

BEFORE INDEPENDENT COMMISSIONERS

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Porirua District Plan
("Proposed Plan")

**STATEMENT OF EVIDENCE OF MICHELLE GRINLINTON-HANCOCK
ON BEHALF OF KIWIRAIL HOLDINGS LIMITED**

PLANNING

1. INTRODUCTION

- 1.1 My name is Michelle Grinlinton-Hancock and I am the RMA Team Leader for KiwiRail Holdings Limited ("**KiwiRail**").
- 1.2 I have over 20 years RMA and planning experience and I am a full member of the New Zealand Planning Institute. I graduated from Massey University in 2000 with a Bachelors of Resource and Environmental Planning (Hons).
- 1.3 I began my career in planning and resource management in 2000. Over the course of my career I have worked as a planner inhouse at Councils processing applications, as well as a consultant where I prepared consent applications and submitted on district and regional plan provisions on behalf of clients. Prior to working for KiwiRail, while I was employed at WSP I was the programme manager for the Ministry for the Environment Making Good Decisions program, and I am also a certified Commissioner under the Ministry for the Environment Making Good Decisions program.

1.4 I have worked for KiwiRail in the capacity as a Senior RMA Advisor and now as Team Leader for almost two years.

1.5 This statement has been prepared on behalf of KiwiRail and relates to the matters contained in Hearing Stream 4 which KiwiRail submitted on.

2. **CODE OF CONDUCT**

2.1 While this is a Council hearing, I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

3. **KIWI RAIL IN THE PORIRUA DISTRICT**

3.1 KiwiRail is the State-Owned Enterprise responsible for the management and operation of the national railway. KiwiRail's activities include 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 for "Railway Purposes" (or similar) in District Plans throughout New Zealand.

3.2 KiwiRail's North Island Main Trunk Line ("**NIMT**") passes through the Porirua District. The NIMT is of regional and national importance, supporting the movement of freight through the country via rail. Growth in use of the NIMT will be influenced by the desire to achieve a low-carbon economy and the mode shift in freight moving off roads and onto rail, as well as increased rail commuter demand. This growth in rail is anticipated to require electrification to extend further north from central Wellington potentially as far as the Horowhenua District, alongside the extension of the expressway network.

3.3 The Porirua area is forecast to experience considerable population growth over the next 25 years, which is expected to place additional demand upon the rail network. In response to this forecast growth KiwiRail has enacted the Wellington Metro Upgrade Programme ("**WMUP**"), a programme of work to renew existing infrastructure and to add capacity. It includes the PACE project, which involves several works in the vicinity of the Plimmerton train station, including:

- (a) the replacement and upgrading of existing rail infrastructure (ie signals and overhead lines);
- (b) improvements at Styene Avenue;
- (c) realignment of the existing tracks;
- (d) establishment of an additional downmain (the existing downmain will be used to provide a new passing loop for freight trains);
- (e) a new station platform at Plimmerton train station;
- (f) new crossovers and alterations to existing level-crossings;
- (g) extension of the northern underpass; and
- (h) a pedestrian subway.

3.4 The projects within the WMUP have been designed to deliver upon the benefits outlined in the Wellington Metro Railway – Unlocking Capacity and Improving Resilience Business Case by:

- (a) improving peak service frequency and capacity to provide a higher quality passenger rail service;
- (b) catering for forecast peak passenger growth through to 2030;
- (c) enabling a new timetable with an enhanced AM peak; and
- (d) reducing the potential for conflict between services.

4. SCOPE OF EVIDENCE

4.1 I have structured this evidence in line with the relevant Hearing Stream 4 s42A reports that are relevant to KiwiRail's original submission as follows:

- (a) Infrastructure;
- (b) Noise and vibration; and
- (c) Transport.

- 4.2 KiwiRail accepts the majority of the reporting planner's recommendations in the s42A report in relation to its submission points, including in some circumstances where the recommendation rejected KiwiRail's original submission, or accepted its submission in part. KiwiRail's submission points which the reporting planner has accepted are not discussed further in this evidence, other than being noted where they support related submissions.
- 4.3 It is noted that KiwiRail has submitted in relation to Strategic Direction and Signs which are a part of this Hearing Stream. The reporting planner recommendations in relation to the submissions on these matters are accepted and supported with no further commentary.

5. INFRASTRUCTURE

- 5.1 The rail corridor is an important physical resource and strategic transport infrastructure. As part of its operations and obligations to its customers, KiwiRail requires the ability to operate trains as required to meet demand. This can result in changes to the timing, frequency, or length of trains passing along the route. This can also result in upgrades to the network that can provide passing opportunities for trains, or other associated rail improvements.
- 5.2 As an asset of regional and national significance, it is important the rail corridor can operate safely and efficiently without interference. Any interference with the railway corridor can be incredibly disruptive to rail services creating unnecessary delays to passengers and freight. For development on land adjoining the corridor, an efficient and effective means of ensuring that the risk of interference is mitigated is through a physical building setback from the boundary of the rail corridor.
- 5.3 A setback is important to provide enough space within the adjoining site for maintenance and cleaning of buildings and preventing unintentional incursion into the corridor. Buildings right up on the boundary (or too close to the boundary) would not have enough space on site for these ancillary activities. Accessing the rail corridor intentionally or inadvertently to undertake cleaning and maintenance is a safety issue. This is particularly the case in areas where buildings are taller, as buildings become more difficult to maintain and require additional equipment like scaffolding for maintenance, which often inadvertently enter the railway corridor.

- 5.4 The closer a building is to the railway, the more likely it is that objects from open windows are inadvertently thrown onto the track and become obstructions. This becomes a safety issue for rail employees who need to remove the obstruction, not to mention train drivers and passengers on trains if the obstruction is not removed in time. It also becomes a safety issue for residents who seek to retrieve the item from the track, due to danger from both trains and the electrified line.
- 5.5 A physical setback also manages adverse effects on the safety of the adjacent occupiers and operation of the railway corridor, while also providing a level of amenity in terms of safe enjoyment of land use activities adjacent to the corridor.

Comments on key recommendations

- 5.6 In respect of the submissions that the reporting planner has recommended be rejected or accepted only in part, KiwiRail has the following comments:

Submission number	Provision	Comments on reporting planner recommendations
86.42	INF-S8	<p>KiwiRail's submission sought for INF-S8 to be amended to exclude ancillary transport network infrastructure (such as station buildings and associated public facilities as well as rail safety structures) from the standard, as the wording as notified unintentionally caught these ancillary activities.</p> <p>The reporting planner supports the intent of KiwiRail's relief but has proposed alternative wording (to specifically exclude ancillary transport network infrastructure).</p> <p>KiwiRail supports the alternative wording on the basis that it appropriately addresses the matters raised in KiwiRail's submission.</p>
86.7	Setbacks in various zones	<p>KiwiRail's submission sought an amendment to the standards in various zones requiring a setback of at least 4 metres (although it was noted that a setback of 5m would be preferred) from the rail corridor. While the reporting planner generally supports the intent of a</p>

		<p>setback from the rail corridor, he considers that a setback of 4m would promote outdoor living space contrary to the intent of the provisions and that 1.5m would generally be sufficient. KiwiRail does not consider that a setback of 1.5m is sufficient and continues to support the inclusion of a 4m setback.</p> <p>The primary intent of the provisions is to manage safety risks of development adjoining the corridor. Buildings need to be setback a sufficient distance to ensure that use of those buildings as well as fixtures on the buildings such as signs and awnings, on buildings immediately adjoining the rail boundary do not interfere with the rail corridor.</p> <p>While a building setback would result in a greater area of open space adjacent to the rail corridor (as the reporting planner has noted), this space is necessary to minimise the risks of activities that may not otherwise be seen as creating safety risks (such as water blasting and using equipment like ladders) from interfering with the rail corridor. It is particularly important to manage these activities where the rail line is electrified (as in the case of Porirua), as activities such as spray drift from water blasters could have significant consequences if it interferes with the electrified lines or impedes visibility for train drivers. A physical setback is an efficient and effective method of minimising the risk of these activities interfering with the rail corridor.</p>
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6. NOISE AND VIBRATION

- 6.1 As outlined in the evidence of Dr Stephen Chiles, it is well accepted that rail activities generate adverse noise and vibration effects on neighbouring land which cannot be entirely mitigated or internalised within the rail corridor. It is also generally accepted that planning instruments should recognise and address those adverse effects where possible.

- 6.2 Trains are large, travel at speed, and within the Porirua District are either run as part of the electrified network (metro trains) or are powered by diesel locomotives (with the odd exception for steam excursions). For diesel trains, rail noise is generated at two levels: track level and approximately 3.8m above track (at engine exhaust). For metro trains that run on the electrified network, noise is generated at track level. Vibration is caused by the movements of trains across the tracks and differs depending on a combination of track and ground conditions. While KiwiRail undertakes regular maintenance and upgrading of its tracks to minimise these effects, residual noise and vibration effects cannot be entirely internalised within the rail corridor and have the potential to cause ongoing disturbance and adverse health effects to communities surrounding the rail corridor.
- 6.3 A particular concern for KiwiRail is the potential for "reverse sensitivity" effects that new or intensified developments of sensitive land uses (eg dwellings) near the rail corridor will have on KiwiRail's activities. This well recognised resource management concept refers to the impact that locating new, sensitive activities adjacent to existing lawfully established effects-generating activities has on the ongoing operation of those existing activities. New developments, or higher density redevelopment of existing residential land, can result in much greater numbers of individuals subject to adverse noise and vibration effects. This can result in increased complaints, more difficult consenting or designation processes for necessary infrastructure works or other operational constraints on the rail network (such as limitations on operating hours).
- 6.4 KiwiRail is supportive of urban development. KiwiRail is a responsible infrastructure operator and has an ongoing programme of upgrade and maintenance work to improve track condition overtime which helps to minimise potential noise and vibration. However, trains create noise, and vibration, and it is not possible for KiwiRail to internalise all of these effects on its neighbours in all cases. It is critical that plan provisions recognise, provide for and appropriately address these issues so that the ongoing operation and efficiency of the rail network can be maintained and the health and wellbeing impacts on neighbouring communities are minimised.

6.5 The options available to address noise and vibration issues which cannot be internalised are:

- (a) **No controls** – Although this is an option it is not considered to be a socially responsible one, given the health impacts of rail noise and vibration outlined in the evidence of Mr Chiles.
- (b) **Designate to extent of no discernible effect at the boundary** – this is an option that has been put to KiwiRail on several occasions by submitters who oppose KiwiRail's desire for noise and vibration provisions within District Plans. It is not palatable for several reasons, the primary being that it effectively sterilises land from use for other activities that would prevent or hinder rail operations to an extent that is not reasonable in order to address effects. KiwiRail does not consider it could meet the "reasonably necessary" test at section 171(1)(c) of the RMA to justify designating all land affected by noise and vibration effects from the rail corridor nor would it meet the sustainable management purpose of the RMA.
- (c) **District plan controls** – This is the preferred option for KiwiRail. The District Plan is accessible to the public and the primary means of planning for and reconciling different (and opposing) land-uses. Similar noise and/or vibration standards for rail are included in various second-generation operative district plans, including Christchurch, Dunedin, Tauranga, Hamilton, Palmerston North and Hutt City.¹ Noise controls are also well accepted planning provisions for other noise-generating activities, including roads, railways, airports, ports, quarries, industrial sites, industrial and business zones, gun clubs and motorsport facilities.

6.6 The appropriate management of noise and vibration effects from rail on both communities and KiwiRail is a national matter. As noted above, several plans have already adopted controls to manage these effects, and several more districts are considering similar controls through ongoing district-wide or private plan change processes.

¹

I acknowledge that in the Auckland Unitary Plan the provisions were not accepted by the Hearings Panel, but were recommended by the Council reporting planners for acceptance. This is the only instance in the last four plus years where I am aware the requested provisions have not been accepted in the final version of the plan.

Comments on key recommendations

- 6.7 The noise and vibration provisions set out in the notified version of the Proposed Plan are well advanced in terms of acknowledging the inherent tension that exists between transport infrastructure and noise sensitive activities. In its original submission KiwiRail supported the provisions as notified, with a few amendments required to refine and improve the provisions.
- 6.8 In respect of the submissions that the reporting planner has recommended be rejected or accepted only in part, KiwiRail has the following comments:

Submission number	Provision	Comments on reporting planner recommendations
86.58	NOISE-O2 – Reverse sensitivity	<p>KiwiRail's submission sought for NOISE-O2 to be retained as notified, on the basis that the provision appropriately recognised reverse sensitivity effects and ensured the function and operation of existing and permitted activities is not compromised by the location of new noise sensitive activities. As noted in the s42A report, NOISE-O2 aligns with Policy 8 of the Regional Policy Statement, which requires plans to include policies and rules which protect regionally significant infrastructure from incompatible activities.</p> <p>KiwiRail supports the commentary in the s42A report on this provision and considers that the reporting planner's proposed amendment (to tighten the focus of the objective squarely on reverse sensitivity rather than adverse effects more broadly) retains the core intent of the objective to manage reverse sensitivity.</p>
86.59	NOISE-P4 – Reverse sensitivity from State Highways	<p>KiwiRail's submission sought for NOISE-P4 to be retained as notified, in accordance with its support of the Proposed Plan's reverse</p>

	<p>and Rail Network</p>	<p>sensitivity provisions (see comments re NOISE-O2 above).</p> <p>The reporting planner accepted this submission in part, with minor changes recommended to NOISE-P4 to add two additional considerations to have regard to where noise sensitive activities are developed adjacent to the rail corridor. These were to consider existing topographical features (and the mitigation these provide) and the ability to mitigate vibration effects. These were added in response to concerns raised by submitters, particularly in respect of the cost of noise and vibration mitigation.</p> <p>KiwiRail supports the inclusion of the additional consideration of topographical features. It does not however support the additional consideration in respect of vibration. I consider the drafting of this addition is unclear and therefore difficult to apply and enforce as to what the "ability to mitigate" is in reference to (eg whether mitigation is possible at all vs whether it is simply costly or complex for developers). As outlined in Dr Chiles evidence, there are a number of mitigation techniques that developers can take to address vibration. KiwiRail considers this policy could enable developers to avoid necessary mitigation on claims of cost or complexity by exploiting the currently ambiguous drafting.</p>
86.60	<p>NOISE-R5 – New or altered buildings in</p>	<p>KiwiRail's submission sought for NOISE-R5 to be retained as notified. The reporting planner recommended a number of amendments to the rule, in response to concerns by other</p>

	<p>proximity to the rail corridor.</p>	<p>submitters about complexity in mitigation requirements for buildings surrounding transport corridors.</p> <p>KiwiRail maintains its support for NOISE-R5 as notified, in accordance with its submissions that vibration provisions should be retained in the plan. However, should the Commissioners still be minded to amend it, I suggest new drafting included at Appendix A to this evidence, which would significantly simplify the application of the rule. I understand Waka Kotahi is seeking broadly similar relief.</p>
<p>86.61</p>	<p>NOISE-S2 – Indoor design level controls</p>	<p>KiwiRail's submission sought for NOISE-S2 to be retained as notified, which the reporting planner accepted in part. An amendment has been recommended to include any topographical or other features on the site or surrounding area in alignment with the recommended changes to NOISE-P4.</p> <p>KiwiRail supports this amendment and the consideration of such features.</p>
<p>86.62</p>	<p>NOISE-S3 – Mechanical ventilation controls</p>	<p>KiwiRail's submission sought for NOISE-S3 to be retained as proposed, which the reporting planner accepted in part. An amendment has been recommended to include any topographical or other features on the site or surrounding area, in alignment with the recommended changes to NOISE-P4.</p> <p>KiwiRail supports this amendment and the consideration of such features.</p>

86.63	NOISE-S4 – Vibration controls	<p>KiwiRail's submission sought for NOISE-S4 to be retained as notified. The reporting planner has recommended the standard instead be rejected, on the basis of submissions opposing vibration controls due to complexity and/or cost of mitigation requirements.</p> <p>Dr Chiles provides a full response to these concerns and the need for a vibration standard in his evidence at 7.3 to 7.7. I rely on that expertise, and on that basis KiwiRail opposes the recommendation to remove NOISE-S4.</p>
86.5	Noise Sensitive Activity	<p>KiwiRail's submission sought the definition to be retained as proposed, which the s42A report accepted in part other than an amendment made to the definition with the addition of Retirement villages. KiwiRail supports the minor amendment to this definition.</p>

7. TRANSPORT

- 7.1 The safety and efficiency of the rail network as a transport network is a significant concern to KiwiRail as the potential impacts of an incident on the rail corridor often have devastating outcomes. One of the ways that KiwiRail seeks to manage potential safety effects is by the inclusion of provisions including rules relating to sight distances for level crossings and requiring that vehicle accesses are at least 30m away from a level crossing to minimise the impact of short stacking of vehicles occurring across the rail corridor.
- 7.2 Level crossings pose one of the most significant risks on the rail network for KiwiRail as a Network Utility Operator and to the public. KiwiRail has a policy of strongly discouraging the creation of new level crossings and actively seeks to remove level crossings where it can, as level crossings pose a significant risk to health, safety and wellbeing as is evidenced by the high number of incidents that occur each year which includes a number of associated fatalities which is devastating to KiwiRail and families alike.

7.3 I can confirm Mr Smeaton’s review of aerial photography that there are currently only two level crossings within Porirua and they are at Pascoe Avenue and Steyne Avenue. As noted earlier in this statement the Steyne Avenue crossing is currently the subject of major upgrade works.

Comments on key recommendations

7.4 KiwiRail appreciates the degree of thought that Mr Smeaton has put into the most appropriate location for the provisions relating to level crossings within the Plan. KiwiRail agrees with Mr Smeaton’s conclusion that the Transport chapter is the most appropriate chapter to house the provisions as those undertaking developments which affect or are within the vicinity of level crossings are likely going to need to be considering other transport provisions.

7.5 KiwiRail has considered both the provision put forward by Ms Fraser in paragraph 72 of her evidence and the amended provision suggested by KiwiRail in its original submission and converted by Mr Smeaton into the Plan’s standard drafting and as set out in Appendix A of the s42A report. KiwiRail prefers the drafting of Mr Smeaton with the exception of minor amendments as set out in the below table as they are clear and provide for the most part the same information and requirements as were sought in KiwiRail’s relief:

Submission number	Provision	Comments on reporting planner recommendations
86.45	TR-R6 Sight distances at Level Crossings	<p>KiwiRail supports the additional amendments for TR-R6 suggested in the s42A report with the further following amendments:</p> <p><i>* Distances A and B are shown in TR-Figure 7 <u>10</u> and TR-Figure <u>811</u></i></p> <p>In addition, below the advice notes relating to Distances A and B in TR-Table 10, KiwiRail considers additional advice notes need to be included so that it is clear there are other factors that need to be taken into consideration and not just the meterage set out in the table.</p> <p>KiwiRail seeks that the following note also be included:</p> <p><u><i>All figures are based on the sighting distance formula used in NZTA Traffic Control Devices</i></u></p>

		<p><u>Manual 2008, Part 9 Level Crossings. The formulae in this document are performance based; however the rule contains fixed parameters to enable easy application of the standard. Approach and restart distances are derived from a:</u></p> <ul style="list-style-type: none"> • <u>train speed of 110 km/h</u> • <u>vehicle approach speed of 20 km/h</u> • <u>fall of 8 % on the approach to the level crossing and a rise of 8 % at the level crossing</u> • <u>25 m design truck length</u> • <u>90° angle between road and rail</u>
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8. RELEVANT NATIONAL AND REGIONAL PLANNING PROVISIONS

Regional Policy Statement ("RPS")

8.1 There is a statutory obligation for district plan changes to give effect to the relevant regional policy statement. The RPS for the Wellington Region is the relevant higher order planning document.

8.2 The first relevant policy is Policy 7 which relates to recognising the benefits from renewable energy and regionally significant infrastructure – regional and district plans. This policy is relevant in that the inclusion of the level crossing provisions and setback from level crossings gives effect to P7(a)(i):

District and regional plans shall include policies and/or methods that recognise:

a) the social, economic, cultural and environmental benefits of regionally significant infrastructure including:

(i) people and goods can travel to, from and around the region efficiently and safely;

8.3 The other relevant policy is Policy 8. This policy has been referenced in the s42A report and relates to protecting regionally significant infrastructure – regional and district plans. The policy states:

District and regional plans shall include policies and rules that protect regionally significant infrastructure from incompatible new subdivision, use and development occurring under, over, or adjacent to the infrastructure:

8.4 The explanation attached to the policy outlines that:

Regionally significant infrastructure is an important physical resource that enables people and communities to provide for their

social, economic and cultural wellbeing, and their health and safety.

It also goes on to say:

Protecting regionally significant infrastructure does not mean that all land uses or activities under, over, or adjacent are prevented.

- 8.5 The definition of Regionally Significant infrastructure includes the Strategic Transport Network as defined in the Wellington Regional Land Transport Strategy 2007-2016, which includes the NIMT and 4 other rail lines. The above policies recognise the potential for adverse effects on the railway network to arise from inappropriate subdivision, use and development and provide clear support for the inclusion of measures in the Proposed Plan to appropriately manage the interface between regionally significant transport networks and urban form.
- 8.6 It is considered that the amended vibration and setback provisions of the Proposed Plan as recommended by the s42A report do not give full effect to Policy 8. KiwiRail considers that the retention of the vibration provisions in the Plan and the inclusion of a setback from the rail corridor of 4m would give effect to the Policy.

9. RMA – PART 2

- 9.1 Although I do not consider that reference to Part 2 is required in assessing the appropriateness of the Proposed Plan provisions, for completeness, I consider that without the amendments sought by KiwiRail the recommendations in the section 42A report will result in an outcome that is not consistent with the sustainable management purpose of the RMA.

Michelle Grinlinton-Hancock

21 January 2022

APPENDIX A – PROPOSED AMENDMENTS TO NOISE-R5

<p>NOISE-R5</p>	<p>New buildings, change of use of existing buildings, and additions to existing buildings over 50m², for use by a noise-sensitive activity or place of worship in proximity to State Highways and the North Island Main Trunk railway line</p>
<p>All zones</p>	<p>1. Activity status: Permitted Where:</p> <p>a. The building or part of the building for use by a noise sensitive activity or place of worship is within:</p> <ul style="list-style-type: none"> i. 80m<u>100m</u> of the outer painted lane marking of a State Highway with a speed limit of greater than 70km/h; ii. 50m of the outer painted lane marking of a State Highway with a speed limit of 70km/h or less; or iii. 100m of the centre of a track that is part of the North Island Main Trunk railway line; and <p>b. The building or part of the building for use by a noise sensitive activity or place of worship is not within:</p> <ul style="list-style-type: none"> i. 40m of the outer painted lane marking of a State Highway with a speed limit greater than 70km/h; ii. 20m of the outer painted lane marking of a State Highway with a speed limit of 70km/h or less; or iii. 30m of the centre of a track that is part of the North Island Main Trunk railway line; and <p>c. Compliance is achieved with:</p> <ul style="list-style-type: none"> i. NOISE-S1; ii. NOISE-S2; and iii. NOISE-S3; <u>iv. NOISE-S3A; and</u> <u>v. NOISE-S7</u>
<p>Residential Zones</p>	<p>2. Activity status: Controlled Where:</p> <p>a. Compliance is not achieved with NOISE-R5-1.b.iii</p> <p>Matters of control are limited to:</p> <p>1. The matters in NOISE-P4.</p> <p>Notification:</p> <ul style="list-style-type: none"> • An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA. • When deciding whether any person is affected in relation to this rule for the purpose of section 95E of the RMA, the Council will give specific consideration to any adverse effects on Waka Kotahi New Zealand Transport Agency and KiwiRail Holdings Limited.
<p>Rural Zones</p> <p>Commercial and Mixed Use Zones</p>	<p>3. Activity status: Restricted discretionary Where: a. Compliance is not achieved with NOISE-R5-1.b.iii;</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in NOISE-P4.</p> <p>Notification:</p>

<p>General Industrial Zone</p> <p>Open Space and Recreation Zones</p> <p>Special Purpose Zones</p>	<p>• An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.</p> <p>• When deciding whether any person is affected in relation to this rule for the purpose of section 95E of the RMA, the Council will give specific consideration to any adverse effects on Waka Kotahi New Zealand Transport Agency and KiwiRail Holdings Limited.</p>
<p>All zones</p>	<p>4. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with NOISE-S1, NOISE-S2, or NOISE-S3, <u>NOISE-S3A or NOISE-S7.</u></p> <p>Matters of discretion are restricted to:</p> <p>1. The matters of discretion of any infringed standard.</p> <p>Notification:</p> <ul style="list-style-type: none"> • An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA. • When deciding whether any person is affected in relation to this rule for the purpose of section 95E of the RMA, the Council will give specific consideration to any adverse effects on Waka Kotahi New Zealand Transport Agency and KiwiRail Holdings Limited.