

BEFORE THE INDEPENDENT COMMISSIONERS

IN THE MATTER of the Resource Management Act 1991
("RMA")

AND

IN THE MATTER of a submission by KiwiRail Holdings
Limited ("**KiwiRail**") (submitter 408) on
the Wellington City Proposed District
Plan ("**Proposed Plan**")

**STATEMENT OF EVIDENCE OF MICHAEL JAMES BROWN
ON BEHALF OF KIWIRAIL HOLDINGS LIMITED**

HEARING STREAM 8 – CORPORATE

1. INTRODUCTION

- 1.1 My name is Michael James Brown and I am the Group Manager Planning and Land Use for KiwiRail. I am a qualified lawyer and have over 20 years' experience in property, planning, environmental law and the management of large infrastructure projects. I have a Bachelor of Science (Hons) and a Bachelor of Laws from the University of Otago.
- 1.2 Prior to working at KiwiRail, I was the Head of Planning at Wellington International Airport which involved advising on planning, feasibility studies, property management, development, contract management, environmental compliance and customer service.
- 1.3 I have also worked at the Energy Efficiency and Conservation Authority where I oversaw all procurement and property functions for the business, involving management of external advisers, providing internal legal advice and leading future focused discussions.
- 1.4 This statement has been prepared on behalf of KiwiRail and relates to the matters which KiwiRail submitted on that are contained in Hearing Stream 8 (Coastal Environment, Natural Character and Public Access) of the Proposed Plan.

2. KIWIRAIL IN THE WELLINGTON REGION

- 2.1 KiwiRail is a State-Owned Enterprise responsible for the management and operation of the national railway network. The rail network is an asset of national and regional importance. Rail is fundamental to the safe and efficient movement of people and goods throughout New Zealand. There continues to be ongoing critical investment in the maintenance and expansion of the rail network to meet future growth demands and improve transport network efficiency.
- 2.2 To assist with New Zealand's move towards a low-carbon economy and to meet the needs of New Zealand's growing population, rail services will grow. Recognising that rail produces at least 70 percent less carbon emissions per tonne of freight carried compared with heavy road freight, plans to accommodate more freight on rail such as North Island Main Trunk Line ("**NIMT**") are underway, with the present rail freight capacity of the route being supported by the Central North Island Freight Hub at Bunnythorpe.
- 2.3 Key rail freight movements in the Wellington region include import and export traffic from CentrePort; freight services to and from the South Island via the Interislander Ferry service; domestic freight traffic entering and exiting Wellington to destinations like Palmerston North and Christchurch; and other repositioning shunts within the Wellington Metro Area.
- 2.4 The designated Wellington Railway Station and yard, and designated corridor for the Johnsonville Line, NIMT and Wairarapa Line all extend through Wellington City. KiwiRail and Greater Wellington Regional Council (including through Metlink) both 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 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; and
 - (d) making level crossings safer through upgrades.

2.5 Wellington is also a key hub for the KiwiRail Scenic Journeys that offer long distance scenic train experiences throughout New Zealand. The Northern Explorer operates six journeys a week between Wellington and Auckland. The KiwiRail Scenic Journeys also operates the Capital Connection outer-urban commuter service that operates a return service each weekday between Palmerston North and Wellington. Finally, KiwiRail owns and operates the Interislander Ferry service across Te-Moana-o-Raukawa Cook Strait. The Interislander Ferry service is essentially an extension of State Highway 1 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.

2.6 These assets form a key part of the KiwiRail network nationally and KiwiRail seeks to protect its ability to operate, maintain and upgrade these assets into the future. These assets are of regional and national importance, supporting the movement of freight and passengers through the country via rail.

3. VEGETATION REMOVAL WITHIN THE COASTAL ENVIRONMENT

3.1 KiwiRail further submitted in support of Meridian Energy Limited's submission on Policy CE-P8 of the Proposed Plan. Meridian sought an amendment to CE-P8 to allow for vegetation removal in the coastal environment that is necessary to provide for the operational and functional needs of nationally significant infrastructure.¹ The Council Officer recommended this relief (and KiwiRail's further submission point) be accepted in part.

3.2 In respect of the Council Officer's subsequent amendments to Policy CE-P8 outlined in the Section 42A Report,² KiwiRail has the following comments:

Provision	Comments on Council Officer's recommendations
CE-P8(3)(b)	<p>The Council Officer included an exception for indigenous vegetation removal that is necessary for "operation, maintenance and repair" of "infrastructure".</p> <p>However, the recommended wording does not include the "upgrading" of infrastructure as sought in Meridian's submission on the Proposed Plan.</p>

¹ Submission points 228.109 and 228.110, supported by KiwiRail FS72.63.

² Wellington City Proposed District Plan – Hearing Stream 8 – Coastal Environment, Natural Character and Public Access – Section 42A Report, p 57.

Provision	Comments on Council Officer's recommendations
	<p>As set out in section 2 of this evidence, KiwiRail has a number of assets located along the coastline in Wellington, and is undertaking programmes to renew, enhance and improve its infrastructure. It is critical that KiwiRail's ability to operate, maintain and repair, but also <i>upgrade</i>, the rail network along the coastline is not inhibited. This will enable the safe and efficient functioning of the rail network as nationally and regionally significant infrastructure.</p> <p>KiwiRail seeks CE-P8(3)(b) be amended to read "operation, maintenance, <u>upgrading</u> and repair".</p>
CE-P8(3)	<p>The Council Officer recommended inserting "coastal and riparian margins" into CE-P8(3). This expands the ambit of the policy to a much wider coastal area than the previous notified version, which only applied to areas of high coastal natural character.</p> <p>KiwiRail could only accept the Council Officer's amendment to CE-P8(3) if the policy in CE-P8(3)(b) is amended to include "upgrading" as set out above. This would still allow KiwiRail to undertake all necessary works to the rail network in the area covered by coastal and riparian margins.</p>
CE-P8(1)	<p>The Council Officer also recommended including "coastal and riparian margins" in CE-P8(1). This means that this policy now allows vegetation removal in the coastal environment, provided it occurs outside of high coastal natural character areas <i>and outside coastal and riparian margins</i>.</p> <p>KiwiRail considers that this amendment contradicts the intent of Policy CE-P8(2) which allows for exotic vegetation removal within coastal and riparian margins, and also the intent of CE-P8(3) which allows for indigenous vegetation removal within coastal and riparian margins for certain excluded activities (eg the</p>

Provision	Comments on Council Officer's recommendations
	<p>safe and efficient operation, maintenance and repair of public accessways and infrastructure; and to avoid an imminent threat to safety or significant damage to property).</p> <p>KiwiRail seeks "coastal and riparian margins" be deleted from CE-P8(1) to avoid conflicting and potentially ambiguous policy direction.</p>

4. CONCLUSION

- 4.1 For the reasons set out above, the amendments sought by KiwiRail to Policy CE-P8 of the Proposed Plan are appropriate and necessary for the safe and efficient operation of the railway network in the Wellington region.

Mike Brown
12 April 2024