

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHĪ**

ENV-2025-CHC-120

UNDER

the Resource Management Act 1991 (**RMA**)

IN THE MATTER

an appeal under clause 14 of Schedule 1 of the
RMA

BETWEEN

**CHRISTCHURCH INTERNATIONAL
AIRPORT LIMITED**

Appellant

AND

WAIMAKARIRI DISTRICT COUNCIL

Respondent

**NOTICE BY MOMENTUM LAND LIMITED, DAVID COLIN MOORE,
AND FERGUS ANSEL MOORE
OF THEIR WISH TO BE A PARTY TO PROCEEDINGS**

Dated: 12 September 2025

Saunders & Co
Solicitor: Chris Fowler
PO Box 18, Christchurch
021 311 784 or 03 379 7690
chris.fowler@saunders.co.nz

TO: The Registrar
Environment Court
Christchurch

Name of party giving notice

1. Momentum Land Limited, David Colin Moore, and Fergus Ansel Moore
(collectively, **MLL**)

The relevant proceedings

2. ENV-2025-CHC-120, being an appeal by Christchurch International Airport Limited (**CIAL**) against a decision (**the Decision**) by the Waimakariri District Council (**WDC** or **the Council**) which accepted the submission and further submissions of MLL on the Proposed Waimakariri District Plan (**the Proposed Plan**) seeking the rezoning of certain land at Kaiapoi (**the Land**) from Rural Lifestyle to Residential Medium Density and other relief (**MLL's submissions and further submissions**).

Status of party giving notice

3. MLL is:
 - 3.1 a person who made submissions about the subject matter of the proceedings, and;
 - 3.2 is also a person who has an interest in the proceedings that is greater than the interest that the general public has, in that MLL owns or has a beneficial interest in the Land which is the subject of MLL's submissions seeking rezoning, and which is the subject of part of CIAL's appeal.

Trade competition

4. MLL is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

Interest in proceedings

5. MLL is interested in all parts of the proceedings.

Interest in Issues

6. MLL is interested in the following particular issues:

6.1 the rezoning of the following land:

- a. Lot 5 DP 313322, Lot 2 DP 4532, and Lot 1 DP5010 (28.5ha), being part of 147 and 177 Ferry Road, and
- b. Lot 2 DP 89191 (6.05ha), 310 Beach Road;

(**the Land**) from Rural Lifestyle to Residential Medium Density or Medium Density Residential, as MLL owns or has a beneficial interest in the Land, sought that rezoning in its submissions on the Proposed Plan and on Variation 1, and had its submissions accepted by the Council;

6.2. the rezoning and/or intensification of land to enable noise sensitive activities on land within the Operative or Remodelled Christchurch International Airport 50 dB L_{dn} Air Noise Contours (**the 50 dB L_{dn} Air Noise Contours**);

6.3. any changes to be made to the objective, policy and rule framework or other provisions of the Proposed Plan as sought by CIAL in its Notice of Appeal, including:

- a. the insertion of the Remodelled Contours into the planning maps as a new overlay and any consequential amendments;
- b. the insertion of new density controls which identify the minimum density requirements for residential units shown on the Planning Map attached to Annexure 1 to the CIAL Notice of Appeal;
- c. any other amendments sought in Annexure 1 or otherwise in the CIAL Notice of Appeal;

as MLL lodged further submissions opposing the relief sought in the CIAL submission on the Proposed Plan and on Variation 1, and had its further submissions accepted by the Council.

Response to relief sought

7. MLL opposes the relief sought because:

7.1. MLL owns or has a beneficial interest in the Land;

- 7.2. In the Proposed Plan as notified, the Land was zoned Rural Lifestyle, located within the Kaiapoi Development Area, and subject to a certification process to enable urban development;
- 7.3. A retirement village and residential subdivision and development are proposed for the Land;
- 7.4. MLL lodged a submission¹ and further submission² on the Proposed Plan seeking:
- a. rezoning of the Land from Rural Lifestyle to Residential Medium Density;
 - b. the amendment of the Kaiapoi Outline Development Plan (**ODP**) to show the Land as Residential Medium Density on the ODP 'Overall' and 'Land Use' maps; and
 - c. that the rezoning described above be undertaken in advance of the certification process; and
 - d. that Policy RESZ-P10, which provides for the development of Retirement Villages in all residential zones (excluding Large Lot Residential) be retained; and
 - e. any other consequential or similar relief that is necessary to deal with the concerns and issues raised in the MLL submission.
- 7.5. MLL's submission was opposed in a further submission lodged by CIAL.
- 7.6. CIAL lodged a submission seeking numerous amendments to the Proposed Plan. MLL lodged a further submission in opposition to the CIAL submission on the Proposed Plan, opposing all submission points and all relief sought by CIAL.
- 7.7. MLL also lodged a submission³ and further submission on Variation 1 to the Proposed Plan (**Variation 1**). Variation 1 is an Intensification Planning Instrument (**IPI**) under the Resource Management (Enabling Housing Supply

¹ Annexed as Annexure 1

² Annexed as Annexure 2

³ Annexed as Annexure 3

and Other Matters) Amendment Act 2021 (**Enabling Housing Supply Act**).
 MLL's submissions on Variation 1 seek that:

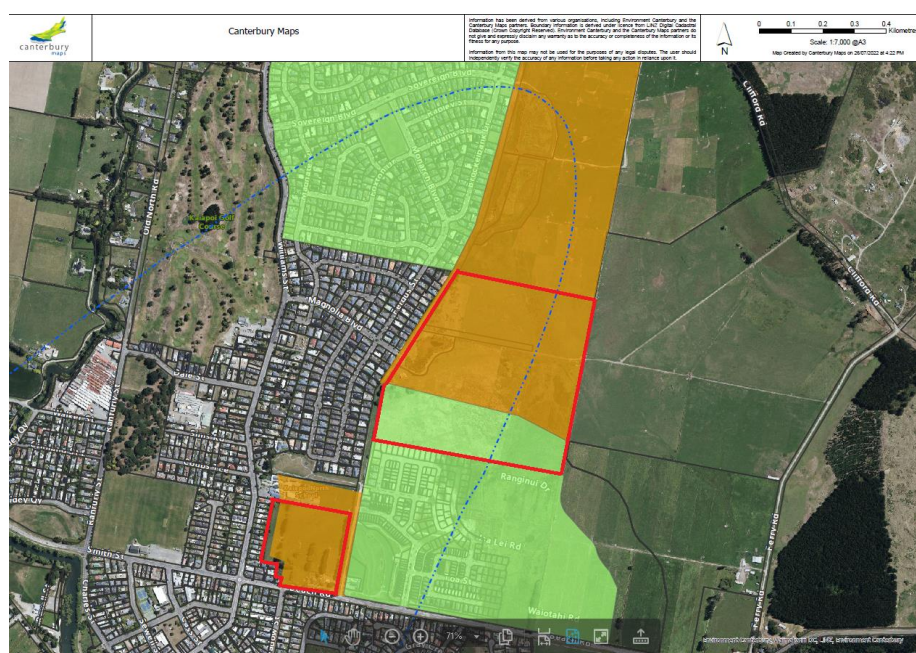
- a. the Land be rezoned from Rural Lifestyle to Medium Density Residential;
- b. the Outline Development Plan attached to the submission be inserted in the Proposed Plan;
- c. the Annual Average Outer Control Boundary (AAOCB) as shown by a red line in Variation 1 as notified be used to spatially define the airport noise qualifying matter (ANQM), as shown in the image below;



- d. that within the ANQM, the density standard of one dwelling per 200m² is retained;
- e. that the natural hazards qualifying matter does not apply to the Land;
- f. the granting of any other consequential or similar relief that is necessary to deal with MLL's concerns and the issues raised in the submission.

7.8. MLL's submission was opposed in a further submission lodged by CIAL.

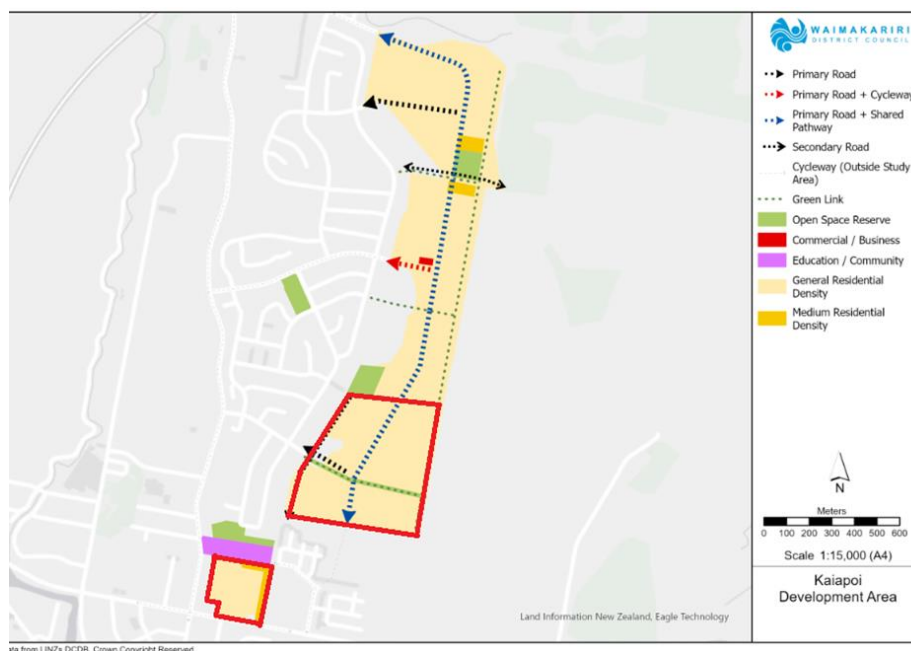
- 7.9. CIAL lodged a submission seeking numerous amendments to Variation 1. MLL also lodged a further submission in opposition to the CIAL submission on Variation 1, opposing all submission points and all relief sought by CIAL.⁴
- 7.10. The Land is identified in the Canterbury Regional Policy Statement (**CRPS**) as Future Development Area, and partially as a Greenfield Priority Area, and within the Projected Infrastructure Boundary shown on Map A in Chapter 6 of the CRPS, as shown in the image below:



Snip from Canterbury Maps showing Momentum Land (in red) overlaid with Greenfield Priority Area, Future Development Area and the 50 dB L_{dn} aircraft noise contour.

- 7.11. The Kaiapoi Outline Development Plan – Overall map, in the Proposed Plan as notified, shows the Land as 'General Residential Density' or Medium Residential Density', as seen in the image below:

⁴ Annexed as Annexure 4



Snip from Proposed Plan showing Momentum Land (in red) and Outline Development Plan Area (Kaiapoi)

- 7.12. Residential rezoning of the Land will not have any adverse reverse sensitivity effects on CIAL, nor any other adverse effects which would justify preventing the rezoning or intensification of residential development on the Land. Residential development outside of the 55 dB L_{dn} Airport Noise Contour does not have adverse reverse sensitivity effects, or any other adverse effects on airports and their operations.
- 7.13. Even if there were adverse reverse sensitivity effects on CIAL from residential rezoning of the Land, or any other adverse effects from that rezoning (which is denied), such effects would be so small as to be immaterial and would not justify preventing the rezoning or intensification of residential development on the land.
- 7.14. Residential rezoning of the Land is required to:
- a. achieve the purpose, principles and other relevant requirements of the RMA, including:
 - i. promoting the sustainable management of natural and physical resources;
 - ii. enabling social, economic and cultural well-being, and health and safety, while meeting the reasonably foreseeable needs of future

generations and safeguarding the life-supporting capacity of air, water, soil and ecosystems;

- iii. promoting the efficient use and development of natural and physical resources, including the Christchurch International Airport;
 - iv. resulting in the most appropriate plan provision in terms of section 32 of the RMA;
 - v. implementing the Council's functions under section 31 of the RMA; and
 - vi. is in accordance with best resource management practice.
- b. give effect to the National Policy Statement on Urban Development (**NPS-UD**) and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**Enabling Housing Act**), including:
- i. the following provisions of the NPS-UD: Objectives 1, 2, 3, 4, 5, 6, 7 and 8, Policies 1, 2, 3, 4, 6, 7, 8, 9, 10, and 11, and Implementation Clauses 3.2, 3.4, 3.5, 3.6, 3.7, 3.8, 3.12, 3.13, 3.17; 3.32, and 3.33; and
 - ii. in particular Policy 8 which requires local authority decisions affecting urban environments to be responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is unanticipated by RMA planning documents.
- c. have regard to the Greater Christchurch Spatial Plan;
- d. meet the residential targets contained in Objective 6.2.1a of the CRPS for the period 2018-2048, achieve Objective 6.2.2(2) and implement Policy 6.3.12 of the CRPS, as well as give effect to other relevant objectives and policies of the CRPS including Policy 6.3.5(4) CRPS as the Land satisfies the limited exception for specific land at Kaiapoi because it is within a residential greenfield area identified for Kaiapoi; and
- e. achieve the objectives and implement the policies of the Proposed Plan and Variation 1.

7.15 The Environment Court does not have jurisdiction to entertain the appeal by CIAL, because:

- a. MLL's submission on Variation 1 was accepted by the Council, so the Land's rezoning to Medium Density Residential has taken effect and is operative;⁵
- b. Variation 1 is an Intensification Planning Instrument (**IPI**) under the Enabling Housing Supply Act;
- c. Pursuant to clause 107 of Schedule 1 to the RMA, there is no right of appeal to this Court against the Council's decision on Variation 1; and
- d. CIAL has not sought to judicially review the Council's decision on Variation 1 pursuant to clause 108 of Schedule 1 to the RMA.

Mediation

- 8. In relation to mediation, MLL says that, until the jurisdictional matters raised in point 7.15 above have been resolved, it would be premature and a waste of resources to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 12th day of September 2025



C S Fowler / M Perpik
Solicitor for and person authorised to sign on behalf of MLL

Address for service of person wishing to be a party:

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⁵ Clause 103(2)(b)(ii), Schedule 1, RMA

SUBMISSION ON THE PROPOSED WAIMAKARIRI DISTRICT PLAN
(Clause 6 First Schedule Resource Management Act 1991)

To: Proposed District Plan Submissions
Waimakariri District Council
Private Bag 1005
Rangiora 7440

*Submission lodged via email –
developmentplanning@wmk.govt.nz*

Submission on: The proposed Waimakariri District Plan

Submission by: David Colin and Fergus Ansel Moore **AND**
Momentum Land Limited

Trade competition statement: The submitters could not gain an advantage in trade
competition through this submission

Submitter address: Momentum Land Limited
Attention: Shane Fairmaid
4 Peasmoor Road
Lower Shotover
Queenstown 9304

Please note the different address for service below.

Introduction

1. These submissions are made jointly by David Colin and Fergus Ansel Moore ('the Moore's') and Momentum Land Limited (MLL), together referred to as 'the submitters'.
2. The Moore's and MLL make submissions in support and in opposition to elements of the proposed Waimakariri District Plan, with regard to land currently owned by the Moore's.
3. The land parcels subject to this submission are:
 - a. Lot 5 DP 313322, Lot 2 DP 4532, and Lot 1 DP5010 (28.5ha), being part of 147 and 177 Ferry Road, and
 - b. Lot 2 DP 89191 (6.05ha), 310 Beach Road.

4. The land parcels above are proposed to be zoned 'Rural Lifestyle' and are subject to the proposed 'Kaiapoi Development Area'.

Statement of Interest and Background

5. MML is a development company who has a contract with the Moore's to purchase the land outlined in paragraph 3 above.
6. Lot 5 DP 313322, Lot 2 DP 4532 and Lot 1 DP5010 are located immediately to the north of the Beachgrove subdivision which is located at 280 Beach Road, Kaiapoi. This subdivision has been developed by Beach Road Estates Limited. It is the subject of the East Kaiapoi Outline Development Plan and is proposed to be zoned Residential Medium Density. A road connection is provided between Beachgrove and the Moore's land. This connection was required by Council as part of Stage 3 of Beachgrove and was vested as Local Purpose Reserve (Future Road). This was in recognition that the Moore's land is identified in the Canterbury Regional Policy Statement as a Future Development Area, and therefore likely to be residentially developed in the future.

Submission Summary

7. This submission relates to the following chapters of the proposed Plan.
 - a. RESZ - General Objectives and Policies for all Residential Zones
 - b. K – Kaiapoi Development Area, including the Kaiapoi Outline Development Plan (ODP)
 - c. Planning Maps (zoning)
8. This submission seeks to:
 - a. rezone land subject to this submission, from (proposed) Rural Lifestyle to Residential Medium Density to provide certainty for development, and;
 - b. to retain provisions that enable Retirement Village development in residential zones.

Submission

Submission Point 1: Part 3 – Area Specific Matters - DEV-K-APP1 - Kaiapoi Outline Development Plan

9. The 'Kaiapoi Outline Development Plan – Overall' map, shows the land subject to this submission as 'General Residential Density', with the exception a small area at 310 Beach Grove (alongside the un-named paper road) which is proposed as 'Medium Residential Density'.
10. Although the principle of residential development is in place through the Outline Development Plan, the underlying Rural Lifestyle Zoning and certification process provides a degree of uncertainty. Without appropriate residential zoning on the land subject to the Kaiapoi Development Area (KDA), there is no certainty of the development potential of land for prospective purchasers. This creates risk for developers as there is no certainty of development capacity until the certification process has been completed and the 'appropriate zoning' is determined by Council.
11. A Medium Density Residential Zoning is considered appropriate for the Moore's Land, as outlined in paragraph 3, as:
 - a. Regional Policy Statement (RPS): Under the RPS the sites are located either in a 'Greenfield Priority Area' (Lot 2 DP 4532, and Lot 1 DP5010) or are otherwise in a 'Future Development Area'. Therefore, the urban development of these sites is anticipated in the RPS, and the proposed WDP is required to be consistent with enabling that development. Objective 6.2.2(2) of the RPS provides for 'higher density living environments' in Greenfield Priority Areas and Future Development Areas. This is also supported under Policy 6.3.12 in FDA's.
 - b. Objective UFD-01: The housing 'bottom line'¹ for short-medium and long term periods, are expressed as a minimum, and therefore the zoning should enable medium density development, with structure planning identifying any constraints on density.

¹ See Policy 7, National Policy Statement on Urban Development 2020

- c. The Kaiapoi Development Area (KDA) will meet Development Area Standard DEV-K-S1(a), as the development will provide ‘additional residential capacity to help achieve or exceed the projected total residential demand’ identified in UFD-01 for the ‘medium term’ (DEV-K-P1).
 - d. Under UFD-01, the ‘medium term’ is identified (along with the ‘short term’) as covering the period from 2018 to 2028, with 6,300 Residential Units required to meet the Housing Bottom Line (development capacity).
- 12. The land subject to this submission is adjacent to existing development, with physical connections enabled to both transportation and infrastructure routes. The development enabled from the rezoning of the land is a logical extension of existing urban form.
- 13. **Relief Sought:**
 - a. Amend Planning Maps: That the land subject to this submission be zoned Residential Medium Density (and not Rural Lifestyle), to allow for a density of development that is consistent with adjacent residential land.
 - b. Amend the Kaiapoi ODP: To show the ‘Residential Medium Density’ Zone location on the ODP ‘Overall’ and ‘Land Use’ maps.
 - c. That the above rezoning to Residential Medium Density be undertaken in advance of the certification process.

Submission Point 2: RESZ – Residential Zones - Policy RESZ-P10 Retirement villages

- 14. This submission supports Policy RESZ-P10, where the development of Retirement Villages is to be provided for in all residential zones (excluding Large Lot Residential as stated in this proposed policy). This provides for the principle of the development of a Retirement Village within the Kaiapoi ODP area.

15. **Relief Sought:**

- a. That the above policy be retained, with regard to providing for Retirement Village Development within the General Residential and Medium Density Residential zones.

Summary of Relief Sought

16. The relief sought is discussed with regard to each of the submission points above, and to summarise, consists of the submitter seeking the following decisions from the Council:
- a. Rezoning the land parcels subject to this submission, to 'Residential Medium Density' on the planning maps, and in the Kaiapoi ODP.
 - b. Retaining the enabling policy for Retirement Villages in Residential Zones.
17. In addition to the above, the submitters seek that the Council grant any other consequential or similar relief that is necessary to deal with the concerns and issues raised in this submission.

Hearing

18. Momentum Land Limited and the Moore's wish to be heard in support of their submissions.
19. If others make similar submissions, the submitters will consider presenting a joint case with them at the hearing.

Submission signed for and on behalf of Momentum Land Limited and David and Fergus Moore.



Joanne Pacey
Senior Consultant
027 245 3259
joanne@rmgroup.co.nz

Resource Management Group Limited

26 November 2021

Address for service:

Momentum Land Limited
C/- Resource Management Group
PO Box 908
Christchurch 8140

Appendix One - Proposed Waimakariri District Plan - Further Submissions Table

Original Submitter	Submission Point	Plan Provision	MLL's Position	Further Submission
Kaiapoi North School 278 William Street Kaiapoi 7630 Submitter #6	6.1	K - Kaiapoi	Support	Kaiapoi North School seeks that future developers meet with the School Principal and Ministry to discuss any residential development plans. Since the closure of the submission period on the Proposed District Plan, MLL has undertaken this consultation and will continue to do so.
Summerset Retirement Villages (Rangiora) Ltd C/- Boffa Miskell PO Box 110 Christchurch 8140 Attention: Stephanie Styles Submitter #207	207.33 207.34	GRZ-R20 and MRZ-R19	Support	Summerset Retirement Villages (Rangiora) Limited seek that retirement villages in the General Residential and Medium Density Residential Zones are provided for as controlled activities rather than restricted discretionary activities. MLL support this as it aligns with Policy RESZ-P10 which seeks that retirement villages are provided for in all residential zones.
Survus Consultants Ltd C/- Ashton Consultants Ltd PO Box 1435 Christchurch 8140 Submitter #250	250.7	K-Kaiapoi	Support	Survus Consultants Limited seek that the Kaiapoi Development Area is rezoned for urban development. MLL support this as it aligns with their original submission which seeks residential rezoning.

Original Submitter	Submission Point	Plan Provision	MLL's Position	Further Submission
Christchurch International Airport Limited Chapman Tripp PO Box 2510 Christchurch 8140 Submitter #254	All submission points made by CIAL.	All provisions that CIAL have submitted on.	Oppose	Christchurch International Airport Limited ("CIAL") seek extensive amendments to the PDP, including additional objectives, policies and rules. MLL is opposed to the submission points made by CIAL to the extent that their requested relief conflicts with/impedes the relief sought by MLL in their original submission.
	254.19	SD-O3	Oppose	CIAL seek to amend Strategic Objective SD-O3 to explicitly require avoidance of noise sensitive activities within the Christchurch International Airport 50 dBA Ldn Air Noise Contour ("Air Noise Contour"), except in the existing Kaiapoi residential area (and limited to one dwelling per 600m ² only in this area). MLL oppose this as they propose to undertake residential development in the Kaiapoi Development Area, which is not an existing residential area but is identified for residential activities in the Kaiapoi Outline Development Plan.
	254.21 – 24	UFD-P1, P2, P3 and P10	Oppose	CIAL seek to amend policies within the Urban Form and Development chapter to reflect their position of avoidance of noise sensitives in the Air Noise Contour at Kaiapoi, except at

Original Submitter	Submission Point	Plan Provision	MLL's Position	Further Submission
	254.31	EI-P6	Oppose	<p>densities provided for by the Operative District Plan in existing residential zones. MLL oppose this as it essentially means that no further growth of Kaiapoi can occur as the only new development area in Kaiapoi is partially beneath the contour.</p> <p>CIAL seek to amended Policy 6 in the Energy and Infrastructure Chapter to reflect their position of avoidance of noise sensitive activities in the Air Noise Contour. For the reasons outlined above, MLL oppose this.</p>
	254.44, 52, 53	SUB-P1, SUB-S1 and SUB-S3	Oppose	<p>CIAL seek to amend the subdivision provisions to restrict density in Residential Zones to the Operative District Plan minimum lot sizes. This restricts growth at Kaiapoi, including areas identified for future urban development where CIAL consider no growth should occur. MLL opposes this as they propose to rezone and develop the future development area at Kaiapoi.</p>
	254.55, 57, 59	Noise Introduction, NOISE-O3 and NOISE-P4	Oppose	<p>CIAL seek to amend the Noise Chapter introduction, and objectives and policies, to avoid noise sensitive activities in areas of Kaiapoi that are not currently in the residential zone, and to</p>

Original Submitter	Submission Point	Plan Provision	MLL's Position	Further Submission
	254.71, 72, 79, 81, 82, 90, 91	New Residential Policy, new Residential Rules, GRZ-R20, GRZ-BFS1, MRZ-R19, MRZ-BFS1	Oppose	<p>restrict densities in existing residential zones. MLL opposes this for the reasons previously stated.</p> <p>CIAL seek a suite of amendments to the residential zone provisions to restrict all noise sensitive activities beneath the Air Noise Contour. MLL opposes this for the reasons previously stated.</p>
	254.130	K- Kaiapoi Development Area	Oppose	<p>CIAL seeks that for land within the Kaiapoi Development Area that is within the Air Noise Contour, development should be restricted to non-sensitive activities only such as business or commercial development. MLL oppose this on the basis that:</p> <ul style="list-style-type: none"> a. This is the only new development area in Kaiapoi and the land is required to meet housing supply targets; b. MLL wish to develop this land for residential purposes, as provided for by the Kaiapoi Outline Development Plan; and c. The land has never been identified as being required for business purposes (i.e. business priority area) and no

Original Submitter	Submission Point	Plan Provision	MLL's Position	Further Submission
				research has been undertaken as to the viability, or need for, business and commercial development in this location. The site is separated from the town centre and directly adjoins residential zoning. The best use of this land is for residential purposes.
Environment Canterbury PO Box 345 Christchurch Submitter #316	316.190	K-Kaiapoi	Neutral	Environment Canterbury consider that the Kaiapoi Development Area should be subject to the regular plan change rezone process, rather than via the proposed certification process, in order to achieve better integrated planning outcomes. MLL are seeking to rezone a portion of the Kaiapoi Development Area, rather than rely on the certification process. Evidence which addresses the matters Environment Canterbury has raised, including airport noise, flood hazards, and indigenous biodiversity and wetlands, will be presented to support the rezone request.
Christchurch City Council PO Box 73013 Christchurch 8013 Submitter #360	360.8	Planning Maps	Support	CCC supports the extent of Future Development Areas on the Proposed District Plan planning maps as it aligns with the Greenfield Priority Areas and Future Development Areas on the

Original Submitter	Submission Point	Plan Provision	MLL's Position	Further Submission
				Canterbury Regional Policy Statement Map A. MLL agrees with this.

FURTHER SUBMISSION ON THE PROPOSED WAIMAKARIRI DISTRICT PLAN
(Clause 8 First Schedule Resource Management Act 1991)

To: Development Planning
Waimakariri District Council
Private Bag 1005
Rangiora 7440

*Submission lodged via email –
developmentplanning@wmk.govt.nz*

Further Submission by: Momentum Land Limited

Submitter address: Momentum Land Limited
Attention: Shane Farmaid
4 Peasmoor Road
Lower Shotover
Queenstown 9304

Please note the different address for service below.

Introduction

1. This further submission is made by Momentum Land Limited (“MLL”).
2. MLL makes further submissions in support and in opposition to submissions that have been made by others on the Proposed Waimakariri District Plan.
3. MLL makes these further submissions as they have interests in the proposal greater than the general public, for the reasons outlined in their original submission. In particular:
 - a. MLL is a development company who has a contract to purchase land at 310 Beach Road and 177 Ferry Road, Kaiapoi;
 - b. A retirement village and residential subdivision are proposed for the land;
 - c. The land is located in the Kaiapoi Development Area and partially within the Christchurch International Airport 50 dBA Ldn Air Noise Contour;
 - d. MLL lodged submissions on a number of provisions in the Proposed District Plan; and
 - e. The further submissions have a direct relationship to relief sought by MLL in their original submission.

Further Submissions

4. The further submissions are detailed in the table attached as **Appendix One**.

5. A copy of the further submissions will be served on the original submitters within five working days of it being served on the Council.

Hearing

6. MLL wishes to be heard in support of its further submissions. If others make similar submissions, MLL may be prepared to consider presenting a joint case with them at any hearing.

Submission signed for and on behalf of Momentum Land Limited



Teresa Walton
Principal Consultant
027 244 2320
teresa@rmgroup.co.nz

Resource Management Group Limited
21 November 2022

Address for service:

Momentum Land Limited
C/- Resource Management Group
PO Box 908
Christchurch 8140

Appendices:

1. Further submissions table

SUBMISSION ON VARIATION 1 TO THE PROPOSED WAIMAKARIRI DISTRICT PLAN
(Clause 6 First Schedule Resource Management Act 1991)

To: Proposed District Plan Submissions
Waimakariri District Council
Private Bag 1005
Rangiora 7440

*Submission lodged via email –
developmentplanning@wmk.govt.nz*

Submission on: Variation 1: Housing Intensification to the Proposed
Waimakariri District Plan

Submission by: Momentum Land Limited

Trade competition statement: Momentum Land Limited could not gain an advantage in
trade competition through this submission

Submitter address: Momentum Land Limited
Attention: Shane Farmaid
4 Peasmoor Road
Lower Shotover
Queenstown 9304

Please note the different address for service below.

Introduction

1. These submissions are made by Momentum Land Limited (“MLL”).
2. MLL makes submissions in support and in opposition to elements of Variation 1 to the Proposed Waimakariri District Plan.

Statement of Interest and Background

3. MLL is a development company who has a contract to purchase land at Beach Road and Ferry Road, Kaiapoi.
4. The land parcels that are subject to this submission are:

- i. Lot 2 DP 83191, being 6.04 hectares of land at 310 Beach Road.
 - ii. Lot 2 DP 4532, Lot 1 DP 5010 and Lot 5 DP 313322, totalling 28.5 hectares of land at 177 Ferry Road.
5. The land parcels are identified in **Figure 1**.



Figure 1: Land parcels subject to this submission

6. Lot 2 DP 4532, Lot 1 DP 5010 and Lot 5 DP 313322 are located directly to the north of the Beachgrove subdivision (North Block). Beachgrove has been developed by Beach Road Estates Limited, of which three of the directors are also directors of MLL.
7. Lot 2 DP 83191 is located to the west of Beachgrove, separated by a Council paper road (South Block).

Submission Summary

8. The land parcels described above and identified in **Figure 1** are currently proposed to be rezoned to Rural Lifestyle under the Proposed District Plan. Variation 1 does not propose any changes to this zoning.
9. The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act provides an opportunity for Council to rezone land for residential purposes.
10. This submission seeks that the land parcels be rezoned to **Medium Density Residential**, with consequential relief arising from this. The specific relief sought by MLL is contained in **Appendix 1**.

Canterbury Regional Policy Statement

11. The land parcels have been identified in the Canterbury Regional Policy Statement (CRPS) as Future Development Areas (orange in **Figure 2**) and within the Projected Infrastructure Boundary shown on Map A in Chapter 6.
12. A portion of the land, to the north of Ranginui Drive, is identified as a Greenfield Priority Area (green in **Figure 2**).



Figure 2: Future Development and Greenfield Priority Areas

13. Greenfield Priority Areas and Future Development Areas are identified in the CRPS as being required to provide sufficient land for residential development to meet minimum residential targets contained in Objective 6.2.1a for the period 2018 – 2048. For Waimakariri, these targets are 6,300 dwellings in the medium term (2018 – 2028) and 7,060 dwellings in the long term (2028 – 2048).
14. Within Kaiapoi, the Greenfield Priority Areas cover Sovereign Palms, Silverstream and Beachgrove and these residential subdivisions have largely been completed.
15. The Future Development Areas within Kaiapoi are limited to those areas identified in **Figure 2**. There is no other land identified for future residential development in Kaiapoi.
16. Given that very little land within the Greenfield Priority Areas remains, land within the Future Development Areas within Kaiapoi requires rezoning to provide sufficient development capacity to meet expected demand for housing in Kaiapoi. The continual selling

out of sections within Beachgrove as they go to market demonstrates that there continues to be demand for housing in Kaiapoi.

Variation 1 Submission

Rezone

17. MLL seeks to rezone the land parcels identified in **Figure 1** to Medium Density Residential.
18. The land parcels are within the Kaiapoi Development Area, where residential development is anticipated by the Proposed District Plan in accordance with the Kaiapoi Outline Development Plan. They directly adjoin land proposed to be rezoned to Medium Density Residential to the south and east. As mentioned above, they are also identified as Greenfield Priority Areas or Future Development Areas in the CRPS.

Retirement Village

19. Lot 2 DP 83191, being 6.04 hectares of land at 310 Beach Road, is proposed to be developed as a retirement village catering for the full continuum of care. This will include aged care beds and suites, apartments and lifestyle villas, with onsite amenities.
20. The retirement village design concept is well advanced. Given timing, with decisions on Variation 1 unlikely to be issued until August 2023, it is intended to progress the retirement village proposal through a land use consent process under the Rural zoning in the Operative District Plan.
21. Rezoning of the site to Medium Density Residential is sought concurrently.

Residential Subdivision

22. Lot 2 DP 4532, Lot 1 DP 5010 and Lot 5 DP 313322, totalling 28.5 hectares of land at 177 Ferry Road, is proposed to be developed as a medium density residential subdivision.

23. The MLL project team has been working on the subdivision design and has made a number of presentations to Council staff on the proposal. An indicative Master Plan is contained in **Appendix 2**. This is provided for information purposes only, in order to demonstrate progress to date.

Outline Development Plan

24. A revised Outline Development Plan (ODP) for the land parcels has been prepared and is contained in **Appendix 3**. The ODP includes the Beachgrove subdivision to the south given the connectivity proposed between the two subdivisions. The proposed rezoning will essentially be an extension of Beachgrove, enabling contiguous and consolidated residential development, and logical connection to land north of the North Block within the Kaiapoi Outline Development Plan. The revised ODP for Beachgrove was also included by Beach Road Estates Limited in their original submission on the Proposed District Plan.
25. The ODP identifies medium density residential development, a neighbourhood centre and retirement village living, with associated vehicle, cycle and pedestrian connections, green space and stormwater management areas.
26. MLL seek that, as part of the rezoning, this Outline Development Plan is inserted into the Proposed District Plan.
27. MLL also seek that development within the Neighbourhood Centre shown on the ODP be subject to the rules for the Neighbourhood Centre Zone rather than the Medium Density Residential Zone.

Qualifying Matters

28. MLL seek that no qualifying matters apply to the North Block, and that only the airport noise qualifying matter applies to the South Block. Specific comments relating to the airport noise and natural hazards qualifying matters are made below.

Airport Noise

29. Two section 77K assessments have been prepared in relation to the Christchurch International Airport noise contour as a qualifying matter. One assessment has been completed by Waimakariri District Council and the other assessment by Christchurch International Airport Limited (CIAL).
30. The Council assessment states that the airport noise qualifying matter should apply to the Operative Airport Noise Contour, this being as shown in **Figure 3**. Variation 1 has been notified on this basis.



Figure 3: Notified airport noise qualifying matter (Operative Noise Contour)

31. Where land within the Medium Density Residential Zone is within the Operative Airport Noise Contour, Variation 1 proposes that density be limited to one dwelling per 200m². Where this is not achieved, the activity status is restricted discretionary under Rule MRZ-BFS1. All other medium density residential standards remain applicable.

32. MLL supports the density standard of 200m² per dwelling within the qualifying matter area but opposes the use of the Operative Airport Noise Contour as defining the spatial extent of the qualifying matter.
33. The CIAL assessment considers that the qualifying matter should apply to the Annual Average Outer Control Boundary (AAOCB). The AAOCB is shown in red in **Figure 4**.



Figure 4: Annual Average Outer Control Boundary (shown in red)

34. Where land within the Medium Density Residential Zone is within the AAOCB, the CIAL assessment states that density should be limited to the Operative District Plan standards. These are 300m² for the Residential 1 Zone and 600m² for the Residential 2 Zone. Variation 1 does not, however, adopt this.
35. All land parcels subject to this submission are within the Operative Airport Noise Contour. Under the AAOCB, only Lot 2 DP 83191 (South Block) is within the contour.

36. MLL opposes the use of the Operative Airport Noise Contour and supports the use of the AAOCB as the spatial extent for the qualifying matter. The AAOCB reflects the new take off operations that are being presently used by aircraft and is therefore considered to be more up-to-date than the operative contour which dates back to 2008.
37. Consequently, the use of the AAOCB means that the land parcels within the North Block (intended for residential subdivision) sit outside the AAOCB and would therefore not be subject to the qualifying matter. MLL supports this.
38. MLL opposes CIAL's proposal that density limits beneath the noise contour should be limited to the Operative District Plan standards and supports the Council's proposed density limit of one dwelling per 200m² within the noise contour.

Natural Hazards

39. Variation 1 proposes a natural hazards qualifying matter over much of Kaiapoi. Appendix 1 to Council's Section 32 Report advises that *"due to the low lying nature of the Kaiapoi township there are parts of the town that have significant flood risk and allowing greater intensification in these areas has the potential to increase the overall risk to people and property from flooding."* To address this, the natural hazards qualifying matter spatially covers residential zoned properties subject to a 500 year high hazard category (as defined in the CRPS).
40. The notified natural hazards qualifying matter excludes Silverstream, Beachgrove and Sovereign Palms. These subdivisions were developed from greenfield sites which meant they could be designed to employ flood mitigation measures to reduce flood risk. For Beachgrove, this involved raising the existing ground level and constructing new dwellings to a minimum floor level.
41. MML seek that the North Block and South Block, on rezoning, are not subject to the natural hazards qualifying matter. The sites are proposed to be filled as part of the development of the retirement village and subdivision, with new buildings constructed to minimum floor levels. This allows for intensification while mitigating hazard risk.

Relief

42. MLL's specific relief is outlined in **Appendix 1**.
43. To summarise, MLL seeks the following decision from the Council:
 - a. Rezoning of the land parcels described in Paragraph 4 and identified in **Figure 1** to Medium Density Residential.
 - b. Insertion of the Outline Development Plan attached as **Appendix 3**.
 - c. That the AAOCB is used to spatially define the airport noise qualifying matter.
 - d. That within the airport noise qualifying matter, the density standard of one dwelling per 200m² is retained.
 - e. That the natural hazards qualifying matter does not apply to any of the land parcels subject to this submission.
 - f. The granting of any other consequential or similar relief that is necessary to deal with MLL's concerns and the issues raised in this submission.

Hearing

44. MLL wishes to be heard in support of its submissions.
45. If others make similar submissions, MLL will consider presenting a joint case with them at the hearing.

Submission signed for and on behalf of Momentum Land Limited



Teresa Walton

Principal Consultant

027 244 2320

teresa@rmgroup.co.nz

Resource Management Group Limited

9 September 2022

Address for service:

Momentum Land Limited

C/- Resource Management Group

PO Box 908

Christchurch 8140

Appendices:

1. Relief sought
2. Indicative Master Plan – for information purposes only
3. Outline Development Plan proposed by MLL

**FURTHER SUBMISSION ON VARIATION 1: HOUSING INTENSIFICATION TO THE PROPOSED
WAIMAKARIRI DISTRICT PLAN**

(Clause 8 First Schedule Resource Management Act 1991)

To: Development Planning
Waimakariri District Council
Private Bag 1005
Rangiora 7440

*Submission lodged via email –
developmentplanning@wmk.govt.nz*

Further Submission by: Momentum Land Limited

Submitter address: Momentum Land Limited
Attention: Shane Farmaid
4 Peasmoor Road
Lower Shotover
Queenstown 9304

Please note the different address for service below.

Introduction

1. This further submission is made by Momentum Land Limited (“MLL”).
2. MLL makes further submissions in support and in opposition to submissions that have been made by others on Variation 1: Housing Intensification to the Proposed Waimakariri District Plan.
3. MLL makes these submissions as they have interests in the proposal greater than the general public, for the reasons outlined in their original submission. In particular:
 - a. MLL is a development company who has a contract to purchase land at 310 Beach Road and 177 Ferry Road, Kaiapoi;
 - b. A retirement village and residential subdivision are proposed for the land;
 - c. The land is located in the Kaiapoi Development Area and partially within the Christchurch International Airport 50 dBA Ldn Air Noise Contour;
 - d. MLL lodged submissions on Variation 1 that sought to rezone the land to Medium Density Residential and amend matters relating to qualifying matters; and
 - e. The further submissions have a direct relationship to relief sought by MLL in their original submission.

Further Submissions

4. The further submissions are detailed in the table attached as **Appendix One**. These relate to original submissions from Kainga Ora – Homes and Communities and Christchurch International Airport Limited.
5. A copy of the further submissions will be served on the original submitters within five working days of it being served on the Council.

Hearing

6. MLL wishes to be heard in support of its further submissions. If others make similar submissions, MLL may be prepared to consider presenting a joint case with them at any hearing.

Submission signed for and on behalf of Momentum Land Limited



Teresa Walton
Principal Consultant
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teresa@rmgroup.co.nz

Resource Management Group Limited
21 November 2022

Address for service:

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Christchurch 8140

Appendices:

1. Further submissions table

Appendix One – Variation 1 - Further Submissions Table

Original Submitter	Submission Point	Plan Provision	MLL's Position	Further Submission
Kainga Ora – Homes and Communities PO Box 74598 Auckland 1051 Submitter #80	80.21	Airport	Support	Kainga Ora seek deletion of the airport noise qualifying matter and related provisions. MLL is supportive of this as it allows for the residential growth of Kaiapoi to continue within the Kaiapoi Development Area, being an area identified as being required to meet demand for future housing supply.
Christchurch International Airport Limited Chapman Tripp PO Box 2510 Christchurch 8140 Submitter #81	All submission points made by CIAL.	All provisions that CIAL have submitted on.	Oppose	Christchurch International Airport Limited ("CIAL") seek extensive amendments to Variation 1. MLL is opposed to the submission points made by CIAL to the extent that their requested relief conflicts with/impedes the relief sought by MLL in their original submission on Variation 1.
	81.1 and 81.2	Planning Maps Relationships between spatial layers	Oppose	CIAL seek to amend the extent of the Airport Noise Contour qualifying matter to include three contours – the Operative District Plan contour, the remodelled Annual Average contour and the Outer Envelope

Original Submitter	Submission Point	Plan Provision	MLL's Position	Further Submission
	81.3	Strategic Objective Directions	Oppose	<p>contour. The Outer Envelope extends further north than the Operative and Annual Average contours and covers the majority of the Kaiapoi Development Area. MLL is opposed to use of this contour and as outlined in their original submission on Variation 1, seek that the qualifying matter applies to the Annual Average Contour only. MLL is also opposed to the two density areas of 300m² and 600m² sought beneath the contours. These are the Operative Plan densities and do not address the need for additional housing supply.</p> <p>CIAL seek to amend Strategic Objective SD-03 to explicitly require avoidance of noise sensitive activities within the Christchurch International Airport 50 dBA Ldn Air Noise Contour ("Air Noise Contour"), except in the existing Kaiapoi residential area (and limitations on density). MLL oppose this for the reasons outlined in their original submission on Variation 1, including that it conflicts with the Kaiapoi Development Area, where residential development is anticipated.</p>

Original Submitter	Submission Point	Plan Provision	MLL's Position	Further Submission
	81.4	UFD-P10	Oppose	CIAL seek to amend policy UFD-P10, to reflect their position of avoidance of noise sensitives within the Air Noise Contour at Kaiapoi, except as provided for by the Operative District Plan. MLL opposes this as it essentially means that limited further growth of Kaiapoi can occur as the only new development area in Kaiapoi is partially beneath the contour.
	81.7, 81.8, 81.10, 81.12	SUB-S1, Residential Zone Introduction, New policy, MRZ-R2	Oppose	Variation 1 proposes that within the Air Noise Contour, allotment size is limited to 200m ² in the Medium Density Residential Zone. CIAL seek that this be amended to the Operative Plan lot sizes of 300m ² (Residential 1) and 600m ² (Residential 2). MLL oppose this for the reasons outlined above and in their original submission, being that it limits growth of Kaiapoi and does not allow for provision of needed housing supply.