

BEFORE INDEPENDENT COMMISSIONERS

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of the Proposed Waimakariri
District Plan ("**Proposed Plan**")
and of Variation 1 to the Proposed
Plan ("**Variation 1**")

**HEARING STREAM 5 - STATEMENT OF EVIDENCE OF SHEENA MCGUIRE
ON BEHALF OF KIWIRAIL HOLDINGS LIMITED**

PLANNING

1. INTRODUCTION AND SUMMARY

- 1.1 My name is Sheena McGuire and I am a Resource Management Advisor for KiwiRail Holdings Limited ("**KiwiRail**"). I have a Bachelor of Resource and Environmental Planning (Hons) from Massey University. I have over eight years of Resource Management Act ("**RMA**") and planning experience.
- 1.2 This statement has been prepared on behalf of KiwiRail and relates to the matters which KiwiRail made submissions and further submissions on that are contained in Hearing Stream 5 on the Proposed Plan, specifically in relation to Notable Trees, Signs, Energy and Infrastructure, Transport and Earthworks. Mr Brown provides an overview of KiwiRail's operations in the Waimakariri District and addresses matters from KiwiRail's submission relating to Noise and Vibration, together with Dr Chiles and Ms Heppelthwaite.

1.3 In summary, I generally agree with the Council Officer's recommendations regarding Notable Trees, Signs, Energy and Infrastructure, Transport and Earthworks, except for the recommendations on a small number of Earthworks and Energy and Infrastructure provisions which I outline below.¹

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. RESPONSE TO COUNCIL OFFICER

3.1 KiwiRail generally supports the Council Officer's recommendations in the s42A report in relation to its submission points on Notable Trees, Signs, Energy and Infrastructure, Transport and Earthworks, subject to the matters I address below. KiwiRail's submission points which the Council Officer has accepted (or rejected but that KiwiRail agrees to) are not discussed further in this evidence.

| Earthworks | | |
|--------------------------|------------------|--|
| Submission number | Provision | Comments on Council Officer's recommendations |
| FS99 | EW-P1 | <p>KiwiRail made a further submission in support of Transpower's submission 195.103, which sought that additional wording was added to Policy EW-P1 as follows:</p> <p><u>x. enable the on-going operation, maintenance, repair, upgrading and development of infrastructure.</u></p> <p>KiwiRail also made a further submission in support of Waka Kotahi's submission 275.39, which sought that alternative additional wording was added to EW-P1 as follows:</p> <p><u>2. are necessary for the continued operation and maintenance of existing infrastructure;</u></p> |

¹ Earthworks – Policy EW-P1, Energy and Infrastructure – Objective EI-O3 and Policy EI-P6.

| | | |
|--|--|--|
| | | The Council Officer considers that neither amendments is required on the basis that these matters are addressed elsewhere in the plan. I disagree and consider that the relief sought in Transpower's submission is required to appropriately recognise and provide for the ongoing operation, maintenance, repair, upgrade and development of infrastructure. |
|--|--|--|

| Energy and Infrastructure | | |
|----------------------------------|------------------|--|
| Submission number | Provision | Comments on Council Officer's recommendations |
| FS99 | EI-O3 | <p>KiwiRail made a further submission in opposition to submissions 325.21 and 414.68, which sought to delete reverse sensitivity from the objective.</p> <p>The Council Officer has recommended retention of reference to reverse sensitivity in the objective, although it is unclear and inconsistent in this conclusion through s42A report. KiwiRail supports its retention.</p> |
| FS99 | EI-P6 | <p>KiwiRail made a further submission in support of submissions 249.60 and 254.31, which sought to amend the policy to 'avoid' adverse effects as opposed to 'manage' adverse effects on infrastructure.</p> <p>The Council officer rejected these submission points and recommends retaining the term 'manage' to provide a greater breadth of management responses. I disagree and consider strengthening of the policy wording is appropriate to 'avoid adverse effects' on infrastructure.</p> |

4. RELEVANT NATIONAL AND REGIONAL PLANNING PROVISIONS

Regional Policy Statement ("RPS")

- 4.1 There is a statutory obligation for district plan changes to give effect to the relevant regional policy statement. The RPS for the Canterbury Region is the relevant higher order planning document.
- 4.2 The first relevant objective is Objective 5.2.2 which relates to the integration of land-use and regionally significant infrastructure as follows:

In relation to the integration of land use and regionally significant infrastructure:

1. To recognise the benefits of enabling people and communities to provide for their social, economic and cultural well-being and health and safety and to provide for infrastructure that is regionally significant to the extent that it promotes sustainable management in accordance with the RMA.

2. To achieve patterns and sequencing of land-use with regionally significant infrastructure in the wider region so that:

a. development does not result in adverse effects on the operation, use and development of regionally significant

b. adverse effects resulting from the development or operation of regionally significant infrastructure are avoided, remedied or mitigated as fully as practicable.

c. there is increased sustainability, efficiency and liveability

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

[Policy 5.3.2] Development conditions (Wider Region)

To enable development including regionally significant infrastructure which:

1. ensure that adverse effects are avoided, remedied or mitigated, including where these would compromise or foreclose :

a. existing or consented regionally significant infrastructure;

b. options for accommodating the consolidated growth and development of existing urban areas;

...

2. avoid or mitigate:

...

b. reverse sensitivity effects and conflicts between incompatible activities, including identified mineral extraction areas;

...

[Policy] 5.3.7 Strategic land transport network and arterial roads (Entire Region)

In relation to strategic land transport network and arterial roads, the avoidance of development which:

1. adversely affects the safe efficient and effective functioning of this network and these roads, including the ability of this infrastructure to support freight and passenger transport services; and

2. in relation to the strategic land transport network and arterial roads, to avoid development which forecloses the opportunity for the development of this network and these roads to meet future strategic transport requirements.

[Policy] 5.3.8 Land use and transport integration (Wider Region)

Integrate land use and transport planning in a way:

1. that promotes:
 - a. the use of transport modes which have low adverse effects;
 - b. the safe, efficient and effective use of transport infrastructure, and reduces where appropriate the demand for transport;
2. that avoids or mitigates conflicts with incompatible activities; and
3. where the adverse effects from the development, operation and expansion of the transport system:
 - a. on significant natural and physical resources and cultural values are avoided, or where this is not practicable, remedied or mitigated; and
 - b. are otherwise appropriately controlled.

[Policy] 5.3.9 Regionally significant infrastructure (Wider Region)

In relation to regionally significant infrastructure (including transport hubs):

1. avoid development which constrains the ability of this infrastructure to be developed and used without time or other operational constraints that may arise from adverse effects relating to reverse sensitivity or safety;
2. provide for the continuation of existing infrastructure, including its maintenance and operation, without prejudice to any future decision that may be required for the ongoing operation or expansion of that infrastructure; and
3. provide for the expansion of existing infrastructure and development of new infrastructure, while:
 - a. recognising the logistical, technical or operational constraints of this infrastructure and any need to locate activities where a natural or physical resource base exists;

...

- 4.4 Relevant methods to give effect to the objectives and policies of the RPS require territorial authorities to:

5.3.1 ...

2. Set out objectives, and policies, and may include methods in district plans which establish an approach for the integrated management of urban and zoned rural residential development with the primary focus of ensuring consolidated, well-designed and more sustainable urban patterns including the avoidance, remediation or mitigation of reverse sensitivity effects

5.3.8 ...

2. Set out objectives, policies and/or methods in district plans which:

a. avoid land-uses that may result in adverse reverse sensitivity effects on transport infrastructure.

b. enable the appropriate upgrading of existing and establishment of new transport infrastructure.

5.3.9 ...

4. Set out objectives and policies, and may include methods in district plans which:

a. avoid sensitive and incompatible land-uses within proximity of identified transport hubs and regionally significant infrastructure where the quality of current or future environment is incompatible with the health requirements and amenity value expectations of people adjacent or within part of the receiving environment of activities undertaken by regionally significant infrastructure.

b. avoid land-uses that directly adversely affect the safe operation of regionally significant infrastructure.

c. avoid, remedy or mitigate the adverse effects of regionally significant infrastructure on the environment

4.5 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.

Sheena McGuire

4 August 2023