

**IN THE ENVIRONMENT COURT
AUCKLAND**

ENV-2022-AKL-

**I MUA I TE KOOTI TAIAO O AOTEAROA
I TAMAKI MAKAUROA ROHE**

IN THE MATTER of the Resource Management Act 1991 ("**RMA**")

AND

IN THE MATTER of Clause 14(1) of Schedule 1 of the RMA

BETWEEN **KIWIRAIL HOLDINGS LIMITED**

Appellant

AND **WAIKATO DISTRICT COUNCIL**

Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISIONS ON
THE PROPOSED WAIKATO DISTRICT PLAN**

1 MARCH 2022

**Russell
McAugh**

A A Arthur-Young | L J Rapley
P +64 9 367 8000
F +64 9 367 8163
PO Box 8
DX CX10085
Auckland

To: The Registrar
The Environment Court
AUCKLAND

KIWI RAIL HOLDINGS LIMITED ("KiwiRail") appeals against parts of the decisions of the Waikato District Council ("**Council**") in respect of the Proposed Waikato District Plan ("**Proposed Plan**").

BACKGROUND AND DECISIONS APPEALED

1. KiwiRail made a submission on the Proposed Plan on 9 October 2018,¹ and a further submission on 15 July 2019.² KiwiRail presented evidence and legal submissions in support of its submission.
2. KiwiRail received notice of the Council's decision on the Proposed Plan on 17 January 2022 ("**Decision**").
3. The parts of the Decision being appealed are the decisions to reject or to accept only in part the matters raised in KiwiRail's submission, or to amend the Proposed Plan in a way that is inconsistent with the matters raised in KiwiRail's submission. KiwiRail appeals those parts of the Decision summarised in paragraph 7 for the reasons set out in paragraphs 8 to 28.
4. KiwiRail is not a trade competitor for the purposes of section 308D of the RMA.
5. KiwiRail is a State Owned Enterprise responsible for the management and operation of the national railway network. Its role includes managing railway infrastructure and land, as well as freight and passenger services within New Zealand. KiwiRail is a requiring authority and responsible for designations for its railway operations throughout New Zealand.
6. The North Island Main Trunk Line and the East Coast Main Trunk pass through the Waikato District, as well as the Hautapu and Rotowaro Branch Lines. The railway network plays a critical role in supporting the social and economic well-being of the District and the wider Waikato region. KiwiRail has an interest in protecting its ability to continue to operate, maintain and develop its nationally significant rail network, as well as ensuring the safety and amenity of those parties occupying land adjacent to the rail corridor.

SCOPE OF APPEAL

7. KiwiRail appeals the parts of the Decision that rejected, or accepted in part, the following relief sought by KiwiRail:
 - (a) new provisions to include noise and vibration controls to manage sensitive activities in proximity to the rail corridor;³ and

¹ Submission number 986.

² Further submission number 1272.

³ Submission points 986.51-52.

- (b) amendments to existing, and new, provisions to require all new or altered buildings or structures in relevant zones to be set back 5 metres from the railway corridor boundary.⁴

GENERAL REASONS FOR APPEAL

8. The Proposed Plan, in its present form:
 - (a) will not promote the sustainable management of the natural and physical resources in Waikato, and is therefore contrary to or inconsistent with Part 2 and other provisions of the RMA;
 - (b) is inconsistent with other relevant planning documents, including the Waikato Regional Policy Statement;
 - (c) will not meet the reasonably foreseeable needs of future generations;
 - (d) will not enable the social, economic and cultural wellbeing of the people of Waikato;
 - (e) does not avoid, remedy or mitigate actual and potential adverse effects on the environment; and
 - (f) is not the most appropriate way to achieve the objectives of the Proposed Plan in terms of section 32 of the RMA.
9. In addition to the general reasons outlined above, KiwiRail appeals the Decision for the specific reasons set out below.

SPECIFIC REASONS FOR APPEAL AND RELIEF SOUGHT

Rules to manage sensitive activities in proximity to the rail corridor

10. In its submission, KiwiRail sought new provisions be inserted into the Proposed Plan requiring all new or altered buildings containing sensitive activities located within 100 metres of the rail network to be appropriately mitigated from rail noise and vibration.
11. KiwiRail sought that these provisions apply district-wide either by amending the Infrastructure and Energy Chapter of the Proposed Plan, or amending the relevant zone chapters.⁵ KiwiRail also sought corresponding amendments to relevant policies in the Infrastructure Chapter so that the rules sought by KiwiRail appropriately give effect to those objectives and policies.⁶
12. In the Decision, the provisions sought by KiwiRail were rejected on the basis that the Commissioners considered that setbacks would provide "some degree of protection" against reverse sensitivity effects for regionally significant transport infrastructure.⁷

⁴ Submission point 986.53-56.

⁵ Submission point 986.51.

⁶ Submission point 986.38.

⁷ Decision Report 13 at [207].

13. KiwiRail does not consider it is appropriate to rely on general setback standards to manage the effects of rail noise and vibration. The relief sought by KiwiRail has been developed specifically with rail in mind to effectively manage the noise and vibration effects associated with transport corridors.
14. The implementation of building design and acoustic standards for new or altered sensitive activities in proximity to the rail corridor does not impose an unreasonable or unnecessarily stringent control on persons seeking to develop near the railway corridor. The provisions seek to ensure that the health and wellbeing of those living in any new sensitive activities is not adversely affected, and that KiwiRail's operations are protected from reverse sensitivity effects.
15. KiwiRail does not consider the approach in the Decision adequately achieves this and considers its relief more appropriately reflects an integrated approach to planning that seeks to enable development to occur near the railway corridor in a way that appropriately manages the effects of, and on, the ongoing use and operation of the corridor.
16. The Proposed Plan contains a number of objectives and policies that recognise the need for infrastructure, such as the rail network, to be protected from reverse sensitivity effects.⁸ The relief sought by KiwiRail would give effect to these objectives and policies by providing protection for the rail network from potential adverse effects associated with reverse sensitivity, whilst managing health, safety and amenity effects on neighbouring activities.

Relief sought

17. KiwiRail seeks that AINF-P27 be amended include reference to design controls for sensitive land uses to manage reverse sensitivity effects and adverse health and amenity effects on occupants of sensitive land uses and that the AINF – All Infrastructure Chapter is amended to include the provisions set out at **Appendix A**, or any such alternative or consequential relief that addresses KiwiRail's concerns.
18. Alternatively, KiwiRail seeks the inclusion of the provisions at **Appendix A** in the General Residential Zone, Large Lot Residential Zone, Medium Density Residential Zone, Commercial Zone, Local Centre Zone, Town Centre Zone, General Rural Zone, Rural Lifestyle Zone, Settlement Zone, and Open Space Zone or any such alternative or consequential relief (including any amendments to relevant objectives and policies) that addresses KiwiRail's concerns.

Building setbacks from the railway corridor

19. KiwiRail's submission sought to amend various zone chapters in the Proposed Plan adjacent to the rail corridor, to require that all new buildings and structures (not just building containing sensitive land uses), or alterations to existing buildings or structures, be set back a minimum of 5 metres from the boundary of the rail corridor.⁹ KiwiRail's submission also sought amendments to policies in the relevant zones of the Proposed Plan relating to building setbacks to

⁸ Proposed Plan at Objective AINF-O2, Policy AINF-P5 and Policy AINF-P27(2).

⁹ Submission points 986.53 – 54.

ensure that the rules appropriately implement the objectives and policies of the relevant zone.¹⁰

20. The Decision accepted KiwiRail's submission in part. The Decision version of the Proposed Plan currently includes:
- (a) 5 metre setback from the rail corridor boundary for new buildings or alterations to an existing building containing sensitive land uses in the General Residential Zone,¹¹ General Rural Zone¹² and the Rural Lifestyle Zone.¹³
 - (b) 5 metre setback from the rail corridor boundary for any new buildings or alterations to an existing building in the Settlement Zone and the Large Lot Residential Zone.¹⁴
 - (c) No setbacks from the rail corridor boundary in the Commercial Zone, Town Centre Zone, General Industrial Zone, Heavy Industrial Zone or the Open Space Zone.
21. KiwiRail considers it is necessary for the setback to apply consistently across zones and to apply to all new building development (not just development containing sensitive land uses) in relevant zones adjoining the rail corridor. Setbacks are a critical land use control to manage the interface between operations within the railway corridor and activities that may occur near the boundary of adjoining land, and to ensure the safe and efficient operation of the rail corridor. If development near the railway corridor is not appropriately managed, there is a risk of conflict between the operation of the rail network and adjoining the built environment.
22. A development standard for buildings and structures to be set back from the railway corridor boundary is an appropriate mechanism to manage this risk. A setback of 5 metres ensures that there is sufficient space for landowners and occupiers to safely conduct their activities, and maintain and use their buildings, while minimising the potential for interference with the rail corridor. The proposed setback does not prevent the establishment of new buildings or structures within 5 metres of the railway boundary. The provision sought by KiwiRail is a permitted activity standard and where this is infringed, resource consent can be sought as a restricted discretionary activity, with impacts on the safety and efficiency of the railway corridor listed as matters of discretion.
23. The Proposed Plan contains objectives and policies that recognise and provide for infrastructure and specifically the need to protect the land transport network from reverse sensitivity effects,¹⁵ and seek to avoid or mitigate effects of subdivision, use and development that would compromise the safety and efficiency of the land transport network.¹⁶ The relief sought by KiwiRail would

¹⁰ Submission point 986.56.

¹¹ Proposed Plan at GRZ-S20.

¹² Proposed Plan at GRUZ-S13

¹³ Proposed Plan at RLZ-S12.

¹⁴ Proposed Plan at SETZ-S9 and LLRZ-S8.

¹⁵ Proposed Plan at Objective AINF-O2, Policy AINF-P5 and Policy AINF-P27(1).

¹⁶ Proposed Plan at Policy AINF-P27(1).

give effect to these provisions by providing for the ongoing operation of the rail network in a safe and efficient manner.

Relief sought

24. KiwiRail seeks that the following standards in the General Residential Zone and General Rural Zone be amended as set out below and the provision in **Appendix B** is inserted into these zones.

GRZ-S20 / GRUZ-S13 – Building setback – sensitive land use

<p>(1) Activity status: PER Where: (a) Any new building or alteration to an existing building for a sensitive land use shall be set back a minimum of: (i) 5m from the designated boundary of the railway corridor; [...]</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Road network safety and efficiency; (b) On-site amenity values; (c) Odour, dust and noise levels received at the notional boundary of the building; (d) Mitigation measures; and (e) Potential for reverse sensitivity effects.</p>
--	---

25. KiwiRail seeks that the relevant standard in Rural Lifestyle Zone be amended as follows:

RLZ-S12 – Building setback ~~sensitive land use~~ railway corridor

<p>(1) Activity status: PER Where: (a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of 5m from the designated boundary of the railway corridor.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) The size, nature and location of the buildings on the site; (b) The extent to which the safety and efficiency of rail and road operations will be adversely affected; (c) The outcome of any consultation with KiwiRail; and (d) Any characteristics of the proposed use that will make compliance unnecessary.</p>
--	---

26. KiwiRail seeks the provision in **Appendix B** be inserted into the Medium Density Residential Zone, Settlement Zone, Commercial Zone, Local Centre Zone, Town Centre Zone, General Industrial Zone, Heavy Industrial Zone and Open Space Zone, or any such alternative or consequential relief that addresses KiwiRail's concerns.

27. KiwiRail also seeks that the existing policies be amended and / or new policies added (as required) in General Residential Zone, General Rural Zone, Rural Lifestyle Zone, Medium Density Residential Zone, Settlement Zone, Commercial Zone, Local Centre Zone, Town Centre Zone, General Industrial Zone, Heavy Industrial Zone and Open Space Zone, to ensure that there is policy recognition of the need to ensure that buildings within the zone are designed and setback from regionally significant infrastructure to provide for the safe operation of that infrastructure and the safety and amenity of adjacent landowners.

ATTACHMENTS

28. The following documents are attached to this notice:
- (a) A copy of the proposed provisions as sought by KiwiRail at Appendix A and B.
 - (b) A copy of the relevant parts of the Decision at Appendix C.
 - (c) A copy of KiwiRail's submission at Appendix D.
 - (d) A list of the relevant names and addresses of persons who lodged submissions who are to be served with a copy of this notice at Appendix E.

KIWIRAIL HOLDINGS LIMITED by its solicitors
and authorised agents Russell McVeagh:



Signature: A A Arthur-Young / L J Rapley

Date: 1 March 2022

Address for Service: C/- Lauren Rapley
Russell McVeagh
Barristers and Solicitors
48 Shortland Street
Vero Centre
PO Box 8/DX CX10085
AUCKLAND

Telephone: (09) 367 8306

Email: lauren.rapley@russellmcveagh.com

TO: The Registrar of the Environment Court at Auckland

AND TO: The Waikato District Council

AND TO: The relevant submitters on the provisions appealed

Advice to recipients of copy of notice of appeal

How to become a party to proceedings

1. You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.
2. To become a party to the appeal, you must:
 - (a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
 - (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.
3. Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.
4. You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

APPENDIX A – NOISE AND VIBRATION PROVISIONS PROPOSED BY KIWIRAIL

Include new rules in AINF – All Infrastructure Chapter as follows:

AINF-RX	Sensitive land uses near the rail corridor (indoor railway noise)																								
<p><u>All zones within 100m of the legal boundary of any railway network</u></p>	<p>(1) <u>Activity status: PER</u></p> <p>(a) <u>Any new building or alteration to an existing building for a sensitive land use within 100m of the legal boundary of any railway network</u></p> <p><u>Activity-specific standards:</u></p> <p>1. <u>Any new building or alteration to an existing building that contains a sensitive land use where the building or alteration:</u></p> <p>(a) <u>is designed, constructed and maintained to achieve indoor design noise levels resulting from the railway not exceeding the maximum values in the following table; or</u></p> <table border="1" data-bbox="643 927 1114 1738"> <thead> <tr> <th data-bbox="643 927 778 1081"><u>Building type</u></th> <th data-bbox="778 927 995 1081"><u>Occupancy/activity</u></th> <th data-bbox="995 927 1114 1081"><u>Maximum railway noise level</u> <u>L_{Aeq}(1h)</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="643 1081 778 1196" rowspan="2"><u>Residential</u></td> <td data-bbox="778 1081 995 1126"><u>Sleeping spaces</u></td> <td data-bbox="995 1081 1114 1126"><u>35 dB</u></td> </tr> <tr> <td data-bbox="778 1126 995 1196"><u>All other habitable rooms</u></td> <td data-bbox="995 1126 1114 1196"><u>40 dB</u></td> </tr> <tr> <td data-bbox="643 1196 778 1496" rowspan="3"><u>Education</u></td> <td data-bbox="778 1196 995 1328"><u>Lecture rooms/theatres, music studios, assembly halls</u></td> <td data-bbox="995 1196 1114 1328"><u>35 dB</u></td> </tr> <tr> <td data-bbox="778 1328 995 1451"><u>Teaching areas, conference rooms, drama studios, sleeping areas</u></td> <td data-bbox="995 1328 1114 1451"><u>40 dB</u></td> </tr> <tr> <td data-bbox="778 1451 995 1496"><u>Library</u></td> <td data-bbox="995 1451 1114 1496"><u>45 dB</u></td> </tr> <tr> <td data-bbox="643 1496 778 1666" rowspan="2"><u>Health</u></td> <td data-bbox="778 1496 995 1570"><u>Overnight medical care, wards</u></td> <td data-bbox="995 1496 1114 1570"><u>40 dB</u></td> </tr> <tr> <td data-bbox="778 1570 995 1666"><u>Clinics, consulting rooms, theatres, nurses' stations</u></td> <td data-bbox="995 1570 1114 1666"><u>45 dB</u></td> </tr> <tr> <td data-bbox="643 1666 778 1738"><u>Cultural</u></td> <td data-bbox="778 1666 995 1738"><u>Places of worship, marae</u></td> <td data-bbox="995 1666 1114 1738"><u>35 dB</u></td> </tr> </tbody> </table> <p>(b) <u>is at least 50 metres from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows, to all points 3.8 metres above railway tracks, or</u></p> <p>(c) <u>is a single-storey framed residential building with habitable rooms designed, constructed</u></p>	<u>Building type</u>	<u>Occupancy/activity</u>	<u>Maximum railway noise level</u> <u>L_{Aeq}(1h)</u>	<u>Residential</u>	<u>Sleeping spaces</u>	<u>35 dB</u>	<u>All other habitable rooms</u>	<u>40 dB</u>	<u>Education</u>	<u>Lecture rooms/theatres, music studios, assembly halls</u>	<u>35 dB</u>	<u>Teaching areas, conference rooms, drama studios, sleeping areas</u>	<u>40 dB</u>	<u>Library</u>	<u>45 dB</u>	<u>Health</u>	<u>Overnight medical care, wards</u>	<u>40 dB</u>	<u>Clinics, consulting rooms, theatres, nurses' stations</u>	<u>45 dB</u>	<u>Cultural</u>	<u>Places of worship, marae</u>	<u>35 dB</u>	<p>(2) <u>Activity status where compliance not achieved: RDIS</u></p> <p><u>Council's discretion is restricted to the following matters:</u></p> <p>(a) <u>location of the building;</u></p> <p>(b) <u>the effects of any non-compliance with the activity specific standards;</u></p> <p>(c) <u>special topographical, building features or ground conditions which will mitigate noise impacts;</u></p> <p>(d) <u>the outcome of any consultation with KiwiRail.</u></p>
<u>Building type</u>	<u>Occupancy/activity</u>	<u>Maximum railway noise level</u> <u>L_{Aeq}(1h)</u>																							
<u>Residential</u>	<u>Sleeping spaces</u>	<u>35 dB</u>																							
	<u>All other habitable rooms</u>	<u>40 dB</u>																							
<u>Education</u>	<u>Lecture rooms/theatres, music studios, assembly halls</u>	<u>35 dB</u>																							
	<u>Teaching areas, conference rooms, drama studios, sleeping areas</u>	<u>40 dB</u>																							
	<u>Library</u>	<u>45 dB</u>																							
<u>Health</u>	<u>Overnight medical care, wards</u>	<u>40 dB</u>																							
	<u>Clinics, consulting rooms, theatres, nurses' stations</u>	<u>45 dB</u>																							
<u>Cultural</u>	<u>Places of worship, marae</u>	<u>35 dB</u>																							

	<p><u>and maintained in accordance with the construction schedule in Schedule Y.</u></p> <p><u>Mechanical ventilation</u></p> <p><u>2. If a building is constructed in accordance with 1(c), or if windows must be closed to achieve the design noise levels in clause 1(a), the building is designed, constructed and maintained with a mechanical ventilation system that:</u></p> <p><u>(a) For habitable rooms for a residential activity, achieves the following requirements:</u></p> <ul style="list-style-type: none"> <u>i. provides mechanical ventilation to satisfy clause G4 of the New Zealand Building Code; and</u> <u>ii. is adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour; and</u> <u>iii. provides relief for equivalent volumes of spill air;</u> <u>iv. provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and</u> <u>v. does not generate more than 35 dB $L_{Aeq(30s)}$ when measured 1 metre away from any grille or diffuser.</u> <p><u>(b) For other spaces, is as determined by a suitably qualified and experienced person.</u></p> <p><u>Design report [alternatively may be replaced with development meeting construction schedule 'Y' to demonstrate compliance]</u></p> <p><u>3. A report is submitted to the council demonstrating compliance with clauses (1) and (2) above (as relevant) prior to the construction or alteration of any building containing a sensitive land use.</u></p> <p><u><i>Advice note: In the design railway noise is assumed to be 70 $L_{Aeq(1h)}$ at a distance of 12 metres from the track, and must be deemed to reduce at a rate of 3 dB per doubling of distance up to 40 metres and 6 dB per doubling of distance beyond 40 metres.</i></u></p>	
--	--	--

AINF-RX	Sensitive land uses near the rail corridor (indoor railway vibration)	
<p>All zones within 60m of the legal boundary of any railway network</p>	<p>(1) Activity status: PER</p> <p>(a) Any new building or alteration to an existing building for a sensitive land use within 60m of the legal boundary of any railway network</p> <p>Activity-specific standards:</p> <p>(1) Any new buildings or alterations to existing buildings containing a sensitive land use, closer than 60 metres from the boundary of a railway network must be:</p> <p>(a) designed, constructed and maintained to achieve rail vibration levels not exceeding 0.3 mm/s vw,95 or</p> <p>(b) a single-storey framed residential building with:</p> <p>i. a constant level floor slab on a full surface vibration isolation bearing with natural frequency not exceeding 10 Hz, installed in accordance with the supplier's instructions and recommendations; and</p> <p>ii. vibration isolation separating the sides of the floor slab from the ground; and</p> <p>iii. no rigid connections between the building and the ground.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) location of the building;</p> <p>(b) the effects of any non-compliance with the activity specific standards;</p> <p>(c) special topographical, building features or ground conditions which will mitigate vibration impacts;</p> <p>(c) the outcome of any consultation with KiwiRail.</p>

Schedule Y Construction schedule for indoor noise control

Elements	Minimum construction for noise control in addition to the requirements of the New Zealand Building Code	
<p>External walls</p>	<p>Wall cavity infill of fibrous insulation, batts or similar (minimum density of 9 kg/m³)</p>	
	<p>Cladding and internal wall lining complying with either Options A, B or C below:</p>	
	<p>Option A - Light cladding: timber weatherboard or sheet materials with surface mass between 8 kg/m² and 30 kg/m² of wall cladding</p>	<p>Internal lining of minimum 17 kg/m² plasterboard, such as two layers of 10 mm thick high density plasterboard, on resilient/isolating mountings</p>
	<p>Option B - Medium cladding: surface mass between 30 kg/m² and 80 kg/m² of wall cladding</p>	<p>Internal lining of minimum 17 kg/m² plasterboard, such as two layers of 10 mm thick high density plasterboard</p>

Elements	Minimum construction for noise control in addition to the requirements of the New Zealand Building Code	
	Option C - Heavy cladding: surface mass between 80 kg/m ² and 220 kg/m ² of wall cladding	No requirements additional to New Zealand Building Code
Roof/ceiling	Ceiling cavity infill of fibrous insulation, batts or similar (minimum density of 7 kg/m ³)	
	Ceiling penetrations, such as for recessed lighting or ventilation, shall not allow additional noise break-in	
	Roof type and internal ceiling lining complying with either Options A, B or C below:	
	Option A - Skillion roof with light cladding: surface mass up to 20 kg/m ² of roof cladding	Internal lining of minimum 25 kg/m ² plasterboard, such as two layers of 13 mm thick high density plasterboard
	Option B - Pitched roof with light cladding: surface mass up to 20 kg/m ² of roof cladding	Internal lining of minimum 17 kg/m ² plasterboard, such as two layers of 10 mm thick high density plasterboard
	Option C - Roof with heavy cladding: surface mass between 20 kg/m ² and 60 kg/m ² of roof cladding	No requirements additional to New Zealand Building Code
Glazed areas	Aluminium frames with full compression seals on opening panes Glazed areas shall be less than 35% of each room floor area	
	Either, double-glazing with: a laminated pane of glass at least 6 mm thick; and a cavity between the two panes of glass at least 12 mm deep; and a second pane of glass at least 4 mm thick Or, any other glazing with a minimum performance of Rw 33 dB	
Exterior doors	Exterior door with line-of-sight, to any part of the state highway road surface or to any point 3.8 metres above railway tracks	Solid core exterior door, minimum surface mass 24 kg/m ² , with edge and threshold compression seals; or other doorset with minimum performance of Rw 30 dB
	Exterior door shielded by the building so there is no line-of-sight to any parts of the state highway road surface or any points 3.8 metres above railway tracks	Exterior door with edge and threshold compression seals

APPENDIX B – SETBACK PROVISIONS PROPOSED BY KIWIRAIL

X-RX – Building setback – railway corridor

<p><u>(1) Activity status: PER</u> <u>Where:</u> <u>(a) Any new building or alteration to an existing building must be setback 5 metres from any designated railway corridor boundary</u></p>	<p><u>(2) Activity status where compliance not achieved: RDIS</u> <u>Council's discretion is restricted to the following matters:</u> <u>(a) The size, nature and location of the buildings on the site;</u> <u>(b) The extent to which the safety and efficiency of rail operations will be adversely affected;</u> <u>(c) The outcome of any consultation with KiwiRail;</u> <u>(d) Any characteristics of the proposed use that will make compliance unnecessary.</u></p>
---	---

APPENDIX C – RELEVANT SECTIONS OF THE DECISION

APPENDIX D – KIWIRAIL'S ORIGINAL SUBMISSIONS AND FURTHER SUBMISSIONS

APPENDIX E – NAMES AND ADDRESSES FOR SERVICE OF RELEVANT SUBMITTERS