

**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 Variation 1 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 and **Mike
Greer Homes NZ Limited**

**EVIDENCE OF PATRICIA HARTE
ON BEHALF OF MIKE GREER HOMES NZ LIMITED**

DATED 30 AUGUST 2024

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INTRODUCTION

- 1 My name is Patricia Harte of Christchurch
- 2 In this evidence I provide a planning policy perspective on the appropriate measures to be included in Variation 1 to the Proposed Waimakariri District Plan (PWDP) in relation to airport noise produced by Christchurch International Airport Limited (CIAL). In particular, I consider whether it is necessary or appropriate to prevent or limit residential intensification inside of the L_{dn} 50 dBA Airport Noise Contours of CIAL at South Kaiapoi.
- 3 I hold the qualifications of LLB (Hons), M.Sc (Resource Management).
- 4 I am a consultant planner with Davie Lovell-Smith, Christchurch. I have extensive experience in reviewing and preparation of district plans including detailed work with councils in developing plans and plan changes. I have overseen and reported on major projects on behalf of councils. I have also prepared and followed through the full processes of a number of recent private plan changes requesting rezoning of greenfield areas for residential use in Selwyn, Waimakariri and Christchurch a number of which are fully developed, some partially developed and some yet to be developed.
- 5 I have read the Environment Court's Code of Conduct and agree to comply with it. My qualifications as an expert are set out above. The matters addressed in my evidence are within my area of expertise, however where I make statements on issues that are not in my area of expertise, I will state whose evidence I have relied upon. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in my evidence.

SCOPE OF EVIDENCE

- 6 In my evidence I consider the appropriateness of specific density provisions for the requested Medium Density Residential zoning for the South Kaiapoi site requested by Mike Greer Homes. This land sits within the 50 dBA L_{dn} airport noise contour shown in the proposed Waimakariri District Plan.

CONTEXT

- 7 Submissions and further submissions on the PWDP and Variation 1 have been made on behalf of Mike Greer Homes NZ Limited relating to rezoning of the block of land south of Kaiapoi from Rural Lifestyle to Medium Density Residential. These submissions have been opposed by CIAL, who request that the land remain rural due to the potential for

new residents to be adversely affected by aircraft noise to the extent that there will be significant complaints which could result in CIAL's operations being compromised.

- 8 The planning details of the South Kaiapoi block and related submissions are set out below.

Operative Waimakariri Plan	
<p>Zoning: Rural</p> <p>Layers: Mike Greer land lies fully within 50dBA airport noise contour</p>	
Proposed Waimakariri District Plan	Submissions
<p>Zoning: Rural Lifestyle</p> <p>Layers: lies within (ODP) 50 dBA aircraft noise contour</p> <p>Kaiapoi Development Area:</p> <p>Provisions included in PWDP which provide through a certification process for land to be developed in accordance with General Residential zone standards including subdivision</p>	<p>Mike Greer Original Submission: seeks Medium Density Residential zoning of South Kaiapoi block</p> <p>CIAL Original submission: seeks changes to Strategic Directions, Policies, subdivision provisions, noise chapter provisions, residential zone provisions, Kaiapoi Development Area provisions</p> <p>Momentum Further Submission: opposes CIAL Original Submission</p> <p>CIAL Further Submission: opposes Momentum and Mike Greer original submissions</p>
Variation 1	
<p>Zoning: Rural Lifestyle</p> <p>Qualifying matter (QM): Lies within the 50 dBA aircraft noise contour, density limited to 1 dwelling per 200m²</p>	<p>CIAL Original Submission: seeks that within the noise contour QM density standards of 300m²/dwelling should apply in the former Residential 1 zone (Area B) and 600m²/dwelling in the former Residential 2 zone (Area A).</p> <p>CIAL Further Submission: opposes Mike Greer and Momentum original submissions.</p> <p>Momentum Further Submissions: Opposes CIAL Original Submission and Support Kainga Ora Original Submission (seeking deletion of the Airport Noise Qualifying Matter and related provisions.)</p>

- 9 I have assessed the policy environment relevant to proposed rezoning of the South Kaiapoi site regarding provision for existing and future housing demand in Kaiapoi, Waimakariri

and Greater Christchurch in evidence provided for the rezoning hearing Stream 12E. This assessment concludes that the Mike Greer block in South Kaiapoi has many attributes which support it being rezoned for residential purposes. The issue at hand that I now address is whether the residential development of this land should be constrained through density controls in order to reduce/eliminate the potential for noise complaints that could result in significant restrictions on the operation of the Christchurch International Airport (CIAL). I understand that CIAL seeks to reduce the permitted housing density contained in Variation 1, although I am not clear exactly what reduction is being sought.

- 10 The housing density provisions have two components, namely subdivision lot size and the number of residential units that can be established on a site. The subdivision **minimum lot size** specified for sites within the Air Noise Qualifying Matter overlay is 200m², whereas elsewhere there is no minimum lot size where a multi-unit residential development is submitted with a design statement and land use consent (SUB-S1). With regard to the **maximum number of residential units permitted within a single site**, in the Medium Density Residential zone only one unit is permitted within the Air Noise (and natural hazard) Qualifying Matter overlays compared to 3 units elsewhere (Rule MRZ-BFS1).

PROVIDING FOR GROWTH

- 11 A central focus of the Proposed Waimakariri District Plan and other related policy documents is to provide for growth and change while limiting adverse effects of this growth on the community and natural environment. There has been widespread concern in, at least, the last 10-15 years as to how housing is going to be provided for New Zealand's growing population. For Canterbury, this demand was exacerbated by the Christchurch earthquakes, which significantly reduced the existing housing resource, and in particular in Kaiapoi. While there has been a response to this increased demand at national, regional and local level in various policy documents, in general this has been conservative and very delayed despite sections 30 and 31 of the RMA specifying that the functions of regional and district councils include reviewing "*objectives, policies and methods to ensure that there is sufficient development capacity in relation to housing and business land*"
- 12 The increasing demand for housing not being matched by supply has resulted in significant increases in the cost of housing over the last 20 or so years. This has affected the whole housing market, including the rental market where people have less choice. Any reduction in potential housing density therefore, in my opinion, needs to be carefully considered. The majority of new residential sites and dwellings are likely to be within larger developments

rather than through subdivision of existing small sites. In addition to providing larger quantities of new dwellings, these larger developments have the ability to provide for a range of sections sizes and residential forms. As noted in Vikram Singh's urban design evidence presented at hearing Stream 12E relating to the South Kaiapoi site:

"The ODP has been designed to support intensification of the Site under MDRZ with the provision for housing, access, stormwater management, recreation reserve, native plantings and a circulation network management that will promote pedestrian and cycle movement and viable green environment for the residents.

The MDRZ character will enable more intensive use of land in response to the current housing needs, with 1 dwelling per 200m² and a minimum density of 15 dph in keeping with the provision of pWDP. A variety of housing typologies are possible to accommodate a denser population within the parameters".

- 13 In response to these housing issues, central Government has taken a number of initiatives. The most significant are the National Policy Statement on Urban Development Strategy 2016 (NPD-UDS 2016), the National Policy Statement on Urban Development 2020 (NPS-UD 2020), the RM Enabling Housing Supply Amendment Act 2021 and empowering Kainga Ora to undertake extensive house building programmes and to challenge district plans which do not provide for more intensive housing.

ENABLING ACT AND MDRS PROVISIONS

- 14 The key links between the important responsibility of Councils to provide for housing in an effective and efficient manner and the submissions and further submissions of developers and CIAL are the issues of location and density of development. The Enabling Act, which Tier 1 Councils have to implement, requires provisions for national Medium Density Residential Standards (MDRS) to be included in all residential zones other than Large Lot and Settlement zones.
- 15 The MDRS contain "density standards" which do **not** include a minimum area per dwelling. Rather, they set limits on building height, setbacks, coverage, outdoor living and outlook space, street windows and landscaping requirements and a maximum number of units on a site.
- 16 The Council chose to include a minimum lot size of 200m² for the Medium Density Residential zone under the 50dBA airport noise contour in both the Proposed WDP and Variation 1. This will provide for vacant lot subdivision. This approach responds to the issue of maintaining the current level of noise amenity for residents under the noise contour as

referred to by Mr. Wilson in his Stream 10A report. However, the expert noise evidence adduced in this hearing does not support restriction of subdividing to smaller lot sizes within the 50 dBA airport noise contour, in my view.

- 17 The Enabling Act which provides for exemptions to the prescribed Medium Density Residential standards associated with "qualifying matters". These qualifying matters apply to a wide range of matters including a *matter of national importance* (s6 RMA), ensuring *the safe or efficient operation of nationally significant infrastructure* and any other matter that *makes higher density inappropriate in an area*. There is no specific policy directive regarding qualifying matters other than Section 77L which refers to identifying characteristics which make the level of development ***inappropriate in the area*** and which then justifies why it is inappropriate in the light of the NPS-UD.
- 18 The Council have undertaken a section 77 assessment on the appropriate residential density under the 50dBA airport noise contour. This included consideration of options to reduce density to limit, but not avoid, potential adverse effects on CIAL operations, including reverse sensitivity effects from noise complaints. On this basis the Council chose to amend/include two standards for MDR development under the contour as discussed above namely:
- A minimum subdivision lot size of 200m²
 - The number of residential units on sites being limited to 1 (as compared to 3 under the MDR Standards)
- 19 Peter Wilson agreed with this approach in his Stream 10A officer report, where he stated that these provisions are in line with the policy approach of mitigating potential adverse reverse sensitivity effects as opposed to avoiding these. In addition, this approach is anticipated to retain the current level of amenity experienced by residents. Mr. Wilson applied the same reasoning to a number of the CIAL policy and rule submissions requesting avoidance accompanied by his recommendation to reject these submissions. This reasoning in relation to the Variation 1 approach to density under the Kaiapoi airport noise contour recognises the potential issue of increased number of people who may be concerned about aircraft noise, but also acknowledges that to date this has not in fact been an issue, and that providing for a moderate level of development is expected to maintain a level of noise amenity that has been acceptable to date.

SUITABILITY OF LAND FOR RESIDENTIAL DEVELOPMENT

- 20 In my opinion, the Mike Greer land is well suited for residential zoning and in particular Medium Density Residential zoning. The reasons for this are:
- (a) It is a logical extension of Kaiapoi;
 - (b) It is of a scale to enable efficient servicing and to provide for substantial residential development over time;
 - (c) It is well served by public transport;
 - (d) Public reserve areas will be able to establish along the Kaikainui and Courtenay streams and along the setback area from the railway;
 - (e) This area has been identified in the Waimakariri District Development Strategy as an appropriate extension of Kaiapoi. While this extension was proposed for business uses, the demand for housing and the limited areas available for that use make it a likely and suitable area for greenfield residential development.
- 21 For all these reasons it is logical and important that the best use of this land is enabled by providing for the level of density available under the relevant provisions of the NPS-UD and the Enabling Act. Land development involves a very large investment over a long period of time. It is therefore to be expected that developers want to optimize the potential yield of a site. However most greenfield developers that I am aware of have a very considered mixture of densities within a subdivision for a range of reasons including market demand and creating a desired level of amenity.
- 22 The indicative layout for the South Kaiapoi rezoned land prepared for the rezoning request contains 186 lots of which 23 range from 200m² to 300m². I understand 300m² is the minimum lots size being sought by CIAL. It is possible however, that in response to the increased demand for smaller, more affordable units, Mike Greer Homes would want to include lots smaller than 200m², possibly in the range of 150m² to 200m². The inability to have these smaller sites will impact on the development in two obvious ways. Firstly, it will mean that the development will not be providing for people who wish to live in Kaiapoi but who cannot afford a larger site (and house). Secondly, it will reduce the return for the considerable investment put into developing the site over time. I am aware that amendment of minimum lot size (less than 200m²) for the Medium Density Residential zone has not been the subject of a specific submission by Momentum or Mike Greer Homes. However, I understand there may be scope for this amendment as Momentum has supported the submission of Kainga Ora which sought to remove the Air Noise Qualifying

Matter. I also understand there is general provision in the Enabling Act (s99(2)) providing for a hearing panel to make recommendations on matters not within the scope of a specific submission made on an intensification planning instrument.

- 23 I note here that Policy 1 of the NPSUD specifically requires:

Policy 1: *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum: have or enable a variety of homes that:*

(i) meet the needs, in terms of type, price, and location, of different households;

This is a very clear directive for decision-makers to enable development which will provide for a range of homes, including smaller sites that provide for single dwellings. This is the intention of Mike Greer Homes, and in my opinion, it would be contrary to good planning for new greenfield residential development to not provide for sites smaller than 300m² simply because they are under a 50 dBA airport noise contour. In this regard I refer the panel to the evidence of Mr John-Paul Clarke and Mr Putt who have considerable technical and planning experience with issues associated with aircraft noise impacts. They confirmed that throughout the world the most common approach to planning for development near airports was to start consideration of the need for managed development at least at the 55 dBA level, recognising that there is very little evidence of annoyance at 50 dBA.

POLICY ENVIRONMENT

- 24 The relevant objectives of higher-level planning directions and documents are, at their simplest, to provide for additional housing at Kaiapoi and enable CIAL to continue operating. The approach of CIAL in the various documents attached to their submissions appears to assume that any increase in housing in undeveloped areas under the 50 dBA airport noise contour will result in more complaints which will then require the airport operation to be reduced and possibly completely shut down in the future. In my opinion this assumption is extreme and not justified on the evidence. No one doubts the importance of Christchurch Airport in terms of all the social and economic benefits it provides for Christchurch, Canterbury, and the rest of the country. It is in fact because it is a significant asset of huge importance that it would seem very unlikely to be closed down or its operation limited in response to complaints.
- 25 The Proposed Waimakariri District Plan has zoned most of Kaiapoi as Medium Density Residential in response to the Enabling Act, excluding flood prone and special purpose areas. The General Residential Zone policies encourage more housing in appropriate

locations to meet growth needs. The Urban Form and Development Objective 1 specifies that there is to be:

“Sufficient feasible development capacity for residential activities to meet specified housing bottom lines and a changing demographic profile of the District..”

and then lists the goals for short, medium and long term. As stated in the WDC Section 32 report on this matter, there are no policies in the PDP referring to avoiding higher densities within Kaiapoi residential areas in response to concerns regarding impacts on the operation of the Airport.

Rather the preferred approach is to:

- Set the minimum lot size on land under the airport noise contours of 1 house per 200m²
- Require insulation to limit the noise levels received within buildings under the contours. This is effectively achieved by modern building standards.
- Provide information on LIMs advising future owners that they are located under an airport noise contour and that therefore a certain level of noise is to be expected.

REVERSE SENSITIVITY

26 Given CIAL’s concern, I consider that the matter of reverse sensitivity needs to be carefully assessed rather than assumptions being made as to its existence and significance. Reverse sensitivity is defined in the Proposed District Plan as:

the potential for the operation of an existing lawfully established activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an existing activity.

27 In order for this concept to come into play, there has to be plausible evidence of a real possibility that adverse effects experienced will lead to significant pressure to limit or close down an activity. The adverse effects would have to be substantial and result in a high level of complaints/concerns to reach the point where an activity will have to be abandoned or seriously compromised. It is not enough that noise sensitive activities might or are anticipated to occur.

28 This approach to interpretation coincides with the policy assessment undertaken by Peter Wilson and Neil Sherrin in their s42A reports, where they conclude that avoidance of reverse

sensitivity effects is not the appropriate test, rather the test of mitigating adverse amenity effects on residents and the airport's operation is more appropriate. With regard to the new residential developments in Kaiapoi under the contours, I consider it extremely unlikely that the proposed residential density standards providing for 200m² lots and one house per 200m², or even greater density, will create greater risk of increased aircraft noise complaints leading to effects on airport operations.

Patricia Harte

30 August 2024