

BEFORE THE INDEPENDENT COMMISSIONERS

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

a submission by KiwiRail Holdings Ltd
("KiwiRail") (submitter 408 and FS72)
on Hearing Stream 5 to the Wellington
City Proposed District Plan ("**Proposed
District Plan**")

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

CORPORATE

1. INTRODUCTION

- 1.1 My full name is Michael James Brown and I am the Group Manager Planning and Land Use for 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 of 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.
- 1.4 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.

2. SCOPE OF EVIDENCE

2.1 I have prepared this statement for KiwiRail as the Group Manager of Planning and Land Use for the railway assets that pass through Wellington City.

2.2 My evidence will outline:

- (a) KiwiRail's infrastructure and activities within the Wellington City; and
- (b) the need for noise and vibration controls.

3. KIWIRAIL IN THE WELLINGTON REGION

3.1 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. Recognising the importance of rail network, the Government has invested and continues to invest in the maintenance and expansion of the rail network to meet future growth demands and improve transport network efficiency.

3.2 In the most recent budget, the Government allocated \$569.2 million to replace and modernise New Zealand rail assets,¹ 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.

3.3 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 new (delivery from 2025) Cook Strait ferries able to accommodate 4 times the present rail freight capacity of the route being supported by the Central North Island Freight Hub at Bunnythorpe.²

¹ Wellbeing Budget 2023 – Support for Today. Building for Tomorrow (New Zealand Government, Wellington, 2023).

² The Bunnythorpe Freight Hub (the Hub) is a proposed 176-hectare freight facility designed to support the transit of rail freight through the lower North Island, in particular to and from the Cook Strait Ferries. The Hub is presently at appeals stage under the Environment Court, with an expected opening date of 2030.

- 3.4 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.
- 3.5 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 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 upgrade.
- 3.6 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, the KiwiRail Scenic Journeys operates the Capital Connection outer-urban commuter service that operates a return service each weekday between Palmerston North and Wellington.
- 3.7 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.
- 3.8 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.

4. NOISE AND VIBRATION

- 4.1 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.
- 4.2 A particular concern for KiwiRail is the potential for reverse sensitivity effects to arise from new or intensified sensitive activities (eg dwellings) developing near the rail corridor. Reverse sensitivity is a well-recognised resource management concept which refers to the impact that locating new, sensitive activities adjacent to existing lawfully established effects-generating activities has on the ongoing operation of those existing activities. 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 can result in increased complaints and resultant operational constraints on the rail network (such as limitations on operating hours) which can constrain the ongoing operation and future development of the rail corridor.
- 4.3 For the reasons set out in the evidence of Dr Chiles and Ms Heppelthwaite, KiwiRail is seeking revised noise controls (including updated ventilation provisions) for activities within 100 metres of the rail corridor. These controls are regularly sought by KiwiRail and have been included in district plans around the country (including recently through Environment Court processes in Marlborough and Whangārei). KiwiRail undertook specific noise modelling as part of the recent Whangārei District Plan processes in relation to that rail corridor, which confirmed that 100 metres was justified for noise controls, and was subject to a consent order confirmed by the Court to resolve KiwiRail's appeal.
- 4.4 In terms of vibration, Dr Chiles' evidence demonstrates that there is a very real effect on neighbours (with the potential to result in reverse sensitivity effects on KiwiRail) that requires mitigation. These effects will only increase with the proposed intensification adjacent to the railway corridor.
- 4.5 The s42A Authors have indicated general support for vibration standards related to rail, but go on to say that due to the absence of technical evidence they recommend that no vibration control should be included in the Proposed District Plan. The s42A Authors further recommend for the Panel "*to consider*

*exercising its powers under RMA s41C, and commission further reporting*³ (working closely with KiwiRail's noise experts), and outline⁴ the scope of such a report (along with providing a solution or solutions).⁵

4.6 KiwiRail continues to consider vibration controls are appropriate having regard to Ms Heppelthwaite and Dr Chiles' evidence. KiwiRail would support further reporting proposed under RMA s41C, including being involved in the scoping of any report.

4.7 However, in absence of such additional reporting and assuming the Panel accepts the s42A Authors recommendation to reject KiwiRail's primary submission, KiwiRail would accept a vibration "alert layer" as an absolute minimum requirement. The vibration "alert layer" places properties adjacent to the rail corridor on notice of the potential vibration effects. Such a layer has been included in the Whangārei District Plan and in the Precinct provisions relating to the Drury area in the Auckland Unitary Plan.

5. CONCLUSION

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

Mike Brown
18 July 2023

³ Section 42A Report, Hearing Stream 5 – Noise and Part 4 dated 3 July 2023 at [28].

⁴ Section 42A Report, Hearing Stream 5 – Noise and Part 4 dated 3 July 2023 at [211] to [216].

⁵ Section 42A Report, Hearing Stream 5 – Noise and Part 4 dated 3 July 2023 at [219] and [220].