

Speaking notes - Hearing Stream 6
Ms Catherine Heppelthwaite

1. Following Mr McDonald's section 42A addendum report, I set out below where we are now aligned on matters, and the provisions still in contention.

Definition of Transport Network

2. I support Mr McDonald's proposed further amendments to the definition of "Transport Network" to remove the word "public" before "rail".

INF-P9.3 (natural hazards)

3. I support Mr McDonald's proposed amendments to INF-P9.3 (natural hazards), where he recommends narrowing the "avoid" directive to significant increases in hazard risk only.

Definition of "maintenance and repair"

4. I support Mr McDonald's proposal to introduce a definition of "maintenance and repair" but remain concerned with the proposed definition wording. I do not consider the current draft wording would cater for situations where very similar (or even smaller) replacement structures are proposed.
5. Mr McDonald considers KiwiRail's additional wording "same, similar or reduced" is subjective and replacement of non-identical structures is provided for within the definition and provisions for "upgrading" (para. 5.57). I disagree and note I relied on wording in section 10 of the RMA (relating to existing use rights) for this amendment and suggested wording.
6. I also acknowledge that 'similar' could enable slightly larger structures, but still consider further amendments are necessary to enable a replacement structure of a reduced dimension which is not addressed in the definition of upgrading.
7. I also reviewed the definition (as notified) of *upgrading*. This definition also includes **replacement** of infrastructure so there is overlap between the definitions so referring to the upgrade definition does not resolve my concerns.

INF-P7: Upgrading and developing the transport network

8. Mr McDonald maintains INF-P7.4 (zone outcomes cross-reference) is appropriate and notes the "as far as practicable" qualifier.
9. I agree that 'as far as practicable' is of some assistance but still consider it creates an inappropriate and unnecessary test for infrastructure. Therefore I continue to support deletion of INF-P7.4 as it is not appropriate to have infrastructure meet zone objectives and policies in all circumstances.

PINF-P1: Protecting regionally significant infrastructure

10. I propose inclusion of reference to reverse sensitivity in PINF-P1. Mr McDonald considers more specific policy direction, including in relation to reverse sensitivity, is included in the relevant chapter.

11. While I agree that some zones (ie. commercial, business and industrial) do have a policy for reverse sensitivity, there are no reverse sensitivity policies in the residential zones, which are likely to be one of the most sensitive locations to noise.

Alternative approach of other District Plans to manage setback risk

12. Mr McDonald seeks further information including the extent to which the existing district plan provisions are achieving their intended outcomes. In my opinion, controls in other district plans are largely absent, hence the submission and KiwiRail's national wide approach. I continue to consider a 5m setback in the Lower Hutt District is appropriate.

Rail corridor protection – sightlines

13. Mr McDonald considers rail corridor sightlines are adequately addressed elsewhere (Transport chapter) and PINF-P1.
14. I disagree and continue to support my recommended amendments to PINF-P1. While I agree with Mr McDonald that NOISE-P3 provides support some policy support, NOISE-P3 is subject to a further hearing and in my opinion, requires amending to remove "where practicable". This uncertainty means NOISE-P3 cannot be relied on at this point.
15. In my opinion, Mr McDonald's recommended PINF-P1(12) is too narrowly focused to address all rail level crossing matters. I continue to support PINF-P1.13 per my evidence as it addresses building setbacks.

Alterative option: Update PINF-P1

16. On review, if my recommended amendments to PINF-P1 are adopted as below, I consider my new PINF-P5 is no longer required (as it will be addressed by PINF-P1.13).

PINF-P1	Protecting regionally significant infrastructure
	Regionally significant infrastructure is protected from incompatible new subdivision, use and development <u>including the potential for reverse sensitivity effects</u> by: 7. Avoiding the location of activities sensitive to hazardous substance risk within a defined risk management overlay. 8. Avoiding activities sensitive to the National Grid, and controlling buildings, structures and earthworks within a defined National Grid Yard. 9. Controlling subdivision within a defined National Grid Subdivision Corridor. 10. Controlling subdivision, buildings, structures, earthworks and activities sensitive to gas transmission infrastructure within a defined Gas Transmission Pipeline Corridor 11. Controlling noise sensitive activities within a defined Highway and Railway Noise Overlay <u>including requiring appropriate acoustic mitigation.</u> 12. Requiring new vehicle crossing to not be located in proximity to railway crossings. <u>12. Ensuring new development and accesses maintain the safe and efficient operation of railway level crossings for all road users and the rail corridor.</u> <u>13. Managing new activities and development through setbacks from rail infrastructure.</u>