

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 629)

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

---

Dated: 19 September 2023

---

# **STATEMENT OF EVIDENCE OF ANDREW FITZGERALD ON BEHALF OF WILLIAMS CORPORATION LIMITED**

## **INTRODUCTION**

- 1 My full name is Andrew Garrett Fitzgerald. I am a Principal Planner practicing with Novo Group Limited in Christchurch. Novo Group is a resource management and traffic engineering consulting company that provides resource management related advice to local authorities and private clients.
- 2 I hold the qualifications of a Bachelor of Science (Hons.) from the University of Canterbury attained in 2001. I am an associate member of the New Zealand Planning Institute.
- 3 I have had 21 years of experience as a resource management planner with both territorial authorities and as a consultant, both within New Zealand and the United Kingdom. My local experience has principally been in the Canterbury region and has involved an array of land use development in the residential, rural, retail, office/commercial, and industrial and sectors.
- 4 I have been engaged by Williams Corporation ('WC') to provide expert planning evidence relating to several matters under Plan Change 14 ('PC14') as they relate to the policies of the Industrial Chapter, and the Low Public Transport Accessibility Qualifying Matter. Further evidence relates to a further submission prepared in response to an original submission from Kiwi Rail.
- 5 I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023.

I have complied with it in preparing this evidence and I agree to comply with it in presenting evidence at this hearing. The evidence that I give is within my area of expertise except where I state that my evidence is given in reliance on another person's evidence. I have considered all material facts that are known to me that might alter or detract from the opinions that I express in this evidence.

### **SCOPE OF EVIDENCE**

6 My evidence will address:

6.1 Where there is no dispute between the original submission from WC and the Council officer's recommendations through their s42A report.

6.2 Issues from the submissions and further submissions in respect of proposed vibration rules as submitted by Kiwi Rail, which have not been addressed by Council s42A reports.

7 In preparing my evidence, I have reviewed:

7.1 The s42A reports prepared by Kirk Lightbody and Ike Kleynbos.

7.2 The submission from Kiwi Rail (829.1) in respect of vibration.

### **INDUSTRIAL CHAPTER – REVERSE SENSITIVITY**

8 WC submission points 663.1 and 663.2 sought changes to the wording of policies in the Industrial Chapter addressing reverse sensitivity. WC accepts the amended

policy<sup>1</sup> wording as detailed in Mr Lightbody's s42A report<sup>2</sup>. I agree with the amendments proposed, for the reasons provided by Mr Lightbody.

### **LOW PUBLIC TRANSPORT QUALIFYING MATTER**

- 9 In regard to WC submission points 663.3 and 666.4, WC accepts the recommendation from Mr Kleynbos<sup>3</sup> that areas within 800m of the Orbiter bus route are excluded from the Low Public Transport Accessibility Area Qualifying Matter. I agree with the amendments proposed, for the reasons provided by Mr Kleynbos.

### **INDOOR VIBRATION STANDARDS**

- 10 WC provided a further submission (FS2024.1) on an original submission from Kiwi Rail (829.1), which had requested the inclusion of indoor vibration standards for buildings adjacent to the railway network.
- 11 Ms Sarah Olliver at Council has confirmed<sup>4</sup> that Council's s42A reports missed providing a response to this request, and Council was consequently considering their options to respond.

---

<sup>1</sup> Policy 16.2.2.2 Brownfield redevelopment...

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

i. any ~~residential or mixed-use~~ redevelopment will not give rise to:

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

b. Reverse sensitivity effects on ~~and~~ strategic infrastructure;

<sup>2</sup> Mr Lightbody has confirmed (pers comm 17.08.2023) that the recommendation to 'reject' submission 663.2 in Appendix 3 of his s42A report is an error. On page 100 of the S42A, Mr Lightbody accepts submission 663.2.

<sup>3</sup> Mr Kleynbos S42A report, Attachment A – Response to Submission Requests, page 189 and 217.

<sup>4</sup> Pers Com 13.9.2023

12 The further submission from WC is re-iterated and I agree with the reasons expressed in that submission. For ease of reference, this further submission point is included as Appendix 1 to this evidence.

**Andrew Fitzgerald**

**20 September 2023**

## **Appendix 1**

## Our proposed Housing and Business Choice and Heritage Plan Changes (13 &14)

### Submitter Details

**First name:** Andrew **Last name:** Fitzgerald

**Preferred method of contact** Email

**Postal address:** PO Box 365

**Suburb:**

**City:** Christchurch

**Country:** New Zealand

**Postcode:** 8140

**Email:** andrew@novogroup.co.nz

**Daytime Phone:** 021 367 561

**Would you like to present your submission in person at a hearing?**

- Yes
- I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Additional requirements for hearing:

Person of interest declaration: I am

- (a) a person representing a relevant aspect of the public interest, or
- (b) a person who has an interest in the proposal that is greater than the interest the general public has, or
- (c) the local authority for the relevant area.

Explain the grounds for saying you come within category (a) or (b) above:

Note to person making further submission:

- A further submission can only support or oppose an original submission listed in the summary. It is not an opportunity to make a fresh submission on matters not raised in the submission.
- A copy of your further submission must be served on the original submitter within 5 working days of making the further submission to the Council

## Consultation Document Submissions

**Original Submitter:** #829 Michelle Grinlinton-Hancock (PO Box 593, New Zealand, 6140)

**Original Point:** #829.1 Chapter 6 General Rules and Procedures

- Support
- Oppose
- Seek Amendment

### I seek the following decision from the Council

*If seeking to make changes to a specific site or sites, please provide the address or identify the area*

Reject submission 829.1

### My submission is that

Kiwi Rail (KR) aims to introduce new 'vibration' regulations into the District Plan as outlined in submission 829.1. The main objective is to establish indoor vibration standards for newly constructed or modified buildings that house sensitive activities within a 60 metre distance from the boundary of the railway network.

There are several key reasons behind this further submission:

1. Firstly, submission 829.1 is not directly related to the current plan change. Although Plan Change 14 (PC14) includes adjustments to zone names in Chapter 6, it does not propose any modifications to rule 6.1.7.2, which specifically addresses sensitive activities near roads and railways. It is worth noting that the Council recently underwent a specific plan change (Plan Change 5E ('PC5E')) that specifically addressed this rule and related issues. Therefore, it is argued that the appropriate time to consider vibration-related matters would have been during the discussions on PC5E. Additionally, no records indicate that KR raised the vibration issue in their submission on PC5.
2. Introducing vibration standards has the potential to significantly increase building costs. Mark Lewthwaite, a Senior Acoustic Engineer from Powell Fenwick, estimates that the necessary engineering measures for buildings, such as isolating the floor substrate, could add tens of thousands of dollars of construction costs per residential unit. These substantial extra expenses would worsen housing affordability, contradicting Objective 2 of the National Policy Statement on Urban Development (NPS-UD). Moreover, it would increase transaction costs, contradicting District Plan Strategic Direction 3.3.2.
3. The proposed change would impact a considerable number of residential properties adjacent to the railway networks across Christchurch. Since the submission is not directly linked to the current Plan Change, many affected property owners may be unaware of it and the potential cost implications it carries. This lack of awareness denies these residential property owners a genuine and meaningful opportunity to participate in the decision-making process. Consequently, their ability to engage in the process and provide input is compromised.  
In summary, Williams Corporation's opposition relates to the timing and relevance of submission 829.1, the potential financial burden it imposes on property owners, and the lack of awareness among affected residents which hinders their participation in the decision-making process.

### Attached Documents

File

No records to display.