

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

of Chapter 11 Infrastructure of the Kapiti Coast  
District Council proposed District Plan

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**STATEMENT OF EVIDENCE OF DEBORAH ANN HEWETT  
FOR KIWIRAIL HOLDINGS LIMITED  
SUBMITTER: 447**

**1 August 2016**

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**STATEMENT OF EVIDENCE OF DEBORAH ANN HEWETT  
ON BEHALF OF KIWI RAIL HOLDINGS LIMITED ("KiwiRail")**

**1. EXECUTIVE SUMMARY**

1.1 KiwiRail's submissions are focussed on:

- (a) Retaining and confirming the existing rollover designations, and requesting minor modifications to the designation and planning maps with the effect of ensuring that the National rail corridor has an unbroken designation to assist in the effective and efficient ongoing operation, maintenance and enhancement of the National rail corridor for rail purposes.
- (b) Addressing transport and access provisions related to the safe and efficient operation of the railway corridor, particularly near rail level crossings.

**2. INTRODUCTION**

**Qualifications and experience**

- 2.1 My full name is Deborah Ann Hewett.
- 2.2 I am a Senior RMA Advisor for KiwiRail and am authorised to present this evidence on behalf of KiwiRail Holdings Limited ("**KiwiRail**").
- 2.3 I hold a degree in Master of Applied Science in Resource Management from Lincoln University and a Bachelor of Landscape Architecture also from Lincoln University.
- 2.4 I am not an independent expert, given my employment by KiwiRail. However, I have over ten years' 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 evidence 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.

## 1. KIWIRAIL

- 1.1 In 2012, New Zealand Railways Corporation (“**NZRC**”) went through a restructure process. A new entity was created and incorporated. That entity, KiwiRail Holdings Limited (“**KiwiRail**”), took over the KiwiRail Group business on 31 December 2012 that was previously operated by NZRC. KiwiRail became the operator of the rail network, took over financial responsibility for the railway line and took over the designations previously held by NZRC.
- 1.2 KiwiRail has essentially been substituted into the same position as NZRC was as the parent entity operating the KiwiRail business and owning subsidiary companies. KiwiRail leases the land from NZRC.
- 1.3 Given KiwiRail is the owner of the rail infrastructure and is the Access Provider under the Railways Act, as well being a requiring authority responsible for the relevant designations, it is important that KiwiRail is satisfied that any changes to the PAUP will not adversely impact on its ability to continue to operate.<sup>1</sup>
- 1.4 KiwiRail became a requiring authority in 2013 in respect of the network utility operation of its railway line.<sup>2</sup> Pursuant to section 166 of the RMA 1991 KiwiRail is a network utility operator and the requiring authority responsible for railway purposes designations throughout New Zealand.
- 1.5 As part of the written notice under the First Schedule Clause 4 of the RMA 1991 KiwiRail sought an update to the requiring authority entity to “KiwiRail Holdings Limited”. This is reflected in the proposed plan.

## 2. DESIGNATIONS

- 2.1 KiwiRail recently became aware (through the s42A report) that notices of requirement for alterations/modifications to existing designations

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<sup>1</sup> RMA, s 168.

<sup>2</sup> The Resource Management (Approval of KiwiRail Holdings Limited as Requiring Authority) Notice 2013, 14 March 2013, p942.

(including its own) may be unable to be included in the Plan owing to a procedural error by the Council.

- 2.2 KiwiRail notes that the Council's section 42A report anticipates a s181 process to address the procedural matter. KiwiRail will engage with the Council on the detail and timeframes for that process, and considers that it could usefully be subsumed into the existing District Plan Review process (or some other equally efficient response).
- 2.3 In light of the additional process now required, KiwiRail would welcome the opportunity to review any further minor changes which could be considered as part of the s 181(3) process. We will look to work closely with Council staff to ensure consistency between datasets for the designations.
- 2.4 KiwiRail supports the rollover of its existing designation (D0301) and requests that the Panel confirms this as part of the proposed District Plan process.

### **3. ACCESS AND TRANSPORT POLICIES, RULES, SCHEDULE**

- 3.1 KiwiRail seeks a wording amendment to vehicle level crossing rule for correct application and clarification.

1. Any access or road that crosses the rail network via a level crossing shall be constructed and located in accordance with the sight triangles provided in Diagram A9 (Schedule 11.1).
2. No **new vehicle** access **crossing way** shall be located within 30m of a level crossing.

- 3.2 KiwiRail supports the inclusion of the Rail Level Crossing Sightlines in Schedule 11.1, Diagram A9.

### **4. DECISION REQUESTED**

- 4.1 KiwiRail requests that the Panel confirms the roll-over of its designation shown in the proposed Plan as Designation D0301 for railway purposes in favour of KiwiRail Holdings Limited, and is supportive of an efficient and workable process to address proposed alterations to that designation.
- 4.2 KiwiRail seeks a wording amendment to vehicle level crossing rule for correct application and clarification.

1. Any access or road that crosses the rail network via a level crossing shall be constructed and located in accordance with the sight triangles provided in Diagram A9 (Schedule 11.1).
2. No new vehicle access crossing way shall be located within 30m of a level crossing.



Deborah Hewett

1 August 2016