

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

Evidence of Pam Butler Senior RMA Adviser
Submitter: KiwiRail Holdings Ltd, submitter 986

HEARING 5 – DEFINITIONS

Introduction

1. My name is Pam Butler and I am the Senior Resource Management Act Advisor for KiwiRail Holdings Limited ("**KiwiRail**"). I have over 30 years of 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.
2. This evidence has been prepared on behalf of KiwiRail in connection with its function as a transport network utility operator in the Waikato District and relates to the matters raised in Hearing 5 – Definitions on the Proposed Waikato District Plan ("**Plan**").¹
3. As I will not be attending the hearing in person, I request that the Hearings Panel accept this evidence as tabled. Should the Panel have any questions, I am happy to provide further information regarding the matters addressed in my evidence.

986.46 – Addition of definition for "reverse sensitivity" to the Plan

4. KiwiRail sought to have a definition of "reverse sensitivity" included, given the frequent use of the term throughout the Plan. KiwiRail does not accept the reporting planner's recommendation to reject the submission.
5. In my view, a definition of reverse sensitivity is appropriate to ensure that the concept is properly understood and to make the Plan easier to interpret. While

¹ Several of KiwiRail's submission points relating to definitions in the Plan are not addressed in Hearing 5. KiwiRail's submission on the definition of "Forestry" (986.50) has been deferred to the Rural topic, with the remainder of KiwiRail's submissions relating to definitions (986.44, 986.45 and 986.47) being allocated to the Infrastructure topic.

KiwiRail is very familiar with the meaning of reverse sensitivity and its use in district plans, other plan users may not be.

6. By way of example, we have already seen a potential issue with the interpretation of reverse sensitivity in the notified version of the Plan. A number of policies in the notified Plan did not appropriately capture the nature of reverse sensitivity, referring to effects "from" existing uses (such as infrastructure).² KiwiRail's submission sought amendments to these policies to ensure that they accurately reflect the concept of reverse sensitivity, which relates to adverse effects *on* established uses from the establishment of new sensitive activities.
7. A definition of reverse sensitivity is also workable in a planning context, with definitions of the term included in other district plans throughout the country.³

986.48 – Amendments to definition of "noise sensitive activity"

8. KiwiRail's submission intended to ensure that noise sensitive rooms within educational facilities and "places of assembly" were included in the definition of "noise sensitive activities". The amended definition recommended by the reporting planner captures both of these activities.
9. KiwiRail therefore supports the reporting planner's recommended amendments to the definition.

986.49 – Definition of "sensitive land use" – technical issue

10. KiwiRail sought to restructure the definition of "sensitive land use" into clauses in order to clarify that not all sensitive land uses are education facilities. The section 42A report recommends that this submission is accepted in part. KiwiRail supports the reporting planner's recommendation, as the amended definition addresses the relief sought by KiwiRail.

Conclusion

11. In conclusion, I support the section 42A report's recommendations on submission points 986.48 and 986.49 but do not agree with the recommendation on submission 986.46. I consider that the change sought by KiwiRail through submission 986.46 is consistent with the purpose of the RMA and appropriately gives effect to the objectives and policies of the Waikato Regional Policy Statement and the Plan.

Pam Butler

18 November 2019

² For example Policies 4.1.11(a)(iii), 4.1.13(a)(ii) and 4.1.16.

³ See for example Dunedin City Second Generation District Plan.