

**IN THE MATTER**

**of the Resource Management Act 1991**

**AND**

**IN THE MATTER**

**of the Proposed Plan Change 5 ("PC5") to the  
Hamilton City Operative District Plan**

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**SUMMARY OF EVIDENCE OF PHILIP BROWN ON BEHALF OF WOOLWORTHS  
NEW ZEALAND LIMITED**

**PLANNING**

**29 SEPTEMBER 2022**

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## **1. INTRODUCTION**

### **Background and experience**

- 1.1 My full name is Philip Michael Brown. My qualifications and experience are as set out in my evidence in chief dated 16 September 2022.

## **2. SUMMARY OF EVIDENCE**

- 2.1 The Peacocke area has been signalled as a location for urban growth for a considerable period of time. The Peacocke Structure Plan was created in 2007 and reviewed in 2012, through full public consultation processes, and is incorporated into the operative District Plan. The operative Peacocke Structure Plan identifies the Local Centre at the transport route junction at the intersection of Peacockes Road and the east-west minor arterial road, with retail and traffic-oriented activities on all four corners of the intersection.
- 2.2 I consider that the proposed Local Centre Zone should be extended to include the WWNZ site located to the west of Peacockes Road, in accordance with the operative Structure Plan. In my opinion, the proposed extent and placement of the Local Centre Zone in PC5 will not result in an optimum outcome for the local centre in terms of amenity and efficiency.
- 2.3 The current proposal, which positions the entire local centre to the east of Peacockes Road, does not take sufficient advantage of the prominent frontage that is available at the intersection of Peacockes Road and the proposed east-west minor arterial road. I consider that the profile and accessibility provided by the roads at this location is a significant benefit that will contribute to the success of the centre.
- 2.4 My assessment is focused on a supermarket locating on the WWNZ site, given that WWNZ is a supermarket developer and operator. In my opinion, the evidence before the Panel clearly demonstrates the site is optimal for a successful supermarket to develop, without undermining the rest of the Local Centre. Supermarkets are inevitably more car-oriented than smaller-format retail activities because consumers need to transport often large quantities of grocery items back to their homes. The amendments to the geographical extent of the local centre that I support would provide a logical separation of different retail categories and enable more efficient servicing of the supermarket from the existing and proposed minor arterial roads.

- 2.5 I consider it essential that Peacockes Road not act as a barrier to pedestrian movement, irrespective of whether the WWNZ site is included in the Local Centre or not. Much of the potential walkable catchment for the proposed Local Centre is undevelopable due to the river, gully, and proposed open space. This is far from ideal for an integrated centre and, in my opinion, not consistent with a well-functioning urban environment. If Peacockes Road were to operate as a significant barrier for pedestrian movement, the proposed Local Centre would then be left with only around 30% of its potential walkable catchment.
- 2.6 In my opinion, the integration of the Local Centre with the Peacocke community would be improved significantly if the Local Centre Zone were extended to the west to include the WWNZ site. The walkable catchment of the Centre would then be less affected by constraints that limit both access and population density within the surrounding land. I consider that to be an outcome that must be better for the performance and health of the Centre overall.
- 2.7 A supermarket location to the rear of the main shopping street, such as in the position shown in the Adare Concept Plan, will provide poor accessibility for the supermarket and encourage cars and heavy vehicles into the pedestrian focused retail street.
- 2.8 The Peacocke Local Centre Design Guideline makes it clear that the main street is to accommodate fine grain retail activity with active street frontages and small footprints. Larger commercial activities, such as a supermarket, are to be located outside of the main street. I accept these principles as being sound from a planning perspective, and consider that they can be given effect to by inclusion of the WWNZ site in the Local Centre Zone. In my opinion, the WWNZ site provides a desirable supermarket location for the supermarket operator and the general public. The corner site will enable well understood supermarket design imperatives including a pedestrian friendly entrance, convenient parking, high visibility and separated servicing areas to be achieved, without undermining the main street.
- 2.9 For the local centre to be successful, the supermarket needs to be successful. I consider that there is no value in locating a supermarket in a sub-optimal position in a centre, where its operations are compromised and constrained, as this will ultimately be to the detriment of the centre overall. In my opinion, a better approach is to locate the supermarket on a site where it can operate effectively while also integrating appropriately with the rest of the centre.

- 2.10 In my opinion, the WWNZ site is the ideal location for establishment of a supermarket within the proposed local centre. It is a flat site of sufficient size, with regular dimensions and three frontages to existing or proposed roads. It is accessible to a greater number of people, including residents within the walkable catchment and people from the wider area using the proposed arterial road network. The WWNZ site is not an '*out of centre*' location. It will be entirely integrated with the balance of the Local Centre, together with the school, transport hub, and the surrounding residential area. The WWNZ site is, quite literally, just across the road from the proposed main street and able to be accessed through the signalised pedestrian crossing.
- 2.11 I consider that alternative sites, within the currently proposed extent of the Local Centre Zone, are subject to greater constraints. I have reviewed the existing and proposed rules and standards from the Hamilton District Plan and PC5 that relate to these constraints. While it seems unlikely that buildings or works within the areas of constraint would be prevented from establishing, the relevant provisions are likely to specifically require resource consent for some works and set higher information requirements and compliance costs. In my opinion, that would not contribute to efficient development of the Local Centre nor provide a level of certainty that is conducive to investment decisions.
- 2.12 I consider that it is essential that appropriate pedestrian access is facilitated across Peacockes Road in order to provide a Local Centre that is integrated with its surrounding catchment. Whatever the final design of the Peacockes Road minor arterial, it will have a signalised intersection that facilitates convenient and safe crossing so any concerns that might arise regarding the potential for Peacockes Road to form a barrier to the efficient movement of pedestrians between different parts of the local centre are unfounded. If that were not the case, children could not access the school on foot from the residential area to the east of Peacockes Road, and passengers using the northbound public transport services would not be able to access the Local Centre or their homes to the east of Peacockes Road. Appropriate integration of the WWNZ site also ensures suitable integration of the surrounding catchment west of Peacockes Road.
- 2.13 I have no concerns about the size of the Local Centre and any potential for adverse retail distribution effects. The proposed 20,000m<sup>2</sup> cap on GFA will ensure that the centre does not distort the retail hierarchy. Any land within the Local Centre Zone that is not taken up by commercial development can be appropriately developed for high-density residential uses, as enabled through the additional flexibility sought by Adare and supported by the Council. Land

adjacent to the Waikato River gully system and proposed open space would be suitable for high-density residential development in my opinion due to the amenity in these areas and because the smaller footprints are able to accommodate the mixed contour better than larger format commercial uses.

### **3. CONCLUSION**

3.1 I consider that the proposed Local Centre Zone should be extended across Peacockes Road, to include the WWNZ site. In my opinion, this provides an appropriate location for a supermarket to serve the Local Centre, and provides for an outcome that does not undermine the Council's intentions for the main street.

3.2 As discussed by Ms Arthur-Young and Mr Shao, WWNZ would accept a level of control in the provisions to ensure the outcome that it proposes and intends to deliver will occur. The simplest way to achieve this, and alleviate any concerns about a substantial specialty retail offering on the WWNZ site, is to impose a site-specific retail cap. I have amended the version of the provisions that are attached to the s42A report to alter the proposed Retail rule (LCZ – PSP: R6). My amendments insert an additional permitted activity performance standard to limit the total GFA on the WWNZ site to 500m<sup>2</sup>, excluding supermarkets. A development on the WWNZ site that exceeds this threshold would be assessed as a discretionary activity. That quantum of retail is nominal, but it would provide WWNZ with the flexibility to achieve any required urban design outcomes if necessary in order to obtain a resource consent for development of the site.

**Philip Brown**

29 September 2022