BEFORE A PANEL OF INDEPENDENT HEARINGS COMMISSIONERS IN HAMILTON

I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHEKE KIRKIRIROA

UNDER	the Resource Management Act 1991 ("the Act")
IN THE MATTER	of proposed Plan Change 12 to the Operative Hamilton City Council District Plan

---

STATEMENT OF EVIDENCE OF EVITA CAROLINE KEY ON BEHALF OF FOODSTUFFS NORTH ISLAND LIMITED

PLANNING

26 JULY 2024

ELLIS GOULD
LAWYERS
AUCKLAND

Level 31 Vero Centre
48 Shortland Street, Auckland
Tel: 09 307 2172
PO Box 1509, DX CP22003
AUCKLAND

REF: Douglas Allan (dallan@ellisgould.co.nz)
Alex Devine (adevine@ellisgould.co.nz)

1. EXECUTIVE SUMMARY

1.1 Foodstuffs North Island Limited' ("**Foodstuffs**") submission on proposed Plan Change 12 ("**PC12**") sought amendments the Business Height Overlay to include Glenview and Heaphy Terrace Centres.[1] A consequence of this relief sought is that the Floor Area Ratio ("**FAR**") should either be deleted or significantly increased to ensure that any height increase enables an increase in development capacity, as intended by the National Policy Statement on Urban Development 2020 ("**NPS-UD"**) Policy 3.

1.2 Policy 3 provides direction on how heights and densities can support a well-functioning urban environment and requires provision for increased building heights and densities of urban form within and adjacent to neighbourhood centre zones. In my view, Council has not appropriately given effect to this policy, or the wider themes of the NPS-UD, when considering the relief requested by Foodstuffs' in respect of the Glenview and Heaphy Terrace Centres.

1.3 I disagree with the Council planner's view that it is appropriate to retain a lower height within a centre simply for consistency with the adjoining residential zones, and that existing building heights can be used to justify future building heights.

1.4 Rather, it is my view that to enable building heights and densities of urban form envisaged by Policy 3(d) the NPS-UD that are commensurate with the level of commercial activity and community services of anticipated future population growth the following amendments are required:

(a) The application of the 26m Height Overlay to both Glenview and Heaphy Terrace Centres; and

(b) The removal of the restrictive FAR standard 6.4.4 (Building Intensity) to centres (or a significant increase).

---

[1] Sub No. 237 (Height).

1.5 I consider that these amendments are the most appropriate approach given:

(a) Glenview Centre has a range of characteristics that make it well suited for additional intensification, as outlined in Hamilton City Council's ("**HCC**") initial 'Centres Assessment' appended to their Section 32 Evaluation Report;[2]

(b) Increased population growth of the Peacocke area will require greater levels of commercial activity and community services than is able to be provided for under the current PC12 provisions; and

(c) The difficulty of delivering a feasible mixed-use development with a supermarket anchor tenant within a 16m height limit. Applying the Height Overlay to the site will improve the feasibility and thus the likelihood of Foodstuffs being able to deliver a multi-storey mixed-use development, which will assist in regenerating the centres, enable employment opportunities and services for the communities which they serve.

1.6 Foodstuffs' submission[3] also sought the deletion of financial contributions for non-residential activities. I support the recommended removal of financial contributions for non-residential activities as detailed in Ms Clare Douglas evidence for HCC[4] and HCC proposed amendments to Appendix 18 of PC12.[5]

2. INTRODUCTION

2.1 My full name is Evita Caroline Key. I am a planning consultant and Senior Associate at Barker & Associates Limited, an independent, specialist planning and urban design consultancy with offices throughout New Zealand.

---

[2] PC12 s32 Appendix 3.6 Centres Assessment Report (August 2022).
[3] Sub No. 240 (Financial Contributions).
[4] Financial Contributions evidence of Ms Clare Douglas, at [29].
[5] Financial Contributions evidence of Ms Clare Douglas, at [Appendix A].

Experience

2.2 I hold a Bachelor of Science with Honours from the University of Canterbury and a Post Graduate Diploma in Resource Studies from Lincoln University.

2.3 I have over 20 years' experience covering a wide range of planning matters on behalf of local authorities and private entities in New Zealand, Australia, and the United Kingdom. During that time, I have been involved with many aspects of planning including preparation and lodgement of resource consent applications, submissions, and presentation of evidence to local authorities in respect of resource consents, proposed plans, and plan changes.

2.4 I have a wide range experience with the application of District and Regional Plan provisions throughout the North Island relating to several supermarket developments by Foodstuffs as well as preparing submissions and evidence on plan changes that have directly affected current and future developments by Foodstuffs.

Code of Conduct

2.5 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

2.6 I have no conflicts of interest to declare.

Scope of Evidence

2.7 This evidence is in respect of submissions[6] by Foodstuffs on PC12 to the operative Hamilton City District Plan ("**ODP**").

---

[6] Sub No. 237 (Height) and Sub No. 240 (Financial Contributions).

2.8 I have not discussed in this statement those aspects of the Foodstuffs submissions that support PC12 as notified (e.g.: the heights applying to the central city Pak'nSave supermarkets) but record my agreement with that relief and with those aspects of PC12).

2.9 Of relevance to this statement of evidence, Foodstuffs' submissions on PC12 sought the deletion of financial contributions for non-residential activities and amendments the Business Height Overlay to include:

(a) The Business 5 (Suburban Centre Core) zoned land at Glenview, which includes the "**New World Glenview**" site at 220 Ohaupo Road, Glenview; and

(b) The Business 6 (Neighbourhood Centre) zoned land at Heaphy Terrace, which includes the "**Four Square Heaphy Terrace**" site at 1030 Heaphy Terrace, Fairfield.

2.10 In my opinion, an essential consequence of this relief is that the FAR standard 6.4.4 within the Business Zone chapter should either be deleted or significantly increased for the relevant centres (including for Pak'n Save Clarence Street which is within Business Zone 4). This consequential amendment is necessary to ensure that any increase in height standards effectively enables an increase in development capacity, as intended by the NPS-UD Policy 3.

2.11 My evidence will address the following:

(a) Comment upon Foodstuffs operation and existing stores within Hamilton City from a planning perspective;

(b) The national and strategic policy framework relevant to PC12;

(c) PC12 amendments to Chapter 6 Business 1 to 7 Zone standards relating to the maximum building height and maximum building intensity with respect to FAR; and

(d) Financial contributions for non-residential activities.

3. FOODSTUFFS STORES

3.1 Foodstuffs is New Zealand's largest grocery retailer with over 330 stores across the North Island and serving over 2.7 million New Zealanders every week. Foodstuffs is 100% New Zealand owned and operated and employs more than 30,000 people nationwide.

3.2 Foodstuffs supermarket brands consist of New World, Pak'nSave, Four Square and Gilmours which operate throughout the North Island as well as at the national level. Within Hamilton, Foodstuffs currently operate a number of stores with the four key properties associated with Foodstuffs submission identified in **Table 1** below. As detailed in Mr Samuel Goddard's evidence on behalf of Foodstuffs, further expansion opportunities in the future are projected to serve growing communities.[7]

Table 1: Key Foodstuffs stores relevant to submission and PC12 heights and floor area ratios

Store	Zoning	Height	Floor Area Ratio
Pak'nSave Mill Street 77-119 Ulster Street, Whitiora	Central City Zone - Precinct 2: City Living Precinct *ODP: Height Overlay 2*	ODP = 20m PC12 Notified and HCC Evidence = Unlimited	N/A
Pak'nSave Clarence Street 83 Clarence Street, Hamilton Lake	Business Zone 4 - Large Format Retail *PC12: Height Overlay*	ODP = 15m PC12 Notified = 21m PC12 HCC Evidence = 26m	ODP = 1:1 PC12 Notified = 1:1 PC12 HCC Evidence = 3.5:1
New World Glenview 220U1 Ohaupo Road, Glenview	Business Zone 5 - Suburban Centre Core *PC12: Infrastructure Capacity Overlay*	ODP = 15m PC12 Notified = 15m PC12 HCC Evidence = 16m	ODP = 2:1 PC12 Notified = 2:1 PC12 HCC Evidence = 2:1
Four Square Heaphy Terrace 1030 Heaphy Terrace, Fairfield	Business Zone 6 - Neighbourhood Centre *PC12: Infrastructure*	ODP = 10m PC12 Notified = 11-12m PC12 HCC Evidence = 18m[8]	ODP = 1:1 PC12 Notified = 1:1 PC12 HCC Evidence = 3:1

[7] Evidence of Mr Sam Goddard, at [3.17-3.19] and [3.24].

[8] On the basis that Four Square Heaphy Terrace adjoins the Medium Density Residential Zone ("**MDRZ**"). **NB**: HCC's maps show a Historic Heritage Area ("**HHA**") adjoining part of the site, which results in the underlying zoning of some of the adjoining land being General Residential Zone. HCC's evidence confirms that this HHA is no longer supported and this error will be corrected in an updated version of the zoning maps to be provided at the PC12 hearing.

	Capacity Overlay		

3.3 While these existing stores either have a resource consent, existing use rights or are permitted activities, the appropriate planning framework is vital for future expansions and redevelopments of these stores to support future residential intensification in Hamilton. From a planning perspective it is important that planning frameworks recognise and provide for supermarkets as they provide functional benefits and amenity to occupants of the surrounding residential areas. I note that, HCC appears to recognise the importance of supermarkets to a centre's function as the presence of a supermarket activity is one of six criteria which was considered when determining what level of intensification should be enabled around centres.[9]

3.4 Given my understanding of Foodstuffs' planned further investment in the region, I consider that the content of PC12 and any future District Plan provisions are key to Foodstuffs' ability to expand and upgrade its supermarket network in Hamilton in response to and to cater for this anticipated population growth and urban intensification as intended by the NPS-UD.

4. RELEVANT POLICY FRAMEWORK

National Policy Statement on Urban Development 2022

4.1 The NPS-UD came into force in August 2020, replaced the National Policy Statement on Urban Development Capacity 2016 ("**NPS-UDC**") and was further updated in May 2022. The NPS-UD includes a focus on achieving well-functioning urban environments, as described in Policy 1, and promoting intensification within Tier 1 urban environments, such as Hamilton, via Policy 3, as a means of increasing housing supply, improving affordability and enabling additional residential and business development in centre zones, areas of employment, and areas serviced by public transport.

Foodstuffs has therefore proceeded on the assumption that the zoning of those sites within the HHA will be updated to MDRZ.

[9] PC12 Policy 3 Centres Evaluation Report (June 2024), at [2.2].

4.2 The Decisions Version of Plan Change 1 of the Waikato Regional Policy Statement ("**WRPS**") is broadly consistent with the objectives and policies of the NPS-UD at the strategic level. The WRPS seeks to achieve compact high-quality urban environments at greater densities, to support existing commercial centres (UFD-P12 - Density targets) and promotes consolidation of commercial activities in existing commercial centres (UFD-P13 - Commercial development). This approach is consistent with the NPS-UD concept of well-functioning urban environments. WRPS Policy UFD-P12 also replicates Policy 3(d) of the NPS-UD, which provides that the district plans should, "*enable within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services*". However, as explained below, in my view the NPS-UD requires the HCC to go further in PC12 in implementing this policy direction, particularly in how and where it proposes to enable intensification in Hamilton.

4.3 The NPS-UD emphasises the role of land supply in promoting choice and affordability, with local authorities needing to provide "at least" sufficient development capacity at all times (Policy 2). The change in terminology from "housing targets" under the NPS-UDC, to "housing bottom lines" under the NPS-UD, reflects this shift in policy direction. These changes also make it clear that District Plans should supply as much development capacity as possible, having regard to other relevant matters that inform heights and densities. In the context of intensification, the new concept of "qualifying matters" reinforces this further - i.e. a much higher evidential standard is required where HCC seeks to limit heights and densities in accessible locations. This clearly favours an approach that enables intensification as much as possible, and restricting it only where there are very good reasons to do so.

4.4 As noted above, the concept of well-functioning urban environments, is in my view, consistent with the WRPS's compact high-quality urban environments policies. Policy 3 of the NPS-UD provides direction on how heights and densities can support a well-functioning urban environment and requires provision for increased building heights and densities of urban form within

and adjacent to neighbourhood centre zones "*commensurate with the level of commercial activity and community services*.

4.5 In my opinion this policy's reference to "commensurate" is reference to future levels of commercial activity and community services rather than current levels. Otherwise, in most cases, no change in heights would be required. With respect to Hamilton, which is a tier 1 urban environment under the NPS-UD, the small and medium-sized centres are expected to enable more intensive development via increased heights and densities.

4.6 In my view, consideration of whether building heights and densities are "commensurate" does not require evidence that establishes that, for example, an entire centre needs to enable 26m heights to be developed in order to meet demand. Inevitably, centres will have a mixture of development heights and will be developed over different timeframes. The issue is whether the forms of development enabled are appropriate and complement the anticipated future level of commercial activity and community services.

4.7 In order for Foodstuffs to be able to improve their supermarket offerings at Glenview and Heaphy Terrace in the context of future intensification, as detailed in Mr Goddard's evidence, Foodstuffs needs to be able to undertake multi storey mixed-use development with commercial and/or residential activities located above the supermarket and its car parking and service areas.[10] In that context, the relief sought by Foodstuffs enables building heights and densities of urban form that are commensurate with the level of commercial activity that it actually proposes to undertake on the sites in light of anticipated future population growth.

4.8 Enabling greater heights and densities will result in a significant change in built form within existing neighbourhoods. Policy 6 of the NPS-UD specifically recognises this by requiring the zoning framework to place the focus on the "planned urban built form", in contrast to maintaining the existing urban built form. Policy 6 specifically recognises that this may involve significant changes to an area that may detract from existing amenity values. Again, this is a

[10] Evidence of Mr Goddard, at [3.8], [3.20] and [3.24].

significant change that supports an enabling zone policy and rule framework, focussed on enabling greater levels of intensification.

Implications for Pak'nSave Mill Street

4.9 Policy 3(a) of the NPS-UD requires HCC to enable building heights and density of urban form in the Central City to realise as much development capacity as possible, to maximise benefits of intensification. Given that PC12 proposes to remove Standard 7.4.3 (Maximum Height Control) in the Central City zone, I support this removal with respect to Pak'nSave Mill Street.

Implications for Pak'nSave Clarence Street

4.10 Policy 3(c) of the NPS-UD requires HCC to enable building heights and density of at least 6 storeys within walkable catchments. Given that PC12 now proposes a maximum building height in the height overlay as 26m (Standard 6.4.1), I support the standard with respect to Pak'nSave Clarence Street.

Implications for New World Glenview and Four Square Heaphy Terrace

4.11 Policy 3(d) of the NPS-UD requires HCC to enable building heights and densities of urban form within and adjacent to neighbourhood centre zones, local centre zones and town centre zones commensurate with the level of commercial activity and community services.

4.12 As set out in Table 1 above, for New World Glenview, the height limits within Business Zone 5 (Suburban Centre) outside of the height overlay have been largely retained by PC12, with an increase of just one metre to the ODP 15m height limit. For Four Square Heaphy Terrace, within Business Zone 6 (Neighbourhood Centre) and outside of the height overlay, PC12 sets a height limit of 18m.

4.13 Within the context of the directive nature of the NPS-UD, this is a significant missed opportunity which in my view does not apply Policy 3(d) in a way that responds to the context of these parts of Hamilton that makes them especially well-suited to intensification. As noted in sections 4.4 to 4.7 above, I consider this refers to levels that are anticipated in the future, whereas HCC appear to be suggesting it refers to current levels.

4.14 In my view, anticipated future growth is an important factor in determining whether the PC12 provisions provide building heights and densities of urban form 'commensurate' with the level of growth within Glenview and Heaphy Terrace Centres.

4.15 HCC's supporting documentation focuses on 'existing' levels of commercial and community services without giving consideration to future growth and demand. This appears to have been used as the basis for determining that 15m is commensurate with the level of community services and commercial activities in Glenview. That focus does not accord with the forward looking and directive framework of the NPS-UD.

4.16 In my opinion, with respect to growth and intensification, HCC needs to take a much more long-term view of these centres, particularly Glenview's location relative to nearby growth areas. I concur with Mr Timothy Heath's economic evidence for Foodstuffs which notes that Glenview will experience a significant increase in both patronage and passing traffic in the future.[11] This is due to the Peacocke area, which is 740ha of land located a short distance from Glenview to the southeast, that is expected to provide for approximately 20,000 residents. I also note the proximity of the site to the SL1 site, which is identified as an area for future urban development. In my view, HCC's approach does not account for future growth and demand, and risks precluding the appropriate long term response being delivered at the site.

5. BUSINESS HEIGHT OVERLAY

5.1 Foodstuffs submission[12] was in general support of the height overlay however sought amendments to extend the height overlay to include other business zones/suburban centres beyond the Central City and Te Rapa, including Business 5 (Suburban Centre Core) zoned land at Glenview (New World Glenview) and Business 6 (Neighbourhood Centre) zoned land at Heaphy Terrace (Four Square Heaphy Terrace).

---

[11] Evidence of Mr Heath, at [6.1-6.4].
[12] Sub No. 237 (Height).

5.2 I have read the statement of evidence on 'Business Zones' prepared by Dr Juliana Junqueira, Team Lead within the Urban and Spatial Planning Unit of HCC. Her evidence notes that the height overlay that allows additional building height up to 21m (subsequently amended to 26m) is based on the 800m Central City walkable catchment and Stage 1 of the Infrastructure Capacity Overlay.[13] Dr Junqueira notes that heights in the Business Zones are intended to align with the heights in neighbouring Residential Zones to ensure urban form consistency and prevent the Business Zones being lower than adjoining Residential zones.[14] Lastly she makes an assumption that further increases to Business Zone height limits beyond PC12 do not seem warranted given that the existing built form is generally lower that the operative height limits.[15]

5.3 I disagree that it is appropriate to retain lower heights in these locations based on a desire to ensure consistency with the adjoining residential zones, avoid impacts on "visual and environmental character" and reduce the possibility of an "abrupt visual transition" being created.[16] Rather, as outlined in Mr Cameron Wallace's urban design evidence for Foodstuffs[17]:

(a) Not all sites will be redeveloped, let alone redeveloped to their full potential, therefore PC12 already enables "inconsistency" in urban form as a design outcome.

(b) There is no inherent problem with enabling additional height in centre environments compared to adjoining residential land. Enabling greater heights in centres is common and reflects their important role as focal points for their wider communities as well as the higher competition for space in these areas from a range of activities.

(c) PC12 already signals a degree of change for both Glenview and Heaphy Terrace, and in that context comprehensive redevelopment of the centres is unlikely to result in adverse visual and environmental

[13] Business Zones evidence of Dr Juliana Junqueira, at [26].
[14] Business Zones evidence of Dr Juliana Junqueira, at [27].
[15] Business Zones evidence of Dr Juliana Junqueira, at [29].
[16] Business Zones evidence of Dr Juliana Junqueira, at [27].
[17] Evidence of Mr Wallace, at [3.5].

character effects that are unable to be addressed through the consenting process.[18]

(d) There is nothing inherently negative or adverse associated with "abrupt visual transitions" in building height within an urban environment. The bulk and location standards (height in relation to boundary and building setbacks) and the location of the sites relative to the roading network will assist in creating a transition in form. Other design responses can and will be addressed through the consenting process.

5.4 Regarding Dr Junqueira's assumption that further height increases are not warranted given existing built form is generally lower than the existing height limits:

(a) Mr Heath's evidence considers that it is not an economically sound approach to rely on historic building heights to justify building heights of the future.[19] I agree with this assessment and consider that this is contrary to the policy direction set out above in section 4 of my evidence.

(b) I also refer to the evidence of Mr Heath and Mr Goddard which outlines why a 16m height limit can incentivise the delivery of three storey built form, and makes delivering a feasible mixed-use development with a supermarket anchor tenant very difficult.[20]

(c) In my view, HCC have not considered these matters, nor the policy imperatives of the NPS-UD (discussed in section 4 above), in reaching the conclusion that no further increase is required because existing built form is generally lower than the operative height limits.

---

[18] New Buildings require consent as an RDA (ref: 6.3a). The matters of discretion are focused on design and layout (ref: B – Design and Layout' at Appendix 1.3).
[19] Evidence of Mr Heath, at [4.16].
[20] Evidence of Mr Heath, at [4.12] and [4.15] and Evidence of Mr Goddard, at [3.8].

5.5 In my opinion, there are several reasons that support an increase in height for the aforementioned centres.

Optimal Land Use

5.6 Business centres typically serve as hubs of economic activity, housing offices, retail spaces, and commercial services. By allowing taller buildings in these areas, Hamilton can maximise the efficient use of valuable urban land. Higher buildings accommodate more businesses and workers within a smaller footprint, reducing sprawl and serve surrounding residential neighbourhoods.

Economic Efficiency

5.7 Business centres are crucial for economic growth, attracting businesses, and investors. Taller buildings offer more floor area, allowing businesses to concentrate in a location where they can benefit from proximity to suppliers, clients, and other businesses. This concentration can help to foster economic competitiveness, contributing to Hamilton's overall economic vitality.

Density and Accessibility

5.8 Higher building densities in business centres support efficient public transportation systems and promote walkability. Concentrating development vertically reduces the need for sprawling development patterns that rely heavily on vehicles. This increased density encourages people to use alternative modes of transportation, reduces congestion, and minimises environmental impacts associated with urban sprawl.

Urban Identity

5.9 Tall buildings in centres can help define a city's skyline and contribute to its identity and character. Tall buildings can become landmarks that enhance civic pride and symbolise economic success thereby acting as a catalyst for further development. They create a sense of place and provide recognisable focal points within the urban landscape.

Support for Mixed-Use Development

5.10 Taller buildings can accommodate a mix of uses within a compact area, promoting vibrant, mixed-use environments where people can live, work, shop, and socialise. This diversity of activities enhances the liveability and attractiveness of the centre, making it a desirable place for both residents and businesses.

Infrastructure Efficiency

5.11 Concentrating development in taller buildings reduces the infrastructure costs associated with providing utilities, transportation, and services over a larger area. Efficient infrastructure use supports sustainability goals by minimising resource consumption and infrastructure expansion.

Glenview Suburban Centre

5.12 More specifically in respect of Glenview I note HCC's initial 'Centres Assessment' appended to their Section 92 Evaluation Report, which outlines the method used to apply Policy 3(d) of the NPS-UD around Hamilton's commercial centre zones and makes recommendations on zoning based on this assessment. Table 3 of this assessment notes that Glenview was one of only three centres that 'satisfied the checklist' for range of services and concluded that more enabling zoned density was required. The assessment also went on to note that while Glenview is the smallest centre within the city, it has a wide range of services within it and nearby including a supermarket, library, parks, healthcare, kindergartens, frequent bus service and Te Wananga o Aotearoa.[21] Furthermore, Glenview bus hub has recently been upgraded to provide for new bus stops/shelters, a new signalised pedestrian crossing, and shared path/cycleway.[22] This provides service improvements for the Comet bus route and future bus services in Glenview.

5.13 A re-assessment of Policy 3(d) for HCC has recently been prepared.[23] This assessment notes that there are pressing infrastructure investments required

---

[21] PC12 s32 Appendix 3.6 Centres Assessment Report (August 2022), at [6].
[22] www.nzta.govt.nz/projects/sh3-ohaupo-road-glenview-bus-hub
[23] PC12 Policy 3 Centres Evaluation Report (June 2024), at [2.2].

to accommodate both existing and future growth across the city. While originally the 400m walkable catchment to Glenview Suburban Centre was proposed to be rezoned to Medium Density Residential Zone under PC12, a staged approach to intensification around commercial centres is now recommended and this catchment is instead proposed to be amended to General Residential zone. The assessment considers that as Glenview is on the periphery of the city compared to other centres any rezoning to Glenview will be best dealt with under a future plan change.[24]

5.14 While I have no specific concerns with residential zoning of Glenfield being pushed into the future, I see no reason why the 26m Height Overlay could not be applied to the Glenview Suburban Centre as part of PC12 given that:

(a) The Glenview Centre considered suitable by HCC for intensification as set out in section 5.12 above;

(b) The increased population growth to the nearby Peacocke area will require greater levels of commercial activity and community services than is able to be provided for under the current PC12 provisions;

(c) There has been significant public investment in the Glenview area to improve and promote more sustainable travel mode usage. Enabling intensification within the centre will help to ensure that this investment is further warranted. This intensification will result in increased bus patronage which will enable further increases to bus frequencies;

(d) It is not appropriate to retain a lower height to the centre simply for consistency with the adjoining residential zones as detailed in section 5.3 of my evidence;

(e) As outlined by Mr Heath there is a potential economic cost associated with not providing the additional height at this time. That is the opportunity cost associated with the development of a less intensive

[24] PC12 Policy 3 Centres Evaluation Report (June 2024), at [5].

forms in the interim, which then precludes a higher-density development being delivered at a later date.

Summary of Relief Sought

5.15 I support Foodstuffs' request that the height overlay be included Business 5 (Suburban Centre Core) zoned land at Glenview (New World Glenview) and Business 6 (Neighbourhood Centre) zoned land at Heaphy Terrace (Four Square Heaphy Terrace). This will help to give effect to the broader policy directive of the NPS-UD through contributing to a well-functioning urban environment, by enabling more people to live and more businesses to locate in established commercial centres accessible via public transport. A section 32AA assessment in support of this relief is set out at **Annexure A**.

6. BUILDING INTENSITY

6.1 While Foodstuffs' submission did not make direct reference to the building intensity provisions, I consider that removal of the FAR standards in Business 1 to 7 Zones is an essential consequential amendment if the benefits of the additional height sought by Foodstuffs are to be realised in practice. Otherwise, the relief would simply lead to a small number of tall buildings with small floor plates but no increase in the total amount of floorspace enabled in each centre. Removal of (or a significant increase in) the FAR standards is necessary to ensure the increases in height provided for within PC12 are able to be realised.

6.2 While Ms Junqueira's evidence recommends the FAR standards are amended within the height overlay[25], the use of FAR standards within this overlay still results in a number of concerns as detailed below. Furthermore, I also concur with Mr Heath's economic evidence for Foodstuffs that FAR standards can hinder rather than promote development in commercial centres.[26]

---

[25] Business Zones evidence of Dr Juliana Junqueira, at [Appendix B, Theme 2, Issue 5].
[26] Evidence of Mr Heath, at [4.12-4.13].

Impact on Design Quality

6.3 FAR standards impose rigid limits on the amount of floor area that can be developed relative to lot size. Centre environments are diverse and dynamic, with varying needs for different types of developments (e.g. commercial and mixed-use).

6.4 By increasing the permitted building heights but imposing restrictive FAR standards, this may lead to developments that prioritise maximising floor area over other design considerations such as architecture, landscaping and functionality which are crucial for creating a vibrant, sustainable, and liveable urban environment.

6.5 To design a compliant development up to the maximum 26m height limit in Business Zone 4 but within the FAR of 3.5:1, the resultant development would be tall slender structure which may not be conducive to the functional needs of a business centre. Buildings with low FAR and increased height may lack the necessary bulk and depth to accommodate diverse commercial activities and provide attractive street-level interaction, which is important for creating well-functioning urban environments.

6.6 Furthermore, evidence from Mr Wallace considers that no particular urban design benefits that can be derived from the retention of the FAR control that are not better managed by other existing methods.[27]

Inflexibility and Underutilisation of Land

6.7 Urban land is a valuable resource and efficient use of land is crucial for sustainable urban development. A low FAR typically results in underutilisation of land where buildings either occupy only a portion of the available lot size or buildings that are well under the permitted building height limit. This may be the very reason most Business Zones in Hamilton are currently under the existing height limits, as noted within Dr Junqueira's Business Zones evidence.[28] This inefficiency can lead to urban sprawl as

---

[27] Evidence of Mr Wallace, at [4.5].
[28] Business Zones evidence of Dr Juliana Junqueira, at [29].

developers seek larger parcels elsewhere, which in turn can increase infrastructure costs and environmental impacts.

6.8 The PC12 Business Zones seek to encourage residential activity above the ground floor as part of appropriate mix of uses. Mixed-use developments often require a combination of residential, commercial, and sometimes institutional or recreational spaces. Limiting FAR can restrict the amount of floor area available for each type of use, making it challenging to accommodate the diverse needs of businesses, residents and visitors in a single development. This limitation may result in developments that are skewed towards one type of use at the expense of others, reducing the overall attractiveness and functionality of mixed-use environments. They may also discourage innovative approaches to urban design and development that could better meet current and future needs within the centres.

Transportation and Sustainability

6.9 Objective 3 of NPS-UD seeks to enable more people to live in, and more businesses and community services to be located in, areas of an urban environment that is well-serviced by public transport.

6.10 Mixed-use developments are often designed to promote walking, cycling, and the use of public transportation by providing a variety of services and amenities within close proximity. FAR standards may lead to less dense and more dispersed development patterns and contribute to urban sprawl which can encourage car-dependent lifestyles, exacerbating traffic congestion and air pollution. This runs counter to the principles of sustainable urban planning which aims to reduce reliance on vehicles and promote compact, walkable neighbourhoods.

Encouraging Sprawl

6.11 FAR standards may inadvertently promote urban sprawl by pushing development away from established urban centres where higher densities could support mixed-use developments and more sustainable modes of transportation and infrastructure.

Summary of Relief Sought

6.12 Foodstuffs seek the removal of Business Zones Standard 6.4.4 (Building Intensity) or a significant increase. In my opinion the FAR standard restricts the ability to provide for a density of urban form envisaged for a tier 1 urban environment. It will limit the scale and diversity of floorspace which is more appropriately controlled via the bulk and location standards, i.e. maximum building height (6.4.1), height in relation to boundary (6.4.2) and building setbacks (6.4.3). I also note that every new building within a Business Zone requires consent as a restricted discretion activity, with a comprehensive set of assessment criteria applying that requires consideration of key urban design elements including building design and form. A section 32AA assessment in support of this relief is set out at **Annexure A**.

7. FINANCIAL CONTRIBUTION PROVISIONS

7.1 Foodstuffs submission[29] sought the deletion of the financial contribution provisions in their entirety or that the provisions be amended by exempting new retail activities from the financial contributions.

7.2 I have read the statement of evidence on 'Financial Contributions' prepared by Ms Douglas, Senior Planner within the City Planning Unit of HCC. Ms Douglas recommends that Foodstuffs submission to removing financial contributions for non-residential activities be accepted. [30]

7.3 I fully support the recommended removal of financial contributions for non-residential activities, for the reasons set out in Foodstuffs' submission and in the evidence of Ms Douglas, and HCC proposed amendments to Appendix 18 of PC12. [31]

---

[29] Sub No. 240 (Financial Contributions).
[30] Financial Contributions evidence of Ms Clare Douglas, at [29].
[31] Financial Contributions evidence of Ms Clare Douglas, at [Appendix A].

8. PLANNING CONCLUSIONS

8.1 Foodstuffs' submission sought amendments the Business Height Overlay to include Glenview and Heaphy Terrace Centres.[32] A consequence of this relief is that the FAR should either be deleted or significantly increased.

8.2 To enable building heights and densities of urban form envisaged by the Policy 3(d) of the NPS-UD that are commensurate with the level of commercial activity of anticipated future population growth, I support:

(a) The application of the 26m Height Overlay to both Glenview and Heaphy Terrace Centres; and

(b) The removal of the restrictive FAR standard 6.4.4 (Building Intensity) to centres (or a significant increase).

8.3 These amendments will enable employment opportunities and services for the communities which they serve, giving effect to the NPS-UD, specifically Policy 3.

8.4 Lastly, Foodstuffs' submission[33] sought the deletion of financial contributions for non-residential activities. I support the recommended removal of financial contributions for non-residential activities as detailed in Ms Douglas evidence.[34]

Dated 26 July 2024

Evita Caroline Key

---

[32] Sub No. 237 (Height).
[33] Sub No. 240 (Financial Contributions).
[34] Financial Contributions evidence of Ms Clare Douglas, at [29].

Annexure A - Section 32AA Assessment

Theme 1: Extension of Height Overlay	Option 1: Officers' Recommendations for PC12	Option 2: Amendments as recommended by Foodstuffs
	Apply the maximum permitted building height under the Officers' Recommendations for PC12 (26 June 2024): • Glenview Suburban Centre = 16m • Heaphy Terrace Neighbourhood Centre = 18m	Apply the 26m Height Overlay to Glenview Suburban Centre and Heaphy Terrace Neighbourhood Centre.
Benefits	• Will provide the opportunities for some additional development capacity within Glenview and Heaphy Terrace Centres but not as much as Option 2. • Will provide the economic opportunity for more efficient land use, which may provide more affordable options for housing, providing social and economic benefits • Limiting building heights can encourage more human-scale, pedestrian-friendly environments. • Helps to control density to ensure that infrastructure and community services can support the population.	• Will provide the greater opportunities to realise as much development capacity as possible within Glenview and Heaphy Terrace Centres, particularly when compared to Option 1. • As identified in Foodstuffs' Economic evidence this will maximise residential, commercial, business and employment value generators of the centres and provide significant economic benefit to both the local community and Hamilton as a whole. • Will enable the greater amount of people to live in, and more business and community services to be located within Glenview and Heaphy Terrace Centres, contributing to housing and business supply, affordability, and choice and employment growth. This can improve the amenity of centres (e.g.: through increased activity and vibrancy), reduce transport costs, and use infrastructure more efficiently (e.g.: recent public transport upgrades to Ohaupo Road). • Will provide for increased development flexibility and enable development yield to be maximised, which may increase commercial viability. • Will retain bulk and location standards (i.e. maximum building height (6.4.1), height in relation to boundary (6.4.2) and building setbacks (6.4.3)) that provide certainty to all plan users in relation to acceptable built form outcomes within Glenview and Heaphy Terrace Centres.
Costs	• Will enable the establishment of a higher built form than is existing within Glenview and Heaphy Terrace Centres. There may be a social cost	• Will enable the establishment of a higher built form than is existing within Glenview and Heaphy Terrace Centres. There may be a social

Theme 1: Extension of Height Overlay	Option 1: Officers' Recommendations for PC12	Option 2: Amendments as recommended by Foodstuffs
	associated with a perceived change in amenity for some residents but not as much as Option 2.	cost associated with a perceived change in amenity for some residents.
Efficiency and Effectiveness	• This option is the least efficient and effective at achieving Policy 3 of the NPS-UD as it does not enable efficient use of land within Glenview and Heaphy Terrace Centres or buildings heights that realise as much development capacity as possible, to maximise the benefits of intensification. • This option is partially efficient and effective at achieving Objectives 6.2.2 and 6.2.3, and Policy 6.2.2a of the District Plan as it will ensure development within Glenview and Heaphy Terrace Centres is managed to respond to the existing scale of the surrounding catchments, however is less efficient than Option 2 as it will constrain development capacity to a greater extent. • This option is partially not efficient or effective at achieving Objectives 6.2.2 and 6.2.3, and Policy 6.2.2a of the District Plan as it constrains future development capacity and commercial viability within Glenview and Heaphy Terrace Centres and therefore does not respond to the future growth of the surrounding catchments. • This option is not efficient or effective at achieving Objective 6.2.2c of the District Plan as it constrains future development capacity and commercial viability within Glenview and Heaphy Terrace Centres for business opportunities and residential intensification.	• This option is efficient and effective at achieving Policy 3 of the NPS-UD as will enable more people to live and work within Glenview and Heaphy Terrace Centres, both being in accessible locations to employment opportunities and public transport. Building height is enabled to realise as much development capacity as possible, to maximise the benefits of intensification provided for under PC12. • This option is efficient and effective at achieving Objectives 6.2.2 and 6.2.3, and Policies 6.2.2a and 6.2.2c of the District Plan as it will support the commercial viability of new development and increased growth compared to Option 1 and the status quo, which will contribute to ongoing growth within Glenview and Heaphy Terrace Centres. • Increasing the height limit to 26m now will not in itself generate more growth in a centre but it will enable a more efficient form of development if landowners take advantage of that height standard. That will leave greater development capacity available into the future and will provide for more efficient centre overall.
Risk of acting or not acting	While there are risks associated with increasing heights (as outlined under the costs section above), the risk of not acting is: • The opportunity cost involved in eking out development capacity in centres over time (e.g.: by imposing a height standard of 16m now but increasing it to 26m in 15 years' time). That is because any building constructed in the interim to the 16m height standard would be an underdevelopment in terms of the 26m height standard that is ultimately expected to be appropriate. • Alternatively, the risk that no re-development will occur as the 16m height limit doesn't provide sufficient height for a feasible development (as outlined in the Foodstuffs' Economic and Corporate evidence) and the associated social costs of that (e.g.: the lost opportunity to deliver enhanced amenity, access to commercial services, housing, etc).	

Theme 2: Building Intensity Standard	Option 1: Officers' Recommendations for PC12	Option 2: Deletion of Amendment as recommended by Foodstuffs (recommended option)
	The Building Intensity Standard 6.4.4 under the Officers' Recommendations for PC12 (26 June 2024) which manages the floor area ratios within Business Zones includes: • Amendment of the operative Business Zone 6 ratio of 1:1 outside the Height Overlay but adjacent to MDHZ to 3:1. • Amendment of the operative Business Zones 2 and 4 ratios of 1:1 within the Height Overlay to 3.5:1. • Amendment of the operative Business Zone 6 ratio of 1:1 within the Height Overlay to 4.5:1.	The deletion of the Building Intensity Standard 6.4.4 which manages the floor area ratios within Business Zones.
Benefits	• May encourage the provision of open space on site such as plazas or landscaped areas. This is only relevant in some areas. Foodstuffs is unlikely to ever deliver landscaped areas, rather the non-GFA land would be allocated to at-grade carparking. • May help to prevent overconcentration of certain types of buildings. • Helps to control density to ensure that infrastructure and community services can support the population.	• Will provide greater opportunities to realise as much development capacity as possible within Business Zones compared to Option 1. • Will enable the greater amount of people to live in, and more business and community services to be located within Business Zones, contributing to housing and business supply, affordability, and choice and employment growth. • Will provide for increased development flexibility and enable development yield to be maximised, which may increase commercial viability. • Will retain bulk and location standards (i.e. maximum building height (6.4.1), height in relation to boundary (6.4.2) and building setbacks (6.4.3)) that provide certainty to all plan users in relation to acceptable built form outcomes within Business Zones.
Costs	• As identified in Foodstuffs' Urban Design evidence, this option would constrain development capacity and growth, particularly in the Height Overlay. • Incentivises lower height development because it is often more economical to build fewer storeys and use a greater portion of the site. This is an economic cost because it (a) can result in underdevelopment;	• The deletion of the Building Intensity Standard will enable the establishment of a higher density character than is existing within the Business Zones. This may have some negative perceptions from a social point of view.

Theme 2: Building Intensity Standard	Option 1: Officers' Recommendations for PC12	Option 2: Deletion of Amendment as recommended by Foodstuffs (recommended option)
	and (b) does not maximise the residential, commercial business and employment value generators of the centres. • By constraining development potential, this option creates opportunity costs for sites suitable for accommodating larger and more efficient building forms, including for commercial activities.	
Efficiency and Effectiveness	• This option is the least efficient and effective at achieving Policy 3 of the NPS-UD as it does not enable efficient use of land within the Business Zones or buildings densities that realise as much development capacity as possible, to maximise the benefits of intensification. • This option is not efficient and effective because there are already controls in the plan which manage built form, and assessment criteria concerning design and bulk (amongst other things) which need to be considered when assessing a resource consent for any new building. • This option is partially efficient and effective at achieving Objectives 6.2.2 and 6.2.3, and Policy 6.2.2a of the District Plan as it will ensure development within the Business Zones is managed to respond to the existing scale of the surrounding catchments, however is less efficient than Option 2 as it will constrain development capacity to a greater extent. • This option is partially not efficient or effective at achieving Objectives 6.2.2 and 6.2.3, and Policy 6.2.2a of the District Plan as it constrains future development capacity and commercial viability within the Business Zones and therefore does not respond to the future growth of the surrounding catchments. • This option is not efficient or effective at achieving Objective 6.2.2c of the District Plan as it constrains future development capacity and commercial viability within the Business Zones for business opportunities and residential intensification.	• This option is efficient and effective at achieving Policy 3 of the NPS-UD as will enable more people to live and work within the Business Zones, being in accessible locations to employment opportunities and public transport. Building density of urban form are enabled to realise as much development capacity as possible, to maximise the benefits of intensification and additional height provided for under PC12. • This option is efficient and effective at achieving Objectives 6.2.2 and 6.2.3, and Policies 6.2.2a and 6.2.2c of the District Plan as it will support the commercial viability of new development and increased growth compared to Option 1 and the status quo, which will contribute to ongoing growth within the Business Zones.
Risk of acting or not acting	While there are risks associated with deletion of the Building Intensity Standard 6.4.4 (as outlined under the costs section above), the risk of not acting is that you incentivise lower height development which is spread out on stie.	