

Before the Hearings Commissioners

Under the Resource Management Act 1991 (the **RMA**)

In the matter of a submission by KiwiRail Holdings Limited (**KiwiRail**)
(submitter 233) on Hearing 3 Noise

and in the matter of The Proposed Waitaki District Plan (**Proposed Plan**)

**Primary statement of evidence of Catherine Lynda Heppelthwaite
regarding Hearing Stream 3 of the Proposed Plan**

Dated 8 October 2026

1 INTRODUCTION, QUALIFICATIONS AND EXPERIENCE

- 1.0 My full name is Catherine Lynda Heppelthwaite. I am a principal planner for Eclipse Group Limited. I am presenting this planning evidence on behalf of KiwiRail.
- 1.1 I hold a Bachelor's Degree in Resource Studies obtained from Lincoln University in 1993. I am a full member of the New Zealand Planning Institute, a member of the Resource Management Law Association and the Acoustical Society of New Zealand. I have more than 25 years' experience within the planning and resource management field, which has included work for local authorities, central government agencies, private companies and private individuals. Currently, I am practising as an independent consultant planner and have done so for the past 18 years.
- 1.2 I have extensive experience with preparing submissions and assessing district plan provisions in relation to noise and vibration, most recently in relation to the New Plymouth, Christchurch, Porirua, Far North and Whangarei District Plans where I assisted KiwiRail by providing specialist planning evidence on similar issues.

2 CODE OF CONDUCT

- 2.0 I have read the Environment Court's Code of Conduct for Expert Witnesses (2023) and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my areas of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

3 SCOPE OF EVIDENCE

- 3.0 My evidence will address the following:
- a. the statutory and higher order planning framework;
 - b. KiwiRail's submissions in relation to noise (including associated definitions) in the Proposed Plan;

c. the recommendations in the Section 42A Report for Noise prepared by Ms Belgrave;¹

d. further amendments required to the Proposed Plan provisions.

3.1 In preparing my evidence on noise matters, I have also considered the Technical Memorandum of Marshall Day attached to the S42A Report: Noise.²

4 STATUTORY AND HIGHER ORDER PLANNING FRAMEWORK

4.0 In preparing this evidence I have specifically considered the following:

- a. The purpose and principles of the RMA (sections 5-8);
- b. Provisions of the RMA relevant to plan-making and consenting;
- c. National Policy Statement Infrastructure 2025 (**NPS-I**);
- d. National Policy Statement on Urban Development 2020 (**NPS-UD**);
- e. National Planning Standards 2019;
- f. Canterbury Regional Policy Statement 2013 (**CRPS**) and the Otago Regional Policy Statement 2021 (**ORPS**) with specific reference to:
 - i. Canterbury Regional Policy Statement

Objective 5.2.1 Location, Design and Function of Development (Entire Region) Development is located and designed so that it functions in a way that:

1. [...]

2. enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety; and which:

[...]

f. is compatible with, and will result in the continued safe, efficient and effective use of regionally significant infrastructure;

g. avoids adverse effects on significant natural and physical resources including regionally significant infrastructure, and where avoidance is impracticable, remedies or mitigates those effects on those resources and infrastructure;

[...]

- ii. Otago Regional Policy Statement

¹ Section 42A Report, dated 21 September 2026.

² Appendix 4, Memorandum prepared by Stuart Camp and Jon Farren, dated 18 September 2026.

EIT-INF-P7 – Protecting nationally significant infrastructure and regionally significant infrastructure

Protect the efficient and effective operation, maintenance, upgrading and development of nationally significant infrastructure and regionally significant infrastructure by:

- (1) to the extent reasonably possible, managing activities, to ensure that of the operation, maintenance, upgrading and development of nationally significant infrastructure or regionally significant infrastructure, is not compromised,*
 - (2) to the extent reasonably possible, managing activities to avoid reverse sensitivity effects on nationally significant infrastructure or regionally significant infrastructure, and*
- [...]*

Anticipated environmental results

EIT-INF-AER3 Nationally significant infrastructure and regionally significant infrastructure is protected from adverse effects, including reverse sensitivity effects caused by incompatible activities.

EIT-TRAN-P23 – Operation of the transport system

The efficient and effective operation of the transport system is maintained by:

- (1) [...]*
- (2) avoiding the impacts of incompatible activities, to the extent reasonably practicable, including those that may result in reverse sensitivity effects,*

UFD-O1 – Development of urban areas

The development and change of Otago's urban areas occurs in a strategic and coordinated way, which results in well-functioning urban environments, that:

- (1) [...]*
- (2) integrate effectively with infrastructure, development infrastructure and additional infrastructure, and surrounding urban areas and rural areas, including by managing reverse sensitivity effects and direct effects on electricity networks, [...]*

- 4.1 Ms Belgrave³ has also identified other relevant statutory provisions in her Section 42A Report and s32 Report which I generally agree with and do not repeat here.

5 SUBMISSIONS

- 5.0 KiwiRail has a number of submission points allocated to Hearing Stream 3. I have set out below whether these submission points were accepted, accepted

³

S42A Report: Noise Sections 5 and 6.

in part, or rejected by Ms Belgrave. Where KiwiRail's relief has not been accepted, I address this further in Section 6.

- a. KiwiRail sought amendments to the Planning Maps to include a Rail Corridor Noise Control Overlay within 100m of the rail corridor (increased from 80m as notified). No changes to the planning maps are proposed⁴ and I address this at section 6 of my evidence.
- b. KiwiRail sought a range of amendments relating to the inclusion of a *Vibration Alert Area Overlay* 60m either side of the rail corridor boundary. These included:
 - i. A new definition of *Rail Corridor Noise Control Overlay* to support management of rail noise and vibration effects near the rail corridor. Ms Belgrave does not support this relief.⁵
 - ii. A new *Rail Vibration Alert Overlay* explanation in the Noise chapter introduction. This is not accepted by Ms Belgrave.⁶
 - iii. Amendments to the Planning Maps, to include a *Vibration Alert Area Overlay* 60m either side of the rail corridor boundary. No changes to the planning maps are proposed.⁷

I address the above at section 6 of my evidence.

- c. KiwiRail supported the definition of *Transport Corridor* as notified. Some amendments to this definition are proposed by Ms Belgrave⁸ and I address this in Section 6 along with KiwiRail's submission requesting a *Rail Corridor Noise Control Overlay*.
- d. KiwiRail supported as notified NOISE-E1 which exempts trains and level crossing warning devices. Ms Belgrave recommends no changes to provisions relating to rail level crossings.⁹

⁴ S42A Report paragraph 319.

⁵ S42A Report, paragraph 64.

⁶ S42A Report, paragraph 64.

⁷ S42A Report paragraph 319.

⁸ S42A Report, paragraph 69.

⁹ S42A Report, paragraph 133.

- e. KiwiRail sought to retain NOISE-O2, NOISE-P2, NOISE-P4 and NOISE-P6 as notified. No changes to NOISE-O2, NOISE-P2, NOISE-P3, NOISE-P4 or NOISE-P6 are proposed by Ms Belgrave.
 - f. KiwiRail sought to retain NOISE-P3 as notified, but Ms Belgrave has recommended an amendment to this provision. I address this at section 6 of my evidence.
 - g. KiwiRail sought amendments to NOISE-R2 to reflect 100m application of the standard from the rail corridor boundary. Ms Belgrave recommends alterations to the provision which I address at section 6 of my evidence.¹⁰
 - h. KiwiRail supported NOISE-S2 as notified and Ms Belgrave recommends no changes.¹¹
 - i. KiwiRail sought to amend NOISE-S3 by ensuring the acoustic controls apply to the rail corridor for sensitive activities. Ms Belgrave recommends alterations to the provision which I address at section 6 of my evidence.¹²
- 5.1 Ms Belgrave notes that KiwiRail also proposed new objectives and policies to manage reverse sensitivity for the railway corridor.¹³ I assume this point has been picked up from Appendix 1 of the S32 Report that was included with KiwiRail's submission.¹⁴ I have conferred with Ms Grinlinton-Hancock and confirm that the provisions included in the S32 Report are not sought as specific relief.

6 ASSESSMENT: SECTION 42A REPORT: NOISE

Planning Maps Rail Corridor Noise Control Overlay

- 6.0 KiwiRail sought in its submission a mapped Rail Corridor Noise Control Overlay be included in the Proposed Plan, applying within 100m of the rail corridor designation boundary. Ms Belgrave does not support the Rail Corridor Noise Overlay being mapped and prefers the notified framework which uses an offset from the boundary of the rail corridor. She also considers the notified approach

¹⁰ S42A Report, paragraph 217.

¹¹ S42A Report, paragraph 304.

¹² S42A Report, paragraph 217.

¹³ S42A Report paragraph 93.

¹⁴ Attachment A to KiwiRail submission *KiwiRail Holdings Limited Standard Railway Noise and Vibration Reverse Sensitivity Provisions and Section 32 Report 16 August 2023* Report Authors: Louise Taylor and Lisa Thorne.

can accommodate changes to the rail designation without further amendment to the District Plan.¹⁵

- 6.1 I consider the application of a Rail Corridor Noise Control as a mapped overlay to be preferable from a planning perspective. Not only is a mapped overlay the predominant approach in District Plans (eg Waimakariri, Hamilton, Timaru and Selwyn District Plans), the National Planning Standards specifically provides for a mapped "Noise Control Boundary Overlay" symbol for use.¹⁶
- 6.2 In my view, use of a mapped overlay is an obvious and straightforward method to illustrate the overlay and is well suited to an e-plan. The maps are the starting point of any plan assessment. The alternative (to be defined in a plan rule) means the rule and standards are not readily accessible to Plan users, particularly those less experienced who may not know to look beyond the zone provisions and examine the district wide chapters just in case there are additional rules.
- 6.3 I also do not agree with Ms Belgrave's position that the noise overlay, if retained as a written rule, could move if there was an alteration to the designation boundary. This is inappropriate from a planning perspective as it could mean more properties are subject to a rule or planning restriction they did not know about.
- 6.4 Ms Grinlinton-Hancock has confirmed that KiwiRail can provide GIS maps of the Noise (and Vibration) overlays for inclusion in the Plan if that would be of assistance.

Rail Vibration Alert Overlay

- 6.5 KiwiRail in its submission also sought a range of changes which support a *Rail Vibration Alert Overlay* being included in the Plan. This includes:
- a. a new definition Vibration Alert Area Overlay;
 - b. explanation of Rail Vibration Alert Overlay in the Noise chapter introduction; and

¹⁵ S42A Report paragraph 318.

¹⁶ National Planning Standards, Table 20 Symbol representation.

- c. amendments to the Planning Maps, to include a Vibration Alert Area Overlay 60 metres either side of the rail corridor boundary.

- 6.6 Dr Chiles has described that noise and vibration effects that cannot be completely internalised are likely to arise from transport corridors even with management and mitigation.¹⁷ Reverse sensitivity effects are a relevant consideration for both rail and road infrastructure, particularly where the infrastructure generates noise that cannot be fully internalised within the transport corridor. Development in close proximity to transport infrastructure can increase the potential for complaints about noise and other operational effects, which may in turn place pressure on the ongoing operation, maintenance and future use of the infrastructure. Planning for compatible development adjacent to established infrastructure is therefore important to avoid or minimise the potential for reverse sensitivity effects.
- 6.7 Ms Belgrave rejects the inclusion of the Rail Vibration Alert Area Overlay on the basis that it may create confusion with plan users and that occupants/purchasers know where the railway lines are so should be aware of effects.¹⁸
- 6.8 I do not agree that the Rail Vibration Alert Area Overlay will cause confusion if the text accompanying the maps is included as requested by KiwiRail. As explained by Ms Grinlinton-Hancock,¹⁹ the proximity of a rail line does not equate to community understanding of vibration effects. In my opinion, the Rail Vibration Alert Area Overlay serves an important purpose, particularly for purchasers who may be new to an area or where the rail line is not visible but still within an area where vibration effects can occur (up to 100m as described by Dr Chiles).²⁰
- 6.9 Further, provision of Rail Vibration Alert Area Overlays is an increasingly common feature of District Plans including Whangarei (60m),²¹ Waimakariri District Plan (100m),²² Timaru District Plan²³ (60m) and the Auckland Unitary Plan.²⁴ In addition, the need to consider effects on infrastructure has been

¹⁷ Evidence of Dr Chiles, Section 5.

¹⁸ S42A Report paragraph 92.

¹⁹ Evidence of Ms Grinlinton-Hancock, Section 5.

²⁰ Evidence of Dr Chiles, Section 5.

²¹ Whangarei District Plan, NAV-R8.

²² Waimakariri District Plan, *How to Interpret and apply the rules* (3).

²³ Timaru District Plan, last paragraph of NOISE Chapter Introduction.

²⁴ Waihoehoe (I452) and Drury Centre (I450) Precincts.

further strengthened since these provisions were made operative by the NPS-I, Policy 10.

- 6.10 NPS-I, Policy 10 (Planning for and managing the interface and compatibility of infrastructure with other activities) subclause (2)(a)(ii) is very directive in relation to protecting existing and planned infrastructure (such as road and rail) from reverse sensitivity effects. It states (emphasis added):

2. Decision-makers on planning instruments must:
a. engage with infrastructure providers to:
i. [...]
*ii. identify appropriate buffers and other methods to **protect existing and planned infrastructure** from the adverse effects of new or intensified sensitive and incompatible activities, including direct effects, **reverse sensitivity effects**, and risks to health and safety;*
iii. support the strategic integration of infrastructure with land use activities;

- 6.11 The CRPS and ORPS also both address this matter; for example:

UFD-O1 – Development of urban areas
The development and change of Otago's urban areas occurs in a strategic and coordinated way, which results in well-functioning urban environments, that:
(1) [...]
(2) integrate effectively with infrastructure, development infrastructure and additional infrastructure, and surrounding urban areas and rural areas, including by managing reverse sensitivity effects and direct effects on electricity networks, [...]

- 6.12 Both Policy 10 of the NPS-I and UFD-O1 of the ORPS direct that reverse sensitivity must be managed (UFD-O1) and infrastructure must be protected (Policy 10) from adverse effects, including reverse sensitivity effects.
- 6.13 I acknowledge that there are other methods which could potentially alert purchasers/land owners to vibration effects, however I consider the Proposed Plan is the most effective as the Plan directly informs a LIM (for purchasers), and alerts developers of the site who may not obtain a LIM but would review Plan provisions.
- 6.14 I have also reviewed the section 32 assessment prepared by Louise Taylor and Lisa Thorne regarding Standard Railway Noise and Vibration Reverse Sensitivity Provisions²⁵ (included as **Attachment B** to my evidence). I agree

with and adopt its conclusions in support of the Vibration Alert Layer sought by KiwiRail.

- 6.15 Overall, I consider the inclusion of the Rail Vibration Alert Overlay (applying to properties within 60m of the rail corridor designation boundary) and related amendments to be appropriate. These amendments are set out in **Attachment A** to my evidence.

Mapping

- 6.16 To support the changes above, I propose changes to the mapping to:
- a. extend the Rail Noise Overlay to 100m from the rail designation boundary in all zones as this is a district wide matter; and
 - b. include a 60m Rail Vibration Alert Overlay from the rail designation boundary in all zones.

- 6.17 Below, I address other amendments required to the provisions, including consequential amendments if the above relief is accepted by the Panel.

Noise - Definitions

- 6.18 KiwiRail supported the definition of *Transport Corridor* as notified. Ms Belgrave, in conjunction with rejecting KiwiRail's submission requesting a new definition for *Rail Corridor Noise Control Overlay*, proposes to retain the definition and amend it to be *Transport Corridor Noise Control Area*.²⁶ Ms Belgrave proposes this relief as it supports her approach of not showing noise control 'areas' as an Overlay on the planning maps.²⁷
- 6.19 NZTA also submitted on this definition and requested a – "Noise Corridor Boundary Overlay", and provided a GIS mapped layer to be included on the planning maps.²⁸
- 6.20 I consider Ms Belgrave's definition of "Transport Corridor Noise Control Area" is fit for purpose to describe the locations where rail (and road) noise should be addressed however, consistent with my view that the noise control areas should be mapped, I consider that the definition should be "Transport Corridor Noise Control ~~Area~~ Overlay". For clarity, if this amendment is adopted, I do not

²⁶ S42A Report paragraph 64.

²⁷ S42A Report paragraph 64.

²⁸ NZTA submission 152.63.

consider KiwiRail's requested definition of *Rail Corridor Noise Control Overlay* would be necessary.

NOISE-R2 New buildings, change of use of existing buildings and additions to existing buildings, for use by a sensitive activity

Setback Distance

- 6.21 KiwiRail supported NOISE-R2 as notified and proposed minor amendments to NOISE-R2 PER-2 to extend the distance in which ventilation requirements apply from 80m to 100m as follows (amendments shown in ~~red strikethrough~~ and underline):

1. NOISE-S2 Mechanical ventilation requirements; and where within ~~80~~ 100 metres of a rail corridor:

- 6.22 Ms Belgrave supports the amendment in principle and recommends alternative relief (being application of the control to all areas subject to the Transport Corridor Noise Control Area and consequential deletion of reference to setback distances) to achieve the same outcome. I agree with her response to this submission point as it achieves the same outcome as the submission.
- 6.23 However, I note that her recommended amendment to include reference to the "Transport Corridor Noise Control Area" appears to have been mistakenly left out of the recommended amendment at paragraph 217 of the Section 42A Report.

Removal of change in use / alterations to existing buildings

- 6.24 Ms Belgrave has proposed the following amendment to the heading of NOISE-R2 which would mean changes of use of existing buildings and additions to existing buildings would not need to comply with NOISE-S2 and NOISE-S3.

NOISE-R2 New buildings, ~~change of use of existing buildings and additions to existing buildings~~, for use by a sensitive activity

- 6.25 I understand but do not agree with the explanation Ms Belgrave has provided for removing *change of use of existing buildings* from the NOISE-R2 heading. In particular, Ms Belgrave²⁹ considers:

²⁹

S42A Report paragraph 215 in response to NZTA submission 152.64.

Given that not all internal alterations are subject to building consent, this will be difficult to monitor. From a pragmatic perspective, anyone who is undertaking internal alterations to an existing building within proximity to a noise generating activity such as a State Highway corridor should not be expected to include acoustic design for that part of the building they are now occupying, when the rest of the building remains the same.

- 6.26 The NZTA submission³⁰ (particularly Appendix 2, Rule 2(b) and (c)) which Ms Belgrave responds to has specific provisions which seek to permit internal alterations to noise sensitive activities (5m² within each 10 year period) without further acoustic mitigation. This appears to be conflated with a change in use which is a separate matter to an internal alteration to an existing use.
- 6.27 Further, the basis for removing "*additions to existing buildings*" is unclear as Ms Belgrave notes "*additions to buildings containing sensitive activities within the Transport Corridor Noise Control Area are subject to the requirements of NOISE-R2*".³¹
- 6.28 I do not support the removal of any text from the NOISE-R2 heading and the consequential narrowing of the application of NOISE-R2. I consider NOISE-R2 should apply to both a change of use and building additions and alterations where floor area is increased. In my experience, change of use (as with building alterations and additions) often triggers a building consent, particularly for consideration of fire and access so do not accept that there is a lack of potential for oversight by Council. Dr Chiles³² also confirms that he considers alterations to noise sensitive activities should be retained.
- 6.29 For NOISE-R2, if KiwiRail's relief for a mapped overlay is accepted by the Panel, NOISE-R2 PER-2 should apply to sites within the *Transport Corridor Noise Control Overlay* (being the amended term I propose at paragraph 6.22).

NOISE-S3

- 6.30 KiwiRail seeks to amend NOISE-S3 to ensure NOISE-S3 applies to:

³⁰ Submission 152.64.

³¹ S42A Report paragraph 215 in response to NZTA submission 152.64.

³² Evidence of Dr Chiles, paragraph 7.7.

[...] all zones within the Rail Corridor Noise Control Overlay.

6.31 Ms Belgrave agrees with the relief and as with NOISE-S2, supports amendments to ensure controls apply to 100m of the rail corridor.³³

Other amendments to the noise controls

6.32 While KiwiRail supported the notified noise provisions above, I have read Dr Chiles' evidence which recommends some technical amendments to these provisions to ensure they are clearer and workable for NZTA and KiwiRail as operators of the state highway and rail network. I agree that the issues he raises should be addressed and would make the provisions clearer. In this regard, I have reviewed the evidence of:

- a. Statement of Evidence of Dr Stephen Chiles dated 8 October 2026; and
- b. Statement of Evidence of Michelle Grinlinton-Hancock dated 8 October 2026.

7 CONCLUSION

7.0 Overall, I support the amendments in my **Attachment A** as they will:

- a. provide noise and vibration provisions which are proportionate to the potential effects;
- b. be consistent with Policy 10 of the NPS-I;
- c. give effect to the very directive ORPS and CRPS provisions; and
- d. ensure the safe and efficient operation of KiwiRail's rail network in the Waitaki District.

7.1 I have included changes I consider necessary as **Attachment A**.

Catherine Heppelthwaite

8 October 2026

³³

S42A Report paragraph 309.

Attachment A: Revised Provisions

Base text:

Section 42A Officer's Report - Appendix 1 – Recommended Provisions with changes accepted.

Recommended changes:

Red underline / red ~~strike through~~

Definitions

Transport Corridor Noise Control Area Overlay

[...]

Vibration Alert Area Overlay

means the area potentially affected by vibration between a railway corridor designation boundary and a distance of 60m.

Noise

Introduction

[...]

This chapter focuses on managing the adverse effects of noise generating activities to ensure that they do not have unreasonable impacts on the amenity values and health and safety values of individuals and communities.

A Rail Vibration Alert Overlay has been applied which identifies the vibration-sensitive area within 60 metres each side of the railway designation boundary as properties within this area may experience rail vibration effects. No specific district plan provisions apply in relation to vibration controls as a result of this Rail Vibration Alert Area. The Rail Vibration Alert Overlay is to advise property owners of the potential vibration effects but leaves with the site owner to determine an appropriate response.

Other than where expressly provided for, noise levels arising from activities must be measured in accordance with NZS 6801:2008 Acoustics - Measurement of Environmental Sound and assessed in accordance with NZS 6802:2008 Acoustics - Environmental Noise.

[...]

NOISE-R2

NOISE-R2	New buildings, <u>change of use of existing buildings and additions to existing buildings</u> , for use by a sensitive activity	
Any site within 40m of a [...]	[...]	[...]
Any site located within <u>a Highway</u> and	[...]	[...]

<u>Transport Corridor Noise Control Overlay</u> a the <u>Transport Corridor Noise Control Area</u>		
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Mapping

1. Amend District Plan Maps to apply a 100m *Highway and Transport Corridor Noise Control Overlay* from the rail designation boundary.
2. Amend Maps to apply a 60m *Rail Vibration Alert Overlay* from the rail designation boundary.