

1 July 2024

Independent Hearings Panel  
Wellington City Proposed District Plan  
PO Box 2199  
Wellington 6140

**By email to:** [Jaskirat.Kaur@wcc.govt.nz](mailto:Jaskirat.Kaur@wcc.govt.nz)

### **Proposed Wellington District Plan – Hearing Stream 10 (Designations)**

KiwiRail Holdings Limited (KiwiRail) is the State-Owned Enterprise responsible for the management and operation of the national railway network. This includes managing railway infrastructure and land, as well as rail freight and passenger services within New Zealand. KiwiRail is also the Requiring Authority for land designated "Railway Purposes" in District Plans throughout New Zealand.

KiwiRail made a submission on the Proposed Wellington City Plan on 12 September 2022. KiwiRail's submission sought three amendments with regard to the designations as set out in the Proposed Plan. These were to:

- a) Amend the conditions relating to the Wellington Railway Station
- b) A minor correction to the designation at the corner of Burma Road and Maldive Street in relation to Tunnel 6 on the Johnsonville Line; and
- c) Remove the KRH1 label from the KRH 2 designation (Hawkins Hill)

#### **General Designation**

In the Section 42A report the Council Officer has recommended confirming KiwiRail's designations as notified, subject to the two minor amendments sought in KiwiRail's submission:

- Amend the planning maps to remove the KRH1 label from Designation KRH2 (Radio Station - Te Kopahao, Hawkins Hill).
- Amend Condition 1 of Designation KRH1 (Wellington Railway Lines) in relation to the designation purpose and site identifier to improve readability of the condition.

#### **Tunnel 6 Extension**

In the Section 42A report the Council Officer raised concerns about the impacts on private properties resulting from KiwiRail's requested amendment to the extent of KRH1 to ensure the Johnsonville Line designation extent of Tunnel 6 is accurately designated to cover existing tunnels and considers KiwiRail has not adequately clarified these impacts in its request to modify the designation extent. The Council Officer has recommended confirming KiwiRail's designation subject only to one of the following outcomes:

- Removing the modification to KRH1 to avoid new land not owned by KiwiRail being included within the designation area; or
- Providing greater detail in the KRH1 conditions to classify these new areas as strata designation, or alternatively to clarify the impact of the designation on land above the tunnels.

In response to the concerns raised by the Council officer it is noted that that the small triangle of land that KiwiRail is seeking to include in the designation is Legal Road that is currently occupied by the driveway



to 94 Burma Road and is adjacent to a standalone garage that has also been constructed on Legal Road (as is shown on the figure on the following page).

KiwiRail seeks to retain the modification to the KRH1 designation and does not consider it appropriate to classify this addition to the designation as a strata designation.

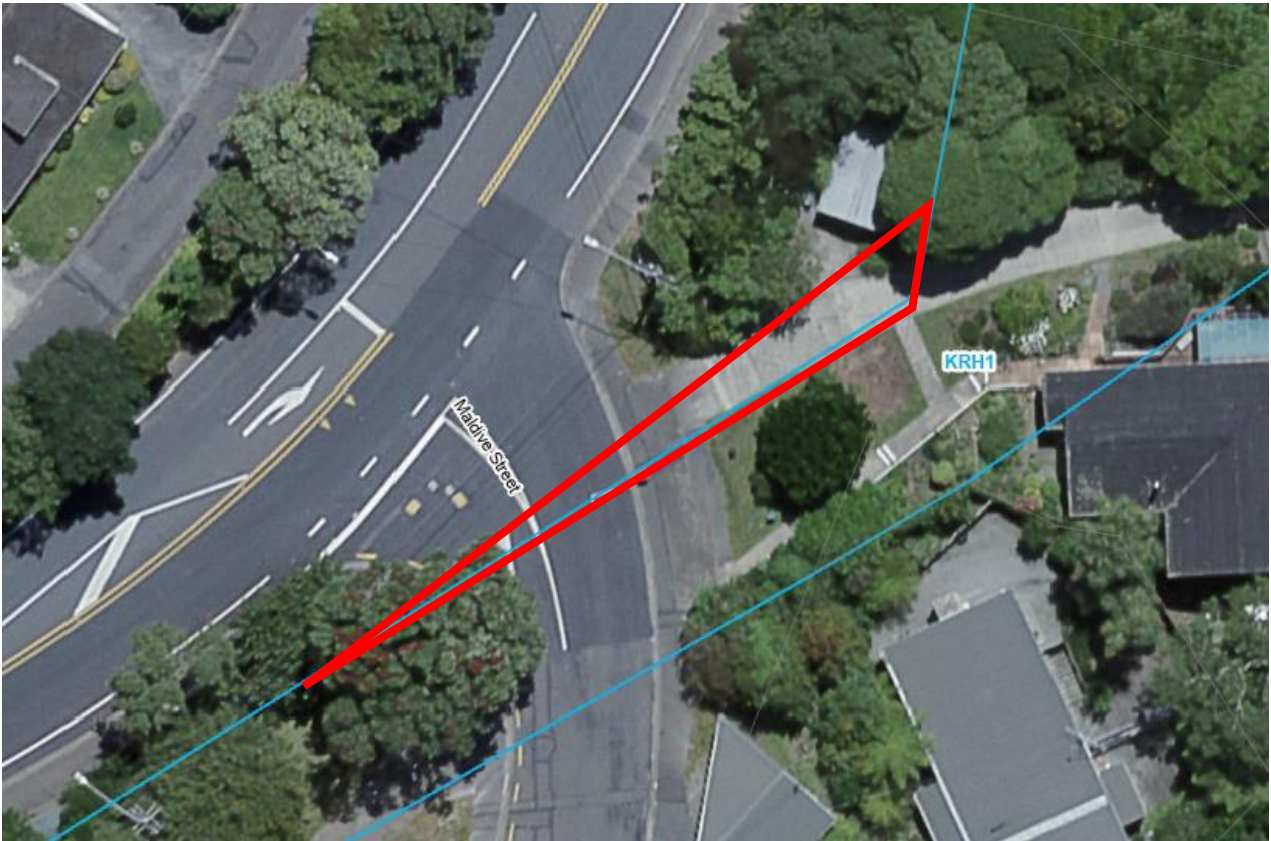


Figure 1 base layer WCC eplan map with proposed addition to designation overlaid in red.

The reasons for this are as follows:

- KiwiRail has an interest in what occurs above the tunnel and has an interest in ensuring that activities on the surface of the land do not require pole foundations that may adversely impact the structural integrity of the tunnel. It is important that any work on the surface that could affect the integrity of the tunnel triggers the s176 process (further detail provided on how this operates in practice at point 4 below).
- The triangle of land that KiwiRail is seeking to add to the designation is Legal Road that has already been developed into a driveway or is Legal Road that has been developed with carriageway and footpath.
- There will be no adverse effect or impact on any party using the driveway or gaining access to the existing garage that is located on Legal Road, or using the footpath or road carriageway and the imposition of the designation overtop of these areas will not impede future use of these areas.
- The imposition on 94 Burma Road, or potentially the owners of the structure on Legal Road will be no greater than occurs for those with entire residential dwellings located within the designation – as occurs at Tunnel 7 in Johnsonville (Figure 2). In this area KiwiRail asks to receive copies of plans to ensure that the structural integrity of the Tunnel is maintained and then provides s176 approval at no cost to the property owner.





Figure 2: base layer WCC eplan map showing dwellings developed on top of Tunnel 7. Red stars denoting each of the tunnel portals.

Given the above information it is requested that the alteration to the designation in relation to the small area at the intersection of Burma Road and Maldive Street be incorporated into the designation as requested.

If the Panel has any questions with regard to the above, I am happy to answer any questions that arise.

Yours sincerely



Michelle Grinlinton-Hancock  
Manager RMA Team  
**KiwiRail Holdings Limited**

