

**BEFORE INDEPENDENT HEARING COMMISSIONERS  
AT CHRISTCHURCH**

**I MUA NGĀ KAİKŌMIHANA WHAKAWĀ MOTUHAKE  
KI ŌTAUTAHI**

**IN THE MATTER**                                 **of the Resource Management Act 1991**  
**AND**  
**IN THE MATTER**                                 **of the hearing of submissions and further  
submissions on Plan Change 14 to the  
Operative Christchurch District Plan**

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**SUMMARY STATEMENT OF TIM JOLL ON BEHALF OF KĀINGA ORA –  
HOMES AND COMMUNITIES**

**PLANNING**

**STATEMENT – OUTSTANDING CITY-WIDE QUALIFYING MATTERS**

Tsunami Management Area  
City Spine Transport Corridor

**18 APRIL 2024**

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## **SUMMARY STATEMENT OF TIM JOLL ON BEHALF OF KĀINGA ORA – HOMES AND COMMUNITIES**

### **1. INTRODUCTION**

- 1.1. Tēnā koutou katou, my name is Tim Joll and I am Partner at Planz Consultants Limited. My qualifications and experience are outlined in paragraphs 2.1.to 2.6 of my evidence.
- 1.2. Today I will focus on what I see as the key differences between my evidence and that of Council experts in relation to the following Qualifying Matters (QM)
  - a. Tsunami Management Area;
  - b. City Spine Transport Corridor.

### **2. TSUNAMI MANAGEMENT AREA**

- 2.1. I acknowledge at the outset that I agree with Ms Oliver that excluding MDRS from areas that are exposed to a high risk of natural hazards is a legitimate QM. I also acknowledge that the RMA definition of 'effects' includes those effects with a low probability but a high potential impact.
- 2.2. I also agree with Ms Oliver's statement in Paragraph 13.32 of her s.42A Report that the justification and appropriateness of the identification of tsunami risk as a QM is well founded, based on NZCPS Policy 25. Where we differ is 'what is an appropriate precautionary approach'. I consider that the use of a lower density Residential Suburban / Residential Suburban Density Transition zoning and an associated avoid policy should only be used where the risk of hazards is identified as being high.

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#### *Appropriateness of the Section 32A Assessment*

- 2.3. I do not consider that the definition of effect opens the door for simply justifying any level of regulation be imposed on any hazard risk. Instead, Section 32 requires careful consideration of the efficiency and effectiveness, of the costs and benefits, and of the risks of not acting when drafting Plan provisions. This is especially the case where the level of restriction proposed in the new rules is significant
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- 2.4. In considering the appropriateness of the Section 32A Assessment, it is my opinion that the proposed QM imposes a level of disablement and lost housing opportunities for a large part of the City that is disproportionate to the level of risk these areas are exposed to. As such the costs of the regulation far outweigh the benefits.
- 2.5. Considering the extensive area and associated number of properties potentially impacted by this QM, I do not consider an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS has been considered. The Council's Section 32 report only includes an evaluation of three options. These are:
- a. Applying MDRS with no qualifying matter;
  - b. Applying the tsunami qualifying matter based on a 1:500 year tsunami event with 1.06m sea level rise by 2120;
  - c. Or, a third option, which is the same as option 2, except it also includes in the overlay tsunami flooding below 0.1m in depth (nuisance flooding).
- 2.6. I could find little Section 32 evaluation of a tsunami event with a more commensurate risk period, for example a 1:100 year event or a 1:200 year event (or the mapped extent of the geographic areas exposed to those events). Nor could I see any consideration of a nuanced approach to applying activity status based on return periods i.e. residential intensification being a non-complying activity in high-risk areas but for example restricted discretionary in medium/moderate risk areas. I consider that this approach would be more consistent with the draft National Policy Statement for Natural Hazards and particular Policies 1 and 5, which I note was released after Ms Oliver's s.42A report was prepared. Draft Policy 1 requires decision makers to determine whether a natural hazard risk is high, moderate or low, while draft Policy 5 directs decision-makers to take specific actions when assessing new developments based on the level of natural hazards risk:

- avoid new development in high natural hazard risk areas unless:
  - the level of risk is reduced to at least a tolerable level **or**
  - the development is not defined as a new hazard-sensitive development,<sup>3</sup> a functional or operational need exists, no practicable alternative locations exist, and the risk is reduced to as low as reasonably practicable
- reduce natural hazard risk to new development in areas of moderate natural hazard risk to a level that is as low as reasonably practicable
- enable new activities in areas of low natural hazard risk.

*Alignment with higher level documents and relevant non-statutory documents*

2.7. I do not consider the proposed QM is appropriately aligned with national direction or higher-level documents. The NZCPS directs management of hazard risk (including tsunami) for at least 1:100 year events. I consider the proposed framework advances an overly restrictive approach to events with a lesser risk profile without the benefit of updated national guidance, which is currently under development as part of the Government's wider resource management reform work programme. At this stage it is considered more appropriate to base PC14 on current NZCPS and CRPS return periods. In the future, and following settled national direction, the planned PC12 can be advanced to revisit this issue with benefit of that national direction being in place. Noting that the Council has until 12 December 2025 to notify its decisions on parts of PC14 that specifically relate to the MDRS beyond areas defined in the National Policy Statement on Urban Development. Given the 1:500 year return period the notified provisions are based on, and the allowance for 1.06m of sea level rise, combined with the accepted validity of imposing a natural hazard based QM a in areas exposed to 1:100 year events, I consider the risks of not acting over the intervening period are minimal.

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2.8. The extent of the proposed Tsunami Management Area QM goes beyond **high natural hazard risk areas**, which are mapped in the Greater Christchurch Spatial Plan (Spatial Plan) and have been adopted by CCC on 6 March 2024. One of the key directions in the Spatial Plan is to focus and incentivise growth in areas free from significant risks from natural hazards where that risk cannot be reduced

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to actable levels<sup>1</sup>. While acknowledging the limitations identified in the Spatial Plan, I still consider given the lack of spatially mapped information on a 1:100 year event or a 1:200 year event notified as part of PC14, that the Tsunami Management Area provisions avoiding residential intensification could reflect the tsunami inundation 3m wave map layer (~1: 100-200 from 2019/2020 GNS modelling) illustrated on Map 7 of the Spatial Plan, as it applies to residential and commercial zoned properties, and be appropriately aligned with higher level documents. A copy of this map is contained in Attachment 1. A comparison of the difference in areas between the QM overlay and the Spatial Plan map are also contained in Attachment 1. Noting that the spatial extent of the area identified in the Spatial plan also includes land that is not zoned for either residential or commercial purposes. A s.32AA and suggested amended provisions to reflect this are contained in Attachment 2. In considering the matter of scope, I note that the spatial area identified in the tsunami inundation 3m wave map layer (~1: 100-200 from 2019/2020 GNS modelling) illustrated on Map 7 of the Spatial Plan, as it applies to commercial and residential zoned sites, is smaller than the spatial extent of the QM. I also note that this recommendation reflects the evidence I prepared and Kāinga Ora's submission. I therefore think there is sufficient scope to consider this point.

#### *Alignment with the approach taken by other Tier 1 Councils*

- 2.9. I have sought to understand what other Tier 1 Councils that have a geographic frontage with the coastline, have applied as a risk metric. I have found no examples of other Tier 1 Council's applying a non-complying activity status based on a 1:500 year tsunami risk period. The proposed approach by the Council is therefore notably inconsistent with the coastal risk management approaches that have been adopted throughout the country. This further leads me to conclude that the extent of regulation the Council is seeking to impose with this QM is not the minimum necessary to restrict development opportunities.

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<sup>1</sup> Greater Christchurch Spatial Plan – Direction 2.1



### *Conclusions*

- 2.10. I consider that an appropriate Section 32A assessment including consideration of alternatives has not been undertaken.
- 2.11. I consider that for the purposes of PC14 that the proposed Tsunami Management Area is still too conservative (ie overly restrictive) and it would be more appropriate if the provisions avoiding residential intensification reflected the tsunami inundation 3m wave map layer (~1:100-200 from 2019/2020 GNS modelling) as it applies to commercial and residential zoned properties.
- 2.12. If it was of assistance to the Panel, I would be happy to work with Council staff to prepare a more nuanced approach to applying activity status based on return periods.

### **3. CITY SPINE TRANSPORT CORRIDOR**

- 3.1. As outlined in paragraph 9.4 of my evidence, while described in Council evidence as being for “targeted infrastructure provision”, it appears the QM is predominately focused on amenity outcomes.
- 3.2. In considering the rationale for the proposed QM, I note that, fundamentally, effects on residential amenity generated by intensification are addressed explicitly in the NPS-UD. Objective 4 is clear that amenity values will change over time in response to the diverse and changing needs of people, communities, and future generations. Policy 6(b) of the NPS-UD likewise addresses the changes that may occur as part of a shift in planned urban form.
- 3.3. This unambiguous policy direction is clear in terms of the amenity-related effects generated by changes to landscaping as a consequence of greater provision of more intensive housing forms.
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- 3.4. The Enabling Act establishes a baseline for an appropriate level of landscaping for medium density developments through Schedule 3A Clause 18. Compliance with the landscaping density standard, and assessment of landscaping as part of the proposed urban design assessment matters for 3 or more units, are appropriate tools for managing landscape outcomes in a medium density context.
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- 3.5. Ms Oliver states in paragraph 12.105 that the purpose of the rules is to mandate the site design and layout of buildings “to ensure most importantly, adequate space is required for tree planting along the road frontage”. Having reviewed the proposed provisions in Rule 14.5.2.18 and 14.6.2.17, I note that there is no requirement to plant trees within the proposed road boundary setback. Furthermore, there is no requirement for landowners to retain existing trees along the road frontage of their sites. I therefore do not consider that the proposed provisions would achieve the purpose of the QM.
- 3.6. Furthermore, I consider that the proposed provisions are less enabling of permitted development than the current District Plan provisions. In particular, I note that the building setback rules that apply to the Commercial Core Areas in Rule 15.4.2.3 allows buildings to be built up to the road boundary and in specific cases requires this. Similarly, the road boundary setback provisions in Rule 14.4.2.9 provides for garages (subject to additional built form standards) to be built within 4m of road boundaries.
- 3.7. Finally, in my opinion and relying on Council's own expert evidence, there is no justifiable need to impose the City Spine Transport Corridor from an infrastructure perspective. There is likewise no need for it from an amenity perspective.
- 3.8. In conclusion, I do not consider that this proposed QM meets the requirements of 771 of the RMA and consider it should be deleted.

**ATTACHMENT 1: COPY OF MAP 7 AND COMPARISON OF TSUNAMI MANAGEMENT AREA QM AND  
TSUNAMI INUNDATION – HIGH GREATER CHRISTCHURCH SPATIAL PLAN CONTAINED IN MAP 7**

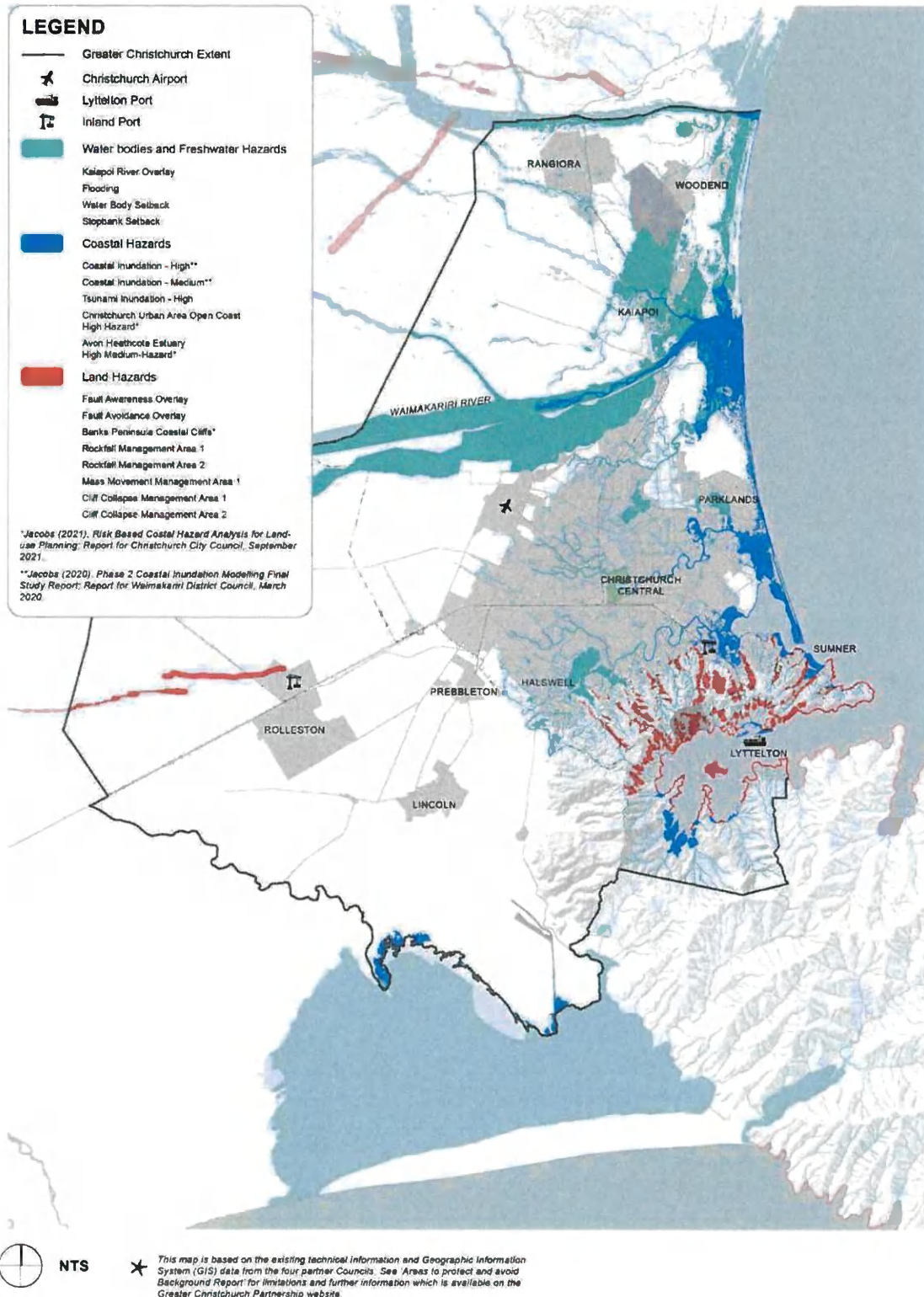
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Note – The 3m wave at coast GNS modelled inundation area is shown as pink and the TRMA  
inundation area as blue.

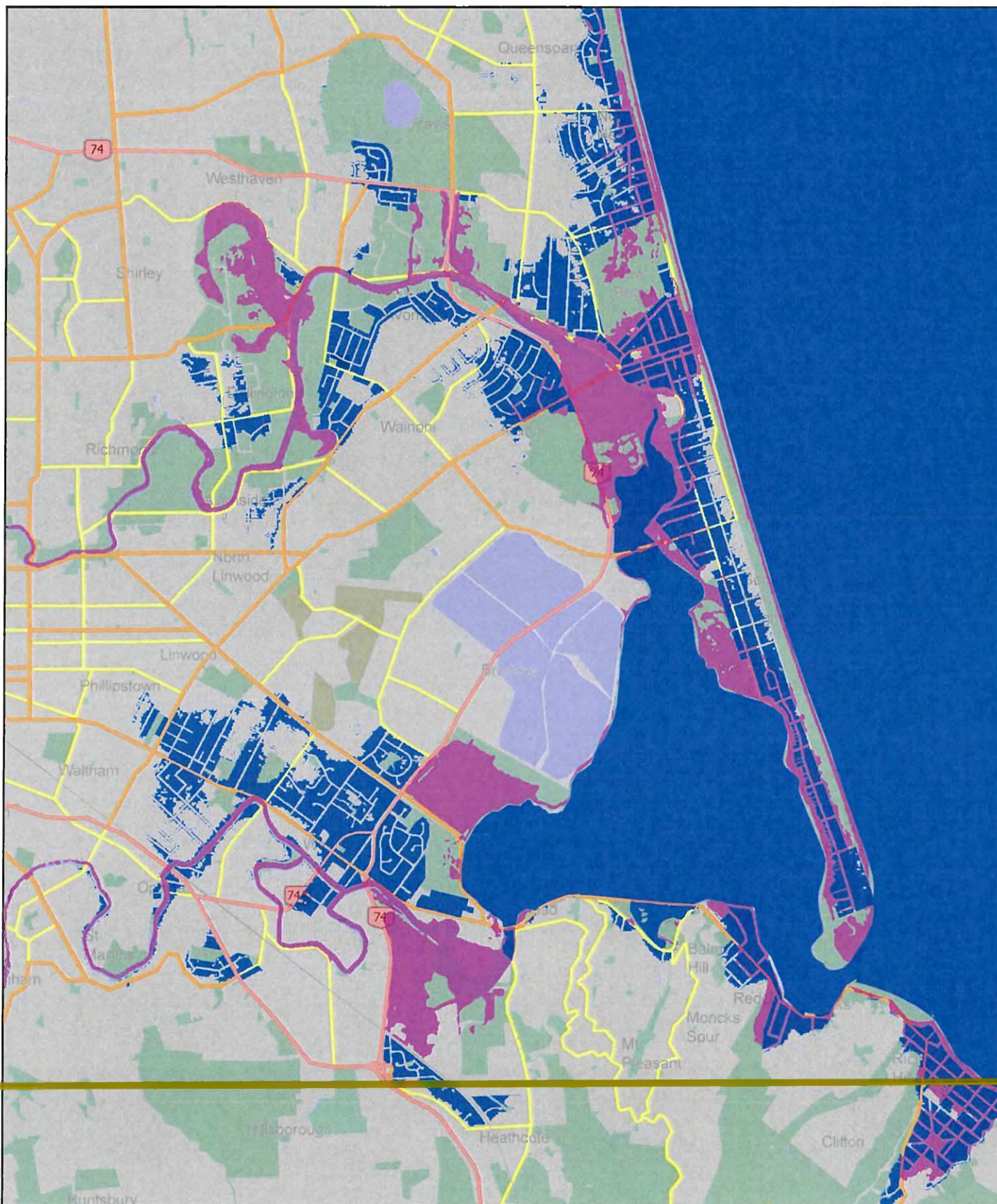
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Map 7: Areas subject to natural hazard risks







## GCSP - Coastal Hazards

ph: 03 941 8999 web: ccc.govt.nz

Accuracy not guaranteed. Onsite verification required

Client selected legend.

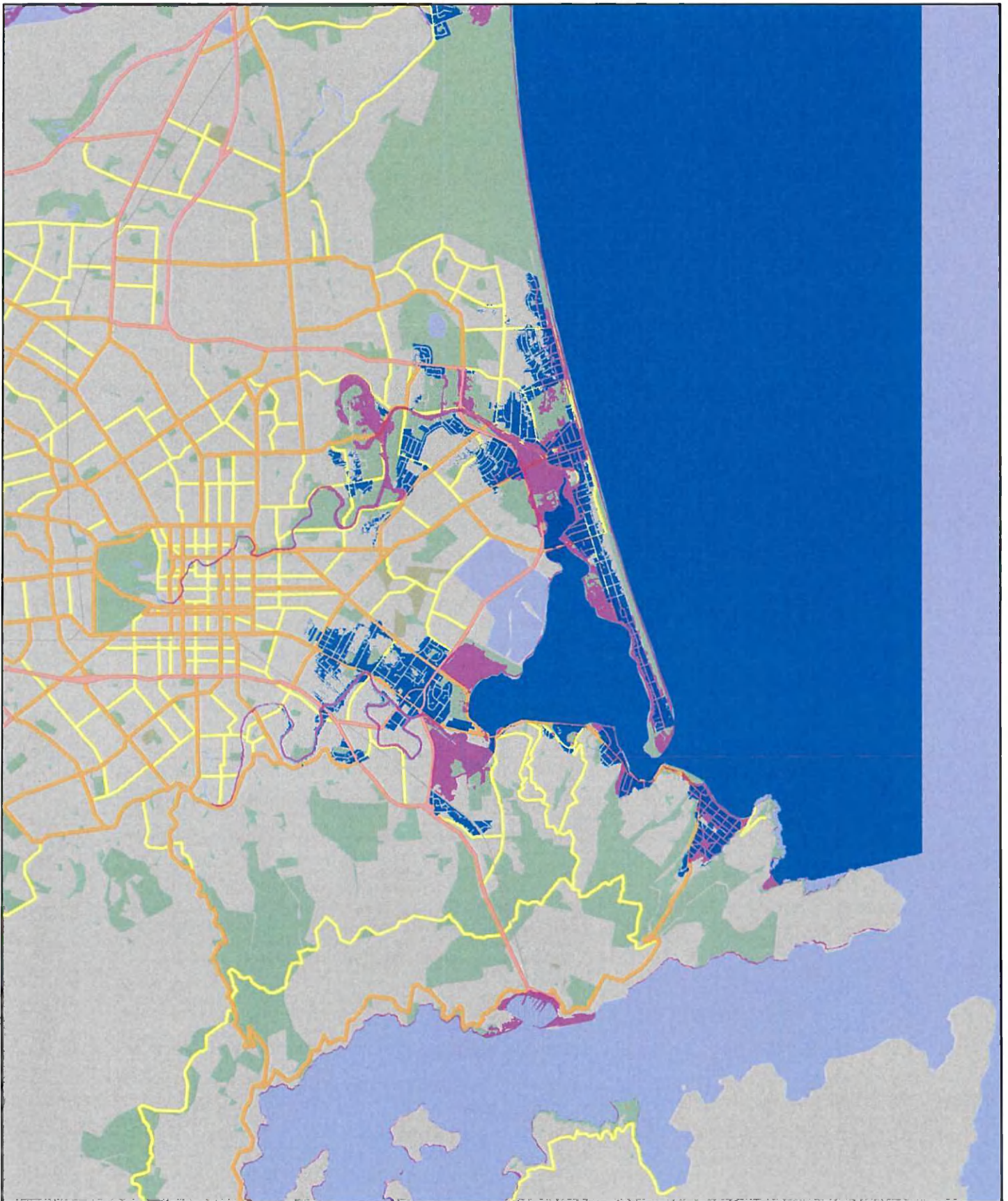
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0 250 500 1000 1500 2000





### GCSP and PC14 tsunami inundation model comparison GNS 3mwave at coast and NIWA

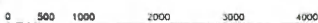
ph: 03 941 8999    web: ccc.govt.nz

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Display of data scale dependant.  
Client selected legend.

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**ATTACHMENT 2: SECTION 32AA ASSESSMENTS**

<p>Effectiveness and efficiency</p>	<ul style="list-style-type: none"> <li>• The recommended changes to the QM provisions provide an effective approach to managing high, medium and low risk from a wider range of Tsunami events across the city.</li> <li>• The recommended provisions give effect to the relevant Objectives and Policies of the NPS-UD (particularly Objectives 1, 2, 3, 4, 7 and 8, and Policies 1, 2 and 6) by providing for increased development opportunities balanced against managing natural hazards.</li> <li>• The recommended provisions give effect to Policy 1 and 5 of the proposed NPS for Natural Hazards.</li> <li>• The recommended provisions give effect to the relevant Objectives and Policies in Chapter 11 of the CRPS.</li> </ul>
<p>Costs/Benefits</p>	<ul style="list-style-type: none"> <li>• The recommended changes to the QM provisions do not present any increased consenting costs compared to the notified provisions but provide greater clarity for Plan users.</li> <li>• The benefits allow for greater consideration of developments within medium and low risk areas.</li> </ul>
<p>Risk of acting or not acting</p>	<ul style="list-style-type: none"> <li>• The risk of not acting is that intensification or redevelopment opportunities are not taken up in a way which provides for well functioning urban environments.</li> </ul>
<p>Decision about more appropriate action.</p>	<ul style="list-style-type: none"> <li>• The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of Plan Change or the proposed changes set out in the section 42A report.</li> </ul>

**SUGGESTED AMENDMENTS TO AMENDED PROVISIONS CONTAINED IN S42A  
CHAPTER 5**

**Residential intensification**

means for the purpose of Coastal Hazard Management Areas and Tsunami Risk Management Area

Qualifying Matters, increasing the number of residential units on a site beyond that either:

- a. lawfully established as at [operative date of PC14]; **or**
- b. provided for as a permitted activity in the activity status table for the Residential Suburban and Residential Suburban Density Transition Zone and complying with the zone density standards; or
- c. permitted via a resource consent granted prior to [operative date of PC14]. For the avoidance of doubt, c. includes vacant lots created by subdivision approved prior to [operative date of PC14] where these are to be developed in accordance with a. or b.

Include a new definition:

**High natural hazard risk**

**Means a risk from natural hazards that is intolerable.**

5.2.2.1.1 Policy — Avoid new development where there is unacceptable risk a. Avoid new subdivision, use and development, including new urban zonings, where the risk from a natural hazard is assessed as being **intolerable.** ~~unacceptable~~

D. Amend Policy 5.2.2.5.2 and Rules 5.4.A (as for CHMAs above) to read as follows:

*5.2.2.5.2 Policy – Managing residential intensification within Qualifying Matter Tsunami Risk Management Area*

*a. Map areas **where there is a high natural hazard risk from tsunamis** where in a major tsunami event the risk to life will be unacceptable and the extent of property damage will be significant, in accordance with the thresholds as set out in Table 5.2.2.5.2a:*

Table 5.2.2.5.2a Tsunami risk thresholds

Tsunami risk category	Mapped risk: Potential events expected within a specific return period	Sea level rise	Inundation depth
Tsunami Risk Management Area	Major impact event arising from large subduction earthquakes defined as: 1 in 500 year/ AEP 0.2% (likelihood of occurring in any given year)	1.06	d > 0.3m



<b><u>Tsunami Risk Management Area as shown on the Planning Maps.</u></b>	<b><u>tsunami inundation 3m wave map layer (~1: 100-200 from 2019/2020 GNS modelling)</u></b>
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b. Within the Tsunami Risk Management Area, avoid residential intensification.