

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")

**STATEMENT OF EVIDENCE OF SHEENA MCGUIRE
ON BEHALF OF KIWIRAIL HOLDINGS LIMITED**

PLANNING

1. INTRODUCTION

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 Streams 1 and 2 on the Proposed Plan.

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. KIWIRAIL IN THE WAIMAKARIRI DISTRICT

- 3.1 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.
- 3.2 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)¹ 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.
- 3.3 The benefits of rail to the New Zealand economy were estimated in 2019 to be in the order of \$1.7 – 2.1 billion.² The economic significance of rail and the critical role it plays in reducing New Zealand's carbon emissions has been recognised by the Government through its continued investment in rail infrastructure. Transport modal shifts to more climate-friendly modes of transport, like rail, are critical to reduce carbon emissions. 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.
- 3.4 In the most recent budget, the Government allocated \$349 million to replace and modernise New Zealand rail assets,³ which has gone towards a number of major projects nationwide, including the rejuvenation of the Northland railway lines, the reopening of the Napier to Wairoa line, establishing a multi-million dollar regional freight hub in Palmerston North, and significant upgrades to the Auckland, Wellington and Hamilton metro networks.
- 3.5 The designated corridor of the Main North Line passes through the Waimakariri District from north to south and is a key part of the KiwiRail network nationally. KiwiRail seeks to protect its ability to operate, maintain and upgrade this line into the future.

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

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

³ Wellbeing Budget 2022 – A Secure Future (New Zealand Government, Wellington, 2022) at page 82.

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 can 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 / efficiently, including meeting the growth and investment objectives set by 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 KiwiRail's submission had generally supported the Strategic Direction objectives and policies contained within the Proposed Plan, in particular SD-O3 to provide for efficient and effective operation of infrastructure across the district and UFD-P10 to manage reverse sensitivity effects. KiwiRail further supports recognition of the operational and functional need of infrastructure and the management of adverse effects of other activities on infrastructure

5. SCOPE OF EVIDENCE

5.1 KiwiRail generally supports the Council Officer's recommendations in the s42A report in relation to its submission points. KiwiRail's submission points which the Council Officer has accepted are not discussed further in this evidence. 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
FS99	SD-O2	KiwiRail made a further submission in support of CIAL's submission 254.18, which sought that additional wording was added to Objective SD.O2 as follows:

		<p>Amend SD-O2:</p> <p>Urban development and infrastructure that:</p> <ol style="list-style-type: none"> 1. is consolidated and integrated with the urban environment; 2. <u>does not affect the efficient operation, use, development, appropriate upgrading and safety of strategic infrastructure, critical infrastructure, and regionally significant infrastructure;...</u> <p>The Council Officer has recommended that the relief sought by submission 254.18 is addressed by the authors of the s42A reports with respect to Noise and Rural chapters and Variation 1. KiwiRail reiterates its support of the addition sought by CIAL as it gives effect to the directions in the Canterbury Regional Policy Statement, as set out in Section 6 below.</p>
FS99	SD-O2	<p>KiwiRail made a further submission in support of Waka Kotahi's submission 275.4 which sought that an additional clause be inserted into SD-O2 as follows:</p> <p><u>(x)recognises the importance of infrastructure, including the land transport network in achieving integrated urban development;</u></p> <p>The Council Officer has recommended that the relief be rejected as integration of urban development and infrastructure (including transport) is in SD-O2(1). Objective RESZ-O2 links residential land development and design and infrastructure, that includes roads (section 166(f) RMA) and Policy TRAN-P1(1) by recognising the benefits of transport. The repeating of the link between transport and urban development is not required as it is already present within the Proposed Plan. KiwiRail accepts the Planning Officer's recommendation and notes existing links between transport and urban development.</p>
FS99	UFD-P2	<p>KiwiRail made a further submission in support of Fulton Hogan's submission 41.16 which sought a new (i) "avoids reverse sensitivity effects" be included in UFD-P2. The Council Officer rejected the relief sought as the issue of reverse sensitivity is already covered in UFD-P10(2) and RURZ-P8 and the Council Officer does not need to be</p>

		repeated throughout the chapter. KiwiRail accepts the Planning Officer's recommendation and that UFD-P10 seeks to manage reverse sensitivity from new development.
FS99	UFD-P10	<p>KiwiRail made a further submission in support of Fulton Hogan's submission 41.1 which sought amendments to UFD-P10 relating to the management of reverse sensitivity effects. The Council Officer rejected the relief sought as, among other reasons, the use of "avoid" would be inconsistent with Policy 5.3.2 of the RPS which has "avoid or mitigate" of reverse sensitivity effects and conflicts. KiwiRail supports the Council Officer's recommendation and consistency with the RPS.</p> <p>KiwiRail also made a further submission in support of Transpower's submission 195.22, which was accepted in part. KiwiRail supports the amendments made by the Council Officer in relation to this submission.</p> <p>KiwiRail's further submission opposed submissions 230.3 by Concept Services and 325.17 by Kainga Ora which proposed amendments to UFD-P10. KiwiRail supports the Council Officer's rejection of the relief sought as the relief sought is inconsistent with the provisions of the Regional Policy Statement set out in section 6 below.</p>

6. RELEVANT NATIONAL AND REGIONAL PLANNING PROVISIONS

Regional Policy Statement ("RPS")

- 6.1 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.
- 6.2 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

6.3 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;

...

- 6.4 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

6.5 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

16 May 2023