

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 Submission 2055) on Plan Change 14

and in the matter of Christchurch District Plan

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

Dated 30 April 2024

1 INTRODUCTION

- 1.0 My Primary Statement sets out my qualifications, commitment to comply with the Environment Court's Code of Conduct for Expert Witnesses (2023).
- 1.1 This statement responds to three requests from the Panel during hearing to:
- a. provide maps of where the KiwiRail Designation adjoins High Density Residential (**HDR**) zones as proposed by Plan Change 14 (**PC14**);
 - b. provide maps of where the KiwiRail Designation adjoins Medium Density Residential (**MDR**) zones as proposed by PC14; and
 - c. confirm policies (which I referred to during the hearing) which would support KiwiRail's submission seeking a 4m rail corridor setback and associated provisions in the HDR.
- 1.2 The Panel also requested a combined set of relief (being the final provisions supported by Mr MacDonald and myself) be provided for ease of reference. These are included as Attachment C.

2 MAPS

- 2.0 I have reviewed the extent of KiwiRail designation / HDR zone direct interface as proposed by Councils Section 42A recommended mapping¹. Three localities have been identified and these are illustrated in **Attachment A**. Some additional qualifying matters also apply in some of these locations (visible on Maps 1 to 3).
- a. Parker Street (Hornby);
 - b. Brockworth Place (Riccarton); and
 - c. Main North Road/Harewood Road (Papanui).
- 2.1 I have undertaken the same exercise for the MDR zones and these are illustrated in Attachment B (Maps 4-9).

¹ *Planning maps for s42A recommendations and walking catchments* dated 26 October 2023 reflecting [Council's s42A recommendations mapping](#).

3 POLICIES

3.0 During the hearing I identified the following two policies² which directly support the provision of a rail corridor setback within the HDR; these are listed below:

a. 14.2.4.1 Policy - *Avoidance of adverse effects on strategic infrastructure*
a. *Avoid reverse sensitivity effects on strategic infrastructure including: [...]; ii. the rail network;*

b. 14.2.8.6 Policy - *Integration and connectivity*

a. [...]

b. *Ensure that the boundaries between new and existing developments are, where appropriate, managed to avoid or mitigate adverse effects.*

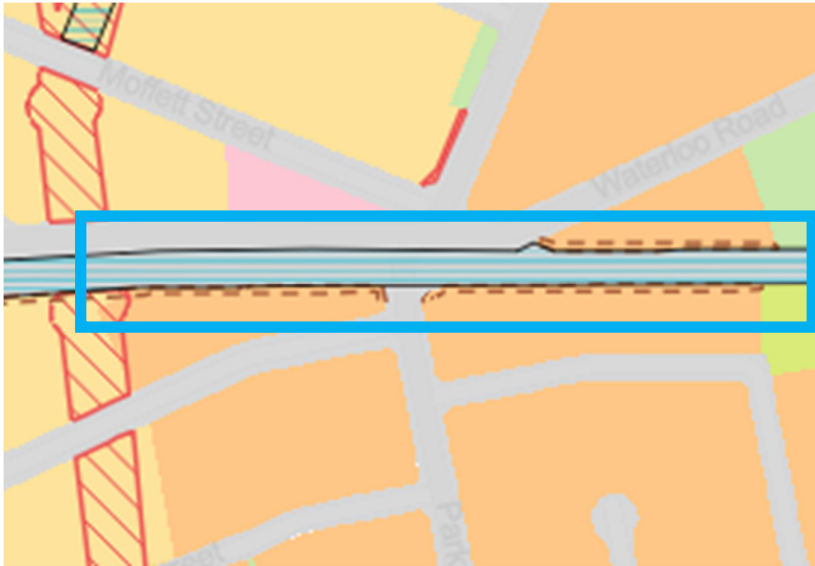
c. *Avoid significant adverse effects and remedy or mitigate other adverse effects on existing businesses, rural activities or infrastructure.*

Cath Heppelthwaite
30 April 2024

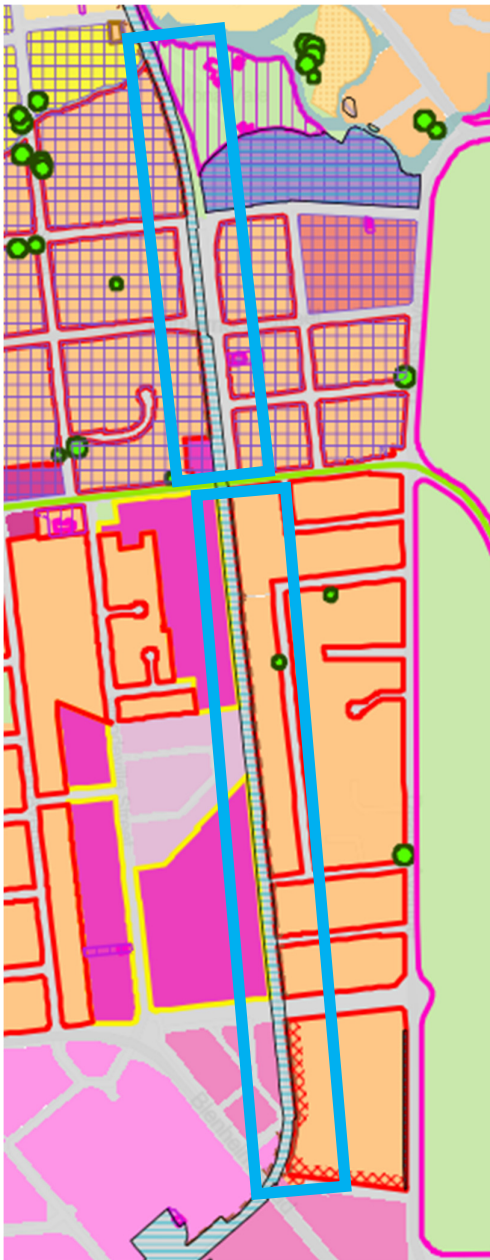
² Based on the recommendations made by section 42A report authors; filed with a Memorandum of counsel for the Council on 18 August 2023.

ATTACHMENT A: HIGH DENSITY RESIDENTIAL / KIWIRAIL DESIGNATION

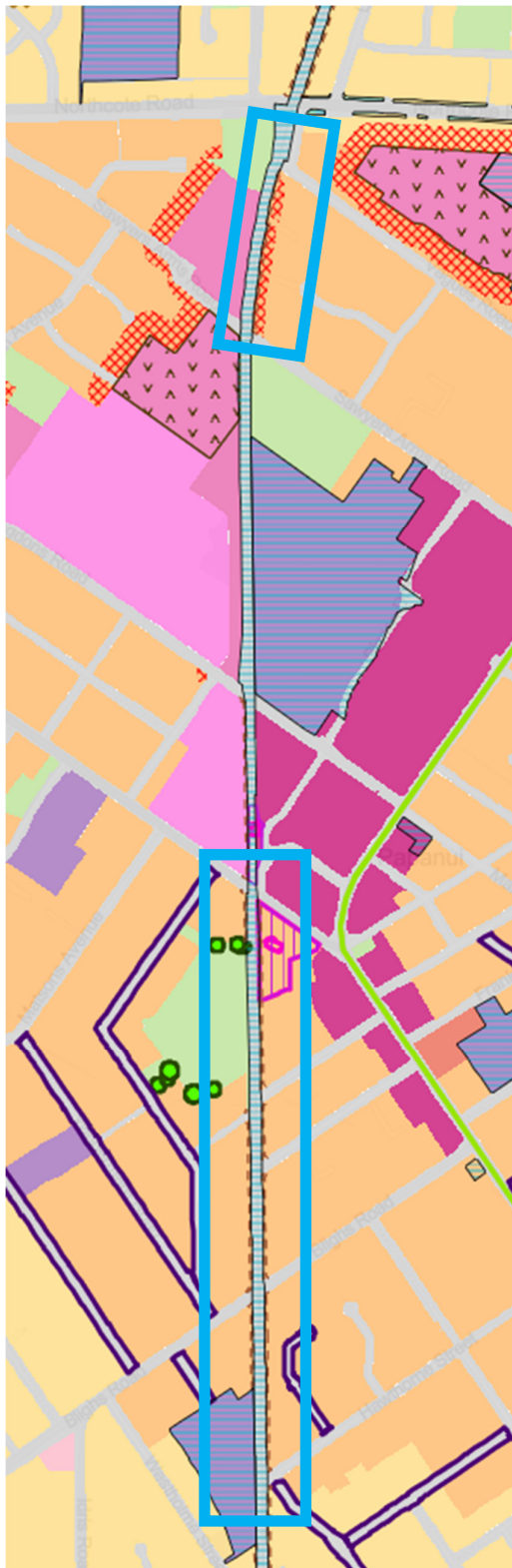
Map 1: Parker Street, Hornby (Main South Line)



Map 2: Brockworth Place, Riccarton (note additional Qualifying Matters in northern section)
(Main North Line)



Map 3: Main North Road/Harewood Road, Papanui (Main North Line)

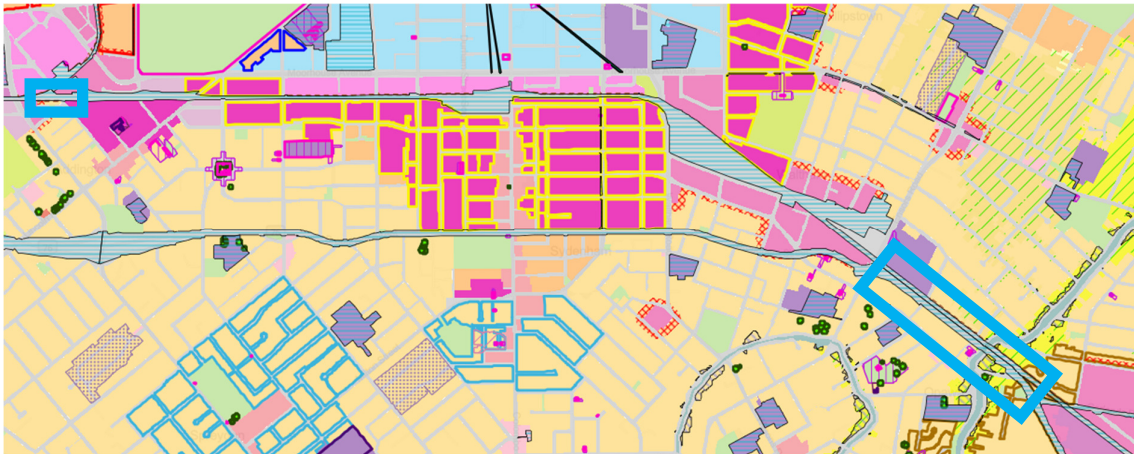


ATTACHMENT B: MEDIUM DENSITY RESIDENTIAL / KIWIRAIL DESIGNATION

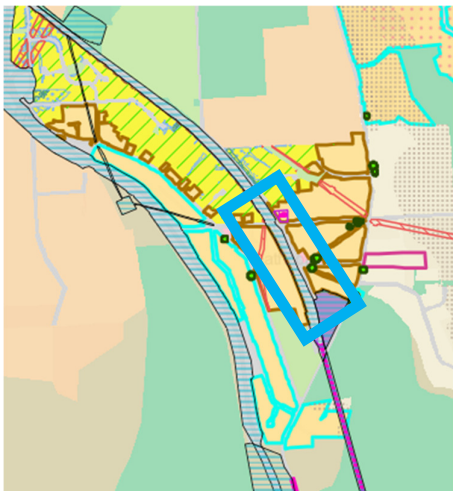
Map 4: Islington / Main South Road (Main South Line)



Map 5: Addington, Waltham, Opawa (Main South Line, Lyttleton to Christchurch)



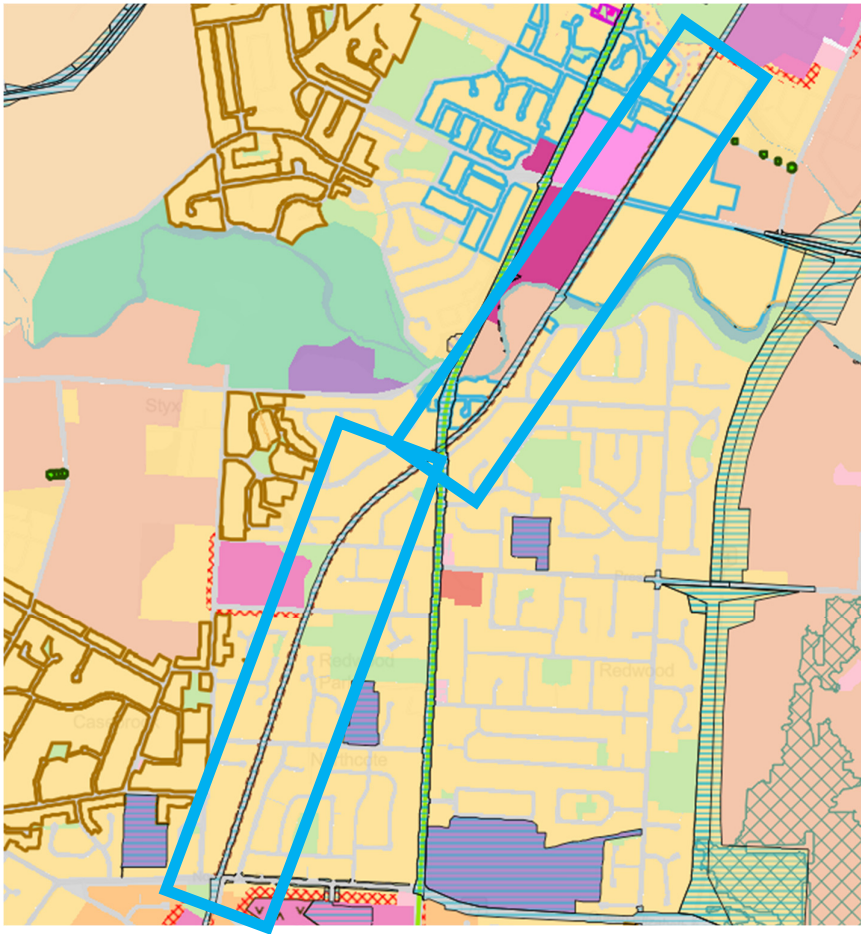
Map 6: Heathcote (Main South Line, Lyttleton to Christchurch)



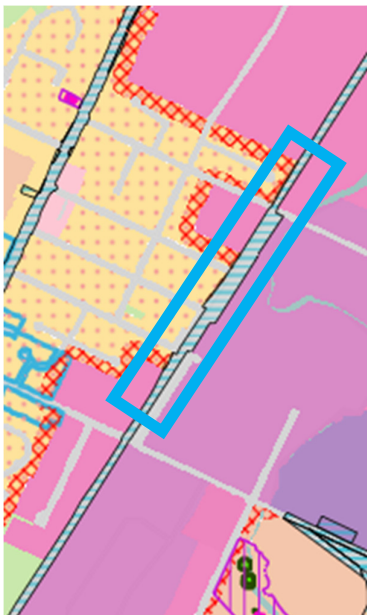
Map 7: Fendalton (Main North Line)



Map 8: Northcote/Redwood Park (Main North Line)



Map 9: Belfast (Main North Line)



ATTACHMENT C: PROPOSED CHANGES

Recommendations of Ms Heppelthwaite

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.

~~15.13~~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.

Chapter 6.1 Noise

6.1.1 Introduction

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".

Recommendations of Mr MacDonald

Chapter 5E Ventilation

Rule 6.1.7.2.1(d)(i) and (ii)

Kāinga Ora amendments are shown in black underline and strikethrough. Mr MacDonalds' suggested amendments (to the Kainga Ora provisions) shown in blue underline and strikethrough

d. Heating, Cooling and ~~V~~entilation systems shall meet the following specifications:

i. The room is provided with ~~M~~mechanical ventilation which can operate continuously to ~~must~~ satisfy clause G4 of the New Zealand Building Code and that provides at least 1 air change per hour, but no less than 7.5L/s per occupant;

~~ii. Where noise sensitive internal spaces are not provided opening window area to comply with natural ventilation requirements of clause G4 of the New Zealand Building Code; mechanical ventilation shall be adjustable between the minimum ventilation rate specified in i above, and up to 1 air change per hour; and~~

iii. The room is provided with heating and cooling that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C when assessed using a 2.5% design weather condition for the applicable location. An acceptable design weather set is 24 hour NIWA 2.5% published weather data for the applicable region; and

~~ii. Achieve a minimum of 7.5 litres of air per second per person; and~~