

**Before the Independent Hearings Panel
For Wellington City Council
SR471670**

Under the Resource Management Act 1991

In the matter an application for resource consent for an extension to the existing car parking area of the Khandallah New World supermarket at 26 Ganges Road, 3 Dekka Street, 31-33 Nicholson Road, Khandallah

**Speaking notes summary of evidence of Evita Caroline Key on behalf
of Foodstuffs North Island Limited – Planning**

Date: 1 May 2024



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INTRODUCTION

- 1 My name is Evita Caroline Key. I am a planning consultant and Senior Associate at Barker & Associates Limited. I prepared a statement of evidence dated 15 April 2024 with respect to planning matters. The purpose of this document is to summarise that statement.

- 2 I outlined my qualifications, experience, and commitment to comply with the Environment Court Expert Witness Code of Conduct in my April statement of evidence.

- 3 The following are the key areas where I consider there is agreement between the applicant's and Council's experts:
 - 3.1 Construction related effects will be temporary in nature and can be effectively managed through the imposition of conditions relating to requirements for appropriate sediment control measures and construction management plans;

 - 3.2 Stormwater runoff will be appropriately controlled (via an underground detention tank) and treated (via stormwater filters) prior to being discharged to the public drainage system. This will ensure that there are no adverse downstream effects on the surrounding environment and neighbouring properties; and

 - 3.3 Traffic and pedestrian safety effects are able to be appropriately managed subject to Mr Nixon's recommendations on amending the proposed Nicholson

Road access to left in/left out only and the inclusion of traffic calming.

- 4 Other expert witnesses have already addressed matters that are relevant to their area of expertise and I do not intend to repeat these. Today I will focus upon the following key planning issues that remain in contention between my evidence, the Council's reporting planner and opposing submitters:
 - 4.1 Residential and neighbourhood amenity with respect to visual, lighting and operational noise effects;
 - 4.2 Objectives and policies of the Wellington City 2000 District Plan (**WDP**) and Wellington City 2024 District Plan: Council Decisions Version (**WDP:CDV**); and
 - 4.3 Objectives and policies of the Wellington Regional Policy Statement (**RPS**) including Proposed Change 1.

KEY ISSUES IN CONTENTION

Residential and Neighbourhood Amenity

- 5 A number of submitters have raised various concerns with character and amenity effects. Ms Camilleri also raises concerns with amenity effects with respect to streetscape character, residential amenity, lighting and noise.
- 6 The amenity values of the site's neighbourhood are influenced by the commercial activities in Khandallah Village and the suburban residential environment.

- 7 The Dekka Street neighbourhood amenity is not one of a pristine residential environment. Given the adjacency to the existing supermarket and the Centre zoning on the opposite site of Dekka Street, I consider that the level of amenity of the Dekka Street portion of the site should be derived from fringe or transitional commercial/residential character.
- 8 The portion of the site that fronts Nicholson Road is residential in character. 31 Nicholson Road is positioned behind 29 Nicholson Road therefore is largely screened from view. Similarly, the dwelling at 33 Nicholson Road is set back from the boundary, partially obscured by vegetation, with an 11m wide dual driveway. These properties have a neutral contribution to the neighbourhood's amenity values. Notwithstanding, under the WDP:CDV, the area is anticipated to shift from a suburban environment to higher density residential, with buildings potentially up to 22m height.
- 9 With this level of amenity established, based on the planning issues that remain in contention, I note the following:

Visual Effects

- 10 Mr Wallace's evidence considers that the proposed landscaping is sufficient to create an appealing, green street edge that is consistent with the neighbourhood's existing character. He details that the parking layout has been divided into smaller sections by retaining walls and landscaping, resembling a residential environment. I concur with his assessment.
- 11 Furthermore, the planned excavation will position the car park lower than many neighbouring properties and 1.8m boundary

fencing will ensure views from adjacent sites of the car park are limited. These measures aim to integrate the development visually into the surroundings while preserving the residential feel of the area.

- 12 In my opinion, the proposal will not have unacceptable adverse effects with respect to visual amenity, including residential amenity.

Lighting Effects

- 13 To address lighting concerns, an exterior lighting design report and a lighting plan have been recently commissioned. This design reduced the overall number of lights that were originally proposed and the report confirmed that the proposed lighting meets the permitted district plan standards as well as the recommendations set out in the evidence of Mr Wright, the Council's consultant lighting expert. Furthermore, car park lighting will only be in use until the supermarket closes at 9pm. On this basis, I am of the view that there will be no significant adverse glare and light spill effects onto adjacent residential properties beyond what is anticipated under the district plans.

Operational Noise Effects

- 14 No changes are proposed to the consented delivery hours as part of this application with delivery vehicles continuing to utilise the existing service lane on Ganges Road.
- 15 Mr Halstead has confirmed that the noise generated from the proposal will comply with the noise limits set out in the WDP, subject to some noise mitigation measures.

- 16 In my opinion, the type of noise that will be generated by the proposal will not be significantly different to the type of noise that is already occurring in the neighbourhood from vehicles driving and parking along the public roads. Therefore I do not agree with Ms Camilleri's view that the nature of the noise is not compatible within the area.
- 17 Overall, I consider that the proposed car park, subject to appropriate conditions of consent to address noise mitigation measures, will be acceptable in this particular location. This is consistent with the views of both the applicant's noise and traffic experts and the Council's noise and traffic experts.

Residential and Neighbourhood Amenity Summary

- 18 Based on the assessments detailed in my evidence, as well as other experts, my conclusion is that any adverse effects on neighbourhood amenity arising from the proposal will not adversely detract from the neighbourhood's amenity and can be appropriately managed by conditions of consent.

Objectives and Policies of the WDP and WDP:CDV

Residential

- 19 As set out in paragraphs 72-81 of my evidence, I am of the opinion that the proposal is not inconsistent with the relevant objectives

and policies within the Residential section of both the WDP and the WDP:CDV.¹

20 Ms Camilleri has come to an opposing view within the section 42A report where she considers that *“the proposal is not well aligned with the relevant objectives and policies when read as a whole.”*²

Ms Camilleri considers it would compromise the residential character of the area, particularly the Nicholson Road access, by introducing a commercial operation where, in her opinion, it is not anticipated or expected.³

21 In my opinion there are no specific objectives and policies in either district plan that seek to "avoid" non-residential uses. The design of the proposal has been carefully considered to achieve a balance between the functionality of the parking and the pedestrian walkway with the inclusion of buffering vegetation. This will ensure that the car park can serve as a transitional space between the commercial and residential zones, positively contributing to the neighbourhood's character and liveability. This is further supported by the visual simulations appended to Mr Wallace's evidence and the site sections provided in response to the Panel's request for further information.

22 Ms Camilleri considers that the proposal does not appropriately manage residential amenity values as the proposal is not

¹ Relevant WDP Objectives 4.2.1, 4.2.3, 4.2.4 and 4.2.7 and Policies 4.2.1.1, 4.2.1.5, 4.2.3.1, 4.2.3.6, 4.2.3.7, 4.2.4.1, 4.2.7.3 and 4.2.7.4, and relevant WDP:CDV Objectives MRZ-O1, MRZ-O3, HRZ-O1 and HRZ-O3 and Policies MRZ-P1, MRZ-P10, MRZ-P13, HRZ-P1, HRZ-P10 and HRZ-P12.

² S.42A Report, at [179].

³ S.42A Report, at [143] – [148].

residential in nature.⁴ In my opinion, both district plans provide for a range of non-residential uses and there are no objectives and policies that state that specific activities are to be avoided.

- 23 The proposal is compatible within its context, situated in a residential neighbourhood adjacent to Khandallah Village. Car parking will only be in used by customers during the existing supermarket hours, with limited after-hours staff use. After the supermarket's evening closure, the car parking activity will resemble that of a residential property. No loading or deliveries are proposed within the new car parking area. Noise levels and lighting will comply with residential zone requirements and Foodstuffs accepts appropriately worded conditions of consent to ensure adherence.

Centres

- 24 As set out in paragraphs 82-87 of my evidence, I am of the opinion that the proposal is wholly consistent with the relevant objectives and policies within the Centres sections of both the WDP and the WDP:CDV.⁵
- 25 Ms Camilleri considers that the proposal is not compatible with neighbouring residential properties, will not improve multi-modal transport options or reduce vehicle use or travel demand.⁶

⁴ S.42A Report, at [150]

⁵ Relevant WDP Objective 6.2.1 and Policy 6.2.1.2, and relevant WDP:CDV Objective LCZ-O1 and Policy LCZ-P3.

⁶ S.42A Report, at [159] – [160].

- 26 As detailed in Mr Nixon's evidence, the overall number of traffic movements generated by the proposal will not increase as the supermarket floor area is not changing.
- 27 In my opinion the car parking will support the retention of the existing supermarket within the Centre zone thereby supporting the viability and vitality of the Khandallah Village. The Centre location ensures that multiple visits to shops and services in the Village continue to be supported and transport is optimised. There is an existing bus stop on Dekka Street, existing cycle parking spaces at the Ganges Road entrance and the proposal includes the addition of a pedestrian walkway which will provide more direct access from Nicholson Road through to the supermarket, encouraging more people to walk to the supermarket rather than by vehicle if they choose.

Earthworks

- 28 As set out in paragraphs 88-91 of my evidence, I am of the opinion that the proposal is not contrary with the relevant objectives and policies within the Earthworks sections of both the WDP and the WDP:CDV.⁷
- 29 I note that in Table 3 of the recent response⁸ to the Panel's request for further information within Minute 3, Ms Camilleri has identified that the WDP:CDV earthworks objectives and policies are now operative. She does not appear to consider that the proposal is

⁷ Relevant WDP Objective 29.2.1 and Policy 29.2.1.7, and relevant WDP:CDV Objective EW-O1 and Policies EW-P2 and EW-P5.

⁸ Council's response to Minute 3, dated 24 April 2024.

inconsistent with these. Assuming this is correct, this matter is no longer one of contention.

WDP and WDP:CDV Objectives and Policies Summary

30 The proposal will support the existing New World supermarket in an urban area which is expected to increase in population over time. This encourages the use of various modes of transport as well as utilisation of existing infrastructure, promoting the concept of a compact and sustainable city. I am of opinion that the proposal has been appropriately designed and any adverse effects have been appropriately mitigated.

31 Overall, I consider that the proposal is not contrary with the objectives and related policies of either district plan.

Objectives and Policies of the RPS

32 Within the Council's recent response⁹ to the Panel, Ms Camilleri has clarified her position on Proposed Change 1 to the RPS where she considers that the proposal is not consistent with Energy, Climate Change, and Design objectives and policies with a particular focus on objectives CC.1 and CC.3 and policies 9, 57, CC.1, CC.4 and CC.14.

33 I consider that amended Policy 9 and proposed Policies CC.1 and CC.4 are not directly applicable to a resource consent application they are directive policies that requires that district plans or the Regional Land Transport Plan provide direction that supports

⁹ Council's response to Minute 3, dated 24 April 2024.

climate resilient development and a shift to low and zero-carbon emission transport. Notwithstanding, it is of relevance to note that Greater Wellington has stated:

“The RPS Plan Change directs that any future development must enable alternative transport modes and not be solely reliant on private vehicles. It does not ban cars. Where people need to use vehicles, they still may use vehicles, but all future developments should enable people to choose what form of transport they prefer from a range of practical options including public transport, sustainable transport, and private vehicles. In this way people have more choice over their mode of transport and therefore their own transport emissions.”¹⁰

- 34 In my opinion, the proposal seeks to provide transport choice and the inclusion of a pedestrian walkway and charging stations for electric vehicles promotes low-carbon emission transport.
- 35 Amended Policy 57 requires land uses and transport planning to be integrated in a number of ways. Ms Camilleri considers that the proposal conflicts with Policy 57(c). I disagree with her assessment as, in my opinion, the proposal will secure the retention of the existing supermarket within the Centre zone ensuring that multiple visits to shops and services in Khandallah Village are supported and transport is optimised.
- 36 Proposed Objective CC.1 seeks that by 2050 Wellington is a lower-emission and climate resilient region. Proposed Policy CC.14

¹⁰ www.gw.govt.nz/your-region/plans-policies-and-bylaws/updating-our-regional-policy-statement-and-natural-resources-plan/regional-policy-statement-change-1/regional-policy-statement-change-1-faqs/

“seek that development and infrastructure is located, designed and constructed in ways that provide for climate-resilience.”¹¹

Proposed Objective CC.3 supports a reduction of global warming by reducing net greenhouse gas emissions. I hold an opposing view to Ms Camilleri and consider that the proposal will accord with these objectives and policy as:

36.1 24% of the site is proposed to be landscaped area including a number of specimen trees which will achieve the 10% tree canopy cover 2030 target and ensure that any urban heat island impacts are mitigated;

36.2 There will be no adverse flooding or water quality effects given that the additional impervious area will to be mitigated to pre-development levels via a detention tank and stormwater runoff will be treated before being discharged to the public system; and

36.3 As I have already noted earlier, the proposal is not increasing trip generation as there is no change to the supermarket floor area.

CONCLUSION

37 I consider that the proposal has been designed to appropriately address the particular characteristics of the surrounding environment, appearance and amenity effects, having regard to the relevant WDP, WDP:CDV and RPS provisions. It will meet the

¹¹ www.gw.govt.nz/assets/Documents/2023/07/S42A-Appendix-1-HS3-Climate-Change-Climate-Resilience-and-Nature-Based-Solutions-Proposed-amendments.pdf

overall sustainable management purpose of the RMA as well as the relevant objectives and policies of the National Policy Statement - Urban Development 2020.

38 Overall, I consider that the Commissioners should grant consent to the proposal.

Date 1 May 2024

A handwritten signature in black ink, appearing to read 'E. Key', with a stylized flourish at the end.

Evita Caroline Key