

**Before the Hearings Panel
At Wellington City Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Wellington City District Plan

**Stream 10 Reporting Officer Right of Reply (2) of Jamie Sirl on behalf of
Wellington City Council**

Date: 28 August 2024

INTRODUCTION:

1 My full name is James (Jamie) Grant Sirl. I am employed as a Senior Planning Advisor in the District Planning Team at Wellington City Council (the Council).

2 I have prepared this Reply in respect of the matters in Hearing Stream 10 raised during the hearing, and in particular to those addressed by the Panel in Minute 52 and Minute 56.

3 I have listened to KiwiRail Holdings Limited's (KiwiRail) verbal evidence in Hearing Stream 10, read and considered their evidence and tabled statements, including the Memorandum of Counsel¹ provided in response to Minute 52.

4 The Designations 42A Report section 1.2 sets out my qualifications and experience as an expert in planning.

5 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Panel hearing.

6 Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.

SCOPE OF REPLY

7 This reply follows Hearing Stream 10 held on the 15th and 16th of July 2024. *Minute 52: KiwiRail Designation Issues* outlines the unresolved matters with respect to the KiwiRail designation and requested KiwiRail provide any additional information prior to 30 July 2024. Following a subsequent request from KiwiRail for a 2-week extension, this was granted by the Panel as outlined in Minute 55.

¹ [Memorandum of Council on behalf of KiwiRail Holdings Limited – providing information in respect of Rail Tunnels. 13 August 2024.](#)

- 8 Following the lodgement of further information by KiwiRail on the August 2024, the Panel issued Minute 56 which extended the timeframe for the Council reply on matters relating to KiwiRail's designations to 1pm, 28 August 2024.
- 9 This Reply addresses matters relating to the KiwiRail designation.

KiwiRail Designations

- 10 The outstanding matter for the KiwiRail designations is the status of the KRH1 designation as it applies to existing rail tunnels.
- 11 The Memorandum of Counsel lodged on behalf of KiwiRail addressed the matter. In summary, KiwiRail's position is that the rail tunnels be recorded in the Proposed District Plan as being subject to a strata designation. I agree with KiwiRail's position, which aligns with the opinion expressed in the Designations s42A Report and supplementary evidence².
- 12 KiwiRail request that the mapping is retained for the sections of the designation that are 'strata only'. Whilst I agree with this, in my opinion the mapping should clearly identify the sections of the designation that are strata. I have discussed this with KiwiRail who have confirmed that they are agreeable to clearly differentiating, by mapping, the sections of strata designation.
- 13 I have also discussed with KiwiRail the value in introducing the specific coordinates for the sections of tunnel. We agree that following the detailed mapping identifying the sections of strata designation, including the coordinates within the designation schedule would add little value. I also note that the coordinates include small sections of the tunnels that are within railway land and were included in the ODP designation. As such, I see no need for these small sections to be amended to only have a strata designation. KiwiRail have confirmed that this approach is acceptable.

² [Statement of Supplementary Planning Evidence of James \(Jamie\) Grant Sirl on behalf of Wellington City Council, 8 July 2024.](#)

- 14 The proposed extent of strata to which the designation applies is helpful. I explored with KiwiRail the possibility of providing a greater level of detail on how this applies at a property specific scale (similar to the approach taken with the Airport's Obstacle Limitation Surfaces tool). KiwiRail advised that this would be an extremely time consuming and challenging exercise to undertake, requiring a full strata survey by a cadastral surveyor, and suggested that the most efficient option is to direct landowners back to their property titles.
- 15 KiwiRail have also advised that while the additional advisory information that restricts the strata designation to a maximum of 40 feet (12.192 metres) from the apex of the centreline of the tunnels is appropriate for the Johnsonville Line, a gazette notice³ that relates to the Main North Island Trunk (NIMT) indicates that the strata designation for the NIMT should be restricted to a plane 20 ft below the present surface of the land. I agree that this information is best suited to advisory information as opposed to a designation condition which generally relates to obligations of the requiring authority, not other parties.
- 16 I recommend the following amendments to KRH1 designations and associated schedules and mapping as follows:
- a. Amend the ePlan mapping of the designation to clearly differentiate those sections of KRH1 where the designation applies to strata only. The recommended mapping has been included as a new layer in the [HS10 designations webviewer](#);
 - b. Amend the schedule table for KRH1 as outlined in Appendix A to this Reply.

³ NZ Gazette 1929 p. 1689, Third Schedule. Included as Appendix B to this Reply

Appendix A – Tracked Changes to Designations chapter

Note: Red underline and ~~strike-out~~: show final recommended additions and deletions to the notified Designation chapter for the KiwiRail Holdings Limited designation (KRH1) as recommended in the Section 42A Report dated 14 June 2024, updated by the Statement of Supplementary Planning Evidence of Jamie Sirl dated 8 July 2024, and confirmed in the Right of Reply of Jamie Sirl dated 28 August 2024.

Appendix B – NZ Gazette notice 1929 p1689