

8 April 2015

Proposed (Private) Plan Change 40  
Upper Hutt City Council  
Private Bag 907  
**UPPER HUTT**

**By email to:** askus@uhcc.govt.nz

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR PLAN, CHANGE OR  
VARIATION (FORM 5)  
Upper Hutt City – Proposed (Private) Plan Change 40: Wallaceville**

**NAME OF SUBMITTER:**

KiwiRail Holdings Limited (KiwiRail)

**ADDRESS FOR SERVICE:**

Wellington Railway Station  
PO Box 593  
**WELLINGTON 6140**

Attention: Rebecca Beals

**KiwiRail Submissions on Proposed District Plan**

KiwiRail Holdings Limited (KiwiRail) is the State Owned Enterprise responsible for the management and operation of the national railway network. This includes managing railway infrastructure and land, as well as rail freight and passenger services within New Zealand. KiwiRail Holdings Limited is also the Requiring Authority for land designated “Railway Purposes” (or similar) in District Plans throughout New Zealand. Locally this includes the Wairarapa Line which runs adjacent to the area identified within Plan Change 40.

KiwiRail’s submissions on the Proposed Private Plan Change are set out in the attached table. Insertions we wish to make are marked in **bold** and **underlined**, while recommended deletions are shown as ~~struck out~~ text.

KiwiRail wishes to speak to our submission and will consider presenting a joint case at the hearing with other parties who have a similar submission. KiwiRail could not gain an advantage in trade competition through this submission.

Regards



Rebecca Beals  
**Senior RMA Advisor**  
**KiwiRail**

Submission Number	Proposed Amendment	Support/Oppose/Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
<b>Chapter 4: Residential Zone</b>				
1	Amendment 6 – Change to Policy 4.4.6	Support	KiwiRail support that the applicant is seeking to ensure that noise insulation and ventilation standards are imposed and that these are to clearly mitigate the effects from adjoining activities.	Retain as notified.
2	Amendment 10 – New Policy 4.4.16	Support	KiwiRail support the policy proposed in relation to resource consents being required to be considered based on appropriateness for the specific site constraints, and the ability to avoid, remedy or mitigate adverse environmental effects on other areas of Upper Hutt City, which will include reverse sensitivity effects in relation to the adjoining rail corridor.	Retain as notified.
<b>Chapter 18: Residential Zone Rules</b>				
3	Amendment 19 – Change to Rule 18.12	Oppose	<p>KiwiRail are not opposed to development on sites adjoining the rail network, however as trains are intermittent and can cause effects on amenity, KiwiRail support that these potential effects are mitigated. Where sensitive activities are proposed on land near the railway corridors, appropriate controls should therefore be imposed to ensure the long term amenity for those occupying those sites.</p> <p>Mitigation includes the requirement for all buildings to be constructed, accessed and maintained entirely within private land. Commuter trains in particular are not always noisy and therefore advanced warning of their approach is not always provided, and with less warning, there is less time for the public to move clear of the train in the event of trespass. The general public should not be on the rail corridor for any reason without the proper approvals from KiwiRail and safety practices being implemented, in order to protect their safety.</p> <p>Where the rail corridor is electrified, as this corridor is, this is even more important as any equipment used for maintenance, e.g. ladders or tall poles, need to be able to be moved and used entirely within the adjoining site to avoid any risk of electrocution should the equipment get close to the overhead wires. The traction poles carrying these overhead wires are located on the southern side of the railway track, being adjacent to the boundary of the site subject to the Plan Change. Contact with the overhead wires can be fatal.</p> <p>Further to the above, it is noted that if the track is upgraded and a second track installed, this will be located on the southern side of the existing track, being the side closer to the site under application. This will also bring the overhead traction wires closer to the Plan Change site. While there are no immediate plans for that to occur, there is the potential for this in the event of increased usage of the rail network at some point in the future. The designation enables improvements and changes to the rail network to occur within the land boundaries without necessarily having to consult with adjoining parties. Appropriate setbacks to ensure safety is maintained into the future are required now.</p> <p>KiwiRail note that the current proposal is for the setback for buildings from a side boundary to be 1m. The rear boundary setback is 3m as per the existing provisions within the Residential Zone. The rail corridor could be either a rear or side boundary depending on subdivision layout at the time of development. KiwiRail seek all buildings be setback at least 5m from the rail corridor boundary to ensure that the safety for all parties is adequately able to be provided for. Where an encroachment into that setback is proposed, the District Plan already provides that resource consent as a limited discretionary activity is required. On a case by case basis there are instances where encroachments are acceptable, depending on the extent of encroachment and the nature of the structure proposed that intrudes into the encroachment. However at all times safety is</p>	<p>Amend Table 18.12 as follows:</p> <p><b><u>Boundaries adjoining the rail corridor</u>      <u>5m</u></b></p>

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			<p>paramount therefore KiwiRail seek to be involved with ensuring safety can be achieved through the requirement to provide written approval.</p> <p>KiwiRail are aware that the current Plan Rules do not require a setback from the rail corridor, however note that these have not as yet been reviewed. KiwiRail will be submitting seeking that all buildings be setback 5m from the rail corridor as a permitted activity through that future review process.</p>													
4	Amendment 23 – New Rule 18.16A Ventilation	Support in part	<p>KiwiRail support the installation of ventilation in order to address fresh air supply where this is impacted as part of mitigating noise from the adjoining rail corridor. KiwiRail seek that this applies to habitable spaces, rather than just sleeping rooms. The amenity for a living area in a dwelling is as important as that for a sleeping space.</p> <p>There is the potential for room use to change with future owners, e.g. offices and studies. KiwiRail wish to ensure that all residents now and into the future are provided with a habitable environment that is supplied with ventilation in the event that the space is near the rail corridor.</p> <p>KiwiRail note that there is already a definition within the District Plan for a 'habitable room' and therefore seek that the rule be changed to adopt that existing definition.</p>	<p>Amend as follows:</p> <p>Rule 18.16A Ventilation Within the Wallaceville Structure Plan Area, where:</p> <ol style="list-style-type: none"> <li><del>sleeping rooms</del> <b>A habitable room</b> where openable windows are proposed in dwellings within 20m of the Alexander Road boundary or 20m of the rail corridor (designation TZR1); or</li> <li><del>sleeping rooms</del> <b>A habitable room</b> where openable windows are proposed on upper levels of two or more storey dwellings proposed within 10m of a site designated as MAF1;</li> </ol> <p>a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. <del>For the purposes of this requirement, a bedroom is any room intended to be used for sleeping.</del> The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.</p>												
5	Amendment 23 – New Rule 18.16B Noise Insulation	Oppose	<p>KiwiRail do not support noise insulation only being provided for a sleeping room on upper levels of a two or more level dwelling within 12m of the railway corridor. This is not considered as sufficient, both in terms of where it applies and the distance from the rail corridor, to provide any meaningful mitigation. Noise insulation is required for all habitable rooms within 100m of the nearest rail track. The extent of mitigation required reduces with distance, and the cost of this on a new build can be minimal with technology and insulation qualities now available. While the track is electrified, freight and some passenger movements occur using diesel powered locomotives. Both types of trains generate noise that requires mitigation.</p> <p>KiwiRail note there is no requirement within the District Plan for this mitigation, therefore KiwiRail acknowledge that the applicant is going above what is currently required for residential development adjoining the rail corridor. KiwiRail note that at the time of the Residential Zone rules being reviewed, as with the setback requirement, we will also be seeking that noise mitigation for habitable spaces be applied for all buildings containing noise sensitive activities.</p> <p>What KiwiRail seek in this instance is that appropriate noise mitigation for sleeping and habitable spaces be installed. The World Health Organisation guidance has a level of 30 dB, for sleeping spaces, however expert advice KiwiRail has received has accepted that this could be altered to 35 dB based on a general acceptance of residing near a rail corridor, and therefore 35 dB is what KiwiRail are seeking. This provision is submitted as also implementing the Council intentions in the recent Plan Change 38 whereby Council specifically sought to recognise and address reverse sensitivity effects in relation to infrastructure.</p> <p>The levels that KiwiRail have been provided as a general indication of the noise generated by a main railway line are below:</p>	<p>Amend as follows:</p> <p>Rule 16.18B Noise Insulation Within the Wallaceville Structure Plan Area, where</p> <ol style="list-style-type: none"> <li>any sleeping room within 12m of the Alexander Road boundary; <del>or</del></li> <li><del>any sleeping room on upper levels of two or more storey dwellings within 12m of a site utilised for railway purposes (Designation TZR1)</del> shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standard: <b>DnT,w + Ctr &gt; 30 dB</b></li> </ol> <p><b><u>2. New, relocated and altered noise sensitive activities within 100m of the centre line of the nearest rail track shall be designed, constructed and maintained to ensure the following internal design noise limits shall not be exceeded, and shall take into account future use of the rail corridor by the addition of 3dB to existing measured or calculated sound levels.</u></b></p> <table border="1"> <thead> <tr> <th><b><u>Receiving Environment (New, relocated or altered)</u></b></th> <th><b><u>LAeq, 1 hour</u></b></th> </tr> </thead> <tbody> <tr> <td><b><u>Residential – Bedrooms</u></b></td> <td><b><u>35 dB</u></b></td> </tr> <tr> <td><b><u>Residential – Habitable Rooms</u></b></td> <td><b><u>40 dB</u></b></td> </tr> <tr> <td><b><u>Teaching spaces</u></b></td> <td><b><u>40 dB</u></b></td> </tr> <tr> <td><b><u>All other sensitive activity building spaces e.g.:</u></b></td> <td><b><u>To comply with satisfactory sound levels AS/NZS 2107:2000 (nearest specified equivalent)</u></b></td> </tr> <tr> <td> <ul style="list-style-type: none"> <li><b><u>Hospital and Dementia Care Spaces</u></b></li> <li><b><u>Commercial Spaces</u></b></li> </ul> </td> <td></td> </tr> </tbody> </table>	<b><u>Receiving Environment (New, relocated or altered)</u></b>	<b><u>LAeq, 1 hour</u></b>	<b><u>Residential – Bedrooms</u></b>	<b><u>35 dB</u></b>	<b><u>Residential – Habitable Rooms</u></b>	<b><u>40 dB</u></b>	<b><u>Teaching spaces</u></b>	<b><u>40 dB</u></b>	<b><u>All other sensitive activity building spaces e.g.:</u></b>	<b><u>To comply with satisfactory sound levels AS/NZS 2107:2000 (nearest specified equivalent)</u></b>	<ul style="list-style-type: none"> <li><b><u>Hospital and Dementia Care Spaces</u></b></li> <li><b><u>Commercial Spaces</u></b></li> </ul>	
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			<p><b>Table 2 Railway sound levels</b></p> <table border="1" data-bbox="1018 331 1528 779"> <thead> <tr> <th>Distance from track</th> <th>Sound level</th> </tr> </thead> <tbody> <tr><td>10 metres</td><td>71 dB L<sub>Aeq(1h)</sub></td></tr> <tr><td>20 metres</td><td>68 dB L<sub>Aeq(1h)</sub></td></tr> <tr><td>30 metres</td><td>66 dB L<sub>Aeq(1h)</sub></td></tr> <tr><td>40 metres</td><td>64 dB L<sub>Aeq(1h)</sub></td></tr> <tr><td>50 metres</td><td>62 dB L<sub>Aeq(1h)</sub></td></tr> <tr><td>60 metres</td><td>60 dB L<sub>Aeq(1h)</sub></td></tr> <tr><td>70 metres</td><td>59 dB L<sub>Aeq(1h)</sub></td></tr> <tr><td>80 metres</td><td>58 dB L<sub>Aeq(1h)</sub></td></tr> <tr><td>90 metres</td><td>56 dB L<sub>Aeq(1h)</sub></td></tr> <tr><td>100 metres</td><td>56 dB L<sub>Aeq(1h)</sub></td></tr> </tbody> </table> <p>These form the basis of seeking mitigation be installed for a distance of 100m from the track to ensure that the amenity for residents is of an appropriate standard.</p> <p>KiwiRail note the acoustic report submitted with the application, which identifies approximately 16 trains a day on the Wairarapa Line. KiwiRail figures are provided below for the number of train movements on the section of the track between Trentham and Upper Hutt, being that section directly adjacent to the Plan Change site:</p> <table border="1" data-bbox="1003 1094 1843 1220"> <thead> <tr> <th>Financial Year</th> <th>Total</th> <th>Daily Avg (total / 365)</th> </tr> </thead> <tbody> <tr><td>2012</td><td>30,532</td><td>84</td></tr> <tr><td>2013</td><td>29,994</td><td>82</td></tr> <tr><td>2014</td><td>30,386</td><td>83</td></tr> </tbody> </table> <p>This highlights that the 16 movements in the acoustic report is an underestimate of the actual frequency of the train movements on the line. The timetable available on the Metlink website (<a href="http://www.metlink.org.nz">www.metlink.org.nz</a>) has 38 train movements stopping at Wallaceville station heading from Wellington to Upper Hutt, with 37 trains in the return direction Upper Hutt to Wellington for a Tuesday. This timetable has trains passing Wallaceville from 4.32am through to 11.48pm. On a Tuesday there are also 5 train movements in each direction, 10 in total, between Wellington and the Wairarapa that will also pass through Wallaceville. KiwiRail accept that weekend train movements is generally less than weekday. The published timetable and the figures identified above are commuter movements only, and do not include freight movements.</p> <p>Given the discrepancy in the number of train movements identified in the acoustic report supporting the application, should the relief sought by KiwiRail not be accepted by Council, at a minimum KiwiRail seek that the recommendation in the acoustic report be not accepted as it is proposed and that the report be reviewed with correct data used in the calculations to confirm the extent of noise mitigation required.</p>	Distance from track	Sound level	10 metres	71 dB L <sub>Aeq(1h)</sub>	20 metres	68 dB L <sub>Aeq(1h)</sub>	30 metres	66 dB L <sub>Aeq(1h)</sub>	40 metres	64 dB L <sub>Aeq(1h)</sub>	50 metres	62 dB L <sub>Aeq(1h)</sub>	60 metres	60 dB L <sub>Aeq(1h)</sub>	70 metres	59 dB L <sub>Aeq(1h)</sub>	80 metres	58 dB L <sub>Aeq(1h)</sub>	90 metres	56 dB L <sub>Aeq(1h)</sub>	100 metres	56 dB L <sub>Aeq(1h)</sub>	Financial Year	Total	Daily Avg (total / 365)	2012	30,532	84	2013	29,994	82	2014	30,386	83	
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6	Amendment 24 – New Rule 18.16C	Support	KiwiRail note that the proposal includes the construction of a fence between the rail corridor and the adjoining site. This will contribute towards noise mitigation and therefore could reduce any requirement under Rule 18.16B for additional mitigation to be installed within habitable rooms. The fencing does not eliminate	Retain as proposed.																																		

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			the need for consideration of noise mitigation, with fences understood to reduce the sound levels by 5 to 10 dB depending on the nature of the fencing, topography, and the receiving environment. While KiwiRail support the fencing requirement proposed, we wish to ensure that this is not considered as sufficient mitigation for noise.	