

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

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

PLANNING

16 SEPTEMBER 2022

1. INTRODUCTION

Background and experience

- 1.1 My full name is Philip Michael Brown. I am a Director of Campbell Brown Planning Limited, a firm of planning consultants. I hold the qualification of Bachelor of Town Planning from the University of Auckland. I am a full member of the New Zealand Planning Institute.
- 1.2 I have over 30 years of experience in planning and resource management. My experience has included work in both the public and private sectors, and has encompassed a full range of resource management matters including district plan development and the preparation and assessment of resource consent applications.
- 1.3 I have previously held the position of Group Manager: Planning & Community Services with the former Waitakere City Council. In that role I managed a section of the Council that had responsibility for initiating and processing District Plan changes, processing complex or significant resource consent applications, processing notices of requirement for designations, developing structure plans, and providing guidance and technical support to the Council's Hearings Committee.
- 1.4 I have appeared as a witness at Council hearings and before the Environment Court on numerous occasions, relating to both district plan changes and resource consent matters. I have been appointed to the Auckland Council's pool of independent hearings commissioners and undertake functions in that capacity on a regular basis.
- 1.5 Of particular relevance to this matter is my extensive experience in relation to district plan preparation, including all aspects of statutory plan development and review. I have been involved in the preparation of numerous plan changes, both council-initiated and private, as well as full reviews of district plans. I was engaged by Auckland Council in the role of lead planner for a number of the Proposed Auckland Unitary Plan topics. I have also been engaged by the Ministry for the Environment to present a number of workshops on the implementation of section 32 and section 32AA of the Resource Management Act 1991 ("**RMA**").
- 1.6 I appear to present evidence on behalf of Woolworths New Zealand Limited ("**WWNZ**"), in respect of PC5. WWNZ lodged a submission on PC5 seeking

that the current extent of the Local Centre in the Operative Structure Plan be retained. I am authorised to provide this evidence on behalf of WWNZ.

1.7 In the course of preparing this statement of evidence I have read and carefully considered the following documents:

- (a) PC5, including the Section 32 Assessment report, the Assessment of Environmental Effects report, and the relevant supporting technical reports;
- (b) The relevant provisions of the operative Hamilton City District Plan;
- (c) The s42A report prepared by Mr Sharman and Mr Roberts, and the accompanying reports prepared by the Hamilton City Council ("**Council**") technical specialists; and
- (d) The evidence prepared by the other expert and corporate witnesses for WWNZ, and the evidence on behalf of Council relating to the Local Centre.

1.8 I attended the expert witness conferencing session relating to the Local Centre Zone on 25 August 2022. I contributed to the Planning, Retail Economics and Urban Design (Local Centre) Joint Witness Statement ("**JWS**") that was prepared through that process, and confirm that it accurately reflects my position and my recollection of the conclusions of the other relevant experts.

Code of Conduct

1.9 I confirm that I have read the Code of Conduct for Expert Witnesses 2014 contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

2. SCOPE OF EVIDENCE

2.1 This statement of evidence will:

- (a) describe WWNZ's site and the existing environment, including the zoning history of the wider Local Centre Zone area;
- (b) provide an overview of the relevant planning provisions set out under the District Plan and PC5;

- (c) outline WWNZ's position that it is appropriate for the site to be included in the Local Centre Zone; and
- (d) respond to any planning related issues in the section 42A report.

3. SITE DESCRIPTION AND ZONING HISTORY

- 3.1 PC5 proposes to rezone approximately 7.8 hectares of land from Peacocke Special Character Zone to Local Centre Zone to establish the main commercial centre within Peacocke. The Local Centre Zone is intended to have a community, mixed use and pedestrian focus, and provide a supermarket and a range of other commercial activities that provide for the needs and wellbeing of the community. The proposed Local Centre Zone is situated to the east of Peacockes Road.
- 3.2 WWNZ owns the site at 410 Peacockes Road (the "**WWNZ site**"), which is immediately to the west of the proposed Local centre Zone. The WWNZ site is approximately 1.7 hectares in area and is located on the south-western corner of the intersection of Peacockes Road and the proposed east-west minor arterial road. I understand that the WWNZ site was purchased in reliance on the Peacocke Structure Plan, which is an operative provision in the Hamilton District Plan. The WWNZ site is regular in shape and flat, and is currently used for grazing. Once development in this location has occurred, the WWNZ site will have frontage to three roads.
- 3.3 PC5 proposes to identify the WWNZ site as Medium Density Residential Zone, within a High Density Overlay Area. The northern part of the WWNZ site is also subject to a designation, to enable establishment of the east-west minor arterial road.
- 3.4 The proposed area of Local Centre Zone is currently in pasture, with several farm buildings clustered at its southern end. The landform is undulating, with an overall gentle fall from Peacockes Road toward the steep and vegetated gully system that largely defines its eastern edge. The gully system is associated with the Waikato River.
- 3.5 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. It is incorporated into the operative District Plan. The operative Peacocke Structure Plan identifies the Local Centre (referred to as the Suburban Centre at that time) at the transport route junction at the intersection of Peacockes

Road and the east-west minor arterial road, stating that this location will ensure it is easily accessible to the entire growth cell. The Concept Plan of the Suburban Centre (**Figure 1**) indicates retail and traffic-oriented activities on all four corners of the intersection.

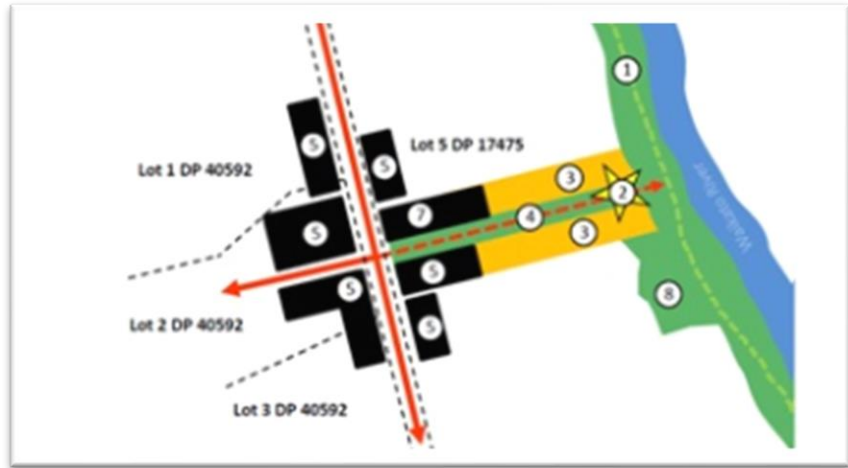


Figure 1: Concept Plan illustrating the proposed Suburban Centre and its form¹

3.6 The extent of the Local Centre Zone, straddling Peacockes Road in accordance with the indication provided by the Peacocke Structure Plan, is also reflected in the masterplan that was prepared for the 'Amberfield' land and submitted with the resource consent application lodged with Hamilton City Council on 21 May 2018. The extent of the Amberfield land, and the provision that the masterplan makes for the local centre on each side of Peacockes Road, are illustrated in **Figure 2** and **Figure 3**.

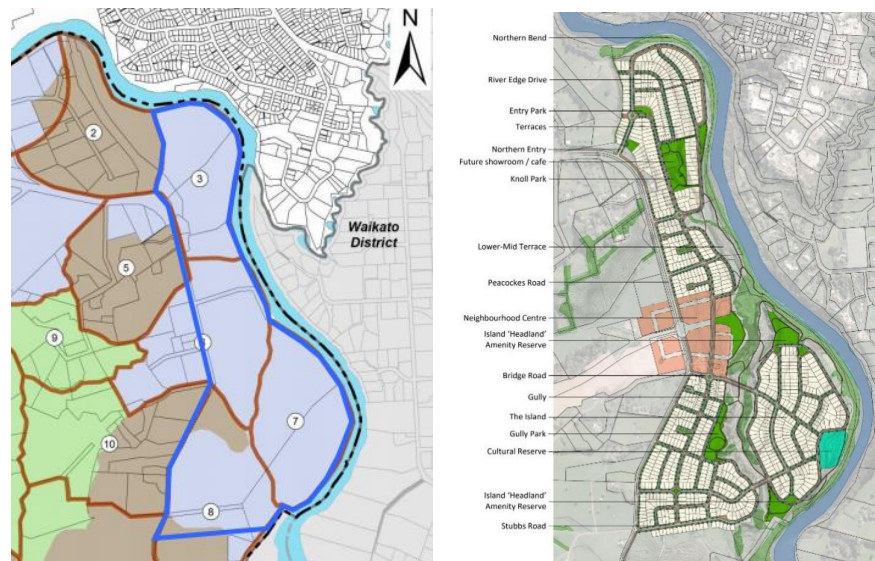


Figure 2: Amberfield site (left) and masterplan (right)

¹ Source: operative Hamilton District Plan, section 3.4.3.3.



Figure 3: Amberfield masterplan depiction of local centre

3.7 It is clear from this background that considerable planning and design work had been undertaken, culminating in the Peacocke Structure Plan being incorporated into the Hamilton District Plan in a form that contemplated the distribution of the local centre on both sides of Peacockes Road. The masterplan for the Amberfield development also envisaged the extent of the local centre including land to the west of Peacockes Road. PC5 now seeks to alter the operative District Plan to remove provision for the Local Centre from the WWNZ site.

4. RELEVANT PLANNING PROVISIONS UNDER THE DISTRICT PLAN AND PC5

4.1 The Local Centre Zone proposed in PC5 is intended to be the commercial and community hub of the Peacocke area, and is anticipated to include a supermarket and a range of other commercial activities that provide for the needs and wellbeing of the community.²

4.2 PC5 proposes that supermarkets are provided for in the Local Centre as a restricted discretionary activity, subject to compliance with a number of development standards addressing bulk, location and design of buildings,³ and provided that the supermarket is located outside of any primary or secondary frontages.⁴

4.3 If one or more of the development standards are not achieved, the proposed supermarket would continue to be considered as a restricted discretionary

² PC5, Chapter 6B, LCZ – PREC1-PSP: Issues.

³ PC5, Chapter 6B, LCZ – PREC1-PSP: R40-R49.

⁴ PC5, Chapter 6B, LCZ – PREC1-PSP: R22.

activity. If the supermarket were to be located within a primary or secondary frontage, then the proposal would be assessed as a non-complying activity.⁵

4.4 The PC5 proposed objectives and policies do not refer to the extent or location of the Local Centre Zone. They are, understandably, focused on the nature and form of development that would occur in the zone, once its location and extent are settled. For this reason, I consider that the PC5 objectives and policies are of limited assistance in determining the specific land to which the Local Centre Zone will be applied.

4.5 However, there are some relevant matters identified in the Local Centre Zone objectives and policies. Objective O1 applies to all areas of Local Centre Zone in the City. The objective seeks to ensure that local centres are "*at a scale appropriate to suburban catchments, while not undermining the primacy, function, vitality, amenity or viability of the Central City.*" I interpret this objective as attempting to manage potential adverse retail distribution effects by ensuring that local centres are not disproportionately large within the retail hierarchy.

4.6 Policy P1 also addresses scale, noting that local centres are to be "*provided at a scale and nature appropriate to the needs of the surrounding residential areas*".

4.7 There are two specific references to supermarkets in the Local Centre Zone objectives and policies. Objective O2 states that the Peacocke Local Centre "*is the only location for a supermarket within the Peacocke Structure Plan area.*" Policy P10 states, in full, "*Require activities with large floor areas, including supermarkets, to be located outside of areas identified as having active frontages.*"

4.8 The remaining objectives and policies address matters such as amenity, the ranges of services enabled, encouragement of pedestrian activity, and urban design. I have no particular issue with any of those provisions, which are generally appropriate in my opinion irrespective of the location and extent of the Local Centre Zone.

5. INCLUSION OF THE SITE IN THE LOCAL CENTRE ZONE

5.1 I consider that the Local Centre Zone should be extended to include the WWNZ site located to the west of Peacockes Road. In my opinion, the proposed

⁵ Ibid.

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.

- 5.2 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.
- 5.3 I consider that the local centre should straddle the intersection of Peacockes Road and the proposed east-west minor arterial road, as proposed in the original structure planning undertaken by the Council. That will allow a separation of the retail uses so that the finer-grained retail, office, and entertainment activities are focused on the eastern side of Peacockes Road and the larger format supermarket can utilise the regular-shaped and flat land at the WWNZ site. That outcome is also consistent with the vision for the local centre main street that is articulated in the Peacocke Local Centre Design Guideline⁶ and in the proposed objectives and policies of PC5.
- 5.4 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.
- 5.5 Much of the land proposed to be zoned for the local centre will be set well back from any existing or proposed primary road. Future sites in those locations are likely to contribute little to the amenity and vibrancy of the local centre and would be too remote from the main retail street or arterial roads to attract significant foot-traffic. I consider that the lack of visibility of these sites will reduce their value and attract relatively low amenity land uses that would undermine the outcomes sought for the local centre.
- 5.6 In my opinion, the Waikato River and associated green space is not likely to provide a sufficiently strong anchor at the eastern end of the proposed local centre to draw customers down the main street. I am also concerned that the Local Centre may suffer from poor visibility, being effectively located down a cul-de-sac, away from more intensive housing, education facilities or other

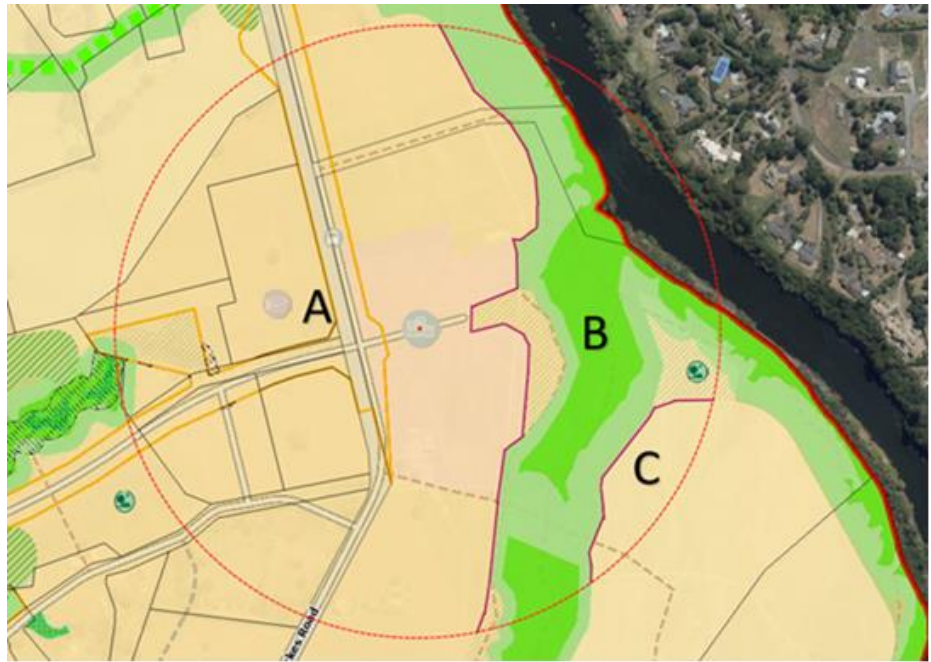
⁶ PC5, 1.4.10 Peacocke Local Centre Guide, Key moves: Main Street (page 280) and Commercial use (page 280).

anchors that attract customers and contribute to the vibrancy of the centre. I consider that a supermarket on the highly visible WWNZ site would assist with legibility of the Local Centre within the Peacocke area.

5.7 Much of the walkable catchment of the proposed local centre under PC5 would be comprised of open space, stormwater wetland, the Waikato River corridor, and relatively lower-density housing. In my opinion, the high proportion of those uses within close proximity to the local centre is not consistent with a well-functioning urban environment. I consider that the focal point of the local centre should be shifted further to the west, so the centre can benefit from the visibility and frontage provided by the intersection of two arterial roads, the activity levels of the proposed school, and the convenience of the proposed public transport hub. More of the centre's walkable catchment would then be occupied by housing or other urban uses, which would assist in supporting the success of the centre.

5.8 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. My reasoning is illustrated in **Figure 4**, which shows a 400m walkable catchment⁷ based on the main street of the proposed Local Centre. The image shows that 28.3% of the potential walkable catchment is undevelopable due to the river, gully, and proposed open space. A further 3.5% of the catchment is only made available with the establishment of a pedestrian bridge across the gully. This is far from ideal for an integrated centre and, in my opinion, is an avoidable disadvantage that the Centre would need to overcome if maintained as proposed by PC5. 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, aligned in a narrow north-south band.

⁷ 400m is a typical distance for a walkable catchment, and equates roughly with a five-minute walk.



Location	Area (ha)	Proportion
A	34.2807	68.2%
B	14.2250	28.3%
C	1.7593	3.5%
Total	50.2650	100%

Figure 4: Proposed PC5 Local Centre – walkable catchment

- 5.9 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.
- 5.10 The limited length of the "main street" shopping environment means that the supermarket cannot realistically exist in that location without compromising the pedestrian environment and removing the potential for a greater variety of centre-based activities. A location to the rear of the main shopping street, such as in the position shown in the Adare Company Limited ("**Adare**") Peacocke Local Centre Concept,⁸ will provide poor accessibility for the supermarket and encourage cars and heavy vehicles into the pedestrian focused retail street. This would clearly undermine the proposed PC5 policy seeking to facilitate a vibrant centre by establishing activities that encourage pedestrian activity on

⁸ Peacocke Local Centre Concept – August 2022 (prepared for Adare by Urbanismplus).

the ground floor. PC5 includes a proposed policy requiring activities with large floor areas, including supermarkets, to be located outside of areas identified as having active frontages.

- 5.11 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.
- 5.12 I consider that 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. The intersection will be signalised, so priority can be afforded to pedestrian movement through the intersection design. Successful local centres are often located on intersections of main roads in traditional high-street environments.
- 5.13 The proposed Peacocke Local Centre Design Guideline states that the road corridor in the vicinity of the local centre should "*Create a low speed environment (30km/hr) that is safe for pedestrians and enables safe and easy crossing of Peacockes Road.*"⁹ The Design Guideline also states that the design of Peacockes Road should "*Minimise crossing widths for pedestrians through narrow vehicle lanes.*"¹⁰ These outcomes will facilitate pedestrian access between the main street on the eastern side of Peacockes Road and a school and supermarket on the western side of Peacockes Road.
- 5.14 It is clear to me that the ability for pedestrians to conveniently cross Peacockes Road is necessary for the efficient functioning of the local centre in any event, irrespective of whether the local centre straddles the intersection or is located on one side or the other. That is because pedestrians would still need to access a local centre located to the east of Peacockes Road from the western side of the road, as the land to the west makes up a substantial part of the walkable catchment.

⁹ PC5, 1.4.10 Peacocke Local Centre Guide, page 280.

¹⁰ Ibid.

- 5.15 The school will also assist in anchoring the local centre at its western end so that all four corners of the intersection have an identifiable presence and an appropriate level of activity. Efficient and safe pedestrian access between the school and the local centre will be a desired outcome of the design of Peacockes Road.

Assessment of the Site against relevant planning provisions

- 5.16 I have considered the WWNZ site in the context of the proposed objectives of PC5, including those objectives that apply more generally across the Local Centre Zone (to locations other than Peacocke). I have included an evaluation under s32AA RMA at **Attachment A** to address the inclusion of the WWNZ site within the Local Centre Zone, and the key conclusions from that are included in this statement of evidence.
- 5.17 There are five objectives for the proposed Peacocke Local Centre Zone, one of which also applies to other local centres.
- 5.18 I consider that the inclusion of the WWNZ site within the Local Centre Zone would achieve the Local Centre Zone objectives. The Peacocke local centre would remain at a scale that would not undermine the primacy of the Central City.¹¹ It would provide a range of services, and the WWNZ site would ensure that a supermarket was provided for Peacocke.¹² Separation of large format retailing from the fine-grained main street environment would ensure that any effects arising from the supermarket would not undermine the intended pedestrian-oriented outcome that is sought for the local centre core.¹³ Allocation of a Local Centre Zone to the WWNZ site would provide for better integration of the centre into the surrounding neighbourhood, because more local residents would have walkable access to the centre, the centre as a whole would be more accessible by active modes and passenger transport (because of a greater use of Peacockes Road), and integration of the western part of the local centre catchment across Peacockes Road is likely to be more effective.¹⁴
- 5.19 For completeness, I have also considered the 17 policies that seek to give effect to the Peacocke local centre objectives. I have not identified that the inclusion of the WWNZ site within the Local Centre Zone will undermine any policy. In my opinion, establishment of a supermarket on the WWNZ site would be entirely consistent with the relevant policies proposed by PC5.

¹¹ Peacocke Local Centre - Objective O1.

¹² Peacocke Local Centre - Objective O2.

¹³ Peacocke Local Centre - Objective O3.

¹⁴ Peacocke Local Centre - Objective O4.

5.20 Policy 10 requires that activities with large floor areas, including supermarkets, be located outside of areas identified as having active frontages. I consider that this policy is achieved more effectively by a supermarket occupying the WWNZ site, because it is able to establish without undermining the "*high quality urban design outcomes*"¹⁵ that are sought within the main street and identified active frontages to the east of Peacockes Road. In my opinion, a supermarket 'shoe-horned' into the proposed local centre has greater potential to present challenging frontage conditions and compromised urban design outcomes because of the constraints. This is evident from the Adare Peacocke Local Centre Concept, which illustrates a supermarket with its back and service/loading area fronting Peacockes Road.

Assessment of the Site against alternative supermarket locations

5.21 PC5 specifically anticipates that the Local Centre Zone will include a supermarket in order to provide for the needs and wellbeing of the community. A supermarket is generally acknowledged as an important anchor facility in a local centre.

5.22 However, 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.

5.23 The supermarket should be well-positioned so that it is easily accessible by heavy vehicles (for deliveries of goods) and private motor vehicles (for customers), and does not compromise the focus on creating a pedestrian-friendly environment with active street frontages within the core area of the local centre.

5.24 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.

¹⁵ Peacocke Local Centre – Policy P11.

- 5.25 That said, I note that the all the economic experts agree that the local centre can accommodate two supermarkets (as recorded in the JWS). A decision to extend the Local Centre Zone to include the WWNZ site does not therefore preclude the establishment of a second supermarket to the east of Peacockes Road.
- 5.26 I consider that alternative sites, within the currently proposed extent of the Local Centre Zone, are subject to greater constraints. The land to the east of Peacockes Road is undulating and has a relatively steeper slope, and would therefore require more earthworks to form the building platform and parking areas. The nature of supermarket development is such that a large slab foundation is required at a consistent finished level, and parking areas and pedestrian access need to be of minimal gradient to enable safe movement of grocery trolleys to and from customers' vehicles. It would seem likely that substantial retaining walls would be required on potential supermarket sites to the east of Peacockes Road, which may lead to compromised urban design outcomes.
- 5.27 The image below at **Figure 5** illustrates the extent of potential constraints within the mapped extent of the Local Centre Zone. Those constraints or exclusions to development include the road designation (shown as 'A' in Figure 5), a significant archaeological site (shown as 'C', 'D' and 'E'), a Seismic Stability Area ('D', 'E' and 'F'), and a Waikato River and Gully Hazard Area ('E'). The remaining area without constraints ('B') makes up 38.5% of the Local Centre Zone land.

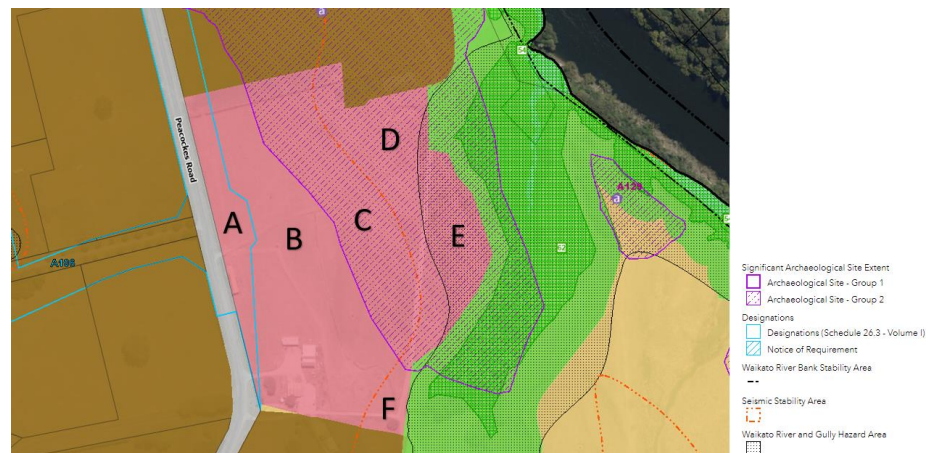


Figure 5: Potential constraints within the local centre

5.28 A breakdown of the proportions of the Local Centre Zone land subject to various constraints is set out in the tables below, at **Figure 6**.

Area	Percentage
A	8.7%
B	38.4%
C	16.6%
D	22.9%
E	10.5%
F	2.9%
Total	100.0%

Constraint	Areas	Percentage
Designation	A	8.7%
Seismic Stability Area	D, E, F	36.3%
Significant Archaeological Site	C, D, E	50.0%
Gully Hazard Area	E	10.5%

Land with constraints (A, C-F)	61.6%
Land without constraints (B)	38.4%
Total	100.0%

Figure 6: Tables setting out proportion of land in Local Centre Zone with potential constraints

5.29 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.

5.30 By way of example, the Waikato Riverbank and Gully Hazard Area limits earthworks to no more than 25m³ per site per calendar year and cuts and fills to 0.5m or less in height.¹⁶ New buildings in the Hazard Area are a discretionary activity.¹⁷ The provisions also require all buildings to be set back at least 6m from the edge of the Hazard Area.¹⁸ Earthworks in the Seismic Stability Area are permitted, but proposals must be accompanied by a geotechnical investigation addressing the hazards that have been identified.

5.31 Resource consent is required for earthworks in the Significant Archaeological Site, assessed as a controlled activity.¹⁹ Subdivision is a discretionary activity where allotments are located within a Significant Archaeological Site, including that which applies to half of the Local Centre Zone.

5.32 I accept that the constraints identified above, and the need for additional resource consents in some instances, may not prevent development on the affected land. However, I consider that this situation at least raises the possibility that the land may not be available or that it might not be capable of intensive or efficient use.

¹⁶ Hamilton District Plan, Chapter 22, Rule 22.5.1(a)(i)–(iii).

¹⁷ Hamilton District Plan, Chapter 22, Rule 22.3(h).

¹⁸ Local Centre Zone, development standard R42(2).

¹⁹ Plan Change 9 – Rule 19.3.3(d) (this rule has immediate legal effect).

5.33 By contrast, the only constraint on the WWNZ site is the slice of road designation along its northern boundary.

6. COMMENTS ON JWS, COUNCIL EVIDENCE AND TECHNICAL ADVICE

6.1 As I have stated, I attended expert conferencing in relation to the Local Centre and am a signatory to the JWS produced. My opinion on the Local Centre is recorded succinctly but accurately in the JWS.

6.2 I note in particular the proposed Local Centre Concept Plan ("**Concept Plan**") prepared by Urbanism Plus on behalf of one of the submitters, Adare, and attached to the JWS. I consider that the proposed Concept Plan has some deficiencies that will undermine the ability of the Local Centre to be successful.

6.3 The Concept Plan sets out some "Principles and Criteria", which are presumably intended to indicate that the Centre is of an appropriate design and layout (although I am unsure whether the Principles and Criteria relate to the proposed Objectives and Policies of the Local Centre Zone, or otherwise from where they are derived). In any event, I consider that the Concept Plan rates poorly against at least three of the stated Principles and Criteria.

6.4 I do not consider that the Concept Plan provides for a "well-located centre" because of its location so close to the river. Despite its name, it is not close to the 'centre' of Peacocke or the catchment it is intended to serve, and its proposed location is compromised by much of the surrounding land being unavailable for supporting development. For similar reasons, the Concept Plan does not facilitate a "connected centre" because it proposes all of the retail on one side of Peacockes Road and largely ignores the catchment to the west. I also consider that the Concept Plan does not deliver a "legible centre" because the "anchor" supermarket would have limited visibility from the two minor arterial roads and the constrained location presents the servicing areas to the important Peacockes Road frontage. As I have noted previously, I consider that a successful centre requires a successful supermarket, and the Concept Plan is not conducive to that outcome.

7. SECTION 42A REPORT AND COUNCIL EXPERT EVIDENCE

7.1 I have read Council's s42A report and the evidence and specialist advice of Council experts that relates to the Local Centre.

7.2 The s42A report recommends that the extent of the Local Centre Zone remain as proposed in PC5, based on the advice of Mr Munro and Mr Akehurst. The

recommended amendments to the provisions include an overall cap of 20,000m² GFA for retail and commercial activity and a limit of 4,500m² GFA for any individual supermarket. It is also recommended that residential development be enabled at ground floor level as a discretionary activity in the Local Centre Zone, provided it is located outside of identified primary and secondary frontages.

7.3 I have carefully considered the specialist assessment of Mr Munro. I agree with him that it would be appropriate to impose restrictions on smaller retail uses on the WWNZ site,²⁰ to avoid any potential for loss of such uses from the identified main street. Such a restriction would confirm the role of the main street as a pedestrian-oriented environment, without any potential for that objective to be undermined. Imposition of primary or secondary frontages on the WWNZ site would not be required or appropriate in these circumstances.

7.4 I do not agree with Mr Munro with regard to his opinion that the "*arterial roads will be significant barriers to cross...*".²¹ That opinion appears to directly contradict his subsequent statement that "*the proposed local centre will be adequately well-connected to the proposed school and passenger transport hub.*"²² The school will be located on the western side of Peacockes Road, so will clearly have the same level of access to the proposed PC5 Local Centre as the WWNZ site. As I have stated, 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. 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.

8. CONCLUSION

8.1 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

²⁰ Ian Munro, Plan Change 5 Post-Submissions Technical Evaluation: Urban Design (Urban Centre) Submissions, 26 August 2022, paragraph 30, page 6.

²¹ Ibid, paragraph 27, page 5.

²² Ibid, paragraph 31, page 6.

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.

- 8.2 A Local Centre that straddles the intersection of the two minor arterial roads, as originally proposed, provides for a more efficient Centre that benefits from the exposure to passing traffic utilising the roading network. I consider that the small extension of the Local Centre to the west also facilitates essential connections across Peacockes Road, provides for integration with a larger surrounding residential catchment, and largely avoids development constraints that are more apparent on the eastern side of Peacockes Road.

Philip Brown

16 September 2022

	Option: Extend the Local Centre Zone to include the WWNZ Site
Appropriateness <i>(whether the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a))</i>	<p>The objectives of the proposal are the objectives of PC5, and the extension of the Local Centre Zone to include the WWNZ site does not alter the PC5 objectives. As such, there is no additional assessment required as to whether the objectives of PC5 are the most appropriate way to achieve the purpose of the RMA.</p>
Efficiency and effectiveness <i>(whether the provisions are the most efficient and effective means of achieving the objectives of the proposal (s32(1)(b))</i>	<p>The PC5 objectives do not refer to the extent or location of the Local Centre Zone. Because the WWNZ submission seeks only to extend the Local Centre Zone, to include the WWNZ site, there is no direct challenge to the objectives as a result of the proposed amendments to the spatial extent of the Zone.</p> <p>The extent of the zone, and the development that it enables, would remain at a scale that does not undermine the primacy of the Central City (Objective O1). That is further confirmed with the Council's new proposals to cap overall retail and commercial activity at 20,000m² GFA.</p> <p>The proposed inclusion of the WWNZ site does not undermine the objective of providing a range of services in the Local Centre, and would assist in ensuring that a supermarket is provided for Peacocke (Objective O2).</p> <p>The objectives are achieved in a more efficient and effective manner by inclusion of the WWNZ site because the separation of large format retailing from the fine-grained main street environment would ensure that any effects arising from the supermarket would not undermine the intended pedestrian-oriented outcome that is sought for the local centre core. It also enables the location of at least one supermarket in a position that optimises efficiency for both the supermarket, the general public, and the Local Centre overall. Allocation of a Local Centre Zone to the WWNZ site would provide for more efficient and effective integration of the centre into the surrounding neighbourhood, because more local residents would have walkable access to the centre, the centre as a whole would be more accessible by active modes and passenger transport (because of a greater use of Peacockes Road), and integration of the western part of the local centre catchment across Peacockes Road is likely to be more effective (Objectives O3 and O4).</p>
Benefits <i>Assessment of benefits of the anticipated environmental, economic, social, and cultural effects of the provisions, including economic growth and employment (s32(2)(a) and (b)).</i>	<p>The WWNZ site is an optimal location from the supermarket operator's perspective, which will lead to economic benefits through the success of the supermarket. A more successful supermarket will optimise employment opportunities for local residents, and the enhanced accessibility of the WWNZ site will provide customers with a more efficient shopping experience.</p> <p>Inclusion of the WWNZ site will increase the walkable catchment of the Local Centre overall, ensuring a greater number of local residents can access the centre conveniently and potentially with enhanced use of active modes. That will have environmental and social benefits. Vehicle trip distances overall would be lower.</p>
Costs <i>Assessment of costs of the anticipated environmental, economic, social, and cultural effects of the provisions, including economic growth and employment (s32(2)(a) and (b)).</i>	<p>There are no obvious additional costs associated with inclusion of the WWNZ site within the Local Centre Zone. Costs are likely to be lower overall if a large footprint retail activity is able to establish on a flat site with road access on three sides. That would avoid compliance costs associated with additional consenting and information requirements that would arise from placing the same land use on the more constrained land closer to the Waikato River gully system.</p>
Risk <i>Assessment of the risk of acting or not acting if there is uncertain or insufficient information about the provisions (s32(2)(c))</i>	<p>There is no uncertain information or insufficiency of information about the proposal to include the WWNZ site within the Local Centre Zone. The risk of not acting is that a supermarket will be inefficient and unable to operate successfully in a way that achieves its intended 'anchor' function if it is located east of Peacockes Road. There is no identified risk of acting.</p>
Summary	<p>The proposal to extend the Local Centre Zone to include the WWNZ site would have no significant or identifiable costs while providing a number of benefits, in particular by enabling a successful supermarket in an efficient location and expanding the developable extent of the Local Centre walkable catchment. It provides the most effective and efficient means of achieving the objectives of the proposal and the purpose of the RMA.</p>