

The closing date for submissions is 5pm Friday 14 October 2022.

How to make a submission:

- Online at www.gw.govt.nz/rpschange1 using the *Spoken* submission portal.
- Email your submission and this form to us at: regionalplan@gw.govt.nz
- Post your submission and this form to us at: Environmental Policy, PO Box 11646, Manners St, Wellington 6142, ATT: Hearings Adviser
- Drop your submission and this form to reception at one of Greater Wellington's offices.

Privacy statement – To read our Privacy Statement please visit:

<https://www.gw.govt.nz/assets/Documents/2022/08/Privacy-Statement-RPS-Change-2022.pdf>

All submissions (including name and address for service) are published and made publicly available on our website. Your name and address for service will be used for correspondence during the submission and hearing process. All information collected will be held by Greater Wellington Regional Council and our agent managing the *Spoken* submissions portal. You have the right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is wrong. Please contact us at privacy@gw.govt.nz.

Submission on Proposed Change 1 to the Regional Policy Statement for the Wellington Region.

1. Details of submitter: Name(s) and Address for service

Name (First and Last) OR

KiwiRail Holdings Limited

Phone:

Organisation / Company:

Address for service:

(Physical Address OR Email)

sheena.mcguire@kiwirail.co.nz

Contact person for submission:

(If different to above)

I wish to be heard in support of my submission at a hearing:

Yes No

I would consider presenting a joint case at the hearing with others who make a similar submission:

Yes No

2. Disclosures:

I could gain an advantage in trade competition through this submission:

Yes No

Only answer this question if you ticked 'yes' above:

Yes No

I am directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

Note: If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I confirm that I have permission to provide this information, and that I have read and understood the Privacy Statement:

Signature

Date 14/10/2022

10 October 2022

To: Greater Wellington Regional Council (**Council**)

Subject: Submission on Proposed Change 1 (**PC 1**) to the Greater Wellington Regional Policy Statement (**RPS**)

Scope and nature of submission

1. KiwiRail welcomes the opportunity to provide feedback on PC 1.
2. KiwiRail generally supports the intent of PC 1 and its proposed amendments to ensure appropriate consideration of well-functioning urban environments and climate resilience. The specific provisions of PC 1 that KiwiRail supports or seeks amendments to are outlined in the table attached as **Annexure A**.
3. KiwiRail could not gain an advantage in trade competition through this submission.
4. KiwiRail wishes to be heard in support of this submission.

KiwiRail's operations

5. KiwiRail is the State-Owned Enterprise responsible for the construction, maintenance and operation of New Zealand's rail network including the Interislander service between Wellington and Picton. KiwiRail is also a Requiring Authority that holds railway purpose designations in District Plans throughout New Zealand.
6. The railway and Interislander network are nationally and regionally significant infrastructure assets that are critical to the safe and efficient movement of freight and passengers throughout New Zealand, and form an essential part of the national transportation network and the wider supply chain.
7. Transport modal shifts to more climate-friendly modes of transport, like rail, are critical to reduce carbon emissions. As a result, rail and shipping is experiencing a renaissance as evidenced by the significant investment being made by the Government to reinvigorate the rail and Interislander network, demonstrating a strong and continued confidence in the current and future potential of rail and shipping services.
8. The ongoing safe and efficient functioning of the rail and Interislander network is important to the Greater Wellington region's transport system and its connectivity to the upper and central North Island, and to the South Island. Specifically the Wellington rail and Interislander network consists of:
 - The North Island Main Trunk (**NIMT**) is of national and regional significance as the main line from Wellington Railway Station to Auckland, also providing connections to Taranaki and the Hawkes Bay. Frequent passenger services operate to Waikanae with longer distance services to Palmerston North and Auckland.
 - The Wairarapa Line extends through the Hutt Valley and Wairarapa, providing connection to the Palmerston North Gisborne Line at Woodville. Frequent commuter services operate to the Hutt Valley and Masterton.



- The Johnsonville and Melling Lines provide frequent commuter services for the northern suburbs and Lower Hutt.
- The Gracefield Branch Line extends off the Wairarapa Line in Lower Hutt and provides a key connection to KiwiRail's Woburn rail yard.
- The Wellington rail yards, Kaiwharawhara rail depot and the Interislander ferry terminal facilities, including rail and vehicle marshalling areas.

Urban development capacity

9. A primary driver of PC 1 is for the RPS to give effect to the requirements of the National Policy Statement on Urban Development (**NPS-UD**) and address the lack of urban development capacity. KiwiRail supports urban development around transport nodes, and recognises the benefits of co-locating housing near transport corridors. An integrated approach to planning is critical to support well-functioning urban environments, as well as to ensure that our transport network can support increasing urban development.
10. It is critical that PC 1 adequately manages the interface between urban development and critical infrastructure, such as the railway network. Such management is necessary to ensure communities are built with healthy living environments, and the railway network can operate and continue to develop in the future without constraint.
11. The nature of railway operations means KiwiRail cannot fully internalise all its effects within the railway corridor boundaries. Increasing development around railway corridors consequentially means the introduction of more sensitive receivers to adverse effects of existing and lawful railway activities. With an increase in sensitive activities there is an increased risk of reverse sensitivity effects.
12. Reverse sensitivity is a well-established planning principle that refers to the susceptibility of established effects-generating activities to complaints or objections arising from new sensitive activities locating in close proximity to these activities. Such complaints can potentially constrain KiwiRail's ongoing operations, as well as future development.
13. Given the railway corridor intersects with urban areas in the Wellington region, there is the potential for reverse sensitivity effects to arise from the operation of the railway corridor and this needs to be recognised in the RPS. For this reason, it is essential that PC 1 appropriately manages the development of new sensitive activities in proximity to the railway corridor.

Climate change resilience

14. Rail is an energy efficient and low emissions mode of transport, with 70% fewer emissions than heavy road transport. Increased use of the rail corridor and shift to modes of transport that produce fewer emissions will be critical to New Zealand in the transition to a low emissions future.
15. KiwiRail is cognisant of the need to plan for, and prepare, its infrastructure so that it is resilient to the impacts of climate change. KiwiRail generally supports the provisions within PC 1 which will embed more specific consideration of the effects of climate change planning and ensure development is undertaken in a way that ensures it is resilient to the effects of climate change within the RPS.

General reasons for the submission

16. For the provisions of PC 1 that KiwiRail supports in **Annexure A**, those provisions will:
- (a) promote sustainable management of resources, achieve the purpose of the RMA, and are not contrary to Part 2 and other provisions of the RMA;
 - (b) provide and promote the greatest health and amenity outcomes and preserve operational and developmental capacity for nationally and regionally significant infrastructure;
 - (c) enable the social, economic and cultural wellbeing of the communities in the Wellington region; and
 - (d) meet the reasonably foreseeable needs of future generations.
17. For those provisions of PC 1 that KiwiRail opposes in **Annexure A**, those provisions will not (without the amendments proposed by KiwiRail):
- (a) promote or enable efficient use and development of railway infrastructure and the operation of the railway corridor;
 - (b) adequately protect and provide for KiwiRail's current and future operations in Wellington;
 - (c) promote sustainable management of resources or achieve the purpose of the RMA, and are contrary to Part 2 and other provisions of the RMA;
 - (d) promote or enable the social and economic wellbeing of the community in Wellington or reasonably need the needs of future generations; and
 - (e) provide positive health and amenity outcomes for people locating in proximity to the railway corridor.

Relief Sought

18. KiwiRail seeks the following amendments:
- (a) that the proposed provisions be retained, deleted, or amended as set out in KiwiRail's submission (set out above and in **Annexure A**); and
 - (b) such further or other consequential relief as may be necessary to fully give effect to the relief sought in this submission and **Annexure A**.

Yours faithfully



Sheena McGuire
RMA Advisor
KiwiRail Holdings Limited

ANNEXTURE A

| PROVISION | SUPPORT/ OPPOSE | REASONS FOR KIWI RAIL'S SUBMISSION | RELIEF SOUGHT (OR WORDING TO SIMILAR EFFECT) Proposed changes as notified shown as <u>underline</u> , and deleted text shown as strikethrough Further changes proposed in this submission shown as <u>underline</u> , and deleted text shown as strikethrough |
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| Objective CC.3 | Support | KiwiRail, as a provider of low carbon emission transport, is supportive of Council's objective to contribute to a 50 percent reduction in net greenhouse gas emissions. | Retain as notified |
| Objective 22 | Support | KiwiRail supports Objective 22(c) to 'improve the overall health, well-being and quality of life of people in the region'. This objective is appropriate to give effect to Objective 1 of the NPS-UD and to recognise that providing for the health and well-being of our communities relies on having appropriate planning provisions in place, such as controls on development near the rail corridor. Providing for wellbeing of our communities also relies on having the necessary infrastructure in place to support urban development. | Retain as notified |
| Policy CC.1 | | KiwiRail supports the new policy which requires transport infrastructure planning to consider and choose solutions that will contribute to reducing greenhouse gas emissions. | Retain as notified |
| Policy CC.3 | Support | KiwiRail supports the new policy which requires district plans to provide a supportive planning framework (for example, permitted activity status) for zero and low-carbon multi modal transport infrastructure, such as public transport infrastructure. | Retain as notified |
| Policy 7 | Support | KiwiRail supports the amendments to Policy 7 and the policy explanation. Recognition of the benefits of regionally significant infrastructure, particularly where it contributes to reducing greenhouse gas emissions, is supported by KiwiRail. | Retain as notified |
| Policy 31 | Seek amendment | KiwiRail broadly supports Policy 31 as notified, but considers that further amendments are required to ensure consistency with the NPS-UD and the Resource Management (Enabling | Amend as follows: <u>District plans shall include policies, rules and/or methods that identify and enable a range of different building heights and density within urban areas</u> |

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| | | <p>Housing Supply) Amendment Act 2021.</p> <p>Where urban development is enabled in new areas and at a higher density near lawfully established activities, like transport corridors, there is a need to ensure reverse sensitivity effects do not constrain the safe and efficient operation of transport networks. The Resource Management (Enabling Housing Supply) Amendment Act 2021 recognises a nuanced approach to urban development where a qualifying matter applies. Amendments are also necessary to recognise qualifying matters at the RPS level to ensure the district planning framework appropriately gives effect to the higher order planning documents.</p> | <p>where it contributes to maintaining, establishing or improving the qualities and characteristics of well-functioning urban environments, except where qualifying matters reduce building height and/or density of urban form, including as a minimum:</p> <p>[...]</p> |
| Policy 39 | Support | <p>KiwiRail supports the amendments to Policy 39 and the policy explanation. Recognition of the benefits of regionally significant infrastructure, particularly where it contributes to reducing greenhouse gas emissions, is supported by KiwiRail.</p> | Retain as notified |
| Policy 52 | Support | <p>KiwiRail supports Policy 52 which recognises that, in some instances, hard engineering methods are necessary to protect regionally significant infrastructure from unacceptable risks from natural hazards. There are sections of the rail corridor which run parallel to the coastline and are vulnerable to storm surge and high tides. KiwiRail support policy direction which acknowledges risk of hazards, including coastal hazards, to infrastructure and the need to construct hard structures as a protective measure.</p> | Retain as notified |
| Policy 55 | Support | <p>KiwiRail supports the amendment to Policy 55 which recognises the value of regionally significant infrastructure and the contribution of such infrastructure to a well-functioning urban environment. The reference to Policy 8 which expressly recognises the importance of protecting regional significant infrastructure from incompatible subdivision, use and development is supported.</p> | Retain as notified |
| Policy 56 | Seek | <p>KiwiRail supports the intent of Policy 56 to provide a</p> | Amend as follows: |

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| | amendment | framework that manages development in rural areas in accordance with sound resource management principles. A further amendment is proposed to expressly recognise and provide for the avoidance of reverse sensitivity effects as one of those principles, as this is a critical resource management issue that must be managed when providing for growth of urban activities near lawfully established transport corridors. | When considering an application for a resource consent or a change, variation or review of a district plan, in rural areas (as at March 2009 August 2022), particular regard shall be given to whether: [...] <u>(f) the proposal will result in reverse sensitivity effects.</u> |
| Policy 57 | Seek amendment | <p>KiwiRail supports the intent of Policy 57 but considers that express recognition is needed for the consideration of reverse sensitivity effects which must be carefully managed when providing for land use and transport integration.</p> <p>KiwiRail considers express recognition of reverse sensitivity effects is necessary to ensure development near transport corridors can co-exist in an appropriate way. The Resource Management (Enabling Housing Supply) Amendment Act also expressly recognises and provides a nuanced approach to development where qualifying matters apply (including for example the provision of nationally or regionally significant infrastructure).</p> | <p>Amend as follows: When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district plan, for subdivision, use or development, <u>require land use and transport planning within the Wellington Region is integrated in a way which:</u></p> <ul style="list-style-type: none"> (a) <u>supports a safe, reliable, inclusive and efficient transport network;</u> (b) <u>supports connectivity with, or provision of access to, public services or activities, key centres of employment activity or retail activity;</u> (c) <u>minimises private vehicle travel and trip length while supporting mode shift to public transport or active modes and support the move towards low and zero-carbon modes;</u> (d) <u>encourages an increase in the amount of travel made by public transport and active modes;</u> (e) <u>provides for well-connected, safe and accessible multi modal transport networks while recognising that the timing and sequencing of land use and public transport may result in a period where the provision of public transport may not be efficient or practical;</u> (f) <u>supports and enables the growth corridors in the Wellington Region, including:</u> <ul style="list-style-type: none"> i. <u>Western Growth Corridor – Tawa to Levin;</u> ii. <u>Eastern Growth Corridor – Hutt to Masterton;</u> iii. <u>Let's Get Wellington Moving Growth Corridor; and</u> (g) <u>avoids the potential for reverse sensitivity effects on the safe and efficient operation of transport corridors.</u> |
| Policy UD.3 | Seek amendment | KiwiRail broadly supports the intent of Policy UD.3 to provide significant development capacity, but this needs to be carefully managed to ensure that any effects at the interface of conflicting land uses, including reverse sensitivity effects, | <p>Amend as follows: <u>When considering a change of a district plan for a development in accordance with clause (d) of Policy 55, particular regard shall be given to whether the following criteria is met:</u></p> |

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| | | are appropriately managed. This is critical to recognise and provide for well-functioning urban environments in accordance with the direction in the NPS-UD. | <p>(a) the location, design and layout of the proposal:</p> <ul style="list-style-type: none"> i. contributes to establishing or maintaining the characteristics and qualities of a well-functioning urban environment identified in Policy 55(a)(ii) and Objective 22. ii. is well-connected to the existing or planned urban area, particularly if it is located along existing or planned transport corridors, iii. for housing will apply a relevant residential zone or other urban zone that provides for high density development or medium density residential development. iv. minimises land use conflicts as far as practicable, including avoiding the potential for reverse sensitivity effects. |
| Appendix 3: Definitions Regionally Significant Infrastructure | Support | KiwiRail supports the definition of Regional Significant Infrastructure and inclusion of the Strategic Transport Network including ancillary structures required to operate, maintain, upgrade and develop that network. The amended definition applies to both rail and ferry terminal infrastructure which is supported by KiwiRail. KiwiRail seeks an addition to clarify that the Interislander ferry terminal is expressly included in this definition. The description of the Strategic Transport Network in Appendix B of the Wellington Regional Land Transport Plan 2021 refers to railway corridors. While the railway corridor extends to the Interislander ferry terminal, it is not expressly referenced in the description. KiwiRail seeks to avoid any ambiguity that the ferry terminal is not part of the Strategic Transport Network. | <p>Amend as follows:</p> <p>Regionally significant infrastructure includes:</p> <p>...</p> <ul style="list-style-type: none"> • Interislander Ferry Terminal, Wellington City bus terminal and Wellington Railway Station terminus; <p>...</p> |
| Appendix 3: Definitions Strategic Transport Network | Support | KiwiRail supports the inclusion of all railway corridors as identified in the Wellington Regional Land Transport Plan 2021 in this definition. | Retain as notified |
| Appendix 3: Definitions | Support in part | KiwiRail seeks the inclusion of a definition for "well-functioning urban environments" which is consistent with the NPS-UD. | <p>Amend Appendix 3: Definitions as follows:</p> <p>[...]</p> <p>Well-functioning urban environment has the meaning in Policy 1 of the National Policy Statement on Urban Development 2020.</p> |