



BEFORE THE RANGITIKEI DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Plan Change to the Rangitikei District Plan

Evidence for Hearing 17 June 2020

Evidence of Rebecca Beals, RMA Team Leader

Submitter: KiwiRail Holdings Ltd.

Introduction

1. My name is Rebecca Beals and I am the RMA Team Leader for KiwiRail Holdings Limited ("**KiwiRail**"). I have over 19 years RMA and planning experience. I hold a Bachelor of Laws, a Bachelor of Science (Geography) and a Masters in Resource and Environmental Planning. I am a full member of the New Zealand Planning Institute and also a member of the Resource Management Law Association.
2. This statement has been prepared on behalf of KiwiRail in connection with its function as a transport network utility operator in the Rangitikei District area.
3. I confirm I have reviewed the s42A report prepared by Greg Carlyon dated 6 March and the supplementary report dated 2 June 2020.

Submission points

4. KiwiRail's submission raised a number of issues that relate to the Plan Change of the Rangitikei District Plan ("**Plan Change**").
5. The Plan Change immediately adjoins the North Island Main Trunk as it enters Marton township, and therefore KiwiRail have an interest in transportation effects and ensuring that the rail network can continue to operate in a safe and efficient manner as a result of the additional 200 plus ha of industrial land.
6. The submission generally raised a concern at the lack of information in relation to transportation effects. I note that no Transport Assessment was available at the time of notification of the Plan Change, however this has now been made available via the Council website.
7. The focus of this evidence relates to transportation effects arising from the zoning change. KiwiRail have no comment in relation to the need for the additional Industrial Zoned land, whether this is the most appropriate site, or the nature of activities to be undertaken.

RMA – Part 2

8. Part 2 sets out the purpose and principles of the RMA. The purpose of the RMA includes managing the use, development and protection of natural and physical resources in a way which enables people and communities to provide for their health and safety.
9. As discussed in my evidence for the Designations hearing, the rail network through Rangitikei is of importance to KiwiRail, supporting the operations along the North Island Main Trunk ("**NIMT**"). To the north of the Plan Change site the NIMT heads north and east, while the Marton New Plymouth Line heads east. These routes enable the movement of freight through the country via rail. There have been (approximately) between 7800 and 9700 train movements on the section of the NIMT that runs past this site in the last five years. These trains all average between 21 and 23 wagons in length. Trains on the NIMT run 24 hours a day, seven days a week, and include both freight and passenger trains.
10. Train timetables are demand driven, and the frequency, length, and timing of train movements is therefore altered to reflect demand. Trains are however large, travel at speed, are powered by diesel locomotives, and therefore create safety effects on KiwiRail if nearby traffic arising from activities nearby is not effectively managed.
11. Given these considerations, it is clear that the rail network is a physical resource that benefits from being able to be sustainably managed and protected through District Plan provisions, to ensure its continued safe and efficient operation.
12. Without providing certainty on ensuring safety effects can be addressed, I do not consider that the Plan Change will result in an outcome that is consistent with Part 2 of the RMA, on the basis that the mitigation of transport effects will not be achieved in a way that protects the health and wellbeing of the community, and will not provide for the sustainable management of the rail network. Certainty is in part achieved through the recommendation proposed in the supplementary S42A.

Relevant regional provisions

Horizons Regional Policy Statement

13. An assessment of the Horizons Regional Policy Statement ("RPS") is provided below, both to ensure that the Plan Change has regard to the relevant regional policy statement, and to recognise the alignment between the RPS and KiwiRail's submission points.
14. Issue 3-3 identifies the integration of land use and infrastructure as an issue for the Region. This is supported by *Objective 3-3: The strategic integration of infrastructure with land use. Urban development occurs in a strategically planned manner which allows for the adequate and timely supply of land and associated infrastructure.*

15. Policy 3-1 ensures the rail network is recognised as infrastructure that is a physical resource of regional and national significance. Policy 3-2 seeks that Territorial Authorities ensure that adverse effects on infrastructure are avoided as far as reasonably practical. This includes by
- a. *ensuring that current infrastructure, infrastructure corridors and other physical resources of regional or national importance, are identified and had regard to in all resource management decision-making, and any development that would adversely affect the operation, maintenance or upgrading of those activities is avoided as far as reasonably practicable,*
 - b. *ensuring that any new activities that would adversely affect the operation, maintenance or upgrading of infrastructure and other physical resources of regional or national importance are not located near existing such resources or such resources allowed by unimplemented resource consents or other RMA authorisations, ...*
 - h. *ensuring effective integration of transport and land use planning and protecting the function of the strategic road and rail network as mapped in the Regional Land Transport Strategy.*
16. Policy 3-4: *The strategic integration of infrastructure with land use. Territorial Authorities must proactively develop and implement appropriate land use strategies to manage urban growth, and they should align their infrastructure asset management planning with those strategies, to ensure the efficient and effective provision of associated infrastructure.* The proactive requirements in this Policy align with the request sought through the submission, that more information be provided to ensure this outcome.

Horizons Regional Land Transport Plan 2015 – 2025 (2018 Review)

17. Issue 1 – Land Use Pressures, notes *“Recent development throughout the region has outpaced the planned strategic land transport network, resulting in a network that is no longer fit for purpose and does not function as effectively as intended.”* Integration is fundamental to managing land use interactions with the transport network, and with recognition of existing development being out of step, without a considered approach to this development further misalignment could occur.
18. Issue 2 – Network Efficiency, notes *“Access to and from other regions linking north-south and east-west are under pressure, becoming less predictable, resulting in inefficiencies which could restrict anticipated future growth in the freight distribution logistics chain. Pressures on the roading network are further compounded by an under-utilised rail network that lacks integration.”* I acknowledge that there is one development proposed to occupy a small portion of the Plan Change site, and KiwiRail is working with that developer in relation to rail connectivity as a means of recognition and addressing this issue. The Plan Change site is over 200ha in area, and there will therefore still be significant increases in traffic movements on the wider roading network as a result of the proposal, which can impact on the efficiency of the rail network if not appropriately managed.
19. Objective 1 notes *“An optimised road, rail and public transport network that provides efficient, reliable access and movement for people and freight to and from key destinations, within and outside the region.”* Integration of the rail network with the development, including ensuring that it can operate in a safe and efficient manner, is unable to be ascertained with certainty based on the

information notified and supplemented by the Transport Assessment made available later.

20. Objective 3 provides “*A safe land transport system increasingly free of death and serious injury.*” Ensuring integration and appropriate mitigation for the increased industrial land development, are necessary to achieve this objective, and align with the outcomes sought by KiwiRail through its submission and this evidence.

District Plan Objectives and Policies

21. Of the Industrial Zone provisions, Policy A1-5.3 seeks to *Maintain connection between industrial activities and key road and rail corridors in the District.* In recognising the connection, Infrastructure Objective 21 seeks to *Protect the safety and operation of network utilities from the adverse effects of other land use activities,* while Policy A501.7 states *Ensure that subdivision, use and development does not compromise the ability of network utilities to function.* KiwiRail are actively working with the Bio Forestry development proposal to enable integration with the rail network, however there is a significant balance area of land to become zoned Industrial as part of this Plan Change and limited surety the safe and efficient of the rail corridor can be protected from the development is available at this time, subject to the supplementary S42A recommendation being adopted.
22. Transport Objective 23 requires the Council to *Ensure that the safety and efficiency of the existing transportation network is maintained, and that additions to the network complement the existing network.* The detail required to ensure this is not yet available.
23. Policy A5-3.2 *Recognise the importance of maintaining the safety and efficiency of the District’s Strategic and Arterial land transport networks, including the rail network.* This again highlights that the rail corridor is a strategic network, and therefore the safe and efficient operation of the network should not be compromised by the development.

Discussion of amendment sought

24. In accordance with section 32 of the RMA, an evaluation report undertaken under the RMA must examine the extent to which the objectives of a proposal (in this case the Plan Change) are the most appropriate way to achieve the purpose of the RMA, and thereafter examine whether the provisions in the proposal are the most appropriate way to achieve the objectives.
25. The Plan Change as notified did not include a Transport Assessment, and therefore the concerns raised in the KiwiRail submission reflected the absence of information. Post the closing of submissions, the Transport Assessment has been made available, and Appendix E to this contains a Level Crossing Safety Impact Assessment (“LCSIA”). This LCSIA assessment is a risk assessment in relation to the ability for a level crossing to safely operate.
26. In this instance as the Plan Change involves the change of underlying zoning from Rural to Industrial, rather than a specific resource consent application, there is an element of assumption that forms the basis of the Transport Assessment and the LCSIA, particularly as the Zone provisions enable a range of activities which can shift between smaller traffic generators and larger traffic

generators. These assumptions include around traffic volumes and where access will be available to the site from.

27. Using that detail, the LCSIA has identified that some minor improvements are required for the level crossing to maintain a Risk Criterion 2 safety rating following the development. There is no provision included in the Plan Change, nor agreement provided from Council as to when this will occur, however this outcome is considered a necessity for a safe rail network.
28. The NZ Transport Agency have raised concerns with the detail in the Traffic Assessment, this includes the basis of the traffic volumes, and the movements that the vehicles will take. In the event that these concerns are accepted by the Council, and as such result in changes to the volume of traffic generated by the Plan Change area being developed for industrial purposes, and/or changes to the routes that the traffic is anticipated to use, then the LCSIA should be revisited to ensure that as a minimum a safety classification rating of 2 is maintained. Similarly, depending on which recommendation in the S42A report is adopted, the traffic modelling and improvement requirements to the roading and rail network may also need to be revisited to ensure this is safely provided for.
29. While a Risk Criterion rating of 1 is preferable for a level crossing, as acknowledged in the LCSIA, there are instances when a lower safety rating can be accepted. This acceptance of a lower rating rarely extends to accepting a Risk Criterion rating of 3 however, therefore further consideration of how traffic movements are managed as a result of the Plan Change, or whether it is acceptable to change the zone for the full 200 plus ha, would be required.
30. I note some of the assumptions in the Transport Assessment include that access is from both Wings Line and Makirikiri Road, however the options identified in the s42A report include an option where access is only via Makirikiri Road. Alignment of decisions with the level of assessment made, and assumptions made in making those assessments is fundamental to ensuring that the outcome delivered achieves the necessary regional and district policy direction, as well as RMA requirements.
31. The supplementary s42A report highlights that there are still some transport matters that need to be resolved or adopted as part of mitigation for the industrial development. This includes improvements that may be required to the level crossing. I accept that some of these elements could be addressed through alternative means outside the District Plan, i.e. level crossing upgrades are a responsibility of the road controlling authority, however we have no certainty around these works being undertaken. While there are Policy provisions proposed to be included to ensure consideration of transport effects in addition to those which already exist, these are fundamentally only considered when a proposal needs consent, so those activities that become permitted can still create unsafe traffic environments however there is no requirement for Council to address that.
32. Without safety improvements being implemented on the roading network, to address safety concerns that the NZ Transport Agency have identified, there is a concern that an unsafe road environment will compound the safety of the rail crossing. There is a concern that without adequate mitigation and an integrated assessment, particularly in light of the location of the two corridors and the site subject to the Plan Change, adverse effects could be transferred between the two transport networks.

33. Of the options outlined in the S42A report, Option 1 is not supported in light of the lack of clarity around effects and mitigation implementation.
34. Option 3 requires that future land uses obtain a resource consent. This would offer KiwiRail the ability to be involved in future consent applications in relation to traffic generation, however I have a concern that this could result in unequitable outcomes, for example the applications near the end of the development process may result in assessments highlighting that that activity trips the effects on the rail network from outside Risk Criterion 2 to Risk Criterion 3, and therefore the mitigation falls to that proponent – effectively requiring that party to mitigate all the effects of previous developments as well. Further to that, I support the concerns raised in the s42A report at paragraph 146 that this approach is not effective or efficient.
35. I would support giving effect to Option 4, specifically deferring the zoning until the development of a cohesive structure plan for the site, to ensure that there is clarity around what is proposed, which will in turn enable an informed assessments to be undertaken and appropriate mitigation to be developed.
36. Reducing the scale of the Plan Change area to approximately 40ha as proposed in Option 5 would be supported subject to ensuring that traffic effects are understood and mitigated. In this instance however, the justification for the notification of the significantly larger 200plus ha Plan Change area is questioned. in terms of mitigating traffic effects. Of the two example figures of areas that could be the 40ha, the second that ends at Makirikiri Road at a point, is not supported in that this will result in a vehicle access in what appears to be close proximity to the level crossing. KiwiRail require that these are setback at least 30m from a level crossing to maintain safe usage and prevent fouling of level crossings by vehicle manoeuvres entering the site. Unless the area could be scaled to show that this can be complied with, this option would not be supported.
37. The supplementary S42A expands on the options of the initial S42A and outlines a two-stage approach to development of the Plan Change area. The first being a deferral overlay. The deferral overlay applies to the whole site and requires all activities to get a Restricted Discretionary Activity consent, with KiwiRail identified as an affected party. To lift the deferral a Structure Plan is required, which is a notified process. KiwiRail would then have an opportunity to be involved in the Structure Plan process. The anticipation is that the Structure Plan follows the draft site plan appended to the supplementary S42A is further breaks development down into two stages. KiwiRail have the greater interest in Stage 1 of the development identified on the draft site plan.
38. Fundamentally, the options presented that seek to change the proposal to ensure the effects on transport are addressed are supported.

Summary

39. While the approach in the supplementary S42A seems to allow the Plan Change while requiring a future plan change to adopt a Structure Plan, and in between time all activities need consent, this approach is supported by KiwiRail as providing us with sufficient certainty that safety effects arising from development are able to be addressed while enabling industrial development of the site to a greater degree than currently facilitated by the existing zoning.
40. In the event that the recommendation in the supplementary S42A is not adopted, I believe that further information is required to ensure that adverse effects from an increase in traffic movements can be adequately mitigated before a decision on the Plan Change is made. While implementing improvements to the level crossing may fall outside the Plan Change process and be agreed between Council and KiwiRail, at this stage there is no certainty that the effects can be mitigated by the improvement works identified in the LCSIA as described above.



Rebecca Beals
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