

BEFORE THE WAIKATO DISTRICT COUNCIL HEARINGS PANEL

IN THE MATTER of the Resource Management Act 1991
("RMA")

AND

IN THE MATTER of the Proposed Waikato District Plan
("Proposed Plan")

Evidence of Pam Butler Senior RMA Adviser

Submitter: KiwiRail Holdings Ltd, submitter 986

HEARING 11 – LAKESIDE

1. INTRODUCTION

1.1 My name is Pam Butler and I am the Senior RMA Advisor for KiwiRail Holdings Limited ("KiwiRail"). I have over 30 years' RMA and planning experience. I hold a Bachelor of Arts and a Diploma in Town Planning. I am a full member of the New Zealand Planning Institute.

1.2 This evidence has been prepared on behalf of KiwiRail in relation to Hearing 11 – Lakeside Zone.

Points of agreement

1.3 I have reviewed the Council officer's section 42A report in relation to Hearing 11 and agree with the recommendations in this report in relation to KiwiRail's submissions.

1.4 In particular, KiwiRail agrees with the Council officer's recommendations to accept the following submissions:

(a) Submission 986.123–Rule 16.5.3(a)(iv) Restricted Discretionary activities.¹

(b) Submission 986.124 –Rule 16.5.7.1 Noise and vibration and setbacks.²

2. SETBACKS FOR BUILDINGS ADJACENT TO THE RAIL CORRIDOR

Relief sought by KiwiRail

2.1 In its submission, KiwiRail supported the inclusion of setbacks from the railway corridor boundary and noise and vibration controls for sensitive uses in proximity to the railway corridor developed as part of Private Plan Change 20 ("PPC20") to the Operative District Plan (Waikato

¹ Section 42A report – Hearing 11: Lakeside ("Section 42A report") at [57].

² Section 42A report at [68].

Section) that was lodged with Waikato District Council in August 2017. The applicant for PPC20 acknowledged the presence and significance of the railway corridor in the Lakeside Te Kauwhata Precinct early in the process and was receptive to incorporating amenity and health and safety controls.

- 2.2 The PPC20 rules have been included in the Proposed Plan as permitted activity standard 16.5.7.1 Noise and vibration – North Island Main Trunk Line (NIMT). This standard includes a setback for all buildings from the railway corridor boundary as well as noise and vibration controls for sensitive uses seeking to establish in proximity to the corridor. Resource consent can be sought for a restricted discretionary activity where the standard is not achieved.³
- 2.3 KiwiRail's submission also sought that a suite of new provisions be inserted into a range of different zones in the Proposed Plan to require all new or altered buildings for noise sensitive activities in proximity to the rail corridor be appropriately mitigated in relation to rail noise and vibration. KiwiRail has not yet presented its full suite of evidence about noise and vibration provisions and will be doing so at the hearing on the Infrastructure Topic, which is currently set down for September 2020. In brief, the noise and vibration controls are designed to avoid the adverse health effects that would otherwise be caused by exposure to sound and vibration on future residents and other sensitive uses. These controls are also necessary to ensure that potential reverse sensitivity effects on the rail network associated with the establishment of sensitive uses nearby is appropriately managed. In my opinion, the proposed provisions strike an appropriate balance between allowing for development and protecting against effects on the health and safety of people, and wider reverse sensitivity issues.
- 2.4 In relation to the proposed building setback, KiwiRail has presented evidence in relation to the need for all new buildings or structures to be setback from the railway corridor boundary at previous hearings on the Proposed Plan (eg Hearings 6 – Village Zone, Hearing 7 – Industrial and Hearing 10 – Residential) from a safety perspective (as distinct from the appropriateness of having sensitive activities setback from the corridor from an acoustic and amenity perspective).
- 2.5 KiwiRail supports the adoption of the suite of measures necessary to address the Lakeside development area's proximity to the railway corridor particularly as provided in Rule 16.5.7.1.

3. CONCLUSION AND RESPONSE TO SECTION 42A REPORT

- 3.1 The Council officer has recommended that KiwiRail's submissions in relation to Topic 11 be accepted.
- 3.2 I support the Council officer's recommendations on KiwiRail's submission points as set out in paragraphs 1.4 above. In my opinion, the proposed provisions are consistent with the purpose of the RMA and appropriately give effect to the objectives and policies of the Waikato Regional Policy Statement and the Proposed Plan.

Pam Butler

28 February 2020

³ Rule 16.5.7.1 RD1(a).