

**BEFORE AN INDEPENDENT HEARINGS PANEL
OF THE UPPER HUTT CITY COUNCIL**

IN THE MATTER OF The Resource
Management Act 1991

IN THE MATTER OF Upper Hutt City
Council's Proposed
Intensification Planning
Instrument

**EVIDENCE OF BRIAN MCGUINNESS
ON BEHALF OF SILVERSTREAM LAND HOLDINGS LTD**

(Landowner)

14th April 2023

1. INTRODUCTION

1.1 My name is Brian McGuinness. I am a Director on the Board of Silverstream Land Holding Limited. I confirm that I am authorised to provide evidence on behalf of Silverstream Land Holdings Ltd (**SLHL**).

1.2 I have represented St Patrick's College Silverstream on the development of the land and been on the St Patrick's College Silverstream Board of Proprietors for over 30 years.

1.3 I am a Director of SLHL and LT McGuinness Ltd.

2. SCOPE OF EVIDENCE

2.1 This statement of evidence will outline the relevant history of the St Patrick's College Silverstream site (**Site**) and my understanding and experience of the importance of Mixed Use development, focusing on the demand for large format retail activities on the Site and in the surrounding area.

3. HISTORY OF THE ST PATRICK'S SITE

3.1 The Site is owned by SLHL, a wholly owned subsidiary of The Society of Mary Trust. The land was originally purchased in approximately 1931 and used by St Patrick's College Silverstream as active farming and agricultural land for student education.

3.2 The western portion of the Site has been leased to Pro Drive Limited for approximately 20 years, who operate the Pro Drive golf driving range facility, which remains operational today. The eastern portion of the site was occupied by Silverstream Golf Park – a public 9-hole golf course until 2021, when the golf course ceased operations to enable Stage 1 of the bulk earthworks (referred to below) to commence.

3.3 In 2020 SLHL obtained a resource consent to undertake bulk earthworks to elevate the existing flood prone land to above the 440yr flood plain level, enabling 'at grade' development, subject to future consents.

- 3.4** These works are planned to be undertaken in two stages:
- (a) The bulk earthworks of Stage 1 - comprising approximately 6.5ha – commenced in 2021. This is due for completion in Q4 of 2025. It is reliant primarily on imported clean fill from around the region.
 - (b) Stage 2 - comprising the balance of the site (approximately 10.9ha) - is set for commencement in 2025 and is due for completion in 2027. It will utilise imported fill as well as excavated fill from newly created flood conveyancing areas immediately east of the Site (also owned by SLHL).

4. BASIS OF SITE DEVELOPMENT

- 4.1** The Site is strategically located at the southern gateway to Upper Hutt. It is close to State Highway 2, providing ready access to the broader region including a 30 minute catchment south to Wellington via SH1 and SH2, East to Porirua via SH58 and north to the base of the Rimutaka hill.
- 4.2** SLHL considers the site to be of regional significance, in particular due to its size, topography and proximity to the commuter rail network and the key road transport links identified above. It is located within an existing urban area and is able to service catchments from Wellington Central through to Upper Hutt (and potentially beyond). On this basis, the Site offers unique opportunities to generate benefits for the Upper Hutt community.
- 4.3** As outlined in Mr Lewandowski’s evidence, the operative District Plan provisions provide for a range of land uses across the Site, and essentially seek to preserve a range of development opportunities. Over the course of many years, multiple options for development of the Site have been considered against this planning framework. The flexibility of the operative District Plan provisions has been an important factor in SLHL’s planning for and investment in future development over several years.
- 4.4** As discussed above, SLHL has already committed significant investment into overcoming the hazard constraints applying to the Site. A conscious decision was made during this time to embark on an ‘enabling process’, being the design, consent and bulk earthworks construction, which would enable development on the Site to occur. These works are intended to unlock the underlying development opportunities of the Site.

4.5 This investment was commenced and ultimately committed to on the basis of there being flexibility in the reasonably enabling Special Activity Zone for a range of uses to occur on the Site. Market demand for non-residential uses for the Site (as anticipated under the operative zoning) informed our assessment of the economic viability of this investment.

5. DEMAND FOR MIXED USE DEVELOPMENT

5.1 Against the backdrop of the above context, the Council's proposed change to require the land to be used more narrowly for residential activities was a significant reduction in flexibility for SLHL. SLHL seeks a more flexible and enabling zoning for the Site, to reopen the possibility of a genuine mixed use development.

5.2 I can confirm that there is demand for such flexibility. In addition to there being demand for mixed use and retail activities generally, SLHL has been approached by multiple large format retailers who have identified the Site as suitable for their operations. I have read the evidence prepared by Mr Heath, and consider that my experience of demand for retail at the Site support his conclusions that:

- (a) there is a growing demand for supermarkets within the economic catchment area, with the catchment being currently under-served in this respect;
- (b) there is a growing demand for (general) large format retail within the economic catchment area; and
- (c) there would be opportunity costs in restricting the availability of commercial and retail land uses at the Site.

5.3 I also agree with Mr Heath's comments regarding demand for general retail and commercial services in the economic catchment.

6. INDICATIVE SCHEME

6.1 I have read the parts of the section 42A report prepared by Mr Muspratt that relate to the Site. I understand that, due to the size of the Site, he considers the

application of a Mixed Use zone (as sought by SLHL) may cause potential adverse effects. In particular, he notes that:

In my opinion, in the absence of a structure plan for the site that identifies the general layout and location of future activities within the site, a more cautious approach to that enabled within the Mixed Use Zone is necessary.

6.2 I have prepared an indicative scheme for the Site, attached as **Appendix A**. While the ultimate development of the Site has not been confirmed, this indicative scheme provides a high level indication of what a realistic, mixed-use development of the Site may look like, considering the nature of the site and market demand.

6.3 In summary, the indicative scheme provides for the following breakdown of land uses across the 17.4 hectare Site (as a % of gross developable area):

- (a) 60 to 80% being used for residential or residential type (retirement) uses, comprising:
 - (i) apartments/terrace housing (assuming 75-100 dwellings per ha);
 - (ii) terrace and duplex housing, with some stand alone homes (assuming 40-60 dwellings per ha); and
 - (iii) duplex and stand alone homes (assuming 25-45 dwellings per ha);
- (b) 0 to 10% being used for mixed use (commercial and neighbourhood retail); and
- (c) 20 to 30% being used for mixed use (retail and large format retail, this being located to the south-east of the Site, along Fergusson Drive).

6.4 This scheme has been used by Mr Heath and Mr Georgeson as a basis to assess the potential positive and negative economic and transport effects of a realistic mixed-use development for the site.

6.5 I understand one of Mr Muspratt's concerns for applying a Mixed-Use zoning to the Site was that this would enable particular land uses with potential adverse

effects (such as large format retail) across the site area, without the Council having any means of controlling these effects.

6.6 I can confirm that SLHL has no intention for retail activities to fill the site; instead it is contemplating a high quality and genuinely mixed use development with significant provision of mixed residential uses. However, I agree with the measures proposed in Mr Lewandowski's evidence to provide the Council with a means of controlling the effects of retail and other activities. In summary, these measures are:

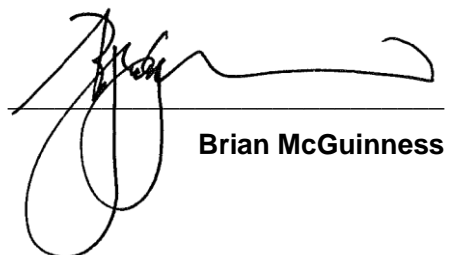
- (a) providing for retail activities as a restricted discretionary activity; and
- (b) inclusion of a 100 vehicle per hour threshold, by which any activity or activities (excluding residential) that generates vehicle movements over this threshold, is assessed as a restricted discretionary activity.

7. CONCLUSION

7.1 In my view, the Site offers unique opportunities to generate benefits for the Upper Hutt community. These opportunities are preserved through the enablement of range of land uses across this site.

7.2 There would be significant opportunity cost if the range of land uses enabled under the operative District Plan were narrowed through the IPI process, based on my experience of market demand for the Site, and such a narrowing would also cut across the investment that SLHL has already made in preparing the Site for mixed use development in reliance on the operative District Plan provisions. On this basis, I consider that the Site should be zoned MUZ, with the particular measures proposed in Mr Lewandowski's evidence adopted.

DATED 14 April 2023



Brian McGuinness

Appendix A: Indicative Scheme

Introduction

These key moves were developed to create a singular 'scaffold' to explore development options that foster quality urban design. Options strives for an integrated and diverse development through a distinctive neighbourhood identity and environment.

Key Moves

Stream Corridor

The Mawaihakona Stream and Te Awa Kairangi/ Hutt River edges provide both a physical and visual connection to water and its environs. Housing interfacing with this edge shall engage positively with these views and utilise the borrowed amenity of adjacent waterways and vegetation.

Spine Road

The primary road provides a loop connection with a clear direction and link to natural amenity and proposed houses. This move establishes a core 'spine' for the development that streets and connections hang off.

Gateways

Gateways are an opportunity to stop, observe and continue. They are logically located off the core spine road to help transition between housing areas.

Valley Views

Homes located on the western edge take advantage of the borrowed visual amenity over the Mawaihakona Stream and Te Awa Kairangi/ Hutt River. Additional amenity provided by mature established trees and adjacent reserves contribute further to valley views.

Community Anchor

A core retail and openspace area to create a community anchor point with further commercial development opportunities.

Developable areas

Threaded together by accessible routes and anchored around a community development and open space

