

**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**)

AND

IN THE MATTER OF

Hearing of Submissions and Further
Submissions on Variations 1 and 2 to the
PWDP

AND

IN THE MATTER OF

Submissions and Further Submissions on the
PWDP and Variation 1 by **Momentum Land
Limited**

**EVIDENCE OF MARK DAVID ALLAN
ON BEHALF OF MOMENTUM LAND LIMITED REGARDING STREAM 7B
VARIATION 1: HOUSING INTENSIFICATION**

DATED: 30 AUGUST 2024

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INTRODUCTION

- 1 My full name is Mark David Allan.
- 2 I hold the qualification of Bachelor of Resource and Environmental Planning (Hons) from Massey University.
- 3 I have been employed by Aurecon since 2004, where I currently hold the position of Director – Environment and Planning.
- 4 My previous work experience includes more than 20 years in the field of resource management, both in the public and private sector. The majority of this has been in land development (residential, commercial and industrial), infrastructure and telecommunications in the Greater Christchurch area and wider South Island, involving the preparation and oversight of resource consent applications, plan change requests and submissions on district plan reviews, and providing expert planning evidence in respect of the same.
- 5 I am familiar with the Proposed Waimakariri District Plan (**PWDP**) review process, having prepared submissions on the PWDP and Variation 1 on behalf of clients and presented evidence in respect of Hearing Streams 12C (Large Lot Residential) and 12E (Kaiapoi Rezoning).
- 6 This evidence is provided 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**) through the PWDP and Variation 1 to the PWDP.
- 7 Specific to these proceedings, my role has been to provide an assessment of the airport noise and natural hazards qualifying matters (**QM**) introduced by Variation 1 as they relate to the Site.
- 8 I am familiar with the location and immediate surroundings of the Site.

CODE OF CONDUCT

- 9 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

- 10 I have prepared evidence in relation to:
- (a) the application of the natural hazards QM and the natural hazards provisions of the PWDP, as relevant to the Site;
 - (b) the appropriateness of the airport noise QM; and
 - (c) the relevant provisions of statutory documents as applicable to the relief sought.
- 11 In preparing my evidence I have considered the following:
- (a) the Momentum submissions / further submissions on the PWDP and Variation 1, and the submissions of Christchurch International Airport Limited and Kainga Ora relevant to the same;
 - (b) Section 32 Report, Variation 1: Housing Intensification, prepared for the Proposed Waimakariri District Plan, August 2022
 - (c) the evidence prepared by:
 - (i) Mr Shane Fairmaid – director and shareholder, Momentum
 - (ii) Mr Richard Withy – sales and auction manager, Ray White
 - (iii) Momentum’s technical experts in respect of Streams 10A (Airport Noise Issues) and 12E (Residential Rezoning)
 - (d) the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (**Housing Supply Amendment Act**) and associated Medium Density Residential Standards (**MDRS**), the National Policy Statement on Urban Development 2020 (**NPS UD**), the Canterbury Regional Policy Statement (**CRPS**) and the PWDP

SUMMARY OF EVIDENCE

- 12 The spatial extent of the natural hazards QM applies to the older established parts of Kaiapoi that have significant flood risk due to their low-lying nature, which is exacerbated by significant capacity constraints in the wastewater and drainage networks. The natural hazards QM does not apply to the Site, nor should it. Momentum’s submission effectively supports the status quo

provided by the PWDP, whereby flood risk will be addressed by the proposed flood hazard mitigation measures and the Flood Assessment Certificate process in the PWDP. I agree that this is an appropriate mechanism to avoid significant flood risk.

- 13 The spatial extent and the density standard of the airport noise QM was the subject of the Stream 10A Hearing. The Stream 10A Officer Report recommended the spatial extent of the QM remain as defined by the operative 50dBA noise contour (rejecting the relief sought by Momentum that it be the Annual Average Control Boundary (AAOCB)), and the density standard remain one dwelling per 200m² (accepting the relief sought by Momentum).
- 14 Kainga Ora's submission on Variation 1 seeks the deletion of the airport noise QM and associated provisions. This provides the scope to adopt a more targeted response to the MDRS by only limiting the application of the MDRS to the extent necessary to accommodate the airport noise QM. I consider that, within the 50 dBA contour, removing the minimum lot size for subdivision, limiting density to one residential unit per site and requiring insulation and ventilation standards, would better contribute to housing choice, housing affordability and a well-functioning urban environment consistent with the NPS-UD.
- 15 The Site is suitable for MRZ-enabled development in accordance with the MDRS. It will supply significant development capacity in a location where the strategic spatial planning framework has long-foreshadowed urban growth and development. It will support the existing development patterns in Kaiapoi, achieve a more compact and consolidated urban form, and increase connectivity with wider Kaiapoi.

THE SITE AND ITS CONTEXT

- 16 The Momentum submissions relate to the following blocks of land at north Kaiapoi (collectively **the Site**, Figure 1) that Momentum has a contract to purchase:
 - (a) approximately 28.5ha at 177 Ferry Road (**North Block**); and
 - (b) approximately 6ha at 310 Beach Road (**South Block**).



Figure 1: The Site (Source: Grip)

- 17 The existing character of the Site and its urban context have been comprehensively described in the evidence presented on behalf of Momentum in respect of Stream 12E¹, which I agree with and adopt.
- 18 The Site is subject to flood hazard overlays in the PWDP (Non-Urban Flood Assessment – North Block, Urban Flood Assessment – South Block, and Coastal Flood Assessment – North and South Blocks) and located within a High Hazard Area (flooding) as defined in the CRPS, as described in the Stream 12E evidence of Richard Brunton (flooding)². Variation 1 does not propose any changes to the notified PWDP flood hazard overlays.
- 19 The entire South Block and part of the North Block lie within the 50dBA airport noise contour as identified in the operative Waimakariri District Plan, the PWDP and Map A of the CRPS. Variation 1 does not propose any change to the notified PWDP noise control contour.
- 20 The Site forms part of the Kaiapoi Development Area (**KDA**) as described in Part 3 (New Development Areas) of the PWDP, which implements the greenfield growth direction of the CRPS (Future Development Area, Map A),

¹ Stream 12E evidence for Momentum: Bruce Weir dated 5 March 2024 (Urban Design) paras [31-38]; Danny Kamo dated 5 March 2024 (Landscape) paras [16-32]

² Stream 12E evidence for Momentum dated 5 March 2024 (Flooding) paras [83-86]

the Spatial Plan (Future Urban Area, Map 1) and other spatial planning strategies and statutory plans as far back as 2007³.

- 21 Stream 10A and 12E evidence for Momentum, which has been largely accepted by Council's reporting officers, is that the Site is adjacent to existing urban development with physical connections enabled to infrastructure and transport networks. Subject to the appropriate mitigation of flood risk and potential reverse sensitivity effects (airport noise complaints), rezoning the Site MRZ represents a logical extension of existing urban form as anticipated by the various strategic spatial and statutory planning frameworks relating to growth in Greater Christchurch generally and Kaiapoi specifically.
- 22 Relevant to these proceedings, Figure 2 shows the Site (red dash) in the context of the two QMs the subject of Momentum's submission. The orange hatching represents the airport noise QM, which affects the South Block and approximately two-thirds of the North Block. The blue hatching (notated 'Area A' and 'Area B') represents the natural hazards QM and does not affect the Site.

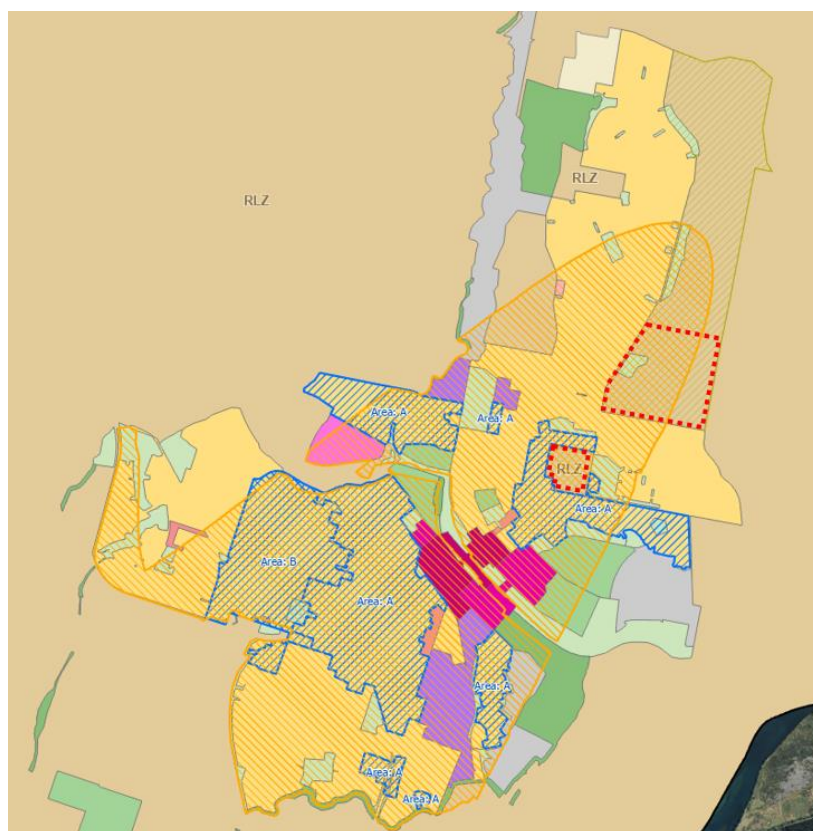


Figure 2: The Site (red dash) in the context of airport noise (orange hatch) and natural hazards (blue hatch) qualifying matters (Source: PWDP (Variation 1) ePlan)

³ Stream 12E evidence of Mark Allan for Momentum dated 3 May 2024 (Planning), Attachment 1: Kaiapoi Urban Growth Provision in Strategic Spatial and Statutory Planning Documents (2007 - 2024)

RELIEF SOUGHT

- 23 Relevant to this statement, Momentum's submission (V1 43) on Variation 1 seeks:
- (a) rezoning of the Site to MRZ and insertion of an amended Outline Development Plan for the Site (NB. This was the subject of the Stream 12E Hearing for which I presented planning evidence⁴, and I do not repeat that material here);
 - (b) that the density standard of one dwelling per 200m² is retained within the airport noise QM (NB. Momentum's request that the spatial extent of the airport noise QM apply to the Annual Average Control Boundary (AAOCB) was addressed through Momentum's evidence⁵ and the Officer Report for Stream 10A⁶, and I do not repeat that material here); and
 - (c) that the natural hazards QM does not apply to the Site on the basis that ground levels will be raised to mitigate flood risk.
- 24 Momentum also lodged a further submission (FS 11):
- (a) supporting Kainga Ora's submission (V1 80) that seeks deletion of the airport noise QM and related provisions;
 - (b) opposing Christchurch International Airport Limited's (**CIAL**) submission (V1 81) that seeks to amend the extent of the airport noise QM to include three contours; increase the minimum allotment size for subdivision to 300m² and 600m² beneath the contours; and to amend Strategic Objective SD-03 to explicitly require avoidance of noise sensitive activities within the 50dBA contour.

RESPONSE TO OFFICER REPORT

Natural hazards QM

- 25 Of the above relief sought, the Officer Report only addresses Momentum's submission in respect of the natural hazards QM, recommending this be rejected because:

⁴ Stream 12E evidence of Mark Allan for Momentum dated 3 May and 2 August 2024 (Planning)

⁵ For example Stream 10A evidence for Momentum dated 2 February: Brian Putt (Spatial Planning), Patricia Harte (Planning), William Reeve (Acoustics)

⁶ Paras [51-61], Stream 10A (Variation 1 – Airport Noise Matters) Officer Report

A qualifying matter under Variation 1 cannot anticipate or rely on future works on a site to mitigate natural hazards ahead of those works having occurred. If ground levels are raised then the floor level certificate process would pick this up and ensure that additional floor levels were not required.⁷

- 26 Variation 1 introduced Table RSL-1 - Qualifying matters, which identifies Natural Hazards (urban) as:

Properties within Kaiapoi Urban area within the High Hazard flood overlay.

As mapped in qualifying matter, natural hazards

- 27 The extent of the mapped QM is shown in Figure 2 above, which I note corresponds to the following figure in the Section 32 Report for Variation 1.

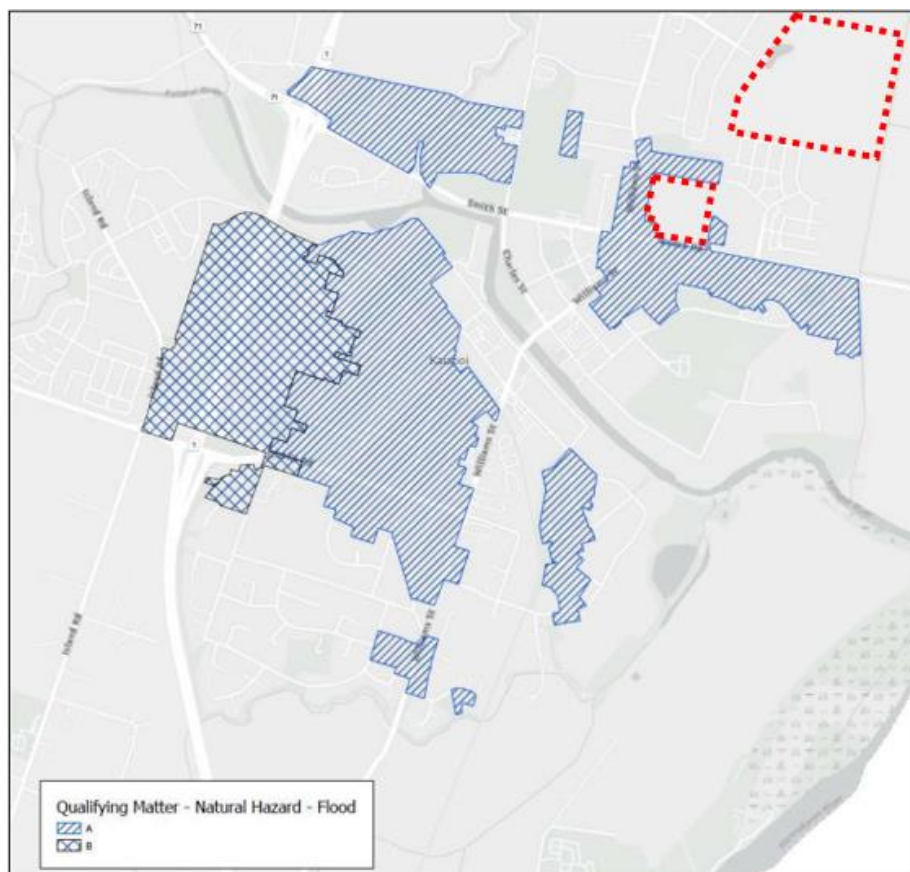


Figure 3: The Site in the context of Qualifying Matter Natural Hazards (MDRS exclusion) (Source: Figure 2, Section 32 Report, Variation 1: Housing Intensification, August 2022)

- 28 In terms of the area where this QM applies, the Section 32 Report explains that it is necessary to exclude some parts of Kaiapoi where the flood risk is too significant to allow for further intensification without subjecting the

⁷ Para [164] and Appendix B: Recommended Responses to Submissions and Further Submissions, Officer Report

development to a typical consenting process. For this purpose, the area excluded from MDRS has been split into Area A and Area B. It is apparent from the Section 32 Report that Areas A and B correspond to the older established parts of the town that have significant flood risk due to their low-lying nature, which is exacerbated by significant capacity constraints in the wastewater and drainage networks. By contrast, areas of more recent residential development (e.g. Beach Grove, Sovereign Palms, Silverstream) are not included in Areas A and B, on account of flood risk having been mitigated through comprehensive / coordinated raising and grading of ground levels.

- 29 A maximum development density of 200m² applies in Area A and 500m² in Area B. This is implemented by Variation 1 which proposes changes to SUB-S1 and Table SUB-1 (minimum allotment sizes and dimensions), whereby the minimum allotment area for subdivision in the MDZ where subject to the natural hazards QM is 200m² in Area A and 500m² in Area B.
- 30 As identified in Figures 2 and 3, the Site is not within Area A or Area B and is therefore not subject to the natural hazards QM. As I understand its application, the QM relates to a spatial extent (i.e. mapped Areas A and B) defined at a point in time (i.e. notification of Variation 1). The spatial extent of the QM will not 'extend' in response to the subsequent rezoning of land that may be subject to flood hazard risk. Instead, should the Site be rezoned MRZ as sought by Momentum, it would assume the Urban Flood Assessment Overlay (in addition to the Coastal Flood Assessment Overlay), meaning subsequent subdivision and development would be subject to the natural hazards provisions of the PWDP to ensure the Site's identified flood hazard risk is appropriately mitigated and acceptable.
- 31 Technical evidence⁸ has outlined the proposed flood hazard mitigation for the Site, based on the results of hydraulic modelling of surface flooding within the Site and surrounding area pre- and post-development of the Site. The proposed mitigation involves filling the Site to elevate ground levels above the existing flood level; specifying a minimum finished floor level above the 200-year event and incorporating an allowance for predicted climate change plus 500mm freeboard; and constructing a stormwater system to collect and convey Site-generated runoff to the receiving drainage system. On this

⁸ Stream 12E evidence of Richard Brunton (Flooding) for Momentum dated 5 March 2024

evidential basis, it is possible to alleviate the flooding risk on the Site with only minimal (and indiscernible) effect on the surrounding area. With the proposed surface flooding mitigation, the post-development Site will no longer be considered a High Hazard Area as defined in the CRPS and PWDP.

- 32 To summarise my Stream 12E evidence⁹ on the mechanics of the PWDP's natural hazard provisions as they apply to the Site:
- (a) Flood Assessment and Coastal Flood Assessment Certificates will need to be sought from WDC as part of the subdivision consent application process (Rules SUB-R4, NH-R1 & R2, NH-R15 & R16 and NH-S1 & S2);
 - (b) the proposed flooding mitigation will bring the Site under the high hazard threshold in the PWDP, in which case the Flood Assessment Certificates issued by WDC would specify the minimum finished floor level required for development;
 - (c) "raised building floor levels and raised land which are required to be raised to meet the requirements of a hazards assessment certificate" are excluded from the PWDP definition of 'natural hazard mitigation works', meaning the proposed flooding mitigation can be legitimately considered by WDC when processing a request for a Flood Assessment Certificate;
 - (d) matters of discretion in the PWDP provide for an assessment of the setting of minimum floor and land levels, the frequency / extent buildings are predicted to be damaged, flood water displacement or flow path disruption, effectiveness of proposed mitigation measures, and any increase in the risk to life or property.

- 33 In this regard, I agree with the Officer Report that the Flood Assessment Certificate process in the PWDP is the appropriate mechanism to avoid significant flood hazard risks within the Site and surrounding area. The natural hazards QM does not apply to the Site, nor should it. The evidence presented for Momentum for Stream 12E demonstrates that MRZ-enabled development of the Site is appropriate from a flood hazard perspective, is

⁹ Paras [58-60], Stream 12E evidence of Mark Allan (Planning) for Momentum dated 3 May 2024

consistent with a well-functioning urban environment, will meet the directive of the NPS-UD, and will provide much-needed development capacity.

- 34 On this basis, I consider MRZ-enabled development of the Site in accordance with the notified PWDP and Variation 1 provisions concerning flood risk will give effect to the Housing Supply Amendment Act and the NPS-UD.

Airport noise QM

- 35 As noted above, the Officer Report does not specifically address that part of Momentum's submission that sought the density standard of one dwelling per 200m² be retained within the airport noise QM. That said, I note that the Stream 10A Officer Report recommends the spatial extent of the airport noise QM remain as defined by the operative 50dBA contour, that the density within the QM area remain one dwelling per 200m², and that non-compliance with the density standard remain a discretionary activity in MRZ. On this basis, I have inferred the recommendation is to accept the relief sought by Momentum insofar as retaining the density standard applicable to the airport noise contour area.

- 36 In arriving at the above recommendations, the Stream 10A Officer Report consequently recommends the submission of CIAL seeking to include the remodelled annual average and outer envelope contours and change the minimum allotment size for subdivision underneath the contour be rejected. I agree with the Officer Report's assessment of the CIAL submission that changing the density standard would make the airport noise QM less enabling of development than the PWDP subdivision provisions¹⁰. This would represent a further departure from the level of intensification provided for by the MDRS, without robust justification.

- 37 At paragraph 120, the Stream 10A Officer Report notes that increasing the minimum allotment size would not necessarily limit the number of people within the airport noise QM area, which appears to be CIAL's concern and the reason for seeking two density areas beneath the 50dBA contour that reflect the density standards of the Residential 1 and 2 Zones of the operative District Plan. As I discuss below, I do not consider there is an evidential basis to CIAL's assertion that the notified airport noise QM does not ensure appropriate

¹⁰ Para [88], Stream 10A Officer Report

amenity outcomes for residents below the contour and the effective and efficient operation of the Airport. Further, CIAL's request that the density standards of the operative District Plan be applied gives no regard to the current national policy direction for urban development, which has advanced substantially since 2005 when the District Plan became operative in 2005.

- 38 The NPS-UD contains objectives and policies that promote the development of well-functioning urban environments, while increasing housing development capacity. A principal focus of the NPS-UD is to increase housing development capacity¹¹ and improve housing affordability¹² while providing for the social, economic, and cultural well-being, and the health and safety, of people and communities¹³. Policy 6 requires decision-makers have particular regard to the urban form anticipated by RMA documents that give effect to the NPS-UD and are consistent with a well-functioning urban environment. The evidence presented for Momentum for Streams 10A and 12E demonstrates that the relief sought by Momentum will give effect to the NPS-UD, and that the development enabled within the 50dBA noise contour will not raise reverse sensitivity, health and amenity concerns that should preclude or curtail such development.
- 39 The objective of Variation 1 is the introduction of mandatory requirements of the Housing Supply Amendment Act, which directs additional housing choice and development freedoms to be provided in all residential zoned land, except where it is necessary to accommodate a relevant QM.
- 40 As noted, both the Stream 10A Officer Report and Momentum's submission support the retention of the density standard of one dwelling per 200m² within the airport noise QM. However, it remains that the Panel must be satisfied that the land within the QM area cannot appropriately accommodate the level of intensification provided for by the MDRS without qualification, in light of the national significance of urban development and the objectives of the NPS-UD. That requires an evidential basis demonstrating actual reverse sensitivity, health and amenity impacts associated with airport noise within the QM area. I am not aware of such evidence before the Panel. On the contrary,

¹¹ Objective 6(c), Policy 2, NPS-UD

¹² Objective 2, implemented through evidence-based decision-making - Clauses 3.9 and 3.23, NPS-UD

¹³ Objective 1, Objective 4, Policy 1, NPS-UD

technical evidence¹⁴ presented for Momentum has found there to be no grounds to restrict development on the Site purely because of noise effects, as:

- (a) it would not reflect the balanced approach to land use planning anticipated by NZS 6805;
- (b) typical dwelling construction would provide the sound insulation required to achieve satisfactory internal levels; and
- (c) it would not result in a meaningful change to the current or future complaints burden for Christchurch Airport.

41 Another relevant consideration is the contribution MRZ and MDRS for the Site will make to well-functioning urban environments (Objective 1, Policies 1 and 8, NPS-UD) and housing affordability (Objective 2, NPS-UD). Again, technical evidence¹⁵ for Momentum supports MRZ and MDRS for the Site as:

- (a) increased dwelling density supports more compact urban environments, modal shift toward active travel and public transport, and greater housing choice in the local market;
- (b) utilising greenfield land within the identified urban boundary for medium density residential development will lessen the need for future expansion into rural lands to meet housing demand; and
- (c) it locates development at higher densities in close proximity to employment centres, schools, public transport and open space and is well integrated with existing infrastructure networks.

42 The evidence of Shane Fairmaid and Richard Withy supports density of development on the Site that MRZ and the MDRS will enable. Their evidence is that higher density development is necessary to deliver affordable residential solutions for the Kaiapoi and District residential property market. Any unnecessary curtailment of that development potential, such as suggested by CIAL's submission, would jeopardise Momentum's proven medium density product and its contribution to housing supply and affordability.

¹⁴ Paras [26, 43, 61] Stream 10A evidence of William Reeve (Acoustics) for Momentum dated 2 February 2024

¹⁵ Paras [25, 26] Stream 12E evidence of Bruce Weir (Urban Design) for Momentum dated 5 March 2024

- 43 For these reasons, and based on the understanding that Kainga Ora's submission provides the scope to do so, I consider removing the minimum lot size for subdivision within the 50dBA contour, and requiring residential units meet insulation and ventilation standards, would be a more targeted response to the MDRS, i.e. only limiting the application of the MDRS to the extent necessary to accommodate the airport noise QM. I say this because it would:
- (a) enable increased housing density in accordance with the mandatory MDRS;
 - (b) address the health and safety of people and communities by requiring appropriate treatment for acoustic insulation and ventilation (similar to that provided by PWDP NOISE-R17 and Table NOISE 1);
 - (c) address any risk that intensification will have direct effects on the safe and efficient operation of Christchurch Airport;
 - (d) better contribute to housing choice and housing affordability by providing a range of housing to meet the needs of all people; and
 - (e) better contribute to a more compact and well-functioning urban environment consistent with the NPS-UD.
- 44 Further, I note that this approach would be consistent with the recently released Recommendations Report (Part 4) of the Independent Hearings Panel in respect of submissions on Christchurch City Council's proposed Housing and Business Choice Plan Change (PC14)¹⁶. As the airport noise contours are a cross-boundary issue for the Christchurch, Waimakariri and Selwyn District Councils (all 'tier 1 local authorities' with jurisdiction in the 'Christchurch tier 1 urban environment'), I consider it sensible that any QM based on the spatial extent of the 50dBA contour be consistently applied in the district plans of the respective councils. I note that the 50dBA contour does not impinge on any MRZ land in the Selwyn District, so the need for a similar QM in the Selwyn District Plan does not arise.

CONCLUSION

- 45 The natural hazards QM does not apply to the Site, nor should it. The spatial extent of the natural hazards QM is limited to the older established parts of Kaiapoi that have significant flood risk due to their low-lying nature, which is

¹⁶ <https://chch2023.ihp.govt.nz/assets/IHP-Report-/IHP-Recommendations-Report-Part-4-29-July-2024.pdf>

exacerbated by significant capacity constraints in the wastewater and drainage networks. The development of greenfield land like the Site has the ability to mitigate flood risk through comprehensive / coordinated raising and grading of ground levels. The processes prescribed in the PWDP provide an appropriate mechanism to avoid significant flood risk.

- 46 The Stream 10A Officer Report recommends the notified density standard in the airport noise QM be retained, which is the relief sought in Momentum's submission on Variation 1. Kainga Ora's submission on Variation 1 provides scope to adopt a more targeted response to the MDRS that would give effect to the requirements of the Housing Supply Amendment Act and the NPS-UD, which would be more appropriate, having particular regard to the evidence of submitters on reverse sensitivity, health and amenity impacts associated with airport noise in the QM area. Having no minimum lot size within the 50 dBA contour and allowing one residential unit per site, subject to insulation and ventilation standards, would better contribute to significant development capacity, housing choice, housing affordability and a well-functioning urban environment consistent with the NPS-UD.

Mark Allan
30 August 2024