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

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STATEMENT OF EVIDENCE OF KATHRYN ANNE DREW

ON BEHALF OF EAST ST PROPERTY TRUSTEE LTD

INTRODUCTION

1. My full name is Kathryn Anne Drew. I am the Planning and Land Development Manager at Bloxam Burnett & Olliver Ltd (**BBO**), a firm of consulting engineers, planners, and surveyors, based in Hamilton and Tauranga.

2. I have a Bachelor of Resource and Environmental Planning (Hons) from Massey University and have more than 20 years of experience in resource management and planning-related positions.

3. I am a full member of the New Zealand Planning Institute and a member of the Resource Management Law Association. I am a Certified Commissioner under the Ministry for the Environment's 'Making Good Decisions' course.

4. I have been involved in a wide range of planning work within the Waikato region over the last 20 years, including a variety of land development projects, sand quarries, landfills, and industrial and residential land use planning.

5. I have experience in preparing resource consent applications, assessment of environmental effects, and presenting expert planning evidence at hearings. My experience in relation to this hearing, is that I oversaw the preparation of East St Property Trustee Ltd submission on PC12.

6. Concerning this hearing, I am authorised to give evidence on behalf of East St Property Trustee Ltd.

7. In preparing this evidence I have also reviewed the relevant statements of evidence of expert witnesses giving evidence on behalf of HCC and the supporting plan provisions.

Code of Conduct for Expert Witnesses

8. I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses, as contained in section 9 of the Environment Court's Practice Note 2023, and I agree to comply with it.

9. The data, information, facts and assumptions that I have considered in forming my opinions are set out in my evidence that follows. The reasons for the opinions expressed are also set out in the evidence that follows.

10. I confirm that the matters addressed in this brief of evidence are within my area of expertise, with the exception of where I confirm that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from my opinions expressed in this brief of evidence. I have specified where my opinion is based on limited or partial information and I have identified any assumptions I have made in forming my opinions.

Scope of evidence

11. My evidence will address the following matters:

    (a) An overview of the East St Property Trustee Ltd and Central Hamilton Gospel Trust landholding and proposed zoning framework under PC12;

    (b) The relief sought in their primary submission; and

    (c) Specific changes sought to the PC12 provisions and the reasons for those changes.

THE EAST SIDE PROPERTY TRUST

12. The East St Property Trustee Ltd (ESPT Ltd) is the owner of a relatively large residential property located on the south-eastern corner of Peachgrove Road and East Street as shown in **Figure 1**. The property is broken up into two titles. A third title that is in the ownership of the Central Hamilton Gospel Trust[1] adjoins the site. ESPT Ltd has an interest in that title too. This evidence consequently relates to all three titles.

[1] ESPT Ltd have an interest in this land and thus have an interest in the proposal that is great than the interest of the general public.

13. The three titles, once combined, create a land parcel of 14,359m² (1.43ha). The parcels have a legal address of 164 and 174 Peachgrove Road, Claudelands, Hamilton and are legally described as follows:

    a. Part Lot 1 DPS 9043 – SA45C/375 – Central Hamilton Gospel Trust – 6805m²
    b. Lot 2 DPS 9043 – SA4B/521 – East St Property Trustee Limited – 4421m²
    c. Lot 1 DPS 8016 – SA1C/1205 - East St Property Trustee Limited – 3133m²

Figure 1 *- Subject Site and Surrounding Environment*

14. Two of the parcels, closest to East Street are generally vacant, whereas the third contains the Plymouth Brethren Christian Church and associated parking. The vacant sites were previously occupied with the Selwyn Sunningdale care facility and rest home, until early 2020 when it was demolished.

15. A land use consent was granted in February 2019[2] across the two northern titles, for an Integrated Residential Development consisting of 33 residential units (11 duplex units (or 22 units) and 11 apartments). This consent is supported by a concurrent subdivision consent to create individual unit titles for the units. The consented layout is shown in **Figure 2**.

Figure 2 – *Consented Layout*

16. Progress has been made to give effect to these consents, in the form of the building removal, however, earthworks and physical construction of the units have not commenced.

17. In January 2024 Council granted two s125 of the RMA extensions of time that extend the lapse dates for the land use and subdivision consents through to 12 February 2026 and 1 March 2026 respectively.

[2] Council reference: 010.2018.9872.002

PC12 SUBMISSION

18. The ESPT Ltd primary submission focused on the zoning of the site in relation to its strategic location and sought to enable a more lenient consenting pathway for development, similar to that consented, should that consent not be exercised.

19. The specific provisions that ESPT Ltd opposed and sought amendment to related to the underlying zoning of the three registered titles noted above. The ESPT Ltd submission requested that the site be zoned Medium Density Residential (MDRZ), as opposed to General Residential Zone (GRZ).

20. HCC summarised the ESPT Ltd primary submission as follows:

> *"The specific elements of PC12 that the submission relates to is the zoning of the site in relation to its proximity from Five Cross Roads - the nearest suburban centre. The specific provisions that ESPT Ltd opposes and seek amendment to relates to the underlying zoning of the three registered titles noted above. The General Residential zoning is too restrictive for this site, having regard to the site characteristics and its location relative to Five Cross Roads suburban centre, public transport opportunities, schooling, open space and other commercial activities. The increased development opportunity available through a MDR zoning would allow future development of the site to greatly capitalise on these matters and make best use of readily accessible amenities[3]."*

21. The submission is recorded as being submission No. 260.1.

PC12 EVIDENCE

<u>Strategic Location</u>

22. Post submissions, HCC has reviewed and limited the MDRZ around the Sub-Regional catchments of the Central City, Chartwell and Five Cross Roads. This includes the retention of the MDRZ around those centres including the upzoning of land along some of Peachgrove Road. The subject site is also located on Peachgrove Road and is separated approximately 215m (as the crow flies) from the nearest property along Peachgrove Road within the MDRZ.

23. See Figure 3 for the zoning within the surrounding environment, and the location of the closest MDRZ.

[3] Hamilton City Council – Summary of Submissions PC12

Figure 3 *– PC12 Zoning*

24. As highlighted by the existing consent approval, and whilst there is a separation between the proposed MDRZ, it is my opinion the site is considered prime for redevelopment at a density enabled by the MDRZ due to an array of strategic attributes that are akin to land within the nearby MDRZ at Five Cross Roads. These include the following:

(a) The subject site is located 650m from Five Cross Roads, the nearest suburban centre, being a 8 minute walk from the site.

(b) The site is located directly north of the Claudelands Countdown. It is extremely rare for such a large parcel of prime development land to have doorstep access to an established supermarket chain. Superettes, bakeries and Mitre 10 are also within a 550m walk of the subject site.

(c) The site has only one boundary (being the eastern boundary) that interfaces with other residential properties. The land is bordered to the north by East Street, to

the west by Peachgrove Road and to the south by the railway line and Claudelands Countdown. Furthermore land to the south is zoned Industrial (as shown in Figure 3) creating a point of difference between this site and others where MDRZ is sought.

(d) The primary submission has detailed the seven schools (primary, secondary, public and private) and their locations. The furthest of the seven schools being located 1.2km away from the subject site.

(e) The site is well located in relation to the Waikato University and the growing Ruakura Innovation hub and Ruakura Superhub.

(f) The site is well serviced by a public transportation network consisting of three bus routes, being the Orbitor and Flagstaff North x 2. The closest bus stop is also located directly outside of the site, being 164 Peachgrove Road and opposite 164 Peachgrove Road. These bus routes provide a perimeter service for Hamilton and direct connections to Chartwell and Rototuna.

(g) The site is located within 570m from Claudelands Park which includes large tracts of public open space and an events centre.

(h) The site connects to two road frontages providing multiple vehicle access point options and excellent connections to the existing roading network.

(i) The size and scale of the site provide the ability to masterplan for the entire site to ensure that any off-site amenity impacts are mitigated and the character and built form outcomes are suitable for the neighbourhood character and the location.

25. In principle, the exceptional strategic attributes and the size and location of the site would be akin to the provisional outcomes and higher-order planning instruments sought by PC12. Contrary to the view of Mr Roberts[4], it is also my opinion that the site meets the intent of Policy 3 of the NPS-UD for the reasons I have noted above, but particularly due to its location near existing commercial activities and its accessibility to a rapid transit corridor.

26. Its size, location and proximity to commercial activities also differentiates it from other properties that are seeking similar zoning to enable the zoning to be justified.

[4] Mr Roberts EIC – Issue 3, pg 18

General Residential Zone

28. The GRZ is considered to be an overly restrictive zone for the site based on a number of factors.

29. More specifically PC12 proposes to amend the notified permitted activity status for 1 to 3 residential units within the GRZ by reducing the number of residential units that would be permitted to 1 to 2 residential units. It also seeks to restrict the development of apartments by making their status a Discretionary Activity.

30. These outcomes are at odds with the consent approval that has already been granted for the site, demonstrating that a density of 33 units, including apartments, can be appropriately achieved across the site. Secondly, these controls mean that any form of density across the site, over 2 residential units, will require a more onerous consenting process when its size clearly lends itself to redevelopment at a greater density.

31. PC12 also proposes to reduce the GRZ site coverage requirement from 50% to a total of 45% and reduce the overall building height in the GRZ to 10m, which further stifles the chances of redevelopment of the subject site at density.

32. Consequently, if a new consent was to be sought for the outcome already consented such would be a discretionary activity in the GRZ. As a discretionary activity Council's discretion is not limited and there are risks around public notification that would need to be traversed.

Medium Density Residential Zone

33. The purpose and intent of rezoning the listed areas within PC12 is to create a more compact urban form and achieve a more sustainable city form. Advantages include walkability (services, jobs, recreation, open space) reduced dependence on private vehicles, more efficient use of land resources (reducing sprawl) and more efficient provision of infrastructure. The subject site is considered to achieve all of these requirements whilst providing the population base so desperately needed to sustain the city centre.

34. The policy framework proposed for the MRDZ provides for a variety of housing typologies with an anticipated height of 5 storeys, greater site coverage (50%) and a greater range of activities with a more lenient consenting pathway. Consequently, the adoption of the MDRZ across the subject site would allow for a range of housing typologies, including those already consented.

35. Although redevelopment of the site, at the scale already consented, is likely to require a resource consent approval, having an underlying zoning of MDRZ will provide a more favourable consenting pathway i.e. a restricted discretionary activity, reducing risks and costs to consenting.

36. The subject site is considered to complement and logically addition to the proposed MRDZ located to the north. In my opinion, the unique characteristics of the site and the fact it adjoins an industrial zone, will also ensure that it is not considered or seen as a new or isolated node that would require further strategic analysis or justification.

Infrastructure

37. It is clear that HCC has raised issues with the spatial concentration of medium and high density zoning due to the lack of enabling infrastructure such as three waters. Prioritising areas of the city will allow a greater ability for HCC to meet the infrastructure upgrade demand. This is not contested.

38. The subject site however, is within the vicinity of the Peachgrove MDRZ (within 215m) and is considered logical for a MDRZ. The subject site will benefit from the enabling infrastructure provisions south of the Five Cross Roads Sub-Catchment. The subject site is not considered to be an unreasonable or costly infrastructure enterprise due to its proximity to Five Cross Roads.

CONCLUSION

39. The subject site is not considered to be an ad hoc addition to the MDRZ nor overwhelm the three waters networks, it is not considered to generate adverse effects on the Waikato River nor breach HCC's obligations under Te Ture Whaimana.

40. The site benefits from a series of unique attributes such as proximity to a supermarket, one residential interface, proximity to a public transport network, public open space, schooling, employment and associated services on its door step. Any design put forth in the future can appropriately mitigate any offsite effects by way of building bulk, design and traffic impacts and can appropriately address all streetscapes with quality design outcomes, as demonstrated with the consent approval already granted.

41. In conclusion, the criteria that informed the reasoning for the MDRZ to be 400m from the Five Cross Roads Sub-Catchment is also present at 164-174 Peachgrove Road for the reasons set out in paragraph 24 above.

42. As such, I hereby request that the Panel accept the request for the land to be rezoned to MDRZ.

Kathryn Drew

24 July 2024