

Before an Independent Hearings Panel
Appointed by Christchurch City Council

under: the Resource Management Act 1991

in the matter proposed Plan Change 14 to the Christchurch
of: District Plan

and: **Williams Corporation**
(Submitter 663)

Summary of evidence of Andrew Fitzgerald (Planning) on behalf
of Williams Corporation Ltd

Dated: 22 November 2023

SUMMARY OF EVIDENCE OF ANDREW FITZGERALD ON BEHALF OF WILLIAMS CORPORATION LIMITED

INTRODUCTION

- 1 My name is Andrew Fitzgerald, and I am a Principal Planner at Novo Group. My experience and qualifications are detailed in my evidence dated 19/9/2023.

SCOPE OF EVIDENCE

- 2 This statement summarises my understanding of the current 'state of play' from the three particular issues raised in my evidence, namely:
 - The Industrial Chapter, and the policy matters related to reverse sensitivity;
 - The Low Public Transport Qualifying Matter; and
 - Indoor Vibration Standards related to activities within the railway network.
- 3 I also want to correct the cover page of my original evidence which stated an incorrect submitter reference. The correct submission number is 663, not 629 as stated.

INDUSTRIAL CHAPTER – REVERSE SENSITIVITY

- 4 There is broad agreement from Mr Lightbody from Council, Mr Purves from Lyttelton Port Company, and myself in respect of the amended wording of Industrial Chapter Policy 16.2.2.2 as it relates to the scale of reverse sensitivity effects for Brownfield redevelopment.

In his evidence¹, Mr Purves seeks a minor variation to Policy 16.2.2.2, which seeks to further clarify the wording of this policy², which I have no issue with. I have no other comments or evidence on this matter.

LOW PUBLIC TRANSPORT QUALIFYING MATTER

- 5 I have no further comments on this matter, except to re-iterate my understanding that the Orbiter bus line has now been taken into account. i.e. areas within 800m of the Orbiter bus line are no longer covered by the Low Public Transport Qualifying Matters. I have no other comments or evidence on this matter.

INDOOR VIBRATION STANDARDS

- 6 In my original evidence, I identified that Council's original s42A reports had not addressed the proposed indoor vibration standards requested in the original submission KiwiRail. Since that time, further evidence has been prepared, and expert conferencing has occurred. Including:

- On behalf of KiwiRail:
 - Evidence from Dr Stephen Chiles, providing technical evidence on vibration effects;

¹ Evidence: Andrew Purves, paragraph 82.

² Policy 16.2.2.2 Brownfield development...

c. Brownfield regeneration redevelopment proposals as provided for in sub-clause a. and b. above shall also ensure that:

i. any development will not give rise to:

a. significant reverse sensitivity effects on existing industrial activities, or other effects, that may hinder or constrain the establishment or ongoing operation or development of industrial activities.

b. reverse sensitivity effects on and strategic infrastructure; or other effects, that may hinder or constrain the establishment or ongoing operation or development of strategic infrastructure.

- Planning evidence from Catherine Lynda Heppelthwaite and Michelle Grinlinton-Hancock.
 - On behalf of Council, the rebuttal evidence of Sarah-Jane Oliver.
 - Expert conferencing between Jeremy Trevathan on behalf of Council, and Dr Chiles.
- 7 My understanding of this evidence and conferencing is as follows.
- 8 While KiwiRail's preference is that there is a vibration rule in the District Plan, they accept that there are issues with the 'practicalities of implementing vibration controls'³. I concur, and reiterate my opposition to this type of rule from my further submission.
- 9 KiwiRail would however accept the insertion of a 'rail vibration alert' overlay into the District Plan. This is described in the evidence of Ms Grinlinton-Hancock⁴ as:

A vibration alert layer is an information layer to signal to property owners that higher levels of vibration may be experienced in the area due to its proximity to the rail corridor. There are no rules or other provisions associated with the alert layer. Alert layers still provide some management of vibration effects, as landowners may be prompted when building new dwellings to consider incorporating vibration attenuation measures of their own accord or to locate new buildings outside the alert layer.

³ Evidence: Michelle Grinlinton-Hancock, paragraph 5.8.

⁴ Evidence: Michelle Grinlinton-Hancock, paragraph 5.10

- 10 This would apply to properties 100m either side of railway designation.
- 11 While I consider that any properties within 100m of a rail designation would be aware of the presence of the rail corridor (and the associated noise and potential vibration), I concur with Ms Oliver⁵, and see no issue with the inclusion of an alert overlay in the District Plan, or an alternative that this overlay is flagged as part of a Land Information Memorandum request for impacted properties. I am however unfamiliar with how the mechanics of this latter suggestion would work. The outcome under both scenarios would be the same i.e. no statutory controls for vibration effects.

Andrew Fitzgerald

22 November 2023

⁵ Rebuttal Evidence: Sarah-Jane Oliver, paragraph 35.