



BEFORE THE KAPITI COAST DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Kapiti Coast District Plan Review Chapter 7

Corporate Statement of Deborah Hewett 16th May 2016

Submitter: KiwiRail

Introduction

1. My name is Deborah Hewett. I am a Senior RMA Advisor for KiwiRail Holdings Limited and have over ten years' experience as a Planner in New Zealand. I hold the qualification of Master of Applied Science in Resource Management from Lincoln University.
2. This evidence is on behalf of KiwiRail in connection with its submission on Chapter 7 of the proposed Kapiti Coast District Plan ("Proposed Plan").
3. I am not an independent expert, given my employment by KiwiRail. However, I have experience in resource management matters having previously worked for local government in a variety of planning, consent, and policy roles. My present role with KiwiRail involves dealing with all aspects of resource management issues in respect of the rail corridor. I provide this statement to assist the Hearings Panel on matters within my knowledge or experience, as well as to confirm to it the views of KiwiRail as an organisation.

Background to Evidence

4. The statement that follows addresses those key elements of KiwiRail's submission relevant to Policy 7.19 – Future Urban Structure Plan.
5. The statement prepared by KiwiRail for Chapter 12 and our primary submission points on Chapters 5 and 11 are relevant to this Topic. We respectfully ask that these are considered alongside the statement for this Hearing.

Planner's S42A Report and Recommendations

6. KiwiRail made a primary submission on Policy 7.19 of the Proposed Plan requesting that the policy specifically consider reverse sensitivity.
7. I have reviewed the Council's Section 42A report, and associated recommendations.
8. I note the Council Officer's recommendation rejected KiwiRail's submission point, but proposed an alternative approach to the structure of the Plan to address future development - structure plan areas, and subdivision. My statement has focussed on explaining the significance of reverse sensitivity effects on KiwiRail's operation of the network and its response to the officer's recommendation.

Context for KiwiRail's Submission

9. The purpose of the RMA, in short form, is to promote the sustainable management of natural and physical resources.
10. The rail network (serving freight and passenger needs) including its component parts' is a physical resource being mostly comprised of man-made structures fixed to land.
11. The rail network and its component parts are essential to the social, economic and environmental well-being of the Kapiti community. Both road and rail are the core linear networks that enable Kapiti and the Wellington Region as a whole to function effectively and efficiently. To the extent that rail integrates with land use and other activities, and enables economic and social wellbeing, plan provisions for reverse sensitivity effects on the rail infrastructure within the proposed Plan should be appropriately addressed.

Reverse Sensitivity

12. The major issues for KiwiRail relate to our submission that the Kapiti Proposed Plan should recognise and provide provisions for reverse sensitivity effects arising from new development and subdivision adjacent to the rail corridor.
13. Reverse sensitivity describes the effect that development of one kind may have on activities already in an area. It usually results from the people involved in a newly established activity (including new owners and occupiers as well as alterations and additions to existing activities and structures) complaining about the effects of existing activities in an area. This can have the effect of leading to the restriction on the operation of established land use such as the rail corridor by seeking for example limitations on train speed, lesser axle loads, and reduced hours of operation and maintenance.
14. The primary reverse sensitivity effects arising for rail are noise and vibration effects. However, other relevant matters include:
 - glare, dust, litter,
 - discharge of storm water onto the rail corridor from neighbouring properties, or stormwater ponds

- building and vegetation encroachment,
 - trespass onto the corridor to maintain buildings where there is insufficient setbacks to construct and maintain buildings,
 - access over the corridor, and
 - changes in visual amenity values arising from railway structures and their replacement
15. These effects have the potential to adversely impact the effective and efficient operation of the designated railway corridor, and create health and safety risks that KiwiRail seeks to avoid.
16. KiwiRail considers the most effective way of managing this is through ensuring relevant policies, performance standards and buffers in district plans. These measures when included in a plan provide potentially affected landowners with a clear signal that there are potentially significant health and safety, amenity and quality of life issues adjacent to the rail corridor. This enables potential landowners to exercise a judgement around how best to provide for their wellbeing with rail as a neighbour, and similarly reduce conflict or reverse sensitivity issues.

Policy – 7.19

Future Urban Structure Plan Areas

17. KiwiRail understands a new Section 1.3A Structure Plans is intended to be included in Chapter 1 of the proposed Plan, with the following feature that must be included in structure plans:
- “protection, safety and access requirements of existing Network Utility Infrastructure, including consideration of potential reverse sensitivity effects.”*
18. This new section will separate out the information about Structure Plans from other information about subdivision in Section 1.3.3 of the proposed Plan. As a result the officer recommends no change to Policy 7.19.
19. KiwiRail considers that the inclusion of the feature would appropriately address submission point 447.9, alongside Chapters 11 and 12 of the proposed Plan (subject to the other proposed amendments in KiwiRail’s primary submission).
20. However, we also consider that the nature of reverse sensitivity effects should be included to illustrate issues of concern (including those outlined in paragraph 15 above). In the absence of examples there is a real risk that such issues will be overlooked by both applicants and Council staff in their respective roles in the plan change or consent process. In my experience, issues associated with the rail network tend not to be relatively well known by third parties, KiwiRail therefore seeks some additional wording to the Section 1.3.3 as follows to guide readers of the proposed Plan.

“protection, safety and access requirements of existing Network Utility Infrastructure, including consideration of potential reverse sensitivity effects such as glare, dust, stormwater, building up to boundaries, vegetation, access, amenity.”

21. KiwiRail notes the same approach is recommended for Policy 5.2 Future Urban Structure Plan Areas in Chapter 5. For clarification KiwiRail also considers that the amendment to the feature (underlined below) would appropriately address submission point 447.5 & 447.6, alongside provisions in Chapters 11 and 12, subject to proposed amendments in KiwiRail's primary submission.
22. As previously noted, KiwiRail acknowledges and accepts the officer's recommendation in the General / Whole-of-plan section 42A report on the PDP to delete the explanations to all of the policies in the PDP.
23. KiwiRail notes the North Otaki Future Urban Development Zone adjoins the western boundary of the rail corridor. We also note that land use change is dynamic and on-going. It is highly unlikely that existing rural and urban development will remain unchanged over the life of the proposed Plan, or the land on either side of the railway corridor would not be potentially subject to private plan changes or resource consents.
24. The rail corridor is historic and constrained in width which reduces the ability to respond to changes in development along the corridor. While KiwiRail does not seek to prevent development it does seek that future development adequately manages potential effects of reverse sensitivity on the railway, and manages the amenity values of future lineside residents through the application of appropriate plan provisions.



Deborah Hewett
Senior RMA Advisor
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