

5 August 2026

Hearings Panel
Hutt City Council
Private Bag 31912
LOWER HUTT 5040

By email to: district.plan@huttcity.govt.nz

Dear Commissioners,

Proposed Lower Hutt District Plan – Hearing 5 (Natural Hazards)

KiwiRail Holdings Limited (**KiwiRail**) is the State-Owned Enterprise responsible for the management and operation of the national railway network. This includes 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 "Railway Purposes" in district plans throughout New Zealand.

Four of KiwiRail's submissions on the Proposed Lower Hutt District Plan (**Proposed Plan**), made on 2 May 2025, have been allocated to Hearing 5 (Natural Hazards). The Council Officer, Mr Stephen Davis, has recommended that one of KiwiRail's submission points be rejected, and the rest be accepted in part. KiwiRail's position on these recommendations is set out in the table included at **Appendix A** to this letter.

At this stage, KiwiRail does not wish to be heard at the hearing for Hearing 5 and respectfully requests this letter is tabled as a record of KiwiRail's position on the Natural Hazards chapter of the Proposed Plan. I am available to answer any questions from the Hearing Panel either in writing or via video conference if required.

Yours faithfully,

A handwritten signature in blue ink, reading "Michelle Grinlinton-Hancock".

Michelle Grinlinton-Hancock
Manager RMA Team



Appendix A – KiwiRail's position on the Council Officer's recommendations

Submission number	Provision	KiwiRail's submission	Council Officer Recommendation	KiwiRail's Comments on Council Officer's recommendation
442.1	Definition: Activity least sensitive to natural hazards	Retain as notified	The Council Officer has made some amendments to respond to submissions from other parties. The definition now reads: Activity least sensitive to natural hazards means a: a. accessory building <u>or part of a building</u> used for non-habitable purposes, <u>b. structure used for non-habitable purposes,</u> c. building associated with marina operations (above MHWS), d. passive recreation activity, e. parks facility, or f. plantation forest or plantation forestry, <u>or</u> <u>g. any activity not otherwise included as an activity potentially sensitive to</u>	KiwiRail supports the Council Officer's amendments to this definition and the division of activities according to degree of sensitivity to natural hazards. The amendments recommended will assist in the interpretation of rules regarding natural hazard management and in particular, KiwiRail considers the addition of subsection (g) helpfully clarifies that all other activities not captured as potentially (or most) sensitive to natural hazards will fall to be least sensitive to natural hazards.

Submission number	Provision	KiwiRail's submission	Council Officer Recommendation	KiwiRail's Comments on Council Officer's recommendation
			<u>natural hazards or an activity most sensitive to natural hazards.</u>	
442.2	Definition: Activity potentially sensitive to natural hazards	Retain as notified	The Council Officer has made the following amendments in light of submissions from other parties. The definition now reads: Activity potentially sensitive to natural hazards means a: ... <u>k. significant hazardous facility,</u> ... but excludes any activities most sensitive to natural hazards and <u>activities in clauses (a) to (f) of the</u>	As above, KiwiRail supports the Council Officer's amendments to this definition and the division of activities according to degree of sensitivity to natural hazards. The amendments recommended to this definition will assist in the interpretation of rules regarding natural hazard management.

Submission number	Provision	KiwiRail's submission	Council Officer Recommendation	KiwiRail's Comments on Council Officer's recommendation
			<u>definition of</u> activities least sensitive to natural hazards.	
442.68	NH-P4 (Natural hazard mitigation)	Retain as notified	The Council Officer has made some changes to this policy for consistency with defined terms in the plan, and rules implementing this policy. The policy now reads: NH-P4 (Natural hazard mitigation) Enable natural hazard mitigation works undertaken by the Wellington Regional Council, Hutt City Council, new Zealand Transport Agency (Waka Kotahi), KiwiRail or their nominated contractors or agents <u>central government, local government, or their agents</u> within Natural Hazard	KiwiRail supports the Council Officer's recommendation. KiwiRail is a state-owned enterprise, which falls within the Proposed Plan's definition for "Central Government". The recommended amendments to NH-P4 (which include Central Government) ensures this policy applies to KiwiRail when it is undertaking natural hazard mitigation works that will decrease the existing risk to people, buildings and infrastructure.

Submission number	Provision	KiwiRail's submission	Council Officer Recommendation	KiwiRail's Comments on Council Officer's recommendation
			Overlays where these will decrease the existing risk to people, buildings and infrastructure.	
442.69	NH-R18 (Flood Mitigation works within the Flood Hazard Overlays)	Amend the rule as follows: Where: a. The works must be undertaken by either central government, local government, <u>network utility operators</u>, or their agents for the express purpose of flood mitigation works.	The Council Officer has rejected KiwiRail's relief on the basis that KiwiRail is included under the definition of "Central Government" as a state-owned enterprise. The Council Officer has however recommended one amendment below to specify that this rule can override any catch-all zone rules. The policy now reads: NH-R18 (Flood Mitigation works within the Flood Hazard Overlays)	KiwiRail supports the Council Officer's amendments. As a state-owned enterprise, KiwiRail falls within the definition of "Central Government" in the Proposed Plan so can rely on NH-R18 to undertake flood mitigation works within the Flood Hazard Overlays as a permitted activity. KiwiRail supports the additional clarification that the Rule applies instead of another zone or precinct rule.

Submission number	Provision	KiwiRail's submission	Council Officer Recommendation	KiwiRail's Comments on Council Officer's recommendation
			<u>This rule applies instead of any zone or precinct rule.</u> <u>Other district-wide rules still apply in addition to this rule.</u> ... All zones 1. Permitted Where: [...]	