

Before the Hearings Commissioners

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

In the matter of a submission by KiwiRail Holdings Limited (Submitter 829 and Further Submitter 2055) on Plan Change 14 (**PC14**)

and in the matter of Christchurch District Plan (**District Plan**)

**Primary statement of evidence of Catherine Lynda Heppelthwaite for
KiwiRail Holdings Limited**

Dated 20 September 2023

1 INTRODUCTION, QUALIFICATIONS AND EXPERIENCE

- 1.0 My full name is Catherine Lynda Heppelthwaite. I am a principal planner for Eclipse Group Limited. I am presenting this planning evidence on behalf of KiwiRail Holdings Limited (**KiwiRail**).
- 1.1 I hold a Bachelor Degree in Resource Studies obtained from Lincoln University in 1993. I am a full member of the New Zealand Planning Institute, and a member of the Resource Management Law Association and the Acoustical Society of New Zealand. I have more than 25 years' experience within the planning and resource management field which has included work for local authorities, central government agencies, private companies and private individuals. Currently, I am practicing as an independent consultant planner and have done so for the past 18 years.
- 1.2 I have extensive experience with preparing submissions and assessing district plan provisions in relation to noise and vibration, most recently in relation to the New Plymouth, Porirua and Whangārei District Plans where I assisted Waka Kotahi by providing specialist planning evidence on similar issues (noise and vibration).

2 CODE OF CONDUCT

- 2.0 I have read the Environment Court's Code of Conduct for Expert Witnesses (2023) and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my areas of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

3 SCOPE OF EVIDENCE

- 3.0 My evidence will address the following:
- a. The statutory and higher order planning framework;
 - b. KiwiRail's submissions and further submissions in relation to building setbacks and noise and vibration;
 - c. The recommendations set out in the s42A reports prepared on behalf of Council; and

d. Further amendments I propose to the PC14 provisions.

3.1 In preparing my evidence, I have considered the relevant s42A reports and statements of evidence prepared by the below authors on behalf of Council:

a. Ms Sarah Oliver (Strategic Overview, including qualifying matters)¹;

b. Ms Clare Piper (Transport)²;

c. Mr Ike Kleynbos (Residential, including qualifying matters)³;

d. Ms Holly Gardiner (City Centre and Central City Mixed Use (including South Frame) zones)⁴;

e. Mr Kirk Lightbody⁵ (Commercial and Light Industrial); and

f. Ms Hermione Blair⁶ (Residential).

3.2 I have also considered the updated plan provisions provided by the Council in response to the recommendations set out in the s42A reports and Council evidence.⁷

4 THE STATUTORY AND HIGHER ORDER PLANNING FRAMEWORK

4.0 In preparing this evidence I have specifically considered the following:

a. The purpose and principles of the RMA (sections 5-8).

b. Provisions of the RMA relevant to plan-making and consenting.

c. National Policy Statement on Urban Development 2020 (**NPS-UD**).

d. Canterbury Regional Policy Statement (**RPS**), in particular (bold my emphasis):

¹ Planning Officer's Report of Sarah-Jane Oliver under Section 42A of the RMA - Strategic Overview, Strategic Directions Chapter 3, Qualifying Matters relating to Strategic and City Infrastructure and Coastal Hazards, dated 11 August 2023.

² Planning Officer's Report of Clare Piper under Section 42A of the RMA - Transport dated 11 August 2023.

³ Planning Officer's Report of Ike Kleynbos under Section 42A of the RMA - Topics Addressed: Residential Chapter Qualifying Matter: Riccarton Bush Interface Area Qualifying Matter: Sunlight Access Qualifying Matter: Low Public Transport Accessibility dated 11 August 2023

⁴ Planning Officer's Report of Holly Elizabeth Gardiner under Section 42A of the RMA - Topics Covered: City Centre Zone; Central City Mixed Use Zone; Central City Mixed Use (South Frame) Zone dated 11 August 2023.

⁵ Planning Officer's Report of Kirk Joseph Lightbody under Section 42A of the RMA - Intensification within Commercial and Industrial Zones outside the Central City. Lyttelton Building Height Qualifying Matter. Belfast Commercial Centre and Styx River Qualifying Matters dated 11 August 2023.

⁶ Statement of Primary Evidence of Hermione Claire Blair on behalf of Christchurch City Council - Residential Zones Rule Framework For Residential Activities – Implementability dated 11 August 2023.

⁷ Updated plan provisions attached to Memorandum of Counsel for Christchurch City Council dated 18 August 2023.

- i. **Issue 5.1.2 Inappropriate design, location and function of development (wider region).**

Explanatory text recognises:

Unless the design, location and function of development is carefully managed, it will not necessarily be able to: [...]

- 9. recognise and avoid reverse sensitivity effects; and**
10. maintain or protect people's health, well-being and amenity

- ii. **Objective 5.2.1 Location, Design and Function of Development (Entire Region)**

Development is located and designed so that it functions in a way that:

[...]

- 2. enables people and communities**, including future generations, **to provide for their** social, economic and cultural well-being and **health and safety**; and which:

f. is **compatible with**, and will result in the continued safe, efficient and effective use of **regionally significant infrastructure**;

g. **avoids adverse effects on** significant natural and physical resources including **regionally significant infrastructure**, and **where avoidance is impracticable, remedies or mitigates those effects on** those resources and **infrastructure**;

h. [...]; and

i. avoids conflicts between incompatible activities.

- iii. **Policy 5.3.7 Strategic land transport network and arterial roads (Entire Region)**

In relation to strategic land transport network and arterial roads, the avoidance of development which:

1. adversely affects the safe efficient and effective functioning of this network and these roads, including the ability of this infrastructure to support freight and passenger transport services; and

2. in relation to the strategic land transport network and arterial roads, to avoid development which forecloses the opportunity for the development of this network and these roads to meet future strategic transport requirements.

The RPS requires that territorial authorities:

3. Set out objectives and policies, and may include methods in district plans which:

[...]

c. minimise loss of function of the strategic land transport network and other arterial roads

- 4.1 In addition, the Council Reporting Planner has described the relevant statutory documents in the s42A Introduction Report⁸ with which I generally agree or accept and will not repeat here.
- 4.2 The Emissions Reduction Plan⁹ is a matter to be had regard to by the Council; of particular relevance within the Emissions Reduction Plan (for rail) is *Action 10.3.1: Support the decarbonisation of freight* which includes as a key initiative:
- *Continue to implement the New Zealand Rail Plan and support coastal shipping.*
- 4.3 For completeness, the New Zealand Rail Plan (**NZRP**) lists as strategic investment priorities¹⁰:
- *Investing in the national rail network to restore rail freight and provide a platform for future investments for growth; and*

While the Emissions Reduction Plan is *to be had regard to*, its support for the NZRP (among other things) illustrates a strategic forward-looking plan to generally improve and increase train services over time¹¹. The Main South Line, Hornby Industrial Line, and Main North Line pass through the Christchurch district and are key parts of the national rail network.

5 SECTION 42A ASSESSMENT

- 5.0 The s42A Authors make the following recommendations on KiwiRail's submissions:
- a. Retention of rail as a qualifying matter¹².

⁸ Pages 9 to 17.

⁹ RMA, section 74(2)(d).

¹⁰ The New Zealand Rail Plan April 2021, Part B, pages 25 and 38 for key details.

¹¹ Statement of Evidence of Ms Grinlinton-Hancock dated 20 September 2023, paragraphs 3.1-3.2.

¹² Ms Oliver's Section 42A Report, paragraph 12.83.

- b. Retention of 4m setback provisions in the Medium Density Residential Zone (Rule 14.5.2.7)¹³ and the inclusion of the matter of discretion proposed by KiwiRail (RD12)¹⁴.
 - c. No specific setback (or RD10 matter of discretion) is included from the rail boundary in the High Density Residential Zone (this means the MDRS standard yards of 1.5m front, 1m side and rear apply). I address this further in Section 6.
 - d. Retention of 4m setback provisions¹⁵ in the Town Centre Zone (Rule 15.4.2.9), Local Centre Zone (Rule 15.4.2.9), Commercial (outside city centre) (Rule 15.6.2.8), Commercial (Banks Peninsula) (Rule 15.6.2.8), Large Format Retail (Rule 15.7.2.8), Commercial Office (Rule 15.8.2.9), Mixed Use Zone (Rule 15.9.2.8). However, the s42A Author did not recommend the inclusion of KiwiRail's matter of discretion (Rule 15.14.3.10)¹⁶. I address the matter of discretion further in Section 6.
- 5.1 KiwiRail also sought the inclusion of a vibration standard and related matters of discretion in Rule 6.1.7.2. I have not been able to locate where this submission point has been addressed and the updated PC14 provisions do not include KiwiRail's proposed vibration standard. I address this further in Section 6.
- 5.2 KiwiRail sought the retention of the noise standard in Rule 6.1.7.2.1. I am not aware of any suggested amendments that have been proposed to this rule in the s42A reports or Council evidence.
- 5.3 KiwiRail also made a number of further submissions. My comments on the s42A Authors' recommendations in respect of those further submissions are set out in **Attachment D** to my evidence.

6 OUTSTANDING MATTERS

Building Setback

- 6.0 There are a number of variables associated with access to buildings for maintenance activities (for example, ground slope, type of access method

¹³ Ms Oliver's Section 42A Report, paragraph 12.85.

¹⁴ Ms Blair's Section 42 Report, paragraph 60.

¹⁵ Mr Lightbody's Section 42A Report, paragraph 12.85.

¹⁶ Mr Lightbody's Section 42A Report, paragraph 8.5.41.

proposed). As set out in Ms Grinlinton-Hancock's evidence, a 5m setback allows sufficient space for necessary access and maintenance activities to be undertaken. Any reduction in this distance reduces the potential space available for occupiers to be able to safely undertake these activities.

6.1 However, while I prefer a 5m setback, I accept that 4m will go some way to managing adverse effects. As set out in Ms Grinlinton-Hancock's evidence¹⁷, I understand KiwiRail is willing to accept a 4m setback rather than a 5m setback for the purposes of PC14.

6.2 I rely on Ms Grinlinton-Hancock's evidence¹⁸ which:

- a. describes why a robust setback is necessary for maintaining buildings within the areas subject to PC14; and
- b. describes the risk to persons both accessing the rail corridor (to undertake adjoining property maintenance) and rail corridor users.

6.3 In addition to Ms Grinlinton-Hancock's evidence, it is not uncommon for district plans to include provisions which limit uses of land to protect the operation of infrastructure beyond the designation boundary and also to provide safe and healthy environments for people.

6.4 For example, Transpower has included in a range of district plans¹⁹ a national grid corridor overlay which restricts activities within a specified spatial extent of its network (around both pylons and lines). Airports and ports are another common infrastructure type which restricts activities and/or require mitigation for certain activities on surrounding private land²⁰.

6.5 For completeness, I have considered other methods (no setback and extending existing designation widths) to provide for building maintenance and the safety of adjoining occupants. This is assessed in the format of Section 32AA and included as **Attachment B**.

Building Setback High Density Residential Zone

6.6 The High Density Residential Zone only includes the standard MDRS setbacks (which applies a 1m rear yard setback). This is anomalous with the

¹⁷ Statement of Evidence of Ms Grinlinton-Hancock dated 20 September 2023, paragraph 4.14.

¹⁸ Statement of Evidence of Ms Grinlinton-Hancock dated 20 September 2023, paragraphs 4.4-4.5.

¹⁹ For example, Chapter D26 of the Auckland Unitary Plan.

²⁰ For example, Chapters D24 Aircraft Noise Overlay and D25 City Centre Port Noise Overlay of the Auckland Unitary Plan.

remainder of the District Plan (which provides 4m setbacks) and also would, as described by Ms Grinlinton-Hancock, provide highly inadequate space for building maintenance. This is particularly important given the permitted height of buildings enabled under PC14.

- 6.7 As above, while I prefer a 5m setback, I consider a 4m setback would be a significant improvement on what is currently proposed (1m) and would also be consistent with the remainder of the District Plan. I also recommend the consequential inclusion of a matter of discretion related to setbacks where the control is not met which reflects those recommended by Ms Blair for the Medium Density Residential Zone.

Matter of Discretion (Commercial)

- 6.8 KiwiRail proposed an additional matter of discretion relating to setbacks for all Commercial and Residential zones. As above, this has been accepted for the Medium Density Residential Zone (Rule 14.5.2.7) with the matter of discretion sought by KiwiRail included within RD12.
- 6.9 However, the same matter of discretion has not been included for all zones. It is important that a matter of discretion is included for all zones that includes a setback control, as it reflects the reason for the control and will enable plan readers to better understand the matter of discretion (to keep people safe).
- 6.10 I suggest the following wording be included in Rule 15.14.3.10 (addition shown in red underline):

15.~~13~~14.3.10 Minimum building setback from the railway corridor

a. Whether the reduced setback from the rail corridor will enable buildings to be maintained without requiring access above, over, or on the rail corridor, while providing for the safe and efficient operation of the rail network.

Vibration

- 6.11 Dr Chiles has provided evidence which I accept and summarise the key findings as:

- a. Research confirms that vibration has adverse health and amenity effects on people²¹;
 - b. Based on his analysis, Dr Chiles concludes appropriate provisions applying from the edge of the rail designation boundary are required to manage health and amenity effects arising from vibration. The control (60m) is designed to capture the worst of those likely effects, not all effects. Dr Chiles balances the variability of vibration effects and his preference for 100m control²².
- 6.12 The implementation of the MDRS and policies 3 and 4 of the NPS-UD will result in more people living near the rail corridor. As a consequence, the vibration control provisions sought by KiwiRail are, in my opinion, required to ensure intensification can occur in a way that appropriately manages the interface between the rail corridor and noise sensitive activities.
- 6.13 I have considered other methods (including no vibration controls) to address health, amenity and reverse sensitivity effects. This is assessed in the format of Section 32AA and included as **Attachment C**.
- 6.14 However, I also understand that the exact design requirements to ensure compliance with appropriate vibration levels depend significantly on site-specific factors, including ground condition / soil type, topography and other environmental features. As a result of this, the level of controls required and the associated cost of implementing such controls can differ significantly on a site-to-site basis.
- 6.15 I have provided (in my **Attachment A**) provisions my preferred outcome (a 60m vibration control) but also a (less preferred) alternative of a “Rail vibration alert overlay” (Alert Overlay) (further described in Ms Grinlinton-Hancock’s evidence).²³ The Alert Overlay would be included within the District Plan maps (100m from the rail designation boundary) with an additional explanation within 6.1.1 Introduction. Its purpose is to ensure landowners and occupiers are aware that rail vibration effects may be present in this location.
- 6.16 There are no rules or other provisions associated with the Alert Overlay. It is simply an information tool which enables landowners to make their own

²¹ Statement of Evidence of Dr Chiles dated 20 September 2023, paragraph 1.6.

²² Statement of Evidence of Dr Chiles dated 20 September 2023, paragraph 1.10.

²³ Statement of Evidence of Ms Grinlinton-Hancock dated 20 September 2023, paragraphs 5.8-5.10.

design and location decisions should they wish to mitigate such effects. This enables behaviour change and appropriate warning to landowners choosing to locate in proximity to the railway corridor.

7 CONCLUSION

7.0 In conclusion:

a. **Building Setback:**

- i. I prefer the inclusion of a 5m setback from the railway designation boundary but will accept 4m (including a new provision in the High Density Residential Zone) acknowledging existing plan provisions.
- ii. In my view, an amended matter of discretion needs to be included within the Commercial Zone Chapter of the District Plan, as well as a new matter of discretion for the High Density Residential Zone to ensure that the purpose of the setback control (being the provision of safety) is considered during consent applications.

b. **Noise:** I support the application of Rule 6.1.7.2.1 to the new and amended zones proposed in PC14.

c. **Vibration:**

- i. The RPS anticipates significant infrastructure will have effects (which may include noise) and that infrastructure needs to be protected from reverse sensitivity effects arising from incompatible activities (including by rules and policies within district plans). Dr Chiles has provided evidence that noise and vibration have adverse health effects.
- ii. Based on the evidence of Dr Chiles, I prefer a 60m vibration control, but at a minimum, understand KiwiRail would accept the (less preferred) alternative of a 100m “Rail vibration alert overlay”. Both options are included in my **Attachment A**.

Attachment A: Proposed Changes

Base text is taken from Appendix A – Planners recommendation with changes accepted. All changes are in red text. New text is underlined and proposed deletions in ~~strike through~~.

14.6 Rules – High Density Residential

14.6.2.3 Setbacks

a. Buildings must be set back from the relevant boundary by the minimum depth listed below:

- i. Front: 1.5 metres
- ii. Side: 1 metre
- iii. Rear: 1 metre (excluded on corner sites)

(iv). Rail corridor boundary: 4 metres

14.6.1.3 Restricted discretionary activities

RD10

a. [...]

b. [...]

c. [...]

d. Any application arising from (iv) shall not be publicly notified and shall be limited notified only to KiwiRail (absent its written approval).

Rule 14.15.3

The Council's discretion shall be limited to the following matters:

RD10

a. Impacts on neighbouring property [...]

b. Whether the reduced setback from the rail corridor will enable buildings to be maintained without requiring access above, over, or on the rail corridor while providing for the safe and efficient operation of the rail network.

~~15.43~~14.3.10 Minimum building setback from the railway corridor

a. Whether the reduced setback from the rail corridor will enable buildings to be maintained without requiring access above, over, or on the rail corridor, while providing for the safe and efficient operation of the rail network.

Chapter 6.1 Noise (preferred option for vibration)

6.1.7.1.1 Permitted activities

Activity	Activity specific standards	
P1	[...]	[...]
P2	[...]	[...]
<u>P3</u>	<u>Any new buildings or alterations to existing buildings containing a noise sensitive activity, within 60 metres of the boundary of any railway network.</u>	<u>Compliance shall be achieved by a report submitted to the council demonstrating compliance with the following matters: (a) the new building or alteration or an existing building is designed, constructed and maintained to achieve rail vibration levels not exceeding 0.3 mm/s vw,95 or (b) the new building or alteration to an existing building is a single-storey framed residential building with: i. a constant level floor slab on a full surface vibration isolation bearing with natural</u>

		<u>frequency not exceeding 10 Hz, installed in accordance with the supplier's instructions and recommendations; and</u> <u>ii. vibration isolation separating the sides of the floor slab from the ground; and</u> <u>iii. no rigid connections between the building and the ground</u>
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Activity status where compliance not achieved: Restricted Discretionary

Matters of discretion

(a) location of the building;

(b) the effects of any non-compliance with the activity specific standards;

(c) special topographical, building features or ground conditions which will mitigate vibration impacts;

(d) the outcome of any consultation with KiwiRail.

6.1.1 Introduction **(less preferred option for vibration)**

1. This introduction is to assist the lay reader to understand how this sub-chapter works and what it applies to. It is not an aid to interpretation in a legal sense.
2. Sub-chapter 6.1 Noise relates to the management of adverse noise effects, recognising the impact such effects can have on the amenity values and health of people and communities. Noise creating activities are managed by setting limits on the sound levels they generate, their location, and their duration, so that the noise generated is consistent with the anticipated outcomes for the receiving environment. In addition, this sub-chapter sets out where sound insulation is required for sensitive activities, or alternatively, by limiting the location of sensitive activities relative to activities which have elevated noise levels.
3. A Rail Vibration Alert Overlay has been applied which identifies the vibration-sensitive area within 100 metres each side of the railway designation boundary as properties within this area may experience rail vibration effects. No specific district plan provisions apply in relation to vibration controls as a result of this Rail Vibration Alert Area. The Rail Vibration Alert Overlay is to advise property owners of the potential vibration effects but leaves with the site owner to determine an appropriate response.
4. The provisions in this sub-chapter give effect to the Chapter 3 Strategic Directions Objectives.

District Plan Maps

Insert mapping overlay which identifies a 100m buffer on each side of the railway designation boundary called "Rail Vibration Alert Overlay".

Attachment B: S32AA Assessment of Building Setback

Having regard to section 32AA, the following is noted:

Effectiveness and efficiency

- The proposed changes will be more efficient and effective than other methods (such as designating a wider corridor to provide setback) as it provides flexibility of use by resource consent allowing for situations where building within the setback is acceptable. Applying a wider designation means land will not be available for use at all, the setback yard by contrast could enable future use by way of resource consent. This fits Objective 5.2.1 and Policy 5.3.7 in providing development which can be, with mitigation, compatible within reasonably close proximity to infrastructure.
- Providing no (or minimal) setback will not support an efficient outcome generally as incursions can lead to disruption to the rail network / inefficient operation and endanger safety.

Costs/Benefits

- The recommended amendments will limit building in some locations (cost). However, the impact on overall development capacity is marginal and resource consent can be sought to infringe the setback standard.
- The benefits are providing a safe space for neighbouring occupants and for providing for a safer and more efficient rail network.
- The changes will enable greater certainty, and safety, for home owners and occupiers to undertake maintenance to their dwellings.

Risk of acting or not acting

- Evidence has been provided of the risks to public safety and network efficiency if no action is taken. Not acting could result in an inefficient operation of nationally significant infrastructure due to unexpected shutdowns. Not acting increases the risk to the health and safety of adjoining residents.

Decision about most appropriate option

- The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA rather than the notified provisions.

Attachment C: S32AA Assessment of Noise and Vibration Controls

Having regard to section 32AA, the following is noted:

Effectiveness and efficiency

- The proposed changes will be more efficient and effective at balancing infrastructure and health and amenity resulting from intensification than other methods (such as existing 40m controls). This fits Objective 5.2.1 and Policy 5.3.7 as it provides development which can be, with mitigation, compatible where close to infrastructure.
- Retaining no vibration controls will not support an efficient outcome as effects on health and amenity for those residents will not be addressed and new reverse sensitivity effects could arise (which could lead to inefficient operation of nationally significant infrastructure), in particular arising from the greater intensification of the area.
- Option adopts a 'prevention is better than cure approach'.

Costs/Benefits

- The recommended amendments require additional assessments for some buildings and activities in some locations.

- Where standards are infringed, there will be costs to applicants in seeking resource consent. In practice, this is generally not anticipated or experienced elsewhere as there are standard engineering solutions that can be implemented to achieve compliance. However, where there is an infringement, the extent of those costs will vary depending on whether a developer already requires consent for subdivision or to infringe other standards in the plan. The benefits are however improved health and amenity and reduced risk of reverse sensitivity effects (benefits).

Where standards cannot be met, there is a consenting pathway for development of noise sensitive activities.

- The changes will enable greater certainty for home owners as to their ability to live comfortably and free from the most significant health and amenity impacts when in close proximity to infrastructure (benefits).
- Dr Chiles' evidence is that rail vibration can routinely be experienced at over 100m from the railway corridor. In applying the provisions only out to 60m (due to the volume of traffic on the line), the provisions are a pragmatic response in that they address health and amenity effects at sites most affected by rail vibration.
- The provisions are an integrated response to planning in that they allow development of sensitive activities to occur near the rail corridor in a way that appropriately manages the effects of, and on, the ongoing use and operation of the rail corridor.
- The noise and vibration provisions do not apply to existing activities so there are no additional constraints on developed sites where redevelopment is not anticipated.

Risk of acting or not acting

- Health and amenity effects will occur if no action is taken.
- Potential for reverse sensitivity effects on the operation of the rail network

Decision about most appropriate option

- Based on the evidence of Dr Chiles, the recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA rather than the notified provisions.

Attachment D: KiwiRail's Further Submissions

Submission number	Provision	Subject of submission	Comments on Council Officer's recommendations
FS2055.24	Policy 3.3.7(a)	Support Transpower New Zealand Limited's submission (878.1) seeking an addition as follows (addition shown in bold underline): [...] " <i>iv. The benefits of urban environments that support reductions in greenhouse gas emissions; and are resilient to the current and future effects of climate change; ...; and</i> <u>x. The specific characteristics of qualifying matters.</u> "	Transpower's submission proposing to recognise qualifying matters in 3.3.7(a) [...] iv has been accepted. I agree with this change.
FS2055.9	6.1A Qualifying matters Table 1	Oppose Kainga Ora's submission (834.18) seeking retention of natural hazards (slope).	The summary of further submissions identified KiwiRail's further submission as opposing the retention of the slope hazards matter. This is incorrect. KiwiRail's further submission related to Kainga Ora's submission seeking the deletion setback from the rail corridor as a qualifying matter.
FS2082.785	Rule 6.1A.1	Support Lyttleton Port Company Limited's (LPC) submission (853.3) seeking to retain 6.1A.1 as notified (which explains qualifying matters and that they justify development less enabling than the MDRS).	Section 6.1A.1 has been retained as notified. I consider the explanation is helpful and also support its retention.
FS2055.10	Rule 6.1.7	Oppose Kainga Ora's submission (834.62) which proposes to delete NZ rail network interface sites qualifying matter on the basis that Kainga Ora considers the standard internal boundary for zones is appropriate.	Rail has been retained as a qualifying matter.
FS2055.1	Rule 6.1.7.2.1	Support in part Doug Latham's submission (30.1) seeking the inclusion of an acceptable solution as another means of compliance instead of having to engage an acoustic engineer.	No changes to Chapter 5E (Noise) are proposed.
FS2055.2	Rule 6.1.7.2.1	Oppose submission of Andrew Evans (89.1) who proposes to delete proposed Rule 6.1.7.2.1 and retain the rule as per the Operative District Plan.	KiwiRail sought the retention of the noise standard Rule 6.1.7.2.1. I am not aware of any suggested

			amendments that have been proposed to this rule in the section 42A reports or Council evidence.
FS2055.7	Appendix 6.11.4	Support in part NZ Institute of Architects Canterbury's submission (762.13) seeking to retain Appendix 6.11.4 [in relation to 6.1.7.2.1] as a means of compliance; in particular, to retain 6.11.4 Construction Requirements as a means of compliance and for the new proposed sound levels to be included to reflect the updated requirements.	No changes to the noise provisions are proposed.
FS2055.8	Rule 6.1.7.2.1	Support Waka Kotahi's submission (805.36) to retain the noise provisions included in the District Plan through Plan Change 5E.	No changes to the noise provisions are proposed.
FS2055.25	Rule 14.2.3.1	Support Transpower's submission (878.13) seeking an addition to 14.2.3.1 MDRS Policy 1 as follows (addition shown in bold underline): <i>"a. enable a variety of housing types with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments, <u>while avoiding inappropriate locations, heights and densities of buildings and development within qualifying matter areas as directed by the relevant qualifying matter provisions.</u>"</i>	14.2.3.1 MDRS Policy 1 has not been amended as requested by Transpower.
S2055.22	Rule 14.2.3.2	Support LPC's submission (853.6) to retain MDRS Policy 2a as notified.	MDRS Policy 2a is retained as notified.
FS2055.3	Policy 14.2.3.7	Support The Fuel Companies' (212.7) submission seeking to add provisions to minimise reverse sensitivity.	Policy 14.2.3.7 has been retained with a minor addition requiring minimisation of reverse sensitivity effects (as requested by The Fuel Companies). I support this change.
FS2055.19	Objective 14.2.4 and Policy 14.2.4.1	Support Christchurch International Airport Limited's (CIAL) submission (852.8) seeking the retention of 14.2.4 and related policy 14.2.4.1.	Policy 14.2.4.1 has been retained as notified and Objective 14.2.4 has been modified; I support the changes (which reflect community housing).

<p>FS2055.17 FS2055.4</p>	<p>Policy 14.2.5.3</p>	<p>Opposing Kainga Ora's submission (834.148) seeking the deletion of 14.2.5.3 Support The Fuel Companies' submission (212.9) seeking an addition to 14.2.5.3 as follows (addition shown in bold underline):</p> <p><i>"a. Residential developments of four or more residential units contribute to a high quality residential environment through site layout, building and landscape design to achieve: <u>vii. Minimisation of reverse sensitivity effects on existing lawfully established non-residential activities.</u>"</i></p>	<p>The Fuel Companies submission seeking to include reference to reverse sensitivity has been retained. I agree with this relief.</p>
<p>FS2052.5</p>	<p>Policy 14.2.6.1</p>	<p>Support Transpower's submission (878.16) seeking an addition to 14.2.6.1 MDRS Policy 1 as follows (addition shown in bold underline):</p> <p><i>"a. enable a variety of housing types with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments, <u>while avoiding inappropriate locations, heights and densities of buildings and development within qualifying matter areas as directed by the relevant qualifying matter provisions.</u>"</i></p>	<p>Policy 14.2.6.1 MDRS Policy 1 has been deleted outright (and not amended as Transpower requested). I am satisfied that other plan provisions (zoning/rules) provide for implementation of qualifying matters which will have a similar outcome as the relief sought by Transpower so do not address this further.</p>
<p>FS2055.23 FS2055.18 FS2055.11 FS2055.12 FS2055.13 FS2055.14 FS2055.15 FS2055.16</p>	<p>14.3 How to interpret and apply the rules Rule 14.4.1.3 Rule 14.4.2.7 Rule 14.5.1.3 Rule 14.5.2.7 Rule 14.8.1.3 Rule 14.8.2.4</p>	<p>Support LPC's submission (853.7) seeking the retention of 14.3 as notified Oppose Kainga Ora's submission (834.169) seeking to delete <i>xiv. Railway Building Setback</i> from Clause f Oppose Kainga Ora's submission (834.63) seeking the deletion of 14.4.1.3 RD28 (NZ Rail Network Interface Sites qualifying matter) Oppose Kainga Ora's submission (834.64) seeking the deletion of 14.4.2.7 (Setback from rail corridor)</p>	<p>I support the Planning Officer's recommendation to retain the following provisions: <i>xiv. Railway Building Setback</i> from the list of 14.3 How to interpret and apply the rules²⁴; 14.4.1.3 RD28 (NZ Rail Network Interface Sites qualifying matter)²⁵;</p>

²⁴ Submission 834.169.

²⁵ Submission 834.63.

		<p>Oppose Kainga Ora's submission (834.65) seeking the deletion of 14.5.1.3 (Setback from rail corridor)</p> <p>Oppose Kainga Ora's submission (834.66) seeking the deletion of 14.5.2.7 (Setback from rail corridor)</p> <p>Oppose Kainga Ora's submission (834.67) seeking the deletion of 14.8.1.3 RD16 Delete NZ Rail Network Interface Sites qualifying matter</p> <p>Oppose Kainga Ora's submission (834.68) seeking the deletion of 14.8.2.4 (Setback from rail corridor).</p>	<p>14.4.2.7²⁶, 14.5.1.3²⁷, 14.5.2.7²⁸, 14.8.1.3 RD16²⁹ and 14.8.2.4³⁰ (setback from rail corridor) .</p> <p>In regard to these points, they support existing plan provisions and/or rail as a qualifying matter and I agree with the proposed rejection of Kainga Ora's submissions.</p>
FS2055.5	Rule 14.15.3	<p>Support The Fuel Companies' submission (212.14) seeking an addition to 14.15.3 as follows (addition shown in bold underline):</p> <p>"<i>Impacts on neighbouring property</i> Clause (a) as follows: Insert new: <u>viii. Reverse sensitivity effects on existing lawfully established non-residential activities.</u>"</p>	<p>Accepted amendments include a new matter of control for reverse sensitivity effects (14.15.3 <i>Impacts on neighbouring property</i>); I support this provision.</p>
FS2055.6	Objective 15.2.4	<p>Support The Fuel Companies' submission (212.16) seeking the retention of 15.2.4 as notified, particularly Clause (iv) which includes specific direction to manage reverse sensitivity effects on the site and surrounding environment.</p>	<p>I support the retention of Objective 15.2.4, particularly Clause (iv) as notified.</p>

²⁶ Submission 834.64.

²⁷ Submission 834.65.

²⁸ Submission 834.66.

²⁹ Submission 834.67.

³⁰ Submission 834.68.