

19 December 2022

Waikato District Council  
Private Bag 544  
**NGARUAWAHIA 3742**

**By email:** [districtplan@waidc.govt.nz](mailto:districtplan@waidc.govt.nz)

## **KIWI RAIL FURTHER SUBMISSION ON PROPOSED VARIATION 3**

### **NAME OF SUBMITTER:**

KiwiRail Holdings Limited (KiwiRail)

### **ADDRESS FOR SERVICE:**

Level 1  
Wellington Railway Station  
Bunny Street  
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Attention: Michelle Grinlinton-Hancock

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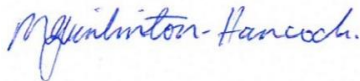
### **Background**

1. KiwiRail made a submission on proposed Variation 3 (submitter 54).
2. KiwiRail makes the following further submission on submissions to Variation 3, as set out in the **attached** schedule.
3. For the submissions that KiwiRail supports, KiwiRail considers that the relief sought should be allowed because it:
  - (a) will promote the sustainable management of the natural and physical resources in Waikato District, and is therefore consistent with Part 2 and other provisions of the Resource Management Act 1991 (**RMA**) and the Enabling Housing Supply Amendment Act 2021 (**Amendment Act**);
  - (b) is consistent with other relevant planning documents, including the Waikato Regional Policy Statement and National Policy Statement for Urban Development 2020;
  - (c) will meet the reasonably foreseeable needs of future generations;
  - (d) will avoid, remedy or mitigate actual and potential adverse effects on the environment;
  - (e) will enable the social, economic and cultural wellbeing of the people of Waikato District; and



- (f) is the most appropriate way to achieve the objectives of the Proposed Plan in terms of section 32 of the RMA.
4. For the submissions that KiwiRail opposes, KiwiRail considers that the relief sought should be declined because it:
- (a) will not promote the sustainable management of the natural and physical resources in Waikato District, and is therefore contrary to, or inconsistent with, Part 2 and other provisions of the RMA and the Amendment Act;
  - (b) is inconsistent with other relevant planning documents, including the Waikato Regional Policy Statement and National Policy Statement for Urban Development 2020;
  - (c) will not meet the reasonably foreseeable needs of future generations;
  - (d) will not avoid, remedy or mitigate actual and potential adverse effects on the environment;
  - (e) will not enable the social, economic and cultural wellbeing of people of Waikato District; and
  - (f) is not the most appropriate way to achieve the objectives of the Proposed Plan in terms of section 32 of the RMA.
5. For those submissions that KiwiRail supports, KiwiRail seeks that they be allowed, and for those that are opposed, KiwiRail seeks that they be disallowed.
6. KiwiRail wishes to speak to its submission and further submission. KiwiRail could not gain an advantage in trade competition through this further submission.

Yours faithfully

A handwritten signature in blue ink that reads "Michelle Grinlinton-Hancock".

Michelle Grinlinton-Hancock  
**RMA Team Leader**  
**KiwiRail Holdings Limited**



SCHEDULE 1 – VARIATION 3

Submitter and Submission ID	Submitter #	Relevant Provision	The particular parts of the submission I support or oppose are:	Support / Oppose	Reasons for Support or Opposition	Decision Sought
Waikato Regional Council	42.13	Transport	<p>Amend objectives and policies to protect and promote the development of the regional rail network for the transportation of passengers, as well as freight.</p> <ul style="list-style-type: none"> <li>• A regional commitment to inter-regional passenger rail is embedded in the operative Regional Land Transport Plan and the RPTP.</li> <li>• Passenger rail is an important enabler for future growth and an important contributor to meet our emissions reductions and mode shift targets and is a critical component of the overall transformative change that is necessary to address climate change.</li> </ul>	Support	KiwiRail supports the inclusion of amendments to objectives and policies to protect and promote the development of the regional rail network.	KiwiRail seeks for this submission point to be allowed.
Kainga Ora	106.3	Medium Density Residential Zone 2	Delete the setback requirements from rail and transport corridors AND Any such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in the submission	Oppose	KiwiRail opposes the deletion of setback requirements from the rail corridor. As set out in KiwiRail's primary submission, these are important controls to ensure that people can use and maintain their land and buildings safely while also minimising the risk of interference with railway operations. These controls are particularly important in the context of the further intensification near the rail corridor that will be enabled through variation 3. .	KiwiRail seeks that this submission point be disallowed.
Kainga Ora	106.28	Medium Density Residential Zone 2	Amend MRZ2-O6 Reverse sensitivity as follows: <i>Avoid <u>where practical</u> or <u>otherwise</u> minimise the potential for reverse sensitivity by managing the location and design of sensitive activities through: (a) The use of building setbacks; and (b) The design of subdivisions and development AND Delete reference to the MRZ2 chapter, to reflect a single 'Medium Density Residential Zone' chapter. AND Any such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in the submission.</i>	Oppose	<p>KiwiRail opposes the amendment to this objective which seeks to water down the requirements to manage reverse sensitivity effects. KiwiRail considers that consideration of potential reverse sensitivity effects on existing non-residential activities (including transport infrastructure) is important and should be recognised in this objective as originally proposed by Council. KiwiRail supports the methods proposed to be used by Council.</p> <p>Reverse sensitivity is a significant effect that must be managed, particularly in the context of intensification near lawfully established infrastructure as it risks a higher number of sensitive receivers being located at the interface with established effects-generating activities, such as the rail network. Where reverse sensitivity is not appropriately recognised in the planning framework, it can lead to poor management of the interface between these activities, both in terms of health and amenity effects on sensitive receivers, and risks leading to undue constraints on the operation of the rail network to manage those effects.</p>	KiwiRail seeks that this submission point be disallowed.
Kainga Ora	106.37	Medium Density Residential Zone 2	<p>Delete the setbacks for railway corridors, national route/regional arterial and the Waikato Expressway from MRZ2-S14 Building setback – sensitive land use as follows: (1) <i>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></p> <p><i>(i) 5m from the designated boundary of the railway corridor;</i></p> <p><i>(ii) 15m from the boundary of a national route or regional arterial;</i></p> <p><i>(iii) 25m from the designated boundary of the Waikato Expressway; ---</i></p> <p>(2) <i>Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</i></p> <p><i>(a) Road network safety and efficiency; AND</i></p> <p>Any such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in the submission.</p> <p>Kāinga Ora generally opposes any rule for building setback for sensitive land use in relation to railway</p>	Oppose	KiwiRail opposes the deletion of setback requirements from the rail corridor. As set out in KiwiRail's primary submission, these are important controls to ensure that people can use and maintain their land and buildings safely while also minimising the risk of interference with railway operations. These controls are particularly important in the context of the further intensification near the rail corridor that will be enabled through variation 3.	KiwiRail seeks that this submission point be disallowed.

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			corridors, national route/regional arterial and the Waikato Expressway			

