BEFORE THE HEARING PANEL

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of Proposed Plan Change 12 to the Operative Hamilton City District Plan

STATEMENT OF REBUTTAL EVIDENCE OF DR JULIANA REU JUNQUEIRA

(BUSINESS ZONES)

Dated 14 August 2024

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INTRODUCTION

1. My full name is Juliana Reu Junqueira.

2. My qualifications and experience are as set out in my primary statement of evidence dated 26 June 2024 (**primary evidence**).

3. I reconfirm that I have read and am familiar with the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2023) and I agree to comply with it.

PURPOSE AND SCOPE OF EVIDENCE

4. The purpose of this rebuttal statement of evidence, which is provided on behalf of Hamilton City Council (**HCC**) as Plan Change 12 (**PC12**) proponent, is to respond to matters raised in submitter evidence relating to the Business Zones Chapter, specifically about building heights and floor area ratio.

5. With respect to permitted building heights in the Business Zones I respond to the evidence of:

   a) Mr Samuel John Goddard on behalf of Foodstuff North Island Limited; and

   b) Mr Cameron Wallace on behalf of Foodstuff North Island Limited.

6. With respect to floor area ratio, I respond to the evidence of Mr Cameron Wallace on behalf of Foodstuff North Island Limited.

7. With respect to setbacks, I respond to the evidence of Ms Sara Brown on behalf of WEL Networks Limited.

8. In forming a view on the matters outlined above I have, in part, relied

on the evidence prepared by Mr Mark Roberts.

REBUTTAL POINTS

Business Height

Mr Samuel John Goddard – Foodstuff North Island Limited

9. In his evidence[1], Mr Goddard pointed out that supermarkets are traditionally built as single-storey structures on large sites, as detailed in paragraphs 3.5 and 3.6. However, due to the scarcity of such large sites in suitable locations and their escalating value, there has been a shift towards developing multi-level, mixed-use buildings. This trend reflects a strategic adaptation to urban space limitations and market demands, ensuring that development remains viable and relevant in contemporary settings.

Mr Cameron Wallace – Foodstuff North Island Limited

10. Mr Wallace supports Mr Goddard's statement that there is a growing need to consider mixed-use developments, potentially integrating residential or commercial uses above supermarkets. In his evidence[2], Mr Wallace specifically mentions two properties where Foodstuffs is a major landowner; Glenview and Heaphy Terrace.

11. The proposed relief includes placing both properties under the Business Height Overlay, which would provide increased flexibility in building height regulations.

12. The property located in Glenview falls under Business Zone 5 (Suburban

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[1] Statement of Evidence of Samuel John Goddard on behalf of Foodstuff North Island Limited, dated 24 July 2024.
[2] Statement of Evidence of Cameron Wallace on behalf of Foodstuff North Island Limited, dated 24 July 2024.

Centre), while the Heaphy Terrace property is zoned under Business Zone 6 (Neighbourhood Centre).

13. The intent behind the Suburban Centre zoning (Business Zone 5) is to create a network of suburban hubs that offer a diverse mix of uses, including healthcare services, retail, employment opportunities, and residential spaces on upper levels. These centres are designed to serve the needs of suburban populations adequately without compromising the central city's dominance, functionality, vibrancy, or economic health.

14. Policy 6.2.2c elaborates on this by stating that '*Suburban centres act as focal points for local community development through the control of size, scale, built form and diversity of activity*'.

15. Neighbourhood Centres (Business Zone 6) aim to distribute a network of locally based hubs that offer essential services and healthcare, addressing the daily requirements of their immediate communities.

16. Policy 6.2.3b expands that '*The scale and nature of activities within neighbourhood centres shall not generate significant adverse amenity effects on surrounding residential areas and transport networks'.*

17. In contrast to suburban centres, which are typically anchored by a supermarket, neighbourhood centres are expected to have a superette as their central facility. This distinction ensures that the services provided are scaled appropriately to the size and needs of the local population, promoting convenience without overwhelming the area's infrastructure.

Mr Tim Heath – Foodstuff North Island Limited

18. In his evidence, Mr Heath stated that '*(…), commercial* centres *should have a greater level of enablement (in both height and floorspace) than residential zones to encourage a mix of activities, vibrancy and amenity*'.

19. I agree with Mr Heath's evidence that commercial centres benefit from increased enablement in terms of height. By allowing for greater building height, commercial centres can host a diverse mix of uses, which is essential for creating vibrant community hubs.

Recommendation

20. Upon reviewing the evidence provided by Mr Heath, as well as that of Mr Wallace and Mr Goddard, I agree that an increased building height could offer greater flexibility in specific Business Zones. Therefore, I recommend setting the maximum building height to 26 metres for Business Zone 5. This adjustment aligns with the proposed development goals and supports a more versatile urban landscape.

21. With regards to scope to undertake a wider change in permitted building heights for the Business Zones, Kainga Ora's original submission, submission point numbers (160.207, 160.208) and Appendix 2 of their original submission also seek further heights for some Business Zones.

Building Intensity (Floor Area Rations)

Mr Cam Wallace – Foodstuff North Island Limited

22. Floor Area Ratios serve as an important regulatory control, particularly in Business Zones where maximum site coverage is not specified. Floor area rations are vital for managing land use intensity and ensuring that development is proportionate to the site's scale. This measure is not redundant; instead, it complements other regulatory methods to promote balanced and sustainable development.

23. It appears there may be a misunderstanding regarding the floor area ratio model as stated by Mr Wallace. The model in question was

designed as a simplified representation of a hypothetical site, employing a 'worst-case scenario' approach to setbacks to illustrate potential outcomes.

24. Furthermore, the floor-to-floor height is a significant factor in shaping the model as it influences the building density ratio. A reduced floor-to-floor height (as used in the original model presented in my primary evidence[3]) would result in a higher number of stories, thereby increasing the building density ratio. The main purpose of the floor area ratio is to control the intensity of development, which eliminates the need for a maximum site coverage stipulation. This approach ensures a balance between the building's mass and the available land, promoting efficient use of space and a harmonious urban environment.

25. Mr Wallace's assumptions seem to overlook this fundamental aspect of the floor area ratio, potentially leading to a misinterpretation of its intended application and purpose.

Recommendation

26. A review of the building intensity standard has been conducted with the aim of enhancing development capacity while maintaining the quality of the outcomes (for further details, see **Appendix B**). Considering the proposed new increase in maximum building heights and allowing greater flexibility to develop, I propose the following reviewed building intensity:

Business Zones	**Maximum ratio of floor area to net site area**
Business Zones 1, 3, ~~5,~~ and 7	2:1
Business Zone 5	4:1
Business Zones 2, 4, and 6 (adjacent to the General Residential Zone)	~~1:1~~ 2:1
~~Business Zones 2 and 4 (within the height overlay)~~	~~2:1~~

[3] Statement of Evidence of Dr Juliana Reu Junqueira on behalf of Hamilton City Council, dated 26 June 2024.

Business Zone 6 ~~(within the overlay)~~ (adjacent to the Medium Density Residential Zone)	3:1
Where located in the height overlay shown in Figure 6.4c	4:1

Setback from WEL network

Ms Sara Brown on behalf of WEL Networks Limited

27. In her evidence, Ms Brown advocates for the acknowledgment of NZECP34 compliance in the construction of buildings and structures. She argues that adhering to the safe distance requirements stipulated by NZECP34 is crucial to prevent developments from encroaching on overhead power lines, thereby mitigating the potential for fatal or severe injuries.

28. Although Ms Brown does not seek any amendments to the setback provisions within the Business Zones, I would support the amendments to the setback provisions within the Business Zones to reflect the proposed changes in the Residential Chapter as follows (refer to Mr Roberts rebuttal evidence).

Business Zones 1 to 7 - 6.4.3 - Building Setbacks

Front Boundary	Minimum distance
All Business Zones	0m provided the building or structure can achieve compliance with NZ Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001). 5m when fronting an arterial transport corridor, or

Minimum Unit Sizes

29. In the proposed provisions PC12, published on 27 May 2024, a provision was introduced regarding the minimum unit sizes for apartments. However, it is advised now that these provisions be removed. The proposal was based on the expectation of upcoming legislative changes related to MDRS. Please refer to Mr Roberts' rebuttal evidence for further details.

CONCLUSION

30. I have reviewed the evidence specific to the topic of Business Zones 1 to 7 from the evidence statements of:

    a) Mr Cameron Wallace on behalf of Foodstuff North Island Limited;

    b) Mr Sam Goddard on behalf of Foodstuff North Island Limited;

    c) Mr Tim Heath on behalf of Foodstuff North Island Limited; and

    d) Ms Sara Brown on behalf of WEL Networks Limited.

31. After considering these statements, I recommend the following changes:

    a) Amend the permitted building heights within Business Zones 5 to a maximum of 26 metres;

    b) Modify the building intensity to allow greater flexibility for developments; and

    c) Amend the building setback on front boundary.

32. **Appendix A** contains the proposed changes.

Dr Juliana Reu Junqueira
14 August 2024

APPENDIX A

OFFICERS' RECOMMENDED AMENDMENTS TO PC12 PROVISIONS IN RESPONSE TO SUBMITTER AND SUPPLEMENTARY EVIDENCE

A full set of the recommended amendments dated 14 August 2024 is available on HCC's external PC12 website at:

Proponent Rebuttal Evidence

https://hamilton.govt.nz/property-rates-and-building/district-plan/plan-changes/plan-change-12/#e4211

APPENDIX B

Rebuttal Evidence of Dr Juliana Reu Junqueira

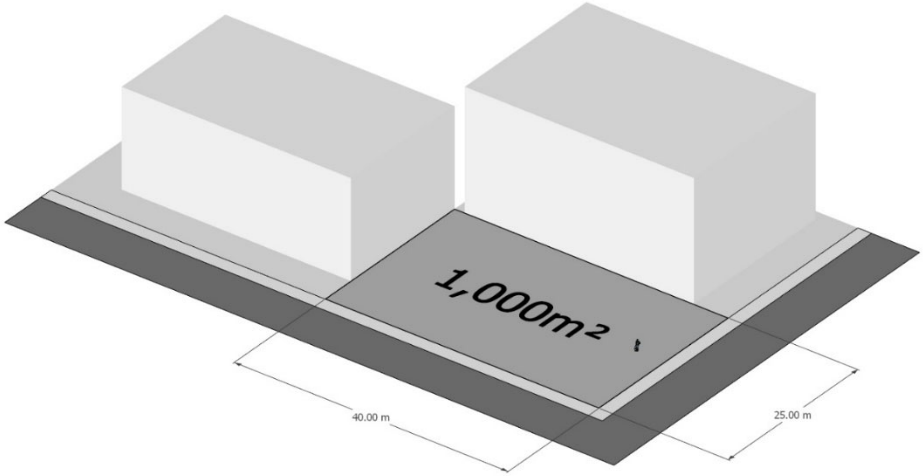
14 August 2024

FLOOR AREA RATIO/DENSITY TESTING

PROPOSED CHANGES TO BUILDING INTENSITY

Business Zones	FAR as notified in PC12	Proposed FAR to net site area
Business Zones 1, 3, and 7	2:1	**2:1**
Business Zone 5	2:1	**4:1**
Business Zones 2, 4, and 6 (adjacent to the General Residential Zone)	1:1 (outside the height overlay)	**2:1**
Business Zone 6 (adjacent to the Medium Density Residential Zone)	3:1 (outside the height overlay)	**3:1**
Where located in the height overlay shown in Figure 6.4c	3.5:1 (BZ 2 and 4 within the height overlay) 4.5:1 (BZ 6 within the height overlay)	**4:1**

FLOOR AREA RATIO TO NET SITE AREA DENSITY TESTING MODEL



In line with the intent of reviewing the building intensity standard set in Chapter 6 of Business Zones 1 to 7; testing maximum floor area ratio to net site area density capability was done on a 1,000m² site (left image).

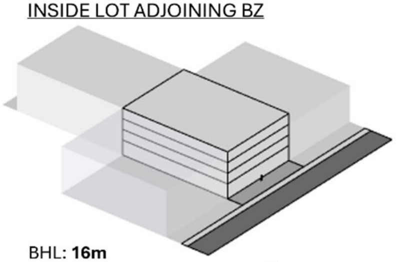
Scenarios revolve around a business zone site adjoining multiple zones with varying setbacks based on the proposed 6.4.3 Building Setbacks and applying proposed building height limit changes set in **Appendix A**

SCENARIOS (1000m² site)			
MAXIMUM DEVELOPMENT	NOTIFIED PC12 CONTROLS	RESULTANT FAR RANGE	PROPOSED FAR AND GFA ACHIEVABLE
26m height limit maximised **NO GFA Limit/ NO FAR** - 5m transport corridor boundary - 1.5m side boundary adjoining GRZ - 0m adjoining Business Zones & minor road	**18m height limit** **PC12 FAR & GFA** - 5m transport corridor boundary - 1.5m side boundary adjoining GRZ - 0m adjoining Business Zones & minor road - **HIRB restrictions** depending on adjoining properties	**Max. FAR and GFA achievable in a 1000m² site** - 5m transport corridor boundary - 1.5m side boundary adj. GRZ - 0m adjoining BZ & minor road - **HIRB restrictions** depending on adjoining properties	**Proposed FAR** based on resultant FAR Range, HIRB, setback, and height limits. **Explores achievable GFA and building forms** for multiple scenarios where the site zoned as Business Zone adjoins varied residential zones, industrial zone, and other business zones.

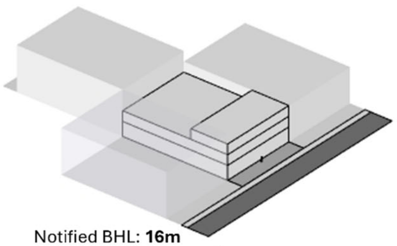
Business Zones 1, 3, and 7 FAR Testing (outside height overlay)

FLOOR AREA RATIO TO NET SITE AREA DENSITY TESTING MODEL SCENARIOS (1000m² site)							
MAXIMUM DEVELOPMENT		NOTIFIED PC12 CONTROLS		RESULTANT FAR RANGE		PROPOSED FAR AND GFA ACHIEVABLE	

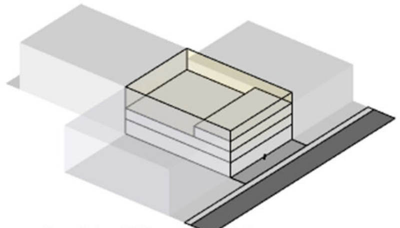
INSIDE LOT ADJOINING BZ



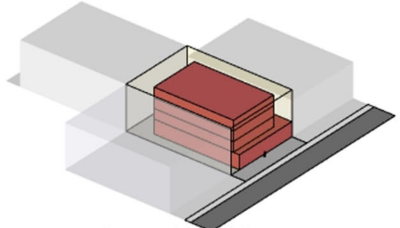
BHL: **16m**
Maximum GFA: **4,000-4,375m²**
Resulting FAR: **4-4.3:1**



Notified BHL: **16m**
Maximum GFA: **2000m²**
PC12 Notified FAR: **2:1**

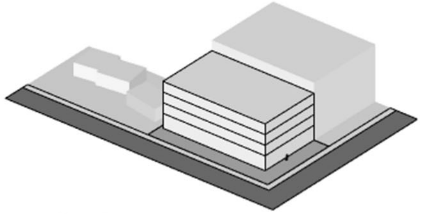


Resulting FAR range: **2-4:1**
Number of storeys: **3-4 storeys**
GFA range: **2,000-4,000m²**

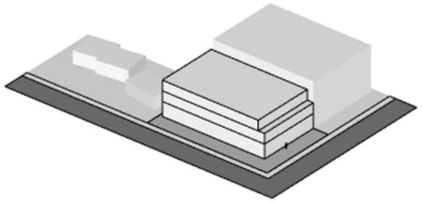


Proposed FAR: **2:1**
Maximum GFA: **2,000m²**
GFA Achieved: **2,000m²**

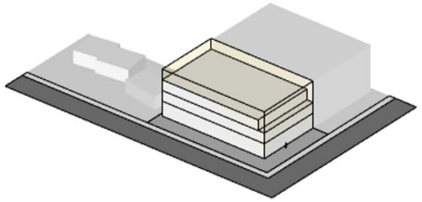
CORNER LOT ADJOINING GRZ & BZ



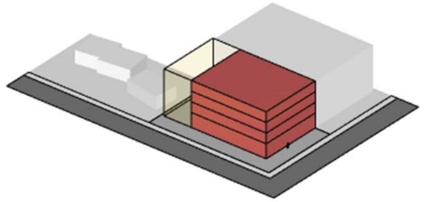
BHL: **16m**
Maximum GFA: **3,000m²**
Resulting FAR: **3:1**



Notified BHL: **16m**
Maximum GFA: **2,000m²**
PC12 Notified FAR: **2:1**

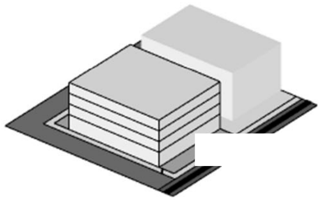


Resulting FAR range: **2-3:1**
Number of storeys: **2-3 storeys**
GFA range: **2,000-3,000m²**

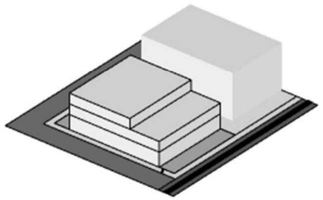


Proposed FAR: **2:1**
Maximum GFA: **2,000m²**
GFA achieved: **2,000m²**

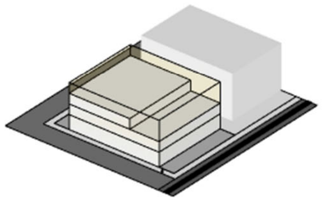
CORNER LOT ADJOINING INDUSTRIAL ZONE



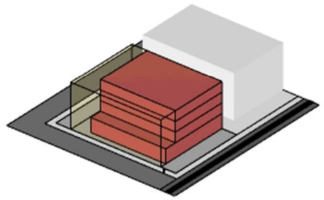
BHL: **16m**
Maximum GFA: **2,720m²**
Resulting FAR: **2.5-2.7:1**



Notified BHL: **16m**
Maximum GFA: **2,000m²**
PC12 Notified FAR: **2:1**



Resulting FAR range: **2-2.7:1**
Number of storeys: **2-3 storeys**
GFA range: **2,000-2,700m²**

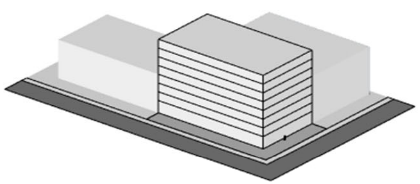


Proposed FAR: **2:1**
Maximum GFA: **2,000m²**
GFA achieved: **2,000m²**

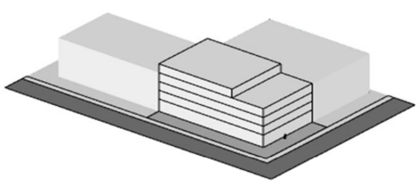
Business Zone 5 FAR Testing (outside height overlay)

FLOOR AREA RATIO TO NET SITE AREA DENSITY TESTING MODEL SCENARIOS (1000m² site)							
MAXIMUM DEVELOPMENT		NOTIFIED PC12 CONTROLS		RESULTANT FAR RANGE		PROPOSED FAR AND GFA ACHIEVABLE	

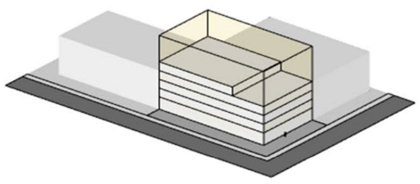
CORNER LOT ADJOINING BUSINESS ZONES



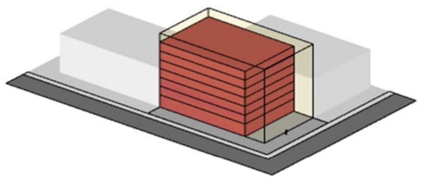
BHL: **26m**
Maximum GFA: **5,000-5,600m²**
Resulting FAR: **5.6:1**



Notified BHL: **18m**
Maximum GFA: **3000m²**
PC12 Notified FAR: **3:1**

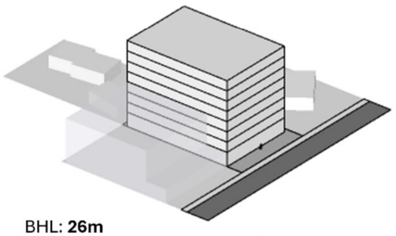


Resulting FAR range: **3-5.6:1**
Number of storeys: **7-8 storeys**
GFA range: **3,000-5,600m²**

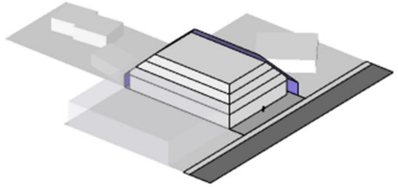


Proposed FAR: **4:1**
Maximum GFA: **4,000m²**
GFA Achieved: **4,000m²**

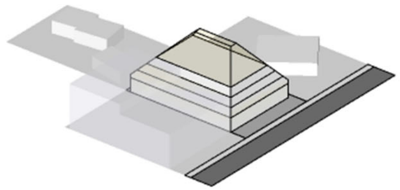
INSIDE LOT ADJOINING BZ & GRZ



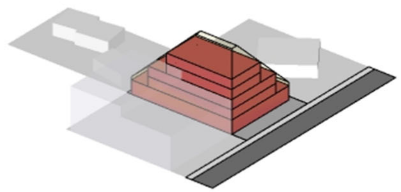
BHL: **26m**
Maximum GFA: **5,600-6300m²**
Resulting FAR: **6.3:1**



Notified BHL: **18m**
Maximum GFA: **2,750m²**
PC12 Notified FAR: **3:1**

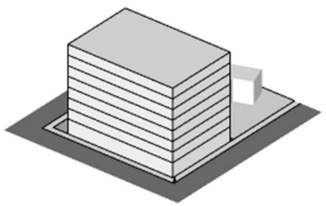


Resulting FAR range: **2.7-3.6:1**
Number of storeys: **7-8 storeys**
GFA range: **2,750-3,621m²**

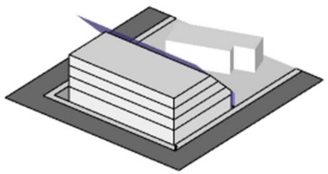


Proposed FAR: **4:1**
Maximum GFA: **4,000m²**
GFA achieved: **2,590m²**

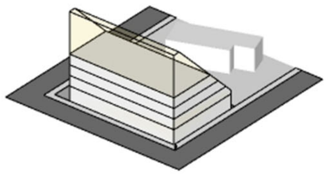
CORNER LOT ADJOINING GRZ



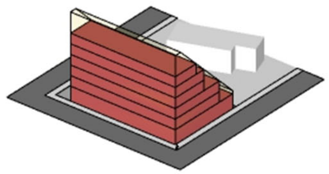
BHL: **26m**
Maximum GFA: **5,900-6,580m²**
Resulting FAR: **6.5:1**



Notified BHL: **18m**
Maximum GFA: **3,025m²**
PC12 Notified FAR: **3:1**



Resulting FAR range: **3-4.4:1**
Number of storeys: **7-8 storeys**
GFA range: **3,025-4,447m²**

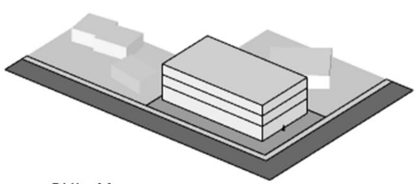


Proposed FAR: **4:1**
Maximum GFA: **4,000m²**
GFA achieved: **3,210m²**

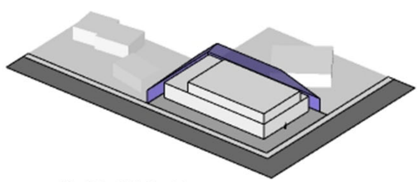
Business Zone 6 FAR Testing (outside height overlay)

FLOOR AREA RATIO TO NET SITE AREA DENSITY TESTING MODEL SCENARIOS (1000m² site)							
MAXIMUM DEVELOPMENT		NOTIFIED PC12 CONTROLS		RESULTANT FAR RANGE		PROPOSED FAR AND GFA ACHIEVABLE	

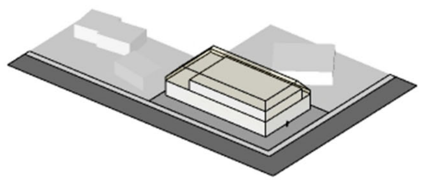
CORNER LOT ADJOINING GRZ



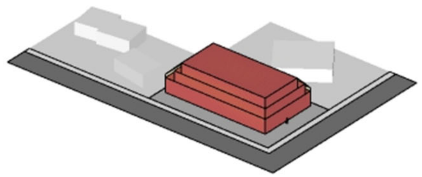
BHL: **11m**
Maximum GFA: **1,500-1,860m²**
Resulting FAR: **1.5-1.8:1**



Notified BHL: **11m**
Maximum GFA: **1,000m²**
PC12 Notified FAR: **1:1**

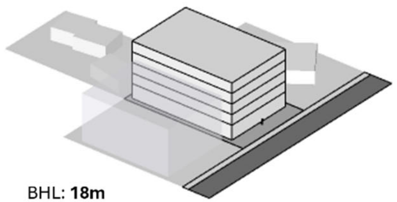


Resulting FAR range: **1.5-1.8:1**
Number of storeys: **2-3 storeys**
GFA range: **1,750m²**

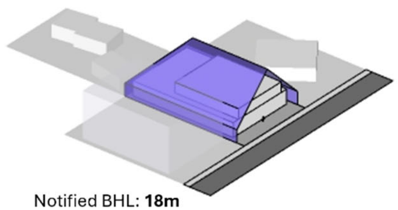


Proposed FAR: **2:1**
Maximum GFA: **2,000m²**
GFA achieved in scenario: **1,500m²**

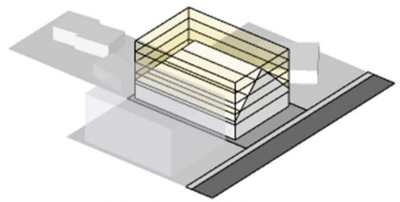
INSIDE LOT ADJOINING MDRZ & GRZ



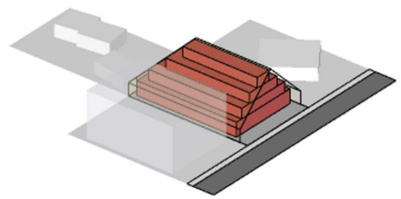
BHL: **18m**
Maximum GFA: **2,500-3,100m²**
Resulting FAR: **3.1:1**



Notified BHL: **18m**
Maximum GFA: **1,000m²**
PC12 Notified FAR: **1:1**

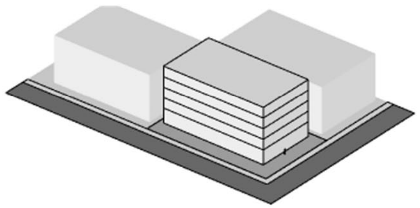


Resulting FAR range: **1.5-1.8:1**
Number of storeys: **3-5 storeys**
GFA range: **1,850m²**

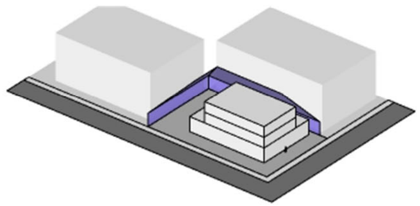


Proposed FAR: **3:1**
Maximum GFA: **3,000m²**
GFA achieved: **1,772m²**

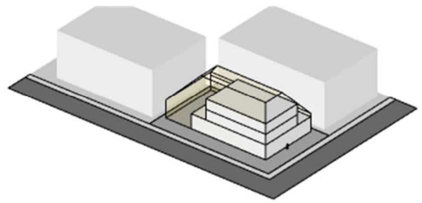
CORNER LOT ADJOINING MDRZ



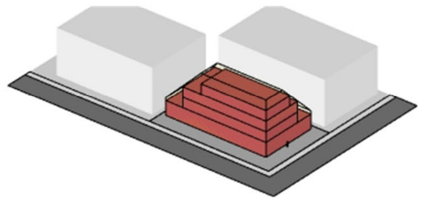
BHL: **18m**
Maximum GFA: **3,500-3,685m²**
Resulting FAR: **3.5-3.6:1**



Notified BHL: **18m**
Maximum GFA: **1,000m²**
PC12 Notified FAR: **1:1**



Resulting FAR range: **2-2.4:1**
Number of storeys: **7-8 storeys**
GFA range: **2,000-2,464m²**

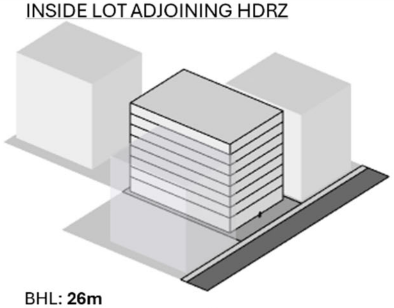


Proposed FAR: **2-3.6:1**
Maximum GFA: **2,000-3,000m²**
GFA achieved: **1,727m²**

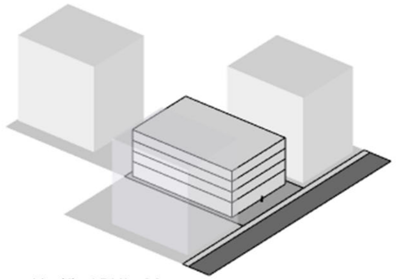
Business Zone 6 FAR Testing (inside height overlay)

FLOOR AREA RATIO TO NET SITE AREA DENSITY TESTING MODEL SCENARIOS (1000m² site)							
MAXIMUM DEVELOPMENT		NOTIFIED PC12 CONTROLS		RESULTANT FAR RANGE		PROPOSED FAR AND GFA ACHIEVABLE	

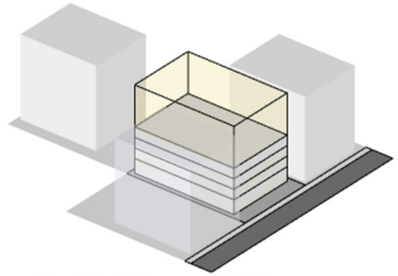
INSIDE LOT ADJOINING HDRZ



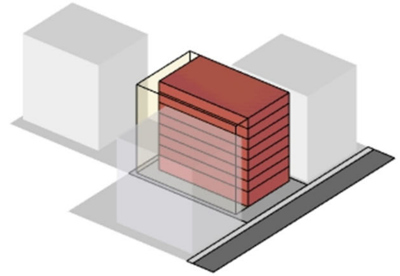
BHL: **26m**
Maximum GFA: **5,896m²**
Resulting FAR: **5.5-5.8:1**



Notified BHL: **21m**
Maximum GFA: **3,000m²**
PC12 Notified FAR: **3:1**

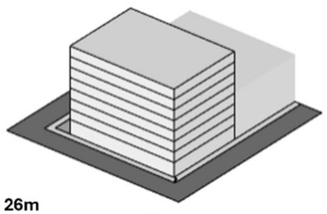


Resulting FAR range: **3-5.8:1**
Number of storeys: **6-8 storeys**
GFA range: **3,000-5,800m²**

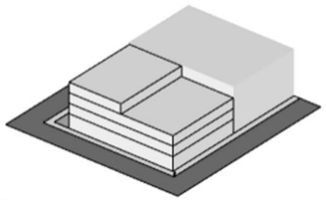


Proposed FAR: **4:1**
Maximum GFA: **4,000m²**
GFA achieved in scenario: **4,000m²**

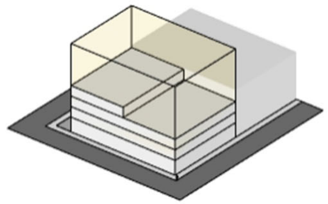
CORNER LOT ADJOINING BZ



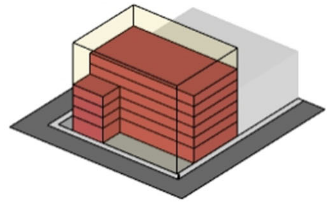
BHL: **26m**
Maximum GFA: **7,000m²**
Resulting FAR: **7:1**



Notified BHL: **21m**
Maximum GFA: **3,000m²**
PC12 Notified FAR: **3:1**

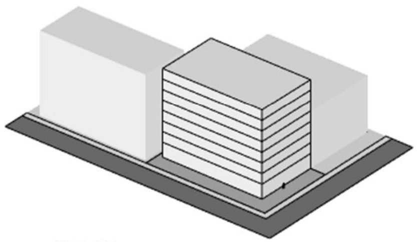


Resulting FAR range: **3-7:1**
Number of storeys: **7-8 storeys**
GFA range: **3,000-7,000m²**

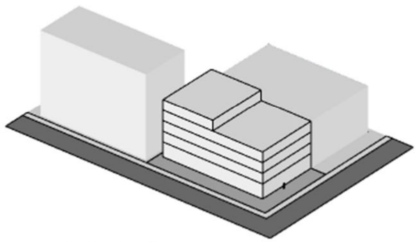


Proposed FAR: **4:1**
Maximum GFA: **4,000m²**
GFA achieved: **4,000m²**

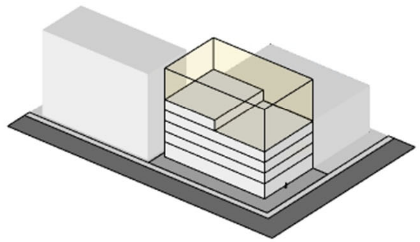
CORNER LOT ADJOINING BZ & HDRZ



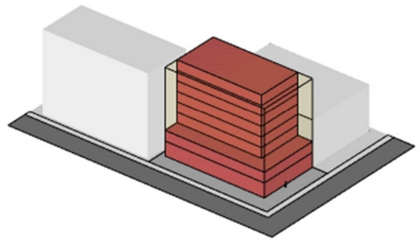
BHL: **26m**
Maximum GFA: **5,360m²**
Resulting FAR: **5-5.3:1**



Notified BHL: **21m**
Maximum GFA: **3,000m²**
PC12 Notified FAR: **3:1**



Resulting FAR range: **3-5.3:1**
Number of storeys: **6-8 storeys**
GFA range: **3,000-5,360m²**



Proposed FAR: **4:1**
Maximum GFA: **4,000m²**
GFA achieved: **4,000m²**