

**BEFORE INDEPENDENT COMMISSIONERS**

**IN THE MATTER** of the Resource Management Act  
1991

**AND**

**IN THE MATTER** of the Proposed Waimakariri District  
Plan ("**Proposed Plan**")

**HEARING STREAM 5 - STATEMENT OF EVIDENCE OF MICHAEL BROWN  
ON BEHALF OF KIWIRAIL HOLDINGS LIMITED**

**CORPORATE**

**1. INTRODUCTION AND SUMMARY**

- 1.1 My full name is Michael James Brown and I am the Group Manager Planning and Land Use for KiwiRail Holdings Limited ("**KiwiRail**"). I have the qualifications of a BSc (Hons) and a LLB from the University of Otago.
- 1.2 I am a qualified lawyer and have over 20-years' experience in property, planning, environmental law and the management of large infrastructure projects.
- 1.3 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. 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 I am authorised to give this evidence on behalf of KiwiRail.
- 1.5 In relation to noise and vibration, KiwiRail supports the retention of:
- (a) NOISE-P1 and NOISE-P3 as notified; and
  - (b) the matters of discretion under NOISE-MD1, NOISE-MD2 and NOISE-MD3 as notified.
- 1.6 KiwiRail also sought:
- (a) amendment to NOISE-R16 to apply to all noise sensitive activities (currently only residential activities);
  - (b) amendment to acoustic insulation and ventilation standards (NOISE-R16) for habitable rooms within 100m of the rail corridor (currently 80m); and
  - (c) introduction of vibration controls for new (or altered) sensitive use buildings within 60m of the rail corridor.
- 1.7 Ms Heppelthwaite proposes some further amendments to the Proposed Plan provisions in **Attachment A** of her evidence. I support these amended provisions.
- 1.8 My evidence will focus only on noise and vibration matters. Resource Management Advisor for KiwiRail, Ms McGuire, has prepared evidence in relation to the other topics addressed at Hearing Stream 5. These other topics are Notable Trees, Signs, Energy and Infrastructure, Transport and Earthworks. I will not address these matters.

## **2. KIWIRAIL'S OPERATIONS IN THE WAIMAKARIRI DISTRICT**

- 2.1 KiwiRail is the State-Owned Enterprise responsible for the construction, maintenance and operation of New Zealand's rail network. KiwiRail is also a Requiring Authority that holds railway purpose designations in District Plans throughout New Zealand.
- 2.2 KiwiRail's national railway network (which comprises of 3,700km of track, over 200 locomotives, 18,100 hectares of land and 1,350 modern and

heritage buildings)<sup>1</sup> is a nationally and regionally significant infrastructure asset. The rail network is critical to the safe and efficient movement of freight and passengers throughout New Zealand, and forms an essential part of the national transportation network and the wider supply chain. New Zealanders have invested significantly in the rail network and it is a critical public asset.

- 2.3 The benefits of rail to the New Zealand economy were estimated in 2019 to be in the order of \$1.7 – 2.1 billion.<sup>2</sup> The economic significance of rail and the role it plays in reducing New Zealand's carbon emissions has been recognised by the Government through its continued investment in rail infrastructure. As a result, rail is experiencing a renaissance as evidenced by the significant investment being made by the Government to reinvigorate the railway network, demonstrating a strong and continued confidence in rail's current and future potential.
- 2.4 The designated corridor of the Main North Line ("**MNL**") passes through the Waimakariri District from north to south and is a key part of the KiwiRail network nationally. Approximately 60 trains per week pass through Waimakariri District on the MNL. Growth in the use of the MNL is expected as part of the mode shift in freight moving off road and onto rail as part of New Zealand's goal to reduce emissions. It is also noted pre-Kaikoura quake MNL track volume was approximately double the current volumes, and the track volumes are still recovering from the quake disruptions.
- 2.5 As the population in Waimakariri district grows, development will naturally occur. KiwiRail supports intensification however, we need to be taking a pragmatic approach to housing and development near the rail corridor.
- 2.6 Development in these areas can occur, provided it is achieved in a way that:
- (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.

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<sup>1</sup> Half Year Annual Report 2022 and Unaudited Financial Statements for the Six Months Ended 31 December 2021 (KiwiRail, 2022) at page 5.

<sup>2</sup> The Value of Rail in New Zealand – Report for the Ministry of Transport (EY, Wellington, 2021) at page 8.

2.7 It is important that the Proposed Plan manages the effects of growth near the rail corridor. For the reasons set out below and in Ms Heppelthwaite and Dr Chiles' evidence (and subject to the further recommended amendments in Ms Heppelthwaite's evidence), I am confident this can be achieved in the Proposed Plan.

### **3. NOISE AND VIBRATION**

1.9 Acoustic and vibration standards are important controls to ensure the ongoing health and wellbeing of people and are instrumental in ensuring that reverse sensitivity effects on rail are minimised, particularly where intensive residential development is proposed adjacent to the rail corridor.

3.1 KiwiRail is supportive of urban development. KiwiRail is a responsible infrastructure operator and has an ongoing programme of upgrade and maintenance work to improve track conditions overtime which helps to minimise potential noise and vibration. However, as outlined in Dr Chiles' evidence, it is not possible for KiwiRail to internalise all of these effects. Therefore, it is critical that the Proposed Plan provisions recognise, provide for and appropriately address these issues so that the ongoing operation and efficiency of the rail network can be maintained and the health and wellbeing impacts on neighbouring communities are minimised.

3.2 The controls sought by KiwiRail and have been included in district plans around the country (including recently through Environment Court processes in Whangārei).

3.3 New developments, or higher density redevelopment of existing sensitive uses, can result in greater numbers of individuals subject to adverse noise and vibration effects. This is a particular concern for KiwiRail as it can result in increased complaints which can constrain the ongoing operation and future development of the rail corridor, and can alternatively affect the health and safety of amenity of these residents.

3.4 In terms of vibration, Dr Chiles' evidence demonstrates that there is a very real effect on neighbours from the corridor that requires mitigation. These effects will only increase with the proposed intensification adjacent to the railway corridor.

**4. CONCLUSION**

- 4.1 For the reasons set out in the evidence of Dr Chiles, Ms Heppelthwaite and as set out above, the noise and vibration controls sought by KiwiRail are appropriate and necessary for the safe and efficient operation of the rail network.

**Michael Brown**

**4 August 2023**