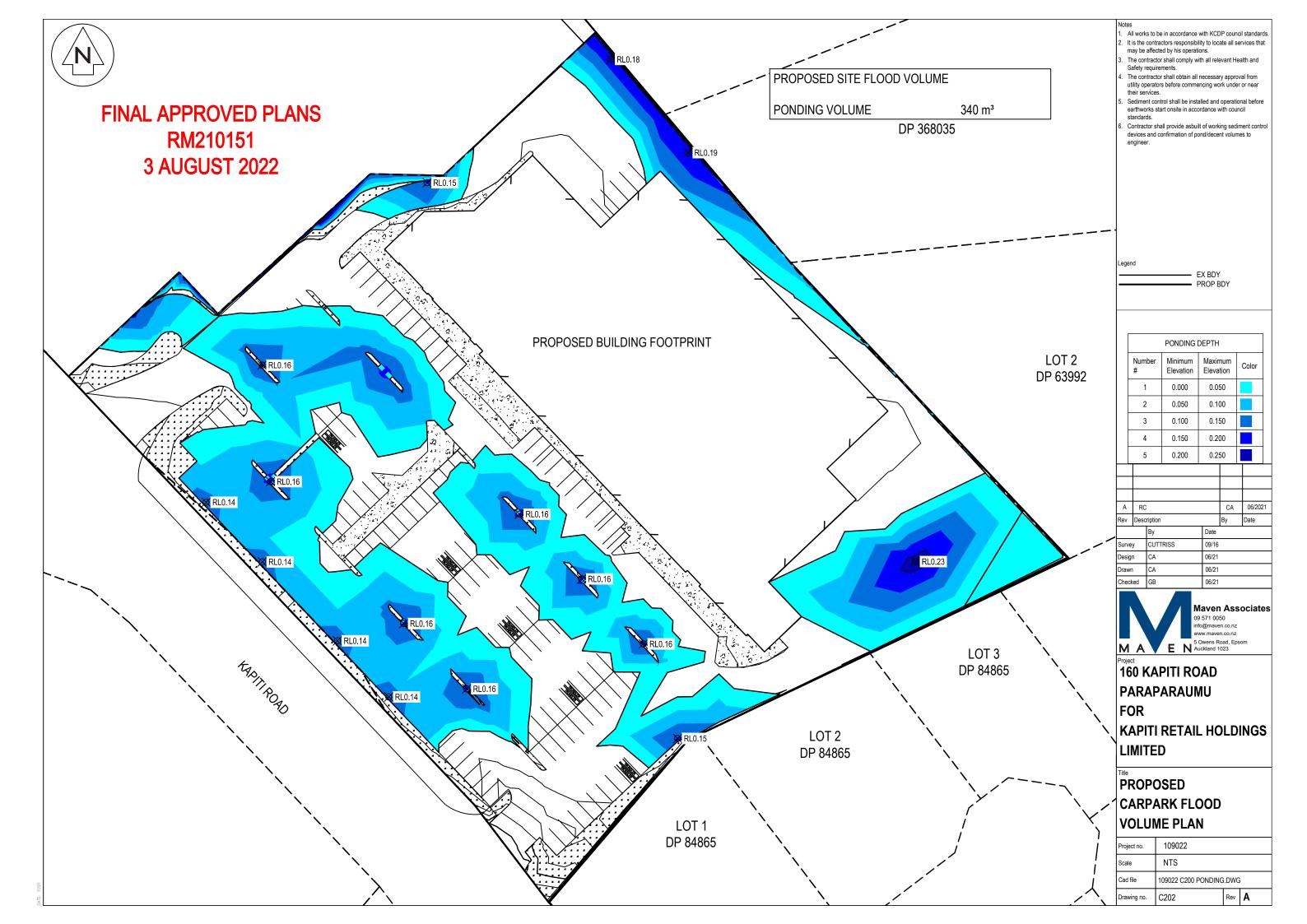
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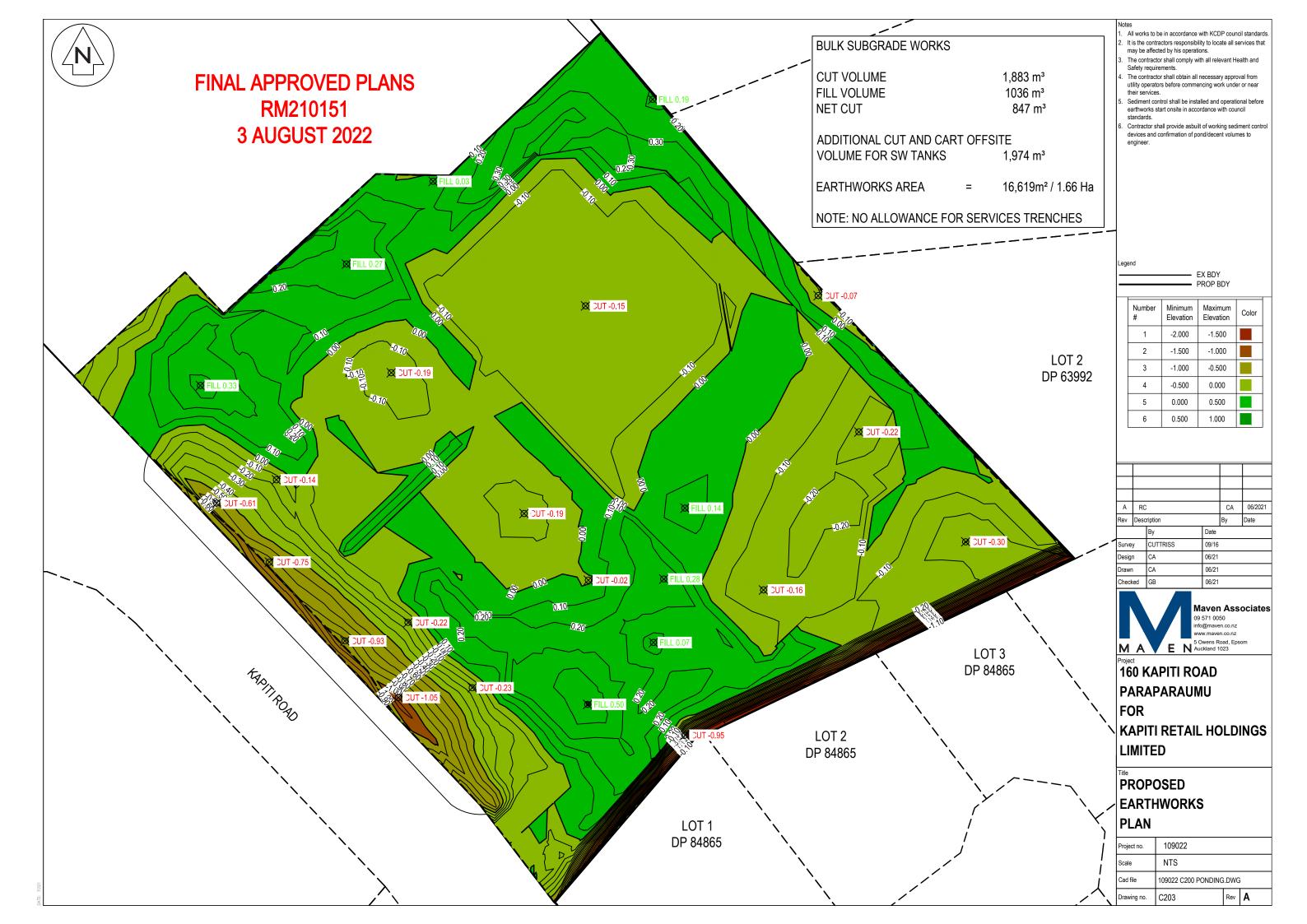


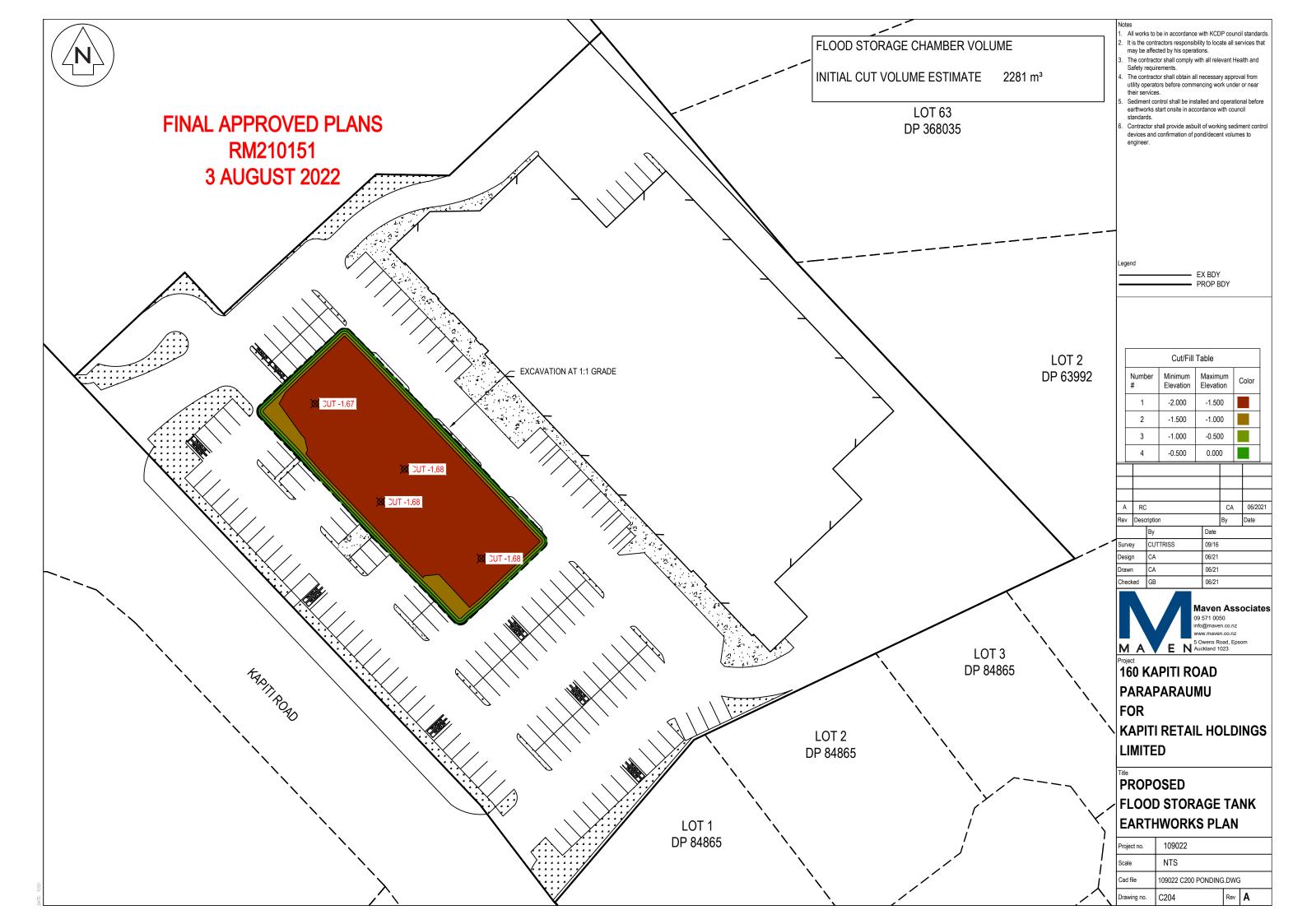
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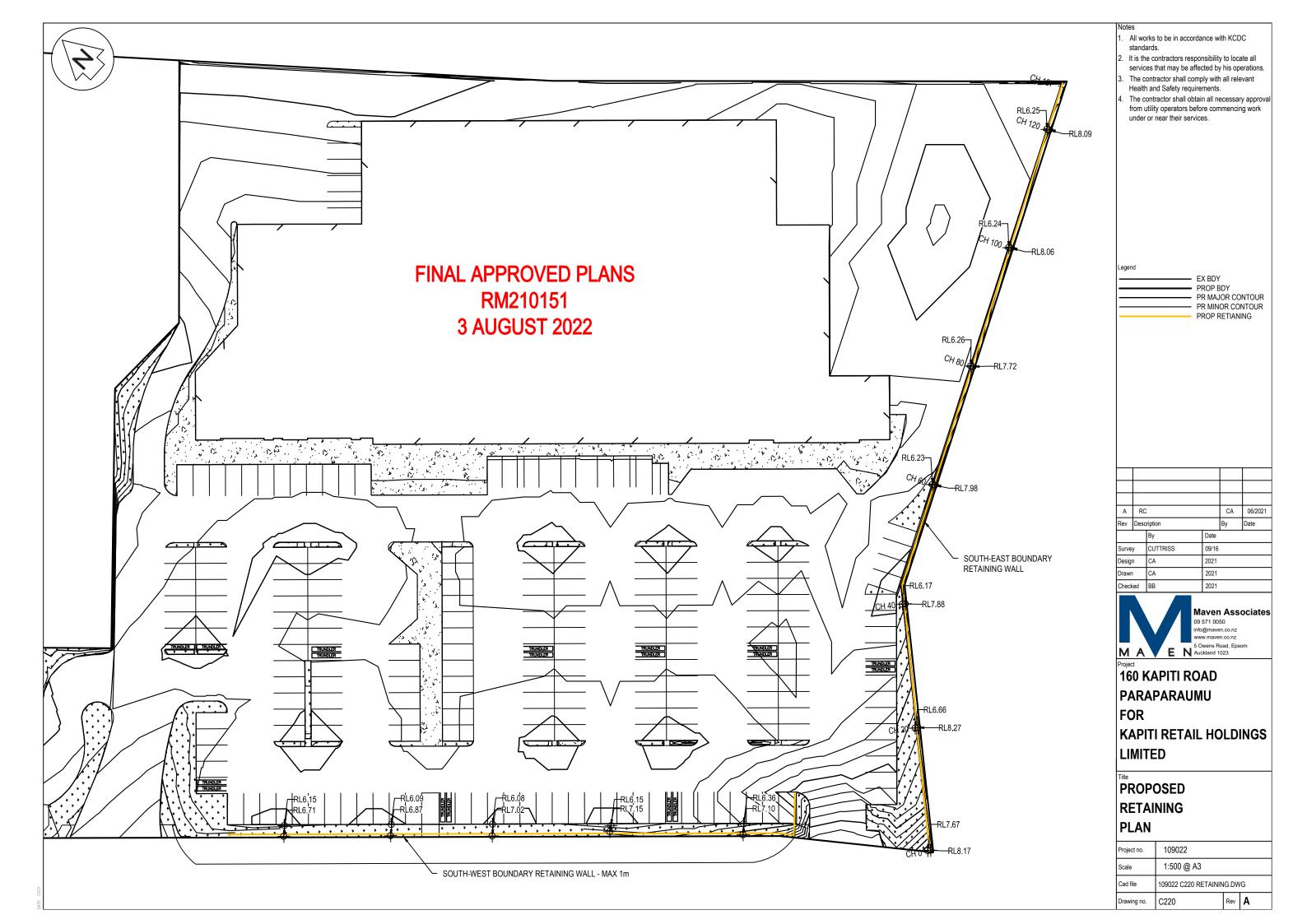
1:300 at A3 02 JULY 2021

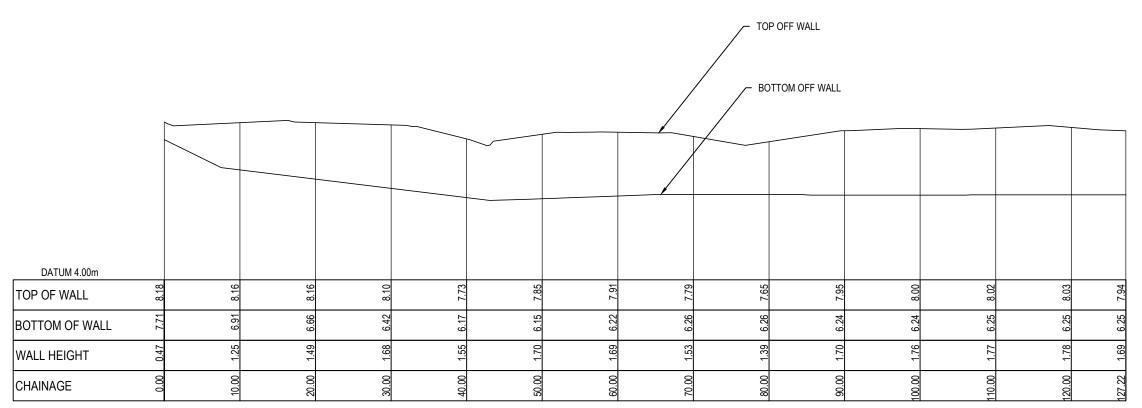








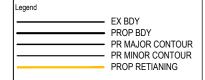




SOUTH EAST BOUNDARY RETAINING WALL SCALE: HORI 1:1000 VERT 1:200

Notes

- All works to be in accordance with KCDC standards.
- It is the contractors responsibility to locate all services that may be affected by his operations.
 - The contractor shall comply with all relevant Health and Safety requirements.
- The contractor shall obtain all necessary approval from utility operators before commencing work under or near their services.



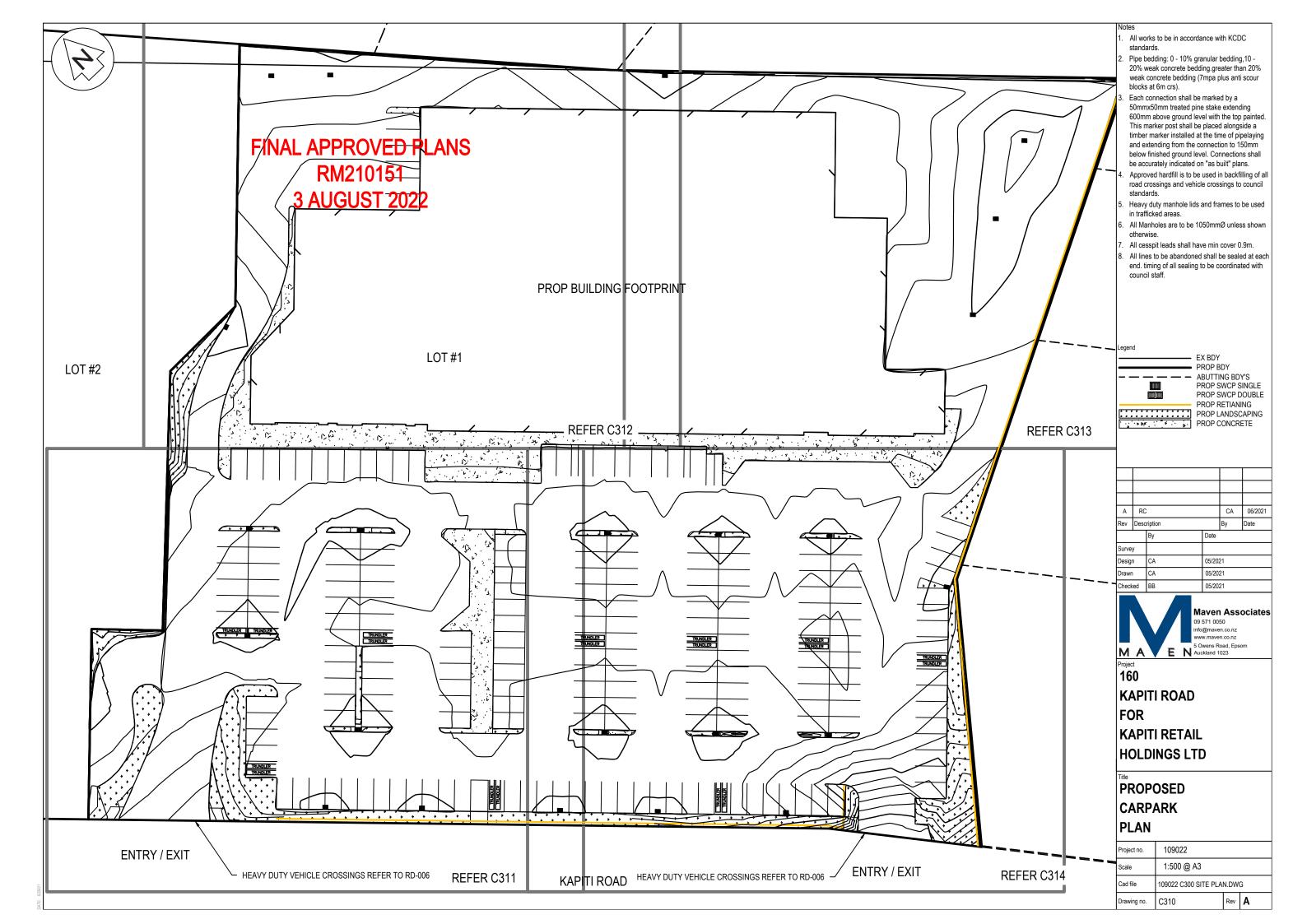
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Rev	Description			Ву	Date	
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Survey		CUTTRISS		09/16		
Design		CA		2021		
Drawn		CA		2021		
Checked		BB		2021		

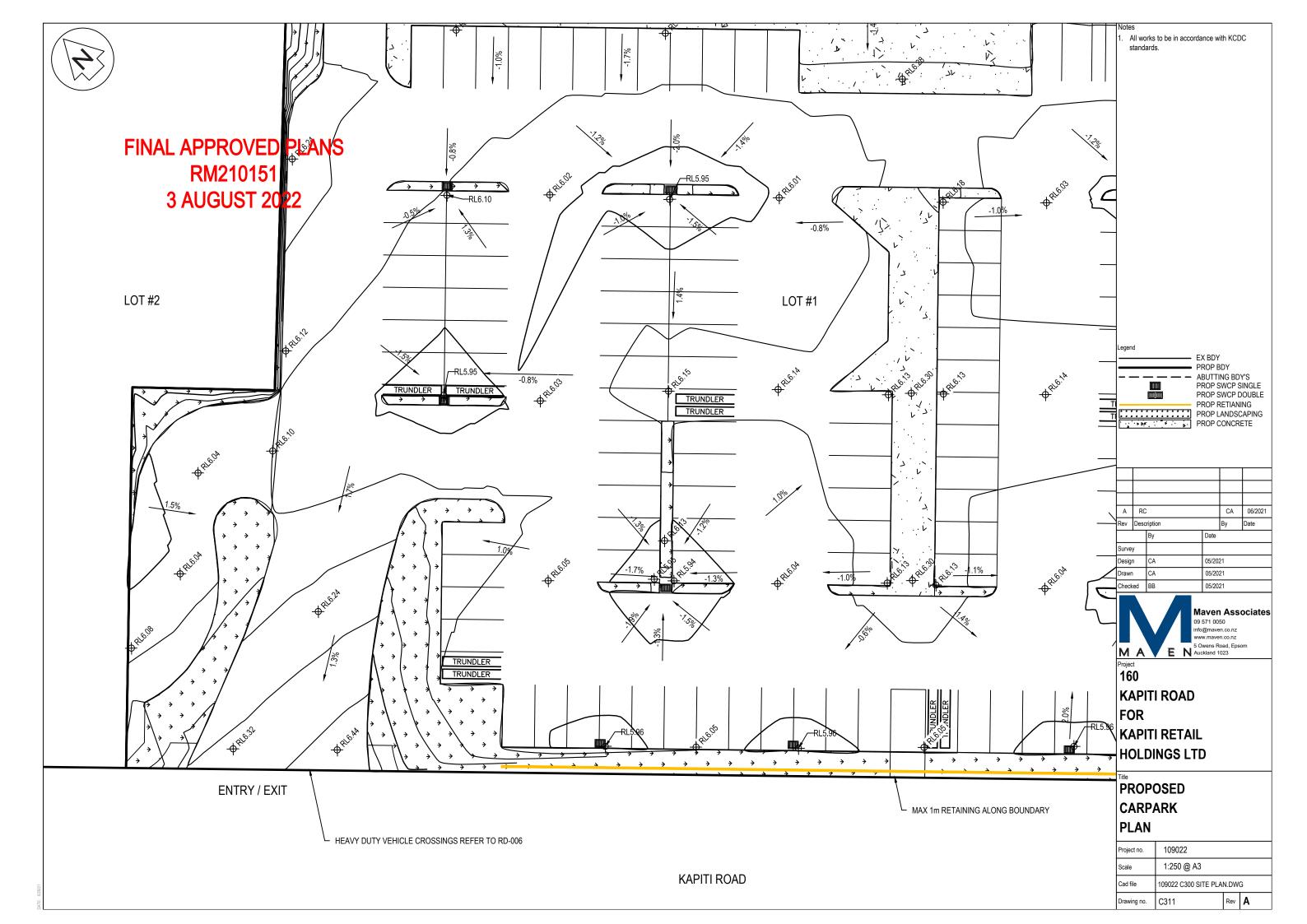


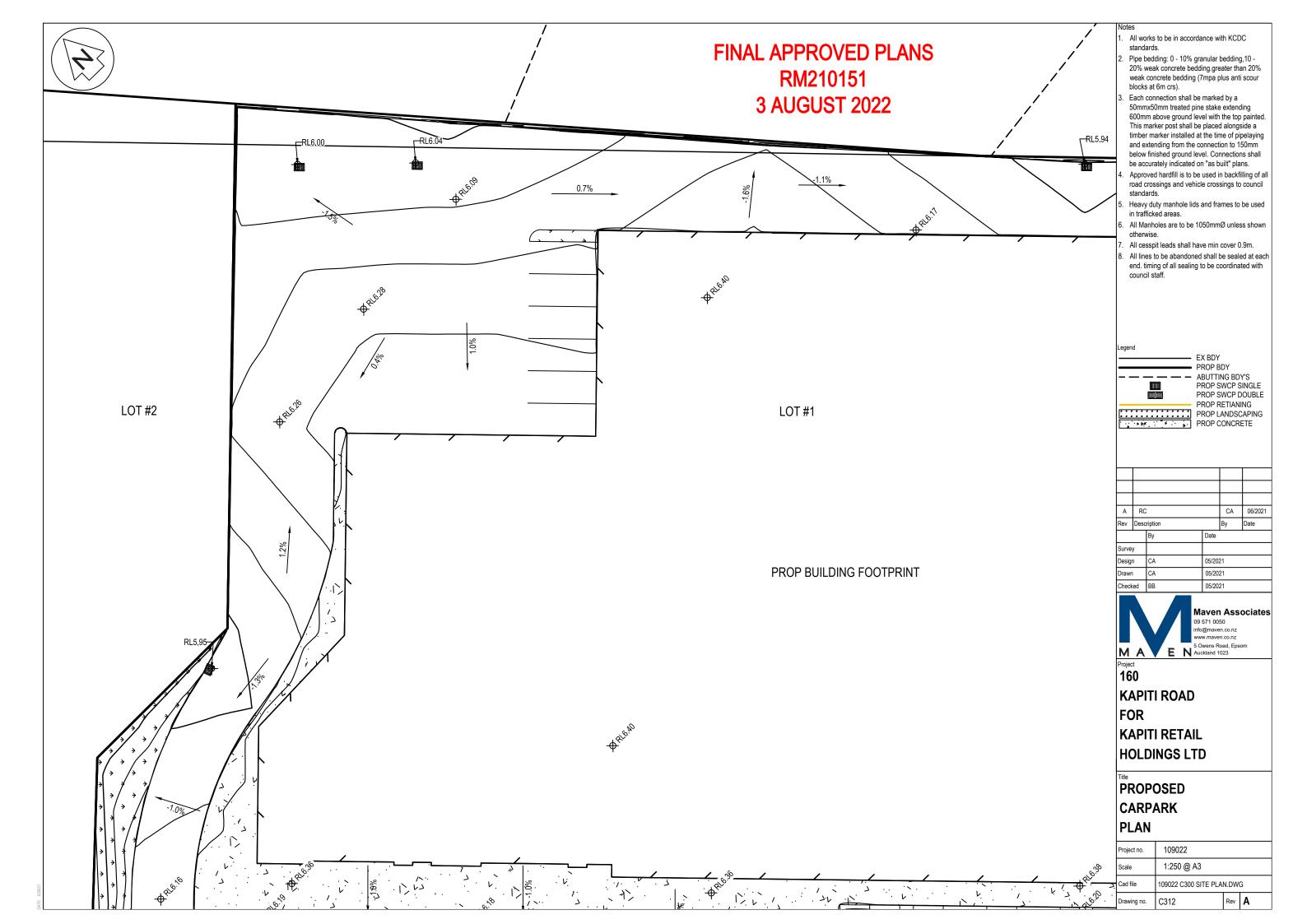
160 KAPITI ROAD
PARAPARAUMU
FOR
KAPITI RETAIL HOLDINGS
LIMITED

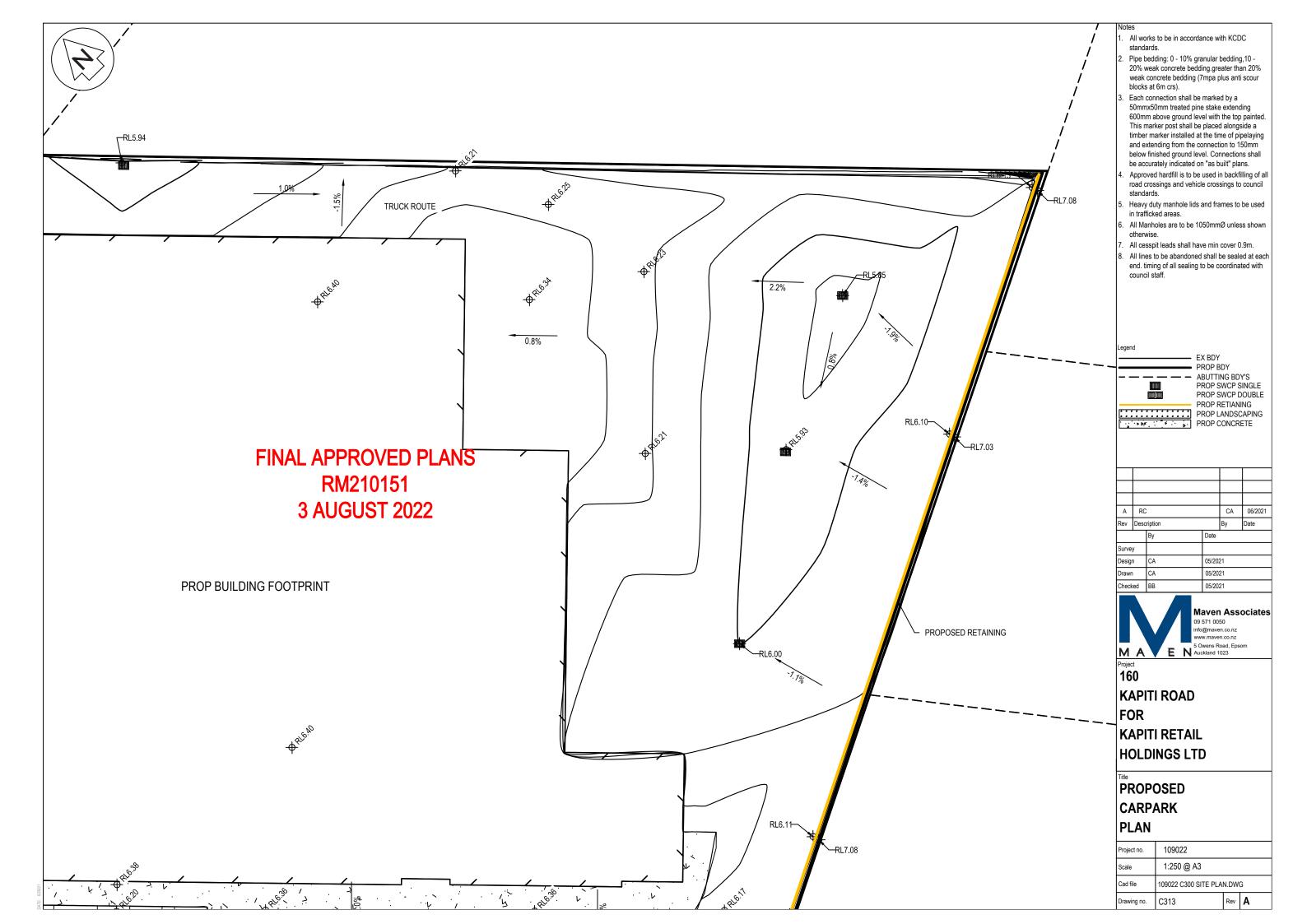
PROPOSED SOUTH-EAST RETAINING WALL LONG SECTION

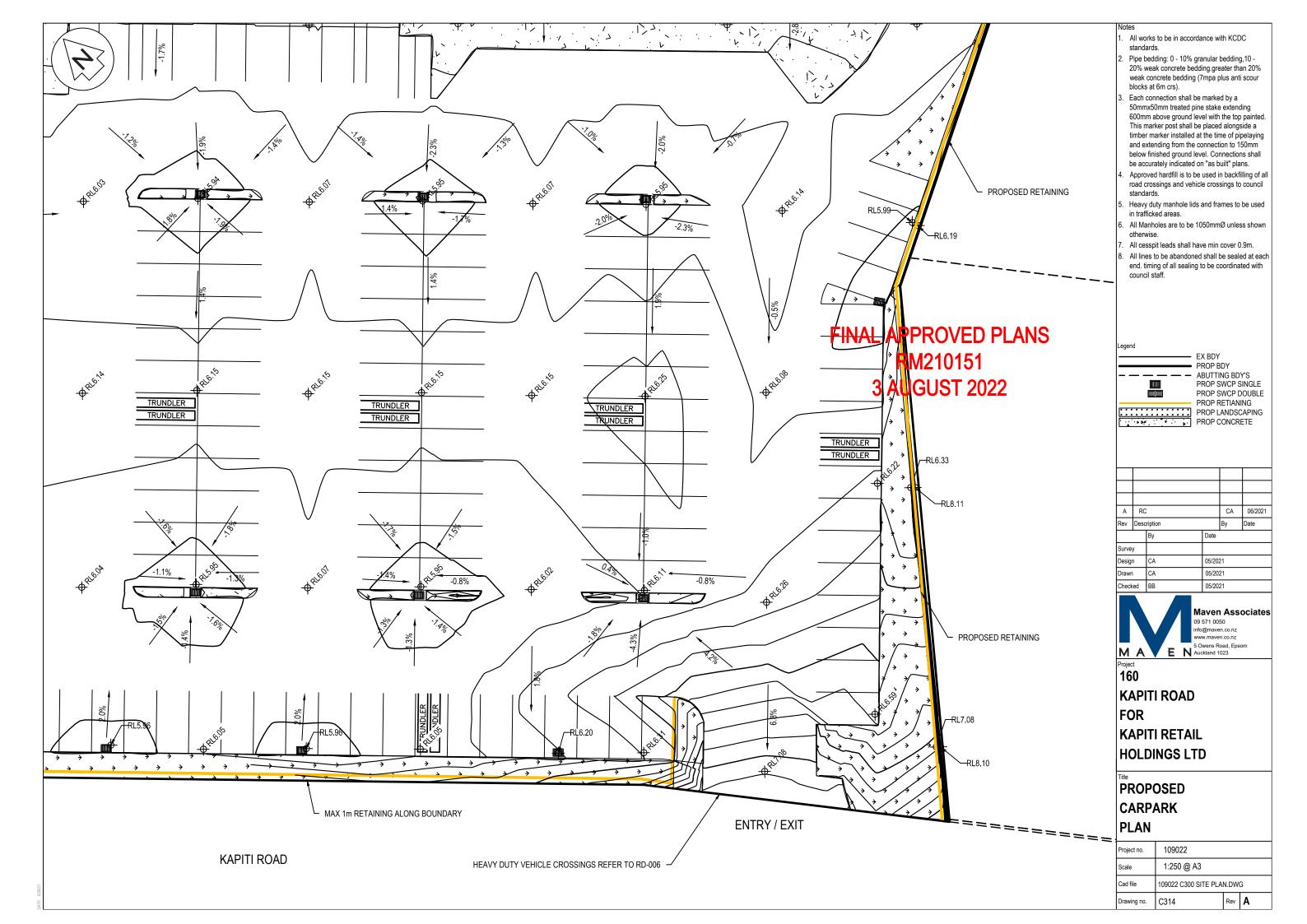
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Drawing no.	C221	Rev	Α		











STANDARD KERB & CHANNEL / KERB & NIB

30mm M10 DG7

CROSS FALL VARIES

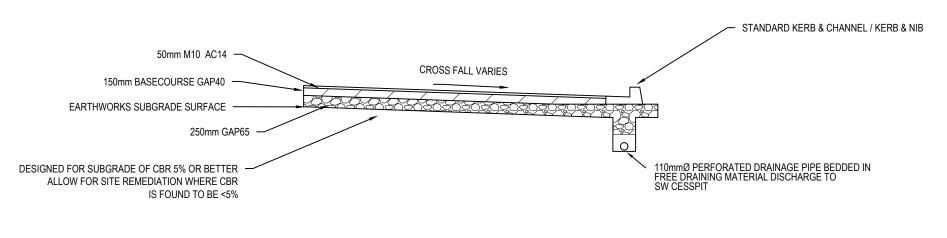
150mm BASECOURSE GAP40

EARTHWORKS SUBGRADE SURFACE

250mm GAP65

DESIGNED FOR SUBGRADE OF CBR 5% OR BETTER
ALLOW FOR SITE REMEDIATION WHERE CBR
IS FOUND TO BE <5%

CAR PARKING PAVEMENT - ASPHALT SCALE 1:50 @ A1 1:100 @ A3



HEAVY DUTY HOTMIX SCALE 1:50 @ A1 1:100 @ A3 1 11

All works to be in accordance with KCDC standards.

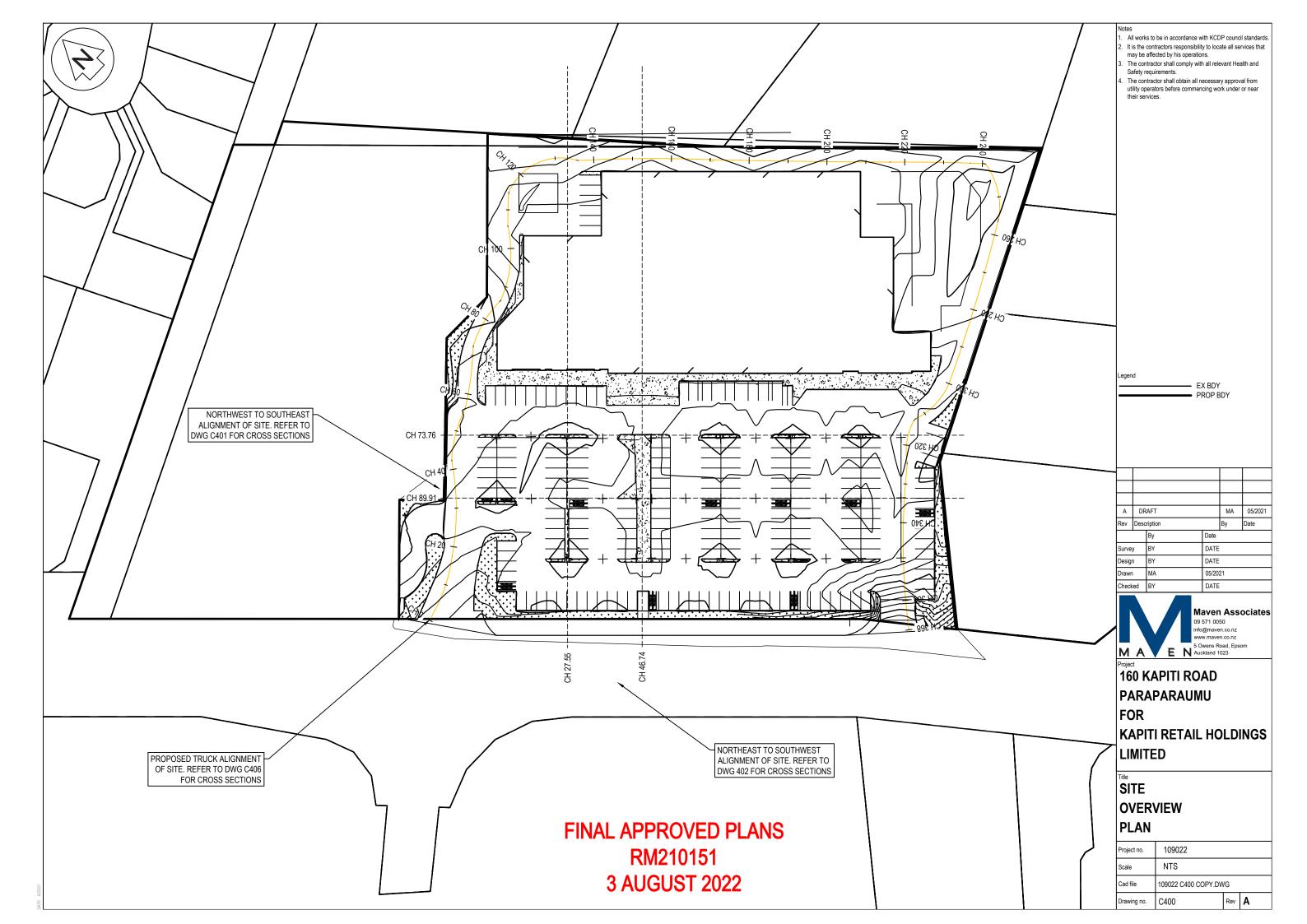
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Surve	y						
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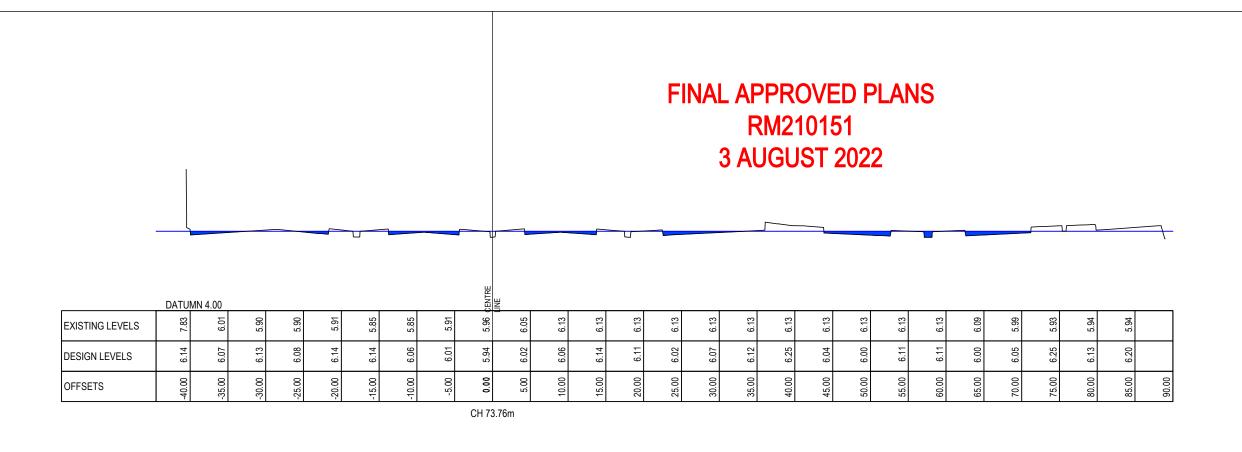


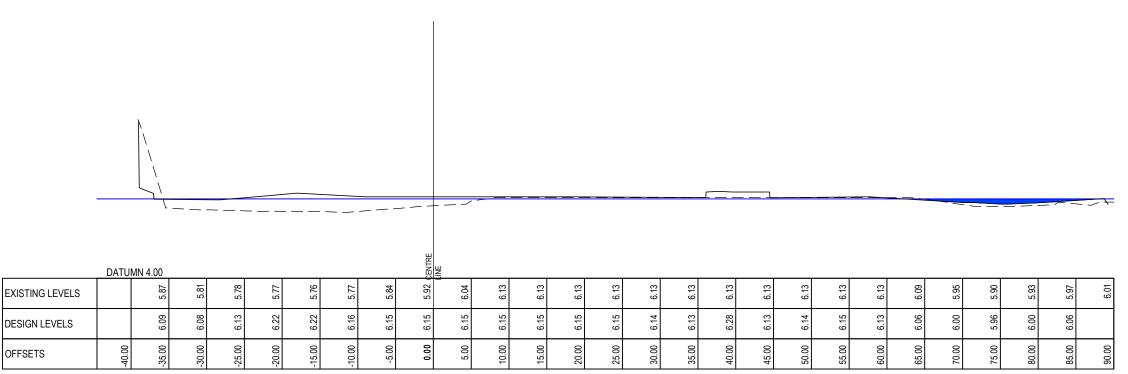
160
KAPITI ROAD
FOR
KAPITI RETAIL
HOLDINGS LTD

PROPOSED
CARPARK
CROSS SECTIONS

Project no.	109022				
Scale	1:250 @ A3 109022 C300 SITE PLAN.DWG				
Cad file					
Drawing no.	C320 Rev A				







CH 89.91m

NORTHWEST TO SOUTHEAST OF SITE CROSS SECTIONS

SCALE 1:1000 HORI 1:200 VERT @ A3

ı	Legend
	- — — — — — EX LEVELS - — — DESIGN LEVELS - 100 YEAR FLOOD LEVEL - FLOOD VOLUME
- 1	

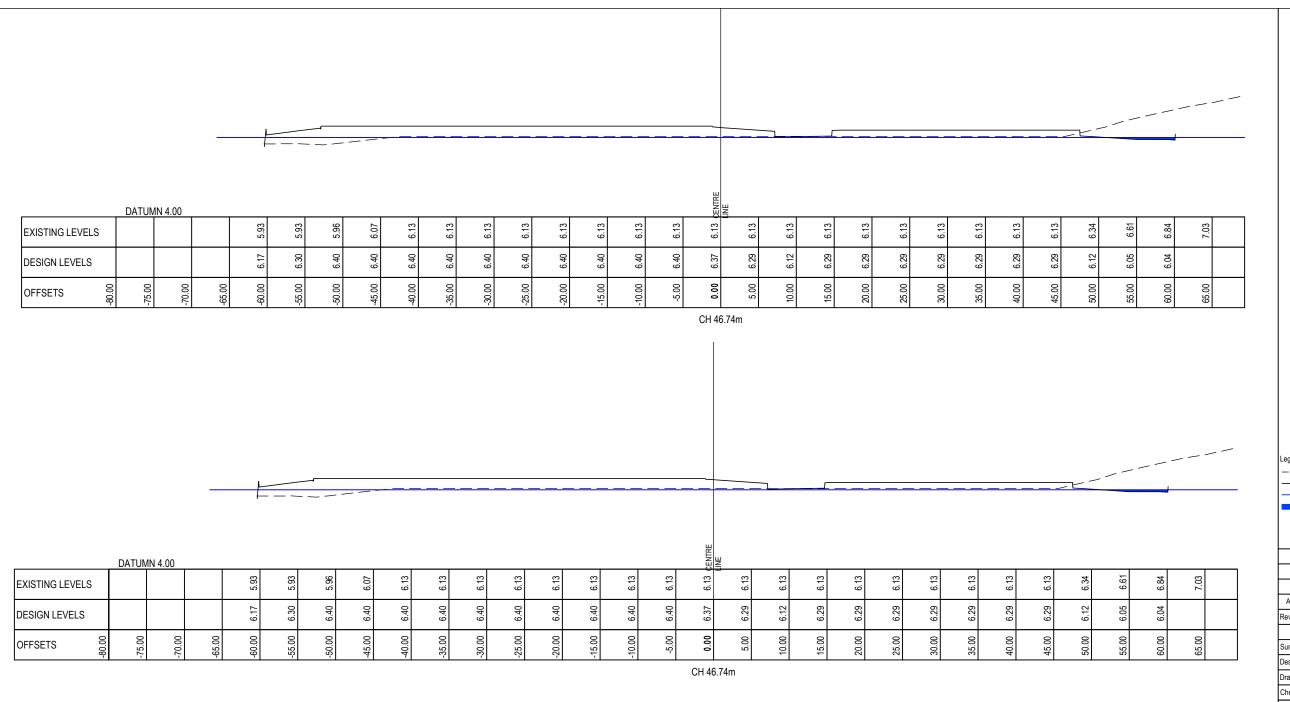
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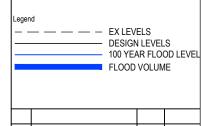


160 KAPITI ROAD
PARAPARAUMU
FOR
KAPITI RETAIL HOLDINGS
LIMITED

STORMWATER
FLOODING
CROSS SECTIONS

Project no.	109022				
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Cad file					
Drawing no.	C401 Rev A		Α		





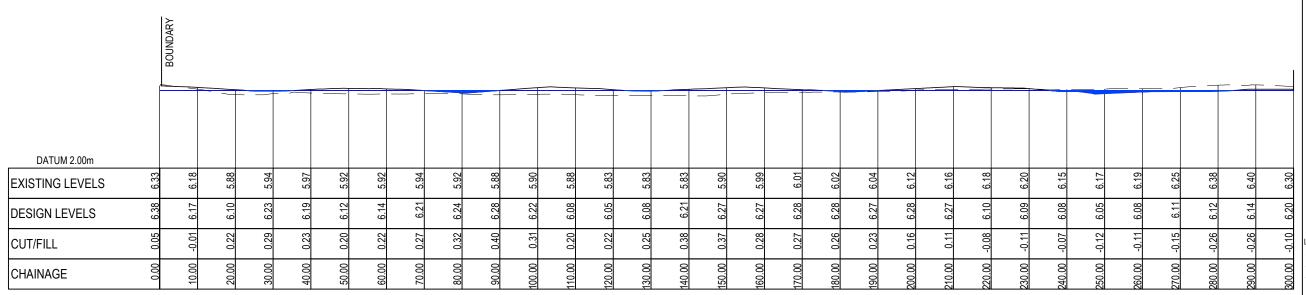
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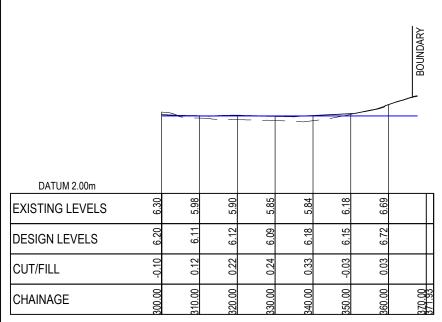
160 KAPITI ROAD
PARAPARAUMU
FOR
KAPITI RETAIL HOLDINGS
LIMITED

STORMWATER
FLOODING
CROSS SECTIONS

Project no.	109022				
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Cad file					
Drawing no.	C402	Rev	Α		



PROPOSED TRUCK ACCESS PATH (1 OF 2) SCALE: HORI 1:1250 VERT 1:250



PROPOSED TRUCK ACCESS PATH (2 OF 2) SCALE: HORI 1:1250 VERT 1:250

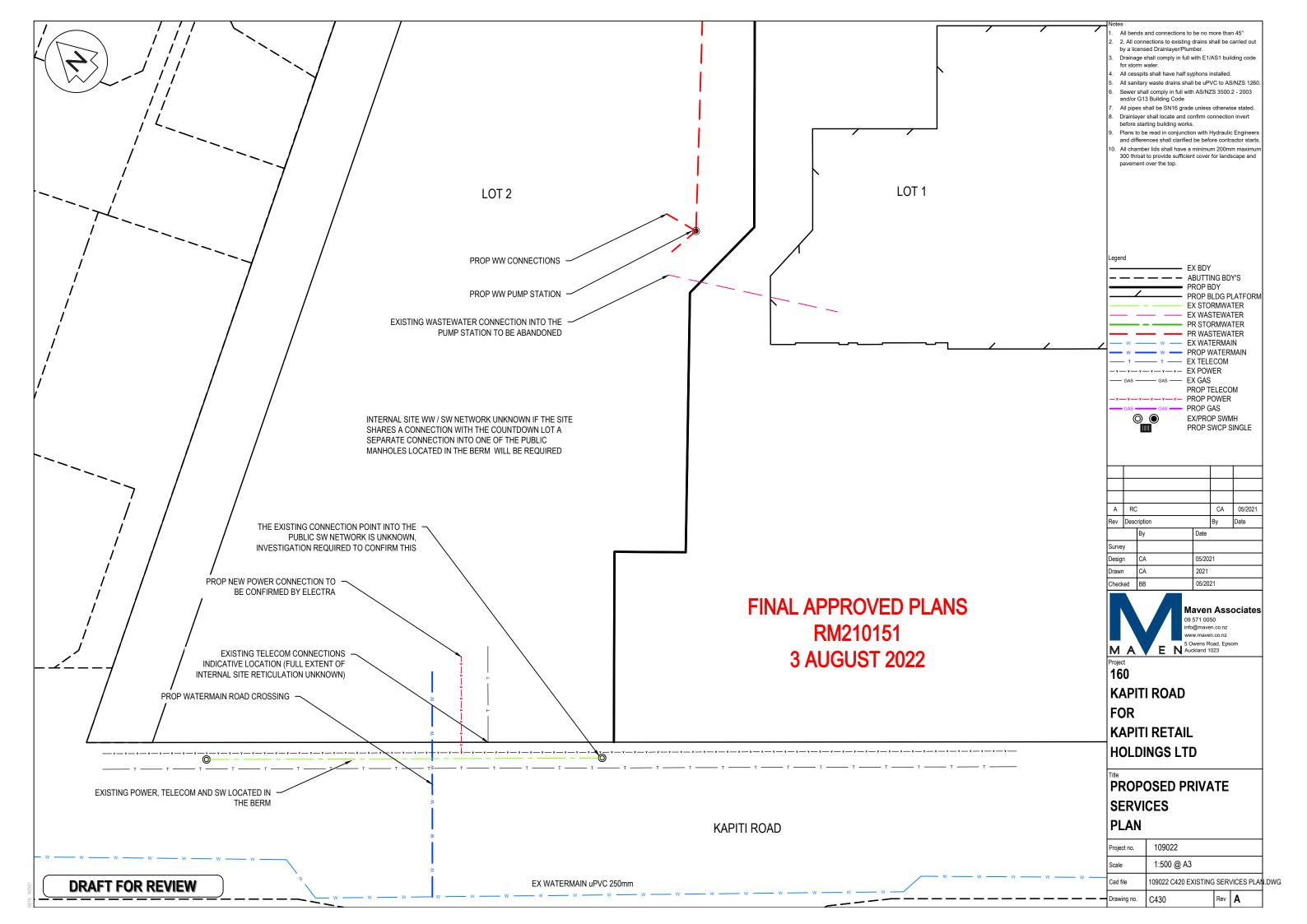
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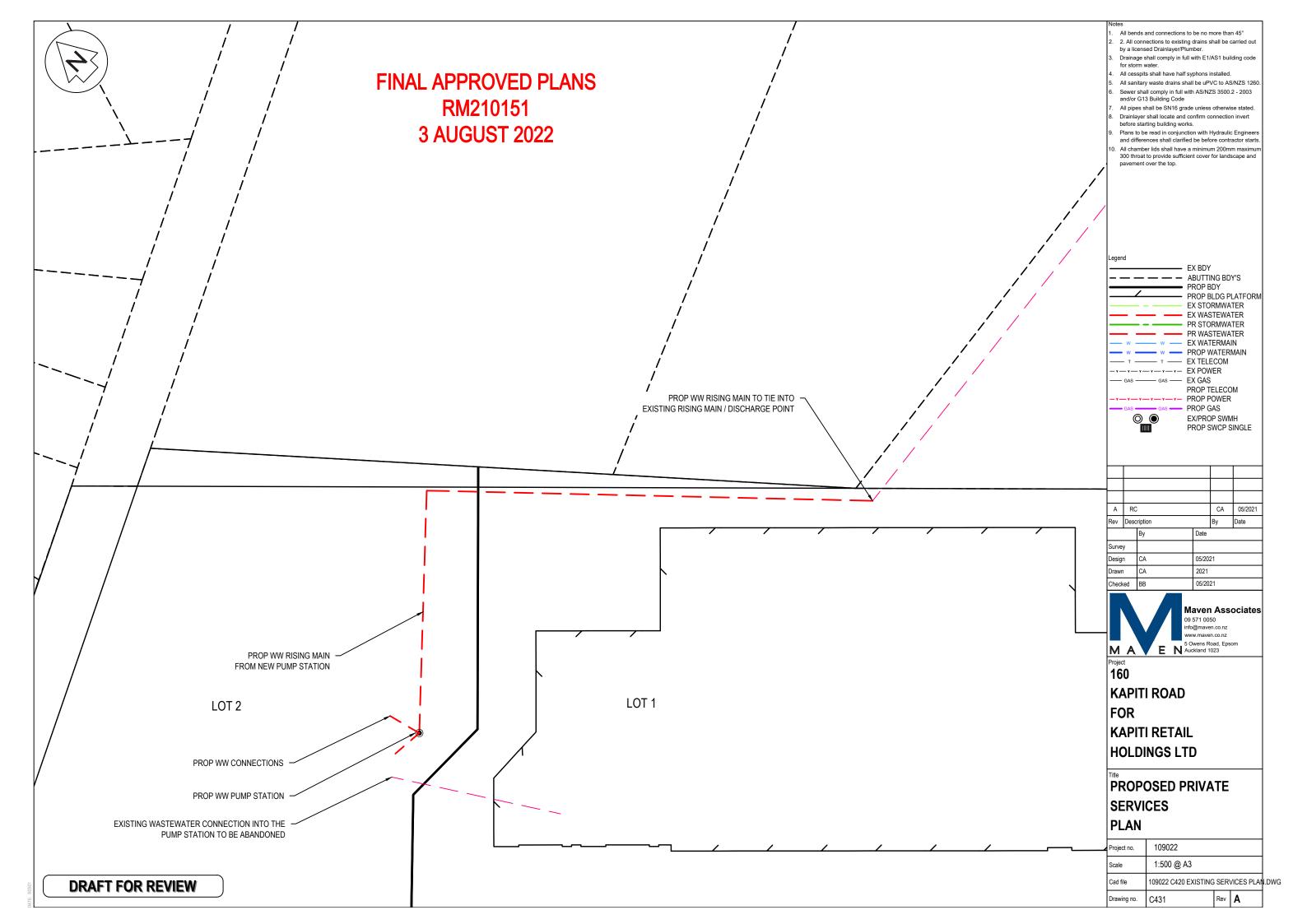


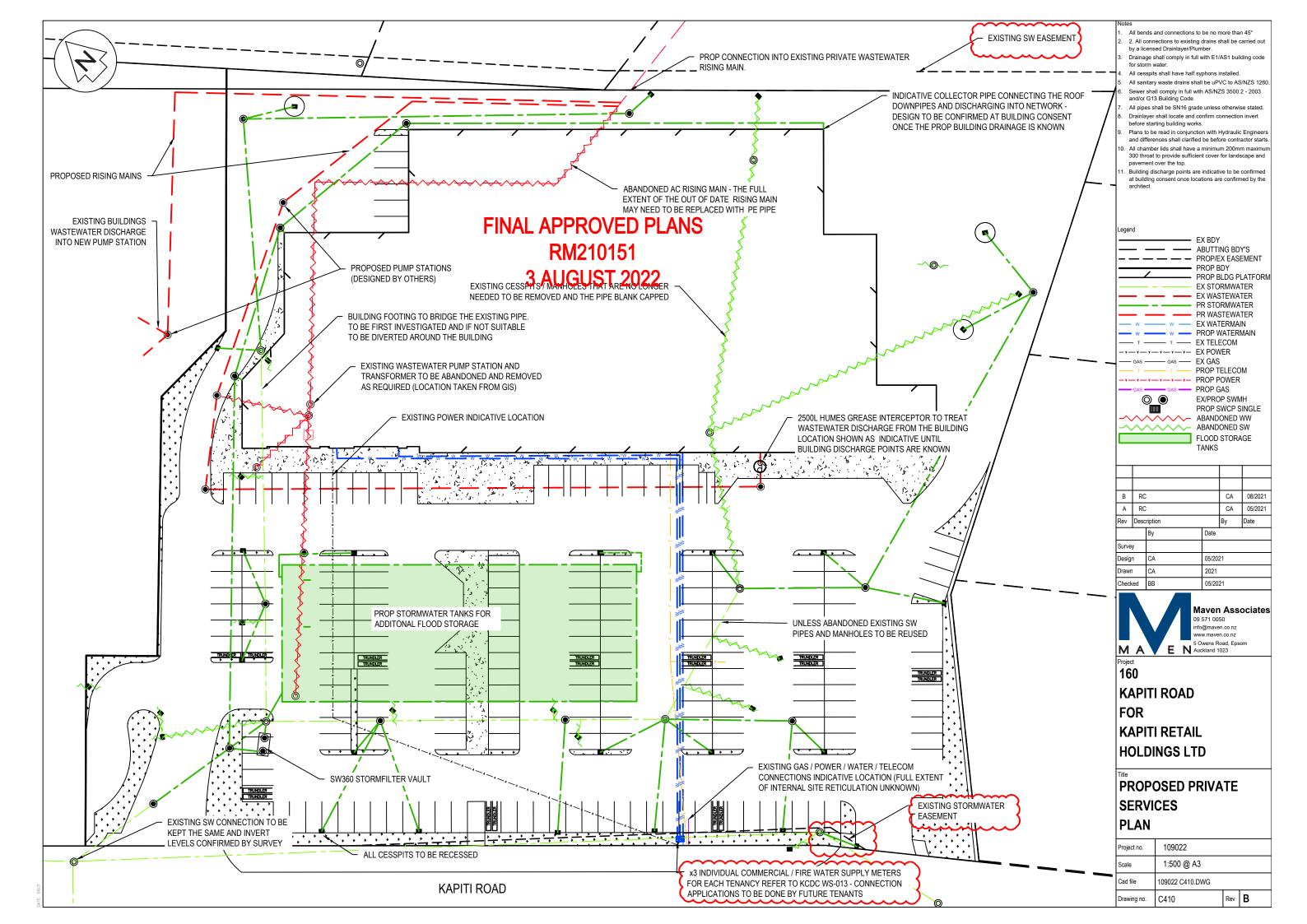
Project
160 KAPITI ROAD
PARAPARAUMU
FOR
KAPITI RETAIL HOLDINGS
LIMITED

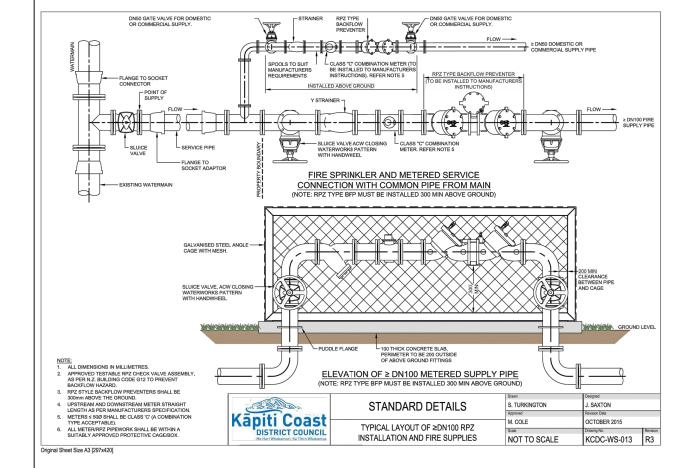
TRUCK
ACCESS
LONG SECTION

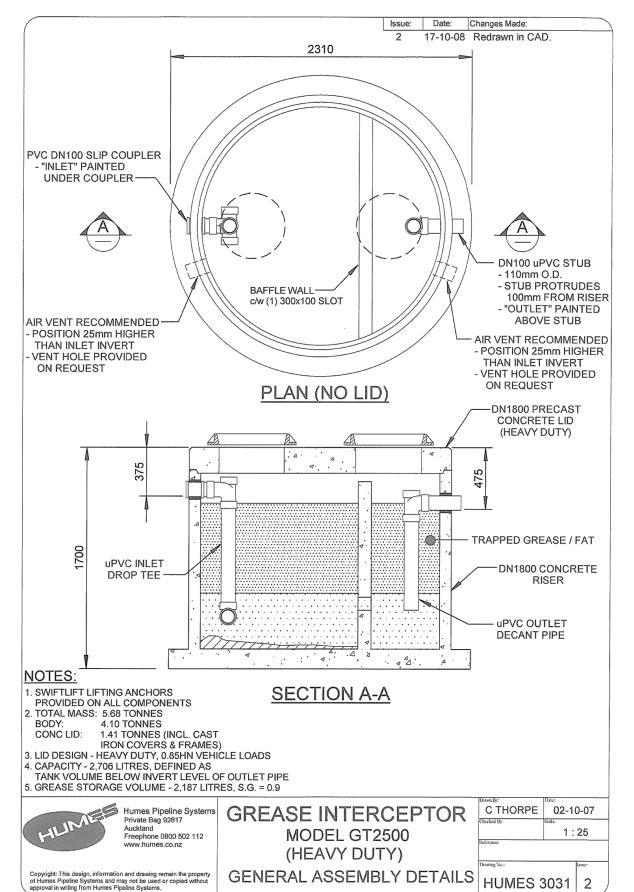
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Drawing no.	C403	Rev	Α		

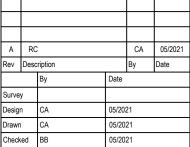










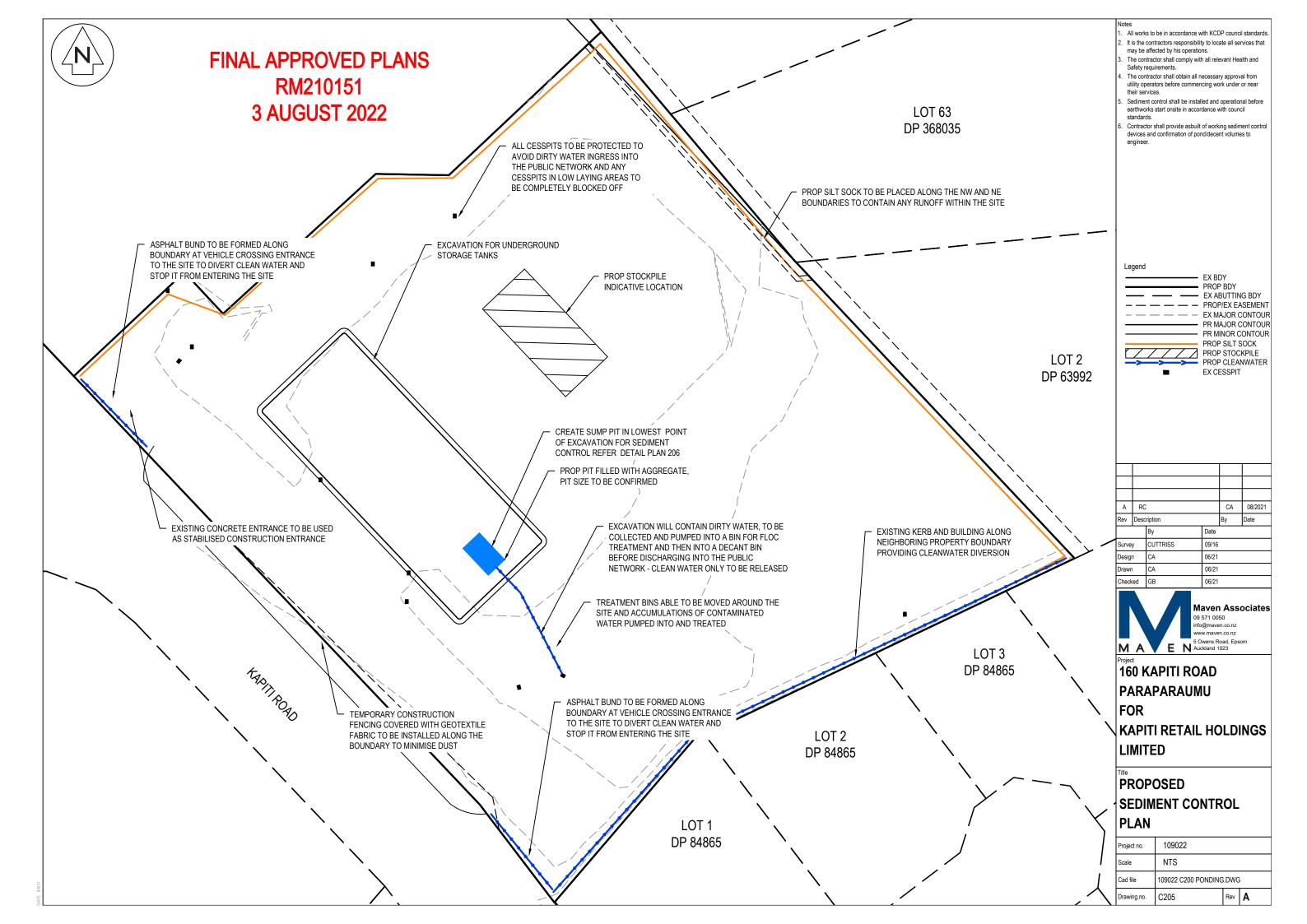




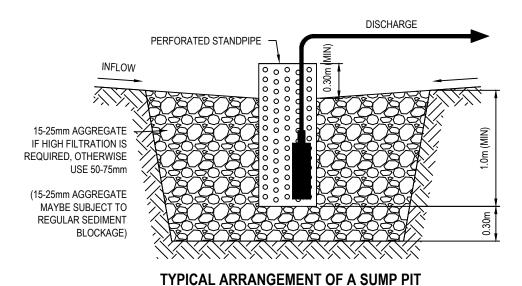
160
KAPITI ROAD
FOR
KAPITI RETAIL
HOLDINGS LTD

PROPOSED SERVICES STANDARD DETAILS

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,	Scale	NTS				
(Cad file	109022 C410.DWG				
[Drawing no.	C490	Rev	Α		

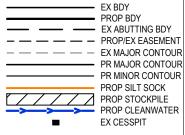






- All works to be in accordance with KCDP council standards It is the contractors responsibility to locate all services that may be affected by his operations.
 - The contractor shall comply with all relevant Health and Safety requirements.
- The contractor shall obtain all necessary approval from utility operators before commencing work under or near
- Sediment control shall be installed and operational before earthworks start onsite in accordance with council
- Contractor shall provide asbuilt of working sediment control devices and confirmation of pond/decent volumes to





Α	RC				CA	06/2021	
Rev	Desc	cription			Ву	Date	
		Ву		Date	te		
Survey		CUTTRISS		09/16			
Design		CA		06/21			
Drawn		CA		06/21			
Checked		GB		06/21			



160 KAPITI ROAD PARAPARAUMU **FOR** KAPITI RETAIL HOLDINGS LIMITED

PROPOSED **SEDIMENT CONTROL DETAILS**

Project no.	109022				
Scale	NTS				
Cad file	109022 C200 PONDING.DWG				
Drawing no.	C206	Rev	Α		

POST OR EMAIL THIS COMPLETED PAGE AT LEAST 48 HOURS BEFORE CONSTRUCTION TAKES PLACE

TO:

The RMA Compliance Officer Kāpiti Coast District Council Private Bag 60601 PARAPARAUMU

Application No:

Site Address:

Email: compliance.dutyofficer@kapiticoast.govt.nz

RM210151

160 Kapiti Road, Paraparaumu

	LOTS 1 & 2 DP 63027 LOT 3 DP 63992
Proposal:	Undertake earthworks that do not meet the permitted activity standards for the construction of a building to be occupied by a retail activity that does not meet the permitted activity standards for the General Industrial Zone, vehicle movements, signs, access and landscaping and requires consent under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
Construction w	vill take place on (date):
Owner's Conta	ct Details
Name:	
Postal Address:	
Telephone:	Mobile:
Contractor's C	ontact Details (e.g. house relocation contractors)
Name:	
	Mobile:

DATE

NAME