

BEFORE INDEPENDENT COMMISSIONERS

IN THE MATTER of the Resource Management Act 1991

AND

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

**STATEMENT OF EVIDENCE OF MICHELLE GRINLINTON-HANCOCK
ON BEHALF OF KIWIRAIL HOLDINGS LIMITED**

PLANNING

1. INTRODUCTION

- 1.1 My name is Michelle Grinlinton-Hancock and I am the RMA Team Leader for KiwiRail Holdings Limited ("**KiwiRail**"). I have over 20 years RMA and planning experience and I am a full member of the New Zealand Planning Institute. I graduated from Massey University in 2000 with a Bachelors of Resource and Environmental Planning (Hons).
- 1.2 I began my career in planning and resource management in 2000 and have over the course of my career worked as a planner in Council processing applications as well as a consultant where I prepared consent applications as well as submitted on district and regional plan provisions on behalf of clients. Prior to working for KiwiRail, while I was employed at WSP, I was the programme manager for the Ministry of Environment Making Good Decisions program, and I am also a certified Commissioner under the Ministry of Environment Making Good Decisions program. I have worked for KiwiRail in the capacity as a Senior RMA Advisor and now as Team Leader for more than three years.
- 1.3 This statement has been prepared on behalf of KiwiRail and relates to the matters contained in Hearing 1 – Strategic Direction which KiwiRail submitted on.

2. CODE OF CONDUCT

2.1 While this is a Council hearing, and I am an employee of KiwiRail, I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

3. KIWI RAIL IN THE WELLINGTON DISTRICT

3.1 KiwiRail is the State-Owned Enterprise responsible for the management and operation of the national railway. KiwiRail's network runs throughout Aotearoa, connecting communities and businesses nationwide. The rail network has two nationally vital functions: to enable the safe and efficient movement of people and of freight. KiwiRail's national network includes more than 3,700 km of track and 1,300 bridges, freight and passenger enabled ferries, and 200 locomotives available to transport both freight and passengers over these tracks. Almost 4,000 KiwiRail New Zealand employees are involved in the safe operation, maintenance, and investment of the national rail network.

3.2 KiwiRail is also the Requiring Authority for land designated for "Railway Purposes" (or similar) in District Plans throughout New Zealand. In Wellington, KiwiRail's designation includes the Wellington Railway Station and yard, and the railway corridor for the Johnsonville Line, North Island Main Trunk and Wairarapa Line, in addition to the Wellington terminal for the Interislander ferries.

3.3 Key rail freight movements in the Wellington region include import / export traffic from CentrePort; freight services to and from the South Island via the Interislander ferry service; domestic freight traffic entering / exiting Wellington to destinations such as Palmerston North and Christchurch; and other repositioning shunts within the Wellington Metro Area.

3.4 KiwiRail and Greater Wellington Regional Council ("**GWRC**") (including through Metlink) have an important role in providing safe, reliable, and efficient passenger rail services within the Wellington Metro Area, and to ensure the network can cater for growth. One current project that KiwiRail and GWRC / Metlink are currently working on is the Wellington Metro Upgrade Programme which involves:

- (a) Installing new and modern power systems for the overhead lines and signals.

- (b) Renewing track across the network, including in tunnels, and refurbishing bridges.
- (c) Building additional track, passing loops and platforms so more passenger and freight trains can run.
- (d) Making level crossings safer through upgrades.

3.5 Wellington is also a key hub for the KiwiRail Scenic Journeys that offer long distance scenic train experiences in New Zealand. The Northern Explorer operates six journeys a week between Wellington and Auckland. Additionally, KiwiRail Scenic Journeys also operates the Capital Connection outer-urban commuter service that operates a return service each weekday between Palmerston North and Wellington.

3.6 Finally, KiwiRail owns and operates the Interislander ferry service across Te-Moana-o-Raukawa Cook Strait. The Interislander ferry service is an extension of State Highway 1 (SH1) and the Main Trunk Railway Line across Cook Strait, linking road and rail networks between the North and South Islands. It is also a popular tourism service and one of KiwiRail's 'Great Journeys of New Zealand'.

3.7 These assets form a key part of the KiwiRail network nationally. KiwiRail has a responsibility to ensure its ability to operate, maintain and upgrade these assets in the region is enabled and protected, both now and into the future.

4. OVERVIEW OF KIWIRAIL'S KEY OBJECTIVES

4.1 The rail corridor is an important physical resource and strategic transport infrastructure. As part of its operations and obligations to its customers, KiwiRail requires the ability to operate trains as required to meet demand. This can result in changes to the timing, frequency, or length of trains passing along the route. This can also result in upgrades to the network that provide passing opportunities for trains, or other associated rail improvements. KiwiRail seeks to ensure that the development envisaged for the region and controlled by the provisions of the Proposed Plan does not adversely affect this.

4.2 KiwiRail's key objectives with respect to planning provisions are to protect its ability to move people and freight safely and efficiently, including meeting the growth and investment objectives set by the Government. A key component of this is to ensure that new housing developed near the rail corridor is built in way which:

- (a) protects occupants from adverse noise and vibration effects;
- (b) ensures new lineside neighbours are able to enjoy safe and high-quality urban environments; and

(c) also ensures the rail network can continue to operate and grow.

4.3 In my opinion, the provisions sought by KiwiRail strike an appropriate balance between the onus on existing lawful emitters like the railway network to manage their effects and the onus on new sensitive activities to protect themselves against such effects.

5. SCOPE OF EVIDENCE

5.1 KiwiRail supports the majority of the Council Officer's recommendations in the s42A report in relation to its submission points, including in some circumstances where the recommendation rejected KiwiRail's original submission, or accepted its submission in part. KiwiRail's submission points which the Council Officer has accepted are not discussed further in this evidence, other than being noted where they support related submissions.

6. PLAN WIDE MATTERS AND STRATEGIC DIRECTION

Qualifying matters

6.1 Rail is not recognised as a qualifying matter in the Proposed Plan. In its primary submission KiwiRail sought that the railway corridor be recognised as a qualifying matter, incorporating provisions which are necessary for the safe and efficient operation of the railway corridor. Specifically, the qualifying matter needs to be applied in the Proposed Plan to require a "no-build" setback within 5 metres of the railway corridor for new buildings and structures in all relevant zones adjacent to the railway corridor.

6.2 In light of the increased building height and reduced height to boundary controls enabled under the Medium Density Residential Standards, recognition of the railway corridor as a qualifying matter is necessary to ensure our communities are built within healthy living environments, and the railway network can operate and develop in the future without constraint.

6.3 The Council Officer considers that "a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure" is a qualifying matter under s771 of the Act.¹ However, the Council Officer considers that KiwiRail has not indicated whether it considers all or some of its lines meet the nationally significant test, or provided detail as to the extent of interference being experienced in Wellington city in the absence of the control. The Council Officer concludes that "without this evidence I am unable to support at a high level, the addition of a qualifying matter for rail corridors. I note this matter will be revisited in Stream 2".²

¹ Section 42A Report Hearing Stream 1 – Part 1, plan wide matters and strategic direction at [88].

² Section 42A Report Hearing Stream 1 – Part 1, plan wide matters and strategic direction at [88].

6.4 I do not agree with the Council Officer that there is not enough evidence for rail corridors to be a qualifying matter. "Nationally significant infrastructure" is defined in the National Policy Statement for Urban Development as including the New Zealand rail network (including light rail). The Wellington rail lines are part of the New Zealand rail network and are therefore "nationally significant infrastructure". Setbacks are a matter required for the purpose of ensuring the safe or efficient operation of those rail lines and it is noted that the matter of setbacks will be traversed in Hearing Stream 2 – Residential.

6.5 The North Island Main Trunk, Wairarapa Line and Johnsonville Line extend through Wellington City and form an essential part of the national transportation network and the wider supply chain. The Wellington rail network accommodates freight services which contribute to the commercial vitality of the New Zealand rail business overall by transporting import-export freight, domestic freight, bulk commodities for processing or export between key transport nodes. The Wellington rail network also accommodates metro and inter-regional passenger services to support mass transit of people within the urban areas and other regions. Rail in Wellington contributes significant value to New Zealand by reducing carbon emissions, reducing the number of vehicles on roads, and contributing to improved road safety.

Regionally Significant Infrastructure

6.6 In its primary submission, KiwiRail supported the inclusion of the Strategic Transport Network within the definition of "regionally significant infrastructure", however, sought an expansion to the definition to expressly include the Interislander ferry terminal. KiwiRail sought this amendment on the basis that the description of the Strategic Transport Network in Appendix B of the Wellington Regional Land Transport Plan 2021 refers to railway corridors, and while the railway corridor extends physically into the Interislander ferry terminal, the ferry terminal itself is not expressly referenced in the description. KiwiRail sought to avoid any ambiguity that the ferry terminal is not part of the Strategic Transport Network.

6.7 However, the Council Officer does not consider that KiwiRail's proposed amendment (as well as amendments proposed by other submitters) "be accepted (at least at this time)". The definition is in a state of flux being carried through the RPS plan change process and there have been submissions in opposition. It should be revisited along with the other matters in this definition in more detail in 'Hearing Stream 6 – Special Purpose Zones and Development Areas' in late 2023 and 'Hearing Stream 9 – Infrastructure' in early 2024".³

6.8 In my opinion the change to the definition of "regionally significant infrastructure" to expressly reference that the Interislander ferry terminal is important for clarity. KiwiRail has made the same submission on Change 1 to the Regional Policy Statement.

7. COMMENTS ON KEY RECOMMENDATIONS

7.1 The Hearing Stream 1 – Strategic Direction provisions set out in the notified version of the Proposed Plan are helpful insofar that they seek to provide for regionally significant infrastructure (such as the railway corridor), and address KiwiRail's concerns on development in proximity to the railway corridor.

7.2 However, some further amendments are required to ensure that nationally and regionally significant infrastructure (including the Interislander ferry terminal) is expressly recognised and provided for in the Proposed Plan, and that the interface between the railway corridor and neighbouring activities are well-managed and the associated effects generated by the railway corridor are adequately mitigated.

7.3 In respect of the submissions that the Council Officer has recommended be rejected or accepted only in part, KiwiRail has the following comments:

Submission number	Provision	Comments on Council Officer's recommendations
408.22	SCA-O1	<p>KiwiRail sought for the original provision to be retained as proposed on the basis that <i>“KiwiRail support the strategic direction to establish, operate, maintain and upgrade infrastructure so that clauses 1 to 4 can be achieved. This will ensure the importance of rail and ferry infrastructure is recognised and the network is a resilient network that can function efficiently and effectively in the long term”</i>.</p> <p>The s42A report recommends adding a new clause relating to the contribution of infrastructure to the city’s zero emissions goal. (Infrastructure is established, operated, maintained, and upgraded in Wellington City so that: ...4. <u>It contributes to meeting the city’s zero carbon capital (net zero emissions) goal; and</u></p>

		<p>5. Future growth and development is enabled and can be sufficiently serviced.)</p> <p>KiwiRail supports the inclusion of the additional clause as it recognises the contribution of infrastructure, including rail, to achieving the city's zero emissions goal.</p>
408.24	SCA-O5	<p>KiwiRail sought for the original provision to be retained as proposed on the basis that <i>“The objective to recognise the benefits of and provide for regionally significant infrastructure in appropriate locations, is supported”</i>.</p> <p>The s42A report recommends amending the objective wording from ‘technical’ to ‘functional’ and operational needs of infrastructure.</p> <p>KiwiRail supports the amendment as it achieves consistency with terminology used in other planning documents to describe infrastructure needs.</p>
408.25	SCA-O6	<p>KiwiRail sought for the original provision to be retained as proposed on the basis that <i>“KiwiRail support strategic direction to protect the operation of infrastructure from incompatible development and activities that may create reverse sensitivity effects”</i>.</p> <p>The s42A report recommends rewording the objective to read “Infrastructure operates efficiently and safely and is protected from incompatible development and activities that may create reverse sensitivity effects <u>or compromise its efficient and safe operation.</u>”</p> <p>KiwiRail supports the amended wording which also includes the effects of compromising infrastructure from incompatible uses.</p>

FS72.1	Qualifying Matter definition	<p>KiwiRail supported the inclusion of a definition of 'Qualifying matter area' provided the definition includes the rail corridor as a qualifying matter.</p> <p>The s42A report recommends inclusion of a definition of 'Qualifying Matter' to have the same meaning as in s2 of the RMA and lists matters referred to in s771 or 770.</p> <p>KiwiRail supports the inclusion of this definition and listing of s771 or 770 matters which includes 'a matter required for the purpose of ensuring the safe or efficient operation of national significant infrastructure'.</p>
FS72.14	SRCC-O2	<p>KiwiRail supported amendment to this provision to recognise that in the case of regionally significant infrastructure, functional or operational requirements of that infrastructure may necessitate locating in an area that is subject to natural hazard risk.</p> <p>The s42A report recommends alternative amendments to this objective as follows:</p> <p>Risks from natural hazards are:</p> <ol style="list-style-type: none"> 1. Identified and understood; 2. Planned for through adaptation and mitigation measures <u>so that risk is not increased or is reduced ensure the risks are low; and</u> 3. Avoided where <u>there would be a high risk to life or buildings are intolerable.</u> <p>KiwiRail accepts the recommended objective which seeks to avoid risks from natural hazards where there would be a risk to life or buildings.</p>
FS72.5	Rapid Transit Stop definition	<p>KiwiRail supported the retention of a definition of 'Rapid transit stop' which aligns with the NPS-UD definition.</p> <p>The s42A report recommends amendment to the definition to specifically list rapid transit stops</p>

		<p>including the Johnsonville Line which wasn't previously included.</p> <p>KiwiRail supports the amendment which provides clarity over what is a rapid transit stop in Wellington city, noting the relief sought in submission points 408.19 and 408.20 which seek a rail corridor setback from all rail corridors (including the Johnsonville Line) as a qualifying matter.</p>
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8. RELEVANT NATIONAL AND REGIONAL PLANNING PROVISIONS

Regional Policy Statement ("RPS")

8.1 There is a statutory obligation for district plan changes to give effect to the relevant regional policy statement. The RPS for the Wellington Region is the relevant higher order planning document.

8.2 The first relevant objective is Objective 10 which relates to recognising and protecting the benefits of regionally significant infrastructure.

The social, economic, cultural and environmental benefits of regionally significant infrastructure are recognised and protected.

8.3 The second relevant objective is Objective 22 which relates to the objectives for urban form and the transport network. The objective states:

A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:

(a) a viable and vibrant regional central business district in Wellington city;

(b) an increased range and diversity of activities in and around the regionally significant centres to maintain vibrancy and vitality;

...

(g) a range of housing (including affordable housing);

...

(i) integrated land use and transportation;

(j) improved east-west transport linkages;

(k) efficiently use existing infrastructure (including transport network infrastructure); and

...

8.4 The directly relevant policies associated with these objectives are the following policies:

Policy 7: Recognising the benefits from renewable energy and regionally significant infrastructure – regional and district plans

District and regional plans shall include policies and/or methods that recognise:

(a) the social, economic, cultural and environmental benefits of regionally significant infrastructure including:

(i) people and goods can travel to, from and around the region efficiently and safely;

...

Policy 8: Protecting regionally significant infrastructure – regional and district plans

District and regional plans shall include policies and rules that protect regionally significant infrastructure from incompatible new subdivision, use and development occurring under, over, or adjacent to the infrastructure.

Explanation

Regionally significant infrastructure is an important physical resource that enables people and communities to provide for their social, economic and cultural wellbeing, and their health and safety.

Regionally significant infrastructure is defined in Appendix 3.

Incompatible subdivisions, land uses or activities are those which adversely affect the efficient operation of infrastructure, its ability to give full effect to any consent or other authorisation, restrict its ability to be maintained, or restrict the ability to upgrade where the effects of the upgrade are the same or similar in character, intensity, and scale. It may also include new land uses that are sensitive to activities associated with infrastructure.

Protecting regionally significant infrastructure does not mean that all land uses or activities under, over, or adjacent are prevented. The Wellington Regional Council and city and district councils will need to ensure that activities provided for in a district or regional plan are compatible with the efficient operation, maintenance, and upgrading (where effects are the same or similar in character, intensity, and scale) of the infrastructure and any effects that may be associated with that infrastructure. Competing considerations need to be weighed on a case by case basis to determine what is appropriate in the circumstances.

8.5 The above policies recognise the potential for adverse effects on the railway network from inappropriate subdivision, use and development and provide clear support for the inclusion of measures in the Proposed Plan to appropriately manage the interface between regionally significant transport networks and urban form.

8.6 I consider the amended provisions of the Proposed Plan as recommended by the s42A report (and subject to the amendments outlined in my evidence) give effect to the abovementioned objectives and policies.

Michelle Grinlinton-Hancock

07 February 2023