

**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 **Mike  
Greer Homes NZ Limited**

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**SUPPLEMENTARY EVIDENCE OF PATRICIA HARTE  
IN RESPONSE TO OFFICER REPORT  
ON BEHALF OF MIKE GREER HOMES NZ LIMITED  
REGARDING HEARING STREAM 12E**

DATED: 2 August 2024

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## INTRODUCTION

- 1 My name is Patricia Harte.
- 2 I have prepared a statement of evidence regarding Hearing Stream 12E in support of the submissions of Mike Greer Homes NZ Limited (**Mike Greer Homes** or **MGH**). Mike Greer Homes seek to rezone approximately 14 ha of land at the southern entrance to Kaiapoi (the **Site**) from Rural Lifestyle Zone (**RLZ**) to Medium Density Residential Zone (**MRZ**) subject to an Outline Development Plan (**ODP**) through the Proposed Waimakariri District Plan (**PWDP**) and Variation 1 to the PWDP.
- 3 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 Mike Greer Homes rezoning submission be rejected. 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; and
  - (b) Reviewed my evidence in chief filed earlier on behalf of the Submitters;

- (c) Reviewed other materials specifically mentioned in my supplementary evidence discussed below.

### **CONTEXT AND APPROACH**

- 8 As mentioned, the Officer Report recommends rejection of the Mike Greer Homes rezoning submission. A range of reasons are given for this recommendation, some of which relate to my area of expertise.
- 9 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.

### **MATTERS ADDRESSED IN SUPPLEMENTARY EVIDENCE**

- 10 The matters raised in the Officer Report that I wish to provide supplementary evidence on are:
- Addressing the potential off-site flooding issues associated with raising the development site;
  - On-site reserves and greenspace; and
  - Outline Development Plan implementation.
- 11 I also address how flooding **of the site** is to be managed within the District Plan. The site is identified below as Figure 1 and the South Kaiapoi ODP as Figure 2

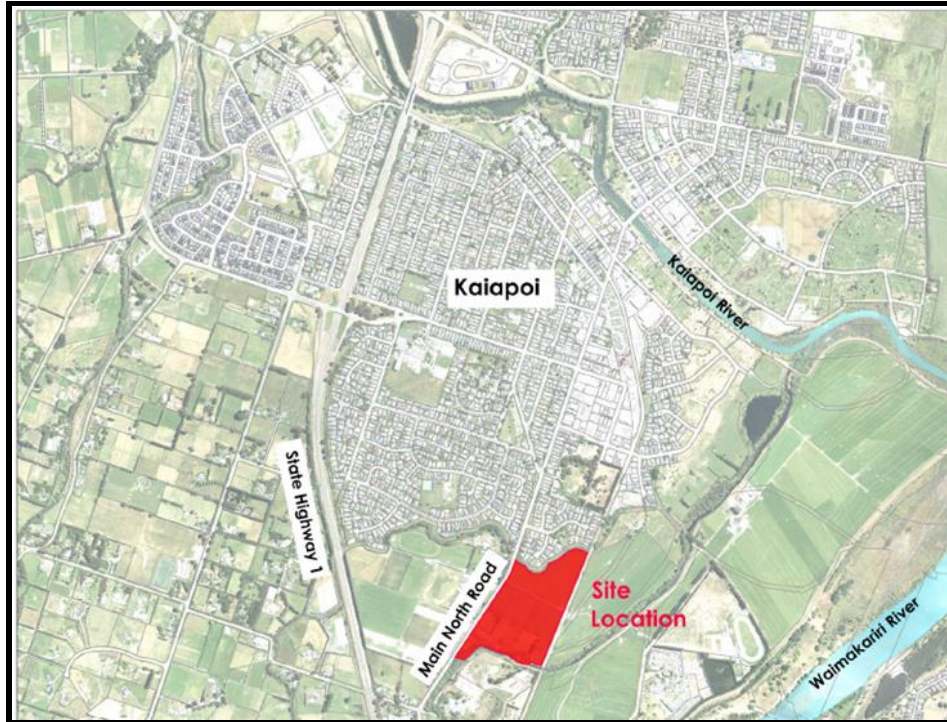


Figure 1

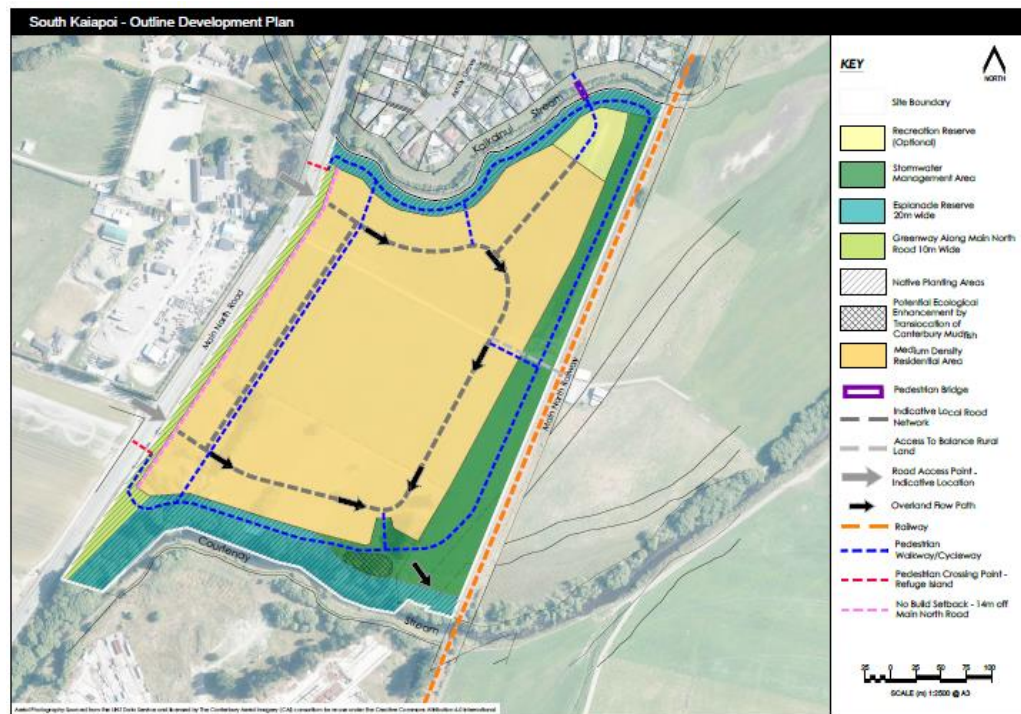


Figure 2

## RESPONSE TO OFFICER REPORT

### Providing certainty regarding Outline Development Plan implementation

- 12 Mike Greer Homes submission to the Proposed Waimakariri District Plan requested that the South Kaiapoi land:
- Be rezoned from Rural Lifestyle Zone to Medium Density Residential Zone, and
  - Be added as a new Residential Development Area (SK-South Kaiapoi Residential Development Area) which provided for development by way of certification rather than rezoning. This request is no longer being pursued as the submitters prefer a straightforward rezoning.
- 13 The submitters also lodged a submission to Variation 1 to incorporate the requirements of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Enabling Act).
- 14 Mike Greer Homes intend to primarily rely on, and comply with, provisions and standards of the Proposed Waimakariri District Plan in developing this South Kaiapoi site. In particular the development will be based on Medium Density Residential zone subdivision standards, including density and relevant built- form standards.
- 15 However, the following additions/amendments to the District Plan are recommended to ensure good resource management outcomes are achieved in the South Kaiapoi Outline Development Plan area. These relate to **hazards** and to **implementation of specific components of the South Kaiapoi Outline Development Plan** as set out below. Proposed amendments to the PWDP are detailed at **Attachment 1**.

#### Hazards

- 16 The submitter proposes that the "Urban Flood Assessment Overlay" in the Planning Maps is extended over the South Kaiapoi Outline Development Area, in order that the site itself is subject to the District Plan's Natural Hazard provisions. The inclusion of the South Kaiapoi ODP site within the Urban Flood Assessment Overlay will provide a management regime for the site consistent with the current urban areas of Kaiapoi. This regime involves

rules that relate to buildings (NH-R1), additions to buildings (NH-R3) and below ground and above ground infrastructure (NH-R4-6).

- 17 **Off-site flooding issues** – In response to issues raised by Council officers, Gregory Whyte of DHI Water & Environment New Zealand has recently re-run the flood model to provide confirmation that the raising of the South Kaiapoi Outline Development Area to avoid flooding of the site in a 1 in 200 year flood event (0.5%AEP) will not adversely impact adjoining areas. In particular it will not result in displacement of flood waters onto the Main North Road as was originally identified in the earlier modelling.
- 18 This is discussed in full in both the supplementary statements of evidence of Greg Whyte and Jamie Verstappen. On this basis I conclude that the proposed development can satisfy the requirements in CRPS 6.3.12 regarding avoidance or mitigation of natural hazards. To ensure this matter is addressed I recommend that the two Built Form Standards shown below be included in the South Kaiapoi Development Plan (**SK-ODP**) provisions, to ensure flooding related issues are fully assessed and mitigated.
1. *Subdivision and /or development of the site within the SK-ODP area shall ensure that in a 1:200 year flood event*
    - a. *There will no increase in the flood depth and or area of the formed Main North Road, and*
    - b. *there will be no increase in flood depth downstream of the site*
  2. *Evidence shall be provided to the Council specifying the works that will be undertaken to ensure that there is sufficient downstream capacity to receive the displaced stormwater and that there will be no resulting flooding on the formed Main North Road*

#### **On-site reserves**

- 19 Jon Read, Council's Green Space & Community Facilities Planner recognises the benefits offered to residents from the combination of esplanade reserves and recreation reserves and greenway along the Main North Road boundary when he states: *"The overall level of green linkage and associated connectivity is appropriate for a medium density residential zone", and "In combination, the linkages provide landscape amenity and associated recreation benefits, along with the potential for revegetation and ecological enhancement of the Kaikainui and Courtenay Streams"*.

20 However, he raises a concern that the proposed recreation reserve in the north east corner is undersised based on the Council's general formula for reserve areas. This comment relates to a reserve shown on a very preliminary subdivision layout that was prepared to assist preparation of various technical assessments. In my opinion it is not appropriate to use this as the only basis for assessment of the rezoning request. As referred to above, there are a number of reserves that will be created including esplanade and recreation reserves, all of which will be accessible to the public. Determining the detailed size and location of these is most appropriately undertaken as part of the subdivision consent process. In this regard I note that Mr. Read comments that the *"appropriate vested status of these sites can be confirmed at subdivision stage."*

#### **Footbridge over Kaikainui Stream**

21 It is important to specify when the proposed footbridge across the Kaikainui Stream shown on the Outline Development Plan is to be constructed, that is prior to the adjoining recreation reserve being vested in the Council. This will ensure that public access will be available between recreation and walking routes on the north and south sides of the Kaikainui Stream in coordination with the development of those reserves.

#### **Air Noise Contour**

22 With regard to the "avoidance" approach of the CRPS in relation to residential development under the 50dBA CIAL noise contour, I agree with the 42A report writer that this approach should be considered in the context of the higher planning policy document, and in particular Policy 8 of the NPS-UD regarding well-functioning urban environments. I consider that management of residential activities should be based on real-world effects that have a distinct likelihood of occurring. I therefore support the approach contained in the Proposed District Plan contained in Noise rules, as does Mr. Wilson. This approach relies on the modern building standards to ensure that noise under the 50dBA contour will be attenuated to an acceptable 40dBA internally. (see Noise rule R17) There is therefore no need to limit housing under this contour as the noise effects will be acceptable and accordingly there is an extremely limited possibility of complaints being made which would result in limitation on the efficient operation of the CIAL.

23 Thank you for the opportunity to present my evidence

Patricia Harte  
2 August 2024



## ATTACHMENT 1: PROPOSED AMENDMENTS TO PWDP

The following text (*italics*) is new and proposed to be inserted in Part 3 – Area specific matters / Wāhanga waihanga – Development Areas / New Development Areas.

### **SK- South Kaiapoi Development Area**

#### **Introduction**

*The South Kaiapoi Development Area is located at the southern end of Kaiapoi and lies between the Main North Road, Kaikainui Stream, the Main North Railway line and Courtenay Stream. The area is a Medium Density Residential Zone that provides for medium residential activities. The area is within a location that has the potential to experience overland flooding which has the potential to result in flooding impacts if not appropriately managed through subdivision design and development.*

*Key features of the DEV-SK-APP1 include:*

- *proposed road and pedestrian layout;*
- *proposed stormwater management network to provide for new and existing overland flow paths;*
- *extensive esplanade reserves along Kaikainui and Courtenay Streams;*
- *landscaping and setback requirements; and*
- *pedestrian access over the Kaikainui Stream.*

#### **Activity Rules**

<b>DEV-SK-R1 South Kaiapoi Outline Development Plan</b>	
<b>Activity status: PER</b>	<b>Activity status when compliance not achieved: DIS</b>
Where: <ol style="list-style-type: none"> <li>1. <i>development shall be in accordance with DEV-SK-APP1</i></li> </ol>	
<b>Advisory Note</b>	
<ul style="list-style-type: none"> <li>• <i>For the avoidance of doubt, where an Activity or Built Form Standard is in conflict with this ODP, the ODP shall substitute the provision.</i></li> </ul>	

<b>DEV-SK-R2 Finished ground level</b>	
<b>Activity status: PER</b> Where: 1. As part of any subdivision, any residential allotment shall have a finished ground level that avoids inundation in a 0.5% Annual Exceedance Probability .	<b>Activity status when compliance not achieved: DIS</b>

### **Built Form Standards**

<b>DEV- SK -BFS1 Footbridge construction</b>	
1. The footbridge over Kaikainui Stream shown in the South Kaiapoi Outline Development Plan shall be constructed prior to vesting of the adjacent recreation reserve.	<b>Activity status when compliance not achieved: DIS</b>

<b>DEV-SK-BFS2 - Finished ground levels as part of subdivision</b>	
1. Subdivision and /or development of the site within the South Kaiapoi Outline Development Plan area shall ensure that in a 1:200 year flood event a. There will be no increase in the flood depth or flood area on the formed Main North Road, and b. there will be no increase in flood depth downstream of the site  2. Evidence shall be provided to the Council specifying the works that will be undertaken to ensure that there is sufficient downstream capacity to receive the displaced stormwater and that there will be no resulting flooding on the formed Main North Road	<b>Activity status when compliance not achieved: DIS</b>

Appendix

DEV-SK- APP1 – South Kaiapoi ODP

