BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY THE WAIMAKARIRI DISTRICT COUNCIL

IN THE MATTER OF The Resource Management Act 1991 (**RMA** or

the Act)

AND

IN THE MATTER OF Hearing of Submissions and Further

Submissions on the Proposed Waimakariri District Plan (**PWDP** or **the Proposed Plan**)

AND

IN THE MATTER OF Hearing of Submissions and Further

Submissions on Variations 1 and 2 to the

Proposed Waimakariri District Plan

AND

IN THE MATTER OF Submissions and Further Submissions on the

Proposed Waimakariri District Plan by

Momentum Land Limited

SUPPLEMENTARY EVIDENCE OF MARK DAVID ALLAN IN RESPONSE TO OFFICER REPORT ON BEHALF OF MOMENTUM LAND LIMITED REGARDING HEARING STREAM 12E

DATED: 2 August 2024

Presented for filing by: Chris Fowler Saunders & Co PO Box 18, Christchurch T 021 311 784 chris.fowler@saunders.co.nz

INTRODUCTION

- 1 My name is Mark David Allan.
- I have prepared a statement of evidence regarding Hearing Stream 12E in support of the submissions of Momentum Land Limited (Momentum or MLL) to rezone approximately 35ha (310 Beach Road and 143, 145 & 151 Ferry Road the Site) in northeast Kaiapoi from Rural Lifestyle Zone (RLZ) to Medium Density Residential Zone (MRZ) subject to an Outline Development Plan (ODP) (the Proposal) through the Proposed Waimakariri District Plan (PWDP) and Variation 1 to the PWDP. My qualifications and experience are set out in that statement. I confirm that this supplementary statement of evidence is also prepared in accordance with the Environment Court's Code of Conduct.
- My qualifications and experience are set out in that statement. I confirm that this supplementary statement of evidence is also prepared in accordance with the Environment Court's Code of Conduct.
- 4 On 22 July 2024 the Waimakariri District Council (**Council**) released an Officer Report for Hearing Stream 12E prepared under section 42A of the RMA containing an analysis of submissions seeking residential rezoning and recommendations in response to those submissions (**Officer Report**).
- 5 The Officer Report recommends that the Momentum rezoning submission be accepted. My supplementary evidence is filed in response to that Report.

SCOPE OF SUPPLEMENTARY EVIDENCE

- 6 In my supplementary evidence I address the following matters:
 - (a) those parts of the Officer Report that address matters within scope of my expertise, with particular emphasis on matters where there is a difference of view between myself and the Officer Report.
- 7 In preparing my supplementary evidence I have:
 - (a) reviewed the Officer Report and the Appendices to that Report relevant to my area of expertise;

- (b) reviewed my primary evidence filed earlier on behalf of the Submitters;
- (c) reviewed the supplementary evidence of other experts for the Submitters filed together with my supplementary evidence; and
- reviewed other materials specifically mentioned in my supplementary evidence discussed below.

CONTEXT AND APPROACH

- As mentioned, the Officer Report recommends acceptance of the Momentum rezoning submission. A range of reasons are given for this recommendation, some of which relate to my area of expertise and have already been traversed in my primary evidence.
- The approach I have adopted in this supplementary statement of evidence is to identify those parts of the Officer Report (including Appendices attached to that Report) where I disagree with the Officer Report and to explain my reasons for disagreement.

RESPONSE TO OFFICER REPORT

General

- At paragraph 980 (page 241), the Officer Report acknowledges the "considerable alignment amongst the expert advice received by Council and that received by the applicants, with the differences appearing to be of a technical rather than strategic nature, and what I consider would be of the nature of the input that occurs into a subdivision consent process." To the extent there are "differences", I agree that these are matters of a technical nature that are readily, and typically, resolved through the subsequent resource consent process¹. I therefore do not consider them fundamental to the question of rezoning or requiring of additional provisions specific to the Site.
- The Officer Report identifies flooding and airport noise as the primary issues associated with the Proposal, and in paragraphs 983 to 986 (pages 242 to 244) assesses these matters in turn. I agree with the conclusion reached that these matters do not pose an impediment to rezoning, and note that this aligns

Supplementary evidence of Mark Allan in response to Officer Report on behalf of Momentum

Land Ltd dated 2 August 2024

¹ For example, para 52 (re. iwi engagement) and para 64 (re. ecology), primary evidence of Mark Allan, 3 May 2024

with my primary evidence in respect of flood management² and reverse sensitivity³.

Kaiapoi Outline Development Plan

- At paragraph 1008 (page 245), the Officer Report considers Momentum's detailed ODP⁴ to be "of a standard required by a subdivision consent process, rather than the requirement for a higher-level ODP for rezoning (as per CRPS 6.3.3)". By comparison, the Officer Report notes that Suburban Estates and Survus (other submitters with an interest in the Kaiapoi Development Area) have not supplied ODPs. As if to resolve the different approach taken by the respective submitters, the Officer Report recommends the notified ODP be accepted without amendment.
- I disagree with this rationale, and consider the level of detail on the Momentum ODP does reflect what is anticipated by Policy 6.3.3 of the CRPS and is consistent with other ODPs in the PWDP. The Momentum ODP should be preferred over the notified ODP as it has been informed by a significant amount of technical design input, which the evidence demonstrates will lead to better outcomes and a well-functioning urban environment.
- I also note that the Momentum ODP does not compromise or conflict with the key elements shown on the balance of the notified ODP, with the key movement, reserve and servicing networks integrated in a coordinated manner across the entire Development Area. This is most clearly illustrated by the side-by-side comparison of the notified ODP and the Momentum ODP in Appendix A of Mr Weir's supplementary evidence. By converting the Momentum ODP to graphically align with 'the look' of the notified ODP, Mr Weir has demonstrated the comparatively minor nature of the amendments in the Momentum ODP, and the overall consistency with the balance of the notified ODP. The Momentum ODP is included as **Attachment 1** for reference.

Pocket Park

At paragraph 1013 (page 246), the Officer Report recommends the notified ODP be amended to show an additional neighbourhood "pocket" park in the southern part of the Momentum North Block. This appears to be on the

³ Paras 66-68, primary evidence of Mark Allan, 3 May 2024

² Paras 53-60, primary evidence of Mark Allan, 3 May 2024

⁴ Appendix A: Proposed Outline Development Plan, primary evidence of Bruce Weir, 5 March 2024 Supplementary evidence of Mark Allan in response to Officer Report on behalf of Momentum Land Ltd dated 2 August 2024

advice of Jon Read (refer para 975, page 240, Officer Report). Mr Weir refutes this suggestion in his supplementary evidence, where he outlines the provision of greenspace in the Momentum ODP (including utilising the paper road as a centralised green link and the identification of an open space reserve within the McIntosh's Reserve) and the enhanced connectivity to existing recreational space within functional walkable distance of the Site.

- I draw attention to the paper road along the western boundary of the Site, as its presence and intended purpose appears to have been overlooked by the Officer Report. I understand from Mr Shane Fairmaid for Momentum that the Council has indicated it has no intention to form this road reserve corridor for roading purposes and does not wish to see an additional road connection to Beach Road. For this reason, the Momentum ODP has always identified the paper road as a green link, as opposed to a secondary road as shown on the notified ODP.
- Mr Weir's primary evidence⁵ notes that the paper road has been identified on the Momentum ODP as a green link for its ability to soften the transition between the existing residential area to the west and the Site, and to support and reinforce integration and connectivity with the surrounding area. I agree that capitalising on the presence of the paper road will provide an additional amenity function for existing and future residents not typically available to greenfield rezoning proposals.
- I consider the provision of greenspace is a matter of detail that is best addressed through the subsequent subdivision design and consent process, and the following excerpts show that the opportunity for this already exists in the PWDP framework:
 - (a) SUB Wāwāhia whenua Subdivision Introduction "The subdivision process can also include the provision of services for development and activities, including open space,...";
 - (b) **SUB-P1 Design and amenity** "Ensure subdivision that: 1. Within Residential Zones, incorporates best practice urban design, access to open space, and CPTED principles...5. Supports the character, amenity values, form and function for the relevant zone.",

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⁵ Paras 54-57, primary evidence of Bruce Weir, 5 March 2024

- (c) **SUB-S4 Areas subject to an ODP** "1. Any subdivision shall comply with the relevant ODP and rules for the ODP, as set out in the Development Areas Chapter of the District Plan.
- (d) **SUB-MCD1 Allotment area and dimensions** "...2. Area and dimensions of allotments for access, utilities, reserves and roads.
- (e) **SUB-MCD2 Subdivision design** "...2. The extent to which the proposal complies with any relevant ODP or concept plan. Where a proposal does not comply with an ODP or concept plan, the extent to which the proposal achieves the same, or better urban design and environmental outcomes, than provided through the ODP or concept plan....7. The provision, location, design, protection, management and intended use of reserves and open space.
- (f) DEV-K-APP1 - Kaiapoi Outline Development Plan / Open Space and Stormwater Reserves "The Outline Development Plan for the Kaiapoi Development Area indicates two open space reserve locations together with a stormwater management area and green links throughout the site...The open space reserves are located strategically in places that are highly prominent, easily accessed and have the ability to add to the character and identity of the development, complement existing reserves in the established residential area west and south of Development Area, and are within a 500m radius of all residential households in Development Area 4...Flexibility of the exact location of the reserves is possible, as long as it accessible within a 500m radius to the respective residential areas in the Kaiapoi Development Area. To maximise functionality, accessibility and visibility, open space reserves must be bordered by at least one road, and a second either road or public accessway such as a green link...Any required open space reserve should be prioritised in the early stages of a new residential development, and subsequently when further expansion extends beyond the margins of radius and/or resident population quidelines...A number of green links are shown in the Outline Development Plan for the Kaiapoi Development Area.
- 19 For these reasons I consider the Momentum ODP should be preferred over the notified ODP (and the Officer Report's recommended amendment to the same).

Intersection Improvements

- The supplementary evidence of Mr Andy Carr responds to Mr Mark Gregory's assessment of future capacity issues at the existing Smith Street / Williams Street / Beach Road roundabout. The two transport experts agree that significant delays and queues would occur if the Site was developed and the roundabout remained in its current form. Mr Carr notes that the consequential level of service "would not be acceptable to the road controlling authority, and that some form of improvement is required prior to that point." 6
- I agree with Mr Carr⁷ that TRAN-R20 'High traffic generators' (and associated TRAN-MD11) provides an appropriate mechanism to assess the performance of the roundabout (and other intersections) at the time of subdivision consent, and that a specific rule requiring signalisation of the intersection is not required for the Proposal. Rather than repeat Mr Carr's rationale (refer his paras 27-29), I simply acknowledge his comment that the prevailing traffic conditions will change over time (irrespective of the rate of yield from the Site), likely rendering any Site-specific threshold for when intersection improvements are required as outdated.
- To the extent cumulative transportation effects may be a concern associated with the full rezoning of the Kaiapoi Development Area (i.e. as sought by the Momentum, Suburban Estates and Survus submissions, collectively), I consider there are tried and tested mechanisms for the equitable funding of transport improvements required to support urban growth. Examples include development contributions, Long Term Plans and developer agreements, which have proven to be effective in ensuring requisite works are undertaken at the appropriate time.

Outline Development Plan and associated rules

Part 3 – Development Areas of the PWDP was drafted on the premise of a "certification" mechanism for the release of land for urban development within a Development Area. This approach attracted significant scrutiny through submissions and during the Stream 10A hearings, and it appears certification is no longer favoured. At paragraphs 1084-1088, the Officer

⁶ Para 18, supplementary evidence of Andy Carr, 2 August 2024

⁷ Para 25, supplementary evidence of Andy Carr, 2 August 2024

Report notes that because rezoning of the Development Areas is recommended, the certification provisions for land release are no longer required. I agree, having previously stated my view that rezoning is a more appropriate method to deliver plan-enabled land for housing development to give effect to the NPS-UD than the certification provisions⁸.

- The move away from certification in favour of rezoning has obvious implications for the current drafting of the PWDP rules associated with the New Development Areas. Consequently, the Officer Report (para 1088) identifies those provisions that would need to be removed from the New Development Areas, these being (as relevant to the Kaiapoi Development Area):
 - (a) **DEV-K-O1 Development area**
 - (b) DEV-K-P1 Future urban environment and DEV-K-P2 Subdivision and activities (the Officer Report also refers to DEV-K-P3, but I note there is no such provision in the PWDP);
 - (c) Activity Rules if certification has been approved; and
 - (d) **Development Area Standards**
- I would add to this list the Introduction text preceding the above provisions. I agree that rezoning the Site (and the entire Kaiapoi Development Area) would make these provisions redundant, effectively retaining only the narrative contained in **DEV-K-APP1 Kaiapoi Outline Development Plan**. Minor amendments to this narrative are required to reflect the evidence for Momentum, and at **Attachment 2** I have included a working draft version with suggested tracked changes relevant to the Proposal (noting that other changes may be required in response to the Suburban Estates and Survus submissions concerning the balance of the Kaiapoi Development Area and decisions on Variation 1).
- I consider provisions relevant to the future development of the Site under MRZ and in accordance with the Momentum ODP are sensibly located in Part 2 District-wide matters, and Part 3 Area specific matters of the PWDP.

 Until the structure of Parts 2 and 3 (and their sub-parts) are settled, it is difficult to draft provisions specific to one particular rezoning proposal. That

⁸ Para 123 and Attachment 4, primary evidence of Mark Allan for Momentum, 3 May 2024 Supplementary evidence of Mark Allan in response to Officer Report on behalf of Momentum Land Ltd dated 2 August 2024

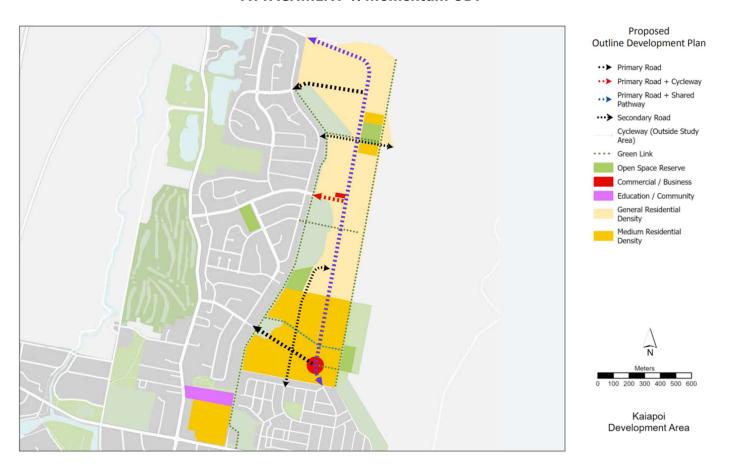
- said, I consider Attachment 2 (as a starting point) demonstrates that very few amendments would be required to the ODP narrative.
- Further, and as set out in my primary evidence, I consider the PWDP provisions that control and manage subdivision, development and urban activities in the Kaiapoi Development Area specifically, and the MRZ generally, are appropriate for the Site and the anticipated development outcome. This includes Subdivision standards, Zone activity and built form standards, Natural Hazard standards and Noise (reverse sensitivity) standards, and the consenting triggers and matters of discretion associated with the same.
- Accepting that rule drafting at this stage in proceedings becomes an iterative process, I am prepared to work with the Reporting Officer to ensure the provisions associated with the Momentum Proposal (and its integration with the wider Kaiapoi Development Area) are workable and reflect the outcome sought for the Site.

CONCLUSION

- I have reviewed the planning-related matters raised in respect of the Proposal in the Officer Report and agree with the Officer's assessment of these. The limited areas of disagreement are confined to matters of a technical nature that can be readily resolved through the subsequent subdivision design and consenting process, which in my experience is standard procedure for appropriately considered greenfield residential development in accordance with an ODP.
- The evidence presented for Momentum demonstrates that the Proposal will contribute to a well-functioning urban environment, will supply significant development capacity and, on its merits, is a more efficient and effective way to give effect to the NPS-UD and the CRPS, and achieve consistency with the relevant objectives and policies of the PWDP.

Mark Allan 2 August 2024

ATTACHMENT 1: Momentum ODP



ATTACHMENT 2: <u>DRAFT</u> suggested changes (shown strikethrough or <u>italics</u>) to Kaiapoi Development Area Narrative (Part 3 – New Development Areas)

Appendix DEV-K-APP1 - Kaiapoi Outline Development Plan Land Use Plan

The Outline Development Plan for the Kaiapoi Development Area enables the option for some variety of sizes. Some medium density residential activity could be developed adjacent to a neighbourhood park in the north of the site, in order to take advantage of opportunities to overlook a high amenity facility, as well as at the **edge of the smaller**, southern portion of the **main Kaiapoi** Development Area north of **Ranginui Drive and the smaller Development Area block north of** Beach Road. However this component of the Outline Development Plan is flexible and optional and will likely be dictated by development feasibility and market demand in this location. The Medium Density Residential Zone enables a minimum lot size of 200m² while the General Residential Zone enables a minimum lot size of 500m². Overall, the Kaiapoi Development Area shall achieve a minimum residential density of 12 households per ha.

A small <u>Small</u> optional neighbourhood/local centre<u>s</u>, shown in the Outline Development Plan as commercial/business, <u>are</u> is located at the centre of the Kaiapoi Development Area at the juncture of a Sovereign Boulevard extension and the north/south primary road that connects to the Beach Grove development in the south, <u>and in the southern portion of the main Development Area at the juncture of a Magnolia Boulevard extension and the north/south primary road</u>. The Sovereign Boulevard <u>and Magnolia Boulevard</u> extension<u>s</u> forms a key connecting route<u>s</u> into the Development Area from the adjacent existing residential development. The location<u>s</u> of the neighbourhood/local centre<u>s</u> offers a degree of visibility, activity and traffic generated by the north/south primary road, which has positive flow-on effects on neighbourhood businesses' sustainability. However, the exact location of the optional neighbourhood/local centre<u>s</u> is a flexible component of the Outline Development Plan, if constructed, so long as <u>they are</u> it is located along the north/south primary road to optimise associated opportunities. This recognises some flexibility around staging and implementation of development.

The Kaiapoi Development Area is predicted to be affected by flooding from localised rainfall, an Ashley River/Rakahuri breakout and sea water inundation. The northern-most land in the Kaiapoi Development Area north of the current paper road (which lines up approximately with Lilian Street in the western existing residential subdivision) is likely most suitable for urban development compared to the land south of it, due to the shallower depth of predicted flooding from the identified events in this location. Most of the land within the Kaiapoi Development Area south of the paper road that approximately lines up with Lilian Street is predicted to be affected by greater flood depths in the identified events. Filling of land and/or the construction of a bund to mitigate the effects of these hazards is anticipated to be required for residential development to occur, which will likely affect development feasibility and consequently impact on housing affordability.

Kaiapoi North School is located just north of the smaller Development Area block north of Beach Road, and south of the large portion of the Development Area. It could be feasible that preschool(s) are established in the Development Area.

Development within the Kaiapoi Development Area is to be contiguous. The Outline Development Plan does not anticipate physically separated or adhoc development.

Movement Network

The Outline Development Plan for the Kaiapoi Development Area provides access to this growth area through a network of primary and secondary roads that ensure development integration, efficient traffic management and public transport corridors. Only these more significant roads are identified in the movement network plan. The layout of additional tertiary roads to service the residential areas will respond to detailed subdivision design of those areas. The specific roading classification of all roads will be ultimately determined at the time of development, to provide flexibility and match the eventual roading classification system made operative through the District Plan. Primary and secondary roads for the Kaiapoi Development Area are located to ensure that all existing parcels of land, when developed, can be served by the roading network.

The main north/south primary road is seen as a logical future link for traffic movement around Kaiapoi on the north eastern side. It will be designed to promote reduced vehicle speeds and increased safety to other street users. Some form of intersection treatment and/or upgrades are appropriate at the extensions of existing streets to the west entering the Development Area to ensure good integration, reduced traffic speeds and enhanced safety.

Kaiapoi North Primary School is located at the south of the main Development Area and at the northern edge of the small parcel of the Development Area north of Beach Road and the anticipated movement **and green** networks connects the residential growth area to the school well.

Pedestrian footpaths will be provided on at least one side of each road. The movement network plan should be read in conjunction with the green network plan which also provides informal cycling and walking corridors, such as along green links. The principle of walkability is incorporated through the use of a connected roading pattern, additional pedestrian links and the location of open spaces.

Open Space and Stormwater Reserves

The Outline Development Plan for the Kaiapoi Development Area indicates **three** two open space reserve locations together with a stormwater management area and green links throughout the site.

The open space reserves are located strategically in places that are highly prominent, easily accessed and have the ability to add to the character and identity of the development, complement existing reserves in the established residential area west and south of Development Area, and are within a 500m radius of all residential households in Development Area 4. One open space reserve is located adjacent to the north/south primary road in the northern part of the Kaiapoi Development Area, with and another two open space reserves further south along the western and eastern edge of the Development Area. Flexibility of the exact location of the reserves is possible, as long as they are it accessible within a 500m radius to the respective residential areas in the Kaiapoi Development Area. To maximise functionality, accessibility and visibility, open space reserves must be bordered by at least one road, and a second either road or public accessway such as a green link. The exception to this is the open space reserve within the wider McIntosh's Reserve and green link network along the eastern boundary.

Any required open space reserve should be prioritised in the early stages of a new residential development, and subsequently when further expansion extends beyond the margins of radius and/or resident population guidelines.

A number of green links are shown in the Outline Development Plan for the Kaiapoi Development Area. Green links must be bordered by at least one road frontage (except in cases where they serve as a short connection strip) to provide appropriate access, visibility, amenity and safety for users.

Four stormwater catchments make up the larger Kaiapoi Development Area and it is the developers' responsibility to investigate and propose an appropriate and acceptable stormwater solution to respond onsite to stormwater for this growth area. Impacting on any investigations for stormwater solutions will be the Regional Council's responses to legislative requirements relating to freshwater and other matters, and therefore the Regional Council must be engaged during the formulation of proposals. Stormwater must be managed by an appropriately designed stormwater treatment system with high amenity values, and streams, springs and waterways must be protected where present.

The Regional Councils identifies the McIntosh Drain as a natural waterway. Waterbodies must be protected intact, or improved, as part of any development and any potential adverse impacts on the local and receiving waterbody ecology must be mitigated. The ground in this area is known to have relatively high groundwater and it is therefore assumed any proposed stormwater reserves would be wet reserves.

A small stormwater management reserve is identified in the southeast of the small portion of the Kaiapoi Development Area just north of Beach Road.

Water and Wastewater Network

The provision of reticulated water supply assumes a skeleton network for the Kaiapoi Development Area, where only water pipes 100mm in diameter and greater are specified. The exact location of the reticulation may change when road layouts are confirmed, noting that some identified road locations as specified under 'Movement Network' are fixed and others are flexible.

All of the reticulation upgrades relating to the Kaiapoi Development Area are proposed to be within the growth area. Previous upgrades have already been undertaken to account for this demand on the scheme. Source and headworks upgrades are not Development Area specific, rather they apply to the whole scheme. Three District Council driven extra over projects are specified, with upgrades required to maintain the existing levels of service to current and future customers. Existing water reticulation extends to the western edge of the large portion of the Kaiapoi Development Area, making connection relatively straight-forward. A new main is shown off Beach Road for the small portion of the Development Area.

Four catchments make up the large portion of the Kaiapoi Development Area for wastewater servicing requirements and only the key trunk infrastructure and pumpstations/rising mains are shown in the Outline Development Plan. As this area in Kaiapoi is flat, it is anticipated that earthworks will be undertaken as part of the development, similarly to what was undertaken at Sovereign Palms to regrade the subdivision for the

installation of services. On this basis, three pumpstations in the large northern portion of the Development Area are proposed to service the catchments, with a common rising main to deliver flow to the Kaiapoi Wastewater Treatment Plant. These pumpstations are located in the northern, middle and southern portion of the large portion of Development Area at a similar latitude to the Sovereign Palms and Moorecroft pumpstations. Each catchment has a central pumpstation, and gravity sewer surrounding it. The exact locations of the pumpstation can be shifted to align with final road networks.

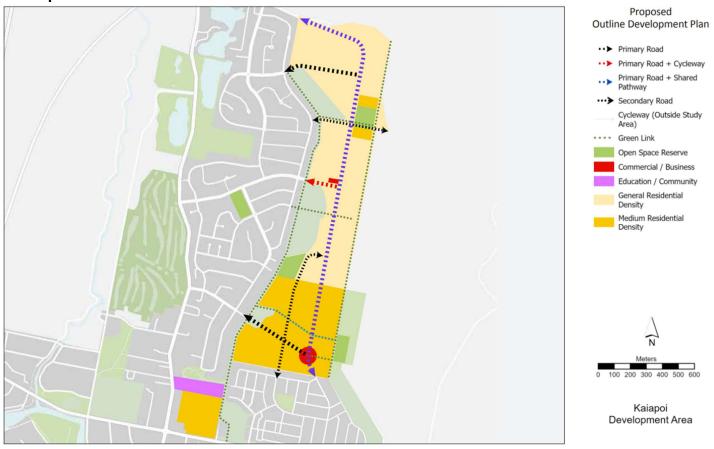
Ideally, the network would be constructed from south to north, so that there is infrastructure (common rising main) for subsequent catchments to connect into. Temporary solutions would need to be discussed if development was to occur in the north first.

High groundwater is present in the Kaiapoi Development Area together with significant flood risks modelled for localised flooding events, Ashley River /Rakahuri Breakout events, and coastal flooding events. Filling of land and/or the construction of a bund to mitigate the effects of these hazards is anticipated to be required for residential development to occur, which will likely affect development feasibility and consequently impact on housing affordability. Due to high groundwater, reticulation may have to be low pressure sewer, however if significant earthworks are undertaken, a gravity sewer network may be possible.

Fixed Outline Development Plan Features for the Kaiapoi Development Area:

- A north/south road corridor that connects with Lees Road in the north and **Ranginui Drive Tuhoe Avenue** in the south, including a separated shared pedestrian/cycleway
- Integrated road connections between the new north/south road and Beachvale Drive, Sovereign Boulevard, and Magnolia Boulevard
- Location of stormwater reserve corridor at eastern edge of the Development Area

Kaiapoi Outline Development Plan - Overall



Kaiapoi Outline Development Plan - Land Use

[to be inserted – extrapolated from Overall ODP]

Kaiapoi Outline Development Plan – Movement Network

[to be inserted – extrapolated from Overall ODP]

Kaiapoi Outline Development Plan - Open Space and Stormwater Reserves

[to be inserted – extrapolated from Overall ODP]

Kaiapoi Outline Development Plan – Water and Wastewater

[to be inserted – extrapolated from Overall ODP]